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Sent by: Kwantlen Domino  
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To Erica Reimer/ext/kwantlen/Ca@kwantlen  
cc  
bcc  
Subject [faculty] IMPORTANT: Defending Our Rights Update

05/28/2010 12:38 PM

Please respond to  
Terri A Van Steinburg

Dear KFA Members,

On February 12, 2010, as President of the Kwantlen Faculty Association, I sent you a letter outlining the disturbing events occurring between the KFA and both the Kwantlen Polytechnic University Board of Governors and Kwantlen administration. The letter warned of various “governance” documents that could erode or eliminate parts of our collective agreement.

Since that time, the assaults on our collective agreement and bargaining rights have continued unabated, the two most recent being another letter from Scott L. Nicoll, Chair of the Kwantlen Polytechnic University Board of Governors, addressed to me as the President of the KFA (see attached), and a document on search and hiring in the Faculty of Humanities—the subject of the April 26, 2010, Defending Our Rights bulletin (see attached).

### Nicoll’s Second Letter

On May 25, 2010, before formal bargaining was scheduled to begin and only one day before the Employer and the KFA were to sit down to discuss bargaining protocols, the KFA received another letter from Scott Nicoll. In this letter, which, according to Nicoll, was to replace the one sent in December, 2009, the Chair states:

As we were formerly subject to the *College and Institute Act*, it is possible that there are some current provisions in the collective agreement that were bargained in good faith at the time but that deal with areas that may now be under Senate’s exclusive jurisdiction, or that require Senate’s advice or approval.

As in his previous letter, Mr. Nicoll asserts that a result of the changes governing Kwantlen as a special purpose teaching university is that Kwantlen’s Senate may have the ability to override provisions in our collective agreement. In addition, Nicoll uses “exclusive” in describing Senate’s jurisdiction, yet nowhere in the section regarding the special universities—for that matter, nowhere in the *University Act* itself—is there support for the assertion that the powers and duties are exclusive to Senate.

The KFA continues strongly to oppose Nicoll’s claim that Kwantlen’s Senate may have the ability to override provisions in our collective agreement. This matter must be clarified, or the parties will have difficulty successfully bargaining a new collective agreement. How can we reach final agreement if parts of the agreement may be declared void by Senate at some point in the future? The KFA is seeking reassurance that those participating at the bargaining table can actually reach a binding agreement.

The KFA—not Senate or any other body—remains the recognized bargaining agent for our members.

### Faculty of Humanities Proposed Search and Hiring Process

Adding to these difficulties is the inclusion of the Faculty of Humanities Proposed Search and Hiring Process on the agenda of the next Senate meeting on Monday, May 31, 2010. Specifically, the motion at

Senate is “that Senate endorses, subject to the *University Act* Section 40(c), the proposed search and hiring process of the Faculty of the Humanities.”

Bringing this document forward to Senate for approval is provocative and disturbing on two counts.

First, as was noted in the *Defending Our Rights—Eroding Our Rights* document, should the proposed search and hiring procedures for the Faculty of Humanities be put into operation, the result would be the erosion of job security, the creation of a confusing and arbitrary evaluation system, the further restriction of the rights of non-regular faculty, the removal of proper process and protection in determining conflict of interest or bias in Search Committees, and the yielding of all power in the Search processes to the Dean. It will also create confusion, with procedures for Humanities different from those in the rest of the university.

Second, and perhaps more importantly, search procedures are enshrined in Article 4 of the collective agreement, which remains in force regardless of Kwantlen’s designation—as clearly stated in the legal opinion sought by Kwantlen Polytechnic University itself and provided by D. Lawrence Munn, of Clark Wilson, LLP:

... the continuation of Kwantlen University College as a university and the designation of faculties will not affect the validity, term or content of the two collective agreements. They remain in place.

#### **KFA: The Recognized Bargaining Agent**

The KFA assures our members that we continue to represent ALL faculty members. We will continue to defend our rights, and we will continue to protect the welfare, professional interests, and working conditions of our members. Most importantly, we will continue to regulate labour relations between Kwantlen Polytechnic University and faculty members as the exclusive bargaining agent.

#### **In Closing**

Thank you for your support to date. You may have already read the communication from the Employer regarding their opening statement at bargaining. We have strongly refuted their position and will persist in doing so. We will continue to keep you informed.

We have the full backing of our provincial body, the Federation of Post-Secondary Educators, and our national body, the Canadian Association of University Teachers.

Sincerely,

Terri Van Steinburg  
President, Kwantlen Faculty Association

#### **What You Can Do**

Contact the Senators representing your Faculty and let them know how you feel about this intrusion on our rights.

Hold your Senators accountable. Attend the next meeting of Senate:

Monday, May 31, 2010 in Room 2550, Richmond Campus

Support your KFA. Let us know

fa.bc.ca



KFA re U Act and Court Decision.pdf

Kwantlen Faculty Mailing List.