

# **My Faculty Association and Me: A Case Study in Sweetheart Unionism and Academic Mobbing**

## **Introduction**

This paper recounts recent experiences of mine with the University of British Columbia (UBC) Faculty Association (UBCFA). I am a tenured Associate Professor at UBC, Okanagan campus (UBCO) and I began my FA role as 1<sup>st</sup> Vice-Chair of the Okanagan Faculty Committee (OFC), an executive position on this standing committee of the FA, in July 2017. The paper is couched in terms of the relatively recent concept of academic mobbing, defined as “an insidious, non-violent and sophisticated kind of psychological bullying that predominantly takes place in college and university campuses.”<sup>1</sup> It also employs the concept of “sweetheart unionism” defined as a deal between an employer and union officials that benefits both at the expense of employees; in this case, a deal between UBCO and UBCFA that benefits UBCO management and FA Executive Director and staff in Vancouver at the expense of UBCO faculty members.

## **Academic Mobbing**

The academic mobbing “process begins when a small group of instigators decide to cast someone out on the pretext that he or she is threatening their interests” and “negative communication frames the target as someone who is impossible to work with and who threatens the organization.”<sup>2</sup> The target is characterized as a “troublemaker,” as someone who “doesn’t listen to advice,” who is “detrimental to the organization,” even who “is mentally ill.”<sup>3</sup> Mobbing includes a range of oppressive tactics; “depriving the target of the right to have a voice,

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<sup>1</sup> Khoo (2010) p. 61

<sup>2</sup> Seguin (2016)

<sup>3</sup> Ibid

excluding them from committees and positions of responsibility, not responding to [their] emails, etc...the targets end up becoming completely ostracized – their reputation, credibility, authority, influence and contributions to the organization are nullified. As in a totalitarian situation, any attempts to defend themselves are perceived as additional proof of their “deviance.” The target becomes a non-person.”<sup>4</sup> Also “university administrations and human resource departments are involved in most mobbing campaigns.”<sup>5</sup> These characterizations fit my personal treatment at the hands of the UBCFA and UBCO senior administration and management since I assumed my executive position with the FA, as documented fully in the remainder of the paper.

### **The UBCFA and UBCO: Sweetheart Unionism**

The Collective Agreement (CA) of UBC was imposed lock, stock and barrel on UBCO when UBC took over the former Okanagan University College in a hostile takeover in 2005 and renamed it UBCO. This left the faculty at UBCO with no local union representation, no local shop stewards, no empowered local union officers, with all employment relations disputes matters now having to be dealt with by a small professional staff at UBCFA headquarters in Vancouver. This professional staff is made up of an Executive Director, who is non-unionized, and three Member Service Officers (MSOs) who are unionized employees of the UBCFA.<sup>6</sup> The UBCFA has been a disaster for UBCO faculty. It does not enforce the CA on the Okanagan campus, allowing the local administration to pay just lip-service to it. The number of grievances that emanate from UBCO are vastly disproportionate to the overall membership because the

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<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> The Executive Director and MSOs are extremely well paid. The Senior MSO’s salary is around \$120,000, and the highest by seniority regular MSO around \$115,000. The Executive Director must be paid significantly more than any MSO. All are paid from UBCFA faculty member dues. The MSOs work 35 hours a week, with any overtime hours (e.g. travelling between Kelowna and Vancouver) banked against work hours so as to provide additional days off to normal vacation. Not sure if this is also true of the Executive Director.

administration feels it can get away with anything because the UBCFA is far away in Vancouver, and the UBCFA staff supported by the FA political superstructure lets the UBCO administration get away with everything by not prosecuting grievances or enforcing the CA on the campus. UBCFA staff in representing UBCO faculty members are quick to take and argue management's side, to parrot identically management positions down to even the same punchlines, to argue against the individual faculty member, and to drag grievances out *ad infinitum*, hoping to wear down members by attrition, and increase the staff work hours spent. UBCFA, for all intents and purposes, might just as well be management itself; UBCFA MSOs, all three of them based at UBCFA HQ in Vancouver, and on the direction of the UBCFA Executive Director, also in Vancouver, advocate for UBCO management, not faculty members. They have even recently gone so far as to set up the UBCO's senior administration's disciplinary meetings for faculty members for it. They view all management-faculty interactions within the context of a corporate world of management (senior administration) versus employees (faculty) where the employees (faculty) have no say in managerial decision-making and just have to take orders and be eternally thankful, whatever they are ordered to do by management, for their pay packet at the end of the week, and not complain.

Moreover, the local standing committee of the UBCFA on the Okanagan campus, the OFC, has never been properly constituted over the last 12 years by the UBCFA, leaving it entirely powerless, and the Executive Director and her MSO staff in Vancouver, supported by the FA President and Executive Committee, want to keep it that way. The membership of the committee is supposed to include the three elected Executive officers; the Chair, the 1<sup>st</sup> Vice Chair, and the 2<sup>nd</sup> Vice Chair, and various members at large with broad representation across all faculties on campus, appointed by the chair. No members at large had ever been appointed by the chair in the

last 12 years. The Terms of Reference of the Committee says it “shall meet at least once a month, at the call of the chair. Normally the Executive Director will attend one meeting per month.” In my eight months on the committee July 2017-Feb 2018 no meetings were ever called by the chair and hence the Executive Director certainly did not attend any meetings, as there were none. The Terms of Reference of the committee also state; “The Committee shall observe transparency and accountability in all activities related to the Faculty Association in general and the work of the OFC in particular. In furtherance of this goal the Committee shall communicate with faculty at the Okanagan Campus through articles in relevant union newsletters or by other means.” The three executive officers of the OFC in September 2017 tried to put out a revived newsletter; the first issue was written and just had to be published. The FA headquarters in Vancouver suppressed its publication, it was never published, and hence the reborn newsletter was stillborn.

A good example of the failure of the union to enforce the CA on the Okanagan campus is with respect to workload polices. Rather than enforce the language of the CA that standard and general departmental workload polices must be established transparently and in full consultation with the faculty members of the department or Faculty, the FA has allowed the UBCO administration to turn the process on the Okanagan campus into what amounts to an annual post-tenure performance review of each individual faculty member, using the members’ annual reports submitted for purposes of pay rise consideration, to be instead used for performance appraisal in what the UBCO management has decided unilaterally, and not via negotiation through the CA, are compulsory annual meetings with the head/director. This has allowed the assignment of differential teaching workloads based on what management sees as the performance of each individual faculty member in terms of primarily research. Such annual performance reviews for workload purposes do not exist at the main UBC Vancouver campus.

So the UBCFA on the Okanagan campus and the UBCO administration can be seen as one and the same organization, it being on the management side, and the faculty members, the workers, on the workers side. So this is a good example of sweetheart unionism; a deal between UBCO and UBCFA that benefits UBCO management and FA staff at the expense of faculty members.

### **The UBCFA and Me: Reason for my Seeking an Executive Position**

My own experiences with the UBCFA in the last year fully illustrate the issues of sweetheart unionism and academic mobbing. I was elected by acclamation to an Executive Committee position in the UBCFA of 1<sup>st</sup> Vice-Chair of the OFC in March 2017, hence as an officer of the Executive of the OFC.<sup>7</sup> I responded to the following call for Nominations: “The Nominations Committee of the UBC Faculty Association is seeking candidates for the upcoming election of Executive Committee members: there are ten vacancies, including three positions open only to Okanagan Faculty members.” I had wanted to get involved as an executive officer given the poor treatment I had witnessed of some UBCO faculty colleagues at the hands of the UBCFA in recent years and wanted to see if I could improve things. The first experience was in 2013 when I was chair of a selection committee for a limited-term Instructor in my department. The case had to be taken away from the UBCFA MSO handling it after complaints by the member of endless months of frustration and the MSO’s blatant and fully documented dishonesty. The member left UBC two years later in complete disgust of both UBCO and the UBCFA. The second case was in 2015 of a sessional faculty member. The department posted for a Lecturer without giving notice to the member and allowing them an opportunity to apply, in violation of the CA. The third case in 2016 was of another sessional faculty member. Again the

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<sup>7</sup> Constitution and By Laws of the UBCFA, Revised: February 2014, p. 5, Clause 7.6

program head posted for a Lecturer position without giving notice to the member and allowing them an opportunity to apply, in violation of the CA. I found that the UBCFAMSOs in both of these cases failed miserably to defend the members' interests and merely acquiesced to UBCO management. A fourth case was the Senior MSO's dealings with a member who questioned violations of UBC policies and procedures in their Faculty. Again, I saw the MSO take management's side and not address the members concerns. It came to the point that I had to take the matter to Senate as an elected Senator to get it properly addressed, with no thanks to the FA.

### **The UBCFA and Me: Assuming my Role in July and August 2017**

I assumed my role on July 1, 2017, and began to meet with faculty members on the UBCO campus who contacted me in my executive officer capacity to discuss their labour relations problems with the University and propose solutions. I was also welcomed as a member of the Member Services and Grievances Committee (MSGC), the UBCFA committee in Vancouver that oversees complaints and grievances under the CA and other UBC policies and procedures, as is normal for the 1<sup>st</sup> Vice-Chair and Executive officer of the OFC. In preparation of my role I went through past UBCFA Annual Reports and the President's Reports, Reports of the MSGC, and Reports of the OFC contained therein. The MSGC Scope of Duties is reported in these Annual Reports as: "*To represent members in complaints and grievances including meetings with the administration*" [my italics] and "consider serious complaints and possible grievances and make recommendations including on potential remedies." The Terms of Reference of the OFC is reported in these Annual Reports as to: "Bring to the attention of the Association matters which directly concern members employed on the Okanagan campus" and "assist in implementing the CA in respect of members employed on the Okanagan campus." Various statements are made by the Chair of the OFC (the same Chair for the 12 years of

existence of the OFC since 2006) in his OFC Reports in the UBCFA Annual Reports that I read in preparation for my new executive officer role in the UBCFA. In his reports of 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2014-15, 2015-16 and 2016-17 he states [my italics]: "The role of the OFC is to *represent the interests of faculty at Okanagan within the FA and with UBCO management.*" In 2009-10 he added: "Officers of the OFC have dual roles. First, *we have a representational role advocating on behalf of the membership both to the employer* as well as to our brothers and sisters in Vancouver. Second, we have a role as informal shop stewards (and are members of the MSGC)...In both capacities, the officers of the OFC have been heavily involved in attempting to improve the accountability and transparency of university processes that affect the terms and conditions of our members' employment and to protect members from capricious, arbitrary and unfair treatment by the employer." In 2010-11 he added: "Our [the OFC's] relationship with UBCO's management team [has] improved." In 2011-12 he added: "We [the OFC] continue to deal with a large number of grievances pertaining to workload, merit, promotion and harassment." In 2015-16 he added: "The full intent of creating the OFC as a standing committee has not yet been fully realized. Progress has been slow in improving the quality of service to UBCO for a number of years." In 2016-17 he added: We [the OFC] have to deal with a lot of grievances...I deal with local policy and political issues in my role as an officer of the union. Normally I do not handle specific member complaints. That is work normally undertaken by the MSGC, on which the two vice-chairs normally sit. *However, from time to time, if requested by a member, I also do that work, and have done so this year.*" All three elected Executive officers of the OFC (myself as 1<sup>st</sup> Vice-Chair and the other two, the Chair and the 2<sup>nd</sup> Vice-Chair) were fully on board with this fully-explained-over-the-years OFC role, in July 2017, that we as elected and executive officers of the OFC were there to deal with UBCO

management on labour relations matters of UBCO members. Not only the Executive officers of the OFC, but also the MSOs. I received an email from the Senior MSO on July 21 stating “I look forward to working with you on the MSGC.”

On July 22, 2017 I wrote to the Executive Director of the UBCFA and the Chair of the MSGC in my capacity as newly elected and executive 1<sup>st</sup> Vice-Chair of the OFC and new member of the MSGC. I lodged a formal complaint against this Senior MSO of the UBCFA. I had begun discussing a case with a member after they had approached me to meet and talk to me. No grievance had yet been filed. My experience in this case reinforced my experience that the MSOs advocated for management, not faculty members, and hence filed a formal complaint. The Senior MSO had been dealing with this member for almost a year and I met with the member twice in July 2017. The member appeared to me to be on the verge of a complete nervous breakdown, not only because of her treatment by her director and dean, but also because of her having to endlessly argue her case not just with management but with the MSO, both of them making the same arguments against her. I observed first hand the member’s deteriorating emotional state brought on by this combination of affairs, and she informed me she was seeking medical advice. The member told me that the Senior MSO had told her she has no grounds for grievance. I spent just a day with the material and found ample ground. In speaking with the Senior MSO for an hour on July 20, 2017, her attitude was entirely that management was right on everything and the member was wrong on everything, and there is nothing the member can do about it (shades of Roald Dahl’s Matilda). So she should just suck it up and do what the University says. She even told me that I and the member should focus more on the positive, rather than the negative. Not good advice in the area of the intimidating work environment faculty find themselves in at UBCO.

In my conversation with the Senior MSO that day she went on to challenge me on every other matter I raised and take the management side. For example, on the illegitimacy of the director's appointment in the Faculty which apparently was not undertaken according to UBC policy, she said that is fine, faculty members do not need to have a say in who assigns their workload, or runs their tenure and promotion committees, or decides on their pay increases (except that all of the above violates the CA). On the fact that the workload policy of the Faculty is not a policy at all just a vacuous ad hoc statement that provides no guidance whatsoever as to what factors are taken into consideration in workload assignment, and where there is no normal workload (could be 10 courses a term if that meets the needs of the Faculty) she told me it is fine, it meets the language of the CA, and if I wanted better language, I would need to lobby to put it into the CA. I disagreed that we already had the language in the CA, it is just that the UBCO is ignoring it and the UBCFA are choosing not to enforce it. On the fact a permanent faculty member had just been appointed to this member's Faculty with no consultation with faculty members, the Senior MSO said, yes, management can do that. I know for a fact they cannot, all faculty appointments (or reassignment of appointments) in Faculties and departments must follow the consultative procedures of the CA.

I knew of just this case and the other cases I knew about before assuming my executive role, but in each case I knew of the emotional toil that the inaction of the MSOs for months on end and MSOs siding with management in each case has put the members under. I reported to the FA Executive Director that there was a great deal of dissatisfaction on the Okanagan campus with the UBCFA, especially in the area of the MSOs handling of complaints and grievances. If they were 0 for 5 on the 5 cases I now knew about, what about all of the other ones I didn't know about? I could only imagine and shudder. I also told the Executive Director that the executive

members of the OFC (two of whom are former heads including myself with intimate knowledge of the CA and UBC policies and faculty issues on the Okanagan campus) wanted to be involved in helping our Okanagan members. I asked for a list on all ongoing grievance cases with the MSOs with Okanagan faculty, and what the cases were about (nature of the problems), and what stage they were at. I also suggested that we needed our own MSO in the Okanagan who worked in the interests of the faculty members and not UBCO management. Or, have the elected executive members of the OFC act as shop stewards and deal with the grievances on the Okanagan campus themselves using the MSOs for research support but not as the lead on the cases. Better still perhaps I said was an idea the three executive members of the OFC including myself discussed in a long conversation about these matters a few days before on July 18, 2017. That we perhaps need our own MSGC in the Okanagan to deal with Okanagan campus matters attended by the three members of the OFC and the MSOs, and any Okanagan faculty volunteers. Certainly I told her, the elected executive Vice-Chairs of the OFC, myself and one other, wished to be more hands-on with the members and involved in sorting out their issues. I concluded to say: “We should probably all meet sometime for a frank discussion. Thank you and hopefully we can productively move forward to achieve fair representation and results for our Okanagan members.”

My complaint was completely and disrespectfully ignored by the Executive Director and Chair of the MSGC for months, until I sent them an email on November 13, 2017 to ask when they would be replying to my complaint. I got an email back on November 14 from the FA Executive Director to say “Sorry we forgot to send it to you. Here it is. ....” The attached letter was dated 27 September, 2017 and merely stated:

“Dear Peter, I write in response to the complaint you filed against [the Senior MSO] on 22 July, 2017. Following a thorough review of your concerns, [we met with...] to hear her response to the allegations against her. Following a lengthy discussion, we are both satisfied that she carried out her duties and responsibilities in good faith and with appropriate care and attention. We therefore determined that there was no merit to your complaint. Sincerely...”

I complained to the UBCFA President about this response immediately In November 2017, and I have received no response to date (March 2018). However, my complaint was all that the UBCFA Executive Director and MSOs needed to start their academic mobbing campaign against me. They realized I was working with and meeting members at UBCO and discussing their issues with them, and was not just going to go along with the UBCFA’s inaction and complicity with management.. They did not like this at all. The UBCFA had effectively been taken over by the Executive Director and her three MSOs over the previous number of years, and their salaries and time-off entitlements made up a big chunk of the FA’s revenues, and they did not wish to see an interloper, even if they were an elected faculty member officer, criticizing them and jeopardizing their sweetheart unionism deal with UBCO management, and their comfortable existence fully supported by the UBCFA Executive Committee. The executive staff was now running the FA; the tail was wagging to dog – the latter being the faculty members whose dues pay for the FA.

As a result of disturbing discussions with one member in particular, on 2 August, 2017 I sent to following email to the UBCO Acting Provost:

“Hi: I got an out-of-office message from [the Provost] with the information that you are Acting Provost in the interim (to August 13). This matter cannot wait for [the Provost’s] return. Professor [...] has just contacted me urgently in my capacity as 1<sup>st</sup> Vice-Chair of the Okanagan Faculty

Committee of UBCFA, elected to attend to the concerns of Okanagan faculty members. It appears that administrators in the Faculty of [...], presumably the dean and/or director, and without consulting with her or informing her, are instructing their staff to tell graduate students with which she has been intending to work with that she is no longer available for supervision. Professor [...] has told me that she is totally overwhelmed and traumatized by this, and is so distraught that she cannot function, so she has asked me to write to you on her behalf....How can her Faculty administrators speak on her behalf, and not tell her? She has told me that she is considering legal advice as to the damage to her reputation. Professor [...] tells me she “feels terrible”. This appears to me to be pretty outrageous behavior by her dean and/or director, and absolutely blatant administrative interference into the scholarly work and academic freedom of a UBC faculty member. Could you please look into this with urgent expediency? Thanks. Copying to the Dean of Graduate Studies, Professor [...], and other officers of the UBCFA.”

The Acting Provost replied that same day to say:

“Peter, I would like to acknowledge receipt of your email. I have started looking into this matter and will do my best to respond fast. However, many people are currently on holidays. Please be aware that I may not be in a position give you a response before [the Provost] is back.”

I then got this email from the Chair of the OFC of the FA the same day August 2, 2017:

“Peter, I appreciate the delicate wording of your email to [the Associate Provost]. It will make my life easier when I get the inevitable call from [the FA Executive Director]. [She] will not like it, seeing is as doing the job of an MSO, but it seems to me that you are simply attending to the concerns of Okanagan faculty members. It is in our job description to “initiate and carry out such research or other activities as may from time to time seem desirable on issues of particular concern to members at UBCO”. It is also in our job description to “assist in implementing the

Collective Agreement (CA) in respect to members employed at the Okanagan campus”, which I think means that, at a minimum, we should be fully informed by the MSOs of any matter involving the implementation of the CA.”

I replied to say:

“I hope and trust you can see why I went directly to the Provost’s office. The “standard procedure” would be for the professor to approach UBCFA via an MSO, who would look into it. The MSO’s first advice would be “the University has the right to set your workload.” So the professor would have to argue with the MSO for a couple of months, and eventually the MSO might reluctantly agree to disagree but to agree to “ask [Human Resources HR]” – why [HR] I have no idea, what would it know about a matter like this? Then there would be 3 or 4 months of emails from the MSO to the professor along the lines of “[HR] says” or “[Everyone in HR] is away right now, we have to wait until [they] get back.” 6-9 months down the road [HR] might eventually contact the Provost. A year in one of the OFC members might hear some fuzzy details of the case, through sheer osmosis. Meanwhile the students will have left UBCO in frustration, and the professor will be in an insane asylum. It seems to me the MSO/HR thing is so that all issues end up in this “gatekeeper” quagmire hopefully (on the part of both the UBCFA staff and the University) to sink without trace, or to be dragged out for years so that the professors eventually give up through sheer exhaustion. University must love this, and the Provost is left with nothing to do! We (the OFC) need to go straight to the Provost’s office as soon as serious problems such as this arise, that is the Provost’s job, and our job, and so that there is a speedy resolution, in the interests of students and faculty.”

The Chair of the OFC replied the same day;

”I think we need to do four things: First we need to establish an OFC protocol to ensure that our dealing with member concerns does not bump into ongoing grievances. If a grievance is active,

the Provost will simply refuse to comment [no grievance was active in this case]. Second, we need to get members to ask the MSOs to initiate Step 1 Grievances. If they do not, there is no chance to move things along faster, because the MSOs and HR will continue to behave as they always have. Third, we need to insist that the MSOs follow the timelines in the CA for moving to Step 2 and Step 3. Fourth, we need to get the MSOs to inform us fully of all issues they are dealing with, and keep the MSGC and you two informed as to the status of every grievance.”

I replied the next day August 3 to the Acting Provost to say: “

“Hi again: A student asked for an explanation and got the answer below. Perhaps the “director was following the dean’s orders? At no time did consultation take place with Professor [...]. The Faculty of [...] does not appear to value Professor [...] interest in traditional scholarship and graduate student supervision, or her academic freedom. The actions of the director here in my view involve interference in her scholarly work and denial of her academic freedom. Given the seriousness with which I view this, and in the hope of a speedy resolution both for Professor [...] sake and for the sake of her graduate students, I am extending the cc: to the Principal.”

On August 3 the Chair of the OFC emailed me to say:

“I had a talk with [the President of UBCFA] this morning about your email exchange with [the Acting Provost]. She is a little concerned that UBC might think you were speaking for the Association. I actually doubt that is the case but I do worry that they will pretend to think you speak for the Association when it suits their ends.... What UBC should know full well, is that individual officers cannot speak for the Association. Even members of the Executive Committee cannot speak for the Association. We speak collectively through the President. As you know I appreciate the fact that you made it clear that your communication was not on behalf of the union but that [...] herself had asked you to write on her behalf. However because [...] contacted you in your capacity as 1<sup>st</sup> Vice-Chair of the OFC UBC may attempt to cast your communication as

representing the union. So, could you in future, when you communicate with senior management, please just make it clear that you are not writing on behalf of the union? Thanks.”

I replied the same day as follows:

“Hi, I can’t understand [the President’s] point. In my email to [the Acting Provost] I was obviously speaking as the elected 1st Vice-Chair of the OFA of the UBCFA, just as I speak at other times say in Senate as an elected senator, or in classes or in my publications as an associate professor of UBC. There is no confusion that I might be construed as speaking (say in Senate) for Senate or (say in my classes or my papers) for UBC. All UBC can think is that I am speaking as the elected 1st Vice-Chair of the OFA of the UBCFA, how could they construe that in any different way? I said in my email which hat I was wearing. I don’t start all of my classes saying that I am not speaking on behalf of UBC, and I don’t preface my papers to say that I am not writing on behalf of UBC and that my views might not be those of UBC. Can [the President] clarify as to what exactly is her point?.. In my second email to [the Acting Provost], I say “The actions of the director here in my view involve interference in her scholarly work and denial of her academic freedom. Given the seriousness with which I view this...” It is pretty clear I am stating my view, and not purporting to state the view of the union.”

The Chair of the OFC made no reply, either then or later, to my email. On August 26 sent to following email to the Associate (no longer Acting) Provost:

“So much for responding fast, and I think [the Provost] has been back for a couple of weeks now, and it is now well over three weeks since I first contacted you, so do you or [the Provost] yet have any answers for me, as 1st Vice-Chair of the Okanagan Faculty Committee of the UBCFA, as to why this professor’s director and/or dean, without consulting with her or even informing her, has instructed a staff member in her Faculty to turn away her prospective graduate students, ones she had already told that she would be willing to supervise? I understand her SSHRC, Insight and

other external research grants involve the training of graduate students. I understand Professor... is unwell at this time, but the last time I spoke to her she was considering legal action against the University as to the damage to her reputation and scholarly work, so a timely response is required.”

In the meantime, I was meeting with other Okanagan members and hearing their horror stories of their treatment at the hands of the UBCFA MSOs over the last number of years. I began to ask questions of the MSOs and the Executive Director regarding these various cases. In one case the Senior MSO was bullying and intimidating a member, effectively holding a gun to his head to make him sign an agreement on his tenure reconsideration under duress that he was not yet content with (and, in objection, I told them so) and in no cases were they adequately dealing with members’ legitimate and serious issues or concerns; they were just siding lock, stock and barrel with UBCO management. In fact, they were being quite abusive to members. These members, numbering now approaching a dozen or so, and I, were in complete agreement about what appeared to us to be complicity and collusion of the FA Executive Director and MSOs with UBCO senior administration, management and HR.

On August 28, 2017 I received the following email from the President of the UBCFA, copied to a few others in the FA:

“Peter, I am concerned by the tone you are using in recent emails to {the FA Executive Director}, and copied to [the Senior MSO]. The Faculty Association is committed to being a good employer, and that includes making sure that staff are treated respectfully by all members of the Association. It is my responsibility to ensure this. I have directed [the Executive Director] that she is not to respond to your emails at this time. I don't find them respectful and I'm worried about possible consequences to the FA, should these kinds of emails continue from you. Our first

MSGC meeting is on September 5, and there will be an orientation session there, to help committee members learn about their obligations and responsibilities. I would be happy to discuss this further with you after that meeting.”

I replied the same day, copied to the same people, to say:

“...: I am concerned by the tone UBCFA staff are using in recent emails to members. The Faculty Association is committed to being a fair association, and that includes making sure that members are treated respectfully by all staff and officers of the Association. It is my responsibility to ensure this. I don't find bullying and intimidation of a member by the staff to be respectful and I'm worried about possible consequences to the FA, should this kind of disrespect continue from the staff. Cheers.”

The next day August 29, 2017, I received the following email from the President of the UBCFA:

“Peter, I am concerned that you did not seem to hear the advice [the Chair of the OFC] gave you earlier this month. I have indicated to you in previous emails that you have NO [her capitalization] authority to represent the FA, or its membership, in any communications you issue, and you must not engage in corresponding with the University on FA related matters. The only spokesperson to the administration for political officers is the President of the Association. That is a longstanding rule. Our staff does speak on grievance and related matters. However, they do not act in the abstract. Both the chair of the MSGC and the President are aware of the general thrusts of their communications with the administration. Given your recent correspondence, I need to remind you that you have NO [her capitalization again] authority to insert yourself into grievances or pretend you have some standing in the FA to speak to administration. You also have no special standing for information requests. I have advised [the UBCO Principal, Provost and Senior Manager, Faculty and Employee Relations, Human Resources [HR] that they are to

simply ignore any message from you that indicates in any way that you are speaking for the FA. Because you have no authority to do so. Best,”

I replied to her later the same day to say:

“Hi...: Yes I heard [the Chair of the OFC’s] advice OK. I think I make it clear enough in my emails that I am not purporting to speak for the UBCFA. [The OFC Chair] certainly did not get that impression, so how and why do you get that impression? Please explain...When I communicate with senior administration as 1<sup>st</sup> Vice-Chair of the OFC of the UBCFA, I have no intention of prefacing my remarks by saying I am not writing on behalf of the union. It think that is plainly obvious, and such a statement would be entirely redundant, and actually you insult me to suggest I do this. Just I am not speaking in my classes on behalf of UBC or in any emails I send on Senate matters, as an elected member of Senate, on behalf of Senate. OK, you have now directed UBCFA staff not to reply to my emails, and now UBCO senior administration, perhaps do you want now to direct faculty members at UBCO not to respond to my emails also, if I write them as 1st Vice-Chair of the OFC? Should be your next logical move. So as an elected representative of the OFC of the UBCFA, I have no authority to represent my UBCO members? And I “must not engage in corresponding with the University on FA related matters.” Even though the Scope of Duties of the MSGC of which I am a member includes “represent members in complaints & grievances *including meetings with the administration.*” Even though the Terms of Reference of the OFC of which I am also an elected member states that its mandate and scope of duties includes “to assist in implementing the Collective Agreement in respect of members employed at the Okanagan campus.” Could you please explain to me your quite obviously bizarre and preposterous view? Could you also please point out to me when and where I “pretend [to] have some standing in the FA to speak to administration” also where there is a “message from [me] that indicates in any way that [I am] speaking for the FA”. Please provide to me this information if you have it. So as an elected member of the OFC I also have “no special standing

for information requests” from say UBCFA staff or UBC administration. Shall I then put all of my information requests through you then? I can do so no problem, I sent you all of my current queries yesterday, and perhaps you can follow up with UBCFA staff on these for me? Thanks. You say I “have NO authority to insert [my]self into grievances.” Could you please point out to me where I have done this? There is no grievance in the case of Professor...’s graduate students being turned away without her consent. Professor... is ill, I am contacting the administration on her behalf, at her request, and as her elected representative. No grievance is yet in play, purely at the informal enquiry stage. Is it then fine that I contact the administration as a faculty member on this matter, but not as the member’s elected FA representative? How strange. In another case where there is a “grievance” (which should actually be an appeal via arbitration in a tenure denial case) the member has asked that I represent him, I did not “insert myself” as you so rudely say. Would it be too forward of me, and based on this preposterous and personally insulting email you have just sent to me, and copied to others, to ask for your resignation as President of the UBCFA? Thanks. Best,”

The next day she wrote back to simply say:

“Peter, your position as the elected 1<sup>st</sup> Vice-Chair of the OFA of the UBCFA does not give you standing to do the things you have been doing. You have imagined a role that is not part of the Association. That is what I was trying to convey. This will be discussed at the upcoming MSGC meeting, and I will discuss this further with the Executive Committee next week. Best.”

I then sent an email to the Provost on 31 August saying:

“Hi: I understand that you and [the UBCO Principal] and [the Senior Manager, Faculty and Employee Relations, HR] for that matter, have been directed by the President of the UBCFA to not respond to any of my emails if I identify myself as an officer of the FA (which she interprets as my purporting to speak for the FA). So here I am sending this email to you again, this time as a

regular faculty member of UBCO. It is now almost a month since I first contacted you, and you said you would try to respond fast, or in any event once [the Provost] returned from vacation, three weeks ago now, so do you yet have any answers for me, as to why this professor's director and/or dean, without consulting with her or even informing her, has instructed a staff member in her Faculty to turn away her prospective graduate students, ones she had already told that she would be willing to supervise? I understand her SSHRC, Insight and other external research grants involve the training of graduate students. Professor... is ill at this time and she has asked me to contact you on her behalf. P.S. I note in [a UBCO document attached]: "By conducting excellent basic and applied research, and by educating graduates with outstanding creative and analytical skills, the University aims to enhance its impact on society. UBC is committed to the principles of academic freedom, and in particular that faculty members are free to explore any avenue of inquiry in their research and publications. UBC actively supports its faculty members in engaging in unique and varied areas of research." Is the turning away of this professor's prospective graduate students, by administrators in her Faculty, in keeping with this statement, do you think? The last time I spoke to her she was considering legal action against the University as to the damage to her reputation and scholarly work, so a timely response is required. Could you please now provide to me with this timely response? Thanks and regards."

I followed this up late on September 1 to say: Hi: I don't understand your non-response to date. Extending my query to [the UBC President] this time, in the hope of a response. Regards."

In early September I was denied the usual place of the 1<sup>st</sup> Vice-Chair of the OFC on the Member Services and Grievances Committee (MSGC) by the UBCFA Executive Committee. The first meeting of the term of the MSGC scheduled on September 5 had already been cancelled because the UBCFA Executive Director and her MSOs were in revolt against my participation on the committee and refused to attend the meeting if I was there, so it was cancelled (as good an

example as any of the FA tail, the Executive Director and her MSOs, wagging the FA dog). So, to recap, in late August the President of the UBCFA had told me that the UBCFA would no longer be replying to my emails, and that I could not help members, and then on September 12, 2017 I received in my snail-mailbox a letter from my Provost, dated September 11, 2017, and signed by her as Provost and Vice-Principal Academic. The letter was not copied to others. In this letter, the Provost (of all people) stated, amongst other things, that I, as an elected executive officer of the FA, must “cease and desist from any further involvement in the workplace affairs of faculty members” as I “do not have the authority to act on behalf of the Faculty Association” and my statement that I was the elected 1<sup>st</sup> Vice-Chair of the OFC executive representative of UBCO faculty members was a “willful misrepresentation of my status” and that I has no authority to be “involved in labour relations matters concerning members of the Faculty Association” and I was “inappropriately engaging with Faculty Association members.” At the end of her letter and by the attachment she appended to the letter, the Provost appeared to be suggesting to me, as an elected executive officer of the UBCFA, that I should seek psychological testing. Collusion and complicity between UBCFA and UBCO senior administration, anyone?

On September 23 I wrote to all members of the UBCFA Executive Committee. I said:

” I attach an inquiry I made and then had to repeatedly make as 1st Vice-Chair of the OFC to the UBCO Provost Office, a response I got from the UBCFA President regarding these emails and my response to her, and a letter I have received from my Provost regarding these emails...I am bringing this correspondence to your attention...Perhaps you will have not seen any of this in voting (if you did) in keeping me off the MSGC...[because] as you will know your committee at its meeting last week refused to allow me to serve on the MSGC, as is normal for my position in

the UBCFA. A member told me re: the letter from my Provost: "Very unusual letter. Clearly you have irritated someone or the powers that be. From a union perspective, that must mean you are doing good work..." My reply was: "It goes without saying that the UBCFA President and [the Provost] are in conspiracy and collusion in this. UBCFA and UBC (O at least) appear to have a "sweetheart unionism" deal (from Wikipedia: "In the context of employment rights, a sweetheart contract can involve a deal between an employer and trade union officials that benefits both at the expense of employees") that keeps all matters in the quagmire of the union and university administrative staff and away from faculty interference. This is why all complaints and grievances take years and go unresolved. The university of course wants to keep it that way and so does apparently the UBCFA, the latter perhaps just to keep its staff occupied, but also just to keep cozy with the senior administrators. UBCFA has been taken over the last 10 years by the paid staff to the detriment of the dues-paying members .... I have already asked [the UBCFA President] if it would be too forward of me to ask for her resignation.... P.S. What do you think of my Provost's suggestion to me, as an elected officer of the UBCFA, that I should seek psychological testing? And that "I must "cease and desist from any further involvement in the workplace affairs of other faculty members"? And my position and course release as 1<sup>st</sup> Vice-Chair of the OFC is for what reason...?"

I got no reply from any member of the Executive Committee, or from that committee itself.

On October 4, I brought a formal complaint of bullying against my Provost and Vice-Principal Academic, UBCO. I cited excerpts from UBC Statement on Respectful Environment for Students, Faculty and Staff of May 2014:

“The University of British Columbia envisions a climate in which...faculty...are provided with the best possible conditions for...working, including an environment that is dedicated to...mutual respect... Excellence in...work in the university community is fostered by promoting the freest

possible exchange of information...Excellence in...employment activities flows from active concern and respect for others, including their ability to participate meaningfully in the exchange of information... Activities harmful to a respectful environment include behaviours ranging from expressions of disrespect...Disrespectful behaviour, including bullying...is harmful to a respectful environment and therefore has no place at UBC. It is not only a direct attack on the dignity and worth of the individual... at whom it is directed, it undermines the freedoms of the whole community. For these reasons, disrespectful behaviour, including bullying...is not acceptable and will not be tolerated at UBC. Bullying ...includes...ostracism or exclusion of a person, that undermines an individual's self-esteem so as to compromise their ability to achieve work...goals; abuse of power, authority or position; sabotage of a person's work....”

I followed up my complaint with the following email to my campus Principal, copied to the UBCFA President and the UBC President:

Hi: It is the end of this week now, and as you know the long holiday weekend is now upon us, so I just wanted to let you know that if I see no satisfactory movement on my complaint by the end of next week, my next avenue to explore is the press. I feel a story about a senior UBC administrator telling an elected union office-holder that he cease and desist from getting involved in the employment affairs of other faculty members, and to appear to indicate that he should seek psychological testing, might be quite press-worthy. Throw in possible collusion in this from the union president and this makes the story perhaps even more of interest. I should let you know I have also filed a bullying complaint against [the UBCFA President] under the UBC Respectful Environment Statement (RES) to the UBCFA Executive Committee. The RES refers to bullying and intimidation, but a new meme going around to describe things like this is “academic mobbing.” Here below are links to a couple of excellent articles on this that I think they are quite pertinent to my case... Perhaps we should meet sometime next week to discuss.”

On October 10 I received a letter from my campus Principal, stating:

“Thank you for your letter of the 4 October and your follow up email of October 6. You have filed a complaint alleging that Dr..., in her role as Provost and Vice-President Academic, bullied you by directing you to “cease and desist from any further involvement in the workplace affairs of faculty members” and she “appears to suggest ... that [you] should seek psychological testing”. Specifically your complaint states: *[this is] a clear case of bullying a faculty member (myself) in his role as a First Vice-Chair of the Okanagan Faculty Committee of the UBCFA. In my mind such bullying, intimidation, abuse of power, position and authority, sabotage of a person’s work, and ostracism and exclusion of a person, should have no place at UBC. Dr..., in her role as a member of the University’s administration, did send you a clear letter directing you to cease and desist purporting to represent members of the UBCFA to the University’s administration in matters related to their terms and conditions of employment as you do not have legal status to do so. ...She has done this based on the UBCFA’s confirmation to the University that you have no authority to interfere in matters related to labour relations or to communicate directly with the University administration on such matters.... Dr...’s letter is not disrespectful or hostile...there is no evidence of bullying in this exchange. I also see nothing on the face of her letter, or the information in your complaint, to support your assertion that Dr. Mathieson suggested you need psychological counselling. She has only noted that you have been advised in previous meetings of UBC resources available to you, should you need support related to your health and well-being and they remain available. To be clear, your complaint of bullying is dismissed. In fact, your complaint of bullying against the Provost appears to be vexatious. I am restating the Provost’s clear direction that you are to cease communicating with University administration on matters related to labour relations and interfering in these matters. If there are medical issues contributing to your refusal to follow this direction, you must advise us and we*

will offer whatever assistance and resources the university can to ensure that you are medically able to comply with it. Sincerely,”

So, no need for the standard procedures of a bullying complaint of an investigation, just a Star Chamber summary dismissal. I wrote back to her on October 23 to say:

Thanks for your letter. As it turns out, I am actually elected as a member of the UBCFA Executive Committee, I am assuming of the Executive Committee of the Okanagan Faculty Committee, so I am actually an officer and representative of the UBCFA to the Okanagan faculty members who elected me, and to the UBCO administration, and will continue to act as such. Copying to those you copied your letter to.

She replied also on October 23:

Thank you for your email. Although I understand your position, the University accepts the Faculty Association's position that you have no authority to act as a representative in matters related to labour relations, or to communicate directly with University administrators on such matters. Unless the University receives written authorization from the UBCFA President that confirms your standing as a Faculty Association representative in matters related to labour relations, and clearly defines the scope of your activities, the University's direction to you that you cease any and all interference in matters related to labour relations and individual faculty members remains in effect.

So I replied to her on October 25:

As a member of the University's management, you are in no position, and are in fact in a blatant conflict of interest in my opinion, in telling me that I cannot interfere in matters related to labour relations involving the Okanagan faculty members I am elected as an Executive officer of the Okanagan Faculty Committee of the Faculty Association to represent. And if anyone in the

Faculty Association has encouraged you to do this, for example the President of the Association, then that is another major problem. As such, I intend to pursue this matter further with the relevant authorities, and I will accept no direction from the University in this matter, thank you. Of course, I also believe that the Faculty Association's position and instructions to me that I have no authority to act as a representative of the faculty members who elected me in matters related to their labour relations with the University is also completely untenable, and I also intend to pursue this matter further, but this is not a matter than need concern you.

She did not reply further. Also on October 4 I brought a bullying complaint against the UBCFA President in which I stated:

“Dr....’s email to me as a clear case of bullying and intimidation of a faculty member (myself) in his role as 1<sup>st</sup> Vice-Chair of the Okanagan Faculty Committee of the UBCFA. Nor was this email simply sent to me, but it was copied to others within the UBCFA. In my mind such bullying, intimidation, abuse of power, position and authority, sabotage of a person's work, and ostracism and exclusion of a person, should have no place at UBC and in the UBCFA. The [persons] referred to in Dr....’s email who she has informed not to reply to any communications from me as an First Vice-Chair of the OFC of the UBCFA are [the] Provost and Vice-Principal Academic, UBCO, [the] Principal and DVC, UBCO, and [the] Senior Manager, Faculty and Employee Relations, Human Resources, UBCO. I hence bring this formal complaint to the Executive Committee of the UBCFA. I hope it can be acted upon expeditiously. I feel it would be appropriate for Dr.... to be asked to immediately step down as President of UBCFA.

In reply I received a letter from the UBCFA Vice-President saying that the UBCFA would retain an investigator to investigate the complaint. The letter also told me that I was “inappropriately engaging with FA members” saying ...”you do not have the authority to become involved with labour relations matters concerning members of the bargaining unit”. Also that “if you are

approached by any members seeking assistance, you must refrain from providing advice” and “if there are any circumstances, medical or other, that we are unaware of that have impacted on your recent actions, please advise...as soon as possible.”

On October 29 the investigator hired by the UBCFA to do the investigation referred to the contents of my email to my Principal of October 25, 2017 published verbatim above as "banter" (Oxford Dictionary definition: The playful and friendly exchange of teasing remarks). Actually I was being completely serious in this email, so I took this “banter” comment as a real insult, showing a total disrespect of myself. I also had both factual and circumstantial evidence that, on the balance of probabilities, was sufficient for me to perceive that the investigator hired was in gross conflict of interest in conducting this investigation. So I told UBCFA that I no longer trusted the investigation, or the investigator. I wrote to the UBCFA Vice-President to say:

Given the conflict of interest I perceive, this investigation by....is unlikely to be unbiased in my view. I am also of course uneasy that the only legal firm involved in the investigation (establishing the investigation, and then representing both parties, complainant and respondent) is the firm that regularly represents the UBCFA, effectively, the UBCFA President, against whom the complaint is brought. There are also procedural problems with the investigation as contemplated, not least it being conducted with reference to a UBCFA policy on bullying that I was unaware of and was offered no way of becoming aware of in bringing my complaint (I brought my complaint under the UBC statement) and with the UBCFA policy being seriously deficient in having no provision for a complaint brought against the President of the UBCFA, as my complaint is. Given that the UCBCFA policy defines bullying as repeated instances, there really is no point in conducting the investigation, as Dr.... bullied me just with the one bullying email. Given these serious procedural and other problems, I suggested to your legal counsel three alternatives to the current investigation under ....: 1. A different investigator, one agreeable to

me, perhaps one arranged by the BC Labour Board and not by UBCFA via the UBCFA's legal counsel. Your legal counsel in his response to me did not respond to this suggestion. Although see my point above, any investigation under the wording of the UBCFA policy on bullying is actually pointless. 2. A mediated conflict resolution process, or ADR mechanism (needless to say not conducted by ...), instead of an investigation. Your legal counsel said he contacted a member of the UBCFA Executive Committee and told me that committee would not offer such a process as an alternative. Such a process in my view would be less adversarial, and more likely to resolve the main issue in question. 3. Since the determination of the question of whether an elected officer of the FA executive has legal and labour standing to represent members is fundamental to the question of whether Dr.... as FA President was bullying me when she told me "You do not have the authority, express or implied, to act on behalf of the FA, nor to become involved in labour relations matters or grievance files concerning members of the bargaining unit" the matter could be resolved by an independent legal opinion on the answer to that question. If you or your Executive Committee cannot offer me any of these three alternatives, then needless to say I will not accept any findings or recommendations of an investigation conducted by ..., and I will immediately, dependent on your hopefully timely further advice, withdraw my bullying complaint to the UBCFA against Dr., without prejudice to my right to bring my case before higher authorities. I will look forward to hearing from you at your earliest convenience, as time is of the essence.

UBCFA did not offer me any of the three alternatives, so I withdrew my complaint, and UBCFA conducted the investigation of the now non-existent complaint anyway. The investigation of course entirely dismissed my complaint and entirely exonerated the UBCFA President. In my reply to the investigators report, I said:

“The [finding] that [the President] did nothing wrong because this was her view and hence did not overstep her authority is incorrect, the problem is that her view is wrong! Hence I continue to

take Dr....'s email to me as a clear case of bullying and intimidation of a faculty member (myself) in his elected UBCFA Executive role as 1<sup>st</sup> Vice-Chair of the OFC. Nor was this email simply sent to me, but it was copied to others within the UBCFA. I continue to be of the view that such bullying, intimidation, abuse of power, position and authority, sabotage of a person's work, and ostracism and exclusion of a person, especially an elected member of the UBCFA Executive, should have no place in the UBCFA.... I withdrew my complaint because I saw that it was not supportable within the UBCFA policy entitled *Harassment, Bullying and Discrimination in the Association Environment* where bullying is defined as: "...repeated deliberate, offensive, malicious, or cruel behaviour with the aim to humiliate, intimidate, isolate, undermine or destroy the character or confidence of an individual or group of individuals." This policy was only provided to me after I filed the complaint and is not posted publicly anywhere as far as I know. I also withdrew it because I know the "investigation" was going to be a whitewash of the UBCFA President, Executive Director, staff and current dysfunctional structure. In other words, a waste of time and money. But the UBCFA decided to proceed with the "investigation" anyway, I assume to exonerate itself. Finally, in my view the UBCFA is...completely morally bankrupt with respect to its dealings with Okanagan faculty members...I have told you all of this before and unfortunately you just don't listen. I wanted to get involved with helping UBCO faculty members because the UBCFA in Vancouver (the Executive and the MSOs) do not deal with their issues, they just sweep all under the rug and cozy up to UBCO senior administration and HR. UBCFA in the Okanagan is in my view now, without honest acknowledgment in Vancouver of the current severe problems, beyond redemption."

Finally, in a letter to me under the signature of both the UBCFA Vice-President and the Chair of the OFC, dated 1 February, 2018 I was told: "You are not to deal with members' concerns should they come to you, or you go to them...you do not have the authority...to deal with the University administration on any matters affecting the Faculty Association or any of its

Membership....we consider this matter closed.” Wow, did the OFC Chair ever change the hymn book he was singing from in a short five months (see his initial position on these matters at the start of this paper)! The letter also stated: “You...have not been...requested to provide...services by anyone”. This of course is a patently untrue statement, as I had been requested by many members of the FA in the Okanagan to provide advice and services to them in my official capacity as an executive officer of the OFC and FA, over the past year.

On February 28, 2017 I resigned my executive position as 1<sup>st</sup> Vice-Chair of the OFC in order to run for the UBCFA Vice-President position. I figured by now that the only way to reform the UBCFA would be from the inside, by seeking the seats of power and taking them away for the current Powers That Be. This won't happen overnight of course, but it will happen in the fullness of time.

## **Conclusion**

This in my view is a clear case of academic mobbing by a faculty association and a university administration that have a sweetheart unionism deal going on that they do not want to see disrupted. I intend to go to the BC Labour Board for a ruling on whether the elected executive 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairs of the OFC of the UBCFA are executive members of the FA and can speak as such and can represent the members who elected them, as had been argued by the OFC Chair in all of his reports of the OFC in the UBCFA Annual Reports, 2006-2017, and as hypocritically denied to me by that same Chair in 2017-18, who by then had changed his tune entirely, I suppose under pressure from his union “superiors”. In the meantime, of course, Okanagan faculty members continue to have their grievances and complaints buried by the UBCFA Executive Director and her MSOs in a quagmire and quicksand of collusion and complicity with UBCO senior administration, management and HR. Grievances continue to take

years to resolve because they are stuck in this quagmire for years, fully supported by the UBCFA President, Executive Committee and MSGC, and, of course, and I presume gleefully, by UBCO senior administration and management.

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