

FACULTY UNION NEWS

SAINT MARY'S UNIVERSITY

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SMUFU President's Report

Negotiations

With the ratification of the collective agreement by the Board of Governors on January 25, this round of our triennial negotiations is drawing to a close. It was a difficult round of bargaining in which we came within several weeks of a work stoppage.

With the help of a seasoned mediator, we were finally able to reach a satisfactory agreement. Our success was due to some of the following factors (not necessarily in order of importance): a strong, experienced negotiating team, one of the best in the country, lead by Vic Catano (other members were Bob Cook, Renée Hulan and Terry Wagar), a healthy strike vote and much support from you the members, and energetic and creative participation by departmental representatives and strike committees.

We are very proud and happy that we were able to make progress on all of our major goals: flexible retirement, control over our benefits, and healthy salary adjustments. And we were able to make some important smaller improvements.

But despite being pleased with the settlement or perhaps because of it, many of our members are asking questions: Why did it take so long? Why weren't we able to get an agreement a lot sooner? Will we need to go through this sort of thing every time we negotiate in the future? What has changed about the administration and the Board of Governors that made negotiations so protracted this time around?

Why indeed? They aren't easy questions to answer as we are not party to the inner counsels of management. The survey

that union members completed before this round of negotiations revealed that you have many complaints about the Senior Management Group (see Union's website.) On the other hand, I know from speaking to other faculty association executives that we have a better relationship with our administrators than most. We will be trying to answer these questions in the coming months.

I should note that the other unions on campus have been subject to this kind of bargaining for some time now. The staff union had to hold a strike vote in the summer of 2005 and came within a few days of putting it into action. The part-time instructors' union has also had a very difficult time each time it goes to the bargaining table.

LABOUR DAY, SEPTEMBER 2006

In a year in which they were bargaining with four campus unions, it is not surprising that the administration made much of a drop in enrollment from expected numbers and the attendant financial worries. To a certain extent this is what industrial relations psychologists Walton and McKersie call "attitudinal structuring" (overdeveloping arguments to alter the perceptions of your bargaining opponents). We reminded everyone that over the long term SMU has to have employment terms competitive with other universities in our class. SMU is no longer in the "mostly undergraduate" category; our graduate programs and research focus have in many respects moved us well into the "comprehensive" category. We hire from a national and international pool of scholars and we must attract and retain scholars of high merit. Our new agreement allows us to continue to do that (Of course, the above argument by the Union is not attitudinal structuring, just good sense).



Renewal and workload of SMUFU Executive

I suggest that we think about ways of making the job of SMUFU presidents more manageable and encourage presidents to serve longer terms. The Faculty Union needs more continuity, especially since many of the issues we handle continue over more than a single year.

Under the old agreement, SMUFU presidents received two .5 course releases paid by management. While we were unable to increase this amount, management did agree that the Union could, from its own funds, support three additional .5 course releases. The Executive is now considering how to apply those releases.

At the 2005 annual general meeting, I submitted a report on my investigations into the hiring of a permanent "labour relations officer" for the Union. The job would entail organization, monitoring, advice, research and representation of our members (in conjunction with appropriate elected officers) in labour relations matters of the Union. Many other faculty associations, e.g. Dalhousie, have such a position. Our problem is our size. We're big enough to think about hiring someone like this full time, but not quite big enough to do it. The alternatives are hiring a part-time person, or sharing a full-time person with other local faculty unions, e.g. MSVU, or raising our dues, or a combination of all three.

Communication with members

Union members have noted and appreciated the stepped-up communications this negotiation year. We have a newly-designed website (thanks especially to Pawan Lingras and his daughter Rucha) and we had several excellent newsletters during negotiations. There has been a lot of communication and it is important that we maintain this now that negotiations are over.

Collegiality

Last spring SMUFU organized a workshop for senior university administrators where CAUT Executive Director Jim Turk spoke on the issue of university collegiality. We acknowledge and appreciate the fact that administrators turned out in full force to listen to Jim and carry on a dialogue with him.

On the other hand, persistent problems continue: While senior administrators do take some care to avoid violating the collective agreement, there has been less consultation in areas in which the agreement appears silent, decision-making groups have been set up without sufficient faculty input, and there is less access to permanent physician care in the university health facility. While we acknowledge the workload of the deans, perhaps there could be more "management by walking around" in addition to the more formal aspects of their job. We are concerned that the impasse in collective bargaining might have mirrored a deficit in collegiality at SMU. We are hoping to rectify this in the future.

Use of extra-judicial tribunals: All universities must have mechanisms to handle harassment and discrimination and mediate disputes among members of our community. Last year, however, SMUFU became alarmed at the use of a harassment and discrimination tribunal. We felt that the hearing procedure

was potentially prejudicial to several of our members. Our lawyer intervened to point out several flaws with the process, among them: the process fell entirely outside of the Collective Agreement; it did not allow for several elements of natural justice; confidentiality could not be guaranteed; and it exposed our members to attacks on their professional integrity. The hearing process was halted. This part of the harassment and discrimination policy seems to be heading back to the drawing board for reconsideration.

Grievance procedures: The new method of grievance handling initiated under Michael Vance's watch seems to have worked well. We have a Grievance/Arbitration Committee and Chair separate from the Executive to investigate and advise the Executive on grievances. Doug Vaisey has performed admirably in the Chair's position, with an able committee to help him.

We have carriage of all grievances, meaning that it is the Union that has final decision on whether grievances or arbitrations proceed. At the same time, we have a legal obligation to represent our members fairly. We have had to launch a number of grievances but most of them have been resolved by talks between Union and administration. There are now several outstanding grievances, on matters of promotion and tenure.

Promotion and Tenure: We value highly the collegial process by which decisions on tenure and promotion are made. Most of the time it works well. But sometimes it does not. I have been closely studying the tenure and promotion process and I think there are several ways we can make the process fairer overall and specifically for applicants, colleagues, deans, and the University Review Committee. In the coming months, I will be discussing these ideas.

Academic Freedom

In the past few years there have been several high-profile academic freedom cases in Canadian universities and SMU has had these as well. One of the cornerstones of the academy is the right of professors to speak out on a wide range of issues, many of them controversial, without fear of discipline or other punishment by their institution. While this right is seldom exercised by most faculty members, we must jealously guard it. Yet, ironically, we seldom discuss and debate this very important part of our careers. How far does the right go? Are there limits? It is easy enough to defend actions you agree with. But it is a challenge to defend those you disagree with. Yet defend we must. The contribution by Mark Mercer in this newsletter is one contribution to this debate. We hope there will be more.

Intellectual Property Rights

This is another very important and growing concern linked to academic freedom. Indeed it is a "sleeping giant." In October, I attended a CAUT workshop on intellectual property with fellow SMUFU exec Tatjana Chorney (whose report appears in this newsletter.) As faculty members we should have concerns both as creators AND users of intellectual property. We want to ensure that the fruits of our creativity receive the credit they are due. At the same time

we want to ensure that we and the public have a fair chance to use the intellectual property of others.

This year the SMU administration rose to the challenge of defending a member's intellectual property rights and we salute them for it. One of Psychology Professor Mark Fleming's former employers claimed it had a trade mark on a term that he was using in his scholarly work and threatened Mark and SMU if he continued to use it. SMU administration instructed its lawyers, at some considerable cost, to launch an objection to the use of the trademark to stifle Mark. This intervention was successful in safeguarding Mark's intellectual property rights and academic freedom and marks an important precedent.

SMUFU will be taking steps to make our members more aware of the issue of intellectual property rights in the future.

Relations with SMUSA and other faculty unions

We maintain cordial relations with the Saint Mary's University Student Association. My predecessors made a point of meeting regularly with SMUSA representatives. This year, because of the problems in negotiations, we stepped up our relations with SMUSA. Having interests in common, especially student tuition and debt, we remain committed to working with SMUSA after the current negotiations are concluded.

SMUSA has developed their own instrument to evaluate the teaching of professors. SMUFU has shown an agnostic reaction to date. While we support students having information about courses and course content, we have some concerns about the methods used in this instrument, about how the evaluation might be used by the administration, and about fairness. We are assured that only students registered in a course have access to the instrument for that course. In this way, the instrument is superior to "rate my professor." We also understand that a SMUSA representative is monitoring and moderating the input. SMUFU is also monitoring the evaluation project and will report back to you.

In conjunction with negotiations, we have continued and improved our relationship with union representatives of the other employee groups on campus and intend to keep these relationships up. We have also become concerned about the rights of a significant proportion of university employees, such as lower-level administrators, who, to date, are without the protections afforded by a union.

CAUT

Our association with the Canadian Association of University Teachers continues to be invaluable. CAUT is concerned with a number of important and breaking issues of interest to faculty members across Canada, including:

Academic freedom and tenure: CAUT has been exemplary in fighting several now famous cases like those of Nancy Olivieri and David Healey at University of Toronto and the case of Gabrielle Horne of Dalhousie Medical School. CAUT is monitoring some ominous threats to academic freedom emerging from south of the border in the US. I should mention with some pride that our Vic Catano, former President of

CAUT, is current chair of CAUT's Academic Freedom and Tenure Committee.

Fairness of contract academic staff: While CAUT affiliates don't always represent contract academic staff, the organization has fought strongly against the exploitation of these academics. In the future, I believe, SMUFU must think more about the rights of our members who are sessional appointees and also work more closely with the representatives of the part-time instructors' union on campus.

Privatization: CAUT's attitude, which we share is that "... privatization is not the answer to the challenges confronting post-secondary education. Rather, it is only through a serious and renewed investment in public universities and colleges that the quality and accessibility of post-secondary education in Canada can be enhanced."

Student tuition fees: CAUT has strongly opposed the inflation of student fees (which are especially high in Nova Scotia). Among other reports on student tuition and debt, CAUT published in June 2006 a report entitled "The Economics of Access: Sharing the The Fiscal Reality of PSE Costs for Low-Income Families." <http://www.caut.ca/en/publications/educationreview/educationreview8-2.pdf>. This report showed that the burden of increasing tuition costs is disproportionately borne by families in the lowest income group and that Nova Scotia has the worst record in this regard. These results are especially relevant to SMU, with a high proportion of lower income students. SMUFU has shared this and other information with SMUSA.

Intellectual property: CAUT now has a full-time staff person, Paul Jones, in charge of intellectual property issues. The recent IP conference was a much-needed first attempt to develop a clear policy on the rights of the academic creator and user of I.P.

Relations with the labour movement

Under previous presidents, SMUFU decided to affiliate with NUCAUT, which is an organization of faculty associations that are legally recognized as unions under Canadian law. Affiliation to NUCAUT allows us also to affiliate to various bodies in the labour movement and we have taken this opportunity, affiliating to the Canadian Labour Congress and the Nova Scotia Federation of Labour, joining other Nova Scotia faculty unions, e.g. Cape Breton University and Mount Saint Vincent University. We also will send delegates to the Halifax-Dartmouth and District Labour Council. We believe that this affiliation with the mainstream of the labour movement creates contacts with good allies and a movement which increasingly is made up of professional workers, e.g. teachers, nurses, technologists.

Affiliation to the labour movement also made it much easier to gain pledges of support in preparation for a possible strike.

A contingent of about fifteen people from SMUFU marched in the Halifax Labour Day Parade, the first faculty union in Halifax to do so. We received some good coverage in the media.

Election of Leonard Preyra

Leonard, a former Union president and perennial activist in the Union, was elected as MLA for Halifax Citadel in the Summer 2006 election. He is now the NDP caucus critic for Education, Post-Secondary Education, Immigration and Youth. Congratulations, Leonard!

Remembering deceased colleagues

Since the last AGM, three SMUFU members have passed away. They are: Lloyd Rieber (Marketing), Art Monahan (Philosophy) and Cyril Byrne (Irish Studies). Our thoughts are with them.

Larry Haiven

President, SMUFU



What's New in Grievance Administration?

The Fourth Annual Senior Grievance Officers' Workshop in December 2006 covered three elements: the survey of faculty union grievances in Canada, the recruitment and retention of grievance officers, and (the main theme) renewal, promotion and tenure issues.

Who's Grieving What in Canada?

In C.A.U.T.'s second annual survey, it is clear that the climate of academic relationships across Canada is widely variable. Some universities file no grievances at all; one filed nearly two a month. At best, most associations file three per annum. Those who filed few grievances (Saint Mary's is one) appear to have better informal resolution techniques and better overall relationships with their university administrations. Memorial University, on the other hand, has such an adversarial interaction between union and employer that its union grievance committee meets almost bi-weekly.

The top issues in Canadian faculty unions were a) compensation, b) renewal, promotion and tenure, and c) discipline. Surprisingly, the bulk of grievances were grounded in contractual language differences while few involved academic freedom, intellectual property, or equivalent scholarly output.

Succession in Unions

Who will be tomorrow's faculty union leader? Chief negotiator? Grievance officer? Across Canada, this is becoming a core concern as "the usual suspects," who have served as union workers and leaders for years, near retirement. In established faculty unions, where a conspicuous dozen or so have filled key positions, recruiting and mentoring the successor generation has become a challenge.

Many union officers (especially grievance officers) indicated that they got involved because something negative occurred in their careers. Some say they got involved out of gratitude ("The Union stepped in and protected me."); others say the opposite ("The Union did nothing, so I decided to change that.") Saint Mary's has been fortunate in seeing keen, active

members step forward.

Renewal, Promotion and Tenure (RPT)

No one likes to be told "no," especially when it involves promotion or tenure. In the latter case, denial is often seen as a "career-ending decision" – the reason why tenure denials are most often taken to arbitration. Cases involving RPT disputes at Canadian universities are on the rise. Between 2005 and 2006, the number of RPT grievances reported in a CAUT survey has tripled. What has happened to collegiality?

Two key themes emerged: shifting standards and administrative interference. In the former instances, unions report that colleagues promoted or tenured in the past using one standard have "raised the bar" for their juniors, insisting on standards that they themselves could not have met. In so doing, older colleagues have sometimes applied "superstar" criteria to keep their juniors "in their place." In the case of promotion, there are financial repercussions; in the case of tenure, decisions can make or break academic careers. Canadian arbitrators have ruled against this gate-keeping, but the practice continues. When standards are shifted, faculty play into the hands of penny-pinching administrators, who use the convenience of a denied promotion to save on salaries.

More worrisome is a trend seen at Western Canadian universities for administrators to reject collegial positive recommendations and to deny promotion or tenure. At the University of British Columbia, the promotion cases of professors Rucker and Chiu-Duke have gone well beyond arbitration and will be argued before the Supreme Court of Canada. At issue: the right of an arbitrator to tell the University it has erred. The employer's argument: that a University president cannot be compelled to write a letter (approving a promotion, in this case ordered by an arbitrator and held under appeal by a provincial court) when he or she does not believe the promotion is warranted. For those who wish to follow the Rucker and Chiu-Duke cases, copies of the documentation are in the Union Office.

Although RPT issues are taken through grievance to arbitration in around 75% of Canadian instances, the arbitrators find themselves limited to arguments around procedure, discrimination, or academic freedom. And it is quite common for an arbitrator to refer the matter back to the point in the decision process where the error occurred, with instructions to reconsider the decision.

Douglas Vaisey

Chair, Grievance and Arbitration Committee

SMUFU WEBPAGE DOMAIN NAME AND E-MAIL ADDRESS:

The Saint Mary's University Faculty Union webpage domain name is smufu.org and the e-mail address is unionoffice@smufu.org.

Controlling Intellectual Property: The Academic Community and the Future of Knowledge

(A CAUT Conference, Ottawa, October 27-29, 2006)

Until recently, intellectual property and copyright issues were at the periphery of interest for institutions of higher learning. The development of digital technologies and the almost ubiquitous presence of the Internet and information technology (IT) on campuses are, however, beginning to have an increasing relevance to how we teach and research. With the increasing digitization of various materials and their availability on-line, the issue of digital rights management (DRM), that is, the issue of who has control over digital materials and who regulates access to them, has become a matter of ongoing debate, and sometimes of legal wrangling, in both the public and private sectors. This debate is in great part reflected in and fuelled by the fact that, under the pressure of rapid globalization over the last decade, domestic laws and international treaties have been tightening the rules on the use and sharing of information. The consequences of these changes could influence the mission of academic institutions, the direction of funding of research, and the open exchange of knowledge. In this sense, the CAUT conference provided a much needed forum for exploring these important issues and their impact on colleges and universities.

The keynote address, "Copyright and Control in the Digital Age," was delivered by Michael Geist (Law, Canada Research Chair in Internet and E-Commerce Law, University of Ottawa). Geist's was an enthusiastic view of the possibilities offered by IT. He pointed out that the new digital media enables us to understand copyright as a set of rules about "what can be done" rather than "what can't be done" with copyrighted material, as had been the case before the digital era. He spoke at length about the potential of digital technology to enable new models of creative collaboration and to allow people to interact with culture. Many digitally-available resources, such as blogs, Creative Commons Licensing, podcasting, and Open Source Software, freely enable content creation. These resources are also based on unrestricted access to content sharing and thus have very little to do with copyright in a traditional sense. In the realm of education, these resources include all Creative Commons initiatives, Flickr, Project Gutenberg, and MIT Open Courseware. In relation to the latter, it is of interest that not a single Canadian university participates in making available courses or course materials on-line freely and with unrestricted public access. Advocating that "publicly-funded research should benefit the public," Geist urged the academic community to become familiar with Canadian copyright law in order to reposition it in relation to the fair use of materials and resources, and to lobby for open access laws that would facilitate open access models and open licensing, like the ones available through the "Creative Commons." The podcast of Geist's opening address can be accessed at: [<http://web20.uottawa.ca/academic/commonlaw/tech/podcasts/techlaw/CAUT-2006-10-27-Geist.mp3>].

In trying to answer the question, "can the academic community ensure copyright law facilitates the open flow of digital information," Laura Murray (English, Queen's University) made

the distinction between copyright, as based on permission, and the citation system on which academics rely, as based on attribution. Claiming that "law exists through the ways we interpret it," Murray argued that the citation system, founded on copyright law clauses regulating "fair use," facilitates the circulation of cultural capital and thus extends "user rights" without really ever infringing on the rights of creators.

David Robinson (Associate Executive Director, CAUT) and Myra Tawfik (Law, University of Windsor) spoke of international treaties and trade agreements being developed by the World Trade Organization and meant to establish rules "governing the international trade in education services" (Robinson). These emerging rules and attempts to negotiate their implementation in countries like Canada would severely constrain Canada's internal ability to determine its own intellectual property legislation, and so their outcome could have serious consequences for Canadian colleges and universities, and students and teachers. Presenting chilling examples from South Africa on what can happen when education becomes a market commodity, Robinson called for academics to actively oppose the General Agreement on Trade in Services that Canada will be negotiating with the WTO, because it would reduce education and educators to tradable commodities subject to the rules of market. Discussing the treaty of the World Intellectual Property Organization and its negative impact on Canadian law, Tawfik emphasized that Canada could walk away from this treaty the same way that it walked away from the Kyoto agreement. She pointed out, however, that this would require Canada to resist often unacknowledged US pressures, and to stop using copyright law to support and protect corporate media.

In addressing intellectual property ownership on campus and on the collective bargaining front, Paul Jones (Professional Officer, CAUT) spoke about the fundamental debate over whether it is appropriate to define academic output as property in the first place. Jones acknowledged the difficulty that lies ahead for universities and academics. While, on the one hand, the "preservation of existing ownership rights" is the "essential starting point in any academic consideration of intellectual property," on the other hand, the increasing "intellectual proprietization" of scholarly work regardless of who owns it poses a serious threat to the university as a public institution, as it strengthens the "ownership" model based on the corporate private sector, and thus participates in the global trend to commodify knowledge and commercialize education. Jones' conclusions reflect the dilemma: "The difficult task of strengthening the information commons while at the same time defending the legitimate uses of intellectual property law to maintain the independence and integrity of scholarly work must be faced."

A bold response to what needs to be done about the university's growing involvement in the privatization of knowledge was provided by Claire Polster (Sociology and Social Studies, University of Regina). Polster proposes that, rather than trying to find alternatives to privatization, which assumes that the condition is here to stay, academics and universities should outright reject it, and should be prohibited

“from engaging in the privatization and commercialization of knowledge, either in the service of others or on their own”. Instead, all knowledge produced at the university, with either public or private funds, would have to be placed in the public domain. As the only presenter who unambiguously advocated education, rather than “knowledge production,” as the primary function of the university, Polster argued that “strategies such as creative commons, open source, and the like can be extremely useful so long as they are conceived and designed as means to directly oppose privatization, rather than side-step or opt out of it.”

Among the presenters were representatives of a wide range of organizations and locations affected by the same issues, such as Angela Regnier, Vice President of the Canadian Federation of Students; Paul Whitney, Expert Resource from the International Federation of Library Associations Copyright Committee; Kathleen Shearer, from the Canadian Association of Research Libraries; Paul Kniest, Policy and Research Officer, from the Australian National Tertiary Education Union; Andy Caplan-Myrth, Project Lead with Creative Commons Canada; and David Bruce, Legal Counsel, from the Office of Research Services at Queen’s University.

David Bollier, author and editor of *OntheCommons.org*, a blog sponsored by the Tomales Bay Institute in the US, delivered the closing address, “The Perils of Property Speak in the Academic Commons.” Bollier traced the history of the tensions between the commercial and academic worlds in the US, from the 1980 Bayh-Doel Act to current concerns over the privatization of publicly funded knowledge and the erosion of public confidence in the independence of academic research. Noting that “the intellectual property industries are not prepared to have a serious conversation about the proper balance between property rights and public needs,” Bollier calls on academia to “develop a better way of asserting the enormous value of free sharing of information” and the “supremacy of its community ethic and its public spirited mission.” He finds the beginning of this mission in the “commons” model, exemplified by Creative Commons Licensing, open access journals and publishing, Open CourseWare Initiative, the Science Commons, and other similar initiatives.

By the end of the conference, it was evident to most delegates that the purpose of the conference was not to provide the university community with clear-cut answers on the issue of intellectual property as it has emerged in the digital era, but to raise awareness of its existence. In organizing this conference, CAUT performed a valuable public service for Canadian academics and institutions by educating all those involved on the sources of ongoing debates concerning intellectual property, the terms on which they are conducted, their implications for academia, and the challenges institutions and their members will have to face when it comes to playing their part in a wide ranging global process.

Tatjana Chorney
Member-at-large, SMUFU Executive



A Response to Steven Smith’s President’s Report

Steven M. Smith, in his President’s Report (Faculty Union News, February 2006), assures us that, should the University attempt to restrict the academic freedom of any faculty member or librarian, the Saint Mary’s University Faculty Union will act to protect it. Members of the Union certainly ought not to feel safe despite Steven’s assurance. On the contrary, we should all be very afraid. Most of Steven’s report is a warning to faculty members and librarians that the Union will not protect them should the Union deem them to have spoken or acted irresponsibly. And, in light of Steven’s and the Union’s response to Peter March’s having posted last February on his door cartoons to which some Muslims take offence, to offend someone is in itself to act irresponsibly and, thereby, to forfeit the Union’s protection.

Steven writes that the Union will not defend members who in their research, teaching, or discussion defame people, spread hate, harass others, put at risk people’s safety, or hurt others emotionally. Of course none of us wants to do any of these things; at least, I trust, none of us would set out intending to do any of them. But we also want to be honest and effective researchers or intellectuals, teachers, and participants in social, political, and intellectual life. We hope to be able to pursue whatever line of research we want and to draw the conclusions we think fitting. We want to use whatever teaching methods we deem effective. We want to advocate whatever views or values we consider worthy. In pursuing a line of research, or making public our views, or teaching our students, or promoting our values, or discussing things in the halls, we may well say or do something that does offend one or another or many people. We might cause people much hurt. Will the Union be on our side when our actions offend people? No, it won’t, at least not in light of its behaviour toward Peter March or given what Steven has said in his report and elsewhere.

The Union’s behaviour and Steven’s words raise at least two concerns. The first has to do with what constitutes defamation, spreading hate, harassment, putting at risk people’s safety, and emotional harm, and with whom we can trust to make proper determinations regarding these things. Were those offended by Peter’s gesture offended so greatly, or offended by an act so mean, that that gesture truly counts as defamatory, hate-mongering, harassing, physically threatening, or emotionally harmful? I would say no, they were not. Indeed, I would question whether any degree of offence taken could by itself constitute defamation, hate-mongering, or threat to safety. Perhaps offending someone could by itself constitute harassment or emotional harm, should the offence be great enough or of a particularly bad kind. The Union, though, in its inaction and through its President’s words, has indicated that it thinks that Peter’s gesture indeed offended people so greatly or in such a way as to count as hate-mongering or harassing or emotionally harming. The Union, then, has very low standards for these things. We members should work to raise its standards.

Steven certainly thinks that Peter's gesture crossed some line. He has not explained how it did, though, nor has he explained to me where the arguments I sent him contradicting his views go wrong.

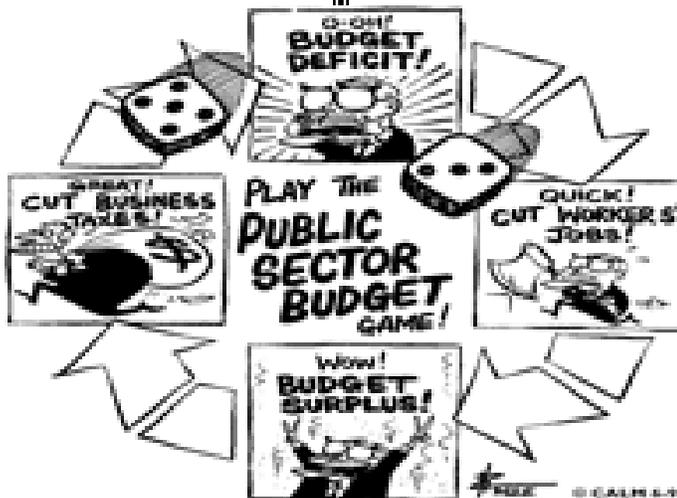
The second concern has to do with what we can expect from our Union when a line actually is crossed. Suppose one of us in his or her research or teaching or discussing or advocating does defame a person or spreads hate or harasses someone or puts at risk a person's safety or causes someone emotional harm. Steven has told us that the Union will not come to that member's aid. Yet, for the Union to deny protection to one whose research or teaching or whatever defames or spreads hate, etc., is for the Union to take the position that anything else we hold dear immediately trumps academic freedom. If academic freedom is, as Steven writes, absolutely necessary for the proper functioning of institutes of higher education, then anything else we hold dear trumps the proper functioning of institutes of higher education when the two conflict.

We hope that what we do and say as academics doesn't defame anyone or spread hate, etc., but maybe we will do something, acting as responsible researchers or teachers, that does defame someone or spreads hate, etc. When by honouring one thing we hold dear we compromise something else we hold dear, we have a serious practical problem. Should the Union stand by the researcher whose work spreads hate, or should it allow those who would silence her to silence her? It is in cases when academic freedom runs up against another important value that a union actually committed to academic freedom will discover just how deep its commitment is. Our Union, sadly, appears to have no commitment to academic freedom at all. If I understand Steven correctly, as soon as the Union judges a member's activities to be defamatory or hate-mongering, etc. (and, remember, the Union's standards for these things are very low), the Union will not be concerned to protect that member.

Most people, it is true, have no more than a shallow commitment to academic freedom, and to freedom of expression generally. None the less, I was shocked in the aftermath of Peter's gesture, though, I'm sad to say, not surprised to see how many of my colleagues put academic freedom and freedom of expression near the bottom of their list of values. Especially upsetting was that our University's Vice President Academic & Research, Terry Murphy, and the President of our Union, Steven M. Smith, showed themselves to be among those for whom expression is the first to give even in a minor conflict with another value, in this case our desire that people not feel offended. Yet, with the Union's unwillingness to stand up for a member and our President's warning to us not

to step over some tightly drawn lines, at least now we all know we are each on our own.

Mark Mercer
Department of Philosophy



Canadian Association of
Labour Media cartoon

No Sweat Universities: Atlantic Regional Meeting March 4th 2006

The opening remarks for the No-Sweat Universities: Atlantic Regional Meeting on March 4th 2006 at Mount Allison University in Sackville New Brunswick were followed by individual conference goal-setting. We then broke into a round table discussion taking up the debate "Sweat Shops: social evil or economic necessity?" A point of consensus was that boycotting is not an effective strategy to ameliorate labour conditions. It is best, rather, to work with the company which is why signing on to the WRC is important.

The first workshop of the day involved skill-sharing for successful No Sweat action campaigns. Participants discussed how to organize a No-Sweat group and recalled the various actions initiated on their respective campuses. The second workshop consisted of writing an ethical purchasing policy. And the third workshop revolved around policy implementation, specifically, ensuring university ethical purchasing policies work. It became clear at this stage that all schools struggled with the trickledown effect of policy implementation. In other words, it is difficult to obtain accurate information at the company level, as well as at this school administration level down to bookstore purchasing. The final workshop of the day was a roundtable discussion to troubleshoot to identify problems/ limitations/ barriers in local campaigns as well as to share successful practices and outcomes.

Although all parties agreed that signing on to the Workers Rights Consortium is an important step, implementation remains an area to be addressed. All universities represented at No-Sweat Universities: Atlantic Regional Meeting were in various stages of development and implementation. For

example, one school at the conference was at the stage of proposal writing and implementation, while another school was still on the task of convincing their university that a No-Sweat policy was necessary. One of the universities represented based their proposal on the ethical purchasing code at McMaster University and the proposal was well received by the administration at the university.

Consensus was reached that an Atlantic Regional Network would be a good initiative in establishing communication, dialogue, and feedback throughout this process.

Lyndsay Pearson and Jane Hebert
SMU Students

SMUFU SCHOLARSHIP RECIPIENTS FOR 2006-2007

The SMUFU Scholarship Committee consists of Geraldine Thomas - Arts, Rob Singer - Science, and Janet Gregory - Commerce. The committee selected the following students to receive the SMUFU Scholarship for 2006-2007:

FULL TIME STUDENTS:

Christopher Heans, Natasha Head, Shawn McCarthy, Stephane Savoie, Chris Wannamaker

PART TIME STUDENTS:

Mary Louise Jeans, Christine Baugil, Alexis Kraig, Heidi Cottreau, Michelle Doucet

ON THE WEB

CAUT committee's report on academic procedures and evidence of systemic discrimination and harassment in a dispute involving Dr. Kin-Yip Chun and the University of Toronto. *An electronic copy of the Committee's report is available on-line at: www.chuninquiry.ca.*

Ethiopian Teachers Association members jailed, disappeared, tortured. *For more information see Education International's web site at www.ei-ie.org and Amnesty International at www.amnesty.org*

Your Two Cents: Submissions and Suggestions

All SMUFU members are invited to contribute comments, news ideas and, yes, even written submissions for future issues of the Faculty Union News. Contact: Bob Cook, Editor – 420-5174 E-mail: robert.cook@smu.ca

UNION LIBRARY

The following items have been added to the library available to members in the Union Office:

Reports:

- The Economic Impact of Universities in the Atlantic Provinces, February 2006
- MPHEC — Multi-year Business Plan 2005-2007 to 2008-2009, March 2006

Newsletters:

- AUFA Communicator — December 2006, Vol 14, No 2

CAUT Newsletters & Publications:

- CAUT Legal Review — December 2006, Vol 7 No 3
- CAUT FACTS & FIGURES—December 2006, Vol 8 No 1
- CAUT Education Review — December 2006, Vol 8 No 3
- CAUT Legal Advisory — Ratemyprofessor.ca: What can be done? April 2006
- CAUT Bargaining Advisory: Child Care, March 2006, No 17

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