



QUFA ALERT!

Queen's University Faculty Association Bargaining Alert

ALERT 11 • 13 DECEMBER 2022

Update on QUFA's Proposals and Administration's Concessions

An updated list of the major proposals and concessions as of 1 December 2022, following mediation

By Amy Kaufman
Co-Chief Negotiator, QUFA

and Leslie Jermyn
Co-Chief Negotiator, QUFA

As we promised you, we are updating you on the status of QUFA's major proposals and the Administration's concessions following mediation last week.

We have tried to be as clear and accurate as possible, but, given the protocols governing mediation, we cannot report on anything that happened in mediation, unless it was signed off. Therefore, what you are seeing below is the status of proposals either prior to mediation or post mediation *only if both parties signed off on a tentative agreement regarding that article.*

Throughout the negotiation process, QUFA and the Administration tentatively sign off on individual articles. Any article that both parties sign off on remains tentative pending agreement on the entire Collective Agreement.

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Proposals and Concessions

Please see the Tables on pp. 2-6 of this QUFA Alert! for an updated list of the current status of QUFA's core proposals as of 1 December 2022 (Table 1) and an updated list of concessions proposed by the Administration with QUFA's analysis of their implications (Table 2)

Proposal	Tentative Agreement Signed with Queen's Administration?
Prevent a Laurentian-Style Abrogation of the Collective Agreement	
• Increase QUFA's access to financial information (Article 35)	No, QUFA has withdrawn
• Give QUFA Observer status on key Board and Provincial Committees (Article 7)	No, QUFA has withdrawn
• Give QUFA the right to trigger External Reviews (Article 38)	No
Improve Grievance and Discipline Processes	
• Delete extended past practice (Article 39)	Package tentatively agreed
• Shorten University response times for grievances at Step 1 from 50 working days (50 weeks) to 30 working days (Article 19)	No, QUFA has withdrawn
• Extend time to grievance from 15 working days from the grievable offense to 20 working days (Article 19)	Yes
• Remove all discipline from employment for after 48 months if no further discipline (Article 20)	No, but suspension added to extend clause
• Delete requirement that Members must take steps in response to harassment by students (other than university responsibility) (Article 21)	Yes
• Tighten justifications for suspending Members to reduce use of this Article or require University to act in a non-arbitrary manner (Article 33)	No, QUFA has withdrawn
• Update list of arbitrators (Appendix C)	Yes
• Allow QUFA Counsel access to full investigation reports if a Member is disciplined in order to determine if grievance needs to be filed (Appendix W)	Yes
Improve Librarian and Academic Working Conditions	
• Remove the language that Academic Leaves up to 12 months are "normally" 4 months (Article 29)	Package tentatively agreed
• Regulate the timing of subsequent Academic Leaves at 3- and 6-year intervals (Article 35)	Yes
• Create a Library and Academic Council to satisfy CA requirements for a unit-level governance body	Yes
• Enable library department expertise on Appointment Committee (Article 20)	Yes
• Clarify provisions related to selection and renewal of library department heads (Article 40)	Yes
• Increase library departments are not without an acting or interim head (in absence of regularly appointed head) for long periods (Article 41)	No, QUFA has withdrawn
• Update the Safe to Report for Adjuncts (Article 32)	Yes
• Eliminate the requirement to resolve Specific Right of Reassignment (SRR) as a necessary first step toward any job security because it is a technique which can be easily gamed	No
• Reduce the requirements for General Right of Reassignment (GRR) for one year and equivalent teaching	No
• Allow one half course taught as a Professional Fellow to count toward GRR	Tentatively agreed
• Reduce the requirements for Continuing Appointment	No
• Expedite the requirement of Continuing Adjunct research by granting further teaching release if they have external funding	Queen's amended
• Create an alternate route to a teaching-release tenured appointment for Continuing Adjuncts with Associate Professor status	No
• Allow Continuing Adjuncts to full service back to their full-time equivalent (FTE) both to acknowledge the service they already do and to ease the service burden in units	No
• Reduce the number of years of service required for Continuing Adjuncts to qualify for Full Professor status which comes with the grant of tenure from 12 to 10	Tentatively agreed

Table 1 (pp. 2-4)
Status of Core QUFA Proposals
Organized by Mandate
as of 1 December 2022
(or later if tentatively signed off
after this date)

University's Proposed Concession	Problem	Status
• New Article 19.2.3 to direct full responsibility Members to engage in locating external funding for research where appropriate to the field of study	Who determines if external funding is appropriate for a Member's research needs? What supports and government services are in place to enable this? What if no external funding exists because the research is too novel or is not yet valued or recognized in the discipline? In the absence of University engagement of the table on reducing burdens on our Members that significantly diminish time for research, this is a means to punish Members who do not have the time or support to comply, and does nothing to actually further research productivity of Queen's.	Still on the table
• New Article 19.3.1(i) to grant the University an indefinite and replace-free license to copy or use works created by Members in the course of carrying out their Academic Responsibilities for other teaching, research, and service activities of the University	What prevents the creator from having their job over their work product is licensed to the employer? How does it in-control grant? How do we ensure our jobs remain theirs? How does it ensure the integrity of research? What is the consequence of a new work product is in the control of the employer and not the creator?	Still on the table
• Delete Article 20.2, which preserves a Member's pay in the event of non-renewal until the grievance deadline passes or, if a grievance is filed, until it is resolved.	In the event of a non-renewal, the Member could be impermissibly harmed while waiting for the resolution of a grievance. The University would have no reason to respond quickly to QUFA's inquiries or efforts to resolve the problem. It is notable that QUFA is aware of no instance where this article has cost the University money they didn't already have to pay-out.	Modified and resolved with a sign-off as part of the Grievance and Discipline package
• Delete the list of kinds of information relevant to reviewing a Member's teaching at Article 20.1.5.	Nothing is advanced by removing this non-relevant list. But for the assurance that members are reviewed that factors such as, inter alia, class size and student matter can impact teaching outcomes.	Queen's Administration has withdrawn
• Delete Article 37.3.3 that Members will not be required to teach outside the normal teaching day as established by Senate unless they elect to do so.	Queen's already offers evening courses and seems to have sufficient numbers of people willing to do this work, so there is no problem to solve.	Still on the table
• Modify the description of Heads' responsibilities, including Library Department Heads, to direct them to work towards the "effective and efficient" operation of departments, with a note towards the "ensure compliance with departmental and University policies, procedures, and guidelines, and	Already directly had responsibility for departmental policy, but the other elements in the list are novel and represent a serious increase in responsibility and liability. Heads' teaching is essential to ensure the quality of the work, and the University's commitment to the University or by law to "ensure compliance" across their departments.	Queen's Administration has withdrawn

Table 2 (pp. 5-6)
Concessions Proposed by Queen's
Administration
with QUFA Analysis and Current
Status

SAVE THE DATE Fall General Meeting

QUFA Members are invited to the Fall General Meeting:

**Thursday 15 December 2022
1.00 p.m. – 3.00 p.m.
via Zoom**

(Please e-mail Elizabeth Polnicky at ep43@queensu.ca for Zoom link)

QUFA ALERT! Spread the Word!

QUFA invites you to print out and post this *QUFA Alert!* in a visible place in your department or unit. Thank-you!

QUFA ALERT!
Queen's University Faculty Association Bargaining Alert

ALERT 9 • 4 NOVEMBER 2022
Bargaining Timelines and Procedures
What are the next steps if an agreement cannot be reached at the bargaining table?

By Amy Kaufman
Co-Chief Negotiator, QUFA

QUFA Bargaining Timeline to Date
The Queen's University Collective Agreement expired on 30 June 2022. The Parties have met roughly 20 times since the commencement of bargaining on 14 June. Bargaining teams worked on other days so that each can be reviewed or prepared. QUFA had presented all of its substantive issues by the end of June. There was a chance in late June, early July, and August to reach an agreement on all of QUFA's proposals by the end of August. Some proposals were exchanged informally during August and September, including those concerning Grievance and Discipline timelines, and our Librarian and Academic process. By mid-

Table 1
Status of Core QUFA Proposals
Organized by Mandate as of 1 December 2022
(or later if tentatively signed off after this date)

Proposal	Tentative Agreement Signed with Queen's Administration?
Prevent a Laurentian-Style Abrogation of the Collective Agreement	
• Improve QUFA's access to financial information (Article 6)	No, QUFA has withdrawn
• Give QUFA Observer status on key Board and Provostial Committees (Article 7)	No, QUFA has withdrawn
• Give QUFA the right to trigger financial exigency (Article 38)	No
Improve Grievance and Discipline Processes	Package tentatively agreed
• Delete outdated past-practice language (Article 10)	No, QUFA has withdrawn
• Shorten University response times for grievances at Step 1 from 50 working days (10 weeks) to 30 working days (6 weeks) (Article 19)	Yes
• Extend time to grieve from 15 working days from the grievable offense to 20 working days (Article 19)	Yes
• Remove all discipline from employment file after 48 months if no further discipline (Article 20)	No, but suspension added to sunset clause
• Delete requirement that Members must take steps in response to harassment by students (rather than University responsibility) (Article 21)	Yes
• Tighten justifications for suspending Members to reduce use of this Article or require University to use it in a non-arbitrary manner (Article 22)	No, QUFA has withdrawn
• Update list of Arbitrators (Appendix C)	Yes
• Allow QUFA Counsel access to full investigation reports if a Member is disciplined in order to determine if grievance needs to be filed (Appendix W)	Yes
Improve Librarian and Archivist Working Conditions	Package tentatively agreed
• Remove the language that Academic Leaves up to 12 months are "normally" 8 months (Article 33)	No, but right to 1 leave of 12 months
• Regularize the timing of subsequent Academic Leaves at 3- and 6-year intervals (Article 33)	Yes
• Create a Library and Archives Council to satisfy CA requirements for a unit-level governance body.	Yes
• Enable library department expertise on Appointments Committees (Article 25)	Yes
• Clarify processes related to selection and renewal of library department heads (Article 41)	Yes
• Ensure library departments are not without an acting or interim head (in absence of regularly appointed head) for long periods (Article 41)	No, QUFA has withdrawn
Improve the Path to Security for Adjuncts (Article 32)	
• Eliminate the requirement to acquire Specific Right of Reappointment (SRoR) as a necessary first step toward any job security because it is a technicality which can be easily gamed	No
• Reduce the requirements for General Right of Reappointment (GRoR) by one year and equivalent teaching	No
• Allow one half course taught as a Postdoctoral Fellow to count toward GRoR	Tentatively agreed
• Reduce the requirements for Continuing Status	No
• Expand the recognition of Continuing Adjunct research by granting further teaching release if they have external funding	Queen's amended
• Create an alternate route to a teaching-intensive tenured appointment for Continuing Adjuncts with Associate Professor status	No
• Allow Continuing Adjuncts to add a full service load to their full-time equivalents (FTEs) both to acknowledge the service they already do and to ease the service burden in units	No
• Reduce the number of years of service required for Continuing Adjuncts to qualify to apply for Full Professor status which comes with the grant of tenure from 12 to 10	Tentatively agreed

Improve Working Conditions for all Members	
<ul style="list-style-type: none"> Raise the status and value of service work, including in layoff assessments 	Queen's amended, some movement
<ul style="list-style-type: none"> Reduce the number of referees needed for Renewal and have a coaching meeting with the dean at the conclusion of the process to help Member prepare for the next promotion (Articles 30 and 31) 	No, QUFA has withdrawn
<ul style="list-style-type: none"> Allow those who are promoted to Full Professor to apply for Academic Leave in the first year of their tenured position (Article 33) 	Yes
<ul style="list-style-type: none"> Require the University to inform Members about how their personal data is shared or used by third parties and allow Members to opt out (Article 23) 	No
<ul style="list-style-type: none"> Extend Term Adjunct access to University systems (computing, library) to 12 months past the end of their contracts 	No, QUFA has modified to ask for 8 months past contract end
<ul style="list-style-type: none"> Ensure adequate and equitably distributed support to Members to book testing and examination facilities and to input grades (Article 36) 	No
<ul style="list-style-type: none"> Limit teaching obligations in the 4 months that Members are free of teaching and compensate Adjuncts for teaching duties performed outside of their contract dates 	No
Improve Equity Language and Processes	
<ul style="list-style-type: none"> Raise the profile of equity-related service work so it can be properly acknowledged and valued by providing examples of different forms it can take (various articles) 	Partial, some movement
<ul style="list-style-type: none"> Provide training for Heads on bias in faculty evaluation as part of Department Head orientation (Article 28) 	No
<ul style="list-style-type: none"> Expand the definition of "family" in employment equity considerations related to appointments and Renewal, Tenure, and Promotion (RTP) processes to be commensurate with the more inclusive definition in Article 33.2.1.1 that reflects the diversity of family structures (Article 24) 	No
<ul style="list-style-type: none"> Create a process for Special Equity Appointments and Targeted Hiring that clearly demonstrates compliance with all legal requirements with respect to QUFA's role in the process (Article 24) 	No
<ul style="list-style-type: none"> Recognize equity-related work in RTP and RCAP processes (Articles 30 and 31) 	Partial, some movement
<ul style="list-style-type: none"> Acknowledge the many forms of scholarship can take in context of appointments and RTP and RCAP (Renewal, Continuing Appointment, and Promotion) processes (various articles) 	Partial, some movement
<ul style="list-style-type: none"> Increase frequency of Human Rights and Equity Office's report on Bargaining Unit's progress toward equity from every 3 years to every 1 year (Article 24) 	Tentatively agreed
<ul style="list-style-type: none"> Narrow the exceptions to following established collegial appointments processes in order to expand number of positions publicly available for application (Article 25) 	No
<ul style="list-style-type: none"> Establish a Recruitment and Retention Working Group to explore actions and make recommendations to Queen's leadership to help with recruitment and retention of QUFA Members, and in particular those from Equity-deserving groups (areas to focus on include spousal hiring, availability of family physicians, and provision of mental-health resources) 	No
Defending the Academic Workplace (Articles 23 and 35)	
<ul style="list-style-type: none"> Permit Members to refuse electronic capture of their course materials 	No
<ul style="list-style-type: none"> Strengthen the restriction on electronic monitoring of Members' devices 	No
<ul style="list-style-type: none"> Require notification to the Member and Association if access to Member accounts is planned 	No
<ul style="list-style-type: none"> Ensure that systems used by the University are secure against unauthorized access or modification of contents 	No
<ul style="list-style-type: none"> Strengthen Member's control over the academic integrity of their courses by allowing them to resist QSAS recommendations that would undermine that integrity 	No, QUFA has withdrawn on the understanding that this is already possible under existing language
Miscellaneous Proposals	
<ul style="list-style-type: none"> Prior notification to QUFA of faculty-, library-, archive-, or University-wide external reviews (Article 6) 	No
<ul style="list-style-type: none"> Enable area expertise on Appointments Committees (Article 25) 	Yes

<ul style="list-style-type: none"> Delete “degree credit” as a modifier of “course” so as to preserve work in the Bargaining Unit (Articles 25 and 35, Appendix S) 	No, QUFA has withdrawn
<ul style="list-style-type: none"> Renegotiate compensation if wage restraint legislation (Bill 124) is repealed or overturned (Article 43) 	No
<ul style="list-style-type: none"> Allow all Members in a unit to meet an external candidate for an Academic Administrator position (Article 40) 	No, QUFA has withdrawn
<ul style="list-style-type: none"> Exclude Academic Administrators from the QUFA Bargaining Unit while they are on leave following their administrative appointment and prior to resuming work in the Bargaining Unit; deny them QUFA representation with respect to matters pertaining to their administrative position (Article 40) 	Yes

(Please turn to next page for Table 2)

Table 2
Concessions Proposed by Queen's Administration
with QUFA Analysis and Current Status

University's Proposed Concession	Problem	Status
<ul style="list-style-type: none"> New Article 15.3.5 to direct full-responsibility Members to engage in securing external funding for research where appropriate to the field of study. 	<p><i>Who determines if external funding is appropriate for a Member's research needs? What supports are guaranteed across campus to enable this? What if no external funding exists because the research is too novel or is not yet valued or recognized in the discipline? In the absence of University engagement at the table on reducing burdens on our Members that significantly diminish time for research, this is a means to punish Members who do not have the time or support to comply, and does nothing to actually further research productivity at Queen's.</i></p>	<p>Still on the table</p>
<ul style="list-style-type: none"> New Article 16.3.1(c) to grant the University an indefinite and royalty-free licence to copy or use works created by Members in the course carrying out their Academic Responsibilities for other "teaching, research, and service activities of the University." 	<p><i>What protects the creator from losing their job once their work product is licenced to the employer? How does a co-creator grant a licence to works not fully owned by them? How does a creator ensure the integrity of secondary uses? What is the consequence of a time-unlimited licence in the context of changing standards and epistemologies?</i></p>	<p>Still on the table</p>
<ul style="list-style-type: none"> Delete Article 20.4.2, which preserves a Member's pay in the event of termination until the grievance deadline passes or, if a grievance is filed, until it is resolved. 	<p><i>In the case of a wrongful termination, the Member could be irreparably harmed while waiting for the resolution of a grievance. The University would have no reason to respond quickly to QUFA's inquiries or efforts to resolve the problem. It is notable that QUFA is aware of no instance where this article has cost the University money they didn't already have to pay—not one.</i></p>	<p>Modified and resolved with a sign-off as part of the Grievance and Discipline package</p>
<ul style="list-style-type: none"> Delete the list of kinds of information relevant to reviewing a Member's teaching at Article 29.1.5. 	<p><i>Nothing is advanced by removing this non-restrictive list; the list ensures that assessors are reminded that factors such as, inter alia, class size and subject matter can impact teaching outcomes.</i></p>	<p>Queen's Administration has withdrawn</p>
<ul style="list-style-type: none"> Delete Article 37.2.9 that Members will not be required to teach outside the normal teaching day as established by Senate unless they elect to do so. 	<p><i>Members could be directed to teach at times that conflict with family responsibilities. Queen's already offers evening courses and seems to have sufficient numbers of people willing to do this work, so there is no problem to solve.</i></p>	<p>Still on the table</p>
<ul style="list-style-type: none"> Modify the description of Heads' responsibilities, including Library Department Heads, to direct them to work towards the "effective and efficient" operation of departments, and to make Heads responsible to "ensure compliance with departmental and University policies, procedures, and guidelines, and 	<p><i>Heads already had responsibility for departmental policy, but the other elements in the list are novel and represent a serious increase in responsibility and liability. Heads' training is insufficient to enable them to do this work, and they are not empowered by the University or by law to "ensure compliance" across their departments.</i></p>	<p>Queen's Administration has withdrawn</p>

applicable legislation” (Articles 41.1.2 and 41.8.1.1).		
<ul style="list-style-type: none"> Delete Appendix W affording QUFA Counsel access to full investigation reports when they form part of the basis of discipline of a Member. 	<i>This forces QUFA to arbitrate every instance of discipline in order to do its due diligence on ensuring the integrity of the investigation. It is a potential waste of time and money on both sides.</i>	Queen’s Administration has withdrawn
<ul style="list-style-type: none"> Delete LOA 4 (Voluntary Phased Retirement Program) and the Pension MOA from the CA. 	<i>QUFA Members voted to transition to the University Pension Plan partly on the grounds that they would have access to the phased retirement program. The University did not insist that this program was time-limited or correct QUFA communications at the time that encouraged Members to vote in favour of transition. Taking the LOA out of the CA would remove QUFA’s right to defend the existence or terms of the program.</i>	Queen’s Administration has withdrawn