

MAFA NEWSLETTER

Mount Allison Faculty Association

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PRESIDENT'S REPORT

Reflections on Term Appointments

The appointments clause in our collective agreement has long been a source of contention between MAFA and the Employer. The clauses dealing with appointments at Mount Allison, when compared to appointment clauses at other universities, allow the Employer a great deal of discretion. It may decide if a position exists and once the hiring process has begun, it may hire whomever it pleases, or it may decide to hire no one. Nevertheless, the Employer has always pushed the envelope on these clauses.

The main sources of conflict revolve upon the limitation placed on the Employer with respect to when a position can be term or tenure track, and regarding the process which must be followed when filling bargaining unit positions.

In relation to the former there have been several grievances over the years, one of which went all the way to arbitration. In that case, the arbitration Board found that financial exigency constituted a *bona fide* reason for classifying a position as a term appointment. In the decision, the Chair wrote that "it wouldn't be open to the University, in our opinion, to adopt a general policy of not creating any new tenure-track positions merely for the purpose of avoiding the long-term financial and other commitments which such positions entail." Yet despite this, the Employer recently attempted to use the planning process as a justification to avoid tenure-track appointments. That decision resulted in the most recent grievance on this issue.

On the issue of process, there has recently been some controversy as to whether incumbents on term appointments can be automatically renewed. The Employer would like to do this in a limited number of cases, but only when they approve of the employee. This

ANNUAL GENERAL MEETING

The Mount Allison Faculty Association will hold its Annual General Meeting on Monday, April 9th at 3 pm, in Avard Dixon Room G12.

At this meeting we will elect a new executive, receive committee reports, and approve the 2006 audited financial statements.

Afterwards, we will hold our Retiring Members' Party, beginning at 4:30 pm, at the University Club.

Please be sure to attend both events!

is despite the wording of their own hiring policy, which says that "A paramount objective in hiring is to recruit the best qualified candidate for the position." This principle is also found in Article 16.22 of the Unit 1 agreement, where the process as outlined is a collegial one.

Of course, the Employer's position is not acceptable to MAFA. Favouritism in any form is what collective agreements should be designed to prevent. All employees should be treated equally. Any procedure to automatically extend a term position must respect and take greater advantage of collegial processes. Any change to ongoing policy should be negotiated at the bargaining table, and not decided on an ad hoc basis.

After all, this would never have become an issue this year, had the Employer not sought to make temporary appointments to fill permanent positions.

Paul Berry

REPORT ON THE CAUT/MAFA COLLECTIVE BARGAINING WORKSHOP

During midterm break, Neil Tudiver of CAUT offered the CAUT Collective Bargaining Workshop here at Mount Allison. There were eleven participants in the two-day event, of which seven were from the full-time unit while four were from the part-time unit. The event included both instruction in collective bargaining and role playing. The participants also developed a rapport with Neil, who will be providing advice to MAFA during the coming collective bargaining process.

MAFA WRITES TO PROVINCIAL GOVERNMENT ON THE PENSION BENEFITS ACT

At the request of a number of members, as well as our sister associations in New Brunswick, the MAFA Executive has written to the Hon. T. J. Burke, Attorney-General, requesting that he amend the Pension Benefits Act to change the definition of "spouse" to take into account the reality of same-sex relationships. This change may not directly benefit MAFA members, but it is of importance to other associations whose members have a defined-benefits pension plan.

GRIEVANCE AND ARBITRATION REPORT

Members will recall that MAFA grieved the University's policy, announced in mid-December, to make no tenure-track appointments in July 2007. The expedited arbitration hearing was scheduled for February 19th. Due to a snowstorm, the hearing had to be postponed.

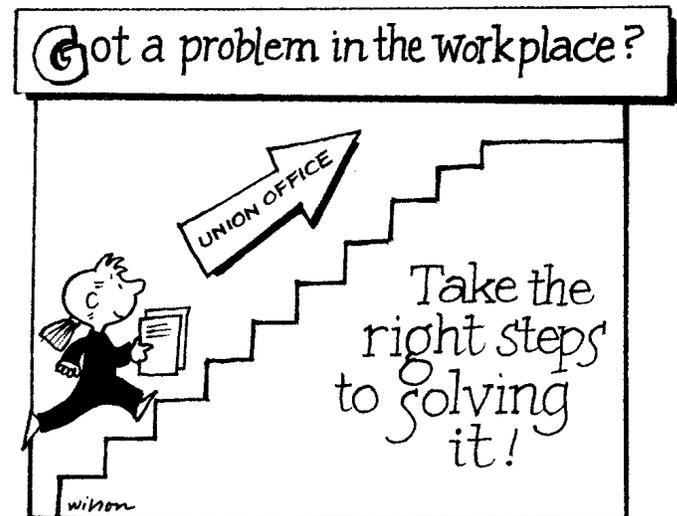
That same day, as a result of contacts between opposing counsel, MAFA became aware of the Employer's desire to settle the grievance. MAFA representatives then met with the Vice-President (Academic and Research). The ultimate result of that meeting was a Memorandum of Agreement (MOA), recently approved by the MAFA Executive and the Employer, that settled the grievance.

For MAFA, the crucial point in the MOA is the agreement that university-wide planning activities will not normally be used to justify a decision not to

make tenure-track appointments. The MOA also has a commitment to initiate searches for July 2008 tenure track appointments before September 30, 2007.

Despite proceeding as quickly as possible with the grievance and arbitration process, it was recognized that late February is probably too late to initiate successful searches for tenure-track appointments to be made this July. Thus, MAFA did not succeed in forestalling the Employer's ill-advised action for this academic year. However, the MOA means that a repetition of the tactic will be difficult in the future.

Bob Rosebrugh



COLLECTIVE BARGAINING REPORT

As you will know, the collective agreement for both full-time (unit #1) and part-time (unit #2) members, extended last year, will expire at the end of June 2007. The Collective Bargaining Committee has been working to craft a negotiating agenda, using as starting points reports generated last year by subcommittees struck to review the collective agreements and to offer recommendations with respect to articles treating:

- appointments issues
- librarians' issues
- part-time issues
- retirement issues
- salaries and benefits, and
- teaching duties and working conditions

Beyond this, the committees have given attention to issues that have been raised in recent months, such as intellectual