

Nipissing University Faculty Association

General Membership Meeting of October 22, 2012

7:00 pm

F210 Main Campus
Classroom 2 Bracebridge Campus
Room 207 Brantford Campus

Executive Members Present:

Gyllian Phillips, President
Rob Breton, Vice-President
Todd Horton, Past-President
Dan Walters, Treasurer
Sal Renshaw, Grievance Officer
Jeff Scott, Grievance Officer
Joseph Boivin, CASBU Officer
Jennifer Barnett, Member-at-Large (Education)
Manuel Litalien, Member-at-Large (Applied and Professional)

Recording Secretary:

Angela Fera, Executive Assistant

Approximately 40 Members of NUFA attended with one Member video conferenced from Brantford and another two brought in by Skype.

1.0 Approval of the Agenda

MOTION 1: Moved by Rob Breton, seconded by Sarah Winters, that the agenda be approved.
CARRIED

2.0 Approval of the Minutes

MOTION 2: Moved by Mark Crane, seconded by Robin Gendron, that the minutes of the November 16, 2011 Special General Membership Meeting be approved.
CARRIED

MOTION 3: Moved by Jennifer Barnett, seconded by Robin Gendron, that the minutes of the August 29 Special General Membership Meeting be approved.
CARRIED

MOTION 4: Moved by Janet McIntosh, seconded by Cameron McFarlane, that the minutes of the May 7, 2012 Annual General Meeting be approved.
CARRIED

3.0 Business Arising from the Minutes

The only business arising from the minutes was the library donation. At the May 7, 2012 Annual General Meeting, the motion to continue the library donation was defeated. At that time it was suggested that money towards a book collection was a good idea, and that the Executive would look into it and bring proposal back to the membership in the fall. Gyllie reported that there was no plan as of yet but that the

Executive was working on the possibility of a donation, amount unspecified, to support the permanent collections. She would be engaging the library committee about targeting the money and would provide more information to the membership at a later date.

4.0 Correspondence to the President/Executive

No correspondence.

5.0 Reports from the Executive Members

5.1 President

Gyllie reported that aside from bargaining, the Executive had been working on the budget for this year and the year-end for last year. She reported that half of the Executive had participated in the Presidential search process, by attending the presentations and a small group session with both candidates. From the sessions and discussion with the Executives, she wrote a letter summarizing their impressions of both candidates.

Gyllie reported that she had attended the first Board of Governors meeting of the year. At the meeting the university's auditor indicated that the audited financial statements (although not yet available) show that the university is in good financial shape. Last year, not only was there no deficit, but there was a surplus.

Gyllie spoke to the silence Members must have felt since the Special GMM on August 29 and further spoke to the explanation provided in the October 2012 NUFA News Bulletin. Since the last GMM, the time has been taken up with the bargaining process and negotiating the stormy waters of provincial budget panic and the resulting squeeze on labour unions. In the summer, the province began calling in earnest for austerity bargaining (i.e. zero net compensation) and tabled legislation on the very day of our bargaining. This along with the letter sent one month earlier by the Finance Minister Dwight Duncan, caused anxiety around what we'd gained at the table. Our agreement was ratified by the Membership on September 4 and by the BOG the previous week, and therefore is in effect. Gyllie then had discussions with the President (Interim) of the University, where she agreed that we would not announce our settlement publically. Our situation highlighted the unknowable future for bargaining and for the university. It is an unstable moment for our future and for the future of unions. Although generally participation in labour unions is down, in faculty associations it has gone up and we've won some major battles as a result. Faculty associations have done a great deal in protecting academic freedom and in regularizing pay and working conditions in universities. The question is – What do we need to do as we continue to do our work and how do we shape university culture? How can we turn our individuality and intellectual independence to our benefit?

Two organizations that help to bring together our separate interests are CAUT and OCUFA. Both are scrambling to adjust to the rapid changes in labour and PSE. At CAUT, Jim Turk is resigning after a very long tenure as Executive Director, but his recent memo of September 21 titled "*Assault on Labour Rights and Post-Secondary Education*" provided a very good overview linking the national attack on labour and Ontario's determination to reshape universities. This will be a major topic of discussion at the November CAUT Council meeting. The most recent OCUFA Report sent to you today, comments on the Premier's resignation and the status of the public sector wage restraint legislation. Although all legislation on the table dies at the time of prorogation, it can be reintroduced in the same or some revised format when the legislature resumes and it is the government's intent to negotiate a voluntary wage freeze with the public sector unions before that happens. The SMA (Strategic Mandate Agreement) is going ahead, where we beg for our piece of the pie. The SMAs tie base funding to those structural changes in universities that the government, not the universities themselves, wants to see. We are up in the air, since we have no

sense of what the end result will be. OCUFA is busy revising their campaign as a result of the Premier's resignation and the proroguing of Parliament. Gyllie will be attending the OCUFA Board Meeting this week for an update. In January OCUFA will be hosting a conference "*Academia in the Age of Austerity*" to which we will send a representative. So we continue to participate in these and to stay informed; however, how do we capitalize on our strengths in an academic foundation and strong labour sense? What would you like to see us do? Do we need to give ourselves a mandate to work within NUFA to keep our own association strong and to help bolster both our labour rights and academia in general? How do we contribute to a more unified voice? We feel responsible to say something and if you have suggestions for us, please pass them on.

At this point, several of the Members added that we (universities) are radically different from other public institutions and that the government is conflating the two. We should be careful not to go there. We should work being taxed based to our advantage. Those with tenure can certainly criticize the government without fear of losing their jobs. The characterization of us as "public servants" should be contested.

5.2 Treasurer

Dan Walters presented last year's closing financial statement and this year's proposed budget. He directed the Membership's attention to a number of items and differences between last year's financial statement and the proposed budget for this year. He indicated that investments were taken out of the budget since they were not being used in operating. Dues are not always deducted regularly and that CASBU amounts fluctuated over the three terms. The CAUT Defence Fund coverage for CASBU was now included. He did not want to leave the strike preparedness funds approved last year on the books for this year but rather invest the amount, to have when necessary. The library donation was discontinued, and the textbook bursaries were underutilized but expected that with advertising they could be fully utilized this year. A question was asked as to whether the textbook funds not used were rolled over into this year's budget. Dan responded that typically it was not rolled over as the funds were not endowed but rather sitting in our cash account. There was clarification over the extended deadline for the textbook bursary applications and one Member indicated that he sent all of his students an e-mail with the details or one could use Blackboard. Dan referred to the course release budget line indicating that it was being used this year, and would likely be used more and more as grievance issues grow. Although some universities have an unlimited number that could be purchased, we are limited to three course releases for purchase. The travel funds relate to conferences outside of CAUT and OCUFA and trips to the satellite campuses. The legal expenses reflect our fairly reasonable cost on fees. We also have a contingency fund, and the EA's hours have been increased to 35 hours. We are also currently looking into Directors and Officers liability insurance which could range anywhere from \$2500 to \$5000 depending on the coverage. Dan pointed out that the budget is essentially breakeven and the investments were outlined separately.

MOTION 5: Moved by Sal Renshaw, seconded by Mark Crane, that the Financial Statement for the year ending April 30, 2012 be received.

CARRIED

MOTION 6: Moved by Sal Renshaw, seconded by Manuel Litalien, that the Budget for the year ending April 30, 2013 be received.

CARRIED

MOTION 7: Moved by David Tabachnick, seconded by Sal Renshaw, that the Budget for 2012-2013 be approved.

CARRIED

5.3 CASBU Officer

Joe Boivin announced that this week is "*Fair Employment Week*". Across North America, this is a week of action to highlight the contributions made by Contract Academic Staff (CAS) at post-secondary institutions. At Nipissing, we have 184 Members of FASBU (Full-time Academic Staff Bargaining Unit) and currently 194 Members of CASBU (Contract Academic Staff Bargaining Unit). Our faculty association may be divided into two separate bargaining units, but we are all united by the common goal of making Nipissing University the finest post-secondary institution that it can be. We are asking that you show your solidarity with the Contract Academic Staff by putting up one (or more) of the posters which will be sent to the faculty tomorrow. He encouraged the faculty to find out who the CAS are in their department/division/school and that the conversations started can contribute to improving the solidarity among all Members of NUFA.

5.4 Other

No other reports from Executive Members.

6.0 Reports from Standing Committees

6.1 Collective Bargaining Committee

Mark Crane reported that CASBU had begun preparations for bargaining. He encouraged faculty to remind their CASBU Members that if they had any concerns they should contact him to get those concerns on the agenda for discussion.

Gyllie reported that we had received a draft of the new Collective Agreement from the employer and that we would be reviewing it over the next few weeks. She also felt that it would be helpful to review some of the items in the new collective agreement that have proven urgent to faculty right now. She reminded faculty that we are now bound by the new agreement, and were so, ever since it was ratified by both sides in late August and early September. Faculty should review their pay stubs in November to be confirm the increases. She then presented a Powerpoint summary on a range of articles. The summary is attached to these minutes. She also mentioned that Chairs/Directors/Program Coordinators would be having a meeting with NUFA Executives on Thursday, November 1 at 1:00 pm to discuss items such as workload/overload, individualized study and scheduling. On the issue of scheduling, the basic premise around the changes is that faculty need to be consulted. Although it may be that timelines may not be met for this year, Gyllie will talk with the administration to see what are reasonable timelines. Questions arose from the Membership with regard to the formula on course release for individualized study and the effect on the restrictions on overload for Members this year. Gyllie responded that the formula for course release for individualized study will be in a chart in the new agreement. Todd Horton responded regarding overload that the Association would not interfere with overload negotiated last year for this academic year, if the Member was in agreement. Members have always had the right to accept or refuse overload. The restrictions were at the initiative of the employer and has always been under their control.

6.2 Scholarships Committee

Jeff Nicol reported on the Learning Opportunity Awards and Textbook Bursaries awarded by NUFA. The committee met six times last year around the deadlines for the awards to consider applications. Each year, the Employer provides NUFA with \$12,500 for the LOAs. Last year \$11,030 was awarded to students attending and presenting at conferences provincially, locally and internationally. With the carry-over from last year, this year there is approximately \$14,445 for LOAs. Although these have been well received, the Textbook Bursaries have been underutilized. Jeff mentioned that he had given thousands of

bookmarks with the details of the Textbook Bursaries to the campus shop to give out to students purchasing textbooks; however, the bookmarks have not been given out. He is hoping professors will remind students of the awards and the extended deadlines. Jeff thanked Angela for her work with the committee including revising and improving the application forms. Jeff also mentioned the committees attempt at offering group LOAs (where one application applies to a number of students attending the same conference); however, what was gained administratively in the attempt was lost in the spirit of the award. Therefore the process has returned to individual applications. Currently the committee consists of Jeff, Natalya Brown and Kim Eyre and is looking for a CASBU Member to fill the vacancy.

6.3 Grievance Committee

Gyllie reviewed the written report from the Grievance Committee. The committee met formally six times since the AGM in May. Several issues required legal advice and one necessitated a trip to Muskoka for a total of \$1,150 expenses. Of the 24 issues being addressed by the Grievance Committee, nine are Member issues, 15 are Association issues, eight were resolved and the remainder are ongoing. The issues included: accommodation, CASBU contracts in Dean's Offices, CASBU overload request, cross-appointment contracts, clinical hours, director hiring, dues Collection CASBU and FASBU, gender equity in hiring, harassment, hiring in CFTL, intellectual property, librarians in NUFA, LTA1 hiring, LTA3 extension, member discipline, PhD teaching workload, post-docs teaching, posting of courses for spring/summer and fall/winter, research space, safe workplace, scheduling, tuition exemption, visiting professors, and workload change.

MOTION 8: Moved by David Borman, seconded by David Tabachnick, that the report of the Grievance Committee be received.

CARRIED

6.4 Constitution Committee

David Tabachnick gave an oral report on the Constitution Committee. The committee has met informally and will meet formally for the first time next week. They feel that the constitution is in good shape and that there is no fundamental need to add articles. He will ask the Executive to send out an e-mail for suggestions or problems concerning the constitution. One issue may be on political advocacy. Although the library donation was covered by the current constitutional language, political advocacy may need a by-law, which is essentially guidelines on the item. This would go to the Executive and then to the Membership for approval.

6.5 Communications Committee

Gyllie drew the Members' attention to the written report from Susan Srigley. It is copied here in its entirety.

Report from the communications committee: Susan Srigley, Wendy Peters and Richard Wenghofer

The new CC were initiated into a busy spring/summer during FASBU collective bargaining, putting out bi-weekly bulletins written by members of the bargaining team. This proved to be a valuable form of communication that kept members informed of the issues being negotiated at the table.

Our first news bulletin post bargaining came out last week, and the next longer issue of the NUFA news is due out the end of November. We hope to alternate our communication formats this year and next, using both the short bulletins for keeping members up to date on issues affecting the union when they arise, as well as generating longer reports in the form of a newsletter. If you have anything you'd like to see discussed or featured in the coming months, don't hesitate to contact any of us on the committee.

Thank you!
Susan, Wendy & Richard

6.6 Social Committee

Liz Ashworth reported that last year there were four socials. The first social this year, in September, was held at Grannitti's Ristorante. There were approximately 65 Members in attendance. There will be three more socials this year and with additional funds in the budget, they plan to work at having social occasions for the satellite campuses as well. As yet, there is no chair for the committee.

6.7 Women's Committee

Derek Neal reported that the committee will continue on the child-care issue this year. However, the landscape had changed somewhat in the potential partnership with the hospital. The committee would be guided by the NUFA Executive and that there would be more information at the next meeting. The issue of gender inequity in hiring had been referred to the Women's Committee, but they have not yet begun work on that issue. A question was asked as to whether the Women's Committee had considered broadening their mandate to an "Equity Committee". Derek said this was raised several years ago, and although the committee was not opposed, they would want strong language regarding the distinctive concerns of women.

7.0 Reports from Special Committees

No reports.

8.0 Reports from Non-Association Committees or Representatives

8.1 CAUT Defence Fund

Robin Gendron gave an oral report on the annual meeting of the CAUT Defence Fund held on October 20 in Toronto. He reported that the Defence Fund is in good shape with over \$23 million dollars; however, there are new members joining all the time, for instance Laval University returned and Concordia University College was added. So with declining interest rates and increase in strikes, although the fund is in good shape, it is not as good as it has historically been. At the October 20 meeting two actions were taken: 1) to increase the daily benefit amount from \$80 to \$84, and 2) to increase the fee by \$0.25 per Member.

8.2 CAUT Council

8.3 OCUFA

Rob Breton reported briefly in addition to comments made earlier by Gyllie. He attended last spring's OCUFA Board of Directors meeting where they discussed Glen Murray's (MTCU) 3x3 plan; that is, a four year degree in three years, 3 of five courses online; and three terms of study. However, conversations then turned to the wage freeze and this this 3x3 discussion disappeared and now we have a prorogued Parliament.

8.4 University Harassment and Discrimination Committee

Linda Piper provided a written report appended to these minutes. In addition, Linda is checking with other universities regarding their policies in these areas. So far we are the only ones with the structure described in her report.

8.5 Joint Health and Safety Committee

No report.

8.6 Pension and Benefits Advisory Committee

No report.

9.0 Elections

No elections.

10.0 New Business

No new business.

11.0 Next Meeting

TBA

12.0 Adjournment

MOTION 9:

Moved by Jennifer Barnett, seconded by Margaret Owens, that the meeting be adjourned.

CARRIED

The meeting was adjourned at 8:45 pm.

Approved

October 22, 2012

Report from Harassment & Discrimination Committee member to Union Executive

Committee Member: Linda Piper, Faculty member in APS

Overview

A meeting was held on October 3, 2012, after requesting that such a meeting take place. The last meeting of this committee was in February 2011, although according to the minutes of that meeting another meeting would be called in the near future (see attached minutes of Feb 2011).

The persons who attended the meeting were Sarah Winters, representing Senate, a student, a manager dealing with health and safety issues, a secretary working for HR, Jenny Mackie from the HR department, and Linda Piper, representing the union. Although a board member and a senior administrator are supposed to sit on this committee, there was no representation from these sectors and the chair, Jenny Mackie, informed us that she did not know who these individuals might be.

According to the chair, the biggest issue facing the committee is the establishment of new washrooms to accommodate changes in the Ontario Human Rights Code dealing with gender identity. I asked why the committee had not met in 19 months and was told that the committee doesn't really need to meet because it is now easier for individuals to complain to the Human Rights tribunal.

There has been a new committee established called the "Respectful Workplace Committee." Of 10 members, only one was a union person – the CASBU rep for SCEAP. *I asked how the clerical union could be shut out and why the committee was struck at all and was told that it because the Harassment and Discrimination Committee can only deal with the prohibited grounds under the Ontario Human Rights Code. The Respectful Workplace Committee would apparently deal with everything other than what is under the purview of the Harassment and Discrimination Committee.*

Biggest concern:

Composition of Harassment and Discrimination Committee

Composition of Respectful Workplace Committee – no representatives from support staff or CASBU

Rationale and mandate for the Respectful Workplace Committee

Lack of meetings and transparency

Harassment and Discrimination Committee deals only with prohibited grounds defined by the Act and everything else is dealt with without representation from staff or faculty.

Relationship between committees – why the odd parallel structures

Why would the HDC be dealing with "gender neutral washrooms"?

Harassment and Discrimination Committee Meeting
Friday, February 18, 2011
Room F214

Attendance: Cindy Brownlee
Jenny Mackie
Dan Pletzer
Dean Hay

Ruth Anderson (Recording Secretary)

Absent: Colin Mang
Alex Fielding
Richard Beauchamp
Student Representatives (3)

Meeting called to order at 1:35 p.m.

1. Statement of Purpose for the Harassment & Discrimination Committee Meeting

Discuss the Human Rights case decision that was released January 31, 2011.

2. Review and Approval of January 31, 2011 Minutes

Dan Pletzer moved that the minutes be accepted. Cindy seconded.

3. Review and discussion of the structure of the Harassment and Discrimination Committee and Human Rights Case

- Jenny stated that she had spoken to Cheryl (Director, Human Resources and Employee Relations) regarding the change of title from AVP, Human Resources to Director, Human Resources and Employee Relations within the policy and she was accepting of the change to the policy as it affected her position.
- Jenny indicated that she had no further information at this time regarding the vacant executive administrative position and the permanent member position
- Dan said that he confirmed that he is now the one responsible for the Student Rights and Responsibilities, and that he would be willing to accept a permanent position on the committee. The position of Director of Student Development and Success will now be a permanent position on the committee. (This still leaves two vacant positions)
- Jenny mentioned that the Director, Human Resources and Employee Relations was going to speak to the 'Executive' to fill the empty positions. Possibly, any changes made to the committee structure will require board approval.
- Jenny talked about the HR case decision and how it relates to the current policy. A copy of the judgment was handed out to committee members
- One of the problems that the case decision addressed is that our policy does not cover cases where there is no respondent in the case
- Another area of concern was the lack of communication with the complainant on behalf of the University (communication took place with a third party)
- The member who heard the case, Mr. David Shannon, also mentioned in his judgment, that sensitivity of the security department needed improvement, suggesting sensitivity training

- The member also mentioned that the number of people involved in the case was quite high, and should have been kept to a minimum
- The University's lawyer has now reviewed our current policy (published 2010), with the decision from and has some comments
- Jenny suggested that the current committee is probably not large enough to go over the lawyer's suggestions and implement said suggestions to the policy or if they should wait until the empty seats are filled on the committee. It was decided to review the suggestions and make edits later once the committee is complete
- Jenny quickly reviewed the points that the lawyer had –
 - "It is simple enough to add language to the policy that clarifies that a complaint can be filed when the identity of the respondent is not known. I would probably add the language under the section entitled Harassment & Discrimination Policy – Initiating the Complaint, at the end of point 1."
 - "I would suggest changing the first line of the last paragraph in point 1 so that it says, "A formal written and signed complaint must **generally** identify..." and then add something like the following as a new last paragraph:"
 - "While a formal complaint should identify a specific person complained against if the identity of that person is known, a formal complaint may be filed under this policy in cases where the identity of the person responsible for conduct contrary to the policy is unknown."
 - "What you really need, in my view, is a more formal fact-finding process to see if there is any way of identifying the respondent so that action can be taken under the policy if warranted; only if and when you have been able to identify a respondent does it make sense to use one of the existing procedures. Accordingly, it may be that, in order to implement Shannon's direction, you need to develop some kind of a modified process for dealing with cases where the respondent cannot be identified. Another possible alternative would be to say in the policy that the procedure to be followed in such cases (which presumably will be unusual) will be determined on a case-by-case basis, and will be communicated to the complainant following receipt of his/her complaint. Other alternatives may exist as well."
 - "I will also note that I have felt for some time (and discussed in the past with Connie) that it would be desirable to address more specifically than we currently do circumstances where an individual discloses a potentially serious policy violation to a committee member but then declines to file a formal complaint."
 - "While in most cases, it will be appropriate to leave the choice of whether to proceed with a complaint to the employee, there may be some – admittedly unusual (hopefully) – cases where it would be prudent for the institution to investigate the concern in the absence of a formal complaint in order to minimize the risk of liability."
- Jenny told the committee that the complainant in the Human Rights case has since emailed various faculty members with a copy of the decision. It was decided that the committee's focus is on the current policies and procedures and not capital investments (i.e. cameras in the library) as was mentioned in her opinion to the faculty. It was determined that it was not under the committee's purview to determine where and what camera's capture.
- Dan enquired as to the terminology of 'systemic discrimination' as listed in the policy, and wondered if this human rights case fell within that definition. Jenny mentioned that the lawyer had mentioned that in her review as well.
- Jenny mentioned that if Bill 168 had been in place at the initial time of the incident (March 2006), there was the possibility that this issue may have gone to the SCEAT

committee and the University's Policy on Safety in the Workplace, and Respectful Workplace and Harassment Prevention Policy may have been reviewed

- It was suggested that we take the lawyer's suggestion and create our own language for the policy and have the lawyer review the final product
- Dean wanted to know that if there is no respondent what the measures of investigation would be. Some discussion took place, and it was decided that this would be discussed further when implementing the alterations to the Policy
- Jenny mentioned that she had been contacted by an anonymous complainant who names a respondent. This case is different as the complainant is unknown. Discussion took place as to what should be done in situations like these. It was determined that the chair of the committee would review the case, then have another party review it as well to determine its validity and to whether or not to proceed
- Dean asked for clarification that if Jenny made a call that something seemed too ambiguous to bring forward, would it be looked at by two other member to come to the same conclusion. Jenny did confirm that the anonymous complainant case had been reviewed by a previous member of the committee as well. It was discovered that situations like this aren't currently covered in the policy
- It was asked if the security department has had sensitivity training as recommended in the judgment. Jenny said that she believed that there had been some, but that it would have to be confirmed, and as the security department falls under Canadore's purview, then can we make them go?
- Dean made a suggestion as to language on how to cover the unknown respondent issue: "The committee will undertake all reasonable steps to ascertain the identity of the respondent and communicate to that individual a complaint has been lodged against the respondent."
- Dean mentioned that he gave the link to the University senate regarding the Human Rights case decision so that they can be aware of the information.
- It was decided that the committee will begin the process of editing the current Harassment and Discrimination Policy, but changes will not be finalized until the committee is complete in structure, and the final policy revisions will require board approval.
- Dean mentioned that we should ensure that Security is aware of the Human Rights decision and follow through with the link to Canadore security (re: sensitivity training). Dan said that the new Chief Operating Officer is in charge of shared services, and that he should ensure that sensitivity training has occurred or make the request that it does happen.

4. Other Business

None

5. Scheduling of next meeting

In approximately one month, date to be determined

6. Adjournment

2:46 p.m.

As recorded by Ruth Anderson