BUFA VOICE

Senate Speaks Out on Program Review

By now you will have heard that the Brock University Senate adopted two motions related to the Presidential Task Force on Program Review and Prioritization. The motions were (1) "That Senate respectfully requests that the President direct the members of the President's Special Task Force to stop their review and prioritization of academic programs" and (2) "That Senate respectfully requests that the President refer any matters concerning the review and/or prioritization of academic programs to Senate for its timely consideration, decision and conduct."

Both motions passed with strong majorities, however many ex-officio members of Senate ignored the wishes of the vast majority of faculty members and opposed both motions. President Jack Lightstone announced after the vote that he would take the motions under advisement and get back to Senate in writing after consulting with the Board of Trustees and other stakeholders.

Several elected senators who are also BUFA members made a strong case for supporting the motions on the floor of Senate. Jeff Boggs (Geography), Scott Henderson (Communications, Popular Culture and Film), Laurie Morrison (Library), Linda-Rose-Krasnor (Psychology), Larry Savage (Labour Studies), John Sivell (Applied Linguistics) and David Whitehead (Organizational Behaviour, Human Resources, Entrepreneurship and Ethics) are all to be congratulated for speaking out in passionate defence of Senate's authority over academic matters.

What will happen with the Program Review process in the weeks and months to come is unclear. However, if anything, this episode should remind all BUFA members how important it is to participate in Senate. We encourage all members to consider running in the upcoming Senate by-election in October.

General Membership Meeting Pond Inlet

Thursday, September 26, 2013 12–2pm Featuring a report from BUFA's Budget Analysis Committee



News and Views

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Are you on Twitter or Facebook?

So is BUFA. Keep up-to-date on what is happening with your faculty association through social media.

Twitter: @BUFABrock

Facebook: search "Brock University Faculty Association"

Editor: Larry Savage Editorial Assistant: Joy Werner



Message from the President

Linda Rose-Krasnor

This certainly has been a very busy summer and beginning of term for BUFA! Since the process was initiated in July,

we have been very concerned about the creation and process of President Lightstone's Program Review and Special Task Force.

Our general goals for our initiatives on this issue have been threefold: (a) protect the primacy of our elected Senate in the evaluation and prioritization of academic programs; (b) be a credible and timely source of information about the Program Review, especially given the its overall lack of transparency; and (c) identify important flaws in the Review that will affect the credibility of the results and that almost inevitably follow from an evaluative process that is being driven by non-academic priorities according to an unrealistically rushed timeline that does not allow meaningful consultation. BUFA's attempts to achieve these goals have included consultations with other Canadian university faculty associations undergoing similar program reviews, the filing of a grievance on alleged violations of the Collective Agreement associated with the Review. organizing meetings with Chairs and Directors to discuss the Review, participating in an all-union lunch that included presentations on this topic, providing interviews to the Brock Press and Brock Radio, initiating a campaign for members to express their views directly to Senate, and providing relatively frequent email updates to the membership. In addition, BUFA supported a Senate motion, recommended by the Governance Committee of Senate, that requests President Lightstone stop the work of the Special Task Force and refer any program review to Senate for its consideration and action.

Our efforts to increase transparency at the Board of Trustees is continuing, with our initiative to have Board Committee meetings open to the Brock and general communities.

Both the St. Catharines Standard and the Brock Press have had articles on our transparency campaign. In addition, it is being supported by three local MPPs and an online petition. An open letter and supporting materials have been presented to the Board and BUFA has requested an opportunity to speak to this issue at a meeting of the Board Governance Committee. We are involved in three important arbitration hearings this fall. Two are based on grievances related to the Office of Human Rights and Equity and the implementation of the Respectful Workplace and Learning Environment Policy. The third focuses on the University's narrow definition of "scope of employment" and the coverage of our liability insurance for statements made by a faculty member. In addition, later this fall, we expect the results of CAUT Ad Hoc Committee's investigation of academic freedom issues at Brock.

BUFA will be conducting our own analysis of the University budget and financial statements.

We have appointed a Budget Analysis Committee comprised of three members of the Goodman School of Business and they have generated a list of financial information questions for Brian Hutchings, VP Finance and Administration. The University has indicated its willingness to cooperate with this Committee and has now received a list of information requested. Members of our Budget Analysis Committee will be doing an initial presentation at our Sept. 26th General Membership Meeting. The findings of this committee will be very useful in helping us assess the University's claims of financial difficulties, as well as providing assistance to the Negotiating Team in developing our bargaining mandate.

There are many other BUFA efforts taking place on your behalf. As President, I have taken the lead on discussion meetings with BUFA Senators before each Senate meeting, regular updates to members regarding Senate



activities, bimonthly one-on-one informal meetings between President Lightstone and myself, improvements on the forms required for obtaining medical information related to accommodations and disability leaves, and welcome lunches for new faculty. These activities are in addition to the ongoing efforts by the Grievance Officer and the Grievance Panel to assist individual members exercise their rights under the Collective Agreement, and our Health and Safety Officer's vigilance in keeping us healthy and safe at work. Further, our Negotiating Team is beginning preparations for our 2014 negotiations. Details about many of these activities are available on the BUFA website and also discussed in other sections of this newsletter.

Finally, with the assistance of CAUT and OCUFA, BUFA is monitoring the directions that the provincial government appears to be taking toward post-secondary education.

President's Report Continued...

Although it is difficult to predict where the "political winds" will take us, we note recent interest in directing differentiation among Ontario universities, measuring faculty productivity, elearning, easy credit transfer among universities, and changes in the funding formulas that may be based on outcome indicators rather than enrolment.



Brock is facing a year of substantial transformation.

It is critical that faculty members and librarians have a major role in shaping, implementing, and assessing any such transformation. We look forward to facilitating the engagement of our members in these important changes, as well as continuing our attempts both to inform you and hear your ideas and concerns.

BUFA wins support for transparency campaign from local MPPs

BUFA's campaign to convince the Board of Trustees to open up their committee meetings to the university and the broader public has gained steam over the summer months.

Three local MPPs have written to BUFA expressing support for the Association's campaign.

Here is a sample of what they had to say:



"Because the Board's decisions relating to University finances have important implications for students, parents, tuition levels, awards and scholarships, it is important that all Board meetings be open to the public."

Kim Craitor, MPP Niagara Falls

"I believe it is imperative when using the public's tax dollars to ensure the most open and transparent processes are implemented. This is what the public expects and deserves and this is how we build trust with our constituents, the taxpayers." Cindy Forster, MPP Welland





"It is imperative that publicly-funded institutions have an open and transparent committee process to ensure the trust of all people involved." Paul Miller, MPP Hamilton East-Stoney Creek

Add your voice to those calling for greater transparency in the operation of the university's Board of Trustees by signing our online petition here:

https://www.change.org/petitions/brock-university-board-of-trustees-open-committee-meetings-to-the-universitycommunity-and-wider-public-2



Tribute to Dr. Michael Kompf

Professor in the Department of Graduate and Undergraduate Studies in Education

By Ann-Marie DiBiase, Ph.D, Associate Professor Faculty of Education, Department of Graduate and Undergraduate Studies

On August 10th, 2013, *Dr. Michael Kompf* passed away after a brief battle with pancreatic cancer at the age of 63. Michael began his academic career at Brock University. He completed his Bachelor of Arts (1982) and Master of Education (1983), both here at Brock University. Michael went on to complete his PhD at the University of Toronto/OISE (1990). Michael's instructional trajectory was initiated in 1983 as a Lecturer at Brock, progressing steadily through the ranks, obtaining Full Professor in 2004.

I became acquainted with Michael in 1996; he was my first Professor in my initial Master of Education course. It became immediately apparent to me that Michael was a thoughtful scholar, who cared about his students and their academic success. Michael created a respectful learning environment, which invited dialectical discussion. This learning context was pervaded by Michael's pungent wit. As a scholar, Michael argued that as academics, we should seek to subvert or question the dominant paradigm. This line of reasoning was nurtured in his students, both at the Undergraduate and Graduate Level.

In 2004, I was provided with unique and auspicious opportunity to join the Department of Graduate and Undergraduate Studies in Education, and work with Michael as a colleague. The first thought that entered my mind, as Michael and I conversed, was Newton's First Law of Motion simply put: An object that is at rest will stay at rest unless an external force acts upon it; and an object that is in motion will not change its velocity unless an external force acts upon it. Michael had not changed his velocity of teaching, mentoring, publishing, from our acquaintance in 1996; there was no external force that could impede Michael's desire to facilitate student learning and pursue his scholarship. For example, when I congratulated Michael on securing an edited book series his response was "I am just looking forward to giving a lot of young scholars the opportunity to publish."

Michael always had a clever quip to make you laugh. When I received promotion and tenure, Michael handed me a book *The Official Rules of Life* by Paul Dickson. This book is filled with axioms, maxims, commonsense advice, that are filled with Michael's spirited wit. There are many enduring remarks that Michael shared with me, which gave me pause in my academic career. I think Viktor Frankl, the infamous neurologist and psychiatrist encapsulates what Michael advocated to me. Frankl argued that "When we are no longer able to change a situation, we are challenged to change ourselves". Michael and I had many conversations about the challenges of being an academic and he always pressed me to change my thinking. Similarly, Frankl argued that "Between stimulus and response, there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom." Michael and I discussed this state of disequilibrium and where our learning and growth, and that of our students takes place. Michael believed it is this state of unbalance that authentic growth can take place, because we are always grappling to secure that balance again.

Michael loved his role as a professor. He would repeatedly say, "this is the best job in the world". In one of Michael's last emails to me he wrote "*Hey Kid....I left a small statue of Don Quixote in your office from me. I think this is a fitting gift for you. I'm not sure if you are familiar with Cervantes, Man of La Mancha, but the song The Impossible Dream has always characterized the academic world I have occupied. Tilting at windmills as Quixote does also seems appropriate....*" Michael believed that the academy was the pursuit of the impossible dream for many students, and he wanted to assist students to make the impossible, possible or at least change their thinking to *believe* that they could accomplish anything in higher education.

To celebrate Michael's contributions to the academy and graduate student growth in development, with the generous financial support of my colleagues, we have established a *Dr. Michael Kompf Book Prize*, which will be awarded for many years, to a graduate student that encapsulates the spirit of Michael's academic tenacity. Michael was deeply moved by such a gesture. Currently, Dr. DiPetta, a dear colleague and friend of Michael, has spearheaded the *Dr. Michael Kompf Graduate Student Travel Scholarship*.

Dr. Michael Kompf will be sorely missed, but his impact will be enduring, not only through the scholarships established, but also by each student that he taught and colleague that worked with him throughout his academic career.



A Beginner's Guide to Dismissal and Just Cause

David Whitehead

The Collective Agreement that BUFA has negotiated with the Administration at Brock University is chocked full of rights (and, of course, responsibilities) for BUFA members. For example, there is undoubtedly no single more important right for BUFA's members than the right to "just cause" protection in the event of termination of employment. Included among the provisions of Article 23 –

Dismissal are the following:

23.01 "Dismissal" means the termination of an appointment by the University without the consent of the member, before the end of the appointment period, and shall be only for just cause, and shall not be for reasons of program change or deletion. The non-renewal of a contractually limited appointment or a probationary appointment, a decision not to grant tenure or permanence, retirement, or a lay-off pursuant to this Agreement do not constitute dismissal.

23.02 "Just cause" for dismissal shall be predicated upon misdeeds that are serious and that directly show a member is unfit, or unwilling (i.e. repeated demonstrated failure) to discharge his/her responsibilities as defined in Article 12 (Rights and Responsibilities of Members).

23.03 Medical inability to carry out reasonable duties shall not be grounds for dismissal but shall be treated separately from dismissal cases. Article 34.07 (b) through Article 34.07 (d) (Leaves) shall apply in the case of a person so afflicted.

To repeat, as set out above in Art. 23.01, "Dismissal" means the termination of an appointment by the University without the consent of the member, before the end of the appointment period, and shall be only for just cause, and shall not be for reasons of program change or deletion. The impact on employment for reasons of program change or deletion are covered elsewhere in the collective agreement; see, for example, Article 30, Redeployment due to Program Redundancy or Restructuring, and Article 29, Financial Exigency. Lay off is distinguished from dismissal, and the termination of employment of BUFA members who are retiring or on limited term or probationary employment contracts or who are medically unable to carry out reasonable duties is excluded from Article 23, but there are other provisions elsewhere in the Collective Agreement that protect these members.

For employees who do not have the protection of the "just cause" clause against termination of employment that unions including BUFA provide in their collective agreement provisions or, rarely, such protection that is located in some other statutes, these employees are subject to dismissal by their employer either with or without cause, and, if without cause, the only issue is the period of reasonable notice in the circumstances or pay in lieu of notice. These non-unionized employees will have to enforce their legal rights, if necessary, through the courts, often at considerable personal expense. At the end of the process, whatever the result, these employees, without the protection of a "just cause" clause will need to find other employment elsewhere.

The substantive right of BUFA members covered by the provisions of Art. 23 is that they are subject to dismissal

"only for just cause" which is defined to require a basis in fact of "misdeeds that are serious and that directly show a member is unfit, or unwilling (i.e. repeated demonstrated failure) to discharge his/her responsibilities..." To be clear, by agreeing to these provisions in the Collective Agreement, BUFA has agreed with the Administration that members whose misdeeds are sufficiently serious or who are unfit or who have repeatedly demonstrated failure to discharge their responsibilities should not be protected from dismissal for cause. BUFA has agreed that the standard to be met for dismissal is the "just cause" standard, and BUFA has ensured that any culpable behavior that does not meet that high standard for dismissal is subject to progressive discipline to correct behavior before dismissal is required as a last resort and is subject to the internal and external procedural safeguards set out in the Collective Agreement.

The procedural rights of BUFA members covered by the provisions of Art. 23 include representation by BUFA at no additional expense to the member throughout a process that includes internal required pre-dismissal meetings, with clear timelines and deadlines, disclosure of evidence and reasons for the possible dismissal, and a requirement to attempt to resolve the matter informally. Even if no informal resolution is possible, there are additional procedural safeguards that must be followed before an employee can be dismissed including notice to the member and BUFA of the charges, in detail, against the member. BUFA has the right to contest the dismissal, and, if so, the resolution of a contested dismissal is through the arbitration process detailed in Article 10, that is, the final decision on whether or not the Employer's decision to dismiss the member will be upheld will be made by an external, third

A Beginner's Guide Continued...

party, neutral arbitrator, as part of a quasi-judicial decision making process and not by the Employer, with the additional protections that any suspension during the arbitration process will be with continuation of salary and benefits.

Dismissal from employment will only occur if the Arbitrator concludes on the basis of the evidence submitted in the arbitration hearing and subject to cross-examination of any witnesses, that the Employer had just cause to dismiss the member. Very importantly, the Arbitrator has the power to find that there was no basis for any discipline at all, or, if the Arbitrator concludes that there were some misdeeds by the member and that those misdeeds provided a basis for the Employer to take some disciplinary action but that those misdeeds did not warrant dismissal, then the arbitrator has the power to substitute a penalty lesser than discipline such as a suspension.

A Very Important Substantive Right, without the Means Necessary to Protect it, is NO RIGHT AT ALL! In summary, one of the most important rights that BUFA members have under the provisions of the Collective Agreement is

- the right to be dismissed from employment only for just cause, or, to put the same thing in another way,
- the right not to dismissed except for just cause.

Of equal importance to this substantive right are the related procedural rights including

- the right to a rigorous internal procedure that must be followed and, if necessary,
- the right to a rigorous external quasi-judicial arbitration hearing with the requirement that any evidence presented be subject to cross-examination and rules of procedure, and
- the right to have any final decision made not by the Employer but by a neutral third party Arbitrator experienced in labour – management and arbitral jurisprudence, and
- the right to have any discipline short of dismissal applied in a progressive way in order to correct, not punish, misdeeds, and
- the right to be represented by BUFA through the whole process, and, if BUFA requires it, the additional assistance of BUFA's legal counsel, all at no additional expense to the member.

Our Newest BUFA Members

Kareen Brown Accounting

Janique Dubois Political Science

Staci Kenno Accounting

Peter Lester Communications, Pop Culture & Film

Michael Maniaci Psychology

Danielle Molnar Psychology

Carrie Murray Classics

Tashfeen Sohail Accounting

Sherri Vansickle Graduate & Undergraduate Studies, Education **Natalee Caple** English Language and Literature

Paula Gardner Community Health Science

Lori Kirkpatrick Child and Youth Studies

Nigel Lezama Modern Languages, Literature & Cultures

Kevin Mongeon Sport Management

Marcel Oestreich Economics

Denise Smith James A. Gibson Library

Kevin Turner Geography

Welcome



Health and Safety Officer Report

Jonathan Neufeld

During the month of August 2013, my time has been occupied with 9 issues primarily:

- 1. Coordinating work with Lisa Barrow
- 2. Meeting with Darren Harper Aug. 20
- 3. Joint Health and Safety Meeting Aug. 21
- 4. JCAA research and drafting
- 5. Accommodation issue (Jack Miller's office)
- 6. Member disability/ergonomic assessment accommodation
- 7. Letters to Dean of Humanities (re: Brock Accommodation Policy)
- Letter to one Department (re: Occupational Health and Safety Act /R.R.O. 1990/Reg. 851; Pt. II; Articles 135 & 136)
- 9. Meeting with Bryan Cober (Sept. 5) to discuss a working relationship regarding renovation and construction

Lisa Barrow and I are organizing how to distribute the work of BUFA health and safety, given the sharp increase in workload to this portfolio. I'm very pleased to be working with such an experienced and conscientious colleague in this capacity. My meeting with Darren Harper was organized to learn of the future direction of HR/EHS, especially given the immanent hiring of a new Director of Health Management and Wellness, scheduled for the Fall, 2013.

The JHSC has set out the following priorities for the Fall terms:

- 1. Brock Occupational Health and Safety Policy
- 2. Asbestos Management Program
- 3. Health and Safety Instruction / Training Review
- 4. Slip, trip, and fall Program following MOL notification
- 5. Manual Material Handling Program
- 6. JHSC terms of reference review

7. Inspection of Campus scheduling review

The worker Co-Chair remains Troy Brooks.

The JCAA was presented with a working draft that would set out in policy the roles of supervisors at Brock. I could not accept the direction of this drafted policy document, given its inability to spell out how supervisors would be selected and trained in terms of health and safety "competency" according to terms mandated by Ontario's *Occupational Health and Safety Act*. The document made several assumptions that would not well-founded. The issue was referred to the Joint Health and Safety Committee for consideration.

I have been working extensively with Jack Miller, and one academic Dean on accommodation issues along with discussions on implementing the Accommodation Policy. I've scheduled a meeting with Zoe Vulic to clarify this on Sept. 5 and with one academic Dean on Sept. 9. I'll also be Meeting with Bryan Cober of Facilities Management on the 5th to discuss upcoming renovation projects and how Lisa and I may be involve in facilitating impact on BUFA occupants.

I'm working with Jack Miller's office to clarify use of a common room on campus. 573 Glenridge, room # 201 is a designated "faculty and staff lounge" but contains fridge, micro-wave, sink, washcloths / dishrags and tables for the purposes of properly storing, warming, preparing, eating, and washing up after taking in nourishment at our workplace. According to provincial legislation (Occupational Health and Safety Act /R.R.O. 1990/Reg. 851; Pt. II; Articles 135 & 136) whenever 35 or more workers are employed at a worksite a "place suitable for eating purposes will be provided; equipped with one or more chairs; affording reasonable privacy" during warming, preparing, eating, and washing up. GLN 201 is used by two Humanities departments as well as is accessible to two other departments indiscriminately in the building. The room was designed as a meal room and informal assembly area when the building was constructed in 1989 for the Public Health Department, the previous tenants of the building. By design, it remains such a facility for Brock University's staff and Faculty. In spite of this, some are periodically being locked out of Glenridge 201 during meetings, barring entry, and thus preventing them from accessing their food, warming it, preparing it, eating in reasonable privacy, and washing up afterwards.

Accessibility to GLN 201 is mandated by provincial legislation for these purposes. Allowing free access to GLN 201 for all staff and BUFA members promotes a respectful and collegial workplace environment. *Should privacy be required for meetings, an alternative location to GLN 201 should be sought out and reserved, with doors then bolted should such a degree of privacy be required.* The Ministry of Labor and its inspectors are increasingly emphasizing adequate eating areas in workplaces as a preventative to the spread of disease. Sophisticated areas for food storage and preparation are now commonplace for all new buildings on campus (e.g., Cairns). Eating in offices is discouraged by HR/EHS and Public Health as it attracts insects and odors complicating the work of Custodial Services. It also

Health and Safety Officer's Report Continued...

encourages electricity-strain by tempting occupants to introduce microwaves into their offices. In short, GLN 201 is the only area on the second floor of 573 Glenridge where these kinds of mandated services can take place for faculty and staff.

Finally, I was successful in accomplishing special accommodations for one new BUFA member who was being faced with some unusual circumstances; circumstances that required me to study the *Accessibility for Ontarians with Disabilities Act, 2005* and contact Margaret

Sanderson, University Accessibility Coordinator. I am pleased to report that this accommodation was resolved successfully and with the willing cooperation of the university administration. To conclude, therefore, I want to emphasize that, should any BUFA member believe that they require some sort of special consideration or accommodation due to health or any environmental irritant or concern, be it ergonomic, air quality, or whatever; *they should be in touch firstly and foremost with their BUFA Health and Safety Officer* who can then direct them to the proper procedures and personnel to resolve their situations.

Top Ten ways to *NOT* conduct a **Program Review**

- 1. Have the President arbitrarily and unilaterally appoint a task force to oversee the process.
- **2.** Sidestep the Senate altogether, but appoint the Chair of Senate to the task force to give the illusion of buy-in.
- **3.** Deny representation on the task force to the Faculty of Social Sciences, the largest faculty in the university.
- **4.** Reject repeated requests to have the Goodman School of Business and the Library represented on the task force.
- 5. Close all task force meetings to the university community.
- 6. Lump together academic departments with non-academic departments for review purposes thereby forcing Classics to compete against Parking Services and Sociology to compete against the swimming pool.
- 7. Engage in only superficial, top down, consultation with stakeholders.
- 8. Say you are going to adopt Made-at-Brock criteria for program review and then do the opposite by imposing ready-made criteria from outside.
- **9.** Claim you are measuring cost-effectiveness when you really are not.
- **10.** Impose unreasonable timelines and shift the burden for completing the work onto faculty members.



ademic

Calendar of Events at Brock and in the Community (Visit us online for more information)

Niagara Wine Festival September 14-29, 2013

62st annual 'Wine Country' celebration of Niagara's internationally acclaimed grape and wine industry for two weekends in September. Enjoy more than 100 events including winery tours and tastings, concerts, Niagara cuisine, wine seminars, family entertainment and one of Canada's largest street parades. www.niagarawinefestival.com

39th Annual Thanksgiving Festival October 11-14, 2013

Over 100 exhibitors providing high quality handcrafted merchandise, juried event. Gourmet food tent. Live family entertainment and children's activities. Ball's Falls Conversation Area, Jordan, ON

Historic Ghost Walks October 18-30, 2013, 7 pm- 10 pm

Experience the shivers learning about ghosts that have made their presence known as you journey through downtown. www.mydowntown.ca





Our Next BUFA General Membership Meeting (after September 26) December 9, 2013, 12 pm Sankey Chamber

Employment Wee

Fair is fair! www.caut.ca

"Brocktoberfest" October 17, 2013 - 6:30pm - 9:00pm

What do you get when you combine sauerkraut, an accordion player and beer? How about when you add Brock Alumni to the mix? Combined, these four elements are creating "Brocktoberfest", happening at Better Bitters Brewery in Burlington. Join us for a Brewery Tour, tasting & social.

Culture Days: Fall Open House at Rodman Hall September 28, 2013, 2 – 4 pm

As part of Culture Days celebrations across Canada, Rodman Hall invites you to enjoy a variety of art and craft activities and tours at our fall Open House. Adults are required to attend with children. FREE Community Event. No registration is required.

Niagara Regional Labour Council Activists Appreciation Awards Dinner December 5, 2013 5:30pm Complimentary tickets available in BUFA Office (first come first serve) CAW Local 199 Hall 124 Bunting, St. Catharines

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