

the FABRIC

UNIVERSITY OF PRINCE EDWARD ISLAND FACULTY ASSOCIATION

April 2010

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The State of the Union: The President's Report

*by David Seeler,
President, UPEIFA*

As the year draws to a close, I wish to take this opportunity to thank everyone who has volunteered to work on behalf of the Association. Without your help, we would not have been able to accomplish what we have this past year.

While mandatory retirement at UPEI has been struck down, ageism seems to be the only means by which the Administration believes it can manage the University's budget. The Administration continues to battle for the right to discriminate against individuals based on



age by requesting a Judicial Review of the Human Rights Commission Panel's ruling and, most recently, by announcing its intention to disregard the decision of the Panel. It is unfortunate that the Administration

continues to pursue regressive measures and practices. As Professor David Bulger succinctly put it in a recent opinion to *The Guardian* "If the university will not uphold fundamental human rights, who will?" In this instance I would submit that the Administration is not, in fact, representative of the University. Our own University Calendar states that a University is "a community of scholars engaged in the pursuit of the truth." I would suggest that the Administration has, in fact, isolated itself from this basic truth. It is expected that the review will take place sometime in the fall of 2010.

The Association continues to remain confident that the Panel's ruling will be upheld and that this dark chapter in the University's history will become a distant memory best forgotten.

The Association continues to cooperate with the other Unions on campus to negotiate improvements to the employee pension plan. Unfortunately, we are not yet able to determine if we have achieved this goal at this round of negotiations; however, our working relationships with the other Unions have been significantly strengthened. Our intention is to continue to pursue improvements to the pension plan in the upcoming round of negotiations for BU #1.

Bargaining Unit # 2 continues to negotiate for a new Collective Agreement to replace the one that expired on the 30th of April, 2007. Much of the delay in achieving a negotiated settlement is directly related to the protracted talks on pension reform. The negotiation process for Bargaining Unit #1 was formally initiated when the Association notified the Employer on the 30th of March that it intended to negotiate a new collective agreement for that group. A preliminary meeting will soon be held with the Employer to begin the bargaining process. A special meeting of Bargaining Unit # 1 will be held early in May to update members of BU #1 and outline the bargaining positions for that Unit.

The Annual General Meeting will be held on the 30th of April at 1:00 – 2:30 PM in Lecture Theatre A in the Faculty of Veterinary Medicine. I wish to encourage each and every one of you to attend, as this is your Association and your participation is warmly welcomed.

Finally, I again wish to thank all those who worked on behalf of the Association this past

year. In particular I wish to thank all members of Executive and Susan Gallant for their assistance in what has been a particularly busy year.

UPEIFA

Call for Nominations

Nominations are being sought to fill the following Executive Committee positions and to fill other Association Committees.

Executive Committee:

President
Vice-President
Secretary-Treasurer
Four Members-at-Large

Other Association Committees:

Awards and Scholarships Committee
Communications Committee
Equity Committee
Finance Committee
Social Committee

All members of both Bargaining Units are eligible. At least one (1) Member-at-Large must be elected from each Bargaining Unit.

Nominations, in writing, must be forwarded to the Returning Officer, Derek Lawther, Physics, dlawther@upei.ca, 566-0338.

Nominations will also be accepted from the floor at the Annual General Meeting.

UPEIFA
Annual General Meeting

Friday, April 30, 2010, 1:00-2:30 p.m.
AVC Lecture Theatre "A"

Agenda

- 1) Approval of Agenda
- 2) President's Report
- 3) Treasurer's Report
- 4) Grievance Report
- 5) 2010 - 2011 Elections
- 6) Other Business
- 7) Adjourn

The AGM will be followed by FA Time to be held in the Faculty Lounge, Main Building.

Reports From FA Committees

Report from BU #1 Joint Committee

by David Seeler, Co-Chair

The mandate of the Joint Committee is to review issues that arise which may require interpretation of the language within the Collective Agreement. The terms of reference for the Committee may be found in Article A-14.

The Association's representatives are Jim Sentence (Department of Economics) and David

Seeler (Department of Companion Animals). The Employer's representatives continued to be Rosemary Herbert and Peggy Leahey.

It was relatively quiet last year with only two issues of significance being addressed. In both instances the members of the Committee were unanimous in coming to agreement as to how to deal with the issues before them.

**Report from the Communications
Committee**

by Betty Jeffery, Chair

Among other roles, the Communications Committee is responsible for the Association's website and newsletter. Three issues of *the FABric* were published, and in recognition of the 40th anniversary of the UPEI Faculty Association we included 'reflections' from three former Faculty Association Presidents.

This year the Committee recommended revisions to the *Standard Information Package for Candidates* and the *Guide for New Members*, and also conducted the triennial review of the *UPEIFA Personal Information and Privacy Policy*. The Communication Representatives across campus continued to play an important role, and were especially active in encouraging people to vote on the proposed new Bylaws. Joining me on the Committee this year were Janet Bryanton, Ron MacDonald (Website Coordinator), Gerry Mahar, Sharon Myers (*the FABric* Editor), Fiona Papps, and Marva Sweeney-Nixon. Sharon will be stepping down as Editor after this issue to serve the Association in another role. We are grateful to her for her work on *the FABric* for the past two years.

Report from the Awards & Scholarships Committee

by Gerry Mahar, Chair

The UPEI Faculty Association has two committees charged with administering the Hessian Teaching Awards and the Merit Awards for Scholarly Achievement.

Professor Andrew Zinck of the School of Music coordinated the subcommittee for the Hessian Awards. There was a wide representation of nominees from departments across campus. Strong portfolios were presented and vigorous letters of support from current and former students were received. It was good to note that there was overwhelming support for excellence in teaching among the many letters received by the adjudication committee. Reaching a decision was difficult due to the high calibre of the applicants. The adjudication committee decided that Hessian Awards will be given to Gregory Doran (English), Alfonso Lopez (Pathology & Microbiology, AVC), and Deirdre Kessler (English). Deirdre is the first recipient of the Hessian Merit Award for Excellence in Teaching by a Sessional Instructor.

Professor Fred Kibenge of AVC's Dept of Pathology & Microbiology coordinated the subcommittee for the Merit Awards for Scholarly Achievement. The subcommittee received six strong applications, demonstrating high interest in the awards. The applications were supported with equally strong letters of recommendation. Unfortunately, names of the recipients were not available in time for this issue of *the FABric* and will be announced later.

Report from the CAUT Council Delegate

by Betty Jeffery, Vice-President, UPEIFA

As a member of CAUT (the Canadian Association of University Teachers), the UPEIFA sends a delegate to the semi-annual meetings of CAUT Council. I had the honour of being the UPEIFA delegate this year. This was a wonderful opportunity to learn more about CAUT's efforts on behalf of academic staff throughout the country, and its efforts to improve the quality of post-secondary education in Canada. It was also an opportunity to learn of issues affecting academic staff at other institutions and to share the issues facing us here at UPEI.

Among the functions of CAUT Council is the approval of official policy statements and guidelines of the Association. Some of these are approved on recommendation of the originating committee, with or without revisions by Council members, while some are sent back to the originating committee for further work. One revised Policy Statement which was passed at the November Council was on Retirement. That Policy Statement (which can be found on the CAUT website at <http://caut.ca/>) begins: "CAUT is opposed to mandatory retirement. Mandatory retirement is discrimination on the basis of age." I thought it very appropriate for the UPEIFA delegate to second the approval of this Policy Statement.

In his report, CAUT's Executive Director, Jim Turk, stressed the need for us all to be aware of, and vigilant about, both new and continuing threats to academic freedom, such as casualization of our work, threats to the custody and control of our own files and records, attempts to impose respectful workplace policies, and attacks on our intellectual property. He also noted that the

'economic crisis' is being seized upon by university and college administrators in an attempt to undermine collective bargaining, such as the four-day unpaid 'furlough' at Lakehead University in December.

On a celebratory note, the November Council meeting recognized several academic staff for their outstanding contributions. You can read about these in the *CAUT Bulletin*. Of special note was the presentation of the Milner Award, which recognizes distinguished contributions to the cause of academic freedom. In 1958, 16 academic staff at United College in Winnipeg resigned their positions to defend the academic freedom of a colleague who had been fired for writing a letter mildly critical of the President of the institution. Harry Crowe's dismissal became CAUT's first academic freedom case. Fifty-one years later these 16 brave individuals were honoured -- some posthumously. The wife of one of those individuals noted that they learned from the experience that "a job is just a job but you carry your principles with you through your life."

A major internal issue facing CAUT at the moment is a proposed restructuring model with the goal of promoting inclusiveness and recognizing underrepresented groups. The proposed model has generated much discussion.

The UPEIFA has directly benefitted from some of the services provided by CAUT, such as workshops offered here on Collective Bargaining and on Grievance Handling, as well as the provision of collective bargaining assistance from CAUT staff during our negotiations. More broadly, CAUT also undertakes extensive research and analysis, and issues numerous publications (such as the *CAUT Bulletin* and the *CAUT Almanac of Post-*

Secondary Education in Canada). Attending CAUT Council has given me a better appreciation for CAUT's investigations and responses to threats on academic freedom, and its extensive lobbying efforts on the federal front, as well as work on the international front.

Report from the CAUT Defence Fund

by Larry Hale

I have been pleased to continue to represent the UPEIFA on the Board of Trustees of the CAUT Defence Fund, and to serve as its president. The Defence Fund provides a central source of strike/lockout pay to 43 unionized CAUT member groups across Canada. We drew on this during our own strike in 2006.

The last year and a half has been a very quiet period for the Defence Fund. There have been no strikes by any member union since October of 2008, so most of the past year's efforts were dedicated to routine administrative matters.

Still, the Defence Fund remains at the ready to assist any member union achieve a reasonable collective agreement should it be put in the position of having to take job action. Our own union will be entering negotiations for a new contract very soon. The solid support promised by the CAUT Defence Fund gives our negotiating team an even firmer position from which to work.

Did You Know ...

That expenditures at Canadian universities increased 173 percent between 1977 and 2007, while faculty salaries declined from 32 percent of university expenditures to 20 percent in the same time period?

CAUT Almanac, 2009-2010, p. 1.

Feature ...

UPEI: Defender of Human Rights?

*by Wayne Peters,
Past-President, UPEIFA*

So, you are told you can no longer discriminate. What do you do? Do it anyway, of course, which is exactly what the UPEI Administration is doing under President MacLauchlan's leadership.

In a thumbing-your-nose show of disrespect for the Human Rights Commission, the Administration has confirmed that it will not abide by the recent Panel ruling in regards to mandatory retirement and that it will continue to enforce its discriminatory policy. An April 6 letter, written on behalf of President MacLauchlan and sent to the Association, says:

Respectfully, the University believes that it is premature to consider amendments to the Collective Agreement relating to mandatory retirement. We have heard from the Human Rights Commission but the courts may very well take a different view. My sense is that a prudent interim approach is to maintain the status quo. Consequently, we will be continuing our current practices and time lines for mandatory retirement until the matter has been determined by the court.

It is unclear just how this can be reconciled with the Administration's position expressed three weeks earlier in a University Campus Notice which said: "While this important issue is before the courts, UPEI's senior management intends to work proactively with employee

representatives and feels that a long-term solution will be reached."

Although no stay of the Commission's ruling has been issued by the Court, it seems the Administration has decided to implement one anyway while it pursues judicial review of the ruling. Of course, the Panel's ruling ought to have been enough to persuade the Administration to eliminate its policy. Appallingly, though, it would seem the ruling means nothing to the Administration; it would rather ignore it and continue its discriminatory practice until a Court tells it otherwise.

Consequently, it has been necessary for the Association to file grievances under each of its Collective Agreements in response to this unbelievable position taken by the Administration. Additionally, it has asked the Human Rights Commission to issue a cease-and-desist order, under Section 28.4(1)(b) of the Human Right Act, to make it absolutely clear that the Administration must cease the discrimination.

Under Section 28.7 of the Act, this order would then be filed with the PEI Supreme Court, after which time the Administration would be in contempt of Court should it continue to enforce the policy. It seems incredible that the Association would need to go to these lengths for the Administration to get the message but it does appear to be the case. Meanwhile, the careers of three additional faculty members, who will be forced to retire within the next nine months should the Administration continue on this path, hang in the balance.

It is not surprising that the Administration would appeal the Panel's decision. It is within its rights to do so. It is very disappointing, however, that it would continue to spend much-needed University resources in an effort

to get around a basic human right – a right which most of the national landscape has already willingly recognized.

What is most deplorable here, though, is the Administration's willingness and choice to ignore the ruling of the Commission which, like it or not, is the law of the land. If you don't like the ruling then by all means work within the system to change it. In the meantime, however, you must accept what has been handed to you. You cannot take the law into your own hands. No one, and certainly not a University, can be above the law. In his March 5 *Guardian* commentary, David Bulger appears to have spoken too soon in his response to President MacLauchlan's *A Broader View of Retirement* when he said "More than anything else, the behaviour of the University of Prince Edward Island demonstrates just how far we have come from the idea (and the ideal) of a university."

Board Chair, Fred Hyndman, stated in an interview with *the FABric* (Jan, 2009) that "The Board does not run the University. The President and the administrative team runs [sic] the University... ." He also states that "the Board has the duty to carry forward the mission, the goals, the objectives" of the University and that its fundamental role is "to monitor, evaluate and oversee that things are being done to achieve those goals as effectively as possible." Given this, one would have to believe that the Administration's choice to blatantly ignore the Human Rights Commission would be problematic for the Board. And, so, it begs the question of just how mindful Board members are of the statement being made on their behalf by this disregard for the law and this continued effort to suppress human rights. The bigger question, of course, is *will the Board do anything about it?*

Throughout all of this, one thing is certain; the University's image has undoubtedly suffered serious damage as a result of the Administration's shameful actions. The situation will only get worse the longer the Administration continues on its current path. Of course, this blemish on our reputation will have a detrimental impact well beyond our local community. UPEI recruits and retains academic staff and students from both the national and international fronts. Without question, the academic staff at UPEI works extremely hard to advance the University's mission and goals and to build its excellent reputation. Consequently, it expects nothing less from the University's Administration and its Board and demands better when it comes to defending human rights.

"I am the inferior of any man whose rights I trample underfoot."

Horace Greeley,
Newspaper editor

Collective Agreement Dates to Remember, April 2010 - September 2010

The collective agreement for Bargaining Unit #1 is outlined in what has become known as the "Red Book" (a copy of the Collective Agreement is also available on-line from the UPEIFA website, www.upeifa.org.) Dates important for the time period covered by this edition of *the FABric* through to the subsequent edition to be published in September are outlined as follows. Important dates from the "Red Book" are listed in chronological order on the UPEIFA website. You also will find there lists of dates related specifically to tenure/permanency and promotion.

April 15:

E2.10.9 Full URC reviews sub-committee decisions [re: promotion] to ensure consistency prior to **April 15**.

E2.10.10 URC reports recommendations [on promotion] to President prior to **April 15**.

May 1:

E2.10.1 f) iii) Newly elected members of the URC begin their terms on **May 1**.

H3.7 Members engaged in external employment shall, by **May 1** each year, inform their Department Chair and Dean, or University Librarian, as appropriate, of the nature and time devoted to these activities conducted in the previous calendar year.

Prior to May Board meeting:

E2.11.1 The President makes recommendation [on promotion] to Board **prior to the May meeting of the Board**.

Following May Board meeting:

E2.11.1 **Following the May meeting of the Board** the President will notify the candidate [for promotion] in writing, of the Board's decision.

May 30:

E2.6.2/E2.8.1 The DRC must complete its meetings on all tenure applications and combined tenure/promotion applications and make recommendations to the URC by **May 30**.

E7.8.9/E7.10.1 The Librarian Review Committee must complete its meetings on all permanency applications and make recommendations to the URC by **May 30**.

May 31:

E1.4.3/E6.1 By **May 31** each year, non-tenured Faculty Members and term and probationary Librarians shall provide to their Chair or Dean or University Librarian, as appropriate: a current curriculum vitae and a concise, written report of their activities for the past year.

E1.4.3/E6.2: By **May 31** every third (3rd) year, tenured Faculty Members and permanent Librarians shall provide to their Chair or Dean or University Librarian, as appropriate: a current curriculum vitae and a concise written report of their activities for the past three (3) years.

June 1:

B3.1 b) ...Department Chair to assume duties on **June 1**.

June 15:

E2.5.3.1 Applications for promotion shall be made in a letter to the Department Chair no later than **June 15** of the year in which consideration is initiated.

June 30:

E1.4.4/E6.5 By **June 30** of the year in which the report [of activities] is received, the Chair or University Librarian, as appropriate, shall meet individually with the Member to discuss the report and directions that might be taken by the Member and the Department/Library for continued professional development.

July 1:

E2.5.3.1 The Chair shall advise the Department, the Dean and the Vice-President, Academic Development of any application for promotion or accelerated promotion by **July 1**.

August 1:

E2.4.3.3/E7.8.12.3 The decisions regarding deferral [of tenure/permanency] must be made prior to **August 1** in the year in which the candidate's consideration is to come before the URC.

G1.6.1 c) By...**August 1**...of each year, the Chair, or the Dean, in the case where there is no Chair, of each academic unit shall update the seniority of each member of the Sessional Roster of that academic unit.

September 1:

E2.9.4/E7.11.4 The Dean/University Librarian includes letter in candidate's [tenure/permanency] file and forwards the complete file to the Chair of the URC before **September 1**.

September 15:

C2.14 Applications for sabbatical leave shall be sent to the Dean or to the University Librarian with a copy to the Department Chair, as appropriate, by **September 15** of the year prior to the contract leave for which the leave is planned.

UPEI in 1974, he retired in 2008 after 34 years of service. He was one of five faculty members who filed complaints with the P. E. I. Human Rights Commission about the University's mandatory retirement policy.

When I sat down to write this "memoir", I realized that my memories and experiences about this campus go back more years than I am prepared to be precise about here, although you will, dear reader, be able to pinpoint the time period without much effort. I have organized my thoughts as a progression from student on campus to faculty member teaching on campus.

The Early Days

My academic life on this campus began as a student at St. Dunstan's University. For those of you who are of more recent vintage than I, you may not know that St. Dunstan's was one of two founding institutions that made up the University of Prince Edward Island, the other being Prince of Wales College. The unique aspect of education on Prince Edward Island at that time was that if you wished to finish high school, that is Grades 11 and 12, you did so at either St. Dunstan's or Prince of Wales, with Catholics inevitably migrating to St. Dunstan's and Protestants to Prince of Wales.

So I began my career at St. Dunstan's as a Grade 11 student. My memories of the time are not so much about buildings, but more about the oversized personalities that both taught and administered an institution of less than 300 students.

The buildings were modest by today's standards, I suppose. Main, Dalton, and Memorial were residences – Main for the high school students, Dalton and Memorial for the university students. The Alumni gym stands where the Student Centre is now, a handball

Getting to know...

Bob O'Rourke

I remember when...

by Bob O'Rourke

Bob O'Rourke served two years on the UPEIFA Executive Committee, including as President in 1975/76. He also served as the FA's Chief Grievance Officer from January 2005 to the end of April, 2008. Beginning employment with

court behind. The current Music Hall was a chapel, and the lower level was the optimistically named Dining Hall. Optimistic, because it was where I learned the virtue of applying marmalade to my grilled cheese sandwiches, which were served with french fries for breakfast. It was a dining experience unlike any I have experienced since.

And what about those outsized personalities. Most were priests, with the odd sprinkling of lay faculty. People like Fr. Francis Bolger, who brought an infectious enthusiasm to his teaching of History. Fr. Wendell MacIntyre, stern of mien, who terrorized us into learning Latin. Fr. Frank Ledwell, who did the same for English, while coaching the varsity hockey team. Fr. Jim Kelly, a classicist in the every sense of the word, who wandered off topic with cheerful frequency.

My progress through Grades 11 and 12 was largely unremarkable, and I embarked on my university education with the same sanguine confidence I had successfully employed in high school. The results, however, were disappointing. I managed to fail freshman year twice running. At the end of the second attempt, I was invited into the office of the Bursar at the time to explain how I was to pay for the room and board for the second semester, room and board I had neglected while vigorously pursuing my second career as a master of contract bridge. After providing what I felt was a masterful and lucid explanation of my intentions with respect to the delinquent bill, I turned to leave the good Father's office, only to hear the following: "You know O'Rourke, what you need is a good, swift kick in the arse."

As a eulogy for my early years on campus, it was fitting enough.

The Middle Years

I returned to UPEI in the fall of 1974, having completed both a BBA and MBA. I had been teaching at St. Mary's University in Halifax, when I was seduced by the totally false promise of smaller classes at UPEI, promises made by the then Chair of the Department of Business Administration. At that time, Business Administration was a department within the Faculty of Arts, a situation that gave considerable discomfort to both the Department and the Faculty.

My first teaching experience was in portable classrooms, called N and NA. I never knew what these terms stood for, and never really cared to know. Sufficient was it to say that the classrooms could accommodate upwards of a 100 students or more, while allowing for student protesters to execute their conga lines through the rooms without hindrance. Students were more interesting back then, less motivated by marks and more inclined to challenge your viewpoints. Interesting times, if you weren't overly impressed with yourself.

My first office at UPEI was on the fourth floor of Main. There was an eclectic mix of faculty on the floor, representing History, English, Philosophy, Religious Studies and Business, as I recall. Going down the hall to talk to a faculty member not of your department, or even your discipline, was one of the most rewarding experiences I have ever had.

Two of the "fourth floor" faculty were Terry Pratt of the English Department and David Weale of History, both relatively new to the University. If my memory serves me correctly, it was David who provided the advice on just how wide open you could leave the window in the office without having pigeons roost on your desk. His advice came late, but was valued nonetheless.

By 1976, the Business Department moved into the former library building, now known as the Kelley Building. We were still attached to the Faculty of Arts, but with a somewhat stretched umbilical cord. We had the building largely to ourselves, with a small Administration presence and the University Bookstore as the other occupants. Of course, saying there was a small Administration presence in Kelley soon turned out to be an understatement. Gradually, and like amoeba, the Administration's presence in the Building grew, roughly at the same pace and in competition with the Department's need for additional space.

At the time, the Department had just six faculty members. Because of the limited numbers, there was a need for faculty to teach a variety of different subjects. Over the course of several years, I taught Introduction to Business, Introductory Accounting, Finance, Small Business Management, Statistics, Quantitative Methods, and Business Policy. The Chair of the Department, nominally a marketing instructor, professed a degree of expertise in Intermediate Accounting. It is doubtful that any rational individual should ever express an expertise in Intermediate Accounting, but I thought he carried on admirably, and none of the students seemed the worse for the experience. It was at this time that we began to develop a reputation for producing accounting graduates with high success rates in the Uniform Final Exams for the CA designation.

The Latter Years

I think that my latter years at the University could be best characterized as ones of increasing specialization. First, the Department became a School, with the equivalent of faculty status. Then it began to grow, ultimately to a complement of twelve full-time faculty. With this growth, came the tendency to narrow the

range of courses one taught. I became the "quants" faculty member, teaching Operations Management, Statistics, Quantitative Methods, and Logistics, all subjects that students tended to view as having a significant mathematics component. They were nothing of the sort, but students tend to form their own view, and there



was little to be gained by trying to convince them otherwise. Other School of Business faculty moved to focus on their own narrow areas of specialization. While this trend is natural and mirrors what goes on in other universities, there is something lost when faculty abandon a multidisciplinary approach for one of narrow specialization. Even the School recognized this by introducing an Integrative Management course to, as the phrase goes, "integrate across the curriculum". It didn't last very long, for reasons that had

nothing to do with the premise underlying the course itself.

The other change that I noticed in the latter years was the increasing bureaucratization of the University. I can remember a time when there were no vice-presidents of anything. There were comptrollers and directors, people that you could approach directly with requests that did not have to be accompanied by completed forms.

Perhaps, the University's increasing focus on corporatization was an inevitable by-product of growth and diversity, and railing against it is the rhetorical equivalent of plugging holes in a dyke with one's fingers. Nevertheless, something does, and did, get lost. The collegial relationships between faculty and staff in diverse disciplines withered on the vine, replaced by slogans such as a "Great, small university". Good marketing, perhaps, but no substitute for the real thing.

I am going to stop now, dear reader. I hope that I have given you some flavour of my life as both a student and a faculty member at this University. I treasure my time and my memories at the institution and it is my hope that, in due course, each of you can say the same thing.

Letters to the Editor...

The sky is falling! The sky is falling!

What's wrong with *just cause?* and other post-mandatory retirement thoughts

by Wayne Peters

I'm sure I heard those famous Chicken Little words echoing from Kelley Building following the Human Rights Commission's decision that

the University's mandatory retirement policy violates human rights. What really should have been a non-issue though has been cited by President MacLauchlan and other senior University administrators as having critical implications for the University's operations in areas such as fiscal integrity and predictability, hiring and academic renewal, and performance review. It would seem, then, that the University's on-going success and achievement is now in jeopardy because mandatory retirement no longer exists.

I am far from convinced, though, that the University's fiscal integrity and human resource planning are suddenly threatened because a few people each year can no longer be forced to retire. Of course, the allure of recovering salary money from a 65 year old, top-of-scale professor is understandable. In reality, though, replacing three such individuals in any year with bottom-of-scale assistant professors recoups about less than one-quarter of a percent of the University's total budget, hardly a break-the-budget amount. And, while retirement does provide opportunities to welcome new people into the academy, it is certainly not the only means by which academic renewal occurs. Besides, even without mandatory retirement, people are still going to retire.

At any rate, according to President MacLauchlan in his recent newsletter entitled *A Broader View of Retirement*, I just don't see the bigger picture, and neither does the broader UPEI community or even the Human Rights Commission. He says that "the challenge from the outset of these complaints has been to persuade the Commission and all interested parties, notably the UPEI community, to see the whole picture." Somehow, I guess, none of the rest of us gets it.

What's interesting, of course, is that the President acknowledges that the policy is discriminatory. Yet, he maintains that he needs it to be in place to facilitate a number of University operations. I am supposed to accept, then, that the University should be allowed to operate outside the law simply because it is good for its business to do so. What I do not get, though, is why the University cannot accomplish what just about every other university in Canada has been able to do, that is to manage their operations without discriminating on the basis of age.

Another notion put forward by President MacLauchlan in his newsletter commentary is the idea that the elimination of mandatory retirement demands a more robust approach to performance review. This is where I get confused, as I do not see what one has to do with the other. Surely, the Administration was not using the mandatory retirement policy all this time as an alternative to dealing appropriately with performance issues. After all, the University provided no evidence at the Commission hearings that would suggest competence or performance were even at issue. Why, then, would it be necessary to talk about performance review in response to the elimination of mandatory retirement?

In regards to dismissal, the Administration already has access to all of the legal tools available to other employers under the PEI Employment Standards Act. It can, however, only discipline or dismiss an academic staff member for *just cause* in accordance with the discipline procedures in our collective agreements. This is the essence of the protection to academic freedom provided by tenure. Tenure is not a job-for-life; it is simply a guarantee that you cannot be fired without *just cause*.

The fact is that academic staff members are already evaluated more often than individuals in most other professions. At UPEI, for instance, tenure-track faculty members typically go through a five-year probationary period, extremely long by most standards, during which time reviews are performed annually. These reviews are then carried out every three years for tenured faculty members. The teaching performance of each faculty member is evaluated for each and every course taught. Scholarly work and research is evaluated every time a faculty member applies for a research grant or submits research results for publication. As well, extensive reviews are carried out in conjunction with applications for tenure and promotion.

The short answer to why the Administration wants to tie performance review to the elimination of mandatory retirement is that it undermines the protection provided to academic staff members by having tenure. Without the protection of tenure, academic freedom is severely compromised and so is the academy's ability to fulfill its obligation to teach, to investigate, to speculate and to publish without deference to prescribed doctrine or influence by institutional censorship. Rather than appropriately discipline for *just cause*, it seems that university administrations would rather implement simple-minded criteria to allow selective targeting of academic staff members who they find to be troublesome for some subjective reason.

Visit Online ...

At www.upeifa.org, for notices, announcements, updates.

Did You Know...

That the proportion of full-time university teachers in Canada working past the age of 65 was 3.0 percent in 2007? Broken down by gender, the proportions look like this: men, 3.8 percent; women, 1.4 percent.

CAUT Almanac, 2009-2010, p. 5.



Dear FAbby

Dear FAbby:

I know the collective agreement for BU #1 expires soon, and I read that a negotiating committee has been appointed. Where are we at in the "process" right now?

Dear FA Member:

Thank you for your interest in the negotiations process. It is, of course, a matter that deeply affects me and you and our colleagues, so our interest and engagement is important. You will be hearing more news about negotiations over the coming months, but here is a quick update.

Indeed, a negotiating team has been appointed by the FA Executive. It is comprised of Wayne Cutcliffe (Computer Science & Information Technology), Sharon Myers (History), Jim Sentance (Economics) and Chris Vessey (Computer Science & Information Technology). The team members have attended a number of CAUT training sessions and Wayne Cutcliffe has also attended CAUT's Forum for Chief Negotiators. Currently the team is hard at work compiling data, gathering and studying information, drafting and polishing, and building organizational and work-flow systems that will serve them well when they actually go to the negotiating table.

As you know, late last year the Membership was asked to identify issues it believes are important in this round of negotiations. The FA Executive has studied these carefully and has identified the clauses in the *Collective Agreement* that correspond to recurring concerns. These will be identified to the Membership at a special meeting in May, where you will be asked to support the proposed negotiations package. Please attend!

The FA Executive has written to the Employer indicating our desire to open negotiations. We anticipate the first meeting, which will address ground rules and "process," will occur in late April or early May.

UPEI Faculty Association Student Achievement Fund

We provide FA entrance scholarships to two students. The fund needs to keep growing, and we're asking you to consider supporting its growth through payroll deductions (whatever you can afford—\$2, \$5, \$10 per pay). Some of you are supporting already (thank you!); some of you were supporting at one time, but your contribution period ended, and you're wondering how to start it up again; some of you are eager to become first-time supporters, but need to know how. It's simple: copy the form to the right, fill it out, and send it in.



"My friends, it is solidarity of labor we want. We do not want to find fault with each other, but to solidify our forces and say to each other: 'We must be together; our masters are joined together and we must do the same thing.'"

Mother Jones,
Labour and Community Organizer

PAYROLL DEDUCTION REQUEST FORM

Name:

Employee #:

Home Mailing Address:

(Important for Receipt Purposes)

Fund: **UPEI Faculty Association Student Achievement Fund**

Start Date:

Payroll deduction amount:

Number of pay periods:

Total Pledge Amount (Payroll Deduction Amount x Number of pay periods):

Signature:

Date:

*Please forward to Susan Gallant – UPEI Faculty Association for processing.
THANK YOU FOR SUPPORTING UPEI STUDENTS!*

The FABric is the newsletter of the University of Prince Edward Island Faculty Association. The primary intent of the FABric is to keep all members of the UPEI Faculty Association up-to-date and informed. It is also the intent of the FABric to communicate UPEI Faculty Association activities and perspectives on issues to a wider community. *The FABric* is published three times per year: September, January, and April, and serves the following purposes:

- ▶ to provide a means for the exchange of ideas, views, and issues relevant to the Association and its members;
- ▶ to provide the Association's membership with information relevant to the operations of the Association;
- ▶ to provide documentary records of matters pertaining to the Association; and to serve all the functions of a newsletter.

Contributions (letters, articles, article summaries, Dear FABby questions, and other pertinent information) are encouraged, but anonymous material will not be considered for publication. Under special circumstances, however, *the FABric* may agree to withhold the author's name. The UPEI Faculty Association Executive retains the right to accept, edit, and/or reject contributed material. The opinions expressed in authored articles are those of the authors and do not necessarily represent the opinions of the UPEI Faculty Association.

To Reach the Editor

Letters to the Editor, questions for Dear FABby, and other pertinent materials may be sent to the Editor, c/o facultyassociation@upei.ca

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