

NEWS & *views*

UNIVERSITY OF MANITOBA FACULTY ASSOCIATION

March 2008

From the President's Desk

by Brenda Austin-Smith

March greetings to all UMFA members, and especially to those faculty and librarians whose appointments took effect in the new year. Welcome to campus, and to your faculty association. If you have any questions about the terms and conditions of your new job, please do not hesitate to phone the UMFA office for answers and information.

In this issue of the newsletter you will find a report on trends in grievances across the country, information on your benefits and the latest on the administration's secret contract with the business agency Navitas to offer private, for-profit instruction to a select group of international students here on the University of Manitoba campus. We especially encourage you to visit the website associated with this private venture (icmanitoba.ca) to read for yourself what this company is offering to international students.

The CAUT Forum for Presidents, held this year from January 11-13 in Ottawa, provided me with a welcome opportunity to meet and share experiences and strategies with over forty other association presidents from around the country. Several of us had been asked to prepare short presentations beforehand, and these were used to generate both plenary and small group discussions. For example, I gave a short presentation on Policy Making Outside the Collective Agreement, which pointed to the problems caused by the proliferation of administrative policies which may not take into account the academic needs of members or even their rights under the collective agreement.

The topics for the forum were drawn from a survey sent to presidents last year asking them to identify issues relevant to their association and faculty. Among the subjects covered in the presentations were Association Renewal, Member-to-Member Disputes, Compensation, Employment Equity, Teaching-only Position, the Erosion of Collegial Governance, and Commercialization. The

remarks on the topic of Commercialization, given by CAUT Executive Director Dr. Jim Turk, made specific mention of Navitas, the private, for-profit educational business now setting up operations on our campus, as the most recent example of this trend.

Discussions were lively, offering all a chance to learn more about how associations are responding to issues like the increased reliance on part-time academics, and how we can become more effective, not only in protecting but also furthering the rights of our members.

Another issue that can be contentious is the handling of disputes between faculty members/librarians and department/section heads, who are also members of UMFA. Finally, it is clear from the Presidents Forum that threats to collegial governance are widespread and we must become vigilant in our efforts to assert the value of collegial governance at all levels of the university. Collegial governance means having a decision making voice in matters at the level of committees, departments, faculties and senior levels of our university, including Senate. Although collegial governance is a well worn phrase in universities it is not always observed in our day to day operations.

In this issue:

From the President's Desk
Navitas Update
UMFA Working Groups
Grievances in Canadian Universities
Changes to Health Care Spending Account

EXECUTIVE COUNCIL

2007 - 2008

President

Brenda Austin-Smith
English

Vice President

Brad McKenzie
Social Work

Past President

Tom Booth
Botany

Grievance Officers

Sharon Alward
School of Art
Ed Bruning
Marketing

Contract Administrator

Mark Rabnett
Libraries

Treasurer

Pat Nicholls
Libraries

Executive Secretary

Tommy Kucera
Mathematics

Members at Large

Joanna Asadoorian
Dental Hygiene
Mark Gabbert
History
Sandra Kouritzin
Education
Cameron Morrill
Accounting & Finance

Executive Director

Linda Guse

Professional Officer

Barbara Yapps

Administrative Assistants

Jim Pringle
Jettie Zwiep

Navitas Update

The Association remains extremely concerned about the establishment of a for-profit institution on the University of Manitoba Campus that will, according to the International College of Manitoba website, guarantee international students entry into second year programs at this university. UMFA is also extremely concerned about the circumvention of collegial decision-making and input that should have occurred with respect to the Navitas deal.

The senior administration continues to maintain that no approval or even consultation with Senate and the Board of Governors was necessary. At the February 6 meeting of Senate, President Szathmáry acknowledged that communications with Senate and the Board could have been handled better but that it is entirely the responsibility of the administration to handle contracts. She also stated that because the contract is binding, there is an obligation to move forward. The administration continues to refuse to provide Senate, or any Senate committee, with documentation relating to the academic content of the Navitas deal. Discrepancies remain between the information provided by the administration, which has stated that there is no guaranteed admission to second year programs, and statements about ICM on the Navitas website (as of February 25, 2008).

Motions at both the Board of Governors and at Senate that would have required the administration to provide Senate with documentation relevant to academic matters were defeated. The motion at Senate was defeated by a vote of 41 to 34, indicating that a large number of Senators believed that it was Senate's responsibility to deal with the academic matters covered in the agreement with Navitas, the parent corporation of ICM.

The university has refused UMFA's request under the Freedom of Information and Protection of Privacy Act for a copy of the contract between Navitas and the university. The university justifies its refusal on the grounds that the information requested is the subject of a formal confidentiality agreement between the university and Navitas, and further that Navitas may negotiate similar deals with other Canadian universities and making the information public would prejudice their negotiating position. Similarly, the university's Privacy Officer deemed that the release of the contractual information could be prejudicial to the university's negotiations with other companies similar to Navitas.

UMFA remains seriously concerned not only about the lack of proper process and the secrecy attached to the agreement between U of M and Navitas, but also about the implications of having a for-profit "educational" entity on campus. Navitas students will not have be covered under U of M policies, including discipline policies and those related to academic honesty. There will be ICM instructors on this campus who have no protections for academic freedom, who are not able to grieve administration actions, who cannot bargain for compensation beyond that paid by the U of M to sessional instructors, who have no job security. Departments at the University of Manitoba and

Navitas Update continued

the UMFA Members in those departments are likely to be called upon to monitor ICM programs and instructors under terms and conditions that are so far unknown. What will be the impact on library services and other services at the U of M?

We know that there have been some decisions made regarding the re-allocation of classrooms to meet the needs of Navitas, that there is an issue regarding lab space, that there are discussions with departments on the acceptable qualifications of Navitas instructors, and that there is ambiguity on the guaranteed access to second year programs, particularly those in the Asper School.

UMFA will continue to monitor the arrangements between the U of M and Navitas very closely and the impact that those arrangements have on UMFA members and on the University of Manitoba programs. We will take action to ensure that the integrity of collegial processes and the rights of Members are maintained.

Please contact UMFA with any information, questions, comments or concerns that you may have regarding the International College of Manitoba and the relationship between the U of M and Navitas.

Grievances in Canadian Universities: Current Trends and Implications

by *Sharon Alward, Grievance Officer*

The CAUT Workshop for Senior Grievance Officers took place in Ottawa in December. The workshop began with a Grievance Survey presentation to ascertain national grievance filing patterns and to examine the number and the types of grievances being filed. This presentation allowed faculty associations to compare their situations with national trends and provided an opportunity for faculty associations to share their experiences.

The top grievance issues are discipline, workload, and working environment issues, followed by compensation and management rights. Contract renewal, promotion and tenure are also major sources of dispute. Other grievances were related to discrimination, academic freedom, leaves, and personnel files. The increasing number of contract (part-time academic staff) renewal grievances reflects the growing trend to hire contract academic staff.

Grievances arising from disputes between members are increasing. As the employer is charged with providing a respectful work environment for members, if the administration fails to do so, a grievance can be filed against the university. If there is a dispute between a faculty member/librarian and a department/section head, similarly the grievance is filed against the university.

Stress and the Workplace

The overt and covert causes and consequences of stress in the workplace were examined as potential contributors to workplace conflict. As the results of recent surveys show, stress can have an impact on both

health and behaviour. Workplace stressors such as lack of job control, skill use, workload, work schedule, role conflict, work/life imbalance, unfairness and lack of recognition for work done were examined. It does not appear that job control and skill usage are major stressors for most faculty members. Most heads of departments are seen as fair while senior administrators are seen as acting more unfairly than department heads. The most at-risk groups include women aged 30 to 59, probationary staff and academics whose first language is neither French nor English. Even with the presence of workplace stressors, the majority of academics are emotionally committed to their work.

Bullying and the Workplace

Bullying is defined as offensive, malicious, intimidating or insulting behaviour, abuse or misuse of power through means intended to undermine denigrate or injure the recipient. The actions must be repetitive and show a pattern. Collective bullying is called mobbing. Bullying does not have to be face to face. Bullying behaviour can include mean or practical jokes, rumors spread at work, verbal abuse, the silent treatment, negative or obscene gestures, being interrupted when speaking, threats of physical violence, the refusal to give needed support or equipment, public embarrassment, rude or disrespectful treatment, being prevented from expressing yourself, having your work judged or criticized unfairly or having your sense of judgment questioned. The outcome of bullying is workplace stress.

Grievances (continued)

The Workplace Bully

Motives for bullying can include stress and frustration, jealousy and self-interest. The bully possesses high self esteem and a need for power. Bullying may include threats to professional status, public embarrassment and the silent treatment, work assignment and a failure to give credit.

The Target

The recipient of bullying may be anxious and often does not want to be accused of overreacting. If the target takes on the bully, the target may be disciplined. Often the target does not recognize the behaviour as bullying or is reluctant to take action.

If bullying in the workplace is not handled there is poor morale, loss of respect, loss of productivity and damage to the reputation of the institution. It is management's responsibility to prevent and eliminate bullying and harassment. If you suspect bullying keep a diary. A

consistent pattern of events is necessary in verifying a concern.

The two primary types of bullying in universities are behaviours directed at members by administrators and member to member exchanges. In both cases, the university as the employer is responsible for ensuring a safe workplace and unions have to ensure that the rights of members are protected. Unfortunately, administrators may be inclined to focus primarily on bullying as an individual problem that occurs between members. This ignores two important dimensions of the problem. First, the administration is responsible for ensuring a respectful workplace and the failure to promote this by example and by supportive workplace policies is an important causal factor. Second, bullying by administrators is potentially more harmful because of differential power. Too often members may fear retaliation if complaints are lodged against administrators who adopt a management style based on intimidation.

UMFA Working Groups

In early January, the UMFA Executive met for a planning session to develop goals and priorities for the Association over the short and long terms. A decision was made to focus on three main areas and to develop working groups coordinated by an Executive member and open to participation by all members of UMFA.

The three areas are:

Membership Mobilization - Tom Booth, Coordinator

This group will develop activities to welcome new members and to inform them of Association services and supports, work to increase the number of UMFA Board Representatives, and coordinate workshops (e.g. tenure application) and other events for members.

Communications - Brad McKenzie, Coordinator

This group will have responsibility for the UMFA newsletter, improvements to the UMFA website, and other matters related to member communication.

Policy Review Committee - Mark Rabnett, Coordinator

This committee will study existing UMFA policies as well as recommend new policy development and will be looking at a "plain language" version of the collective agreement which will allow members to ascertain their rights and responsibilities more easily.

The working groups would develop their own time frame and meeting schedule. If you are interested in serving on any of these groups, please contact the UMFA office at 474-8272.

Know Your Benefits

Changes to the Health Care Spending Account

The Health Care Spending Account (HCSA) is a U of M staff benefits plan that allows UMFA members to charge certain health care costs not covered under other benefit programs to a 'spending account'. Before bargaining began, the UM administration had said it would increase the HCSA from \$370 to \$378 effective April 1, 2007, another \$8 effective April 1, 2008 and another \$9 effective April 1, 2009 to a total of \$395. UMFA was determined to increase this level. At the end of mediation, the administration had agreed to increase the Health Care Spending Account to \$450 effective April 1, 2007, and to \$500 effective April 1, 2008. The increase to \$450 has been added to each UMFA member's HCSA retroactive to April 1, 2007. Claims for the HCSA are based on expenditures made during the fiscal year (April 1 to March 31) and you cannot carry unused credits in this account forward into a new fiscal year. However, expenditures that were not reimbursed in a given year because the claim exceeded the eligible payout for that year may be carried forward as part of your claim for the following year.

Make sure to claim for any qualifying expenditures noting the new maximum amount of \$450 for 2007-08. If this maximum has not been reached and you have receipts for vision care or for other health needs that were not reimbursed in the 2006-2007 fiscal year because your maximum amount for 2006-2007 was 'used up', include these receipts along with the Explanation of Benefits (EOB) provided by Great West Life for your 2006-07 claim. Any claims for 2007-08, along with any unpaid claims for 2006-07, should be filed as soon as possible but no later than 90 days after the end of the fiscal year

end (March 31), i.e. by June 30, 2008, or you will lose access to your HCSA allocation for 2007-08. You may use the HCSA to refund the costs of eye examinations, of glasses or contacts, of yearly supplementary deductibles, and other health costs.

Effective April 1, 2008, the HCSA will increase again, as our new letter of understanding stipulates, to \$500 for the 2008-09 fiscal year.

Supplementary Health Premium Changes

The Supplementary Health benefit program provides UMFA members and their families with coverage for drugs and a host of other services, such as physiotherapy and counselling. Half the premium costs for this program are paid by the employer and the other half of the premiums have been paid from the Benefit Reserve Fund. The Benefit Reserve Fund will be depleted in the near future, perhaps as soon as the Fall of 2008.

When this happens, UMFA members will be required to take over the payment of their own insurance premiums for the Supplementary Health program. Members will notice a new deduction from their pay statements when this happens. The amount will vary according to whether a member has single or family coverage.

In the last round of bargaining, UMFA took in a proposal that the employer pay the full premium as an improvement to the benefits program. The administration did not accept this proposal and despite our best efforts to include this in the compensation package during mediation, we were unsuccessful.