



**UNIVERSITY OF
CALGARY**

June 26, 2018

Sheila Miller
Faculty Association of the University of Calgary
2500 University Drive N.W.
Calgary, Alberta, T2N 1N4

Dear Ms. Miller:

RE: Designation of Management and Professional Staff

We received your two letters both dated June 14, 2018 and write to provide some clarification to the matters raised by the Faculty Association (FA), as well as to invite the FA to provide further information with respect to its concerns with the Process.

We wish to make clear the university is committed to addressing the FA's request to designate all MaPS as academic staff in a timely, constructive, and efficient manner. While the FA's letters characterize the Process as addressing its June 30, 2016 grievance and not addressing its April 12, 2018 request, paragraphs 1-4 of the Process provide that it was created specifically to guide the review following the FA's request to designate all MaPS as academic staff members.

Whether one, some, most, or all MaPS employees are designated as academic staff, the decision to designate will be the result of an evaluation of the same criteria. We should agree to avoid duplicative, parallel processes to address the same questions. Given your letters, both parties may benefit from arranging a meeting to discuss the fact that the FA now has two overlapping requests for designation.

In the FA's letter, there is also suggestion that the Process is biased against designation. We understand the FA's concerns pertain to Phase 1 and Phase 2 of the Process, more specifically the preliminary review of MaPS employees in certain administrative and business units and in the Operational and Administrative Support salary band. The Process allows for a thorough review of any MaPS employees in these salary bands, administrative and business units who may perform academic work. We invite the FA to identify MaPS employees who fall into these two groups that should be considered as academic.

The FA's letter also further questions the "background, motivation and direction" of the working group to complete the review. The FA's request to designate all MaPS as academic staff is addressed to the Board and the Board has delegated the responsibility to review and make recommendations to administration. While the *Post-secondary Learning Act* mandates consultation with the academic staff association and any other affected bargaining agent, the initial responsibility to designate or not falls on the Board. It is this responsibility which informed the drafting of the Process document. We are open to discussing with the FA a role for academic staff in the Process, however wish to highlight that the Process will involve individuals possessing a comprehensive understanding of the university's academic enterprise including the Provost and

Vice-President Academic who will oversee the review, as well as Dr. Florentine Strzelczyk and a decanal representative who will both be members of the working group.

The FA also suggests that the tasks and responsibilities listed in paragraph 26 of the Process do not, amongst other things, meet the description of academic work as listed in the 2016 grievance. The June 30, 2016 grievance letter does not contain a list of factors although its text raises possible considerations. We invite the FA to suggest additional indicators that it believes should be added to the non-exhaustive list described in paragraph 26 of the Process for our consideration. We wish to point out that the fact that MaPS employees are in the UAPP does not determine the issue, nor do the choices made by one other post-secondary institution.

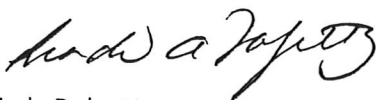
Regarding any possible role for the Alberta Union of Provincial Employees (AUPE) in the Process, both s. 60(2) of the *Post-Secondary Learning Act* and s. 58.6 of the *Labour Relations Code* mandate a role for affected bargaining agents other than the academic staff association. Under the *Public Service Employee Relations Act*, AUPE has the right, after consultation with the University, to request the Alberta Labour Relations Board to declare any person to be in AUPE's bargaining unit. The potential therefore exists that AUPE may take the position that a certain person or persons in MaPS should be in their bargaining unit which would conflict with the request to designate that person or persons as academic staff. Likewise, if a current AUPE member is designated as academic staff, then AUPE would have the right to challenge that designation before the ALRB. These rights of AUPE operate whether the issue is the designation of certain individuals and groups or the designation of all of MaPS employees.

It is our hope that the above helps to clarify and address some of the concerns raised by the FA in your letters. We ask that the FA provide a response to our requests above by July 6, 2018 so that we may begin the review of MaPS positions. Additionally, we are also open to convening a meeting between the parties this week or following the FA's response.

Yours truly,



Dr. Dru Marshall
Provost and Vice-President Academic



Linda Dalgetty
Vice-President, Finance and Services