

AUNBT 54th ANNUAL GENERAL MEETING

Wednesday, 28 April 2010 @ 10:30 AM

Fredericton - Wu Conference Centre Auditorium

Saint John - Hazen Hall 239

1. **Adoption of draft Agenda**
2. **Minutes of AGM 29 April 2009**
3. **President's Report**
4. **Report of the Chief Negotiator (CAE) – *J. Hughes***
5. **Report of the Chief Negotiator (FT) – *L. Waugh***
6. **Report of the Nominating Committee – *F. Holyoke***
 - (a) Election of president
 - (b) Election of Executive members-at-large
7. **Constitutional & By-law Amendments [see reverse]**
 - (a) withdrawing from the Federation of NB Faculty Associations
 - (b) levying dues on stipends
 - (c) formal creation of an Investment Committee
8. **Academic Pension Plan Report – *J. Thompson***
9. **Treasurer's Report – *G. Srinivasan***
10. **Grievance Committee Report - *J. Hornosty***
11. **Federation of NB Faculty Associations report - *G. Allain***
12. **Other**

Agenda Item 7 (a) - Proposed Constitutional Amendment - FNBFA

Proposed amendment to the Association of University of New Brunswick Teachers Constitution.

Whereas Article 5 (b) of the AUNBT Constitution states that "The Association shall be a member of the Federation of New Brunswick Faculty Associations and the Association shall pay the dues as set by that Federation."

And whereas AUNBT allocated \$140,000 to the FNBFA in annual dues in 2008

And whereas the amount to be allocated will be even greater in 2009 because the annual appropriation is a per member formula and the membership of AUNBT has increased as a result of the addition of part-time employees to the Association

And whereas the FNBFA has failed to distribute written annual reports or financial statements to the general membership of the Association accounting for expenditures

And whereas faculty from the satellite campuses of Universite de Moncton have direct representation on the executive of the FNBFA and faculty from the Saint John campus of UNB do not

Be it resolved that Article 5(b) of the AUNBT Constitution be immediately repealed and that AUNBT resign its membership in the Federation of New Brunswick Faculty Associations and address any outstanding responsibilities tied to its affiliate status in FNBFA as of 1 July 2009.

The signatures below are submitted in conformity with Art.11 (d) of the AUNBT Constitution.

Agenda Item 7 (b) - Proposed By-law Amendment - Dues

Take notice that at the AUNBT annual general meeting to be held on 28 April 2010 Gopalan Srinivasan will move that the Dues by-law be amended by striking out paragraphs 1 and 1.1 and substituting the following:

E. DUES

~~1. Each member, whether on sabbatical or study leave, shall pay annual dues in the amount of 1.0 percent of actual salary (excluding stipends for overload teaching or administrative duties) such dues not to be less than \$50.00.~~

~~1.1 Notwithstanding By-law E (1), no annual dues shall be assessed against members of Group 2 until such time as the Association has been certified as bargaining agent for Group 2. [Marginal note: The Executive Committee understands this provision to permit postponement of dues collection until members of Group 2 have ratified their initial Collective Agreement.]~~

1. Each member drawing a salary or stipend, including members on paid leave, shall pay dues in the amount of 1.0 percent of such salary and stipends.

Agenda Item 7 (c) - Proposed By-law Amendment - Investment Committee

Take notice that at the AUNBT annual general meeting to be held on 28 April 2010 Gopalan Srinivasan will move that the General By-law be amended by adding a By-law F as follows:

F. Investment Committee

1. The Executive shall appoint annually a committee consisting of the Treasurer and at least two other members to advise on matters connected with the Association's investments.

2. The Investment Committee shall

- Oversee the investment of Association funds, in accordance with its investment policy;
- Make recommendations to the Executive Committee as to the appropriate size of the Association's financial reserves and the financial institutions with which it should deal; and,
- Report regularly to the membership on its activities.

Colleagues -

This message deals with a procedural matter connected with next week's AUNBT general meeting. It explains why the AUNBT Executive committee is in the somewhat unusual position of sponsoring formally a constitutional amendment that it will then invite members to defeat rather than pass.

Last year's AUNBT annual meeting considered a constitutional amendment sponsored by member petition that would have (1) repealed the section of the AUNBT constitution requiring that AUNBT be a member of the Federation of New Brunswick Faculty Associations [FNBFA], and (2) inserted into the constitution a provision requiring AUNBT to withdraw from FNBFA by 1 July 2009.

The 2009 AGM voted to defer consideration of this amendment until next week's 2010 annual meeting. So it was that the AGM agenda that AUNBT circulated yesterday in advance of Wednesday's meeting reproduced the text of the tabled amendment. However, it is evident that the tabled 2009 constitutional amendment, when it comes to be considered at the annual meeting, will be out of order. This will be so because it calls on AUNBT to do something that is impossible (ie, withdraw from FNBFA by 1 July 2009).

While the AUNBT constitution is silent on the question of whether proposed constitutional amendments can themselves be amended from the floor (in this case, to change the 1 July 2009 date to 2010), it does say that no constitutional amendment can be considered unless the membership has received at least seven days' written notice of its text. Such a notice requirement would seem to preclude floor amendments.

In order to resolve this procedural impediment so that the FNBFA constitutional amendment can come up validly for debate at Wednesday's AGM, the AUNBT Executive itself will now sponsor formally a new version of the constitutional amendment in question, one that differs from the former version only by alteration of the effective date. The text of such a notice of motion appears below.

As noted above, at the annual meeting itself the AUNBT Executive will invite members to vote against withdrawing from FNBFA. The Executive is sponsoring the amendment below purely as a matter of form. In this way a motion that would otherwise be out of order can receive the discussion that its original sponsors intended.

This note has dealt with a procedural matter concerning the FNBFA constitutional amendment. Material on the substance of the motion will also circulate.

David Bell
21 April 2010

(see below)

Take notice that at the AUNBT annual general meeting to be held on 28 April 2010 John Neilson, on behalf of the AUNBT Executive Committee, will move that the AUNBT constitution be amended as follows:

Proposed amendment to the Association of University of New Brunswick Teachers Constitution.

Whereas Article 5 (b) of the AUNBT Constitution states that "The Association shall be a member of the Federation of New Brunswick Faculty Associations and the Association shall pay the dues as set by that Federation."

And whereas AUNBT allocated \$140,000 to the FNBFA in annual dues in 2008

And whereas the amount to be allocated will be even greater in 2009 because the annual appropriation is a per member formula and the membership of AUNBT has increased as a result of the addition of part-time employees to the Association

And whereas the FNBFA has failed to distribute written annual reports or financial statements to the general membership of the Association accounting for expenditures

And whereas faculty from the satellite campuses of Universite de Moncton have direct representation on the executive of the FNBFA and faculty from the Saint John campus of UNB do not

Be it resolved that Article 5(b) of the AUNBT Constitution be immediately repealed and that AUNBT resign its membership in the Federation of New Brunswick Faculty Associations and address any outstanding responsibilities tied to its affiliate status in FNBFA as of 1 July 2009-1 July 2010.

The signatures below are submitted in conformity with Art.11 (d) of the AUNBT Constitution.

Association of University of New Brunswick Teachers
53rd ANNUAL GENERAL MEETING
Wednesday 29 April 2009 @ 10:00 am
Fredericton - Wu Conference Centre Auditorium
Saint John - Hazen Hall 239

D. Bell opened by introducing professor emeritus Ronald Lees, AUNBT president at the time of certification as a union in 1979.

Dr Lees noted how disconcerting it is to be here after 30 years and see the same things looming. Thirty years ago there was increasing unrest at the way faculty felt they were being treated. The administration put forth "Flexibility for the 70's" as its way of trying to put tenure to the boot. Now lay-offs are again threatened.

In the beginning when AUNBT pressed to be certified some viewed advocates of unionization as wild-eyed radicals. It was as if there were the lawyers, the engineers and then the rest of us. The Administration put obstacles in the way so that the contest became long and protracted. Then while sitting in my office in the IUC on 30 March 1979 I received the call from the Industrial Relations Board that our certification order was ready. I raced up the hill to Prospect Street to pick it up and bring it back triumphantly to the AUNBT office. It was a relief to finally get it in place.

And here we are 30 years later, facing difficult times, appalled at the provincial government's heavy handedness in post-secondary education policy. There remain great challenges facing the Association. Yet, apart from the Administration trying to force AUNBT into a strike vote in the last round of collective bargaining, the interaction between administration and AUNBT has been pretty good.

Dr Lees congratulated Dr Jon Thompson and Dr Jack Vanderlinde, two members of AUNBT involved in the move from "association" to union, on being made professors emeriti at the next Fredericton Enceania.

1. ADOPTION OF AGENDA

Moved (M. Jones, T. Alderson) to accept the agenda as circulated. Carried

2. MINUTES

Moved (F. Holyoke, W. Bourque) to adopt the minutes of 25 April 2008 as circulated. Carried

3. PRESIDENT'S REPORT - David Bell

Welcome to AUNBT's 53rd annual meeting, which is the 30th annual meeting since we were certified as a union. The written presidential report posted on the AUNBT website notes activities and concerns from the year past, so here I will speak of the year to come.

I begin by noting a couple of features of the scene that are no bad but good.

- First, we maintain largely productive relations with the UNB administration. This is not something that either side can afford to take for granted. A few weeks ago, when we gave Notice to Bargain for the full-time contract, we warned the administration against squandering this 30-year legacy of basically good relations. Occasionally one does hear administrators wonder out loud whether "the union is becoming more aggressive". Probably it is. The times have made us so. The events of two years ago have made us so. The ongoing government attack on university autonomy has made us so. Towards the government we occasionally kick back, and in doing so we educate. Towards the university administration we do what we do every day in the classroom: we articulate our reasonable expectations of them and then let them know where they fall short. One of these articulate expectations is that we will emerge from this period of negotiating two collective agreements and the pension plan with our mutual relations strengthened, not ruptured. And we will keep letting them know that, if affairs do take a grave turn over the next year, as they nearly did at the last round of full-time bargaining, it will be their doing, not our doing.
- Another encouraging feature of our scene is the pending allocation of senate seats to contract academic employees. This will have great symbolic value. In a legal sense, the part-time librarians and teachers were "organized" some time ago but in a larger sense the operative word is still *organizing*. Integration of part-timers into the life of AUNBT will be assisted greatly when full-timers welcome part-timers' presence on the Senates and on faculty and departmental councils. For all concerned this pending development is an unequivocal good.

Now I'll say brief words about challenges ahead.

- Budget difficulties within the university can readily become a pretext for restructuring academic work, academic programs and even academic units. The Administration has told us that this will be so at UNB. Any academic restructuring will be subject to the collegial rights article of the collective agreement, but the question will be principally the province not of the union

but of faculty councils and the senates. As never before, AUNBT members must take Senate elections seriously. Elected senators must then show leadership. They must prepare for meetings, attend the meetings and do their jobs. After meetings, faculty senators should be reporting back to their respective constituencies.

As I have said, the union is the guardian of the collegial process but faculty councils and senates make the actual decisions. As we face those collective decisions on restructuring, we must ask repeatedly how this or that proposed reshuffling, program cancellation or watering down of standards would actually help remedy the budget problem.

- And now, what of that supposed provincial wage freeze? I have taken to calling it the "supposed" wage freeze because there is no academic wage freeze in New Brunswick today. It is true that the provincial budget threatened to legislate a wage freeze, but that has not happened and realistically it will not happen. It's true that the province has threatened to cut grants to universities that fail to bargain for a wage freeze, and perhaps the province will do so. We don't know. But as of today there is no wage freeze, and there should be none. John McLaughlan sought us out a couple of weeks back and affirmed what he had already told the UNB Employees Association, which is that the administration has told the province to give the university its grant and leave it to the university to allocate the spending of that money. That's what university autonomy means. So in this respect AUNBT and UNB are agreed: not only is there no provincial wage freeze, but there must be no provincial wage freeze. Compensation is a subject for free collective bargaining.
- Finally, permit me to say what someone always must say on these occasions. Your union Executive and the AUNBT members on our dozen important committees serve as volunteers. They give of their talent because the challenges of our time and place demand it. As elections are still before us on today's agenda, I will acknowledge only those members of the Executive Committee who are not standing for re-election this year: Jack, Robert, Karen, Francesca, Lee, Emery and Lisa.

Of these retirees I note two in particular. Jack van der Linde retired from the university two years ago but has continued in harness for AUNBT. Most recently, he was on our mandatory retirement negotiating team, of which more presently. It is a pleasure to note that, next month, Jack will be raised to the dignity of professor emeritus. Also among current Executive committee retirees is Francesca Holyoke. If AUNBT were in the business of

proposing saints for canonization, Francesca would top the list. We wish her a restful break from her AUNBT labours, advising her to enjoy it while she can.

4. REPORT OF THE CHIEF NEGOTIATOR (CAE) - Jula Hughes

Dr Hughes reported as follows.

As you may recall, we had divided our bargaining issues into four blocks: working conditions, appointment & seniority, benefits and compensation. In addition, there were a number of framework provisions to be negotiated ranging from academic freedom to strikes and lock-outs. When we last updated you, we had finished up working conditions and had been bargaining about appointment and seniority as well as framework language for some time. We had not yet dealt with benefits and compensation.

Since the last update in December, we have been at the table 14 times, though not all of those days involved the usual bargaining team. More about that below. We have 9 bargaining sessions scheduled for May and the hope on both sides is that those dates will be sufficient to conclude bargaining. Substantially all proposals are on the table and your team has been diligent in responding to administration proposals. At this point, the ball is entirely in the administration court.

We have concluded almost all framework articles, have narrowed the issues in appointment and seniority to a handful and have put benefits and compensation on the table. The administration team has indicated that they will respond to benefits and compensation in one block, and they have been slow to develop an understanding of their own fiscal situation, but the budget is due on May 15 and that should bring some clarity.

On a number of occasions, we met as a joint bargaining table of contract academics and full-time faculty with representatives for both bargaining units to resolve some issues relating to the integration of the two agreements as well as issues related to graduate students. These discussions have yet to conclude.

Since it is possible that a tentative agreement will be reached in the not too distant future, it is very important that you let the office know your summer contact information so that we can keep you in the loop. If you know of colleagues who are not here today, please pass on this request. We will also send it out by email, but that may not reach everyone.

5. **REPORT OF THE CHIEF NEGOTIATOR (FT) - Lloyd Waugh**
Dr Waugh reported preparations for bargaining the 11th collective agreement for full-timers (meetings with academic units, election of a collective bargaining council, formation of a bargaining team). The overarching bargaining theme that the Collective Bargaining Council had chosen was Fairness.

6. **REPORT OF THE NOMINATING COMMITTEE - Francesca Holyoke**
(a) Election of president & members at large

The only nomination received for the office of the president being Professor David Bell, (Faculty of Law, UNB-F), he was declared elected. Dr Saba Mattar will continue as past president.

For full time members on the Fredericton campus the following 10 candidates were elected today:

Jennie Hornosty
Brian Lowry
Charlene Mayes
Richard McGaw
John Neilson
James Sexsmith
Gopalan Srinivasan
Merle Steeves
Hugh Thomas
Melanie Wiber

For part time members on the Fredericton campus the following candidates were elected by acclamation:

Wendy Bourque
Arthur James

For full time members on the Saint John campus the following 4 candidates were elected today:

Fred Donnelly
Greg Fleet
Miriam Jones
Peregrine Riley

For part time members on the Saint John campus the following candidate was elected by acclamation:

Elizabeth McGahan

*Moved (F. Holyoke, L. Sharp) to keep the ballots for 10 days before destroying them.
Carried*

7. **CONSTITUTIONAL AMENDMENTS**

(7.1) adding president as member of all committees

That "Article 7 - Officers" be amended by adding immediately after paragraph (b) (iii) the provision specified below, with consequential renumbering:

(b) The President shall:

(i) Act as Chair at all meetings of the Association and Executive Committee.

(ii) Be a signing officer for cheques and other such documents as may be required from time to time with regard to the finances of the Association.

(iii) Be a signing officer for applications, agreements and other documents as may be required from time to time in furtherance of the objects of the Association.

(iv) Be an additional member of all Association committees, including the Collective Bargaining Council.

(v) Exercise such other powers and perform such other duties as may be conferred upon or assigned to him/her from time to time by the Executive Committee, the Association or pursuant to this Constitution or By-laws hereunder.

Moved (F. Holyoke, J. Hornosty) that the constitution be amended by the preceding terms. Carried.

(7.2) withdrawing from the Federation of New Brunswick Faculty Associations

Proposed Constitutional Amendment (as entered on the agenda by member petition):

Proposed amendment to the Association of University of New Brunswick Teachers Constitution.

Whereas Article 5 (b) of the AUNBT Constitution states that "The Association shall be a member of the Federation of New Brunswick Faculty Associations and the Association shall pay the dues as set by that Federation."

And whereas AUNBT allocated \$140,000 to the FNBFA in annual dues in 2008

And whereas the amount to be allocated will be even greater in 2009 because the annual appropriation is a per member formula and the membership of AUNBT has increased as a result of the addition of part-time employees to the Association

And whereas the FNBFA has failed to distribute written annual reports or financial statements to the general membership of the Association accounting for expenditures

And whereas faculty from the satellite campuses of Universite de Moncton have direct representation on the executive of the FNBFA and faculty from the Saint John campus of

UNB do not

Be it resolved that Article 5(b) of the AUNBT Constitution be immediately repealed and that AUNBT resign its membership in the Federation of New Brunswick Faculty Associations and address any outstanding responsibilities tied to its affiliate status in FNBFA as of 1 July 2009.

The signatures below are submitted in conformity with Art.11 (d) of the AUNBT Constitution.

L. Jeffery spoke to the motion in the following terms:

Considering the deep concern indicated by the signatories to the notice of motion over how large the amount of money provided to FNBFA are being spent, and considering the letters received from other members of the FNBFA that have indicated concern to review the mandate and costs (Mount A) and to have a major reorientation of the FNBFA mandate (UdeM), and considering AUNBT's motion in support of a thorough-going review of the FNBFA's performance, but cognizant of a concern that such a review may not have any concrete results (as the AUNBT executive has indicated "we cannot say what success these initiative will have" and as UdeM has indicated "there cannot be any guarantees for a better future"), L. Jeffery moved to table the motion to terminate our association with FNBFA until the 2010 AUNBT AGM, in advance of which meeting AUNBT members will have received the results of a thorough review of FNBFA and a report on the concrete steps taken to make FNBFA a more responsible and responsive organization. At this point the AUNBT membership can vote on whether or not it wishes to continue our association with FNBFA.

D. Bell indicated that a motion could not be tabled with such stipulations attached. The motion was then changed to:

Moved (L. Jeffery, D. Lindsay) to table the motion to withdraw from FNBFA until the 2010 AUNBT AGM. Carried.

8 ACADEMIC PENSION PLAN REPORT - Jon Thompson

Background.

The Pension Plan for Academic Employees of the University of New Brunswick (the "Plan") has been in operation since 1 January 1993. It is established under a Trust Agreement between the University of New Brunswick and the Association of University of New Brunswick Teachers (the "Parties"). Previously, UNB's academic

employees were covered by the Public Service Superannuation Act of New Brunswick, and benefits for service prior to 1 January 1993 continue to be provided under the Act.

The Plan is jointly funded by UNB and the members on a 50-50 basis (including both current service and deficit amortization funding). It is jointly administered by a Board of Trustees, half of whose members are appointed by UNB and half by AUNBT. The Plan provides a defined benefit pension to retired members. The Plan's most recent actuarial valuation was prepared as at 31 December 2006. At that date, the Plan had 656 active members and 314 retired members.

Funding Issues. A series of events starting in the mid-1990s resulted in significant underfunding of the Plan:

1. During the mid- to late-1990s federal and provincial government budgetary reductions caused serious challenges for university operating budgets across Canada. To address these challenges, UNB and other universities introduced retirement packages which encouraged large numbers of faculty to retire early.
2. During the years 2000-2002 there was a protracted decline in international stock and bond markets, resulting in poor investment returns.
3. Mandatory updating of Canadian mortality tables for actuarial use also had an adverse effect on the Plan's funding status.

Actuarial unfunded liabilities accumulated through successive Plan valuations, with those identified in the valuations of 2002 and 2005 being much larger. When identified, each of these unfunded liabilities was amortized over a fifteen year period, in compliance with the Regulation under the Pension Benefits Act of New Brunswick. Because they were identified at different times, the unfunded liabilities have different numbers of years remaining in their periods of amortization.

The Improvement Program. By 2005 the Plan was seriously underfunded (the funded ratio was 70%) and the contribution rate correspondingly high (11.44% of salary for each of UNB and the active members of the Plan). In response the Parties undertook a detailed study of all aspects of the Plan. The result of the study was a Program to Improve the Financial Position and Outlook of the Plan (the "Improvement Program").

The Improvement Program was implemented on 1 July 2007, following approval by the UNB Board of Governors and the AUNBT membership. It required substantial concessions by UNB and by the members during a six-year period between 1 July

2007 and 30 June 2013: (i) both sides agreed to continue paying a high contribution rate; (ii) the members accepted a significant reduction in the benefit accrual rate during the six-year period; (iii) UNB and the members made a substantial cash contribution to establish a Rate Stabilization Account (RSA) within the pension fund, UNB making a larger contribution than the members; and (iv) UNB and the members each agreed to contribute an additional 0.5% of salary to the RSA during the six-year period.

Accordingly, these provisions are incorporated in the 31 December 2006 actuarial valuation. As a result, the Plan's funded ratio increased to 77% and the employer and member contribution rate was reduced to 10.05%. The RSA was designed to keep the rate from exceeding this level during at least the six-year benefit reduction period. Also, the Plan would move toward a substantially improved funded ratio, assuming normal fluctuations in international economic conditions and capital markets.

The Improvement Program requires an annual review of the status of the Plan and the Improvement Program by the Parties. The reviews are conducted in cooperation with the Plan's Board of Trustees and with the assistance of the Plan actuary. The first annual review was completed in September 2008; the second is in progress.

The International Financial Crisis. The Improvement Program was designed to accommodate adverse economic circumstances in the range experienced in North America during the past several decades. It is now clear that the international crisis that accelerated in the autumn of 2008 is extraordinarily severe. The Plan's assets lost 13% of their market value in the year 2008. This was a better outcome than for many pension plans.¹ Nevertheless, a loss of this magnitude presents a serious new financial problem for the Plan. It would take several years of normal economic growth to recover from such a loss, and no significant economic growth is forecast before 2010 or 2011 at the earliest.

The Need for an Additional Stabilization Measure. In present circumstances, actuarial projections show that the Improvement Program will be insufficient to improve the financial status of the Plan and the RSA will be exhausted by 2012, necessitating a sharp increase in the contribution rate.²

Actuarial calculations show that a measure that would provide significant relief in both the short and longer term is consolidation of the amortization schedules for the

¹ In comparison, the median loss for large Canadian pension funds was 15%, while la Caisse de depot lost 25% and the combined pension and endowment fund of the University of Toronto lost 29.5%.

² The current rate of 10.05% is above the Canada Revenue Agency's limit of 9%, and each new valuation requires an application to the CRA for an exemption from the limit.

past actuarial liabilities, with a common fifteen year period commencing 31 December 2009 when the next valuation will be performed. Although it obviously would result in a longer time for the past liabilities to be paid down, this measure would allow the RSA to protect the current contribution rate of 10.05% from being exceeded.

Request by the Parties and the Board of Trustees. UNB, AUNBT and the Plan's Board of Trustees have agreed to request that the Province of New Brunswick permit the Plan to consolidate the amortization schedules for the past actuarial unfunded liabilities, with a common fifteen year period commencing 31 December 2009.

The Parties and the Board of Trustees are of the view that, due to the unique nature of this plan (50/50 cost and risk shared and jointly administered), and because the parties have worked together in a responsible manner to improve the financial position of the Plan, this special relief is warranted in these exceptional "once in a lifetime" circumstances.

- 9 **TREASURER'S REPORT - Gopalan Srinivasan**
G. Srinivasan reported on AUNBT's financial health and the auditors' financial statements.

Moved (J. Hughes/L. Sharp) to accept the audited financial statements as circulated at the meeting. Carried

10. **FEDERATION OF NEW BRUNSWICK FACULTY ASSOCIATIONS REPORT - Gilles Allain**

When I started working with the FNBFA in May 2007, I knew I was expected to fill very big shoes. My predecessor had been the face and voice of the FNBFA for close to 25 years. There had been numerous challenges over the years but his experience and knowledge helped the federation sail through them with relative ease.

In September 2007 Jacques L'Écuyer and Rick Miner released their Post-Secondary Education Commission's Report that would throw faculty and students in a tailspin. The post-secondary education sector had not been reviewed or restructured since the beginning of the 1960s when Louis-J.-Robichaud was Premier. The FNBFA leveraged its contacts in the provincial government to ensure our members' concerns were heard. The federation's actions resulted in the government establishing the President's Working Group. As this group was to work in utmost

secrecy, the federation was denied a seat at this table.

With the President, I participated in the inaugural Atlantic Canada Council of Faculty Associations (ACCFA) meeting in Charlottetown. The new organization will hold its first Annual Meeting in June 2009 at Saint Mary's University in Halifax.

The government finally released its response to the work of the Commission and the Presidents' Working Group in late June 2008. The FNBFA held Emergency board meetings in July, September and October in order to address the government's proposed *Action Plan to Transform Post-Secondary Education in New Brunswick*. The federation developed a PSE Public Awareness Strategy. The key component of this strategy was the development of five Key Messages to be used at any time in newspaper advertisements, discussions with government officials, media statements or any correspondence with government and faculty members.

The government announced a Cabinet and senior civil servant shuffle in the fall of 2008. The changes at the Department of Postsecondary Education were at a level unseen in my 30 years of involvement with politics or government. Within weeks, there was a new Minister, a new Deputy Minister and a new Assistant Deputy Minister. By late December, the lines of communication with the new senior staff at the department were very much improved.

In the fall of 2008, the FNBFA collaborated closely with MAFA and AUNBT to prepare a common brief on concerns with Bill 82 - Privacy Act. Accompanied by the President of AUNBT, the FNBFA presented its brief to the Legislative Assembly's *Law Amendments Committee*.

In December, the FNBFA President and I attended the Premier's Annual Meeting with the province's major labor union leaders in Fredericton.

Also in December, the President and I received confirmation on major changes to the Canada Social Transfer Program, which provides funding to the postsecondary education sector. While New Brunswick stands to lose more than \$235 million over the next few years, Alberta stands to gain more than \$3.5 billion. The FNBFA issued a Media Statement opposing those changes prior to the federal budget being tabled in late January 2009.

The FNBFA continues to lobby the Department of Post-Secondary Education for a seat on the Minister's Post-Secondary Affairs Advisory Committee. During the past few weeks, the federation has also met with the Minister of PSE and an Assistant Deputy Minister to discuss rumored funding cuts or wage freezes to universities.

I also attended the regular CAUT Council Meetings in Ottawa and the Confederation of Faculty Association Staff (COFAS) Annual Conference in Calgary (May 2008). At the Fall 2008 and Spring 2009 CAUT Council, I chaired the provincial associations' meeting on behalf of FNBFA.

The FNBFA will continue to monitor the impact of the provincial government's suggestion that universities and municipalities also consider imposing two-year wage freezes to its employees.

In the coming year, I will continue to work closely with the member associations that make up the board of directors. There will be continued close collaboration with the Executive Committee.

The 2009 FNBFA Annual General Meeting will be held at l'Université de Moncton on 6 May. All AUNBT members are welcome.

11. COMMITTEE REPORTS

11.1 Employment Equity - Jennie Hornosty

Committee Members: AUNBT members: - Miriam Jones (UNBSJ - English); Karen Pearlston (UNBF - Law); Jennie Hornosty - **Co-Chair** (UNBF - Sociology)

UNB members:- Joanna Everitt (UNBSJ - Acting Dean, Arts); Stephanie Slauenwhite (UNBF - Assistant Dean, Arts); Tony Secco, **Co-Chair** (Vice-President Academic, Fredericton -replaced Jane Fritz in January 2009).

As I reported in December, the Committee has been working for some time on trying to come up with a way to collect meaningful data on the four employment equity groups with respect to tenure, promotion, probationary review, sabbatical etc. as required under Article 51A:04 of the Collective Agreement. There are a number of logistical problems because this information is not part of the assessment process. One plausible way would be to use the available self-identification data provided by employees prior or at the time of hire. However, this is confidential information, and not all people choose to self-identify. The Committee continues to search for an acceptable solution to this difficulty: Vice-President Secco has volunteered to find out how some other universities deal with this problem.

The other issue the Committee has been discussing is how best to monitor employment equity concerns during the hiring process. Given the current situation where it appears that the University is implementing a hiring freeze (except in special circumstances), this may appear to some as not very relevant right now. However, the Committee feels that it is important to establish a procedure that

ensures that equity concerns have been addressed prior to a department bringing in its short-listed candidates for interviews. This was previously the situation on both campuses. While this does appear to happen on the Saint John campus, where Schedule 5 is still in use, it is no longer the case on the Fredericton campus.

During this term the whole Committee has been able to meet only once due to scheduling problems; as well the Co-Chairs met once in January. Our intent is to schedule another Committee meeting in early May.

Please feel free to contact any of the Committee members if you have equity related question or concerns. Also I would like to draw your attention to my report on the CAUT Equity Forum which is found on the AUNBT website.

11.2 Grievance - Rick McGaw

There is currently one policy grievance in process. The University is one Member a salary that is substantially in excess of the ceiling of Professor. The University has not yet formally responded to the grievance.

A new and potentially troubling trend has been observed. On several occasions the University has attempted to discipline Members without using procedures that have been used for years. To give one example, there was an ultimately unsuccessful attempt to use documents not in the Official File, yet not make them available to the Member for rebuttal. There have been several meetings with University officials to determine why this is happening. To date the University has not been able to articulate any reason for this and has refused so far to enter formal discussions to resolve the matter. The result is that in such cases the dispute often becomes more about the procedures than the facts of the case.

Assistance has been provided to Members in a number of other matters that offered the potential for grievances, such as negative tenure and probation recommendations, resignation without six months notice, and member-member conflict. Many Members were also assisted with problems that do not rise to the level of a grievance.

I would like to thank those members of the grievance committee who assisted by taking on cases when asked.

11.3 Status of Women - Katy Haralampides

Members of the Committee are: Miriam Jones (UNBSJ English), Carol Ferguson (UNBF History), Cheryl Fury (UNBSJ History), Francesca Holyoke (UNBF Science and Forestry Library), Jennie Hornosty (UNBF Sociology), Charlene Mayes (UNBF Biology), Karen Pearlson (UNBF Law), Lisa Sharp (UNBF Biology), Natalie Webber

(UNBF Computer Science), Elizabeth McGahan (UNBSJ History), Katy Haralampides (Chair, UNBF Civil Engineering), and David Bell (AUNBT President). Thanks to all for their abundant effort and time, and to Brenda Arbeau for her support.

The Status of Women Committee was not able to meet as frequently as hoped during the winter semester, but will be back on schedule during the summer.

Highlights from this year include:

1. keeping UNBSJ Daycare a priority by raising the issue with the two candidates for VP Academic SJ, and asking for commitments for a campus daycare as part of any new building proposals or proposed renovations of old buildings;
2. updating the Status of Women Committee website with information on women's issues, information for new (and potential) members negotiating contracts (including the CAUT links with this type of information), etc.;
3. actively participating in efforts to create a positive environment on campus;
4. attending the national conference of the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education;
5. attending the CAUT Women's Conference (a detailed report on the CAUT Women's Conference is available on the AUNBT website);
6. planning outreach activities, specifically a) welcoming/informing new part-time members, and b) highlighting Article 51 in the Collective Agreement (employment equity);
7. monitoring pay and employment equity issues.

Thanks again to the members of the SWC, and to the AUNBT Executive for their continued support on status of women issues.

11.4 Accessibility & Accommodation - Alope Chatterjee

Article 57 of the AUNBT Collective Agreement establishes a Joint Accessibility and Accommodation Committee, which is intended to serve as a vehicle for discussions between the AUNBT and management concerning the development, implementation, and monitoring of accessibility initiatives.

The Committee is composed of the following six individuals:

Alope Chatterjee, UNBF, Faculty of Law, AUNBT, Co-chair

Shirley Cleave, UNBF, Assoc VP Academic (Learning Environment), Co-chair

Lee Chalmers, UNBSJ, Sociology, AUNBT

James MacKenzie, UNBF, Harriet Irving Library

Kevin Bonner, UNBSJ, Director of Student Services

Anne Forrestall, UNBF, Exec Director of Student Affairs and Services

This university-wide Committee strives to work closely with campus-specific

accessibility committees and offices. The Committee is committed to information gathering, understanding, advocacy, awareness, and cooperation with similar campus-specific bodies. It will make recommendations and representation to the two Presidents (UNB and AUNBT), the Senates, and other audiences as is appropriate.

The Committee has met twice this past academic year. Its discussions have continued to focus on the importance of building accessibility into the design phase of initiatives from the outset of projects and initiatives instead of dealing with accessibility as an after-the-fact issue, a point that should be underscored as the University undertakes new capital projects. To this end, the Committee has discussed several initiatives to build awareness of accessibility on campus and develop the profile of the Joint Committee. It is expected that in the near future discussions will proceed on educational projects jointly with the University's Human Rights Officer for the upcoming year (for example, presentations to Deans and Directors and a contribution to the assessment committee workshops).

11.5 Externally-Partnered Programs - Lee Chalmers

The Joint External Partners Committee was established through a Memorandum of Understanding signed in conjunction with the 2001-2005 Collective Agreement and extended through the 2005-2009 Collective Agreement. According to the MOU (<http://www.unb.ca/hr/services/MOUUNBDegreeCreditProgramsDeliveredwithExternalPartners.html>), the Committee is to make recommendations on:

1. unresolved issues related to programs currently in operation
2. appropriate processes for the introduction, approval and termination of these initiatives
3. changes (if any) to the Collective Agreement
4. changes (if any) to University policies
5. any other matters which the Committee deems appropriate.

In its first years of operation, the Committee contributed to the redesign of UNB's proposal guidelines for new, modified, terminated and articulated programs which were approved by both Senates in early 2006 (these guidelines are available through:

<http://www.unb.ca/secretariat/Senate/Senates/SaintJohn/Committees/committees/Curriculum/CurriculumSubmissionForms.htm>). An outstanding task has been to devise a checklist of information to be included with these forms on new, modified, terminated, or articulated programs involving external partners. This checklist would also serve when an existing program or set of courses is extended to a (new) external partner. The Joint Committee was reactivated this year to

complete this task. An initial meeting was held in March, and we are in the process of building on the earlier efforts of the Committee to craft a checklist.

Members of the Joint Committee currently include Chalmers, Srinivasan and Steeves for AUNBT, and Anthony Secco, Robert MacKinnon, Dan Coleman and Chris Callbeck for UNB.

If any members have any questions or concerns about the work of this Committee or would like to provide input, please contact any of the current AUNBT Joint Committee members.

11.6 Assessment of Teaching Competence - Charlene Mayes

Members of the AUNBT-UNB Joint Committee for the Assessment of Teaching Competence - Phase II are:

Appointed by AUNBT:

Charlene Mayes (Co-chair, Dept. of Biology, UNBF)
Lloyd Waugh (Civil Engineering, UNBF)
Greg Fleet (Faculty of Business, UNBSJ)
David Bell (Law, UNBF)

Invited appointment: David Townsend (Law, UNBF) - to serve on Subcommittee 2 (see below)

Appointed by UNB Administration:

Pierre Zundel (Co-chair, Renaissance College, UNBF)
Regena Farnsworth (Faculty of Business, UNBSJ)
Ted Needham (Faculty of Forestry & CETL UNBF)
Barbara Cooper (Human Resources)

The original ATC committee (Phase I) was created by a Memorandum of Understanding (MOU) between AUNBT and UNB Administration during the last round of collective bargaining and became effective with the signing of the Collective Agreement on February 20, 2006. The MOU stated that the parties "seek to identify and agree upon means of enhancing the quality of the documentary evidence related to assessment of academic competence in the dissemination of knowledge". Members can find additional information regarding the committee's responsibilities in the MOU on page 150 of the 2005-2009 Collective Agreement or in the online version of the agreement on

the AUNBT website.

The ATC Phase I committee submitted its report and recommendations on July 12, 2007 (members will find a copy of the report online under committee reports on the AUNBT website). Both AUNBT and UNB Administration accepted the report and its recommendations and as a result, the ATC - Phase II committee was struck to work out the logistics for the implementation of the report recommendations.

Included in the report recommendations are: "that a teaching dossier becomes a required part of the documentary evidence to be used in the assessment process for probationary reappointment, tenure and promotion as outlined in Articles 25B.05, for faculty members and instructors, and 25C.06 for librarians (when classroom instruction is part of the librarian's workload), and that "this requirement must be accompanied by the development and implementation of a training program for assessment committees, deans, and chairs in the evaluation of teaching dossiers. Expectations for mentoring and support at an administrative level will be made clear alongside expectations for faculty to enrich the evidence that demonstrates their teaching excellence" (pg. 10 - ATC report).

Work of the ATC Phase II committee:

Since its formation and the appointment of co-chairs and committee members by both parties, the ATC - Phase II committee has met regularly (at least monthly) beginning in November 2008. Meetings of the various subcommittees (described below) have met regularly as well (bi-weekly and at times, more frequently).

Subcommittees:

i). **Subcommittee 1:** Training for members in assembling Teaching Dossiers.

Committee members: Ted Needham, Greg Fleet and Charlene Mayes
The work of this subcommittee involves the development of goals and broad content for training sessions for members, determining the budget and resources required for this ongoing endeavor, and determination of the modes of delivery of the sessions (on-line=Blackboard portions as well as face-to-face modules) in addition to liaison with the teaching centres on both campuses and development of a timeline for delivery.

ii). **Subcommittee 2:** Training for assessors in assessing Teaching Dossiers

Committee members: Ted Needham and David Townsend (Law, UNBF)

The work of this subcommittee focuses on development of specific training sessions for assessors of teaching dossiers (assessment committees, deans, chairs etc.). Members of subcommittees 1 and 2 are working closely together to ensure that training sessions for faculty and assessors are mirror images of each other.

iii). **Subcommittee 3:** Drafting contract language for relevant clauses of the Collective Agreement and language for a new MOU covering the implementation of the ATC Phase I recommendations.

Committee members: Lloyd Waugh, Charlene Mayes, Pierre Zundel & Barbara Cooper

The work of this subcommittee continues to progress - an upcoming meeting is scheduled for fine-tuning language of the latest draft.

As co-chair of this committee, I would like to thank the members of the committee who have agreed to serve as AUNBT appointees, Greg Fleet, Lloyd Waugh, David Bell and as a subcommittee member, David Townsend. They have attended meetings regularly, worked diligently between meetings, and have demonstrated commitment above and beyond what one can reasonably expect from volunteers. They represent AUNBT exceptionally well in this important work and we would not be able to do this work without them. I would also like to thank Francesca Holyoke and Richard McGaw for sharing their considerable expertise with AUNBT members of this committee. Thanks also to Brenda Arbeau who provides excellent administrative support to the committee in helping us to juggle our seemingly impossible schedules to make our meetings possible.

11.7 Impact of Technology - Francesca Holyoke

Although this committee has not met, it has just recently been accepted by UNB that it would be appropriate for this group to consider the implications of technologically mediated instruction in light of plans to develop UNB Online. The VP-Academic has told AUNBT that presently, UNB-Online is intended to bring together under one heading all online courses. The VP-Academic had not been aware that the Impact of Technology Committee developed a policy suggesting possible approval mechanisms for such courses along with workload considerations. AUNBT is waiting for UNB to provide their assessment of the proposed policy. Following this, the parties can meet to determine the next steps.

11.8 Clinical Nursing Instruction - Francesca Holyoke

In the last round of bargaining (2005-2009) the parties agreed that something should be done to address the situation of instructors who had been employed to supervise the specific clinical courses for the nursing programme. Many had been employed for years in a series of term appointments without consistent appointment procedures and without any guarantee of promotion through agreed upon assessment procedures, no tenure or opportunity for sabbatical. Through an MOU, a joint committee was struck to look at regularizing these positions. Over the last three years the committee has been successful in coming to an agreement that covers appointment, assessment, promotion, tenure and sabbatical for the now permanent employee category Nurse Clinician. The articles have been drafted and will be dropped into the new collective agreement. In the interim the clauses relating to Nurse Clinicians will be posted on the AUNBT website.

The AUNBT members of the Committee most recently have been Francesca Holyoke, Debbi Amirault and Nancy Doiron-Maillet. The UNB members have been Janice Thompson, Dean of Nursing and Barbara Cooper.

12. OTHER BUSINESS

Moved (R. Hill, L. Jeffrey) that a review of FNBFA be completed and a report be distributed to the membership one month prior to the 2010 AUNBT AGM. Carried.

The meeting adjourned at 12:30 pm.

AUNBT President's Report

April 2010

When I wrote the brief report that you find below I was in a valedictory mood. AUNBT's constitution calls for a president to be elected annually but the Association has evolved a useful convention under which presidents offer to serve two annual terms, neither longer (which would be unhealthy for both the Association and the incumbent) nor shorter (too brief to learn all the aspects of university governance and personnel that a president needs to know). It was never the intention that I join Richard McGaw as the only person to stand for election as president a third time. Nevertheless, the advice of the Nominating committee and its consultations was that AUNBT could not fairly expect a new president to take over with two collective agreements remaining to be finalized and implemented. So it is that I agreed, quite recently, to be nominated again. The understanding is that I would serve until December (then disappear on sabbatical). Although therefore I am to remain president for a few more months, I still commend to the Association and to my eventual successor the three valedictory observations below.

* * *

Serving as AUNBT president these two years has been an honour. Working with the Executive and our two bargaining teams has been a privilege and (almost) a joy. In this final written report, I offer advice to the Association on three points.

AUNBT & ORGANIZED LABOUR **AUNBT should join the NB Federation of Labour.** The Association remains outside of the broader labour movement locally and nationally. While we belong to FNBFA, CAUT and the CAUT Defence Fund, none of these groups is itself affiliated with either the Federation of Labour or the Canadian Labour Congress.¹ The "polytechnic" crisis of 2007-08, the lock-out at Saint Thomas, the malign governmental imposition of conciliation boards at Moncton and UNB at the behest of shortsighted university administrators and the formation of a Presidents' and Principals' council to implement the province's ominous **Action Plan** on post-secondary education have demonstrated our need for allies, especially in other unions, and have also shown us the vital support labour allies can give. New Brunswick is a province in which government and print media are disdainful of free collective bargaining generally and white collar unions in

¹ None of the six NB faculty associations is a member of the NB Federation of Labour. The associations at Mount Allison and St Thomas are affiliated with the Canadian Labour Congress via their membership in NUCAUT, the National Union of the Canadian Association of University Teachers.

particular, and faculty associations such as AUNBT need to cultivate all the alliances we can find.

AUNBT CONSTITUTION **AUNBT should do a thorough revision of its constitution and by-laws.** The constitution dates from the mid-1950s and was reworked last in 1981, following unionization. The time has come to revise it comprehensively – adding, pruning and clarifying. As part of this process, we should either **reduce the size of the Executive Committee** or create an explicit steering committee that is small enough to meet frequently. Our current Executive is 19-21 members meeting monthly except in unusual circumstances. Most faculty associations have a much smaller executive that meets weekly or every two weeks.

OFFICE OF PRESIDENT **The job of AUNBT president is now a full-time one.** The Association has grown to 1000 members in two bargaining units. Its responsibilities in representing and educating members and resisting aggressive managerialism from the UNB administration have grown accordingly. This union needs a president who has the time flexibility to respond to crises, great and small, and to be the fall-back person when deadlines must be met. (This does *not* require attendance at the Fredericton office every day, all day, or mean that only Fredericton members are able practically to serve as president.) If this sounds like a job for which there would be few volunteers, I would emphasize that management of AUNBT affairs remains a work of collective leadership, in which many people give of their time and talents. Yet we should acknowledge openly what we have never said before: an AUNBT president must be prepared to serve practically full-time.² Even if we were to recruit a professional officer this reality would not change.

David Bell

² Under the existing collective agreement an AUNBT president receives two course releases per academic year. AUNBT itself pays for a matching course release. In my own case, this freed me from teaching duties.

Pension Committee Report April 2010

1. Comparison of return rates, 2008 and 2009

The calendar year 2009 brought strong returns, namely, 15.2%. This would be considered a very good year for a pension fund (pension plans use conservative investment strategies) in any recent decade. As everyone knows, the previous year, 2008 was a disastrous year for investments, pension funds or otherwise. Our fund return rate in 2008 was -13.0%, that is, a 13.0% loss. Regarding this, the only good thing that can be said is that most other pension funds fared even worse in 2008. (For example in the Canadian university sector, a table of return rates in 2008 for 23 universities published in the *Globe & Mail* on February 22 showed a range from -11.1% to -29.1%, with -13.0% being second best in this group.)

2. Plan Valuation

New regulations in this province require that, henceforth, substantially underfunded pension plans must file annual valuations with the Office of the Superintendent of Pensions (previously, the regulations required filing at least once every three years). Last fall the Board of Trustees instructed the Plan actuary to prepare a valuation based on data of July 1, 2009 (and so, under the new regulations, the next valuation must be based on data no later than that of July 1, 2010). The valuation results were presented to the Board of Trustees at the end of November, and the Board voted to accept this valuation.

This valuation incorporates a special measure: consolidation of the amortization periods for the several actuarial unfunded liabilities incurred during the past decade or so – referred to as the ‘Fresh Start’ approach. This measure was introduced in an effort to help ensure that the Rate Stabilization Account established under the six-year Improvement Program (July 1, 2007 – June 30, 2013) will be sufficient to ensure the agreed contribution rate can be maintained for the full six years.

A Fresh Start measure is not normally permitted under the regulations, but is possible for the type of joint 50-50 plan we have – ours is the only plan of its type in New Brunswick – to which special sections of the regulations apply. The Office of the Superintendent must still approve, or, at least, not disapprove. Accordingly, the plan actuary and legal counsel for the Board of Trustees have been engaged in discussions with Office of the Superintendent. These discussions have been protracted, in part because the Office of the Superintendent has been busy dealing with pension benefit issues at a major industrial employer in bankruptcy protection. However, a response is anticipated in the near future. In the event of an unfavourable ruling by the Office of the Superintendent, an appeal may be lodged with the Labour and Employment Board.

3. Committee Members

AUNBT Pension Committee: Julia Hughes, Barbara Trenholm, Gopalan Srinivasan, Jack Vanderlinde, Rick McGaw, Jon Thompson (Chair)

AUNBT Appointees to Board of Trustees: Evelyn Richards, David Bell, Bob Maher, Gopalan Srinivasan, Norm Betts (Co-Chair)

Joint Group for Discussions with Government Officials: Norm Betts, Larry Guitard, Dan Murray, Jon Thompson (representing the Trustees and the Sponsors of the Plan)

Grievance Report

April 2010

Francesca Holyoke & Jennie Hornosty - Grievance Co-Chairs

On February 12 -13, 2010, we had a one and half day CAUT grievance handling workshop on the Fredericton campus conducted by Doug Vaisey from Saint Mary's University. Primarily for members of the Grievance Committee, this workshop, focused on the basics of grievance handling, including how to distinguish a grievance from a complaint and the legislative and contractual framework for grievance procedures.

There is still one policy grievance in process. The University is paying one Member a salary that is substantially in excess of the ceiling of Professor. The grievance has progressed to the second (formal) stage and we are waiting for the University's response.

There is a denial of tenure case from the 2008-2009 assessment year that is now scheduled for Arbitration in June.

A member's assessment for tenure this year was improperly dealt with at two levels. Procedures under the Collective Agreement were not followed. Documentation not in the official file was used, the method used to calculate averages on one question from the SOS was improper, the overall record was not assessed but focused solely on SOS scores from one question, it appears that assessment committee members participated in the discussion of the case without having read the file, etc.. We were able to work with the University to resolve this case in a satisfactory manner.

There are two potential discipline cases that have not been resolved. One of these is still at the informal stage where there is an expectation that the situation will be resolved in a satisfactory manner. The other has now moved to a formal investigation.

As has been past practice, we have provided assistance to members on a variety of issues: advice on preparing CVs and letters for assessment; requesting deferrals; notification requirements for 'early retirement', disputes between colleagues, assessment committees, workload, etc.

Based on our experience over the past few months, we are concerned that there appears to be a move towards more 'punitive' responses on the part of the University to what some might consider fairly minor issues. We urge Members to make sure that they are familiar with and meet their obligations under the Collective Agreement.

We would like to thank the members of the grievance committee for their participation in the workshop and our follow-up meeting in March.

We want especially to thank Brenda Arbeau for all her work in organizing and maintaining the grievance files, no small task given there are times when there are voluminous amounts of information.