

# *An Introduction to the*

## **MUNFA**

# **ACADEMIC FREEDOM AND GRIEVANCE COMMITTEE**

The Memorial University of Newfoundland Faculty Association (MUNFA) Academic Freedom and Grievance (AF&G) Committee has two related mandates: to protect academic freedom; and to assist Academic Staff Members (ASMs) with grievances when there is a perceived violation of the **Collective Agreement between Memorial University of Newfoundland (MUN) and MUNFA (Collective Agreement)**.

### **ACADEMIC FREEDOM**

#### **What is Academic Freedom?**

The following model clause adopted by the Canadian Association of University Teachers (CAUT) Council summarizes the general intent and some specific dimensions of academic freedom:

The common good of society, through searching for, and disseminating, knowledge, and understanding and through fostering independent thinking and expression in academic staff and students. These ends cannot be achieved without academic freedom.

All academic staff members have the right to academic freedom. Academic freedom includes the right, without restriction by prescribed doctrine, to freedom to teach and discuss; freedom to carry out research and disseminate and publish the results thereof; freedom to produce and perform creative works; freedom to engage in service to the institution and the community; freedom to express one's opinion about the institution, its administration, and the system in which one works; freedom to acquire, preserve, and provide access to documentary material in all formats; and freedom to participate in professional and representative academic bodies. Academic freedom always entails freedom from institutional censorship.

Academic freedom does not require neutrality on the part of the individual. Academic freedom makes intellectual discourse, critique, and commitment possible. All academic staff members have the right to fulfil their functions without reprisal or repression by the employer, the state, or any other source.

All academic staff members have the right to freedom of thought, conscience, religion, expression, assembly, and association and the right to liberty and security of the person and freedom of movement. Academic staff members must not be hindered or impeded in exercising their civil rights as individuals, including the right to contribute to social change through free expression of opinion on matters of public interest. Academic staff members must not suffer any institutional penalties because of the exercise of such rights. Academic staff members are entitled to have representatives on and to participate in collegial governing bodies in accordance with their role in the fulfilment of the institution's academic and educational mission. Academic staff members shall constitute at least a majority on committees or collegial governing bodies responsible for academic

matters including but not limited to curriculum, assessment procedures and standards, appointment, tenure and promotion. Academic freedom is a right of members of the academic staff, not of the institution. The employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy.

The **Collective Agreement** specifically affirms this position in **Article 2, Academic Rights and Freedoms**.

The **Collective Agreement** also makes reference to certain academic obligations of which ASMs should be aware.

### **The AF&G Committee's Role**

The Committee is directed to monitor the state of academic freedom within the University and to promote among ASMs awareness of the meaning and importance of academic freedom even when no specific grievances have arisen. It may investigate questions of academic freedom on its own initiative, but most often it acts on comments or complaints from MUNFA members. These may concern perceived general restrictions on academic freedom in areas of the University, or specific examples of individual abridgements which result in the filing of grievances. Academic freedom issues which the Committee has investigated will be brought to the attention of MUNFA members, possibly with recommendations to the MUNFA Executive and to the General Meeting for further action.

## **GRIEVANCES**

### **Categories of Grievances**

In addition to academic freedom, the AF&G Committee is specifically concerned with the range of complaints individual ASMs may have with the University administration concerning their individual status, duties and rights as defined by the **Collective Agreement**.

Broadly speaking, an individual grievance may arise from one or more of the following:

1. Challenge of **reasons** given for adverse decisions on tenure, promotion, non-renewal of contract, or the like.
2. Violation of **rights** such as those subsumed under the broad headings of academic freedom, working conditions or workload, denial of leaves such as sabbatical or for sickness, or failure to accommodate changes in an ASM's situation.
3. **Discrimination** on prohibited grounds, such as race, religion, sex, nationality, marital status, political belief, etc.
4. Violation of defined **procedures** or failure to establish and apply acceptable procedures, such as those governing promotion and tenure, appointment, or discipline and dismissal.

The **Collective Agreement** entrenches certain rights, prohibits discrimination in appointment, tenure and promotion decisions, and sets out procedures to be followed on these decisions as well as for discipline and dismissal for cause. Violations of the **Collective Agreement** or disputes concerning its interpretations are grounds for a grievance. ASMs should be aware, however, that their status may also be constrained by other procedures, such as student complaint or sexual harassment policies. Nevertheless, actions by the University administration as a result of these policies can be grieved under the **Collective Agreement**.

## **The AF&G Committee's Role and Procedures**

The Committee has the responsibility to provide advice and assistance to individual MUNFA members who feel aggrieved in any of the matters outlined above. The Committee's role is that of an advocate, assisting ASMs in learning and defending their substantive and procedural rights in the individual's best interests. In many cases, an individual ASM may wish simply to obtain advice on rights or procedures in order to decide whether to press a grievance. This includes situations where rights are simply in danger of being violated. Upon request, the Committee will assist a person with a dispute through the procedures outlined in **Article 20** of the **Collective Agreement**. These services include having an AF&G committee member accompany an ASM during meetings with Administrative officers or committees in informal procedures, and having the AF&G Committee represent the ASM through the formal procedures of grievance and arbitration.

The AF&G Committee will provide advice and leadership in all these situations. It can offer an individual ASM the benefit of its experience and documentation regarding the disposition of previous complaints of a similar nature. This may be particularly important in areas where criteria for judgements and similar precedents are not well defined or publicized.

The Committee will handle consultations and casework in a confidential manner. In addition, a grievor may withdraw a case from the AF&G Committee if he or she is dissatisfied with its handling, and request the MUNFA Executive to assume responsibility. A MUNFA member retains the right to appeal directly to the Academic Freedom and Tenure Committee of the CAUT.

## **COMMITTEE COMPOSITION AND STATUS**

The AF&G Committee is constituted so as to ensure a degree of autonomy from the MUNFA membership and MUNFA Executive. It is composed of eight members from the St. John's Campus, one of whom is a member of the MUNFA Executive. MUNFA members at Grenfell Campus in Corner Brook are served by their own AF&G Committee. Members are appointed by the MUNFA Executive to staggered terms of up to three years and all committee members will, when possible, be full-time Faculty Members, Academic Staff Members in Co-op and Field Education, or Professional Librarians tenured or permanent in their appointment, or be Retired Members of MUNFA who have previously held such a position in the University. The MUNFA Executive member is appointed for a one-year term, and the Committee elects its own chairperson each fall.

The AF&G Committee may approach any level of the University administration or other parties directly to facilitate resolution of a case, or to investigate matters pertaining to academic freedom or the implementation of the **Collective Agreement**. The Committee also has independent access to the MUNFA lawyer and to the CAUT and reports to the MUNFA membership at General Meetings each spring and fall.

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