

# NEWS & VIEWS

March 2014

## From the President's Desk

Sharon Alward



In January, UMFA Members ratified the 2013-2016 Collective Agreement and authorized other the matters to go forward to mediation and arbitration. I want to express my personal gratitude to all of the Members for

their support of the strike mandate and their readiness to walk the picket line. I also very much appreciated the support of students at the University of Manitoba who clearly understood what the important issues were for us in this round of bargaining. There is no doubt, especially after this recent arbitration, that without the mobilization of the Membership and their willingness to take job action, we would not have achieved any language on academic freedom, structure or performance indicators.

I also want to thank Professional Officer Barb Yapps for the long hours and the excellent work that she did in developing the language for our bargaining proposals. Chief Negotiator Robert Chernomas, and the rest of the Bargaining Team worked diligently to present those proposals and to fight off administration's attempts to weaken our Collective Agreement. As always, the Collective Agreement Committee chaired by Mark Gabbert provided valuable support and advice to the Bargaining Team.

I would also like to take this opportunity to personally welcome the Dental Clinical Staff as new Members of the bargaining unit and to acknowledge the efforts of members of the Executive and most notably UMFA Executive Director Linda Guse, and Executive Member and former UMDCSA President Vanessa Swain for their perseverance in making this merger a reality. As well, I would like to acknowledge Linda Guse for her work, together with Past President Cam Morrill and Vanessa Swain, in merging Articles from the University of

Manitoba Dental Clinical Staff Association Collective Agreement into a new UMFA Collective Agreement that will cover all our Members.

To summarize our recent bargaining activities, on January 25th and 26th, we went into a mediation/arbitration process to finalize outstanding issues. Michael Werier, as mediator/arbitrator, heard arguments from both the administration and UMFA. In the final moments on October 21st before the strike deadline, the administration and UMFA agreed that a list of unresolved items would go to mediation and that what we were not able to resolve through mediation would be arbitrated with the decisions of the arbitrator binding on both parties. President Barnard had, just days before, issued a statement strongly encouraging the UMFA leadership to accept binding arbitration. So it was not surprising that the administration's bargaining team would agree to this process rather than risk UMFA going on strike. What was unexpected was the position that the administration took with the arbitrator that he should only be arbitrating financial matters.

After the arbitration, I am left questioning how much we can trust the administration going forward into future rounds of bargaining. President Barnard's earlier appeal to the UMFA leadership to arbitrate on all matters, including academic freedom, performance management and amalgamation, to prevent a work stoppage was completely reversed by the administration's argument that an arbitrator has no right to decide on governance matters. They said it was dangerous and inappropriate for an arbitrator to write language when a union has the right to strike. Further, the administration argued that the "little matters" taken by UMFA to arbitration

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(privacy, working conditions, Members' rights, anonymous materials and natural justice for Members undergoing investigations) do not fit within the scope of this interest arbitration because UMFA has the right to strike. It was made clear to UMFA that the administration's position was that if we wanted governance items resolved, the only solution was to go on strike and keep bargaining. We must remember the administration's position in the next round of bargaining.

We are awaiting the arbitrator's decision on the matters argued before him on January 25th and 26th. The one issue that remains is the right of Members on half-time appointments because of age to return to full-time appointments. April 8th has now been set for the Arbitrator to hear further from both parties on that issue.

At the January CAUT President's Forum, I attended a presentation on the indicators of corporatized institutions. Corporate-style universities view themselves as money-generating enterprises and diversify their revenues by relying more on private enterprise, shifting research priorities to corporate collaborative research, and putting constraints on hiring profiles. They seek a more flexible labour force by steadily increasing the number of sessionals. They impose an audit culture to weaken academic freedom and collegial governance while expanding and concentrating

administrative authority. Unproven management assumptions such as the current management fad with the Dickesonian Program Prioritization Model are applied. The Dickesonian Model, where most criteria are financially driven, is increasingly finding favour with university administrators. The model examines external demand, internal demand, productivity and cost of both academic and non-academic programs and services, so that parking, janitorial and a graduate program in psychology are equal in terms of evaluation. Read more about the Dickesonian model on the [University of Saskatchewan Faculty Association's website](#) and on the [Ontario Confederation of University Faculty Associations' website](#).

What can faculty associations and unions do to counter these trends? The collective bargaining process is where we will find the most protection and ensure all academic members have a fair and reasonable contract. In light of the recent arbitration and over the next few years leading up to the next round of bargaining, we will need to have considerable discussions about how corporatization of post-secondary institutions is manifesting itself at the University of Manitoba and what the effects will be to the collegial governance process and academic freedom. We will need to take action. Otherwise, collegial governance and our recent gains to academic freedom will slowly disappear through a thousand cuts.

## Faculty Amalgamation: Making Sense of the Academic Structure Initiative

The administration has a plan to reduce the number of faculties at UM through a process of amalgamation called the Academic Structure Initiative (ASI). The process involved in the ASI has caused a great deal of concern.

In January 2012 President Barnard announced the ASI plan, which would reduce the number of faculties at the University from twenty to thirteen. The initial focus of the ASI was the amalgamation of the Faculties of Medicine, Dentistry, Nursing, Human Ecology and Pharmacy, along with the Schools of Dental Hygiene and Medical Rehabilitation into the Faculty of Health Sciences. Dr. Joanne Keselman, Vice-President (Academic) and Provost, issued an update in April 2013 stating that a formal proposal for amalgamation had been developed, and that consultation with the affected faculties and schools would now occur and the results shared with the University's governing bodies.

The University administration took a course of action that did not include informed consultation with the affected faculties. Faculty Councils were given documents that were not the same as those later provided to Senate. Senior administration attended some Faculty Council meetings, and some Faculty

Councils were told that their opinions and endorsement, or lack of, for amalgamation carried no weight. Amalgamation would occur regardless. Members expressed concern that they had no choice but to vote to support the amalgamation "in principle".

There are now provisions in the new Collective Agreement that ensure that no alterations to current faculty structure will occur without the following steps being taken:

1. Members of affected faculties and schools will receive, in writing, a copy of the proposed alteration, in the same form with the same content, including all accompanying materials as will be presented to Senate, at least twenty days prior to consideration of the alteration at a meeting of the Senate;
2. A Faculty/School Council meeting will be called by the dean/director, at least ten days prior to the Senate meeting, where Members will discuss the motion for alteration and vote by secret ballot; and

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3. The results of the vote and a copy of the motion voted on (with any amendments) will be distributed by the dean/director (via University secretary) to all members of Senate and the Board of Governors before the alteration is considered by either party.

UMFA remains concerned about the ASI and the effects on the university and on UMFA Members, particularly the future of its Members' faculties, with respect to collegial decision-making, and hiring, tenure and promotion procedures.

## The Protect Our Privacy Coalition

The Canadian Association of University Teachers joined the [Protect Our Privacy Coalition](#), an initiative of [OpenMedia.ca](#), an internet governance civic engagement organization.

The Coalition aims to have the government enact legal measures that protect all Canadians from warrantless electronic surveillance not authorized by the courts, including mass monitoring of email accounts. If interested, you can sign the petition [here](#).

The Coalition Statement says, "More than ever, Canadians need strong, genuinely transparent, and properly enforced safeguards to secure privacy rights. We call on Government to put in place effective legal measures to protect the privacy of every resident of Canada against intrusion by government entities."

CAUT president Wayne Peters [says](#), "CAUT has long recognized that the right to privacy is absolutely essential to the exercise of other democratic rights such as freedom of speech and assembly. We also know that the effective exercise of academic freedom depends on the right to privacy. There is simply no justification for mass surveillance in a democratic society."

In February 2012, the Conservative Government introduced Bill C-30, The Protecting Children from Internet Predators Act: a bill that was largely regarded as legislation that would deny all Canadians their right to privacy by allowing authorities to perform warrantless electronic surveillance. Even though Bill C-30 was killed, the government has since introduced new anti-cyberbullying legislation that revives many elements of C-30, called Bill C-13, The Protecting Canadians from Online Crime Act. OpenMedia.ca told [Global News](#) that, "legal experts are telling OpenMedia.ca that the bill (C-13) consists of 2.5 pages about cyberbullying, and 65 pages of lawful access (online spying) legislation."

The options for Members in the Faculty of Human Ecology are still unclear. Although these issues have not yet gone to Senate and the Board of Governors, it is clear that the Faculty of Human Ecology will no longer exist. It is also unlikely that its departments will continue as entities; rather, the members of those departments will be absorbed into other faculties. The impact on our Members, with respect in particular to their teaching and their research programs, is yet to be determined.

To protect Members' privacy under the Collective Agreement, UMFA took a proposal to arbitration that stated that:

### 16.7 Privacy

16.7.1 *The University shall not disclose any personal or professional communications or files of a Member unless compelled by the provincial and/or federal laws of Canada. Where so compelled, the University shall:*

16.7.1.1 *Where possible, and not contrary to law, advise the Member and the Association, in writing, of the demand for disclosure prior to any disclosure being made, provide the particulars of the legal obligation and the specifics of the information requested to be disclosed. Where possible, the University shall not make any disclosure pending the outcome of any grievance and/or legal action commenced by the Association and/or the Member.*

16.7.1.2 *The University shall, where not contrary to law, advise the Member and the Association, in writing, promptly following any disclosure compelled pursuant to s.16.7.1 hereof, of the disclosure, including the particulars of the legal obligation to disclose, particulars of the request received and particulars of the information disclosed.*

We are still waiting for the arbitrator's decision.

If Members are being asked by the University to provide information such as links to their blogs and electronic communications, or are concerned that their personal or professional communications is being accessed by the administration, please contact UMFA immediately.

## Exploitation of Academics

In a recent edition of CBC Radio's [The Current](#), host Anna Maria Tremonti addresses an alarming trend among Canadian universities to hire adjunct and part-time professors instead of creating new tenure track positions. Part of their [Project Money](#) series, the [24 minute interview](#) examines the plight of what it calls 'impoverished professors.'

Beth Parton, a former adjunct professor with a PhD in Religion and Culture, highlights the challenges she faced as an adjunct professor, often for more than one university at a time. Parton abandoned her dream of gaining full-time permanent work in a tenure track position and found steady work with slightly better pay in university administration. Despite losing the opportunity to make use of her passion for teaching, Parton appreciates the stability found in her current job.

Elizabeth Hodgson is a tenured UBC professor who serves on CAUT's Academic Freedom and Tenure Committee. Hodgson says while funding for universities has doubled in the last ten

years, the percentage of operating budgets being spent on faculty salaries has decreased to about 20 per cent while spending on administrative and management costs have risen steadily.

Ian Lee, an assistant professor at the Sprott School of Business notes the shift in allocation of resources into programs with increased enrollment, such as business and engineering schools of Canadian Universities. He claims universities are creating tenure track positions in alignment with enrollment trends, often at the expense of the humanities. He also notes Statistics Canada reports stating that contract professors made up 15 per cent of Canadian university professors in 1999, and rose to 32 per cent in 2005.

If you have worked as a part-time or term contract academic, you can share your story with The Current by emailing them [here](#).

*Your feedback and suggestions on the newsletter are welcome.  
Please send any comments to [faum@umfa.ca](mailto:faum@umfa.ca)*

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