

MUNFA

ST. JOHN'S ACADEMIC FREEDOM AND GRIEVANCE COMMITTEE

TERMS OF REFERENCE

April 28, 2015

(September 10, 1980 and as amended at MUNFA Annual General Meetings, April 7, 1983; October 29, 1986; April 21, 1992; October 22, 1996; October 20, 1998; April 17, 2002 and April 28, 2015.)

A. PREAMBLE

Academic Freedom includes the right within the University to decide who shall teach, who shall be taught, and what shall be studied, taught or published, without deference to prescribed doctrine. It is involved in the appointment of Faculty Members, Academic Staff Members in Co-op and Field Education, and Professional Librarians, their promotion, their tenure or permanence of appointment, and questions of non-renewal, probation, or dismissal, since such decisions must be made without reference to race, religion, gender or politics. Academic Freedom also involves the right to criticise the University, and to pursue the settlement of grievances within the University which frustrate concentration on and the fulfilment of scholarly duties and interests. It also includes the right to make controversial statements about the community at large or any aspect of it without fear of recrimination or intimidation from the University administration.

A Faculty Member, Academic Staff Member in Co-op and Field Education, or Professional Librarian has the right to expect that the Association of which he/she is a member will offer skilled advice and, if necessary, direct assistance in defence of Academic Freedom and the redress of grievances. All members should expect the Association to maintain constant vigilance with respect to such matters, and report to its members at regular intervals.

To serve these needs, MUNFA has established an Academic Freedom and Grievance Committee.

B. COMPOSITION

The Committee shall normally consist of:

- i) Eight or more persons from the St. John's campus, one of whom shall be a member of the MUNFA Executive. Grenfell Campus shall have a local Academic Freedom and Grievance Committee. The Grenfell Campus and St. John's Committees shall keep in close touch with one another by means of exchanging their minutes. All committee members will, when possible, be full-

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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.

- ii) The Committee members shall be appointed for staggered three year terms by the Executive, with the exception of the Executive representative, who shall serve for one year. Appointments to the Committee shall be made each September.
- iii) The Executive will actively solicit nominations to the Committee, and will take into consideration broad representation from across the University.
- iv) The Committee shall select its own chairperson, subject to confirmation by the Executive, by February 15th of the previous academic year.
- v) A member of the Committee shall step down if a majority of the Committee is so agreed and the Executive confirms the recommendation of the Committee.
- vi) The Committee may not be replaced or discontinued by the Executive without the approval of the General Meeting.

C. ACADEMIC FREEDOM FUNCTION

- i) The function of the Committee shall be to monitor the state of Academic Freedom within the University, and to promote among Faculty Members, Academic Staff Members in Co-op and Field Education and Professional Librarians awareness of the meaning and importance of Academic Freedom.
- ii) The Committee may investigate questions of Academic Freedom on its own initiative, or on referral from the Executive, or at the request of MUNFA members. The Committee may recruit additional members with the approval of the Executive in order to conduct such investigations.
- iii) Any such investigation under ii) should be reported to the Association.

D. GRIEVANCE FUNCTION

- i) The function of this Committee shall be to advise and assist members of the bargaining unit represented by MUNFA and other members of MUNFA who believe their rights have been, or are in danger of being violated.

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- ii) The Committee may, on its own initiative, approach a MUNFA member whose rights appear to have been or are in danger of being violated. However, before formally adopting a case, or acting on behalf of a member, the Committee must receive written instructions from the member concerned.
- iii) Unless a grievor waives in writing his/her right to confidentiality, the Committee shall handle all cases on a confidential basis.
- iv) All documents of a private and personal nature collected by the Committee during the course of its activities in respect to a case shall be retained by MUNFA.
- v) A grievor who is dissatisfied with the Committee's handling of the case retains the right to withdraw it from the Committee and request the Executive of the Association to assume responsibility. The Executive may decide not to assume responsibility.
- vi) The Executive shall not become involved in a case unless asked to do so by the grievor or the Committee.
- vii) A MUNFA member retains the right to appeal directly to the Academic Freedom and Tenure Committee of the CAUT.

E. PROCEDURES

- i) The Committee shall discharge its functions as defined under C and D respectively.
- ii) The Committee shall keep minutes of its meetings. Minutes shall report business of the Committee including all telephone conversations with grievors. Each set of minutes shall have appended a list of:
 - (a) items being sent for legal opinion;
 - (b) items awaiting replies within defined time-limits; and
 - (c) items for upcoming business including arbitrations. Case-updates and arbitration-updates shall also be made every two weeks and be circulated to the Committee as part of the minutes.
- iii) The Committee shall report to the membership in writing each September, and the report shall be on the agenda of the October General Meeting. This requirement does not preclude reports at other times if these are thought necessary either by the Committee or the Executive. Committee reports will be provided by the Executive before circulation to the membership.

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- iv) It shall be the responsibility of the Committee, with the necessary secretarial support, to build a database which records such information as the subject of each grievance, relevant clauses of the Collective Agreement, its resolution, its file number, and the places in the minutes where it is mentioned.
- v) Original or photocopied documentation submitted by a grievor shall be maintained in individual case files belonging to MUNFA. Filing of each document shall be done as soon as possible after each is received.
- vi) Copies of case-updates mentioned in Clause E.(ii) above and the minutes, and policy recommendations arising under Clause C. below shall be sent to the Executive as completed. Also, the member of the Executive appointed according to Clause B. (i) above shall act as the liaison person with the Executive.
- vii) The Committee shall write its reports under E(iii) above with due regard for confidentiality of the grievor where this is warranted.
- viii) Both the minutes and individual case files (as specified in Clause D(v) above) shall be maintained on a confidential basis by the MUNFA Office. These may be consulted by the Executive on a need to know basis.
- ix) A member of the Committee shall not normally act as a case officer for grievances arising within his/her faculty or school. He/she shall not participate in any way as a committee member in cases in which he/she is deemed by the Committee to have a personal conflict of interest.
- x) While the AF&G Committee will make its best efforts to offer continuity, it cannot guarantee that the same case officers will serve throughout the process of a grievance.
- xi) In exceptional circumstances, case officers meeting the provisos contained in sections B (i) and E (ix) may be recruited from outside the committee.
- xii) On the termination of a committee member's appointment, by mutual agreement (s)he may be permitted to continue to act as case officer for those cases for which (s)he has responsibility. If the appointments of both case officers terminate at the same time, but they agree to continue to handle a grievance, a third case officer shall be appointed from the committee to act as liaison.
- xiii) If judged necessary by the MUNFA Executive and on the advice of the AF&G Committee, that MUNFA purchase up to three course remissions in addition to that customarily received by the Chair under Clause 1.16, to be allocated as the Committee sees fit.

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F. COMMITTEE STATUS

- i) The Committee is free to approach any level of the administration or other parties in order to facilitate resolution of a case, or the investigation of matter pertaining to academic freedom.
- ii) The Committee shall have independent access to the MUNFA lawyer and to the CAUT.
- iii) Notwithstanding the above, all expenditures must be approved by the Executive. The Committee may not make any commitment to a grievor for financial aid.
- iv) In grievances with ramifications for association policy or of general concern to the faculty, interpretations of policy made by the Academic Freedom and Grievance Committees at the St. John's and Grenfell campuses to the administration must be referred to the Executive for prior approval.
- v) Normally the MUNFA Executive will not act on questions of academic freedom or individual grievance without the advice of the Academic Freedom and Grievance Committee. When it is obliged to do so because of urgent circumstances, it will inform the Academic Freedom and Grievance Committee as soon as possible. The exception to this is when a grievor specifically asks the Executive to handle his/her case.
- vi) When the Academic Freedom and Grievance Committee is handling a case in confidence, normal intervention by the Executive (e.g., to approve the expenditure of funds or to support a recommendation to the CAUT) will generally be in a manner such that the Executive will also handle the case in confidence.

G. REVIEW

- i) Every three years the Executive shall appoint an Evaluation Committee to conduct a major review of the Committee's activities.
- ii) The Evaluation Committee shall consist of not less than three MUNFA members who have had no connection with the Academic Freedom and Grievance Committee during the previous five years.
- iii) The report of the Evaluation Committee shall be circulated to the membership and discussed at a General Meeting.