
FACULTY TIMES

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President's report

Signs of a maturing union

By Mike Carroll

In her Grievance Committee report at the Annual General Meeting last April, Tess Hooks, UWOPA Grievance Officer, noted that the number of grievances has increased significantly over the last couple of years. In her opinion, this was not the result of increased malefaction on the part of the Administration, but rather of an increasing awareness on the part of Members that UWOPA is there to help them when they need help. I think that Tess is correct; to me, then, the increasing number of grievances is a sign that we are maturing as a union. In this context, it seems useful to review some of the different ways in which UWOPA can and does provide help to Members.

First, a lot of queries come in by phone or email to me, Tess or (more usually) to Don Heslinga, our Professional Officer. Last year, for example, Don was contacted 376 times. The lion's share of these queries (149) were concerned with compensation and benefits (mainly benefits) issues. Other areas of Member concern included appointments (59 queries), workload (24 queries), promotion and tenure (21 queries) and retirement and resignation (16 queries). In a majority of cases, these queries were handled with a single phone call but about 12% of the situations brought to Don's attention were turned over to the Grievance Committee. A grievance arises when the Grievance Committee decides that there has been a violation

of the Collective Agreement and that a grievance should be filed on that basis. Even though the Grievance Committee meets every two weeks for two hours (at least), there are always about 20 or so active cases on the agenda. And the issues involved are not trivial, but rather issues like “I was not given a Limited Duties appointment that would have given me First Refusal Rights and the course *was* given to someone with less experience” or “My APE score for Service was lowered because of remarks that APE Committee members took to be ‘uncollegial’ even though those remarks were fully protected by academic freedom.”

Many grievances are settled informally. Some are settled through Minutes of Settlement (where both sides agree to terms that resolve the dispute). A few go to binding arbitration, and in those cases even just our half of the Arbitrator’s fee, along with our legal fees, can easily involve a lot of money. That’s largely why during the last fiscal year UWOFA paid out \$128,000 in legal and arbitration fees to help Members.

Only a minority of our Members will ever need to come to the Grievance Committee. But for those who do, having access to the willingness of the volunteer members on that committee to devote their time and energy to grievance issues, and to

This past year we encouraged Members on Limited Term contracts coming up for renewal to press their local Appointments Committees for five-year terms (the maximum allowed).

UWOFA’s financial resources, is one of the great benefits of belonging to a strong union.

Each year, as well, UWOFA takes on a number of new projects. This past year, for example, we encouraged Members on Limited Term contracts coming up for renewal to press their local Appointments Committees for five-year terms (the maximum allowed) and worked with many people on the letters they might submit. For some, this was the first time they realized that they could press for this option under the Collective Agreement. Although in the end, the decision on length of contract was made by a Member’s Dean and by the Provost, it is nevertheless the case – based on the feedback we’ve received – that there seemed to have been a record number of five-year renewals this year. Naturally, we will be working this year as well with Members whose contracts are up for renewal in order to secure a similar result.

And then there are waivers. A waiver is a document, signed by both the UWOFA President and the Employer, which allows something to happen that is not permitted by the Collective Agreement. From the UWOFA

side of things, I do not sign a waiver unless there is a clear benefit to the Member or Members affected by the waiver and no countervailing loss to other Members.

Examples: Someone applies for a sabbatical and gets it, but then encounters circumstances that make the sabbatical impractical. Can they cancel the sabbatical without jeopardizing years accumulated toward their next sabbatical? Yes, with a waiver. A Member failed to give the twelve months notice needed to retire with benefits, but still wants to retire (with benefits) at the end of the academic year. Can this happen? Yes, if both UWOFA and the Employer agree to a waiver.

Of course, one of the most important things that UWOFA does for its Members is negotiate a good Collective Agreement. In the case of Librarians and Archivists (whose current Agreement expires June 2009), the process leading up to negotiations has already begun with the appointment of a Negotiating Team and the establishment of a Contract Committee. For Faculty (whose Agreement expires June 2010) that process will begin in March 2009 – and Collective Bargaining is something that we will be discussing further over the course of this year.

Mike Carroll is President of UWOFA

The perks for being a university president

By Mike Carroll

Much was made in various newspapers over the summer about the perks that McMaster President Peter George will receive upon his retirement. A side effect of the efforts by the *Hamilton Spectator* to secure a copy of Peter George's contract was that other universities were asked to, and did, supply a copy of the contract for their President. So what perks await our own Paul Davenport? Well, if he stays until the end of his current term (June 30, 2009) Paul Davenport will receive:

1) his Pension from the Academic Pension Plan;

(Note: Starting in 1996, it was agreed that the University would contribute 13.5% of PD's salary, as compared to the 8.5% for other FT faculty, to his pension; that, plus the size of his salary [see below], makes for one GOOD pension.)

2) a "Special Executive Pension" that will start at \$90,000/year and increase annually, and

3) a "retiring allowance" equal to twice his final year's salary, paid out in equal monthly installments over a two-year period.

And remember: all this is in addition to pre-retirement compensation that includes

i) A relatively high annual salary (\$378,703.16 in 2007)

ii) The annual rent for Gibbons Lodge as a taxable benefit

iii) A \$10,000 research stipend.

Why is so much of this University's money being directed into the pockets of a single individual? The stock response, which appeared in several of the news stories about University presidential perks generally, is this: such perks are needed to attract the best people into these positions. And indeed, I think that echoes of this rationale can easily be detected in PD's contract language. Notice, though, that the premise is never tested. In other words, we'll never know if we could have gotten a president who did just at least as good a job as PD for the bargain basement price of, say, \$250,000/year; a standard pension contribution, etc.

But a more important counter, I think, is that if the Board of Governors truly believed in this "you need to pay top dollar to attract quality people" argument, then it would hardly be the case (as it is) that the percentage of the university budget devoted to *faculty* salaries has been systematically declining over the last several years.

No, I think that an explanation for the ease with which the university pours money into presidential perks lies elsewhere. Simply put, the Board is in thrall to a corporate mentality that sees the President as a CEO and so as the person responsible for the success of the organization.

Indeed, his "Retiring Allowance Agreement" (dated 27 March 2007), in justifying that generous allowance, says explicitly that "Dr. Davenport's

outstanding leadership has produced substantial improvements to the University's performance and reputation as evidenced by quantifiable performance indicators" and then goes on to refer to "the Globe and Mail *University Report Card*" and "the overall prestige of the University as viewed by alumni, faculty, students, academics at other universities, and the public." Just think about it: PD single-handedly promoting the policies that have made us as highly rated as we are!

Missing entirely from this way of thinking of course is any appreciable understanding that professors enjoy a degree of autonomy unknown to the employees of most corporations, and that the success of this university in regard to both teaching and research is as much, if not more, due to the decisions taken by individual professors on a day to day basis than to any of the decisions made at the top of the salary pyramid.

There are probably many ways a failure to appreciate, in a meaningful way, how a University is different from General Motors warps the university experience – but certainly the fact that the Board of Governors has tossed such a plethora of presidential perks PD's way must be counted as one of them.

Mike Carroll is President of UWOFA.

It pays to keep an eye on health and dental benefits

By Don Heslinga

As the result of our last Collective Agreement, a number of changes to the Health and Dental Benefit Program for Full-time faculty came into effect on January 1, 2008. This seems a good time to review some of those changes (again) and to assess how things have developed.

Eligible expenses for health and dental claims that do not have a dollar maximum or co-insurance associated with them are now reimbursed at 85%; the Member pays the remaining 15%. Once a Member's 15% out-of-pocket expenses reach \$450 for single coverage or \$900 for family coverage during a calendar year, the reimbursement resumes at the 100% level for the remainder of the year.

In exchange for accepting this (limited) 85/15 co-pay, faculty now have a Health Care Spending Account (HCSA) that gives them more options and flexibility. The HCSA for faculty with single coverage is \$225 and for faculty with family coverage is \$675 per calendar year. Faculty also have a Flexible Benefit Credit in the amount of \$400 that can be split between their HCSA and their Professional Expense Reimbursement Benefit. Around November of each year Members will be asked to assign their Flexible Benefit Credit for the following year (in \$100 increments) to their Health Care Spending Account and the Professional Expense Reimbursement Benefit. If a Member does nothing, then by default \$200 will be assigned to each.

Manulife Financial administrators the Health, Dental and Health Care Spending Account reimbursements, and based on feedback from Members there have been difficulties with Manulife's adjudication of Member claims. Given what Members have told me, I would recommend that Full-time Faculty Members take a bit more control over the management of their health and dental care expenses under the new system.

For example, Members can review their Health and Dental claims history by signing onto the Manulife system through www.uwo.ca/humanresources and clicking on Login to ... Manulife Financial. Once signed onto the Manulife system, a Member can go to "Claims Inquiry" to view their Health and Dental claims history or to "Benefit Eligibility," and click on HSSA (along the top margin) and view the unspent HCSA allocation from the previous year (may only be carried forward one year), the current year allocation, claims paid from the account in the current year and the unspent balance remaining.

Members should use the Group Benefit/Health Care Spending Account Claim Form which can be found at www.uwo.ca/humanresources/docandform/forms/benefits/HCSA_claim.pdf. For dental claims a summary or standard dental claim form provided by the dentist identifying the dental procedure codes should be attached.

It cannot be stressed enough that Members keep copies of all claim submissions and carefully scrutinize all claim reimbursements to be sure they have been reimbursed as instructed on the Group Benefit/Health Care Spending Account form. A portion of a claim is sometimes paid from the Health Care Spending Account in error, especially when there is coordination of benefits through a spouse's insurance carrier.

Another issue of concern arises when a Member believes he or she has paid the maximum out-of-pocket cost in regard to the 15% co-insurance for the calendar year but is not reimbursed at 100% for the balance of the year. The only way to be sure the maximum has been reached is to view the claims history on the Manulife system and add up the differences between the Amounts Claimed and Amounts Paid for these types of claims during the calendar year. This is a tedious task, but at the moment the only way to know if the cap on out-of-pocket expenses has been reached.

When you have concerns regarding your claim reimbursements or questions about covered expenses do not hesitate to contact Manulife Financial directly at 1-866-896-8515 and speak with one of their customer service representatives. UWOFA is also available to assist with unresolved issues and concerns. Feel free to contact me at extension 86960.

Don Heslinga is UWOFA's Professional Officer

What's in a name?

For Contract Academic Faculty, it is an accurate reflection of their role

By Marilyn Norman and Kathleen Fraser

During the past year much of the discussion at meetings of the newly designated Committee for Contract Faculty centred on issues of identity. Formerly known as Contract Academic Staff, the term that is used by CAUT, we have redefined ourselves through a label that more accurately captures our actual role: Contract Faculty.

Our internal debates about who and what we are and how we should relate to the larger UWOFA community, culminated, as well, in the adoption of new set of Terms of Reference for the group. This document establishes guidelines for composition of the formal committee, while retaining open membership. It identifies our connections to the UWOFA Board, other UWOFA committees, as well as to CAUT. And it clarifies our mission. In essence we see our role as promoting solidarity, understanding, communication, consciousness-raising, and issues of concern both among Contract Faculty and between Contract

Faculty and the larger UWOFA community.

While we celebrated Fair Employment Week and the 10th Anniversary of UWOFA certification, highlighting our gains and our achievements, we looked just as hard at the problems. Communication and governance issues predominate. We look to the redesign of the UWOFA web site now underway for improvements in communication with our diverse and scattered constituency, some of whom may rarely visit the physical campus. And we are encouraged that one of our own is the newly appointed Communications Officer, responsible for the Faculty Times.

In the area of governance, we sent Constitutional amendments forward to the Policy and Governance Committee, inquiries to the Grievance Committee, and questions to the Union President. The inconsistency of Contract Faculty representation on Departmental and Faculty Councils has emerged as a particular concern.

Practices vary across campus from some representation to no representation. This is one area that has yet to be adequately addressed.

Some of our issues are now being explored in another forum, through the Part-time Working Group, a subcommittee of the Joint Committee. Mike Dawes, Kathleen Fraser, Gord Nickerson and Marilyn Norman represent UWOFA at these meetings.

And plans are underway for another Fair Employment Week in late October. Vicky Smallman, an Organizing and Collective Bargaining Officer with CAUT who is primarily responsible for Contract Faculty, has just been confirmed as the keynote speaker for our main FEW event on October 29.

Watch for further notice both of this event, as arrangements are finalized, and of our first Committee meeting.

Marilyn Norman and Kathleen Fraser are Co-Chairs of the Committee for Contract Faculty

Gains achieved for distance educators

By Kathleen Fraser and Marilyn Norman

Many of the people who develop and teach on-line courses are Contract Faculty; consequently, we have been asked to report on the new Distance Education Letter, which is a substantial achievement for faculty.

During the last round of negotiations, both parties agreed to negotiate issues surrounding Distance Education at a side-table not only to address the complexity of the issues but also to avoid delay in negotiating other Articles,

the only side-table in this round of negotiations.

The issues involved included copyright, technology, compensation, and appointments procedures. UWOFA was well-represented by

Tess Hooks, Roger Graves, and Vicki Olds. The Administration team included Roma Harris, Kim Holland, and Allen Pearson.

Tess Hooks considers the Letter “a remarkable document. UWOFA got more than it was asking for when it went into negotiations. The DE agreement is one of the most outstanding achievements of the CA. UWOFA has achieved a remarkable feat by bringing course authors into the bargaining unit. Not only were additional rights negotiated for these Members (better pay, for example), they are also now afforded all the protections of our CA. Distance Studies instructors have also had their rights enhanced and those rights are more clearly identified.”

Several significant improvements, thus, were realized for

Contract Faculty, including course-authoring becoming Work of the Bargaining Unit; the posting of course-authoring contracts and minor revisions; and a change in the method of payment, a change which, depending on eligibility, can attract Employer pension contributions.

Changes which affect all Members of the Bargaining Unit who teach on-line courses include Teaching Assistant support for courses with enrolments of more than 30; technical and teaching support; Workload equivalencies between Intramural and Distance courses; and copyright for all course materials, “including moral rights”.

With agreement between the two parties, the University holds a

renewable five-year licence on the course material.

“Letter of Understanding S: Distance Studies” is posted on UWOFA’s website version of the Collective Agreement. As a major achievement of the last round of negotiations, not only as a successful side-table process, but also in its significant benefits for our Members, the Letter is worthy of your perusal. The Definition of a Distance Education course is interesting in and of itself. Perhaps this Letter is *en route* to becoming an Article in the next Collective Agreement!

Kathleen Fraser and Marilyn Norman are Co-Chairs of the Committee for Contract Faculty.

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LAW

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