

THE NUFA NEWS

March 2014

NUFA COMMUNICATIONS
COMMITTEE

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ISSUE # 19

CASBU Special Membership Meeting

There will be a special membership meeting for the Contract Academic Staff Bargaining Unit (CASBU)
Tuesday, March 4, 2014
4:30 pm
H104 Main Campus
(video-linked to Classroom 3
Bracebridge, Room 207 Brantford)

Presentation of the CASBU Bargaining Package 2014
"Keeping the Institution Afloat:
Recognizing Long-term Service by
Contract Academic Staff"
A reception will follow.

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CASBU Collective Bargaining Update:

Support the CASBU Collective Bargaining Team

BY MARK CRANE

The CASBU Collective Bargaining Team has been working over the last year-and-a-half preparing proposals for the next round of bargaining with the employer, which will get underway in the coming months. At long last we have finalized a set of proposals that we want to bring to the table. Before we do so, however, we need to present the proposals to you, the members we represent, for your approval. The current collective agreement expires on May 1, 2014.

This round of bargaining is especially important as the plight of contract academic staff across the province and the country continues to get worse. Contract academic staff are performing an ever-increasing proportion of teaching, up to fifty percent at institutions like the University of Toronto, yet their employment is tenuous and their wages low. Furthermore, universities are relying more and more on contract academic staff to perform services for the institution that goes unrecognized. The hardest part of being a contract academic, it seems, is that you're expected to live up to all the professional standards of academic expertise and collegiality, but to accept being treated like a second-class citizen. There's got to be a better way. That's what this round is all about.

The main, overarching theme of our proposals is to attain recognition for the many and varied contributions that long-serving contract academic staff, both part-time and full-time, have made and continue to make to the life of the university. A great number of our members have worked at the institution for over a decade and have, over that time, played an integral role in delivering the university's mission of "one student at a time." We think it's time that our collective agreement reflect all of the unrecognized (and often uncompensated) work that our members do to make the institution run on a day-to-day basis and the role they play in planning for the future.

Member support will be key as we head to the bargaining table. We need everybody to be aware of, and behind, the proposals we will bring forward. In order to facilitate that, the whole package will be posted on NUFA's website, so you can see exactly what changes we are proposing to the collective agreement. Also, we invite all members to attend a special meeting on March 4th at 4:30 pm (H104; videolinked to Bracebridge Campus, Room 3 and Brantford Campus, Room 2017) where the Bargaining Team will present a full summary of the proposals, answer questions about individual articles, and seek your support for the package. After the meeting, members are invited to join us the NUFA office for more discussion and socializing.

The core CASBU Collective Bargaining Team consists of Mark Crane (Chief Negotiator), Joseph Boivin, Corina Irwin, Rhiannon Don and Laura Rossi. Scott Kaufman regularly participated and several other part-time Members attended a number of meetings.



NUFA Celebrates 20 Years!

Twenty years now, where'd they go?

Twenty years, I don't know

I sit and I wonder sometimes

Where they've gone

These may just be the worst song lyrics ever (and think of the competition). But that did not prevent us from celebrating NUFA's 20th anniversary earlier this year. On January 13, NUFA became 20 years old, and we enjoyed the day with a lot of goodies and memories at the new NUFA office. When NUFA began we had no office; now we have an office where people can actually gather. Certifying in 1994, we have had six presidents: Drs. Deborah Flynn, Roman Brozowski, Chris Sarlo, Todd Horton, Gyllian Phillips, and myself, Rob Breton. All past presidents are still here, and deserve our gratitude for helping us become what we are today. Many, many others have participated on a NUFA committee (or 20) and also deserve a collective thanks. On February 13 2001, CASBU certified, creating what would be the two bargaining units that now represent all Faculty. CASBU has had four Collective Agreements, and are now working on a fifth. FASBU has had eight CAs. NUFA welcomed its first and foremost Executive Assistant, Angela Fera, on June 6, 2010. And though no-one will claim that it has been an easy 20 years for the Association, the work that has been done to create fairness at the University has been – can I say – truly honourable. So Happy Anniversary to US!

Rob Breton, NUFA President

“...the work that has been done to create fairness at the University has been - can I say - truly honourable.”

Program Prioritization: What Might it Mean for Collegial Governance?

BY ROB BRETON

Hopefully, there is little need at this point to define program prioritization; in the last issue of the *NUFA News* Susan Srigley expertly described the process and its potential implications for Nipissing. This *News* I will comment only on the approaches to prioritization the Executive are considering, the ways we are looking at it, and what we might present at our next Annual General Meeting. At a recent meeting of the Wilfrid Laurier Faculty Association, the following motion was passed: “WLUFA expresses its concern and displeasure over the Program Prioritization process and in particular, we are concerned about the threat to collegial governance as defined by the Wilfrid Laurier University Act and as a consequence we are against this process as it stands.” NUFA might consider adopting its own similar motion.

We cannot stop the employer from hiring consultants to collect data, though all Faculty need to scrutinize the scrutinizers and the assumptions they make as they collect the data. When the process of “Stage 1” merely involves counting revenues against expenditures within individual academic units, questions about how cross-listed courses will be counted, how service courses or “orphaned” courses will be counted, how satellite campus courses are counted, and so on, are paramount. Will they be addressed? That the employer has decided that the first stage of the prioritization process will not be open and transparent – that the committee tasked to identify the bottom group of academic units is not allowing (or is not allowed to allow) the judged to speak in their own defence, to explain how their own units function – is perhaps a troubling sign of things to come. Clearly, the government’s desire to fund prioritization exercises dovetails with a desire to weaken collegial governance systems, allowing administrative and political interference in academic decision making to become normalized. Locking out Faculty from these Stage 1 meetings reads to me like collegial governance – departmental expertise – is already being denied.

We cannot stop the employer from gathering data, but we can stop it from attempting to implement any prioritization activity coming out of the data. If the employer wishes to see a program reduced or made redundant there are established processes laid out in the Collective Agreement and Senate by-laws that have to be followed.

Can Rights Be Wrong?

BY DAVID TABACHNICK

Since the 1985 Supreme Court of Canada ruling on *Ontario Human Rights Commission and O'Malley v. Simpsons-Sears Ltd.* that “where it is shown that a working rule has caused discrimination it is incumbent upon the employer to make a reasonable effort to accommodate the religious needs of the employee, short of undue hardship to the employer in the conduct of his business”, Canadians have been debating the nature and practice of reasonable accommodation. Most of the legal debate has focused on what is meant by “undue hardship” in the original ruling and “reasonable limits” as described in Section 1 of the Charter, which states that rights and freedoms can be “subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” As it has developed, the Supreme Court has endorsed a broad and subjective view of when accommodations must be made. Notably, in the landmark 1985 *R. v. Big M Drug Mart Ltd.* decision, the Court explained “The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses” and that “It is not for the state to dictate what are the religious obligations of the individual, it is for the individual to determine” (at par. 94-95).

Similarly, in the more recent *Multani v. Commission scolaire Marguerite-Bourgeoys*, which was precipitated by the prohibition of a student wearing a kirpan in public schools, the Court agreed that, regardless of the traditional institutional practice of a religion, what matters is “reasonable religiously motivated interpretation” (*Multani, supra* note 1 at para. 36) or individual understanding of beliefs and faith. A similar definition of religious practice was used in the 2004 *Syndicat Northcrest v. Amselem* case where the court sided with the claimant’s interpretation of his religious obligation to build a Succah (a temporary hut built outdoors as part of the Jewish holiday Succat) on his balcony instead of the communal Succah recommended by Jewish religious leaders and despite condominium by-laws banning structures on balconies “irrespective of whether a particular practice or belief is required by official religious dogma or is in conformity with the position of religious officials.”

As Solange Lefebvre does well to summarize, “The *Amselem* judgment was a turning point in the Canadian judicial view of freedom of religion, bestowing on it a purely subjective definition” (2008: 192). Arguably, this subjectivity means that the Charter requires accommodation for an incredibly broad array of religious practices or what Jean-François Gaudreault-Desbiens has called “religious supermarkets and do-it yourself religion” (as quoted in Lefebvre, 2008: 193). All told, the Courts have placed a very high bar on the application of “undue hardship” as well as “reasonable limits” to excuse an obligation to accommodate. As a result of these rulings and interpretations, the reasonable accommodation of religious practice has become infused into our culture and daily lives. Accommodations for religious dress, food restrictions, prayer rooms, and holidays have become more familiar and acceptable. While the vast majority of these accommodations go on without attention or controversy, there have been many notable disagreements, including the court cases mentioned above.

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Can Rights Be Wrong?

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BY DAVID TABACHNICK

Most recently, Quebec's proposed *Charter of Values* pushed back against this cultural shift by calling for a ban on "the wearing of overt and conspicuous religious symbols by state personnel in carrying out their duties" with a goal "to entrench the religious neutrality of the state and the secular nature of public institutions." An array of scholars, commentators, lawyers and even Quebec's own Human Rights Commission has condemned the bill as both unethical and unconstitutional: it would amount to an exclusion of people of certain faiths from working as public servants. Notably, supporters of the planned law argued back that one of the goals of the Charter is to promote gender equality: giving female public servants a justification to not wear religious garb while on the job. Leaving the logic of this argument aside, it does highlight the way the "accommodation debate" has sometimes pitched competing rights claims against each other.

This conflict was on clear display earlier this year in the intense but short-lived media storm instigated by Professor Paul Grayson's refusal to accommodate the request of one his Sociology students at York University. The student had asked to be excused from an in-class assignment due to a religious requirement that he not appear in public with women. Grayson justified his decision by explaining that the accommodation would have "infringed upon women's right to be treated with respect and as equals" and would have made him an "accessory to sexism." However, the university administration decided that the student's beliefs should be accommodated. Overwhelmingly, the public sided with the professor. In the end, the student accepted Grayson's original decision and completed the work as it was first assigned. This outcome highlights one of the other main arguments made by supporters of the *Charter of Values*. Where groups such as women and the disabled can rightfully make claims for "special accommodation," distinct claims based on religion, culture, and ethnicity are not legitimate because the claimant can simply choose not to engage in the particular religious, cultural, and/or ethnic practices that they think require similar accommodation. That is to say, where the former cannot change, the latter can and thus do not really require preferential treatment at all. Therefore, the prohibition on religious symbols at work cannot be understood in the same way as discrimination against women.

All told, there remains a fundamental confusion between the goal of accommodating difference and the goal of equality via anti-discrimination. Where equality means overlooking difference for one group, it means fully and explicitly recognizing and accommodating difference for another. Unfortunately, laws and policies regulating reasonable accommodation fail to fully appreciate this distinction. As a result, the York case of competing or opposing claims for rights will not be the last.

Ask the “Academic Advisor”....

The “Academic Advisor” answers questions related to professional academic life, providing unparalleled advice and unassailable wisdom. Please send your questions to nufaoffice@gmail.com

DEAR “ACADEMIC ADVISOR”

I’m really worried about the program prioritization process. How worried should I be?

STUDIOUS READER

Like you, the “Academic Advisor” was in a tumultuous frame of mind about the prioritization process, until a surprising find on-line wiped all thoughts from his mind altogether. Allow the “Academic Advisor” to offer you similar comfort.


The seemingly indiscriminate (shall we say?) nature of the process is what had been bothering the “Academic Advisor,” but he then discovered that exacting training is being offered on-line to administrators – for the low, low cost of \$350 (US) per person – by none other than Robert C. Dickeson himself. This “self-paced training” is offered “in 4 easy-to-follow pieces [that] should take, on average, just 20 minutes to complete,” enabling those charged with this momentous task “to build [their] expertise over a lunch or during a break between meetings.” Already, like the “Academic Advisor,” you should feel your mind starting to go blank. But there is more. For example, one of the modules, “Selecting Appropriate Criteria,” is described as follows: “In this 15-minute piece, you will learn about ten criteria to use when comprehensively and rigorously evaluating academic programs.” Allowing for a brief introduction and conclusion, that’s still well over 65 seconds per criterion. Rigor! Comprehensiveness! Why, it’s...ah...erm.... See, the “Academic Advisor” has lost all thought again.

DEAR “ACADEMIC ADVISOR”

What *is* “blended learning”?

STUDIOUS READER

Like blended whisky – alas! – it’s what you turn to when the money for the real thing is gone.



Spotlight on Research

CURRENT RESEARCH AT NU

Dr. Nancy Maynes and Dr. Blaine Hatt (Education)

Drs. Maynes and Hatt are working on a new book that supports the concept of multi-phased, high impact hiring for new teachers. This book is based on their previous research with school administrators and is designed to identify methods that school jurisdictions could use to supplement the traditional single interview to help them hire the strongest teachers. Directors of Education, school superintendents, and school principals and vice-principals are the intended audience for this book. The book is called *When the Interview is Not Enough: A Multi-Staged High Impact Process for Hiring New Teachers*. It should be published and available to the public by April 2014.

Dr. Greg Rickwood (Physical Education)

Healthy minds are often correlated with healthy active bodies. One of Dr. Rickwood's current projects, *Mental health movement: An examination of active student bodies contributing to active minds*, aims to expand the body of knowledge around the association between mental wellness and daily, physical activity among clinically identified, anxious school-aged children and adolescents. Elementary teachers' and researcher observations of a purposeful, sustained movement program (Brain Gym) adopted by various elementary public schools in

the Waterloo Region District School Board will help determine the influence of daily, vigorous physical activity on the mental health of anxious elementary students.

Another project, currently in the data collection stage, is entitled, *Retiring school leaders inform the advancement of physically active school cultures*. The primary aim of this study is to explore the knowledge of retiring school leaders (i.e. teachers, administrators, learning services personnel and school board consultants/superintendents) in Northern Ontario concerning the key characteristics of physically active school cultures. School/board leaders in their last five years of service will participate in focus interviews with the intent of outlining specific school practices and/or policies that promote the value of daily physical activity to the "whole" school.

Dr. Thomas Ryan (Education)

Dr. Thomas Ryan is looking into the Teacher/Scholar model at Nipissing University. This current phase builds upon work completed in 2010 when a team of 5 (Jeff Dech, Dennis Geden, Charlotte Innerd, Thomas Ryan and Amy Stillar) Nipissing University faculty/staff members developed a strategic plan to increase the research, scholarship and creative work using the Teacher/Scholar

model at Nipissing University. They developed and defined the Teacher/Scholar model suggesting, "scholars in the university community share a dual trust: to contribute to the growth of knowledge and understanding through research, scholarship, and creative work and to foster through teaching and mentorship, the lifelong learning and skills of new scholars" (Dech, Geden, Innerd, Ryan and Stillar, 2011). For more insight see <http://www.nipissingu.ca/departments/presidents-office/strategic-plan/APT/phase-one/Pages/APT-4---Increase-Research-and-Scholarship-Using-TeacherScholar-Model.aspx>

Dr. Ryan will be contacting faculty soon, in order to continue this work, following a current REB review that is in progress. Hopefully, we will be able to locate volunteer Faculty to discuss this area of concern in the near future. Dr. Ryan has a graduate research assistant to support this research effort and it is hoped that both a published paper and a presentation will be made in the future.

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Spotlight on Research

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Dr. Ken Stange
(Professor Emeritus, Psychology)

Dr. Stange is working on the final editing of his book on creativity entitled *The Secret Agents: Creativity In The Arts And In The Sciences*. Dr. Stange has been working on this book, between other projects, for close to a decade. Its 356 pages reflects upon Dr. Stange's longstanding interest in creativity. Dr. Stange has taught a course on the psychology of art and creativity for several decades and continues to teach it online since his retirement. In 2011 he gave a TEDx talk on "Redefining Creativity".





Special Announcements



A Night of Music

On March 30, 2014, Dr. Adam Adler of Nipissing University's Faculty of Education will conduct Near North Voices -- North Bay's University-Community Choir, with guest vocal soloists and orchestral musicians from across the province, in the northern Ontario premiere of Robert D. Levin's critical edition (1996) of Mozart's *Requiem Mass*. Also featured on the program will be the Canadian premiere of *Heyr Himna Smiður*, a 12th century Icelandic hymn text set to music by Þorkell Sigurbjörnsson (1938-2013), and Adam Adler's setting of W.B. Yeats' poem *When You Are Old* for SSA choir with string orchestra. 7:30 pm at St. Andrew's United Church, 399 Cassell's Street, North Bay.

Pension Information Sessions

Please be advised that the University will be hosting Standard Life individual and group pension information sessions for all employees from April 8 to 10, 2014. Employees of Nipissing University will receive notification via email and will have the opportunity to sign up for specific sessions as a later date.

Retirements

NUFA would like to announce the following retirements:

Dr. Paul Kelly, FAVA (retired 2013)

Dr. Doug Franks, Faculty of Education (retired 2013)

Dr. John Long, Faculty of Education (retired 2013)

Dr. Ken Stange, Psychology (retired 2012)

Dr. Keith Topps, Geography (retired 2011)

Dr. Helen Langford, Education (retired 2011)

Dr. Ted Chase, Mathematics (retired 2007)

Bob Berquist, Business (retired 2013)

Dr. Wendy Young, Social Welfare (retired 2010)

NUFA would like to thank all of the individuals above for their dedication and service to academic life at Nipissing.