

Welcome to the eighth Bulletin published during bargaining for an 11th full-time contract between the Association of University of New Brunswick Teachers and the University of New Brunswick administration. This bulletin includes updates on negotiations and outlines the administration's offers.

IT'S THE VISION

Collective bargaining for UNB's full-time academic employees has stalled.
Why is this?

The administration says that the hold-up is a sharp disagreement over *money*.

So let's be clear. For AUNBT members the core issue is *not* money.

The heart of the problem is that the two sides no longer share a vision of what kind of university UNB should be.

For 30 years AUNBT and the administration have shared a particular vision of UNB. We have viewed ourselves as a *national* university, which means a school that attracts significant numbers of students from other provinces and countries. It means that our degrees are comparable to those at other national universities. It means that we have a comprehensive suite of degrees and it means that research is an integral component of what we do. This shared claim was part reality, reflecting the national reputation of our programs and teachers and the credibility of our degrees, and part aspiration, reflecting a shared goal of strengthening UNB's national profile.

In translating this shared vision into shared words the two sides have agreed *for 30 years* that UNB should be like a group of 13 other universities, from St John's to Victoria. For this comparison group the parties did not select the largest places, such as McGill or Toronto. Nor did they choose purely undergraduate teaching institutions, such as Acadia or Bishop's. Rather, we identified ourselves with thirteen schools similar to UNB in size and scope in the sense that, like UNB, they emphasize graduate study and research as well as undergraduate teaching. This was a joint vision, mutually agreed to by both parties.

Joint adoption of this 13-university comparison group was not merely about measuring the competitiveness of UNB academic salaries. Fundamentally, it was about the kind of UNB we had and the kind of UNB we saw ourselves as building. The parties looked at those 13 other schools and said: *this is what we want UNB to look like*.

Well, all that is in the past.

On December 23 the UNB administration instructed its bargainers to take a copy of the current collective agreement and strike through all references to this long accepted national comparison group. And that, literally, is what they did. While on 1 February they did agree to restore the group of 13 language it was so qualified as to make it essentially ineffective.

When challenged in the wake of this break with the shared work of 30 years to say what kind of university UNB should be like, the administration's negotiators were not prepared to respond (although more recently we have heard references to "Maritime" universities such as Acadia, St. Thomas, and Mount Allison, etc.).

So are they really proposing that UNB cease to be New Brunswick's national, comprehensive university and aim to become solely an undergraduate teaching school? Do they really intend that the institution that does 90% of New Brunswick's university-based research should gradually wind that research down? Do they really think that UNB can remain where it is if salaries fall so low that we can only compete with church schools and Bible colleges?

This is why, since December 23rd, the parties have been unable to make progress at the table. It's the vision. The parties no longer share an understanding of the kind of UNB we want. AUNBT members want a national, comprehensive university. The UNB administration, with all of its resources, has been unable – or unwilling – to complete the following sentence: "Our vision for UNB is _____." Until the parties again embrace a common measure of what kind of UNB we want then they have no common ground for evaluating bargaining proposals.

Had the UNB administration not struck out the common work of 30 years, we would probably have had a deal by now.

UPDATE: NEGOTIATIONS

Notwithstanding the assistance of a skilled conciliator from the New Brunswick Labour Relations Branch, negotiations between the AUNBT and the administration came to a standstill on 1 February 2010.

AUNBT is asking its membership to examine the administration's proposals and discuss them with your colleagues and bargaining council representatives.

OUTSTANDING ISSUES

Economic Adjustment

- AUNBT says no to 0%

UNB cannot afford to become uncompetitive. Fair wages attract good employees, and good employees are essential for high quality education and a positive research and learning environment. Without fair wages, it will be difficult to attract new faculty and it will be difficult to retain current faculty.

Status:

The administration is offering a 0% increase in the first two years and then 2% in each of the following two years.

This moves average salaries at UNB drastically downwards relative to other universities so that the average assistant professor at UNB will be earning 15% less than if they were working at St. Thomas University, 12% less than at Mount A, or 35% less than Queen's University. This proposal comes at a time when other universities are increasing wages. Memorial University, for example, just signed a four-year agreement with

increases of 8%, 4%, 4% and 4%.

The provincial government increased the overall grant to the university by 3% in its most recent budget as well as providing additional funding in lieu of a 5% increase to tuition fees. Why isn't the administration passing that along to support the academic mission of the university?

Your negotiation team says that the teachers, researchers, and librarians at UNB should not be the last priority in budgeting!

Assessment Criteria

- AUNBT rejects a proposal to increase tenure criteria at the same time as wages would fall relative to other universities

The administration is proposing changes to the language of assessment criteria for tenure that single out research and publications as the most significant criteria for permanent employment. In other words, they want to change the job description without changing salary or working conditions.

Status:

The employer wants academic employees to increase research and publications without increasing salaries or support for research or teaching.

Your AUNBT negotiating team says you can't have your cake and eat it too; the administration wants Queen's University assessment criteria for Bible college salaries.

Mandatory retirement

- AUNBT says mandatory retirement is discrimination

UNB remains one of the last three universities in North America to cling to compulsory retirement.

Status:

Your negotiating team and the employer have agreed on that language but they have not been willing to sign off. Are they saving it to trade later?

The AUNBT negotiating team says human rights aren't up for trade.

Financial emergency and layoffs

- AUNBT rejects proposals to change the criteria and timelines for declaring a financial emergency and triggering layoffs

The employer is seeking to lessen the criteria and shorten the timelines required to layoff AUNBT members because of a financial emergency. This is distinct from layoff provisions for academic reasons (which address such circumstances as changes in enrollment patterns) or the effects on employee numbers due to recruitment, resignation and retirement.

The financial emergency article in the collective agreement (Article 29) is supposed to be reserved for a circumstance so extraordinary that "the continued existence of the University of New Brunswick" is judged to be "in serious jeopardy" and sets in motion a series of crisis management procedures by the Board of Governors, the Senate and AUNBT.

Status:

The employer wants to make it simpler and faster to declare a financial emergency and implement layoffs.

Your negotiating team rejects the principle that the administration of a 141 year old public institution with long-term commitments to students and the community should need the additional flexibility of shortened timelines to alter existing academic programs and the number of employees. Educational institutions earn reputations for excellence through stability and consistency. When students, teachers, researchers and librarians commit to UNB, they need to be able to count on a commitment from the institution to them.

Intellectual property rights – commercialization of online learning

- AUNBT says those who develop and teach on-line, open-access courses are entitled to a fair share of the revenues generated from such courses as compensation.

The Administration team has backed down from its original position that the University should be entitled to almost unlimited internal use of all course material developed by employees, even without their consent. It still insists that course material developed for on-line, open-access courses should be subject to just such a “worldwide, non-exclusive, perpetual, irrevocable, indivisible, royalty-free, and non-transferable license.” And it wants to abandon provisions in the current collective agreement that guarantee those who teach such courses a share of the revenue as compensation.

Your negotiating team believes that the special risks and challenges of on-line, open-access teaching entitle developers and teachers to fair compensation through royalties and revenue-sharing, and they feel it essential that developers retain some rights of review and control over course materials in the interests of academic quality.

Status:

Your negotiating team is confident that a joint committee could resolve this complex issue. The administration has still not responded to a joint committee report completed in 2005 that sought solutions to just these problems. We need a free and informed discussion of the future of on-line, open-access learning at UNB, not the unilateral claw-back of rights and revenues that the administration team has attempted to date.

Natural justice in management rights

- AUNBT proposes natural justice language

Simply put, natural justice is one of those legal terms used in employment contracts that means the employer/management must apply fair procedures and act reasonably at all times in its dealings with employees.

Status:

The employer is refusing natural justice language.

Your negotiating team asks, if administration won't commit to fair procedures with its employees, what kind of procedures do they intend? This is particularly troubling given the employer's proposals to change the criteria around financial emergency as outlined above.