

# Faculty Union News

Volume 1, Number 3    November 30, 1995

## What's in this Issue:

<b>Members of the SMUFU Executive</b>	<b>1</b>
<b>Allotments for 1996-97</b>	<b>1</b>
<b>Ratification Vote</b>	<b>1</b>
<b>Documents Now Available in the SMUFU Office</b>	<b>2</b>
<b>CAUT Resolution on Professional Librarians</b>	<b>2</b>
<b>Information Committee</b>	<b>2</b>
<b>Business Plan Update</b>	<b>2</b>
<b>Staff Cutbacks</b>	<b>3</b>
<b>Faculty Union Scholarships</b>	<b>3</b>
<b>Research Office Closed Down</b>	<b>4</b>

## **Allotments for 1996 - 1997**

Departments have now received their letters from the Vice-President - Academic and Research describing Departmental Allotments for 1996 - 1997. It appears that an identical letter was sent to each Department confirming the current allotment less any current and future vacancies that may emerge between now and the next academic year. This amounts to a hiring freeze: no filling of existing vacancies, no replacements for anyone who leaves for any reason during the coming year. In the absence of coherent academic planning, the approach being taken to cope with threatened and actual funding cut-backs is attrition.

## **Members of the SMUFU Executive**

<b>John Chamard</b> <b>President</b>	420-5769    L266 JChamard@shark.stmarys.ca
<b>Jack Ginsburg</b> <b>Past-President</b>	420-5660    S503A
<b>Vic Catano</b> <b>Vice-President</b>	420-5845    MS301 Catano@husky1.stmarys.ca
<b>Nickie Young</b> <b>Treasurer</b>	420-5108    L167 NYoung@shark.stmarys.ca
<b>Bernard Davis</b> <b>Secretary</b>	420-5684    EC312 BDavis@shark.stmarys.ca
<b>George Nahrebecky</b> <b>Member-at-large</b>	420-5834    MN427 GNahrebe@shark.stmarys.ca
<b>Ms. Joyce Thomson</b> <b>Member-at-large</b>	420-5541    Lib304 JThomson@admin.stmarys.ca
<b>Guy Chauvin</b> <b>Member-at-large</b>	420-5835    MM301F
<b>Sue Conrad</b> <b>Administrative Assistant</b>	496-8190    MM206C SConrad@shark.stmarys.ca Or SConrad@husky1.stmarys.ca

## **Ratification Vote**

Following an information meeting with representatives of the Mount Saint Vincent University Faculty Association and the Dalhousie Faculty Association, consideration of two independent legal opinions, a membership meeting with SMUFU lawyer Gordon Forsyth, and intense lobbying by both sides, SMUFU members cast ballots on ratification of the *Agreement Covering Programme Discontinuation Following Government Review*. The votes were counted on November 22 with about 30 members in attendance. The issue was decided by the last ballot:



**For ratification 75, Against ratification 76.**

Many thanks to Peter March, Doug Vaisey, and Guy Chauvin for acting as scrutineers. Their report is attached.

### Documents now available in the Union Office

Interested members are invited to visit the Union Office (mm206c) to peruse any or all of the following documents concerning rationalization:

*Critical Choices: The Nova Scotia University System at the Crossroads* (Green Paper on Higher Education / An Overview) (October 1994)

*Beyond the Campus (An Assessment of the Economic, Social, and Cultural Impacts of Nova Scotia Universities)* (April 1995)

*University Financing - Past and Present* (June 1995)

*The July 1995 Business Plan*

*A Checklist for Change* (SUNS Principles on Rationalization) (October 1995)

*The Coopers & Lybrand Report* (November 1995)

*The Office is open 8:30 am to 12:30 p.m. Monday to Friday. Tea and coffee are on the house.*

### CAUT Resolution on Professional Librarians

The following resolution was passed at a meeting of the CAUT Council in Ottawa (November 16 - 19):

“Given CAUT’s recognition of the academic nature of the duties and responsibilities of academic librarians, and given the rights and protections provided to academic librarians by the collective agreements of the Dalhousie, Saint Mary’s University, Mount St. Vincent University, Technical University of Nova Scotia and Nova Scotia College of Art and Design Faculty Associations, it is moved that CAUT strongly urges the Metro Halifax Universities Consortium that any attempt to save moneys under its Business Plan at any of the above-named Halifax institutions must treat academic librarians in exactly the same manner as academic faculty.”

### Information Committee

The Special General Meeting of November 15 passed a motion directing the creation of a committee to accumulate and disseminate information which will be useful to SMUFU members in times of restructuring. The Committee was to consist of two representatives from each faculty and one from the Library.

A Committee was struck consisting of:

Francis Boabang (Finance & Management Science)  
Bernie Davis (Education)  
Pat Fitzgerald (Management)  
Bette Hanrahan (Education)  
Peter March (Philosophy)  
George Mitchell (Astronomy & Physics)  
Doug Vaisey (Library)  
Michael Vance (History)  
Keith Vaughan (Chemistry)

Peter March, as interim acting chair, has called a first meeting for December 7, 1995.

### Business Plan Update

Working Draft 7 of the Metro Halifax Universities Consortium Business Plan has been described to various parts of the Saint Mary’s community in meetings conducted by Ken Ozmon (assisted by the two Vice-Presidents and the Public Affairs Director).

**Senate:** On Monday, November 27 the Draft was formally presented to Senate with the request that Senate recommend approval of the Draft to the Board of Governors.

The motion to recommend approval (Dodds/Siddiqui) was “that, in accordance with the University Act [Sect. 13(2)(b)], Senate recommend to the Board for approval the Metro Halifax Universities Consortium Business Plan (Working Draft 7)”

The Senate amended the original motion (Vaughan/Seaman) to add the following words after . . . (Working Draft 7) . . .

“with following reservations:

(1) the priorities of Saint Mary's University expressed in Section 3.6 and in Appendix A of the Business Plan have not been considered by Senate and do not conform to the Statement of Mission described on page 5 of the "Role and Planned Capacity Update" of March 1993, as approved by a joint meeting of the Saint Mary's University Senate and Board on 8th March 1993. Specifically neither the Faculty Councils nor the Senate nor the Board of Governors have established the highest priority of the University to be the Faculty of Commerce;

(2) there appears to be a contradiction between the binding decision making authority of the external members of the Executive Council (article 6.2.4) and sub-section 7 of article 6.1.1, specifically with respect to the statutory jurisdiction of the Senate as recognized in article 2.4.1 and the continued independence of the partner institutions (page 4);

(3) the role of Senate as the body primarily responsible for the review of academic programmes has been by-passed with respect to the "framework for analyzing academic programmes" (section 3.3);

(4) furthermore, it appears that the role of Senate as the primary decision making body with respect to academic programmes has been ignored in the proposed initiatives for new programmes of Article 3.5;

therefore be it understood that approval in principle of the Consortium does not imply the approval of any particular programme change suggested in the Business Plan,

also be it understood that the authority of Senate as expressed in articles 2.4.1 and 6.1.1 (subsection 7) cannot be overridden by any binding decision of the external members of the Executive Council as expressed in article 6.2.4,

and Senate further recommends to the Board the presentation of Working Draft 7 to the Minister of Education only if the Consortium of Metro University Presidents agrees to include this motion as an appendix to the Business Plan."

The amendment passed 20-3-0. The amended motion then passed 20-1-1.

This amended motion was brought to the attention of the Board of Governors at their meeting held Tuesday, November 28, 1995.

### The Board:

The Board passed the following motion:

"...that the Board of Governors endorse the Metro Halifax Universities Consortium Business Plan on the condition that the decisions and actions of the Consortium are consistent with the statutory authority of the Board of Governors and Senate of Saint Mary's University."

Copies of Working Draft 7 have been widely distributed around the University. The Union Office (MM206c) has a few additional copies available.

### **Staff Cutbacks**

The first layoffs from among members of the non-academic staff at Saint Mary's have already taken place. Most non-academic employees here are represented by the Saint Mary's University Staff Union (SMUSU). The SMUSU Collective Agreement gives members who are laid off the right to "bump" members within the same category who have less seniority.

What this means is that we can expect to see a number of changes in who is filling what jobs - musical desks, if you will - and the changes may go on for some time. This isn't easy for anyone, least of all our friends in SMUSU, who are the first to feel the pain of rationalization. You can support Saint Mary's staff by greeting with a smile, whatever inconvenience the change may cause you.

### **Faculty Union Scholarships**

On the recommendation of the Faculty Union Scholarship Committee the following outstanding Saint Mary's students will receive Union Scholarships this year:

Ms. Grace Kane (Arts)	\$3000.
Ms. Leah White (Commerce)	\$3000.
Mr. Graham Day (Science)	\$1000.
Mr. Scott MacDonald (Science)	\$1000.
Ms. Laurie Ketch (Science)	\$1000.

## Research office closed down

In early 1987, the Senate adopted a research policy for Saint Mary's based on recommendations made by the Senate Research Committee. The research policy confirmed the Vice President Academic and Research as the University administrator responsible for overall research administration, and called for establishment of the position of University Research Officer. The URO was to report directly to the VP - A & R and be responsible for "complementing, supporting, and unifying the research administration activities of the Deans, the Librarian, and the Senate Research Committee."

Among the specific responsibilities of the URO were to be:

- promoting the research effort and image of the University
- coordinating external communications concerning Saint Mary's University research and scholarly activities
- maintaining a database of research activities of the faculty
- publishing a Saint Mary's University Research Bulletin
- organizing seminars on research methods, research grant applications and research support services
- developing better faculty grant seeking and grant management skills
- responding to the research needs of individual Faculties as they are identified by the Deans and members of the Faculties
- encouraging co-operation with other institutions

A University Research Officer was appointed and a Research Support Office opened in 1988. The Research Support Office has been closed by the University effective immediately as a cost saving measure. There is no one filling the position of University Research Officer.

## Victory in Manitoba

### The Strike

After three weeks and one day on the picket line, settlement was reached in the strike at the University of Manitoba.

The strike had followed ten months of abortive negotiation, most of which had occurred with the aid of a conciliator.

Eighty percent of the UMFA members supported the strike and continued to do so until the end. It was also supported by the Graduate Students Association. The President of the Undergraduate Students Association, who is a government nominee on the Board of Governors, favoured the administration but found that his student membership then immediately split into two student associations. The majority of the students did not cross the picket line.

Representatives from twenty-two faculty associations travelled to Winnipeg for two "Solidarity Days" with the striking faculty. This included representatives from every part of the country including both certified and uncertified associations.

CAUT gave strong support to the strike. It lent a professional staff member to assist in the organization of the strike. The Executive Director, Dr. Donald Savage, participated in the mediation. The President, Dr. Joyce Lorimer, made three extended visits and was present at the ratification meeting. CAUT worked with the local UMFA organizers to help make the Solidarity Days a reality. The CAUT Defense Fund paid strike pay of \$300,000 a week after the first week, and made a line of credit of \$1,000,000 available to UMFA.

### The Settlement

The mediation was focused on the major outstanding issue - the discontinuance article. Originally the management had proposed the abolition of the existing financial exigency and academic redundancy articles, thus making these questions a management right. They then proposed an article at the end of August in which they refined their doctrine of management rights through a draft

proposal which essentially would have allowed the deans and the Vice-President to lay off individual members with 30 days notice without ever having to establish the bona fides of a financial crisis. Indeed it gave them the power to lay off even if there was no financial crisis at all.

The final settlement had a number of important features, including:

(a) *Public accountability.* External verification of any financial exigency along with language which requires the Board of Governors to meet the financial exigency by other means than layoffs if such means are in existence. This latter language pertains throughout the period of the exigency, and is grievable. This combined with openness means there cannot be a fake exigency;

(b) *Academic freedom.* The Board demand to allow the unrestricted lay-off of individuals was dropped and replaced by language which stated that exigency could lead to the closure of faculties, schools or programs which led to a university degree or diploma. Individuals would only be laid off if such a unit was closed. Furthermore the actual lay-offs ill not be in the hands of deans, vice-presidents or departmental colleagues but will be done through a university redeployment committee.

(c) *Redeployment.* The redeployment committee is agreed in principle. The parties now have to work out the details. If they do not, the mediator will arbitrate. The redeployment committee will try to use early retirement, voluntary part-time arrangements, voluntary separations and the like before someone is actually laid off.

(d) *Academic integrity.* The fall-out in terms of possible closures from a genuine financial exigency is effectively decided by faculty councils, not deans, and by the Senate and its Planning and Priority Committee. The latter has a clear majority of faculty as do the faculty councils. At the end of the day the Board may refuse the plans of the Senate but only on clearly defined grounds which are grievable and only by a two-thirds majority. One consequence of this approach is that faculty will have to take Senate more seriously and encourage the type of Senate reform that CAUT has been advocating.

(d) *Closures for academic reasons.* The parties are agreed in principle on this article including a Senate veto but have to work out language. If they do not, the mediator will arbitrate. AUCC has been

campaigning for a single exigency and redundancy article. Manitoba now has a single article but with two streams.

(e) *Severance arrangements.* The notice and severance arrangements are exactly as they were in the previous agreement - one year's notice plus one month's pay for every month of service with a minimum of 12 and a maximum of 18 months. This should be the minimum anywhere in the country.

The other outstanding article was on outside professional activities, and the parties agreed to allow the mediator to arbitrate this if no agreement was reached.

November 15, 1995

### **TIAA-CREF Withdraws Business from Canada**

(Note: The following information is compiled from several CAUT sources and is of particular importance to any SMUFU members who may have pension funds held with TIAA-CREF through previous employment at other universities.)

Effective January 1, 1996, the Teachers Insurance and Annuity Association - College Retirement Equities Fund, TIAA-CREF, will cease doing business in Canada. TIAA-CREF has decided that "changes in Canadian law, combined with significant differences between Canadian and U.S. legal and regulatory requirements and practices, now preclude TIAA-CREF from being able to offer its broad array of financial products to its Canadian participants and to serve them effectively." A special arrangement has been negotiated with Sun Life Assurance Company of Canada, which will assume TIAA-CREF's Canadian insurance and annuity contracts.

This change will affect some members, former members, and retirees from the following universities (which currently or previously belonged to TIAA-CREF in the 1970s and earlier): Mount Allison, Cape Breton, St. Thomas, St. Francis Xavier, Mt. St. Vincent, UBC, Lethbridge.

TIAA-CREF has stated that it decided to withdraw its operations from Canada because of the difficulties with having to comply with two (US and

Canadian) sets of regulations; changes in Canadian law means it would have to establish separate investment portfolios for its Canadian operations; and "most of these investment portfolios would be so small that they would not be economically viable and investment practices would be changed to comply with Canadian practices, limiting the foreign (i.e. non-Canadian) content of pension investments to 20%."

Sun Life indicates that, among other features, a new Transition Fund has been established to replace existing CREF Stock Account units over a five year period.

The CAUT office has been active on your behalf in the TIAA-CREF sale of policies to Sun Life. A pension consultant has confirmed that individuals affected (policy-holders) have until Dec. 27 to object to the Supt. of Insurance for Canada.

The sale of policies from one insurance company to another is not uncommon in the industry, and companies usually have this option as a right. Although it would seem that TIAA-CREF has that right, this is something that CAUT will ask the experts to explore. In the mean time, the following letter has been faxed by CAUT to the Minister of Finance (The Honourable Paul Martin) and to the Superintendent of Financial Institutions Canada (Mr. John Palmer). Addresses and fax numbers for both are included below. Individual policy-holders may also wish to write and ask that the transfer of policies be delayed. The more letters the Minister and Superintendent of Insurance receives, the more likely that office would investigate and/or call for hearings.

November 7, 1995

also sent to:

The Honourable Paul Martin

Mr. John Palmer

Minister of Finance

L'Esplanade Laurier

140 O'Connor Street

Ottawa, Ontario K1A 0G5

K1A 0H2

FAX 613-995-5176

Superintendent of

Financial

Institutions

255 Albert Street

Ottawa, Ontario

FAX 613-993-6782

Dear Mr. Martin:

As President of the Canadian Association of University Teachers (CAUT) I am writing to vigorously protest against measures currently

underway to transfer Canadian assets in the Teachers Insurance and Annuity Association of America - College Retirement Equities Fund (TIAA-CREF) to Sun Life of Canada, effective January 1, 1996.

Our association's correspondence with affected members makes it clear that TIAA-CREF has failed in its duty to give all policy-holders written information of its intentions. Many policy-holders have yet to receive any direct communication from TIAA-CREF. This is totally unacceptable.

Even those policy-holders who have received written notification have been left with very little time to investigate whether the transfer involves breach of fiduciary trust, what the impact of the proposed transfer will be upon their financial position, and what other options are available to them.

Furthermore, policy-holders who have tried to ascertain the reasons for the asset transfer from spokespersons at TIAA-CREF and Sun Life have received various explanations. These seem to suggest that the transfer is a response to either a new unspecified regulation on the part of OSFI or Revenue Canada, but it has not been possible to receive any independent confirmation.

It is clear that the proposed transfer of assets from TIAA-CREF to Sun Life of Canada is being carried out in a hasty, disorganized manner with less than full disclosure to those affected by it. I would urge you, at the very least, to delay approval under Section 254 of the Insurance Companies Act to provide at least a 12 month period, to allow a full investigation of what is intended and what options are available to the policy-holders. This is the minimum that is required to conform with good business practice and alleviate the concerns of the policy-holders.

Sincerely

Joyce Lorimer, Ph.D.

President

**FACULTY UNION RATIFICATION VOTE:  
BALLOT COUNT -- NOVEMBER 22, 1995**

1. Voting ended at 4:30 p.m. Two scrutineers and three members of the Union escorted the ballot box from the Senate Office to the Faculty Lounge. The ballot box was carried by one scrutineer and the key to the lock was carried by the second scrutineer. No ballots entered the ballot box during its transition from the Senate Office to the Faculty Lounge.
2. The "Faculty/Library Union Report," supplied by the Business Office and used as the official record of members paying union dues, was used as the voters' list. 269 members were eligible to vote.
3. The three scrutineers appointed by the Union were: Guy Chauvin, Peter March and Douglas Vaisey.
4. Guy Chauvin opened the ballot box. Signed envelopes were removed and the name of the signatory was checked against the voters' list. There were two ballots whose envelopes were blank on both sides. These envelopes were rejected from the vote count because there was no way to verify that they did not represent a second vote from an eligible member or a vote from an ineligible member.  
  
Two double votes were discovered. The scrutineers recognized that the second set of ballots distributed were issued with small envelopes bearing the Saint Mary's crest. It was decided that only these envelopes would be opened in the case of those casting double votes. The envelopes for each of the two voters were opened. In each case, a blank envelope and a crested envelope were found. The blank envelopes were marked "Spoiled" and the crested envelopes were placed in the ballot box.
5. A count was made of members' names on the "Faculty/Library Union Report" that had been checked as having voted. This total was 151. A count was made of the signed envelopes and this total was also 151.
6. The signed envelopes were opened and the contents checked to ensure that only one envelope appeared inside. These envelopes (containing ballots) were placed in the ballot box, and the signed envelopes were set aside.

Faculty Union Ratification Vote Report...2/


7. After all signed envelopes were opened, the balloting envelopes in the ballot box were shuffled to further ensure the anonymity of the voters. All balloting envelopes were removed from the ballot box and counted. There were 151 balloting envelopes.
9. Each balloting envelope was opened by Guy Chauvin. Each ballot was passed to Peter March, who unfolded the ballot and read the result aloud. Each ballot was shown both to Chauvin and Vaisey. D. Vaisey marked the result of each ballot on a working tally sheet (photocopy appended).
10. After the last ballot was examined and counted, the result of the referendum was:

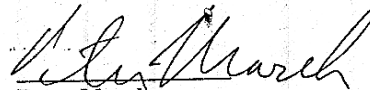
I Agree	75 votes
I Disagree	76 votes.
Spoiled ballots	0

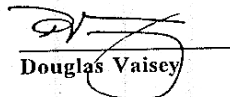
To ensure the accuracy of the ballot count, the outer blank envelopes were recounted and their total was 151.

11. Because of the closeness of the vote, a recount was offered but no request was forthcoming.
12. The ballots, the signed outer envelopes, and the blank inner envelopes were locked into the ballot box by the scrutineers.

We, the undersigned, agree that the result of ballots counted on November 22, 1995 was seventy-five (75) votes for "I Agree" and seventy-six (76) votes for "I Disagree" and we further agree that there were no improprieties in the vote count.

  
Guy Chauvin

  
Peter March

  
Douglas Vaisey