

TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: August 13, 2015

SUBJECT: Relief from Duties

The MUNFA-MUN Collective Agreement allow for an Academic Staff Member (ASM) to be relieved from duties for two reasons: (a) the actions of the ASM constitute a serious danger to life or limb; or (b) the actions of the ASM constitute a serious and willful danger to the University's physical facilities (Clause 19.22). However Clause 19.23 is very specific that "No ASMs shall be relieved from duties without the prior invocation of Clause 19.22 of the Collective Agreement."

The University has, over the past few years, relieved several ASMs from their duties and responsibilities without due cause or process, and without invoking Clause 19.22. This was a very serious violation of the Collective Agreement. In October 2013, MUNFA filed an Association grievance and since the University did not agree to stop this practice, MUNFA referred the grievance to arbitration on April 2014, which was scheduled for July 16, 2015.

Several days before the Arbitration, MUNFA and the University entered into a Memorandum of Understanding (MOU) that resolved the grievance (see below). This MOU(1) defers to collective bargaining the new language around the relief of duties and in the interim, (2) the University will provide the ASM with a summary of all relevant information and copies of documents that was used in deciding to impose a relief of duties and (3) MUNFA will be consulted prior to relieving any ASM from their duties.

MUNFA felt that this was an effective resolution that will, in the short term, prevent the University from continuing to arbitrarily relieve an ASM from their duties without due process and introduces a mechanism for a long term resolution via collective bargaining.

Memorandum of Understanding

Between

Memorial University of Newfoundland


And


Memorial University of Newfoundland Faculty Association

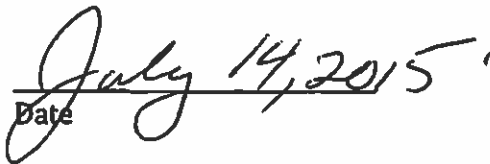
"Without Prejudice"

As full and final settlement of grievance A-13-03 (Relieving Academic Staff Members of Duties and Responsibilities), the parties agree as follows:

1. The matter be deferred to collective bargaining following the expiration of the October 30, 2014-August 31, 2017 Collective Agreement.
2. In the interim period, prior to the University implementing a disciplinary relief of duties for an ASM, the University shall consult with MUNFA on a case-by-case basis.
3. The University shall provide the ASM with a summary of information and a copy of relevant documentation that was involved in the University's decision to implement a disciplinary relief of duties. Subject to the consent of the ASM, such information shall be provided to MUNFA.


G. Jenner (for)
Memorial University of Newfoundland
Faculty Association


A. Wyse (for)
Memorial University
of Newfoundland


Date


Date