

# Volume 16, Number 4 June 2009

## AUFA COMMUNICATOR

Acadia University Faculty Association Newsletter

AUFA Homepage: <http://www.caut.ca/aufa/>

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### THE AUFA PRESIDENT COMMUNICATES

Returning next issue.

### LOIS VALLEY-FISCHER AWARD FOR DEMOCRATIC CITIZENSHIP

**Furtado and Lang share Lois Valley-Fischer Award for Democratic Student Citizenship**

**D**espite lengthy discussion, the adjudication committee was unable to choose between the top two nominees and agreed unanimously that this year's Lois Valley-Fischer award for Democratic Student Citizenship should be shared by Kathryn Furtado and Wil Lang. The award is named for Dr. Valley-Fischer, long time Dean of the Faculty of Arts and a founder of the AUFA.

Kathryn is an Honours BA (Classics and Political Science) student who has provided leadership to the Acadia Classics Society and Acadia Pride. She has shaved her head for cancer research, created and performed at racism awareness events, led fundraising

activities for Crystals House on International Women's Day, worked on climate change issues, and performed for three years with Acadia's Symphonic Band. As the five AUFA members who nominated her say in their letter, "Kathryn's record admirably exemplifies the ideal of democratic student citizenship – namely that of the well informed citizen-student who is actively and democratically engaged in the life of his or her richly diverse community."

Wil Lang is a Dean's List student in the Theatre program. His leadership and community building expertise is extensive and has been felt well beyond the Acadia campus. Wil has volunteered for several years with the provincial Alexander Society for Special Needs as a Drama Coordinator and Facilitator. His leadership and commitment to social change has extended to provincial politics; he is a founding member of the Green Party of Nova Scotia, Deputy Leader of the party and a member of their Policy Writing Committee. Wil was a candidate in the 2006 provincial general election and has been appointed to the Canadian Environmental Assessment Agency's Joint Review Panel for the Whites Point Quarry and Marine Terminal by the federal government.

AUFA congratulates Kathryn and Wil.

AUFA Award Committee

## AUFA PRESENTATIONS

**I**n anticipation of the next round of collective bargaining, AUFA organized a series of presentations during the winter term on topics of particular interest. In January, our subject was part-time faculty; in February, we discussed family-friendly policies; and in March, we heard about alternative benefit plans.

## Part-Time Faculty

submitted by Erin Patterson

Geoff Martin and Vicky Smallman provided an excellent national "snapshot" of working conditions, remuneration and rights of part-time faculty. Dr. Martin is the Professional Officer for the Mount Allison University Faculty Association and a part-time Assistant Professor of Political Science and Canadian Studies. He is also a member of CAUT's Contract Academic Staff Committee. Ms. Smallman is an Organizing and Collective Bargaining Officer with CAUT, where she works primarily on contract academic staff issues.

After decades of organizing, most part-time faculty in Canada are now unionized and are represented either by CUPE or by their local faculty associations. At Acadia, part-time faculty were unionized as a separate bargaining unit in 2001 and integrated into the full-time bargaining unit in 2003. They have now had three collective agreements: their first collective agreement as a distinct bargaining unit, and then the 11<sup>th</sup> and 12<sup>th</sup> collective agreements of the merged bargaining unit. While we have made many improvements for part-time faculty over the course of those three contracts, there is still a great deal to be done.

Common achievements in collective bargaining for part-time faculty in Canada include academic freedom (although this is compromised by the precariousness of their positions), transparency in appointment procedures and in procedures for renewal and seniority, rights to renewal, improved remuneration (including stipends for large classes and supervision of honours students), access to grievance and arbitration procedures, intellectual property rights, and basic working conditions such as office space and year-round library and e-mail privileges.

The list of rights still to be won is far longer; however, progress is being made on many fronts. Among these are access to benefits,

access to research and professional development funds, and recognition for service.

Ms. Smallman noted that benefits are difficult to negotiate not only because administrations do not want to extend them to part-time faculty, but also because of divided interests within the part-time professoriate itself. She reported that there are vocal groups within many locals that resist the imposition of a traditional benefits plan because they would prefer a flexible health spending account instead. Flexible benefit plans are often seductive at first glance, but their initial appeal can be deceptive: CUPE, for instance, warns that over time they result in fewer benefits, an erosion of benefit levels, and increased cost and risk to employees.<sup>1</sup> Ms. Smallman expressed a hope that the establishment of a CAUT national benefit trust might help resolve this issue within locals. Where benefit plans have not been negotiated, many universities have secured payment in lieu of benefits, which ranges from 1-8% of the per-course stipend. Only 3 of the 24 institutions on which she provided data from CAUT do *not* have at least some kind of benefit coverage for at least some part-time faculty (Acadia, Brescia, and Winnipeg).

It is also difficult to negotiate access to research and professional development funds, although many associations have succeeded in doing so. Part-time faculty engage in scholarly activity to keep current in their fields, to develop curricula and pedagogical methods, and to pursue traditional research, yet employers regularly reject the notion that scholarly activity is part of the job. Support for the scholarly activity of part-time faculty yields benefits to students, departments, the university and the academic community at large as well as to the individual faculty member, and at very little cost to the employer. The refusal to support research strikes me as absurdly incompatible with the vision, values and mission of a university. At universities where part-time faculty research is supported, typical

models include access to internal funds and the establishment of a certain number of research contracts, under which part-time faculty receive a course stipend to work on research projects.

Recognition and/or compensation for service is another area in which some gains are being made. Ms. Smallman reported that in Québec, for example, it is very common to have a pooled fund from which stipends for service are drawn. The employer is not the only party who can be called upon to recognize part-time faculty contributions: according to Ms. Smallman, it is becoming common for faculty associations to provide a stipend for their part-time representative on the executive committee or to negotiate credit towards seniority for this service. The former is something that AUSA has the ability to implement immediately without negotiation, and I am pleased to report that the Executive voted unanimously to provide a stipend to the part-time representative that can be used for purposes of research, professional development, and scholarly activity.

The “final frontiers” where there is most yet to be done are career path progressions and *pro rata* models. There are a variety of ways by which part-time faculty could move from per-course appointments to something more permanent, such as automatic consideration for subsequent per-course appointments, conversion to CLT status, and rolling-term contracts akin to continuing appointments. The *pro rata* model is based on the principle that “an academic is an academic is an academic” regardless of the length of his or her contract, and that the part-time faculty job should be a pro-rated portion of the full-time faculty job in terms of responsibilities and compensation. A significant first step in implementing this model is tying the part-time salary to the full-time grid, which we successfully negotiated for the first time in the current contract.

### **Family-Friendly Policies in the Academic Workplace**

submitted by Erin Patterson

<sup>1</sup> CUPE. “Flexible” benefits. January 25, 2006. <http://cupe.ca/s43396b8998144/a43396513636a2>

Susan Prentice, Professor of Sociology at the University of Manitoba, took a refreshingly inclusive view of the concept “family-friendly” instead of limiting its application to parents with young children. She described a web of “intimate relations of dependance and care” that changes over a lifetime and persists long after the children (if any) are grown and out on their own. Also refreshing was her approach to the implementation of family-friendly policies: instead of seeing them as cost items that need to be extracted from a reluctant employer, she suggested that family-friendly policies can and should be opportunities for building alliances among university groups, building academic programs, and bolstering the success of the institution as a whole.

While it is not the *only* family-friendly issue, child care is certainly a major one for us and I asked Susan to speak to it particularly. She acknowledged the significant challenge of funding child care, citing capital costs of \$25,000 per new child care space (let alone maintenance!), but argued that universities without child care facilities are at a serious disadvantage when it comes to recruiting and retaining students, faculty and staff. University College of the North, for example, has realized this and is building not one but *two* 2-million-dollar daycare centres. She also argued that faculty associations, employers, communities and government should regard investment in child care as investment in the community in general and not just targeted assistance for people with small children. Especially in a rural environment, child care can contribute substantially to the economic infrastructure because of a significant local ripple effect: for every \$1 invested in childcare, \$1.58 is generated in the community. Two new child care jobs generate one new other job in the community. She also pointed out that child care can be regarded as a growth opportunity, instead of a burden, for the university. Child care facilities could be built as a part of programs in education and psychology. We could also investigate reciprocal agreements with Kingstec, which has a two-year Early Childhood Education program. (Several

delegates from that program were in fact in attendance at Susan's presentation.) Finally, she strongly encouraged AUFA to work with other groups (staff, student and community) in creating and maintaining child care spaces for *everyone*. I believe this was the spirit of our hard-won Article 57, but regrettably the letter limits us to creating spaces for the children of faculty members only, and this has hindered the efforts of our child care committee.

Susan suggested that employers might do well to wield their political clout strategically. Rather than haggling with individual faculty associations at the bargaining table over child care and other family-friendly policies, administrations could act collectively and join forces with each other and with their faculty, staff and student associations to lobby the provincial government. Now there's an idea.

### **New Options in Benefit Plans**

submitted by Jamie Whidden

Neil Tudiver and Bob Konopasky recently spoke at several venues on new initiatives in benefit plans. I initially heard Bob Konopasky speak at an ANSUT council meeting when he outlined the Union Trust Benefit Plan at St Mary's. In broad strokes, Konopasky said that the formation of a union trust resulted in: 1) faculty control over what is in the plan, 2) transparency, and 3) reduced costs and better benefits, facilitated by smarter spending (better use of pre-tax dollars) or more effective negotiating.

It took SMUFU five years to set up a union trust. Konopasky explained the rationale for setting up the trust by listing some of the problems of the benefit plan previously administered by the university administration, notably that the faculty had no control over the decisions of the Benefits Plan Committee. In addition, contributions were increasing while there were caps on benefits and spending accounts remained low. When the faculty voted to “go its own way” a professional firm was hired to help the union exit from the existing plan, draft a Trust document, and identify a

new carrier (Great West Life). A Board of Trustees was appointed and made responsible to the faculty union, not the university. The trust set as its goal a benefit structure not less than that in the previous plan, and possibly improved, while maintaining financial solvency.

In the process surpluses of approximately \$750,000 were revealed in the old plan and negotiations were undertaken to transfer the union shares to the new plan. Also, the union was able to negotiate an increase in university contributions to the plan from 1.8 to 2.4% of salary mass (Konopasky noted that universities contribute on average 2-4% of salary mass, although Laurentian contributes 8%). The trust also secured increases in faculty contributions, resulting in an increase in the caps and health spending accounts (from \$400 to \$600). The new plan resulted in real improvements for low income faculty with families, but the least gains were made by those with high incomes. Contract negotiations have focused on seeking increases to university benefit contributions, not salary increases – salary is taxed, benefits are not.

At a talk sponsored by AUFA, Konopasky appeared with Neil Tudiver of CAUT. While the union trust at St Mary's was briefly recapped at this meeting, Tudiver spoke of the national trust set up by CAUT. Its goals are similar to those of the union trust. Observing that faculty associations have to find an optimal balance between level of benefits and cost of benefits, Tudiver noted that a nationwide trust had the additional advantage of reducing costs through economies of scale. The national trust has obvious attractions for carriers. Also, Tudiver echoed Konopasky's claim that a faculty-held trust increased control and vitiated the problem of blind faith in the employers' capabilities.

CAUT held talks with interested universities in November 2008, appointed a board of five trustees, setup a committee with members from each association in the trust acting as advisors to the trust, and established a set of trust laws that allowed member employees' funds to flow

through the trust. The trust is open to unionized and non-unionized associations. To enter the trust, associations must know the current benefit costs (normally a percentage of salary mass). CAUT has employed consultants to work with employee associations to set up individual benefit plans through the national trust. The consultants then go to insurers for offers on benefits and costs. The goal is to achieve either better benefits at the same costs or lower costs with the same benefits. The decision is left to the individual employee association.

The advantages of the national trust are: 1) economies of scale result in reduced administrative costs; 2) insurers provide lower costs because of the size of the trust; 3) control over the benefit plan and costs belong to the employee associations; 4) and with control comes increased transparency.

The example of SMUFU indicated that faculty associations can go their own way, withdrawing from plans that include staff and administrators, and employing consultants that answer to faculty, rather than administration, thus enabling faculty to arrive at a consensus on a preferred benefits/costs package. Inclusion of faculty, staff, and administrators in the decision-making process results, according to Bob Konopasky, in agreement only on the lowest common denominator. Ultimately, at St Mary's questions on whether faculty receive optimal benefits in relation to dues paid to the university resulted in disengagement from the other employee associations. Neil Tudiver observed also that coming to agreement on overall costs/benefits package can be divisive. Nevertheless, some associations might want to negotiate benefits inclusive of staff, which would almost certainly improve benefits received by staff. It is also significant that in overall compensation – salary, pension, benefits – contractual negotiations over benefits improved compensation for faculty at St Mary's without even considering the thorny issue of salary compensation and grids.

## CAUT COUNCIL



he spring 2009 meeting of CAUT Council was held at the Château Laurier in Ottawa from April 23-26.

### AWARDS

#### *CAUT Awards for Journalistic Excellence*

The award for student journalism was presented to Melissa Tobin for her coverage of hazing incidents at St. FX. Ms. Tobin holds a BA in folklore from Memorial and a Bachelor's degree in Journalism from the University of King's College.

The award for professional journalism was presented to Douglas Todd for his coverage of Kwantlen Polytechnic University sociologist Russell Ogden and his controversial research on assisted suicide. Mr. Ogden writes for the *Vancouver Sun*.

#### *CAUT Distinguished Academic Award*

Guy Rocher, Université de Montréal, was presented with the CAUT Distinguished Academic Award by Greg Alain.

#### *CAUT Dedicated Service Awards*

The recipients of the CAUT Dedicated Service Awards were recognized, including our own Jim Sacouman.

#### *Donald C. Savage Award*

Vic Catano was presented with the Donald C. Savage Award for outstanding achievements in the promotion of collective bargaining at Canadian universities. Vic has a long history of activism at the local, provincial and national levels, and his achievements at the bargaining table at St. Mary's University are well known to us at Acadia and elsewhere in the region. He was hailed by award presenter Doug Lorimer as the most experienced collective bargainer in the country, and commended for tackling the "Maritime discount" and for successfully

establishing the first union-run benefits trust in the Canadian academic sector.

### ELECTIONS

Vic Catano (St. Mary's) was elected by acclamation as Chair of the Academic Freedom and Tenure Committee. Paddy Musson (Fanshawe College) was elected by acclamation as Chair of the Women's Committee.

Three members-at-large were elected: Cindy Oliver (Federation of Post-Secondary Educators of British Columbia), Anver Saloojee (Ryerson), and newcomer Shelley Reuter (Concordia).

Penni Stewart (York) was re-elected by acclamation as President of CAUT. Wayne Peters (UPEI) was re-elected by acclamation as Vice-President.

New members were elected to the following committees:

- Academic Freedom and Tenure: Jamie Cameron (Osgoode Hall) and Mark Gabbert (Manitoba).
- Collective Bargaining and Economic Benefits: Julia Hughes (UNB) and Bill McConnell (North Island College).
- Elections and Resolutions: Donna Petrie (Thompson Rivers) and Ted Montgomery (OPSEU).
- Librarians: Chris Adams (Saskatchewan).
- Women's: Doreen Fumia (Ryerson), Lisa Sharp (UNB) and Michelle Owen (Winnipeg).

Gordon Shrimpton was re-elected by acclamation as the Speaker of Council, and was the only person during four days of meetings for whom a round of applause was punctuated by whistles and shouts of approval.

### CAUT/DECIMA POLL RESULTS

David Robinson, CAUT Associate Executive Director, Research & Advocacy, presented the results of the twice-yearly CAUT/Decima poll "Post-Secondary Education and Canadian Public Opinion." The spring survey was

conducted by telephone with 2,021 adults between April 2-13, 2009.

Some highlights:

University and college teachers and researchers have a great deal of credibility in the eyes of Canadians. Two thirds of respondents agree that we are doing a good job, and most disagree with the notion that we earn too much (23% agree, 18% are neutral, and 48% disagree). 72% trust the opinions of post-secondary educators, and we are regarded as the most trusted source of information on the current debate about government direction of scientific research. David suggested that we capitalize on this credibility we enjoy with the community. 2/3 of respondents are concerned or very concerned about the cuts to research funding in the last federal budget; 2/3 also believe that governments should not be steering scientific research. Questions on the commercialization of research yield some inconsistencies: 55% think universities and colleges should be working with business when it comes to research, but commercially-influenced research is seen as less “trustworthy” than research that is free from corporate interest.

64% of those surveyed think that it is more difficult to get a university or college education today than it was 10 years ago, primarily because of costs. More than half think tuition should be reduced, and most agree that tuition fees should be eliminated over time.

## **FEDERAL BUDGET'S IMPACT ON RESEARCH**

As this panel discussion was progressing, the President of the Association of Universities and Colleges of Canada, the Presidents of the G13 universities, the Minister of Industry, and the Prime Minister of Canada were assembling to congratulate themselves on the launch of the Canada Excellence Research Chairs program. Sniffer dogs and security guards were on duty in the corridor outside our meeting room, and CAUT delegates (including the Executive Director) were prevented from moving freely about the public areas of the hotel.

*Science Funding in Canada: The Case of the Foundations*

Richard Peltier

Professor of Physics, University of Toronto;  
Director of the Centre for Climate Change Science

Dr. Peltier began by acknowledging the scant good news for research in the federal budget: \$750 million for the CFI, \$2 billion for university infrastructure (although this is a matching fund), \$87.5 million over three years for graduate scholarships (although much of that will be directed towards business students), and an increase for the National Research Council's Industrial Research Assistance Program.

Then, of course, the bad news: a \$148-million cut to the tri-council granting agencies, and serious cuts to Genome Canada and the Canadian Foundation for Climate and Atmospheric Science (CFCAS). Dr. Peltier hypothesized that the cuts to CFCAS in particular, which will almost certainly spell the end of that research foundation, may have been made at least partially on ideological grounds.

Dr. Peltier argued that the primary and most profound impact of these cuts will be on human infrastructure. We stand to lose whole research groups that can take a decade to establish, but which can vanish very quickly; many are almost certain to dissolve and reform in more hospitable environments. With our research investment already six times less per capita than in the United States, our competitive position will surely suffer. The decision to cut funding in critical areas such as genomics and climate science is particularly ill-advised, but such unwise decisions are almost inevitable in the current political structure in which science has no place at the table at which decisions are made. Dr. Peltier was referring, of course, to the elimination of the position of Science Advisor, which has cut science's only direct route to government.

Dr. Peltier's predictions are already coming true: the May 4 issue of *The Globe & Mail*

reported on Dr. Rafick-Pierre Sékaly, one of Canada's top AIDS researchers, who cites the federal government's cuts to science funding as one of the reasons he is leaving for the United States, taking a team of 25 researchers with him.

*The Enemy is Within the Gates*

Ryan McKay

Scientific Director, NANUC (National High Field Nuclear Magnetic Resonance Centre), University of Alberta

Dr. McKay addressed the effects of the budget on large-scale national facilities such as NANUC. He described the widespread problem of getting infrastructure funding without operating funding as "the one-night stand of government/university relationships": it's great in the beginning, but there is often disagreement between the parties about the length of the commitment, and both parties can be left with something they were not expecting! For his own research organization, the funding prospects are "brutal" and getting worse: there are simply no more grants to apply for, and NANUC has had to resort to staff lay-offs and user fees that perpetuate the problem by passing on costs to equally cash-strapped researchers. He criticized this kind of infrastructure-only funding as wasteful, citing the case of the Institute for Biomedical Design, where millions of dollars' worth of equipment sat wrapped in plastic for a *year* because of a lack of operating funds.

Dr. McKay was also critical of indirect funding costs because they do not trickle down to individual researchers, of the push towards directed research, and of the misguided view that if only we ran research like a business, there would be no waste.

Not surprisingly given the title of Dr. McKay's talk, he does not lay the blame for the current bleak situation solely on the government. Academics saw the push towards directed research and hoped it would go away. Administrators did not stand up and did not show leadership. Dr. McKay cannot say if our

university presidents are on board ideologically with directed research or if they realized that it was inevitable and they had better get out of its way or go along with it.

Dr. McKay agreed with the previous panelist that it is extremely important to have a scientific advisor to the Prime Minister. He also urged us to re-assert the importance of basic research as the foundation of discovery so that we can be "honest" in our grant applications.

*SSHRC: Academia's Poor Cousin*

Marjorie Griffin Cohen

Professor of Political Science, Simon Fraser University

Dr. Cohen, one of the eight academics who initiated the human rights complaint against the CRC program, delivered a critique of the inequities of the tri-council granting agencies. Faculty members in the social sciences, arts and humanities make up 54% of the professoriate, and 56% of graduate students are in these disciplines, yet SSHRC receives only about 14% of the total federal funding to the councils. It is massively underfunded in relationship to the number of professors and graduate students who need research funding. This egregious underfunding has gender implications that reinforce already troubling inequities: 71% of female faculty members are in the SSHRC disciplines, as well as the majority of the female graduate students.

Dr. Cohen also criticized the increasing marketization of research, which she says forces academics into narrow ways of thinking just to get funding and has a negative effect on progressive and critical research. She views the marginalization of basic research and potentially controversial research and the threat to our autonomy in *what* we research and *who* researches as extremely dangerous.

**WOMEN IN SCIENCES & ENGINEERING: CHALLENGES & ADVANCES**

Angelica Stacy



Associate Vice-Provost for Faculty Equity, University of California, Berkeley

In an extremely engaging talk, Dr. Stacy, the second female faculty member ever hired in Chemistry at UC-B, drew our attention to what she called the “leaks” in the academic pipeline where we lose female faculty members, and cited successful strategies for sealing those leaks.

Dr. Stacy focused most on the first leak in the pipeline, which occurs at the job application stage. The percentage of female PhD graduates is *much* higher than the percentage of female applicants for faculty positions. Simply put, women are not as likely as men to apply for faculty positions in the sciences.

Key to addressing this early source of inequity are proactive search procedures: women need not only to be encouraged but also actually invited to apply. According to the data at UC-B, departments with good track records in hiring women used specific strategies such as ensuring diversity on selection committees, including graduate student input in the search process, circulating job advertisements to women's networks, and establishing contact with women's organizations.

Dr. Stacy emphasized that support from senior administration is important in making advances for women in the sciences, but active leadership that goes beyond merely supporting the efforts of others is the key to real change. She had much praise for UC-B's new chancellor, former University of Toronto President Robert Birgenau, and gave him much of the credit for the positive changes at UC-B.

She also cited his influence at MIT, which hired a significant number of female faculty members in the sciences and then immediately stopped when Birgenau departed for Canada.

She also pointed to some articles that give persuasive (albeit slightly dated) illustrations of gender discrimination in hiring. She cited a July 13, 1997 *Washington Post* article reporting

that blind auditions can explain 30-55% of the increase in women winning orchestral jobs. In a 1999 study published in *Sex Roles*, Steinpreis, Anders & Ritzke found that university psychology professors prefer 2:1 to hire “Brian Miller” over “Karen Miller” even when the application packages are otherwise identical. Finally, Wennerås and Wold published a study in *Nature* in 1997 concluding that women applying for a Swedish Medical Research Council postdoctoral fellowship had to be 2.2 times more productive to receive the same competence score as the average male applicant.

### **ADMINISTRATIVE RESPONSES TO THE ECONOMIC CRISIS**

Many speakers and delegates expressed extreme skepticism about the reality of the alleged economic crisis at universities and colleges. Council members shared a strong suspicion that in many cases, the economic downturn is being viewed by post-secondary administrators as an opportunity for reconfiguring academic workplaces, cutting staff, assaulting organized labour and undermining collective bargaining regardless of the actual economic situation at their particular institution. Can't waste a good crisis!

Executive Director Jim Turk surveyed presidents of all CAUT locals to find out what administrations are telling faculty about the economic situation and what actions are being taken. He urged faculty associations to examine administrative responses critically, and to ask the following questions: Is there really an economic crisis at our institution? If so, what is the evidence of this crisis, and what are the causes? If solutions are being proposed, are they appropriate?

There is no doubt that some institutions are indeed in real crisis, but it is also true that in most cases the local problems (including declining enrolments) predate the global situation, and that the fix that administrations find themselves in is at least partly, if not largely, of their own making. Many institutions

are facing pension crises because they took contribution holidays during good times and made risky investments. Many others are suffering the effects of university presidents' penchants for building big buildings and incurring enormous capital expenses and ongoing operating expenses.

Across the country, universities and colleges are seeing wage freezes, hiring freezes, program cuts, staff cuts, mandatory unpaid holidays, reductions in teaching assistantships, cuts to student aid, and strongly encouraged early retirements. Institutions are offloading or considering offloading more costs to students through increased tuition and additional fees for services that used to be "free" such as career counselling.

When faculty associations are faced with demands for salary rollbacks or teaching load increases, we must resist them. When administrators attribute that resistance to greed and to lack of concern for the well-being of students and of the institution, we must remind everyone that our working conditions are our students' learning conditions, and that their degradation has long-term consequences for the quality of education and research. Such assaults on labour and collective bargaining are also assaults on the integrity of our academic institutions.

### **REPORT OF THE EXECUTIVE DIRECTOR**

When in the midst of a difficult situation of our own, it is easy to forget that there are at least a dozen other cases of equal difficulty and gravity underway around the country and that CAUT is working on our collective behalf on many fronts at once. There are currently three independent committees of inquiry underway and five ad hoc investigatory committees investigating alleged violations of academic freedom. CAUT is providing legal support to individuals in eight separate matters, and intervening in five legal proceedings and is prepared to intervene in a sixth if the Wightman case here at Acadia is not resolved soon.

### **CAUT BENEFITS TRUST**

The CAUT Benefits Trust was formally ushered into existence at this Council meeting with a unanimous vote of approval. Neil Tudiver reminded delegates that the Trust is not exclusively for unionized faculty members: any group of employees—unionized or non-unionized, faculty or staff or administration—can join the Trust and design their own benefit plan.

CAUT will be providing detailed information and assistance for faculty associations that are interested in joining the Trust.

### **CONSIDERATION OF CENSURE AT ACADIA UNIVERSITY**

Jim Turk and Penni Stewart brought Council delegates up to date on developments in the Wightman case since the fall Council meeting. They briefly described the three meetings they have had with members of the senior administration (Neil Carruthers, John MacFarlane and Akivah Starkman) and a "very long" meeting with Ray Ivany. These meetings involved "full and frank" discussions during which the parties agreed to a mediated process that, in CAUT's view, is very likely to result in a satisfactory resolution of the matter. Based on this progress, Jim and Penni brought forward a motion to defer the vote on the imposition of censure until the November Council meeting. I seconded the motion, and spoke briefly in support of it.

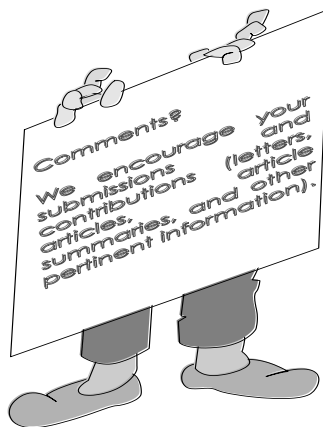
I noted that some AUFA members, no doubt like some Council delegates, were skeptical about the administration's motivation in these discussions and were suspicious that what Jim and Penni described as meaningful progress was in fact more of the delaying tactics with which we are so very familiar.

Given the past conduct of the administration and of its lawyer Eric Durnford, that suspicion is certainly warranted. But I believe that some trust in Jim and Penni's assessment of the situation is also warranted. I also believe that

we have, if not yet trust, at least some real hope in the new President's intention and ability to resolve this matter, and that this hope in the new President does not spring solely from our relief that he is not the *old* President (been there, done that)! I concluded by stating my support for the motion to defer, and more importantly, the membership's support for that motion as indicated at the April AGM.

The motion carried unanimously.

Erin Patterson



**REPORT ON THE 9<sup>TH</sup> CAUT FORUM  
FOR CHIEF NEGOTIATORS OTTAWA,  
MARCH 27-29, 2009**



**Forum Overview – Neil Tudiver**

The big question that framed the Forum this year was:

***What are the opportunities during times of fiscal restraint?***

Neil Tudiver opened the Forum by advising us that the employer will be tough on money. Economic crises put pressure on negotiations, so we should expect Administrations to make arguments that they have less money due to a drop in endowment funds, decreased

government funding, and budget shortfalls. They will also try to leverage the fact that the government is threatening to freeze salaries. Finally, we can also expect employers to exploit perceived divisions in the membership, for example Part Time vs. Full Time, reduced teaching vs. teaching-only.

*The current conditions for bargaining highlight once again the need for consensus and unity in the membership.* To maintain that consensus and unity, the executive and negotiating team must focus first on listening to the membership in determining their priorities, and then on maintaining consistent and clear communications between the negotiating team, executive, and membership.

*Members are more likely to support clear bargaining positions of defensible priorities that they themselves have identified as needs through a consultative process.* Clearly, if a position is not defensible in terms of what members need, then the negotiating team and the executive shouldn't hold onto it. As negotiators, we need a package our membership is comfortable supporting.

***What are the non-monetary priorities the bargaining unit can advance in this climate?***

- **Procedures** that are outdated and could be improved – review Collective Agreement for articles that have not been updated in the last couple of round
- **Governance** issues
- **Policies** and the power to introduce policies
- **Justice and dignity** e.g. dismissal or suspension without pay – can be improved to *with pay* until the arbitration is decided
- **Equity** – a key issue for this round of negotiations at Acadia
- **Cost-neutral gains** – moving discretionary money from employer-control to control by the Collective Agreement. *You can negotiate all matters of compensation that are related to conditions of employment* e.g.

converting market differentials to a fairer or more competitive grid.

- **Control over starting salary prevents salary anomalies and inequities** – negotiating a fair starting salary formula based on a point system removes the discretionary powers of the employer to create inequities.
- **Refining the salary system** – refining salary system to make it a fair and equitable system.

### **Keeping the Membership at the Table – Peter Simpson**

Peter Simpson got the first session underway with the provocative declaration that we should not concede to the media message of crisis, arguing that from the perspective of the negotiating table, there is no global crisis. Warning that the *fears engendered by the media message serve interests that we need to interrogate*, he advised that we do “more local assessment” of our economic situation, which will be more pertinent than what the media claims is impacting us globally.

***Our strongest bargaining tool against the fear-mongering strategy of crisis bargaining is our faith in the membership and its capacity to mobilize against it.***

Simpson then outlined a number of points for negotiating teams and their executives to keep in mind as they enter into bargaining, some of which we feel are important to share with the membership as we begin to plan for negotiations:

- **100% transparency to your membership.** *Keep the membership informed of significant moves.* There is nothing secret about preparations for bargaining – explain what’s going forward. Don’t give the employer a wedge between the membership and the executive/negotiating team.
- **100% transparency requires taking fewest items to the table.** Craft 5 or 6 items that are rallying points on which you must get something.

- **Craft proposals for settlement rather than positionality.** Go to the table with what you can live with in mind – you need to know what your priorities are.
- **Represent a true collective that is threatening to the employer who relies on division in the membership.** This will force the employer to be sensible and reasonable. *A committed membership and a narrow set of objectives are the hardest for the employer to defeat.*

### **Global Crisis & the Need For a Sustainable Economy**

A highlight of the Forum was an alternative socio-economic analysis of the global economic meltdown that utilised the well-known dilemma of Wile E. Coyote to illustrate the need to develop policies that will put a sustainable economy in place.

### **Panel – Dealing with the Employer**

This panel had some experienced hands offer valuable aces to keep up our sleeves at the bargaining table, but these were dealt out under advisement that we not regard bargaining as a bag of tricks and tactics. Rather, there is every reason to come to the table prepared to avoid posturing and gamesmanship and, instead, to come prepared to explain and justify our proposals, and also to *work hard to get the employer to do the same.*

Of great interest in this panel was the advice offered from one who has sat on “the other side of the table.” She emphasised that we pay attention to negotiation *Style: HOW one negotiates is as important (well, almost) as what one negotiates.* Again, the emphasis was on maintaining a bargaining style based on professionalism, equanimity, authenticity and active listening, rather than bluster and threats. We were urged especially to try to understand the other side’s priorities, while keeping our own objectives in mind.

***Persistence and tenacity win the day.***

This panel ended with another presenter offering *Tips for Continuing Negotiations between Contracts*, which confirmed the fruitful labour of our Executive and Joint Committee over the last two years in dealing with the Administration.

**Panel - 3<sup>rd</sup> Parties' View of the Process: Conciliators/Mediators**

This was a useful panel discussion led by head mediators in Ontario and Quebec on what to expect when a conciliator or mediator is called in, based on understanding their role in the process. We were reminded in the first instance that our task is not to convince a mediator that we're right, but to *clarify our position*, through the conciliator/mediator, *to the other side. The conciliator/mediator is there to help the two sides to get a deal, not to advocate for one side or the other.* What they can do for us is *enforce the rules of engagement* – that bargaining is taking place, and in good faith. (It was chiefly for this latter reason that we called for a mediator in the last round of negotiations, which proved instrumental to concluding negotiations.)

**Panel – Preparing to Bargain**

This panel began by asking two questions: *Does the University have no give? Does the Union have no give?* The issue was the need to *find flexibility in times of apparent “no give.”* The panel offered several non-salary areas in which unions can seek improvements: pensions, working conditions, taxable benefits, research funds, accountability and transparency, complement, and managerial rights.

*Again and again during the Forum, equity and governance were foregrounded as the two non-salary issues for which unions should seek to negotiate improvements.*

Respectfully submitted,  
John Eustace & Vernon Provencal

**IN MINORITY: THE STATUS OF WOMEN AT ACADIA UNIVERSITY  
2009-09**

by **Zelda Abramson and Phyllis Rippeyoung**



he AUFA Women's Committee presents this summary of the status of women faculty at Acadia University for the years 2007-2008. Access to this information is supplied to AUFA's membership by Human Resources in compliance with Article 28.10. As shown in Table 1, in October 2008 women constituted 38.2% of all full-time faculty at Acadia University. The overall percentage would be lower had we have included part-time faculty.

Table 1 Faculty by rank and sex, October 2008 (%)

Rank	Sex		Total
	Male	Female	
Professor	83.9	16.1	100.0
Associate Professor	68.2	31.8	100.0
Assistant Professor	60.3	39.7	100.0
Instructor	54.5	45.5	100.0
Lecturer	36.0	64.0	100.0
Librarian	25.0	75.0	100.0
Total	64.1	35.9	100.0

Looking at change over time, Table 2 maps the overall percentages and percent change at each rank by gender between 2005 and 2008<sup>2</sup>. There are some notable differences. Although there has been an overall 9% increase in women faculty since 2005, there were proportionately fewer women (3%) in 2008 than in 2007. Although this may not seem like a large amount, it is indeed worrisome as the ratio gap between men and women faculty had been narrowing but was far from equitable.

There are proportionately fewer women full Professors in 2008 than in 2005 (14%) and there is a greater proportion of women faculty at the Assistant level (19%). However, there has also been an 18% increase in women faculty in CLT positions which may indicate that women's increases at the Assistant rank are disproportionately in Acadia's contingent work force.

<sup>2</sup> Due to the strike, we did not receive Article 28.10 data in 2007.

Table 2 Percent female faculty within rank and percent change between 2005 and 2008

Position	Oct. 2005	Oct. 2006	Oct. 2008	% 2005-08 change
Full Professor	18.8	18.8	16.1	-0.14
Associate	32.3	28.8	31.8	-0.02
Assistant	32.2	34.9	38.2	0.19
Instructor	57.1	50.0	45.0	-0.10
Lecturer	57.6	71.9	64.0	0.11
Librarian	88.0	90.0	75.0	-0.15
CLT	50.0	55.6	58.8	0.18
Tenured faculty	n/a	24.4	27.5	0.13*
TOTAL female faculty	32.9	37.1	35.9	3.9 (-.03*)

\*Change from Oct 2006 to Oct 2008

### Is there a gender wage gap at Acadia?

Table 3 presents four regression models that examine gender wage gaps for all full-time faculty and librarians. Model 1 presents the raw gap of all full-time faculty and librarians showing that men earned \$9744.60 more than women. Model 2 controls for year of hire and the gap is reduced to \$7554.97. In Model 3, rank is added to the equation and the wage gap is substantially reduced to \$487.75, which is equivalent to just under one quarter of a grid step. Given the high percentage CLT positions held by women and the average lower pay of CLTs, when controlling for CLT status in Model 4, we see the gap is further reduced to \$214.00.

Wage gap differences between men and women by faculty (not including librarians) are examined in Table 4. As shown in Model 1, men earn \$594.46 more than women in the Faculty of Arts and \$1335.91 more in the Faculty of Pure and Applied Sciences (FPAS). In Professional Studies, however, men earn \$832.85 less than women. In Model 2, we control for CLTs and find that in the Faculty of Arts the gender wage gap is reduced to \$121.74; however, it is substantially increased in FPAS to \$2032.89 and in Professional Studies the trend is reversed to men earning \$222.45 more than women.

The increased gap in FPAS and Professional Studies, when controlling for CLTs is due to the fact that female CLTs in those faculties earn more than male CLTs. Women earn, on average, \$806.92 more than men as CLTs in Professional Studies. The difference in FPAS is not reported because only one woman is a CLT in that faculty (Table 5). In Arts, there is a much larger gender wage gap among CLTs in that men CLTs earn \$6950.57 more than female CLTs (on average). CLTs comprise just under one-fifth of all faculty and 58% of them are female. CLTs, unlike tenure-track candidates, typically are unable to negotiate their starting salary. However, should CLT faculty be successful in securing a tenure-track position, there has been resistance from the Administration to renegotiate their grid steps. Thus, CLTs may be at a long-term salary disadvantage and women, particularly in Arts, may be vulnerable to lower salaries.

Table 3 Regression analysis of wages on sex, year of hire and rank Article 28.10 2008 (full sample)

	Model 1	Model 2	Model 3	Model 4
Men (wages in dollars)	9744.60 (2640.10)	7554.97 (1960.17)	487.75 (1354.97)	225.09 (1345.23)
Year of Hire		0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Rank <sup>1</sup>				
Assistant			-22066.40 (2209.50)	-21113.10 (2206.50)
Associate			-14518.10 (1965.19)	-14576.40 (1940.98)
Instructor			-39588.40 (2657.20)	-38467.10 (2691.62)
Lecturer			-40480.10 (2738.25)	-34684.00 (3383.99)
Librarian			-29816.10 (3843.54)	-29988.40 (3796.175)
CLTs				-7079.60 (2505.62)
Constant	78311.92 (2106.69)	692012.69 (43254.59)	424969.90 (35125.88)	424491.70 (34716.57)
R <sup>2</sup>	.053	.483	.784	.790
N	245	245	245	245

<sup>1</sup> Contrast category is Full Professor

Note: Because these are population data, statistical significance is not relevant



Table 4 Regression analysis of wages on sex, year of hire and rank split by faculty

	Model 1			Model 2		
	Arts B	Professional Studies B	FPAS B	Arts	Professional Studies	FPAS
Men (wages in dollars)	594.46 (1837.40)	-832.85 (2947.18)	1335.91 (2395.25)	121.74 (1760.12)	-222.45 (3188.61)	2032.89 (2208.85)
Year hire	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Rank <sup>1</sup>						
Assistant	-23012.70 (3505.46)	-22832.27 (4427.29)	-22016.32 (3690.92)	-22081.35 (3358.94)	22541.13 (4611.98)	-20740.49 (3407.99)
Associate	-16111.17 (2949.57)	-12845.25 (4274.64)	-13323.15 (3183.42)	-16242.66 (2814.27)	12704.41 (-4338.99)	-13933.98 (2930.59)
Instructor	-45370.8 (4312.57)	-38237.60 (8053.81)	-36419.92 (3622.66)	-45539.86 (4114.63)	32330.98 (11475.60)	-33453.60 (3411.02)
Lecturer	-50150.54 (3868.76)	-35950.01 (5199.15)	-43898.28 (6507.51)	-40967.25 (4817.15)	-35935.10 (6766.72)	-34310.04 (6439.41)
CLTs				-11809.08 (3980.72)	604.650 (4951.71)	-15693.82 (3898.86)
(Constant)	469726.40 (49904.42)	234866.25 (79100.82)	444108.16 (64739.46)	470467.96 (47609.91)	81122.47 (416127.36)	416127.36 (59922.35)
R <sup>2</sup>	.897	.675	.775	.907	.668	.813
N	86	60	90	86	59	90

<sup>1</sup> Contrast category is Professor

Table 5 Wage gap differences between men and women by faculty

	Faculty					
	Arts		Professional Studies		FPAS	
	Men (3)	Women (7)	Men (4)	Women (12)	Men (7)	Women (1)
Mean	57036.00	50085.43	71000.75	71807.67	52169.50	54930.00
Difference	6950.57		-806.92		-2760.5	

## 2009-10 AUFA EXECUTIVE

**T**

he following were elected to serve on the 2009-2010 AUFA Executive:

<p><u>President</u> Janice Best</p>	<p><u>Member-at-Large</u> Darcy Benoit</p>
<p><u>Past President</u> Erin Patterson</p>	<p><u>Member-at-Large</u> John Colton</p>
<p><u>Vice President</u> Andrew Biro</p>	<p><u>Member-at-Large</u> Claire Jewell</p>
<p><u>Treasurer</u> Catherine Stanley</p>	<p><u>Member-at-Large</u> Terrance Weatherbee</p>
<p><u>Secretary</u> Jamie Whidden</p>	

## RETIREES

**T**

he Communicator Committee would like to extend its congratulations and best wishes to Uwe Wilhelm who will be retiring this year.

### REPORT ON CAUT'S 1<sup>ST</sup> EQUITY FORUM: RECASTING EQUITY OTTAWA, FEBRUARY 6-8, 2009

**T**

he 1<sup>st</sup> CAUT Equity Forum focused on the theme of *Recasting Equity*. I attended as a member of the AUFA Women's Committee. As stated by Jim Turk (Executive Director of CAUT), the goal was to "challenge traditional notions about equity and develop

new approaches to achieving equity in the academy." He also acknowledged in his opening comments that CAUT did not have a lot to be proud of with respect to its historical record of work on equity issues.

Penni Stewart, CAUT President, noted that the conference was occurring on the 25<sup>th</sup> anniversary of the tabling of Abella Commission report on "Equality in Employment" and she urged us all to continue the work of moving beyond quotas and essentialist takes on identity. Stewart also wanted conference

participants to take a hard look at the tensions between “excellence” and “equity” that exist in academic workplaces.

The conference opened with a theatrical performance titled “Equity in Your Face” created and performed by Christine Nutting and Cortney Lohnes of Edmonton, Alberta and directed by Piet Defraeye of the University of Alberta. The performance drew upon relevant and topical equity issues (starting with a Margaret Wente character introducing speaker Ann Coulter) and put in all our faces many of the common inequitable practices being played out on Canadian campuses. My personal favourite was the “internal audit interview” where an accomplished middle-class white woman was being eagerly wooed by a university search committee as their new expert on “Indigenous Studies” – if only she could just make visible a few more of her *differences*. This concern was taken care of through the use of a chain saw and a grisly demonstration of how completely twisted our notions of equity have become. After the performance, we discussed the violent hierarchies of equity being maintained on university campuses as well as the “equity industry” that has developed.

There were three plenary sessions. The first, titled Recasting Equity, took up the origins of equity and discussed the meaning of diversity. The panelists were Audrey Kobayashi (Queens), Richard Alteo (Manitoba), Piet Defraeye (Alberta), and Yasmin Jiwani (Concordia).

The panelists provided some historical information regarding the intentions behind the beginnings of employment equity and made the point that the CAUT Equity Committee (all panelists being members) were much more interested in how equity can be considered as a way of knowing, not just about defining diversity. Kobayashi stated that equity is about recognition and action. Defraeye related the story of the closure of the Human Rights Office at the U of Alberta (later reopened as the Internal Audit Office) as an example of how the struggle for equity gets entangled with the

business and administration of it. Equity on university campuses has in many ways become merely another administrative problem. Jiwani spoke to the equitable distribution of resources and how elite racism sets the tone for ambient racism. Alteo spoke about a successful First Nations Studies program at Malsapina University that destroyed the “myth of aboriginality.” Alteo called on us all to take responsibility for doing the equity work by refusing the expert model agenda or equity as a special-interest-group job. The panelists mentioned the hugely problematic divide between understandings of equity work and diversity work, with the category of equity applying to women and gender, and the category of diversity being applied to “others.”

The second plenary session was **Tensions and Complements**. The panelists provided commentary on the relationship between academic freedom and equity. The panelists were Enakshi Dua (York), Mark Neufeld (Trent), Rinaldo Walcott ( OISE, Toronto) and Bonita Lawrence ( York).

Neufeld described the discrimination he experienced at Trent within his department because of his colleagues’ and some administrators’ refusal to recognize his disability as “authentic.” Lawrence provided insight on the context of the CAUT censure of First Nations University and commented on how that act of censure cannot be removed from the larger colonial framework of the institutions of Canada. Walcott put forward a call for “Another University Now” and stated that Canadian universities are some of the most racist institutions where visible minority faculty are often hired and not tenured. Panelists stressed that equity work must do more than look at numbers and representation and go deeper into workplace environment and climate. Dua reported some initial results from her study that examined the equity policies of 33 Canadian universities. She has documented an attitude of denial among many senior administrators about the existence of racism within universities. We appear to be fluent in the language of equity in Canadian universities but

lacking in substantive action. The question was asked: Can we have racism without racists?

The third plenary session was **Strategies and Tactics**. The discussion centred on moving beyond counting. There was commentary on affirmative action, promotion and tenure, and on creating commitment in faculty associations. The panelists were Ruthann Dyer ( York), Rosanna Carreon (Ottawa), Malinda Smith (Alberta), David Newhouse (Trent) and Doreen Fumia (Ryerson).

Smith asked: “Can we transform the academy if we cannot transform ourselves?” She also commented on how there has been too much focus on sexual difference that has narrowed to gender equity and the concerns of white women. Smith recommended strongly that we unite women/gender equity/diversity to interrogate the culture of whiteness and develop sound anti-racist strategies. Fumia related the successes of a grassroots movement at Ryerson that formed an Anti-racism Strategy and Taskforce. Newhouse educated us about Knowledge Equity (advancement and legitimation of indigenous knowledge) vs Presence Equity) and how the construction of aboriginal peoples as a burden still very much exists on university campuses. Newhouse also made the point that commitments to equity can assist in improving the quality of academic life for all. Dyer discussed the idea of working around and with institutional policies and documents in order to accomplish the same end. She shared one particular story where a faculty member received appropriate workplace accommodations through policies related to academic freedom rather than an employer’s duty to accommodate. Subversion or denial?

Each of the plenary sessions was followed by break out group meetings, addressing one of the following topics:

1. Equity within associations;
2. Collective bargaining and contract language, and pursuing equity through grievances;
3. Recruitment, promotion, retention;
4. Transformation of research and teaching.

I participated in the “*Transformation of Research and Teaching*” group over the span of the 2 day conference. It was facilitated by Audrey Kobayashi (Queen’s) and Carl James (Toronto). There was plenty of insightful discussion and some of the points raised were:

- What counts as research? How are certain kinds of research recognized? i.e. work around equity issues is often given much less status in the academy
- Who has authentic access to research results/publications?
- How can we consider the role of confrontation/opposition, discomfort, relationship and unearned privilege in our teaching/research?
- What role does equity have in our knowledge mobilization, research ethics, curriculum reform and teaching relationships?
- How do you teach difficult subjects/topics?
- How do we talk about difference in classes/faculty meetings etc.?
- How can we better interrogate the “good intentions” with respect to equity issues on campuses?
- How can we form strong allegiances and team with well-informed allies?
- How can one be an activist academic?

A large list of recommendations for CAUT, local associations and individuals were drafted arising from all four group discussions. Hopefully the final version of these will be available to all soon. I would encourage all AUFA members to support keeping equity issues and action front and centre on our upcoming collective bargaining negotiation agenda. Perhaps more importantly, I think each department needs to think about how to make substantive changes to improve the inclusivity of our workplace.

Submitted with not even one hint of objectivity,

By M. Lynn Aylward (School of Education)

## INTELLECTUAL PROPERTY PROVIDES STIMULATION WITHOUT CAFFEINE

In 2008 three important intellectual property advisories from CAUT were published as *Retaining Copyright in Journal Articles*, *Ownership & Authorship of Collaborative Academic Work* and *Fair Dealing*. The advisories all have important implications for creators and users of intellectual property within higher education in Canada. What I offer here is a summary of the points contained within these advisories and also some of the context surrounding these issues. The full text of these advisories is available from the CAUT website by Googling “CAUT intellectual property advisories.”

### *Retaining Copyright in Journal Articles*

If you retain copyright in your journal articles you will never have to worry about whether you can post (without permissions) your article on a publicly accessible website, put it in an institutional repository, email it to a class or scan it 200 times to send to your extended family. Your article is available and accessible to the scholarly community and the wider world, if you so choose.

The advisory *Retaining Copyright in Journal Articles* provides the context for retaining copyright in your journal articles, including supplying as an appendix a copy of the *SPARC Canadian Author’s Addendum to Publication Agreement*; this *Addendum* can be attached to your publication agreement in order to retain key rights. Including this addendum with your article is much less time-consuming than going through your publisher’s agreement and carefully amending that. In short, this addendum would allow you to email your work to staff, students, or faculty at any institution, put it on a publicly accessible website, put it in an institutional repository, put it in ACORN, blog it, or otherwise reproduce, communicate, perform and create derivative material from your own work for non-commercial purposes. The publisher must also provide you with an electronic copy of your published work. What

does the publisher get? The publisher gets to publish your work.

Although the following option is not mentioned in the CAUT advisory it is always worth thinking about if attaching the addendum is not suitable for your particular situation. You could sign a contract with a publisher whose default policies let you keep limited rights – putting your article on your personal website or Acadia website, for example – a practice which is known as self-archiving. What is the advantage of doing this? Your students, or the world, can access the full-text of your article for free. For example, the Institute of Electronic and Electrical Engineers (IEEE) will let you put the final draft (post-print) of the article on a website as long as you use the publisher’s electronic version and the publisher’s copyright and source is acknowledged.

A quick way to discover which publishers’ standard policies allow you to self-archive is to check the SHERPA/ROMEO database (Google SHERPA/ROMEO). It is true that many publishers will let you self-archive if you approach them whatever their standard policy is, but this process may be more time-consuming than you want. The SHERPA/ ROMEO database contains details of 500 standard publisher policies and allows you to search by publisher or journal title to check if the journal or publisher you have previously published with will allow self-archiving and if there are any conditions attached to it.

### *Ownership & Authorship of Collaborative Academic Work*

The purpose of this CAUT advisory is to “assist academic staff members in avoiding conflict over ownership and authorship rights in collaborative academic work.” Collaborative academic work is defined as work which goes beyond the conventional professorial team to projects which potentially include combinations of students, professors, instructors, librarians, or other researchers and which may or may not include funding from government granting agencies or private funding. Some of the suggestions made in this advisory may

seem just common sense but the frequency that difficulties occur in collaborative teams coupled with the recent explosion of collaborative-based research means that this brief advisory is well worth reading.

In essence, CAUT suggest avoiding disputes over ownership and authorship by encouraging team members to reach informed agreements, in writing, on these issues before team work commences. Different disciplinary norms, potential hierarchies, academic competitiveness, and the pressure to commercialize all are factors which may contribute to conflict and misunderstandings within the team. An interesting and useful suggestion is that team members should “individually” and “independently” research authorship and ownership issues before reaching agreements. This seems a sensible approach preventing individuals at the top of a hierarchy from dominating the discussion. Many of the approaches outlined in this advisory, notably dealing with ownership and authorship issues within small disciplinary teams, are useful even where you do not intend to produce a written agreement for a group of people.

### *Fair Dealing and Copyright*

Fair Dealing is a wonderful thing. Fair Dealing is the right to reproduce substantial amounts of a copyrighted work without permission or fee from the copyright owner. Fair Dealing is free, available, applies to both print and digital works, and is open to any Canadian to exercise both within and outside the educational environment. It is a right – not a defence – which is enshrined in the Copyright Act (CA) and court decisions, and its purpose is to ensure a balance between the interests of copyright owners and individuals, ensuring that individuals have reasonable access to information and knowledge for the benefit of society. How much of a work it is reasonable to reproduce using the right of Fair Dealing is a matter of exercising judgement. Nowhere within the CA or courts is it defined that reproducing, say, 10% or 20% or even 50% of a work is either acceptable or an infringement of copyright law under Fair Dealing.

You might wonder why there is an advisory now from CAUT on Fair Dealing when the right has existed for years and has increasingly been interpreted more liberally in the courts. In the words of the *Fair Dealing* advisory, [“Educational Fair Dealing] is now under pressure from copyright licensing agencies, publishers, and the entertainment industry; each eager to see all uses of works regulated and monetized.” For example, along with many authors I have received a pamphlet from a large commercial publisher quantifying how many words (100), sentences (“such as one or two”), figures (2 from 1 article) I may use from their articles for scholarly comment, non-commercial research or educational use. I can already do this, or more, under Fair Dealing. Rather alarmingly, the statement in the pamphlet is an endorsement of the International Association of Scientific, Technical & Medical Publishers’ guidelines. It is worrying because Fair Dealing is partly defined by the common practice within a trade – e.g. education. We need to be aware of the right of Fair Dealing and not be afraid to exercise it or let others with more limited practices define it for us.

The advisory provides plenty of context to answer the question “When can I exercise my right of Fair Dealing?” The first and most important question is, “Am I copying for the allowable purposes?” Allowable purposes are research; private study; criticism; review; or news-reporting. This is the threshold question. If you are not copying for these purposes it is not Fair Dealing – period.

Extensive detail and examples are provided within the advisory to answer the second question, “Am I going to deal fairly with the work?” The criteria which are identified in the advisory to answer this question are “the character of the dealing; the amount of the dealing; alternatives to the dealing; the nature of the original work; and the effect of the dealing on the work.” There is no simple way to summarise these, but in broad terms the following issues are of major importance. For the character of the dealing you need to consider two things: first, are you making a

single copy or multiple copies? Single copies are preferable. Second, you must consider whether the type of copying corresponds to an existing practice within academia. For the amount of copying (or “amount of dealing”) you must consider whether the amount of copied material is truly necessary to achieve your purpose: irrespective of the size of the original, do you require 13% or 30% for your allowable purpose? For alternatives to the dealing or copying, you must consider whether there is a non-copyrighted equivalent available instead. The issue of the nature of the original work depends on things like is it published, confidential, etc. If the original work is confidential it is less likely to be accessible under fair dealing, but if the original work is merely unpublished and you acknowledge your source it is more likely to be viewed favourably

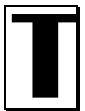
because it could lead to wider dissemination of the original work. Finally, for the effect of the dealing or copying on the work in question you must consider whether the copy will compete with the market of the original work.

If you can answer positively that the copying you have done is for the allowable purposes and you have dealt with the work fairly you are exercising your right of Fair Dealing. I cannot, however, emphasise too strongly that the practices I have outlined here are merely guidelines: each case has to be evaluated on its own merits, that there are no absolutes in terms of the proportion of a work copied because nowhere in Canadian law is there a formula or definition as to precisely what is Fair Dealing.

Ann Smith



## DATES TO REMEMBER



The following are some important dates to keep in mind as quoted from the *Twelfth Collective Agreement*:

### ◆ **May 31**

The President shall communicate the Board's decisions on . . . promotion . . . no later than 31 May. . . [Art. 12.75(c)]

The President shall communicate the Board's decisions on . . . promotion [Librarians] . . . no later than 31 May. . . [Art. 51.75(b)]

### ◆ **June 1**

The Head shall write a letter to each part-time Employee commenting on the discussion. . . . regarding teaching development. . . by June for winter term courses. [Art. 15.66]

### ◆ **June 15**

By 15 June. . . the Career Development Meeting Report, the curriculum vitae, and comments if

any . . . shall be sent to the Dean for review. [Art. 15.61]

The Head shall ask professors by 15 June if they wish to apply for renewal, tenure or promotion and Instructors whether they wish to apply for promotion. [Art. 12.01]

The Research Services Head shall ask Librarians by 15 June if they wish to apply for continuing appointment or promotion. [Art. 51.01]

◆ **June 30**

An annual report. . . of the URC shall be prepared. . . and distributed to professors by 30 June. [Art. 12.76]

An annual report. . . of the UAC shall be prepared. . . and distributed to professors by 30 June. [Art. 12.77]

◆ **August 31**

Any questions regarding the accuracy of the [Part-time Faculty] precedence list shall be directed to the Department of Human Resources by August 31 of that year. [Art. 11.10(i)(vi)]

◆ **September 1**

Professors wishing to request an extension for renewal or tenure. . . must do so by 1 September. [Art. 12.02]

Professors wishing to be considered for renewal, tenure or promotion and Instructors wishing to be considered for promotion shall by 1 September provide the Head with a dossier. . . [Art. 12.03]

Librarians who wish to request an extension. . . [to apply for continuing appointment or promotion] must do so by 1 September. [Art. 51.02]

A Librarian wishing to be considered for continuing appointment or promotion shall, by 1 September, provide the Head with a dossier. . . [Art. 51.03]

A more comprehensive listing of dates can be found on AUFA's website:<http://www.caut.ca/aufa/dates.htm>

**EDITORIAL POLICY**

The Editorial Policy can be found at: <http://www.caut.ca/aufa/newsletter/0609/editpolicy>.