

**MINUTES of the Mount Royal Faculty Association 2011 Ratification Meeting:  
Proposed Agreement for the 2<sup>nd</sup> year: July 2010 - July 2012 Collective  
Agreement**

**Meeting date: June 8, 2011**

**Call to order:** An Extraordinary Meeting of the MRFA, was held in Mount Royal University, Calgary, Alberta on June 8, 2011. The meeting convened at 9:10am, President Gerry Cross presiding, and Rod Corbett secretary.

**Members in attendance:**

See Attached Attendance Sheets

**Presented by David Sabiston, 1<sup>st</sup> Vice President**

**Context**

- This is just a reopener: the second year of a two year contract. There was an MOU at the back of the Collective Agreement detailing the interests of both sides in the reopener.
- The focus this year was to work on the transition and Part-time issues
- Lee will discuss appeal of denial of tenure and promotion and Gerard will discuss the PT appointment articles
- There are revisions to the Lab Instructor articles
- Carry Forward Items:
  - Copyright Article: Carol Shepstone and David Hyttenrauch were co-chairs of the committee that worked on this
    - The Negotiating Team wanted to get this in the CA this year but ran out of time
  - Annual reporting for Counsellors and Academic Developers
  - Part-time Faculty Task Force (PTFTF): some of the work of this committee has been adopted and some issues are ongoing (e.g. PT Titling)

**Changes to Green Sheets**

- Green Sheets now include the Issue and the Rationale behind the changes

made to the article: this will be helpful in the future when we look back at these articles to determine intent/ interpretation

### **Editing Subcommittee**

- Went through the whole Agreement and, where possible, replaced all reference to different types of employees/faculty to “Employee”

### **Association Membership**

- Article 2. The PSLA requires all faculty to be members of the Association. This article required all employees to be members of the Association in Good Standing. This implied that the Association could terminate employment by removing a member’s good standing. The MRFA cannot, in fact, do this. So the article has been revised to remove “in good standing.”

### **Laboratory Instructor**

- There are two separate appointments L1 and L2. (not senior lab instructors anymore). They have different roles and responsibilities.
- There is a two year probationary period for both.
  - We did consider whether PT hours could count towards the probationary period but determined that with such a brief probationary period that serving the full two years should be fine.
- Clearer definition of duties
- No Automatic promotion from L1 to L2

### **Salary Schedules and Administration**

- After promotion to full professor transfer on grid is to occur on February 1st for all cases
  - This includes those who are granted promotion through appeal
  - This ensures retroactive pay for people whose promotion is approved later than Feb.

### **Professional Development**

- 18.4 credit tuition reimbursement for faculty: approval of unit chair was a problem for people in cross appointments.
  - This has been clarified to indicate that people only need to get approval from the chair in the unit impacted by / related to the course

### **MOU: Counselling & ADC**

- This will look through tenure, promotion, hiring, evaluation etc for faculty in these units
- There will be a committee struck to consider these items. The committee will be composed of two members from ADC, two from Counselling, a member of the MRFA, and two board members
- The committee is to report to the Negotiating Teams by the end of December

### **MOU Counselling**

- Amend annual report for counsellors that will better recognize their work

### **Presented by Gerard Lucyshyn, Part-time Member Representative**

#### **4.7 initial appointment**

- There was confusion around when department should meet, who should be there and who should make the decisions.
- Now the part-time hiring committee will “meet as required”
- Before advertising the appointment, the Part-time hiring committee is to develop the criteria and the rational for that criteria (previously a meeting was to take place with all MRFA members to establish this criteria). Part-time hiring committee is, then, to take the criteria and the rational they developed to all members of the department to discuss it. The criteria is to be accepted by consensus or consensus minus one.
  - Consensus meaning that it is something you can live with. The consensus minus one allows for dissent while the progress of the department is not impeded.
  - If consensus or consensus minus one *cannot* be reached the Part-time hiring committee’s criteria and a report of the departmental discussion is to

be sent to the Dean.

- The chair has to write the report on what the discussion was in the department so the Dean has a sense of what the concerns were in the department.
- This revision ensures that Full-time faculty and the Dean still have a significant role in establishing this criteria while allowing Part-time faculty to give their input.
- Discussion:
  - Please clarify on who is to be at the department's criteria acceptance meeting
    - all currently appointed full time and part time faculty and all part time employees who have held an appointment in the past 18 months are to be invited
  - All full and part time faculty at this meeting have to "agree" to the criteria (except for one) then it goes to the dean: what has changed?
    - We have moved the creation of criteria back to the Hiring Committee
  - Why Consensus?
    - There was resistance from the board to trying to get a 2/3s majority agreement. Without consensus the dean could proceed in a number of different ways.
      - The Dean could engage the department in further conversation, could reject them entirely and rewrite them entirely (which deans already can and have done) *but* now the Dean has to send back a report to the unit of any changes he/she makes to the criteria
  - What is it in this that could trigger a grievance?
    - This would be the dean's rationale.
    - The changes here improve transparency: The Chair has to write a report to go with the criteria to Dean and the Dean has to send report back to department.
    - The process is clearer so people will know where to grieve and ultimately the deans retain responsibility so hopefully it will be at

that level.

- Because we have such a large number of PT clinical instructors: does this include all clinical instructors currently employed?
  - Yes: **All** are to be invited.

#### **Article 4.8 Re-appointment**

- The timeline has changed: the Part-time Hiring Committee shall meet annually not on a term by term basis
- Same changes in 4.7 included in 4.8
- Goal here was to streamline the process, reduce workload for chairs and departments, and to represent the interests of part time faculty so they can have some certainty on how this will unfold.
- Discussion:
  - It is at least meeting annually but can be more as needed
  - Order of appointments for Part-time Hiring Committees: 1. Re-appointment 2. Workload allocation, then 3. Initial Appointments
  - Part-time Hiring Committee determines the criteria and the dept reviews the criteria: what about for departments that have more than one Part-time Hiring Committee?
    - However department have constituted their Part-time Hiring Committees these committees are to recommend criteria for review and acceptance through department consensus and the criteria is then to be sent to the Dean.
  - Is there anyway a criteria committee that worked at the department level could still do this?
    - The criteria committee should be made a subcommittee of the hiring committee to be in line with the Collective Agreement

#### **4.11.6 Fixed Term Part Time (FTPT)**

- Workload and how it is assigned became an issue this year especially for FTPT who are appointed across departments. Now, if there is a cross appointed FTPT members, a detailed workload allocation is to be made in consultation

with the member, chairs and deans

- Distribution of workload: normally FTPT workload is to be in the fall and the winter. There is the ability still to have them teach in the spring.
- Competition for overload: for FTPT faculty overload is anything over 192 SICH in a term (Fall/Winter). Many of the FTPT have done overloads for many years.
  - We have made it clear now that FTPT are eligible to compete for overloads in the fall and winter but only after allocation has been done
- Discussion:
  - You are mentioning spring but we have summer also?
    - The regulations for spring apply to summer too
  - With the allocation can a FTPT ask for an overload prior to it being opened to a new hire?
    - Yes, however, meeting the criteria is primary and deans are not required to approve requests for overload
  - Do chairs have to make sure that all of the PT faculty are not interested or not available for a section before they give it as an overload to a FTPT person?
    - Yes it is to be offered to all PT members before overload is given
    - Order of allocations: FTPT allocation, then Continued PT Allocation, then allocations to the PT pool. If there are remaining courses you go back and offer those courses in that order (if overload is reasonable/criteria are met/chair is willing etc.)
  - If a department hired new PT faculty rather than give overloads would it be grievable?
    - It would depend on the criteria. This would have to be dealt on a case by case basis
    - There is no requirement for anyone to give/have an overload it requires Dean's approval. This is important to recognize. If there are courses available there is the opportunity to ask PT members if they want the overload, but they do not have to be given overload.
  - Was there a discussion about increasing the 192 SICH per term for

## FTPT?

- It was discussed and there are a lot of competing issues involved in this. Workload, salary, quality of teaching etc.
- We need to investigate why it is 192, but the general sense is that it is a quality issue.
- It seems what we are hearing is that if everyone has received their workload and there are leftover courses and someone meets the requirements we can go to the dean and say we prefer to overload (if we think it is manageable) over hiring a new member.
  - Yes, this possibility is in the CA
- The FTPT members will lose 25% of their income next year because of the crackdown on the overloads in Gen-Ed. We cannot understand why you would not continue to allow overloads until you adjust salary.
  - We expect that the FTPT members will still get courses in the spring so it will not be as bad as a 25% reduction.
  - We hope to do more training at the chair level on understanding the CA. There is no prohibition for overloads but it does require the chair to go to the Dean to get the approval. We have not and do not have a method in the CA to force the chair to ask for the overload.
  - Spring is open to everybody and it is likely that the FTPT have the seniority to get courses in the Spring.
  - Even if a member in Gen-Ed was not a FTPT and a chair said, “no overloads” the member could not have grieved it
- Teaching in the spring is overload or not?
  - Teaching in the spring is above the 384 work plan so it is not pensionable and it is a separate contract and it is **NOT** considered overload
- General Comments:
  - The reason we are having the work plan is to give certainty to the FTPT. This also helps in a planning perspective for workload.
  - These FTPT appointments are not ideal appointments but was

something we tried to put together for our Part-time faculty who have been here for many years. These positions are difficult for everyone and there are a lot of competing interests involved.

### **MOU Benefits for Eligibility for Part-time Faculty**

- Requirements for benefits here reduced to continuation requirements.
- Before there was a certain number of courses you had to teach in order to be eligible and then a lower set of courses to continue eligibility. This change is beneficial to our members who used to not quite meet the eligibility requirements.

### **MOU Titling for Part-time Employees**

- This is one of the recommendations from the PTFTF (most of the recommendations have been dealt with through Negotiations already).
- We included questions on titling in the last survey and there will be a joint committee next year to discuss and recommend a title for the Part time faculty.
- The committee is going to try to identify the different types of Part-time employees in terms of their roles at the University: this will likely be a long and in depth process

### **Presented by Melanie Peacock, Negotiating Committee Member**

#### **MOU on Intellectual Property**

- This is not a new issue: it was initially raised in 2008.
- There was an MOU in the last round to strike a committee this year. The work of this committee is much appreciated: they did a lot of work and a great job. A detailed report was produced and the Negotiating Committee met with the co-chairs of that subcommittee.
  - There is nothing that the Negotiating Committee did not agree with but has to consider further the meanings, reasoning, and implications of the report.
  - The Negotiating Committee was also concerned with some of the legality



behind the document. We have to consider what belongs in the CA and what belongs in Policy: this is very important as we have to consider what would and would not be grievable.

- We now have a new MOU to strike another committee to continue with the work that the committee did this year. The committee will have two members of the MRFA's and the Board's Negotiating Committees, the two co-chairs of the previous IP committee and the University's Copyright Advisor. The committee is to meet by September 15 and is to have recommendations by December 16 to the Negotiating Committee.

### **Article 12 Performance Review**

- The changes made to this article are meant to provide for more clarity: it was not clear when or why things should occur.
- The office of research services is to annually give a report to the MRFA on what the data was used for but there was no specified date by which this was to occur. We have given a date for this now: August 14.
- Some people are being asked to revise their annual reports and there are concerns that the revision process could be extended indefinitely. We have clarified that deans must respond by October 1, the faculty member is to make the changes by October 15 and the Dean is to give *final* comments by October 31
- Discussion:
  - Can we move the responsibility of maintenance of the annual report to teaching from research?
    - This has already been suggested to Robin.

### **Presented by Lee Easton, Negotiating Committee Chair**

#### **Article 10.9 Appeal of Denial of Tenure**

- Previously denial of tenure appeals went to step 3 of grievance
  - Faculty feedback indicated interest in having an appeal body but also the ability to take the denial to grievance
- University Appeals Committee: this has 2 tenured members of the university

from a different faculty than the appellant and 2 members of the board (same difference) and a Dean. The dean only votes in the case of a tie. The appeal committee can choose to uphold the recommendation of the UTPC or they can overturn the decision. Either party can, if unhappy with the appeal procedure or decision, go directly to step 5 of the grievance process which is arbitration.

- Discussion:
  - If the members of the committee are to be of a different faculty how do we decide which faculty?
    - We wanted to leave it very open. The Association has the opportunity to discuss this on a case by case basis. With experience we may make more modifications
  - What is the rationale for going outside of the faculty?
    - We wanted people as far removed from any possible conflicts
  - I assume the Appeal committee members cannot be on the UTPC?
    - No they cannot be the same this would be covered in the conflict of interest
  - Could the Appeal committee give a probationary year?
    - No the committee can only decide to overturn the decision of the UTPC or not.
  - Can the AVP be the chair of the Appeal committee?
    - No he cannot as he is on UTPC
  - This is to appeal the UTPC decision but is there a way to appeal the TPC decision?
    - This was considered by the Negotiating Committee but procedurally it is appropriate that only the final decision can be appealed. The TPC is a step along the way to the UTPC. Also, members are able to submit their comments or disagreement with the TPC.
  - On what basis can you appeal a denial of tenure?
    - We have not specified grounds for appeal of tenure: future Negotiating Committees could look at this but we do not know what this would look like. Tenure system 2 is going to start seeing

results next year so we want to leave things open so we have a better idea of how to proceed.

### **Deadline for submission of promotion Dossiers changed.**

- UTPC looked at how their processes would fit with the Collective Agreement: the dossiers are going to have to be sent to external reviewers over the summer. This means that they will be due earlier (Second Friday of June) to ensure that we can get the referees comments back in time for the TPCs to meet in October. The Negotiating Committee made this change at the recommendation of the UTPC as they are the ones overseeing the process.
  - It may be that at the end of the day this deadline is too tight for faculty and we can address it then, but we have to see how this is going to play out first.
- Discussion
  - Promotion dossier goes to the chair then the dean?
    - This is in the guidelines for tenure and promotion. The Chair of the TPC holds the original dossier and the TPC reviews it in the Fall. Copies are made and sent by the Provost's office to the external referees.
  - The CA sets the structure and the UTPC sets the process. Many questions can be sent to the chair of the UPTC (VP Academic)
    - UTPC folder on P Drive has the guidelines.

### **11.6 Appeals of Denial of Promotion**

- Possible Grounds:
  - Failure to follow procedures in the brochure.
    - Reference to the brochure in the Collective Agreement gives us a way to monitor changes to this document
  - Consistency of Application of Criteria (lack thereof)
  - Any decision conflicting with a decision at a different step
- Process
  - Notice of appeal has to note grounds and include evidence. You have

basically one month (21 working days) to submit an appeal. Then 20 days to have the initial meeting and then 30 days to receive the final decision.

○ General Considerations:

- You cannot appeal and give notice to apply at the same time
- The University Appeal Committee is chaired by President and two members of the board and two members of the Faculty Association (all in different faculties than the appellant)
  - We did consider making the members of the MRFA on this committee Full Professors only but faculty did not want this.
- The ultimate and final decision rests with the University Appeal Committee.
  - Unlike tenure you can re-apply for promotion to full professor.
  - You can apply twice in a five year period.

○ Discussion:

- Is the University Appeal Committee to be an ad hoc or a standing committee?
  - The committees are to be struck as needed
- So you can apply 4 times in 10 years?
  - Yes. We have to assume that people will be reasonable.
- I appreciate the stance you are taking, the openness and transparency and we do have a culture of trust here.
  - This is a product of moving to interest focused bargaining over many years. We have developed a climate where there is a fair amount of trust. If it does not play out then we will see much more extended processes for appeals etc. included in the Agreement. We would not have been able to do this in this way 5 years ago

○ Adding an external member:

- If there is disagreement among the external referees, by majority vote of the committee an external person can be added to the committee who has expertise in the area. The external member is a voting member

appointed by the president in consultation with the committee (they could work from the list provided by the faculty member but this is not specified).

- Discussion:
  - What about determining if the people on the external list are appropriate?
    - When members choose the referees they have to choose carefully and provide rationale. If members do not pick well they are just hurting their chances.

### **Terms of Settlement**

- Promotion dossier submitted to chair of TPC by August 26.
- Office of research report on uses of annual report to be submitted to the Association by Sept 1
- Chairs assembly and deans group to undertake training re: 4.7 4.8 4.9 and 4.11 in the Fall.
  
- Any further questions can be discussed with the team members following the meeting
- The Actual Green sheets are available in the MRFA office and summary documents will be posted on the website

Motion THAT the membership vote on the Ratification by ballot on Thursday June 9 and Friday June 10 from 9:00am to 4:30 pm.

Moved: David Sabiston

Seconded: Tracy Powell

Vote

Carried

Motion THAT the MRFA send the Negotiating Committee members to a celebratory dinner following ratification.

Moved: many people

Seconded: many people

Vote

Carried unanimously (except some abstentions)

### **Announcements**

This is Lee Easton`s last stint, for now, on the MRFA Negotiating Committee: he has done years and years of service providing a continuity that has been much needed and appreciated. His contributions over the years have been invaluable and the membership thanks him for his exceptional and dedicated service.

The Membership also thanks all members of the current Negotiating Committee for their work this past year.

**Adjourned 10:50am.**