

University of Northern British Columbia Faculty Association

Newsletter Fall Semester 2025



Message from the President

Dr. Paul Siakaluk

*Professor, Psychology Department
President, UNBC Faculty Association*

Dear Members of the UNBC Faculty Association,

I hope your Fall 2025 semester is off to a good and productive start, and am pleased to present our UNBC FA Newsletter for the Fall 2025 semester. I will briefly outline the important information you will find in this Newsletter, and I encourage all our members to carefully read and consider what is presented.

Let me begin with good news. Congratulations to **Drs. Ellen Petticrew** and **Phil Owens**, who received the Paz Buttedahl Career Achievement Award during this Spring's **CUFA-BC Distinguished Academic Awards GALA** in Victoria. As can be seen in the accompanying photo, they join three previous UNBC DAA winners. A highlight of serving as UNBC FA President is that each Spring I am able to attend these awards gala and witness the recognition of research excellence for many of UNBC's researchers. Also, we want to thank the UNBC-FA Events Committee for a fun September Welcome Back Shindig, with excellent music and an opportunity to meet colleagues at the beginning of the semester.

If you have been paying attention, you will have noticed that it is collective bargaining time in the province of British Columbia. **Dr. Jacqueline Holler**, the UNBC FA's Chief Negotiator, provides an update of where we are in our collective bargaining process, and how it is being affected by the current BCGEU strike.

In the rest of the Newsletter, we reprint several important articles to acquaint our new(er) members (and reacquaint our not so new members) with various roles of the Faculty Association.

The first article, by former Confederation of University Faculty Associations BC (CUFA-BC) Executive Director **Mr. Michael Conlon**, discusses unique challenges with collegial governance in British Columbia universities. Although some of the details have changed since the original publication of this article, many of these challenges



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remain relevant. As FA President, I serve on the Executive of CUFA-BC. One of the primary purposes of our monthly Executive meetings is for the FAs of the five provincial research-intensive universities (UNBC, UBC, SFU, UVic, and RRU) to collectively discuss collegial governance issues. These are invaluable meetings that provide our FA with useful information.

The second article, by **Dr. Catherine Nolin**, our former Grievance Officer and current Assistant Grievance Officer, explains what a grievance is and how the grievance process works. **Dr. Mark Groulx**, our Grievance Officer, will provide an important update on the status of grievances at our next AGM, which will be held on Tuesday, October 21st, from 10:00 am to 11:30 am in room 6-205. We encourage our members to attend in person.

Dr. Stephen Rader, a former UNBC-FA President, provides two articles: one on the Joint Occupational Health and Safety Committee, and the other on Custody and Control of Records. These are two important issues that our members should be familiar with. The fourth article, by **Dr. Ted Binnema**, our former Chief Negotiator and now happily retired, explains how collective bargaining works. Seeing that we will be resuming bargaining in December, it provides helpful information on the collective bargaining process. The fifth article, by prodigious Newsletter contributor **Dr. Jacqueline Holler**, outlines important considerations regarding medical leaves and how medical information is handled at UNBC. The last article, by **Dr. Fiona MacPhail**, also happily retired, reiterates the importance of unions.

To end my message, I would like to welcome our newest members to UNBC and the FA. They are introduced at the end of the Newsletter. We are pleased they have joined us and wish them much success at UNBC.



Spring 2025 CUFA-BC Distinguished Academic Awards Gala in Victoria, BC
UNBC-FA Award recipients (from left to right): Dr. Brian Menounos (2019), Dr. Ellen Petticrew (2025), Dr. Catherine Nolin (2023), Dr. Phil Owens (2025), Dr. Chris Opio (2012).

Confederation of University Faculty Associations of British Columbia (CUFA BC)

CUFA BC's Distinguished Academics Awards series honours the outstanding scholarship of academics and the impact scholarly research has beyond the academy. Winners receive a plaque, \$2000 cash, and a celebration gala.

Nominate a colleague today: www.cufa.bc.ca/awards

Stay tuned for the January 2026 deadline for submission of nominations



Otherwise known as the "party committee", the UNBC-FA Events Committee's mandate is to organize social gatherings for the Faculty Association. A big 'thank you' to everyone who came out for our *September Welcome Back Shindig*, and a special thank you to Neil Hanlon and Joe Shea for providing the entertainment... and congratulations to Andrea Gingerich and Tom Samoil who won the draw for our gift baskets. Stay tuned for upcoming opportunities to socialize with your faculty associates, including monthly Coffee and Tea events.



GoalScholars F.C. is a new men's faculty soccer team built on the success of the Faculty Association's coed squad **FA FC** (now entering its 3rd season). We're excited to kick off our inaugural season and are looking for 2 more players to round out the roster.

Details:

- **1 Season:** Mid October to April, games are played as part of the BC Indoor Soccer League (more about the league here: <http://bcisl.ca>)



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- 🏆 **Games:** Once a week - Wednesday evenings in the Fall and Sunday evenings in the Winter
- 🙌 **Skill Level:** All are welcome — whether you're competitive, casual, or somewhere in between!

This is a great opportunity to be part of a new team and connect with colleagues in a fun and relaxed atmosphere.

If you're interested in joining or have questions, please reach out to **Rylan Graham** at rylan.graham@unbc.ca.

Hope to see you on the pitch!



Mark your Calendars for the
Fall Annual General Meeting

Tuesday, October 21st 10:00 am – 11:30 am
6-205 Northern University Student Centre (NUSC)



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A Message from the Chief Negotiator



Dr. Jacqueline Holler

*Professor, Department of History
Chief Negotiator, UNBC-FA*

With September already behind us (how did that happen?), Members are understandably curious about the status of collective bargaining with the Employer. I am therefore happy to provide this update on behalf of our team, which comprises me (as Chief Negotiator), Executive Director Donna Sindaco, Jean-Sebastien Bernier, and Dezene Huber.

As many of you know, we have been in discussions with the Employer since spring 2025, when we made good progress and signed off on a number of non-monetary articles before breaking for the summer. We are scheduled for further talks in December 2025, when we hope to conclude our *monetary* discussions.

Those of you brand-new to UNBC may have heard that our Collective Agreement expired on 30 June 2025, so this is an opportune time to remind everyone that under the terms of our CA, it continues in force and effect until a new agreement is concluded. Therefore, you should feel confident knowing that all scale increases and other terms and conditions are in effect regardless of the agreement's expiry.

Many of you are also familiar with BC's unique bargaining environment, in which all public-sector collective bargaining is managed by the Public Sector Employers' Council, or PSEC. This body establishes a "mandate" for collective bargaining, which determines the salary increases Employers can agree to and governs other aspects of negotiating such as agreement length. These terms affect our bargaining (and how quickly it can be completed) here at UNBC.

The "mandate" generally emerges through the process of negotiations with the large public-sector unions. Though the Hospital Employees' Union has settled its agreement, the BCGEU remains on escalating strike, now with some 17,000 workers on the line. The outcome of the GEU strike will likely affect the provincial collective bargaining environment. What's more, it is an important opportunity to show solidarity with our fellow unionized workers. We urge you to support the strike by joining a picket line, giving a friendly honk as you drive by one, or bringing coffee and donuts to the line, especially on these rainy days!



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Speaking of solidarity, many of you know that we are members of the CAUT Defence Fund, which provides strike and collective bargaining benefits to member unions. I serve as UNBC-FA Trustee for that fund and sit on its Investment Committee, and am also charged with recruiting Flying Pickets to support other university strikes across the country. If you would like to serve as a Flying Picket and bring strength and good cheer to our colleagues, please let me or Donna Sindaco know.

I will be in touch again as negotiations process, but please feel free to reach out to me at any time with your questions or comments about collective bargaining!



A Provincial Perspective of Collegial Governance

Mr. Michael Conlon

*Confederation of University Faculty Associations of BC
(Source: Reprinted from UNBC-FA Newsletter 2017-01)*

Collegial governance at BC's research universities is hampered by several structural challenges. Political intrusion by the Board of Governors and weakened Senates undermine the ability of faculty to be true partners in academic decision making.



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Though it is common in other provinces for the provincial government to appoint Board of Governors representatives, BC's system is uniquely politicized. BC is the only province in which legislation assures that direct government appointees will always have a working majority on Boards of Governors. All appointments follow a secretive Order in Council process with no public scrutiny or transparency and all appointments are signed off by the Premier.

This politicized process has had predictable results. In 2015, nine of the 11 provincially appointed UBC Board members were BC Liberal Party donors. These nine individuals contributed a combined \$137,395 to the party since 2005, and a 10th donated money through a personal corporation. The provincial appointees were also prominent in corporations that in turn donated to the BC Liberal party, bringing contributions connected to these Board members to a total of \$387,274. At the University of Victoria, Board Member Ida Chong, a former Liberal Cabinet Minister of Advanced Education, was appointed to the Board almost immediately after she lost her seat in the 2013 provincial election.

And of course at the University of Northern British Columbia the Board of Governors, by a narrow 7-6 vote, appointed former Conservative cabinet Minister James Moore as Chancellor. Elsewhere in Canada, universities seek to appoint a well-respected and non-controversial individual to the largely ceremonial position of Chancellor. Moore, by contrast, is an extremely controversial figure within the university sector given that he was the federal Minister-in-charge when grant agency budgets were cut, and the voices of federal scientists were muzzled. In appointing Moore, the BOG at UNBC by-passed consultation with Senate despite explicit provisions set out in the University Act. This clear contempt for the role of Senate is emblematic of a view of collegial governance as an inconvenience and distraction as opposed to the lifeblood of what makes a research university work best for those it serves.

The common pattern in these controversies is that governments and senior administrators are slowly backing away from the academic model of collegial governance, in which faculty have meaningful input into the academic management of universities. This shift away from collegial governance has also fostered mistrust and, in some cases, dysfunctional labour relations. There is also an emergent trend amongst administrators to suggest that faculty associations that make the democratic decision to unionize somehow forfeit their right to participate in collegial governance. Given the increasingly political and tactical maneuvers by university administrators to dilute the role of Senate, the notion that unions are too adversarial or 'political' is properly seen for the hypocrisy that it is. At precisely the moment that Senates and BOG's are in danger of becoming a rubber stamping body for administrators, faculty are told to renounce their collective voice in the spirit of 'collegiality' and 'cooperation'.

This burgeoning shift in the model of collegial governance finds explicit voice in Peter MacKinnon's *University Leadership and Public Policy in the Twenty-First Century*. MacKinnon has, in effect, written a manifesto designed to encourage and support efforts to blunt the role faculty unions have had in protecting and, in some circumstances, expanding the scope of collegial governance. MacKinnon's ideas have had considerable sway as a clarion call to reign in faculty unions and he has made numerous presentations to senior university administrators across the country on his particular views on governance and faculty unions.



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Mackinnon's treatise for university administrators boils down to a few simple (and simplistic) principles:

- i) Faculty unions have become too powerful (read: successful) and have been able to enshrine collegial governance provisions in collective agreements. In Mackinnon's view CAs are no place for collegial governance and they should be removed in bargaining when possible and never be bargained into new agreements. MacKinnon goes further to argue that anyone active within their faculty union should be excluded from all aspects of collegial governance and tenure and promotion committees.
- ii) Working conditions for faculty are so advantageous and generous that faculty have no need of the protections offered by unions. He further argues that labour legislations and human rights codes have become so robust that any concerns faculty have could be addressed through these legislative protections.
- iii) Intimately linked to this argument against unionization MacKinnon also argues that two of the defining features of academic work, academic freedom and tenure should be revisited. MacKinnon argues, in a familiar trope, that academic freedom has become too robust and the only way to save it is to allow University presidents to reign it in. He also suggests that University presidents should have more control over hiring, tenure, and promotion, of both faculty and Deans. MacKinnon further argues: "The question is fairly asked and renewed, whether tenure serves an important public policy piece in Canada in the twenty-first century" (150).

Mackinnon's views are worth reviewing in this context, not because they are new or particularly compelling, but because they are a coherent registry of oft murmured but rarely articulated ideas about faculty unions. However, as the ongoing challenges in university governance in British Columbia demonstrate the adversarial approach MacKinnon adopts toward collegial governance and faculty unions exacerbate rather than solve the problems he purports to resolve.

An active and engaged role for faculty in Senate is a vital first step in resuscitating a truly collegial model of university governance. The starting point for the discussion is the belief that a meaningful role for faculty in the academic and pedagogic decision making process is not merely an aspiration or ideal but it is *the* defining feature of what distinguishes universities from corporations, government, and other institutions. Collegial governance is fundamental to what allows universities to attract the best and brightest scholars, cultivate the next generation of citizens, and develop solutions to our most pressing social and economic challenges. Faculty have both a right and responsibility to share in the academic decision making process. Universities ruled by fiat run the risk of jeopardizing the very thing that distinguishes them from every other institution in society.



The Grievance Process and You: What is a Grievance?

Dr. Catherine Nolin

Professor, Department of Geography, Earth and Environmental Sciences

Assistant Grievance Officer, UNBC Faculty Association

(Source: Reprinted from UNBC-FA Newsletter 2018-03)

Most members will never be involved in a grievance, but the grievance process is one of the most important tools that we have to protect the rights of all members. How does a grievance work?

At its most basic, a **grievance** is defined by CAUT as a *formal allegation that there has been a violation of the terms and conditions of employment*. All labour legislation in Canada requires that Collective Agreements contain provisions for grievance and binding arbitration for alleged violations of their Collective Agreements (CAs). We, in the university sector, negotiate grievance and arbitration procedures that suit our employment circumstances. Here at UNBC, Article 44 of the CA sets out the complaints, grievance, and arbitration process. First and foremost, our CA states:

Should a dispute arise between the Association and/or a Member and the Employer, an earnest effort shall be made to settle the dispute in accordance with the provisions of this Article.

Complaints and Grievances

Differences between complaints and grievances are important to clarify because, of course, all complaints do not become grievances. A **complaint** is spelled out this way: *A complaint is a problem raised by an individual Member (an individual complaint) or a group of Members (a group complaint) that may be resolved without reference to the formal grievance procedure.*

A **grievance** is any dispute or difference arising out of the application, interpretation, administration, or alleged violation of the provisions of the Agreement. A grievance is a **formal allegation** that there has been a violation of the terms and conditions of your employment. Grievances may be on behalf of individuals, groups or the association. For example, a **Policy Grievance** is a grievance arising directly between the Association and the Administration concerning the interpretation, application, administration, or violation of the provisions of the Collective Agreement. In most cases, there are implications for Association members.

Every complaint that comes to the attention of the UNBC-FA is a potential grievance. Therefore, we encourage you to come to the UNBC-FA with your concerns as soon as possible so that we can work together to resolve your complaint as expeditiously as possible and with minimum friction. The early stages of grievances require time-sensitive action on your part - so please do not delay in reaching out to us!

The UNBC-FA encourages informal discussion between a Member and her/his Chair and/or Dean before a grievance is launched. We think it is always preferable to settle issues before the FA gets involved. If this informal approach does not resolve the issue, the CA outlines the grievance steps to be followed in the grievance process (Article 44).



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If we must move through the formal grievance process, though, please be aware that the FA has the right to submit a grievance within sixty (60) days of becoming aware of the events giving rise to it. *The grievance shall be submitted in writing citing, where appropriate, the Articles alleged to have been violated, the representative of the Employer against whom the grievance is directed, and the remedy sought, to the Provost.* No later than ten (10) days following receipt of the grievance, the Provost or his/her representative is supposed to meet with an FA representative and the grievor(s) and make every reasonable attempt to resolve the grievance.

The Grievance Officer (GO) provides confidential advice and support to assist members in informal resolution of conflicts, complaints and disputes, and through the filing of formal grievances where appropriate. The GO is appointed by the Executive and is a non-voting member of the Executive, who serves as a link between individual members and the FA's Grievance and Arbitration Committee. The GO chairs this committee which includes the Executive Director, the FA President, and FA Vice-President. This committee reviews and/or investigates complaints concerning employment, tenure, promotion, salaries, and all other issues governed by the CA, and makes recommendations to the Executive Committee on any matters that may proceed to grievance and/or arbitration.

Therefore, your engagement with the GO can be anything from a simple inquiry to a formal matter. At the heart of this engagement is a commitment to confidentiality. The entire process is confidential until arbitration, should the process go that far. Arbitrations are hearings open to the public and the arbitrator's rulings are public documents. Before that stage, though, the identity of the complainant is known only to the small number of people on the Grievance and Arbitration Committee.

The role of the Grievance Officer is key and one that is often misunderstood. The GO works to ensure that all steps in the grievance or complaint process are followed if a violation of the Collective Agreement is alleged or if the Employer initiates an investigation of a complaint against a faculty member. The GO does not offer a defence for misbehaviour and cannot ensure that the Employer complies with the Collective Agreement. However, the GO works to uphold the Collective Agreement and protect the rights of all faculty members. Please reach out to us should you have any questions.



Dr. Mark Groulx

*Associate Professor Environmental Planning
and UNBC-FA Grievance Officer*



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The JOHS Committee: What it is and Why it Matters

Dr. Stephen Rader

Professor, Chemistry

(Source: Reprinted from UNBC-FA Newsletter 2018-03)

Another committee required under provincial legislation is the Joint Occupational Health and Safety Committee (JOHSC). Uniquely, this committee has the ability to make legally binding recommendations to the university administration, with the possibility of recourse to the Workers Compensation Board were the Employer to fail to implement the recommendations in a timely fashion. In a well-run university, this committee is a model of collegial efforts to ensure the safe working conditions of all employees, both physically and mentally. It is therefore one of the most important committees on campus with respect to your day-to-day working conditions.

The JOHSC is constituted with three CUPE representatives, three FA representatives, and six administration representatives. It is jointly chaired by one employee rep and one administrative rep.

A university is generally a low-risk workplace relative to factories, mills, and mines, the kinds of places for which JOHSCs were originally envisioned. Nevertheless, UNBC has a variety of significant potential workplace risks, as was made abundantly clear in last year's safety audit. Some are obvious, such as students working with dangerous chemicals in labs or using heavy equipment in the field. For this reason, the Chair of the Laboratory Safety Committee is an automatic member of the JOHSC. Other less obvious potential risks range from proper use of ladders to ensuring a non-threatening, collegial workplace.

In fact, changes to the Workers Compensation Act in 2014 placed a requirement on employers to maintain a workplace free of stressors that can cause mental illness, for example by bullying. In this respect, a significant component of the JOHSC should be to identify situations that involve potential mental harm and make recommendations to improve the workplace in this respect. While this liability is a new one, it necessarily requires adapting to the legislation, and the JOHSC is currently working through these new requirements.

Because safety is the responsibility of every one of us, we strongly encourage you to keep an open dialogue with the members of the JOHSC with respect to concerns you may have regarding a healthy workplace. This includes safety issues that you identify that have the potential for either mental or physical harm. If there are any safety-related issues about which you have concerns, please do not hesitate to talk to one of your representatives on this committee, or the Faculty Association directly.



How Collective Bargaining Works

Dr. Ted Binnema

Retired Professor, History Department

(Source: Reprinted from UNBC-FA Newsletter 2018-03)

An aura of mystery often surrounds bargaining, whether the momentous negotiation (or renegotiation) that attends international agreements such as NAFTA—or the more quotidian bargaining of collective agreements. For those who have never sat at a bargaining table, the question might reasonably be asked: how *is* a collective agreement negotiated, anyway?

In the last round, the UNBC-FA negotiated (and eventually arbitrated) its first collective agreement as a certified union. Prior to this, the uncertified UNBC Faculty Association had bargained five faculty agreements, using procedures that were laid down in the agreement itself. (The sixth faculty agreement, governing 2012—2014, was awarded by Arbitrator Vince Ready.) Today, as a certified union, we are governed by the BC Labour Code; we will therefore follow its provisions when negotiating our next agreement in 2019. (The current collective agreement will expire on 30 June of that year.)

The process of renewing a collective agreement begins when one of the contract's parties (in our case the UNBC-FA and the UNBC Board of Governors) give written notice to commence bargaining. By law, this can occur once four months or less are left in the term of the agreement then in force (in our case, that occurs on 1 March). If neither party gives notice to the other, the BC Labour Code deems notice to have been given 90 days prior to the expiry of the agreement. Once a notice to commence bargaining has been given, or has been deemed to have been given, the parties must begin to bargain in good faith within 10 days.

Long before this, of course, the parties prepare for bargaining. Each party names its team early enough to allow meaningful consultation between the team and its "principals": that is, the decision-makers who will ultimately ratify the agreement. In the case of the UNBC-FA, this means you, the membership—and the UNBC-FA Executive elected to represent you. Throughout the Fall, the Negotiating Committee and Executive engage in consultation with the membership and with UNBC-FA standing committees to identify priorities for bargaining. It is impossible to exaggerate how important our consultations with you will be. The negotiation team *must* be confident that it knows what the membership's priorities are. Based on the mandate received from you, the Negotiating Committee will develop detailed proposals and will determine which articles it wishes to seek to amend.

Once the parties agree on a schedule for meeting, the actual work of hammering out an agreement begins. Each party presents its broad priorities and goals for bargaining; each party also indicates clearly which articles it wishes to open. Thereafter, the parties are obliged to meet with one another and to bargain "in good faith." The latter legal requirement gives rise to much misunderstanding, because the interpretation of what constitutes "good faith" (or its opposite) is by no means simple. "Hard" bargaining (roughly, seeking an



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agreement that is to one's advantage) and refusal to accede to the demands of the other party do not constitute bad faith. However, each party is obliged to be "sincere" and to make "every reasonable effort" to conclude an agreement. If one party refuses to meet or engages in a deliberate strategy to avoid reaching an agreement, *that* constitutes bad-faith bargaining and may lead to a complaint to the BC Labour Relations Board. Because of the nuanced interpretation of bad-faith bargaining, however, complaints and rulings are relatively rare, though they can be significant when they occur. For example, you may recall the 2016 ruling of the Supreme Court of Canada in the case of the BCTF and the Province of British Columbia, which found that the provincial government had failed to meet its duty to bargain in good faith. At the very least, such rulings demonstrate that bargaining in good faith is a solemn duty and expected of all parties, even the most powerful.

As the teams continue their work, they meet, discuss, and pass proposals across the table. Proposals often mean "language": that is, the actual changes to the agreement that would achieve the goals of one party. A party presents its proposal and entertains questions from the other party; at this point, the other party may caucus to discuss the proposal further, or may recess to provide a counter-proposal. In some cases, proposals on a given matter may be passed back and forth across the table many times before agreement is reached. Usually, however, in a spirit of compromise, parties agree on changes, and arrive at an agreement.

In some cases, the parties cannot agree on changes to certain articles. This is where the negotiating teams for both parties need to know how important certain issues are to their principals, because they need to be able to judge whether to settle for less than hoped for, or even to accept the status quo in the service of reaching an overall agreement. But when the disagreements are so significant that no overall agreement can be reached, the parties are said to have reached *impasse*: a state of deadlock in which no further progress toward a negotiated agreement can be made. At this point, either party may resort to applying pressure on the other, through the mechanisms of strike vote/legal strike (union) or lockout (employer). Again, the law dictates exactly how that can occur.

More commonly, however, agreements are concluded at the table, with sleeves rolled up. Those who have never been at a table often expect that the work is acrimonious, passionate, or at least as engaging as a courtroom drama, with rapier-sharp dialogue and arguments flying back and forth across the table. Most of the time, however, bargaining is less like a fencing match and more like an uphill slog: tiring, requiring consistent effort, and even monotonous at times, but with a substantial reward at the summit. When the parties genuinely and creatively seek an agreement, the process is usually not acrimonious, even if when disagreements are stark.



Medical Information and Medical Leaves: Things Every Member Should Know

Dr. Jacqueline Holler

Professor, History Department

(Source: Reprinted from UNBC-FA Newsletter 2020-01)



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Most of us pay little attention to our Collective Agreement's provisions for sick leave and health-related accommodations. All of us, however, recognize how important it is that such provisions exist to guide and protect us when we are at our most vulnerable—facing illness or medical conditions that interfere with our normal duties.

Under the provisions of the Collective Agreement, Members are entitled to sixty calendar days of sick leave (Article 61.5). This leave is available to *all* Members: sessional instructors, full-time term Members, or full-time continuing and tenured Members. Some Members and some Employer representatives may erroneously believe that “sixty calendar days” represents a total *annual* allotment; however, it actually represents the sick leave available before an individual transitions to long-term disability coverage.

In 2017, a grievance settlement between the parties helpfully confirmed that “a faculty member may take 60 days of sick leave *per incident* as salary continuance or as a pre-qualifier for Long Term Disability. Once the faculty member has returned to work at the university, they are eligible for *an additional 60 days for each illness*” [emphasis added].

What does this mean for you? Simply, that you should be aware of your sick-leave entitlement and seek clarification from the Association should you be given advice to the contrary.

Members' respect for health-related provisions was made abundantly clear during collective bargaining. As you may recall, Members responded powerfully and loudly in rejection of proposals that would have allowed the Employer to remove medical forms from our agreement and use new forms that we consider inappropriate. Members' resolve allowed us to reject these proposals, retaining the forms in the agreement. We are pleased to report that the Employer has recently begun directing people to utilize the forms in the agreement in support of medical leave.

What does this mean for you? You should use the form in Article 61 should you be required to submit medical documentation to the Employer to support your claim for medical leave. Should you be asked to complete any other forms, please notify the Association immediately.

Clearly, the Employer is entitled to information from medical providers when an accommodation is sought, but this information should be judiciously given to avoid infringing upon the medical privacy of individuals. The generally upheld human-rights principle is that the information provided by medical professionals should be clear enough to support the accommodations being requested and allow appropriate accommodations to be implemented. However, employers *should not* seek (or be given) overbroad information. Employers *do not* have the right to information about diagnoses, treatments, or symptoms, except where this information is directly related to the accommodation being sought.

What does this mean for you? All members should be careful about providing personal medical information. If you are requesting an accommodation and the Employer requests supporting documentation from a medical



professional, that documentation should support the requested accommodation without providing excessive personal information.

We know that medical concerns are among the most sensitive issues we deal with as a union, and it is important to us to support you and ensure that you are treated fairly and with full respect for your dignity and privacy. Please reach out to us if you have any concerns with medical leaves or accommodations.



Recap on Custody and Control of Records: Teaching Materials

Dr. Stephen Rader

Professor, Chemistry Department

(Source: Reprinted from UNBC-FA Newsletter 2023-01)

Who owns Economics 101? The university owns the course title, but the title, "Economics 101," is only a name on an empty shell. It is the content that transforms the title into a course – into something meaningful.

That content – the course outlines, lecture notes, overheads, assignments and the like – is the creation of the faculty member who teaches the course. Most collective agreements and university handbooks protect the creators of the course content by giving them ownership over their creations.

This right of ownership of course content is one of the cornerstones of academic freedom and quality in post-secondary education. In contrast to most other employees, whether in a factory or an office, academic staff control the substance of their work by owning the course material they create. This assures that students' learning is guided by faculty and not by administrators, government officials, or other functionaries.

The Internet Challenge

Today, faculty control of course material is increasingly under threat from those who see Internet-based learning as an opportunity to make profits and impose extraordinary labour market flexibility on academic staff.

In the classroom environment, course content consists of an amorphous collection of notes, ideas and one-time performances of lectures – a difficult thing to commodify. In contrast, the content of an online course is software code on a hard drive or server. It can literally be placed in a box.

The inherent nature of an online course therefore allows its development and delivery to be compartmentalized and contracted out to a range of temporary employees. An employer can hire one person to produce an online course, another to supervise its delivery to students, and still another to revise and update the course as needed.



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Alternatively, an employer can purchase online course content from existing full- or part-time academic staff. Once the staff have signed away their rights over the material, the course becomes the property of the employer who can hire temporary staff to deliver and revise it, without the involvement of the person who created it. Then administrators control the course, not the creator.

This bureaucratic control over course content threatens the integrity and quality of education. It also allows administrators to undermine the jobs of faculty and their role as the intellectual leaders of the university. Internet technology creates the potential to separate the creator of course content from the deliverer, to take apart (in administrative language "unbundle") the faculty member's job and assign different parts to separate members of a casualized academic labour force.

We are already seeing online education that divides the faculty member's job into the separate pieces of course creator, deliverer, tutor, and grader. The compartmentalization and casualization of university teaching undermine quality and renders obsolete the existence of a secure, professional faculty, with its accompanying guarantees of academic freedom and intellectual integrity.

University administrators, private sector entrepreneurs and government officials are quite open in saying that "online" education must be exploited for its alleged economic potential. At a number of universities, administrators are making enquiries about academic staff ownership rights in online courses and proposing new "intellectual property policy" proposals that claim a share of control in such courses.

Perhaps most worrisome is the accepted practice at some institutions of academic staff members voluntarily signing away their ownership rights over online course content.

Custody and Control of Teaching Materials in the Real World

The issue of control of teaching materials played out in dramatic fashion at UBC in 2014-2015. UBC's Board of Governors surreptitiously passed Policy 81, in the face of unanimous opposition by UBC faculty, which allowed the university administration to repurpose faculty members' teaching materials for use in for-profit activities without permission or revenue-sharing with the materials' creators. Thanks to a vigorous campaign by UBC's Faculty Association, and the threat of censure by the Canadian Association of University Teachers (CAUT), UBC's Board of Governors eventually passed an amendment to Policy 81 clarifying that any teaching materials would only be used in for-profit activities with the express permission of the faculty who created the material.

Status of Teaching Materials at UNBC

Thanks to the strong language of our Collective Agreement (Article 39: Intellectual Property, Section 6: Teaching Materials), we have clarity at UNBC that lecture notes and slides, as well as other teaching materials including web-based courses, are the property of the faculty member who created them. Notably, work specifically assigned by our employer, such as course outlines and final exams, is owned by the university. Also, any



materials that have been shared publicly may be used royalty-free by other faculty members for instructional or research purposes.

**Portions of this article appeared previously in the CAUT Bulletin. Reproduced with permission.*



Why Do Unions Matter?

Dr. Fiona MacPhail

Retired Professor, Economics Department

(Source: Reprinted from UNBC-FA Newsletter 2023-01)

The standard of living for most people in Canada depends upon their participation in and earnings generated from the labour market. Unions have effectively improved earnings and working conditions for workers and contributed to greater social and economic equality. Since the 1980s, the forces of technological change, globalization and neoliberal legislation and policy change have made the struggles of unions even more important.

Unions improve the lives of their members. In Canada, unions have increased the average wage of their members, relative to non-unionized workers (taking account of differences in working hours, education, and industrial sector). Unions have also improved working conditions of members in terms of predictability of work schedules, fairness, safety, and benefits such as pensions and extended health and dental plans. Through strong collective bargaining and members' willingness to take strike action, unions in general have achieved valuable gains for their members. Indeed, faculty members at UNBC have benefitted from our Faculty Union struggles.

Union efforts also have positive impacts for non-unionized workers. The "union premium" has created a positive spillover effect for non-unionized workers. Particularly when the economy is expanding and labour demand is increasing, employers in non-unionized workplaces raise wages and improve working conditions to attract and retain workers or reduce a unionization "threat". Union activism has furthermore been critical in achieving changes in legislation and employment standards that benefit all workers. Union research and education campaigns have contributed to increases in provincial minimum wages, as well as enhanced health and safety standards, protections for injured workers, and employment standards relating to overtime and statutory holidays.

Union activities contribute to a more equal income distribution across society. Within unionized workplaces, increased wages of workers potentially reduce the income gap between management and workers, and diminished gender and race-based wage discrimination reduces income gaps between groups of workers. Spillover effects and effective union campaigns to increase wages of non-unionized workers, particularly those of low-wage workers, also reduce overall income inequality. Indeed, empirical research indicates that the



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unionization rate is an important determinant of overall income inequality in Canada, even after accounting for minimum wages and economic conditions.

Technological change, globalization, and neoliberal economic policy choices have enabled employers to move wage workers out of long-term, stable employment contracts and into precarious and temporary contracts, and to contract-out work to independent contractors, self-employed workers, and gig workers (including the academic precariat) with gig work being made increasingly feasible by digital platforms. These forces and labour market shifts are linked to a decline in the share of total income generated by the economy going to workers in terms of earnings and a concomitant increase in the share going to corporations in the form of profit. That is, workers now receive a smaller slice of the overall pie generated by the economy compared to the pre-1980s. Simultaneously, income has become markedly more unequally distributed among households, and this is after decades of a stable distribution of income prior to 1980. This increased income inequality is associated with substantial gains in income share accruing to the top 1 percent of earners (mostly senior executives in banking and finance) and the hollowing out of income shares to the middle-income groups.

With rising income inequality and increasing precarious labour, the work of unions is more important than ever to promote better working lives and greater social and economic equality. Unions have proven to be an important institution for workers striving to protect and advance their own interests and to promote broader equality. And that's why it remains important to be actively engaged in union activities.

We are especially excited to welcome all our new members and encourage you to check out their bios.

Go to: www.unbcfa.ca



Alex Bevington

Lecturer, Department of Geography,
Earth and Environmental Science



Troy Bordon

Assistant Professor
English Department



Emily Cheung

Senior Lab Instructor
School of Engineering



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Emily Davidson
Senior Lab Instructor
School of Nursing



Brenna Duperron
Assistant Professor
English Department



Elisabet Garriga Cots
Assistant Professor
School of Business



Kristy Hancock
Librarian
Division of Medical Sciences



Michael Luoma
Assistant Professor
Political Science Department



Robert Mothersole
Assistant Professor
Chemistry Department





Kristi Muchalla
Senior Instructor
Division of Medical Sciences



Laura Murphy
Instructor, Department of Geography
Earth and Environmental Science



Danielle Quiring
Senior Lab Instructor
School of Nursing



Cory Redl
Lecturer
School of Education





Breanna Siemens
Senior Lab Instructor
School of Nursing



Nancy Stevens
Associate Professor and Chair
Department of First Nations Studies

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The Faculty Association Offices are
located in
Rooms 3084-3089 Charles J. McCaffray
Hall

Please feel free to contact us by email or
phone, or stop by our office.

Donna Sindaco, Executive Director
donna.sindaco@unbc.ca, 250-960-5816

***Wendee Copeland, Professional Services
Officer***
wendee.copeland@unbc.ca, 250-960-5313

visit our website: www.unbcfa.ca



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UNBC-FA Executive Committee Retreat, 9 May 2025

