
FACULTY TIMES

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Faculty Times welcomes contributions and
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to UWOPA and its membership.

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A Progress Report: the good, the bad, and the ugly

by Albert Katz

In the spring, a new Collective Agreement was negotiated and subsequently ratified by both our Faculty and the Board of Governors. The Agreement is, of course, less than perfect. It has to be. The CA is an agreement at one point in time, an ongoing act in progress. As long as our members are concerned about the institutional support provided to carry out their scholarly activities, their teaching functions or the institutional will to retain and hire colleagues, then there will be continuing pressure to gain parity in compensation, improve workload, increase faculty complement and create a more fair and equitable working climate. In the recently ratified Collective Agreement about one-half of the articles were re-written to reflect these concerns and we are just now beginning to see the effect of the changes. I encourage all Chairs of Departments and Directors of Schools to keep me informed about those aspects of the CA that seem to be working well, and those that in their opinion require a tune-up.

So what can I report from the early days of the agreement?

The Good:

In my first Faculty Times report, I wrote that I hoped my term as President would be marked by improved relations between UWOPA and the Administration. President Davenport, Provost Moran, Dr. Weedon and other senior Administrators have all told me that they too hoped for the same, and there are some encouraging signs. For instance, as part of an effort to improve communications, we invited Administration to write an article on the institutional position regarding the elimination of mandatory retirement brought to the Ontario legislature by the Eves government (legislation in stasis due to the election just called as I write this), and, as seen elsewhere in this issue, Dr. Weedon wrote such a piece.

A second positive example is the response to concerns raised about medical coverage. As you may recall, during negotiations a \$200,000 cap on out-of-country medical coverage was introduced. This reduction turned out to be of great concern to many of our colleagues. We brought this concern to the Administration and an agreement was reached in which the

cap was raised for faculty (and their eligible dependents) on sabbatical leaves. One must note that this agreement was reached after the CA had been ratified and, from a legal point of view, the Administration was under no obligation to make any further concessions. At that point, the agreement only covered those on sabbatical and not others out of the country on work-related activities, such as when one does field work or presents scholarly papers. When we pursued this further, the Administration offered to use their good offices to get quotes on the purchase of additional medical coverage and delayed the imposition of the cap until the end of September in order to allow the Association to decide on whether or not to accept any of the quotes. As you read this, a vote on this question is ongoing or has recently been completed (Ed.: the extended out of country coverage has since been accepted by the membership with an 80.7% approval rate). Please note that the Administration did not offer to cover the approximately \$40,000/year that will be required to get additional coverage but did provide very useful and appreciated aid to us in this process.

The Bad:

There were salary increases negotiated for most of our colleagues in the CA, reflected in our pay slips by a retroactive component backdated to the end of the first agreement and a subsequent monthly increase in pay. Full Time Members saw this increase very quickly. Not so for our Part-Time colleagues, most of whom did not receive their retroactive pay for more than three months after the CA was ratified and, as I write this, has still not been received by some. I have been told that the appropriate amounts have had to be calculated by hand and that there are special complexities

because some Part-Time members work across several units, each with different levels of compensation. I know that some people in the Administrative offices worked diligently to get the retroactive pay out when they did. But the efforts of some and the specious argument of computational complexity miss the point: the question that needs answering is why in the 21st century, with the computing and auditing capabilities of this great Academy records cannot be kept in such a way that our Part-Time members can be given back pay as quickly as our Full-Time members were. Records for Part-Time faculty have to be kept for payroll, for E.I., for T-4s and the like. But they can't be kept so that a few hundred people will get money due to them in a timely manner? I see the delay as an indication of institutional priorities, as a shameful and unconscionable neglect of faculty who do a large component of the teaching on this campus. This is a situation that should never have arisen in the first place and one that, for solidarity, should not be condoned by our Association. One test of Administration's vocal call for a better relationship with faculty will be whether they are willing to put the effort into correcting this embarrassment.

The Ugly:

One of the most striking aspects of my job as UWOFA President is the number of faculty who have come to me discouraged and disillusioned about their life here at Western. And I have seen this malaise from across the campus, from virtually every faculty, from Full to Assistant Professors, from Full-Time and Part-Time members alike. I have heard senior faculty tell me sadly that "Western isn't the place it was when I came or even 10 years ago; it just isn't fun to be here anymore" and too

many people tell me, after one frustrating encounter or another, "I don't know why I bother. My work here is just not appreciated".

One cannot, of course, tell from such comments whether the people who contact me are representative of the mood of faculty in general or whether there is greater faculty unhappiness at Western than at other Canadian universities. The same sense and level of unhappiness might be felt at campuses across the country. Be that as it may, there *is* a widespread malaise on our campus that we would be foolish to ignore. It is of course much too early to know whether the new Collective Agreement will usher in a new era of collegiality on this campus. Time will tell whether the positive signs of a better relationship between UWOFA and Administration are a more permanent fixture or are a transitory honeymoon period following ratification. If a permanent fixture then perhaps we can hope for the current level of unhappiness to be reduced. If not, then we are in for an extended period of "us versus them." I hope, and will work for the former, of course. But for that to happen there has to be some change in attitude on both sides of the table. Administration will have to keep an open mind to the possibility that their policies and mode of interacting with faculty have contributed to that malaise on campus. And, for our part, faculty will have to argue for our priorities and what we see as our role in the Academy, but, in doing so recognize that Administration is, in its own way, developing priorities that they truly believe will make Western a better place for all of us.

Albert Katz is President of UWOFA and Professor in the Department of Psychology

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Abolishing Mandatory Retirement at UWO: It may never happen! Or, then again, it may!!

by John Trevithick

On May 29, the Eves government gave first reading to bill 68, which replaces a liberal private member's bill by Mr. Colle. CAUT has long opposed mandatory retirement, and helped to fund an unsuccessful lawsuit by UWO faculty based on the Charter of Rights. In that case Supreme Court Justices who were mostly older than 65 said that the universities were able to force faculty to retire at age 65 to aid them in renewal of faculty. OCUFA has developed a policy paper on the subject, which outlines the general situation, and considers the situation in other Canadian jurisdictions, most of which abolished mandatory retirement some time ago, and the USA, where it was abolished in 1994. It is interesting to note that most US universities granting doctoral degrees actually implemented the policy in advance of the 1994 implementation date specified by the 1987 legislation.

The situation at UWO is the following: Because of the large decrease in value of our money purchase pension funds, many faculty and staff members would benefit from delaying retirement for several years, especially if the stock market

recovery resulted in rebuilding their pension funds to a level previously forecast in the annual pension statements. The UWOFA/UWO collective agreement effective May 23 incorporated a clause on mandatory retirement, even though Eves had previously suggested in March that it would be abolished. I raised this issue with the negotiators before they reached a final settlement. The fact that collective agreements in force before the first

reading are honoured for the term of the agreement means that at UWO the administration is not obliged to do away with mandatory retirement until July 1, 2006.

In discussions with a member of Dianne Cunningham's office, the possibilities were pointed out that the bill might be proclaimed earlier than Jan 2005 if the consultation period were shortened from the proposed eight months. If pre-existing contracts were subject to the abolition rather than exempt, we could see mandatory retirement abolished sooner even at Western.

It would be in our interest to encourage the administration to voluntarily abolish mandatory retirement, in light of this situation. What are the potential benefits for UWO to do this? The need to have experienced clinical instructors is particularly felt in the Faculty of Medicine & Dentistry, and there are serious

concerns that with the larger numbers of students in the classes this will be a real problem in coming years, if current faculty members retire at 65. Abolishing mandatory retirement would permit the retention of such faculty members who would otherwise be forced to retire, alleviating this problem. In spite of this, the Council of Ontario Universities has made representations to the government that the colleges and universities

should be exempted from this legislation, continuing the existing policy of forced retirement. The suggested benefit to the University that retirement facilitates faculty renewal is not supported by the perceived increasing trend to use part-time faculty to service undergraduate classes. This cynical policy on the part of the administration allows them to maximize the financial gain while keeping costs to a minimum, and paying decreased benefits (compared to full time faculty).

Expertise in teaching and research of older faculty members available to graduate students in the USA is not available in Canada except for a very few rare exceptional faculty who continue after age 65. At age 65 faculty have a lifetime of experience and expertise which younger people do not have, which they can pass on to undergraduate and graduate

students and the younger faculty. Instead, most retired professors are relegated to a carrel in the Weldon Library, where it is impossible to do lab work or interact with graduate and undergraduate students who might benefit.

As a personal example, my daughter, a graduate student at UCLA, has been mentored in her

scientific writing by a member of the US National Academy of Sciences. This professor would be retired at Western. A former member of our Faculty of Kinesiology now in his late 70s at an US university is still active in research and graduate supervision. Bruce Ames at Berkeley continues to make important contributions to research in aging. Another former member of our Faculty of Medicine & Dentistry, aged 68, has a large NIH grant at a

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US university and is appointed as Professor, being considered for tenure!!

What are the political parties' views on this issue?

Although it was identified as an important initiative by the Ontario Human Rights Commissioner about two years ago, all the political parties have been slow to move on this, until the stock market fall resulted in pension funds losing significant value. In March, Ernie Eves included abolition of mandatory retirement in the PC party platform, citing the predicted decrease in retirement income for baby boomers as his reason. The Liberals had sponsored a private member's bill previously, but it is considered

more permissive to the employers, who do not have to comply with the abolition. It is not in the Liberal platform at this time. The NDP takes the opposite view, and would not abolish compulsory retirement. They support mandatory retirement, and London North Centre NDP candidate Rebecca Coulter says that the NDP platform "focuses on improved pension legislation", and "While the Supreme Court of Canada has ruled that mandatory retirement is a reasonable limit on equality rights under the Charter of Rights and Freedoms, there is nothing to prevent faculty associations from negotiating other arrangements with employers, should they wish to do so."

My experience with negotiating with university administration does not suggest that a faculty association or union would be successful in such a negotiation.

Finally, another benefit of abolishing mandatory retirement would likely be improved early retirement provisions. This is a real concern at UWO because UWOFAs lost an important grievance case in which they tried for early retirement for several members aged 55-60 years.

John Trevithick served as UWOFAs Chairman (1979-1980). He is a Professor in the Department of Biochemistry.

For more information here are some relevant web sites:

<http://www.caut.ca/english/about/policy/retirement.asp>

<http://www.ocufa.on.ca/retirement/retire.asp>

<http://www.ocufa.on.ca/retirement/bill68.pdf>

<http://www.ocufa.on.ca/retirement/bill244.pdf>

65 and out

by Ernie Redekop

How will proposed legislation to end mandatory retirement affect university professors?

The answers to this question are complex. Having passed the Great Divide myself, I have no vested interest in doing away with mandatory retirement at age 65 in universities. On the other hand, I do not believe that because I was required to retire at this age my younger colleagues should necessarily be required to do so as well. I will attempt a very brief and necessarily incomplete analysis of some of the major questions raised by this topic.

A corollary topic is early retirement, something permitted by our collective agreement, but now generally unavailable because *enriched* early retirement is no longer possible for most faculty members. Many of us know colleagues who would, if given a reasonable incentive, retire before age 65. But

the kind of enriched early retirement package that was widely available for a good part of the last decade is gone. Early retirement is only practicable for people who have somehow accumulated enough money to finance their retirement or for those select few who can meet the Provost's criteria in this matter and actually get an enriched package.

Fewer of us may know colleagues who would wish to continue as full-time professors after the age of 65, were this possible in an Ontario university. A colleague of mine regarded his retirement at age 65 as a draconian denial of his human rights. Having in his final year produced a definitive work of literary criticism, he was enraged at an administration that was now removing him from his office and denying him what he considered the welcome discipline of a teaching and research schedule.

Is mandatory retirement at age 65 necessary? Is it desirable?

Let me summarize some arguments for an end to mandatory retirement at age 65. It would permit professors to continue their work at a salary level commensurate with their experience. It would encourage continued full participation in research and teaching, allowing professors continued access to their university offices and all the perks of full-time employment. Women in the profession, often penalized for bearing and rearing children (despite maternity leaves) while attempting to pursue their careers, would be able to continue to work, would have an opportunity to add to their pensions. Perhaps the strongest argument, however, is that making people stop full-time work simply because they reach a certain age is a violation of their human rights.

The arguments against an end to mandatory retirement at age 65 are, in p.

generational, but mainly administrative. One argument frequently made is that mandatory retirement opens the way for young professors who might otherwise not be offered a job (generational). This would be a potent argument if there were proof that a large number of professors would continue to work full-time after age 65, and if university administrations actually replaced retiring professors on a one-to-one basis with young professors. If the experience at the University of Manitoba, which does not have mandatory retirement at age of 65, and where it appears that the average age of retirees is slightly less than 65, is typical of universities without mandatory retirement at age 65, the argument of fairness loses much of its force.

Most of the other arguments appear to be administrative.

1. The "deadwood" argument is a favourite. It goes something like this: professors who have reached age 65 have generally outlived their usefulness to their disciplines and to their students. The dry rot has set in, presumably, around age 55 or age 60 (although, surprisingly, not in administrators, it seems). These fictional exemplars of the living dead can, with some inconvenience, be accommodated until age 65, at which point they go over that great Buffalo Leap to retirement. So if mandatory retirement at age 65 were abolished, administrators would attempt

to foist post-tenure review on faculty members.

2. The financial argument against an end to mandatory retirement is that allowing professors to continue at their highest salary would cost too much. It seems a lot cheaper to hire young faculty at half the salary of a retiring professor; indeed, it seems a lot cheaper still to hire no replacement at all (which has, all too frequently, been the case at this university).
3. Closely related to the above financial argument is the administrative custom of financing new appointments by drawing on a given and certain number of expected retirements. This method of financing new appointments is now so interwoven with retirements at age 65 that any departure from this system would necessitate a thorough rethinking of the way in which new appointments are financed. This is, of course, a ponderous argument, since rethinking any administrative system is fraught with all kinds of dangers, especially for administrators, because it would require the exercise of intelligence, imagination and wisdom.

Should UWOFA adopt a particular policy on this topic?

Certainly UWOFA should debate the

topic. There are arguments other than those I have raised above, and there are undoubtedly strong feelings on this topic among many of our members. The current policy of mandatory retirement at age 65 is a compromise between human rights and administrative convenience. Perhaps it is a good compromise. Perhaps we should consider other possibilities. Certainly the debate should focus on more than the traditional convenience of university administrations. We need to ask: what is magical about age 65? Is there evidence that professors' brains suddenly go numb at that age, and does it happen (if it happens) on that 65th birthday? We need to speculate on what university life might be like if there were an end to mandatory retirement at age 65. We might well discover that not many of our colleagues would want to continue as full-time professors. We might also continue to draw on the knowledge, intelligence and imagination of colleagues who do wish to stay.

Ernie Redekop is a professor emeritus in the Department of English.

He was President of UWOFA in 1999-2000. Having failed to vanish completely, he is still Chair of the Board of OCUFA and a Trustee of the CAUT Defence Fund

A RETIREE'S VIEWS ON MANDATORY RETIREMENT

by David Borwein

I was asked by Albert Katz, President of UWOFA, to write about my thoughts on mandatory retirement at age 65, and the implications of its removal for both the individuals and the Academy as a whole.

Mandatory retirement in universities and

elsewhere has been abolished throughout the United States and in many jurisdictions in Canada. The argument that abolition of mandatory retirement would impose a substantial economic burden on universities has not been borne out. There appear to have

been neither any catastrophic consequences, nor a drastic change in the average age of retirement. People retire (or die) even without mandatory retirement, and many retire early. At most the abolition of mandatory retirement results in a temporary perturbation before an

equilibrium of retirement and renewal is reached. The problem of employment of new young faculty is related to underfunding of the whole system and not to the presence or absence of mandatory retirement.

In response to the advent of the Canadian Charter of Rights and Freedoms in April 1985, clauses permitting age discrimination with respect to employment beyond the age of 65 have been removed from the human rights legislation of the provinces of Quebec, Manitoba, New Brunswick, amongst others, but not yet from Nova Scotia, Ontario, British Columbia, Newfoundland and Saskatchewan.

In April 1992, David Winninger, MPP London South, introduced in the Ontario Legislative Assembly a Private Member's Bill to extend the protection afforded under the Ontario Human Rights Code against age discrimination to those over the age of 65. Though his bill to remove a blatantly inequitable clause from the Human Rights

Code passed second reading with support of all three parties, the NDP caucus saw fit to let it expire (presumably because of pressure from unions and university administrators) at the end of the legislative session. The present Ontario government has

now introduced a similar bill which I hope will eventually be passed, and mandatory retirement will cease to be legal in Ontario. I also hope that universities will not be granted an exemption from complying with such an act.

Mandatory retirement is particularly inappropriate in Academia. Seasoned and productive academics constitute an important resource which society can ill afford to squander. It is a bizarre notion that at age 64 an eminent scientist or historian, for example, can be considered a prestigious and valuable asset to a university, but immediately ceases to be so at age 65. It is ironic that Supreme Court of Canada judges whose own retirement age is 75 should have ruled that it was appropriate to

retire university faculty at 65. The judges (with the two women amongst them dissenting) considered that the discriminatory age-related clauses in the human rights legislation of those provinces that still had them could be "demonstrably justified in a free and democratic society".

On another occasion Madam Justice Claire L'Heureux-Dube wrote "Generally speaking, those who start by being highly productive and creative remain so as they get older, and age seems to have very little influence on the quality of work produced. Studies at the University of Alberta show that the greatest decline in performance occurs in the age groups 40-45 and 45-49, and not in the older groups as many assume." She also wrote that "the argument that forced retirement leads to more positions for younger academics, thereby at once allowing a fresh infusion of ideas into the institution and remedying the problem is superficially attractive but does not

Those entering the academic profession in midlife (as some women, in particular, do now) are especially disadvantaged by mandatory retirement. They could be reaching the peak of their professional careers when they are made to retire, without even being able to accumulate a reasonable pension.

stand close scrutiny."

Those entering the academic profession in midlife (as some women, in particular, do now) are especially disadvantaged by mandatory retirement. They could be reaching the peak of their professional careers when they are made to retire, without even being able to accumulate a reasonable pension.

How have I personally been affected by the practice of mandatory retirement? In 1988-89 I was Professor and Head of the Mathematics Department at this university, as I had been since 1967 after having joined the department in 1963. I had recently been President of the Canadian Mathematical Society. I held and still hold a sizable research grant from the Natural Sciences and

Engineering Research Council to conduct research in an area of pure mathematics known as Analysis. I was active and fully fit both physically and mentally. Then on July 1, 1989 I was mandatorily retired, against my will and solely because I had turned 65 the previous March. Despite nothing having changed with regard to my abilities, I was suddenly relegated to being a "non-status" academic. No longer could I expect, as a right, to teach, to have an office, or to take part in the academic activities of the mathematics department. On request I was granted a minimal post-retirement teaching appointment which had to be renegotiated each year. Even this appointment ceased after three years because of lack of funds, I was told. On the other hand, my department allowed me to keep an office and to use its secretarial services. For this I am truly grateful.

In the 14 years since I was forced to retire I have maintained an active research program with over 30 papers either published in, accepted by, or submitted to, refereed mathematical journals. I am fortunate because of the magic of the internet I have been able to collaborate with colleagues abroad and, in particular, with my two mathematician sons at Simon Fraser University. I have also attended meetings of the Canadian and American mathematical societies, and have given talks at UWO, elsewhere in Canada and abroad. I have been on graduate student advisory committees at UWO and examining committees at UWO and elsewhere, and have refereed many papers and some doctoral theses. Of course, I also have activities aside from mathematics. There are not many dull moments.

To sum up, I strongly objected to mandatory retirement some 14 years ago and I object to it now even though I no longer have any personal stake in the matter.

David Borwein is a professor emeritus in Department of Mathematics and a former Chair.

The Impact at Western of Abolition of Mandatory Retirement in Ontario

by Alan Weedon

In the early 1990s the Supreme Court of Canada ruled that individuals could be required to retire at a certain age as a condition of employment. This followed legal challenges by faculty members at the Universities of Alberta, British Columbia and Guelph in which it was argued that university policies requiring retirement violated the Charter of Rights and Freedoms. In the rationale for their ruling, the Supreme Court judges noted that mandatory retirement was key to long term planning by both universities and faculty, and found it to be reasonable and justifiable in the university context because of the tenure system, the need for academic renewal, and the necessity of preserving academic freedom by minimizing the use of distinctive modes of performance evaluation. At Western, the University administration and the Faculty Association agreed in the 1998-2002 Collective Agreement (the first following certification) that Full-Time faculty should

retire at age 65. Neither party proposed that this be changed in the 2002-2006 Collective Agreement, although they did agree to extend the provision to Part-Time faculty.

To the surprise of many, in late May of this year the Ontario government proposed a change in public policy by placing Bill 68 before the legislature for its first reading. The effect of this Bill, if passed into law in its present form, would be to amend a variety of statutes such that no person could be required to retire on the basis of having reached a certain age. Time will tell if this Bill, or a modified form of it, will achieve royal assent before the next provincial election. Even if it does not, both the Conservative and Liberal provincial parties have included abolition of mandatory retirement in their preliminary election platforms. The NDP has not done so, while groups representing labour (e.g., Individual unions, and the Ontario Federation of Labour) have taken positions on both sides of the issue.

If Bill 68 were to be passed into law in its present form what would be the impact here at Western? An immediate result would be the need to review implementation of the four year Academic Plans recently developed by the Faculties. In the past year these Academic Plans were used to identify priorities for faculty renewal in each academic unit. These priorities reflected projected enrolment shifts, current or proposed emphases in research areas, and the large number of faculty retirements anticipated. Experience in other jurisdictions where mandatory retirement at 65 has been abolished has shown that some faculty choose not to retire. At Western such a choice would undermine the budget model

budgetary resources would mean we would hire over 40 fewer faculty. Such a reduction in faculty numbers would, of course, impact on faculty workload. This would be especially true in the current environment where tuition fees are controlled or frozen, and annual operating funding provided by the government to universities is tied to enrolments and has not been adjusted for inflation in the past decade. It follows that if mandatory retirement at age 65 is abolished, we will be faced with the complicated and sensitive task of reviewing and renegotiating our salary and pension policies if we wish to ensure that incentives exist for faculty to retire in a predictable way that is compatible with the University's

renewal needs. For example, issues that would have to be discussed include: Should we introduce salary ceilings? Should we introduce differential scale increases such that senior faculty receive smaller or zero increments? Given that CCRA regulation requires a pension fund commence payments no

Faculty renewal implies, among other things, the introduction of new ideas in teaching, research and scholarship in the University.

later than age 69, is it equitable for faculty to draw a Western salary and receive a Western pension simultaneously? Another impact will be on the rate at which we see increased representation of women among Western's faculty. For example, in 2002-03 there were 17 faculty who retired at age 65, of which one was female. In the same year 67 faculty were hired, of which 20 were female. Clearly, if some of our senior, predominantly male colleagues delay retirement, and even if our revised financial models allow us to fill vacancies created by retirements, it will take longer to reach a steady state reflecting the 2002-2003 gender hiring ratio, and in the interim access of females to probationary and tenured faculty positions will be denied.

Faculty renewal implies, among other things, the introduction of new ideas in teaching, research and scholarship in the University. The rate of introduction of such new ideas could be inhibited by any deferral of retirement. In addition, we shall have to

developed to underwrite faculty renewal plans. The nature of the career salary trajectories for probationary and tenured faculty at research-intensive universities such as Western result in our most senior faculty being paid the highest salaries; clearly, if senior faculty decide to remain employed and draw salaries that continue to increase, this will impede the University's ability to hire junior faculty, even into potential position vacancies created by faculty who do retire. During the past 7 years we have hired 417 probationary and tenured faculty at Western. Of these, 328 were replacements for faculty who had retired or resigned, and 89 were incremental positions. During the next 4 years academic units have been given approval to hire 106 additional probationary and tenured faculty over and above the number of faculty that will be hired to replace retirements and resignations. If mandatory retirement were to be abolished, and assuming 25% of age 65 faculty chose not to retire for, say, 5 years, the impact on our

later than age 69, is it equitable for faculty to draw a Western salary and receive a Western pension simultaneously? Another impact will be on the rate at which we see increased representation of women among Western's faculty. For example, in 2002-03 there were 17 faculty who retired at age 65, of which one was female. In the same year 67 faculty were hired, of which 20 were female. Clearly, if some of our senior, predominantly male colleagues delay retirement, and even if our revised financial models allow us to fill vacancies created by retirements, it will take longer to reach a steady state reflecting the 2002-2003 gender hiring ratio, and in the interim access of females to probationary and tenured faculty positions will be denied.

ponder the reality that advanced years may eventually compromise performance. This raises some complicated questions around the University's duty to accommodate disability arising from old age, and the costs of sick leave or long term disability. It could also bring our processes for Annual Performance Evaluation into conflict with the principles of Academic Freedom and Tenure; for example, how do we differentiate an individual's right to teach what he or she thinks is appropriate from a failing currency or competence in the discipline, and

how do we decide that a lack of peer appreciation for an individual's scholarship reflects their judgement of his or her competence as distinct from their failure to appreciate an unpopular area of research?

Clearly, as suggested by the partial list of potential impacts described above, the abolition of mandatory retirement would require a significant reconsideration of Western's academic planning and policies, as well as employment agreements at Western. In other jurisdictions where mandatory retirement

has been completely or partially abolished has certainly been the case. Of course, both God and the Devil will hide in the actual details of any new provincial statute and we will have to wait and see what the legislation reflecting new public policy on mandatory retirement actually says.

*Allan Weedon is Vice-Provost
(Policy, Planning & Faculty)*

Notes from Senate

by Michael P. Carroll

Senate is a strange place. Most faculty members there (unlike the students) say very little. Indeed, in the three years that I've been on Senate, several faculty senators have served their entire term without saying a thing. When faculty senators do speak up, it's often to make statements that (at least in my view) seem designed to curry favor with the Administration or to argue over some minor point of language in a motion (something they seem honestly to mistake for intellectual insight). Still, the one great advantage of Senate, however underutilized, is that it is a forum where under "new enquiries" faculty can query the Administration on ANY issue and can keep pressing until an answer is given.

I have learned, however, that it's useful to "play fair," which means submitting questions by email in advance of the Senate meeting in order to allow the Powers-That-Be time to dig out the relevant info or to formulate a response. That's why in advance of the last Senate Meeting (June 21) I submitted two sets of questions, one dealing with Mandatory Retirement and the other dealing with UWO benefits.

As many of you know, the Ontario Government tabled Bill 68, the Mandatory Retirement Elimination Act, for first reading on May 29, 2003. One thing the bill would do is to change those sections of the Ontario Human Rights Code that allow for discrimination based on age after age 65. The act is currently scheduled to come into effect January 2005. A section of the Bill, however,

says (as I read it) that it will not affect Collective Agreements in force at the time of first reading (May 29). This is relevant to us because our CA was ratified by the Board of Governors on May 23.

What I asked in my submitted questions, then, was whether the Admin had developed any policy with respect to this Bill or its implementation, and whether in fact it was true that even if it DID come into effect (in its current form) in Jan 2005 it would NOT apply to Professors scheduled to retire that year (given that our current CA would still be in force). In response, Paul Davenport spent several minutes explaining why he was personally opposed to the Bill. The core of his objection, as I understood him, was that the Bill would impede faculty renewal. He explicitly called attention to the "arithmetic" of the salary situation, namely, that if 10 Full Professors stayed on past 65, this would prevent UWO from hiring 15 new Assistant professors. I personally would take this sort of talk more seriously (1) if the entire salary of retiring Full Professors WAS used to hire junior professors (something that does not happen) and (2) if this Admin had been willing to commit to the language on faculty renewal proposed by UWOFA during the last round of contract negotiation. But maybe I am being too cynical.

As to the second part of my question, the Provost deferred to Alan Weedon, the Vice-Provost, and he affirmed that indeed, since our CA was approved on May 23, the bill in its

current form would NOT apply to professors retiring in 2005.

My second set of questions concerned the University's Extended Health Plan, which covers things like out-of-country coverage, the dental plan and vision care, a subject that came up in a number of discussions given the new "\$200,000 per trip" limit on out of the country travel. Although I knew, from presentations at the UWOFA Board, that the university "self insures" itself, I didn't fully understand what that meant. Here again Alan Weedon addressed the issue. In essence, the University does NOT pay insurance premiums for the Extended Health Plan. Liberty Health (now Maritime Life) may administer our plan, but the cost of the plan - including benefits paid out and the cost of that administration - is paid directly out of the University's General Operating Budget. In this context, the \$200,000 cap is designed to minimize the maximum possible loss that the University might have to pay out in the case of an out-of-the-country trip. (Since that meeting of Senate, UWOFA and the Admin have been discussing the possibility of paying premiums to a third party insurer that would in fact cover costs beyond the \$200,000 cap.)

This time out, however, I also violated the "advance notice" rule by asking a third set of questions that seemed timely. As many readers may know by now, Canada Customs and Revenue has audited the Faculty Depend Scholarship plan for 2001 and 2002 and has decided that - given existing tax law - the

Money paid out should have been a taxable benefit in the hands of the faculty member, not the dependent. A letter was set to UWO at the beginning of June setting out this ruling and asking for a response by the end of June. What I asked at Senate (which met, remember, on June 21) was whether or not the Admin had as yet formulated that response. The answer - again from Alan Weedon - was, no, not yet, but they have asked for a delay. Fortunately, both he - and then the President - made it clear that they would be opposing the ruling. The

following week, in fact, the Admin did meet with UWOFA and other affected groups to discuss how they would go about opposing this ruling.

One final thought: I was a bit surprised at the number of times the Provost, who is a member of Senate, deferred to the Vice-Provost, who is only an observer. Is this, as someone at Senate suggested to me, some form of early retirement for Greg: A sign that Alan is moving up even more rapidly than we had thought? Stay tuned. For the future, if any

member of UWOFA would like an issue raised, I suggest that you ask your local senator. If that doesn't work, by all means contact me at mcarroll@uwo.ca.

Mike Carroll is member of the 2003-2004 UWOFA Board of Directors and Professor in the Department of Sociology.

Faculty Dependents Scholarship Program – Update

By Clive Seligman, Chair

In a letter dated June 4, 2003, the university received notification from the Canada Customs and Revenue Agency (CCRA) that the Agency was challenging the tax status of the Faculty Dependents Scholarship Program (FDSP) and proposing a reassessment for the tax years, 2001 and 2002. The notification also applies to other university employee groups who have similar programs, e.g., PMA and UWOSA. The tax issue centers on whether the scholarship received by the dependent should be taxed as a benefit to the faculty/employee or as

income earned by the dependent. The scholarship has been considered as income earned by the dependent since 1986, when the program began, and this feature had not been challenged previously by CCRA.

The UWOFA, PMA, UWOSA, and the university administration have cooperated in responding to the CCRA. A committee of representatives from these groups has been formed, with Alan Weedon as chair. The university has retained the Toronto law firm, Wilson & Partners, which specializes in tax issues. Legal counsel from this firm will

shortly present a submission on our behalf which will argue that the CCRA position misapplies the law on directed benefits. We will then await CCRA's reply.

Clive Seligman is the Chair of the UWOFA Faculty Dependents' Scholarship Plan Committee and a member of the 2003-2004 UWOFA Board of Directors. He is a Professor in the Department of Psychology.

Childcare Coming Soon to a Campus near You

by Kim Clark

For some time now, UWOFA has been trying to secure on-campus childcare for the children of faculty. As many faculty members on this campus with children will know, at the existing Western Day Care Centre, located on university property next to Essex Residence Hall and across from Althouse, there are no spaces specifically reserved for the children of faculty. WDCC was established thirty years ago

to provide care for the children of students, and consistent with its initial mandate it continues to place the children of students first when filling available spaces. There are always some faculty children at the centre, but these spaces are difficult to secure. WDCC is currently the largest childcare centre in London, with room for 150 children (10 infant spaces, 20 toddler spaces, 120 preschool

spaces). Spaces are easier to come by in the preschool programmes, but it has proven much more difficult for parents of infants to find care there, given the few spaces available and relatively low faculty priority. Indeed, there are few infant spaces in London as a whole, since these spaces are significantly more expensive to run (requiring one caregiver for every three children). This is a serious problem

for faculty members returning to work after a pregnancy leave, especially for those who cannot afford to take an extended leave, beyond the current "top-up" provisions negotiated in our collective agreement. (These bring total benefits – including EI payments and top-up – to 95 % of salary, and in our new CA have been extended to 24 weeks).

In our first collective agreement (1998-2002), the Association was only able to obtain a letter of agreement from the administration to form a joint committee to evaluate the need for child care among faculty. I served on that committee in its first year, and very little progress was made in fulfilling its mandate. In the most recent round of negotiations, several months passed with no response to our proposed article on childcare. Then, in the midst of mediation, the administration announced that the university plans to build a new 200-space childcare centre, in which the 50 additional spaces (beyond those currently existing at WDCC) would be reserved specifically for the children of faculty. At 200 spaces, the new childcare centre will be the largest of its kind in southwestern Ontario. My own reading of the turnabout on the part of the administration is that it was due to two equally sincere desires on their part: to try to present the university as a family-friendly

environment in the context of recruitment and retention challenges, and at least as important, to use the land on which the current WDCC sits for other projects. Happily, this means that the needs of faculty and the administration come together in this instance.

Since May I have been serving as the faculty representative on the project planning committee for the new childcare centre. I can report to interested faculty that this project is moving forward, and at a rapid pace. The university's intention is to open the new centre in September, 2004, which means "getting the shovel in the ground" by early November. The new centre will be located on Western Road between Althouse and Sarnia Road, across the street from the current location of WDCC. The architectural design team selected (the Ventin Group) is currently developing design schematics for the building and playground areas, to meet the November goal for beginning construction.

The new centre will be operated under the umbrella of the YMCA, which is the largest provider of childcare services in the country, translating into significant in-house resources such as curriculum trainers. The organization uses the High/Scope curriculum in its centres, which is the curriculum with the best long-term research demonstrating its effectiveness

in developing pre-literacy skills and equally important social and personal skills. The staff from the existing WDCC will be employed in the new centre, supplemented with Y staff and resources. Thus long experience with dealing with the specificities of the needs of student and faculty parents will be combined here with the resources and expertise of a larger organization.

The new centre is being designed with space for 30 infants, 50 toddlers, and 120 preschoolers. This represents a large increase in infant and toddler spaces over the existing WDCC. As someone who has gone through the difficult search for an infant childcare space (ending up, finally, at an excellent but distant home daycare in Byron, which took a good hour off of my working day), I would expect that this will ease at least one source of stress for faculty parents returning to work after pregnancy or parental leaves. I invite anyone with questions about how the planning for the new centre is progressing, or with other concerns about its future operation, to contact me at akc@uwo.ca.

Kim Clark is an Associate Professor in the Department of Anthropology as well as a UWO Board member, 2003-2005.

Anomalies "Я" Us

editorial by David Heap

If you are among those Full-Time faculty members who missed the recent October 1 deadline to apply for a Performance Based Anomaly Adjustment, then you will have to wait until next year if you want to participate in this exercise (unfortunately the total pot of money available for anomaly payments for each of the next two years will be less than this year's total). You can of course spend the intervening months trying to calculate just how your salary compares with those of Members in your Unit, or with those of your colleagues at other Ontario institutions in similar disciplines, with similar ages, experience and career paths (see www.uwo.ca/uwofa/). Although it is of course just possible that a few may find their salaries to be normal or even

anomalously high, for many of us such comparisons come as a bit of a shock, and it is recommended that you consult these data only while seated (especially if you fall within the notorious five-to-fifteen Years since Highest Degree "mid-career slump").

In the meantime, it seems appropriate and timely to point out that salaries are not the only anomalous aspect of life at Western. Indeed, when we look closely at what passes for normal around this place, anomalies start popping up like construction sites on a summer campus. Take for example the outrageous delay in payment of retroactive salary increases due to our Part-Time faculty Members. That a major university Administration cannot calculate how much

money it owes a group of employees would seem completely anomalous to any impartial onlooker, were it not for the fact that this institutionalised lack of respect for Part-Time faculty is (unfortunately) quite consistent with established practice at Western.

It is similarly difficult to judge whether President Davenport's decision to spend an estimated \$60 000 to \$80 000 for an externally-commissioned survey on how to improve internal communications at UWO constitutes an anomaly or not. On the one hand, it is hardly anomalous to discover that this initial estimated cost will almost certainly run c budget (especially, we are told, if the external consultants actually expect to contact difficult-to-reach constituencies like Part-Time

employees). Nor is it anomalous that this Administration is willing to spend roughly *twice* the total annual amount we will pay for our new out-of-country medical coverage in order to discover new ways of convincing stubborn employees to adopt the Administration's view of Western. It is however anomalous to hear that this pricey study is a direct outcome of UWO's recent *Strategic Plan*, while we are told elsewhere that the "Commitments" in that document are really just goals and not anything which the Administration is actually obliged to act upon. In the interest of cost-efficiency, your *Faculty Times* editor hereby offers the Davenport Administration two *free* suggestions as to how internal communications at UWO can be improved. First, communicate to our Association all the information which they are obliged to provide under our Collective Agreement in a timely fashion (something which they failed to do last year, with the ensuing delays in negotiations which many of us will recall); secondly, invite Union representatives to present at Employer-run training sessions on how to administer Collective Agreements, thus allowing those responsible to learn in advance about how to use contracts to avoid problems, rather than waiting to learn the hard way, via grievance procedures. It would be a most welcome anomaly if such obviously common-sense measures were to be adopted at Western.

However, anomalies at Western are not,

we hasten to add, always negative. Our Employer's principled response to the Canadian Customs and Revenue Agency's decision to audit the Faculty Dependents' Scholarship Program (see Clive Seligman's article in this issue), the generous extension of the deadline for ending out-of-country medical coverage until we could get an alternative in place (see Albert Katz's report) and the timely action in creating new and much-needed childcare spaces (see Kim Clark's update) are all examples of the kind of positive anomalies we would be very happy to see more of.

There remain, however, enough quirky everyday anomalies at this institution to give us frequent pause for reflection. Consider, for example, our faculty colleague who was surprised in her office late at night by a burly individual wearing what appeared to be a security guard's outfit. He demanded to see her faculty ID card, although he was not wearing a UWO police uniform and did not supply ID of any kind to prove he was who he claimed to be. While this incident turns out to be part of a laudable effort to reduce the theft of expensive equipment on campus, the Administration's failure to provide these rent-a-cops with badges or any other form of UWO identification seems, well, anomalous (to put it politely).

By now it should be clear that anomalies, big and small, are virtually everywhere at this place. But if anomalies turn out to be the

norm, as seems increasingly to be the case at Western, then are they still "anomalous"? *Faculty Times* readers can no doubt extend the initial list provided here with their own observations about the anomalous nature of daily life at Western. Consider yourself invited to submit your thoughts (anomalous or not) to *Faculty Times*, either as Letters to the Editor or as articles: vigorous debate and dissension are far from anomalous in our line of work, and your Faculty Association newsletter hopes to reflect some of this breadth of opinion.

As a final self-referential example of how unexceptional it is to be anomalous at UWO, consider the issue of *Faculty Times* you are reading right now. It must surely appear quite anomalous to some that our Union paper has invited a contribution from a highly-ranked representative of the Employer on a contentious issue like mandatory retirement. Of course we have balanced Dr. Weedon's column by including different faculty viewpoints on the subject — leading to what must could be described as our *All Anomaly—Mandatory Retirement Special Issue of Faculty Times*. We hope you find it enjoyable and stimulating. We are all anomalous.

David Heap of the French Department is a member of the 2003-2005 UWOFA Board of Directors and Executive. He is no more or less anomalous than anyone else at UWO.

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