

BUFA Forum

NOVEMBER
2008

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'Tis the Season: A Few Notes About Promotion and Tenure

President's Message

Many things occupy the minds of faculty members in the autumn months, but now that we are well launched into the academic year, we are into the season for application deadlines: external granting agencies, sabbaticals and promotion and tenure deadlines are all looming or passing. Obviously promotion and tenure is a primary concern for many faculty members, and there are some provisions in the new *Collective Agreement* to be aware of, and some that have remained the same but are occasionally forgotten.

Please note that, under the new *Collective Agreement*, as in the 2006-2008 *Agreement*, untenured assistant professors must apply for promotion and tenure at the same time. The University Committee is allowed to award one without the other.

One important new provision has to do with the requirement for external letters for support for tenure. This requirement applies ONLY to members who started their appointment at Brock on or after 1 July 2008, so almost all of this year's applicants for tenure can remain blissfully unaware of this issue. If you are new to Brock, then when you come to apply for tenure you will be required to arrange for an external letter, but that's probably far in the future for you.

Another important new provision for promotion and tenure is the folding of the former "special criteria" for scholarship into the general criteria in article 21.11.b. This does not mean that the former special criteria have disappeared, but rather that they can now be used by any member to demonstrate scholarly activity. Check all the sixteen criteria in 21.11.b, and claim credit for those that apply to your work; they all count, and they all should count equally. And, while refereed publications are definitely important, nowhere does

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the *Agreement* mention either the ranking of journal articles (as “Top Tier”, “Second Tier” *etc.*) or the circumstances of being first author, or second or third author of a published article.

On the topic of evidence for the three major areas of teaching, scholarship and service, there are some important things to remember: course evaluations are required as part of your dossier as part of the evidence for teaching, but these are not the only allowable pieces. Article 21.11.a includes a variety of possible types of evidence pertaining to teaching; highlight the ones that apply to your particular case! Article 21.11.c outlines the service criteria that can be used in your tenure case; since service to the university, the union and the community is 20% of a faculty member’s job, be sure to claim credit for whatever you do to help the University function!

It is very important for faculty members to bear in mind that there is no such thing as an “early” tenure application. The *Collective Agreement* says that a member “will normally be considered in the fifth consecutive year” (article 21.06.a). There are some variations in this article for members who have been converted from LTA status, or who have been hired as associate professor or professor, as would be expected. This article is followed, though, by the statement that “an untenured, probationary faculty member may apply for tenure at any time” (article 21.06.b). Thus a faculty member cannot be penalized for applying on different timelines than stated in article 21.06.a; by the same token, a member applying in the fourth year, or the third, must demonstrate the same levels of achievement as members applying in their fifth year. Please note, also, that the timelines for tenure applications can be adjusted in the cases of members who have been on medical leaves, as per article 34.08.f.

As far as “levels of scholarly achievement” are concerned, it is important to remember that there is no magic number of articles, presentations or other publications that marks the line for getting tenure.

In conclusion, there are two extremely important things to remember in preparing an application for promotion and tenure, or in preparing to evaluate applications as a member of the departmental committee. The first is to read the provisions of article 21 of the *Collective Agreement*. Be aware of the processes outlined there and the provisions that relate to your particular situation. This way, there can be no surprises. Secondly, remember that your Faculty Association is there to help. Contact the Association offices or the P&T Advice Committee for help at every stage, from initial preparation of the dossier through to the end of the process. In particular, if a member is asked to meet with his or her department to provide additional information, or eventually to meet with the University Committee to do likewise (as “additional information required” is now used instead of the term “problematic”, being more descriptive of the actual situation in most cases), he or she is entitled to be accompanied by a BUFA representative. Take advantage of whatever help is available for you!

Carol U. Merriam
President, Brock University Faculty Association

Health and Safety Activist Award

On October 30th, 2008, BUFA's Health and Safety Officer, Jonathan Neufeld, was awarded the 2008 Health and Safety Activist award from the St. Catharines and District Labour Council. Below is the nomination written by Carol Merriam, BUFA President.

On behalf of the Brock University Faculty Association, I would like to nominate Dr. Jonathan Neufeld, the BUFA Health and Safety Officer since 2006, for the St. Catharines and District Labour Council Activist Award.

Since taking office in July of 2006, Dr. Neufeld has been instrumental in changing attitudes towards Health and Safety at Brock University. It is due to his efforts that the Joint Health and Safety Committee at Brock University now has terms of reference which make it functional and enable it to actually work towards safer conditions for all workers at Brock. This has been a long battle, taking much of the last two years. As the worker co-chair of that committee, Dr. Neufeld has transformed the committee's meetings. Whereas previously they were very brief, and consisted largely of a report from an administration representative about a few incidents, and how the administration had dealt with them, these meetings are now longer with full discussion of both incidents and responses, as well as potential and developing situations. Health and Safety issues are discussed by this committee, and plans made to deal with them, BEFORE they become actual hazards. The Health and Safety representatives from all unions on campus now meet regularly as well, to discuss issues among themselves before they come to the Joint meetings; thanks to Dr. Neufeld's leadership, Health and Safety is now a more prominent concern at Brock than it ever has been before.

It is also thanks to Dr. Neufeld that regular monthly workplace inspections, by teams of two members of the Joint Health and Safety Committee, have been instituted. BUFA members, and others, were rather surprised and pleased the first time such a team showed up asking about any safety conditions which raised concerns. The previous attitude at Brock seemed to have been one of waiting until there was a problem, and then dealing with it as quietly as possible; no-one wanted to hear about potential hazards or spend money to deal with them. We are now moving towards a culture in which situations can be dealt with before an incident occurs. Again, Dr. Neufeld has brought about a transformation in attitude towards Health and Safety.

Dr. Neufeld has also helped develop a concern and a pro-active attitude towards health and safety in others. He is developing an excellent team, with varied fields of expertise, from among the BUFA membership, so as to create a culture of health and safety at Brock.

Dr. Jonathan Neufeld may not think of himself as an activist, but he is certainly the best kind of Health and Safety activist: he cares deeply about the health and safety of his own workplace and, even more, that of his colleagues. This deep concern, coupled with the expertise which he has developed in himself and others, has been of immeasurable benefit to both BUFA members and all workers on campus. Because of his work, Brock University is becoming a much safer workplace.

sincerely,

Carol Merriam
President, Brock University Faculty Association

BUFA in the World of Labour

BUFA members are academic workers and trade unionists. We are also part of the broader labour movement that has traditionally been led by blue-collar industrial workers. However, the battering of Canada's manufacturing sector has made public sector unions almost default leaders of Canada's labour movement. In fact, the majority of union members in Canada now belong to public sector unions. How should BUFA members confront these new circumstances?

On the most immediate level, BUFA ensures that we are fairly paid and work in safe surroundings and feel protected if we are mistreated. However, the Canadian labour movement has a proud tradition of working for the greater good. In this spirit, I encourage BUFA members to attack social injustice beginning at work, where they spend most of their waking hours. The growing restriction of higher education to those with means is an injustice. The corporate encroachment on campus, from food service monopolies, to branded classrooms and elevators dampens the atmosphere of critical engagement and is unjust. The growing use of casual academic labour – over half the courses in my department are taught by non tenure-stream faculty—is an injustice. The growing managerial control of our university and the prioritizing of quantity over quality is an injustice. I could go on with my list. You may have your own. The point is not the specifics, but the notion we need to look beyond our immediate priorities, teaching and research, if we want to maintain the working conditions that allow us to do our work.

We have several tools to make our university fairer and a progressive voice in the community: our collective agreement, and our association with other academic unions and broader labour federations. We can use moral suasion and rational critique to state our case. And, as a last resort, we can withhold our labour to achieve our goals. This bit of leverage is, ultimately, what gives unions their strength.

Well-regarded academic Stanley Fish wrote a recent polemical book called, *Save the World on your own Time* (Oxford UP, 1998) in which he makes the argument that university faculty should stick to what they do best, introduce students to the state of the art in their field, and teach critical thinking skills. I'm sympathetic to his view that we shouldn't offer prefabricated critiques to students based on whatever we are passionate about at the moment. However, in this, my much more modest polemic, I'm saying that we can't do Fish's work without doing the union's at the same time.

Jonah Butovsky
Director, Labour Studies

Dr. Dianne Dutton

In Memoriam

On October 31st, the Department of Modern Languages, Literatures and Cultures lost a valued colleague to cancer. Dianne came to us in July 2007 from the University of Lethbridge, having obtained her doctorate from Queen's University in 2003. After passing the bar exam and practicing law for a number of years, Dianne decided to return to her first love, 17th Century French Literature. Her research therefore stemmed naturally from her dual expertise, and ventured into a very original and innovative domain – an analysis of the court pleadings and closing arguments of lawyers in 17th Century France. She had published *Le Plaidoyer de l'âge classique: Olivier Patru, Antoine Le Maistre et Claude Gaultier* (Paris: L'Harmattan, 2007) and was in the process of preparing another manuscript on the pleadings in the famous case of the University of Paris versus the Jesuits. She loved her motorcycle, diving, and her partner, Spencer. A friend, a respected scholar, and a professor appreciated by her students and colleagues, she will be sorely missed.

**Leslie Boldt-Irons, Chair
Department of Modern Languages, Literatures and Cultures**



What is a Grievance?

In its simplest terms, a grievance is a formal written complaint (as opposed to an oral one) against the actions, or lack of action, of an employer in matters relating to an Association member's terms and conditions of employment as defined in a *Collective Agreement*. For a legitimate grievance to occur there must be a violation of a member's rights on the job. Grievances cannot be made by a member against another member. Grievances grow out of problems, dissatisfaction, complaints and hopes of the membership within their working environment. The *Collective Agreement* between Brock University and the Brock University Faculty Association (BUFA) exists to protect both Association members and the University, but it can only do so if it is used and applied appropriately. If the *Collective Agreement* has been violated then there is a grievance.

There are three basic types of grievances: “individual grievances” which affect an individual member, such as discipline or unfair treatment by an immediate supervisor etc., “group grievances,” where a group of members are all affected by a decision in the same way, and “policy grievances,” where the employer establishes a policy which violates a provision of the *Collective Agreement*.

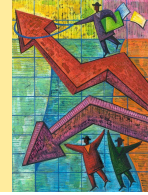
Grievance procedures in *Collective Agreements* provide for one or more internal steps in order to resolve a grievance, prior to submitting the issue to third party arbitration. Underlying this procedure is the belief that those closest to the dispute, both on behalf of the Association and management, first try to reach a settlement. If they are unsuccessful, then the grievance progresses through the steps ending in arbitration. The higher you go in the grievance procedure the harder it may be to settle the grievance because each side will have more to lose.

Arbitration is the final stage of the grievance procedure and is a hearing before an impartial third party. This third party may be a single arbitrator as agreed to in the *Collective Agreement* or it may be a tribunal consisting of one nominee chosen by the Association, one nominee chosen by the administration and the chair is chosen as agreed to by the same process as for single arbitrators within the *Collective Agreement*. This third party hears the case then writes a decision which is binding on the parties. This decision can only be challenged if the third party makes an error in law in which case their decision may be reviewed by the courts. The third party only has authority to interpret the *Agreement* as written. They are not allowed to amend, alter, add to, or take away any provisions contained within the *Agreement*. The arbitrator or board of arbitration is also restricted to dealing with the grievances as presented.

It is important to remember that a *Collective Agreement* is not the property of any one member - it is the property of all the members of the Association. Therefore a grievance is an attempt to represent the collective membership and not an individual. Please feel free to contact the BUFA Grievance Officer, BUFA President or Executive Director for more information about the grievance process or if you have any questions or comments.

Tony Di Petta
BUFA Grievance Officer

Market Conditions Update Brock University Pension Plan



Since mid September, financial markets have been operating in what is considered to be the largest financial crisis of its kind in history. To date, governments around the world have cut interest rates and spent hundreds of billions of dollars to bail out banks, guarantee bank deposits and inject money into credit markets. Coming soon will be the first-ever global economic summit. All of these actions are indicative of the times we are facing. These are challenging times for investors, as the market downturn has negatively affected pension plans and individual investments alike.

The Pension Committee, which includes 7 BUFA members, continues to monitor the Brock University Pension Plan's performance in consultation with the Plan's investment consultant from Towers Perrin and the managers. The Financial Planning, Audit and Human Resources Committee of the Board will continue to be briefed on the market situation and Plan performance. The Pension Committee will meet with managers as necessary. Human Resources will make every effort to keep Plan members updated on the market situation. Market review documents are being posted on the pension web site so that Plan members can keep informed. During the period of extreme market conditions, monthly market reports will be posted. The Plan's monthly rates of return are also posted on the pension web site as they are known

Notes from John Sivell:

Information regarding October will be available for posting on the HR WebSite on about 20 November (and on about the 20th of following months, too). So long as extreme conditions continue, HR will post market reports monthly (instead of quarterly); members can find this information as follows:

on the Brock Home Page, click on **Faculty & Staff**
then, **Human Resources**
then, **Pension**

on that page, under 'Pension News', **Current Pension News** gives unusual/important news that could interest members; **Market Review** gives the 1st-quarter '08 review (July-Sept) plus the most recent annual review, which is for July 1 '07 to June 30 '08 (the monthly review for October will also be added here, as noted above); under 'Fund Rates of Return' you can view the 2007-8 rates of return via **Current**, and rates of return for previous years via **Historical**.

John Sivell, Chair, BUFA Pension Committee
Co-Chair Brock University Pension Committee

ANNOUNCEMENTS



BUFA General Membership Meeting

Thursday, December 11, 2008

10:30 a.m. to 12:30 p.m.

Sankey Chamber - MCC

CALL FOR PARTICIPANTS

New Voices in Labour Studies

A Labour Studies Conference at Brock University St. Catharines, Ontario
Co-hosted by the Centre for Labour Studies at Brock, BUFA, and CUPE 4207
March 20 21, 2009

Conference Objectives and Themes:

This conference will explore new developments within the field of Labour Studies and provide the ³new voices² of Labour Studies an opportunity to present their research and work. Through a series of panels, scholars having received their PhD within the last 5 years, along with post-doctoral fellows, and PhD candidates will be provided with a venue in which to present their research. The interdisciplinary nature of Labour Studies programs has broadened considerably in recent years. As such, we welcome participation from a diverse range of scholars whose research focuses on labour. Conference panels will be centered on the themes derived from participants¹ submissions. A joint union-university organizing committee will vet all proposals.

Because the conference is also expected to attract participation from labour and social movement leaders, activists and students, an activist roundtable session featuring non-academics will also be included in the conference.

Call for Participants:

The goal of the conference is to foster reflection and discussion on the new developments and research within the field of Labour Studies as they are encountered by academics, activists, and leaders of union and social movements. As such, each panel discussion will have several presenters (15-20 minutes per speaker) representing a cross-section of the field of Labour Studies. Leading senior scholars in the field will be asked to act as discussants for each panel. The deadline for submitting a 1-2 page proposal is December 30th, 2008.

For More Information and to Submit a Proposal, Please Contact:

Jonah Butovsky, Director, Labour Studies Program, Brock University jbutovsky@brocku.ca

See the Conferences & Training page of the BUFA website for further details at www.bufaweb.com