



# At the Table

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## Bargaining Update #2: Articles 17, 18, 19, 20, & 23

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### UOIT Faculty Association BAR- GAINING UPDATE # 2

At our most recent bargaining session with the University we were presented with what they referred to as a “package.” They asked us to accept the changes they were proposing to Articles 17 (Official File), 18 (Third Year Review), 19 (Award of Tenure) and 20 (Promotion) as is without further changes. We presented them with our revised version of Article 23 (Discipline). These articles and their respective status have been outlined on the next page.

Here is a brief summary of the proposals they made.

#### **Article 17: Official File**

The employer has agreed that the documents in the Official File related to disciplinary matters would not be made available to any of the Committees in Articles 18, 19 or 20: all other contents of the Official File would be available to these committees. They also agreed that Faculty Members would not have to file an annual CV and that Teaching Dossiers would not be part of the Official File. This represented some important changes reflecting what we had proposed in our previous submissions.

#### **Article 18: Third Year Review**

They have surprised us with the offer that the third year review process would no longer be used as a means of terminating a faculty member. If we accept the package all new appointments will be effectively continuing appointments until a tenure decision is made. They now argue that they want the 3rd year review to be about preparation for tenure rather than contact renewal. There had been no previous discus-

sion of this.

The employer has also accepted our approach to selecting referees.

#### **Article 19: Award of Tenure**

The employer has agreed to many of the changes in wording to the criteria to be used for making tenure decisions, thereby making the kind of changes we had been seeking in this area. They also accept that the candidate for tenure should be notified after the Tenure Review Committee makes its decision to either recommend or not recommend tenure to the provost. The candidate would still not be informed of what recommendation would be made by the president to the Board of Governors. However, while they agreed to these changes they did not budge on the method for selecting the committees. UOIT administration continues to want the provost to nominate members of the University Tenure Committee, and Academic Council to approve via a vote of all members of Academic Council who hold core faculty appointments (the majority of whom are our members but also includes many administrators including Deans and the Provost). This is also the case for A20 where they still want the committee selected by this same process. Our concern here is that the provost is too involved in this process, giving the employer too much control over the process, effectively “stacking the deck.”

#### **Special points of interest:**

- *It has been proposed that third year review will no longer be used as a means of terminating a faculty member*
  - *Use of the documents of the official file are proposed to be more restrictive in their use.*
  - *We continue to work towards an elected Tenure and Promotion committee, not one hand selected by the provost.*
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# UOITFA Bargaining Team

**Article 20: Promotion**

The employer has come back with a proposal that would see the Faculty Member able to go for promotion again after one (rather than 3 as in their previous proposal) academic year had elapsed from the time of the decision, if the decision were negative for promotion. If this is accepted it would not be appealed or grieved because by the time the decision is made it would bring the Faculty Member to the start of a new round of consideration for promotion.

We are continue to work on our responses to these proposals and have presented the latest versions described here at the bargaining session on February 18.

In our submission on Article 23, we once again reiterated that a Faculty Member who is being investigated for a possible disciplinary act should be given the accusation in writing *before* meeting with the Dean to discuss the accusation. The current offer from the employer proposes that no such document be offered before a meeting with the Dean. In our view, it is highly unusual to ask the Member to attend such a meeting without having a written statement of the accusation as has been proposed by the University.

Our concern is that if this is carried forward, the meeting could be used as a “fact finding mission” rather than a notification of the accusations made against the member.

I look forward to hearing from you on these important matters.

*Ron Hinch*



**Article 17: Official File**

*Status: Pending*

This article governs what is kept in your official file, who has access to the file, and how the material within it is used and stored. This is one of the key issues we have been negotiating in recent months. There have been several proposals exchanged by both sides. The key issues that remain to be resolved centre on the content of the Official File and its potential use for such purposes as Tenure, Promotion and Performance Review.

**Article 18: Third Year Review**

*Status: Pending*

This article outlines the responsibilities of the employer and the employee with respect to the evaluation of third year performance. This is another key article. A key issue concerns the method used to appoint people to the various committees used in this process.

**Article 19: Award of Tenure**

*Status: Pending*

This article outlines the responsibilities of the employer and the employee with respect to the stages of the tenure application process and the actual award of tenure. Included here are processes of appeals on tenure decision. This article has taken a considerable amount of our attention. One of the issues yet to be concluded is the manner by which The Tenure Review Committee is to be selected.

**Article 20: Promotion**

*Status: Pending*

This article outlines the processes of being promoted by both the applicant and the employer.

**Article 23: Discipline**

This article outlines how one is disciplined, including what acts are included as discipline (suspension with pay, without pay, termination, verbal reprimands, written reprimands, etc. )

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