

# MAFA NEWSLETTER

Mount Allison Faculty Association

Room G2, Centennial Hall Tel: 364-2289

E-mail: [mafa@mta.ca](mailto:mafa@mta.ca)

Web Site: [www.mafa.ca](http://www.mafa.ca)

April 2017

## PRESIDENT'S MESSAGE

It has been my pleasure to serve as the president of MAFA for the past two years. I've learned a lot about the operations of Mount Allison and the opportunities of working with all the members of the association over this time. As president I have been your representative at many FNBFA and CAUT meetings. I find it very reassuring to know we are part of provincial and national organizations seeking to support the academic mission of post-secondary education and defend academic freedom.

It has been my great pleasure to rely on the dedicated members of two Executive teams and the tremendous work done by Geoff Martin, our professional officer. MAFA is without a doubt both a member-driven organization and a member-run organization.

The nominating committee has already announced a slate of candidates for next year's Executive. I thank the nominating committee and the volunteers who have agreed to stand for election for their work. Each year we aim to have both continuity on the Executive and to include members who have not yet served on the Executive. It is not too soon to start thinking about your goals for university service in the following year.

Let me encourage MAFA members who are curious about the operation of the union, but who have not yet volunteered, to spend some time over the next year learning about the opportunities on committees and the work of the union. The work is rewarding and is best done by a group broadly representative

of the membership.

Andrew Irwin  
Mathematics & Computer Science

## IMPORTANT CHANGES TO TIMING OF EVENTS IN THE NEW FULL-TIME COLLECTIVE AGREEMENT

Sabbatical reports are now due 20 days after your sabbatical ends

Activity Reports -- Due May 15

Notification of intent to apply for early tenure or promotion -- due August 1

Application for sabbatical -- due August 15

Application for tenure or promotion — due September 15

## PLAN ON ATTENDING MAFA AGM AND RETIRING MEMBERS' PARTY

MAFA will hold its Annual General Meeting and Election on Thursday, April 13, at 12 noon in Avarad Dixon G12.

Then, later that day MAFA will hold its Retiring Members' Party at 4:30 pm at the University Club. Robert Rosebrugh and Marilyn Walker are retiring in the coming months and Bob will be present and will be recognized at that time.

Also, we will provide acknowledgement of all those who received tenure and promotion during this past year.

As always there will be lots of food and drink and good conversation. Family members are welcome, so do come out and celebrate the passage of another academic year!



### **AN INTRODUCTION TO THE NEW CAREER DEVELOPMENT REVIEW PROCESS**

Our new Full-time Collective Agreement provides for a completely new process of career development reviews. For tenured members, this replaces the old system of post-tenure evaluation, which no longer exists. For probationary members, this new process is effectively an additional process complementary to evaluations, which continue to exist. Two information sessions were held on March 29 and 30, with presentations by Stephen Law (Economics) and John Eustace (CAUT).

There will be one or more additional presentations later in April, and members who would like a copy of the presentation slides from any of these sessions are encouraged to contact Steve Law <[slaw@mta.ca](mailto:slaw@mta.ca)>.

Career development reviews are different from evaluations in several important ways. First, the

annual report is different; it can be as simple as a c.v. update, although you have the freedom to provide a more elaborate report if you wish. Second, a reviewer, who is a MAFA member, will meet with you to discuss your career development; the old "Head's assessment" sent to the Dean or University Librarian will no longer be written. This process is intended to be formative. The goal is not to evaluate your performance or provide a summative assessment of any kind. This formative career development process brings our Collective Agreement into line with other universities in the region.

If you have questions about this process, please contact Geoff Martin <[mafa@mta.ca](mailto:mafa@mta.ca)> or Steve Law <[slaw@mta.ca](mailto:slaw@mta.ca)>. A joint union-employer committee has been created to gather and discuss feedback on this new process and suggest improvements. Your MAFA representatives on this committee are Leslie Kern <[lkern@mta.ca](mailto:lkern@mta.ca)> (Geography & Environment) and Andrew Irwin <[airwin@mta.ca](mailto:airwin@mta.ca)> (Math & Computer Science). Please discuss any concerns or suggestions with them.

### **REPORT ON CAUT SENIOR GRIEVANCE OFFICERS' WORKSHOP**

On December 9th and 10th 2016, on behalf of MAFA I attended the CAUT "Building Towards Arbitration" Workshop, a CAUT forum for senior grievance officers, as a replacement for Fiona Black who was unable to attend. The Workshop was held in Ottawa with 55 people attending from 36 universities, 11 colleges and 1 person from the Ontario Public Service Employees' Union (OPSEU). This included representation from all Atlantic Canadian universities (except U. de Moncton).

Given the growing use of arbitration to settle grievances (and its likely continuance), the Workshop was held to demystify its use. The session began with an overview of arbitration and its fit in the collective bargaining process by Michael Lynk (Western). He noted how arbitration has become increasingly lengthy, formal and legalistic which is the exact situation it was meant to avoid. Remedies offered included mechanisms

(1) to avoid the filing of weak given they allow the party with greater resources to draw out cases. So efforts should be made to make early settlement offers and take responsibility for differences, as well as allowing for damages for reinstatement in regards to wages and for collateral damage such as home/marriage breakdowns and bankruptcy which may occur as a case proceeds; (2) to help the arbitrator become better informed up front by mandating pre-process conference calls with the arbitrator; (3) to control costs by a) negotiating a lower rate with the arbitrator by possibly “block booking” dates, potentially in collaboration with one or more regional associations (depending on size of university), and b) more use of video conferencing; and, (4) to address delays such as obtaining language in collective agreements that place limits on the number of days before it gets to arbitration.

The remaining sessions largely focused on the legal representation/faculty association relationship. Simply put, lawyers are expensive and discussion was devoted to how we as associations can work to reduce costs by doing much of the legwork for lawyers such as the collection of information about the case and in especially ensuring its accuracy (e.g., case details, times, dates). It was also stressed to listen to your legal representation as to how the arbitration case is going. Be open to settlement at any time and to negotiate fees upfront and on a continual basis.

Discussion then turned to self-representation at arbitration hearings: Under what conditions would or could you do so and why? What skills are needed? Where can one develop those skills? This included small breakout sessions to gauge participant feedback after which two adjudicators (Paula Turtle, David Whitehead) offered their views on lawyer and non-lawyer representation at arbitration hearings. It was stressed that most arbitration cases do not need legal counsel and that the vast majority see no difference with non-lawyer representation (Aside: 80%+ of arbitration cases settle before arbitration begins, often at the last minute). However, legal counsel/representation is recommended for complex cases (e.g., that go beyond collective agreements to invoke pension laws, employment equity laws, etc.). The group

work also identified barriers to self-representation such as member interest, time, costs, course releases and the high turnover in grievance officers. The next day, specific training issues were identified and the Queen’s Industrial Labour Relations Program was profiled (see <http://irc.queensu.ca/>). It offers programs and courses in labour relations (basic/advanced) and arbitration to name two. The main challenge with this program is that the courses are offered as a five full-day block session for approximately \$5,500 per course (CAUT members can currently get a 20% discount for their next two courses only) plus accommodations, food and travel costs.

Participants noted that this was simply too expensive and alternatives were needed. Discussion then surrounded how CAUT could work to develop a training model for members or to work with Queen’s for more affordable options. All told there was a lot of interest in exploring training initiatives so members could handle some of their own arbitration cases (Note that the association at Royal Military College has already gone in this direction.).

The Workshop concluded with an excellent arbitration simulation led by CAUT legal officer Immanuel Lanzaderas.

Mario Levesque  
Member, Grievance Committee  
Politics & International Relations



**YOU HAVE THE RIGHT TO CUSTODY AND CONTROL OF YOUR OWN PROFESSIONAL MATERIALS -- This includes workplace harassment investigations**

An important right in MAFA's Collective Agreements gives members "custody and control" of their professional materials. According to Article 9.02, Full- and Part-time employees "have the custody and control of their professional materials, including but not limited to materials connected to teaching, research, creative activity, librarianship and service." This would include any notes that a member may have taken during meetings in the workplace as well as any notes that may have been taken afterwards to aid in recalling workplace events and issues.

Our rights to "custody and control" of our professional materials apply even during workplace investigations which are conducted under University policies, such as the Policy on Workplace Harassment. We are obliged to cooperate in these investigations – to meet with investigators and to answer any questions they may have about the complaint or events related to it – but this obligation does not override the rights and protections in our Collective Agreements. In particular, we cannot be obliged to share our notes with any Employer representative who is investigating events in the workplace. An Employer representative would include any outside investigator that the Employer may have hired to conduct meetings and prepare a report. Even if they are qualified lawyers, outside investigators who are acting on behalf of the University do not have the authority of arbitrators or judges; their authority under the University policy does not include the authority to issue a legally binding subpoena or to compel the production of documents.

This issue arose in a recent case this year which was resolved without grievance. In that case, members sought advice from MAFA and the Employer agreed with MAFA that the rights established in the Collective Agreement take precedence over University policies. The Employer also agreed to make investigators aware of the "custody and control" protections in Article 9.

If you are in any doubt about your rights under the Collective Agreement, do not hesitate to contact any member of the MAFA Executive or the MAFA office.

**COMING EVENTS**

All MAFA members are encouraged to attend these coming events:

MAFA Annual General Meeting and Election, Thursday, April 13, 12 noon, Avard Dixon G12

MAFA Retiring Members' Party, Thursday, April 13, 4:30 pm, University Club

**MAFA 2016-2017 EXECUTIVE**

**Andrew Irwin, President (Mathematics and Computer Science)**

**Karen Bamford, Vice-President (English)**

**Loralea Michaelis, Past President (Politics and International Relations)**

**Robert Rosebrugh, Treasurer (Mathematics and Computer Science)**

**Fiona Black, Grievance Officer (Religious Studies)**

**Chris Down, Collective Bargaining Officer (Fine Arts)**

**Diana Hamilton, Membership Officer (Biology)**

**Lori Ann Roness, Part-time Officer (Sociology/ MASSIE)**