



# **MRFA Position on Tenure Restrictions for Service**

## Article 4.3: Full-time Appointment Procedures

- **The Executive cannot counsel that the Collective Agreement be contravened**
- **If what the CA says is not what we want it to say, then changes must be made in the next round of collective bargaining**

## Article 4.3.2

Prior to posting a position, the Chair of the academic unit shall meet with the tenured and tenurable employees of the academic unit or discipline to discuss fully the qualifications, areas of expertise, teaching responsibilities, work pattern, anticipated rank of the appointment, and the required academic credential or its equivalent for the position in accordance with Article 4.2.3.

## Article 4.3.4

**4.3.4 A selection committee shall be struck and normally shall be composed of:**

**4.3.4.1 the Chair of the academic unit, who shall be chair of the selection committee. When the Chair of the academic unit is unable to chair the selection committee, the Dean shall designate a chair for the committee;**

## Article 4.3.4

- 4.3.4.2 two tenured employees of the academic unit where the vacancy occurs elected by the academic unit. In small academic units or disciplines, where necessary, tenured employees from a cognate department in the same Faculty or School may be elected;
- 4.3.4.3 the Dean or designate;
- 4.3.4.4 an employee, normally tenured, appointed by the Dean.

# Two instances of normally

- The first applies to everything and so, potentially, any of the four categories could be changed or deleted, or a new one could be added
- The second one is the employee, normally tenured, appointed by the Dean

# MRFA Executive Interpretation of Article 4.3.4

- Normally means that there can be an exception if there is a compelling reason; the case has to be a strong one
- Who determines whether an exception can be made?
- This is a question of interpretation of the CA and so, in the first case, must be discussed by the President of the MRFA and the Provost
- An exception would be grievable

# MRFA Executive Interpretation of Article 4.3.4

- In 4.3.4.3, the CA does not constrain the Dean's power to designate. The Dean often designates the Associate Dean but could use this power to designate an untenured member or even a PT member or someone, other than the Associate Dean, who is not a member of the Association



## MRFA Executive Interpretation of Article 4.3.4

- In 4.3.4.4, employee refers to a member of the Association. It is the Dean's decision but, if the employee is not tenured, it is an exception and is potentially grievable
- Using the first normally to elect an untenured member in 4.3.4.2 would be very problematic because the second sentence implies that tenured members in a cognate department would be elected instead

# Executive Motion

- 1. Resolved, That Articles 4.3.2, 4.3.4, 4.5.5, 4.7.1, 6.2, 6.4.5, 9.3.7 and 9.3.9 be referred to the Negotiating Committee in the next round of collective bargaining and that the negotiations survey be used to determine whether to negotiate changes.**

# Executive Motion

2. Resolved, That the ad-hoc Organization of the MRFA Sub-Committee of the MRFA Executive review and update the document listing tenure requirements for Executive Board and Standing Committee positions that it prepared last year and determine whether to recommend any changes to the membership.