

MAFA NEWSLETTER

Mount Allison Faculty Association

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April 9, 2010

It's only

83

days until the expiration of our two collective agreements...

PRESIDENT'S MESSAGE

I encourage all members to come to our Annual General Meeting on Monday. We will hear brief reports from various committees, we elect the Executive for 2010-11, and we'll have some news on the negotiations which will start before the end of May.

I'd like to thank this year's Executive for all their hard work. And a lot of work was done this year. We concentrated on a number of grievances over the first half of 2009-10, but, as the year moved on, preparations for collective bargaining took more and more time. Throughout the year, we participated in provincial and national events as members of the FNBFA and CAUT.

After several years off the Executive, I was really happy to find a dynamic young group around the table. MAFA has clearly been successful in the renewal of the leadership. Fortunately about half of the Executive is re-offering for next year. Let me offer a special thank-you to those who are leaving the Executive – Rob Cupido, Maritza Fariña, Zoe Finkel – for the essential role they



played this year.

Following the AGM is the party where we celebrate our retirees. This year four of our members are taking retirement: Paul Bogaard, Rebecca Burke, Lex Wilson, and Jack Stewart. The Retiring Members' party is, as everyone knows, one of the highlights of the social scene in Sackville, and I hope all members will be able to come.

Rick Hudson, President

ANNUAL GENERAL MEETING

The Mount Allison Faculty Association will hold its Annual General Meeting on Monday, April 12th at 3 pm, in Avard Dixon Room G12.

At this meeting we will elect a new executive, receive committee reports, and approve the 2009 audited financial statements.

Afterwards, we will hold our Retiring Members' Party, beginning at 4:30 pm, at the University Club.

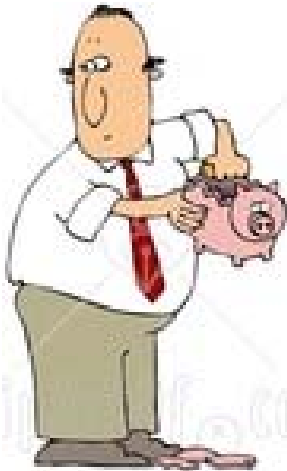
This year, we will be honouring Paul Bogaard, Rebecca Burke, Jack Stewart and Lex Wilson, all of whom are retiring.

Please be sure to attend both events!

EXECUTIVE PROPOSES TO INCREASE MAFA RESERVE FUND AT AGM

The MAFA By-Laws state that the association shall maintain a Reserve to “ensure adequate resources for expenses of arbitrations, strikes, lockouts, strike pay or expenses connected with allegations of unfair labour practice”. This Reserve is critical in providing quality protection to members throughout the term of a contract, as well as in the event of a strike or lockout.

At the upcoming AGM the MAFA executive will propose to increase the Reserve to better reflect the needs of the membership.



Why is this change needed?

Recently, the MAFA executive engaged in a review process to ensure the Reserve provided an adequate level of protection for members. Two key points led to the upcoming proposal for the AGM.

Although the Employer has not been increasing the total number of full-time faculty over the past three years (e.g., April 2007 153 full-time & 36 part-time versus December 2009 154 full-time & 44 part-time), since the beginning of this decade there has been considerable increase in MAFA membership, due mainly to the addition of those with sessional, stipendary, and other appointments who had been excluded from union protection in the past. Indeed, there have been incremental increases to the Reserve fund over time however these changes have not matched the increases in the membership of the union. The MAFA executive consulted with CAUT and several other associations across Canada in this review process and it was determined that the Association should hold in its Reserve approximately \$1,000 per member AND six months to one year of its budget. To better reflect the needs of a membership of approximately 170 full-time faculty equivalent the executive concluded that an increase in the Reserve was necessary. As a result, the executive will propose to increase the Reserve to \$200,000 at the upcoming AGM.

What are the implications of this possible change?

To be clear, the executive is NOT proposing a dues increase. The regular dues rate will remain at 1.1 percent of gross salary. The increase in the Reserve fund to \$200,000 however will require a continuation of the temporary dues rate of 1.4 percent for several more months. At that time, the regular dues rate of 1.1 percent will take effect again.

It is also important to note that this increase in the Reserve fund will be beneficial for the upcoming negotiations with the Employer. A strong Reserve demonstrates the strength of a union and it is the aspiration of the executive that this will facilitate smoother negotiations with the Employer so as to avoid strike action during this round of negotiations.

Gina Grandy
Treasurer

MAFA GRIEVANCE OFFICER ATTENDS WORKSHOP ON PRIVACY ISSUES

Loralea Michaelis, MAFA Grievance Officer, attended the CAUT Workshop for Senior Grievance Officers in Ottawa from December 11-13, 2009.

This year's Workshop covered a wide range of issues and questions under the heading of “Care, Custody and



Control: Protecting Members' Correspondence, Documents and Intellectual Property.” The first day of the workshop concentrated on the custody and control issues which are raised by new access to information legislation which gives citizens the right to request access to records in the custody and control of public institutions,

including universities. The academic freedom which academics must have in order to conduct their research and practice their profession gives a special standing to

the documents and records in their files and offices: in contrast to non-academic employees, custody and control of information contained in work-related documents and records is traditionally regarded as held by individual academic staff members rather than the university where they are employed.

However, this traditional view has been shaken by the strengthening of provincial access-to-information laws and new forms of digital information technology. Some university administrations have argued that because they have easy access to academic staff records and files (for example, email correspondence stored on university servers), they also have custody and control of this information; should they receive a request for information under the Privacy Act, employers have argued, they would be required to release it.

Workshop panelists Mariette Pilon, CAUT Legal Counsel, and John Henderson, Legal Counsel for the University of Ottawa Faculty Association, presented the details of the first arbitration over the application of freedom of information laws in a university context, at the University of Ottawa. The administration at the University of Ottawa, responding to an access to information request, demanded that academic staff turn over all potentially relevant records, which the university would then release to the requester according to its own judgement. The arbitration decision, delivered in 2009, established that not all academic staff documents fell under the custody and control of the Employer and outlined particular exclusions, namely email correspondence between members and their Association, personal exchanges and annotations of official documents, course notes, etc., but it also established that any documents provided to the Employer by academic staff members could plausibly fall into the category of information under the custody and control of the University.

The second day of the workshop concentrated on intellectual property rights, covering key concepts in law and their particular application in the university setting. Here as well, workshop presenters detailed various ways and cases in which university administrations have placed greater pressure on the intellectual property rights of academic staff members, partly as a consequence of the growing managerial ambition to exercise greater levels of control over the academic workplace and partly as a consequence of new information technologies, which enable these

greater levels of control. Particular attention was paid to the question of the ownership of course outlines and course materials in an age in which the various tasks involved in teaching - from course design and class preparation to lecturing and marking - are broken down and assigned or transferred over time to different individuals, such that no one individual academic staff member can claim sole ownership of course materials. Interesting discussions also developed around the tension between the concern with intellectual property rights on the one hand and, on the other, academic traditions of publicity, dissemination, and collegial sharing. This tension is especially sharp in science faculties at some universities, where patents are replacing publications as the 'gold standard' for tenure and promotion. Academic staff were advised to review the intellectual property provisions of their Collective Agreements in light of the challenges posed by new legislation and new technologies.

MAFA, in cooperation with the FNBFA, is also monitoring the implementation of the new Access to Information Act in New Brunswick.

MAFA CO-SPONSORS ENTERTAINING PRESENTATION ON PAY EQUITY

WHAT: "We Don't Work for Peanuts!!!," by the NB Coalition for Pay Equity, is a fun and colourful theatrical presentation that speaks out against pay inequity. It plays out in a fictional setting where



female parrots are paid peanuts in comparison to male parrots and where traditionally female-dominated jobs are seen as less important and less difficult. The play will be followed by a discussion.

WHEN: Monday April 26th, 12:00 noon to 1:00p.m.

WHERE: McCain Student Centre, *WMSC Room 130*

COST: Free! Sponsored by PACWI, MAFA, MASA

and the SAC.

FNBFA ANNUAL GENERAL MEETING WILL BE HELD AT MOUNT A

The Annual General Meeting of the Federation of New Brunswick Faculty Associations will be held on Thursday, April 29th on the Mount Allison campus.

“The FNBFA lobbies the provincial government on our behalf and this is a good opportunity for MAFA members to find out more about the provincial organization,” says MAFA President Richard Hudson, who this year is also Past President of the FNBFA.



This year, New Brunswick’s Minister of Postsecondary Education, Training and Labour, Donald Arseneault, has confirmed his attendance as well as representatives from the Canadian Association of University Teachers (CAUT) and the Ontario Confederation of University Faculty Associations (OCUFA).

Snacks and lunch will be provided and information about registration will be emailed to MAFA members in the coming days. If you think you might be interested in attending, you may also contact the MAFA office.

IMPORTANT DATES FOR FULL-TIME MEMBERS

May 15

Full-time academic staff will be informed of their teaching duties - Article 12.07(b)

May 31

Members to be evaluated must submit their reports of professional activities - Article 14.03

Employer and Union will jointly appoint Employment Equity Panel members - Article 16.12(a) and 19.12(a)

Aug 14

Those applying for early tenure must contact the Provost, as chair of the Tenure and Promotion Committee, by this date - Article 17.12 (e)-(f)/Article 20.12 (d)

Those applying for promotion must also contact the Provost on this date - Article 17.35/Article 20.34

SCHEDULE OF EVENTS, 2009-10

Please mark these dates on your calendar:

Spring Annual General Meeting, Monday April 12th, 3 pm, Avard Dixon G12

Retiring Members’ Party, April 12th, 4:30 pm University Club

MAFA 2009-2010 EXECUTIVE

Richard Hudson - President (Commerce)

Peter Brown - Past President (English)

Jeff Lilburn - Vice President (Library)

Rob Cupido - Unit 2 (History/Continuous Learning)

Maritza Fariña - Membership (Modern Languages and Literatures)

Zoe Finkel - Collective Bargaining (Geography and Environment)

Gina Grandy - Treasurer (Commerce)

Loralea Michaelis - Grievance (Political Science)