



Copyright Corner

A new update regarding Copyright is now available.

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Annual General Meeting

The AGM is scheduled for Friday, April 15, 12:00-3:00 pm in TH204 . Lunch and drinks will be provided. We hope to see you there.

For more events check on page **8**

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Know Your Rights: PAR Appeals

A Professional Activities Report (PAR) is an important aspect to an academic's career. But what should be included/excluded in the evaluation and what happens if you receive a bad evaluation?

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Quote of the Month

"You'll never find a rainbow if you're looking down."

- Charlie Chaplin

A Word from the President

Dear Colleagues,

I would like to give you an update on the status of the changes to the Post-Secondary Learning Act (PSLA) required to ensure the Supreme Court-affirmed recognition of our right to strike. You might recall from last semester that we made common cause with the Confederation of Alberta Faculty Associations (CAFA: UofA, UofC, AU and us) to submit a response to a government call for comment on how to proceed with amending the PSLA, and to participate (as CAFA) in a roundtable discussion with other post-secondary stakeholders and representatives of the Ministry of Advanced Education.

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A Word from the President continued...

The Supreme Court ruling required changes to our governing legislation for March 31 of this year, and so we expected some word in the dying days of 2015 or early in this year as to what the recommended changes to the PSLA would be, and perhaps have an opportunity to comment on the proposed changes before they were enacted into law.

Alas, that hasn't happened (yet).

Instead, there has been another change in who heads up the Ministry of Advanced Education (which is also a name change for the Ministry), and the prospect of a delay in the PSLA changes needed. From our sources (and these revelations are not etched in stone), it appears that the 2% increase in the Campus Alberta grant looks to survive for the coming budget year, and that the March 31 deadline imposed by the Supreme Court will likely not be met, requiring an appeal from government to the Supreme Court for an extension to the Court's deadline.

Since this is a negotiating year for both Handbooks and economic benefits, the hope is that if we arrive at an agreement before any changes to the PSLA, then some kind of grandfathering mechanism will be put in place to allow negotiated settlements to stand.

There is another aspect to the Supreme Court ruling that we have been mulling over within the Association Executive: regardless of what changes are implemented in the PSLA, we do have the right to strike. A worrisome corollary to this is the fact the employer side also has the right to lockout.

While we don't anticipate either a strike on our part, or a lockout by the Board, anytime in the near future, we have a responsibility to prepare ourselves for this possibility in the coming years, and an important first step will be growing a strike fund to provide the resources for a fiscal buffer for our members should we ever find ourselves locked out or on strike. The most likely mechanism to achieve this would be to use a process ULFA has used in the past: a limited-term increase in the mill rate, targeted to building the required fund, which then dies once the desired amount is built. Such a device was used in building a legal defense fund for ULFA a number of years ago, and could be put into place to build a strike fund.

Just how big a mill rate increase might be needed, and for how long, will depend on the size of fund we think will provide an adequate buffer, and how quickly we need to build it.

We shouldn't wait too long on moving forward with this, and prudence would indicate we start this year or at least in the next fiscal year. Whatever the government produces for changes to the PSLA won't remove the need for us to prepare in this way.

I encourage you to give this some thought, and I ask that if you have questions or suggestions for your Executive, that you pass them along. We would appreciate any guidance you might have to offer.

David Kaminski,
ULFA President



Committee Updates



Handbooks Committee

The Handbooks Committee is in the final stages of preparing for the beginning of negotiations with the Board. We have met several times with the Board team to hammer out negotiating days and schedule topics for discussion. We have also had a number of research and planning meetings on our own. We are now preparing specific language for our proposals and researching issues the Board have said that they would like to discuss. In contrast to the practice in some recent years, where negotiations have gone considerably overtime, the Board and ULFA have agreed to follow the schedule for negotiations laid out in the Handbook. Negotiations will therefore begin in early March and stop in mid April.

As always, the work of the Handbooks Committee and the negotiating team is quite time consuming at this time of year. For this reason we owe a great debt of thanks to our committee members and the negotiating team: Pamela Adams (Observer), Andrea Amelinckx (Observer), Annabree Fairweather (Resource person), Richelle Marynowski, Kevin McGeough (Negotiating team), Joy Morris (Negotiating team), Dan O'Donnell (Chief Negotiator), Greg Patenaude, and Rhy Stevens. I will keep the membership informed via the ULFA Newsletter and communiqués as required.

Dan O'Donnell,
Chair, Handbooks Committee



Economic Benefits Committee

Hi Everyone,

Hope your Spring term is going well. Thanks to those who got in touch with EBC with comments or questions in the last few months, regarding the upcoming Economic Benefits negotiations (Schedules A and B of the Faculty Handbook) with the Board of Governors. These negotiations will start shortly, and we aspire to adhere to the timeline laid out in Schedule C of the Faculty Handbook. I will keep the membership informed via the ULFA Newsletter and communiqués as required. Meanwhile, feel free to contact us with any questions of concerns. The committee members are: myself, Chris Burton, Trent Takeyasu, Carla Carnaghan, Olu Awosoga, and Rumi Graham.

Saurya Das,
Chair, Economic Benefits Committee



Committee Updates

Gender, Equity & Diversity Committee

I wish to highlight two upcoming events that have received the committee's attention this semester.

The committee has been working in conjunction with the Teaching Centre on the upcoming Talking About Teaching event, which will take place on March 18 from 2:30-4:30 in L1050. The theme of the Talking About Teaching event is Balancing Student Accommodation and Academic Integrity. Accommodation in this context refers to the services that Accommodated Learning Centre provides to students as well as broader accommodations Faculty Members have to make. What demands does this place upon Faculty Members' roles as instructors and how do Faculty Members balance accommodation and academic integrity?

The Talking About Teaching event will be structured around a series of 'cases'. These could reflect examples of accommodation that Faculty Members could be asked to provide, challenges that arise out of the provision of accommodation, or accommodations that we may have not yet encountered. The University of Lethbridge Faculty Association is a sponsor of this event.

On March 5 from 7:00-10:00, DarkMatter will perform at the Galt Museum. DarkMatter is a trans south asian performance art duo comprised of Alok Vaid-Menon and Janani Balasubramanian. Based in New York City, DarkMatter regularly performs to sold-out houses and has been invited to perform at stages and universities across the world. DarkMatter will be appearing in Lethbridge as part of the It Gets Bitter tour, a hybrid mixture of art and activism, poetry and polemic, giggles and gasps. The University of Lethbridge Sociology Club, with the support of many, including the University of Lethbridge Faculty Association, has organized what promises to be a compelling event. For further information, see <https://www.facebook.com/events/524440074394615/>

The committee has been working with Handbooks Committee to develop language related to gender, equity and diversity. I hope to have more to say about these efforts in the future.

I wish to thank the members of the Gender, Equity and Diversity committee for their work on behalf of the committee. Committee members include: Andrea Amelinckx, Nicole Eva, James Graham, Bente Hansen, Andrew D. Stewart, Kien Tran, and Kelly Whitt-Williams.

John Sheriff,
Chair, Gender, Equity & Diversity Committee



Know Your Rights

PAR Appeals

It's that time of year when academic staff Professional Activities Report (PAR) evaluations are coming back from the Deans' offices and the performance scores that go along with it will have consequences on career progress and merit increments. With this in mind, it would be timely to highlight your right to appeal recommendations regarding your performance rating under Article 21.04.8.

Simplified PAR Appeal Process

Step 1: Appeal to your Dean

- a) When you receive your written letter from the Dean, including the performance ratings, you must write to your Dean within five (5) working days and state that you would like to meet to appeal your PAR.
- b) Set up a meeting with your Dean to present your case—don't forget accompaniment—and propose a preferred alternate performance rating. Keep it reasonable but don't undersell yourself either.

Step 2: Appeal to STP Committee

- a) If you and your Dean still disagree, then appeal to the STP Committee whose decision is final and binding.

Always, always consider appealing your performance rating should you have any concern about either the value assigned to your PAR or elements of the reasons outlined in your letter from the Dean, and here's why. Sure, PAR evaluations have significant influence on your immediate salary growth and cumulative consequences on your lifetime salary earnings, but they also play a significant role in decisions at critical milestones in your career, namely tenure and promotion. For any academic staff member, having a performance rating that is less than the normal standard of 1 out of 2 automatically invokes disciplinary action. Furthermore, having negative comments in the letter from the Dean may have long-term ramifications that manifest later during STP processes at which point it will be too late to have the evaluations modified.

Consider a tenure-track Assistant Professor/Professional Librarian II who doesn't appeal the first or second PAR despite minor negative comments from the Dean and how that information may be used to inform a tenure decision years after the fact. Or consider a longstanding tenured Associate Professor/Professional Librarian III who applies for promotion and has a PAR evaluation that is particularly unfavourable.

Appealing an evaluation doesn't necessarily mean that the scores will change; after all, the STP Committee may uphold the Dean's rating. But it could also have the intended outcome of increasing your performance rating, positively affecting the overall performance score and ensuring access to normal career progress increments and merit, and boosting your case for tenure and promotion.





+ Copyright Corner

Fair Dealing/Fair Use Week

A couple of years ago the idea of setting aside a week to celebrate fair use was floated among proponents of users' rights in copyright law. Shortly thereafter, some U.S. campuses led by Harvard University held an inaugural Fair Use Week over the last week of February, 2014. The initiative became an international annual event in 2015 that included participation by some Canadian universities under a slightly different name, Fair Dealing Week. This year the event gained momentum in Canada as more institutions, including ours, marked the week in some way. The U of L Library mounted a display on fair dealing and a new Fair Dealing Week page was added to the Copyright website.¹

I mention Fair Dealing/Fair Use Week here for two reasons. First, despite being related concepts, fair use and fair dealing are not synonymous: their meaning and scope are defined by different legal systems. In U.S. copyright law, fair use is an open-ended users' right allowing use of a copyrighted work without permission or fee payment as long as the use is shown to be fair according to a prescribed set of four factors. In Canada, using a copyrighted work is not an infringement if it is for one of the eight fair dealing purposes specified in the *Copyright Act*. But the *Act* provides no direction on how to determine what is fair, which leaves this task to the courts.² As a Canadian resident, you generally don't need to be concerned with fair use unless your copyrighted works are used in the U.S. or licensed works that you use have usage terms governed by U.S. copyright law.

The second reason is that corporate copyright owners and their agents continue to decry the exercise of fair dealing for educational purposes. For example, in 2015, Canada's largest literary works collective commissioned PricewaterhouseCoopers (PwC) to assess the effect of the educational sector's 2012 fair dealing guidelines on the Canadian educational publishing market.³ Market effect is but one of six fair dealing factors recognized by the Supreme Court, and it is notable that the Court said although it is important, market effect "is neither the only factor nor the most important factor that a court must consider in deciding if the dealing is fair."⁴

For the scheduled *Copyright Act* review in 2017, we must ensure Parliament is fully informed about the relevance of fair dealing to education, intellectual innovation and creativity within the broader context of Canadian society at large. The PwC report alleges "an atmosphere . . . has been created following the introduction of the Guidelines, which provides educational users a feeling of impunity in relation to copying."⁵ Since unfounded claims, left unchallenged, could lead some to assume they are true, it is crucial to demonstrate how fair dealing is actually exercised by Canadian educational institutions and to evidence educators' responsible adherence to copyright-compliant practices. These are some of the critical issues that make Fair Dealing Week in Canada an important annual event.

Copyright Corner

Proposed Postsecondary Tariffs

Now that the Copyright Board hearing on the Access Copyright (AC) proposed postsecondary tariffs for 2011-2013 and 2014-2017 has concluded, we await the Board's decision. The University of Lethbridge⁶ is a signatory to one of several submissions made by universities⁷ to the Board shortly after the January 2016 postsecondary tariffs hearing came to a close. In these submissions, the universities seek Board approval to be considered interested parties in the postsecondary proceedings despite the withdrawal by Universities Canada (formerly AUCC) as an objector in 2012.

A key matter will be the Board's view on the extent to which postsecondary educational copying likely qualifies as fair dealing. Its February 19, 2016 decision on K-12 tariffs perhaps provides some hints. While AC proposed FTE rates ranging from \$9.50 to \$15.00 and the provincial Ministers of Education countered with \$0.46 and \$0.49, the Board certified rates of \$2.46 and \$2.41 per FTE for 2010-2012 and 2013-2015, respectively, for photocopying. The Board explained the new lower rates are due to the Supreme Court's 2012 ruling involving K-12 copying,⁸ which led the Board to find "that a significant proportion of copying by elementary and secondary schools was fair under the fair dealing provisions of the *Copyright Act*. These copies therefore do not generate remuneration."⁹

As always, if Betsy Greenlees (Copyright & Technical Services Assistant) or I can assist you with sorting out copyright matters, please feel free to contact us.

Rumi Graham
University Copyright Advisor



¹ Fair Dealing Week page: <http://bit.ly/1WFkMjQ>

² Some fair dealing purposes require source attribution. For further comparison of fair dealing and fair use see <http://bit.ly/1WFkMjQ>

³ PwC report: <http://bit.ly/1La3kDg>

⁴ *CCH Canadian Ltd. v. Law Society of Upper Canada*, 2004 SCC 13 (para 59): <http://bit.ly/1KlrxRd>

⁵ PwC report, p. 75.

⁶ Joint letter to the Copyright Board from eight universities: <http://bit.ly/1QEtfFN>

⁷ Letters to the Copyright Board from other universities: <http://bit.ly/21gpqnl>

⁸ *Alberta v. Access Copyright*, 2012 SCC 37: <http://bit.ly/1VEtP10>

⁹ Copyright Board news release: <http://bit.ly/1mXM74K>

Annual General Meeting

Friday, April 15, 2016

12:00 - 3:00 p.m.

Turcotte Hall (TH204)

Lunch will be provided to those who attend the meeting. The menu for the meal is still being determined, but rest assured it will be something different than pizza. Drinks, both alcoholic and regular, will also be available.

Agenda

A Provisional Agenda will be distributed 3 weeks prior to meeting (March 24th). At this time, Members are welcome to submit notices of motions for matters not appearing on the agenda to David Kaminski, ULFA President. Notices must be submitted before the Final Agenda is sent to the membership on April 8th.

Elections

The Nominating Committee will present its list of nominees during this meeting. In addition, nominations will be open from the floor. For nominations from the floor the nominee must be available to give their consent to the nomination, either in person or with arranged prior consent in writing. In the event that there is more than one nominee for a single position, an election will take place by electronic ballot as soon after the AGM as is possible. In the event that there is more than one candidate seeking election to the Executive Committee, an All Candidates Forum will be organized prior to the election.

Video Conferencing

This year ULFA will be offering video conferencing 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 holding office hours, or aboard on study leave. Verification will be required before virtual attendance will be granted. To attend the meeting via WebEx make arrangements with Derrick (antson@uleth.ca or 403-329-2578) to receive the meeting specific hyperlink, arrangements should be made prior to April 11, 2016.



We Look Forward to Seeing You There!

Upcoming ULFA Events & Important Dates

+ Annual General Meeting

When: Friday, April 15, 2016

Time: 12:00 – 3:00pm

Where: TH204

Lunch will be provided and Wedex videoconferencing will be available.



+ Town Halls on PSLA Changes

When: TBA

Where: TBA

Once the proposed changes have been announced ULFA plans to hold town hall meetings to update all Members regarding the changes. More information will follow soon.

+ Balancing Accommodation with Academic Integrity

When: Friday, March 18, 2016

Where: L1050

ULFA's Gender, Equity and Diversity Committee and the Teaching Centre will host an event on the topic of Talking About Teaching Event: Balancing Accommodation with Academic Integrity.

Accommodation in this context refers to the services that Accommodated Learning Centre provides to students as well as broader accommodations academic staff have to make.

The Talking About Teaching event will be structured around a series of 'cases'. These could reflect examples of accommodation that academic staff could be asked to provide, challenges that arise out of the provision of accommodation, or accommodations that we may have not yet encountered.

If you have suggestions for scenarios that would make for interesting cases to discuss at the Talking About Teaching event, please forward them to Nicole Eva at nicole.eva@uleth.ca.

+ COCAL Conference

When: August 5th – 7th, 2016

Where: Edmonton

The Coalition of Contingent Academic Labor (COCAL) Conference is a yearly conference that takes place in a different North American city each year.

Here is the link for the conference brochure: <http://cocalinternational.org/COCAL%20XII%20info.pdf>

Please also consider accessing ULFA's Policy on conference travel: http://ulfa.ca/images/pdf/policy_procedure/conference_attendance.pdf

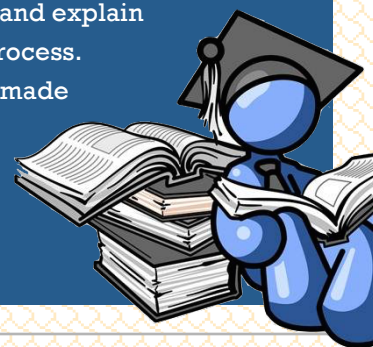
+ STP Workshops

When: Monday, April 4, 2016 &
Tuesday, April 5, 2016

Time: 1:00 – 3:00pm

Where: TH241

This workshop is a great opportunity for any Member who is up for consideration by a Salary, Tenure, & Promotion Committee. The workshop will cover helpful tips in preparing your application to highlight your research, teaching, and service, and explain the appeal process. Time will be made for a short question and answer period.



CAFA

Confederation of Alberta
Faculty Associations

HUB International Market
8909S-112 Street
Edmonton, AB T6G 2C5
780-492-5630

2016 CAFA Distinguished Academic Award

Recognizing an academic staff member or group of staff members, who through their research and/or other scholarly, creative or professional activities have made an outstanding contribution to the wider community beyond the university.

2016 CAFA Distinguished Academic Early Career Award

Recognizing an academic staff member at an early stage of his or her career, who through his or her research and /or other scholarly activity has made an outstanding contribution to the wider community beyond the university.



CAFA Awards Dinner will be in Edmonton on September 22, 2016

CAFA is a professional organization of faculty and faculty associations in Alberta universities. It is a federation of four associations: The Association of Academic Staff University of Alberta, Athabasca University Faculty Association, The Faculty Association of the University of Calgary and The University of Lethbridge Faculty Association.

The objects of the Confederation are to promote the quality of education in the province and to promote the well-being of Alberta universities and their academic staff.

Deadline for nominations is April 23, 2016

Nomination details and forms available at <http://www.ualberta.ca/cafa>

ULFA's Executive Committee 2015/2016



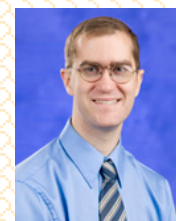
David Kaminski
President



Rob Sutherland
Past President



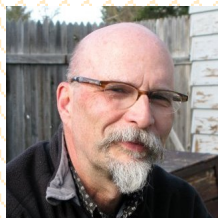
Andrea Amelinckx
VP/President Nominate



Paul Hayes
Secretary/Treasurer



Dan O'Donnell
*Chair, Handbooks
Committee*



Don Gill
*Chair, Grievance
Committee*



Saurya Das
*Chair, Economic
Benefits Committee*



John Sheriff
*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)

