



University of  
Prince Edward Island  
Faculty Association

## *Newsletter #9*

"A Great Small Faculty"

April 2005

### *REMINDERS!*

*AGM  
Wednesday, April 27  
2:00-3:30 pm  
KCI 104*

*Faculty Recognition Night  
Saturday, May 14  
7:00 pm  
Fox Meadow Golf Club*

*UPEIFA Executive  
Call for Nominations  
see below for more info*

## **1. State of the Union**

***President's Report***  
**by Wayne Peters**  
**UPEIFA President**

The 2004-2005 academic year is just about over. Did this past year fly by in the blink of an eye or what? With Convocation just around the corner, the year in office for your current Executive Committee is also just about finished. My overall assessment is that it has been an

extremely busy but very productive time for the Association.

I started my year as President suggesting that it would be an "*exciting and challenging time of transition*" for the Association. I can now confirm that this has indeed been the case! Our notable achievements include: new committees for Finance, Communications, and Awards and Scholarships; the establishment of our first Grievance Committee to defend our individual and collective rights; the one-year anniversary of the first agreement for Bargaining Unit #1

and the beginning of negotiations for its second agreement; and continuing for a first agreement for Bargaining Unit #2. Some of the following articles in this newsletter will detail the activities of these committees.

The overriding factor allowing these and many other activities to be accomplished has been the unparalleled level of commitment and enthusiasm demonstrated by the Membership in support of our Association. This support starts with the Executive Committee but clearly does not end with it. Currently, about a quarter of our Membership participates in the business of the Association in one way or another - an incredible participation rate for a group that is already extremely busy with teaching, research, and other activities! Have a look at the "Committees" page on our website.

The strength of the Association will always rest with the support and participation of its Membership. The best way to show that support and participation, of course, is to attend next week's Annual General Meeting to exercise your right to vote in our upcoming elections. With this in mind, please also consider running for a position on the Executive Committee or on one of our other Committees.

Our annual Faculty Recognition Night is also just around the corner and offers another wonderful opportunity to support the Association. Come on out to enjoy an evening of celebrating another successful year at UPEI and recognizing the accomplishments of our colleagues in their teaching and scholarly work.

The work of the Association will continue to be exciting and challenging as we move forward. Negotiations will continue to be of interest to everyone in both bargaining units. The members of the Grievance Committee will continue to be busy on our behalf. Give them a call if you have any concerns at all about your rights. One issue to especially watch out for is the increasing importance the Employer is putting on the commercialization of its activities. The implications for our intellectual property rights and academic freedom are significant.

And, as always, feel free to contact the Association if you have any questions, concerns, or suggestions. I look forward to seeing you all at the Annual General Meeting and at our Faculty Recognition night.

## **2. Committee Corner**

### ***Communications***

**by Susan Dohoo**

The new FA Communications Committee has been established to facilitate effective communication among the Membership and with the broader UPEI and PEI communities. The most visible changes in communications will be new formats for the newsletter and website ([www.upeifa.org](http://www.upeifa.org)). However, the committee is also hard at work establishing and improving the FA's relationship with federal and provincial politicians, as well as with both students and the other unions on campus. We also plan to establish a permanent group of communication representatives who will help with the consistent flow of information between the Membership and the FA Executive. Many thanks to Ann Braithwaite, Mae Gallant, Caroline Hewson, Betty Jeffery, Barry Linkletter, and Sandy McAuley for their commitment to the start-up of this committee. We hope to see you back in 05/06.

### ***Bargaining unit #1 Negotiations***

**by Doug Dahn**

The negotiating team for Bargaining Unit #1 consists of Doug Dahn, Chief Negotiator, from Physics, Cathy Callaghan from Robertson Library, David LeBlanc from Computer Science and Information Technology, and Gordon MacDonald from Math and Statistics.

We are also supported in our work by a large caucus of other people, including Kay Diviney from English, Colleen Dunn from Nursing, Dawn Inman-Flynn from Nursing, Betty Jeffery from Robertson Library, Jo-Ann MacDonald from Nursing, Gavin Richardson from Health Management, Jim Sentance from Economics,

and Lori Weeks from Family and Nutritional Sciences.

The team has been active drafting proposed contract language and will have a preliminary meeting with the Board of Governors' negotiating team in mid April. We expect that negotiations will begin in earnest during the summer months. We will do our best to get a good Collective Agreement that achieves the goals approved at the April 6<sup>th</sup> special meeting of the Association.

### ***Grievance and Discipline*** **by Bob O'Rourke**

The Grievance Committee is responsible for Association activities that arise out of the Grievance, Arbitration, and Discipline sections of the Collective Agreement. Among the primary functions of the Committee are to hear complaints of Members, groups of Members, and the Executive Committee, to investigate these complaints, and to recommend action under the appropriate section or sections of the Collective Agreement.

The Grievance Committee is composed of Bob O'Rourke, Chief Grievance Officer, from Business Administration, Tony Couture from Philosophy, Larry Hale from Biology, Chris Riley from Health Management, and Andy Trivett from Engineering.

The first year of the Collective Agreement resulted in the initiation of several grievances at both the Association and Member levels. These included grievances related to the appointments process; publication rights and copyright ownership; and the Board's adoption of the Fair Treatment policy. With respect to the Fair Treatment Policy, the Association is concerned with apparent conflicts between the Policy and our Agreement. The Association is now engaged in discussions with the Employer on this issue.

#### *Grievance Outcomes to Report:*

- three-year term appointment to Biology:

This grievance was resolved through a Settlement Agreement with the Employer one day before a scheduled arbitration hearing. It is an admission by the Employer that the Collective Agreement was violated in making the appointment.

- publication rights and copyright ownership:

The outcome of this grievance confirms the Employer's position regarding rights and ownership for work supported by research grants from external funding agencies. If a funding agreement exists between the Employer and a funding agency for your research work, it will typically state that the intellectual property, publication rights, and copyright are all owned by the "applicant" and the "funder." The catch is that the Employer does not consider faculty members, as employees, to be part of the "applicant." Under these agreements, then, it is the Employer's position that faculty members own nothing and that your consent to this was given when you signed the Administrative Approvals form. Watch out for this!

### ***Bargaining Unit #2 Negotiations*** **by Larry Hale**

Bargaining Unit #2 of the UPEIFA was certified in September of 2003, and represents a relatively small group (10-12) of employees of UPEI that work as "Clinical Professionals" in the Atlantic Veterinary College. Since June of 2004, the FA has been in active negotiations with the Employer on a first Collective Agreement for this group. The bargaining team consists of Larry Hale as Chief Negotiator, David Groman, Scott McBurney, and Juanita Glencross-Winslow. Andrea Bourque is the official recorder.

The bargaining objectives are fairly standard for any group of unionized employees: a competitive salary package; standardized and improved benefits; better defined and enhanced working conditions; an appropriate level of job security; and a fair set of procedures for cases of discipline and grievance. In addition, this group is seeking many of the benefits accorded to Members of Bargaining Unit #1, since there is some overlap in the duties that are expected of them. For example, as Members of Unit #2 are

also involved in research and teaching, we are demanding that this be formally recognized and that they be accorded academic freedom. We are also demanding that these Members be eligible for sabbatical leaves so that they too can upgrade their skills in all their areas of endeavour and serve AVC, the University, and the public more effectively.

In many respects, the negotiations have gone well. We have settled a number of important issues and are close in several others. However, the Employer has indicated that it is not yet prepared to offer an economic package that adequately recognizes the important contributions that these individuals make. The Employer is also insisting on maintaining the "flexibility" to impose working conditions (e.g. the scheduling of hours), that could see these individuals working at all hours of the day or night, and many more hours per week than the expected 40. The Employer has also balked at any sort of full academic freedom language. What does it say about the Employer's commitment to academic freedom in teaching and research when they steadfastly refuse to accord those freedoms to ALL those who teach at UPEI?

While we are hopeful that a satisfactory settlement is not too far off, we are determined to ensure that AVC Clinical Professionals receive an agreement that is fair and that makes the prospect of working at UPEI as a Clinical Professional an attractive one. We urge all Members of the UPEIFA to stand fully behind these fellow Members in this first Collective Agreement process.

**Joint Committee**  
by Gordon MacDonald

The Joint committee is mandated by section A-14 of our Collective Agreement. It is composed of two representatives from the FA – Gordon MacDonald and Jim Sentance, and two

representatives from the Administration – Vianne Timmons and Peggy Leahey. The mandate of the committee is "to review matters of concern" arising out of the Collective Agreement and to "foster better communications and more effective work relationships between the parties."

At recent meetings, the Joint Committee discussed policy concerning issues such as tenure and promotion processes, the essential services list, student opinion of teaching surveys, teaching workload reductions, and time lines for posting sessional positions, in addition to other concerns. The Joint committee has no authority to change the Collective Agreement in any way, but in areas of the Agreement where there is ambiguity or omission, the committee will work to ensure the implementation of procedures that is consistent with the best interpretation of the Agreement.

**Awards and Scholarships**  
by Norine Hanus

The Awards and Scholarships Committee was established in October 2004 and held its first meeting on November 17th. Members are John Burka, Wayne Cutcliffe, Ray Doiron, and Colleen MacQuarrie, and the chair of the committee is Norine Hanus. The mandate of this committee includes responsibility for the overseeing and coordination of the award selection committees, considering the need for additional awards and/or scholarships, and raising funds for the support of student scholarships.

To date, Members have been creating a common format for award selection guidelines and procedures and are looking at means of supporting the student scholarships. Plans are also currently underway for this year's Faculty Recognition Night to be held at the Fox Meadow Golf Club on May 14th.

**Finance Committee**  
By J McClure

This committee was formed in the fall of 2004. The current Members are Debbie Good, Debbie

MacLellan, and Herman Barkema with FA secretary/treasurer J McClure as chair. The role of this committee is to:

- 1) periodically review the Association's finances, including conducting an end of the fiscal year review, and to make recommendations to the executive on how to allocate any surplus that might be present at the end of the year;
- 2) draft a budget for the upcoming fiscal year for approval by both the Executive and the Membership;
- 3) make investment recommendations to the Executive; and
- 4) help develop and implement financial goals in consultation with the Executive.

The committee has also organized a review/audit of the 2004-2005 fiscal year and has taken steps to upgrade the Association's accounting software. The committee is pleased to report that the current financial status of the Association is good, with the Faculty Association finishing this fiscal year with a surplus. Please remember to attend the General Faculty Meeting on April 27<sup>th</sup> where a report of the last fiscal year will be presented and a proposed budget for the 2005-2006 fiscal year will be tabled for approval by the Membership.

### 3. Fun Business

The annual Faculty Recognition Night 2005 will be held at the Fox Meadow Golf Club in Stratford on May 14th. You are encouraged to come out to share a fine dinner with our colleagues, to honour the recipients of teaching and scholarship awards, and to wish all the best to those who are retiring this year. The reception is at 7:00, followed by dinner at 7:30. Tickets are \$25.00. More information on purchasing tickets coming soon.

### 4. Call for Nominations

The FA Executive Committee elections will be held at the Annual General Meeting on April 27.

Nominations are being sought for the following Executive Committee positions:

- President
- Vice-President
- Secretary-Treasurer
- four (4) Members-at-Large (with at least one from each bargaining unit)

Nominations are also being sought for the following committees for the coming year:

- Awards and Scholarship Committee
- Communications Committee
- Finance Committee

Nominations, in writing, should be forwarded to the Association's Returning Officer, Derek Lawther, Physics, [dlawther@upei.ca](mailto:dlawther@upei.ca), 566-0338.

Nominations will also be accepted from the floor at the Annual General Meeting.

### 5. Reminders...

And don't forget to read your copies of the monthly *CAUT/ACPPU Bulletin*, and to check their webpage for regular updates on CAUT news, at [www.caut.ca](http://www.caut.ca). Lots of important and relevant information is available there that will keep you informed about news from Faculty Associations across Canada and let you know what kinds of issues are important to them, including updates on their own negotiating processes.

### 6. Newsletter Update

As you've probably noticed by now, we have a new Newsletter look starting this issue! And we're putting together a publication schedule so that you are assured of getting a regular Newsletter that you can look forward to receiving at the same time throughout the year. Watch for more features in future Newsletters, such as more detailed profiles of committees, "just next door" – news about other unions on campus, news about grants and publications of

Members, updates from CAUT and other Faculty Associations from across Canada, and news from the larger community that impacts on the Faculty Association.

We're also thinking that for this new Newsletter, we need a catchy new name – rather than the word "Newsletter" followed by a number. Watch the UPEIFA website, [www.upeifa.org](http://www.upeifa.org), for details on the competition that will be held soon among the Membership for a new name. And, as usual, if you have any feedback, suggestion,s or letters to the editor, please send them along to either Wayne Peters, [wpeters@upei.ca](mailto:wpeters@upei.ca) or Ann Braithwaite, [abraithwaite@upei.ca](mailto:abraithwaite@upei.ca) for consideration.

## 7. Contact Information

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UPEIFA Website:

[www.upeifa.org](http://www.upeifa.org)

and one more time....

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