

“Welcoming Change while Remaining Vigilant”



Carcassonne, France (March 2020). Photo: Brian Menounos



Message from the President

Stephen Rader
Professor, Chemistry
President UNBC-FA

Dear Colleagues,

As the winter of our discontent slowly fades into spring, if not yet into glorious summer, I am pleased to bring you some optimism. It is said that change comes slowly to universities, but for UNBC the last few months have been a wild ride: months of fruitless bargaining, the great strike of 2019, the mediator's heroics, and then, without warning, regime change on a large scale. I think we could call this unprecedented.



The first real sign of change for me was when Geoff Payne invited Paul Siakaluk and myself to a meeting as one of his first acts on becoming Interim President. He told us that his top priority was to repair the relationship with faculty, and so far he has been as good as his word. Until the COVID-19 emergency derailed them, Paul and I had meetings with Geoff every other week.

I have been heartened and impressed by Geoff's regular communications. Not only is he updating us daily, he is also gracious and complimentary, thanking various members of the community for the work we are all doing to deal with the outbreak and the most unusual circumstances in which we all find ourselves.

The new approach to faculty relations has also resulted in a sudden resumption of dialogue about grievances and other issues. After so many years of having our concerns dismissed and ignored, it is truly wonderful to discover how the relationship is meant to work. Our Grievance Officer, Jacqueline Holler, has been having regular meetings with the Provost to attempt to settle outstanding grievances (and there are a lot of them!), as well as to head off new issues before they turn into grievances.

Many of us were also pleased that Kathy Lewis was invited to serve as the Acting VP Research, and she herself said she accepted because she is convinced that the administration is taking a new approach that she can support.

Of course, there are still plenty of concerns. This issue of the newsletter includes information about your sick leave rights, which we are still trying to convey to HR. It also includes damning information about the many administrative searches currently taking place.

I live in hope that one day I will be able to focus on my research and teaching and not have to worry about how the university is run. But for now, we should welcome all of the positive signs of change – the buds of harmony starting to sprout through the fallen leaves of discord – while remaining vigilant and engaged. Happy Spring.



Impact of Covid-19

Paul Siakaluk
Professor, Psychology
Vice-President UNBC-FA

Dear Colleagues,

Needless to say, the 2019-2020 academic year has been something else. The September 2019 semester was interrupted by the work stoppage, and the current semester by COVID-19.

The Faculty Association has been in close contact with senior administration, as Interim President Geoff Payne has held regular meetings with leadership from the various labour groups on campus. We have been kept apprised of government announcements and the university's responses to them. The Interim President has also shown a willingness to solicit and act on feedback from the labour groups, including the Faculty Association, which we appreciate.



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Our primary concerns for our members are that you are safe and healthy, and that you receive the help needed to deliver your courses via alternative methods than face-to-face instruction.

Regarding the first issue, we encourage you to follow government and health care guidelines, such as washing your hands, proper social distancing, and self-isolating when needed (<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents.html>; <https://www.northernhealth.ca/>). As such, if you are able to work from home we encourage you to do so (the university last week provided “principles” to help facilitate this transition). We also encourage you to contact your Chair if any further help is needed.

Regarding the second issue, the CTLT has resources available for instructors to transition online and to other forms of instruction and examination. They have regularly provided emails with such information. There may also be colleagues in your unit that have technological and online teaching expertise that they are willing to share. We encourage you to take advantage of these resources, and we are grateful for the help that has thus far been provided, especially by the team in the CTLT.

Lastly, CAUT has some excellent information about the actual and potential impacts of COVID-19 in the academy and universities more generally. Their updates can be found at: <https://www.caut.ca/content/covid-19-update-caut>.

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Photos: Ted Binnema





Bargaining Update

Ted Binnema

*Professor and Chair, History
Chief Negotiator, UNBC-FA*

We apologize that it has been a while since we updated you on the status of our negotiations, arbitration, and bad faith bargaining complaints, but for several reasons we have had to be cautious about our communications. As you know, the Employer and the Faculty Association have agreed to the mediator's recommendation that salaries, the only outstanding issue in our new collective agreement, will go to arbitration. Unfortunately, our arbitrator, Arne Peltz has a very full schedule. That means that arbitration is not scheduled until 23 and 24 July 2020. COVID-19 has played havoc with arbitrations, but it is too early to know what effect the pandemic may have on our schedule.

In light of the long delay before arbitration can happen, the parties have been discussing the possibility of implementing all of the articles of the new collective agreement, except for Article 48 (salaries) as soon as possible. Because it is in the interest of both parties to implement the agreed-to articles before the arbitration dates, we are optimistic that an agreement can be reached.

Our legal counsel is preparing documentation in relation to the two instances of bad faith bargaining (Employer having reneged on signatures on signed-off articles, and the Employer making an unlawful demand). We expect that these materials will be prepared soon. The British Columbia Labour Board, however, has suspended hearings on all but the most urgent of such complaints for the duration of the pandemic, however, so we are not sure when any such complaint might be heard.

The bargaining team is optimistic that the relations between the Faculty Association and the Employer appear to be changing for the better over the past weeks. We hope the improved relations also augur well for the relationship between the two bargaining teams.

Obviously, the extraordinary times we are in mean that the Collective Agreement may not have been on the top of anyone's minds lately, but the bargaining team continues to thank you for your support, and reiterates its commitment to securing the best possible agreement for all of our members. We wish all of you the very best.

Ted Binnema, Chief Negotiator, UNBC FA, and the rest of the team: Jacqueline Holler, Umesh Parshotam, Matt Reid, Donna Sindaco, and Stephen Rader (*ex officio*).



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Medical Information and Medical Leaves: Things Every Member Should Know

Jacqueline Holler

Associate Professor, History
(Acting) Grievance Officer, UNBC-FA

Most of us pay little attention to our Collective Agreement's provisions for sick leave and health-related accommodations. All of us, however, recognize how important it is that such provisions exist to guide and protect us when we are at our most vulnerable—facing illness or medical conditions that interfere with our normal duties.

Under the provisions of the Collective Agreement, Members are entitled to sixty calendar days of sick leave (Article 61.5). This leave is available to *all* Members: sessional instructors, full-time term Members, or full-time continuing and tenured Members. Some Members and some Employer representatives may erroneously believe that “sixty calendar days” represents a total *annual* allotment; however, it actually represents the sick leave available before an individual transitions to long-term disability coverage.

In 2017, a grievance settlement between the parties helpfully confirmed that “a faculty member may take 60 days of sick leave *per incident* as salary continuance or as a pre-qualifier for Long Term Disability. Once the faculty member has returned to work at the university, they are eligible for *an additional 60 days for each illness*” [emphasis added].

What does this mean for you? Simply, that you should be aware of your sick-leave entitlement and seek clarification from the Association should you be given advice to the contrary.

Members' respect for health-related provisions was made abundantly clear during collective bargaining. As you may recall, Members responded powerfully and loudly in rejection of proposals that would have allowed the Employer to remove medical forms from our agreement and use new forms that we consider inappropriate. Members' resolve allowed us to reject these proposals, retaining the forms in the agreement. We are pleased to report that the Employer has recently begun directing people to utilize the forms in the agreement in support of medical leave.

What does this mean for you? You should use the form in Article 61 should you be required to submit medical documentation to the Employer to support your claim for medical leave. Should you be asked to complete any other forms, please notify the Association immediately.

Unfortunately, the “inappropriate” forms have been recently utilized in response to requests for medical accommodations and when individuals checked the “medical” box on Faculty Constraint Forms.

Clearly, the Employer is entitled to information from medical providers when an accommodation is sought, but this information should be judiciously given to avoid infringing upon the medical privacy of individuals. The generally upheld human-rights principle is that the information provided by medical professionals should be clear enough to support the accommodations being requested and allow appropriate accommodations to be implemented. However, employers



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should not seek (or be given) overbroad information. Employers *do not* have the right to information about diagnoses, treatments, or symptoms, except where this information is directly related to the accommodation being sought.

What does this mean for you? All members should be careful about providing personal medical information. If you are requesting an accommodation and the Employer requests supporting documentation from a medical professional, that documentation should support the requested accommodation without providing excessive personal information.

We know that medical concerns are among the most sensitive issues we deal with as a union, and it is important to us to support you and ensure that you are treated fairly and with full respect for your dignity and privacy. Please reach out to us if you have any concerns with medical leaves or accommodations.



Toulouse, France (March 2020), Photo: Kim Menounos



Creating a Culture of Collaborative Governance at UNBC as We Go Forward

Loraine Lavallee

Assistant Professor, Psychology

We are in the midst of hiring a cadre of new administrators at a time when there has been enormous upheaval in UNBC's administration. Before doing this hiring, I think we need to take some time to develop a shared vision. If we don't, we could turn the clock back six years and end up with a full slate of administrators who feel comfortable ignoring Collective Agreements and trampling faculty rights. For this reason, I recently resigned from the Vice Provost hiring committee.

Collective Agreements at universities are not just documents about salaries or suggestions for possible procedures to follow, they are the documents that create a workplace grounded in intellectual freedom. Two years ago, UNBC's President misused the Emergency Powers article in our Collective Agreement, the most extreme measure available to him, to suspend five faculty members. This was not the only violation of faculty rights in the last 6 years, it was simply the most extreme violation ever demonstrated by a university president in Canada. Our Faculty Association mobilized a response, as did the Canadian Association of University Teachers.

Sadly, members of the administration – Vice Presidents, the Provost, and Deans – neither took steps to rein him in, nor spoke out against these abuses. If UNBC administrators had joined us in resisting these violations of our Agreement, some of the pain of the subsequent two years might have been avoided.

Creating a new culture at UNBC needs clear principles and a commitment to work toward those principles. For me, the minimum criteria for new administrative hires is (1) an ability to solve problems without violating Faculty Agreements and (2) a willingness to tell their boss that they will not violate the Collective Agreement even if asked to do so. In other words, we need people who respect, on principle, Collective Agreements and who are willing to use their substantial intellect to figure out solutions to problems using means that don't violate these Agreements. Ultimately, it means finding administrators with both principles and courage.

Consequently, for me, an essential principle guiding new hires should be:

- strong principles of collegial governance and a demonstrated record of commitment to those principles.

A demonstrated record of commitment is the important part of that phrase. It is easy enough for someone to say they are pro-faculty and collegial governance, but what is their track record on upholding these principles?

Beyond a commitment to collegial governance, members of the university community will have a variety of other criteria that they believe will help create an excellent and socially-just learning and knowledge-generating culture at UNBC.

My personal list includes the following:

- skills in and demonstrated record of creating an institutional environment that supports intellectual freedom, rigour, creativity and innovation,
- skills in and demonstrated commitment to developing high-quality undergraduate and graduate education and training,



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- a commitment and sophisticated approaches to creating a social-just work place,
 - integrity and skill in labour relations and community-building.

To move toward a socially-just workplace at universities, the institutions with some of the biggest discrepancies between women's and men's salaries and career progression, administrators need a sophisticated understanding of socio-cultural and institutional barriers to equality as well as a commitment to removing those barriers. This is not achieved simply by hiring women administrators; it is by hiring people with specific expertise and with a track record of accomplishing these goals.

I am confident that we can, as a community, articulate a ranked list of principles and commitments as the basis for administrative hires. We should use this list to write advertisements describing UNBC's new direction, and those advertisements should include an honest description of the problems at UNBC and our collective approach to changing that story. I believe these steps are necessary to ensure we hire administrators who will help UNBC to thrive.



EDI Guarantee: Defining Criteria Upfront

Stephen Rader
Professor, Chemistry

UNBC is currently in midst of perhaps its largest-ever mass hiring of administrators: five Deans and a Vice Provost. So far, the process has left much to be desired.

These searches are taking place at the end of an unprecedented five years at UNBC. We had a 3 ½ week strike in the Fall, the culmination of what the CAUT described as Canada's most dysfunctional university administration. Our recent travails follow two prior rounds of fraught bargaining and years of faculty concerns being dismissed. While some in the administration may have forgotten this history, you haven't.

It is therefore essential that in hiring new administrators we uphold our foremost fiduciary responsibility to the citizens of this province by ensuring that the hiring process is open, transparent, and adheres to the Board of Governor's administration hiring procedures found here:

<https://www.unbc.ca/sites/default/files/sections/provost/searchcommitteesforacademicvice-presidentsandothersenioracademicadministratorsprocedures.pdf>

These procedures lay out five search process *rules* – let me emphasize, these are the Board's rules, not wishes, desiderata, or recommendations.

Rule “a” is to strike a committee. Ok, the committees were struck, but even here there are questions about whether the appropriate process was followed.

Rule “b” is to provide that committee with “training and orientation on best practices with respect to equity and diversity in recruitment and search processes.” To my knowledge, not one of the committees was provided with proper EDI training, let alone a clear explanation of how search committees should function.



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Rule “c” is to consider best practices “...in the interests of ensuring the broadest and most qualified applicant pool.” Surely, best practices include keeping minutes. Agreeing to the criteria by which applicants are evaluated. Voting on whether to short-list candidates. And having the *committee* (not a search firm or a sub-committee) agree to the interview questions.

This should be a rigorous evaluation based on evidence, not a subjective guess based on feelings or familiarity with candidates.

And those points are important, because rule “e” specifies that “the Search Committee Chair will provide a fulsome report on the search process, deliberations, and rationale for the recommendation.” How can the Chair provide such a report if no minutes were kept and no proper committee processes followed? It would be pure invention.

A final observation about these searches: had you, my colleagues, known that regime change was coming to UNBC, you might have considered putting your name forward for these positions. UNBC has a wealth of talented and dedicated faculty to serve in these positions, and in my view, it is likely that many were deterred by the administrative leadership we had when the searches were launched.

In conclusion, it is my belief that we need to re-start the hiring process. This would allow interested internal candidates to put their names forward, the proper training to be given to the committees, and Board-specified procedures to be followed. In addition, I believe each committee should include an EDI expert (who could be non-voting) selected in consultation with the Faculty Association.

This won’t happen because of an article in the newsletter. If you agree, please let the people in power know.



The Faculty Association Offices are located in
Rooms 3084-3089 Charles J. McCaffray Hall

The work of the Faculty Association continues as we are all dealing with the impact of COVID-19. The FA Staff members are still available to assist you, but until further notice we will no longer have drop-in office hours or face-to-face meetings. Please feel free to contact us by email or phone and we will do our best to support you.

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