

## AUNBT 55<sup>th</sup> ANNUAL GENERAL MEETING

Wednesday, 27 April 2011 @ 10:00 AM

Fredericton - Wu Conference Centre Auditorium

Saint John - Hazen Hall 239

President Jennie Hornosty opened the meeting at 10:10 am from the Fredericton venue.

### 1. **Adoption of draft Agenda**

*Moved (B. Broster, F. Holyoke) to adopt the agenda with revisions. Carried*

### 2. **Minutes of AGM 28 April 2010**

*Moved (W. Bourque, B. Lowry) to adopt the minutes of 28 April 2010. Carried w/1 abstention.*

### 3. **President's Report**

It has been an interesting and very busy 5 months. Before speaking about some of the main issues AUNBT has been dealing with, I want to summarize some key issues that emerged at the CAUT Presidents' Forum that I attended in January. This meeting provided an opportunity for presidents of local associations to share information about their concerns. It became quickly apparent that we are all facing very similar problems and challenges.

#### **CAUT Presidents' Forum**

The major themes discussed at the Forum included:

- **How do/can faculty associations balance the interests of a diverse membership? Many associations represent a number of diverse groups within their bargaining unit and a few others besides UNB represent members on more than one campus. The challenge with a diverse membership in both bargaining and organizational structure is to ensure that the interests of all members are acknowledged and represented equitably. No one had any easy answers.**
- **Workload. Everyone agreed that workload is increasing: class sizes are getting larger, there is growing pressure to publish more, teaching and research resources are shrinking and more administrative work is being downloaded on faculty. There was general agreement that determining an equitable and transparent workload across the diverse groups in the university is often difficult. At some institutions there is a move towards a two-tier system – a research stream (which involves research and teaching) and a teaching intensive stream (teaching only). Also, at some institutions, the administration wants to extend the time to tenure.**
- **Leadership Success and Association Renewal. A major challenge for faculty associations is recruiting colleagues, especially junior people, to become more**

**active in the life of the association. It was felt by many that the current institutional climate and neoliberal-inspired policies foster increased competition and individualism, leaving individuals with little time for governance work. It is important, therefore, for associations to increase their profile and reach out to the membership.**

*In this regard the AUNBT Executive has discussed the creation of a 'shop steward' system – modeled on the collective bargaining council - which would meet in non-bargaining years.*

- **Increasing the Association's Visibility & Political Effectiveness.** There was strong agreement by speakers and participants in the Forum that faculty associations need to become more politically engaged. Building alliances, working with other unions on and off campus, and joining other labour and socially-minded groups were some of the strategies mentioned. One of the speakers poignantly argued that the conditions in which academics work are social conditions that go beyond the classroom and the confines of the university. A number of participants spoke to the critical role that coalitions with other labour groups played during strikes or threatened strikes.
- **Academic Governance.** There was a difference of opinion on whether the faculty association should have official representation (a Senate seat) on Senates.
- **Corporatization.** Not surprising, there was much discussion of “the corporate creep” and its impact on teaching and research as well as the overall climate in universities. There are growing pressures for commercialization of research and standardization for evaluating teaching and student learning outcomes. Serious concerns were raised about how academic freedom is threatened when major university donors attempt to control academic curriculum and hiring. Participants were cautioned to keep a watchful eye over who was making large donations to their institution and the agreements signed with the donor.

## **AUNBT ISSUES**

The First Collective Agreement for Contract Academic Employees (CAE) is not completely settled yet. Today marks 1076 days since bargaining began for the contract academic employees. I want to express my appreciation to Julia Hughes, our chief negotiator for this group, and all the members of the negotiating team for their on-going hard work. Julia will update you shortly on where things currently stand. However, I do want to report that the administration and AUNBT have agreed to implement those articles that have been signed off. There have been a few implementation wrinkles concerning assessment for the right of first refusal but I understand that these have been resolved.

As you are all aware by now, we received the Conciliation Board Award for the full-time collective agreement in January. I want to report on some of the implementation issues that have arisen from this agreement. Lloyd Waugh, our chief negotiator for this group,

will speak more about it in his report.

1. Getting all the salary adjustments implemented in a timely fashion was of concern. Beginning in December, Lloyd and I met with Peter McDougall (Associate VP Human Resources), Barbara Richards (HR Consultant) and Greg Kealey (Provost & VP Research) to discuss mechanisms to ensure a speedy implementation of salary and retroactive pay when the Conciliation Board finally issued its award. It had been reported to the AUNBT that Peter McDougall had stated at a meeting that it would take 3 months to implement the salary adjustments. This in our view was too long – based on findings from a quick survey of other universities who responded, it appeared the average time to implement salary adjustments after a collective agreement was signed was approximately one to one and a half months. The administration’s view was that it couldn’t be done sooner because our situation was complex, the calculations had to be done manually and HR was short-staffed, since the person responsible for doing this in previous times had recently resigned. A number of our members contacted us to express their frustration with the length of time it was taking to implement pay adjustments. We raised these concerns in subsequent meetings with VP Tony Secco and President Eddy Campbell and Provost Greg Kealey.

While the implementation of salary adjustments took longer than we would have liked, the process is now complete and the final adjustment will be seen in the upcoming pay period. Some members have raised concerns as to whether the pay they received was correct. Lloyd and I have tried to respond to these individual concerns and we believe that any discrepancies have now been resolved. From the feedback we have received, it appears that many members were generally happy when they finally received their first retroactive pay.

2. The interpretation and implementation of Article 53 (Communications) was a source of disagreement but we believe that the differences now have been resolved in a satisfactory manner. The AUNBT’s position is that the requirement in Article 53 is meant to be an informal process and not what the administration was referring to as ‘performance management’; we rejected their attempt to require all tenured faculty, instructors and librarians to complete a common template as the basis for self-evaluation. After a couple of meetings with Vice-President Tony Secco, they agreed to scrap the template idea; we also agreed on the wording of a letter that Deans and Chairs would send out to tenured members in relation to Article 53. This letter will ask individuals to prepare a brief written self-evaluation (taking account of Article 16 – Professional Responsibilities and Article 19 - Workload) as well as outline their plans for the next two years.

We want to stress that members are NOT required to complete a template as a basis of their self-assessment and encourage you to please let us know if you do receive such a request.

3. Since the assessment process began before we had a new collective agreement, AUNBT’s position was that all levels of assessment had to follow the provisions in the

old (2005-2009) Collective Agreement. (In a letter of August 2010, Greg Kealey (Provost) had asked AUNBT whether we would be willing to implement the new provisions for this year's final level of assessment, and our response was 'no'.) In mid-March we learned that the Vice-Presidents were operating under a different assumption, and when we raised our objections, Vice-President Secco agreed to comply with the old provisions, which would make him responsible for all of the final assessments. However, he indicated that if we were to proceed that way, he wouldn't be able to complete the final level of assessment until mid-July.

The two key issues for our members were timelines and the person(s) responsible for the final level of assessment. The issue of time-lines was now a moot point as these had passed; but we also felt that the mid-July date could cause hardship for some members. The agreement reached was that responsibility for the final level of assessment for this year only would be divided between the VP (Fredericton) Academic and VP Saint John (rather than the three VPs functioning as a committee of the whole) and that everyone being assessed would be notified of the decision by May 15.

4. The administration has been put on notice that AUNBT will be closely monitoring term appointments. Article 22A.05 of the 2009-2013 Collective Agreement states that term appointments may be made only for certain purposes and that prior to making such appointments, the university shall notify the association at least 5 days in advance of advertising the position and provide detailed reasons for the request. AUNBT has also made it clear that we would consent to waiving the four year limit for term appointments only in extraordinary situations.

5. The AUNBT Executive has serious concerns about the administration's plan to move its server for student and alumni email to a 'cloud' in the United States. Among the issues are protection of privacy, academic freedom and security, confidentiality of communication with students, protections of intellectual property, and the fact that data residing on US-based servers are subject to the US Patriot Act. We have heard from a number of members that these concerns are shared. The Executive has expressed its views in a letter to Terry Nikkel (Associate VP, ITS) and has requested a meeting in which we will argue that AUNBT should be involved in consultations with the Privacy Commissioner and be allowed to review the proposed licensing agreements.

6. Vice-President Jula Hughes and I have had regular meetings with the VP Saint John Robert McKinnon, VP Academic Tony Secco, and President Eddy Campbell and Provost Greg Kealey to discuss a variety of issues and work out differences.

**Some Announcements of Interest:**

David Bell mentioned in his President's report last April that AUNBT committees had taken a back seat to the pressures of bargaining. I am pleased to report that some of these committees, including Status of Women, Joint Employment-Equity and External Partners, have now become more active.

CAUT held a grievance workshop on the Fredericton campus for all members of the AUNBT grievance committee.

Beginning in March we have been fortunate to have a high school volunteer CO-OP student, Rebecca Arbeau, working in the AUNBT office five mornings a week until June. Rebecca has been organizing our filing system, updating membership lists, and generally helping Brenda with things that need to be done. Thank you Rebecca - your assistance is greatly appreciated.

### **Final Remarks and Special Thanks:**

As some of you will know, I first served as President of AUNBT in the early 1990's – and I must say that the climate at UNB today is a very different from what it was then. These past 5 months have gone by extremely quickly; despite having been a member of the executive for many years, it still at times involved a steep learning curve.

I want to thank all the Executive members for their support, cooperation, and hard work. But there are a few people I want to single out for special thanks for their assistance: David Bell – while he took his delayed sabbatical and a much-deserved break, he always made himself available if I had questions. I would like to thank Lloyd Waugh for his assistance in helping sort out the various implementation issues from the full-time collective agreement. I want also to thank Jula Hughes who served as Vice- President for her cheerful personality and support, as well as Allan Reid for taking over as Chair of the Grievance Committee during what is proving to be a tumultuous period. As well I want to extend special thanks to thank Francesca Holyoke (although not a member of the Executive) for all her hard work on grievance matters and advice.

Three members of the current executive are not standing for re-election this year. They have all made invaluable contributions to the Association: Charlene Mayes, thanks so much for all that you done. Charlene was a member of the full-time negotiating team for our new collective agreement; has served as secretary of AUNBT, and has been a long-standing member of our Status of Women Committee. I wish you a wonderful sabbatical. Gopalan Srinivasan (Srini), thank you so much for all your great work as treasurer over the last few years. I'm sure at times it was a challenge. And also thanks for agreeing to help AUNBT's next treasurer transition into the job. Rick McGaw is the third executive member who is not re-offering; Rick is retiring as of June 30, 2011. We all owe a very special thanks to Rick for his many, many years as Chair of the Grievance Committee. Rick knows every article in the collective agreement and probably every grievance issue AUNBT has dealt with in the last 20 years; many of these he was able to solve informally. He is one of Canada's most experienced grievance officers. Thank you Rick for all your work for the association. We wish you the very best in your retirement; but I'm sure we will be still be calling you with our grievance questions.

And lastly I want to express my special heartfelt thanks to Brenda Arbeau. I couldn't have done this job without your support. Brenda is not only efficient and keeps on top of everything that needs to be done, but she is also very pleasant, even when I've had to call

her at home in the evening or on a weekend.

Submitted by Jennie Hornosty, April 2011.

4 **Report of the Chief Negotiator (CAE)**

Jula Hughes provided an update on CAE bargaining noting that it was day 1076 of bargaining and acknowledged the CAE team: Wendy Bourque, Stephen Dutcher, and John Neilson. She provided an overview of the partial collective agreement that has been in force since May 2010 and explained the outstanding issues before the arbitration board. There was no information as to when the Board would rule.

5 **Report of the Chief Negotiator (FT)**

L. Waugh reported that there had been general membership meetings when we signed the new collective agreement to summarize and give members a chance to ask questions. Prior to the next round of bargaining, members are encouraged to be vigilant regarding the wording of Article 53 (this article is entitled "communications" not "performance review"). Leading up to the next round of bargaining, we should brace ourselves for a continued deterioration of the percentage of UNB revenue that is allocated for teaching and research purposes. L. Waugh thanked the full-time negotiating team: Miriam Jones, Charlene Mayes, Rick McGaw, John Neilson, and Steve Turner.

6 **AUNBT Presidential Candidates**

Dr. Jennie Hornosty briefly explained how the process would work and both Jula Hughes and Emery Hyslop-Margison addressed the meeting for five minutes and took questions from the assembly.

7 **NBFL**

Dr. Hornosty reported that at the last meeting of the we were asked about NBFL. AUNBT sent out a fact sheet to the membership.

***Moved (D. Frank, L. Chalmers) that the AUNBT Executive Committee be instructed to apply for membership in the NB Federation of Labour. Carried 1 opposed, 1 abstention***

David Frank spoke to the motion.

*Perhaps the most helpful thing I can say is that when this organization was started some 50 years ago, we had trouble gaining recognition from the university. We are having our 55<sup>th</sup> annual meeting, but our collective agreements go back only 30 years. One of the most important decisions taken by the Association was to apply for certification under the Industrial Relations Act. This gave us the protection of provincial laws requiring union recognition and gave us access to the mechanisms that would make collective bargaining happen. It was no accident that this legislation was in place and available for our use when we needed it. We were able to gain certification because of the efforts of organizations such as the New Brunswick Federation of Labour which had fought*

*for such laws for many years, indeed decades. We benefited from those who went before . . . and now, as one of the most successful unions in the province, it is our turn to step up.*

*All provinces in Canada have Federations of labour for the simple reason that most laws and standards affecting the workplace are matters of provincial jurisdiction. The Federations are the organizations that promote provincial solidarity and push for such matters as workers' compensation, collective bargaining, pay equity. One recent them has been the need for first-contract legislation where employees have voted for a union, which might have had an effect on our slow progress on the Contract Academic Employees agreement. The main goals have been to speak up for citizens in respect to their workplace rights, to press the provincial government for laws and standards to protect employees, and to promote the organization and recognition of unions as a fundamental element in the Canadian democracy. This is not the place to review the full record, but it is enough to say that such rights always need to renewed and protected.*

*Ours is the oldest continuously existing Federation of Labour in Canada. It began with a dozen affiliates in 1913 and a few hundred members; it now has 375 affiliated locals, representing 46,000 employees. The New Brunswick Nurses Union and the Faculty Association of Saint Thomas University are among the latest to affiliate. It is important to remember that the Federation is exactly that -- a Federation that holds no power over the internal affairs or activities of its affiliates; it can be described as a provincial "house of labour"; it is an organization that developed out of a need in this province and its history is one of what I call an accelerating solidarity and a kind of conservative progressivism.*

*Finally, it is worth saying that in our own fields we are all individualists and professionals, much like the skilled artisans who built the earliest unions. Like them, we need to look out for each other, and this includes doing so at the level of the province. This is not intended as a polarizing proposal but as a way to be a part of something bigger than ourselves. Our participation will be good for us in both practical and strategic ways because it will place us in a relationship of participation and cooperation with the largest employee organization in the province and will articulate our shared interests as members of provincial society.*

After several interventions the motion was carried.

## 8 **Report of the Nominating Committee**

Of the two nominations were received for the office of president **Dr. Jula Hughes, Faculty of Law**, was elected president.

***Moved (A. Reid, M. Wiber) to destroy the ballots. Carried***

For **Group I (full-time) members on the Fredericton campus**, the following ten were

elected to the AUNBT Executive committee.

David Bell	Law
Juan Carretero	Mechanical Engineering
Dorothy Duplessis	Business Administration
Brian Lowry	Chemical Engineering
Bill Parenteau	History
Allan Reid	Culture & Language Studies
Alyssa Sankey	Mathematics & Statistics
Merle Steeves	Cataloguing, UNB Libraries
Lloyd Waugh	Civil Engineering
Melanie Wiber	Anthropology

For **Group 2 (part-time) members on the Fredericton campus**, the following two were declared elected

Wendy Bourque	Psychology
Arthur James	Classics

For **Group I (full-time) members on the Saint John campus**, the following four were declared elected.

Greg Fleet	Business
Miriam Jones	Humanities & Languages
Rose McCloskey	Nursing
Lucy Wilson	Geology

For **Group 2 (part-time) members on the Saint John campus**, the following candidate was declared elected.

Elizabeth McGahan	History & Politics
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AUNBT's constitution provides that the new Executive Committee takes office on 15 May 2011.

***Moved (E. Plaice, D. Frank) to destroy the ballots. Carried***

During the counting of the ballots, Dr. Jennie Hornosty took the opportunity to hand out three CAUT Dedicated Service Awards.

**David G. Bell**  
**Jula Hughes**  
**Lloyd Waugh**

The CAUT Dedicated Service Award recognizes individuals for exceptional service to their academic staff associations.

There are four matters to report.

1. The Plan actuaries (Towers Watson, Montreal office) presented a final draft of the valuation based on data of July 1, 2010 to the Plan Board of Trustees in March 2011, in preparation for filing with provincial and federal regulatory agencies. The main features had already been approved by the Trustees, and include the following: the assumed annual rate of earnings on investments is 6.25 % (down from 6.50% in the previous valuation); incorporation of the 'fresh start' approach to amortization of past-service costs; and use of funds from the Rate Stabilization Account (created under the Improvement Program implemented in July 2007), in order to hold the rate paid by members and matched by UNB constant at the July 2007 level.
2. Investment returns have been good during the first eight months of the current valuation year: 12.4% for the period July 1, 2010 to February 28, 2011.
3. Last fall the provincial government established a task force on pension plans, and the task force is now inviting submissions. AUNBT and UNB (sponsors of our Plan) and the Board of Trustees have agreed to prepare a joint submission. Representatives of AUNBT, UNB, the Board of Trustees, and Towers Watson will be meeting on April 29, 2011 to begin preparing a brief to the task force.
4. The 2007 Improvement Program requires that the Plan sponsors annually review the funding status of the Plan. It has been agreed that the 2011 review will begin in early fall, by which time data for the July 2011 valuation will be available. As usual, the review will be in cooperation with the Trustees and with the assistance of the actuaries.

The Plan continues to be significantly underfunded. Although this is a common problem for defined benefits plans across Canada and the USA, it is and will remain a serious concern for the foreseeable future.

Members of the AUNBT Pension Committee: Jula Hughes, Rick McGaw, Gopalan Srinivasan, Barbara Trenholm, Jack Vanderlinde, Jon Thompson (chair).

AUNBT appointees to the Board of Trustees: David Bell, Bob Maher, Evelyn Richards, Gopalan Srinivasan, Norm Betts (co-chair). UNB also has five appointees; its co-chair is Larry Guitard.

## 10 **Treasurer's Report**

Dr. Srinivasan briefly reported on the finances of the association and directed everyone to his written report. Srini also took the time to thank the other members of the AUNBT Investment Committee, Elizabeth McGahan and Jim Sexsmith.

*Moved (G. Srinivasan, M. Wiber) to adopt the auditors report. Carried'*

## 11 **Grievance Reports**

### **Full-time Group - A. Reid**

Within the full-time group, there has been a typically wide range of cases handled and resolved through the informal process which continues to be our preferred method for dealing with grievance issues. In addition, this year saw one case go to arbitration (still pending), two significant disciplinary actions, one of which is going to be grieved and the other case of workplace harassment which could not be resolved and is going to the next level. AUNBT and the administration are pursuing a joint resolution which is just in the process of being arranged.

We assisted a number of people in the assessment process, especially with responses to tentative negative outcomes. We are still awaiting final results of assessments for promotion and tenure from the respective vice presidents.

A successful training workshop was once again held in February of this year, attended by members of both AUNBT groups.

I became Chair of the Grievance Committee in January of this year and would like to acknowledge the support and encouragement of several members of the committee and the executive, especially Jennie Hornosty, Francesca Holyoke, Lloyd Waugh and Julia Hughes. In addition to helping me work my way up the rather steep learning curve, they, among others, continue to be extremely active in the business of assisting our members in this important area of our professional lives. In particular, however, and on behalf of our committee, I would like to thank Rick McGaw, first for the key role he still plays in the committee, and especially for his many years of service as Chair of this committee.

### **Part-time Group - A. R. James**

I too will be very brief. The Contract Academic Grievance officers are; Wendy Bourque, Barbara Fisher-Townsend, Julia Hughes, Elizabeth McGahan and myself.

In December two officers - one from the full-time unit and one from the part-time unit went to Ottawa for a CAUT conference on grievance issues which led to a grievance workshop here in February on methods.

Generally, the part time officers have divided the cases between us with Julia Hughes playing invaluable backup as necessary.

Without going into individual cases I will sum up by saying that most issues are what one would expect in the early stages of a collective agreement;

- Confusion about rights and duties
- Trying to address abusive situations that have been going on for years
- outright grievances

Most issues we have settled successfully informally, but in a couple of cases we have had to respond more formally.

I just want to end by asking all CAE to speak to us first if they think they have a legitimate complaint and not write letters to or try to solve issues with the administration on their own before coming to us.

## 12 **Federation of New Brunswick Faculty Associations**

Dennis Desroches, president of FNBFA began by directing the membership to the his December report. This has been a year of renewal. One thing that wasn't in the report was the conciliation process at Mount Allison and the tremendous amount of work that was needed to secure a deadline. The January 31 deadline was honored and as a result the right to strike was preserved. Other things that have happened since the last FNBFA report was the decision not to renew the contract of the Executive director. FNBFA needs someone who knows what a PhD does.

FNBFA is hosting a Chief Negotiator's meeting which will be attended by the chief negotiators of maritime universities. FNBFA is also looking at its dues structure and its voting structure which needs to be much more weighted according to association size.

Friday, May 13<sup>th</sup> is the FNBFA General Meeting.

## 13 **Other**

Allan Reid took the floor and explained that at the AUNBT Executive meeting a motion was approved directing the AUNBT to send a letter to the Alward government asking them to reverse their decision to abolish the Advisory Council on the Status of Women.

Given the importance of that council and of its ability to function at arms length from government control, and its analogous concerns with our own Status of Women Committee, he made the following motion.

*Moved (A. Reid, M. Wiber) that the AGM endorse the above noted decision of the*

*AUNBT Executive “to send a letter to the Alward government asking them to reverse their decision to abolish the Advisory Council on the Status of Women.” Carried.*

**C. Mayes moved to adjourn the meeting at 12:55 pm.**