



June 14, 2018

Dr. Dru Marshall
Provost
A 100

Dear Dr. Marshall:

Re: Designation and Consultation Process: Management and Professional Staff

As you know I have been designated as the point person for the Association regarding the issue of designation of MaPS employees as academic staff.

This letter is in response to the document “Designation and Consultation Process: Management and Professional Staff” issued on May 31, 2018. This letter is also related to an accompanying letter regarding the Association’s April 2018 request to the Board of Governors to designate all MaPS members as academic staff. As noted in that accompanying letter, the Association does not believe that the proposed process responds to the issues raised by the Association regarding the designation of all MaPS members as academic staff. However, it does appear to respond to some of the issues raised in the Association’s grievance of June 2016. On the basis of responding to our 2016 grievance, we are expressing our concerns about the process being proposed. In doing so, I would like to emphasize our view that this does not address the issues we have raised in our April 2018 request to the Board of Governors.

Here are some of our concerns:

1. The review is biased against an outcome that sees Management and Professional Staff designated as academic staff. This is accomplished in a number of ways. The premise listed in items 8 and 14 have predetermined the outcome being that these groups of staff members are not academic staff. We do not believe this is valid, nor is it appropriate that the Governors have predetermined the outcome of a supposedly thorough and neutral review.
2. The internal working group is similarly biased against an outcome determining MaPS as academic staff. The proposed members of your working group are populated by individuals who (by your statements in item 8 and 14) are not academic staff and are not related to the academic enterprise of the university. That these are the members who would determine whether what MaPS members do is academic work is ironic at best. This concern is reinforced by our experience of having similar members do the review of the Trust Employees when they were designated as University Employees. At that time, similar individuals reviewed all of the Trust Employees to determine whether any of them were academic staff. Not a single person was found to be academic staff in that review, even though we later found that many of these individuals were required to conduct research, publish in journals, and hold PhDs. The rumours we heard following the Trust Employees review was that those involved were

instructed not to find any members to be academic. We are concerned that this review will result in similar cursory negative results. In other words, we do not have confidence in the composition of the working group as having the background, motivation or direction to do an appropriate review.

3. The indicators in paragraph 26 do not meet the requirement of the *Collective Agreement*, nor the nature of academic work as we currently know it, nor the evolving nature of academic work, nor the description of academic work as we have listed in our June 2016 grievance. Article 1.4b of the *Collective Agreement* already requires that academic freedom be an important factor in determining the designation of academic staff. This legal requirement is not listed in the indicators. The duties listed are narrowly described to reflect only what we would currently view as 'teaching and research' academic staff. If the indicators listed were applied to the current members of the Faculty Association, hundreds of our current members would not meet the threshold being expressed – in particular, the work of Librarians, Archivists, Curators, Counsellors, and Academic Administrators among others (all current academic staff) are not reflected in the descriptions of academic work listed in your document. In other words, the criteria being proposed is narrow in scope (indeed narrower than the current reality) and predetermined to find against most MaPS employees who engage in work essential to the academic enterprise of the University.

4. If the question is about the application of the existing rules related to the designation of academic staff and not the broader question of the representation of MaPS members, as this review appears to be, we see no role for the involvement of AUPE in determining who should be academic staff. This appears contrary to both the provisions of the *Post-Secondary Learning Act* and the resolution of the grievance. We may have a different view if the question was actually addressing our broader request to the Board of Governors, but since this review does not address those questions, we see no role for AUPE.

While it is marginally positive that the Governors are considering any review, given the long neglect of their responsibilities to ensure the appropriate designation of academic staff, I believe that this process will not result in an outcome that resolves the issues for the Faculty Association. Certainly it is better than nothing – you may discover some of the cases where there have been clear breaches in the appropriate designation of academic staff. But fundamentally, this does not respond to the issues we raised in the grievance.

I understand we have a meeting scheduled related to the grievance later this month and can discuss the next steps in the grievance process at that time.

Sincerely,

[Original signed]

Sheila Miller
Executive Director

cc: Linda Dalgetty, Vice President (Finance and Services)