

# the FABric

UNIVERSITY OF PRINCE EDWARD ISLAND FACULTY ASSOCIATION

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## The State of the Union: The President's Report

*by David Seeler,  
President, UPEIFA*

Welcome back from what I trust was a very productive summer for you. I would also like to extend a warm welcome to our new Members who are identified elsewhere in this issue.

In April the Association, in conjunction with the President's Office, recognized a number of our Members at the Faculty Recognition Night held at the Culinary Institute. This was a most pleasant evening with many of our colleagues and I would strongly encourage all to attend next spring. Congratulations to all of the recipients on your achievements.

John Paul Larkin (Bluefield High School) and Paula Slynn (Colonel Gray High School) received the scholarships which the Association presents to two graduating high school students each year. Later this semester the Association will present Gold and Silver Medals to third year recipients with the top GPAs at the Deans' Academic Honours and Awards Ceremonies.



This summer the activities of the Association and its Executive have been directed primarily towards completing outstanding complaints and grievances, as well as preparing for next year's contract talks. Many of the outstanding grievances have now been resolved, all in a manner consistent with the Association's position on the issues being grieved and redress being sought. Of the remaining complaints and grievances it appears that most will also be resolved over time. This has been a significant time consuming process for our Grievance Officers. I would again like to thank Gordon MacDonald for all the excellent work he has done for the Association as our past Chief Grievance Officer. Philip Smith (Psychology) continues as a Grievance Officer and is now

joined by Doug Dahn (Physics), Anne Furlong (English), and Ken Sulston (Mathematics and Statistics). I am currently serving as the Chief Grievance Officer. If you have concerns that may give rise to a complaint or grievance, please get in touch with me at extension 0886. Further information as to the status of complaints and grievances will be forthcoming in a future Grievances At-A-Glance Bulletin.

The Executive has also dedicated a significant amount of time preparing for next year's negotiations in respect to the BU #1 Collective Agreement which ends in 2010. I am pleased to announce that Wayne Cutcliffe has graciously agreed to serve as our Chief Negotiator. Preparation will continue throughout the upcoming academic year. Members should expect to receive a survey this semester that will look for feedback on issues of concern. Negotiations continue for BU #2 due to inexplicable delays in respect to the discussions on pension enhancement. I hope that the parties will be back at the table soon.

This fall at the General Meeting we will be looking for a "Member-at-Large" to fill a vacancy on Executive, and also for Faculty Members to serve on the Questions Committee (as per Article E1.3.2 of the BU #1 Collective Agreement). Should you be interested in serving, or nominating someone else, please contact our Returning Officer, Derek Lawther (x0338).

We are also looking for individuals who would be willing to serve on the Hessian Merit Award for Excellence in Teaching Committee and the Academic Planning and Facilitation Committee. The work of these two committees is extremely important to the Association and the University as a whole given the essential role that they play in respect to faculty recognition and academic planning at UPEI. I would ask that you seriously consider participating in

Association activities through one of these committees. If interested please get in touch with me at x0886 at your convenience.

Finally, the PEI Human Rights Commission has scheduled a hearing for October in regard to the mandatory retirement complaints filed by five of our Members. This has been a long process but we are slowly moving to a conclusion in respect to these complaints.

*General Meeting of the UPEI  
Faculty Association*

**October 30<sup>th</sup>**

**1:30 pm**

**AVC Lecture Theatre A**

**Followed by Faculty Time**

**Faculty Lounge**

**Main Building**

**Mandatory retirement cases finally  
to be heard by Human Rights  
Commission**

*by Wayne Peters,  
Past President, UPEIFA*

Complaints of age discrimination against UPEI were first filed by faculty members, Thomy Nilsson and Richard Wills, in November 2005. Now, after almost four years, these complaints will finally be heard by the PEI Human Rights Commission beginning on October 13, 2009. In addition to Nilsson and Wills, complaints have also been filed by faculty members, Barry Bartmann, Ron Collins and Robert O'Rourke and by a staff member, Yogi Fell. Each of these six complaints alleges that UPEI's mandatory retirement policy

discriminated against them when they were forced to retire at age 65 and identifies the University as the sole party responsible for the action.

The Union has opposed the University's mandatory retirement policy despite the fact that it concluded a collective agreement with the University in 2006 which contained the provision. It did so at the time, however, with the University's written agreement and understanding that the Human Rights Commission would ultimately rule on the policy's status and that it would be eliminated should the Commission rule it to be discriminatory.

Part of the long delay, almost 18 months, has been due to a judicial review application filed by the University which questioned the decision of the Human Rights Commission to assign party respondent status to the UPEIFA but not to CUPE 1870. As a result, the courts ordered the Commission to add CUPE 1870 as a party respondent to the complaints as well. A party respondent is that party to a complaint who is alleged to hold some responsibility for the discriminatory actions. The University argued that the UPEIFA and CUPE held such responsibility for the policy's introduction due to their acceptance of it.

In his judicial review decision to add CUPE as a respondent (UPEI v. Thomson et ors. 2009 PESC 02), Justice Cheverie identified three noteworthy observations regarding the determination of whether or not a party should be added as a respondent to a complaint. Firstly, the threshold for making a determination is a low one. The requesting party only needs to show an "appearance" or a "semblance" that the prospective respondent shares some responsibility. Secondly, adding a party as a respondent does not equate to a determination of that party's liability. And, thirdly, while a respondent can be added to a complaint at

any stage under the PEI Human Rights Act, it is preferable to do so sooner rather than later.

It is the UPEIFA's position that the University's mandatory retirement policy is discriminatory. Therefore, the Union is obligated to do what it can to see it declared as such and to have it abolished even if it opens the UPEIFA to potential liability in regards to the complainants. By not doing so, the union's inaction with respect to this potentially discriminatory policy would be a breach in its obligation to its entire membership. So, the UPEIFA chooses to take action against discrimination knowing that it will have its opportunity before the Human Rights Commission to argue that it should not be held responsible.

The dates for the public hearing can be found on the Human Rights Commission website at <http://www.gov.pe.ca/humanrights> under the "Upcoming Panel Hearings" section.

## **Welcome to New Members**

Charles Adeyanju, Sociology/Anthropology  
Jean-Louis Arsenault, Education  
Megan Baird, Health Management  
Nand Bardouille, Island Studies  
Romain Béraud, Companion Animals  
Corinne Chappell, Education  
Reuben Domike, Business  
Darren Dunn, Engineering  
Debbie Dunn, Education  
Edward Gamble, Business  
Denis Grecco, Religious Studies  
Linyuan Guo, Education  
Cindy Hanson, Education  
Sunny Hartwig, Biomedical Sciences  
Kylah Hennessey, University 103  
Olena Ivus, Economics  
Barbara Jacobson, Education  
Kellie Lockhart, Biomedical Sciences  
Margot Maddison-MacFadyen, Global Issues  
Helen MacKinnon, Education  
Pamela MacMillan, Education  
Jacinta Mol, Companion Animals

Erin Moore, Global Issues  
Donald Moses, Robertson Library  
Rosalyn Claire Ridlington, Biology  
Darlene Robinson, Nursing  
Karen Samis, Biology  
Javier Sanchez, Health Management  
Rick Schneider, Environmental Studies  
Ronald Srigley, Religious Studies  
Elizabeth Taylor, Nursing  
Karen Michele Tefft, Companion Animals  
Laurence Vèron, Modern Languages  
Maryam Wagner, Education

### **Members Honoured for Their Achievements in Teaching and Research**

UPEI faculty members were recently recognized for teaching and research achievements at a reception and awards banquet sponsored by the UPEI Faculty Association and the Office of the President. Dr. Pedro Quijon, Department of Biology, and Dr. Catherine Innes-Parker, Department of English, won the Hessian Awards for Excellence in Teaching. UPEI Merit Awards for Scholarly Achievement went to Dr. Henry Srebrnik, Political Studies; Dr. Debbie MacLellan, Family and Nutritional Sciences; and Dr. Larry Hammell, Atlantic Veterinary College.

The Hessian Award is given to a faculty member who has shown outstanding competence in teaching, and the Merit Awards for Scholarly Achievement to faculty members who have made significant and continuing contributions to scholarly research.

In the almost four years Quijon has been at UPEI, he has established a reputation among biology students as a rigorous, demanding professor who sets high standards. He has also developed a strong reputation for motivating his students to learn and to succeed, giving them the tools and the

confidence to accomplish their goals. He teaches a variety of courses in marine biology at both the undergraduate and graduate level, and he frequently integrates the results of his research into the student learning experience in the classroom and the field.



*L to Rt.: Quijon and Innes-Parker*

Innes-Parker infuses her teaching with her research and uses creative ways to engage her students in her medieval English literature and thought courses--from Chaucerian pilgrimages to the construction of medieval manuscript books, from mock trials to the creation of learning communities. She presents frequently at conferences on issues of teaching and learning and is a leader in advancing the teaching of medievalism. This fall, she will guide students through the intersections of literature, art, and religious thought in a team-taught integrated program of study at Memorial University's Harlow campus in Essex.

Srebrnik is widely known as an expert on nationalism and small islands. He has published numerous articles in refereed scholarly journals and chapters in edited volumes. His scholarship has been cited in at least 101 book chapters, journal articles and book reviews; 57 books; 12 theses; and numerous working and unpublished papers. He is a frequent contributor to 30 newspapers including The Guardian, Globe and Mail,

National Post and Washington Post. His most recent publication is a book entitled "Jerusalem on the Amur: Birobidzhan and the Canadian Jewish Communist Movement, 1924-1951."

MacLellan currently holds just under \$1 million in research funding, and has published widely, including 14 refereed manuscripts and 14 abstracts or conference presentations in the last five years. She has supervised or co-supervised five MSc graduate students and three BSc honours undergraduate students. Since 2004 she has been co-principal investigator for the Masters of Applied Health Services Research (MAHSR) program, a joint degree program involving UPEI, Dalhousie, University of New Brunswick, and Memorial University of Newfoundland. She is also director of the Integrated Dietetic Internship Program in the Faculty of Science.

An internationally recognized aquatic epidemiologist, Hammell teaches in AVC's Department of Health Management. Since 2003, he has served as Director of the AVC Centre for Aquatic Health Sciences. His accumulated research funding of over \$10 million, impact on the aquaculture industry, and international recognition have grown tremendously in the past six years, winning him the Pfizer Award for Research Excellence,



*L to Rt.: Hammell, MacLellan and Srebrnik*

AVC, in 2006. He has published more than 28 refereed manuscripts, nine peer-reviewed special publications or proceedings, and 37 non-reviewed conference proceedings and abstracts. He has co-supervised two MSc and seven PhD students.

## **Golf Scramble Supports FA Scholarship Fund**

*by Malcolm Murray*

The 3rd annual FA golf scramble has come and gone. The winning team was Larry Hale, Eoin O'Brien, and Malcolm Murray with a score of 2 under. Second place went to the team of Scott Lee, Ian Dowbiggin, Don MacEwen, and Michael Cassidy. Third place went to the team of Scott MacDonald, Wayne Cutliffe, and Walter Pirch. I would like to thank all participants for their generous donations to the FA scholarship, as well as Kevin Rogers, manager of the UPEI Bookstore, and the Avondale Golf course for sponsoring the prizes. Most importantly, though, proceeds went to the FA scholarship fund.

## **We Asked ... And You Responded**

We asked: "if you could pose a question to a member of the Senior Management Group (SMG), what would you ask? Here are your responses.

We could ask what's in a name? When I started teaching 2 decades ago, this university and most others had "administrators". Now they have "managers". Does the change in name signify a change in the way we think about these positions? Does it reflect a change in the way the people in these positions carry out their responsibilities? Do you think these changes have been good for the university?

What is your vision for the Faculty of Arts over the next 5 to 10 years? How do you plan to implement it?

When hiring new faculty into an associate professor level, how does management ensure consistency with those who are required to go through the regular promotion process?

I would ask Senior Management, "Why don't you increase efficiency at UPEI by hiring more administrators with funds saved by replacing all full professors with \$16 per hour sessionals to teach their courses?" A few more \$300 per hour lawyers should suffice to quash complaints from students and faculty. Since the above measures could be expected to help Central Management realize some of their other expectations, I plead a supplementary question: "Given your yearly dire forecasts of declining enrollment to justify not replacing faculty who leave, why don't you improve UPEI finances by leasing more classroom and parking spaces to technology companies and government institutions? If your forecasts turn out to be wrong, the erection of teaching tents in the remaining parking areas will soon correct that little problem."

"Why isn't Computer Services given more space, more people, and, indeed, more money?"

What do you intend on doing about faculty retirement issues?

I'd like to know whether our leaders have in mind an ideal size for our university's student body beyond which we wouldn't want to go, or whether they believe we should simply keep growing.

I would like to know why management believes an appropriate 'health and safety' response to ripped carpet on the stairwell of Main Building is duct tape? Given that this

appears to be the approved standard of safety, why is the duct tape not replaced when it, too, rips? While this might seem trivial ... there is metaphor afoot.

**Dear FAbby**

Q: I am a tenured Faculty Member and am being pressured to teach a course in the evening next term. Do I have to do this?

A: No. "Normally, no classroom course taught by a full-time Member shall be scheduled to begin earlier than 8:30 a.m. and no course shall be scheduled later than 4:30 p.m. Monday through Friday, unless the Member consents..." (see Article H1.9)

### **Collective Agreement Dates to Remember, September 2009 - February 2010**

In 2006, a new collective agreement was negotiated by the UPEI Board of Governors and the UPEIFA Bargaining Unit 1. The Collective Agreement is outlined in what has become known as the "Red Book" (a copy of the Collective Agreement is also available on-line from the UPEIFA website, [www.upeifa.org](http://www.upeifa.org)). The 2006-07 Communications Committee summarized dates from the Collective Agreement that are important for FA members to know. Dates important for the time period covered by this edition of *the FABric* through to the subsequent edition to be published in late January are outlined as follows. A complete list of significant dates from the "Red Book" is also posted on the UPEIFA website.

#### **Prior to October 15**

Initial vote [for tenure/permanency] of URC sub-committee (*Article E2.10.5*)

**Prior to November 1**

Unless a DRC has already been constituted under E2.5.2.4 the Chair assures that a properly constituted DRC is assembled [to consider applications for promotion] (*Article E2.5.3.2*)

**On or before November 1**

Posting of Sessional Instructor Positions for winter semester (*Article G1.4*)

**By November 1**

Each academic unit must update its Sessional Instructor Seniority Roster (*Article G1.6.1c*)

**By November 1**

Faculty Member submits promotion file to Chair (*Article E2.5.3.4*)

**Prior to November 10**

Final vote [for tenure/permanency] of URC sub-committee (*Article E2.10.7; Article E2.10.10*)

**Prior to November 15**

Full URC reviews sub-committee decisions [re: tenure/permanency] to ensure consistency (*Article E2.10.9*)

**Prior to November 15**

URC reports recommendations [re: tenure/permanency] to President (*Article E2.10.10*)

**By December 15**

DRC/LRC completes meetings on all promotion applications and recommends to URC (*Article E2.6.2; Article E2.8.1; Article E7.8.9; Article E7.10.1*)

**By January 5 of the year of application for tenure**

Dean sends letter to each Chair with names of respective Faculty Members eligible for regular consideration of tenure. Chair then seeks confirmation from each Faculty Member that tenure file is being collated (*Article*

*E2.5.2.2; Article E2.5.2.3*)

**Prior to January 15**

Dean/UL includes letter in candidate's file and forwards the complete file to URC Chair (*Article E2.9.4; Article E7.11.4*)

**Before January 31**

A seniority list of all permanent Clinical Nursing Instructors shall be posted (*Article G2.12 a*)

**By February 1 of the academic year prior to the one in which consideration would take place**

Faculty Member seeking early consideration [for tenure] as an exceptional case requests in writing to the Dean (*Article E2.4.2.4*)

**By February 1 of the academic year prior to consideration**

Faculty Member's request, or Dean's recommendation, for deferral of tenure consideration is communicated (*Article E2.4.3.2*)

**Prior to February 1**

Faculty Member sends a letter to the Chair indicating plans to apply for tenure. Chair then informs Dean that the tenure file is in preparation (*Article E2.5.2.3 a*)

**February 1**

Subject to exceptional circumstances, if a Faculty Member does not have tenure by February 1 of the fourth year of full-time probationary appointment here, and if the Faculty Member has not initiated procedures for consideration of tenure, the Department Chair will direct the Faculty Member to submit his or her file for tenure consideration (*Article E2.5.2.3 b*)

**On or before February 1**

Posting of Sessional Instructor Positions for both summer sessions (*Article G1.4*)

*The FABric* is the newsletter of the University of Prince Edward Island Faculty Association. The primary intent of the FABric is to keep all members of the UPEI Faculty Association up-to-date and informed. It is also the intent of the FABric to communicate UPEI Faculty Association activities and perspectives on issues to a wider community. *The FABric* is published three times per year: September, January, and April, and serves the following purposes:

- ▶ to provide a means for the exchange of ideas, views, and issues relevant to the Association and its members;
- ▶ to provide the Association's membership with information relevant to the operations of the Association;
- ▶ to provide documentary records of matters pertaining to the Association; and to serve all the functions of a newsletter.

Contributions (letters, articles, article summaries, Dear FABby questions, and other pertinent information) are encouraged, but anonymous material will not be considered for publication. Under special circumstances, however, *the FABric* may agree to withhold the author's name. The UPEI Faculty Association Executive retains the right to accept, edit, and/or reject contributed material. The opinions expressed in authored articles are those of the authors and do not necessarily represent the opinions of the UPEI Faculty Association.

#### **To Reach the Editor**

Letters to the Editor, questions for Dear FABby, and other pertinent materials may be sent to the Editor, Sharon Myers, at [shmyers@upei.ca](mailto:shmyers@upei.ca)

The next edition of *the FABric* will be published in January.

#### **President:**

David Seeler, Companion Animals

#### **Vice-President:**

Betty Jeffery, Robertson Library

#### **Past-President:**

Wayne Peters, Engineering

#### **Secretary/Treasurer:**

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#### **Members-at-Large:**

Nola Etkin, Chemistry

David Groman, Diagnostic Services

Jim Sentance, Economics

one vacancy

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