

## CAUT Academic Freedom Fund Donates \$100,000 to UBC Faculty Association

Brenda Peterson  
President

Over the past four years, the Faculty Association has been successfully defending several high-profile cases on behalf of members on issues of national significance, including academic freedom and intellectual property rights, the scope of bargaining authority, and the limits of presidential powers. The Faculty Association keeps winning and the University keeps appealing the arbitration awards, resulting in extraordinary legal costs that have seriously strained the Faculty

Association legal fund.

In recognition of the importance of these cases to faculty members across the country, the Trustees of the CAUT Academic Freedom Fund have voted to donate \$100,000 to the UBC Faculty Association to assist with the expenses for three cases involving Dr. Mary Bryson, Dr. Lance Rucker and Dr. Josephine Chui-Duke. The Association is grateful for the ongoing support of CAUT in defending these cases and for this financial assistance.

Greg Allain, President of CAUT and Chair of the Academic Freedom Fund, from the University of Moncton, will make a formal presentation of the donation at the Fall General Meeting on Wednesday, October 11<sup>th</sup>. Jim Turk, Executive Director of CAUT, will also attend the meeting to participate in a panel discussion on the issue of teaching ranks.

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## Where Have All the Women Gone?

Elizabeth Hodgson  
Vice President

What is the status of the Status of Women's Committee? And how can we best serve women in the UBCFA?

We have a Status of Women's Committee in our Constitution; the chair of this committee is to sit on the executive, and the

committee is empowered to plan programs, sponsor initiatives, advocate and inform the membership and the administration about the issues pressing hard on women faculty.

There's lots for this committee

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The Bryson v. MET case, dating back to 2002, finally ended earlier this year after the University failed in its appeal. The arbitration award by James Dorsey, QC, in 2004 and Labour Relations Board Vice Chair G.J. Mullaly’s ruling on the appeal in 2006 upheld the rights of university teachers to copyright ownership and control of course materials and linked academic freedom with intellectual property rights and conditions of employment for faculty. In his award, Dorsey held that “ownership of the copyright in work produced in the course of employment by an academic author, rather than the university employer, is important to support, foster and preserve academic freedom.” This landmark decision sets a legal precedent in its clear interpretation of the “academic exception” in the Canadian Copyright Act and the assertion of academic freedom as the foundational principle of collective agreements for academic staff.

The Rucker and Chui-Duke cases, which are still under appeal by the University, involve promotion decisions which test important clauses in the Collective Agreement that lay out procedures to protect the rights of individual faculty members for a fair process and which bind the University President to the agreed upon rules.

Dr. Rucker’s review process for promotion from Associate Professor to Full Professor in the Faculty of Dentistry started back in the fall of 2001. Although he was recommended for promotion at all levels, including a unanimous recommendation by the Senior Appointments Committee, President Piper denied his promotion based on his number of scholarly publications. The Association’s grievance on behalf of Dr. Rucker went to arbitration in late 2003. The arbitrator, Marguerite Jackson, ruled in his favour and, by way of remedy set out in the Collective Agreement, reversed the President’s decision. The University has appealed this

arbitration award three times and has lost each appeal, the most recent being a B.C. Supreme Court ruling in March 2006. The University is unwilling to accept a long-standing clause in our *Agreement on Conditions of Appointment for Faculty* that allows for a neutral party to adjudicate and impose binding decisions in cases where the President’s decision is deemed to be unreasonable. The University has now filed an appeal to the B.C. Court of Appeal that will be heard later this fall.

Dr. Chui-Duke’s case involved Article 3.04 in the *Agreement on Conditions of Appointment for Faculty* that allows for the promotion of Senior Instructors to the Professoriate. The arbitrator, Joan Gordon, ruling in favour of the Association, stated that there were a number of procedural errors and a level of unreasonableness in the Administration’s denial of promotion. The University is appealing the remedy in this award,

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### Officers

Brenda Peterson  
Faculty Association, 2.2651  
**President**

Elizabeth Hodgson  
English, 2.5101  
**Vice President**

Nancy Langton  
Sauder School of Business,  
2.8393  
**Treasurer**

Robert Hogg  
Health Care & Epidemiology,  
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**Secretary**

### Members at Large

Ljiljana Biukovic  
Law, 2.0312

Barbara Lence  
Civil Engineering, 2.1365

Charles Menzies  
Anthropology, 2.2240

Stephen Petrina  
Curriculum Studies, 2.5325

Ken Reeder  
Literacy & Language Education,  
2.5764

Lorraine Weir  
English, 2.2942

### Committee Chairs

Jim Johnson  
Economics, 7.9391  
**Okanagan Faculty**

Richard Sullivan  
Social Work & Family Studies,  
2.4278  
**Personnel Services**

Brenda Peterson  
**Salaries & Economic Benefits**

Petra Ganzenmueller  
Central, Eastern & Northern  
European Studies, 2.2169  
**Sessional Faculty**

To be appointed  
**Status of Women**

### Association Staff

Vancouver: 604.822.3883  
Okanagan: 250.807.9240

Rosanne Hood  
**Executive Director**

Nancy Lovelace  
**Office Manager**

Susan Palmer  
**Membership Services Officer**

Brian Green  
**Membership Services Officer**

Michelle Bogdan  
**Membership Services Officer**

Ranjit Sundur  
**Communications Assistant**

*"Donation"*

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and, as in the Rucker case, they are resisting the right of the arbitrator to reverse an unreasonable decision.

### **Implementing the New Collective Agreement**

As we begin the new academic term, all members should have received their salary increases, retroactive to July 1<sup>st</sup>, on their mid-September pay cheques. We recommend that you use the chart on page 9 to check that you have received the correct increases for this year based on our new four-year Collective Agreement and encourage you to contact the Association if you need any assistance regarding questions about your new salary.

Salary increases are only one part of implementing the new agreement. There is still much work ahead of us, especially over the next four months as joint Administration and Faculty Association committees begin their work on the following issues: mandatory retirement, types of appointments and titles and ranks, promotion and tenure, and grant tenure positions. In addition, in accordance with Section 53 of the *Labour Relations Code*, we have established a new permanent Joint

Consultation Committee that will meet at least every two months to discuss issues relating to the workplace.

### **Executive Meeting with Stephen Toope**

During the first week of September, the Executive Committee held its first meeting with President Stephen Toope and Provost and Vice-President, Academic Lorne Whitehead. The executive raised three major issues: employment and workplace equity, including mandatory retirement and the treatment of sessional faculty; career paths and academic freedom; and communication and collaboration between the Association and the administration. President Toope raised the issue of housing assistance for new members. This meeting was a positive first step in developing a working relationship with him and his administrative team. We have asked President Toope to meet with us on a regular basis.

### **Meeting with Doug Owram**

The new Deputy Vice Chancellor for the UBC Okanagan is Doug Owram, formerly Provost and Vice President Academic from

the University of Alberta. UBCO elected members Jim Johnson and Michael Pidwirny, staff members Rosanne Hood and Michelle Bogdan, and I met with Doug Owram on September 13<sup>th</sup>. In this first meeting, we had an open and frank discussion about the many problems and challenges facing UBCO, including communication and transparency, workload, and issues regarding tenure and promotion of members in the Okanagan. We plan to watch closely and work with the administration at UBCO to ensure that our colleagues are treated in an equitable manner and to address the numerous transitional issues still troubling the new campus.

### **Working for our Members**

The executive and staff of the Association work to serve the interests of our members. We encourage you to become involved in the work of the Association and to contact us about issues that concern you. We invite your participation and feedback to assist us in our efforts to improve services and support for all members of the Association.



### **Mark Your Calendars Now!**

UBC Faculty Association invites you to our next

## **TOWN HALL MEETING**

*with UBC President Stephen Toope & Lorne Whitehead, Vice President Academic & Provost*

**Tuesday, November 21, 2006**

4:00pm - 5:30pm

IRC Wood 1

Visit [www.facultyassociation.ubc.ca](http://www.facultyassociation.ubc.ca) for details.

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to tackle: the wage-gap, the problems of being a token woman in a field, the lopsided numbers in higher ranks, and all of the countless roadblocks to happiness for female academics at UBC. Many of you care about and are affected by these issues.

But we also have a person-gap: with one six-month exception, we haven't had a chair for this committee in the past 5 years. Concerned academics have certainly been undertaking many important and valuable projects, several with FA support, but there seems to be a steady reluctance to commit to this formal structure.

We at the FA take this very seriously, and we want to solve this dilemma. We see four major possible explanations for this trend:

1. The committee's focus is too narrow: it doesn't encompass the many groups who face inequity on campus due to ethnicity, sexual orientation, ability...

**Solution #1: Open the Doors:**

Change the constitution to make a more broadly based Equity Committee, with a wider potential

membership and base of interested participants - First Nations, Queer, disabled, etc.

2. Women academics are simply too busy, on committees, in their labs and offices, with students, with research-travel and grant-applications, to give time to campus-wide consultation. Service in general, and political service in particular, is perceived by members as too time-consuming for the small credit it earns at tenure-time.

**Solution #2: Put Your Money...:**

Give ½ time teaching-release to the committee chair to make it more possible for interested persons to do the job without sacrificing personal or research time.

3. This committee has become obsolete: women academics are more integrated, more equitably treated and paid, more carefully protected by policies and procedures.

OR

4. Committees of this type (broadly issue-based, without designated tasks) are becoming culturally obsolete; their mandate

is too vague, their tasks seemingly unending, their concept too firmly based on general ideals rather than short-term concrete projects.

**Solution #3: Kill the Committee:**

Change the constitution and dissolve the committee. Use short-term task-forces and working groups when necessary to address particular issues.

At the Faculty Association, we have at various times considered all of these solutions, singly or in combination. Many faculty at UBC care about these issues and have dedicated their energies to improving the lives of women academics at UBC. We've met and heard from many of you who would be keen to serve women academics with our help. Now seems like a good time to take action, then, so that we have a mechanism which works for our members.

Which solution, or combination of solutions, do you think we should choose? Contact us at [faculty@interchange.ubc.ca](mailto:faculty@interchange.ubc.ca) with your thoughts on this important question.



## SESSIONAL GET-TOGETHER

Welcome back! We hope the new academic year has been a good one for you so far. The Sessional Faculty Committee would like to invite you to our first get-together of this term. Please mark your calendars and inform your colleagues:

Wednesday, October 4, 2006

4:00 - 6:00 pm

Koerner's Pub, Thea Koerner House Graduate Student Centre

6731 Crescent Road, UBC Campus

With a new year ahead, come and join us and your colleagues for an informal opportunity to discuss sessional issues and share experiences. As always, the beer will be on us. Please contact Petra Ganzenmueller, [pegacom@interchange.ubc.ca](mailto:pegacom@interchange.ubc.ca), if you would like to RSVP and if you have any further questions.

**SEE YOU THERE!**



# Year One Under New Management

Jim Johnson  
Chair, Okanagan Faculty Committee

Let's be honest. It's been one year since UBC's takeover of OUC and things are still a muddle. But then, given the circumstances surrounding the takeover, that's not surprising. Because, and let's get this out of the way right up front, this was a bad idea. UBC taking over OUC's university operations was a very bad public policy decision. It would have made much more sense to let OUC continue as a free-standing autonomous university and just fix the problems caused by its university-college designation and its legislative mandate as the Board of Governors, the administration, the student society, the faculty association, and community groups had all been proposing. But this was a political decision, and there's no going back now.

The story that went with the decision was this: we were going to be properly funded, and we were going to grow. UBCO was going to be bigger, better, and more cost efficient than OUC could ever have been, had the Government acceded to the Board of Governors proposal.

Well, "better" is a value judgement. It is not a self-evident truth that an auxiliary campus of a huge distant research university is a better thing to have in a community, or a better place to work, or a better place to get an education than a small, independent, teaching university. I

have an opinion on the matter, and not everyone here agrees with me. Fair enough. However, many of us who worked at OUC valued the university that we built, and regret the lost opportunity to build it into something even better. For us, UBC's unwillingness or inability to respect and honour the contributions and accomplishments of those who worked here before 2005 has left some bitterness. This unfortunate legacy of the takeover is something that new President Stephen Toope and new Deputy Vice-Chancellor Doug Ooram have inherited, and it's something I expect them to address in a positive way.

Other than that, how's it going? Well, we're not bigger yet, and although we will be in time, the government's projections for growth now seem overly optimistic. Readers need to understand: the university wasn't just brought under new management. It was significantly downsized. OUC had 280 funded tenured and tenure track faculty positions in Arts, Science, Nursing, Fine Arts, Education and Social Work at the time of the takeover (including academic administrators). However, only 195 faculty members and academic administrators actually remained with the university at the time of the transition. The rest either took positions at the new community college, retired, or were laid-off.

Rebuilding has been slow. In the first year (2005/2006) we hired fewer than 20 new faculty members, and lost eight to resignation. Getting approval for new positions has been very difficult. I believe only 25 new faculty members were hired for 2006/2007. We are still a much smaller university than we used to be, at least in terms of tenured and tenure-track faculty. Initial projections were that we would double in size by 2010. In terms of faculty, I don't see how that's going to happen. On the upside, although we haven't hired a lot of people, the people we have hired are pretty impressive.

On the enrolment side year one was a complete bust in terms of the government "target." But that target was simply unrealistic to begin with and there was never any chance we would achieve it. As far as I can tell student recruiting has actually gone pretty well. This September has certainly brought a flood of new first year students.

On the research side, it's been a mixed bag. Teaching loads are much higher here than they are in Vancouver. In some departments teaching loads are much higher than they were at OUC! The service load is huge. We don't really have the same amount of time to devote to research as faculty in Vancouver do. On the other hand, UBC is a research university,

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# 65 Is An Age, Not An Expiry Date

Robert Cliff  
Executive Director, CUFA/BC

On your 65<sup>th</sup> birthday, it is legal in British Columbia for your employer to reduce your wages, to remove your seniority, to cut your vacation time and even fire you, provided they are doing so only because of your age. This is the perverse logic of the BC *Human Rights Code* which, on your 65<sup>th</sup> birthday, renders you as much protection from age discrimination in employment as someone under age 19—namely none.

On June 26<sup>th</sup>, the Confederation of University Faculty Associations of British Columbia (CUFA/BC) launched a campaign to urge the provincial government to change the *Human Rights Code* to make mandatory retirement, and other employment discrimination based on old age, illegal in BC.

There is no dispute that mandatory retirement constitutes age discrimination. In 1990, the Justices of the Supreme Court of Canada unanimously agreed this was the case. What is in dispute is whether this limitation of individual human rights is justifiable in pursuit of a larger social purpose.

There are many arguments made to support mandatory retirement, but there are two that come up repeatedly:

- mandatory retirement creates job vacancies so that young people can enter the workforce, and
- mandatory retirement makes it possible to have

reasonable pension plans. Although mandatory retirement may have been necessary at one time to create job vacancies, Statistics Canada is projecting that over the next 20 years more people will leave the workforce than there will be new workers to fill the vacant positions. Rather than a shortage of jobs, we will have a shortage of workers. Mandatory retirement needlessly exacerbates the problem of ensuring we have the workers necessary to sustain economic growth.

The labour movement worries that if mandatory retirement is made illegal, employers will use this as the opportunity to rewrite the old wage and benefit models to focus more on immediate economic returns than the long-term commitment to employees. They fear that as a consequence, pension contributions will drop and/or the age for pension eligibility will rise, thus requiring workers to work longer in order to secure reasonable retirement income.

Defined benefit pension plans (which constitute about 80% of registered plans) operate on assumptions about the age of retirement and how long someone will live after they retire. The real problem is that as life expectancy continues to rise, more people receive benefits longer. This places severe financial strains on pension plans.

In Japan, mandatory retirement is alive and well but the minimum pensionable age for the public pension plan is rising because of these demographic pressures. If anything, getting rid of mandatory retirement will relieve pressure on pension plans because some people will delay receiving their pension benefits.

In any event, only about 40% of workers in British Columbia are covered by a registered pension plan (2002 data)—a proportion that dropped from about 45% a decade earlier. Thus, mandatory retirement as the *quid pro quo* for pensions applies to a minority of workers—a significant minority, but a minority nonetheless. This means that the issue of income security for retirees is about much more than just registered pension plans.

This is particularly the case for women and adult immigrants. Typically, these people do not have as much opportunity to accumulate pension contributions because of interrupted or shorter working lives in Canada (if they can get a job with a pension plan in the first place). Thus, forcing them to retire at age 65 typically results in lower pension income than that of male Canadian workers, or it forces them to stay in the workforce without the protections enjoyed by workers under age 65.

Mandatory retirement has

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outlived its usefulness. It's time to stop perpetuating stereotypes about age that we would not accept if we were talking about race, sex or disability. Everyone deserves to be evaluated on their ability, not their age.

This is why CUFA/BC launched the “65 Is An Age, Not An Expiry Date” campaign. By revealing the stereotypes that underlie mandatory retirement, by exposing the contradictions in the justifications for mandatory retirement, and by encouraging an honest examination of facts rather than an

unquestioning belief in tradition, we believe that the government will see fit to change this unjust law.

Details of CUFA/BC's campaign are available on the web at [www.AbilityNotAge.ca](http://www.AbilityNotAge.ca). On this site you will find analysis, commentary and news that further expands on the matters raised in this short article.

If you share CUFA/BC's position that it's time to retire mandatory retirement, use the “E-Mail Your MLA” function at the website to share your views with your Member of the Legislative

Assembly (MLA). It's time to follow the example set by Quebec, Manitoba, Ontario and the other provinces and territories that have eliminated mandatory retirement.

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and it has the expertise and human resources to support research in a way OUC never did. New faculty at UBCO have access to start-up funds that simply weren't available at OUC. No question, some members have found UBCO to be a more productive environment for research. Unfortunately, that's not been true for everybody. The start-up funds were not made available to those who were hired prior to 2005, and in terms of on-going funding, UBC actually provides less support than did OUC.

In terms of operations, there's no money. We're skint. We have no money for anything. In year one, departmental budgets were almost nonexistent. For year two we're being told by our Dean to prepare for a 20% budget cut. Where did the money go? How is it possible that after only one year UBCO seems to be in worse financial shape than OUC? The answer is almost certainly that the

government simply hasn't provided anywhere near enough money to cover the real costs involved. This needs to be addressed, urgently.

And we have labour relations problems. We have big time labour relations problems, partly because of teaching load problems, partly because of the clash of cultures and partly because of unmet expectations. However, the biggest problem is that a university's Collective Agreement doesn't exist in isolation. It exists within the context of the university's traditions, past practices, departmental policies, and culture. We inherited the Collective Agreement, but none of the context. Nobody here, not the Deans, not the Heads, not me, fully understands how to make a Collective Agreement that was designed for Vancouver work in this completely different environment.

Despite the problems, most members don't seem discouraged.

Frustrated and irritated, sure. But not really discouraged. People continue to build the institution, continue to contribute to their disciplines, and continue to care about the quality of education they provide.

In summary, year one was a mess, but how good could it possibly have been? I mean, it's not like any advance planning was done. The real question is, what will the next five years be like? The answer depends very largely on Dr. Doug Ooram. On September 13, the Association met with Dr. Ooram and had a very good, open discussion of some of the problems we all face. I was a lot more impressed than I expected to be. I believe he is genuinely committed to improving communications and transparency and to working cooperatively with the Association to improve labour relations. I think there's reason to be optimistic for the future.





# Campus 2020 – Looking into the Crystal Ball

Chris Petter  
President, CUFA/BC

**W**hat will BC post-secondary education look like in the year 2020? What should it look like? These are the big questions posed by Campus 2020, a government consultation taking place this fall designed to set out a roadmap for the development of post-secondary education in BC over the next two decades.

Former BC Attorney General Geoff Plant is heading up the Campus 2020 team. He is assisted by an international advisory group comprised of Harold Shapiro, former President of Princeton University, Graham Smith, a noted Maori educator and academic, and Sara Diamond, President of the Ontario College of Art and Design.

Mr. Plant and his team will be traveling the province to meet with stakeholders, interest groups and the general public. They will be looking for suggestions on how to build upon the success of our post-secondary education system to ensure it remains accessible and relevant to the next generation of British Columbians.

The Confederation of University Faculty Associations of BC (CUFA/BC) has embraced this project and will release a series of documents to stimulate discussion on the key issues.

The first discussion paper (*A Road Well Travelled*) was released in late August and is an overview of the concepts often employed in

these types of planning exercises. The paper identifies key concepts, how these concepts have been used and misused, and suggests ways to approach the Campus 2020 planning exercise to make it more robust and relevant.

CUFA/BC also plans to release discussion papers on access to post-secondary education, graduate education and the research mandate

**The Campus  
2020 final report  
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colleges.**

of universities, and the effect of technology on the future of post-secondary education.

These types of government initiatives always give rise to the cynical question “is it really going to make any difference?” CUFA/BC thinks it will. Premier Gordon Campbell has put his full support behind this project, and Mr. Plant is a longtime friend and confidante

of the Premier. This suggests that the Campus 2020 final report could be as significant as the 1965 Macdonald Report, which led to the creation of the community colleges.

This is an opportunity the post-secondary sector can't afford to lose. After 30 years of declining per student operating grants (after accounting for inflation), government funding has finally stabilized and there appears to be support for renewed investment. This investment is unlikely to occur, however, unless we can demonstrate clearly that new funding will be used to meet the priorities of British Columbians. CUFA/BC thinks we can do this.

More information about Campus 2020 can be found on the official website at [www.aved.gov.bc.ca/campus2020](http://www.aved.gov.bc.ca/campus2020), and on the CUFA/BC website at [www.cufa.bc.ca/campus2020](http://www.cufa.bc.ca/campus2020).



# Salary Increases Effective July 1, 2006\*

Fund	Eligibility	Amount Available	Distribution
General Increase	All members	2%	Split between flat amount of \$962 & 1% of salary
Occupational Market Increase	All members	0.68% of salary	
Career Progress Increment	Continuing members of the bargaining unit (not Sessional Lecturers)	A sum equal to 1.25% of 2005/2006 salary pool	In units of 0, 0.5, 1, 1.5 or 2; amount per unit for 2006/2007 is \$1,296
Merit	Continuing members of the bargaining unit (not Sessional Lecturers)	A sum equal to .75% of 2005/2006 salary pool	In units of 1, 1.5, 2, 2.5 or 3; amount per unit same as CPI unit
PSA	Continuing members of the bargaining unit (not Sessional Lecturers)	A sum equal to 0.5% of 2005/2006 salary pool	In units of 1, 1.5, 2, 2.5 or 3; amount per unit same as CPI unit
Retention	Continuing members of the bargaining unit (not Sessional Lecturers)	\$3.2 million over four years (applied any time over the four year agreement)	University Senior Administration
Signing Bonus	All members	\$3,255	Paid out already, if not contact FA
Productivity Bonus (from last agreement)	All members	1%	One-time bonus payment
Market Money	Sauder School of Business, Nursing & Library	<i>details in Collective Agreement</i>	

\* Salary increases should have been on paycheques mid-September - if not, contact the FA office.

## Minimum Salary Scales

### SESSIONAL LECTURERS

Effective July 1, 2006

Step	Credits per term for full-time			
	6	9	12	15
1	\$2,665	\$1,776	\$1,331	\$1,065
2	\$2,697	\$1,798	\$1,349	\$1,078
3	\$2,731	\$1,822	\$1,367	\$1,094
4	\$2,766	\$1,843	\$1,382	\$1,106
5	\$2,799	\$1,866	\$1,400	\$1,120
6	\$2,833	\$1,888	\$1,417	\$1,132
7	\$2,865	\$1,910	\$1,433	\$1,147
8	\$2,899	\$1,932	\$1,449	\$1,160

### LIBRARIANS

Effective July 1, 2006

Years of Experience	Minimum Salaries	Years of Experience	Minimum Salaries
0	\$50,839	11	\$67,373
1	\$52,906	12	\$68,406
2	\$54,972	13	\$69,439
3	\$56,523	14	\$70,473
4	\$58,072	15	\$70,991
5	\$59,623	16	\$71,506
6	\$61,173	17	\$72,024
7	\$62,723	18	\$72,539
8	\$64,273	19	\$73,057
9	\$65,306	20	\$73,574
10	\$66,340		

NOTE: On July 1<sup>st</sup> of each year of the agreement, the minimum salary scales for Sessional Faculty, including DET Sessional Faculty, and General Librarians will be increased by the general salary and occupational market increases for that year.



## Something to Hide?

### UBC, SFU & UVIC Want Secrecy Instead of Freedom of Information

Stephen Petrina,  
Member-at-Large

In the March 30 – April 6, 2006 issue, *The Georgia Straight's* Editor, Charlie Smith, broke a story about the three major universities of British Columbia's collusion in defending corporate secrecy on campus. On 21 November 2005, UBC and UVIC submitted a statement to BC's Information and Privacy Commissioner in support of SFU's decision to withhold public documents from a request made by York University Professor David Noble.

Noble requested records of SF Univentures Corporation, a subsidiary wholly owned and managed by SFU. Noble has been an outspoken critic of the corporatization of higher education and staunch defender of academic freedom and faculty governance. In 2001, he was denied an appointment to SFU's J.S. Woodsworth Chair in the Humanities. A series of alarming, if not pathetic, violations of academic freedom and interventions into the hiring process by the Dean of Arts, Dean of Applied Science, VP Academic and President of SFU led to the denial of appointment. This was despite an overwhelmingly supportive recommendation by the search committee and Department of Humanities (see CAUT's report on Noble's case). Noble submitted a FOI request for records pertaining to SF Univentures to further his

research into corporatization and for insight into SFU's resistance to his appointment to the J.S. Woodsworth Chair, a resistance concluding that Noble's scholarship threatens corporate relations and power within SFU. SFU blocked the request for records, claiming that SF Univentures was off limits to public scrutiny and, as a private corporation, outside of BC's *Freedom of Information and Privacy Protection Act* (FIPPA). Noble won a similar case, where, as of

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*(Novakowski, 2005, p. 11)*

10 June 2006, Ontario universities are required to comply with the provincial FIPPA (Noble, 2005). BC's Information and Privacy Commissioner will soon rule on Noble's appeal.

UBC's and SFU's position on public knowledge and the purpose of the university confirm fears that critics, such as Noble, have expressed for some time. Pure and simple, the university is now a "service provider" for private

interests (Novakowski, 2005, p. 11). Ultra-capitalistic real-estate development via UBC Properties Trust notwithstanding, the university has now redefined its mission as one of "providing services" to the private sector (p. 14). Within this mission, the release of public records, whether for public accountability or democratic governance, compromises proprietary interests.

Nonetheless, simply redefining the mission of the university does not automatically create an exception to the FIPPA. In this case, transforming public records into private records to avoid the FIPPA and accountability requires a fabrication or sleight of hand. Here, the universities created subsidiaries that effectively double as public and private, depending on the circumstance. SFU does this with SF Univentures, UBC with UBC Research Enterprises Inc. and UVIC with its Innovation and Development Corporation. The universities argue that records change from public to private as they move from one aspect of the institution to another. Hence, what we have access to at UBC we do not have access to at UBC Research Enterprises (UBCRE). The same would be true of UBC Properties Trust, which generated a whopping \$163.3 million in

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## "FOI"

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expenses in the 2005 fiscal year. If the universities get their way, records related to UBC's largest expense and frenzied development are off limits to public scrutiny. UBC Research Enterprises was created in the mid 1990s as a parent holding company for UBC's commercialization efforts. As it's described by UBC's University-Industry Liaison Office (UILO):

*UBC Research Enterprises is a wholly owned subsidiary of UBC that serves to encourage, promote and assemble resources for the commercialization of inventions and the new ventures they may inspire. It promotes the creation, testing, development, production and commercialization of intellectual property owned by the University. The University directs the Company's activities, and, when necessary, provides research grants and other financial assistance.*

Either on the surface or fundamentally, there is nothing that distinguishes UBC Research Enterprises from UBC. The Managing Director of UBC's UILO, Angus Livingstone, is the President of UBC Research Enterprises. Given the submission to BC's Information and Privacy Commissioner, UBC is now "both a public body and private sector entity" (p. 11). As UBC and SFU indicated in their submission articulated by Counsel Lorene Novakowski:

*we say that the Commissioner has to look at the broader policy of whether or not the university is providing services to the public, under its mandate under the University Act. The Commissioner also has to consider the broader purposive approach of custody or control, as to*

*whether or not a finding that the information in question was under custody or control of the university, would further the purpose of fostering democracy through transparent and accountable government.*

*We say, using this example, that the public sector is not embarking on the typical public sector activity of providing services to the public. Rather, it is acting as a service provide under contract to a private sector entity and in that circumstance, unless the contractual or statutory control clearly establishes that control must be with the university, the presumption must be in favour of the public body not having control. Rather, the presumption must be that with the public body as a service provider, it is the private sector which has custody or control of the records. (Novakowski, 2005, pp. 12-13)*

The reasoning provided situates UBC in a competitive economic environment where the free circulation of knowledge and academic freedom are suspect (see Petrina & Weir, 2005). Here, proprietary interests and the protection of assets or investments rule over the public good and the challenge of "fostering democracy through transparent and accountable government." UBC and SFU argued that making SF Univentures, UBC Research Enterprises, and UVIC's Innovation and Development Corporation accountable to the FIPPA will

*harm the competitive position of the universities vis-à-vis their competitors in the private sector. . . . The technology industry has been the subject of dedicated funding and growth, not just from universities but from many sectors of government and the private sector, with the B.C. Government being committed*

*to make B.C. a world-class destination for technology companies. The achievement of that future would be defeated by allowing members of the public to access the proprietary knowledge being developed by the spin-off companies allowing disclosure of proprietary confidential information and, potentially, creating a culture of silence in what would otherwise be a thriving industry. (Novakowski, 2005, p. 13)*

Not coincidentally, these requests to limit FOI are buttressed by the BC Provincial Government's Bill 23 ("Public Inquiry Act"), introduced in the Legislature in late April. Section 21 of the Public Inquiry Act underwrites precisely the type of enterprise found in SF Univentures, UBC Research Enterprises, and UVIC's Innovation and Development Corporation. The section includes a "joint solution project" designation, where according to the BC Freedom of Information and Privacy Association, "a veil of secrecy can be drawn across the commercial, financial, labour relations, scientific and technical information of the project." Progress on Bill 23 was deferred until the Legislature meets in the fall.

Of course, this logic of capital, excessive secrecy and competitive edge contradicts the free circulation of knowledge in a public university and undermines academic freedom, a right and privilege that most faculty and students continue to cherish and defend. It is the same logic that moves more and more of UBC's R&D into the private sector, entangles more and more faculty in a web of

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See "FOI"

# Contingency & the Academy: COCAL VII Conference



Tiffany Potter  
Conference Coordinator

In August, the UBC Faculty Association was one of the hosts of the biannual conference of The Coalition of Contingent Academic Labour. COCAL is a tri-national floating conference and a network of North American activists working to improve higher education through collective achievement of job security, livable wages, academic freedom and time and resources for academic research and professional development for contingent academic workers. COCAL promotes grassroots contingent faculty organizing through events like Campus Equity Week but is not affiliated with any single union.

The 2006 conference was organized by representatives from UBC's Faculty Association, SFU's TSSU, and FPSE. There were over 200 registrants, divided nearly equally between American and Canadian delegates, with three delegates from Mexico, whose travel was subsidized by the Conference. All three major US academic unions sent large delegations (AFT, AAUP, NEA), but most delegates were from individual institutions, smaller unions, and faculty associations.

The theme of the conference was "The Next Five Years," with three focal points: the casualization and globalization of labour; issues of contingency and academic freedom; and organizing strategies, from the local to the global. Over three days of workshops and panels, the participants traded ideas about

organizing strategies, legislative efforts, and threats to academic freedom for contingent faculty.

BC Federation of Labour president Jim Sinclair gave the opening address, noting the growing importance of solidarity in conservative times. This was followed by a plenary session on "The State of the Nation" with overviews on issues in academic labour in Canada, Mexico, and

**"We no longer  
have contracts  
for full time or  
part time. We  
only have contracts  
for hours."**

*- Maria Teresa Lechuga, UNAM*

the United States. In Canada and in the United States, the delegates reported, the challenges are much the same: decreases in public spending on higher education have led simultaneously to tuition increases for students and the erosion of tenure protections for professors. Although all professors once performed a mix of research, teaching, and service duties, those roles have been progressively "unbundled," creating a two-tiered professoriate, said Greg Allain, president of the CAUT. More and more, he said, tenure is the preserve of the elite research professor. For

everyone else, short-term contracts are the rule, because of administrators who place a high priority on "flexibility." Allain noted that the CAUT has started arguing for a "pro rata" model of employment for adjuncts, in which an adjunct's pay and benefits, as well as his or her research and governance responsibilities, would be directly proportional to the adjunct's share of a full-timer's load.

Raul Gatica, ex-Sindicato Nacional de Trabajadores de la Education, painted a stark picture of poverty, substandard housing, and deprivation in too many parts of Mexico. But as much as these communities need food, water, and medicine, they also need education: the tools of the trade for improving their lives. His concerns focus on a movement for workers to take control of their lives through organizing. Gatica's reminders of the efficacy of social activism and civic commitment remind us how far we have come and how much work remains.

What North Americans termed "corporatization" was termed "neoliberalism" by the Mexican delegates. Maria Teresa Lechuga, a contract professor at the National Autonomous University of Mexico, said that she began her academic career after getting a graduate degree in educational sciences. But her teaching responsibilities expanded quickly. "They asked me if I knew anything about

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*See "COCAL"*

*“COCAL”**...continued from page 12*

art or linguistics,” she said through a translator. “I said yes, and I got the job.” Five years into her career, she was teaching math, art, history, and Italian, just to make ends meet. “We no longer have contracts for full time or part time,” she said. “We only have contracts for hours.” She suggested that her situation -- which has her teaching a grab bag of liberal-arts courses with few qualifications and low pay -- is the result of a system that places little value on the “humanist project” of education. Instead, she said, the system cares most about producing a reliable and controllable work force.

Saturday morning focused upon issues and ideas in organ-

izing, with a plenary session and several workshops, while the afternoon addressed the problem of “Universalizing Casualization: The Academy and Beyond,” again with a mix of plenary and workshop sessions.

The final day was devoted to a raucous and illuminating discussion of “Global and Local Threats Against Academic Freedom.” Keith Hoeller made the point that key to academic freedom is tenure, but since contingent faculty don’t have tenure, they don’t have academic freedom, ultimately putting both these individuals and the entire system of tenure and academic freedom at risk.

Conference events included

a walking tour of Vancouver’s labour history, a reception at the UBC Museum of Anthropology, a banquet at Storyeum, and Japanese lunch at Koji.

Full program available at [www.caut.ca/cocal](http://www.caut.ca/cocal).

Tiffany Potter, Conference Coordinator

Brian Green, UBCFA

Deena Rubuliak, SFU TSSU

Karen Needham, UBCFA

Weldon Cowan, FPSE

Petra Ganzenmueller, UBCFA



(left to right) Joe Berry, University of Illinois & Roosevelt University; Maria-Teresa Lechuga, National Autonomous University of Mexico; Cindy Olver, Federation of Post-Secondary Educators of BC; Michael Piva, Canadian Association of University Teachers; & Marie Blais, Federation Nationale des Enseignants du Quebec

# Quarter Century Club

## 11<sup>th</sup> Annual Dinner, October 4, 2006

Neil Guppy

President, Quarter Century Club

The 11<sup>th</sup> annual Quarter Century Club dinner recognizing those who have served as full-time faculty members at the University of British Columbia for 25 years will be held Wednesday, October 4th at the Sage Bistro. Simultaneously, 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](http://www.ceremonies.ubc.ca/qcc).

At the dinner, Professor Stephen Toope, President of the University of British Columbia, will present new inductees with a gold pin or pendant in recognition of their many contributions to UBC. Quarter Century Club (QCC) 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 fourth consecutive year, those with 35 years of service will be presented with a 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 the Professoriate, Librarian, Instructor, or 12-month Lecturer for 25 or 35 accumulated years. Please visit the QCC website (URL above) for more detailed information on membership criteria, dinner details, Club history and contact information.

The dinner on October 4th will be held at the Sage Bistro in the Leon and Thea Koerner University Centre. The reception begins at 6:00 p.m. and dinner will commence at 6:30 p.m. The cost of the dinner is free for new 25 and 35 year members, and is \$35.00 for others who can join us for this celebration. The Ceremonies Office will be sending invitations to all eligible members. Space is limited so those wishing to attend to should respond to the invitation as soon as possible, but no later than Wednesday, September 27.

I'm looking forward to seeing everyone again at this year's dinner!

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“FOI”

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corporate mistrust and loyalties, and generates more and more paranoia within universities that certain forms of scholarship and certain scholars threaten business as usual. Freedom of information and the protection of privacy have

always been about accountability. This crass appeal to withhold public records from research and scrutiny is coincidental with the largest effort in US history to classify and re-classify public records and with a disquieting predilection of the

Canadian government for secrecy (Adams & Ryder, 2001). It is no surprise then, that the corporate university has seemingly found a way to finesse the law and make a mockery of public knowledge.

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\*For copies of the UBC & SFU submission, please contact the UBC Faculty Association.

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# Interlock's New Service: Web-based Health & Wellness Tools

The UBC Joint EFAP Committee is pleased to introduce web-based health and wellness tools to UBC faculty and staff and their immediate family members, effective September 1, 2006. This new web-based service, called LifeHub™, is available from our EFAP provider Interlock as part of their enhanced service offering. Your use of this service and all Interlock services are strictly confidential, anonymous, and completely voluntary.

LifeHub™ web-based services is organized around ten main content categories that will assist faculty and staff and their immediate family members to take charge of their health and wellness at home and work. The ten categories are: Stress; Health & Fitness; Parenting; Relationships; Career Skills; Leadership; Performance; Emotional Health; Personal Finance; Elder Care.

Within the ten categories, you will find a variety of information, including:

- Current health information from the National Institute of Health (NIH) and Canadian Health Network (CHN) that is reviewed by a panel of experts;
- Relevant articles providing information on a range of topics in a specific area;
- Interactive assessment tools that will allow you to evaluate your health and lifestyle habits and identify areas of risk;
- Interactive learning/training and worksheets for both professional and personal development;
- Ask-the-Expert, a feature that allows you to ask a question and receive a response within one working day (most cases) by an expert in a specific area;
- Answers to frequently asked questions, quick tips, checklists, calculators, provider search engines and other recommended resources such as websites and books.

Other features of this service include: LifeHub™ newsletter; link to MEDLINEplus search engine (where users can research a specific disease, medication, medical test or procedure); and Interlock information for managers and supervisors (handbooks for depression, substance abuse and referral training). To access LifeHub™ for the first time, visit [www.lifehub.com](http://www.lifehub.com).

Your privacy is very important to LifeHub™, a service of AlignMark, Inc. Your work/life issues are very personal and private and any information you share while utilizing the services of LifeHub™ will be protected. For questions or concerns, or to request a copy of Alignmark's privacy policy, contact LifeHub™ directly at [cservice@alignmark.com](mailto:cservice@alignmark.com).

Please note that LifeHub™ is for informational purposes only and the information available should not be considered complete and should not be used in place of a visit, call, consultation or advice of your physician or other health care provider.

Should you have any questions about LifeHub™ services, please contact your employment group representative from the UBC Joint EFAP Committee available by visiting [http://www.hr.ubc.ca/benefits/employment\\_group/](http://www.hr.ubc.ca/benefits/employment_group/) (select your employment group from the right, then click on Employee and Family Assistance Program - also to your right).

If you are experiencing difficulties logging in to the site or other technical difficulties, please contact a LifeHub™ Customer Service Representative at 1.800.682.4587 extension 3557 between 5am - 3pm, PST.



**Special Guests:**

- Dr. Greg Allain, President, CAUT
- Dr. James Turk, Executive Director, CAUT

**Agenda:**

1. Notice of Motion: THAT Loewen Stronach & Co. be reappointed as auditors for the Faculty Association
2. \*Notice of Motion: THAT the Chairs of the Faculty Association Standing Committees be elected.
3. Official CAUT Presentation of **\$100,000 cheque** to Brenda Peterson, President, UBC Faculty Association
4. Panel Discussion
  - Teaching Ghettos: Restructuring the Professoriate?
5. Other Business
6. Adjournment

\*Constitutional Amendment requires a quorum of 70 & must be passed by at least 75% of the votes cast. Please visit [www.facultyassociation.ubc.ca](http://www.facultyassociation.ubc.ca) to view the Association's current Constitution & ByLaws.

# Fall General Meeting

**October 11, 2006  
at 1:00pm**

UBC Vancouver Campus  
ITServices/ Telestudios, Room 112  
2329 West Mall

UBC Okanagan Campus  
LIB 317

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