



MINUTES OF THE ANNUAL GENERAL MEETING OF THE MRFA

DRAFT

May 12, 2006

Jenkins Theatre @ 1:00pm

1. Approval of Agenda

Moved by Rafik Kurji; seconded by Randy Schroeder; **carried unanimously.**

2. Approval of Minutes

2.1 AGM 2005

Moved by Jen Pettit; seconded by Mafooz Kanwar; **carried unanimously.**

2.2 January 30, 2006

Moved by Mafooz Kanwar; seconded by Peter Morton; **carried unanimously.**

2.3 March 10, 2006

Moved by Shiraz Kurji; seconded by Avril Torrence; **carried unanimously.**

2.4 March 22, 2006

Moved by Paula Dozois; seconded Martin Haworth; **carried unanimously.**

3. Albert Human Rights: Duty to Accommodate

President Hyttenrauch introduced Bonnie Blankert from Disability Services who, in turn, introduced Carol Dobb from Alberta Human Rights. Carol produced a handout and made a presentation on the duty to accommodate persons with disabilities. The main points were that the limitation to accommodation is the point of undue hardship (and how that may be variously defined). As the agenda was rather lengthy, President Hyttenrauch suggested we could address more detailed questions and discussion at another general meeting.

4. Negotiating Committee Report - Doug Rathbun

Doug Rathbun, 1st Vice President and Chair of Negotiations, reported that negotiations are moving along smoothly to date and seem to have benefited from the interest-based bargaining training received earlier this spring by both parties to the process. He hopes an agreement will be concluded in June and could be ratified by the membership before June 15, 2006.

5. Executive Board Reports

- | | |
|---|---|
| 5.1 President's Report | - David Hytttenrauch; attached |
| 5.2 Board of Governors' Report | - Bruce Ravelli; attached |
| 5.3 Secretary's Report | - Miriam Carey; attached |
| 5.4 Part-Time Representative Report | - Lori Buchart |
| 5.5 2 nd Vice President's Report | - David Clemis; later as Academic Council |
| 5.6 Treasurer's Report | - Mardy Roberts; after Bylaw Business |

All Executive members spoke briefly to the membership, whether their reports were attached or verbal. *(Can you all let me know if there's anything you wish me to note here? – I have some notes but didn't feel there was anything too critical when I re-read them....)*

6. Business

Motions to amend the MRFA Bylaws were discussed and ratified individually as follows:

Article 1

CURRENT:

Pursuant to the Colleges' Act the name of the academic staff association is the "Mount Royal Faculty Association" (hereinafter referred to as "the Association").

PROPOSED:

Pursuant to the **Postsecondary Learning Act** the name of the academic staff association is the "Mount Royal Faculty Association" (hereinafter referred to as "the Association").

RATIONALE:

This is a housekeeping change to reflect legislative change.

Motion: That Article 1 be amended as proposed. Carried.

Article 4.3.1

CURRENT:

4.3.1 Application for Social Membership for the academic year may be submitted to the President of the Association and will be considered at the September Regular Meeting.

PROPOSED:

4.3.1 Application for Social Membership for the academic year may be submitted to the President of the Association and will be considered at a **Regular Meeting**.

RATIONALE:

This is a housekeeping change to allow social memberships to be considered over the course of the year, rather than only in September.

Motion: That Article 4.3.1 be amended as proposed. Carried.

Article 7

CURRENT:

7.1 COMPOSITION

The Executive Board of the Association shall comprise: the President, First Vice-President, Second Vice-President, Secretary, Treasurer, Part-time Faculty Representative, the Immediate Past President, and the Faculty Nominee to the Board of Governors.

PROPOSED:

7.1 COMPOSITION

The Executive Board of the Association shall comprise: the President, First Vice-President, Second Vice-President, Secretary, Treasurer, Part-time Faculty Representative, **the Grievance Officer**, and the Faculty Nominee to the Board of Governors

RATIONALE:

There are difficulties regarding the uncertain length of commitment of Past Presidents of the Association, particularly when the Immediate Past President becomes unavailable. More detail is provided below under proposed revisions to Article 8.8.

After later discussion around this structural change (see article 8.8 following), the Executive withdrew the motion to amend Article 7 and will reconsider the potential role of a Grievance Officer, bringing back to the membership further ideas for discussion.

Article 8.2.9

CURRENT:

8.2.9 Effective August 15th 2002, the President of the MRFA shall be released from all departmental duties and paid half his/her annual salary by the MRFA.

PROPOSED:

8.2.9 **The Association shall purchase release time equivalent to half of the President's regular faculty workload in accordance with Article 7.3.9 of the Collective Agreement, in addition to the half-time release provided by Article 7.3.7 of the Collective Agreement and paid by the Board of Governors.**

RATIONALE:

The current wording, while not binding on the Board, does not reflect accurately the mechanism by which release time is purchased. Normally the home department of the President is reimbursed for release time at the appropriate part-time rate. The proposed language is more in line with practice, with the Collective Agreement, and with similar Bylaw Articles for other officers.

Motion: That Article 8.2.9 be amended as proposed. Carried with one abstention (President Hyttenrauch).

Article 8.8

CURRENT:

8.8 IMMEDIATE PAST PRESIDENT

- 8.8.1 The Immediate Past President shall sit on the Executive Board.
- 8.8.2 The Immediate Past President shall act as the Chief Returning Officer.
- 8.8.3 Effective August 15th 2002, the Immediate Past President will serve to assist incoming officers make the transition to their new roles, especially VP1 and the President.
- 8.8.4 Effective August 15th 2002, three (3) or four (4) hours, as appropriate, of the President's MRFA paid release time will be allocated to the Immediate Past President only for the Fall Semester to ensure and facilitate effective transitional support for the incoming Executive Officers.

PROPOSED:

8.8 GRIEVANCE OFFICER

- 8.8.1 The Grievance Officer shall be a tenured regular member of the Association in good standing. Normally this office shall be held by the Immediate Past President for a term of two (2) years. The Immediate Past President shall be understood to be the individual who has just completed a term of office as President. When the Immediate Past President is unable or unavailable to serve or the initial term of office has expired, the Association shall conduct an election for a Grievance Officer.
- 8.8.2 The Grievance Officer shall act as the Chief Returning Officer.
- 8.8.3 The function of the Grievance Officer is to receive, investigate, prepare and advance grievances.
- 8.8.4 The Grievance Officer shall assist the President and First Vice-President with understanding and administering contractual and bylaw matters, in preparing research and other reports, and in other matters as required.
- 8.8.5 The Association shall purchase release time equivalent to three (3) hours per regular semester (six hours per year) for the Grievance Officer as per Article 7.3.9 of the Collective Agreement.
- 8.8.6 Where a Grievance Officer lacks experience of grievances, negotiations or arbitrations, the Association shall arrange and fund appropriate training and support.

RATIONALE:

The current role of Immediate Past President presents difficulties when an individual becomes unavailable through leave, retirement, departure from the Association, or involvement in other duties. The position of Grievance Officer would ensure a clear and finite term of office for past presidents, would create a specialist grievance position based on experience and training, would provide additional support for the President and First Vice-President, and would allow the President to focus on strategic and external matters and affiliations (ACIFA, CAUT) in more depth. The net cost to the Association is an additional six hours of release time per year.

After discussion around this structural change, the Executive tabled the motion to amend Article 8.8 and will reconsider the potential role of a Grievance Officer, bringing back to the membership further ideas for discussion.

Article 8.9

CURRENT:

8.9 FACULTY NOMINEE TO THE BOARD OF GOVERNORS

8.9.1 The Faculty Nominee to the Board of Governors shall be a tenured member of the Association in good standing.

8.9.2 He/She shall be an ex-officio, non-voting member of the Executive Board.

8.9.3 The membership shall recommend to the Minister that the Faculty nominee to the Board of Governors be appointed for a two (2) year term of office.

8.9.4 His/her term of office shall be as stated in the letter of appointment from the Minister of Learning.

PROPOSED:

8.9 FACULTY NOMINEE TO THE BOARD OF GOVERNORS

8.9.1 The Faculty Nominee to the Board of Governors shall be a tenured member of the Association in good standing.

8.9.2 He/She shall be a full voting member of the Executive Board, subject to conflict of interest guidelines established by the Board of Governors.

8.9.3 The membership shall recommend to the Minister that the Faculty nominee to the Board of Governors be appointed for a two (2) year term of office.

8.9.4 His/her term of office shall be as stated in the letter of appointment from the Minister of Learning.

8.9.5 Whereas the Board of Governors pays stipends for its meetings, the Faculty Nominee to the Board of Governors may elect to donate such stipend to the Association. In such instance, the Association shall purchase release time equivalent to three (3) hours per year for the Faculty Nominee to the Board of Governors as per Article 7.3.9 of the Collective Agreement.

8.9.6 The Faculty Nominee to the Board of Governors shall additionally advise and assist the President in relations with the Board and government.

RATIONALE:

There are two key changes proposed. The first is to allow the Board rep voting status on executive. While there may be instances where the Board rep is in conflict, such instances are best managed through conflict of interest and ethics guidelines and individual judgement, rather than an outright prohibition on voting. The second is to allow the Board rep to donate meeting stipends to the Association at the Board rep's option, in exchange for release time purchased by

the Association. The net cost to the Association is somewhat less than 3 hours of release time per year.

After some discussion, article 8.9.5 as proposed was further amended as follows:

8.9.5 The Association shall purchase release time equivalent to three (3) hours per year for the Faculty Nominee to the Board of Governors as per Article 7.3.9 of the Collective Agreement.

Moved by Cliff Werrier; seconded by Miriam Carey; Carried.

Motion 1: That Article 8.9.2 be amended as proposed. Defeated.

Motion 2: That Articles 8.9.5 as amended and 8.9.6 be adopted as proposed. Carried.

Article 8.10

CURRENT:

8.10 TERM OF OFFICE

No officer shall hold the same Executive Board position for more than two consecutive terms. No member shall sit on the Executive Board for more than eight (8) consecutive years.

PROPOSED:

8.10 TERM OF OFFICE

No officer shall hold the same Executive Board position for more than two consecutive full terms. No member shall sit on the Executive Board for more than eight (8) consecutive years.

RATIONALE:

The executive finds the current wording potentially ambiguous in a situation where an executive member completes a term for another member, rather than serving a full, elected term. We would propose this amendment to ensure that a replacement member of the executive not be barred from running for a second full term if that individual so chose.

Motion: That Article 8.10 be amended as proposed. Carried unanimously.

Article 9.3

CURRENT:

9.3 EDUCATIONAL GRANTS COMMITTEE

The Educational Grants Committee shall consist of the Treasurer of the Association and four (4) elected Regular Members of the Association in good standing: (2) two to serve a term of two years and to be elected in odd-numbered years and (2) two to serve a term of two years and to be elected in even-numbered years.

PROPOSED:

9.3 EDUCATIONAL GRANTS COMMITTEE

9.3.1 The Educational Grants Committee shall consist of the Treasurer of the Association and four (4) elected Regular Members of the Association in good standing: (2) two to serve a term of two years and to be elected in odd-numbered years and (2) two to serve a term of two years and to be elected in even-numbered years.

9.3.2 The Educational Grants Committee shall allocate funds for tuition refunds (as per Article 12.2 of the Collective Agreement), shall select MRFA scholarship recipients, and shall, in conjunction with the Executive Assistant, approve scholarships for dependents of faculty members (as per Article 10.7 of the Collective Agreement).

RATIONALE:

This is the only standing committee which lacks a description of scope and activities in the current bylaws.

Motion: That Article 9.3 be amended as proposed. Carried unanimously.

New Article 20

ARTICLE 20: COMMITTEE ACCOUNTABILITY

20.1 GENERAL PRINCIPLES

Faculty committee service is essential to bicameral collegial governance and, as per Article 13.1.2.9, committee service is an ethical responsibility of Association members. Faculty are selected to committees by various mechanisms, and are accountable to other individuals or groups by virtue of the selection process.

20.2 ACCOUNTABILITY

20.2.1 Faculty are obligated to participate in and ensure due process, collegiality and transparency; to act in the best interests of those the committee member represents; to ensure that recommendations and decisions are communicated appropriately both to committee sponsors and to the Mount Royal community; and to offer periodic reports back to groups to whom the member is accountable.

20.2.2 Members of all MRFA Committees, including Negotiating and the Executive, are accountable to the MRFA membership.

20.2.3 Members of any committee elected by the MRFA membership or designated by the MRFA executive are accountable to the MRFA membership.

20.2.4 Members of any committee elected by other means are accountable to the electors.

20.2.5 Members of any committee designated by the Board, Administration, or other process are accountable to the institution as a whole and its collective interest.

20.3 CONFIDENTIALITY

20.3.1 Committees may require that their members protect confidentiality. A confidentiality requirement may be limited or absolute in its scope.

20.3.2 Absolute confidentiality requires that any member receiving information in confidence not disclose it under any circumstances to any third party. A breach of confidentiality is an ethical violation under these bylaws.

20.3.3 Policy recommendations are not confidential except in very limited circumstances.

20.3.3.1 These circumstances include but are not limited to policies which might contain proprietary information, or which might lead to the identification of individuals who have an entitlement to confidentiality.

20.3.3.2 Transparent discussions of policy require that minutes be kept and decisions reported. A committee may choose to conduct its deliberations in camera and not publicize its draft proposals until it is prepared for public consultation.

20.3.3.3 Appropriate consultation and democratic approval of proposals are essential parts of a transparent and collegial process.

20.3.4 Discussions related to a particular individual are ordinarily absolutely confidential. Article 13.1.2.6 defines ethical conduct in relation to other members of the Association.

20.3.4.1 Without limiting the scope, these include discussions involving hiring, promotion, consideration for awards, and disciplinary or other conduct investigations.

20.3.4.2 Due process requires that the subject be aware of the nature of such discussions, have access to information presented unless that information is itself limited by confidentiality (as with confidential references), and be aware of the range of possible outcomes. An individual should have the opportunity to make representation to the committee.

20.3.4.3 A committee member in conflict of interest or unable to maintain an express requirement of confidentiality should leave the committee or the particular discussion.

20.3.4.4 The committee is required to convey in a timely manner its decision and its rationale to the subject of the discussions and to the parties to whom the committee is accountable, within the bounds of protecting the confidences of others in the process. In this context, evaluations must be expressed without making specific comparisons.

20.4 REPORTING

20.4.1 Committees and/or their members have a responsibility to report on their deliberations, recommendations and decisions.

20.4.1.1 Committees which meet publicly and make their minutes publicly available meet their minimum reporting requirements; members (unless bound by confidentiality) may conduct consultations with and should report to groups to whom they are accountable, especially on important, contentious or controversial issues.

20.4.1.2 Committees which meet privately and for which minutes are not publicly available require periodic reporting; members (unless bound by confidentiality) may conduct consultations with others, and should provide reports on the types of decisions and adherence to process, especially on important, contentious or controversial issues.

20.4.1.3 Committees which meet privately to consider confidential matters normally report only to their sponsors and subjects.

20.5 ABUSE OF PROCESS

20.5.1 From time to time a committee's deliberations or process will cause concern to a member, for instance if a committee member believes the committee is acting contrary to its procedures or preventing real collegial debate; exceeding its mandate or authority or encroaching on the appropriate work of other bodies; acting in such a way as to harm the interests of the group to whom the member is accountable; acting on false or inadequate information; acting precipitously without reasonable time to prepare, consider and recommend; or failing to uphold due process.

20.5.2 In such circumstances, a committee member may:

20.5.2.1 Object to the process using Rules of Order or the committee's own procedures, including objecting to consideration of the question, moving to postpone indefinitely, moving to lay on the table, or moving to refer to committee;

20.5.2.2 Attempt to defeat the motion;

20.5.2.3 Express lack of confidence and leave the deliberations;

20.5.2.4 Before or after the committee deliberations, consult with appropriate members of the group to whom the committee member is accountable, seeking guidance on process and principles and the substance of matters not requiring confidentiality;

20.5.2.5 Seek guidance on the substance of a confidential matter only from a body or individual properly constituted to respect the confidence in turn, ideally without disclosing details that would identify the subject of confidential deliberations.

RATIONALE:

The President and Executive had identified particular problems and lack of clarity around committee expectations. We anticipate a significant philosophical struggle related to the role of the Association in coming years as Mount Royal moves towards a new governance model. We also anticipate that new committee structures will add significant scope to the faculty role in governance. Given the potential difficulties, we are recommending establishing clear principles within the Association that we can connect to our Ethics guidelines to ensure that accountability to the Association is primary and explicit. This draft of Article 20 was written by the MRFA President arising out of significant and particular conflicts this academic year; it has been reviewed by the executive and shared with President Dave Marshall, who welcomed the proposal since it clarifies accountability for all parties. The proposal comes with the executive's recommendation as means to protect our members, to give them a clear understanding of roles and responsibilities, and to ensure effective collegial governance.

General discussion focused particularly on article 20.2, accountability. Sabrina Reed (English) wanted clarification that members of committees are distinct from the MRFA membership as a whole (ie., committee members are accountable to the membership of the MRFA that has elected/appointed them). Avril Torrence (English) found article 20.2.4 vague and wondered whether any committee might be misunderstood and thus stretch the responsibilities of the MRFA membership unnecessarily, while Margy Macmillan (Library) read that article as a counterpoint to the one immediately preceding it. After this discussion, the question was called.

Motion: That the Association adopt Article 20 as proposed. Carried.

7. Budget

7.1 Financial Statements

Mardy Roberts, Treasurer, presented the financial statement of 2204/05 and 2005/06, the former of which had already been approved by the membership. The budgeted dues increase has not yet been implemented.

MOTION: (Mardy Roberts, Treasurer): That the financial statement of 2005/06 be accepted as presented. Seconded by Scott Murray (Humanities). **Carried unanimously.**

Mardy then produced a variety of different financial contingencies, dependent upon which of the proposed bylaws changes had been accepted by the membership earlier in the meeting. She also reported that the audit of these financial statements for these two years has not yet been completed; there were a variety of reasons for this delay. None of the contingencies Mardy had prepared actually fit the result of the bylaw changes made at the AGM, so Mardy suggested approval of a preliminary budget with an additional \$4,800 for three hours release time for the BoG representative.

MOTION: (Mardy Roberts, Treasurer): That the membership approve the preliminary budget figures for 2006/07 as presented in column 1 of Side B with the addition of \$4,800 for three hours release time for the BoG representative on the MRFA Executive. Seconded: Lori Buchart. **Carried with one abstention (Bruce Ravelli, BoG representative).**

7.2 Treasurer's Motions

1. The Executive be authorized to pay any extraordinary expenditures that might arise in the period June 15, 2006 to August 15, 2006 with a limit of \$5000. Seconded by Margy MacMillan (Library). **Carried.**
2. Buchanan and Barry, Chartered Accountants, be named as auditors for the fiscal year May 1, 2005 to April 30, 2006. Seconded by Lee Easton (English). **Carried.**

8. Other Reports - Consent Agenda

8.1 MRFA Standing Committees

- | | | |
|-------|-------------------------------------|--------------------------------|
| 8.1.1 | Faculty Evaluation Committee Report | - Cathy Carter-Snell; attached |
| 8.1.2 | Ethics Committee Report | - Carol Jefferies; attached |
| 8.1.3 | Social Committee Report | - Marlene Kingsmith; attached |
| 8.1.4 | Professional Development Report | - Pearl Herscovitch; attached |
| 8.1.5 | Educational Grants | - Marc Schroeder; attached |

8.2 Joint MRFA/Board Committees

- | | | |
|-------|---------------------------------------|-----------------------------|
| 8.2.1 | Academic Council Report | - David Clemis; attached |
| 8.2.2 | Tenure Granting Report | - Margy MacMillan; attached |
| 8.2.3 | Leave Granting Report | - Nancy Ogden; attached |
| 8.2.4 | Committee on Student Awards Report | - Mary Ann Wiebe; attached |
| 8.2.5 | Student Awards Selection Comm. Report | - Janice Meeking; attached |
| 8.2.6 | Information Tech. Advisory Report | - Carol Jefferies; attached |
| 8.2.7 | Day Care Board Report | - Linda Sutherby; attached |
| 8.2.8 | MRFA Research Ethics Committee Report | - James Taylor; attached |

David Allwright (Business) informed the Secretary that the Budget Advisory Committee Report had somehow been dropped from the Consent Agenda. It will be attached to these minutes.

MOTION to accept reports.

V. Nallainayagam/S. Muuray; Carried.

9. Items Removed from the Consent Agenda -- none

10. Other Business -- none

11. Information provided concerned the Special Meeting immediately following adjournment, at which additional nominees to MRFA Standing and Joint Committees would be received.

12. Adjournment @ 3:15pm

MOTION:

Margy MacMillan (Library) That this Annual General Meeting of the MRFA be adjourned.

Seconded by Jennifer Pettit (Humanities). Carried unanimously.