

OpenSMART - opt out now

The battle to protect collective bargaining rights continues

As the Spark goes to press, the University still seems intent on trying to impose a non-negotiated variation of contract, which breaches both the procedure agreement with your union and the rules of USS, by proceeding with OpenSMART (a salary sacrifice scheme). This is despite indications of considerable opposition, and rumours that management has been taken aback by the large numbers of staff opting out in response to the calls to do so from UCU.

Members' support has been quite fantastic and we want to thank each and every one of you who has shown that support by opting out of OpenSMART. Such a clear signal to the university of the strength of your concern, and demonstrating that practically by refusing to participate, is extremely helpful in bolstering our determination to continue our opposition to the imposition of this scheme.

The message to the University is clear - UCU members cannot be ignored and we will stand up for our collective bargaining rights. Remember, there was a deal on the table agreed by the negotiators on both sides, but the Vice Chancellor's Executive overruled its own negotiators.

We are confident that with your support the University will come back to the negotiating table, and we will secure an agreement where there are winners and no losers.

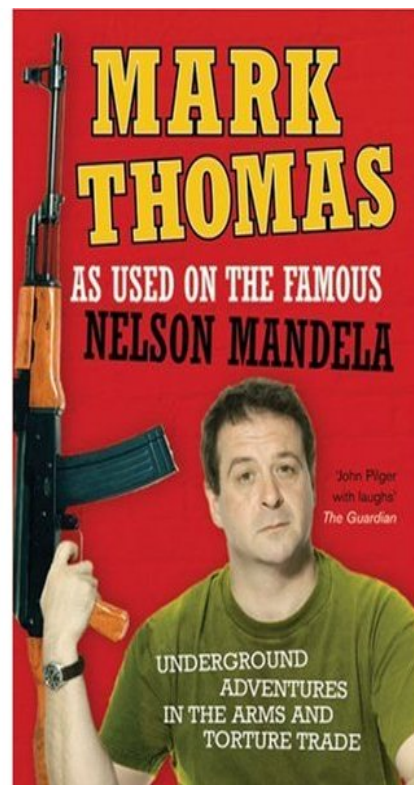
Meantime if you have not yet opted out of this scheme – and in most cases you have to do so or you will automatically be included in – then you should do so right away at <http://intranet.open.ac.uk/projects/opensmart/p8.asp>. By the time you read this, it will be too late for your August salary, so if you have been included against your wishes you should complain strongly and let us know by copying your email to ucu@open.ac.uk.

ALs who have been told that you will benefit by participating in this scheme should be very cautious. It seems that the University may have decided that you will benefit on the basis of just one month's salary, without taking account of the fact that AL pay often varies significantly from one month to the next – so the advice might be wrong. Most ALs will gain very little, if anything, so you should opt out.

Mark Thomas to speak at OU

Tuesday, 9th Sept

one of The Ethics Debate series of events



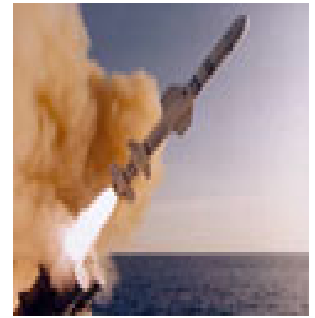
see page 2 for details

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SHOULD THE OU BE INVOLVED WITH THE ARMS TRADE?

Does It Matter Where University's Income Comes From?

The Open University needs to replace ELQ losses but do we care where future income comes from? Is it OK to enter into partnerships with arms manufacturers? What will it mean for 'the OU brand'?

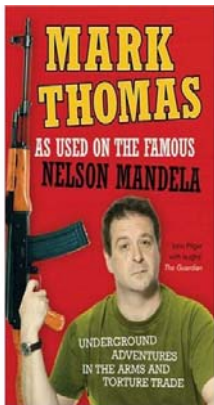


Commercialisation

ELQ is designed to open up HE to 'market forces'. Elsewhere in the public sector that has often meant cutting costs. The University is in a difficult position – become more 'commercial' or else! But is the answer to grab the money wherever it's to be found, including partnerships with organisations in the arms trade? Even setting aside ethical considerations, does it make for good 'brand marketing' to be associated with a trade famous for its shady approach to its lethal products?

Debate

OU partnership issues need to be openly discussed and debated. **The UCU Branch has therefore organised a lecture to be given on the arms trade on September 9th by Mark Thomas.**



Mark has been a comedian and activist for over twenty years. His campaigning brand of comedy – spanning TV, stage and print – has been a thorn in the side of many politicians and corporations, and has resulted in him being awarded a UN Global Human Rights Defender Award and a Kurdish National Congress Medal of Honour amongst other citations. Recently Mark won a Sony Comedy Award 2008 for a Radio 4 programme 'My Life In Seriously Organised Crime'.

His book, 'As Used On The Famous Nelson Mandela, Underground Adventures In The Arms And Torture Trade' has been variously described as 'A humorous yet heartfelt polemic... Thomas's revelations are riveting' (The Independent), 'Thomas's investigations are gripping' (Daily Telegraph), 'John Pilger with laughs' (Guardian) and 'A genuine eye-opener' (Mail On Sunday).

Those who've seen Mark on television or DVD know that to call this a 'lecture' is probably a bit misleading. His style combines hard-hitting research with exposing the comic absurdities of a business that brings death and destruction, at a price, to some of the poorest countries on earth.

Legitimate Trade?

British Export Success Story?

Or something the OU would do well to keep away from?

Tuesday, September 9th from 12.30pm in the Berrill Lecture Theatre is a unique opportunity to put a smile on your face AND learn more about the kind of business the University is getting involved in – all welcome

Roger Rees, Branch Executive member

Links:- Visit Mark's website at <http://www.markthomasinfo.com/>

Support colleagues at Nottingham Trent

Your Union attacked

The unilateral action of the management at Nottingham Trent in terminating the procedure agreement with the local UCU branch is outrageous and cannot be allowed, or other universities might try and follow suit. **Please sign the petition** to show you oppose this move - <http://www.ucu.org.uk/unionattack>.

UCU Congress

ELQ motion

UCU National Congress took place in Manchester at the end of May. The OU branch motion condemning the ELQ policy was passed unanimously along with four other motions on ELQ. Branch President Roger Walters took the opportunity to ask the Minister, Bill Rammell, a question on whether he would take any heed of the Select Committee report on ELQ. Mr Rammell indicated clearly that he was not going to do so.

Pay increase - 2008

In November's salary

The final stage of the 2006 pay settlement is due in October 2008. However because the increase will be based on the September RPI which is not available until the middle of October, you will receive a backdated rise in November. The agreement was for 2.5% or RPI, whichever is the greater, and there is no doubt that RPI will be much greater - it is currently over 4%.

Some universities are threatening to withhold the full increase and only pay 2.5%, but there is no danger of this at the OU.

Pay increase - 2009 and beyond

Have your say

Following the substantial rejection by UCU members in HE of the attempt to force us into single table bargaining, there is now a stand off between UCU and UCEA, the employers association. UCU will stand firm and respect the membership vote. The employers will in time have to negotiate with us.

The test will come when we submit a pay claim for 2009. Discussion on the shape of that pay claim will involve a special HE Sector Conference of the union some time in the autumn and we intend to call a special branch meeting to allow discussion in the branch on this at a time which can feed into the national discussions. Watch this space.

AL Role Review

Your representatives

The negotiating phase of the AL role review has started and the first meeting of a joint OU / OUBUCU subgroup of the Joint Negotiating Committee held its first meeting in early July. The Union members of this group are:

Roger Walters, President
Mike McNulty, Vice President and Chair of the AL Regional Representatives
David Knowles, Treasurer
Lesley Kane, Associate Lecturer Officer

David, Lesley and Mike are all ALs. The intention is to complete these negotiations by the end of 2008 with the agreed outcome in terms of salary backdated to August 2008. A joint OU / OUBUCU statement has been published on the intranet and on Tutorhome and both sides have agreed that neither will issue any individual communications which go beyond agreed statements. The branch intends to put the outcome of negotiations to a ballot of all AL members of the branch.

The statement is available here: <http://intranet.open.ac.uk/oulife/news/archive2.asp?m=7&y=2008> – scroll down to “Associate Lecturer Review – Negotiations Start”.

Claiming AL expenses

Special Sessions claims

Hopefully there will be a better system in place before long for ALs to claim expenses associated with student support, but in the meantime we have been told that we can claim expenses while claiming for a special session.

Special sessions can be used for lengthy telephone calls or for answering emails that require significant input from the tutor. Most regions prefer ALs to aggregate claims into units of an hour or more, so if you have spent half an hour on the phone elucidating course content to one student, twenty minutes responding to an email from another student, and a ten minute call to a mobile advising a student who is running late with the course on how best to catch up, you should be able to claim this as an hour's special session, and claim expenses for the ten minute call to a mobile at the same time.

While this is cumbersome from the ALs' point of view, we would encourage AL members to claim for any expenses, or work, that you are entitled to claim for.

OUVS move to Walton Hall

Staff exiled even earlier!

Faced with demands from the union and from staff in OUVS to defer the planned move of OUVS to Walton Hall from February 2009 to August, both to allow staff more time and to reduce disruption in the work of the unit, the university responded – **by bringing forward the move to January 2009!** One of the main drivers for the timing of the move seems to be the availability of accommodation on site at Walton Hall. In prioritising estates management before both the interests of the staff and the efficient operation of OUVS, the university seems to have got its priorities badly wrong.

Some welcome increases in relocation costs have been conceded but OUVS staff rightly remain very angry about the way they have been treated. The lack of consultation and consideration of the personal difficulties and costs involved in relocation, especially now when house prices are falling, is shocking. A slim majority of the staff in the unit have opted for relocation rather than voluntary severance, but in many cases this is while they are looking for jobs elsewhere. Many of the OUVS staff are thoroughly disillusioned with the way they have been treated by university management.

Meantime the university has admitted that no decision has been taken on whether to sell the current premises in London which OUVS occupy, and a review of the future of CHERI, some of whose staff share the same building with OUVS, is underway. But we are assured that all options for CHERI are open at the moment, including the status quo...

Graphic design staff jobs safe

But for how long?

LTS has announced that enough graphic designers have applied for voluntary severance so the jobs of other graphic designers are safe - at least for now. The branch will be pressing for measures to try to ensure job security for the remaining graphic design staff so that they do not face this threat to their jobs every year. In particular there must be a university wide review of graphic design, not just limited to LTS, as it is quite wrong that some graphic design work is outsourced by some areas of the university while the jobs of LTS graphic designers are under threat.

Fixed Term Contracts and the OU

ALs undervalued as OU employees?

Many of you will already have heard that the Aberdeen branch of UCU has obtained a judgement for one of its fixed term researchers that looks set to end the widespread practice of using fixed term contracts for externally funded researchers. While it will likely take time for the full implications of this judgement to become clear, it may also impact on the type of contract offered in the future to many HE staff.

A copy of the judgement, which may be of particular interest if you are a researcher on a fixed term contract, can be accessed from the home page of Aberdeen UCU's website at <http://www.abdn.ac.uk/ucu/>.

Since the Fixed Term regulations give employers the chance to seek to "objectively justify" the use of fixed term contracts, it is not surprising that some employers of large numbers of fixed term employees have argued that their employees are no worse off, and indeed are better off on fixed term contracts than they would be on permanent contracts.

Perhaps not surprisingly, most employees on fixed term contracts beg to differ that they are better off on temporary contracts, and I would like to offer the following reasons as to why the OU's seven and a half thousand ALs do not feel they are better off, or even no worse off, for being employed on a temporary basis. Perhaps this will also shed some light on why a recent survey showed that many ALs feel undervalued as OU employees:

- (1) When a course they teach is nearing the end of its life, they have to apply for appointments on other courses if they want to avoid loss of work or redundancy. This involves filling in an application form giving the same academic and employment history as other applicants, and providing references/referees, and although potentially redundant Associate Lecturer's are entitled to "prior consideration" they are often interviewed in the same way and in the same time period as other applicants (and often on the same day as other applicants). Around half of the interview is likely to be aimed at verifying whether they meet the generic person specification for an Associate Lecturer. How many permanent employees face being re-interviewed to verify that they still meet the person spec for a job they are already doing, and face redundancy or partial redundancy if they fail a 30 minute oral test or interview designed to verify this?
- (2) In order to avail themselves of prior consideration for new duties, potentially redundant ALs are required to "fully meet the person specification" for the new course. This is a higher hurdle to surmount than arrangements that are normal for permanent staff. If a modest amount of training or updating is needed to teach another course, it makes it the responsibility of the Associate Lecturer to undertake this in their own time and possibly at their own expense if they want to have a chance of being appointed to a new course, and they have to do this without the guarantee of being appointed. There is little or no allowance for paid time for scholarship for Associate Lecturers, unlike most university teachers.
- (3) We have Associate Lecturer members who have worked for the OU for many years, certainly for over 20 years, some since the foundation of the OU, and for many the job is their main source of income. Having to describe one's employment as fixed term is a liability when applying for a mortgage or for other credit.

- (4) In practice the person specifications for new courses are always open to some degree of interpretation, and we have come across individuals who probably did meet the person specification, but who lost out due to not including enough information on the application form, or by misinterpreting a question at interview. The burden of proof is on the AL to show they fully meet the person specification. An example of this kind of problem was an AL with a right to "Maintenance Of Duties" (second line prior consideration after potentially redundant ALs) seeking appointment on a course requiring "current or recent experience of teaching and course design at higher education level". She was told she did not meet this criterion in spite having received a teaching award from the OU in 2004 "for developing and implementing portfolio-based assessment to support reflective development, scholarly presentation and accreditation of professional experience".
- (5) There is also an inevitable tendency on the part of local managers to interpret the person specification in the context of the quality of all applicants, so although potentially redundant ALs, and those who have lost a course, are not supposed to be in competition with outside candidates for appointments to new courses, it is widely believed that in practice they are, at least to some extent. An example of ambiguity in a person specification was provided when an AL entitled to "Maintenance Of Duties" after losing a course, applied for a course whose person specification required "knowledge of current practice" in the discipline, which he thought he had. When he queried why he had been rejected he was told that they "would prefer a practitioner".
- (6) We have been informed by some regional managers that they have been told they can avoid appointing potentially redundant ALs even if they meet the person specification for a new course, if they consider that other candidates are significantly better. This would be contrary to our redundancy agreement and to OU procedures, and to an employer's obligation to offer suitable alternative work, if available, to potentially redundant employees.
- (7) The fact that potentially redundant ALs have to apply for new courses and compete with each other is not the optimum way of keeping the most number in employment. In most institutions with permanently employed teaching staff there is some degree of planning by management who have an overview of who can teach what.

The effect of all this is, of course, to create a feeling of insecurity much greater than that experienced by permanent staff. This needs to be taken on board in the context that many ALs are dependent on their OU job as their main source of earnings. This was indicated by 60% of respondents in a recent survey of our AL members. We also seem to have an unusually high proportion of disabled and carers for disabled relatives amongst our home-based AL workforce.

Lesley Kane, Associate Lecturer Staff Officer

AL Retirement policy

Steep increase in loss of AL staff

Shortly after introducing its current retirement policy in 2006, the OU defended its response to the age regulations by stating that the vast majority of Associate Lecturers who had requested an extension to their retirement date had been granted one.

Recently however, a breakdown of the OU's own retirement statistics show that things have been taking a different direction:

Quarter	% of AL extension requests that were granted	% of ALs due to retire who actually retired
4 th quarter of 2006	93%	19%
1 st quarter of 2007	100%	16%
2 nd quarter of 2007	97%	19%
3 rd quarter of 2007	88%	22%
4 th quarter of 2007	76%	47%
1 st quarter of 2008	38%	75%

While some of these figures, including the last quarter, are based on a relatively small number of requests, the overall trend is clear.

To put this in its historical context, I recall the retirement age for ALs being 70 in the 1980s, and in the words of Bob Margolis, a former staff tutor who goes back to the pioneering days of the OU, "In the early days there was no retirement age for ALs. It was hard enough to get good people to associate themselves with the ridiculous notion that an open entry institution could be a proper university."

The AL job has long been regarded as a job that older ALs, often retired or semi-retired from other academic / professional jobs, are able to do successfully. In many cases they have the availability, life experience and expertise to do it well, and often have good retention rates. Prior to current policy ALs were able to continue past 65 on single presentation contracts.

There remain today some academic programmes that are dependent on the work of a significant proportion of over-65 ALs, because younger recruits with the necessary background cannot be found. The success of these programmes is further testimony to the contribution of over-65-year-old ALs.

So what is the message now being delivered to ALs on the receiving end of current retirement policy? "Yes, of course we know that most of you are very good ALs, and there are some courses / programmes that would be in difficulty without you, but if we have the chance of someone younger we will choose them just because they are younger". What defies belief in all this, is that it is the result of a piece of **anti-discrimination** legislation.

It is a source of perplexity that the OU's consideration of a "business case" does not include consideration of quality of teaching, and retention, particularly since funding is tied to completion rates. More than one Staff Tutor colleague has expressed concern that some of our best ALs are being forced out. Furthermore, the statistics above show that the damage is not limited to the number of requests turned down. Fewer ALs are applying for extensions, and fewer still will apply as the chances of success diminish.

Indeed, given that the stated intention of the OU is to abolish the retirement age by 2011, one wonders why it has been considered necessary to tighten up the application of retirement criteria now, thereby losing a significant number of longstanding and dedicated front-line staff in the process.

Since the article on retirement in the OU that appeared in the Education Guardian (available at <http://education.guardian.co.uk/administration/story/0,,2284643,00.html>) a few weeks ago, further developments have included a national staff tutor conference, where concerns were expressed about the effect on student retention and the cost and workload involved in replacing the lost ALs. As a result of this, the Staff Tutor Liaison group (STLG) has just held a special meeting with university management at which they expressed their concerns, and it is clear that many staff tutors consider the OU's current business criteria to be flawed as far as ALs are concerned. Management indicated a willingness to consider proposed improvements, and this is a welcome step in the right direction.

OUBUCU is concerned about the discriminatory nature of the OU's retirement policies, and expressed concern about the application of the criteria to ALs at a recent meeting with management. The branch is also pressing for the abolition of the retirement age for all staff as soon as possible.

In the meantime, given that current policy is likely to result in unfavourable treatment compared to what has gone on before and what will happen when the retirement age is abolished and/or when we have revised criteria in place, we will press the university to seek a way of treating those currently seeking extensions fairly. This could be done by returning to a more relaxed interpretation of current criteria, or by granting them an extension of one presentation so that their cases will be looked at under revised criteria.

In the wider context the Heyday (an organisation for all those either approaching retirement or already in retirement) case, which challenges forced retirement in the UK, continues its journey through the European legal system, and had a hearing on 2nd July. A decision is expected by the end of the year. More information can be found at <http://www.heyday.org.uk/yoursay/campaigns/mra-update-3july08/> and they are asking for people who have been forced to retire to contact them.

If the Heyday case is won, those who have been forced to retire may be able to claim compensation if they have lodged tribunal cases, because the UK Court of Appeal ruled that tribunal cases must be stayed pending the outcome of the Heyday case. More information is available at <http://www.ageconcern.org.uk/AgeConcern/johns-vs-solent-victory-120608.asp> and the risks to employers were spelled out at the end of last year in an article on the web site of Personnel Today, at <http://www.personneltoday.com/articles/2007/11/26/43398/case-of-the-week-compulsory-retirement-risk-for-private-and-public-sector-johns-v-solent-sd-limited.html>. In brief, it means that the backlog of cases could turn into a backlog of compensation if the Heyday case is won. OUBUCU will, of course, support any members (full-time or AL) who wish to lodge tribunal cases because they have been forced to retire. And we would urge any member requesting an extension to get in touch with us at an early stage if possible at ucu@open.ac.uk.

A final, and mildly amusing twist in the situation came when a spokesperson for the CBI appeared on the Today programme, arguing against the Heyday case on the basis of physically demanding work and being fair to younger workers, but went on to say that according to the organisation's statistics 75% of applications from those who wanted to work beyond 65 had been approved.

At this point it is legitimate to ask why the OU, with its long history of employing over-65 ALs, is now rejecting a higher proportion of applications than the CBI claims for its member organisations.

The CBI spokesperson also commented "that most of their member companies "would never dream of treating anyone as shabbily as not giving a reason why they couldn't continue" but that there are always "A small number of employers who mess up."

Lesley Kane, Associate Lecturer Staff Officer and Barbara Segal, Staff Tutor R03

Regional Issues

All change in regions?

Staffing Model for Regions and Nations Overview

Regional / National Centre staff have recently been circulated with a document explaining this project. The purposes include: to provide a staffing model structure which can respond flexibly to change e.g. student support review and ELQ; to better match activity allocation and staffing resource; to move towards greater consistency in core staffing. The project started in February 2008 and is due to report in October 2008. The project team anticipate running some focus groups during the late summer to test the initial modelling with staff. Further information is on the project website:

<http://intranet.open.ac.uk/studentservices/pd/pages/region-nation-staffing-model-project.php>. If you are interested in registering your interest, then e-mail the project manager Al Carter (a.b.carter@open.ac.uk) (*not to be confused with our VP Alan Carter!*).

It would be very useful if any members who are associated with the review or participate in the focus groups could let me know more details. Then we can keep a watch on how this review may affect our regional staff members. Thank you.

Student Services Strategic plan

The plan includes the following subsection, which might have an impact upon staff roles and management. Please let us know if this is likely to affect you adversely.

2.6 Ensure cost effectiveness

We believe that there are opportunities to improve the cost-effectiveness of our services through:

- business process re-engineering to eliminate duplication and redundant activities, minimise hold-ups, and optimise information flows;
- the use of workforce management tools to better match resources to demand;
- more focused management information, used at all levels to review and enhance service quality;
- enhanced and supportive performance management of staff;
- investment in staff development geared to Unit strategic objectives;
- increased flexibility in the use of staff time to match service availability to the pattern of demand from students.

Implications of AL retirement at 65+ on regional / national centre staff

As mentioned elsewhere in this newsletter, at the recent two day Staff Tutor staff development event a large number of staff tutors / regional managers were very concerned about the current process for dealing with requests to extend the retirement date for ALs. Please let me know if you share any of the following concerns in your particular role / region, or have any other points to add to the debate:

- substantially increased workload for staff tutors, regional managers and some academic related staff in dealing with cases;
- increases in the percentage of requests for extensions being turned down, because the criteria for a satisfactory “business case” were often inappropriate;
- increased workload in recruiting, training, monitoring and managing new ALs to replace those being forcibly retired;
- potential decrease in the quality of the service to students, and the consequent effect on retention rates, when good experienced ALs are replaced by new inexperienced staff;
- having to act contrary to the aims of the OU in not being “open to people” by discriminating against very loyal staff, purely on the grounds of their age, while sending the opposite message when trying to recruit students of all ages.

It was suggested that many staff tutors / regional managers do not have the time to interview for these additional replacement ALs, within their normal workload and so consideration was given to not doing this activity.

The Executive Committee will discuss our strategy when bringing the matter back to the next Joint Negotiating Committee (JNC). We may well be requesting the University to extend the criteria for all business cases and pause forcible retirements while this is being negotiated. Your opinions on this are very welcome.

Regional/National Centre meetings

A couple of regional centres have held very successful UCU meetings and so I hope that others will follow suit as there are a number of important initiatives, some of which are outlined below and which may impact on regional academic and academic related staff. If there are members in other regions who would be happy to organise meetings then please let me know. We can use our e-mail membership lists for them to notify staff. I will try to e-mail other staff to ask if they would like a meeting. Please also let me know if you would like me to come to your meeting. Please e-mail me (j.m.ekins@open.ac.uk).

*Judy Ekins, Regional Academic Staff Officer
j.m.ekins@open.ac.uk*

METRIX 'SHAMBLES'?

Media, Ministry and Top Brass Question Future Of OU Military Privatisation Partnership.

Award-winning investigative journalist, John Pilger, has claimed that the St Athan Military Academy will "...train foreign soldiers and mercenaries ... becoming the UK's 'School Of The Americas' "(New Statesman link below).

Counter-Insurgency

The 'School Of The Americas', a US-run military base located in Panama until the early 1980s, gained a grim reputation as "...a centre for counter-insurgency...training." It is reported to have trained a number of right-wing military personnel including General Galtieri, leader of the infamous Argentine junta, along with officers under the command of the Chilean dictator, General Pinochet. Protestors against St Athan have long suggested that the involvement of multi-national arms companies in the Metrix consortium (bidding to build and run the Academy) indicates it will not be used for training only UK forces. Overseas trainees may come from 'un-democratic' regimes, they claim. The OU is one of the partners in the Metrix partnership.

Military and Ministry Opposition

Pilger claims that the St Athan project "...has had almost no publicity", a situation that may be about to change. Private Eye magazine has reported that both military personnel and the Ministry Of Defence are casting doubt on this privatisation of UK forces training. Air Vice-Marshall Nick Kurth, responsible for RAF Staff Support, while praising the force's existing training facilities, questioned "...what further level of innovation ... Metrix are going to bring to our extant training regime" ? (Private Eye, 11 July – 24 July, 2008).



The Eye has also obtained an internal Ministry of Defence (MOD) document which throws doubt on the future of the St Athan project and the Metrix consortium. The report lists 15 risk areas, from a lack of commitment by Metrix to "military ethos", through to 72% of existing military training staff refusing to move to St Athan, in South Wales.

'Shambles'

The MOD report also raises major doubts regarding the project's funding. Part of the finance was due to come from the sale of other UK military sites. The property price collapse now makes this questionable. To make matters worse, the Defence Secretary, Des Browne, made clear the Private Finance Initiative (PFI), meant to be the primary Academy funding mechanism, was selected because it would be 'off-balance sheet'. It would not add to the Public Sector Borrowing Requirement. Changing international accounting standards, following 'off-balance sheet' scandals such as Enron, may put the cost firmly back on the 'public balance sheet'. At around £11 billion, this would not be welcomed by the Chancellor. The MOD document suggests "...this may make the project unaffordable".

The Eye claims the outcome could be "...a handful of private companies presiding over an expensive shambles". Together with the OU?

Roger Rees, Branch Executive member

Links –
<http://www.newstatesman.com/uk-politics/2008/07/british-pilger-britain-torture>
<http://www.private-eye.co.uk/>

'RAYS FROM THE GODS'

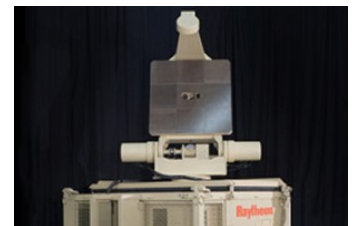
OU Partner 'Fries Up' Those Pesky Protestors

"During the 1991 Gulf War, roughly 300 Tomahawk cruise missiles were fired over the course of five weeks. In 2003 ... (during the invasion of Iraq)...more than 380 were launched in a single day. Between March 20 and May 2, the weeks of 'major combat', the U.S. military dropped more than 30,000 bombs on Iraq, as well as 20,000 precision-guided cruise missiles – 67% of the total number ever made" (Naomi Klein link below)

In recession-hit America the shareholders of Raytheon Corporation must be overjoyed by the words above. For "the world's leading producer of guided missiles" (and OU strategic partner), manufactures 'bunker buster' bombs, Patriot, SM-3 and Tomahawk cruise missiles - weapons of destruction that have torn Iraq and its people apart.

But the so-called War On Terror is not just fought on the battlefield (wherever that is). Raytheon (meaning 'light from the gods') is also focusing its attention on 'homeland security' markets - "law enforcement, checkpoint security, facility protection, force protection and peacekeeping...". And one of the products it has come up with is straight out of the pages of science fiction - a ray gun that inflicts pain on any human being within 500 metres.

The Silent Guardian, described by the company as a "less-than-lethal directed energy projection system...provides real-time ability to establish intent and de-escalate aggression". It generates a beam that "...travels at the speed of light and penetrates the skin to a depth of 1/64 of an inch, producing an intolerable heating sensation that causes the targeted individuals to instinctively flee or take cover" (Raytheon link below). While the company claims it as non-lethal, some medical experts query what the long-term physiological and psychological effects of its use on its 'targets' may be.



Steve Wright, Reader at the Praxis Centre, at Leeds Metropolitan University, also questions what circumstances the Silent Guardian might be used in – urban warfare?; immigrants trying to cross borders?; protestors at nuclear power stations? Meanwhile Amnesty International has suggested such a device may be used as a torture weapon, with Theo van Boeven, the UN's Special Rapporteur on Torture declaring that such "non-lethal weapons...including devices which employmicrowaves ... have the potential to be used for torture and ill treatment if abused" (Guardian link below).

One such scenario is "facility protection" which Raytheon itself appears to be in need of. In 2006 an anti-war group invaded the Raytheon factory in Northern Ireland in protest at the use of the corporation's weapons in Lebanon. The so-called 'Raytheon Nine' were duly arrested and came to trial this July. Their defence revolved around their assertion that their actions were designed to prevent "war crimes" in Lebanon (they alleged the factory produced the software systems designed to guide Raytheon missiles to their targets). The jury found in their favour. Now wouldn't the non-lethal use of Silent Guardian have avoided such legalistic nonsense?

Roger Rees, Branch Executive member

http://www.theregister.co.uk/2007/01/25/microwave_weapon/

<http://www.guardian.co.uk/technology/2006/oct/05/guardianweeklytechnologysection>

http://www.raytheon.com/capabilities/products/silent_guardian/

<http://www.independent.co.uk/opinion/commentators/mark-steel/mark-steel-how-to-take-on-an-arms-manufacturer-ndash-and-win-874716.html>

<http://www.naomiklein.org/shock-doctrine>

Ethical Slumber

Will the Open University be the last organisation to wake up to ethical and corporate responsibility? While other organisations queue up to proclaim their activities as socially responsible and environmentally friendly, silence descends on the issue at the OU.

Four copies of the Branch report 'Smart Business? – Initial Proposals Toward An Ethical Framework For Open University Partnerships' (catchy title, eh?), were delivered to the Vice-Chancellor's Office at the start of June. Since then? Silence.

Has VCE decided we are already 'ahead of the pack'? Or did they take their copies off for beach holiday reading? The next Joint Negotiating Committee (JNC) is in September and presents an opportunity for the Branch to get some management feedback on our proposals for a much-needed overhaul of partnership selection procedures - the creation of a n Ethical Partnership Forum; partnership monitoring; an Annual Partnership Sustainability Report; and mechanisms for gathering staff opinions on partnership selections.

We haven't made available the 'Smart Business?' report on the Branch website, as we said we would in the May issue of 'the spark'. It's an open site - viewable globally. Those UCU members who would like an e-version of the report and its appendices, please e-mail the following, giving your membership number –

sparkeditors@googlemail.com

Having a problem at work?

Caseworkers here to help

Personal Cases arise when a member has difficulty with their employment. These problems include issues arising from: probation; CDSA; performance; absence; ill-health; unpaid leave; study leave; work-related stress and depression; bullying and harassment. Instead of trying to deal with problems alone union members can contact the branch for advice and support. We have several trained personal caseworkers based centrally and around the country, including ALs. You probably won't be the first person to approach the branch with a particular issue, so we have a great deal of experience to draw on.

The examples of problems quoted above are covered by the various policies and procedures the University has in place. Most problems can be dealt with via advice to the member on their rights under these policies, and what to do to protect them. The advice can be given by e-mail, phone, or in person, whichever is most appropriate to the enquirer. However, there are occasions when the union representative accompanies the member to a meeting with their unit and/or HR, perhaps to "clear the air" via informal means. Regrettably, there are occasions when the caseworker has to be present at formal proceedings to ensure the member is adequately represented and defended, as for example, in probation review meetings. Happily, we manage to sort most problems via informal methods but we are extremely effective at the formal ones as well.

So, if you do want any advice on employment related problems, contact us – your case will be treated in confidence.

email ucu@open.ac.uk

More caseworkers now trained

Branch officers and ALs Reps

A dozen of OUBUCU's branch officers and AL Reps attended a Casework training session at Milton Keynes on 28 June. Casework, usually representing individuals over pay and conditions, promotion, training, unfair treatment, disciplinary issues and so on, makes up a lot of the officers' and reps' trade union work.

The training day was led by Abbie Jenkinson, the union's training officer, and Barry Johnson, the full time officer holding the OU brief.

There were lots of good training materials and different sessions which involved some interesting and very useful (and sometimes hilarious - because some participants took their parts very seriously) role play. We all learned the value of knowing the OU–OUBUCU procedures, getting good advice, carefully sifting through the evidence, working with the member(s) to get things right and the importance of planning for the meetings with management.

Roger Walters, OUBUCU President said after the session that it had been "...a great day. We're building up the union's casework team so that we have a greater coverage of the OU's office in MK and around the country. We can also much better represent the members."

Other training days are being organised, and union officers and reps are urged to sign up for them. Do this by contacting <mailto:ucu@open.ac.uk>

AL members – reasons to contact the union

Retirement? End of course life?

Members can contact the union over any employment related problem, and we would particularly advise AL members to contact us if they are requesting an extension to their retirement date.

Another circumstance in which we would advise AL members to contact us is if you have lost a course due to end of course life or falling student numbers, have applied for another course for which you believe you meet the person specification (and for which there are vacancies), but are not offered an appointment.

You should also note, however, that the present system puts the onus on the applicant to show that they meet the person spec, and it is worth looking at the advice on TutorHome about filling in the application form at:

<http://www.open.ac.uk/tutors/employment-info/pages/recruitment/applicationguidelines.htm>

To contact us email: <mailto:ucu@open.ac.uk>

Union Learning Reps

Be one!

We are trying to gauge any interest from members in becoming UCU union learning reps.

A union learning rep (ULR) is a union representative who is trained in advising members on learning needs and opportunities, recruited from the workforce.

The UCU is an affiliated union to unionlearn and part of unionlearn's campaign for learning in the workplace is to recruit union learning reps.

Unionlearn hope to have around 22,000 by 2010. However the OU branch of the UCU currently has none!

Their key role is to raise awareness of training and developments across the membership they represent.

The Union learning representative is a new breed of activist

The Employment Act 2002, section 43 states that ULRs are entitled to reasonable paid time off for training and carrying out their duties

A 5 day training programme meets the requirements of the Employment Act 2002, which says that new ULRs should attend suitable training within 6 months of their appointment. The Act also gives a right for union members who wish to have access to the services of a ULR reasonable time off without pay to do this.

Have a look at www.unionlearn.org.uk

If you are interested in finding out more please contact Bethan on b.norfor@open.ac.uk or call 01908 652570.

Bethan Norfor, OUBUCU Executive Committee member

Walton Hall volunteers required

Do you want to get more involved in your Union? Are you interested in becoming a Department or Unit Union Rep? Maybe -

- maintaining a noticeboard with up-to-date information for members?
- being the first point of contact for members in your area?
- running information and recruitment drop ins?

If you can help with any of these activities, or think of others, please contact Meridian: meridian@open.ac.uk, x59523.

OUBUCU meeting schedule

<u>OUBUCU MEETING SCHEDULE</u>			
Sept	Tue	16	Exec. meeting
	Wed	17	JNC
Oct	Wed	22	Exec. meeting
Nov	Tue	18	Exec. meeting
	Wed	19	JNC
	Wed	26	Exec. meeting
			ANNUAL GENERAL MEETING
			Berrill Lecture Theatre
			12.30-1.30
Dec	Wed	10	First New Exec. meeting

Member discussion forum - join in!

Instructions for joining and a link to the forum are to be found here:

<http://www.oubucuforum.org.uk/>

**The Open University Branch
of the University and College Union**

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This issue of **the spark** was edited by Meridian.

If you wish to submit comments on any of the articles here please post to the relevant sub-forum in the OUBUCU Discussion Forum at

http://www.oubucuforum.org.uk/cgi-bin/simpleforum_pro.cgi

or you can contact me directly via meridian@open.ac.uk.



the spark reserves the right to edit or refuse to print (for reasons of space or appropriateness) any correspondence submitted.

YOUR EXECUTIVE COMMITTEE

Officers:

President: Roger Walters (r.j.walters@open.ac.uk) x 58810

Honorary Secretary: Meridian (meridian@open.ac.uk) x 59523 (*SocSci*)

Treasurer: David Knowles (*AL*)

Vice Presidents: Alan Carter (*LTS*); Mike McNulty (*AL*)

Equality Officer: John Bennett (*SocSci*)

Central Academic Staff Officer: *vacant*

Associate Lecturers Staff Officer: Lesley Kane (*AL*)

Regional Academic Staff Officer: Judy Ekins (*R05*)

Central & Regional Academic-Related Staff Officer: Chris Bollom (*OUBS*)

Ordinary Members:

Karen Angelasanto (*AL*)

Cheryl-Anne (*AL*)

Pauline Collins (*R12*)

Maria Francis-Pitfield (*FELS*)

Cicely Havely (*Student Services*)

Malcolm Jenner (*AL*)

Maria McCrea (*R11*)

Anne McKee (*IET*)

Bethan Norfor (*Strategy Unit*)

June Payne

John Peters (*AL*)

Jon Pike (*R13*)

Peter Piper (*AL*)

Roger Rees (*SocSci*)

Eric Wade (*Retired*)

Ex-Officio Members:

John Bennett (Past President) (*see Equality Officer*)

Alan Carr (National Treasurer) (*R12*)

College and University Support Network

The College and University Support Network (CUSN) offers support services to all staff in further and higher education and their families, including:

Counselling: confidential, solution-focused counselling on personal and workplace issues

One-to-one coaching: personalised practical and emotional support via a secure email system

Information, advice and support material: news, guides and factsheets on relevant topics such as well-being, work-life balance, workload problems, stress management, coping with bereavement, and dealing with difficult people

Financial assistance: a needs-based grants and loans programme

Money management advice: individually tailored strategies to address financial difficulties, restructure debt and secure benefits

Signposting to relevant organisations: the information you need to take the next steps to a better future

All these services can be accessed online at [CUSN's website](#), or through a 24/7 telephone support line, on **Freephone 08000 329952**