



**SCFA**  
FPSE LOCAL 10

# On Stream

Newsletter of the Selkirk College Faculty Association

March 2014

## SCFA Annual General Meeting

Monday April 7, 2014

4:00-6:00 pm  
Room S-221

### Castlegar Campus

Food will be provided. Mileage will be reimbursed for those travelling from other campuses, and child-care expenses will also be covered.

### Ponderings from the President

**Doug Henderson**  
President, SCFA

Hello Members:

I hope that your winter semester is progressing well. I can't believe we're rapidly approaching the half-way point. First off, I'd like to thank David Feldman for his hard work and excellent performance as our President for the past year and a half. He was doing great work on our behalf, but couldn't handle the work demands of both being a school chair and the SCFA President. He is still an active member of your Executive as Past President.

I would also like to remind members that we will be having our annual elections for new Executive positions at our AGM which will take place later this semester. The following positions will be up for election:

**President** – comes with a 25% release.

**VP Negotiations** (i.e. Chief Bargainer) – will come with a 25% for the 2014-15 year, as that is a bargaining year.

**Treasurer**

**Retirement Issues Officer**

Each of these positions is for a 2-year term. Also, we will be looking for a new secretary to complete the second year of a 2-year term.

We will also be looking for people to fill vacancies on the SCOPE committee and PD committee. If anybody has any questions of the type of work

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involved in any of the positions, feel free to contact me or any member of the Executive.

## **Bargaining Update**

**David Feldman (for Doug Henderson)  
Bargaining Committee**

### **Representative**

Hi Everyone,

Because Doug was teaching, I attended the recent FPSE Bargaining Conference in his place. Here is a brief bargaining update.

Believe it or not, we are about to be in bargaining again. The expectation is that we may be working with a five-year contract ... so seems to be the model forming this year. Other groups seem to be seeing 5.5% over 5 years patterned as 0,1, 1.5, 1.5, 1.5 – so it would not be unrealistic to think we might be seeing something like this.

Other FPSE locals are, for the most part, planning to bargain in late Spring or Fall. FPSE plans to coordinate in the same way we did last time – a shared protocol with the possibility of a common table.

The executive should be coming to you soon with questions and a survey to establish your priorities and guide the bargaining team. We will be choosing a chief bargainer at the AGM and he or she will be looking for a bargaining team, so put your name forward if you are interested.

## **Report on Academic Freedom Presentation**

**Elizabeth Lund  
VP Liaison**

Thank you to everyone who came on out on January 23<sup>rd</sup> to hear the presentation on academic freedom by Professor William Bruneau. There was a lively discussion following Bill's talk and a general consensus that everyone had learned something new.

I have attached a copy of the summary and bibliography that Bill provided with his presentation. I have also included a copy of George Davison's presentation for the 2012 OPSEU symposium "Academic Freedom in BC Institutions" below.

From data collected in recent bargaining surveys we know that academic freedom is important to SCFA members. Although the SCFA has tried for years to have language on academic freedom included in our collective agreement (CA), so far we haven't been successful. Of the eighteen locals in FPSE, thirteen have academic freedom language included in their collective agreements. The SCFA will continue to work towards our goal of seeing academic freedom incorporated into our CA as we move into the next round of bargaining.

*Professor Bruneau's travel costs were covered by FPSE and we would like to thank them for their generous support of this event.*

## **Upcoming PD Fund Deadlines:**

**Common PD (max \$2500): June 1<sup>st</sup> (reviewed by June 15)**

**Special PD (\$1500-\$2500): June 1<sup>st</sup> (Check your eligibility. Retroactive applications are not eligible for special PD funds-check )**

**Regular PD (max \$1500): anytime (reviewed continuously)**

*For more information regarding PD Funds and eligibility please see the PD handbook available [here](#).*

**ACADEMIC FREEDOM IN BC  
INSTITUTIONS  
For OPSEU Symposium June 1, 2012  
By George Davison**

Academic Freedom has had a checkered existence in BC Colleges & University-Colleges since their inception in the 1960s. Though AF goes hand-in-hand with tenure, financial exigency and governance in Canada's universities, it's been more of a struggle to get recognition for AF in our community colleges, and our job security is much weaker than tenured faculty at universities.

Faculty Handbooks covered working conditions in the pre-union environment, and the one at my local, FACNC, may have been a model. In the revised edition of Sept. 29, 1973, Art 9 is at the end, Faculty Association Guidelines on Professional Ethics:

The first responsibility of a faculty member is to the pursuit and dissemination of knowledge and understanding through teaching. He must constantly strive to maintain his competence in his subject areas, and improve his effectiveness as a teacher.

It goes on to say that "A faculty member is obligated to defend his right and the right of his colleagues to academic freedom", and that "It is unethical for a faculty member to fail to observe such rules or regulations as may be established for the orderly conduct of the college, **provided that such rules do not infringe on Academic Freedom**, or unreasonably on personal freedom." Art. 9.3 then briefly summarizes AF as

A) It is the right of the College, subject to such constraints as may be imposed by the Public Schools Act or other legislation, to determine who shall teach, who

shall be taught, and what shall be taught.

B) It is the right of the faculty member, subject to such constraints as may be imposed by the need to satisfy transfer requirements or other defined program objectives, to teach his subject matter in class without deference to any prescribed doctrine.

Sadly, this rudimentary language didn't make it into the 1<sup>st</sup> CA after the FA certified in 1975; but it stayed in the FA handbook with the addition of an Ethics Committee to regulate behavior and protect AF when necessary. Language was finally negotiated in 1994.

However, some locals did include AF language in their CA. The Academic Workers' Union was the first, with a two line statement of AF in their first CA in 1977: Art 12.2 said that "Every employee is entitled to exercise AF in the performance of his/her duties. However, it is recognized that AF must be exercised responsibly." Fraser Valley College put AF language in their CA in 1978:

An employee is expected to be governed by his own discretion in the presentation of materials to patrons of the College; but, in the event that any disagreement or difference of opinion might arise over material or method of presentation, the College, which is responsible to the community as a whole, shall determine the appropriateness of the course, program or method of presentation, unless there is prior agreement between the employee and the College to the contrary.

Two years later, the Learning Resource Centre was specifically added to this provision, and a joint committee was set up consisting of 2 College reps and 2 FA reps.

That was pretty much it for the 1970s & 1980s! There were many battles between faculty unions and administrations in the 80s, and between labour and the restraint-focused neo/social conservative Social Credit governments led by Bill Bennett and Bill Vander Zalm. Operation Solidarity involved 1000s of public and private sector workers who opposed Bennett's restraint program of 1983. There was similar opposition to Vander Zalm's Bills 19 & 20 in 1987, which attacked the teachers and BC Fed. While faculty unions focused on salary, benefits, working conditions, and scope (adding PTers), there was little time for rights issues like AF.

However, the establishment of university-colleges in 1989, the election of an NDP government in 1991, and a more coordinated bargaining approach by faculty unions, led to a renewed look at protections faculty needed to do their work. Cariboo kicked it off by agreeing to a joint committee in 1991 to come up with AF language, which became a LOU in 1994 and Art 13.11 in 1996; "Society benefits" language was bargained at Malaspina in 1991, Langara, Okanagan & Camosun in 1992, and New Caledonia in 1994; Fraser Valley & AWU enhanced their language in the same period.

This language was pretty similar:

Society benefits from the search for knowledge and its free exposition. Academic freedom is essential to both these purposes in the teaching function of the College as well as in its scholarship and research. Every faculty employee is entitled to exercise academic freedom in the performance of their duties.

Academic freedom is the freedom to examine, question, teach, and learn and it involves the right to investigate, speculate, and comment without regard to prescribed doctrine. Academic freedom ensures the following:

- a. freedom in the conduct of teaching;

- b. freedom in undertaking research and making public the results thereof;
- c. freedom from institutional censorship.

Academic freedom carries with it the duty to use that freedom in a responsible way and in a manner consistent with the scholarly obligation to base teaching and research on an honest search for knowledge and the obligation to follow the curriculum requirements of the instructional assignment.

The first provincial faculty committee I served on was a governance committee, which secured from a friendly government in 1994, an amended College & Institute Act: constituency reps were added to Boards of Governors and Education Councils were established. The latter had exclusive powers over curricular matters, and advisory powers on the development of educational policy. The legislation was drafted in the CIEA boardroom! It wasn't very long before institutions adopted the Carver model of governance, reducing the Boards' role as an employer.

As CIEA locals came together to get a Framework & then Common Agreement in 96-98, one of the demands was AF. But a common salary scale, benefits, job security, regularization, harassment language, and maternity leave top-up had higher priority and were easier to get out of an increasingly-organized employer side. In 2001, the bargaining package was pared to the bone to get a deal with the NDP before an election was called. And though the Liberals took over in 2001 with their tax cut, core review & service cut agenda, bargainers made AF a priority in 2004. I was co-chair of the Provincial Negotiating Committee that round, and so was at the table as unions tried to bargain AF: we framed the demand in the context of inequities in the system, where about half our locals had

AF language and half did not; for the system to grow, we believed AF was a cornerstone of educational excellence. The MID (Multi-institutional discussion) employers' committee, led by ex- faculty member, ex-FA Pres, ex-CIEA Pres John Waters, refused to agree. Here were the objections:

1. Is there a real problem? Did we have real instances of faculty being denied AF rights?
2. Where did the definition come from? A university? The implication was that it wasn't appropriate for colleges or U-Cs
3. How would AF protect the ownership of material? Waters referenced the 2004 Dorsey award in the Bryson/UBCFA arbitration that said copyright was an inherent right of faculty, and tied that to AF. Would the effect of this award extend the application to college employers?
4. How would we address the employees' responsibilities?
5. What would be the relationship between the provision as proposed (and if adopted) to course articulation processes? Would it affect or limit the articulation process?
6. Would AF undermine the authority of Education Councils or EdCo processes?
7. And was there any legal basis to the principle of AF?

Former CIEA President Ed Lavelle called these 7 pretentious questions, but we answered. There were a few instances where AF had been invoked relating to the treatment of faculty: at VCC, Capilano (medical ethics) & Kwantlen (assisted suicide). We talked about a growing chill on campuses, a wholesale change in

boards of governors, the corporatization of institutions, and an increased belief that workers can't challenge the boss, which, in the academic world, is a fundamental principle of freedom of expression. We talked about the increase in on-line courses, that colleges were offering degrees, and that UCC had been turned into a university. Our language was drawn from dozens of examples from colleges and universities, and also CAUT's model language. We referenced our proposals on copyright and AF, and believed them to be connected. We cited American decisions in the 40s & 50s, and Canadian cases up to the Supreme Court that applied. We argued that AF would improve articulation processes and EdCo 's role. Here's part of the Christmas message I gave the employers:

As traditional institutional boundaries disappear, as competition with private education increases, and as decreased government funding has forced institutions to be more commercial and entrepreneurial, faculty are more concerned than ever about the system's ability to deliver quality educational programs. We expect respect from employers, and acknowledgement that we are professionals who have a vested interest in the design and delivery of curriculum.

AF is a well-established principle in post-secondary education, and is embodied in several of our collective agreements. The system today is much different than it was twenty, or even ten years ago: all institutions have been given authority (if not the funding) to become degree-granting...We are insulted when we're told that scholarship and research are not part of our mandate or our jobs, and that we do not have the freedom to enquire or teach controversial subjects. The

freedom to be critical, and to teach our students to think critically should not be “chilled” by an increasing litigious and polarized student body, nor by institutions that are increasingly client-centred and funded by corporations.

It turned out that the employers’ fundamental objection was twofold: what to do if two faculty, each with AF, were contractually required to respect the AF of others. Was the CA provision a statement of principle, or a grievable provision? We countered that there were many ways of dealing with conflict: HR Code provisions about offensive or discriminatory statements, workplace behavior mechanisms, peer review. The other objection was more insulting: as little research was done in our institutions, we didn’t need AF. So in the end, they said no.

The next round (the 2006-7 round, or bonus round, where we were offered \$4000 to buy labour peace til after the Winter Olympics), we agreed that locals could try to bargain AF locally, but nothing was achieved. Then, in this past round (2010-12), which for some of our locals still hasn’t ended, both College of the Rockies and Kwantlen Polytechnic University parties agreed to basic AF language. The sky has not fallen! The sun continues to rise and set! We await a better government and employers to level the playing field for all FPSE locals to have AF language in their CAs (Capilano, Douglas, Selkirk, VCC and NVIT are still waiting). 13 down, 5 to go!

Bargaining has not been the only challenge to AF faculty have faced in the last 11 years. Bill 28, the Public Education Flexibility and Choice Act, removed class size and other working conditions from the purview of negotiations. Faculty fought back and completely frustrated this attempt to restrict our rights, but the health sector and teachers were less fortunate, and Bills 27, 28 and 29 were found unconstitutional.

To assert faculty involvement in educational decision-making, VCCFA took its college to court over a change in the length of a program that had not been discussed at Ed Co. Their victory gave substance to AF at post-secondary institutions that had become much more corporate under the Liberals. The latest attack came last fall when Bill 18 was introduced, removing the ability of faculty and staff activists who deal with negotiations and grievances to run for positions on the Board, prevent a faculty member from becoming Chair, and allowing the removal of anyone the government appointees to the Board don’t like! The VIU Board has already moved to exclude a faculty rep, as FPSE launches a court challenge under the freedom of association language in the Charter of Rights & Human Freedoms.

## **Your SCFA Executive**

**President:** Doug Henderson

**VP Contract Administration:** Lui Marinelli

**VP Liaison:** Elizabeth Lund

**VP Negotiations:** Doug Henderson

**Secretary:** Stephen Seaborn

**Treasurer:** Mike Konkin

**College Board Observer:** Danielle Cossarini

**Retirement Issues Officer:** Duff Sutherland

## **Your SCFA Standing Committee Representatives**

**Bargaining:** Douglas Henderson

**Contract:** Lui Marinelli

**Disability:** Sally Glock/Mark Spielman

**Education Policy:** Victor Villa

**Human Rights:** Mary Ann Morris

**Non-Regular:** Jonathan Buttle

**Pension:** Duff Sutherland

**Professional Development:** Rita Williams

**Status of Women:** Robin Higgins

**Health Safety:** Robert MacRae

## **Final Thoughts**

**Elizabeth Lund**

**VP Liaison/purveyor of this year's ON STREAM**

If you have any concerns or comments regarding this issue of our newsletter please email me at [elund@selkirk.ca](mailto:elund@selkirk.ca).

If you have any questions you want answers to, or explanations for whatever's foggy in SCFA/FPSE-land please drop me a line and tell me about it. I will do my best to find an answer for you. If it's of interest to a number of members you will see the reply right here in the next installment of our very own ON STREAM—coming soon to a mailbox and inbox near you. Watch for it!

Thanks,  
Elizabeth