

ULFA News



The Benefits of ULFA

Being a Member of the University of Lethbridge Faculty Association comes with a variety of rights and privileges. These rights vary from voting privileges, to the right to be accompanied by another Member for all matters relating to the Handbooks, salary & benefits, like the tuition benefit for family members.

Pages 7 & 11

Copyright Corner

In this edition, Dr. Rumi Graham discusses the implications of the long-awaited decision regarding *Access Copyright v. York University*. The suit focused on York operating outside of an Access Copyright blanket license since 2011. The UofL's Access Copyright blanket license signed in 2012 is now-expired.

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A Word from the President

With the fall semester getting underway ULFA's President, Andrea Amelinckx, would like to take this opportunity to update the membership on the Association's activities over the summer and preparations for the coming academic year.

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A Word from the President

Welcome back from your summer. I hope you are refreshed and ready to start the next term. I would like to welcome the new and returning members to the ULFA Executive: Jon Doan (Vice-President), David Kaminski (Past President), Rick Mueller (Secretary/Treasurer), Dan O'Donnell (Chair, Handbooks), Paul Hayes (Chair, Economic Benefits), Bryson Brown (Chair, Grievance), and Nicole Eva (Chair, Gender, Equity & Diversity). Each person has worked hard over the past few months to catch up to speed on recent significant activities and I would like to thank them for the work they've put into the Association.

Events

ULFA hits its own 50-year milestone along with the University of Lethbridge and in celebration of this achievement we will be hosting a panel discussion with past presidents to discuss all the ways ULFA has changed over the years. The event is open to the public and will take place at Andy's Place on September 21 at 1:30pm. Appetizers and beverages will be provided. There will also be a chance to meet new and returning ULFA Members!

ULFA will be hosting its annual STP Workshops for STP Committee Chairs and Members on September 20th and 21st. On the 20th the workshop will take place in L114 from 10:00 - 11:30 a.m. On the 21st the workshop will take place in L114 from 2:00 - 3:30 p.m. Coffee and snacks will be provided both days.

The Fall General Meeting will take place on Thursday, December 7th in PE275 from 12:00 - 3:00 p.m. The Annual General meeting will take place on Monday, April 16th, more details to follow soon. Mark your calendars and stay tuned for updates.

Grievance Updates

It has been a busy summer for the Faculty Association for a variety of reasons. We have a few new grievances since the last update in April and we even had a court hearing in August related to our ongoing grievances for our Member suspended with pay. We are waiting for the judges ruling. ULFA Executive extends its gratitude to those of you who attended that hearing.

ULFA is organizing two grievance arbitration hearings for this fall to hear the Academic Career Year calculations grievances and the Member suspended with pay grievances. We have continued to work with legal counsel and CAUT throughout our grievance procedures and will provide updates on the developments of the threat of censure motion coming to CAUT Council in late November.

Collective Bargaining Prep

Our biggest efforts over the summer have focused on our preparations for collective bargaining, both in terms of preparing for bargaining under the Labour Relations Code as well as preparing our opening positions. We have worked toward familiarizing ourselves with the new procedures and timelines for collective bargaining as provided for in the Code. Additionally, ULFA and the Board are required to negotiate an Essential Services Agreement before starting bargaining so we have begun preparing for an opening position with respect to essential services. ULFA has also undertaken an initiative to create an internal lockout/strike protocol for use in the event of a lockout or a strike.

The Chairs of Handbooks and Economic Benefits Committees will be regularly updating the bargaining blog found on the ULFA website (<http://ulfa.ca/bargaining-updates>), so please check with that resource regularly.

We look forward to a productive year with you and hope to see you at upcoming events.



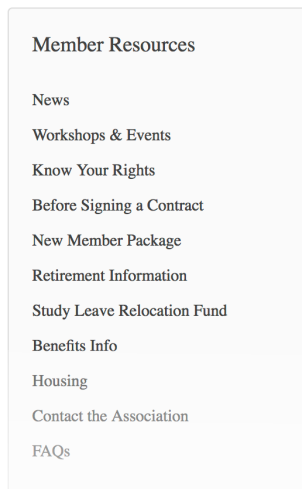
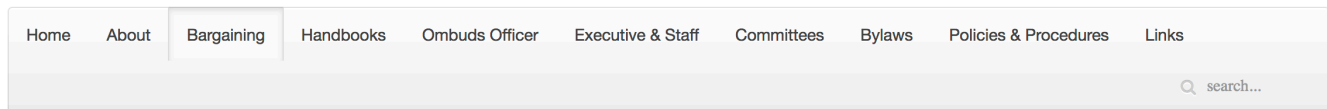
ULFA Bargaining Blog

To help keep the Membership up to date with the happenings regarding bargaining, we have created a new section on the ULFA website (www.ulfa.ca/bargaining-updates).

Now that our labour relations has shifted under the Labour Relations Code, communication is crucial. In the 2015-2016 academic year, we held townhalls to discuss the risks and opportunities that followed from the Saskatchewan Federation of Labour decision and explain the then pressing need for us to begin building a fund to support our membership in the event of a lockout or strike.

This blog is an extension of that same approach to communication. We expect to use it as a channel for keeping members informed about the activities of our Handbooks and Economic Benefits Committees as we prepare for negotiations under the new rules in 2017-2018. While we are still working out the precise approach we will be taking, we anticipate using it to inform members about our broad goals, provide general reports concerning committee meetings, discuss general issues affecting Faculty in this new approach to labour relations, and provide links to resources we are using to help understand the issues before us.

Because the blog is intended primarily for our members, public commenting is turned off. We encourage Members to contact the Faculty Association directly with comments, suggestions, and questions as the year progresses.



[Home](#) / [Bargaining](#)

Welcome to the bargaining team blog

on Wednesday, 26 April 2017.

Welcome to the new Bargaining Team blog.

With the passage of [Alberta Bill 7 An Act to Enhance Post-secondary Academic Bargaining](#) on May 4, labour relations in the University sector in the province of Alberta has entered a new era.

The headline changes, of course, involve the introduction of reciprocal rights to Lockout (management) and Strike (faculty), as required by Supreme Court's 2015 [Saskatchewan Federation of Labour vs. Saskatchewan](#) decision.

But the impact of Bill 7 goes far beyond this: the bill moves the rules that govern labour relations in the University sector out of the [Post-Secondary Learning Act](#) and into the [Labour Relations Code \(LRC\)](#)—the law that governs labour relations in most other industries in the province. This gives Faculty and Management access to the Labour Relations Board (LRB), which affects how we resolve disputes. It also requires us to adjust several of the rules and processes we have traditionally used to guide our bargaining, including scheduling and mechanisms (like Final Offer Selection in the case of Economic Benefits and Status Quo Ante in the case of the Handbook) that we have used previously to resolve impasse.

In this new world, communication is crucial. In the 2015-2016 academic year, we held townhalls to discuss the risks and opportunities that followed from the Saskatchewan Federation of Labour decision and explain the then pressing need for us to begin building a fund to support our membership in the event of a lockout or strike.

**Depicted is a screen-shot of the first article on the Bargaining Blog. The full article can be found on the ULFA website (www.ulfa.ca/bargaining-updates).*

Committee Updates

Gender, Equity & Diversity

The Gender, Equity and Diversity Committee has taken a well-deserved break over the summer, and we will reconvene mid-September at which time we will prioritize our long list of project ideas. One of these projects is an annotated bibliography on the impact bias might have in student evaluations of teaching; we hope to finalize this and perhaps come up with a recommendation on their use in formal evaluations.

Welcome to new members Robert Benkoczi (Math & Computer Science), Caroline Hodes (Women & Gender Studies), & Sheila McManus (History), and thank you to returning members John Sheriff (Past Chair, Math & Computer Science), Kelly Williams-Whitt (Management), Bente Hansen (Music), and Andrea Cuellar (Anthropology) – thanks to Kelly and Bente for returning for another term.

If you have issues relating to Gender, Equity and Diversity on campus, or suggestions that you think would be good projects for us to work on, please talk to one of the committee members.



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

Handbooks

2017-2018 is a negotiating year and the Handbooks Committee expects to be quite busy. The chair, Dan O'Donnell, met with the Economic Benefits chair Paul Hayes and other members of the executive in August in order to do some large-scale planning for the coming year and familiarise himself with the new rules for negotiations introduced with [Bill 7](#) last spring. One other summer project was the establishment of a blog for negotiation updates throughout the year. You can find this here: www.ulfa.ca/bargaining-updates.

The Handbooks Committee will begin meeting on a weekly or biweekly basis in early September. The members for 2017-2018 are:

Dan O'Donnell, English
Chris Burton, History
Ian McAdam, English
Patrick Wilson, Anthropology & First Nations Transition Program
YJ Bao, Management (Calgary)
Lance Chong, Fine Arts – New Media
John Usher, Management
David Scott, Library

In addition, we have one opening, for an Instructor/Academic Assistant.



Dan O'Donnell,
Chair, Handbooks Committee

Economic Benefits

Dear ULFA members,

My name is Paul Hayes (Chemistry & Biochemistry) and I am writing to you in my capacity as the Chair of ULFA's Economic Benefits Committee (EBC), a role I undertook in 2016. As you may know, EBC is an investigative, deliberative and advisory body within ULFA whose proper sphere of action includes all matters relating to the economic welfare of the ULFA membership, including, but not limited to, salary, benefits and pensions. It is also responsible for negotiating with the U of L Board of Governors on these issues. It works closely with other ULFA committees, as well as ULFA executive.

Before I introduce the new team I would like to thank the members of last year's EBC, particularly outgoing members Saurya Das, Carla Carnaghan and Trent Takeyasu for their hard work and dedication. Last year was not a negotiating year and, as a consequence, EBC was able to devote full effort to strategy planning, data collection and analysis of our current benefits.

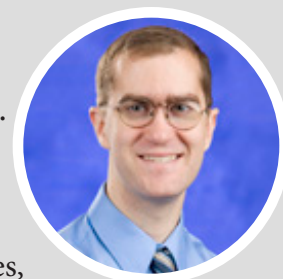
The current EBC team is comprised of continuing members Olu Awosoga (Health Sciences), Jim Byrne (Geography), Paul Hazendonk (Chemistry & Biochemistry) and Rumi Graham (Library), and new members Vishaal Baulkaran (Management) and Chad Povey (Physics & Astronomy). I am very enthusiastic to work with this group of experienced, motivated and skilled individuals. In addition, we are fortunate to have ready access to the wisdom of two former EBC Chairs (Rick Mueller and David Kaminski) who are members of this year's ULFA executive.

EBC has two vacancies: one allocated to a member of the professional faculties (Fine Arts, Education, Health Sciences and Management) and one reserved for an Instructor or Academic Assistant of any discipline. It is important that EBC has broad representation from across the spectrum of ULFA members, as such diversity and perspective is valuable. Accordingly, I particularly encourage members of Fine Arts to consider stepping up for these openings.

I would like to thank everyone who took the time to respond to last year's pre-bargaining survey. We know that it was a busy time of year, and thus, were very pleased to have such a high response rate (160 members). While I will not provide a lengthy or detailed analysis of the responses (as I did at the 2016 ULFA AGM), I wish to reiterate that basic dental and vision care ranked as the top two concerns. Within the paramedical envelope, physiotherapy and massage therapy are most widely utilized. I would also like to acknowledge the numerous members who reached out last year with specific concerns. While EBC tries diligently to identify gaps and deficiencies in our benefits, we do not have first-hand experience with all matters, and hence, greatly appreciate being alerted to areas of weakness.

As most of you are likely aware, this is a negotiation year. As per usual, we will thereby be busy preparing our opening positions. However, the most challenging issue at this point surrounds navigating uncertainties and changes imposed upon the negotiation process as a consequence of recent legislative changes that placed ULFA under the Labour Code. In order to help prepare for our new negotiation environment ULFA executive had a 2-day retreat in August wherein we consulted with several experts on such matters. We aim to communicate regularly with members as the year progresses.

In summary, I want to encourage those with questions of concerns regarding EB matters to contact the ULFA office, myself (p.hayes@uleth.ca, 403-329-2313) or any member of EBC. We will endeavour to respond in a timely and thorough manner.



Paul Hayes,
*Chair, Economic Benefits
Committee*

Committee Updates

Grievance

As the fall term approaches, I hope you are all looking forward to interesting new classes and a productive fall. The Grievance Committee and I are and expect to continue being focused on a number of ongoing grievances. One, the suspension of Professor Anthony Hall, has already been widely discussed, both within the university community and outside it. At this point we await a decision from the Court of Queen's Bench, which will clarify how things will go in the coming months. A grievance arbitration hearing is scheduled for later this fall, but whether it will go forward as scheduled depends on the judge's decision; similarly, a court date requested by the Board is set for next spring, and whether it will go forward also depends on the judge's decision. We will continue to keep you apprised of developments as they happen.

The second concerns the calculation of academic career years, which has yet to be scheduled for arbitration but will be scheduled shortly.

Other issues have arisen over the summer that deal with salary calculations for members on less than full-time equivalent contracts and merit pool calculations. We remain hopeful that further communication will help clarify this matter and bring resolution. During the fall we will continue to work towards resolutions of these issues, and any others that may arise. We hope that things will go more smoothly as both sides adjust to the new legal framework of labour law within which we work, a system intended to help resolve disagreements in more timely and effective ways, and outside of expensive court proceedings, and that we will all be able to focus on our teaching and research this fall; they are, after all, the *raison d'être* of this institution and the heart of our professional work. We wish you all a productive and engaging fall term.



Bryson Brown,
Chair, Grievance Committee

The Benefits of ULFA

As a Member of the Association you are awarded a variety of benefits. These benefits range from the right to be accompanied by another Member for all matters relating to the Handbooks, to salary growth (as determined by Cost of Living Allowance [COLA] and salary increments), to tuition benefits and scholarships.

Communications with ULFA

Communications to and from ULFA are one of the most prominent benefits the Association offers. ULFA keeps an up-to-date list of all academic staff in its membership and from time to time we like to communicate with our members. We primarily communicate through the ULFA listserv. You will receive emails with relevant and important information about the goings on of the Association. For instance, you will be notified when there are meetings and important deadlines, and you will be invited to give input on important decisions that affect you. If you suspect that you are not on the email list, or if you know someone who is not on the list, please notify the ULFA office.

The ULFA website (www.ulfa.ca) is also kept up to date with the most recent information and notices. In addition, the website acts as a repository for information such as links to the Handbooks, information on signing a contract, retirement information, and information on study leaves, just to list a few topics.

Communications from our Members are also vital as they have first hand experience about the daily activities of the University. Please feel free to give us a call, send us an email, or drop by the ULFA office. Visitors are always welcome.

Convocation Regalia

Each semester ULFA Members are encouraged to attend the convocation ceremonies. In order to help facilitate Members' participation, ULFA pays for the rental cost so that Members can attend in the UofL's regalia. Convocation regalia rental will be available through Gaspard and Sons. Please contact the Convocation Office, by phone (403-329-2049) or by email (convocation@uleth.ca) for more information.

Professional Supplement

One of the economic benefits to which you are entitled is a Professional Supplement. This supplement may be used to purchase travel, books, and other items necessary to your teaching and research.

For the 2017-2018 academic year, the Professional Supplement allotment is \$2,000 for Faculty and Professional Librarians and \$1,600 for Instructors & Academic Assistants. These amounts are pro-rated for terms shorter than one year. Allocation of unused balances from Members whose appointments have ended during the academic year will be made to the Professional Supplement accounts of Members on record as of 30 September of each year. As of July 1, 2017, a Faculty Member can accrue up to a maximum of \$8,000 and Instructors/Academic Assistants can accrue up to \$6,400.

You can view your personal supplement account using The Bridge online information system. For full details, please contact Human Resources and review the University policy on [Professional Supplement Funds](#).

Member Relation Gifts

The Association would like to recognize the significant events in our Members' lives. Whether there has been a recent accomplishment, the birth of a child, a hospital stay, the death of a loved one, or a retirement, the Association likes to send you a special note to let you know we're thinking of you.

Please keep us informed about you or a colleague by contacting the ULFA office at ext. 2578 or by emailing the Professional Officer (Derrick) at antson@uleth.ca.



Copyright Corner

News on the Access Copyright v. York University Case

In July the Federal Court of Canada recently delivered its long-awaited decision in [Access Copyright v. York University](#). Access Copyright (AC) filed its suit in April 2013 after discovering some York coursepacks that were produced by unlicensed copy shops and contained excerpts of copyrighted works. York has operated outside of an AC blanket license since September 2011.

The suit was launched by AC to try to compel York to pay the certified interim tariff fees for January 2011 to December 2013 because in AC's view, the discovered coursepacks showed York had used material in AC's repertoire, thereby disqualifying York from "opting out" of the tariff. York's counterclaim was that its copying practices did not involve infringement and were consistent with copyright law.

The Federal Court bifurcated the suit into two phases in July 2014. Phase I would consider:

- a) AC's claim that York had improperly copied 87 coursepack readings (requested by 5 faculty members) without paying the interim tariff fees and
- b) York's counterclaim that generally its coursepacks are produced by licensed copy shops and its own copying is guided by the terms of license agreements for subscription databases and [fair dealing guidelines](#) that comply with the Copyright Act.

Phase II would consider all other issues in the suit, including whether AC is entitled to any relief from the alleged improper copying.

The Federal Court's July 12, 2017 decision on the Phase I issues favoured AC resoundingly. First, on whether the interim tariff is "mandatory," the Court said:

The Interim Tariff is mandatory and enforceable against York. To hold otherwise would be to frustrate the purpose of the tariff scheme of the Act and the broad powers given to the Board to make an interim decision pursuant to s 66.51 of the Act, and to choose form over substance.

Second, on York's fair dealing guidelines, the Court said:

York's own Fair Dealing Guidelines [Guidelines] are not fair in either their terms or their application. The Guidelines do not withstand the application of the two-part test laid down by Supreme Court of Canada jurisprudence to determine this issue.

Both of these holdings seem to depart from recent Supreme Court and Copyright Board decisions in proceedings involving copying for allowable fair dealing purposes. The July 12, 2017 decision has significance for schools that operate outside of blanket licensing and have adopted fair dealing guidelines similar to that of York – which is to say, the majority of Canada's publicly funded educational institutions.

What does the July 12 decision mean for the U of L? This is an important question, but for now, matters remain uncertain. Although York has announced that it will [appeal the decision](#), not much is known beyond that. I have posted a brief [Copyright Update](#) on the Library website that notes the decision has implications for educational fair dealing and indicates at present we are staying the course with our current fair dealing guidelines.

I will note that the 2011-2013 interim tariff does not apply to us, since the coverage period of the U of L's now-expired AC blanket license signed in 2012 included the



interim tariff period. But if the July 12 ruling that York must pay fees under the interim tariff is not overturned, the ruling could potentially apply to any institution making any copies of AC repertoire items while an applicable certified tariff is in place. AC has filed [3 proposed postsecondary tariffs](#) for 2011-2013, 2014-2017, and 2018-2020 that await certification by the Copyright Board.

As for the July 12 ruling on York's fair dealing guidelines, if the decision is not overturned, it, too, will likely have implications for other institutions, including the U of L, that operate under guidelines similar to those of York. These guidelines share a common view of the kinds of short excerpts that may be copied for fair dealing purposes under the Copyright Act. This view was shaped in large part by Supreme Court rulings in two landmark copyright cases: [CCH v. the Law Society of Upper Canada](#) (2004) and [Alberta \(Education\) v. Access Copyright](#) (2012).

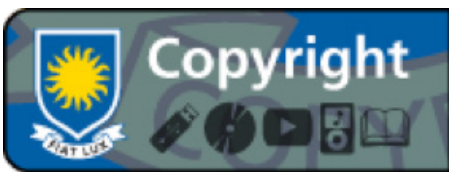
For useful discussions of perceived problems with the Federal Court's July 12 decision, see the following:

- on the issue of fair dealing: Michael Geist [Ignoring the Supreme Court: Federal Court Judge Hands Access Copyright Fair Dealing Victory](#)
- on the issue a "mandatory" tariff: Ariel Katz [Access Copyright v. York University: An Anatomy of a Predictable But Avoidable Loss](#)

For comments on implications of the decision from some other universities, see:

- [Access Copyright v. York University – What does it mean for the U of A?](#) by Adrian Sheppard, Director, Copyright Office, University of Alberta
- [Recent Access Copyright Decision and its Impact on the University of Toronto](#) by Cheryl Regehr, Vice-President & Provost, University of Toronto

As always, if you have questions on these or other copyright-related issues, don't hesitate to let me know.



E-mail: copyright@uleth.ca

Phone: 403-332-4472

Website: www.uleth.ca/copyright



Rumi Graham,
University Copyright Advisor

UPCOMING EVENTS & WORKSHOPS

ULFA 50th Anniversary & Member Gala

When: Friday, September 22, 2017; 1:30 - 4:30 p.m.

Where: AH100 (Andy's Place)

Join us for a joyous afternoon filled with welcoming new and returning faces, appetizers, and celebrating ULFA's 50th anniversary. Many of the ULFA's past presidents will be in attendance, ready to share their thoughts and memories on history over the past 50 years and their take on the exciting future for ULFA. Programing will begin around 2:00 p.m. with drinks being served starting at 1:30 p.m.

Fall General Meeting

When: Thursday, December 7, 2017

Time: 12:00 – 3:00pm

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 the Calgary campus, in their office, or abroad on study leave. To attend the meeting via WebEx, make arrangements with Derrick (antson@uleth.ca or 403-329-2578) by December 1, 2017 and he will ensure you receive the meeting invite.

STP Workshops for Chairs & Committee Members

Workshop Option #1:

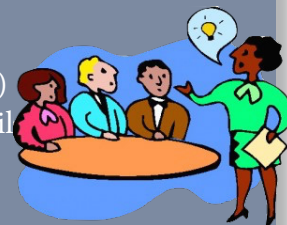
Wednesday, September 20
L1114
10:00 - 11:30 a.m.

Workshop Option #2:

Thursday, September 21
L1114
2:00 - 3:30 p.m.

The presentation will cover the STP process as well as provide advice on chairing a STP Committee and how the STP procedures relate to the Handbook. There will also be time for questions and answers.

An RSVP is not required; however, it would be greatly appreciated. To RSVP your attendance, place contact Derrick via phone (ext. 2578) or by email (antson@uleth.ca).



ULFA Academic Scholarship

The Faculty Association has an annual academic scholarship fund that provides a tuition benefit for spouses and dependents of ULFA Members. The value of the scholarship is variable, with a minimum equivalent to tuition for one (1) 3.0 credit course offered at the University of Lethbridge (as outlined in the Academic Calendar for that year). The available funds will be divided equally among eligible students regardless of location (i.e., those not attending the UofL; those attending the UofL), and variable depending on the number of applicants.



Application forms for the ULFA Academic Scholarship are available from the Scholarships & Student Finances office (AH151) by phone (403-329-2585) or by email (awards@uleth.ca).

Eligibility requirements are as follows:

A full-time student who is the spouse, common-law partner, child, or step-child of a dues-paying Statutory Member of ULFA*, and who is either:

- A. an undergraduate student at a recognized university, including the University of Lethbridge, who has completed at minimum of ten (10) semester courses (or equivalent) of a baccalaureate degree-granting program;

OR

- B. an undergraduate student at a recognized University, including the University of Lethbridge, who has completed twenty (20) semester courses (or equivalent) in a program that began at a college and transferred to a baccalaureate degree-granting program.”

*The member must be a dues-paying ULFA member and hold a full-time or full-time part-year appointment in the academic year for which the application is submitted.

No student may receive this award more than two times.

The student applying for the scholarship must have a minimum cumulative GPA of 2.70 (or equivalent).

The deadline for complete applications is September 30, 2017.

ULFA MEMBERSHIP DUES

Find below the 2017-2018 dues deductions for ULFA, the Confederation of Alberta Faculty Associations (CAFA), and the Canadian Association of University Teachers (CAUT). Effective July 1, 2017, the following dues schedule affects Faculty, Professional Librarians, Instructors, Academic Assistants, and Sessional Lecturers.

ULFA

- All Members
~Mil rate (7.5) x actual salary

CAFA

- All Members - \$7.65/mo.
- Sessional Lecturers - Exempt

CAUT

- Professors/Prof.
Librarians IV - \$18.36/mo.
- Associate Professors/Prof.
Librarians III - \$14.54/mo.
- Assistant Professors/Prof.
Librarians II - \$11.67/mo.
- Part-Time - \$3.75/mo.
- Sessional Lecturers - \$4.00/mo.

CAUT Defence Fund

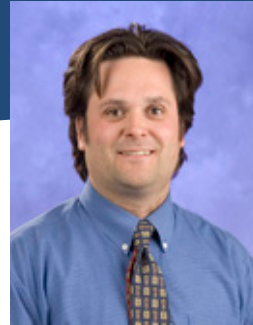
- *New deduction beginning June 2017*
- All Members - \$5.50/mo.



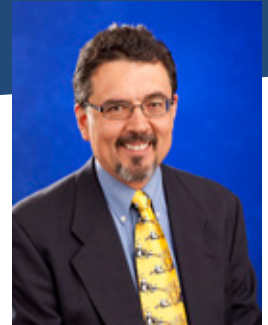
Andrea Amelinckx
President



David Kaminski
Past President



Jon Doan
VP/President Nominate



Richard Mueller
Secretary/Treasurer



Dan O'Donnell
*Chair, Handbooks
Committee*



Paul Hayes
*Chair, Economic
Benefits Committee*



Bryson Brown
*Chair, Grievance
Committee*



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



Jim Wishloff
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)

