

FACULTY UNION NEWS

SAINT MARY'S UNIVERSITY

Volume 5, Number 4, APRIL, 1999

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## PRESIDENT'S HOUSE/FACULTY CLUB

As you may know, the Faculty Union Executive has been exploring options for a proposal to the Property and Development Committee of the Board of Governors, for the conversion of the President's residence to a University Club. The Property and Development Committee had decided that the building should be torn down, but had been persuaded to postpone a final decision until April 29th, to allow interested parties to make other proposals.

The Union executive sent out a questionnaire to all full and part-time faculty to determine how much interest there might be in establishing such a club on those premises. It was intended as a simple, preli-minary survey of interest, and served this purpose well. Although our hastily prepared survey invited only positive responses, this did not prevent a number of members from making useful comments . We received 79 replies, of which 65 expressed strong support and a willingness to purchase a membership. The others expressed various reser-vations, including 6 strongly opposed.

Encouraged by this response, the Executive proceeded to investigate further, with a view to submitting a business plan. Having investigated as far as the P & D Committee's limited time extension would allow, the Executive has concluded not to proceed with a proposal to take over the President's residence for the following reasons:

- Building code requirements demand extensive alterations to provide proper door sizes, sufficient exits, fire escapes, sprinkler systems, etc., if the building were to be used for such a purpose. Although we have not secured accurate, detailed estimates for all the necessary work, our preliminary investigation suggests that the cost would be completely unreasonable. The building is not presently in good repair: the roof leaks; the furnace is an old, converted coal/hot water system which has reached the end of its useful life; the basement is damp and presents serious mold problems; the sewer system does not meet code and would have to be completely replaced to the street, and so on.
- The property itself is not well suited to this purpose and would require, at the very least, extensive renovations. The size and layout of the house would not allow a sufficient number of large rooms to make it useful as a club, and it is doubtful if even extensive renovations could produce a good facility.
- Although the survey provided a strong indication of a need for better Faculty Club facilities, this response doesn't not indicate a sufficient level of interest to justify a major financial undertaking. If the Union did sink a considerable sum of money into such a project, it could never hope to get any return on it. Dues

and other sources of revenue could scarcely be expected to generate enough to staff and maintain the place. If, in fact, the venture did not succeed, there would be a strong possibility of the Union incurring a significant liability.

In any case, the Union would never recover the original capital cost of renovations. The most conservative, off-the-cuff estimate of the cost of the necessary upgrades, repairs and renovations would run well over \$100,000 and a more likely final cost would approach a figure comparable to the construction of a new, purpose-built building.

If the President's house were a suitable building for a club and could be turned over to the Union with little initial start-up cost, it might make sense to run it as a club on a trial basis. However, this is not the case, and the Executive does not recommend to the membership that we become involved in a major financial commitment of this kind.

Having said all this, we do, however, wish to respond to the considerable interest which the survey revealed. There is a definite need for better Faculty Club facilities, and several alternative suggestions have been made. The present Faculty Lounge is in a convenient location, and it is possible that better services could be provided through it. The Union Executive welcomes further suggestions from the membership, and is prepared to give a high priority to an alternative plan of action.

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**Your Two Cents:
Submissions and Suggestions**

All SMUFU members are invited to contribute comments, news ideas and yes, even written submissions for future issues of the Faculty Union News. Contact Joyce Thomson, current editor and Member-at-Large, 420-5541, joyce.thomson@stmarys.ca

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**UNION DID NOT FAIL TO BARGAIN**

Faculty at Saint Mary's may be aware of the recent Nova Scotia Labour Review Board's deliberations relating to Saint Mary's University Staff Union (NSGEU Local 79). Below is a brief report on the Board's decision, extracted from Labour Law Developments Workshop Document - Pink Breen Larkin, April 12, 1999.

**Issue:** Did the Union fail to bargain by refusing to sign the alleged agreement?

**Decision:** No.

**Reasoning:** The Employer believed that all issues, including wages, had been resolved as a result of bargaining. The Employer also believed that the Union membership had ratified the agreement. The Union refused to sign the agreement. The Employer requested the Board to order the Union to sign. The Board found that the parties had not reached an agreement on wages scales and as such no collective agreement was reached. The Labour Board made detailed suggestions about the methods that should be used to record negotiations, and the use of such notes in future proceedings. The Employer negotiator was very experienced. He was under an obligation to make sure that the Union negotiator clearly understood the Employer's position. There was "mutual mistake" on the part of both the Employer and the Union. The matter was remitted back to the parties with the possibility that the Board might make a remedial order.

**Saint Mary's University and Nova Scotia Government Employees Union (12 February 1999) LRB. No. 4683 (N.S.L.R.B.). Panel: P. Darby (Chair); G. Jennegren, L. MacKay.**

Following this ruling, negotiations between the University and SMUSU resumed in late February of this year. The completed contract was ratified by both the members of SMUSU and the Saint Mary's Board of Governors by the end of March. Official signing is expected to take place in May.

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CAUT COMMITTEE

This issue of the *Faculty Union News* features the last in the information series on the Canadian Association of University Teachers (CAUT). Any SMUFU member wishing to be elected to these CAUT committees should contact the Executive. This month we present the *CAUT Academic Freedom and Tenure Committee*.

TERMS OF REFERENCE

Status and role

(a) The Academic Freedom and Tenure Committee shall be a Standing Committee of Council with responsibility for dealing, on behalf of the Association, with appeals made to it by individual faculty members who consider that their professional rights have been infringed.

(b) The Committee shall also be responsible for making recommendations to Council on policy matters relating to academic freedom and tenure, grievances and discrimination, as well as policy matters arising from the Committee's consideration of academic rights issues.

Composition

(a) The Committee shall be composed of six elected members (including the Person Chairing), who shall be elected by Council. The elected members may be tenured or untenured, but must have scholarly reputations appropriate to their academic rank, and must be sympathetic to, and have had experience in, the defence of the individual rights of faculty members.

(b) Elected members shall normally serve for three year terms, which shall overlap in such a way that approximately one third of the membership changes annually. If the normal term needs to be altered, in order to ensure the continuation of this changeover pattern, the Committee shall make suitable recommendations to Council at its Spring

meeting. Members may be re-elected for successive terms.

(c) The term of the Person Chairing the Committee shall normally be for three years.

(d) In addition, FQPPU may send a representative with the rights as provided for in the CAUT/FQPPU Accord.

(e) The President shall be an ex officio member of the Committee. The Vice-President and the Executive Director shall be additional non-voting members of the Committee. The Executive Director's delegate shall act as its secretary.

Functions

(a) The Committee may deal with grievances from faculty members, groups of faculty members, or faculty associations of Canadian universities.

(b) Appeals to the Committee shall normally be dealt with, in the first instance, by the professional staff of CAUT in consultation with the Person Chairing the Committee, who shall bring the case to the Committee when the documentation is sufficiently complete, unless the case does not appear to merit consideration. Cases which are refused by the Committee may be appealed to the CAUT Executive Committee according to Article 12.5 of the General By-law.

(c) The basic procedures of the Committee in dealing with cases appealed to it are those laid down in the Policy Statement on Academic Appointments and Tenure and other relevant guidelines and policy statements given in the CAUT Handbook or approved from time to time by Council.

(d) In carrying out the foregoing functions, the Committee will ensure that attention is given to discrimination, particularly discrimination against women academics, with a view to redressing the effects of past discrimination, challenging ongoing

forms of discrimination, and preventing discrimination in the future.

(e) The Committee may also deal with policy matters pertaining to the academic rights of faculty members, and such other matters falling within its jurisdiction as may be referred to it by the CAUT Executive Committee or Council.

Mode of operation

(a) The Committee shall meet four times a year. There shall be provision for a joint session each year involving some or all members of the Academic Freedom and Tenure Committee and some or all members of the Collective Bargaining Cooperative Executive Committee in order to discuss matters of overlapping interest.

(b) The Committee may at its discretion delegate special tasks to its Chair, or to appropriate sub-committees, who shall report back to the full Committee for ratification of policies or intended actions, before these are put before the CAUT Executive Committee and Council.

(c) The minutes of the Committee are confidential to the members. The Committee may make available, from time to time, excerpts from the minutes to concerned parties.

(d) A quorum for meetings of the Committee is 50% of the voting members.

(e) The Committee shall be conscious of and sensitive to the issues of conflict of interest and apprehension of bias. A Committee member who perceives an issue of possible conflict of interest or apprehension of bias of their own, or on the part of another member, whether it arises from personal involvement or through the involvement of the member's local or provincial association, shall raise it. The matter shall be discussed and then resolved by the remaining members of the Committee who may direct the member to absent himself/herself, impose specified limitation on the member's

involvement, or conclude that no action needs to be taken.

Reporting

(a) The Committee shall report regularly to Council through its Chair.

(b) The Committee shall prepare a written report for presentation at the Spring meeting of the Council.

Status of academic administrators on CAUT Standing Committees

Whenever a member of a standing committee accepts an appointment (whether temporary or continuing) to a senior administrative position (for example, President, Vice-President, Counsel or Advisor to the President, Dean, Associate Dean, Assistant Dean) or, in the case of a faculty association which has entered into a collective agreement, to any administrative position which excludes its occupant from membership in the bargaining unit, the member shall notify the Elections and Resolutions Committee. After consulting with the member's faculty association and the standing committee to which the member belongs, the Elections and Resolutions Committee shall report to Council which shall determine whether or not the individual shall be replaced (using the usual procedure for electing members to standing committees).

A complete version of this document was approved by Council, May 1980; amended, May 1983, May 1985, May 1986, January 1988; editorial revisions, April 1989, May 1990; amended January 1991, September 1991, September 1992, November 1994, April 1995, May 1996, November 1996.

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### **SMUFU Library:**

The following items have been added to the library available to members in the Union Office:

- News & Views - University of Manitoba Faculty Association - April, 1999
- UTFA Negotiating Newsletter#3,#4,#5 - March & April, 1999

- UTFA NewsBulletin March 27, April, 9 & April 19, 1999
- ANSUT Newsletter March 1999
- INTER VIEWS The University of Calgary Faculty Assoc.
- Labour Relations Board NS No. 4683 Saint Mary's University and N.S. Government Employees Union
- Labour Law Developments Workshop Document - Apr 12/99
- Connect, UNESCO International Science, Technology & Environmental Education Newsletter, Vol XXIII, No.3/4, 1999.
- Draft Report - Public Investments in University Research: Reaping the Benefits - prepared by The Expert Panel on the Commercialization of University Research - March 26, 1999.

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ON THE WEB:

- Pink-Breen-Larkin's Labour-Law Links: Links to Unions and Associations/Legal Resources/General Labour Information/ Governments/ Labour-Related Boards, Commissions and Organizations.
(<http://www.labour-law.com/links.htm>)

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| <b>Contact Us!</b>                                                                                                                                                                     |                                                                         |
| <b>Location:</b>                                                                                                                                                                       | MM206c                                                                  |
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| <b>E-mail:</b>                                                                                                                                                                         | <a href="mailto:smufu@dbis.ns.ca">smufu@dbis.ns.ca</a>                  |
| <b>Web Site:</b>                                                                                                                                                                       | <a href="http://www.dbis.ns.ca/~smufu">http://www.dbis.ns.ca/~smufu</a> |
| All faculty members should feel free to contact any member of the Faculty Union Executive about employment matters. Drop by the Union Office for coffee or to browse our mini-library. |                                                                         |

**A Thought for the Day**

During my second month of nursing school, our professor gave us a pop quiz. I was a conscientious student and had breezed through the questions, until I read the last one: "What is the first name of the woman who cleans the school?" Surely this was some kind of joke.

I had seen the cleaning woman several times. She was tall, dark-haired and in her 50s, but how would I know

her name? I handed in my paper, leaving the last question blank. Before class ended, one student asked if the last question would count toward our quiz grade.

"Absolutely" said the professor. "In your careers you will meet many people. All are significant. They deserve your attention and care, even if all you do is smile and say 'hello'." I've never forgotten that lesson. I also learned her name was Dorothy.

**Source: E-mail**

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