

### Annual General Meeting Ballot Results

After the AGM on April 10, 2017, substantive motions were voted on by electronic ballot.

Results on page **7**



### Inside this Issue:

- Page 3** Committee Updates
- Page 5** Copyright Corner
- Page 7** Annual General Meeting Ballot Results
- Page 8** Events & Notices
- Page 9** ULFA's Executive Committee 2016/2017

### Committee Updates

A release from February 15, 2017 of ULFA's update regarding Member suspended with pay.

Read the full article on page **3**

### Copyright Corner

Read the newest updates from the world of copyright.

Read the full article on page **5**

## A Word from the President

Dear Faculty Association Members,

In my report to the members at the AGM on April 15, I discussed the Faculty Association's pursuit of bringing a motion for [threat of censure](#) against the University of Lethbridge to the CAUT Council in May. I wish to report on the status of that action in light of recent developments.

We originally planned to discuss the threat of censure at the CAUT Council meeting this past weekend in Ottawa. The day before the Council met to discuss our case, however, the Province's revision of the Post-Secondary Learning Act (PSLA), [Bill 7 An Act to Enhance Post-secondary Academic Bargaining](#), passed royal assent and became law. As was discussed at the AGM, this revision moves all our labour rights out of the PSLA and into the [Labour Relations Code](#). This fundamentally changes our relationship with the Board of Governors as fully unionized employees.

**Continued on page 2**

**A Word from the President continued...**

With this revision and clarification, new opportunities have opened up to the Faculty Association that will allow us to expedite the appointment of an arbitrator without having to wait for the timely and more expensive process through the courts. On the basis of this and other factors, the Faculty Association and the CAUT Executive agreed to postpone the motion for threat of censure until November's Council meeting. We believe that censure is a significant and serious measure that should only ever be employed as the last resort once all other avenues of resolution have been exhausted. We are grateful to have a new course of action available to us that may help bring resolution to such an ongoing and difficult grievance.

As many of you are aware, President Mahon recently issued a public announcement regarding its actions in relation to a Member. The Association believes the announcement to be an incomplete and misleading account of the history and nature of our dispute. The Faculty Association's position is that mechanisms for resolving this issue already exist in the contractually agreed-upon procedures detailed in the Faculty Handbook. We hope the avenues now available to us under the *Labour Relations Code* will provide a natural opportunity for the Board to work with the Faculty Association in resolving this issue.

Sincerely,

ULFA Executive



## Committee Updates

### Economic Benefits Committee

Dear ULFA Members,

As the semester concludes I would like to take this opportunity to thank ULFA members who participated in the recently distributed survey on economic benefits. The detailed written responses and quantitative data have already proven most useful to EBC. Although it is not practical to elaborate on all of the questions contained in the survey, it is readily apparent that a large portion of the membership is concerned about basic dental and vision insurance coverage. Within the paramedical envelope, physiotherapy and massage therapy are most heavily used, and hence, represent significant out-of-pocket expenses for many. As the EBC team continues to prepare for next year's negotiations we will aim to prioritize these issues. We are also cognizant of numerous other deficiencies in our benefits package and greatly appreciate those who have expressed concerns in person, by email or at the Annual General Meeting. In order to supplement data provided by direct feedback and our membership survey EBC has also sent a letter to Human Resources requesting detailed information on benefit usage. Although we have yet to receive a response, we are confident one will be forthcoming in the near future. As we move forward with negotiation preparations we will carefully consider all available information.

In addition to learning more about ULFA members, the EBC team has spent much of the past year collecting information about comparator institutions. Specifically, we have been analyzing recent settlements at Canadian universities and conducting comprehensive inter-institutional salary and benefits comparisons.

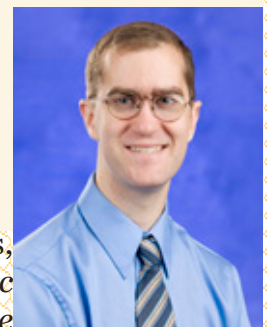
Over the summer it is my goal to spend a significant amount of time strategizing, organizing data and working toward justified starting positions for negotiations.

Although this year was not a negotiating year the EBC members (Jim Byrne (Geography), Rumi Graham (Library), Jon Doan (Kinesiology and Physical Education), Trent Takeysu (Math and Computer Sciences), Carla Carnaghan (Accounting), Paul Hazendonk (Chemistry and Biochemistry), Olu Awosoga (Health Sciences), Saurya Das (Physics) and myself (Chemistry and Biochemistry)) were extremely busy with 2 hour meetings that were held approximately every second week, tackling time-consuming research tasks and participating in negotiation training sessions. Thus, I sincerely thank each member for their hard work and dedication, and am particularly excited that almost all will retain their current roles next year. I would like to welcome incoming members Chad Povey (Physics) and Vishaal Baulkaran (Finance). Once again we have a vacancy allocated for a member of the professional faculties. While any interest would be met with enthusiasm from EBC, we particularly encourage those from the Faculties of Fine Arts and Education to contemplate the position, as we currently do not have representation from either of these groups.

Finally, I would like to thank ULFA professional staff (Derrick Antson and Annabree Fairweather) for their outstanding work. Simply put, EBC would not be able to effectively function in their absence.

As the semester draws to an end and many of us can now devote our efforts fully to research endeavours, I hope everyone has a productive and safe summer.

Paul Hayes,  
*Chair, Economic  
Benefits Committee*





## Committee Updates

### Handbooks Committee

I would like to thank everyone who participated in the recent Handbooks pre-bargaining survey. There is a lot of information to consider from a first reading of the responses and I look forward to working with the Committee in analyzing the results. Your responses will be invaluable as we prepare an opening position for next year's bargaining.

With the passing of Bill 7, the bargaining committees and Executive have given new consideration to how we can work more closely with the membership throughout our collective bargaining with a focus on keeping you informed of developments. ULFA has now created a bargaining blog to keep you updated on developments throughout the year: [www.ulfa.ca/bargaining-updates](http://www.ulfa.ca/bargaining-updates).



Dan O'Donnell  
*Chair, Handbooks  
Committee*

### Gender, Equity and Diversity Committee

The GEDC has had a busy year. We passed along suggestions for updates to the 2007 HR document Best Practices for Hiring with a focus on Diversity & Equity to the HR department, which you will hopefully see a revised edition of coming from their office. We talked with HR a bit about how to roll out the revised document along with some training possibilities for those serving on or chairing search committees. We met with University Administration in late January, where we discussed this guide, accessibility and parking issues around campus (especially as they related to the Destination Project), and received their support for a White Ribbon campaign ([www.whiteribbon.ca](http://www.whiteribbon.ca)) which you may have seen us distributing in awareness about violence against women on International Women's Day. Thank you also for AUPE, SU, GSA, and Pronghorns who also participated. We sponsored & organized a Talking about Teaching event March 17 on the use & misuse of social media and its impacts on teaching effectiveness – those who were there agreed that it was a good discussion and highlighted some real need for media/digital/information literacy among our students (and maybe ourselves!). We put forth a recommendation to the Handbooks committee on including a provision for Domestic Violence leave in the Handbook. Finally, we compiled an annotated literature review on teaching evaluations and whether they should be used in formal evaluation processes, which next year's committee will continue to work on crafting a recommendation from.

Thank you to the committee members this year: Andrea Cuellar (Anthropology), Nicole Eva (Library), James Graham (New Media), Bente Hansen (Music), John Sheriff (Math & Computer Science), Andrew Stewart (Music), Kien Tran (Economics), & Kelly Williams-Whitt (Management) and of course to Derrick Antson and Annabree Fairweather for their invaluable contributions to and support of the committee.

Nicole Eva,  
*Chair, Gender,  
Equity and Diversity  
Committee*





# Copyright Corner

Often the topic of copyright inquiries I receive from individual ULFA members seem to be of potential interest to our membership at large. So in this month's column I sketch an anonymized summary of one such inquiry involving a class assignment.

Question: What are the copyright implications of the use of current ads in the following circumstances:

- a class assignment requiring students to locate and analyze publicly accessible online ads from sources such as websites, YouTube, and social media platforms, and
- instructor use of such ads in lectures?

Answer: For students, the assignment would presumably require them to provide a link to or copy the ad into their written submission. And if the assignment includes a class presentation, they would perhaps additionally want to copy the ad into a slide presentation file or display the ad in class. These kinds of uses implicate copyright owners' rights, but would probably qualify as [fair dealing](#). Since the Copyright Act says almost nothing about the meaning, scope and applicability of fair dealing, we necessarily rely on judicial interpretations.

Fortunately, we have several Supreme Court of Canada decisions on fair dealing, the most important of which is the one known as [CCH](#). A Copyright website [FAQ](#) outlines the *CCH* two-step "test" recommended by the Court to determine whether a dealing is fair. Assuming the ads used by students are made available to the public with the consent of the copyright owner, the outcome of the fair dealing test might look something like this:

Step 1: *Is the use for one or more of the fair dealing purposes enumerated in the Copyright Act?*

Yes, since the instructor's purpose in creating the assignment and students' purpose in completing it is, among other things, education, which is one of the 8 allowable fair dealing purposes in the Act. Other potentially applicable fair dealing purposes are research, private study, criticism, and review.

Step 2: *On the whole, is student use of a given ad fair, in light of factors such as the following?*

- Is the ultimate end-user's **purpose** fair?* Most likely yes, since the end-user is a student who will use the ad for various purposes that include education, presumably by applying analytical concepts, principles, and/or theoretical lenses discussed in the course. These uses are arguably fair, as they foster student learning and critical thinking, which are strongly desirable societal and individual goals and outcomes.
- Is the overall **character** of the use fair?* Most likely yes, if the student simply has to find and use an appropriate ad. Even if s/he is asked to reproduce the ad in a written submission, the reproduction would be limited to a relatively small number of copies for the instructor and possibly other students in the class (if, for example, a class presentation is required). Since the purpose of ads is to promote particular ideas or products or entities, generally speaking, the broader the dissemination the better, from the copyright owner's perspective. The character of student use of an ad (non-commercial, limited distribution) is thus unlikely to be viewed by the ad's copyright owner(s) to be prejudicial to their interests.
- Is the **effect** of the use likely to be fair?* This fair dealing factor is often considered in economic terms – does the copying result in lost sales or licensing revenue, or does the copy act as a substitute for the original ad in the market place? It's difficult to see how student copying of an ad for a class assignment would have a significant negative effect on the copyright owner's rights under the Copyright Act. Thus, here, too, using the ad for a class assignment is arguably fair.

## A Word from the President continued...

d) *Other fairness factors such as: amount taken, nature of the work, alternatives to the use?* These factors seem less relevant in this particular context, although analysis outcomes would probably tilt toward fairness, or neutrality (neither fair nor unfair). Regarding the amount factor, even if a student needs to reproduce the entire ad for the assignment, doing so would seem to be fair in the context of the pedagogical goal of the assignment, since copying less than the whole ad may well be ineffective in communicating the content of the ad. In CCH, the Court noted:

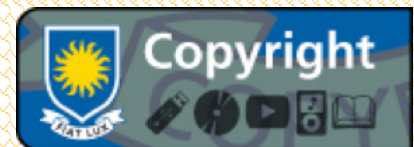
*“It may be possible to deal fairly with a whole work. . . there might be no other way to criticize or review certain types of works such as photographs. . . The amount taken may also be more or less fair depending on the purpose.”*

If the course instructor wishes to reproduce ads in slide presentations for use in lectures, applying the same fair dealing test outlined for student use, above, would likely produce similar results that, on balance, tilt toward fairness. Moreover, the Copyright Act also provides infringement exceptions specifically for educational institutions that could also be applicable:

- **Reproduction for instruction:** As long as a copyrighted item is not commercially available in an appropriate medium, an instructor may reproduce it in order to display it.
- **Classroom performance:** As long as a copyrighted item is not an infringing copy, an instructor may [play a sound recording](#) or [show a cinematographic work](#) on the university’s premises for students enrolled in a course.
- **Work available through Internet:** As long as there is no clearly visible notice prohibiting the desired use, the work is not protected by a digital lock, there is no reason to believe the work is an infringing copy, and appropriate attribution is provided, an instructor may reproduce, communicate and perform a work available through the Internet for educational purposes.

As always, if you would like assistance with questions like this, don’t hesitate to contact the copyright advisor office at any time.

Rumi Graham,  
 University Copyright Advisor  
 E-mail: [copyright@uleth.ca](mailto:copyright@uleth.ca)  
 Phone: 403-332-4472  
 Website: [www.uleth.ca/copyright](http://www.uleth.ca/copyright)





# Annual General Meeting Ballot Results

Following April's Annual General meeting, there remained outstanding motions regarding ULFA's financial matters and bylaw changes. The motions were sent to electronic ballot, with 31% of the membership participating in the voting process.

### Summary of Results:

- The audit ending June 30, 2016 fiscal year was accepted.
- Allen Accounting has been appointed as the auditor for the 2016-2017 fiscal audit.
- The 2017-2018 ULFA budget has been approved.
- The proposed changes to the ULFA Bylaws have been accepted.

Note: If you have any additional questions, please feel free to contact the ULFA office.

### Nominations to ULFA's Executive & Standing Committees

All positions were uncontested and nominees were acclaimed. Chair Kent Peacock thanked all members of the committee for their efforts during the past few months.



### New Members to the 2017/2018 ULFA Executive



**Rick Mueller**  
*Secretary/Treasurer*



**Bryson Brown**  
*Chair, Grievance Committee*



## Fall General Meeting

When: Thursday, December 7, 2017

Time: 12 – 3 p.m.

Where: PE275

The provisional agenda will be circulated 3 weeks prior to the meeting. Lunch and beverages (alcoholic and non-alcoholic) will be provided.

Video conferencing will be offered using the university's WebEx program. This will allow members the ability to attend the meeting from anywhere in the world, whether they are on one of the Northern campuses, in their office, or abroad on study leave. To attend the meeting via WebEx, make arrangements with Derrick ([antson@uleth.ca](mailto:antson@uleth.ca) or 403-329-2578) by December 1, 2017 and he will ensure you receive the meeting invite.

## 50<sup>th</sup> President's Panel & Picnic

When: Tuesday, September 5, 2017

Time: 12 – 3 p.m.

Where: Penny Gallery

To celebrate ULFA's 50<sup>th</sup> anniversary ULFA has organized for many of the association's past presidents to gather and discuss the growth of the association over the years.

Lunch and beverages (alcoholic and non-alcoholic) will be provided.

## Salary, Tenure & Promotion (STP) Workshop

When: Wednesday, September 13

Details: TBA

**OR**

When: Thursday, September 14

Details: TBA

The presentation will cover the STP process as well as provide advice on chairing a STP Committee under our Handbook. There will also be time for a questions and answer period.

It is not a requirement to RSVP; however, it would be greatly appreciated. To RSVP your attendance, please contact Derrick via phone (2578) or by email ([antson@uleth.ca](mailto:antson@uleth.ca))







Andrea Amelinckx  
*President*



David Kaminski  
*Past President*



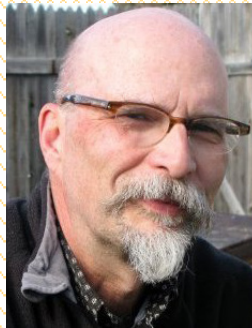
Jon Doan  
*VP/President Nominate*



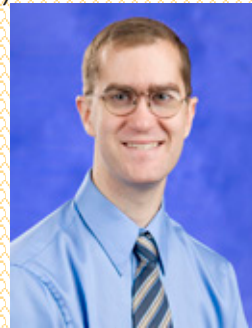
Ken Vos  
*Secretary/Treasurer*



Dan O'Donnell  
*Chair, Handbooks  
Committee*



Don Gill  
*Chair, Grievance  
Committee*



Paul Hayes  
*Chair, Economic  
Benefits Committee*



Nicole Eva  
*Chair, Gender, Equity  
and Diversity Committee*



Scott Allen  
*Ombuds Officer*



Annabree Fairweather  
*Executive Director*



Derrick Antson  
*Professional Officer*

Current and past issues of ULFA News are posted on the Association's website ([www.ulfa.ca](http://www.ulfa.ca))

