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P S E A

THE POST-SECONDARY
EMPLOYERS' ASSOCIATION

December 7, 2009

Cindy Oliver, President
Federation of Post Secondary Educators
400 - 550 W. 6th Avenue
Vancouver BC V5Z 1A1



Dear Cindy:

Thank you for your letter of December 3, 2009 concerning the notices delivered by the five universities within PSEA to their respective faculty associations last week.

Let me assure you that the notices were intended as factual, timely, transparent, and good faith communications from the university employers to their unions about a potential problem that the employers are concerned may arise if and when a teaching university's Senate, exercising its powers under the pertinent provisions of the *University Act*, enacts a policy concerning academic governance where such policy may conflict, in whole or in part, with an existing provision or provisions of the university's faculty collective agreement.

In the event of such a conflict, then either or both parties to the collective agreement in question would of course have access to the appropriate method of third-party dispute resolution.

The employers believe that the law currently requires a university's faculty union(s) and a university's board to defer to Senate policy that concerns academic governance matters and that has been enacted pursuant to the pertinent provisions of the *University Act*.

The timing of the notices has had nothing to do with any employer-side strategy to disrupt FPSE's efforts to prepare for bargaining. The notices were delivered in good faith on the earliest date administratively feasible once the employers became aware of the potential issue. The university employers did not want their faculty unions to be unaware of a potential legal issue that could impact bargaining or collective agreement provisions in the circumstances described above.

I trust that this clarifies the position of PSEA and the university employers with respect to the notices. However, if you wish to discuss this matter further please feel free to follow up with Anita Bleick or with me.

Sincerely,

John Waters
CEO