

UNBC-FA Newsletter

University of Northern BC Faculty Association

June 2008

FA Executive 2008-200

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Grievance Officer:	1 position Vacant <i>Paul Bowles</i>

A major strength of the University Act is the designated role of Faculty Councils and Senate. We should insure that these roles and responsibilities are respected and used to their best potential.

The recently released "Government Letter of Expectations" (GLE) points to some of the continuing challenges that we will face at UNBC in 2008/09. As outlined below these letters represent a worrisome intrusion of the provincial government on the autonomy of Universities in B.C. We would urge the Board of Governors to make a strong statement of concern about the GLE letters and refuse to sign them in their present form.

Sincerely, Darwyn Coxson
UNBC-FA President

President's Message

Once again we have started down the road towards appointment of a new President at UNBC. Although this will inevitably create a period of uncertainty at UNBC, the pending appointment of the new Provost, Mark Dale, should bring greater stability to academic decision making at UNBC.

An outstanding question for Association members is what characteristics will be sought in a new President by the Board of Governors and what process will the Board follow as they solicit applicants for the position of President? We would hope that the process will be as open and transparent as possible. If the Board deems that they need a closed search to attract qualified applicants, then the composition of the search committee should be broadened to include representatives from as wide a range of University constituencies as possible. These should include representatives from the three bargaining units at UNBC, the UNBC Faculty Association, CUPE, and the exempt employees group. The term of the next President encompasses a major period of collective bargaining, as contracts expire in 2010. The track record of the new President in his or her past interactions with employee groups must be a major point of consideration for the search committee.

A further focus of the search committee must be that of collegial governance. Our institution needs a President with a proven history of respect for and participation in collegial decision making processes.

Government Directs Universities through a "Government Letter of Expectations"

On May 30, 2008, two months after the commencement of the 2008/09 fiscal year, the Ministry of Advanced Education issued to each public post-secondary institution in British Columbia a "Government Letter of Expectations" (GLE). This letter is intended to replace the annual budget letters to institutions. In addition to the traditional functions of the budget letter (i.e., setting out the amount of the government operating grant, the annual capital allowance and the expectations of the number of students to be served) this letter sets out specific expectations of how public post-secondary institutions are to fulfill government priorities. Although apparently not binding, the Chairperson of the Boards of Governors of each public post-secondary institution was instructed by the Ministry to sign these letters, agreeing to their terms.

The UNBC FA and CUFA BC view the GLE's as an unprecedented intrusion into the governance of public universities and urges the provincial government to abandon these documents in favor of a new document that respects the traditional balance between institutional autonomy and public accountability.

Universities are not Government Agents

The Government Letter of Expectations (GLE) is apparently based on a format first developed to

clarify the expectations the provincial government has of the regional health boards under the Health Authorities Act. Drawing a parallel between the regional health boards and the universities established under the University Act is not only inappropriate, but is also legally flawed. A regional health board established under the Health Authorities Act is clearly an agent of the provincial government. Such authorities exist solely for the purpose of implementing government policy.

In contrast, the universities established under the University Act, the Royal Roads University Act and the Thompson Rivers University Act, are independent corporations established for a public purpose but free to fulfill that public purpose as their respective Board of Governors and Senates best see fit. This independence from government was unequivocally established in the landmark Supreme Court of Canada decision in *McKinney v. University of Guelph* [1990] 3 S.C.R. 229. The McKinney decision dealt with the legality of mandatory retirement policies in public universities. In order to render a decision, the Court had to determine if universities were arms of government and therefore subject to the Charter of Rights and Freedoms. In the majority decision, the Court concluded that: "The universities are legally autonomous." This means that except in extraordinary circumstances, the Minister's approval of a new degree program at these institutions is virtually pro forma. In due course, the new "special purpose, teaching universities" are expected to achieve the same status.

Universities are Accountable

The fact that public universities are not agents of government does not mean they are not accountable for the government-provided operating grants that comprise approximately half of their annual revenue. The public universities have long accepted that government has the right and the obligation to require certain types of accountability and institutional performance in exchange for receipt of public monies. The public universities are subject to public scrutiny.

The public universities are also accountable through a variety of activities that allow members of the public to directly scrutinize and question the operations of the institutions. Annual public meetings, annual reports, special project reports, public consultations, open meetings of the Boards of Governors and the Senates all provide individual British Columbians with opportunities to hold the public universities directly accountable for the public funds provided to them.

Traditionally, the annual budget letters provided by the Ministry of Advanced Education indicate what

purposes the government expects each university to fulfill. Typically this is articulated in terms of numbers of undergraduate student spaces, numbers of graduate student spaces, and numbers of student spaces in specific programs of particular interest to the government. Since 1996, the annual budget letters have also provided direction about legislation or government policies dealing with the tuition fees that may be charged to students. Beginning in 2002, the budget letters also included specific performance measures that were generally agreeable to the public universities (although some of these measures are still controversial today because of the flawed assumptions on which they are based). Although the content of the budget letters has sometimes been the source of contention between government and the public universities, these letters have generally tread the fine line of respecting the legal and traditional autonomy of the public universities while holding the institutions accountable for the public funds they are provided.

Letters of Expectations Cross the Line

The new Government Letters of Expectations (GLE), publicly released on June 9, 2008, have crossed the line and are infringing on the autonomy of the public universities. Although the letters explicitly state that they "do not create any legal or binding obligations on the part of Government or the Institution" (p.1), the detailed language of the letter clearly reveals the provincial government's intent to exert inappropriate influence on the operation of the public universities.

For more detailed version of this opinion piece see:

<http://www.cufa.bc.ca/documents/CUFA-BC-GLE-Analysis-June-16-2008.pdf>

Paul Bowles Elected President of CUFA/BC

Paul Bowles, professor in the Economics program and outgoing Grievance Officer, has been elected by a council of his peers from UBC, UVic, SFU, Royal Roads, and UNBC to be the President of CUFA/BC effective July 1, 2008. Paul is the first economist to serve as CUFA/BC president. He is the third UNBC faculty member to be president of CUFA/BC; Lee Keener and Darwyn Coxson have both previously held the position of CUFA-BC President.

CUFA/BC stands for the Confederation of Faculty Associations of British Columbia. CUFA/BC was created in 1973, after a series of informal meetings between Faculty Association leaders at the BC universities to discuss matters of common interest. CUFA/BC currently represents 4,300 university professors, instructors, academic librarians and other academic staff at SFU, UBC, UNBC, UVic and Royal Roads University.

Agreement 101: Tenure & Promotion Process

Members who have applied for promotion and/or tenure (the deadline was June 15) are spending part of this summer working on their tenure and/or promotion application package. The material to be included in the application package includes:

- ✓ An up-to-date standardized curriculum vitae (per Article 21.1.6.2);
- ✓ Performance Evaluation Reports and Program Chair's evaluations for the past 5 years;
- ✓ Copies of a maximum of 8 significant examples of your scholarly work; and
- ✓ A cover letter that:
 - (1) summarizes your teaching, scholarly, and service contributions to the program, the College, to the UNBC community, and where demonstrated, to the discipline, profession and to the community at large;
 - (2) Addresses how your teaching, scholarly and service contributions have met and/or surpassed the criteria for tenure and/or the promotion you are applying for;
 - (3) Indicates that you have reviewed your OPF file (contact the Office of the Provost, Human Resources at 5605 or 5630 to set up a time to do so); and
 - (4) Any documentation that may exist, regarding modification of the normal distribution of workload between teaching, scholarship, and service.

For members who are interested, there are examples of packages that have been submitted by your peers in the Faculty Association office.

The completed application package is to be submitted to your Dean by the first Tuesday after Labour Day. This year, this is Tuesday Sept. 2nd, 2008. Please note that the complete package also includes the list of nine external referees and the names of two rotating members submitted to your Dean by June 15th. By July 15th, the CPTC will meet to select the external referees from the list you submitted.

Within 5 days of submitting your full package in September, the Dean will forward the package to the Chair of the Program or the appointed Chair [in the case where the applicant is a Chair or when the Chair has a conflict of interest (see 22.5.3.5)].

Within 5 days of receipt of the application, the Chair of the program shall write a letter of recommendation for you to be forwarded to the Chair of the CPTC with a copy sent to you.

The CPTC will meet to make decisions regarding the applications for tenure and promotion in early fall (Sept or Oct). By Oct 31st, you will be notified of the recommendations of the CPTC and Program Chair.

The material and decision will be forwarded to the UPTC and the President by Nov 15th. The UPTC will meet before Dec 15th to make recommendations on the application. These recommendations are sent to the President and you are notified of the recommendations by the same date. By January 15th, 2009 the President will send you a written report of the final decision.

FA OFFICE HOURS: The FA office is in Rm. 3085 Admin Bldg. Core office hours are 11:00 am – 1:00 pm. Contact Suzanne or Helen at local 5816 or via e-mail: fac-assoc@unbc.ca to arrange a meeting at a more convenient time. In addition visit our webpage at www.unbcfa.ca.