

FACULTY UNION NEWS

SAINT MARY'S UNIVERSITY

Volume 3, Number 4 April 22, 1997

Faculty members old and new should feel free to contact any member of the Faculty Union Executive about employment matters and/or to drop into the Union Office (MM206c) for coffee.

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CHANGES IN THE COLLECTIVE AGREEMENT

Suggestions from Union Members have been incorporated into a survey attached. Some suggestions have been altered or combined due to lengthiness or duplication of submissions. The next stage of consultation is the completion of "Suggestions for the SMUFU Negotiating Team" survey. Please return the survey before May 2, 1997.

THE NEW SMUFU FACULTY UNION EXECUTIVE 1997-1998:

Linda Van Esch	President
John Chamard	Vice-President
Guy Chauvin	Treasurer
Rashid Tayyeb	Secretary

THE NEW MEMBERS-AT-LARGE 1997-1998:

George Nahrebecky conducted the Member-at-Large vote count on April 4th and officially notified the Union Office on April 14 of the following election results:

Elected:

Anne Marie Dalton	Member-at-Large
Doug Strongman	Member-at-Large
Joyce Thomson	Member-at-Large

The official Change Over of the Executive will take place in May

YORK UNIVERSITY FACULTY ASSOCIATION ON STRIKE

From YUFA April 18 Bulletin:

SCHOOL IS NOT OUT!

No Cancellation of Classes or Exams in Senate Policy.

The York University Senate, in a long and chaotic meeting Thursday night, confirmed the policy announced by Senate Executive earlier this week granting greater flexibility to students regarding disruptions to their schedules caused by the strike.

The meeting was marred by a number of procedural errors. Delaying tactics prolonged the meeting and delayed the vote until after many Senators who opposed the policy had already left. Despite prior arrangements for a recorded vote, the final vote was taken on a show of hands, in which spectators who were not members of Senate were able to participate. The policy contains a number of provisions intended to alleviate student concerns about the effects of the strike on their course work and grades. The most controversial provision concerns final examinations. In courses where the final exam is weighted at 35% or less, students may request exemption from the exam and have their grade based on the other assessed work they have done for the course. Various other provisions allow students to request deferred standing or late withdrawal, and permit professors to vary requirements from what was stated at the beginning of term.

It is important to note what this policy does not do:

No Cancellation of Classes: The previously announced Senate policy, that another week of classes will be held when the strike is concluded, is still in effect.

No Cancellation of Exams: An exam period will still be held when the strike is over, and exams will still be offered in all courses where they were previously scheduled, unless other arrangements are made with the consent of instructors and students.

No Applicability until the Strike Is Over: The policy explicitly deals with the situation after the strike is over. Any changed arrangements that involve a YUFA instructor

cannot occur until the strike is over, and any new arrangements made by non-striking course directors must make provisions for additional classes, exams, and work completion dates to occur after the strike is resolved, so that students who did not attend during the strike will have the opportunity to proceed with their coursework, in accordance with the Senate's "immunity from penalty" rules.

No Grades until the Strike Is Over: Striking YUFA members will not submit grades, deal with petitions, or do any other course-related work until the strike is resolved. Whether grades are based on examinations or other coursework, they will still be assessed by YUFA members. Formal approval of grades at York requires action by departments and faculties, which cannot occur until YUFA members are back at work. The academic year will not end until the strike is resolved and the make-up classes and exams have been completed. It isn't over till the strike is over!

YUFA'S CONCERNS

YUFA is concerned that this policy will add to the confusion in the York community. Most students will want to know what their other marks are before requesting exam exemption, but those marks won't be available until the strike is resolved. CUPE members may be asked to do additional work after the end of their usual contracts; CUPE members who are not course directors may be asked to scab and do their course director's work by assigning interim grades for students who wish to use the exam exemption. All the provisions of this policy are subject to the back-to-work protocol that must be negotiated when the strike is over. None of this addresses the real issue, which is to end the strike, by binding arbitration or real negotiations! Reported and written by Gregory Guy, DLLL

With God on our side

by Ian Davies, Sociology/SPT

Your reporter attended his first Senate meeting in over 20 years, congregated this time, not on the 9th floor of Ross, but in the basement of St Wilfred's Catholic Church on Finch. Senate Chair George Turlakis' thought the occasion called for divine intervention, but the Diety chose to move in his own mysteriously mischievous ways. He had first to contend with a space too small to hold everyone, and a time-limit set by the Church's own requirements. Then there were the rules of parliamentary discourse, invoked by some who knew segments of them, but other senators, including the chair, hastily appealed to bits of tradition or folklore, to scraps of paper lying around, to improvised ad-hocery, and, frequently to self-confessed ignorance. Motions were proposed, withdrawn, put on the table again, voted on, or not, as the process unfolded. The bewildered press must have gagged on the Almighty's mischievousness. But this

was, necessarily, the Senate going about its (ab)normal democratic business.

The issue, of course, was the Senate Executive Committee's guidelines to students. Laid out in an eighteen-page document, it included rationales for the executive's meetings, the guidelines themselves and relevant pieces of correspondence. Les Green, on a point of order, withdrew his motion to withdraw interim powers from the executive, and instead proposed that Section C1 of the guidelines (on Examinations) should be treated separately from the rest of the document. Helen Doan, Vice Chair of Senate, capably took the meeting through the document, with a largely respectful hearing.

After that, semantics, (mis)interpretations of rules and general confusion took over. The semantics hinged on the words "approve" and "confirm". George Turlakis had accepted that Senate was to approve the work of the Executive Committee (i.e. if the guidelines were not passed by the Senate there would be no guidelines). A group of student senators assumed that "approve" and "confirm" were synonymous and therefore proposed a filibuster procedure in which each motion should be voted on by recording each senator individually. Harvey Simmons later proposed a motion that "approve" be replaced with "confirm". But ultimately it was "approve" with no verbal record of voting.

The upshot was that the Senate Executive guidelines were approved, with minor amendments, and even the controversial C1 was accepted. All this was done in the last 30 minutes, with very little effective discussion to cover the issues. Time, procedure and semantics had provided their own curious victories. As I left the meeting, some YUFA members expressed the idea that YUFA had "lost" in this exercise. It seemed to me that the reverse was true. YUFA members had called for a meeting of Senate. Senate performed as all senates that I have ever known always do: it was chaotically democratic. Senate is not a YUFA puppet, as we have never claimed it to be. It expressed, for the first time since the strike began, the view of the collectivities that comprise the university without any administrative interference. That is surely what we are fighting for. But the meeting did demonstrate that working with students and our colleagues in a crisis is far more complex than we ever imagined and that there is no homogeneous set of supporters out there. Every step has to be thought through, without slogans. The mischievous divinity of St Wilfred's probably knew what he was doing.

On Faith, Truth and Justice

"We have seen education boards come very close to strikes," says Marilies Rettig, President of OECTA. "The

difference between them and York U is that the school boards recognized they should operate in good faith."

This is a problem that YUFA's Chair, David Clipsham, readily recognizes. "The Administration has persistently refused to take us seriously," he says. "They stripped the Collective Agreement in August 1996," he points out. "We have tried to resolve issues at the bargaining table. We only went to a strike as a last resort." Echoing Clipsham's comments, Len Hupert of OPSEU talks of an education system in crisis. "From forced amalgamation of school boards under Bill 104, to the assault on universities -- we know the effect government policies have on our classrooms and our students." Hupert, Vice-President of OPSEU, reminded a press conference of labour leaders yesterday that a year ago, OPSEU "won justice and fair treatment after walking the line for 5 ½ weeks." "We know your struggle is as much about the learning conditions for your students as it is about the working conditions of your members," he noted, going on to deplore the effects of tuition fee increases, large classes, and the "increased corporatization" of education.

The labour dispute at York is also part of a developing trend to prepare the university system for privatization, says Derek Blackadder, CUPE Staff Co-ordinator for universities in Ontario. "The Administration move to increase class sizes is a way to prepare for fees to take over funding in universities -- therefore cram many students in." It's the "volume approach" vs a "high quality" approach, he says. And at the same time, "hold the line on costs." Hence the U of Windsor assault on staff, demanding a 27% wage-cut, recently beaten back by the strike of staff employees. York, he adds, is moving away from the principles of access and high quality.

York is also moving away from the real story on binding arbitration, says Don Savage, Executive Director of CAUT. Replying to an allegation by VP Michael Stevenson that

binding arbitration is not used in university contexts, Savage points out that it is widely used in Canada, and not just at the University of Toronto. Both Ottawa and Carleton have binding arbitration built into their collective agreements, and Ottawa is going to arbitration in a few days. Faced with a serious impasse last year, Carleton went to binding arbitration: "The faculty lost," he reported, "but the world didn't fall apart." Last year in BC, both SFU and UVic arbitrated their differences, and this year it's UBC's turn. Yet, says Clipsham, even though YUFA has proposed arbitration, "We're still willing to negotiate. We are willing to negotiate a new collective agreement -- now."

Picket Lines

Solidarity

Thanks to our union sisters and brothers for their generous solidarity donations: Ryerson Faculty Association, \$5000; University of Toronto Faculty Association, \$5000.

Catching On

His extra \$6000 was not an increase but a catch-up of monies owed from two years back, said VP Michael Stevenson in reply to a question at the Open Student Forum with members of the BoG and the Administration. Women faculty at York can empathize. They've been waiting since 1990 for a pay-equity settlement, said Linda Briskin in response. And she adds, York faculty are waiting for their catch-up in PTR.

To keep up to date on the York situation via the noticeboard outside the Union Office (MM206C), SMUFU Website:

(<http://business.auracom.com/sumfu>) and the Faculty Union News. You can plug in directly to the YUFA Web page <http://www.yorku.ca/org/yufa/>.

The following letter was sent to Senator Bonnell on Copyright.

April 2, 1997

FAX: 992-2005

The Honourable M.L. Bonnell

The Senate

Room 265-E, Parliament Buildings

Wellington Street

Ottawa, ON K1A 0A4

Dear Senator Bonnell:

Re: Bill C-32 - Copyright Act

As you know Bill C-32 passed Third Reading in the House of Commons on Thursday, March 20, 1997 and been tabled in the Senate for consideration after the Parliamentary Easter Break. In a press conference on March 25th, CAUT joined 13 other organizations representing educators, students, librarians, booksellers and broadcasters to urge the Senate to amend the Copyright Bill. We write to you seeking your support for a fair hearing before the relevant Senate Committee. It is our hope that the Senate will successfully broker a reasonable compromise between the competing interests.

CAUT supported Phase I of the copyright legislation which created collectives and provided other means of ensuring the rights of creators. At the time and ever since, successive ministers have promised Phase II which would balance the previous phase with reasonable exceptions for education and for libraries. CAUT supported both Phase I and Phase II as originated under the Mulroney government because we represent both creators and users and because we thought a reasonable balance had been struck. The debate seems to have lost sight of the fact that Phase II was originally designed to protect educators and libraries.

When Bill C-32 was tabled in the House of Commons in April 1996, Heritage Minister Sheila Copps and Industry Minister John Manley wrote that: "the Bill will achieve a fair balance between the rights of those who create works, and the needs of those who use them". Whether or not the original Bill achieved that balance, we take the position that the amended Bill certainly does not. The Bill was hijacked in Committee and reads as though it were written by Cancopy. The amendments unfairly shift the balance - unfairly because they were rammed through the Committee without any consultation with the stakeholders.

As a result, there is widespread opposition to the amended Bill C-32 in the university community and elsewhere. The process in the House of Commons at the report Stage has ensured that there was no meaningful debate about the way in which the Bill had been fundamentally altered by these changes. The Senate has a duty to allow those who were shut out by the procedures of the House of Commons to have a hearing.

It is rumoured that the Senate will be dealing with the Bill in the Committee on Transport and Communications. It is crucial to the education and library community that certain issues be considered by this Committee. More specifically, the higher education community seeks a discussion of the following amendments:

- A) the removal of unreasonable restrictions which have the effect of limiting many of the exceptions that still remain to those who have signed a contract with Cancopy. An exception is not an exception if you have to buy it. The exceptions should be available to all. Instead of negotiating its contracts, Cancopy wants the government of Canada to negotiate for it and to force universities and others to sign agreements. Cancopy should secure its contracts on their own merits and not in this surreptitious manner.
- B) the removal of the restrictions on the importation of used textbooks.
The Heritage Committee amended the Bill at the last moment to restrict the importation of used textbooks of a scientific, technical and scholarly nature, but not other used books. This unfair restriction must be reversed to ensure that Canadian students will continue to have access to affordable used textbooks. You might note that the textbook market in new scientific books in Canadian universities is dominated by American companies.

Why are we protecting them? Furthermore what is this amendment doing in a Copyright Bill? It is a trade matter, not a copyright issue.

- C) the amendment of the section of the legislation which allows for the imposition of criminal sanctions for any violation of the legislation, however trivial. CAUT has suggested that any cases involving a value of less than \$5,000 and where there was no intent to violate the law should be tried in civil courts. This problem is concrete in that Cancopy has demonstrated by its actions that it intends to try to use criminal sanctions against professors, librarians and students. A faculty member or student could be charged with a criminal offence by making a copy of an article from last month's Maclean's. Not only is a criminal record a very serious matter but the already backlogged criminal courts do not need the additional copyright infringement cases.
- D) the restoration of "assignments" to the section of the legislation which originally provided for an exception for examinations and for assignments. The Heritage Committee removed "assignments" in the December amendments. CAUT is prepared to see words added to ensure that the exception for examinations and assignments are for use in officially sanctioned courses and programs in a recognized educational institution.
- E) the permitting of libraries to copy single pages or books which are out of print, damaged or lost. The amended legislation now prohibits all of
 - t the foregoing if a licence is available from a collective. It should be noted that damaged or lost books have already been paid for by the library.
- F) the permitting of professors to make a slide for the purposes of showing material on an overhead projector. The amended legislation is now a vehicle for a Luddite attack which demands that university teaching retreat to the blackboard, chalk and erasers. This, of course, would be silly except that it is backed by the possibility of criminal sanctions. One should not pass legislation which justifiably breeds contempt for the law.

These are merely an abbreviated list of the concerns CAUT regarding the Bill in its present state. The aforementioned issues are vitally important to the higher education and library community and we strongly urge you to support our request for a fair and full hearing before the Senate so that, in keeping with the initial purpose of Bill C-32, balance may be restored. If you require further information, please do not hesitate to call or to consult the copyright section of the CAUT web site (www.caut.ca)

Yours sincerely,

William Brunneau
President

cc. CAUT Executive
Robert Giroux, President AUCC

SMUFU Web Site

You can find SMUFU web site at:

<http://business.auracom.com/smufu>.

New: Noticeboard and Classified sections have been added to SMUFU Web Page.

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