

MAFA NEWSLETTER

Mount Allison Faculty Association

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PRESIDENT'S MESSAGE

The first thing I would like to say is welcome back and I hope you had a terrific summer. Next, I would like to thank the executive from 2018-2019--Jeff Lilburn (President), Leah Garnett (Vice President), Maritza Fariña (Past President), Lorelea Michaelis (Grievance Officer), Toni Roberts (Membership and Advocacy Officer), Lori Ann Roness (Part-time Officer), David Fleming (Collective Bargaining Officer) and Geoff Martin (Professional Officer & Executive Director/Oracle) for their efforts this past year. I was the Treasurer but I think it awkward to thank myself.

Our somewhat new crew is now me (Matt Litvak President), Mike Fox (Vice President), Jeff Lilburn (Past President), Lorelea Michaelis (Grievance Officer), Lori Ann Roness (Part-time Officer), Toni Roberts (Collective Bargaining Officer), Chris Forstall (Membership and Advocacy Officer), Laurie Ricker (Treasurer), and Geoff Martin (Professional Officer & Executive Director/Oracle).

MAFA has begun the next round of collective bargaining with the employer. Negotiations started on June 13, 2019. The employer and our team have met 16 times to date. There has been little progress. We are trying to bargain, but the employer is not. In fact, the employer is trying to remove some very positive aspects of previous agreements that will impact our members and our ability to deliver programs to our students.

There seems to be a trend in academia, and Mount Allison is no exception, towards devaluing the

mission statement of higher learning and imposing greater managerial control of the academic programs. This is not good for our students nor ultimately our University.

Both sides have agreed to conciliation and have met with the provincial conciliator. Hopefully, the conciliator will help move this process along which will result in two new and improved collective agreements. This has been our history and I hope it will be the case again. One of our current concerns is that the Employer is taking the position that they do not want to negotiate unless the provincial conciliator is present. The conciliator is currently busy with other files, so this means very little negotiation from now until mid October.

This is alarming because this will needlessly delay the process, which will also have the effect of creating anxiety for current students and doubt in the minds of prospective students as they become more aware of the situation. In the past, negotiations have continued in the conciliation period even if the conciliator is not present. In the past, like today, interpersonal relations between the parties at the negotiating table have generally been good. Our team, under the experienced leadership of Steve Law, is ready to go back to the table at any time.

While the bargaining process is often difficult to resolve, it has led to improvements in the terms and conditions of employment at MTA for our membership and for the mission of our institution.

Our negotiating team has presented our proposals based on the information you, our members, provided to the collective bargaining committee. To date, there have been four bulletins developed by

our negotiating team. I encourage you to read them.

Please stay tuned for the call for a straw strike vote. It is important for us to be united and strong in order to demonstrate to the Board of Regents and the provincial conciliator our resolve to negotiate a fair collective agreement. The straw vote appears the only way for us to get our message through to the board.

Matt Litvak
President

GRIEVANCE REPORT

Ongoing grievances:

2018-05, -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 five 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.

2019-01. Individual grievance, filed January 2019. This grievance concerns the Employer's refusal to compensate a member; the Employer's breach of the duty to accommodate; and the Employer's failure to involve MAFA as a third party in discussions of matters related to a member's accommodation and employment status. MAFA has alleged violations of Articles 2 (Recognition), 4 (Management Rights), 5 (Union Rights), 11 (Employment Equity and Non-discrimination), 12 (Professional Responsibilities), 30 (Salaries), the NB Human Rights Act, the NB Worker's Compensation Act, and the NB Employment Standards Act. The Employer denied the grievance at Steps 1 and 2 and

MAFA filed for arbitration. The hearing is scheduled for January 2020, with James Hayes serving as single arbitrator.

2019-03. Individual grievance, filed February 2019. This grievance involves a letter of warning received by a member under Article 35. MAFA has alleged violations of Article 4 (Management Rights), 9 (Academic Freedom) and 35 (Discipline). The Employer denied the grievance and MAFA filed for arbitration. The hearing is scheduled for November 2019, with James Oakley serving as single arbitrator.

New Grievances

2019-05 Individual grievance, filed April 2019. This grievance involves a letter of warning received by a member under Article 35. MAFA has alleged violations of Article 4 (Management Rights), 9 (Academic Freedom) and 35 (Discipline). The Employer denied the grievance and MAFA filed for arbitration. The hearing is scheduled for March 2020, with Paula Knopf serving as single arbitrator.

2019-06 Union Grievance, filed September 2019. This grievance concerns the sufficiency of acoustic treatments in the Marjorie Young Bell Music Conservatory and the absence of a workplace appropriate hearing conservation program in the building. Both issues bear on the health and well-being of MAFA members who work in the building as well as other Mount Allison employees, students, and members of the public. MAFA has alleged violations of Article 4 (Management Rights) as well as the NB *Occupational Health and Safety Act*. The grievance has not yet been presented.

Settled or withdrawn grievances:

2018-11. Individual grievance, filed August 2018. This grievance concerned violations of the Collective Agreement in the Employer's assignment of teaching in the member's department. MAFA has cited violations of Articles 4 (Management Rights), 12 (Professional Responsibilities), and 18 (Departments and Programs). The Employer denied the grievance and MAFA referred the grievance to arbitration in November 2018. However, the Employer subsequently addressed the core issue cited in the grievance and in March 2019 MAFA

revoked its decision to refer the grievance to arbitration.

2018-12. Union grievance, filed September 2018.

This grievance concerned the duration of a part-time employment contract in the library. MAFA has cited violations of Articles 1 (Definitions), 4 (Management Rights), 5 (Rights of the Union) and 19 (Appointment of Librarians). The Employer denied the grievance but the parties reached a settlement and the grievance was withdrawn in March 2019.

2019-04. Union grievance, filed February 2019.

Core issues involved the Employer's violation of Article 36 provisions on the number of Employer representatives in attendance at grievance meetings. MAFA alleged violations of Articles 4 (Management Rights) and 36 (Grievance and Arbitration). The Employer denied the grievance and in March 2019 MAFA filed for expedited arbitration. However, a settlement was reached before the hearing and the grievance was withdrawn in April 2019.

Loralea Michaelis
Grievance Officer



JOINT LIAISON REPORT

The Collective Agreement provides for the establishment of a Joint Liaison Committee to address and, hopefully, resolve any issues that may be of concern to the membership or the Employer

throughout the life of the Agreement. The members of the JL Committee for this year include Michael Fox, Toni Roberts, Jeff Ollerhead, and Kathryn DeVere-Pettigrew. Geoff Martin acts as a MAFA resource person and Secretary for the Committee. The Committee met twice over the summer period (June 12 and August 21) and met again on September 18th. Several issues appear to be ongoing in the work of the Committee, including two issues that have spanned the last year or so.

The first is an issue that arose from a letter of settlement in the grievance process in early 2018, where it was agreed that the Employer would conduct a review of the Workplace Harassment Policy. Last year's JL representatives agreed to start the review, yet MAFA has expressed concern about the methodology being used in that review. In particular, we noted that the Human Resources Department is seeking direct input from those individuals that have been involved in a workplace harassment case, in order to seek their feedback on its effectiveness. MAFA would have preferred to have been consulted first, in order that we could work with our membership and offer an assessment of the process. Given that HR has now started the process, they have agreed to be sure to be sensitive to possibly re-traumatizing those who may have been part of a case, as well as being sure to note that anyone is free to decline an interview. HR also agreed that there will be consultation with MAFA after a legal review of the Policy is completed. If any Members have had experiences with this review that they wish to discuss with us, please do let us know.

The other ongoing issue from last year is the concern that MAFA has on health and safety issues in the Music Conservatory. MAFA continues to press the issue after a series of responses and further questions on a consultant's report that was prepared for the Employer. This has turned into a monthly update to MAFA, as we press for a wide range of issues to be addressed, including physical acoustic treatments and the development of a hearing conservation program. The Employer now says that the consultation will be a campus-wide health and safety review.

Our summer meetings with the Employer allowed

us to address some of the questions and concerns Members have about changing roles, titles, programs and responsibilities. The Employer confirmed that there is now a Director in place for the recently established Visual and Material Culture program, as well as who is in this unit and who is cross-appointed from other departments or programs. The Employer also confirmed that the Dean of Business and Social Sciences will act on all issues related to the Collective Agreement for Commerce, as well as the rest of the Social Science Departments and Programs, so there is no longer a Director of the Ron Joyce Centre for Business Studies. We have also asked the Employer for clarification on who, exactly, will be doing the work of a Librarian when the new Novanet system is put into place in the Libraries and Archives. There is a “live chat” reference service function associated with the new system and the Provost has agreed to work with the new Librarian on addressing this question.

A few members indicated that they believed that the Provost was allowing entire member files to be reviewed during the Tenure and Promotion process, including specific letters or forms that are to be removed under the Collective Agreement. The Provost assured the members of the committee that this was a misunderstanding and that any parts of a file that are to be removed for these processes were, in fact, removed. Members of the MAFA team have reached out to those members who had reported this situation.

Finally, we asked about the status of the so-called “Maple League” of universities and some of the confusing messages being received by members on funding programs, course offerings and committee work that did not seem to be part of our Collective Agreement or typical governance practices. The Provost stated that he really had no clear direction on this matter and undertook to seek clarification from the President.

Michael Fox and Toni Roberts

MAFA MAKES MEMORIAL DONATIONS FOR DECEASED RETIRED MEMBERS

It is MAFA’s custom to make memorial donations for retired members, usually to a charity stipulated by the family or to an appropriate body in those cases where no charities are named.

So far in 2019 MAFA has made donations in memory of Michael Thorpe, Eric Ross, Dan Patridge and Tom Henderson.

In all cases the donations went to the Harry Crowe Foundation. Established in 2002, the foundation is a charitable organization that undertakes education and research on the role of post-secondary teaching and research in contemporary society.



NATIONAL AND REGIONAL MEETINGS ATTENDED

CAUT Spring Council Meeting, Ottawa, May 2-5, 2019.

Discussed governance models and issues at various institutions. In addition to the meeting activities we heard from four partisan guest speakers: Alexandre Boulerice (NDP Deputy Leader), Elizabeth May (Green Party Leader), Patty Hajdu (Minister of Employment, Workforce Development and Labour)

and Michael Chong (CPC Shadow Minister of Science). The Spring Council meeting was very informative—basically, country-wide, we are in the same boat; there are common concerns regarding freedom of speech; Contract Academic Staff (CAS) concerns, including over-reliance on them; the chasm of philosophy and values between administrations and academic staff; the introduction of new metrics; and some particular regional concerns such as the Ontario Ford government. Ontario universities were very concerned about Doug Ford's initiative in establishing a financial support formula for universities based on arbitrary performance metrics (see recent CAUT Bulletin Commentary <https://www.caut.ca/bulletin/2019/06/commentary-questions-about-ontarios-newly-proposed-metrics-universities>).

There was great concern at this conference that his approach and message would infect other provinces. Clearly, this concern was warranted as seen by recent moves by the NB Higgs government with regard to performance metrics and potential government control of academic program development.

There were a number of academic guest speakers including, Carlos Humberto Zambrano Excamilla, former *Presidente, Sindicato de Profesores de Fundación Universidad Autónoma de Colombia*. He is seeking asylum in Canada, with support of CAUT, because of the political situation associated with being a driving force of development of a faculty Association in Columbia—there has already been an attempt on his life, and he will be at great risk if he returns to Columbia.

CAUT is appealing to academic staff associations and their members to donate to the CAUT Refugee Foundation to support Dr. Zambrano's resettlement efforts. The Foundation, established in the 1970s, is a registered charity with the Canada Revenue Agency, allowing it to issue tax receipts. All donations received will be used to assist Dr. Zambrano with his basic living expenses as he awaits his refugee hearing. Cheques can be made to the order of the CAUT Refugee Foundation and sent to: CAUT Refugee Foundation, 2705 Queensview Drive, Ottawa, Ontario, K2B 8K2.

There was the standard election of officers and other activities associated with running a large Association. One activity that I particularly enjoyed was the announcement that our Stephen Law was awarded the Donald C. Savage award for excellence in negotiations (more details on that in the near future). For those members interested, the Council meeting materials are available for review in the MAFA office.

Canadian Consortium for Research, Ottawa, May 6-7, 2019.

I remained in Ottawa a few extra days to attend this Consortium Meeting. While this was an interesting event and covered a variety of topics, many of the attendees were not sufficiently nuanced in their critique of "evidence-based decision making" for granting decisions at the Tri-council. This was concerning, since we had struggled to go back to a stronger evidence-based decision making process in the wake of the Harper years. Fortunately, further discussion amongst the delegates at this meeting toned down these objections.



New Presidents Meeting, Ottawa, May 31-June 2, 2019.

Past presidents of our Association strongly recommended that I attend this meeting. They were right, it was very good to share common experiences at different institutions across Canada. We went through a number of items: membership engagement; member-to-member disputes; provincial governments; DFR (duty of fair representation); how to manage associations; dealing with the media; and different governance models at institutions across Canada. With regard to different governance models, it was clear that there is great concern with regard to transparency and communication between administration, board of governors and union membership. Clearly, representation of academic staff on boards of governors varies among institutions. It was clear from discussions that institutions with more academic faculty on the board of governors offered greater transfer of experience and information from the front lines of academe to the board.

Atlantic Canada Council of Faculty Associations (ACCFA) June 6th, 2019.

L. Michaelis and I travelled to Mount St. Vincent in Halifax to attend the Atlantic Canada Council of Faculty Associations. The highlight of the meeting was the workshop's twin themes of shared governance and union activism; the first covered in a panel entitled "Unshared Governance: What is to be Done?" and the second covered in a roundtable entitled "Organizing in and against Tough Times". Both sessions focused on challenges and strategies from local and regional perspectives. Again, the take-home message was-- if you are not involved in governance at your university, you will have little say in its direction.

NSCAD also took the opportunity to thank all members for their support during their recent strike.

Matt Litvak
President

COMING EVENTS

All MAFA members are encouraged to attend these coming events:

October 7-11, Fair Employment Week

Friday, 6 December, 12 noon (Room: AVDX G12),
MAFA General Membership Meeting

Friday, 6 December, 4:30 pm, University Club,
MAFA End of term social event

2020

Thursday, 9 April, 12 noon (Room: AVDX G12),
MAFA Annual General Meeting and
Election of Executive for 2020-2021

Thursday, 9 April, 4:30pm, University Club,
Retiring Members' Party

MAFA 2019-2020 EXECUTIVE

Matthew Litvak, President (Biology)

Michael Fox, Vice-President (Geography and Environment)

Chris Forstall, Membership and Advocacy Officer (Classics)

Jeff Lilburn, Past President (Library)

Loralea Michaelis, Grievance Officer (Politics and International Relations)

Laurie Ricker, Treasurer (Math and CS)

Toni Roberts, Collective Bargaining (Sociology)

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