

MAFA NEWSLETTER

Mount Allison Faculty Association
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May 2009

PRESIDENT'S MESSAGE

The new Executive took office on May 1. Although I served on the Executive during some of the Newbould years, the last time I was on the Executive was in 2003, when Wayne MacKay was the University President. The atmosphere seems to have changed since then, but not in a good direction.

In the first full week of this Executive's term, MAFA has filed two grievances, in addition to an outstanding arbitration which is still going on. When I was President in 2002-03, MAFA filed a total of one grievance, which was quickly resolved. The Grievance Officer's report can be found elsewhere in this newsletter.

At the AGM in April, the members voted to raise dues to 11 mills (1.1% of salary). Our sister university in Moncton has a rate of 17 mills. Due to legal costs incurred because of grievances and arbitrations, the MAFA contingency fund has dropped below its minimum as mandated by the MAFA by-laws. On May 15, the Executive formally recognized this fact, which means that dues will rise to 14 mills until the fund is back in the black for two quarters. See the announcement of the dues increase below.

This upcoming academic year is a collective bargaining year: the collective agreement ends on June 30, 2010. At the joint meeting of the new and old Executives on April 30, MAFA established a number of committees where members can work on positions which can be brought forward when negotiations start (these committees are listed below in this newsletter). We hope the committees will report by early winter. A Chief Negotiator will be named by mid-September, and a negotiating team will be named soon thereafter. In the past, negotiations have started sometime in the April-June period, just before the expiry of the contract. According to provincial law, the collective agreement stays in force for one year after its expiry, or until a new contract is agreed or job action is taken.

At the end of the first week in May, I attended a CAUT training session for union presidents in Ottawa. I can report that MAFA is well-known and held in high regard by the leading people at the CAUT. We will probably be calling on the CAUT to run some of their training sessions here on campus as we prepare for negotiations (they put on these sessions at no cost).

Rick Hudson

EXECUTIVE APPOINTS COLLECTIVE BARGAINING SUBCOMMITTEES

As many members will know, MAFA's two collective agreements expire on June 30, 2010. At a recent meeting, the MAFA Executive decided to create numerous subcommittees of the union's Collective Bargaining Committee to make recommendations regarding desirable changes to our collective agreement.

The subcommittees are:

- Academic Freedom and Privacy Rights;
- Appointments;
- Collegial Rights;
- Librarian Issues;
- Unit II (Part Time) Issues
- Monetary Issues;
- Retirement and Early Retirement;
- Sabbatical/Librarian Leaves;
- Evaluation, including Teaching/Course Evaluation;
- Tenure and Promotion;
- Workload;
- Intellectual Property;
- Department Heads;
- Union Rights;
- Equity.

If you would like to suggest other areas that the union should work on, or if you want to volunteer for the Collective Bargaining Committee of any of these subcommittees, please email mafa@mta.ca or call 364-2289, or stop by the MAFA office in the basement of

Centennial Hall (room G-2). The committees will be named over the coming weeks.

Loralea Michaelis

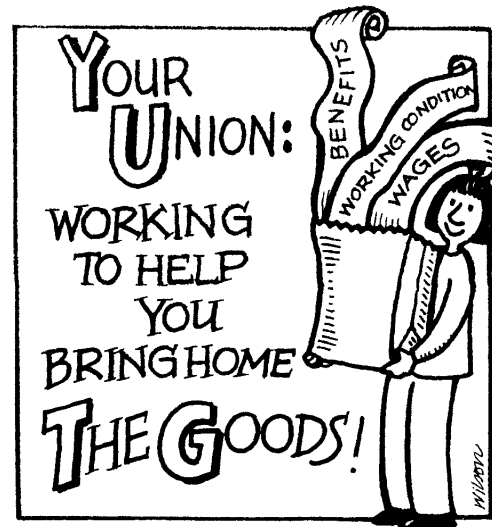
GRIEVANCE REPORT

There are three grievances in process.

Hiring outside the bargaining unit. Union grievance, filed April 29, 2009. Members may recall that MAFA had filed a grievance in October 2008 over a one year position advertised for a Library Information Systems Specialist (LISS) in the Library, to be appointed to the MASA bargaining unit. The job description outlined responsibilities which closely resembled the responsibilities of a professional librarian within the MAFA bargaining unit. The search failed and MAFA withdrew the grievance in March 2009. A new permanent position was advertised in April 2008 and MAFA filed a new grievance. The Employer has refused the new grievance standing under the Collective Agreement on the grounds that MAFA's withdrawal of the initial grievance amounted to an acceptance of the Employer's position that the LISS job description does not infringe upon the duties of a professional librarian. Article 36.08 requires that the Employer's designated Grievance Officer meet with the Union within 10 days of the filing of a union grievance to "make every attempt to resolve the grievance." The Employer refused that meeting. MAFA has filed for arbitration.

Intellectual property. Union grievance, filed May 5, 2009. MAFA was notified by the Employer in late April that an intellectual property contract had been signed between the University and a member in early January which was in violation of the Collective Agreement. Article 32.17 requires the University to provide MAFA with a copy of any intellectual property contract one week prior to its execution. MAFA filed a union grievance to enable the member to renegotiate the terms of the agreement on the basis of advice received from CAUT. The Employer has proposed an alternative settlement in which the member may accept or repudiate the existing agreement. The member is considering the University's proposal.

Tenure denial. Individual and union grievances, filed January 13, 2009. Members may recall that the arbitrator adjourned the arbitration hearing on March 25, 2009 so that the Internal Review Committee (IRC) which had been struck under Article 17.25 could begin its process and render a decision on whether or not the Tenure and Promotion sub-committee should be required to reconsider the member's case. The IRC rendered a negative decision on May 7, 2009. The arbitration process has resumed.



TEMPORARY DUES INCREASE IMPLEMENTED JUNE 1st

The MAFA Executive would like to announce that effective June 1st, 2009, MAFA members will pay a temporary dues increase of .3% of salary. This increase is required by MAFA By-Law E.4, which stipulates that when MAFA resources fall below \$150,000 there must be a temporary dues increase.

The MAFA Executive has determined that resources have fallen below the required level and that there is no prospect of a recovery in the coming months without a temporary dues increase. Over the last ten months MAFA has spent considerable resources on legal work, and this will continue because of almost-certain arbitrations on hiring outside the bargaining unit in the Library and the tenure denial.

This temporary increase will end once the Executive determines that two quarterly financial statements indicate that MAFA's resources return above the \$150,000 figure.

REPORT ON FNBFA MEETING

MAFA members Peter Brown, Rick Hudson, and Kathleen Lord attended the FNBFA meeting held at the Université de Moncton on May 6. The new FNBFA Executive was elected. The officers are

- President: Linda Lequin (ABPPUM)
- Past President: Rick Hudson (MAFA)

- Vice-President: Dennis Desroches (FAUST)
- Treasurer: Jack Vanderlinde (AUNBT)

The outgoing President, Gary Long (ABPPUM-CE), and Executive Director, Gilles Allain, discussed policy issues the FNBFA had dealt with over the year, including the provincial government's actions and inactions in regard to post-secondary education, and the question of applying a wage-freeze to non-governmental bodies. Various policy proposals from members were discussed, and the FNBFA Board will meet again in Fredericton on May 26 to continue these discussions.

RESEARCH STIPEND FOR PART-TIME MEMBERS

Members who teach at Mount Allison on a part-time basis are reminded that they are eligible to apply for one of two "research stipends." As provided for in Article 29.02 of the Unit 2 agreement, members should submit their application for a research stipend to the Provost/Vice-President (Academic and Research) by August 31, with copies to their Dean and MAFA. The Senate Committee on Research and Creative Activity will assess applications and recommend recipients, with notification to go out by October 31, 2009.

This stipend will be valued at \$5220 and is designed to provide salary support for the research and creative projects of the successful members.



CAUT Forum for Negotiators, Ottawa,
March 27-29

MAFA sent Stephen Law (Economics) as its representative to the CAUT Forum for Negotiators, also attended by 56 other faculty association representatives. This year's Forum focussed on communications to various groups during the negotiation process: the association membership, the

employer, students and the wider community, and third parties such as conciliators and mediators. Other sessions dealt with bargaining in the current economic climate.

The importance of preparation for bargaining was stressed along with the value of membership participation in the generation of proposals for negotiation. It was noted that the collective agreements of some associations fall short of provincial legislation. Also noted was the increasing prevalence of "ephemerals" -- administrators who come-and-go with little stake or experience in successful university operations -- and "executive directors" who perform academic work but are excluded from the bargaining unit.

The current economic climate was regarded as a good opportunity for negotiating teams to focus on governance issues, particularly those that might arise from past grievances. Faculty salaries remain an issue, however, for recruitment and retention; some concern was expressed that government policies aimed at addressing the recession may be followed by a period of inflation in which the real value of salaries will be eroded.

There was also some discussion of the impact of pension liabilities on university finances; this is not a very pressing issue at Mount Allison since our direct contribution plan places responsibility for managing risk on individual members and leaves the employer free to create a budget in which amounts for faculty pensions are predictable. Finally, it was emphasized that, despite the recessionary anxieties circulating in the news media, members of faculty associations should rely on their own experiences to generate proposals for negotiations.

MAFA 2009-2010 EXECUTIVE

Rick Hudson - President (Commerce)
Jeff Lilburn - Vice President (Library)
Peter Brown - Past President (English)
Loralea Michaelis - Grievance (Political Science)
Zoe Finkel - Collective Bargaining (Geography and Environment)
Maritza Fariña - Membership (Modern Languages and Literature)
Robert Cupido - Unit 2 (History)
Gina Grandy - Treasurer (Commerce)