

Message from the President

Elliott Burnell, President

It is a great pleasure to welcome everyone to the new academic year at UBC, and it is a special pleasure to welcome all new Faculty Association members. Not only do we have members who are joining academic life for the first time, but we have an entire campus of faculty and librarians at UBC Okanagan. I wish you all great success at UBC.

The coming year promises to be a busy one for the UBC Faculty Association. Two very important matters are collective agreement bargaining and UBC Okanagan. I

invite you to become involved in these and other Faculty Association activities. It is your association – make it work for you! May the 2005/06 academic year be fruitful, enjoyable and productive. Good luck in all your endeavours.

Bargaining

Our current contract expires on June 30, 2006 when we anticipate the payment of a one-time 2% productivity bonus. The award of

...continued on page 2
See "Bargaining"

UBC FA in Transition

On July 1st the Faculty Association welcomed the addition of over 200 new members on the UBC Okanagan campus. Some of these members were formerly part of the previous Okanagan University College Faculty Association, and some are brand new to UBC-O. The UBC FA now has an office on campus, on the ground floor of the Student Services Building, and is providing service to these members both through phone contact and email. At this point there is also a part-time on-site presence of one of the Membership Services

Officers, Susan Palmer. In addition, as with all Faculty Association members, the Okanagan members are receiving emails, newsletters and other communications.

As a start to implementing the UBC FA agreement in Kelowna, Susan has attended the promotion and tenure seminars for faculty and administrators hosted by the Administration. Future sessions on that and other topics are also planned. Susan has travelled to Kelowna several times over the summer, meeting with members

...continued on page 3
See "Transition"

Upcoming Events

3rd Annual UBC Health Symposium

2 November 2005
Life Sciences Institute

Fall General Meeting

27 October 2005
Location & Time: TBA

Quarter Century Club Dinner

6 October 2005 – see page 8

Presidential Search Committee: UBC Community Open Forum

Vancouver
22 September 2005, 12:30 - 2:00
Westbrook 100

Kelowna
30 September 2005, 12:30 - 2:00
UBC-O location TBA

Inside Focus

3 Presidential Search Committee

4 Reading Between the Lines

5 Mandatory Retirement

7 What Lies Ahead

8 Quarter Century Club

“Bargaining”
...continued from page 1

this lump-sum payment is based on increased fund raising and tri-Council grant support.

We have already initiated plans for the next round of bargaining. Among issues to keep in mind are:

- The relative importance of each of the current potential “pots” of money that are used for salary increases, being merit, performance salary adjustment, career progress increment, minimum scale, compression, market, retention and last but not least, a general increase.
- Improvements to our benefits package.
- The role that PSEC (Public Sector Employees Commission) will take in the next round of bargaining.

We are planning to consult widely with faculty at both UBC campuses. Current plans for consultation include face-to-face meetings with individual faculties and groups and a salary questionnaire. As always we welcome your feedback and suggestions.

UBC-Okanagan

We have been meeting with our new colleagues at UBC Okanagan and are currently in the process of figuring out how best to serve their needs and to incorporate them into the UBC Faculty Association. The old Okanagan University College Faculty Association offices have become our new space on the Kelowna campus and membership services officer Susan Palmer (as well as other FA representatives) will be available there on a frequent basis – see www.facultyassociation.ubc.ca/okanagan/ubcocontactus.htm for times.

In order that our Okanagan colleagues become well informed about our collective agreement, we plan to run a series of workshops at UBC-O on topics such as promotion and tenure, benefits, salary structure and the collective agreement.

Five executive and staff members travelled to Kelowna to attend the official opening of UBC-O on September 8th and to meet with members at an information session and social the following day. We heard from our Okanagan

colleagues about frustrations associated with the start-up of the new UBC-O campus. We heard about lack of departmental funds to support the teaching efforts and especially about the worries of non-tenured Assistant Professors who wonder how can they possibly meet UBC standards when they have essentially full teaching loads (similar to that of Instructors in Vancouver), no access to graduate students, no infrastructure to support research and no research funds.

The Faculty Association has brought many of the concerns that we heard to the attention of the Administration’s UBC-O Executive Committee and have been assured that many of these concerns are associated with complexities surrounding the setting up a new campus. The Faculty Association will continue discussions with all parties. We shall work with the Administration to make sure that all who have been appointed to tenure-track positions will be treated fairly and equitably in the tenure and promotion process.

Officers

Elliott Burnell
Chemistry, 2-3883
President & Chair, SEBC

Brenda Peterson
Library, 2-4959
Vice President

Elizabeth Hodgson
English, 2-2358
Treasurer

Martin Adamson
Zoology, 2-3374
Secretary

Members at Large

Ljiljana Biukovic
Law, 2-0312

David Green
Economics, 2-8216

Nancy Langton
Sauder School of
Business 2-8393

Charles Menzies
Anthropology, 2-2240

Stephen Petrina
Curriculum Studies, 2-5325

Lorraine Weir
English, 2-2942

Committee Chairs

Richard Sullivan
Social Work & Family Studies,
2-4278

Personnel Services

Elliott Burnell
Chemistry, 2-3883
Salaries & Economic Benefits

Petra Ganzenmueller
Central, Eastern and Northern
European Studies, 2-2169
Sessional Faculty Committee

To be appointed
Status of Women

Association Staff

Vancouver:2-3883, Kelowna:7-9240

Rosanne Hood
Executive Director

Susan Palmer
Membership Services Officer

Brian Green
Membership Services Officer

Michelle Bogdan
**Assistant Membership
Services Officer**

Nancy Lovelace
Office Manager

Ranjit Sundur
Communications Assistant

The Selection of a New President for UBC

Elliott Burnell, President

Last spring UBC President Martha Piper resigned her position effective July 1, 2006. A Search Committee to find a new President has been established, and I have been elected as a UBC faculty representative to this Committee.

During the process of establishing this Committee, the Faculty Association sent several letters to Committee chair Chancellor Allan McEachern pointing out problems with the process of setting up the Committee and with its membership. We protested that Librarians and Program Directors were disenfranchised from the process, that unlike the previous President Search Committee the Faculty Association President did not receive an automatic appointment to the Committee, and that the time allowed for the nomination and voting procedures was too short. The first election was nullified for a technical reason (the deadline for nominations had been extended by one day without notification being given to all faculty). With the exception of the establishment of policy regarding minimum timelines for elections,

our concerns were not addressed. However, I was elected and I shall speak to Librarian and Program Director issues.

The Committee has met three times and is in the pre-search consultation stage with meetings planned for Saturdays throughout September, the September 17th meeting being held in Kelowna. There is already lively interest in the position of UBC President. The Committee is currently focusing on the position profile and will only look at specific names once it has agreed on the profile.

The Committee has started its consultation process by meeting with Vice-Presidents and Deans and had a very constructive meeting with President Piper. It will also consult with key people in the community and will hold two UBC Community Open Forums, the first in Westbrook 100 from 12:30 – 2:00 Thursday, September 22nd and the second at UBC-O 12:30-2:00 Friday September 30th. It is gathering opinions concerning the profile desired for the new president. Following these consultations the Committee will develop a candidate profile which will be a public document. The Committee

has decided that the scope of the search be international and has advertised in a variety of publications, both in Canada and abroad.

The Committee solicits your opinions concerning the crucial issues, challenges and opportunities likely to affect the scope and nature of the Office of President in the years ahead. In addition, the Committee would welcome your views on the background, experience, professional qualifications and personal qualities that the Committee should seek in candidates for President. The Committee further invites you to provide names of prospective candidates. In submitting names of persons whom you consider to be suitable candidates for the position of President of UBC, we ask you to provide as much information as possible and with your reasons for proposing each name. Please forward your submission to Allan McEachern.

Mail:
c/o Mrs. Nina Robinson
Secretary to the Board
Room #121 Old Administration Building
6328 Memorial Road,
Vancouver, B.C. V6T 1Z2
Email: sole@oldadm.ubc.ca
Fax: 604.822.1205

“Transition” ...continued from page 1

and reviewing files and cases, as well as establishing the Kelowna office.

Just after Labour Day, Susan spent three days in Kelowna to meet with members, to attend the opening ceremonies and, along with several other members of Faculty Association staff and some

Executive members, to attend an orientation session and reception for new Faculty Association members at UBC Okanagan.

The Faculty Association website includes the dates when Susan or other FA representatives will be in the Kelowna office. The services of both staff and committee chairs

are always available at the end of the phone line, and all members are encouraged to call with questions and suggestions at any time. When there is no one available to staff the Kelowna office the phone will be forwarded automatically to the Vancouver office to ensure prompt attention to all enquiries.

YOUR CONTRACT - READING BETWEEN THE LINES

This month we are pleased to introduce a new column which will examine various provisions of the Collective Agreement, expanding on member rights and terms and conditions of employment. Over the next year, each newsletter will explore what a given provision or set of provisions means for you as a Faculty Association member. Please send us your questions, comments and suggestions. Your feedback will help inform our priorities in the upcoming 2006 round of collective bargaining.

Complaints and Grievances

(Article 20 of The Agreement on the Framework for Collective Bargaining)

What is a grievance? A major part of the Faculty Association's work involves advocacy for members whose rights under the Collective Agreement may have been violated. Within the Association, the Personnel Services Committee (PSC) is responsible for investigating such cases. Composed of faculty members of various ranks and various Departments and Faculties, the PSC works closely with Association staff to provide advice and support; cases brought before the PSC are treated in confidence, though some limited disclosure may be required in the case of formal grievances and arbitration.

Issues before the PSC may be of two types:

(1) Complaints are those issues in which the Association may represent and / or advocate on behalf of a member or group of members, but whose concerns do not arise from a violation of the Collective Agreement or any legislation. A complaint may also arise where a specific violation has not yet occurred, but can be anticipated without intervention. In these cases, the PSC may adopt a 'good offices' role, working with the member

to resolve the issue and prevent escalation.

(2) Grievances arise from violations of specific rights under the Collective Agreement or some other piece of legislation. Most often, grievances can be resolved informally through negotiation and discussion. However, the grievance procedure is a quasi-legal process which may lead to third-party binding arbitration. If this occurs the arbitrator makes a written decision which potentially sets a precedent for similar cases in the future. Once a formal grievance is launched, that grievance is the legal responsibility of the Association rather than the member(s) involved. The Association assumes responsibility for the way the case is pursued, including legal costs, and retains the right to arbitrate or settle as it deems appropriate.

Grievance Procedure

When a case is first received, it will be carefully reviewed to determine whether it constitutes a complaint or a grievance. In either case, it is preferable to have met with the Department Head or

Dean in an attempt to resolve the matter informally.

If the case is a grievance, a letter is sent to the University indicating the faculty member(s) involved, the specific violation alleged, and the redress sought by the Association.

If a formal grievance cannot be resolved through negotiation, the PSC may consider recommending the case proceed to arbitration; whether or not this occurs may depend on a number of factors, including the wishes of the member and legal advice on the chances of success.

If a case does indeed proceed to arbitration, the member will have the right to meet with legal counsel in advance of the proceedings, and may be required to appear at the hearing to give testimony.

Where a member wishes to pursue a case to arbitration, but the PSC recommends against that course of action, the member has the right to appeal that recommendation first to the Table Officers of the Association and, finally, to the entire Association Executive.



More on Mandatory Retirement

Tony Sheppard
Faculty of Law

In *Animal Farm*, George Orwell mocked the arbitrariness of age-based mandatory retirement, as follows:

At the beginning, when the laws of Animal Farm were first formulated, the retiring age had been fixed for horses and pigs at twelve, for cows at fourteen, for dogs at nine, for sheep at seven, and for hens and geese at five. Liberal old-age pensions had been agreed upon. As yet no animal had actually retired on pension, but of late the subject had been discussed more and more.

There are similarities between the rules of mandatory retirement on the Animal Farm and for members of the UBC Faculty Association: first, the choice of a specific number of years as the point of retirement is arbitrary in both workplaces; and second, mandatory retirement policies on the farm and at UBC were imposed unilaterally rather than reached by mutual agreement.

The UBC Faculty of Medicine

The UBC Medical Faculty, offers an instance of bizarre retirement ages resulting from UBC's policy of mandatory retirement. An editorial in the May 2005 issue of the *BC Medical Journal* points out the arbitrary and discriminatory effects of UBC's mandatory retirement policy on surgeons teaching and practicing in British Columbia.

The resulting range of ages for mandatory retirement of surgeons in British Columbia is almost as bizarre as those on the Animal Farm.

According to the editorial, surgeons who practice in the Vancouver teaching hospitals affiliated with the UBC Faculty of Medicine lose their hospital privileges at age 65, as a result of following UBC's mandatory retirement policy. Loss of hospital privileges terminates a surgeon's professional practice, in effect compelling retirement. Surgeons at other Vancouver hospitals lose their privileges only on reaching the age of 70, however. In the rest of province surgeons may retain hospital privileges until age 75. The editorial criticizes "age" as determinative of competency as a surgeon. BC hospitals quite properly have elaborate procedures for closely monitoring surgical outcomes, and dealing with incompetence, which should, but regrettably does not, make age largely irrelevant to entitlement to practice surgery. The editorial argues that loss of hospital privileges should be based on assessment of surgical competency, rather than age. The editorial also points out that a mandatory retirement age of 65 unfairly curtails a surgeon's working life, considering the many years invested and huge debt load to attain the necessary qualifications for practice. Contrary to the public interest in improving health care, UBC's mandatory retirement policy could be worsening the shortage of surgeons, and waiting periods.

Faculty and librarians at UBC

can make the same criticisms of mandatory retirement in the university that the editorial made on behalf of surgeons, because of the prolonged period of study required to attain the qualifications for a university appointment, only to be followed by an extraordinarily lengthy probationary period preceding a tenured or confirmed appointment.

Members of the Faculty Association also have had to plan for retirement under perpetual provincial public sector earnings-freezes, and poor performance of financial markets that limit the amount of retirement savings through defined contribution pension plans. Adding to the financial hazards of retirement is the good news that British Columbians have the highest life expectancy in Canada (79 years of age for men, and 83 years of age for women, as of 2004). The result of all this is that for members of the Faculty Association the years in retirement might well exceed the years of employment, in straitened financial circumstances partially resulting from mandatory retirement.

Collective Agreement or Unilateral Management Policy?

Mandatory retirement policies can result either from collective bargaining between management and an employees' bargaining agent, or from the unilateral imposition of management. On the Animal Farm, retirement ages

...continued on page 6
See "Mandatory Retirement"

“Mandatory Retirement” ...continued from page 5

of the animals were “fixed” in contrast to their pensions, which were “agreed.” According to 2005 arbitration awards adjudicating on the validity of mandatory retirement policies in British Columbia and Ontario, a bargained policy is more likely to be upheld than a unilateral one. Arbitrators refer to this factor as “critical.” Members of the faculty associations at UBC and SFU like the animals on Orwell’s farm, have “fixed” mandatory retirement policies. On both campuses, mandatory retirement at age 65 is the result of Board of Governors’ unilateral policies.

Simon Fraser University

The Acting Executive Director and Privacy Officer of the SFU Faculty Association, Susan Stevenson, reports that the SFU administration and Faculty Association have been in bargaining over the abolition of mandatory retirement at age 65 since the spring of 2005. After a summer hiatus, bargaining will resume in the fall. If agreement were achieved, the earliest effective date for abolition would be August 2007, coinciding with the end of SFU’s 2006–2007 academic year. The outcome of this bargaining could be pertinent to us at UBC, because the SFU campus is so proximate, and because the pension schemes of the academic personnel on both campuses are defined contribution plans.

British Columbia Institute of Technology

In October 2004, the administration of BCIT and the Faculty and Staff Association announced an agreement to abolish the policy

of mandatory retirement at age 65, for staff effective as of June 2004. Kevin Wainwright of the Faculty of Business Administration and President of the Association, reports the change was necessary to relieve severe shortages of faculty resulting from retirements of key personnel in highly specialized fields of training. Prior to the change only 13% of faculty waited until reaching 65 to retire, the vast majority opting for early retirement. As a result of the change, faculty can choose to continue working full-time after age 65, or they can retire at that age and seek post-retirement part-time contract teaching. Most will prefer the post-retirement part-time option. So far, only a couple of faculty reaching 65 have opted to continue full-time for one or two years before taking retirement. For those electing to continue full-time after age 65, salary and benefits carry on as before retirement, except for group life and long-term disability benefits, which the insurance industry declined to offer to staff over the normal age of retirement (65 years). The change resulted in some strengthening of the process

of evaluating teaching, which was long overdue, in any event.

Premier’s Council on Aging and Seniors’ Issues

In the 2005 Provincial Throne Speech, the government announced the creation of an advisory council on aging and seniors’ issues. Among the issues on which the government sought the council’s advice is mandatory retirement. The council is expected to issue an interim report by May 31, 2006, and recommendations for the future by November 30, 2006. Dr. Patricia Baird, Emeritus University Professor of the UBC Faculty of Medicine is the chair of the council. After the appointment of the other members of the council the council will begin meeting in the fall.

Personally, I look forward to a recommendation from the council to amend the Human Rights Code of British Columbia abolishing mandatory retirement at age 65, to keep British Columbia up with changing demographics, and with other jurisdictions, most recently Ontario and New Brunswick.

Mandatory Retirement Email Distribution List

We invite you to join our email distribution list and be a part of email discussions regarding Mandatory Retirement.

To join the Mandatory Retirement Email Discussion list, you must subscribe as follows:

1. Send an email to: majordomo@interchange.ubc.ca the first line of the body (not subject) must contain the text: subscribe faculty-retirement
2. You will then receive an email from majordomo@interchange.ubc.ca with an authorization code that you must email back to majordomo@interchange.ubc.ca as the first line of the body.

Address emails to the list as: faculty-retirement@interchange.ubc.ca

The emails contributed to this list will be archived at regular intervals to our website at <http://www.facultyassociation.ubc.ca/news&events/retirement/discussion.htm>

What Lies Ahead

Norma Wieland, President
Confederation of University Faculty Associations of BC

The new academic year also brings a new “political year” as the Liberals and the NDP prepare for their first post-election joust in the Legislature on September 12th. The first order of business will be the reintroduction of the budget first tabled last February. The budget was not actually debated or approved in the months leading up to the May election, so this will be an opportunity for government to once again showcase its spending priorities, and for the reinvigorated NDP opposition to cast a critical eye over the government’s plans.

The spring budget looked promising for the universities because, unlike the previous two budgets, the provincial government planned to fully fund the new student spaces it directed us to create. The big question mark is the amount of money the province will provide to offset the effects of inflation. Things look fairly good for this year, but if government keeps to the plan set out in the spring budget, per student funding will be 13% lower in 2007/08 than in 2001/02 (after accounting for inflation).

Fortunately, the provincial government appears to recognize this is a problem. In our first meeting with new Advanced Education Minister Murray Coell and new Deputy Minister (and former UBC senior administrator) Moura Quayle, the Minister acknowledged our concern and advised us that government is studying the question of appropriate university funding. The final report is not yet available,

but we believe it will demonstrate the difficulties the universities are facing. We expect that we will have to wait until the 2006 budget before learning the government’s response to the report.

In that same meeting with the Minister, we also discussed the need to increase the number of graduate student spaces. Other than a small expansion in the mid-1990s with the opening of UNBC and Royal Roads University, there has been no significant government funding to increase the number of graduate student spaces in almost

The big question mark is the amount of money the province will provide to offset the effects of inflation.

15 years. The growth in available graduate student spaces at BC’s public universities has largely been the result of internal reallocation of funds and the introduction of cost-recovery graduate programs.

Our provincial capacity for innovation depends on graduate students. Graduate students are today’s research assistants, and tomorrow’s researchers. If we lack the capacity to attract and enroll sufficient numbers of graduate students, we risk stifling the innovation necessary for the province’s economic transformation and expansion. This means not only graduate students in the sciences and applied sciences, but also students in the humanities

and social sciences. Beyond the intrinsic value of humanities and social science research, there are also significant economic benefits derived from the work of scholars assisting individuals and communities in adapting to economic and social change. The Minister appears to understand this, and we hope this means there might be good news from his office by the time of the next budget.

CUFA/BC has also been busy over the summer providing commentary to the Degree Quality Assessment Board (DQAB) on a number of applications from private and out-of-province institutions. The DQAB is responsible for developing the policies and adjudicating the applications of both private and public institutions to offer degree programs in British Columbia. In late May, we participated in a seminar hosted by the DQAB discussing the good, the bad, and the ugly of how the current system works. Generally, it appears as if the DQAB is on the right track, and we hope to see some changes in policies and procedures this fall that will make the assessment process more open and accountable.

CUFA/BC remains concerned, however, that the criteria for private or out-of-province institutions to call themselves a university in British Columbia are not sufficiently rigorous. To date, University Canada West and Lansbridge University have been given permission to use the

...continued on page 8
See “CUFA”

Quarter Century Club

10th Annual Dinner, October 6, 2005

David Fielding
President, Quarter-Century Club
www.ceremonies.ubc.ca/qcc

The 10th annual dinner to recognize those who have served as full-time faculty members at UBC for 25 years will be held Thursday, October 6th at the Sage Bistro. At the same time, we will continue the newer tradition of recognizing those with 35 years of service. Lists of both groups can be viewed at www.ceremonies.ubc.ca/qcc.

At the dinner, President Martha Piper will present new inductees with a gold pin or pendant in recognition of their contributions to UBC. New members also receive a membership card, which entitles them to benefits, such as free admission to the UBC Botanical Gardens and reduced admission to the UBC Aquatic Centre. For the 3rd consecutive year, those with 35 years of service will be presented with certificate and membership in the Tempus Fugit group.

To be eligible for membership in either group, one must have been a full-time UBC faculty member in the ranks of professoriate, librarian, Instructor 1 or 2, or 12-month Lecturer for 25 or 35 accumulated years. Please visit the newly redesigned club website at www.ceremonies.ubc.ca/qcc for more detailed club criteria, in addition to club history, dinner details, and contact information.

The dinner on October 6th will be held at the Sage Bistro in the Leon and Thea Koerner University Centre. The reception starts at 6:00 pm and dinner will commence at 6:30 pm. The cost of the dinner is free for new 25 and 35 year members, and \$35.00 for all others. The Ceremonies Office will be sending invitations to all eligible members. Since space is limited, those wishing to attend should respond to the invitation as soon as possible, but no later than Thursday, September 29th.

Hope to see you all again at this year's dinner!

"CUFA"
...continued from page 7

word "university." In our view, the information contained in the initial "Notices of Intent" does not support either of these institutions calling themselves a university, but we are awaiting the release of further information in order to make a full assessment. In the meantime, we continue to press for more rigorous criteria not only for the use of the word "university," but also for degree programs generally.

There are many post-secondary education matters that could and should be addressed by the provincial government. As is often the case, the government's resolve to deal with these matters often depends on money. Although the government's financial picture is better, there are many legitimate demands on the public purse. As always, CUFA/BC will continue to work to ensure that the universities, and post-secondary education generally, remain high on government's agenda.

Faculty Association of the University of British Columbia

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