

DFA DIALOGUE

**SPECIAL
YEAR-END
EDITION**

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SPECIAL "YEAR-END" EDITION DFA Dialogue

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NOTICE

DFA MEMBERS

**The Annual General Meeting of
the Dalhousie Faculty
Association will be held on:**

Wednesday, 25 April 2007

2:30 p.m.

**Scotiabank Auditorium
FASS Building**

This **SPECIAL "Year-End"** Edition of the ***DFA Dialogue*** contains Reports from all Committees. Highlights of each report will be provided by the DFA Representative(s) on that Committee.

Please bring along your copy of this **SPECIAL "Year-End"** Edition of the ***DFA Dialogue*** to the Annual General Meeting, and copies of reports sent to you by email.

Ian Colford
Editor-in-Chief
DFA Dialogue

Report from the DFA Grievance Committee

By Helen Powell, on behalf of the Committee

This report includes accounts, prepared by the assigned Grievance Officer, to the following cases:

One Case at arbitration

- Failure to Promote

Two cases at the formal stage

- CDI Withholding
- Discipline Without Due Process - Improper disciplinary action

Seven cases at the informal stage

- Academic freedom - limitation on graduate student supervision
- Improper disciplinary action
- Years of Service
- Workload
- Appointment Procedures - Update
- Improper Discipline
- Denial of Promotion

Two Cases Being Monitored

- Supplementary Employee Retirement Plan (SERP) - Sexton
- Retirees Trust Fund (RTF) Surplus

In addition, a number of other issues were brought to the Grievance Committee. Most worthy of note were concerns regarding tuition waiver, discipline procedures, and denial of tenure.

On behalf of the Membership, I wish to thank the members of the Grievance Committee for their contribution to this most important aspect of the Dalhousie Faculty Association's work.

Catrina Brown

Ian Flint

Kevin Grundy

Susan Holmes

Barbara MacLennan

Terry Mitchell

Jerry Singleton

Colin Stuttard

David Tindall

A. Arbitration

1. **Failure to Promote** - Four years ago, a Member invoked Clause 16.13 to grieve President Traves' refusal to recommend promotion. The President denied the grievance at both informal and formal stages. Arbitrator Brian Bruce began to hear this case on 7 and 8 October 2004, continued on 24-27 October, and 3-4 November, 2005, and concluded on 13 January 2006. Arbitrator Bruce anticipated he would

require no more than two months to make his decision, but took until 10 July 2006, to finally deliver his Award. He found that President Traves' decision fell "within the 'range of reasonableness' and [was] made in a proper manner."

B. Formal Stage

1. **CDI Withholding** - On 28 June 2006, a Dean recommended to out-going Vice-President Scully that a Member's CDI be withheld for 2006-07. The Dean had claimed that the Member had shown substantially less career development (research productivity) in 2005-06 than might reasonably have been expected (although the Faculty had no known standards to define those expectations). The Dean seemed to have reached this conclusion via a pejorative interpretation of the Member's annual report, without actually examining the material listed in that report. Incoming Vice-President Shaver reviewed the file and, in accordance with Clause 31.42, met with the Member on 6 September 2006. Despite the Member's vigorous contention that the Dean had erred in the characterization of the Member's publication record and had failed to explain what standard of research productivity was expected of the Member, Vice-President Shaver nevertheless accepted the Dean's recommendation. However, in his 6 October notification that the Member's CDI was being withheld, Vice-President Shaver offered to restore the CDI for 2006-07 retroactively, but the Member would have to "significantly improve your research output in 2006-07 ..." to receive a CDI for 2007-08. Again, the Member was presented with an undefined achievement target and a proposal for which there was no provision in the Collective Agreement. The Member grieved and the informal stage meeting was held with Vice-President Shaver and the Dean on 6 November.

On 15 November, Vice-President Shaver notified the Member that the grievance was denied, but again failed to specify what were the "expectations" that the Member supposedly had not met. However, he attached to the letter a copy of the list of scholarly activities provided by the Member at their September meeting. The Dean had annotated the list with pejorative conclusions apparently based only on similarities to previous annual reports, but without the benefit of having actually read or even seen the listed material.

At the end of the Formal Grievance meeting on 23 January 2007, President Traves asked the Member to provide him with copies of the material which the Member claimed the Dean had mischaracterized. The Member agreed, and did so on 8 February. On 15 February 2007, the President resolved the grievance in favour of the Member, and retroactively adjusted the Member's salary rate to include the CDI for 2006-07.

2. **Discipline Without Due Process - Improper disciplinary action** - On 14 February 2006, three Members were summoned to a meeting at which they were angrily reprimanded for allegedly wasting time and disturbing their co-workers by discussing "DFA matters" and related issues. The meeting was called at short notice and the Members were not informed of the purpose of the meeting, thereby denying them of the right to have a DFA representative present, as afforded by Clause 28.09. The

University Librarian concerned subsequently attempted to characterize the meeting as a non-disciplinary “statement of concern and advice”.

Following two informal meetings between the Members and the University Librarian, the DFA wrote on 18 April requesting a copy of the letter of complaint referred to at those meetings. The letter was not forthcoming. The Formal grievance meeting was held with President Traves in December 2006. With our agreement, President Traves offered to hold his decision in abeyance to allow more time for initiatives at the unit level to deal with some of the many issues underlying this grievance.

C. Informal Stage

1. **Academic freedom - limitation on graduate student supervision** - On 18 January 2006, the Dean of Graduate Studies sent a letter to a Member stating that the FGS would “not consider any further admission recommendations of (*sic*) graduate students intending to study under your supervision (Master’s or Doctoral level). I will reconsider this decision once the total number of students in your group has decreased to a level that will be conducive to effective supervision.” The Member grieved this administrative action and an informal level meeting was held on 9 February 2006. The Dean then wrote to the Member making a limited proposal for resolution “without prejudice and without precedent”, and asking for a complete proposal from the Member. A response was sent on 28 March, but there was no further response from the Dean, whose term ended on 30 June 2006. The Member is on sabbatical leave until 30 June 2007, and appears not to have had any communication with the new Dean of Graduate Studies to resolve the issue of the previous Dean’s letter.
2. **Improper disciplinary action** - On 11 January 2006, a Dean called a Member to a meeting in his office and, in the presence of other individuals, proceeded to castigate the Member for alleged misconduct at a research management meeting held on 22 December 2005. On 2 February 2006, the Dean sent the Member a letter regarding the 22 December “incident”. The letter, which included the Dean’s assertion that it was not a disciplinary letter, was to “advise that I [might] have no choice but to initiate ... disciplinary action [under] Article 28....”

On 10 March, the DFA wrote on behalf of the Member to draw the Dean’s attention to the fact that his letter to the Member had contained words of reprimand and warning and thus constituted premature use of disciplinary actions inconsistent with the proper procedure described in Article 28. The Dean’s response on 20 March indicated that he still believed his actions were not disciplinary. On 28 March the DFA sent a more detailed letter to the Dean and expressed the hope that he would reflect further and acknowledge that his actions on 11 January and his subsequent letter did not conform to the provisions of Article 28. We asked him to offer the Member an apology. In his response, received on 10 April, the Dean again claimed that his 2 February letter to the Member was non-disciplinary. Therefore, on 19 April 2006, the Member grieved.

At the Informal grievance meeting, held on 12 June, the Dean's advisor, Ms. Donna Gillis, again claimed that the words used in the Dean's 2 February letter ("... that the manner in which you addressed [a staff member] was loud, aggressive, inappropriate, and without justification.") did not constitute a reprimand; nor did the words "Should you fail to follow this instruction, ... I will have no choice but to initiate appropriate disciplinary action..." constitute a warning. However, she agreed to draft a revised version of the Dean's 2 February letter to address the Member's concerns. The revised draft reached the Grievance Officer on 28 June, but it was not satisfactory to the grievor - the warning had been deleted, but the reprimand remained. The Grievance Officer suggested new words that might be acceptable to the grievor, who was then away on sabbatical leave.

Ultimately, on 28 August, the Dean confirmed in writing that his original letter was never filed in the Member's personnel (*sic*) file and all copies had been destroyed. He looked forward to improved communications with the Member. The Member was not entirely happy with the lack of apology, but the Grievance Committee concluded that the Dean had remedied his breaches of Clause 28.09. Therefore, the violation of Clause 28.09 had been terminated successfully, and this grievance was resolved.

3. **Years of Service** - In January, 2007, a Dean decided that an unresolved dispute regarding a Member's teaching schedule for one term meant that the Member was not providing service to the University for six months, which would affect the Member's eligibility for a subsequent sabbatical leave. The matter was grieved and the Informal stage meeting was held on 6 February 2007. At that meeting, the Grievance Officer explained to the Dean that in Canadian labour law generally, and the DFA-Board of Governors' Collective Agreement specifically, the term "service" is synonymous with "period of continuous employment with the Employer"; and since the Member was continuously employed by the University, there was no break in service. The Dean's advisor disagreed, claiming that service entailed the performance of assigned duties. The Dean wrote to the Grievance Officer on 13 March to clarify her position and the grievance remains at the Informal stage pending resolution of the related dispute.
4. **Workload** - On 30 March an Informal grievance was initiated with respect to Clause 20.01, which addresses workloads of Members appointed to research ranks.
5. **Appointment Procedures - Update** - The ABC approved a motion in June 2005, establishing an ad hoc committee in place of the Professional Librarians appointments committee provision in Clause 11.07 regarding the search for the position of Assistant University Librarian for Collections. This motion did not change the requirement that the 2nd tier appointment committee (LSAC) consider a recommendation from the ad hoc committee. The LSAC was to formulate its own recommendation and submit it to the University Librarian. Likewise, the ABC motion did not affect other provisions of Article 11 regarding the appointments process. The Board nominees advised the DFA nominees at the time that this was a "system-wide" appointment and not a Librarian appointment specific to a particular Library, hence the rationale for the ad hoc committee consisting of Librarians from various Libraries on campus.

In September 2005, the University Librarian cancelled the “external” search and proposed the appointment of an internal candidate. The DFA said that a proper appointments procedure was required. In November, the ABC met to discuss the matter and the Board’s Co-Chair, Michael Roughneen agreed, on a “*without prejudice*” basis, to establish the ad hoc committee on the understanding that a “joint review (Library Administration and Librarian Members) of the appointment process would be undertaken under the aegis of the ABC”.

When we met with our Librarian Members, they told us the Collections position was not a system-wide position; they insisted that the DFA nominees to ABC follow the appointment provisions of the Collective Agreement. Subsequently, the Professional Librarian Members of the ad hoc committee submitted their resignation prior to any consideration of applicants for the position. The only remaining member of the committee was the Associate University Librarian who is not a bargaining unit Member. She submitted a recommendation to the LSAC.

LSAC advised the University Librarian that their committee did not accept the recommendation from the Associate University Librarian because it did not follow the proper appointment provisions of Article 11.

Both the DFA nominees of the ABC and the LSAC proposed the appointment of the internal candidate on an acting basis while proper appointment procedures were undertaken. The Board nominees did not accept this proposal. Subsequently, the University Librarian submitted his decision to the Board for approval of the appointment of the internal candidate to the position.

The University Librarian proposed a model “without prejudice” to resolve this issue. This model was circulated to Librarians for a discussion on 22 September 2006. They reaffirmed that Article 11, Clauses 11.07, 11.08, 11.09, and in particular 14.11(a) should be adhered to in regard to appointments.

6. **Improper Discipline** - On 16 April an Informal grievance was initiated with respect to Clause 28.09 which describes proper procedures for considering disciplinary action.
7. **Denial of Promotion** - On 16 April an Informal grievance was initiated at the Dean’s level with respect to the denial of promotion.

D. Cases Being Monitored

1. Supplementary Employee Retirement Plan (SERP) - Sexton

This affects only those former TUNS Members who chose to remain in the Public Service Superannuation Plan (PSSP) when TUNS and Dalhousie were amalgamated.

In short, the Income Tax Act (ITA) places a limit on the amount of pension which can be paid from a registered pension plan. Nevertheless, Nova Scotia legislation, passed

in May 2004, provides that higher amounts can be paid to PSSP retirees, by adding a payment from the SERP. This legislation permitted certain employers (Dalhousie was one) the option not to participate in the SERP.

This matter has moved along at a glacial pace, not through any fault of Assistant Vice-President (Personnel Services) Michael Roughneen who has steadfastly tried to get answers from the Nova Scotia Pension Agency (NSPA), which now administers the PSSP.

In last year's Report we noted that Mr. Roughneen had written: "We have yet to be formally asked for our decision to opt in or out. I sent another reminder to the Department of Finance on Monday. As you know our intent is to opt out of the SERP."

Following that, on 26 April 2006, Mr. Roughneen wrote:

"I have now advised the Director, Pensions Services that Dalhousie is opting out [of SERP]".

This means that some Sexton Members will have a refund of contributions coming to them, along with a refund of the contributions that Dalhousie made on their behalf, plus interest.

However, Mr. Roughneen is having a hard time getting information on the refunds due from the PSSP:

"We have requested an update of the amount of the refund in respect of employer and employee contributions. The last estimate we had was June 2005 and it differed significantly from what our own Actuary had estimated".

In January 2007, there was a short-lived note of optimism:

Mr. Roughneen wrote: "I expect that the Province may finally be getting ready to determine the refund amounts".

Shortly after that, he provided us with tables he had been able to obtain from the PSSP which showed the anticipated refund rates on over-contributions back to 2001 and the Maximum Pensionable Earnings for PSSA back to 2000 (when the SERP legislation, passed in 2004, became retroactively effective).

Just recently, we learned that the regulations are with the "Registry of Regulations" for review. After which they will be sent back to the Nova Scotia Pension Agency (NSPA), and then on to Cabinet for acceptance. Once this is done the NSPA will be writing to advise the details of the regulations.

We appreciate the work that Mr. Roughneen has been doing on our Members' behalf and hope that he is successful in getting accurate numbers from the PSSP, so that this can be resolved.

2. Retirees Trust Fund (RTF) Surplus

Rule 9 (f) of the Dalhousie University Staff Pension Plan states:
(http://personnelservices.dal.ca/personne_6675.html#S9)

"Should the investment yield on the Retirees' Trust Fund in excess of PRIA be insufficient in any year to index pensions by the maximum amounts permitted under sub-rule 9(b), the Trustees of the Retirees' Trust Fund may, in their discretion, use up to a maximum of one half of a surplus, if any, identified in the Actuarial Valuation to make up the insufficiency."

From the time when this Rule was put into effect fifteen years ago, the meaning of "a surplus" was clear to all parties to mean the "going concern" surplus in the Retirees' Trust Fund (RTF) alone.

Recently, supported by an opinion from lawyer Hugh Wright, Vice-President Mason re-interpreted the word "surplus" to refer to the Plan as a whole (i.e. the RTF and the Pension Trust Fund (PTF) lumped together).

Because the PTF deficit outweighed the surplus in the RTF, the RTF Trustees were prevented from using their discretion under Rule 9(f) to catch-up the indexation, to the detriment of Plan members.

In the view of two lawyers familiar with the Dalhousie Pension Plan the opinions offered by Mr. Wright, and used by the Board, were both unreasonable and illogical, denying to retirees and their beneficiaries the benefits that might arise from the exercise of discretion by the RTF Trustees.

The DFA (and sister unions) joined with the Association of Dalhousie Retirees and Pensioners (ADRP <http://retireesandpensioners.dal.ca/>) in expressing these concerns to Ms. Nancy MacNeil Smith, the Superintendent of Pensions, both verbally and in writing.

The Superintendent gave this matter careful attention and wrote "My interpretation of the 'surplus' referenced in this rule is that it is the surplus in the Retirees Trust Fund."

This, of course, supports our view.

We have asked that she convey this interpretation to Robert Radchuck (Chair of the RTF Trustees) and Mr. Ken Burt (Vice-President Finance & Administration), so that the Trustees will be enabled to consider the use of up to half of the surplus in the RTF to make good missing indexation.

Report from the Employee Benefits Committee

Report unavailable!

Report from the Pension Advisory Committee
DFA Representatives to the Pension Advisory Committee (PAC),
Faye Woodman, Paul Huber and Rick Nason

1. INTRODUCTION

1.1 The Pension Advisory Committee (PAC)

Under the Collective Agreement, PAC is a parity committee (i.e., one with equal representation of unions and the Board) that chooses its own chair. Philip Welch, a DFA representative, chaired both it and its working sub-committee ["sub-PAC"], from 1993 to the end of 2005, when he resigned. Carmen Moir, a long-serving Board appointee to PAC, then became Acting Chair. At its meeting of 30 May 2006, the PAC unanimously selected Moir as Chair and Faye Woodman as Vice-Chair. Some recommendations of the *ad hoc* Subcommittee on PAC's Structure and Procedures were adopted by PAC at that May meeting, *inter alia*, that the PAC Chair should not also chair sub-PAC.

1.2 A Review of the Actuary?

The remaining significant issue from the *ad hoc* subcommittee's report is a review of the performance of the actuary. You will recall that we reported two years ago that the arbitration revealed that the actuary of the Dalhousie Pension Plan played several roles which potentially might involve conflicts of interest. Specifically, although mandated to carry out unbiased actuarial assessments of various Plan features for the PAC, he was also providing administrative and consulting services to the Board. DFA representatives support appointing an actuary who has only one role: to provide advice to the PAC.

1.3 DFA Representatives

Your representatives and their roles varied during the year. After Welch's resignation, Woodman and Paul Huber were your representatives. On Rick Nason's appointment as a DFA representative early in 2006, Huber became an alternate. When the PAC reorganized itself in May, Nason became a sub-PAC member along with Woodman. Somewhat anomalously, Huber was requested by PAC to continue to attend meetings of sub-PAC and later was named acting chair of that group. He continues in that position. Late in the year, Woodman asked to be relieved of her responsibilities temporarily, so Huber again became a regular DFA representative. When Woodman resumes her role later in 2007, Huber will likely again revert to alternate status.

2. INDEXATION

Indexation (in Rule 9 of our Pension Plan) is partly automatic, partly discretionary. Automatic formula-driven indexation generally depends on the three-year average investment performance of the Retirees' Trust Fund [RTF] in excess of 5.05%, but may not exceed the increase in the cost of living. (The 5.05% threshold equals the Post-Retirement Interest Assumption [PRIA] of 4.55%, plus a "holdback" of 0.5%.) When

RTF investment returns exceed CPI plus 5.05%, full indexation generally occurs and surpluses pile up in the RTF; when investment returns fall below this level, indexation is below the rate of inflation. Indeed, if investment returns are below PRIA, RTF surpluses are cut or deficits rise. (Only once—in the early 1990s—has the RTF incurred a deficit.)

At present, an indexation shortfall of 6.8% prevails. Under sub-rule 9(f) of the Plan, the trustees of the RTF have the discretion to use a portion of “surplus” to make good some or all such a shortfall. However, the trustees have not addressed this issue directly in recent years. This suggests that the Plan’s indexation arrangements need improvement.

2.1 Mandatory, Formula-driven Indexation

The three-year average annual RTF return as of June 2006 was 11.85%, well in excess of the amount required to index by 2.516%, the annual rate of inflation. Hence, those retirees whose pensions commenced before January 2006 automatically received full indexation in January 2007 for the preceding year. Prospects for full indexation in January 2008 appear excellent, given the average RTF return over the past two years of 9.5% and the solid returns so far this year.

However, the rules for automatic indexation exhibit dysfunctions, one of which has led to the indexation shortfall that has developed since 2001. Specifically, under sub-rule 9(e), low returns cannot be offset by excess returns earned earlier, but must be made good by excess returns earned later, even though the RTF surplus would suffice for full indexation as it did, in fact, in each of the last six years. Second, initial indexation is delayed from 12 to 23 months, which seems unduly long. Third, adjustments to indexation for retirements other than at June-end are inaccurate.

2.2 Discretionary Indexation

The unwillingness of the RTF Trustees to consider discretionary indexation resulted from a legal opinion Bryan Mason presented to them in October 2004. This opinion asserted that “surplus” in sub-rule 9(f) meant the actuarial surplus in the Plan *as a whole*, not the surplus in the RTF. The effect of this opinion was to make unclear the trustees’ options when exercising discretion. Asked to clarify, the University’s lawyer in December 2004 interpreted this section of the Plan inconsistently with the Plan text. The DFA’s own legal advisors strongly took issue with this interpretation. In November 2006, the ADRP, DFA and NSGEU jointly put this issue before the Provincial Superintendent of Pensions. She recently wrote, agreeing with our view, that “surplus” in Plan sub-rule 9(f) means RTF surplus. She has been requested to transmit her views directly to the RTF trustees and to the University Administration. What will then happen remains to be seen.

2.3 The Roughneen-Spinney Proposal

We reported a year ago Mike Roughneen’s and Colin Spinney’s (University Treasurer) proposal to raise PRIA by 0.5% from 4.55% to 5.05%, while eliminating the holdback of 0.5%. This would not alter the 5.05% indexation threshold and hence have little immediate effect on indexation. But it would reduce the amounts transferred at retirement from the Pension Trust Fund [PTF] to the RTF. Hence, it would immediately

lower the PTF deficit and cut Board pension contributions by over 1.0 % of payroll (\$1.7 million annually). In the long term, funding the RTF less generously would reduce RTF surplus and lower the capability to index fully. A proposal that provides a long-term benefit to the Board but no direct benefit to employees and retirees requires rethinking to make it mutually advantageous. The DFA suggested considering this proposal in the context of more comprehensive changes to indexation arrangements and requested a review of mortality experience to determine whether the holdback was still necessary. (Recall that we used surplus benefit dollars in the early 1990s to *lower* PRIA.)

2.4 Review of Mortality Experience

Our actuary submitted a mortality study to the PAC last fall based on data from a number of other Canadian universities, including Dalhousie. In contrast to past mortality studies which consistently indicated that Dalhousie pensioners lived rather longer than predicted by the mortality tables then in use, this study revealed that the new mortality table used by the actuary, UP94@2015, matched Dalhousie's recent mortality experience closely. Hence, current mortality assumptions appear quite appropriate for actuarial calculations.

2.5 Proposed Modifications to Dalhousie's Indexation Arrangements

Sub-rule 9(g) of the Plan provides "that the basis and methods . . . for the provision of indexing of pensions" be reviewed periodically. Over the past decade, Paul Huber has advanced proposals to overcome some of the generally acknowledged weaknesses of our indexation procedures, but, for various reasons, these initiatives have stalled. In February 2007, Sub-PAC received his latest three-page memo, "Elements of a Revised Indexation Arrangement," which incorporates at least part of the Roughneen-Spinney proposal and would make most normal and catch-up indexation automatically dependent on the available RTF surplus. The prognosis for this proposal is cloudy.

2.6 Investment Policies of the RTF and PTF

A trustee has a specific duty to carry out a trust's terms, as well as a general duty to act in the best long-term interests of the trust's beneficiaries, not in the interest of the trust's sponsor. Section 29 of the Nova Scotia Pension Benefits Act extends fiduciary responsibility beyond pension fund trustees to pension plan administrators and their employees and agents and enjoins them to "not knowingly permit the administrator's or member's interest to conflict with [their] . . . duties and powers in respect of the pension fund."

Last May, the RTF trustees voted by the barest of majorities to reduce the level of commitment of RTF assets to equities in order to lower very slightly a potential risk to the Board of having to make good a deficit in the RTF that might arise at some future time. The trustees recognized that this likely would lower future indexation, but regarded this as of little concern. In other words, the balance that should have prevailed between the interests of Members of the Dalhousie pension plan—to whom the trustees owe their primary obligation—and the interests of the Board appears to have been tilted in favour of the Board. Indeed, some trustees (other than those who represent Senate and the DFA) seem to have been quite unaware that they might be involved in a conflict of interest.

2.7 Ex gratia payments to Pre-1982 Retirees and their Spouses

Before mid-1982 when the Dalhousie Pension Plan introduced indexation, the PTF bought unindexed annuities from life insurance companies for retirees, so it was impossible to apply the new indexation arrangements retroactively. Instead, a modest programme of *ex gratia* payments to pre-1982 pensioners was put in place. The Board funded the first \$100,000 annually of these payments from the operating budget. The remainder was funded via the RTF. When the RTF funding for this purpose ran out a year ago, the Board took over complete responsibility for payments. It recently increased entitlements of the 30 remaining people by 2.5%, paying out a total of \$143,000 in 2007.

3. AN UPDATE ON THE SURPLUS/DEFICIT SITUATION OF THE PENSION PLAN

3.1. Actuarial Valuations

Under the Nova Scotia Pension Benefits Act, every pension plan in Nova Scotia must be valued by an actuary at least every three years. The actuary must make two calculations regarding each plan's soundness: the first calculation determines the funding status of the plan under the assumption that the plan will continue in operation indefinitely, the second calculation assumes that the plan is to be wound up as at the date of the valuation. For both calculations, the actuary makes mortality assumptions and may smooth asset values. Where the calculations differ is that the first—the “going-concern” calculation—requires projections of future salary increases and rates of employee terminations and it uses a conservative assumed rate of return on plan assets (currently 7.0%). In contrast, the second—the solvency calculation—essentially assumes that annuities are purchased for all employees aged 55 and older, while younger employees get their termination benefits under the plan. Interest rates for annuities are currently slightly above 4.0%, which is far below recent rates of return on Dalhousie's pension assets. In a solvency calculation, such low annuity rates—the lowest in half a century—effectively imply larger current pension liabilities. That is why so many pension plans in North America are currently experiencing solvency crises.

A “going-concern” deficit must be cleared over fifteen years through higher contributions to the pension plan; a solvency deficit must be met over a five year period, however. At Dalhousie, the Board must make these extra contributions, as well as the overmatching contributions in respect of “current service costs.” These costs and the past “going concern” deficits require the Board currently to contribute over eleven percent of payroll to the Pension Plan, while employees are paying a little over six percent on average.

3.2 Dalhousie's Pension Deficits and Surpluses

The annual financial statements of Dalhousie's PTF and RTF must include notes spelling out actuarial liabilities. As of 30 June 2006, the actuarial extrapolation of the liabilities from the Actuarial Valuation of June 30, 2005 indicates a “going concern” deficit of \$33.258 million in the PTF and a surplus of \$31.670 million in the RTF (using

“smoothed assets”). As the middle column in the table below shows, the projected overall deficit for the Dalhousie Pension Plan on a “going concern” basis was \$1.588 million.

Dalhousie Pension Plan: “Going-concern” Surplus/Deficit Situation (millions)					
Assets	actuarially smoothed				unsmoothed
	June 2004F	June 2005F	June 2006F	June 2006V	June 2006V
PTF	- \$ 58.821	- \$ 46.286	- \$ 33.258	-\$37.693	-\$33.291
RTF	+ \$18.493	+ \$ 22.512	+ \$ 31.670	+\$29.837	+\$33.412
Total Plan	- \$ 40.328	- \$ 23.774	- \$ 1.588	-\$ 7.856	+\$ 0.101

Source: F from PTF & RTF financial statements, various years; 2006V = from draft Valuation

This positive outcome induced the PAC to commission a full actuarial valuation as of 30 June 2006, the tentative results of which are shown in the penultimate column of the table. Although less favourable than the projected values in the preceding column, they still will enable the Board to reduce its pension contributions retroactively to 1 July 2006 by about 1.06% annually. In interpreting this apparent improvement, it is important to realize that much of the change in the deficit results from actuarial smoothing of asset values, not from more fundamental factors. Indeed, without smoothing, the Plan would have enjoyed a modest surplus in both June 2005 and in June 2006 (last column).

As the “going concern” deficit gradually is being overcome, ever lower interest rates are causing a potential solvency problem. The solvency numbers are shown in the following table. Note that the final column projects results as at 30 June 2007, assuming 7.0% return on assets in FY’06-’07.

Dalhousie Pension Plan: “Solvency” Surplus/Deficit Balance (in millions)				
	June 2005	June 2006	June 2006V	June 2007P
PTF	- \$ 13.771	- \$ 38.339	- \$ 39.006	- \$ 41.160
RTF	+ \$ 36.215	+ \$ 43.703	+\$ 42.053	+\$ 39.388
Total Plan	+ \$ 22.444	+ \$ 5.364	+\$ 3.047	- \$ 1.772

Source: Eckler Partners’ Calculations; 2007P assumes ROR of 7.0%. V: Draft Valuation

3.3 The Future of Dalhousie’s Pension Plan Deficit: Current Returns on Fund Assets

During the first eight months of the current fiscal year, the PTF earned over 13% and the RTF earned over 12%. Even if the following four months to July 2007 yield zero returns, the return for the year will exceed the actuary’s assumed 7.0% annual fund returns. Hence, both “going concern” and solvency surpluses of the Plan as a whole are now

likely as of 30 June 2007. The pension “crisis” that began six years ago with the bursting of the hi-tech stock market bubble may be on its way to resolution.

4. PENSION ISSUES THAT HAVE (ALMOST) BEEN RESOLVED

4.1 Compliance with CRA’s Pension Maxima

As we reported a year ago, some extraordinarily cumbersome Income Tax Act regulations impose maxima on pension payments and pension contributions. The actuary advised the PAC two years ago that the CRA (formerly Revenue Canada) was initiating audits of pension plans to ensure compliance and that Dalhousie’s Plan might not be fully compliant. As a consequence, many of the Plan’s provisions were subjected to detailed review and possible modification.

4.1.1 Optional forms of pension

Last spring, Dalhousie adopted procedures to become compliant with respect to capping actuarially adjusted optional forms of pensions. We reported on this a year ago.

4.1.2 Deferral of pension (after termination or after retirement)

In the fall of 2006, after many lengthy meetings, new procedures to deal with pension deferral were approved by PAC and by employee groups. These procedures also included an administrative protocol to deal with the treatment of those who had deferred and had either started their pensions or were still in deferral. CRA representatives had approved these changes in principle before we actually drafted the new rules, and the CRA has now accepted the draft Plan amendments. The Provincial Superintendent of Pensions reviewed the draft amendments several months ago, and we are hopeful that she will approve the finalized amendments shortly. Essentially, the new rules will have no adverse impact on those who consciously chose deferral in the past. In the future, the new rules will make deferral of pension payments generally less attractive for those who have retired. Treatment of those who leave Dalhousie before retirement but fail to take their funds out of the Plan on termination will revert to the system that prevailed before 1997.

4.1.3 Death Benefit (prior to retirement)

Rule 19 permits spousal beneficiaries to transfer the lump-sum death benefit (equal to vested contributions plus interest) to the RTF and receive an immediate or deferred pension. However, few spouses have chosen this option. Under the income tax rules, commuted value is the maximum that legally can be transferred into the RTF. Since the death benefit will often exceed this level, this option has now become even more unattractive for some surviving spouses.

4.1.4 Post-1987 Excess Contributions Payable on Retirement

Sub-rule 8(f) requires any excess of Member contributions (plus interest) after 1987 over half of the commuted value of the Member’s pension to be paid to the

Member at retirement. The *Income Tax Act* restricts what can be done with these payments, however. The actuary has drafted an administrative protocol to clarify how these restrictions must be applied.

4.2 Calculation of pension entitlements for part-time Plan Members

A specific miscalculation that was corrected several years ago did not lead to an investigation of this question more generally. Sub-PAC has agreed that the possible existence of a generic problem would be examined.

4.3 Blending of interest rates

Instead of applying the procedures required by the Plan, the Administration adopted more complicated arrangements for calculating interest. Blending interest rates distorts the entitlements of everyone who joins the Plan or terminates in any month except June. Sub-PAC has agreed that the calculations be redone.

4.4 Pension Information Seminars

In order to inform Plan members better regarding their pension entitlements and options, the PAC authorized the development of a presentation by the actuary to various employee groups (including those not unionized). The DFA—rather unaccountably—has shown no interest thus far in making use of this source of information.

5. OTHER PENDING ISSUES

5.1 Employee Contributions while on Pregnancy or Parental/Compassionate Leave

Sub-rule 13(b) fixes the cost to the Plan Member of purchasing pension rights for a period of Dalhousie service when the Member was on sabbatical, educational or maternity leave under sub-rule 7(e)(iv) as equal to the Plan Member's cost of current service, provided the period in question was at least half funded by the University. Periods of these types of leave when the University funded less than half salary may be purchased by the Plan Member at twice the Member's current service cost.

Unfortunately, the wording of these sub-rules is out of date. "Maternity" is *passé*, instead, the Collective Agreement and the N.S. Labour Standards Act refer now to "pregnancy," "parental" and "compassionate" leaves. Consequently, coverage of these types of leaves as pensionable service and the Member's cost for purchasing pensionable service have become matters of interpretation, to the disadvantage mainly of female DFA Members.

Thus far, the Administration has dragged its feet about updating the Plan and appears negative toward treating periods on paid parental and compassionate leaves in a manner parallel to treatment of paid sick or educational leaves. We have been told that in a situation where a deficit prevails, purchase of past service adds (very slightly!!) to the deficit and hence to the University's operating budget.

It is our understanding that two DFA Members have launched an informal grievance regarding this issue.

5.2 Pension Simulator

The PAC has responded enthusiastically to a DFA suggestion to develop a system through which individual Plan Members could directly determine the effects of choosing various pension options rather than being forced to route the query through Employee Benefits. Unfortunately, such a system cannot be implemented prior to replacing the University's existing pension information system, which in turn is linked to its creaking "enterprise system," for which a request for proposal is now being developed.

5.3 Reciprocal Agreements

Dalhousie has been awaiting a response from the Federal Government for several months which we hope will result in an agreement. Agreements with Provincial and sub-Provincial pension plans are proceeding at glacial speed, if at all. Most organizations find that the administrative effort to negotiate reciprocal agreements far outweighs the benefits that will result in today's pension environment.

5.4 Pension Adjustment to Legislated End of Mandatory Retirement

Provincial legislation to end mandatory retirement may be passed in the near future. Although we do not yet know the precise terms of the legislation, we do not anticipate problems in modifying the Dalhousie Pension Plan to adjust it to a situation in which retirement from employment is separated from retirement for pension purposes.

If DFA members have comments or questions, please contact Richard.Nason@Dal.Ca.

Report from the Pension and Retirees' Trust Funds

By Greg Hebb (School of Business Administration),
DFA Representative to the Funds

I. Assets and Performance for PTF and RTF

The financial markets continued to perform well during 2005/2006, although not as strongly as the previous two years. The performance of the Pension Trust Fund (PTF) and Retiree's Trust Fund (RTF) in the fiscal year which ended 30 June 2006 is shown in the table below. This return was sufficient to allow full indexation of pension payments in the amount of 2.156% for the period starting 1 January 2006. Pension payments were partially indexed in 2005 and not

indexed in 2004. The net result is that pension payments now lag behind the fully indexed level by 6.8%. Unfortunately the cumulative deficit of the pension plan (see below) prevents any “catch-up” indexation at this time. A possible change in the post-retirement discount rate could have the effect of eliminating the deficit which would allow for future “catch-up” indexation.

The following table shows the PTF and RTF assets and the changes during the 1 July 2005 to 30 June 2006 fiscal year; for ease of exposition, amounts are given in \$ millions (\$M), rounded to the nearest \$100,000, and percentage figures are rounded to the nearest tenth of a percent.

	PTF (\$M)	RTF (\$M)
Net Assets as of 30 June 2005	415.2	191.3
Employee Contributions	+ 9.6	+ 0.2
Employer Contributions	+ 17.3	--
PTF to RTF Transfers	- 24.1	+ 24.1
Withdrawals, Benefit Payments	- 14.3	- 15.2
Investment Income	+ 14.4	+ 7.5
Capital Gains	+ 12.3	+ 6.9
Administrative and Other Expenses	- 1.9	- 0.8
Net Assets as of 30 June 2006	428.4	213.9
Rates of Return (Gross)		
2005-2006	6.6%	6.9%
2004-2005	13.0%	12.8%
2003-2004	15.5%	17.1%
Three-Year Annualized ROR (Net) 2003-2006	11.21%	11.85%

The above amounts are taken from the audited financial statements, whereas the rates of return are obtained from Dalhousie University Financial Services.

II. Asset Allocation

The asset allocation as of 30 June 2005 for PTF was approximately 26% in Canadian equities, 35% in US and other foreign equities, 37% in fixed income securities (primarily in Canadian bonds and long-term notes), and 2% in cash and short-term investments. For the RTF, 26% was invested in Canadian equities; 36% in US and other foreign equities, 38% in bonds, long-term notes and index-linked mortgages, and less than 1% in cash and short-term investments.

Based on previous analysis, the Trustees of the PTF agreed to allocate up to 10% of the PTF to private equity investments. Given the nature of these investments (long-term and fairly illiquid), it was decided that they would not be appropriate for the RTF.

In addition to the private equity allocation, the Trustees approved additional “alternative” investments in hedge funds, real estate, and commodities. Total “alternative” investments for the PTF are limited to 25% of the portfolio and to 15% of the RTF portfolio.

III. Actuarial Valuation

An actuarial valuation was conducted as of 30 June 2005. This valuation indicated a PTF deficit position of \$46.3M and a \$22.5M surplus position for RTF, for a net deficit of \$23.7M for the overall plan, as of 30 June 2005. These results were extrapolated to 30 June 2006 and show a surplus of \$31.7M for the RTF and a deficit of \$33.3M for the PTF for a net deficit position of \$1.5M for the overall plan.

Report from the Association-Board Committee

Mark Lewis (Acting Co-Chair),
Denis Riordan (Co-Chair) - on leave,
Jerome Singleton (DFA Nominee),
Barbara MacLennan (DFA Professional Officer),
Brigitte Schotch (DFA Observer), Lynn Purves (DFA Observer)

The Association-Board Committee (ABC) is set out in Article 8 of the DFA-Board of Governors Collective Agreement. ABC considers matters of interpretation or application of the Collective Agreement. The committee has three nominees each from the DFA and Board, and operates by concurrent majority. In practice, the agenda of the Association-Board Committee (ABC) largely concerns the administration of certain clauses of the Collective Agreement including matters that would otherwise not be in strict compliance with the Collective Agreement and matters that require the approval of ABC as defined in the Collective Agreement.

The Board Co-Chair is Donna Gillis (Director, Academic Staff Relations, Personnel Services), and the other two Board nominees are Debbie Parker (Acting Academic Personnel Administrator, Personnel Services) and Will Webster (Dean, Faculty of Health Professions). On the DFA side, Mark Lewis (Law Library) is the Acting Co-Chair in the absence of Denis Riordan (Computer Science) who is on leave. Jerome Singleton (Health & Human

Performance) and Barbara MacLennan (DFA Professional Officer) are the other DFA nominees. Brigitte Schotch and Lynn Purves also attend these meetings on behalf of the DFA as observers.

The ABC agendas are lengthy and most agenda items relate to matters such as waivers of advertising and extensions of appointments for limited-term appointments, extensions to timelines, appointment renewals, moving services endorsements and salary supplements. The committee is able to deal with most matters that arise in a thorough and efficient manner. However, issues do arise where agreement cannot be reached and these issues tend to be problematic and can drag on. Part of this problem is that matters often reach ABC late due to delays in the process beginning at the local unit level.

In the past year, some of the timing issues mentioned above have continued to be problematic at ABC and it is hoped that some of these timing issues can be dealt with in the upcoming round of negotiations. Another issue that has arisen at ABC in the

past year is the incidence of appointments being made to Faculties in general rather than Departments at the local unit level. In these instances ABC has attempted to reach

a position that will be acceptable to both parties but emphasizing that such occurrences should not be the norm.

Report of the Dalhousie University Environmental Health and Safety Committee

Submitted by Forest Fyfe (Physics and Atmospheric Science)

The Environmental Health and Safety Committee meets on the second Wednesday of the month to discuss issues related to and strategies to address environmental health and safety for the University community, including faculty, staff and students. Dr. William Louch is the Director of the Environmental Health and Safety Office. Jan Taylor MacIntyre is the administrative secretary. The Safety Office is located at 1391 Seymour Street. Telephone number is **494-2495**, FAX is **494-1534**, e-mail addresses are JAN.MCINTYRE@DAL.CA, or WILLIAM.LOUCH@DAL.CA The University Emergency number is **(494-) 4109**. Pay phones on campus and emergency telephones (direct line to Dal Security only) handle this number free.

The Environmental Health and Safety Office web site is at <http://www.dal.ca/~ehs/index.htm>. The **9th Annual Report of the Environmental Health and Safety Committee(2006)** is now available in full on the web site. I

suggest you read the Report there and also take a few minutes to browse through the other resources available through the Health and Safety Office.

An attitude of mutual respect amongst colleagues for a healthy work and study environment is encouraged, also an attitude of accountability at all levels in approaches to educational programs for work safety in laboratory environments, particularly but not only for students. The aim is to encourage a personal positive attitude toward health and safety that is life-long. We pay close attention to strategies to protect physical safety in the Dalhousie community.

The committee continues to encourage provision of an immunization program for faculty, staff and students.

We welcome any feedback from DFA members about any of these issues as well as other concerns regarding health and safety within the Dalhousie community.

Report from the Dalhousie University Security & Parking Committee

Report unavailable!

Report from the Dalhousie-WUSC Student Refugee Committee

By Peter Wallace, DFA Representative to the Committee

The DFA is a partner in the Dalhousie University-World University Service of Canada (WUSC) Student Refugee Sponsorship Programme (SRSP) whereby we help sponsor refugee students to come to Canada as Landed Immigrants to study at Dalhousie. The other partners are the Dalhousie Administration, Student Union, Bookstore, and Alumni Association and Aramark. We sponsor the students for an initial 12-month period, at which point they become independent and equivalent to regular Canadian students in university with regards to student loans, etc. The committee has sponsored 46 students since the inception of the programme in 1981-82 and we hope to sponsor another 2 students next year.

All of these students come from refugee camps as displaced persons, were identified as bright and intelligent by Canadian aid workers in those camps, and have academic levels equivalent to Nova Scotia first year students, i.e. English competency and grade 12-equivalent education. These latter two aspects in many cases were learned in the refugee camps through classes taught by Canadians (even by some Nova Scotian and Dalhousie graduates!). The process of selection and emigration takes from 18 to 24 months or more and the attrition rate is high but the rewards are great. The program however is not ideal nor easy in that these sponsored students are usually single, alone, and emigrating to a new country and culture very different to what they are used to.

The two students we are currently sponsoring came from asylum in Kenya but their birth countries were Sudan and

Ethiopia. One is hoping to continue in the Faculty of Management and the other in Science, but this is not definite. They have taken 3 ½ credits these past two terms and, since their sponsorship continues over the summer, will complete their first 5 credits during summer school. They are doing well academically and have been well oriented to the social life of university students in Halifax. Currently the committee is helping them over the transition from residence life to independent living which involves such things as shopping for food, cooking meals, etc. Their prior successes lead us to believe they will be successful in this as well.

The sponsorship programme is becoming more expensive, needs of the students are changing from when it was initiated decades ago, and the student population is changing in the host countries. Funding from CIDA (Canadian International Development Agency) for the programme has been eliminated, teaching ESL and Canadian equivalency classes in refugee camps or host countries is getting more difficult for various reasons, and there are fewer students eligible, both male and female, for sponsorship at Canadian universities because east Africa as well as other parts of the world have been in conflict for so long.

This means our costs as a participating university have risen. But the students on the sponsorship committee have also risen to the occasion. This winter during the student council elections, the student body voted through a referendum to increase the student levy by 50 cents per student. This means we can pay some of the partial costs of orientation and education overseas while the

refugee students prepare to come to Canada, and we can give the students a bursary in their subsequent years while attending Dalhousie full time. The committee is very proud of this achievement – this means every full-time student contributes \$1.50 to the programme.

This programme is a great success! This year also saw the release of two reports by WUSC on their work with refugee students – *Fostering Global Leaders of Tomorrow: an Evaluation of the WUSC Student Refugee Program* (made possible with support from the J.W. McConnell Family Foundation) and the *Diaspora and Development Forum Report*. These reports were released in

Halifax on 28 March 2007 in recognition of Atlantic Canada's contribution – your contribution as well.

The programme will continue into the foreseeable future and we encourage everyone in the DFA to become involved in any way possible. You can help with the student's orientation to Canada through offering to host them in your home, showing them around Halifax during the holidays or on weekends, introducing them to other like-minded people in the Metro area, or helping them in their studies. If you wish to help or need more information please feel free to contact the committee at wusc@dal.ca.

Report from the South African Student Education Project

Prepared by Lester Pearson International (LPI)

SASEP Purpose

The purpose of the South African Student Education Project (SASEP) is to contribute to the development of South Africa by offering black students from South Africa – an historically disadvantaged group – a full scholarship to pursue graduate studies at the master's level at Dalhousie University.

History

SASEP has been operating at Dalhousie since 1987. Initially, the South African Education Trust Fund (SAETF) in Ottawa matched all funds which SASEP raised. Once SAETF ceased operating in 1993, Dalhousie assumed total responsibility for the Project and SASEP is now completely funded by the Dalhousie community.

Currently, contributions are made on an annual basis by the Dalhousie Faculty

Association, the Dalhousie Student Union and individual faculty and staff members. The DFA contribution is a result of an agreement in Spring 1990 which supports a \$7500 annual contribution to SASEP. SASEP receives further support from the university. First, the university has agreed to waive international student differential fees for one SASEP student per year on average, on an ongoing basis. Secondly, both Lester Pearson International and the Department of International Development Studies provide administrative and academic support, respectively, to the project and neither unit receives funding from the project to undertake SASEP responsibilities. SASEP covers the entire cost of student placements and is comparable to scholarship funding provided by the Canadian International Development Agency (CIDA). The number of placements available is entirely dependent on successful fund-raising efforts. In general, annual donations

to SASEP amount to approximately 80 percent of the cost of supporting one student in full-time study for one year.

As of March 2007, nine students from South Africa have earned graduate degrees under SASEP.

Recent Students

Sydney Mitchell arrived at Dalhousie in January 2002 for a qualifying period in Political Science. In September 2002 he was admitted to the Masters program. In May of 2005 he returned to South Africa to complete his thesis on the rise of collective criminal violence in South Africa. He has since successfully fulfilled his degree requirements and has accepted a position with the South African Department of Foreign Affairs.

During his time at Dalhousie, Sydney was a very active member of the Dalhousie community. He has been a presenter in the Global Development Seminar Series, a *rappporteur* for a Centre for Foreign Policy Studies workshop, and he has assisted with Dal's international student orientation programs. Sydney has also been a very visible member of the Dal community as his picture appears on handbooks and posters promoting International Student Services at Dalhousie.

Refilwe Masilela arrived in Halifax at the end of August, 2005 from Pretoria, South Africa. She came to us with a Bachelors of Education in Natural Science from the University of Pretoria. Refilwe began her academic career at Dalhousie enrolled in the two-year Masters of Public Administration (MPA) degree with the School of Public Administration (SPA) in the Faculty of Management. Unfortunately, the MPA program did not prove to suit Refilwe's

background and long term interests, causing her to struggle academically. Consequently, Refilwe left the MPA program in the summer of 2006. During the course of her academic struggle Refilwe met with several different units on campus for support and guidance, such as the Black Student Advising Center, Career and Counseling Services, the Graduate Coordinators from both the SPA and the IDS programs, and the SASEP administrator and academic adviser. The end result of Refilwe's determination was that the Department of International Development Studies agreed to accept her into a qualifying year program for their MA degree for the 2006-2007 academic year. At this time we entered into a new scholarship agreement with Refilwe reflecting these new academic requirements. After careful monitoring of her progress in the IDS qualifying year program it was decided at the end of the 2006 fall term, in consultation with the IDS Chair, Refilwe's professors, and the SASEP Academic Advisor and Administrator, that Refilwe had not met the standard necessary to enter the full MA in IDS program. This was a disappointing and difficult decision to make for all involved; however it is the best decision for SASEP and for Refilwe as it is now clear that graduate studies at Dalhousie is not a suitable path for her at this time. It is also reflective of the fact that for various historic reasons, South African students often face difficult challenges adapting to and succeeding in North American graduate programs. As of the end of 2006 Refilwe is no longer receiving SASEP funding and she has until the end of April 2007 to return to South Africa with SASEP support as per her scholarship agreement. Currently Refilwe is continuing with several undergraduate courses through her own financial means in order to maximize the benefits of her educational opportunities in Canada. She is also consulting Career and Counseling

Services for guidance. Upon completion of her studies Refilwe aspires to return to South Africa to contribute to the administration of the education system there – a particularly urgent requirement in this developing country. We sincerely wish her the best of luck in her future endeavors.

Recruitment

Historically, SASEP has been able to fund on average one full-time student per year. As Refilwe's funding ended in December 2006 there is very limited time available to launch a thorough recruitment program for the 2007 fall term. Therefore we are exploring the possibility of providing the scholarship to a well-qualified South African candidate already accepted into a

graduate program for September 2007 (as opposed to recruiting a candidate and then having them apply to a graduate program). If the scholarship is not allocated in September 2007 we will consider the possibility of funding two students in 2008. We are pursuing ways to enhance the efficiency and effectiveness of future recruitment efforts.

Administration

Ms. Joanne Tortola, Assistant Director, Lester Pearson International, is responsible for administration of the project; while Dr. David Black, Professor, Departments of International Development Studies and Political Science, serves as the academic advisor.

Report from the Employment Equity Council

Report unavailable!

Report from the President's Advisory Committee on Sexual Harassment

By Louise Spiteri, DFA Representative to the Committee

The Committee reviewed the various brochures that are produced and distributed through the Sexual Harassment Office, in particular the *Sexual Harassment is Not Acceptable* brochure, which was last reviewed by the Advisory Committee in 2003.

The Committee is discussing whether to provide an online form for reporting

incidences of sexual harassment. Susan Brousseau, the Sexual Harassment officer, will investigate the policies of other institutions that have such online reporting.

A University-wide group is currently addressing the question of sexual assault on campus, with particular focus paid to the lack of expertise and jurisdiction in reporting sexual assault. The group consists

of Karen Crombie (Legal Counsel), Sandy MacDonald (Security), Susan Brousseau, Kim Plaxton (University Health Services), Shelia McNeil (Counselling Services), Heather Sutherland, Linda Wright, and Christine Wright (Residences/Housing).

Since Susan Brousseau was appointed Secretary to the Board of Governors, *protem*, it was decided to suspend the Committee's regular meetings until Susan is able to resume her duties as Sexual Harassment Officer following the 2006/2007 academic year.

DFA President's Report

By Jerome Singleton, DFA President

The year has been hectic. Issues that carried over from 2005-2006 to 2006-2007 were (a) Censure, (b) Merit Report, and (c) Mandatory Retirement.

Censure (same as last year)

As you recall, a major portion of the January 2006 issue of the *DFA Dialogue* was devoted to the issue of censure. The CAUT had warned President Traves that it would initiate censure procedures against Dalhousie University unless the administration took action(s) to protect the rights of two clinical medical faculty members, Drs. Gabrielle Horne and Michael Goodyear.

The CAUT demanded two actions from the University:

- 1) First, the University administration must press "actively, persistently, and publicly" in support of Drs. Horne and Goodyear; and
- 2) Second, the University must take "timely action to mitigate the damage" done to their careers while waiting for Capital Health to end its flawed process.

While Dalhousie administration has taken steps to address the first requirement, the second requirement remains outstanding. Dr. Traves also actively and persistently demonstrated support for Dr. Horne and Dr. Goodyear.

The DFA supported Vice-President Scully's motion made at Senate on 13 March 2006:

"THAT the Senate of Dalhousie wishes to express its profound concern about the extended delay in reaching a conclusion to the review of clinical privileges involving two faculty members at Dalhousie University, Dr. Gabrielle Horne and Dr. Michael Goodyear. While members of Senate are not in a position to comment on the merits of either case, we believe that the inordinate delay in bringing closure to these matters raises serious concerns about the process itself. Insofar as the Board of the Capital District Health Authority seems unable to bring this matter to closure, we ask Premier Rodney MacDonald to review the matter and take the necessary steps, with the appropriate officials, to ensure that justice is done."

This motion was passed unanimously.

Again, Dr. Traves also actively and persistently demonstrated support for Drs. Horne and Goodyear.

Prior to the April 2006 CAUT meeting Ms. Helen Powell and Dr. Jerome Singleton met with Dr. Traves regarding censure. During this meeting, Dr. Traves clarified the actions he was prepared to take on behalf of Drs. Horne and Goodyear. He then wrote a letter to CAUT Council outlining these actions. Dr. Singleton hand-delivered Dr. Traves' letter to CAUT Council in April 2006. Based upon Dr. Traves' stated intentions CAUT Council deferred the censure decision until November in order to provide Dr. Traves with time to follow up on his letter. Based upon Dr. Traves' actions as outlined in his letter of April 2006, at the CAUT Council November meeting the threat of censure was removed.

Merit

The Joint Panel on Merit was charged with investigating mechanisms by which merit pay could be introduced into the salary structure. The DFA members of this Panel were Barrie Clarke, Marilyn MacKay-Lyons, and Donna Rogers, with DFA Professional Officer Barbara MacLennan as resource and support. The Panel drafted a merit pay award mechanism, which is designed to objectively measure faculty achievement. The Report was finalized and presented to DFA Members at a General Meeting held in early February 2007. DFA Members voiced concerns regarding the Report during this meeting, ranging from the amount of work necessary to award merit to how the process could effect the collegial environment. DFA sought input from its Members during Contract Review meetings and DFA surveys.

Mandatory Retirement

The mandate of the Joint Panel on Mandatory Retirement was to consider the possible elimination of mandatory retirement for Members of the DFA Bargaining Unit. The DFA members of this panel were Bernie Boudreau and Ellen Hickey, with DFA Professional Officer Barbara MacLennan as resource and support. The Panel had created a consultation document, which was to be circulated to DFA Members. The Panel proposed "town hall meetings" where Members would be asked to comment on the content of the document. Dr. Traves responded to the proposed Joint Panel Report in June 2006, indicating that Dr. Scully and Michael Rougheen concluded "it is not evident that the benefits gained by ending mandatory retirement outweigh the loss of important planning mechanism and fiscal flexibility". The Report that summarizes the concerns raised by Dr. Scully and Michael Rougheen is available as Appendix 7 of the Board of Governors Report of the Long Term Financial Planning Committee (15 November 2006), at the following URL:

http://boardofgovernors.dal.ca/files/Nov_2006_Long_Term_Financial_Planning_Report.pdf

Therefore the Joint Panel Report was not circulated to the Membership.

The current proposed legislation regarding Mandatory Retirement from the Nova Scotia Government will be examined regarding retirement at Dalhousie.

Contract Review

This past year the Contract Review Committee met extensively to get feedback from DFA Members regarding how to prepare for collective bargaining. Kevin Grundy chaired this Committee, comprised of Helen Powell, David Tindall, Mark Lewis, Jerry Singleton, Barbara MacLennan, Brigitte Schotch, and most recently, Lynn Purves. Mark Lewis created surveys on *Opinio* for DFA Members responses. This information formulated the issues for the next round of negotiations that were presented at the DFA General Meeting on Wednesday, 11 April 2007.

The DFA Negotiating Team for the 2007 round of collective bargaining is comprised of Chief Negotiator, Elizabeth Kay Raining-Bird (School of Human Communication Disorders), Susan Holmes (College of Continuing Education), Anthony Stewart (English) and Barbara MacLennan (DFA Professional Officer). Individuals who have agreed to provide support to the DFA Negotiating Team are Mike Shepherd, Pierre Stevens and Mark Lewis.

Year Ahead

The year of 2007-2008 is the year of negotiation. I am looking forward to a positive outcome in negotiations. Kevin Grundy has the experience and knowledge to guide the DFA during the negotiation year.

On a personal note, I have had the opportunity to work closely with Kevin and Helen for the last two years. They provided guidance and support during my year as President. I wish to thank them for their insights and advice during this past year.

I also wish to thank the DFA Executive Committee (Kevin Grundy, Denis Riordan, Ian Flint, Tim Ruggles, Helen Powell, Marcos Abreu, Marguerite Cassin, Amyl Ghanem, Susan Holmes, John Kozey, David Mensink, Terry Mitchell, David Overton, Michael Shepherd and Anthony Stewart) for their willingness to work on your behalf for the DFA.

The DFA Office Staff of Barbara MacLennan, Brigitte Schotch and Arlene Naugler, and most recently, Lynn Purves, have enabled the DFA to be an effective organization.

This year the DFA has been able to recruit Ms. Lynn Purves who will be an asset to our organization.

It is with deep regret that the DFA will be losing Brigitte Schotch after extensive involvement with the Association. Brigitte will be retiring the end of June 2007. She is the DFA memory bank, a person who has gone beyond the call of duty to enhance the well-being of DFA members. During my term as President, she empowered me to understand the subtleties of the Collective Agreement as well as the complexities of the University. I wish her well in her retirement.

Dalhousie Faculty Association
ANNUAL GENERAL MEETING
Wednesday, 25 April 2007
2:30 p.m.
Scotiabank Auditorium, FASS Building

AGENDA

1. Minutes of the Annual General Meeting held on Wednesday, 26 April 2006
2. Matters Arising
3. Treasurer's Report
Notice of Motion: **“That the allocation of the undesignated funds for 2006/07 be as follows: \$100,000 to the Defence Fund, an amount of approximately \$49,000 to bring the Legal Fund to its maximum; the remainder going to the Unallocated Fund.”**
(T. Ruggles, on behalf of the Executive)
4. Report from Standing Committee
 - (a) Grievance Committee - H. Powell
5. Reports from Committees under the Collective Agreement
 - (a) Dalhousie University Employee Benefits Committee - *No Report Available*
 - (b) Dalhousie University Pension Advisory Committee - P. Huber and R. Nason
 - (c) Dalhousie University Pension Trust and Retirees' Trust Funds - G. Hebb
 - (d) Association-Board Committee - M. Lewis (Acting DFA Co-Chair)
 - (e) Environmental Health & Safety Committee - F. Fyfe and D. Sommerfeld
 - (f) Security & Parking Committee - *No Report Available*
6. Reports from DFA Representatives on the Dalhousie University Refugee Students Committees
 - (a) Dalhousie-WUSC Student Refugee Committee - P. Wallace
 - (b) South African Student Education Project - D. Black
7. Reports on Equity Issues
 - (a) Employment Equity Council - *No Report Available*
 - (b) Sexual Harassment Committee - L. Spiteri
8. President's Report - J. Singleton
9. Announcement of the 2007/08 Executive Committee
10. A.O.B.

DFA SOCIAL

The DFA is hosting an appreciation event following the DFA Annual General Meeting on Wednesday, 25 April 2007. At that time, we will recognize two DFA Members, retiring in June, who have made significant contributions to the Association:

Mike Bradfield (Faculty of Science)

Barrie Clarke (Faculty of Science)

This is the 2nd of what has become an annual occasion. There are many more individuals whom we want to celebrate in future events.

Guest Books will be available in the DFA Office a few days before the Annual General Meeting for those people who want to express their appreciation but cannot attend the social event.

Please plan to attend on:

Wednesday, 25 April 2007

4:30 p.m. to 6:30 p.m.

Lord Dalhousie Pub

Presentations to our Honourees will be made at 5:00 P.M.