

# MAFA NEWSLETTER

**Mount Allison Faculty Association**

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## PRESIDENT'S MESSAGE

The Fall term has been a busy one for the MAFA Executive. As you will read in greater detail below, our representatives on the Joint Liaison Committee have had crowded agendas to work through, and we are now preparing for several arbitrations on grievances filed between May and November of this year. The Executive has also successfully negotiated a Memorandum of Agreement (MOA) with the Employer that brings to an end the uncertainty surrounding the employment rights of academic staff who are elected to serve on the Board of Regents (a full report on the MOA appears below).

Much work has also already occurred in the lead-up to the next round of Collective Bargaining. As David Fleming reports below, the Collective Bargaining Committee and its sub-committees have been consulting with members and are now preparing recommendations that will inform the development of MAFA's bargaining proposals. On behalf of the Executive, I wish to thank David and all members of the CB Committee and sub-committees as well as all Association members for your participation in this important process. Improvements to our working conditions and to student learning conditions depend on our collective involvement and the work we do together.

I attended several events on your behalf this fall. In September and early December, I attended meetings of the FNBFA Board of Directors in Fredericton. At the December meeting held this past Saturday, FNBFA Board members joined postal workers and

other labour group members to protest the Canadian government's use of back-to-work legislation to end the stand-off between Canada Post and the Canadian Union of Postal Workers. We gathered together outside Liberal MP Matt DeCourcey's office to demonstrate support for the democratic right to free collective bargaining, fair wages and safe working conditions.

In October, Steve Law, a past MAFA President and Chief Negotiator in our last round of bargaining, and I attended FNBFA's Forum for Chief Negotiators in Fredericton. Led by Chantal Sundaram, Collective Bargaining Officer at CAUT, the event offered an opportunity for representatives of New Brunswick's faculty associations to share information about past and upcoming rounds of bargaining.

In November, I attended CAUT Council. Held twice a year in Ottawa, Council is the venue for discussion and approval of CAUT policy and for the exchange of information about issues faced by academic staff associations across the country. This meeting of Council saw a founding member of CAUT, le Syndicat général des professeurs and professeures de l'Université de Montréal, rejoin CAUT after a long absence. New and revised policy statements and model clauses were approved and several member resolutions were passed, including one moved by our colleagues at the U. de Moncton expressing concern over the Ontario government's decision to cancel the establishment of an Ontario francophone university without consulting francophone communities.

Finally, as the fall term comes to a close, I would like to wish all members a safe, joyful and restorative holiday season. I hope to see many of you at MAFA's end-of-term party on Friday at the University Club at 4:30.

Jeff Lilburn  
President

### **UPDATE ON EMPLOYMENT RIGHTS OF FULL-TIME ACADEMIC STAFF ELECTED TO THE BOARD OF REGENTS**

We are pleased to report that MAFA and the Employer have reached agreement on the matter concerning the employment rights of academic staff who serve on the Board of Regents.

We became aware during the summer that MAFA and the Employer had widely divergent views on the extent to which the Collective Agreement protects academic staff who have been elected to serve on the Board. As noted in MAFA's communication to members sent on August 31, MAFA's view was that employees who serve on the Board enjoy all of the protections of the Full-time Collective Agreement bearing on their professional responsibilities, with the exception of the exclusion explicitly referenced in Article 38.05. The Employer advanced a narrower view, arguing that specific articles do not apply. In particular, the Employer argued that the right to academic freedom and the right to grievance and arbitration are not retained by academic staff members serving on the Board.

MAFA and the Employer met several times to discuss this matter and we have now signed a Memorandum of Agreement (MOA) that amends the FT Collective Agreement. Effective immediately, academic staff who serve on the Board retain all rights under the Full time Collective Agreement.

Prior to this agreement, academic staff who served on the Board temporarily left the full-time bargaining unit. This was reflected in Clauses 1.01 k) and 1.01 n) of the FT CA. The purpose of clause

38.05 was to provide these members with rights under the collective agreement even though they were temporarily out of the bargaining unit. The agreement reached with the Employer amends clauses 1.01 j), 1.01 k), 1.01 n) and 38.05 and provides certainty that faculty and librarians elected to the Board remain members of the bargaining unit and retain all rights of the FT CA.

This is a significant change. Earlier this year, CAUT released a report on Board structures at thirty-one Canadian universities. The report outlines the representational nature of board governance structure and emphasizes the importance of academic freedom for academic staff serving on the board. University boards are stakeholder boards: "certain board members are required to be representatives from particular internal university communities such as academic staff."\* Academic staff representatives are elected *because* they are academic staff members. The changes agreed upon in our new MOA provide assurance that academic staff serving on the Mount Allison Board of Regents are fully protected by the collective agreement and provide the necessary assurance that there can be no interference with their ability to act freely as representatives of the academic staff who elect them.

Jeff Lilburn  
President

\* CAUT Legal Advisory: A Corporation and a Community: Fiduciary Duties of University Board Members (Appendix A of the CAUT Report on Board of Governors Structures at Thirty-One Canadian Universities, [https://www.caut.ca/sites/default/files/caut-report-board-of-governors-structures-at-thirty-one-canadian-universities\\_2018-05v2.pdf](https://www.caut.ca/sites/default/files/caut-report-board-of-governors-structures-at-thirty-one-canadian-universities_2018-05v2.pdf) )

### **COLLECTIVE BARGAINING REPORT**

2018-19 is the final year of our current full-time and part-time collective agreements. The Collective Bargaining Committee has been working since the summer in preparation for the upcoming round of bargaining in 2019. Member consultation with respect to our collective agreements has been our top priority during the fall. Throughout this term,

## REPORT FROM CAUT ABORIGINAL ACADEMIC STAFF CONFERENCE

members have been engaging with collective bargaining issues through participation in various subcommittees, and through attendance at a series of focus group sessions. A large focus group session was held on November 14 at Tweedie Hall. Ten different subcommittees were represented at this event, allowing members to move between tables and enter into discussion about a variety of collective agreement issues. The session was a success with a large turnout and many useful points being raised and addressed during the afternoon.

The various collective bargaining subcommittees are now reviewing their findings and the feedback received from members to make recommendations to the Collective Bargaining Committee. Reports from the subcommittees will be received during the week of December 3. The complete list of collective bargaining subcommittees includes the following: Academic Freedom and Privacy, Appointments, Benefits, Childcare and Dependent Care, Equity, Evaluations and Career Development Review, Grievance and Arbitration, Layoffs and Transfers, Librarians' Issues, Monetary Issues, Part-time Issues, Retirement Issues, and Workload.

As we head into a new year, the Collective Bargaining Committee continues to welcome your comments and questions. The committee consists of Sarah Fanning, David Fleming (Chair), Anne LePage, David Rogosin, and Erin Steuter.

David Fleming  
Collective Bargaining Officer



The theme of this year's conference was "Advancing Indigenization". There were 160 participants. The conference kicked off with a panel discussion on "New Indigenous Scholars" with Tracy Bear (University of Alberta) and Jennifer Leason (University of Calgary). Tracy and Jennifer elaborated on the struggles of being an Indigenous scholar, describing feelings of being tokenized, stretched thin, burnt out, and in need of more support. With few Indigenous scholars in most universities, individuals are often overburdened with service requests, and in addition, have the "double burden" of needing to have expertise in both Indigenous and Western ways of being. Tracy and Jennifer spoke of the importance of community-based research; however, elaborated on the tremendous time it takes to build trusting relationships, which are usually not, but should be, considered in academic performance assessments. Jennifer related to many other Indigenous scholars describing the feeling of being stretched too thin, not finding time for family, and a need for support from the university and peers. Throughout the conference, other participants discussed how the overwhelming overburden on Indigenous scholars has led to individuals leaving academia. Jerome Fontaine (Sagkeeng First Nation) later said there are still very serious issues of how Indigenous people are treated in academia, indicating that, "We are still viewed as dollar signs, or boxes to check, but we need compassion and support".

Later in the conference, Elder Ken Young, a Cree residential school survivor said, "Traditional Ecological Knowledge (TEK) has been a fundamental foundation for this country. Without TEK, our people would not have survived, without our knowledge, settlers would not have survived". Rainey Gaywish (University of Manitoba) discussed the need to draw knowledge from Elders when engaging in Indigenization, and emphasized that those relationships require time. Mike Dockstator (President of First Nation University of Canada) shared knowledge imparted from several Elders that universities are like mining companies, taking but never giving back. Several speakers brought up giving back to communities as a very important

component of Indigenization. Mike further discussed the immense importance of experiential, land-based learning and said, “You can’t learn Indigenous Knowledge without getting dirt under your fingernails”. Adam Gaudry (University of Alberta) also and emphasized the need for learning off the land. Mike Dockstator talked about the need for Indigenous control over Indigenous education. Mike and David Newhouse (Trent University) both emphasized that universities are Indigenizing through “Places, spaces, and faces”, but need to include spirit as “spirit is the heart of Indigenous Knowledge and we can’t Indigenize without Indigenous Knowledge”.

Overall, the conference was quite informative and helped participants develop a better understanding of important considerations in advancing Indigenization; however, there is still much work to be done.

Jesse Popp  
Geography and Environment

## GRIEVANCE REPORT

### Ongoing grievances:

**2018-03, -05, -07, -08, -09** -- Five individual grievances, filed in May, June, and July 2018. **2018-04 and -06** -- Two union grievances, filed in May and June 2018. This group of seven grievances is concerned with serious procedural defects in the Employer’s application of its equity policies in addition to procedural flaws in the policies themselves. MAFA has alleged violations of the “fair and reasonable” provisions of Articles 4 (Management Rights), 11 (Employment Equity and Non-discrimination), and 9 (Academic Freedom). The Employer denied all grievances and MAFA has filed for arbitration. Grievances 2018-05/07/08 have been consolidated and have been scheduled for a hearing in December 2019, with William Kaplan serving as chair of the arbitration panel. The decision to arbitrate Grievance 2018-03 has been revoked by MAFA without prejudice. Discussions with the Employer are ongoing to finalize the composition of the two remaining arbitration panels on 2018-04/06

and 2018-09.

**2018-11.** Individual grievance, filed August 2018. This grievance concerns violations of the Collective Agreement in the Employer’s assignment of teaching in the member’s department. MAFA has cited violations of Articles 4, 12, and 18. The Employer denied the grievance at Steps 1 and 2 and MAFA referred the grievance to arbitration on November 23.

### New grievances:

**2018-12.** Union grievance, filed September 2018. This grievance concerns the duration of a part-time employment contract in the library. MAFA has cited violations of Articles 1, 4, 5 and 19. The Employer denied the grievance but discussions on a settlement are under way.

### Settled grievances:

**2018-10.** Union grievance, filed August 2018. This grievance concerned the Employer’s commitments on the compensation of part time 3 credit courses in the Faculty of Arts which involve six contact hours per week (rather than the usual three hours in the rest of the Arts and Social Sciences). MAFA cited violations of Articles 4 and 30. Although the Employer initially denied the grievance, a settlement has been reached in which the Employer has agreed to compensate these particular studio contracts at 1.5 of the stipend rate, but only in the current year.

Loralea Michaelis  
Grievance Officer

## JOINT LIAISON REPORT

Since the last newsletter, there were four Joint Liaison meetings. Katherine DeVere-Pettigrew, David Fleming, Leah Garnett, Geoff Martin, and Jeff Ollerhead were all present at meetings on August 27, Sept 24, and Nov 21. The same members attended a meeting on October 29, with the exception of Leah Garnett.

We have discussed the following topics:

- The gradual move to key card access to academic buildings; questions about data collection through a key card system; and questions about what the university's policy will be about how key cards are issued, particularly to part time members
- Questions and updates about a WorksafeNB case
- Ongoing issues with shoulder season heating protocols
- Privacy questions regarding the adoption of OneDrive
- Inquiry about whether there will be Correspondence Courses during the upcoming Spring/Summer sessions and how those courses will be offered
- Clarification of Teaching Instructor positions and how those positions are advertised
- Concerns regarding search committee processes
- Procedural questions about late hiring
- Letters of Appointment and questions about the assigning of course releases
- Procedural questions regarding the assignment of teaching duties
- Cross appointments to departments or programs and questions about how departments or programs are consulted
- The publication of External Review documents
- The policy regarding endowed chairs
- Questions about whether there will be an interim appointment for the Dean of Arts

Respectfully,

Leah Garnett  
Vice President



In late October MAFA held a successful Research and Creative Activity Fair to showcase the work of contract academic staff, in recognition of Fair Employment Week.

### **PRECARIOUS WORK ON THE RISE AT CANADIAN UNIVERSITIES**

A new report released by the Canadian Centre for Policy Alternatives (CCPA) reveals that more than half of all faculty appointments in Canada are contract appointments.

The report's authors, Chandra Pasma and Erika Shaker, note that according to their survey data, universities' reliance on contract faculty cannot be fully explained by cuts to public funding, changing market demands for certain disciplines, or personal choices made by faculty. Rather, they say that the growing reliance on contract academic staff "appears to be largely driven by choices made by university administrations" (6).

In the conclusion, the authors make clear that

the reliance on contract faculty appointments “is not about filling temporary or short-term gaps,” it is, they say, “a structural element of university management” (33).

The full CCPA report – important reading in the lead-up to bargaining – is available online: <https://www.policyalternatives.ca/publications/reports/contract-u>

Jeff Lilburn  
President

### COMING EVENTS

All MAFA members are encouraged to attend these coming events:

#### 2018

Tuesday, 4 December 3 pm (Room: Barclay 02),  
**MAFA General Membership Meeting**

Friday, 7 December 4:30pm University Club,  
**MAFA End of term social event**

#### 2019

Friday, 5 April (Time: 3 pm) (Room: Avarad Dixon G12), **MAFA Annual General Meeting** and Election of Executive for 2019-2020

Friday, 5 April 4:30pm University Club, **Retiring Members' Party**

### MAFA 2018-2019 EXECUTIVE

**Jeff Lilburn, President (Library)**

**Leah Garnett, Vice-President (Fine Arts)**

**Maritza Fariña, Past President (Modern Languages and Literatures)**

**Matthew Litvak, Treasurer (Biology)**

**David Fleming, Collective Bargaining (Physics)**

**Loralea Michaelis, Grievance Officer (Politics and International Relations)**

**Toni Roberts, Part-time Officer (Sociology)**

**Lori Ann Roness, Membership and Advocacy Officer (Sociology/MASSIE)**



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