

The Update



Issue 2, 2020-2021

February 2021

IN THIS ISSUE

Notices & Upcoming Events	2-4
OCFA By-Law Subcommittee Report....	5-14
President's Report	15
Chief Steward's Report	16-17
Bargaining Chair's Report	18
Treasurer's Report	19-22
2020-2021 OCFA Contact List.....	23

SUBMISSIONS TO THE UPDATE

The Update welcomes letters to the editor, upcoming event notices, or other submissions. I encourage you to write in response to what you read in the newsletter or about other Faculty Association matters. Letters to *The Update* do not represent the opinions of the editor nor the OCFA Executive or Council. Please send submissions to *The Update* editor Sasha Johnston at sljohnston@okanagan.bc.ca or via intercampus mail.

A special thanks to Janice McQuilkin for her work reviewing *The Update*.

COUNCIL & EXECUTIVE MEETINGS

OCFA Executive meetings are held once every two weeks. OCFA Council meetings are generally held once per month. If you would like to bring forward a particular item for consideration please contact one of your OCFA Council members (contact information for all of your reps can be found on the [last page of this newsletter](#)).

DELIVERY OF THE UPDATE

The *Update* is now distributed electronically as a PDF file by e-mail; it is also available on the OCFA webpage. <https://www.okanagan.bc.ca/okanagan-college-faculty-association>

Contact information for all Association Council representatives and Shop Stewards can be found on the final page of this newsletter.

Notices and Upcoming Events

The next meeting of the **Union & Labour Issues Reading Club** will be taking place on Wednesday, Mar. 17 at 7 pm PST. We'll be discussing Chapter 4 of *Building A Better World: An Introduction to the Labour Movement in Canada*, pages 46-70, "From Keynesianism to Neoliberalism: Union Breakthroughs and Challenges." More information on the book is available here: <https://fernwoodpublishing.ca/book/building-a-better-world>

Everyone is welcome whether they are able to do the reading or not. This is first and foremost a social event, so if you are interested feel free to drop in regardless of having read the text.

To join the club, please send an email to Aaron Giovannone at agiovannone@okanagan.bc.ca if you haven't already done so. You'll receive the Zoom link to the meetings and other updates about the club.

Upcoming Council Meetings:

- Friday, March 12th
- Friday, April 9th
- May & June Joint Incoming/Outgoing Council Representative meeting dates to be determined following the AGM

OCFA members are welcome to attend Council Meetings. Please contact Sasha Johnston, Secretary, for Zoom links.

OCFA Annual General Meeting: Friday, April 30th, 5:30-8:30pm via Zoom

Come out and meet your colleagues at our Annual General Meeting (AGM) this coming April. The AGM is important to attend; you have a voice, a vote and you can be part of the vision going forward. For example, you have the opportunity to vote on any proposed By-Law changes (see below). The other important reason to attend is to vote for your representatives on the Association Council and Shop Stewards for the subsequent academic year.

As all OCFA positions are one-year terms, they are all considered vacant until filled at the April AGM; however, Council thought it wise to inform the general membership that many of our current reps have already decided that they will **not** be running for the positions they current hold. Currently, there are no incumbent candidates for the following 2021/2022 positions:

- Second Vice-President (Chair of the Negotiations Committee)
- Treasurer
- Secretary
- Non-Continuing Faculty Representative
- Faculty Liaison Representative - Technology
- Human Rights & International Solidarity Rep
- Decolonization, Reconciliation, and Indigenization Rep
- Community Representative - Vernon
- Community Representative - Penticton
- Shop Steward - Salmon Arm

An official call for nominations for all Association Council and Shop Steward positions will be made three weeks prior to the AGM; in the meantime, if you have questions about these or any other positions, please feel free to email the Chair of the Nominating Committee, Sasha Johnston, at sljohnston@okanagan.bc.ca

OCFA-Sponsored Indigenous Speaker Series

Rosalie Yazzie: Transforming the Justice System Through Reawakening Indigenous Laws and Legal Traditions

Date and Time: Thursday, Feb 25, 6:00 pm

Registration: https://ca01web.zoom.us/webinar/register/WN_kDyFMVoXTMmJp4Js6FPIcA

About the Presenter:

Rosalie Yazzie is Syilx from the Okanagan Indian Band with ancestral ties to the Secwepemc Nation. She is the Vice-Chair of the BC First Nations Justice Council and an 11-year member of the Law Society of British Columbia. Rosalie holds a Juris Doctor from the University of British Columbia and an MBA from Simon Fraser University in Indigenous Business & Leadership.

Ms. Yazzie owns and operates Nesika Law Corporation which specializes in Aboriginal law, title and rights and Nation rebuilding. She is a passionate champion for Nation building approaches based in traditional governance values, customs and First Nations legal traditions. Her firm supports First Nations clients to achieve their governance and institutional development goals through sound policy, strategic engagement, and communication. She applies a unique lens to her practice, earned through decades of professional experience in First Nations political advocacy, human rights, and social development issues including – child welfare, health and education. Ms. Yazzie currently serves as general counsel to the Chiefs Executive Council of the Syilx Okanagan Nation and is a past member of the Law Society of B.C.'s Truth and Reconciliation Advisory Committee. She is a member of the Columbia River Treaty Negotiations Advisory Team and has recently been appointed to the Southern Interior Development Initiative Trust 2021 Legislative Review Committee.



OCFA By-Law Subcommittee Report

Alan Rice, Business Faculty Representative & Kelowna Shop Steward

Committee Members:

Bob Groves (Chair)
Sasha Johnston
Brian May
Bruce Campbell
Alan Rice

The OCFA By-Law Subcommittee, formerly the Election Procedures Subcommittee, was given the mandate to review the Association's By-Laws with the intent to recommend changes to the By-Laws that would accommodate members attending and vote at Association meetings electronically. The committee assumed that a) association meetings are normally held in person, b) some members may need to attend electronically, c) some situations may require the Association to hold meetings that are attended entirely electronically, and c) members need to be in attendance at meetings to cast votes, either in person or electronically. To that end, the committee reviewed the Association By-Laws to identify articles that needed to be amended for all these things to occur.

The committee is also making recommendations that consolidate By-Law language related to meetings into Article VII, make changes to Article VII to address all meetings of the Association, and to reorganize the Article to make the language more clear. We are proposing to move language from Article III that deal with meetings to Article VII. Rather than having Article VII focus solely on General Meetings, the committee added language that addresses all meetings of the association. We are proposing that Article VII be organized from the most common meetings of the Association, Council meetings, to Special General Meetings which are the least common type of meeting. This reorganization makes the intent of the By-Law language more clear.

The committee also reviewed the rules associated with Association meetings and is recommending changes to reflect requirements for accommodating on-line meetings. The rules presented are recommendations for conducting meetings. Rules are much more flexible than By-Laws and can be amended or changed with a majority vote of meeting attendees unlike By-Laws which can only be change by a majority vote at Annual General Meetings. As such, the recommended meeting rules are separate from the By-Laws and are presented after the proposed revisions to Article VII.

Following are the committee's recommendations.

Contents

Committee Members:.....5

Recommendations:6

Article VI: 6

Article VII..... 7

Proposed Article VII 10

ARTICLE VII – ASSOCIATION MEETINGS . 10

Section A - Meetings 10

Section B – Voting at Meetings 11

Section C – Council Meetings 11

Section D – General Meetings 11

Recommendations for Meeting Rules..... 13

Standing Rules for Meetings 13

Recommendations:

Article VI:

The committee recommends that Council rescind two motions related to Article VI of the OCFA By-Laws that were passed at the March 13, 2020, Council Meeting, as a result of the Election Procedures Subcommittee recommendations. The motions are as follows:

Motion 1 (Alan; Bruce): That Article VI, Section A, 1. of the OCFA’s Constitution and By-Laws be revised as such:

The election of the members of the **Association Council** shall take place during the **Annual General Meeting**. *Carried*

Motion 2 (Alan; Bruce): That Article VI, Section B, 3. of the OCFA’s Constitution and By-Laws be revised as such:

All elections voting shall be by ballot or electronic vote and no proxies shall be allowed. Only **Full** and **Honorary Life Members** of the Association may vote.
Carried

While these motions were passed at Council, they were not presented to or ratified by the membership at the AGM. Rescinding these motions would leave these articles as they currently read in the existing By-Laws as follows:

- Article VI, Section A, 1 - The election of the members of the Association Council shall take place at the Annual General Meeting.
- Article VI, Section B, 3 - All elections voting shall be by ballot and no proxies shall be allowed. Only Full and Honorary Life Members of the Association may vote.

Article VII

Each of the specific changes to Article VII are listed in table 1 below.

Table 1 - Proposed Revisions to Article VII

Section A	Change	Section A - Meetings
Section A, 1.	No change	Except where it is superseded by these By-Laws, the latest edition of Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for all General Meetings, meetings of the Association Council, and meetings of committees.
Section A, 2.	New	Meetings of the Association (including Association Council, the Executive Committee, and Association General Meetings) shall normally be conducted in person. Association members may attend electronically. Where members are attending but not present in-person, the meeting Chair shall designate an electronic meeting service to be used for the meeting.
Section A, 3.	New	Meetings of the Association may be held entirely electronically when the President has obtained written or e-mail consent from a majority of Association Council members, or when ordered by the Association Council . The Chair shall designate an electronic meeting service that provides, at a minimum, conditions of opportunity for simultaneous aural communication among all participating members.
Section A, 4.	Moved from Article VII, Section B,4.	Associate Members may be excluded from certain meetings or parts thereof by a simple majority vote of the voting members present.
Section A, 5.	Moved and Amended from Article VII, Section B,4.	The President may, with the agreement of the meeting, appoint a presiding officer to preside in their place at General Meetings of the Association, Association Council Meetings, and Executive Committee Meetings.
Section A, 6.	Moved from Section G	A meeting of the Association shall be valid notwithstanding the fact that one or more of the members fail to receive notice of the meeting, provided that such notice was distributed as required by these By-Laws.

Section B	Change	Section B – Voting at Meetings
Section B, 1.	No change	Voting is restricted to the Full and Honorary Life Members attending the meeting and shall be by show of hands or roll call unless a vote by ballot is requested by a minimum of 10% of the voting members attending, or in those cases where the By-Laws require votes by ballot.
Section B, 1.a.	New	A vote that ensures the identity of the voter is secret, conducted through the designated electronic voting service, shall be deemed a ballot vote, fulfilling any requirement in the By-Laws or rules that a vote be conducted by ballot.
		Articles in the existing section C were moved to Section D.3.
Section C	Change	Section C – Council Meetings
Section C, 1.	Moved Article III, A, Section 2. to Article VII, Section C, 1.	For meetings of the Association Council , a quorum of 10 members shall be required.
Section C, 2.	Move Article III, A, Section 3. to Article VII, Section C, 2.	Association Council meetings may be observed by any Association member in good standing. However, the Association Council may hold all or part of any meeting in camera in order to discuss confidential matters
Section D	Change	Section D – General Meetings
Section D, 1.	Moved from Section B, 3.	A quorum of at least 15% of the Full Members of the Association shall be required to conduct business at General Meetings, but never less than 15 persons.
Section D, 2.	Change	Section D, 2. Association General Meetings
Section D, 2.a.	Moved from Section C, 2. Updated references to other sections of Article VII	In accordance with Article VII, Section D, 3, other General Meetings of the Association shall establish interim policy, subject to approval at the Annual General Meeting . Resolutions to change Annual General Meeting policy can be made at General Meetings but such resolutions are to be treated as special resolutions in accordance with Section E of this Article.
Section D, 2.b.	Moved from Section D, 1.	At least one General Meeting shall be held during every Fall Semester and during every Winter Semester. At least two weeks' notice of these meetings shall be given in writing to each member of the Association.

Section D, 2.c.	Moved from Section D.2.	An agenda for any such General Meeting shall be prepared and distributed to each member of the Association by the President at least one week before the meeting.
Section D, 3.	New	Section D, 3. Annual General Meetings
Section D, 3.a.	Moved from Section C.1.	The Annual General Meeting of the Association shall be held between the dates of April 15th and May 15th. At least three weeks' notice of the date of this meeting shall be given in writing to each member of the Association. This Annual General Meeting shall set policy and conduct the business of the Association as appropriate. The Annual General Meeting shall be the chief policy-making body of the Association.
Section D, 3.b.	Moved from Section C.3.	An agenda for the Annual General Meeting shall be prepared and distributed to each member of the Association by the President at least one week before the meeting.
Section D, 3.c.	Moved from Section C.4.	The slate of candidates for the members of the Association Council and Shop Stewards prepared by the Nominating Committee shall be distributed to each member of the Association by the Secretary at least one week before the meeting.
Section D, 4.	New	Section D, 4. Special General Meetings
Section D, 4.a. – c.	Moved from Section E 1.-3.	<p>a. A Special General Meeting of the Association may be called by the President as directed by the Association Council or the Executive Committee, or at the request of at least 10% of the Full Members. In the latter case, the meeting shall occur within 21 days of receipt of the request by the President.</p> <p>b. Notice of a Special General Meeting, including a statement of the purpose of the meeting, must be distributed 14 days prior to the date of the meeting.</p> <p>c. An agenda for a Special General Meeting shall be prepared and distributed to each</p>

		member of the Association by the President at least one week before the meeting.
Section E	Changed	Section E – Special Resolutions
Section E, 1-4	Moved from Section F	<ol style="list-style-type: none"> 1. Special Resolutions shall be preceded by at least 14 days’ notice in writing to each member of the Association. This notice shall be distributed by the President. 2. Special Resolutions shall be decided by a three-fourths majority of the votes cast. 3. Special Resolutions shall be required for matters dealing with: <ol style="list-style-type: none"> a. changes of the Constitution and By-Laws; b. changes to Annual General Meeting policy made at other General Meetings; c. admission of a member under Article I, Section A, 2 of these By-Laws; d. Honorary Life Membership in the Association; e. expulsion of a member or imposition of censure on a member; f. removal of a member of the Association Council; g. borrowing of funds; h. setting amounts of levies. 4. Special Resolutions may be requested for any other matter, but such resolutions shall themselves require a three-fourths majority of the votes cast.

Proposed Article VII

Below is the proposed Article VII including all of the intended revisions to the article.

ARTICLE VII – ASSOCIATION MEETINGS

Section A - Meetings

1. Except where it is superseded by these By-Laws and subject to any limitations established in rules adopted by the Association to govern meetings, the latest edition of **Robert’s Rules of Order, Newly Revised**, shall be the parliamentary authority for all meetings of the **Association**.

2. Meetings of the Association (including Association Council, the Executive Committee, and Association General Meetings) shall normally be conducted in person. Association members may attend electronically. Where there are members attending but not present in-person, the meeting Chair shall designate an electronic meeting service to be used for the meeting.
3. Meetings of the **Association** may be held entirely electronically when the **President** has obtained written or e-mail consent from a majority of **Association Council** members, or when ordered by the **Association Council**. The **Chair** shall designate an electronic meeting service that provides, at a minimum, conditions of opportunity for simultaneous aural communication among all participating members.
4. **Associate Members** may be excluded from certain meetings or parts thereof by simple majority vote of the voting members present.
5. The **President** may, with the agreement of the meeting, appoint a presiding officer to preside in their place at General Meetings of the Association, Association Council Meetings, and Executive Committee Meetings.
6. A meeting of the **Association** shall be valid notwithstanding the fact that one or more of the members fail to receive notice of the meeting, provided that such notice was distributed as required by these By-Laws.

Section B – Voting at Meetings

1. Voting is restricted to the Full and Honorary Life Members **attending** the meeting and shall be by show of hands or roll call, unless a vote by ballot is requested by a minimum of 10% of the voting members attending, or in those cases where the By-Laws require votes by ballot.
 - a. A vote that ensures the identity of the voter is secret, conducted through the designated electronic voting service, shall be deemed a ballot vote, fulfilling any requirement in the By-Laws or rules that a vote be conducted by ballot.
2. All matters except those designated **Special Resolutions** (see Article VII, **Section E** of these By-Laws) shall be decided by a majority of the votes cast. In the event of a tie, the Chair shall cast the deciding vote, being the only vote the Chair shall have.

Section C – Council Meetings

1. For meetings of the **Association Council** a quorum of 10 members shall be required.
2. Association Council meetings may be observed by any Association member in good standing. However, the **Association Council** may hold all or part of any meeting in camera in order to discuss confidential matters

Section D – General Meetings

1. A quorum of at least 15% of the **Full Members** of the **Association** shall be required to conduct business at General Meetings, but never less than 15 persons.
2. **Association General Meetings**

- a. In accordance with Article VII, Section D, 3, other **General Meetings** of the Association shall establish interim policy, subject to approval at the **Annual General Meeting**. Resolutions to change Annual General Meeting policy can be made at **General Meetings** but such resolutions are to be treated as **special resolutions** in accordance with Section E of this Article.
- b. At least one **General Meeting** shall be held during every Fall Semester and during every Winter Semester. At least two weeks' notice of these meetings shall be given in writing to each member of the Association.
- c. An agenda for any such **General Meeting** shall be prepared and distributed to each member of the Association by the President at least one week before the meeting.

3. **Annual General Meetings**

- a. The **Annual General Meeting** of the Association shall be held between the dates of April 15th and May 15th. At least three weeks' notice of the date of this meeting shall be given in writing to each member of the Association. This Annual General Meeting shall set policy and conduct the business of the Association as appropriate. The **Annual General Meeting** shall be the chief policy making body of the Association.
- b. An agenda for the **Annual General Meeting** shall be prepared and distributed to each member of the Association by the President at least one week before the meeting.
- c. The slate of candidates for the members of the **Association Council** and **Shop Stewards** prepared by the **Nominating Committee** shall be distributed to each member of the Association by the **Secretary** at least one week before the meeting.

4. **Special General Meetings**

- d. A **Special General Meeting** of the Association may be called by the **President** as directed by the **Association Council** or the **Executive Committee**, or at the request of at least 10% of the **Full Members**. In the latter case, the meeting shall occur within 21 days of receipt of the request by the **President**.
- e. Notice of a **Special General Meeting**, including a statement of the purpose of the meeting, must be distributed 14 days prior to the date of the meeting.
- f. An agenda for a **Special General Meeting** shall be prepared and distributed to each member of the Association by the **President** at least one week before the meeting.

Section E – Special Resolutions

- 5. **Special Resolutions** shall be preceded by at least 14 days' notice in writing to each member of the Association. This notice shall be distributed by the President.
- 6. **Special Resolutions** shall be decided by a three-fourths majority of the votes cast.
- 7. **Special Resolutions** shall be required for matters dealing with:
 - i. changes of the Constitution and **By-Laws**;
 - j. changes to **Annual General Meeting** policy made at other **General Meetings**;
 - k. admission of a member under Article I, Section A, 2 of these By-Laws;

- l. Honorary Life Membership in the **Association**;
- m. expulsion of a member or imposition of censure on a member;
- n. removal of a member of the **Association Council**;
- o. borrowing of funds;
- p. setting amounts of levies.

Special Resolutions may be requested for any other matter, but such resolutions shall themselves require a three-fourths majority of the votes cast.

Recommendations for Meeting Rules

The committee's recommendations for meeting rules are presented below. The rules presented are recommendations for conducting all Association meetings. Rules are much more flexible than By-Laws and can be amended or changed with a majority vote of meeting attendees; unlike By-Laws which can only be change by a majority vote at Annual General Meetings.

Standing Rules for Meetings

1. When attending electronically, each member is responsible for their audio and Internet connections.
2. No action shall be invalidated on the grounds that the loss or poor quality of a connection prevented participation in the meeting.
3. **Meeting Quorum**
 - a. The presence of a **quorum** at a meeting shall be determined by a count of participating members, unless any member demands a quorum count by audible roll call. Such a demand may be made following any vote for which the announced totals add to less than a quorum.
4. The President may designate a separate **Internet voting service** to be used for the anonymous electronic voting if required.
5. **General Meetings, Annual General Meetings, and Special General Meetings**
 - b. **Login information.**
At least one week prior to each meeting, the Secretary shall send by e-mail to every member of the Association the date and time of the meeting, the URL and codes necessary to connect to the Internet meeting service, and – as an alternative and backup to the audio connection included within the Internet service – the phone number and access code(s) the member needs to participate aurally by telephone.
 - c. **Login time.**
The Secretary or designate shall schedule Internet meeting service availability to begin at least 15 minutes before the start of each meeting.
 - d. **Forced disconnections.**
The chair may cause or direct the disconnection or muting of a member's connection if it is causing undue interference with the meeting. The Chair's

- decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.
6. Participants must identify themselves using their First and Last Names. If your user ID is not identifiable by the host, you will not be admitted to the meeting.
 7. Meetings will be recorded for the sole purpose of creating accurate meeting minutes. After meeting minutes have been approved by the Association Council the meeting recordings will be deleted.

President's report

Sharon Mansiere

Consider joining the Association Council or becoming a Shop Steward - Current excellent union representatives will be leaving their positions as noted earlier in *The Update*. There is no single reason for these departures. Some have noted other projects and retirement, but what I can tell you is that we welcome you to think of which positions could be a fit for you. This is your union.

Winter General Meeting WGM - We recently held our WGM and although it was not one of our largest turnouts for a meeting, we had the opportunity to approve a new budget for the year as well as have some really good discussions and information exchange. One topic that was not a surprise to anyone was pandemic teaching. I updated those attending on the discussions the college and the Faculty Association are having around the 2021-2022 semester. These discussions have continued and the college is still tentatively planning Summer Session 2021 being online, but they are still considering various options that could accommodate some fall/winter in person instruction. One new thing since the WGM is that there are to be a number of courses fully online next fall that will be supported through the winter semester with additional courses. This will be an effort to support a cohort of international students and are referred to as a "core" of courses by senior administration but are likely to only include arts, math, and business.

Meetings with HR and JCAA - Our standing meetings with *Human Resources* are a new weekly supplement to our *Joint Committee on the Administration of the Agreement* monthly meetings. For the time when we were in bargaining our last agreement these meetings could not occur as they had before and now we are working hard to ensure steady progress on many long-standing issues.

Upcoming meetings with OCFA Chairs, Term Members, Departments.... - Rod Watkin's and my plan is to try to schedule meetings with Chairs of Departments and Term Members fairly soon. Following those, or as possible we will be looking to meet with departments as well. These meetings have been hampered by our heavy meeting schedule through the start of COVID and the launch of the fall programming, but they are important. Bargaining could be requested to start as early as late 2021 so we want to be ready with as much information as possible. If your Department or Area already knows when you will be meeting and have time in that meeting for us to join, let us know and we will get you in our calendar.

Provincial

President's Council PC - is an evolving place. The significant turnover that was created at the *Federation of Post-Secondary Educators' (FPSE)* last *Annual General Meeting* has meant a significant change for the nature of the work there. We have been very actively getting through some resolutions that were from previous AGMs and long awaiting completion and working to no longer have backlogs and it feels great. There is a new level of coordination with other large players in the sector and news of partnerships for things like training will be announced soon.

The Bargaining Coordination Committee BCC had its fall conference this past Saturday, Feb 6th. The conference structure was a significant departure from the past. Partly this was certainly contributed to by the potential of online meetings, but certainly there are a lot of locals like ours that are working to be ready early for bargaining.

Ad Hoc Committee on Climate - As one of the PC liasons to this committee I am impressed at how hard these members are working.

Sharon Mansiere
President

Chief Steward's Report

Rod Watkins

Hello everyone.

Here are our ongoing grievances and issues of interest.

Current Grievances

FAC13/07: Post-65 Benefits

The hearing for the grievance has been split into two phases. The first phase took place November 23-27. It addressed the Collective Agreement arguments. As it turns out, the employee was permitted to add one expert witness to the hearing near the end of the hearing. The hearing was recessed while that report was prepared. An additional day of hearings is scheduled for the end of this month to hear the expert witness and allow the FA's counsel to cross-examine the witness, but it has been postponed. We are awaiting new dates for this hearing.

If we win on the merits at step one, the grievance will be over and our members will have their benefits returned. If not, we proceed to stage two where the arbitrator will consider our Charter arguments against the BC Human Right Code exception for age discrimination in bona fide group health programs.

Many thanks to our witnesses who contributed to our argument.

Step 2

FAC16/03: Unwarranted Discipline.

FAC16/03 grieves the letter of censure a member received after a bullying investigation. The grievance was based on two issues. 1) the refusal to allow the OCFA a copy of the investigator's report and 2) the lack of justification for the discipline. The College has since provided us a copy of the report. The grievance was in abeyance pending the recovery of the member who is on an extended medical leave. The member has expressed that they have no interest in proceeding with the grievance. CARC will therefore proceed to settle the grievance.

FAC18/08: Improper Use of Student Evaluations. The FA filed a step 2 policy grievance over the use of formative evaluations as a result of the recent Ryerson interest arbitration decision. In that decision, the arbitrator ruled that student evaluations are doubly problematic:

- a) They are demonstrably discriminatory, especially against college professors who are young females, minorities, have an accent, etc.;
- b) Are not a valid or reliable measure of teaching performance. The evidence presented at the arbitration was not challenged at all by Ryerson University. Given the strong evidence of their problematic nature, the FA grieved the continued use of formative evaluations for purposes of hiring and promotion.

We are awaiting a meeting of the committee; we had requested a January meeting, but it did not happen. We will again press for a meeting as soon as possible.

FAC19/02 grieves the use of BCGEU library technicians to do Faculty Librarian work. We filed the grievance accordingly. The employer has denied the grievance at step one. We have moved the grievance to step 2 to pursue it further. After further discussions, we have agreed to place the grievance in abeyance as we expect to resolve the grievance shortly. Due to the heavy workload this semester, movement on this grievance has slowed, but we expect to have a resolution very soon.

Step 1

We have two new grievances at step one.

FAC20/04: Failure to Allow an OCFA Representative

A member in Arts was called to a meeting to discuss a student complaint. The member was not provided a copy of the complaint in violation of the College Student Complaint Policy, thereby violating Article 4. The Arts Office also refused to allow a steward to attend the meeting in violation of Article 35.1.2.

FAC20/05: Improper Discipline

The same member as in FAC20/04 received a censure via email from the Dean's office. The censure was improper. First, it contains no guidance whatsoever about how to improve performance to meet the employer's expectations. Instead, it made accusations and excoriated our member for their alleged poor performance. That is a violation of Article 35 which demands that discipline be progressive. Furthermore, as this discipline flows from the previous violations, the discipline is an unreasonable exercise of management rights and hence a violation of Article 4.

We met regarding both these grievances earlier this week. In response, the College requested an extension of two weeks to investigate. We have agreed.

Respectfully submitted,

Rod Watkins
OCFA Chief Steward

Bargaining Chair's Report

Bob Groves

Colleagues,

In the months since my last report in the Update, the FPSE Bargaining Coordination Committee ("BCC") has met, on average, every three weeks to lay the groundwork for collective bargaining in the round expected to commence a little more than a year from now.

The principal focus of the BCC meetings has been to conduct discussions relating to the strategy our sector unions will want to employ to deal more effectively with the PSEA, which is the certified bargaining agent for the colleges and teaching universities in our province.

To that end, the BCC conducted a bargaining conference, via Zoom, all day on February 6. Seventy plus bargainers, presidents, stewards, and observers attended that conference, including five from our Association (Sharon Mansiere, Rod Watkins, Alan Rice, Randy Brown, and yours truly).

The focus of the discussions at the conference addressed the continued efficacy of the common table, and whether we should try other forms of co-ordinated local bargaining to exert more leverage. Delegates also canvassed the issues that will be of common interest in the next round, how we can best coordinate our bargaining efforts to maximize the chances that we can address them successfully, and the ways we need to work on mobilizing our members in preparation for the struggle

that lies ahead. A question we all need to ask ourselves is: what are we prepared to do to exercise power to convince our employer that action needs to be taken to address significant matters of concern to our members?

Given the short turnaround time until we begin to bargain once more, locals are being encouraged to develop bargaining goals early, so that trends can be established in a timely fashion. To that end, you will, in February, receive a bargaining survey a committee of Council has prepared, soliciting your views as to the major issues of concern we must try to address in the next bargaining round.

In the last round, our employer sought to increase its management rights through the elimination of our protective layoff language, the elimination of our members' rights to bank workload, restrictions on members' rights to choose when they will retire, restrictions on members' rights to carry over unused vacation and, most importantly, the elimination of members' rights to decline assignments of work requiring them to teach special courses involving alternative (read online) modes of instruction, distance education courses, and external studies courses. We resisted the employer's assault successfully, but the price was limited gains for our members. We do not expect the employer's demands in the coming round to be any different.

Let's get busy, then, and prepare.

Respectfully submitted.

Bob Groves

2nd Vice-President and Negotiations Chair

Treasurer's Report

Doug Birtwistle

Now that 2020 is behind us and OCFA's February 1, 2020 to January 31, 2021 fiscal year (FY 2020/21) is behind us, it is a good time for an update on what assets OCFA owns and an update on how your faculty dues were spent in FY 2020/21.

OCFA ASSETS AS AT DECEMBER 31, 2020 (THE \$\$\$ WE HAVE!)

OCFA has an "Operational Reserve Portfolio Investment Policy Statement" that was approved by the membership in May of 2015 and amended and approved in May of 2017. The statement includes investment objectives, investment constraints and guidelines and a prescribed asset allocation. An Investment Subcommittee oversees the investments made by Lee Appleton, our investment advisor at CIBC Wood Gundy. The subcommittee also ensures that the guidelines in the Investment Policy Statement are being followed, reviews investment performance and, as needed, recommends changes to the statement to the membership. Currently, the members of that subcommittee are Doug Birtwistle (Mathematics, Chair), Steve Watson (Business), Roen Janyk (Library Services), Elena Mitropolsky (Business) and Randy Brown (Electronics Engineering).

The Reserve Portfolio has been built up over several decades. The idea of the Reserve Portfolio is to preserve capital for use if job action is taken at some point by the membership. Some members refer to the Reserve Portfolio as a "Strike Fund". The goal is for the Reserve Portfolio to grow by at least the rate of inflation every year. In FY 2020/21, the Reserve

Portfolios grew by \$87,000, or about 9.6%. That higher than normal growth is mainly due to less operational expenses in the fiscal year due to the COVID 19 pandemic and the resulting public health restrictions.

Currently, there is just over \$1 million in the portfolio. How are those assets distributed?

1. Bonds (\$353,000). We currently hold three bonds valued at \$100,000, \$126,000 and \$127,000 with due dates of March of 2022, July of 2023 and May of 2024. If required, those bonds can be sold on the bond market.

2. GIC (\$121,000). We currently hold one cashable GIC, earning 1.04% and maturing on March 31, 2021.

3. Pooled Funds (\$307,000). We currently hold five different pooled funds. The one year return on the combined set of pooled funds, net of fees, was 1.74%. The annually compounded return on the combined set of pooled funds, net of fees, since first invested in 2015, is 5.55%. Our pooled funds are considered to be on the conservative side.

4. Cash (\$227,000). Cash is held for operational expenses.

In reviewing the prescribed asset allocation, the Investment Subcommittee noted we were overweight in cash and underweight in fixed income investments on December 31 of 2020. As a result, in January of 2021, the Investment Subcommittee directed our Investment manager to

use \$104,000 in cash to purchase a bond. That bond is due in January of 2026. All bonds held are rated A or higher.

Please feel free to contact me with any questions or concerns or if you would like a copy of the Investment Policy Statement or more details of any of our investments.

HOW YOUR UNION DUES WERE SPENT IN FY 2020/21

OCFA collected \$487,600 in dues from members during FY 2020/21. How was that money spent? As noted above, some of that amount was used to bolster the Reserve Portfolio, but some \$417,000 in dues was spent on the operations of the faculty association. The membership approved a budget for FY 2020/21 that included expenses of \$500,000. As noted earlier, expenses were less than expected due to the public health restrictions on face to face meetings resulting from COVID 19. The budget for FY 2020/21 was created in January of 2020 when the significance of COVID 19 was not known.

What follows is a summary of revenue and expenses for various accounts for FY 2020/21 along with explanations of variances between FY 2020/21 and FY 2019/20, as well as variances between actual and budgeted amounts for FY 2020/21. Amounts in bold are income / expenses for FY 2020/21 and amounts in brackets are for the previous fiscal year 2019/20.

A. REVENUE ACCOUNTS

1. **Membership Dues \$487,600** (\$458,000) – Variance of actual to budgeted for 2020/21 was moderate, in a positive way. Membership dues collected increased by about 6.6% over the previous year. The main reason for the variances was that retroactive pay, dating back to April 1, 2019, was paid to members upon the signing of a new 2019 – 2022 Collective Agreement in June of 2020. Pay increases of 2% on April 1, 2019 and a further 2% on April 1, 2020 were realized. In budgeting for membership dues, it was not known for sure if and when and how much of a retroactive pay increase would be realized. In 2019, we had roughly 232 continuing members and 85 non-continuing members. In 2020, we had roughly 231 continuing members and 64 non-continuing members.

2. **Investment Income \$18,000** (\$52,000) - Variance of actual to budgeted for 2020/21 was significant, in a negative way. Our Pooled funds performed poorly in FY 2020/21, providing a return of only 0.2% over that time period. On the other hand, FY 2019/20 was a particularly good year for our pooled funds, thus the significant difference between investment income earned in FY 2019/20 (\$52,000) and FY 2020/21 (\$18,000).

B. EXPENSE ACCOUNTS

Explanations for the variances (in this case, cost savings) fall into two general categories:

NOTE 1: Face to face meetings ceased for the most part after March of 2020. As a result, cost savings were realized for General Meetings and Socials, held virtually by Zoom instead of by face to face.

NOTE 2: Travel by Council, Executive, Negotiating and CARC committee members and by the general membership, on OCFA business, ceased for the most part after March of 2020.

1. **CARC (Contract Administration Review Committee) \$83 (\$4,450)** – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. See Note 2 above.
2. **FPSE Membership Dues \$220,000 (\$204,000)** – A moderate variance (overspending) of actual to budgeted for 2020/21 and a moderate increase in dues submitted compared to the previous fiscal year, mainly due to wage increases. FPSE membership dues and PD fund contribution expenses are tied to the total gross income of membership, so as membership dues collected increase with the increase in total gross income of membership, so will FPSE membership dues and PD fund contributions.
3. **Equipment and Software \$84 (\$1,570)** – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. No significant purchases were made this year.
4. **Executive and Council \$2,100 (\$10,750)** – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. See Note 2 above.
5. **General Meetings \$1,140 (\$29,500)** – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. See Note 1 above. All three general meetings for FY 2020/21 (2020 AGM, 2020 FGM and 2021 WGM) were held virtually. There were some Zoom related and voting software expenses.
6. **Negotiating Committee \$3,200 (\$10,300)** – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. See Note 2 above. Committee members began meeting in September, 2018, continued to meet through 2019 and did meet face to face through March of 2020. After that, meetings were instead held by Zoom.
7. **Honoraria \$20,000 (\$28,000)** – Due to two of the Bargaining Committee members having to take an honorarium payment instead of time release in 2019/2020, expenses were significantly greater that year than they were this year. A moderate variance (underspending) of actual to budgeted for 2020/21. We budgeted for the possibility of one of the Bargaining Committee members again having to take an honorarium payment. He did but, for FY 2020/21, did not claim as much as we were expecting him to claim.
8. **Office related expenses \$6,700 (\$6,900)** – Minimal variances. Most of these expenses are related to the costs of phones and phone plans for Executive members.
9. **PD Fund Contribution \$22,700 (\$22,000)** – Minimal variances. PD fund contributions have increased slightly, as expected, due to wage increases. The amount contributed to the PD fund varies directly with the gross annual income of continuing members.

10. **Audit and Accounting Fee Expenses \$14,700** (\$8,400) – A significant variance (overspending) of actual to budgeted for 2020/21 and a significant increase in expense between 2019/20 and 2020/21.
11. **Solidarity and Social Justice \$4,600** (\$3,300) – A moderate increase in expenses from the previous fiscal year, but still under budget for FY 2020/21. \$3000 of the \$5000 in expenses for FY 2020/21 were for donations to Student Association food banks at Vernon, Kelowna, Penticton and Salmon Arm campuses.
12. **Scholarship Fund \$0** (\$3,000) – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. Actually, no top up was required for the Scholarship fund this year. Only one students applied for and was awarded an OCFA Scholarship fund bursary. The fund easily supported that bursary without going below the traditional fund balance of \$3,000.
13. **Campus Socials \$50** (\$3,300) – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in spending compared to 2019/20. See Note 1. Most social were not held at all. A few socials were held by Zoom.
14. **Status of Women \$455** (\$779) – A moderate variance (underspending) of actual to budgeted for 2019/20. A moderate decrease in expenses from the previous year.
15. **Time Release \$121,000** (\$194,000) – A significant variance (underspending) of actual to budgeted for 2020/21 and a significant decrease in expenses from the previous fiscal year. Bargaining team members were approved for release in FY 2019/20 for both the Fall and Winter terms. For FY 2020/21, Bargaining team members were approved for release for only the Winter term, as bargaining ended after that. This was taken into account in the FY 2020/21 budget. However, the significant savings for FY 2020/21 occurred because OC, in calculating the time release for Executive members for the Fall, 2020 term, reported that two of the Executive members (Rod Watkins and Sasha Johnston) were not replaced by term members for the courses (TLUs) that they were released from. In other words, the courses that they were not teaching, due to their release, did not run. This resulted in an unexpected cost savings to OCFA of between \$30,000 and \$40,000.

Association Council & Shop Stewards 2020-2021

Executive:		Phone	Email
President	Sharon Mansiere	250-328-2206	SMansiere@okanagan.bc.ca
First VP, Chief Steward	Rod Watkins	250-804-9973	RPWatkins@okanagan.bc.ca
Second VP, Bargaining Chair	Bob Groves	250-718-6385	BGroves@okanagan.bc.ca
Treasurer	Doug Birtwistle	250-718-4380	DBirtwistle@okanagan.bc.ca
Secretary	Sasha Johnston	250-308-6687	sljohnston@okanagan.bc.ca

Council:			
Faculty Liaison – Arts	Janice McQuilkin	Ext 4421	jmcquilkin@okanagan.bc.ca
Faculty Liaison – Business	Alan Rice	Ext 4879	ARice@okanagan.bc.ca
Faculty Liaison – Health	Gurpreet Dhatt	Ext 4604	GDhatt@okanagan.bc.ca
Faculty Liaison – Non-Instructional	Roën Janyk	Ext 4660	RJanyk@okanagan.bc.ca
Faculty Liaison – Science	Bruce Campbell	Ext 4784	BCampbell@okanagan.bc.ca
Faculty Liaison – Technology	Vacant		
Area Representative – Kelowna	Laura Loewen	Ext 4776	lloewen@okanagan.bc.ca
Area Representative – Penticton	Bryan Penfound	Ext 3253	bpenfound@okanagan.bc.ca
Area Representative – Salmon Arm	Brian May	Ext 8212	bmay@okanagan.bc.ca
Area Representative – Vernon	Jennifer Hobart	Ext 2355	JAHobart@okanagan.bc.ca
Non-Continuing Faculty Rep	Megan L. Lewis	Ext 3269	mllewis@okanagan.bc.ca
Pension Advisory Representative	Randy Brown	Ext 4373	rbrown@okanagan.bc.ca
Human Rights and International Solidarity Representative	Terry Bridges	Ext 4484	TBridges@okanagan.bc.ca
Status of Women Representative	Olivia Sullivan	Ext 4763	osullivan@okanagan.bc.ca
Workplace Health, Safety and Environment Representative	Youry Khmelevsky	Ext 4741	ykhmelevsky@okanagan.bc.ca
Decolonization, Indigenization, and Reconciliation Representative	Norah Bowman	Ext 4215	nbowman@okanagan.bc.ca

Shop Stewards:			
Kelowna Campus Steward	Alan Rice	Ext 4879	ARice@okanagan.bc.ca
Penticton Campus Steward	Colin Wallace	Ext 3247	cwallace@okanagan.bc.ca
Salmon Arm Campus Steward	Jeremy Lanaway	Ext 2214	JLanaway@okanagan.bc.ca
Vernon Campus Steward	Art Boehm	Ext 2243	ABoehm@okanagan.bc.ca