



At the Table

Bargaining Update #1: Where we are in 2010

As we enter a new year and renew face-to-face bargaining with the Administration, it is time to inform you all once again of the progress that has been made since the last update at the General Meeting in November. This bargaining update is being sent to all members of the bargaining unit whether or not you are a member of the UOIT Faculty Association. We believe that every faculty member should be up-to-date on the collective bargaining process.

We are considering joining the CAUT Defense Fund. This fund offers a number of resources that are available to faculty associations who are in a collective bargaining process. More information about the fund can be found at: <http://defencefund.caut.ca/English/Default.htm>.

As an overall assessment of the current bargaining situation, we have made progress on some issues, but progress on others issues remains slow. For example, the Administration pro-

posal for Article 19 states that the Provost would nominate the members of both the Tenure Review Committee and the Tenure Appeal Committee. The nominations would then be approved by members of Academic Council who hold core faculty appointments at the University. This would mean that administrators, such as the Deans and the Provost, as well as the representatives who are elected to Academic Council by the faculty in each Faculty, would be able to vote to approve the membership of these committees.

Our initial proposal for Article 19, was to propose that the Tenure Review Committee and the Tenure Appeal Committee be elected by members of the faculty in each Faculty and that there would be elected Tenure Review Committees in each Faculty, as well as an elected University Committee. The Faculty Tenure Review Committees would first assess each tenure case and decide if it would

or would not recommend someone for tenure. The Faculty Committee would forward its recommendation(s) to the University Tenure Review Committee. The Administration rejected this proposal saying that they did not want any substantial change to the way the Tenure Review Committee was nominated or approved. It is common practice at Ontario Universities to have elected tenure committees.

In response to this rejection, we proposed that if the Provost is to nominate the members of the Tenure Review Committee and the Appeal Committee, then the approval process needed to be changed. We proposed, even though we preferred an elected Tenure Committee and an elected Appeal Committee, that the nominees should be approved by a vote of only

Special points of interest:

- All members of the bargaining unit get this letter.
- We are currently looking at articles 19 (Tenure). At issue is the role of the Provost and administration attempting to control the process without faculty input.
- Article 20 (Promotion) has similar issues.

Issues: Tenure and Promotion

those members of Academic Council who are the elected representatives of the teaching faculty who also hold core faculty appointments. These are the people who are elected by the faculty in each Faculty.

Another issue with regard to the Tenure Review Committee is the role of the Provost on the Committee and the voting procedures used by the Committee. The Administration has proposed that the Provost be permitted to vote and that to obtain a

recommendation for tenure the candidate would need to have five members of the committee vote in favour of granting tenure. The Tenure Review Committee, as proposed by the Administration “consists of seven tenured faculty members, chosen broadly from across all disciplines in the University.”

We have proposed that a recommendation to grant tenure should result from a simple majority vote of seven members approved by Academic Council via the process we proposed.

Similarly, with regard to Article 20 on promotion and the method for selecting and approving members of the Promotion Committee the administration proposed a Promotion Committee

“consisting of five faculty members plus two faculty members who will be alternates who are Professors. The Committee will be chaired by the Provost or designate, and will consider promotion applications. The Promotion Committee shall be

nominated by the Provost and confirmed by the members of Academic Council with a core faculty appointment at a regular quorate meeting of Academic Council.”

Once again, their proposal allows for the Provost to nominate the membership, and also allows other administrators sitting on Academic Council to also vote. We feel this gives the administration an overly influential role in the process. We

are in the process of preparing our response to the Administration’s proposal.

The attached chart (pages 3-4) provides a summary of the status and contents of each of the arti-

cles in the proposed contract. At present we are actively negotiating Articles 17, 18, 19, 20 and 23. With the possible exception of monetary clauses, it could these articles are the key to achieving a good first contract.

If you have any comments that you would like to make please direct your comments to any member of the bargaining team. The members of the team are: Ron Hinch, Chief Negotiator, with Bill Goodman, Franco Gaspari, Raymond Cox, Hannah Scott, Shirley Van Nuland, and Maurice DiGiuseppe.

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

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Article #	Topic	Status	Issues and Notes
Article 1	Purpose	Pending	We have linked signing this article to a complementary article: Article 4 on Management Rights: see below.
Article 2	Recognition	Signed	This article simply recognizes the FA as the Bargaining Unit for the Faculty.
Article 3	Definitions	Pending	Both parties have agreed that it would be best to sign this article after completion of other, still pending articles, so that all key definitions can be agreed upon before signing this article.
Article 4	Management Rights	Pending	The outstanding issue here is a clause to address any and "policies" and "guidelines" lying outside the contract itself. At best, all such pointers would disappear, in favour of the referred to items going into the contract itself. Where they would not be in the contract itself, we hope to get the Administration to agree to not changing them without first renegotiating them with the FA.
Article 5	Rights and Privileges of the Association	Pending	The clause remains open to reflect the potential that some of the clauses may have monetary implications. Monetary proposals have not yet been exchanged. For example, the FA is looking for some form of Release Time for some officers of the Association so that they can have the time to do an effective job.
Article 6	Dues and Payroll Deduction	Signed	This is simply a clause that allows the University to deduct dues as payroll deductions.
Article 7	No Strike No Lockout	Signed	A clause that says the University will not "lock out the faculty" and the Faculty will not go on strike during the life of the contract.
Article 8	Correspondence	Signed	This clause specifies how the Administration and the FA will exchange official communications. It is a somewhat standard clause.
Article 9	Joint Committee	Signed	This article establishes a joint management / union committee to oversee the implementation of the contract.
Article 10	No discrimination No harassment	Pending	We presented a proposal in June, but Administration has not yet responded. To be fair, we have been attempting to complete other articles before returning to this important clause. One of the outstanding issues is the need for a clause that would create a right to secret ballot at Faculty Council and other meetings.
Article 11	Grievance and Arbitration Process	Signed	This article establishes the procedures to be used when filing a grievance or when sending a matter to arbitration.
Article 12	Health and Safety	Signed	A largely standard clause that specifies obligations for administering and complying with health and safety standards on campus.
Article 13	Working Environment	Pending	This article, to some extent is dependent upon the contents of several other articles, including Articles 18 (3rd Year Review), 19 (Tenure), and 20 (Promotion), It is unlikely to be signed until details of these other articles have been finalized.
Article 14	Academic Freedom	Signed	Establishes the University's obligations to protect academic freedom, and defines academic freedom.

Article 15	Academic & Professional Career/Workload	Signed	Defines faculty workload in terms of course loads, requirements to perform administrative duties and other professional activities.
Article 16	Performance Review	Pending	This article has monetary implications and will be negotiated during pending monetary clauses. Substantial agreement has been reached on some of the non-monetary clauses, but since it links to possible Merit Pay issues it is not likely to be finalized until we have completed negotiations on what form merit pay might or might not take.
Article 17	Official File	Pending	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	Pending	This is another key article. We have exchanged proposals with the Administration and are currently concentrating efforts to come to an agreement. A key issue concerns the method used to appoint people to the various committees used in this process.
Article 19	The Award of Tenure	Pending	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	Pending	We received the Administration's proposal on this in the last meeting before the Christmas break and are in the process of creating a response.
Article 21	Intellectual Property	Signed	This article specifies protection for and definitions of our intellectual property rights.
Article 22	Exceptional Circumstances	Pending	There has been no movement on this article in recent months as our collective attention has been focused on other articles.
Article 23	Discipline	Pending	This article has been a difficult one to negotiate. The key issues are the types of disciplinary action that can be taken and the process to be used to impose discipline.
Article 24	Compensation	Pending	These are all monetary articles pending completion of the non-monetary articles.
Article 25	Pension and Benefits	Pending	
Article 26	Vacation and Paid Holidays	Pending	
Article 27	Leaves of Absence (Maternity, Adoption, Parental, Research)	Pending	
Article 28	Term of Agreement	Pending	
			This will define the length of the contract. This clause is typically not signed until all other articles have been finalized.