

Dear SFUFA Members:

This bulletin includes information on:

- The Research Ethics Board
- The Human Rights and Bullying and Harassment Offices
- Faculty Relations
- University Health and Safety Committee
- Collective Bargaining
- Alternate Contacts

Research Ethics Board

Our last bulletin (available [here](#)) reported on issues related to administrative interference with the composition of the Research Ethics Board and potential risks to active research projects resulting from that interference. After several weeks of discussion in a range of venues, we appear to be no closer to resolution. While the University indicated just days ago that it would take forward a motion to restore the non-renewed members to the REB for a short period, its other proposals only further confirmed ongoing interference in procedures that currently are led by the REB and/ or Senate and allowed those members to simply be removed again in future. Senate documents have been revised several times, with various versions including or excluding renewal. All versions, however, indicate that the President also intends to suggest that a committee largely controlled by the administration will review procedures and, in the interim, take control of REB appointments.

A factual, bullet point summary of what has transpired in procedural terms follows.

REB Renewal

- In spring of 2022, the REB chair requested that the ORE Director forward the names of expiring members of the REB to Senate for renewal.
- The ORE Director did not complete this request.
- The VPRI has suggested (without evidence) that the REB Chair may have never made this request.
- The REB Chair has supplied e-mail evidence that the renewal process was underway, although the request to renew was made verbally in a meeting between the Director and REB Chair.
- The President and Chair of Senate and Chair of SCAR (Joy Johnson) and Vice Chair of Senate and SCAR (Stephen Spector), have refused to allow the request of the expired REB Chair Wendy Loken Thornton to speak to either Senate or SCAR, clearly violating her academic freedom and Senate's right to fully understand the issues before it. They have rejected the request of a sitting Senator and member of SCAR to allow her to speak to these bodies.

- The ORE director misled Senate when she presented to Senate in December the REB annual report which acknowledged the expired members as full committee members.

Policies and procedures

- In January, we learned that SFU procedures were violated last spring when staff failed to bring REB member renewal requests to Senate for ratification.
- SFU procedures were violated again in January when staff again failed to bring REB member renewal requests to Senate for ratification after they discovered the oversight.
- Senate authority was violated in February when Senate staff were asked directly to send the renewal requests to Senate for ratification, first by the now-expired Chair of the REB then later by the voting members of the Senate nominating committee, and they refused, claiming that request could only come from the Director of ORE. It is not clear under who's authority this judgement was made.
- The VPRI has also proposed substantial and substantive changes to the procedures used to implement SFU policy R 20.01, *Ethics Review of Research Involving Human Participants*.
- The originally proposed changes to the operating procedures would institutionalize the current conflicts of interest by allowing the VPRI to appoint and remove members at will, and provide external reviewers for cases needing additional expertise—directly contributing to the review work of the REB and a clear insertion of the VPRI's influence in REB deliberations. While it appears this proposal has been withdrawn or deferred, it is not clear that later proposed motions resolve the conflict.

Conflict of interest

- These refusals to complete the renewal requests demonstrates both a real and a perceived conflict of interest, per TCPS2, between the VPRI's office (which oversees the ORE) and the REB.
 - Real in the sense that administrators are refusing to follow SFU policy regarding selection and ratification of REB members
 - Perceived in the sense that almost 300 faculty have signed a letter expressing their concerns regarding the procedural issues and proposed changes, and asking that the expired members be renewed
- The conflict of interest has created substantial problems internally and externally:
 - Internally
 - There is now a conflict between Senate and the VPRI regarding REB procedures and oversight
 - At least one formal complaint has been lodged against the VPRI

Externally

- There are now at least two complaints to the Tri-Council regarding SFU's compliance with TCPS2
- The lack of compliance may create problems regarding SFU's approval to receive research funding for Canadian and U.S. granting bodies
- A formal complaint against the VPRI personally has been lodged with the Tri-Council

Collegiality and Collegial Governance

- Senate, SCAR, and the academic community have been misled
- The VPRI has claimed to Senate and to SCAR that SFU had a compliant board when it clearly does not
- The VPRI has claimed that members were not renewed because they were not ratified by Senate, but ORE, under his supervision, continues to appoint members to the REB without Senate ratification (Wayne Marigold was appointed in the Fall as an example)
- The University administration is interfering in Senate business
- Failure to reappoint REB members under Senate policy and procedures
- Failure to forward names to Senate at the request of the Chair
- Failure to follow the direction of Senators on the SNC to forward on the names for ratification

Latest Developments

In the initial preparations for the March Senate meeting, SFU had put forward a proposal that essentially re-confirmed the VPRI's February motion. The proposal sought to appoint new members to the REB while continuing to exclude those who had last been presented to Senate, and moved forward with the VPRI's proposed procedures.

Following strong objections by both SFUFA and members of the REB, the President met with both parties, and committed to full restoration of the original REB. She further indicated that the VPRI would be recused from further involvement for the time being, and SFU's new, proposed procedures would be put on hold until reviewed by a new committee. That was, however, not the end of it.

In the days since, a number of different proposals have been listed as on the agenda:

- One revised version which restores the REB members as promised, but includes as well a provision in an Appendix to also allow a new staff-led committee to make or un-make appointments, potentially undoing the reappointments before they are even made
- Another version which appointed only select members and maintained the Appendix proposal in the above version

- And yet another, posted earlier today but now removed, which appoints only select members and proposes a still newer form of committee, established by the President, to control REB appointments

At time of writing, the versions posted have changed even today; it is then, entirely unclear what will actually be put before Senate this evening. But whatever proposal does materialize, the competing versions of proposed motions, the disconnect between the President's verbal commitments and the documents themselves, and the multiple competing versions of motions that have surfaced – all of these indicate a profound lack of clarity and transparency in SFU's handling of this matter.

Taken together, these issues result in substantial risk to SFU as an institution. Internally, our collegial structures are weakened, principles of natural justice are ignored, our ability to trust that internal policies and procedures will be implemented with fidelity is weakened, our participation in Tri-Council and international research granting programs is put at risk, and ultimately, the safety of participants in SFU research are put at risk. These issues are not faculty, staff and student issues, nor are they merely administrative concerns—these are institutional concerns that could fundamentally damage SFU as an organization, and must be addressed.

Human Rights and Bullying and Harassment Offices

In the Fall, we reported regarding concerns, both procedural and substantive, with SFU's move of its Human Rights and Bullying Harassment Offices to the VP, PEI portfolio, which many community voices felt would reduce their independence and their ability to perform their functions. (Background on this matter can be found [here](#).)

After a significant amount of community feedback was received, the University has determined that in fact an alternate structure may be more appropriate to ensure community confidence. A new proposal has been made, which would have both of these Offices report to the University Secretary once that position is filled. This is a positive and welcome step; while we continue to have concerns about the interim period, in which the Human Rights and Bullying and Harassment Offices remain structurally linked to human resources, we are pleased to see that the concerns raised by SFUFA, our members, and so many others in the community have been heard and have resulted in a meaningful change.

The latest proposed revisions to the Human Rights Policy (GP 18) and Bullying & Harassment Policy (GP 47) are available at <http://www.sfu.ca/policies/draft.html>.

Community consultation is open until March 27, 2023, and comments can be sent to polasst@sfu.ca

Faculty Relations

Extending the pattern of welcome news, Provost and Vice President Academic *pro tem* Wade Parkhouse and VP People, Equity and Inclusion Yabome Gilpin-Jackson have announced that Faculty Relations – the office responsible for overseeing most employment matters related to SFUFA members, and with whom we work most closely, will be returning to the umbrella of the VPA after an experiment in dual reporting to the VPA and VP PEI offices.

SFUFA has for some time been seeking restoration of Faculty Relations to the full authority of the VPA, as the details of faculty work are unique and best addressed when considered within the academic structures of the University. We also hope that this move will allow that office to rebuild a stable leadership team after several years of high turnover and frequently-vacant leadership positions. We will continue to work with the VP PEI on issues related to equity, and that portfolio will remain responsible for shared services such as benefits administration.

University Health and Safety Committee

Last month we reported on issues related to asbestos in the workplace, and specifically with an exposure in the Bennett Library. We continue to work actively with other employee organizations to see this issue is addressed fully and transparently. We do, however, need active support of faculty members to ensure that the University's Health and Safety Committees include proper member representation. Any members who might be willing to serve as health and safety representatives, particularly to the Central University Health and Safety Committee, are encouraged to contact SFUFA's Executive Director, Brian Green, at bsgreen@sfu.ca

Collective Bargaining

SFUFA and SFU continue to meet to negotiate a new Collective Agreement. While bargaining is always a slow process, progress is being made, though the thorniest of issues – workload, teaching faculty, collegial governance, and salary and benefits – remain outstanding. We are unable to provide specific details as to what is being discussed at this time, but our team does report that the bargaining relationship is generally positive to date, and looks forward to substantive discussion on SFUFA's key priorities in the coming weeks.

Reminder – Alternate Contacts

Given increasing disruption with SFU's internet and email systems, the Association is collecting alternate contacts (email or phone) for members, to be used only in the event that we need to reach you during a time that the University's communications systems are not functioning. Members can send alternate email addresses and/ or phone numbers to SFUFA Executive Director, Brian Green, at bsgreen@sfu.ca

