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# FACULTY TIMES

*A Newsletter of UWOFA*

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**Faculty Times** welcomes contributions and letters to the Editor. We look forward to lively responses and debate on issues related to UWOFA and its membership.

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## Going on the Wren? – The St. Thomas University Faculty Lockout

*by Albert Katz*

*The wren, the wren, the king of all birds,  
On St. Stephen's Day was caught in the furze,  
Up with the kettle and down with the pan,  
Give us some money to bury the wren.*  
- The Wren Boy's Song

In a sad parody of an ancient Celtic ritual, St. Thomas University chose December 26<sup>th</sup>, Saint Stephen's Day, to lock out its full-time and part-time faculty.

The "Hunting of the Wren," is a centuries-old rite in Ireland, where groups of young boys would chase down the small bird until it died from exhaustion. Later on the night of the 26<sup>th</sup>, with blackened faces, they would go door to door asking for money to bury the Wren, itself a symbol of the newly dead Old Year.

### Unprecedented

Never before in the history of Canadian University labour relations has a faculty been locked out when the membership has not even taken a strike vote. This is a disturbing escalation in faculty-administration interactions – especially because similar tactics appear to be occurring in faculty negotiations across the country.

St. Thomas is a relatively small, liberal arts university located in Fredericton New Brunswick, "whose roots are in the faith and tradition of the Roman Catholic Church," though it is not funded by the local diocese. It is an independent degree granting University federated with the University of New Brunswick and located on land adjacent to UNB. The University is rightfully proud of its faculty; the university homepage lists various indices of excellence, including the statement that their professors are "teachers second-to-none." Unlike King's and Brescia at UWO, faculty members at St. Thomas have been unionized for more than 30 years.

The issues in dispute are similar to those found nation-wide. For the part-time faculty, which teach about 35% of the courses and students, the membership want basic improvements to working conditions, such as office space in which to meet students, some benefits (which are currently at zero), and improvement in wages. For full-time faculty,

the membership wants teaching loads and salary to approach those found in comparator universities in Atlantic Canada. They also want to stop attempts by the employer to manage collegial decision making procedures. The goals were developed and ratified by the membership.

### Employer Tactics

The lock out followed months of futile negotiations; during that time the employer refused to consider membership proposals. In essence, the employer engaged in what is known as “Boulwareism” (named after its leading practitioner, Lemuel Boulware, a VP at General Electric in the 1960’s). Boulwareism consists of a negotiating tactic in which employees are presented with “my first offer is the final offer; take it or leave it.” Naturally, the Faculty Association at the University of St. Thomas (FAUST), wishes to engage in collective bargaining – a process that involves give and take until a contract acceptable to both the employer and faculty is reached. Boulwareism is used as a tactic very rarely and there is a precedent ruling by the National Labor Relations Board in the USA that the tactic constitutes an unfair labour practice.

Not only has the employer used this rare tactic, they have extended their bullying approach to the negotiating table. When the faculty team continued to press for the ratified goals, they were subjected to disrespectful treatment and attempts to negotiate directly with the membership in violation of labour law. The union has filed a complaint of unfair bargaining with the Ministry of Post-Secondary Education. Tensions culminated in a complete blow up in which the faculty team and chief negotiator was insulted, yelled at and physically intimidated. The employer’s chief negotiator

was replaced after his behaviour was made public. Finally, when the FAUST team and membership maintained their resolve, the employer imposed the lock out.

### Picket Solidarity

As I write this report on January, 26th the faculty has been without salary or work for 31 days. Wishing not to be forced to go back to work under the present conditions, the faculty voted to go on strike about two weeks into the lockout. Within hours of the lockout, support from the CAUT Defence Fund began. FAUST, like UWOPA, is a member of the CAUT Defence Fund. The most notable aid is in the delivery of lock-out/strike wages (currently assessed at a non-taxable \$77/member of the bargaining unit per day).

*When the faculty team continued to press for the ratified goals, they were subjected to disrespectful treatment and attempts to negotiate directly with the membership in violation of labour law.*

A lesser known but important aspect of the work of the Defence Fund is expressions of solidarity – both as ambassadors of their Faculty Association and as colleagues who are present physically on their picket lines, rallies and social events. To date, there have been four such solidarity days. UWOPA has participated in three of these. I attended the first, on January 4<sup>th</sup> and found the creativity and hard work of the faculty in meeting the challenges of being locked out over the Christmas break truly astounding. Despite a storm that ravaged Atlantic Canada, representatives of 19 different member faculty associations participated in this event.

CAUT Trustees walked the picket line with their colleagues from St Thomas and presented

an oversized \$1 million dollar check to demonstrate the financial support behind the pickets. They also participated in many other events during the day, including a meeting of the FAUST membership and an “Atlantic hospitality potluck” put on by and for the locked out faculty and their families.

The sense of solidarity, optimism and resolve of the faculty at St. Thomas was palpable. This sense was muted however by realization that their employer seems blind to the negative effects this unprecedented lock out is having on the reputation of their institution, on the education of their students and the long term working relationships that will, inevitably, be required once the dispute is resolved.

Since my visit, there have been several votes by the membership affirming support for their bargaining goals and the FAUST negotiating team, and some progress has been made at the table. Unfortunately, even with the aid of an external mediator, a negotiated settlement has yet to be reached. The employer cherry picked aspects of the mediator’s recommendations to the Ministry, put them into a “final offer” and, as I write this report, are attempting to impose that contract on the membership, through a final vote offer.

Visit the FAUST Job Action Web site for more information:

<http://www.caut.ca/faust/jobaction/>.

*Albert Katz, a Past-President of UWOPA, a UWOPA Defence Fund Trustee and Chair of the Defence Fund’s Planning and Policy Committee.*

# What's New in the New Faculty Collective Agreement? One example: APE

by Mike Daves

Our 2002-06 Collective Agreement (CA) comprised 53 articles, 7 letters of understanding, and 7 appendices. In the negotiations leading to the 2006-10 renewal, only seven articles and three appendices were untouched; twelve articles, four letters of understanding and two appendices were updated and/or changed for consistency with other parts of the agreement; eight articles were re-written for clarity; twenty-five articles were changed in substance (i.e. renegotiated); twelve letters of understanding and three appendices were renegotiated or created; one appendix was deleted; and guides to the promotion and tenure process were created. Of course, any such simple categorization obscures nuances and connections. It should be understood, for example, that any article changed in substance would be updated and made consistent with other articles during and following that part of the negotiations. However, this counting exercise does give an idea of the breadth and level of detail of the changes, and makes it clear that a short summary or guide to all the changes will not suffice to give a complete picture. For that, I recommend the comparison document prepared by the Office of Faculty Relations and made available at:

[http://www.uwo.ca/ppp/facultyrelations/rerelations/FCA Comparison 06-10 vs 02-06 071004.pdf](http://www.uwo.ca/ppp/facultyrelations/rerelations/FCA%20Comparison%2006-10%20vs%2002-06%20071004.pdf)

This comparison directly shows all the changes, but comes with the caveat that in case of any errors or omissions, the signed master copy of the CA will prevail.

## Annual Performance Evaluation

It's appropriate and timely to draw Members' attention to some of the changes in

this article in particular, given that the APE process is currently underway:

1. There are now separate APE forms for Full-time and Part-time Members;
2. The list of activities reported as teaching has been expanded and now specifically includes online and off-campus courses, as well as graduate supervision;
3. There are new provisions for Members on leave at the time of submission of reports;
4. The timing and process of committee work has been reorganized and clarified;
5. A new sub-clause on research funding has been added:

*5.8.1 The acquisition of research funds alone shall not be considered to be Research activity in and of itself.*

This clause has led to some confusion about whether research funding should be reported at all, and if so in what context. For that reason, the Association and the Employer have agreed on the following exegesis:

*5.8.1 states 'The acquisition of research funds ALONE should not be considered a Research activity IN AND OF ITSELF' [emphasis added]. What this means is that credit (as regards a Member's APE rating) for the acquisition of research funds only comes when that acquisition is paired with something. That something could be, as described in 4.2(e), refereed publications, conference presentations, other publications, etc.*

*In particular, when the acquisition of research funds supports an ongoing research program which then results in outcomes as described in 4.2, then such acquisition could be considered as an activity for the support of Research, like Members' other activities necessary to support their Research. See 4.2(e)(viii) and 4.2(e)(ix).*

6. The practice of awarding 2.4 salary points to new Full-Time Members has been formalized.
7. Special APE provisions have been agreed to for Members on Sabbatical Leave or Pregnancy and/or Parental/Adoption Leave (and other Leaves). These should be read by Members planning such Leaves as well as by those currently on Leave. In the case of Sabbatical Leaves, there are corresponding and additional changes in the Sabbatical Leave article, which should be read in conjunction with APE.
8. Finally, there are new provisions for reporting aggregated APE information to the Association.

How are you to deal with all the CA changes, given that there are this many in just one article? If you require any assistance with the application or interpretation of the CA, talk to your unit representative (Eds. Note: See page 7 for a list of UWOFAs representatives) and/or contact UWOFAs Professional Officer, Don Heslinga (phone 86960, e-mail uwofapro@uwo.ca).

*Mike Daves is UWOFAs Chief Negotiator and Professor in the Department of Mathematics.*

# The University Experience

by Bernd Frohmann

**UWO's progress: from *excellence* to *experience***

In *The University in Ruins* (1996) the late Bill Readings left us a superb meditation on the modern university, tracing its mutation from an institution guided by three successive concepts, first, Kant's concept of reason, second, Humboldt's concept of culture, and in our time, the techno-bureaucratic concept of *excellence*. The first two have content; they define, in related but distinct ways, the university's purpose. The third has no content. As Readings puts it, "the idea that functions as the University's referent—*excellence*—itself has no referent" (p. 54). *Excellence* is "a non-referential unit of value entirely internal to the system" (p. 39), whether the system be bureaucratic, corporate, educational, or all three.

The University of Western Ontario, like many others, has moved to the next stage, beyond the University of Excellence, to the University of Experience. By branding itself with the slogan "the best student experience in a research-intensive university", UWO is not engaged merely in a public-relations exercise properly dismissed as vacuous and just plain silly. Concepts that don't stand up to any serious rational scrutiny often have serious effects (think of "race", for example). Readings showed that *excellence*, although a content-free concept, is nonetheless expressed by "performance indicators" measuring institutional processes, albeit devoid of any rationale for their point, purpose, or value beyond the system's requirement that *some* activity be seen to take place. These indicators belong to régimes of "accountability" taking the form of *accounting*, which have been disastrous for higher education, both here and especially in the U.K. Even more than *excellence*, the concept of *experience* shows the bankruptcy of university administrative logic to engage any clear conception of what a university might be. The idea of "the best student experience," although

exposed to rational thought as utterly vacuous, has pernicious effects.

## Why *experience*?

The shift from excellence to experience marks a shift in the kind of product the university offers and the kind of labour performed to produce it. Although training for specific jobs is rightly criticized as the point of university education, the shift to experience signals a move to a more abstract product. Job training is *passé* when the primary value of the institution is to raise the lifetime expected salary of university graduates, *no matter what their job*, as our President, Paul Davenport, repeatedly reminds us (recently on a panel with Anton Allahar and Jim Côté, authors of *Ivory Tower Blues: A University System in Crisis* (2007)). If value for money is the important thing about university education, just *being there*

*The university's mechanisms of corporate competition—its marketing, branding, and public relations components—crank up to sell experiences.*

becomes the benefit university administrators seek to drum into the heads of students, their parents, and the public. But since universities are autonomous, corporate, consumer-oriented institutions in competition for students (Readings compares them to airline carriers), especially given the disastrous "bums in seats" funding formula imposed by governments that ensures intra-university competition between departments and faculties as well as inter-university competition, the administrative challenge is how to transform pure *being there* into something the institution's *market* will value enough to *purchase*. How can *being there* be commodified?

Enter *experience*. Here is a concept which, like excellence, has no meaning, which requires no rational justification in terms of what a university might be, one to which superlatives can be attached without even a clue about comparability of experiences. The university's mechanisms of corporate competition—it

marketing, branding, and public relations components—crank up to sell experiences. Since "best student experience" functions as a brand, or logo, there is as little sense in submitting it to reasoned reflection in terms of the purpose and meaning of the university as submitting the meaning of the Nike swoosh to philosophical hermeneutics. Readings' analogy to airline carriers is apt: since those bums are going to be in seats for the duration, let's sell them on *the experience of being there*.

Labour is transformed in the University of Experience. The role of the teacher becomes the production of experiences rather than cultivating learning, hence the real point of student evaluations, which track nothing beyond the student's experience of being in the classroom: was it awesome, did it suck, or somewhere in between? Savvy professors know the game; upon asking my students why they mistake critical reading with confessions of experiences of reading ("it was a drag; too long; I got bored"), I was told that my colleagues routinely ask for confessions of experiences as assignments. In the University of Experience, the entire university work force, from administrators to custodians and parking lot attendants, is in the company of other vendors of experience, such as theme park operators, extreme sports merchants, midway and hot-air balloon rides salespeople, drug pushers, and pimps.

## Experience *versus* education

When one thinks of what the "best student experience" could possibly mean, the mind turns to questions of comparing experiences (best, better, tolerable, wretched), considering what a *student* experience could be (does it include the experience of crashing the car while driving to the university—which could be exhilarating or terrifying—or is it restricted to experiences of on-campus crashes?), what an experience "in a *research-intensive university*" might mean (after all, UWO doesn't offer *absolutely* the best student experience; is it not possible to have the *same* experience at both a research- and non-research-intensive university?), but perhaps

more importantly, what kind of relation could there be between education and the commodified experience the university offers? As Allahar and Côté have reminded us, education is about personal transformation: the development of capacities, proficiencies, and powers. This transformation is itself not an experience, but is therefore compatible with a large variety of experiences. Real learning is hard work, often recognized only later, long after the student's course evaluation. Learning is not dependent on any particular experience; thus the expression "a leaning experience" is meaningless, which is not to say that one couldn't imagine the student responding to Mom and Dad's question of what UWO's version of *being there* is like with: "It's great! We have these great learning experiences! It's as if we learned something! And what's really cool is we don't have to learn anything, as long as we have the experience!"

### Learning from others

In the U.K., the *Times Higher Education Supplement* sponsors an annual Award for the UK's Best Student Experience. Although one has to dig deep to discover what "best student experience" could possibly mean, there is no doubt the Award is taken seriously. In 2006, Professor Rhys W. Williams, Pro-Vice-Chancellor of Swansea University, found consolation upon his institution's failure to maintain its first place ranking in the previous year's Award: "Despite not being recognized as the UK's best student experience this year, we can justifiably lay claim to offering the best student experience in Wales" (the reader has to take "justifiably" on faith). And in a blog dedicated to the "convergence of education and technology", an alumnus of High Point University in High Point, North Carolina observed: "Happy students are successful students, and everyone smiles when they are

handed a treat. Taking that to the next level, [the university's President] had an ice cream van built that now cruises the campus from time-to-time passing out free ice cream treats." After an enthusiastic and lengthy enumeration of what makes for the best student experience (food courts, cafés, state of the art athletic facilities, "one-stop shopping malls"), the author remarks: "I have yet to see a campus with its own cemetery or mausoleum, but we're headed in that direction." Ever seeking to be in the vanguard, perhaps UWO can look forward to Paul Davenport's ice cream van cruising the corporate institution's cemetery, sweetening the mourners' best student experience of death at a research-intensive university.

*Bernd Frohmann is Associate Professor in the Faculty of Information and Media Studies.*

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## Reporting for Duty: The Contract Academic Staff Committee

*by Kathleen Fraser and Marilyn Norman*

The Contract Academic Staff Committee represents a number of groups of Union Members: Part-Time Members on Limited-Duties Appointments, Full-Time Members on Limited-Term Appointments, and Full-Time Members on Permanent Appointments. The Co-Chairs of this Committee are Marilyn Norman and Kathleen Fraser, two members of the Negotiating Team for the 2006-2010 Collective Agreement,

To date, we have held one meeting on September 28<sup>th</sup> in the Grad Club. The turnout for the meeting was very good, comprising Members with various kinds of contracts and from different disciplines. Many in attendance expressed a desire to "give back" to the Union in the form of helping other Contract Academic Staff. In addition, when individuals introduced themselves we were all amazed not only at the differences but also by the common threads in their accounts. Many people have had difficulties with Appointments procedures,

seniority rights, Equity issues; the range of stories, situations, and treatments was remarkable.

Fair Employment Week, a national event encouraged by CAUT, draws attention to the issues of Contract Academic Staff. We held a spirited meet-and-greet reception in the Grad Club on October 24<sup>th</sup> to mark Fair Employment Week at a University whose Administration continues to refuse to allow the term "Fair and Reasonable" to appear in the Collective Agreement. More informal networking gatherings like this are needed; people exchanged stories, information, and ideas.

To follow up on the expressed desire to give back, we are putting out a call for Membership on this Committee. Some of the tasks we have for this year are developing terms of reference for the Committee, which will include a Communications aspect (which

Gayle McGregor has already begun work on), research into other collective agreements, mentoring, and developing a pool of Academic Colleagues. Our next meeting will be on Wednesday, February 20<sup>th</sup>, from 3:30-4:30 in the Grad Club.

In this issue of the Faculty Times, we will report on some improvements in the Collective Agreement, what to do when a Member perceives a breach of the Collective Agreement, and the role of an Academic Colleague.

### **The 2006-2010 Collective Agreement and Contract Academic Staff**

We want to draw attention to some negotiated improvements in the Collective Agreement. For Part-Time Members, significant improvements were made to the *Appointments* Article; in particular, we would like to draw attention to two clauses: 3.1 and 13.8.

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*3.1. Except as allowed in Clause 15.6 of this Article, non-Members shall not be given preference over Members in the teaching of University courses.*

This clause is a huge improvement in the Appointments process; many Part-Time Members have expressed dissatisfaction about work leaving the Bargaining Unit. This clause strengthens the position of Part-Time Members. In addition to this clause, the Appointments process for Limited-Duties Appointments is now more transparent.

Over the years, the moment when Part-Time Membership in the Union begins/ends has been a controversial issue during the hiring process. For Part-Time Members with First Refusal Status, an improvement was negotiated in Clause 13.8:

*13.8. A Member with First Refusal Status shall be deemed to be on Leave of Absence during an Academic Term when no Limited-Duties Appointment is held. During this deemed Leave, the Member shall retain all rights accorded to a Part-Time Member by the provisions of the Article Appointments, and by the provisions of the Article Grievance and Arbitration should a violation of the Article Appointments be alleged. During such a*

*deemed Leave, the Member may continue as a non-contributing member of the pension plan for a period of up to eighteen months. Should a Member wish to terminate membership in the pension plan, then he/she may waive the grace period.*

Under some conditions, Full-Time Members grand parented as Permanent in the first Collective Agreement can apply for Promotion and Sabbatical Leaves. For people on Limited-Term Appointments, there was a significant improvement to the reasons for non-renewal in Clause 8.3:

*8.3. b) that the teaching responsibilities of the position will be assumed by Probationary and Tenured positions.*

We will report on other areas of the Collective Agreement such as the doubling of course cancellation fees, the development of an APE form for Part-Time Members, a 4% pay increase in lieu of benefits, and Distance Studies issues in subsequent issues of the Faculty Times.

#### **What do Members do when they perceive a breach of the Collective Agreement?**

They should seek advice by contacting

their UWOFU Unit Representative and UWOFU (uwofu@uwo.ca); this consultation should take place as soon as possible to avoid missing time limits inscribed in the Collective Agreement. Some situations are resolved informally; some proceed to grievances carried by UWOFU. We have had successful grievances involving Contract Academic Staff.

#### **What is an Academic Colleague? And Why Would You Want One?**

The term “Academic Colleague” is described in Appendix F of the Collective Agreement: a UWO Faculty member who, as a supporting person, may attend an interview with a Member who might need a witness and/or advocate. The Academic Colleague may not act as legal counsel. Academic Colleagues are very helpful during potentially stressful moments like contract renewals, salary and Workload negotiations, dispute/conflict resolution, Performance review, and disputes about the Appointments process. In a union, members are never alone.

The Collective Agreement is only as strong as our testing of it!

*Kathleen Fraser and Marilyn Norman can be reached via email at <kfraser@uwo.ca> and <mnorman5@uwo.ca> respectively.*

## Parking: And then they came for Social Science

by Mike Carroll

Everyone wants to park just outside their office, and for some – even if we exclude senior administrators - it’s close to possible. The Social Science parking lot, for instance, is adjacent to the Social Science Centre (SSC) and so a convenient spot for Social Science faculty. True, there are only a limited number of core non-reserved spots available in this lot, and these have slowly been reduced over the years relative to handicapped spaces, (pricey) reserved spots, and visitor spaces. One result is that even if you have a core non-reserve permit, you’re unlikely to get a spot in the Social Science lot if you arrive after 8 AM. Still, for the fortunate (if few) early birds involved, the payoff has been a convenient parking spot.

And for a few moments, it seemed that the number of those fortunate few might actually increase a bit.

After all, some of the spots in Social Science were used by parents taking their children to and from the University pre-school on the fifth floor of the SSC. With the relocation of the pre-school from the SSC to Westminster, you might think that the Administration would use the occasion to, well, increase the number of parking spots for the faculty who teach and who do research in the SSC. In fact, just the reverse will soon happen: orange non-reserved permits will no longer get you into the Social Science lot (before 4 PM)

and the spaces opened up will be given over to “visitors.” At the moment, the intent is that orange non-reserve permit holders will be bumped to a more distant lot behind Weldon Library. What is the rationale? The new Services Building across Western Road, which is where many of the administrative units currently in Stevenson-Lawson and elsewhere will relocate, will attract “visitors.”

Certainly, the new Services Building will attract some visitors – although I don’t currently see a lot of visitors prowling Stevenson-Lawson and those that do go there clearly find parking space away from the building. In any event, the issue is not allocating *some* of the spots in the

SS lot to visitors but rather allocating visitors not only the spots currently assigned to visitors but also *all* of the spots now used by faculty with core non-reserved permits.

The decision to turf some faculty out of the SS lot to accommodate visitors is important, I suggest, because it fits into a

broader pattern of devaluing faculty relative to other elements on campus. It reflects the same sense of priorities, in my view, that has resulted in faculty salaries accounting for a decreasing share of the University budget at a time when the annual excess of revenues over expenditures is now close to \$60 million. Likely we'll never get those parking spots back, but

maybe – if we prepare carefully for the next round of negotiations - we can reverse the broader pattern involved in all of this.

*Mike Carroll is Vice-President of UWOFA and Professor in the Department of Sociology.*

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