

# Tenure and Government Funding

## Life on the Cutting Room Floor

AN INTERVIEW WITH ROLAND PENNER—PRESIDENT OF THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

by MARTINA FREITAG for CANADIAN UNIVERSITY PRESS

The Canadian Association of University Teachers came into existence some 30 years ago, originally over issues of academic freedom. Today, CAUT represents about 27,000 academics from coast to coast, which includes (between 25-30) unionized institutions. Whether certified or not, CAUT members now generally engage in some sort of collective bargaining at most campuses. Presently CAUT is diverting more and more efforts into government lobbying.

What will financial restraint do to the effectiveness of these kinds of arrangements? How is this national faculty association gearing up for times of decreased enrollment and government funding? How will tenure protect faculty members in the years ahead? Prairie Bureau chief Martina Freitag interviewed Roland Penner, CAUT president and law professor at the University of Manitoba in Winnipeg for some of the answers.

### WHY TENURE?

**CUP:** Do you think tenure will remain a workable possibility in the future for both universities and faculties?

**Penner:** What are the alternatives? Someone who decides that he will work on the killing floor of Canada Packers, 90 days after he starts, has job security and can only be dismissed for a cause. A professor, before he even becomes a professor, has to forego several years of income before he even becomes a professor, then has to teach for five years before he can even be evaluated for tenure. All this time he's foregone income, and he's at risk, and then after the most stringent kind of peer evaluation and only then, does he get the same kind of job security as the chap gets on the floor of Canada Packers, 90 days after he starts. Take away job security entirely? Why should university professors have less job security than anyone else in the community? Tenure, you know, is not a lifetime job. Tenure simply says that if you're going to be dismissed, it shall be for cause. As in other fields, that cause has to be demonstrated by the person seeking to dismiss you. Tenure, because it has this name, is cloaked with an aura of mystique and magic when it is nothing more nor less than the type of thing, in a just society, that anyone is entitled to.

**CUP:** When does tenure not apply in issues of job security?

**Penner:** There are real problems in some of the smaller universities of Ontario, the funding of which is dependent on enrollment. In some areas the falling enrollment poses serious questions, and then layoffs have to take place. And you must remember this: that if there is proven financial exigency—that is, not enough dollars to go around—and everything else has been tried, and it comes to the point where faculty has been reduced, then tenure does not protect against layoffs for this reason. That is always possible, and we recognize that. CAUT has never said otherwise.

**CUP:** Is the financial exigency clause common at most institutions?

**Penner:** Yes. Sure. All we've done is seek to negotiate in agreements, or handbooks—due process. That has to take place. There's an onus on the administration to show, indeed, that there isn't the money available and they've tried everything else, and that it's finally come to the crunch where faculty are going to have to be laid off. Then the second thing we look at is if faculty are going to be laid off, what is the just way of doing it? In making a determination, in providing adequate notice and in determining severance pay and things. That's our position there.

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### "AT WORST AN ANARCHY OF PLANNING"

**CUP:** There are also other methods being used at the moment to reduce staff. Staff reduction through attrition, is, I suppose, one of the gentler methods currently being used. I'm wondering how CAUT would try to protect those kinds of positions—whether they would try to keep some of those positions open.

**Penner:** Attrition, of course, is a haphazard way of handling problems of that kind where they arise because there's just no control over who's going to die and who's going to retire. And what if you have a two-faculty member department of economics which is a vital part of your offering and they both get killed in a crash, what do you do, leave the positions open? It's just the reverse of good academic planning. But there's something that is much more fundamental—and I'm looking at it globally and nationally. The Conservative government has pledged itself to increase money available for research and development over a period of 4 or 5 years to about 2.5 per cent of the GNP (Gross National Product). Well, now the government is coming through with some money through other agencies (the announcement was made too recently to analyze its probable effect). But the initial effect of this was that a shortfall of highly qualified manpower of at least 30,000 by the year 1985 was forecast nationally, which means that we are in a position where we should beef up the universities, not cut them down. Canada, in terms of developing an industrial policy, has to develop its research and development expenditures. And the only way you can do that is to have personnel from all disciplines available to handle such programs. In other words, there's at best, an ambivalence, and at worst, a complete anarchy in planning and in not recognizing that what we have to do is not lay off faculty, but hire. We have to begin—and I'm not talking about mass hirings, that has to be planned too, but we have to begin—looking at the capabilities of the universities to handle the increased need for highly qualified manpower. Now these aren't figures, incidentally, that I've sucked out of my thumb—or that are the product of the CAUT's inner council. These are figures that have been projected by leading economists and statisticians in Canada. They're associated with government as well as with the universities. The scientific community was absolutely alarmed. The medical community—those involved in training qualified medical manpower—was just aghast at what the position is going to be by the end of the 1980's, unless we start now.

**CUP:** Why will there be this shortfall so soon?

**Penner:** Well, let's just take the figure I gave you. The government has upped the expenditure in the NSERC area by some 32%—I think that amounts to about an infusion, in real dollars, of close to another 39 million dollars. Well, \$39 million isn't being spent on the purchase of test tubes. \$39 million is being spent essentially on the training and use of manpower. Where is that manpower to come from? When you're talking about research and development in any basic way, it's only one place: and that's the university. More graduate students in science and engineering.

**CUP:** So basically, is it dropping enrollment, is it less enrollment that the research shortfall amounts to?

**Penner:** Well, no. It's that there will be the need for more people graduating with research capabilities from the graduate schools in engineering and science across the country. Now to have that kind of manpower, you need more students enrolled in grad programs and you need more people able to supervise graduate and research programs.

**CUP:** I see. So principally, expanded graduate programs.

**Penner:** Principally. But then you always must remember, the graduate programs always depend on properly run and functioning undergraduate programs.

**CUP:** At Carleton they lost a lot of people through attrition this year, and the reason they were not going to be replaced was financial restraint.

**Penner:** Carleton is in some financial difficulty, as are several other universities. University of Algoma in Sault Ste. Marie is laying off some nine out of thirty faculty, which, although it is a small unit, is a very high percentage of faculty. It's a small university. But what I am saying is while that may become necessary, it has to the extent necessary, been done in an orderly way, and you can't just let people retire and just leave those spots vacant.

### A NATIONAL FACULTY UNION?

**CUP:** Could you ever foresee the evolution of CAUT into a national faculty union?

**Penner:** Well, CAUT is a national organization. But it represents both unionized and non-unionized faculty. And presumably—theoretically speaking, at a time when all faculty are unionized—if that time is ever reached—then CAUT might look at itself somewhat differently in terms of orientation or priority of activities. But a number of major faculty associations are not unionized, and indeed do not even engage in collective bargaining in any formal sense—Queen's, Toronto, Western, McMaster, for example. Then, in Alberta and B.C. in recent years there have been changes in faculty law which prevent faculty associations in those provinces from unionizing. So as long as that lasts—and I see it lasting for a considerable period of time—it'll continue to be an organization of both unionized and non-unionized. In that way the activities of CAUT will continue to be diversified and produce a mix of services that will be available to all. Things that we do in the collective bargaining field are, for the most part, of use to all faculty, because we develop positions that even faculty which isn't certified under a labour relations act, can use in seeking to gain things from its administration.

**CUP:** How effective has these examples been in the past in dealing with administrations where the faculty associations are not unionized?

**Penner:** Well, you see what the CAUT does through its collective bargaining committee, and ultimately through its board is develop papers to deal with various clauses to deal with various aspects with the working conditions of faculties, the running of the universities and various things like promotion, tenure, and things of that sort, and these are available to non-unionized as well as to unionized faculty. And in many instances, the faculty may not be unionized in a legal sense by being certified under the Labour Relations Act, but there has developed over a period of years, a pattern of mutual collective bargaining and they make use of all of this material plus other analysis material that we're able to provide.

**CUP:** In the recent '80 / '81 budget passed at the U of W and at the U of M, faculty salary increases comprised a large chunk of the projected figure. At the same time, tuition increases were also forecast. Do you see any potential hostility on campus, since, given the recent level of UGC grants, a large portion of these increased costs come from student pockets?

**Penner:** No, I don't. I think that, by and large, students across the country have seen their enemy is not faculty but government. Students are aware of the underfunding of universities. Students, by and large, are aware of the fact that most faculty—by no means do I say all faculty, but most faculty—work hard, and in many instances are relatively underpaid. Relative to their peers in the outside world, the non-academic world. A lot of faculty—most faculty—are at that time in their lives where they have maximum responsibilities in terms of family, mortgages and all the rest of it. With today's living costs, they're by no means living high off the hog—quite the reverse. Some of our statisticians and professors of mathematics have done studies that demonstrate, in terms of lifetime accumulated earnings by about age 55, a carpenter, for instance is still ahead of a faculty member. He or she effectively will become a wage-earning person well, at age 16—but in terms of fairly substantial earnings from about age 21, when his or her apprenticeship is completed. Today to be a faculty member, you pretty well have to have your doctorate, which means you're usually closer to thirty—28, or something like that, before they even get a toe in the door. So there's ten years of catch-up in which this person who ultimately becomes a faculty member will have earned a little, but not much more than what he's had to pay for the education which got him to the point to be a faculty member.

**CUP:** How would CAUT actions affect students on campuses?

**Penner:** Well, I don't think there's any dichotomy or split at all between CAUT's objectives and actions and the welfare of students. CAUT is basically opposed to the raising of student fees, we've made that position quite clear. We think that student fees presently are too high as it is, we think that the question of adequate

financing of post secondary education is going to be resolved on the backs of students and any suggestion that may come from administration—although I haven't heard any recently—that increasing the remuneration for the professorate means increased fees for students is patently ridiculous in my view. The two most important constituents of a university . . . after all, what is a university? Basically it's a centre for the learning and dissemination of knowledge, and understanding, which is a joint enterprise between students and faculty. The administration is a necessary evil, I suppose, but the essence of the university, as I say, is the joint venture between the faculty and the students.

**CUP:** Is that not being done in an orderly fashion now?

**Penner:** I don't know what process is being followed at Carleton but we're opposed to attrition as a budget device. That's our general position now.

**CUP:** You spoke about financial exigency and you noted that the financial crisis is a matter of interpretation. So if a period of financial restraint calls for university underfunding, does that mean that faculty members have no real job security under tenure (with the financial exigency clause)?

**Penner:** To that extent, that's true. Tenure does not protect against layoffs for bona fide financial reasons.

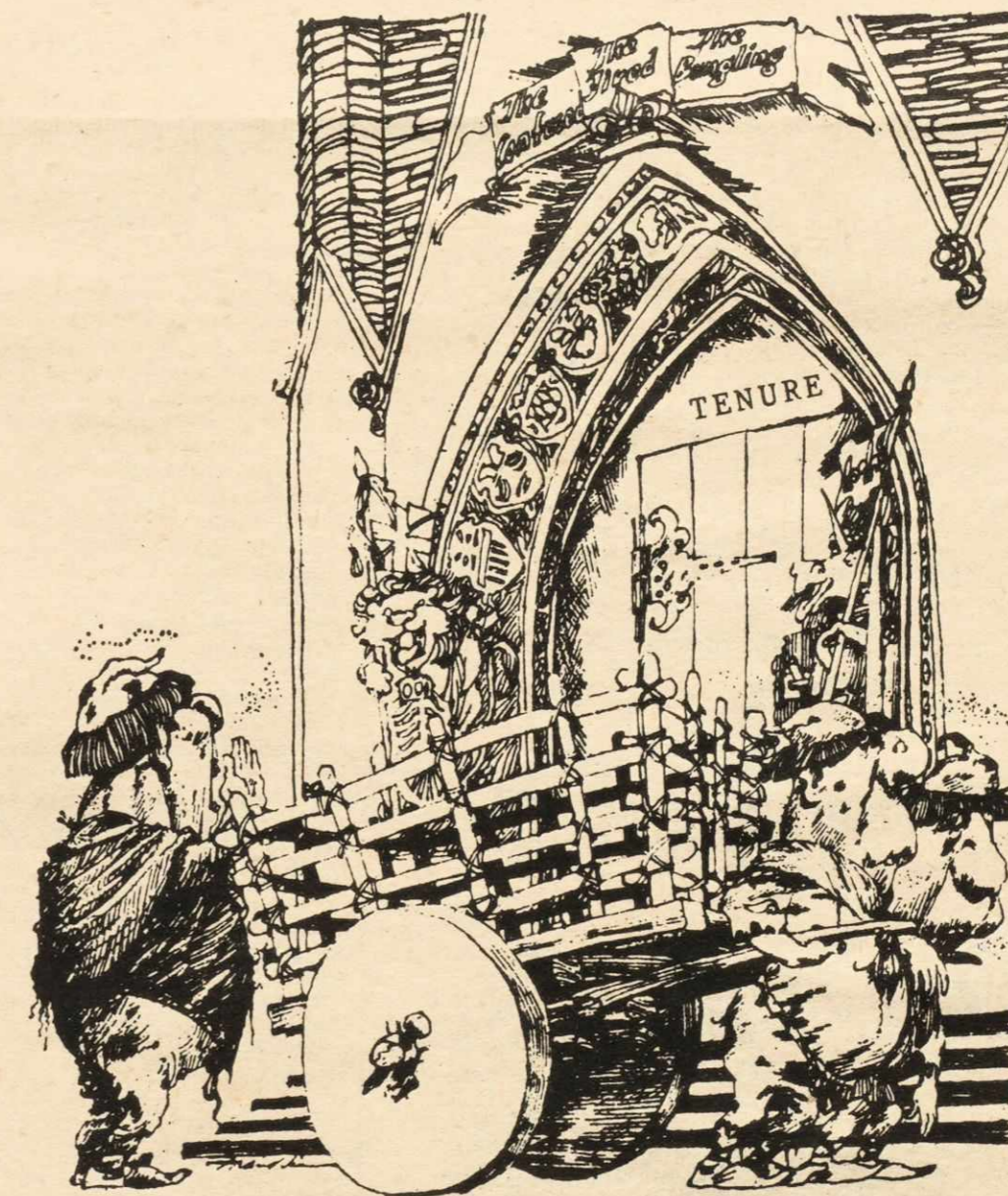
**CUP:** Is a restraint period a bona fide financial reason?

**Penner:** No, the two are different. Restraint simply means that the growth of the academic enterprise is slowed, that very tight budgeting has to take place. But financial exigency means, in our view, a state of affairs

such, that the only way of keeping the university going is to lay off staff. The University of Manitoba has been under restraint for the last three or four years but it's not in a state of financial exigency. It is managing quite well. It has affected a number of budgetary devices having to do with fuel costs and things of that kind. It has managed to increase the salaries of staff, although not sufficiently but still could at least manage it to a certain extent without having to declare financial exigency. So that's what we mean by a state of financial exigency. It does not mean the same as restraint.

**CUP:** Well, how are cases judged whether retirements and / or deaths mean replacements or not? What methods are being used presently to decide whether a department should go under if all its faculty members die?

**Penner:** That's a question that does not directly have to do with financial exigency, it has to do with program redundancy. One appreciates that under certain circumstances, given the fact that different horizons of knowledge change, disciplines or parts of disciplines become redundant or simply unimportant. But in our view these decisions should be made by the senior academic body—namely, the Senates, or the Faculty Governing Councils. Certainly not by government, certainly not by grants commissions, and certainly not by administrations. And our view is that where program redundancy becomes demonstrably necessary, then faculty involved in such programs should not be laid off but retrained and allocated to other parts of the academic enterprise.



'Bring out your dead . . . bring out your dead . . .'