The Faculty Association entered into collective bargaining with the UBC Administration on February 15, 2006. The initial rounds of talks concern contract language and are proceeding slowly; we do not anticipate hearing about financial matters before early March.

Our language issues include:
- Abolition of mandatory retirement
- Entrenching language on academic freedom and intellectual property into our agreement
- Development of a career path for instructors, 12-month lecturers and sessionals
- Improved language for grant-tenure professorial appointments
- Workload issues

The bargaining is guided by our face-to-face meetings (reported last newsletter) and our bargaining survey to which a large fraction of members responded. Interesting results from the survey are reported here.

We asked you to suggest allocation of a fixed (undefined) block of money that might be available for salary increases. The most popular choice was general increases in salaries for all members. A large majority of members want to ensure that all members receive increases to cover cost-of-living before addressing other salary priorities.

You suggested (on average) that the minimum reasonable salary increase for the next four years would be 4.1% in year one, 3.4% in year two, 3.3% in year three and 3.3% in year four. You have been quite reasonable in your requests.

You will recall that we are bargaining early this year because of the possible one-time government bonus available for ratifying a four-year agreement before March 31, 2006. Only a small majority of you favoured going for a four-year agreement even if it is tied to a signing bonus. The Faculty Association will not be pressured into a four-year deal simply because of the potential $3,000 per member one-time bonus.

On average, members voted to maintain the current distribution

… continued on page 2

See “Survey Results”

Another Victory for Bryson v. MET!

Stephen Petrina
Curriculum Studies

“I am very encouraged by the results of the Appeal. At this point, it seems that the most important ongoing action that follows from the original ruling is to bargain strong framework agreement language that will protect the Academic Freedom and Intellectual Property rights of members so that this kind of agonistic process will not have to be repeated.”

(Mary Bryson, 3 March 2006)

We won again! After eight months of deliberation and three days of hearings, on 28 February

…” continued on page 3

See “Victory”
“Survey Results”

...continued from page 1

of funds for: career advancement increments, 1.25% (of the salaries of continuing members of the bargaining unit); merit, 0.75%; and Performance Salary Adjustment (0.5%).

You were not enthusiastic about the fairness of distribution of merit and PSA funds within your unit, and even less enthusiastic about the transparency of current procedures used to award them. You do agree that the best method for distribution of such funds is via a unit-based peer-review committee.

Many indicated that a university-wide peer-review committee would be the best method for the distribution of retention funds, and only a small number agree with the current process of Administrative discretion. These results indicate your strong dislike for current procedures surrounding the distribution of retention funds.

The Faculty Association has been arguing that compression of faculty salaries is a problem. Your opinion agrees. Sixty percent would like a formula used for their distribution, and only 18% prefer the current “at the discretion of the unit head.”

We think it is time to have complete transparency in the distribution of ALL discretionary funds, be they merit, retention, market, or compression! The Agreement currently stipulates that “A list of those faculty members who are awarded merit and/or PSA shall be distributed individually to all members of the unit.” You have a right to receive this list. On the basis of the results of the survey, we think lists should be provided for the award of ALL discretionary funds, possibly including the amounts involved.

Only 31% of you think that the current minimum scale for your rank is appropriate. Program directors do not have a scale, but 60% call for more steps.

An important part of total compensation is benefits. However, given the choice, 80% of you prefer a salary increase and 10% prefer improvements to benefits.

Eighty percent of respondents have made a claim for extended health benefits / dental plan coverage within the past year. More importantly, 21% have experienced difficulties having claims processed. We have been receiving many complaints about our benefits provider, Sun Life. We have your comments, and shall, yet again, be bringing your concerns with the current provider to the attention of the Administration.

Finally, we asked you to rank several potential subjects for negotiation. The most indications of high priority items were “eye exams covered by extended benefits” and “provide extended medical and dental benefits after retirement,” followed by “improved Professional Development Reimbursement” and “increase pension contribution.”

Thanks to all who filled in the survey. Your responses will be very helpful and important for the current round of bargaining.

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2006, the Labour Review Board (LRB) released a decision on the University’s appeal of the Bryson v. MET Arbitration Award, which was handed down two years ago. In ruling on the appeal, LRB Vice Chair G. J. Mullaly upheld the Dorsey Arbitration Award on all counts, reinforcing, in legal terms: 1) the stipulation of copyright as a term and condition of employment; 2) the right of faculty associations or unions to bargain IP on behalf of their members; 3) the intricate interdependencies between the academic exception and academic freedom; and 4) the right of faculty members to refuse direct negotiations with administrators over terms and conditions of employment. Mullaly asserted that “implied agreements,” such as the academic exception in this case, are as effective as written agreements. Like the Dorsey Award, this again is an extremely significant decision for academics!

As many UBC faculty members recall, in 2002, UBC administrators removed Associate Professor Mary Bryson from an on-load assignment for refusing to sign a course contract. In turn, the Faculty Association brought two grievances to the LRB. The first and major grievance concerned the fact that in the course design for the MET program, UBC negotiated directly with individual faculty members rather than the union as exclusive bargaining agent. The second grievance dealt with the charge that “in retaliation for Dr. Bryson’s refusal to enter into an individual agreement” with UBC, she was dismissed from the assignment (Dorsey, 2004, pp. 1-2). Arbitration hearings were held on 27-28 October 2003, 15-16 January and 2 February 2004 under the jurisprudence of James Dorsey, QC, a senior, independent Arbitrator appointed by the BC LRB.

Reinforcing the “Academic Exception,” the Bryson v. MET arbitration award is the best legal ruling university teachers have to tie academic freedom to IPRs and oversight over courses (Petrina, 2005; Triggs, 2005; Townshend, 2003). Ruling in favor of course ownership for academics, Dorsey concluded: “In the university employment context, because of the importance of the expression of ideas to academic freedom and the presumptive first ownership of copyright in faculty, issues related to copyright are part of the core relationship between the employer and employee. They are part of the conditions of employment” (p. 88).

UBC’s appeal to Dorsey’s decision was held at the BC LRB over three days in 6–7 and 20 June 2005. UBC Counsel Thomas Roper opened by pointing out that Dorsey erred in extending the scope of the FA’s exclusive bargaining agency to IPRs. He reiterated over and over that the FA “has never bargained IPRs… has not, by choice, negotiated IPRs.” This went to the heart of Dorsey’s decision that IPRs, as terms and conditions of employment, are well within the bargaining rights of the FA, whether or not it chooses to exercise this particular right at the bargaining table. Issues of work product, the UBC lawyer emphasized, are beyond the union’s bargaining agency. Acknowledging that conditions of work, or inputs (e.g., wages, benefits, credentials), were within the scope of the FA’s bargaining authority, he stressed that the work product was not. Backed up by the weighty arbitration award, Faculty Association Counsel, Allan Black, worked to contradict the components of the appeal.

With the reasoned findings of both Dorsey and Mullaly, academics are on firm legal ground to persuasively link academic freedom to the academic exception. Yet, as Mary Bryson noted upon hearing of the victory in the appeal decision, we cannot rest on this issue until our Collective Agreement reaffirms academic freedom and the academic exception in language and spirit. Mary notes: “At this point, it seems that the most important ongoing action that follows from the original ruling is to bargain strong framework agreement language that will protect [our] Academic Freedom and Intellectual Property rights.”

References


Mullaly, G. J. (2006). The University of British Columbia (the “university”) and University of British Columbia Faculty Association (the “association”). Vancouver: BC LRB.


BC Budget Brings Stability

Improvements Still Needed in Student Support

By Norma Wieland, President
Confederation of University Faculty Associations of BC

With its 2006 budget, the provincial government seems to have finally achieved a sustainable funding model for BC’s public post-secondary institutions. After years of declining funding per student, the 2006 budget appears to stabilize per student funding.

After taking into account the money to be allocated by the government to post-secondary institutions to pay for wage settlements, funding appears to have evened out at $8,450 per student (measured in 2004 dollars).

This firm foundation means that universities will better be able to plan for the continued expansion of degree program offerings, and to deal with the wave of faculty retirements that is expected to crest in the next five to seven years.

The provincial government was also seeking another kind of stability with this budget. With the 2010 Winter Olympics now less than four years away, the provincial government, through the Public Sector Employers Council (PSEC), is vigorously pursuing four-year agreements with all public-sector unions and employee groups in an attempt to prevent any labour disruptions before or during the 2010 games.

The carrot government is offering for quickly settling four-year agreements is a one-time bonus equivalent to about $3,500 per public sector employee. The catch is that this bonus is only available to those unions and employee groups who ratify new four-year agreements by March 31st. If agreements are not reached by this date, the unclaimed bonus money will be allocated to paying down the provincial debt.

Although the unions and employee groups are reluctant to give up this one-time money, there are substantial contractual issues in all the sectors, including the universities, that may not lend themselves to quick settlement by the March 31st deadline. In this case, the bonus money would disappear, but the funding to pay for any general increases in wages would not be affected, according to a statement Finance Minister Carole Taylor made in the Legislature on February 23rd.

Unlike previous public-sector negotiations, PSEC has not issued wage guidelines applicable to the whole public sector. Each of the sectors, and the employee groups within sectors, has been assigned different guidelines for wage settlements. If there were one set of guidelines for the whole public sector, the amount of money government has allocated for wage increases would be about 2% in each of the next four years. It is expected, however, that there will be a fair amount of variation around this number amongst sectors.

Two places the provincial government didn’t do as well as expected in this year’s budget were student financial aid budget, funding still lags behind the 2003/04 level. Even though the federal government has made some improvements in its student aid programs, the BC government can’t guarantee that students will have access to post-secondary education, regardless of their financial means.

As for graduate student funding, it’s been eleven years since the provincial government has provided any significant new funding for graduate student spaces. In the meantime, universities have been providing graduate education to an increasing number of students.

Currently, it is estimated that 50% of our graduate student spaces are unfunded. This puts considerable pressure on university budgets and many students rely on funding from faculty research grants. Since graduate students are our future teachers, researchers and innovators, this gap remains a serious problem.

An attempt to bridge these gaps at the national level occurred on February 24th, at the National Summit on Post-Secondary Education and Skills in Ottawa (which I attended as a BC delegate). This event was put on by the provincial premiers and hosted jointly by premiers Dalton McGuinty of Ontario and Jean Charest of Quebec.

The message the premiers took from the Summit to their meeting... continued on page 5

See “Stability”
with Prime Minister Harper was a strong need for the restoration of education transfers to the provinces as part of addressing the “fiscal imbalance.” The $2.2 billion the premiers asked for would take us back to 1994 levels and would help alleviate some of the pressures on post-secondary education across the country.

Although much has been achieved in the past few weeks, there is still a significant amount of work to do in dealing with the provincial challenges in student financial aid and funding graduate students, and in trying to get the new federal government to focus on post-secondary education and research. As usual, CUFA/BC will continue its work on these and other important matters.

2006 – 2007 Executive Committee Election

The following candidates have been nominated for three vacancies as Member-at-Large:

- Kenny Kwok (Cellular & Physiological Science)
- Barbara Lence (Civil Engineering)
- Ken Reeder (Language & Literacy Education)
- Lorraine Weir (English)
- Matt Yedlin (Electrical & Computer Engineering)

The following candidates have been nominated for one vacancy as Treasurer:

- Martin Adamson (Zoology)
- Nancy Langton (Sauder School of Business)

The following candidates have been nominated and acclaimed for three vacancies as Table Officers:

- Brenda Peterson (Library): President
- Elizabeth Hodgson (English): Vice-President
- Bob Hogg (Health Care & Epidemiology): Secretary

Voting Instructions
Please take a moment to review the candidates’ statements that will be sent to you via campus mail in mid-March before voting.

To vote:

- Go to the Faculty Association’s website: www.facultyassociation.ubc.ca
- Click on the Electronic Voting link – this takes you to a third-party website that conducts our surveys and elections so that complete anonymity is assured.
- To log-in, please fill in the fields:
  * Surname
  * Password (your eight-digit birthdate in the following format: ddmmyyyy) For example, if a fictional member named John Smith was born on July 8, 1961 his log-in name would be Smith and his password would be 08071961. Similarly, if a fictional member named Sarah Chan-Smith was born on November 3, 1970 her log-in name would be Chan-Smith and her password would be 03111970.
- Follow the subsequent prompts

Voting closes at 2:00pm on the day of the Annual General Meeting
Thursday, April 6th, 2006

SESSIONAL GET-TOGETHER

Come and join us at our next sessional get-together:

Friday, March 31, 2006
4:00 – 6:00pm
Koerner’s Pub
Thea Koerner House Graduate Student Centre

SEE YOU THERE!
From Burundi to UBC

Ken Reeder
Language & Literacy Education

The UBC Faculty Association provides annual support to the UBC chapter of World University Services Canada (WUSC). In particular, the Student Refugee Program brings refugee students to study at Canadian universities. Personnel Services Committee member Ken Reeder (Language & Literacy Education) interviewed one such student, Pascaline Nsekera, who came to UBC in the fall of 1997 to resume studies that had been interrupted by civil war in her homeland, Burundi. Pascaline currently works as an administrative staff member in the School of Social Work and Family Studies. Here is their conversation:

KR: Pascaline, Could you tell us a bit of the story of how you came to UBC?
PN: That’s a very easy story! I was born and raised in Burundi, a tiny country in central-east Africa about the size of Vancouver Island, with 5 million people. I went to university in the capital city, Bujumbura. In 1992, when I was in second year university studying, the country was undergoing democratization, with elections. Historically, since its independence from Belgium, Burundi has had episodes of conflict between the Tutsi and Hutu people.

KR: Similar to the situation in neighbouring Rwanda?
PN: Yes, but somewhat the reverse. During this election, there was a lot of tension brought up from the past. In our case the president who won the election was Hutu. The minority Tutsi had up to then monopolized power, for fear that they might be treated the way they had been in Rwanda. Three months later the President was killed, and that triggered a civil war. So, from having never heard a gun shot, to seeing mortars brought to campus, watching people dying, classmates shooting classmates, people against people in their own homes…it was a terrifying time. I lived through the war for three years, and became active in the reconciliation movement. But the students didn’t like this: they said they didn’t trust me. This put me in great danger. From 1993 I tried to stay in school, and I completed fourth year through the war, on and off, but never graduated. I was working on an honor’s thesis, but I couldn’t complete it because of the danger to me.

KR: What was your major field of study?
PN: Environmental chemistry. I was working on water pollution.

KR: So you experienced your activism being misunderstood?
PN: I’m also mixed, since my parents come from both sides, Tutsi and Hutu. Everyone took sides, and I wouldn’t do so. I thought that something had to be done, but it was beyond what one person could do. I fled the country in 1996, because by then I was being targeted. With my involvement in the peace and reconciliation movement, that year I was recruited to attend a World Council of Churches training session in South Africa on conflict resolution. It was at that point that I decided to flee Burundi. I went to Johannesburg for the peace training as a youth delegate.

... continued on page 7
See “WUSC”
After I left, the military took power in Burundi, and they closed the borders, so I couldn’t have returned even if I wanted to. At the training session, the WCC recognized I was in danger and that they had to take care of me. But because the language was so different - Burundi is francophone and at that time my English was minimal - it was going to be a struggle to make my way in South Africa. However, my sponsors also had an office in Nairobi, Kenya. I chose to go to Kenya.

KR: Is that where you came in contact with WUSC?
PN: It’s so strange: that year things just happened as if by design. I went to South Africa in June 1996, and in July was transferred to Kenya. I then applied for refugee status, seeking anything in the way of training and further educational programs. The woman at the refugee authority in Nairobi said “Oh, there’s this organization, WUSC, and they are looking for students. Here is their phone number.” I went to the WUSC representative who told me that they sponsor students, train them in English, and help with scholarships. After four months, I found myself enrolled in TOEFL training by November, passed that in April, and soon learned that I had been accepted by UBC. I had no idea where UBC was! I went to immigration for my authorization, and by August 27th I landed here at UBC.

KR: So all of those hurdles that normally people would sometimes wait years for, WUSC facilitated in a matter of months.
PN: Yes. That referral to WUSC was one of those things that changes your life.
KR: What was it like to arrive here at UBC?
PN: At first it was exciting. We got picked up in a limousine: I had only seen a limousine in the movies! But the language challenge was huge. And of course despite my four years of studies, I could only obtain transfer credit for about 2½ years.

KR: Did you return to your same field?
PN: No. I went into Earth and Ocean Sciences. I wanted to turn things to an advantage and broaden my experience. I finished by the end of the year 2000. But my family was totally scattered, and in an effort to support them, I needed to work. Still, I always wanted to pursue a graduate degree. I am doing some correspondence study at UVic as a transition to pursuing a Master’s degree in Social Work.

KR: How did WUSC play a part in that period of study at UBC?
PN: Their role is support, academic and social. WUSC reps were just like family for me. Of course there is the WUSC national office in Ottawa that handles the recruitment and immigration; and the local committee, which is all student based and takes care of everything else: admission, housing, integration.

KR: So this is all done with volunteer time?
PN: The local committee operates like a student club at UBC. And they do have different activities beside re-integration of refugee students – global citizenship conferences, refugee awareness work.

KR: Recently you made the big step of joining the national Board of Directors of WUSC.
PN: Actually WUSC’s local committee here at UBC has a great national profile, and the national committee wanted a UBC representative because of the good work we were doing—in fact, we’d just won the national local committee award. It was a great honour to have been selected to join the national committee.

KR: Pascaline, let me thank you for your generosity in telling me your story.
PN: I want to add my own thanks to the Faculty Association. This program works because of input from various UBC groups: the AMS, the UBC Administration, and the Faculty Association. The Association has consistently supported the WUSC refugee program, particularly with its financial support for our students’ book costs, and also its program to send textbooks to regions like the Sudan where there is war. This is just like a drop of oil on the water that spreads across the whole surface. It’s a small program but one that has a huge impact. My deep, deep thanks go out to the UBC Faculty Association.

Learn more about WUSC and its Student Refugee Program at http://www.wusc.ca.
UBC FACULTY ASSOCIATION
PROMOTION & TENURE SEMINAR

Reception to follow seminar

Wednesday, March 29, 2006
Seminar 3:30pm – 4:30pm
Reception 4:30pm – 5:30pm

Social Room, Green College
6201 Cecil Green Park Road
Vancouver, BC

Panelists:
• Richard Sullivan, Chair, Personnel Services Committee, UBC Faculty Association
• Lorne Whitehead, Vice-President, Academic & Provost
• Doug Bonn, Chair, Senior Appointments Committee

This information session is open to all faculty members and is of special interest to tenure-track members and those interested in promotion. There will be opportunities to obtain information, hear personal experiences with the process and to ask questions.

You will leave this session with a broader view of promotion and tenure issues seen from several perspectives. You will have opportunities to meet colleagues in an informal setting and share tips and information about promotion and tenure.

LIMITED SEATING!
PRE-REGISTRATION REQUIRED by March 24th

Please register by sending an email to the UBC Faculty Association at faculty@interchange.ubc.ca.
Be sure to include your full name, faculty, department and position/rank.

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University of British Columbia

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http://www.facultyassociation.ubc.ca
As mentioned in our January newsletter, the Sessional Faculty Committee has done an extensive review of its bargaining survey of 2002. We have added relevant categories and related questions. The suggestions, comments and inquiries received from you in the past have greatly assisted us in adjusting our sights. As a result, the survey explored the following issues:

- Office Space & Working Conditions
- Workload
- Service & Departmental Governance
- Appointment & Reappointment Procedures
- Evaluation
- Career Advancement
- Other Items for Negotiation

We have received an excellent response from you, our members, including an abundance of very detailed comments.

Office Space & Working Conditions

The use of basic and essential infrastructure such as office space is not available to over 20% of respondents. This situation was observed to be particularly damaging to fostering effective student and faculty relationships. While most offices do have a telephone, work email cannot be accessed in a third of these spaces. Those members affected have to go to a common area and use a faculty or student computer or do their email from home. Sessional academics who have an office typically share it with one to five colleagues which entails a lack of private space for anyone present during student consultations. There are reports of party line telephones and of up to 30 people having to work out of one office. There are also faculty members who have been refused a UBC email account or who are not included in the faculty directory.

Workload

The vast majority teach first to fourth-year courses with one third teaching at the graduate level as well. Workload remains to be a core issue. The majority of respondents reports oppressive work and teaching loads, with very high preparation/marking to teaching ratios. As this is directly tied to compensation, salary scales for course stipends are felt to be unrepresentative and unrealistically low. They do not reflect the reality of the workload nor acknowledge its academic contributions. According to the comments expressed, this is further compounded by the “absurdity” of receiving lower pay for higher academic qualifications when compared to Teaching Assistants. Respondents also cite their significantly lower salaries in relation to teachers, college instructors and other public sector employees, let alone pro-rated salaries when it comes to tenure-track positions. A common complaint is that sessional academics are not paid for preparation time for new and existing courses, as well as for service and research activities. Among the remedies preferred are long-term contracts, the recognition of cumulative work through pro-rated sabbatical credits and lighter marking loads or TA / marker support.

Service & Departmental Governance

The majority reports an active service component to their work, including the supervision of graduate students. For some, it is as high as 50% and above. Ironically, about one third is not permitted to participate in departmental meetings and more than half do not have a personal vote. Only few are able to vote by representative. Not surprisingly, the majority of respondents find themselves excluded from any form of governance and decision-making despite having worked in their departments for years. They feel alienated and marginalized, barred from participating in the very processes that co-determine their everyday lives and working conditions. As one person puts it, they are made to feel like “outsiders.”

Appointment & Reappointment Procedures

Less than half of those polled have been informed about appointment and reappointment procedures by their departments. No more than 60% of both courses and sessional positions in departments are posted in advance. A
Evaluation Process

All survey participants undergo student evaluations on a regular basis. Apart from that, few other evaluations are being conducted. Responses were mixed as to the transparency of evaluation processes, the opportunity for input, and the overall fairness applied. Respondents expressed the concern that there is no standard way of dealing with the evaluative mechanisms across departments. Comments pointed to problems like gender or racial discrimination; reviewer’s bias; peer evaluations by inexperienced junior faculty; privacy issues; lack of access to the results; the inclusion of course components beyond the instructor’s control; the problematic nature of student evaluations; and excessive weighing of same.

Career Advancement

The overwhelming majority of respondents are not sessional but long-time academics with between 3 and 10 years+ teaching experience at UBC. Notwithstanding and although being specialists in their fields, most are on limited-term 8-months contracts having to reapply year after year. The great majority holds PhDs; they teach classes of up to 260 students. The great majority engages in professional development, such as attending conferences, workshops and seminars; taking courses; staying current with new research; developing curricula; and conducting research in their discipline. Over one third also publishes their research, despite not having received outside funding for their research projects. As for anyone else, career path and job security are central issues: Almost everyone would like to see a standardized appointment track established while half are also seeking a tenure-track position. More than half are actively seeking employment elsewhere.

Other Items for Negotiation

High-priority items in the order of importance are a transit or flex-pass for faculty; an improvement to the Professional Development Reimbursement Allowance; eye exams covered by extended benefits; an increase in pension contributions; an improvement to the provision of study leave; gym, pool and fitness access; and extended medical and dental benefits after retirement.

Overall according to this Survey: Inequity and discrimination are seen as defining all aspects of sessional faculty work at UBC. There are many comments criticizing UBC for not recognizing nor rewarding the expertise, experience, teaching excellence and credentials, much less the service and research contributions of sessional academics. The key issues remain to be career path, workload and salary equity. Respondents express anger and frustration regarding the “hypocrisy” displayed by Trek 2010 in light of the reality of the everyday employment conditions. They point out that this situation “demeans” the institution and “prevents it from becoming ‘world-class’ – its explicit long-term goal.”

We would like to thank you for taking the time to participate in our survey and for providing us with your detailed and informative insights. They will guide us while representing your interests at the bargaining table.

Collective Bargaining Update: Sessional Issues

As of February 15, collective bargaining between the UBCFA and the UBC administration officially begun. Prior to that, the FA Executive in a series of meetings and in consultation with its subcommittees decided not to open the Collective Agreement on sessional contract language. This is owing to the fact that a joint committee consisting of members from both the FA and the UBC administration is currently addressing one of our foremost issues - a career path for sessional ranks. The university has proposed that this issue would be dealt with outside of bargaining and at the level of this committee. We hope to take this to arbitration if unsuccessful. A priority of equal importance, i.e. remuneration, will be bargained when salary negotiations start for all of UBC’s bargaining units. For more details on the collective bargaining process, please refer to the information given in this and our previous newsletters.