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The Faculty Association Network
Elizabeth Hodgson, President

I was once on traffic-duty at my children’s elementary school and watched another traffic-parent lean back casually against the hood of a mini-van which appeared intent on creeping through a stop-sign ahead of a wobbly tricycle. We marvelled afterward about the nerve of the driver, and we speculated about whether we should be issued some tools for the job: baseball-bats? Paint-guns? We agreed our standard response to the enraged drivers would be (in our best kindergarten teacher’s voice), “Oh, it’s not you; it’s your behaviour.” So in that spirit, let me tell you some of the “behaviours” I’ve seen in the past month:

UBC Vancouver’s Faculty Relations office has refused to accept that deans can’t covertly tape meetings and use those recordings to discipline faculty. (At UBCO they agreed that meetings could only be recorded to make minutes, with everyone’s full knowledge and approval).

A colleague was subjected to an extensive investigation by UBC because the parents of a PhD student complained that the questions asked at the PhD oral exam were “mean.”

UBC has taken a faculty lecturer position and reclassified it so that the person who’s done it faithfully and expertly for 20 years will now be either fired or making $20,000 less a year.

I hope you are angry by now; it’s hard not to be. In fact, it’s one of the challenges of working at the Faculty Association to keep building constructive bridges to the senior administration and resisting either rage or growing cynicism in the face of daily stories like these.

The trick we find is to channel that anger into positive, constructive action. How can we bargain for helpful protections around surveillance and investigations? How can we collaborate with other unions on campus to protect against “constructive dismissal through recategorization”? How can we understand the fears and concerns which underly administrative choices and craft effective responses?

I also like the preventive approach. What can we do to decrease the toxicity within a department so that we don’t have so many problems emerging there? What training can we give to heads and directors so that they can straighten things out early? This is where making friends and allies of the administration is easiest, and we do as much of this as we can. There are lots of places on campus where administrators...
do a great job of consulting, accommodating, solving problems, and we love pursuing chances to encourage those best practices. It’s not that we LIKE swinging a baseball bat!

Because, really, anger against the wilful driver or the heartless administrator is really concern for the kid on the tricycle or the colleague being spied on, and if the Association ever loses that concern, you have the right to be angry at us. We can’t always rescue; sometimes bad things happen to good people and we can’t, within the limits of the law, prevent them. Sometimes our colleagues bring or make their own trouble, and while we try to protect them, we can’t always immunize them. But if we stop caring, then we’re in trouble.

It’s been an honour to care on your behalf for the past two years. It’s been an even greater honour to observe the professional dedication and concern exhibited by our staff: Murray, Deena, Ranjit, Michelle, Nancy, Brian and now Jeff. And it’s been a real privilege to learn from my colleagues who serve on the Executive, our four committees, and the negotiating team and who seem to me above all to be mindful of the concern you have entrusted to them. I know the Association, and all of us, are in very good hands.

There are days when I can include the senior administration in that list as well. The Vancouver provost recently suggested that UBC could really do policy-development better, with more input and more transparency. The administration is working with us on remedies and solutions to the gendered salary inequities we’ve together found. The President has made child-care spaces a real priority. The Okanagan provost has worked with us on a mentoring program for UBCO faculty which is being met with enthusiasm on both campuses. I’ll leave my post as FA President at the end of June with some hope that the behaviours which concern us can really change. Maybe that’s the upside of anger.

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**PROFESSIONAL DEVELOPMENT FUNDS FOR FACULTY**

**UBC’s Vision Statement says:** “As one of the world’s leading universities, The University of British Columbia creates an exceptional learning environment that fosters global citizenship, advances a civil and sustainable society, and supports outstanding research to serve the people of British Columbia, Canada and the world.”

It was in the context of evaluating what it means to be a “leading university” that led the Faculty Association bargaining team to examine the levels of professional development funds at some of the other universities in the province as well as some of our comparator schools across the country. The level of support that UBC provides its faculty in terms of professional development funds is woefully inadequate, by almost any comparator one chooses. The next closest school (Royal Roads University) provides more than twice as much in professional development funds to its faculty. Simon Fraser provides almost four times the amount that UBC does.

To be one of the world’s leading universities, UBC might consider trying to match the professional development funds that competing schools provide their faculty members.

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<td><strong>University of BC</strong></td>
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Nancy Langton, Chair, Bargaining Preparation Committee

The Faculty Association and the University met almost twice weekly during most of March and April to talk through the meat of their bargaining proposals, which can be found at www.facultyassociation.ubc.ca/proposals-fa.php for the FA and at www.facultyassociation.ubc.ca/proposals-university.php for the University. At the end of April, the University offered its first settlement offer, which we describe on our blog (www.facultyassociation.ubc.ca/bargainingblog.php#B4). We are continuing bargaining in June.

We were not impressed with the University’s first settlement offer, as it failed to address any of the concerns that we have raised in this round of bargaining. Specifically, we have set major objectives for this round of bargaining:

• more transparency and accountability as it relates to merit and psa, tenure and promotion, how investigations are conducted, and privacy;
• a more equitable (and transparent) distribution of workload responsibilities;
• a career path for long-serving sessional lecturers as well as a uniform minimum pay scale;
• language regarding responsibilities for heads that emphasizes the collegial nature of decision making that faculty expect at the university;
• an acknowledgement that faculty at UBCO face some specific challenges that impact on tenure and promotion; and,
• some improvement to salaries and benefits, including an increase to professional development funds, which, as noted on page 3, are woefully inadequate compared to other universities in the province and across the country.

We will continue to stress at the bargaining table that these issues are important to our members, and that we expect a more respectful response (refer to UBC’s Respectful Environment Statement [www.hr.ubc.ca/files/pdf/UBC_RES_PDF_2008.pdf] for context) to our issues than that provided by the university’s first settlement offer which failed to address any of our members issues. In order to keep you informed, we have written a series of blog posts outlining in more detail some of the things we have proposed to the university.

Please be sure to visit the blog (www.facultyassociation.ubc.ca/bargainingblog.php) at least once a week to read our updates on bargaining.

Since February, the Faculty Association & UBC bargaining teams have met 14 times as of June 10.
Lara Boyd, Medicine and Antony Hodgson, Applied Science

“Indirect costs of research” are the real overhead costs to a university of research, ranging from heating to financial administration. In a new policy instituted two years ago, http://www.research.ubc.ca/ICR.aspx#29, UBC has started charging most non-tricouncil research grants and contracts a 25% overhead rate. While the principle of collecting overhead funds is perfectly reasonable, some of the implementation details have created problems for a number of us who do externally-funded research.

UBC is of course not alone in assessing an overhead rate on its grants; many US universities routinely charge granting agencies rates as much as 60%. These monies can obviously enable institutions to invest in research infrastructure in a big way (software site licenses, IT support, etc). However, as UBC moves to collect more overhead money it also needs to be accountable for how these funds are collected, dispersed, and privileged.

For example, clinical trials carried out on Health Authority sites direct 80% of their overhead back to the Health Authority, even if a UBC department has supported the project with staffing and administration. If overheads become an important source of revenue for Canadian universities, something as simple as research location may have significant financial implications and may therefore be a point of pressure or contention for researchers.

UBC’s new policy affects how much money faculty can bring in from external partners (particularly industry) and how much academic freedom they have in the research they pursue with such funding. Consider the following example: a professor has convinced a company to invest $100k in their research and has used this funding to win an NSERC Collaborative Research and Development (CRD) award. The CRD program matches the company’s non-overhead contribution 2:1, so the professor now has $300k for their research. In addition, UBC receives 20% of the NSERC award for indirect costs of research ($40k). Under UBC’s new policy, though, the company is charged 25% overhead, so UBC claims $20k of the company’s $100k contribution, leaving the researcher with only $80k. Because NSERC won’t match the company’s overhead “tax,” the researcher gets short-changed again, netting only $240k for their research (dramatically down from $300k), while UBC ends up with a mere $12k more ($20k from the company plus $32k from NSERC). UBC and its researcher together receive only $292k under the new policy, well down from the original $340k.

In addition, UBC’s new policy now charges the same overhead rates to both grants and research contracts. With a grant, a researcher retains full control over the research, while with a contract the sponsoring company has much more influence over what the researcher is required to deliver and can negotiate explicit rights to any resulting intellectual property. If there is no difference in overhead rates, what incentive would a company have to sponsor a grant-in-aid rather than always insisting on a research contract? The independence of our research could well be the loser here.

While we appreciate what UBC may be wanting to achieve in its new overhead policy, it doesn’t seem to adequately address some key issues of concern to faculty members. We therefore encourage the Faculty Association to consult formally with its members on how we are being affected by this policy and to open discussions with the VP Research to improve the university’s approach to overhead charges.

If you have comments on this article, please email the Faculty Association at faculty@interchange.ubc.ca.
Murray Mollard, Executive Director

With strong support from the Canadian Association of University Teachers, the UBC Faculty Association is seeking leave to appeal to the Supreme Court of Canada the decision of the British Columbia Court of Appeal in Faculty Association of the University of British Columbia v. University of British Columbia.

The Faculty Association believes that the B.C. Court of Appeal decision, if left to stand, would seriously erode negotiated collective agreements and the ability of faculty associations throughout Canada to negotiate with universities over academic staff’s working conditions.

At issue in the Court of Appeal was whether an arbitrator had jurisdiction to hear the Faculty Association’s grievance about the Senate’s 2007 Policy on Student Evaluation of Teaching. Arbitrator David McPhillips decided that he did not have jurisdiction to review the policy on the basis that the University Act gave exclusive authority over academic governance to the Senate, authority that could not be overridden by a collective agreement. In the Arbitrator’s view, any conflict between the Collective Agreement and the Senate Policy should necessarily be resolved in favour of the Senate policy, based on the Senate’s “paramount authority.”

The Court of Appeal not only endorsed this approach, but went further and held that “the power over academic governance is in the Senate and the Board is not entitled to interfere with its policy-making role in that regard by the terms of a collective agreement, or otherwise.” What this means is that if the University has negotiated terms on academic matters during collective bargaining with the Faculty Association, these terms may be later ruled invalid by Senate Policy, even as those terms relate to working conditions.

The Faculty Association and CAUT believe that the Court of Appeal’s decision will result in university administrations avoiding or rewriting obligations and rights freely negotiated in collective agreements by creating new Senate policies. Moreover, university administrators may also play the Court’s decision as a trump card to refuse to bargain with faculty associations on matters that may be deemed “academic.”

In our view, the Court of Appeal fundamentally misunderstood the issue. This case was not about the jurisdictions of the Board and the Senate. The case was about collective bargaining rights, and whether the bicameral model of university governance excludes the rights of university employees under the Labour Relations Code to bargain collectively for terms of their employment as they relate to academic matters. On any reasonable interpretation, - consistent with the recognition that collective bargaining is constitutionally guaranteed under s. 2(d) of the Canadian Charter of Rights and Freedoms - it does not. The University as employer is bound by the terms of the Collective Agreement, including those which relate to matters within the jurisdiction of the Senate. Nothing in the University Act excludes academic matters from the subjects on which university employees can bargain collectively. The bicameral structure of the institution is a matter of internal governance that does not, and cannot, limit or exclude collective bargaining rights.

If leave to appeal is granted, this case would provide the Court with its first opportunity to consider collective bargaining rights in the university context. It would also provide the Court with an opportunity to pronounce on important principles of bicameralism and labour relations that would balance the competing interests within a university and promote effective university governance.
The Faculty Association is pleased to announce the creation of the Faculty Association Network (FAN). We're creating a network of faculty members in each unit at UBC that can facilitate the exchange of information between the Faculty Association and members and encourage member engagement with the Faculty Association.

With over 3,000 members spread throughout UBC’s several campuses, it can be a big challenge for the Faculty Association to remain connected to our members. Through hardcopy and electronic newsletters and bulletins, our website, surveys, member meetings, the Association distributes and collects important feedback. FAN will make this easier, so that you can talk with us, and hear from us, via your own colleagues. Our long-term goal is to ensure that we all know someone in our own or an adjacent discipline to whom we can turn for information and to whom we can all provide feedback for the Association. You can expect FAN reps to relay important information to you regarding bargaining, meetings, current issues, elections, etc. In turn, if you have questions or information you wish to pass on to the Faculty Association, your FAN rep can be your first point of contact. Note that members who need professional advice or assistance regarding individual workplace issues should still contact the Association, though a FAN rep may provide a sympathetic ear.

To become a FAN representative, contact Murray Mollard, FA Executive Director at murray.mollard@ubc.ca or 604.822.6126.

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<th>DEPARTMENT</th>
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2010-2011 EXECUTIVE COMMITTEE ELECTION RESULTS
The Faculty Association is pleased to welcome elected members: Treasurer: Michael Isaacson, Civil Engineering; Members-at-Large: Lara Boyd, Physical Therapy; Doris Doudet, Neurology; Neil Gross, Sociology; Mark MacLean, Mathematics.

Elected by Acclamation: President: Nancy Langton, Sauder School of Business; Vice President: Peter Nosco, Asian Studies; Secretary: Darrin Lehman, Psychology; Chair, Sessional Faculty Committee: Rick Gooding, Arts Studies in Research and Writing.

The new Executive Committee takes office as of July 1, 2010.

WELCOME TO JEFF JESSE
The UBC Faculty Association would like to welcome Jeff Jesse as the newest member of the FA staff. Jeff is a Member Services Officer and will be assisting members in all aspects of working life at UBC. He comes to the FA after spending the last five years at the United Nurses of Alberta as a labour relations officer. He has a Master of Industrial Relations degree from U of T and a law degree from the University of Alberta. Welcome, Jeff!

PROFESSIONAL DEVELOPMENT REIMBURSEMENT FUNDS
As spring turns into summer we would like to take this opportunity to remind members to be sure to use up their Professional Development Reimbursement funds. Each year eligible Faculty Association members (faculty, librarians, program directors, and sessional faculty with continuing status) are entitled to be reimbursed for $500 of professional development expenses. Although you can bank up to three years of PD funds, each June any unused allotment from outside of the three-year window drops from your banked funds. To find out how much PD Funds you have remaining, you can contact Financial Services at 604.822.2044 or pdr@finance.ubc.ca; forms to apply for PD Reimbursement can be found at the Faculty Relations website: www.hr.ubc.ca/faculty_relations/compensation/pdrfund.html.

BREAKFAST WITH PROFESSOR STEPHEN TOOPE
Throughout the year, UBC President and Vice-Chancellor, Professor Stephen J. Toope, hosts breakfast events for faculty, staff and students. These breakfasts are opportunities for discussion and conversation with your peers, the President and other university administration.

The Ceremonies Office is currently updating their records related to these breakfast events. As such, they are interested in expanding their list of interested faculty members who would like to attend a breakfast. If you are interested in being added to their list, please send the following details to ceremonies.office@ubc.ca: First and Last Name, Faculty, Department, Title, Email address and Telephone number.

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Faculty Focus accepts submissions from UBC Faculty Association members on issues of interest. Unless otherwise stated, the opinions expressed are those of the author(s) and not necessarily those of the Association or its Executive Committee.