

MAFA NEWSLETTER

Mount Allison Faculty Association
Room G2, Centennial Hall Tel: 364-2289 Fax: 364-2288
E-mail: mafa@mta.ca
Web Site: www.mafa.ca

September 2014

PRESIDENT'S MESSAGE

This summer has been an enlivening period of renewal for MAFA. A new executive has taken office, with Dave Thomas as the new vice president, Rick Hudson as the new grievance officer, and Jane Dryden as the new collective bargaining officer. The bargaining team has been recast as the arbitration team, with new chief negotiator Andrew Irwin at the helm. Work has proceeded steadily on our preparations for the upcoming interest arbitration on September 19 and 20, with initial briefs exchanged on September 5 and the response briefs of each party due to be exchanged on September 16. MAFA's bargaining initiatives on August 15 and September 4 yielded some modest gains for our members and put in place the foundation for an arbitration that will focus on a few specific issues rather than the formidable array of issues outstanding at the conclusion of our strike last February.

This is a significant turning point in our work as an association. The Employer has now agreed to the more tightly focused interest arbitration that it refused on February 15. We applaud the solidarity and resolve of our members over the past 6 months in calling the Employer to account for persisting with its unacceptable bargaining positions, and we celebrate the courage, hard work, and dedication of our bargaining team in making that one last attempt to restore the bargaining table and reset the terms of the interest arbitration. The Employer will still pursue its unfairly low salary proposal as well as its ill-considered proposal to increase the power of Deans in the evaluation of teaching. Nevertheless, MAFA remains confident that our arguments are compelling and soundly reasoned. We are excited at the prospect of making our case.

Members will notice that most of this newsletter is devoted to the Grievance Report. The number of grievances filed in the last two years, many of an importance requiring arbitration, indicates a significant erosion of the Employer's ability to follow the Collective Agreement. We note with particular concern the numerous issues arising from the conduct of the tenure and promotion process last year. Here the Employer not only violated the Collective Agreement but also implemented a number of its bargaining proposals, namely: requiring external referees used for promotion to professor to be at the rank of professor; requiring external referees to be "arm's length," including the creation of a new document which external referees are required to sign; requiring external letters for all candidates for tenure, without case by case consideration; and finally imposing meetings of the Tenure and Promotion subcommittee by teleconference in particular cases, so that not all candidates have the same subcommittee processes. The Employer has withdrawn these bargaining proposals as a result of the August 15 negotiating session but the fact that they have already been implemented tempers the significance of this particular concession, and gives particular importance to the grievances that MAFA has filed. The Employer's increasingly cavalier approach to such a sensitive process is without precedent in the 30 year history of our Collective Agreement.¹

We urge members to continue their efforts this year, to remain informed and engaged with the arbitration

process, and to ensure active and attentive oversight on sensitive committees such as Tenure and Promotion, and Sabbatical Leaves, and in the conduct of matters bearing on the Collective Agreement. We are working together to build a strong and effective association. This has been our year, the year that we will have won for each other.

Loralea Michaelis
President

¹ MAFA's research on Collective Agreements in the Maritime region clearly establishes that the Employer's proposals for tenure and promotion concerning external letters exceed the requirements for tenure and promotion at all universities in New Brunswick and at most other universities in the Maritimes. Interested members should contact mafa@mta.ca for the full data accounting.

GRIEVANCE REPORT

I became Grievance Officer on July 1 on my return from sabbatical. I want to thank my predecessor, Mark Fedyk, for filling in for me from May to the end of June. There were a number of grievances already being handled, and there have been four new grievances since then. We now have the highest number of grievances in any one year (11 so far), and there are still four months left in 2014.

MAFA has introduced a numbering system for grievances, which both MAFA and the Employer have been using. The grievances are identified by the calendar year in which they were filed and their place in the sequence of grievances for that year.

Currently, we are moving towards an expedited arbitration on grievance 2014-08 which deals with the actions of the Chair of the Tenure and Promotion committee last year. As the President points out in her report, the irregularities alleged by MAFA consist of violations of the clear wording of the Collective Agreement, actions exceeding the mandate of the committee (which is established by the Collective Agreement), actions by the Chair in the name of the committee without the committee's having voted approval, and implementation of Employer bargaining proposals while the statutory freeze was in place. Expedited arbitrations, under the law, must take place within one month of filing, and they are heard by a single arbitrator. A first meeting of Arbitrator Guy Couturier with the lawyers for the two sides was held on August 20, and a decision was made to postpone the actual arbitration hearing to September 5.

During its investigation of 2014-08 on violations of Article 17 on Tenure and Promotion, MAFA discovered yet other violations, and thus filed grievance 2014-11.

In July, two related grievances (2014-04, -05) dealing with a single discipline case were settled just a few days before the arbitration hearing was to be held. The grievance was filed in support of MAFA's conclusion that the Employer had violated an agreement on discipline and had repeatedly violated Article 35.02, which requires a MAFA representative to be present whenever the Employer conducts a meeting with a member on a discipline matter. As a result of the settlement, the Employer has provided MAFA with assurance that its representatives will be instructed on the importance of the requirements of Article 35.02. The Employer also agreed to fulfil the terms of the initial discipline agreement. Finally, the member received a written correspondence from President Robert Campbell on the subject of his intervention in the discipline process. As part of the settlement MAFA agreed to a confidentiality provision which prevents the posting of the settlement or any documents related to it on the MAFA website.

Four grievances from last year are moving towards arbitrations. For three of them – grievances 2013-01 (Provost's T&P presentation, where a view of the workings of Tenure and Promotion at Mount Allison was presented which is very different from that of the Collective Agreement), 2013-05 (Departmental Annual Reports, where the Employer seemed to be attempting to increase the duties of department Heads, without bargaining, although bargaining was going on at the time: now the

Employer is reluctant to admit that department Heads are not required to submit such reports), and 2013-07 (York Street Children’s Centre, where the Employer claims not to be responsible for replacing flooring judged necessary by the provincial inspector for health & safety reasons, despite the Memorandum of Agreement with MAFA, on p. 121 of the full-time Collective Agreement, where it commits to “maintain the facility for the York Street Children’s Centre”) – both sides have named their sidespersons for the three-person arbitration panels, and arbitrators have been named, but no dates have been set yet. MAFA has named Betty Jeffery, a librarian from UPEI as our sidesperson for all three. The Employer has named Ryan Johnston (a lawyer working in the UNB administration); Robert Basque, QC; and Eric Durnford, QC, for the three cases, respectively. Some of us may remember Mr. Durnford who served as the Employer’s sidesperson on the Conciliation Board in the negotiations of 2010-11.

A fourth grievance which is moving towards arbitration is 2014-06 on the sabbatical replacement policy proposed by the Employer. MAFA has named its sidesperson, Lloyd Waugh, a professor at UNB. The Employer has yet to name its sidesperson.

A couple of the grievances we filed have been allowed to lapse. One of these was an individual grievance, 2014-03, about hiring an instructor. 2014-09 (Librarian research days) was also allowed to lapse without prejudice.

Grievance 2014-10, filed in August, concerning the non-reporting of departmental votes to create part-time positions or instructor positions, has been settled. Clause 16.02 requires a majority vote of faculty members to create such positions, and it requires that the department make a written recommendation to the Dean, who is then required to forward the recommendation to the Union. There seem to be very many stipendiary positions this year, but several deans were not forwarding the recommendations. “Faculty member” is defined in the Collective Agreement to mean a full-time

faculty member, and since a majority vote is required, it is important that Heads participate in the vote. MAFA has accepted the Employer’s proposal to inform Deans in writing that they must forward these recommendations.

It is unusual to have so many grievances over the summer. We would have hoped that the Employer would try to take measures to respect the collective agreement, or, at least, to settle grievances when they become aware of them. Unfortunately this seems not to be the case.

Richard Hudson
Grievance Officer



The New Transparency

R. Hudson photo

MAFA REPRESENTATIVE'S REPORT ON CAUT FRANCOPHONES' CONFERENCE

On June 6-8, 2014, on behalf of MAFA, I attended the 2nd *Conférence des Francophones* de l'ACPPU (CAUT) held at the Sheraton Hotel in Ottawa. The conference was spearheaded by the *Comité des francophones* of ACPPU to discuss challenges facing Francophone academic staff outside of Québec and the range of possible union solutions. Overall, there were 27 unions represented with approximately 65 people in attendance.

On the research front, discussion focused on the fact that many institutions devalue French publications in promotion and tenure reviews and the fact that some universities (e.g., University of Manitoba) have started to develop lists of acceptable journals from which faculty members are to publish and which will be used in promotion and tenure decisions. Potential solutions to these issues centred on changes in collective agreements (CAs) such as explicit language in CAs stating that research in both of Canada's official languages are valued (see U. de Moncton CA) and/or a bilingual clause for the institution (see Laurentian University on this).

A related solution discussed was the need to carefully monitor and pursue committee membership to ensure fairness and equitable assessments. On the teaching and service fronts, discussion centred on the need to address course loads and added service duties of Francophone academic members (e.g., translation services, receive/escort officials). It was noted that a number of institutions have a 6 teaching load with others noting they taught 8 courses while one member said that they taught 10 courses per year. Needless to say, such teaching loads impact negatively on one's research abilities and changes are required in collective agreements to reflect equitable workloads and to ensure that all of a member's research, teaching and service duties are reflected in their evaluations.

The Comité's executive will review matters and bring forth to the CAUT Executive some

recommendations.

Mario Levesque
Politics & International Relations

MAFA SAYS GOODBYE TO CHIEF NEGOTIATOR HELEN PRIDMORE

MAFA members were saddened to learn in the spring that Helen Pridmore had submitted her resignation from Mount Allison to take up a tenured position at the University of Regina School of Music in Saskatchewan.

At a social event on Monday, June 30th, MAFA President Lorelea Michaelis presented Helen with a going away present and thanked her for her work as Chief Negotiator over the previous year.

Best of luck in your future endeavours Helen, and we'll look forward to your promised visits in the future!

MAFA 2014-2015 EXECUTIVE

Lorelea Michaelis, President (Politics and International Relations)
David Thomas, Vice-President (Politics and International Relations)
Zoe Finkel, Past President (Geography and Environment)
Robert Rosebrugh, Treasurer (Mathematics and Computer Science)
Jane Dryden, Collective Bargaining (Philosophy)
Michael Fox, Membership (Geography and Environment)
Richard Hudson, Grievance Officer (Commerce)
Lori Ann Roness, Part-time Officer (Sociology/ MASSIE)

Andrew Irwin, Chief Negotiator (Mathematics and Computer Science)

MOUNT ALLISON FACULTY ASSOCIATION

July 23, 2014

Dr. Robert Campbell
President
Mount Allison University
Sackville, NB

Dear Robert:

I am writing on behalf of MAFA to raise our concerns over the termination of the work of the President's Advisory Committee on the Reappointment of the Dean of the Faculty of Social Sciences. As you will know, on May 7, 2014 Dr. Karen Grant informed the Committee that she was going to recommend this course of action to you, and on May 18, 2014 you informed the community that Professor Berry would be reappointed for an additional two years.

MAFA's view of the matter is that this termination was unwarranted. You have reappointed an academic administrator without adequately considering whether he has sufficient support from the members of his faculty to be a viable leader of the Faculty of Social Sciences. Furthermore, no opportunity was afforded the committee to address the allegations that Dr. Grant made against individual members.

For many years MAFA has been assured a collegial role in the appointment and reappointment of mid-level and senior academic administrators. MAFA's representative in this case was Mohammad Ahmady. MAFA believes our right to be heard at this committee has been abridged without just cause

Historically, academics at Mount Allison serving on these committees have been able to define for themselves how they will represent their colleagues on these committees. Generally, they have viewed themselves as "instructed delegates" who are tasked with acting as the voices for the opinions of their colleagues. Rather than allowing faculty members to perform this important function and listening to views with which you disagree, your administration decided to shut down this process. We think this is regrettable.

Yours truly,

Original signed by

Zoe Finkel
Past President

cc M. Ahmady
ZF/grm

MAFA sent the above letter to the Employer in response to the Employer's decision in May to terminate the work of the Social Sciences decanal review committee and to extend the incumbent's appointment for two more years.

MAFA has not received a response.

mafa

P.O. Box 6314 Sackville, NB E4L 1G6

mafa@mta.ca www.mafa.ca