

ULFA News

January / February 2015



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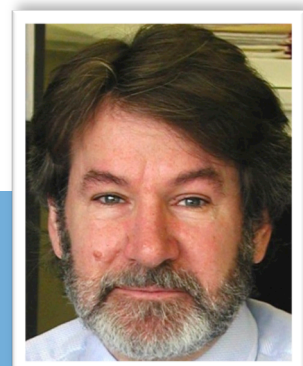
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Word From The President

Happy 2015! I hope that everyone had either a restful or frantically exciting break and that you had at least some choice in which of those two options actually came to pass.

As with most messages at this time of year, this one will be part reflection on recent events and part prognostication regarding the likely difficult year ahead. But I will end the message with some profound and hopeful thoughts about the enduring nature of universities courtesy of James G. March, Professor Emeritus, Stanford University. It is at times like these when I think we need to remember why we are here; why we have chosen this path to tread.

So first, a bit of a recap of recent ULFA events as presented at the Fall General Meeting and subsequent. Those of you who interacted with the Association during the late Fall will know that Executive Director Annabree Fairweather has been on maternity leave since mid-November and that Amanda Jensen has very ably assumed the role of Interim ED. In a typical display of Fairweather 'get 'er done,' Cormac Rowan Asa Fairweather was born shortly thereafter. Everyone is doing well and Annabree plans to return to her position in mid-March.



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Word from the President continued...

The Article 3.02 meeting at which ULFA and the Board exchange ‘items of interest’ for this year’s negotiations took place on December 12th. Since then, Amanda, Chief Negotiators Saurya Das (Economic Benefits) and Phil Jones (Handbooks) have been working with their teams and the Board to schedule the meetings that will play out over the Spring. Of primary interest at the table this year will likely be the discussion of Study Leaves. We are scheduling two Town Hall meetings to bring you up to date on the preliminary work on this issue done by the Study Leave Working Group and to seek your input.

Also on December 12th came the announcement that the Board had voted to close the Edmonton campus of the University. I was advised by the Provost early that morning so that ULFA would be ready to field concerns from our Members. The closure will be carried out over the next 18-24 months. There are currently three Members on the campus who are tenured / tenure-track and fifteen Members who are contract academic staff – mostly Sessional Lecturers. We will be watching closely to ensure that our Members are accorded all rights that the Handbooks provide them as this closure unfolds.

Members will also have received a communication from Nancy Walker, VP Finance & Administration, regarding the budgeting process for 2015-16 and this is where my comments move from recap to prognostication. As noted in her message, the University is working on provincial operating grant scenarios of 0%, minus 3% and minus 5%. Given the price of oil, it is surely prudent and proactive to develop such scenarios. However, we also take some comfort that the two-year EB deal negotiated last year puts us in the same place that UofA was in when the massive cuts were visited upon us all two years ago.

It is as we contemplate the uncertain year ahead with its emphasis on budgets, markets and consequences, that I offer the following excerpt from Professor Emeritus Jim March. I hope that it inspires you as much as it does me.

“A university is only incidentally a market. It is more essentially a temple – a temple dedicated to knowledge and a human spirit of inquiry. It is a place where learning and scholarship are revered, not primarily for what they contribute to personal and social well-being but for the vision of humanity that they symbolize, sustain, and pass on.

Søren Kierkegaard said that any religion that could be justified by its consequences was hardly a religion. We can say a similar thing about university education and scholarship. They are only truly worthy of their names when they are embraced as arbitrary matters of faith, not as matters of usefulness. Higher education is a vision, not a calculation. It is a commitment, not a choice. Students are not customers; they are acolytes. Teaching is not a job; it is a sacrament. Research is not an investment: it is a testament.

The complications of confronting the ordinary realities of day-to-day life often confound such lofty sentiments, and I would not pretend that it is possible or desirable to ignore consequences altogether.

But in order to sustain the temple of education, we probably need to rescue it from those deans, donors, faculty and students who respond to incentives and calculate consequences and restore it to those who respond to senses of themselves and their callings, who support and pursue knowledge and learning because they represent

Word from the President continued...

a proper life, who read books not because they are relevant to their jobs but because they are not, who do research not in order to secure their reputations or improve the world but in order to honor scholarship, and who are committed to sustaining an institution of learning as an object of beauty and an affirmation of humanity.”

Join me in carrying this torch forward through the dark days ahead.

We are stronger together.

Usher
ULFA President

Committee Updates

Economic Benefits Committee

Hope you had a pleasant Holiday Season and New Year, and are ready for 2015. I would like to remind the membership that at the end of the last round of negotiations in 2013, we had a two year agreement with the Board on Faculty Salary and Benefits. Therefore these are not up for negotiations in 2015. The next round of negotiations for Faculty Salary and Benefits will be in 2016, before which we will have considerable discussion with the membership and solicit its inputs.

The Sessional Lecturers Salary and Benefits will be negotiated this year. The Economic Benefits Committee (EBC) has surveyed the five other comparator universities in the 2014 Salary Task Force Report, prepared jointly by representatives of the Board and ULFA (these are Universities of Alberta, Calgary, Saskatchewan, Regina and Trent University) and also a couple of other Universities, which show that UofL Sessionals are paid one of the lowest per course stipends in the country, and have virtually no benefits or job-security. The EBC by its negotiating team (being struck at this time) will engage with the Board team in this matter in the upcoming negotiations. For more on the conditions of Sessional/part time staff throughout the country, check out the in-depth CBC radio documentary “Class Struggle”:

<http://www.cbc.ca/player/Radio/The+Sunday+Edition/ID/2508334466/> and also “Sessionals up close” in the publication University Affairs: <http://www.universityaffairs-digital.com/ua/201302#pg23> .

The EBC will also Survey what “Merit” means and how it is awarded in the Comparator Universities, and compare them with our own. We hope that this along with the last ULFA survey of its membership will provide us important information, if there is a dialogue on Merit in 2016 negotiations. Although Merit is primarily a Handbook issue, it also has Economic implications. Therefore the ULFA Handbook Committee and EBC will closely work on this issue. If you have any comments, questions or suggestions, please let me or another member of the EBC know.

Best wishes for the Spring Semester.

Saurya Das
Economic Benefit Committee Chair

Committee Updates

Grievance Committee

Happy New Year! Although I presented much of this report at the General Meeting in December, I'm rehearsing it here—with a couple of updates and reminders—for those who were unable to attend.

Over the summer and fall of 2014, eight individual member complaints and two group concerns were brought to my attention as Grievance Officer. Upon recommendation of the Grievance Committee and approval from the Executive, the Faculty Association subsequently filed two formal grievances based on these complaints. Because both cases were complex and strongly contested, their movements through the grievance procedure were prolonged. Prior to its settlement, the first was sidetracked by the need to go to Interpretation under Handbook Article 1. The second escalated to Article 22.08 and was resolved just before ULFA was about to refer the case to arbitration under Article 22.09. During this same period, President Mahon invoked Article 8.02, delegating all grievance matters to Vice President Hakin.

A number of complaints over the past few months have overlapped with policy issues that ULFA is monitoring on an ongoing basis: for example, those relating to sick leave and long-term disability provisions. We've also had concerns about the university's newly proposed Harassment and Discrimination policy and its revamped Behavioral Intervention Policy. Finally, we are somewhat wary of the university's recent People Plan Survey, for its sweeping questions about respect and diversity suggest that a Respectful Workplace Policy (RWP) may appear in future.

While RWPs and related policies are usually well intended, ULFA is aware of the need to clearly distinguish between the loose concept of "respect" and the established concepts of "harassment and discrimination" on legally protected grounds as outlined by the Alberta Human Rights Commission. Indeed, CAUT's Workshop for Senior Grievance Officers, 2013, alerted Faculty Associations to the current administrative trend across North American universities of redefining disrespect and incivility in terms of harassment and hate speech. Because the meaning of "respect" is highly subjective, its enforcement risks becoming highly selective. In other words, CAUT warns against such policies because they leave individual members potentially vulnerable to the administrative abuse of authority.

With this caveat in mind, President John Usher and I recently met twice with the administration under Article 22.03 of the grievance procedure about the Harassment and Discrimination Policy and Behavioral Intervention Policy. In response to our objections, Human Resources removed language that we believed violated Section 34 of Alberta's Freedom of Information and Protection of Privacy Act and added blanket clauses acknowledging the primacy of our collective bargaining agreements. I would like to remind our membership that if a conflict exists between Handbook language and administrative policy, the former legally trumps the latter. So if you believe you've been subjected to abuse of authority, harassment or discrimination, please turn to Article 11 of the *Faculty Handbook* or Article 10 of the *Sessional Handbook*—whichever is applicable to you—before consulting university policies.

Committee Updates

Grievance Committee continued...

Since spring, I have also been closely involved—as has Professional Librarian Marinus Swanepoel—with two tenure appeals, both of which went to the final stage of the appeal process under Article 24 in fall. One appeal was lost; the other was won. A special thanks to Marinus for assisting in the preparation of these cases and for presenting them with exceptional finesse to the external appeal committees.

In closing, I'd like to extend my appreciation to the Grievance Committee, which has met eight times since May. Members include Don Gill, Shahadat Hossain, Mary Kavanagh, Dawn McBride, Marinus Swanepoel, John Vokey, and Past Chair Ilsa Wong.

Wendy Faith
Grievance Committee Chair

Handbooks Committee

Handbooks Committee negotiating team members (Phil Jones, Yale Belanger, Kevin McGeough, Rhys Stevens and Greg Patenaude) met with the Board negotiating team on December 12. The purpose of the meeting was to determine if there were items to be brought forward for Handbooks amendments, and both sides identified a number of these. Agreement was reached on which items we would look at together, and on how the negotiating process will be conducted. We also discussed possible dates for negotiation sessions, and these were confirmed through subsequent email discussions.

Negotiation will begin in February, and the Handbooks Committee will have work to do to be ready with our items for negotiation. We have had a successful start to this year's negotiations, and my thanks goes to our Handbooks Committee members, our negotiating team, and our ULFA staff for the good work which has enabled this to occur.

Phil Jones
Handbooks Committee Chair



Report on Universities Academic Pension Plan (UAPP)



This year we felt the impact of an increase in contribution rates to our pension plan spurred on by the unfunded liability identified in the most recent actuarial valuation. While this had been announced some time ago in previous ULFA general meetings, the levying of the increased contribution rate was probably more noticeable this year in part due to the delay in implementing our salary increases from the most recent round of contract talks.

The biggest story about the UAPP this year is legislation.

In the past year, Bills 9 and 10 of the previous Alberta legislative session were proposing changes to legislation governing pension plans in the province, and in particular, our plan. While many of the changes proposed were of a housekeeping character, there were worrying elements in each Bill. Bill 9 would have allowed the Cabinet vague, unspecified powers to reach into our agreement governing the cost of bearing the pre-1992 unfunded liability shared between the government, employers and employees and furthermore, permit the minister of finance to declare what discount rate would be used in settling on the size of the unfunded liability. Bill 10's most worrying element was the granting of power to trustees (with the consent of the superintendent of pensions) to turn our defined benefit plan into a targeted benefit plan, without the need to consult with plan members to do so. Even though our trustees issued correspondence to the sponsors of the plan indicating they had no desire to move to a targeted benefit plan, the presence of such an option blunted this assurance.

The impact of the proposed legislation was of great concern to the faculty association sponsors and at the CAFA retreat in mid-May, an ad hoc

pension committee was struck to formulate a response to the Bills before the legislature. Through a fortunate turn of events, the CAFA pension committee secured an opportunity to appear before the Legislature's Standing Committee and present oral commentary on Bills 9 and 10 in early June, and in mid-August, the CAFA committee filed a more focussed critique of what we identified as problems with the draft legislation.

Fortunately, the change in leadership in the provincial Tories saw Bills 9 and 10 die, and so we have been granted a respite in the government's drive to change pension plan legislation in the province. There is every reason to expect elements of Bills 9 and 10 to resurface again in the future in some form.

The beginning of September also saw the proclamation of older legislation from 2012 that governs our plan. This legislation also is of some concern to us, and with the publication of new regulations, the trustees and the plan administrator have had to undertake changes to the plan to ensure compliance with the new legislation. Most of the required changes are minor, and involve little or no cost to the plan.

Finally, I have tried on two occasions to schedule a sponsors' representatives meeting (one for June, one for late November/December) to no avail. Because of the nature of the governance of the plan, it's best to conduct plan business when admin and faculty association reps for the UofA and UofC are both available, but it seems the VPs of finance for those two schools have completely mutually incompatible schedules -- maybe a policy of mutually assured obstruction? January looks to be the next window of opportunity for a sponsors meeting.

David Kaminski
Sponsors' Representative
ULFA VP/President Nominate

Copyright Update

The 2012 *Copyright Modernization Act* continues to be formalized, and the latest amendment—the Notice and Notice Regime—just came into force on January 2, 2015. The Notice and Notice Regime is a way of formalizing and legislating the way Internet service providers, web hosts, and search engine providers receive, respond to, and manage complaints of copyright infringement. Since the U of L hosts web content, we are obliged to comply with the Notice and Notice Regime described in new sections 41.25 and 41.26 of the Canadian *Copyright Act*.

The not-too-onerous regime is summarized in the Government of Canada’s *Backgrounder* of June 2014:

The Notice and Notice regime is a made-in-Canada solution and will legally require Internet intermediaries, such as ISPs and website hosts, to take certain actions upon receiving a notice of alleged infringement from a copyright owner.

Specifically, ISPs and hosts are required to forward notices, sent by copyright owners, to users whose Internet address has been identified as being the source of possible infringement. The intermediary must also inform the copyright owner once the notice has been sent.

The *Copyright Modernization Act* sets clear rules on the content of these notices.¹

The Notice and Notice Regime formalizes a procedure that most ISPs were already practicing voluntarily. It differs from the notice-and-takedown regime that is followed in the United States, in which infringers are blocked from accessing online content, or in France where infringers can have their Internet connection permanently disabled after three copyright infringements.²

In a nutshell, Notice and Notice involves three steps:

1. Receiving a notice about an alleged copyright infringement, in a standardized form and with complete information from the claimant.
2. Forwarding the notice to the individual responsible for the alleged infringement, and alerting the complainant that the notice has been sent.
3. Required record-keeping of these notices, so that they are available in the event of legal action.

How does this affect you? Hopefully it won’t, but you should be aware that if you notice someone is using your work in a way that is unacceptable under copyright law, there are steps that you can take. On the other hand, if you receive a notice that you are infringing copyright from the Copyright Office or any ISP or web host, you should pay attention to it, since it was initiated by the legal copyright holder of the material. It’s always a good idea to double-check your online materials for copyright compliance. The Copyright Office does *not* monitor for copyright infringements, but we would be happy to advise you in evaluating the copyright status of what you are posting online.

The Copyright Office has developed a procedure in order to comply this new Notice and Notice requirement. For more information, please refer to the Notice and Notice tab on our website: <http://www.uleth.ca/lib/copyright/>. As always, feel free to contact the Copyright Office with any questions at copyright@uleth.ca or 403-332-4472.

Sandra Cowan

Acting University Copyright Advisor

¹ Government of Canada. (2014). *Backgrounder: Notice of Notice Regime*. <http://news.gc.ca/web/article-en.do?nid=858069>

² Geist, M. (2010). [The Government’s Standard Form Response to C-32 Letters](http://www.michaelgeist.ca/2010/06/mp-response-to-c-32/). <http://www.michaelgeist.ca/2010/06/mp-response-to-c-32/>

Upcoming Workshops & Events

Salary, Tenure & Promotion (STP) Workshop

The Faculty Association is offering a workshop designed specifically for Salary, Tenure, and Promotion (STP) Committee Chairs and members. The workshop will be conducted by two members of ULFA's Executive Committee. Please join us. Deans and non-committee members are welcome to attend, but priority seating will be given to STP Committee members. Videoconferencing can be available for Members on the northern campuses if requested. Snacks and refreshments will be provided.

Presentations will cover the STP process as well as provide advice on chairing a STP Committee under our Handbook and how the STP Procedures relate to the Handbook. There will also be time for a questions and answer period. Two workshops will be offered to ensure you can attend.

STP Workshop #1 – Monday, January 12
Room: B716 *Note Room Change
 Time: 10:00 – 12:00pm

STP Workshop #2 – Tuesday, January 13
Room: B716 *Note Room Change
Time: 11:30 – 1:30pm *Note Time Change

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).

Study Leave Relocation Fund

If you have been granted a Research and Study Leave for the coming year, CONGRATULATIONS!

For those of you who will be relocating during your Research and Study Leave, ULFA has a Study Leave and Relocation Fund available to assist you in your travels to and from your place of study. If you are interested in applying for funding please visit the ULFA website and complete the application form (<http://ulfa.ca/study-leave>). Alternatively, please feel free to contact the ULFA office if you have any questions or concerns by phone (ext. 2578) or by email (antson@uleth.ca).

Complete Study Leave Relocation (SLR) applications are due no later than **4:00pm February 13th 2014** (Friday before Reading Week). Incomplete applications will **NOT** be accepted and will be returned to you for revisions. An advanced application will allow you the benefit of a careful review by the SLR committee and for the committee to make recommendations that will enhance your application.



Study Leave Town Hall Meetings

The Study Leave Working Group will soon be releasing their report. ULFA has organized two town hall meetings to gather your feedback on the report as well gather feedback on what you would like to see come about from negotiations regarding Study Leaves.



Town Hall #1 – Wednesday, January 21
 Room: L1060
 Time: 2:00 – 4:00pm

Town Hall #2 – Thursday, January 22
 Room: AH176
 Time: 3:05 – 5:00pm

For those who are unable to attend the town halls you can still offer your feedback in two different ways.
 1) Attend the meeting virtually via Adobe Connect, please contact Derrick Antson for more details; and
 2) Reviewing the material posted to the ULFA website and submitting your questions via email.

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).



Know Your Rights



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

The Faculty Handbook – Which is dominant, the Faculty Handbook or University Policies?

Our Faculty Handbook is mutually agreed upon by all the parties that are affected by the document; the Board of Governors representing themselves [the employer] and ULFA representing the academic staff [the employees]. The Faculty Handbook is a collective agreement agreed upon by the Board of Governors of the University of Lethbridge and the University of Lethbridge Faculty Association. The Faculty Handbook states:

“The main objectives of the Faculty Handbook 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.”

University and/or departmental policies, on the other hand, are developed by the employer and applied onto employees. The university and/or departments are obligated to develop and apply policies to maintain a functioning university system. Yet, in doing so, these policies cannot contradict the Faculty Handbook.

When contradictions occur it can become difficult to determine which document takes dominance and move forward away from the conflict. The Faculty Handbook trumps policies made solely by one group.

Baby ULFAn Has Arrived

As many of you might already know, Annabree Fairweather has been anxiously awaiting the arrival of her baby. Well, after all the waiting and anticipating Annabree’s baby has arrived!

Annabree gave birth to a baby boy on Friday, November 21 at 2:06am. The baby was 6lbs 8oz. Annabree reported that it was long night but an incredible experience, while her partner, Natasha, reported that it happened fast. Either way, both mama and baby are happy and healthy. The newest addition to Lethbridge has been named Cormac Rowan Asa Fairweather.

Despite ULFA’s protests, Annabree has been periodically checking her work email and sending us reminders of deadlines. But along with these emails come updates on her and baby Cormac, so we cannot complain too much. She tells us that Cormac is a good sleeper, which is a much-appreciated change from the stress that Jerram’s not sleeping caused. Natasha has been able to take two weeks off to help with the transition into maternity leave, while Jerram is proving to be a wonderful older brother. Annabree is looking forward to March when she will return to ULFA, but is loving every minute of her time away.



Meet the Executive 2014/2015



John Usher
President



Rob Sutherland
Past President



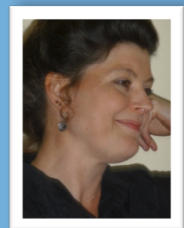
David Kaminski
*VP/President
Nominate*



Claudia Steinke
Secretary/Treasurer



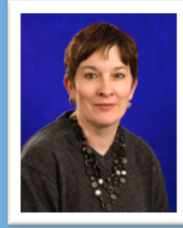
Phil Jones
*Chair, Handbooks
Committee*



Wendy Faith
*Chair, Grievance
Committee*



Saurya Das,
*Chair, Economic
Benefits Committee*



Andrea Amelinckx
Board Rep



Scott Allen
*Non-Executive Member
Ombuds Officer*



Amanda Jensen
Executive Director



Derrick Antson
Administrative Assistant

Current and past issues of ULFA News are posted on the website at www.ulfa.ca