

ULFA News

January / February 2014



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Word From The President

Welcome back to the university's optimistically named 'Spring' semester. As I write this report during the exam period in December before the break, the university has recently been the recipient of two great gifts: first, \$200M in capital funding for the Destination Project and second, the departure of Thomas Lucaszuk as Minister of Enterprise & Advanced Education. Let's hope that our new (old) Minister of Innovation and Advanced Education, Dave Hancock, will not turn out to be a lump of coal in our stocking!

For the benefit of those members unable to attend the Fall General Meeting, the balance of this report largely reproduces my remarks made at that time. Regarding happenings at the national, provincial and local levels:

National

• Several universities across the country have been involved in exercises around restructuring and academic program review as ways to respond to budget concerns. On December 5th, the Renaissance committee – a joint Administration / Association committee at UofA tabled a 200 page report on how that university might be operated more effectively and efficiently. One of



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Word from the President continued...

the items getting a lot of coverage is the proposal to do a lot of faculty and department consolidation, in part to lower administrative costs. Interestingly, the report recommends that the Arts and Science Faculties be merged. Given its applicability to many of the issues that also face us, ULFA will be drawing extensively from the enormous work put into this document as negotiations move forward.

- At other institutions such as Guelph and Saskatchewan, program review using the Dickeson model (the current management fad approach in this regard complete with text and workshops) is being taken up in earnest as a way of achieving vertical cuts. But after many months of effort at both schools, implementation seems doubtful and the exercise is being described as a colossal waste of time. Meanwhile some other schools (Victoria, Trent and Brock) are also undertaking prioritization efforts that do not involve the ‘death by quintiles’ approach of Dickeson but are attempting to embed sustainability discussions within the mainstream academic processes of senates (GFC).
- The approach at UofL has more closely followed the GFC approach in those few vertical cuts that have been limited to retirement-driven suspension of majors and our administration have thankfully shown no interest in adopting or even exploring the Dickeson model. On-going action around both course loads (A&S) and class limits (Mgt), however, suggest that the path to mediocrity that arises from horizontal cuts could easily emerge as the default option without good oversight of global outcomes. We are following this closely and would appreciate any information on local ‘solutions’ as they are put forward.

Provincial

- As many will know, Enterprise and Advanced Education restored \$50 million to PSE Operating budgets around the province late in the Fall and apparently expected that we would not think of it like a tax return, i.e. just getting back what we believed was already ours. UofL senior leadership promptly spread their slice of our rebate (\$2.4M) around various employees groups including the funding of the cancellation of our AUPE employees remaining ‘definite layoff’ days. We have not been in receipt of any share of this recent largesse, but since the \$2.4M has gone into the base budget and the \$1M we took as rollbacks last year reads as an automatic savings this coming year, we do not plan to ‘take one for the team’ again in 2014-15. Of course, I read this week that the so-called ‘bitumen bubble’ is building again (back up to a \$40 differential) and wasn’t Doug Horner a smart guy to keep the pressure on, so I suspect a sense of déjà vu going forward.
- The Faculty Association Presidents of the CARI universities, with the EDs of CAFA and ACIFA have been brought into the ‘Measures and Indicators Working Group’ of the Results-Based Budgeting initiative of the province. This means that I get to spend quality time sitting in B716 with Provost Andy Hakin and Mandy Moser of Institutional Analysis watching ourselves on a videoconference screen in Edmonton where a small army of bureaucrats (and other PSE reps) are trying to ‘tame’ RBB for EAE use. It is the usual quandary: Which is worse: To have no say or to participate in constructing the rope to be used to hang you. In this case, the university and college representatives (both admin & association) at least have a common goal, i.e. to concentrate the measurement of outcomes at the overall Campus Alberta level and minimize interference at individual institutions.
- The U of L’s Brian Kolb (Neuroscience) was awarded the Distinguished Academic Award by CAFA. This is a ‘best-in-province’ award and makes the second year running that a UofL academic has taken top honours up against UofA, UofC and Athabasca U. Congratulations to Brian.
- It is with considerable concern and frank disgust that we observe the recent assault on the labour movement by the Provincial government with Bill 45 (punishing illegal strikes) and Bill 46 (pre-empting collective bargaining and imposing a settlement on Alberta Union of Provincial Employee members). ULFA encourages its members to continue to make their voices known on this horrendous legislation.

Word from the President continued...

Local

- ULFA held the Handbook Article 7 meeting with the university's senior administrators on December 6th. This meeting is intended to raise issues that are of interest to academic staff but that do not bear directly on either Handbooks or EBC matters. Among the items discussed were the UofL's internationalization agenda, the likelihood that the PSLA would be opened up, clinical appointments, and the Government of Alberta Research Institute. With the departure of Minister Lucaszuk, some of these initiatives will now be in question and our provincial association, CAFA, will be following these developments closely.
- ULFA has been busy throughout the late Fall with respect to individual member concerns, and broader issues specific to Economic Benefits, Handbooks, Grievance and Gender, Equity & Diversity. Please continue with the Newsletter to get more details below from the respective committee chairs.

Warmest regards,
John Usher
ULFA President

Committee Updates

Grievance Committee

I would like to extend a hearty thanks to the Executive and to the Grievance Committee members—Don Gill, Mary Kavanagh, Dawn McBride, Richard Mueller, Marinus Swanepoel, John Vokey, and Past Chair Ilsa Wong—for their diligence and support this past term.

In fall, our Committee swiftly authorized a grievance on the basis of Handbook Article 5.01, which names ULFA as “the exclusive bargaining agent for all Members.” This grievance notes that the University, in its attempt to negotiate study-leave policy directly with our membership via the Notice Board, failed to

observe the proper process for bargaining. The matter is ongoing.

In December, I had the privilege of attending CAUT's *Workshop for Senior Grievance Officers* in Ottawa. A common thread through the various sessions on dispute handling and arbitration law was the need to build solidarity with not only our own members but also other academic staff associations. President John Usher, Executive Director Brenda Rennie, and I continue to address concerns before they end up in Grievance, to identify the need for changes to our Collective Agreement, and to

relay this information to the Chair of the Handbooks Committee, Richelle Marynowski. Please feel free to contact John, Brenda, or me if you would like to know how our Faculty Handbook or Sessional Handbook applies to a particular issue or dispute.

Wendy Faith, Chair
Department of English

Committee Updates

Economic Benefits Committee

There is not much to add in this newsletter installment beyond what was said in my report at the fall general meeting.

What might be worth mentioning, though, is how you can check what your salary ought to be. In the wake of our mediated settlement this fall, our salaries are determined in the following manner: take your last year's salary, subtract 1% of the figure, and then if you're a member of the professoriate or a librarian, you add in your career progress increment of \$2183.75 (assuming you were eligible to receive one). Then you add on any merit you are entitled to beyond that figure. This will be the number of merit units you were awarded, multiplied by the value of a merit unit. Inexplicably, we still do not have the value of our merit awards for 2013 (but we do have the distribution of merit awards for 2013), so you can estimate the 2013 values by using the 2012 values we do have. For AAs, the value of a merit award is \$1377.64, and for the rest we have values of \$233.57 for Arts and Science, \$448.21 for Education, \$390 for Fine Arts, \$290.83 for Health Sciences, \$283.33 for Management and \$255.81 for the Library.

This should get you close to the salary you should be getting in the current contract year. When HR furnishes us with the 2013 figures, we'll be sure to send you the revised figures. I'm hoping this will be in the first week or so of January.

In the meantime, I wish you the best the new semester has to bring.

David Kaminski

Handbook Committee

Happy New Year!

Thank-you to those that attended the Handbook Town Halls (October 28 & 29) and the Ratification on October 30. The changes to the Faculty Handbook were ratified by both the Faculty Association and the Board of Governors. Changes to the Faculty Handbook are being made and can be found on the UofL HR website. If you would like a bound paper copy, contact your Dean/University Librarian with your request (more information on this process on page 8).

Trevor Harrison and myself met with representatives of the Board of Governors to exchange items that each party is interested in negotiating. That list will be shared with members of the Handbooks committee and appropriate language will be discussed.

If there are any issues or concerns, please feel free to e-mail either myself or a member of the Handbooks team: Richelle Marynowski, Dan Kazakoff, Phil Jones, Dan O'Donnell, Joy Morris, Yale Belanger, Rhys Stevens, and Greg Patenaude.

Richelle Marynowski

Committee Updates

Gender, Equity & Diversity Caucus

Please mark your calendars for Respect and Diversity Week, running March 10 - 14. The week includes workshops, spoken word/poetry slam, an exciting talk co-sponsored with the Centre for Oral History and Tradition, and a film screening at the Lethbridge Public Library. Further details of the week's events will appear soon.

Please also note that Native Awareness Week is scheduled for the week of March 3 - 7, and that the City of Lethbridge Diversity and Inclusion Conference takes place March 20 - 21.

John Sheriff



Pension Report

This report summarizes a report made to the Semi-Annual General Meeting in December. It notes:

- The failure of the proposed Plan Design Changes to the UAPP to secure the necessary support of administration trustees and Boards of Governors;
- The continuing problems of plan governance highlighted by this failure, and the conditions that brought them about; and
- The request by the government of Alberta to report on steps being taken to promote the sustainability of pension plans in Alberta's public and broader public sectors.

Proposed changes in plan design submitted for your approval last April were intended to ensure that benefits received by members, particularly under early retirement provisions, related more closely to the contributions made over their working lives. In return, members would have received modest improvements in inflation protection. The overall impact of these changes would have contributed towards greater plan sustainability, yielded net savings in the order of 0.82 percent of pensionable salary or \$12.9 million a year to the operations of the plan, and allowed us to begin the long overdue process of addressing broader issues of plan sustainability.

Seven of the nine plan sponsors agreed to present these proposals to their Boards of Governors and academic staff association members for ratification in June 2012. Seventy-three percent of ULFA members voting in April 2013 ratified the proposed changes. Changes were also approved by APOs at the UofL who are members of the plan, the University's Board of Governors, and by large majorities of faculty association members voting at the University of Alberta and the University of Calgary. Following the release of the Alberta Government's proposed changes to public sector pension plans in September 2013, the UofC Board proceeded to reject the proposed UAPP changes – exercising its veto under plan governance rules, followed subsequently by counterparts at the UofA. As the proposed changes failed to reach the necessary approval threshold, benefits will remain unchanged at present.

This outcome reflects broader failures of plan governance derived from the different sizes, demographics and human resources / labour relations cultures in member institutions, and the constraints imposed by multiple veto holding sponsors in securing the levels of consensus necessary to secure approval of changes to the plan. With structural changes to market conditions increasing the costs of funding past and present benefits, these differences make it difficult to engage broader challenges of plan sustainability particularly if cultural

Pension Report continued...

dysfunctions in major institutions spill over into the governance of the plan. These challenges have not been improved by past decisions to fund long-term benefits in the plan based on the short-term financial considerations of member institutions. The UAPP Board of Trustees has initiated a process for bringing the plan's actuarial assumptions more closely into line with emerging market and demographic realities. However, such measures will take time and are likely to increase the costs of funding current and past benefits further.

Plan Sustainability

In November 2013, the Government of Alberta wrote to universities' boards of governors and faculty associations asking them to report on ongoing steps to address the sustainability of the plan. In September 2013, the province asked all public sector pension plans currently under its direct control to eliminate early retirement benefits, to cap indexing at 50 percent of growth in the consumer price index (vs. the UAPP's current 60 percent), and to make annual indexing levels contingent on investment returns. Although there is some potential for "catch-up" on indexing in the province's proposals, these proposals reflect a significant change to public sector plan design.

These proposals go beyond any proposed changes considered to date by UAPP sponsors – although the Ontario Teachers' Pension Plan, which is managed at arms' length from the Government of Ontario, introduced contingent indexing last year. However, the UAPP's capacity to exercise the kinds of flexibility necessary to manage plan risks effectively, is hampered by the costs of paying for the unfunded liability inherited from the provincial government from the days in which benefits payable under the UAPP were little more than a bookkeeping entry in the provincial accounts. The province currently contributes 1.25 percent of pensionable earnings towards the pre-1992 liability – representing a steadily declining share of these costs in recent years. Even so, assets related to these liabilities are expected to be exhausted within 10 to 15 years – leaving the 90 percent of active members hired since 1992 to pay the remaining cost of these benefits for surviving pre-1992 plan members through their annual pension contributions. Due to declines in the long-term interest rates used to calculate long-term liabilities – a problem facing all similar pension plans – UAPP trustees had to raise contribution rates by 35 percent between 2008 and 2012, with the prospect of further increases in 2014. More than 30 percent of current costs are attributable to the costs of the plan's unfunded liability.

Plan sponsors expect to be holding discussions with the provincial government in the New Year. Further discussions on plan design change to address challenges of plan sustainability would be necessary even in the absence of implied risks of provincial policy changes. These discussions will be made more difficult by the plan's failures of governance – and by the serious erosion of trust these failures have reinforced. Maintaining that trust is central to ULFA's continuing commitment to being as transparent as possible with you, its members, in dealing with the challenges facing our pension plan. Commitments that have been made for past service must be honoured. That principle is non-negotiable. We are facing some difficult challenges in the coming months. These challenges will probably involve trade-offs whose nature is not yet clear, but which will have to be discussed openly if we are to ensure that the plan is sustainable not only for current pensioners and members approaching retirement, but for younger members so that they can enjoy a significantly higher level of value from the plan than would otherwise be the case.

Geoffrey Hale

Copyright Update

As I continue to write up the findings of the Moodle copyright project, the importance of source attribution currently looms large in my mind. You might wonder why, since citing one's sources is second nature for faculty. The concern relates to the main focus of the project: the permission status of materials used in Moodle authored by individuals other than course instructors.

For materials such as these, copyright permission may be unnecessary when, for example, a work is in the public domain (the term of copyright has expired), the intended use aligns with the University's [fair dealing guidelines](#), or the use is permitted under terms governing one of the Library's [licensed e-journals](#). In other situations requiring copyright permission, a likely source of permission is sometimes easily identifiable—usually the publisher or the author of the work.

In the Moodle project it is somewhat surprising to find that the numerically largest permission status category comprises materials for which a permission status cannot be determined conclusively because . . . the source attribution is missing. The materials lacking attribution are generally not course readings. Instead they are primarily non-textual works or excerpts embedded in materials authored by instructors—items like photographs, cartoons, graphs and clip art copied from unspecified sources and pasted into a lesson slide file, Moodle webpage or class handout.

Because copied pictorial works are typically small and only supplemental to the instructor-authored content, their source and copyright permission status may not seem important to attribute and assess. But it is important, because the size of a work does not determine whether it is protected or not: copyright applies equally to original haikus and multi-volume tomes. And similarly, a tiny graphic image representing a webpage icon and a room-sized mural painting may both be eligible for copyright protection if they are original works.

Whether or not permission is needed to use copied pictorial works, big or small, requires knowledge of the source. And only with source attribution in hand can we consider, for example, whether fair dealing might apply. Over the past 10 years the meaning and scope of fair dealing has been radically transformed from a narrow infringement exception into a user's right by two Supreme Court of Canada decisions ([CCH](#) and [\(Alberta\) Education](#)). Moreover the preamble to last year's [Copyright Act amendment](#) explicitly acknowledges that "the exclusive rights in the *Copyright Act* provide rights holders with recognition, remuneration and the ability to assert their rights, and some limitations on those rights exist to further enhance users' access to copyright works or other subject-matter."

Fair dealing is one of those limitations on rights holders' rights, but is not defined in the *Copyright Act*. We therefore look to case law for interpretations of what fair dealing means in specific contexts. In *CCH* the Supreme Court laid out a two-step, six-factor framework to determine whether a dealing with a work is fair. How much of the materials viewed in Moodle having an undeterminable permission status might qualify as fair dealing? It is impossible to say conclusively because the lack of attribution prevents a full fair dealing analysis.

We need to expand our existing established practice of providing source attribution for course readings to include all copied works, whether textual or non-textual in nature. In January I will begin to share the main findings of the Moodle project with faculty. I am also interested in your input on the kinds of resources and processes beyond those presently offered that would assist the University community in using copyright-protected materials in copyright compliant ways.

Copyright Update continued...

U of T and Western License Agreements Come to an End

In January 2012 the University of Toronto and the University of Western Ontario made headlines by signing Access Copyright licenses in the midst of a dispute between postsecondary institutions and the [proposed tariff](#) for postsecondary institutions filed by Access Copyright. And then in June 2013 both institutions gave notice that they would not be renewing their licenses, which were set to expire at the end of the year.

Over the last several months Access Copyright and the two universities attempted to reach agreement on terms of a new license reflecting the new realities of an amended *Copyright Act* that now includes education as a fair dealing purpose and the Supreme Court of Canada's momentous decision in *Alberta (Education)* on fair dealing in July 2012. Access Copyright recently [announced](#) a failure to reach agreement, meaning that as of January 1, 2014 both institutions will be operating in opt-out mode.

As always, feel free to contact me if you would like some help sorting out whether or when copyright permissions might be needed for material you plan to distribute for use in a course, or on any other copyright-related issue.

Rumi Graham
University Copyright Advisor
copyright@uleth.ca
(403) 332-4472



Report From CAUT Forum For Aboriginal Academic Staff

Role of Aboriginal Academics in Social and Political Change



This two-and-a-half day, bi-annual conference is intended to bring Post-secondary Aboriginal academic staff from across the nation together to network and share experiences about what it is to be an Aboriginal academic in a non-Aboriginal academic environment. Aboriginal educators and leaders from across the nation were keynote speakers who specifically addressed the necessity of understanding and being *an activist scholar in the community, the public arena and within the academy*. Questions addressed over the course of the forum were: How do we advocate for voice, recognition, representation and change? What are the struggles and obstacles we face and how do we address and overcome them? Who are our internal

and external allies and how do we engage them?

Each day began with a plenary session followed by discussion circles of two dedicated topics. Participants were divided into two groups with each group going to their designated topic talking/discussion circle. The talking circles, led by a facilitator are essentially working groups to address the issues on the table. Each person has a chance to provide input during the session, and the key points are recorded. The process is repeated in the afternoon and each group then goes to the alternated talking circle. In the end-of-the day plenary session, each group orally presented the reports from the talking circles to the whole community of attendees.

Day 1 topics of discussion were: 1) Cultural revitalization and what that means in a Post Secondary Education and 2) Working with external allies.

Day 2 topics of discussion were: 1) Educating colleagues and senior administrators and 2) Working with internal allies. On the morning of the third day discussion circles were dedicated to **Next Steps Forward**. These were presented at the final mid-morning plenary session that addressed what CAUT could do, what Faculty Associations could do, what Indigenous academics could do and also what universities could do to enable Aboriginal academic success. The forum culminated with a final a summary and closing ceremony.

Michelle M. Hogue (PhD.)
Coordinator FNTF/Asst. Professor
Faculty of Arts & Science

The 411 on the Faculty Handbook

Internet link to the handbook here: <http://www.uleth.ca/hr/documents>

External Professional Work

Explanation:

Have you ever considered getting involved in external professional work? If you're a Faculty Member, a Professional Librarian, or an Academic Assistant, make sure you get approval from your Dean/University Librarian prior to accepting any remuneration for external work!

Reference: Article 13.10.4

A Member shall obtain the approval of the Dean/University Librarian in advance before accepting remuneration for external professional activities. Such approval shall not unreasonably be withheld.



Want a Copy of the Faculty Handbook?

Explanation:

Now that the most revised version of the Faculty Handbook is ready for printing, **you are eligible to receive a free printed copy**. Send a request *this week* to your Dean/University Librarian, who will then submit a request to Linda Embury in Human Resources. Linda is responsible for ordering printed copies of the Handbook.

Note: The only window of opportunity to request a print copy of the Handbook is after it has been ratified but before it has been sent to print; otherwise, it is always available online at the UofL Human Resources website or at the following direct link

http://www.uleth.ca/hr/sites/hr/files/ULFA_Faculty_Handbook_0.pdf. If you would like to have a printed copy of the Handbook, you may order it at any time through Printing Services for around \$10.

Reference: Article 6.02

Printing and Distributing the Handbook

The Board shall put out the Handbook on the University of Lethbridge website for all Members to access.

The Board shall provide a Member, upon request, a printed copy of the current Handbook.



Upcoming Workshops & Events

Salary, Tenure & Promotion (STP) Workshop

ULFA cordially invites you to our annual Salary, Tenure, and Promotion (STP) Workshop. Join President [John Usher](#) and VP/President Nominate [Trevor Harrison](#) as they provide guidance for successful STP applications.



Deans are also welcome to attend. Videoconferencing can be available for members from Calgary and/or Edmonton campuses if services are needed. Snacks and refreshments will be provided. Two workshops will be offered to ensure you can attend.

STP Workshop #1 – Monday, January 13
Room: L1114
Time: 10:00 – 11:50

STP Workshop #2 – Tuesday, January 14
Room: B756
Time: 10:00 – 11:50

It is not a requirement to RSVP; however, it would be greatly appreciated. To RSVP your attendance, please contact Derrick via email at smithson@uelth.ca or via phone at ext. 2578.

CAUT Grievance Handling Workshop

ULFA would like to invite you to attend this day and a half course to provide basic training on the grievance process. This workshop will cover an introduction to dealing with members' complaints and determining whether filing a grievance is an appropriate option. Through a series of exercises, participants learn how to proceed with a grievance through the step process – initial fact-finding, drafting the grievance and settlement discussions. The course concludes with a brief introduction to the arbitration process.

Part 1 – January 30 7pm-9pm L1170A

Part 2 – January 31 9am-4pm L1170A

Faculty Socials

Every month during the Fall & Spring semester, ULFA organizes a social activity for all Faculty Association Members. Snacks are provided at no cost to members and a cash bar is provided with a variety of beer and wine (pop/juice \$2.00 & wine/beer/coolers \$4.50).

We would like to give a big THANK YOU to those of you who turned out for the fall socials. It is because of you we have had such great turnouts. We hope you can make it for one of the upcoming socials.

Currently we are discussing ways to change faculty socials and how the socials shall continue to be conducted. For that reason, only one date has currently been booked.

The Next Faculty Social: **Thursday, January 23, 2014**
SU Ballroom A
3:00-5:00pm



Comments Welcomed!

Do you attend the Faculty Socials?

If YES, how are they going? Is there something we could be doing better?

If NO, why not? Do you have feedback?

Regardless of your answer, we would love to hear from you!

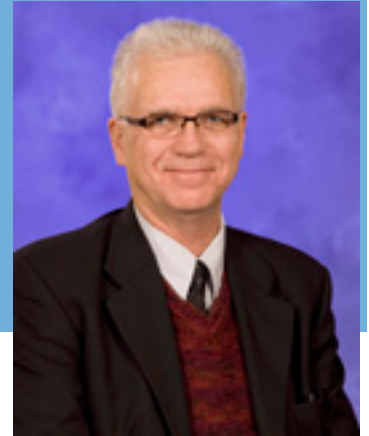
Call or email Derrick at 403-329-2578 or smithson@uleth.ca

Retirements

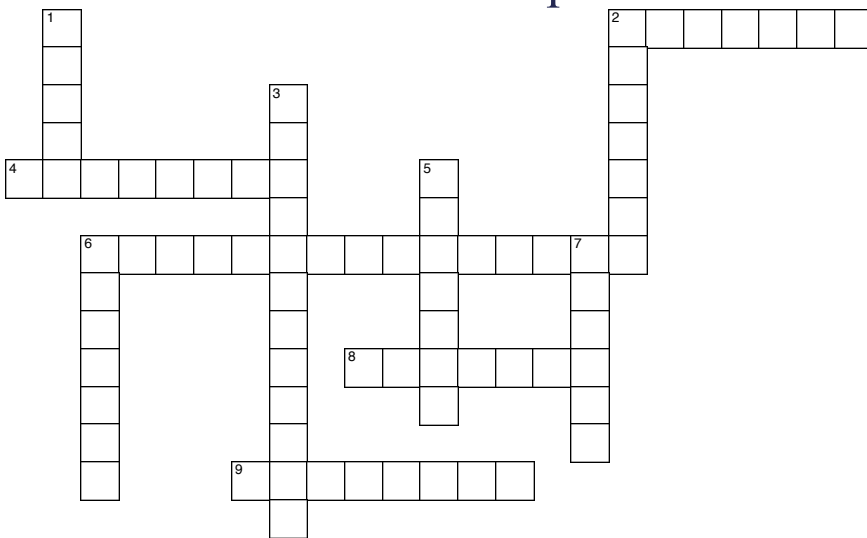
The U. of L. Faculty Association would like to bid farewell to Malcolm who retired on December 31, 2013.

Malcolm Greenshields of the History Department.

We wish him all the best in his retirement!



Because there was space...



ACROSS

- 2 U-Hall sits among the _____.
- 3 University's animal
- 6 The main objectives of this _(name of a document)_ are the specification of principles and procedures for academic personnel decisions, the peaceful settlement of all disputes, misunderstandings and grievances, and the promotion of harmonious relations between the Board and the Association.
- 8 Newly retired; will be missed
- 9 Event: Salary, Tenure & Promotion _____.

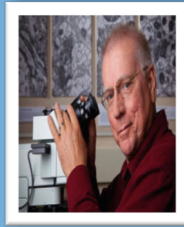
DOWN

- 1 ULFA's President
- 2 This will melt the snow
- 3 Something the University has seen a lot of
- 5 This item is what students often forget the first day of class.
- 6 The number of group photos in the ULFA office. (Hint: Come visit the office and count)
- 7 _____ River.

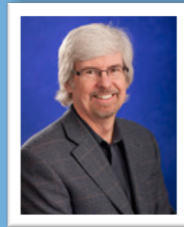
Meet the Executive 2013/2014



John Usher
President



Rob Sutherland
Past President



Trevor Harrison
*VP/President
Nominate*



Claudia Steinke
Secretary/Treasurer



Richelle Marynowski
*Chair, Handbooks
Committee*



Wendy Faith
*Chair, Grievance
Committee*



David Kaminski
*Chair, Economic
Benefits Committee*



Andrea Amelinckx
Board Rep



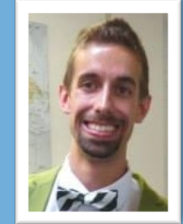
Scott Allen
*Non-Executive Member
Ombuds Officer*



Brenda Rennie
*Executive
Director*



Annabree Fairweather
Executive Officer



Derrick Smithson
Administrative Assistant

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