

**TO:** All MUNFA Members

**FROM:** The MUNFA Executive Committee

**DATE:** June 16, 2017

**SUBJECT: Report on Recent MUNFA Activities**

---

The Executive Committee of MUNFA, Memorial University's Faculty Association, submitted the following Report to the Atlantic Canada Council of Faculty Associations Annual Meeting (June 9<sup>th</sup>, 2017). We share it with our members as a synopsis of recent activities undertaken by MUNFA on behalf of its members.

As always, questions or concerns about any of the matters raised in this IB can be directed to the MUNFA office: [munfa@mun.ca](mailto:munfa@mun.ca) or ext. 8462.

---

### **MUNFA Report to the ACCFA (June 9, 2017)**

#### **Preamble:**

MUNFA has been confronted by a number of significant issues affecting our members over the last few years. In response to these, we have made changes to the way we operate, for example hiring a legal officer, and become more pro-active (media releases, ATIPPA requests, surveys of our members, coalitions with other unions). We are also considering changes to the length of terms for Executive members and reorganization of our officers to facilitate our ability to handle the increased workload and the increased learning time needed to deal with a plethora of issues, as well as to aid with succession planning.

The problems confronting MUNFA are largely similar to those facing other faculty associations: commercialization and corporatization of the academy; budgetary issues, including pensions; erosion of collegiality; etc. However, the unique circumstances of the economic situation in Newfoundland and Labrador, notably the fall of oil prices and a disastrous decision to build Muskrat Falls, have pushed governance and budgetary issues at Memorial University to a critical juncture. The recent public mudslinging in the media between senior administrators at MUN and the Minister of Higher Education are an example of the poor relationship between the government and MUN, with the main casualty being the university itself.

#### **University Budget:**

**Background:** The Government of Newfoundland and Labrador (NL) has cut funding to post-secondary education by 21% over the past 6 years (<http://higherstrategy.com/provincial-budgets-2017/>), even as it has continued to fund a tuition freeze and threatened to cut its transfer payment to the university in proportion to any increase in tuition implemented by the university. Memorial is facing very serious budgetary challenges relating to, among other issues, deferred maintenance on its physical infrastructure. In consequence, MUN's administration opted to impose new fees for student services and "campus renewal," as well as future tuition fee increases for international students and non-NL Canadian students. While student unions vigorously opposed the fee increases, MUN's Board of Regents voted in favour of the university's

proposal. The provincial government minister responsible for higher education, Gerry Byrne, entered the fray, engaging in a tit-for-tat media battle with the university administration over such discretionary spending as catering expenses and the average cost-per-student a MUN compared to other Canadian universities.

MUNFA has consistently supported the student unions' appeal for affordable public education but also called on the provincial government and the university administration to set aside their differences and commit to ensuring that affordability is matched by quality of education. For the provincial government, that means an end to the extremes of austerity budgeting we have seen in recent years. For the senior administration, it means publicly defending the core values of post-secondary education and research and prioritizing them in its decisions about resource-allocation. While MUNFA recognizes that cuts to "discretionary spending" cannot make up for the kind of budget shortfall imposed by the Province, the union has called on MUN's senior administration to demonstrate its leadership by directing spending to the core mission of the university. We have been particularly critical of spending that reflects the continued corporatization of the university, for example on the excessive growth of administrative positions and salaries and headhunting fees for administrative searches.

Also see: <http://theindependent.ca/2017/05/18/seize-back-our-university/> & <http://munfa.ca/from-the-core-mission-to-corporatization/>

### **Board of Regents Reform:**

**Background:** In November 2016, Brittany Lennox resigned from her position as MUN Student Union representative on the Board of Regents. Ms. Lennox stated that excessive secrecy and a lack of transparency in the way the Board handles its role in university government prevented her from fulfilling her responsibilities to the students she represented. She also described having suffered personal abuse from some Regents and alleged that senior university administrators, who hold ex officio positions on the Board, exercised an "overpowering influence...over the purportedly independent operation of the Board."

MUNFA called for an immediate end to the Board's confidentiality requirements; an investigation into Ms. Lennox's allegations of bullying and intimidation; and reform of Board of Regents operation and composition. Notably, MUN faculty and other employees of the university are forbidden by the legislation governing Memorial University from sitting as Regents. This puts MUN at odds with most universities in Canada and factored centrally in CAUT's assessment that Memorial ranks at the bottom of Canadian universities on governance issues (*CAUT Bulletin* March 2017). Compounding the exclusion of faculty members from the university's main decision-making body, applicants with a background in business and corporate management appear to be a key target pool for Regents.

The university has since initiated an independent review, in which MUNFA is participating. We will also make a presentation to the *ad hoc* Sub-Committee of the Governance Committee, which is considering reform of Board Composition. We continue to press for a much better balance between the academic and business sides of university governance.

Also see: <http://munfa.ca/munfa-urges-university-province-to-reform-board-of-regents/> & <http://munfa.ca/media-release-munfa-challenges-board-of-regents-review-process/>

### **Pension Plan:**

Memorial is being forced to reform its pension plan by the NL Government. This process began in 2015 under the Progressive Conservative government, which refused to provide MUN with funding, as they had in the past, for the special payment required under the Pensions Benefits Act. It has continued under the current Liberal government, with an explicit requirement that MUN transform its pension plan from being a government guaranteed one to a joint sponsorship plan. Discussions are ongoing as to how the Joint Trusteeship will be structured and what changes to benefits may be required to maintain solvency. While the stated intent is to maintain a defined benefit plan, the exact nature of the plan and whether it may become a targeted benefit plan remains uncertain. A detailed outline of the pension plan situation is available on the MUNFA website (<http://munfa.ca/the-situation-with-our-pension-plan/>).

### **Grievances and Arbitrations:**

Between October 2016 and March 31, 2017, MUNFA filed 6 individual grievances and 3 association grievances, and answered 67 queries from members. In the same interval, 10 individual grievances and 8 association grievances were resolved or closed. Currently there are 7 individual and 4 association grievances scheduled or pending scheduling for arbitration.

Recently, MUNFA and MUN settled an individual grievance after opening statements at arbitration. This was an important case concerning academic freedom and misuse of university policies. *In summary* – the university ruled that one of Dr. X's class assignments constituted harassment of a student who had never taken a class from, or even met, Dr. X, but who learned about the assignment from another student. After the student filed a complaint, the University initiated an investigation, found the complaint substantiated, and imposed discipline on Dr. X. Despite the Association's attempts to resolve the matter short of arbitration, it proceeded to a hearing in early 2017. After opening statements at the hearing, the Arbitration Panel facilitated a settlement to the grievance where the discipline was rescinded, the University declared that the subject matter of the assignment was appropriate, and affirmed the faculty member's right to academic freedom.

### **Intellectual Property:**

Memorial, like most Canadian universities, has made commercialization of research and transfer of intellectual property rights for economic development a key priority. In doing so, MUN has proposed policies and procedures that have affected the IP rights of our members. The initial and most egregious example of the university's attempt to control IP was a proposed Research Participation Agreement in 2014. Acting on advice from CAUT and with specialized legal assistance from an IP lawyer, MUNFA filed an association grievance. Over the course of the next 2 years, we were able to negotiate substantive changes to this RPA that eventually led to a settlement.

Subsequently, Memorial has proposed significant changes to its Intellectual Property Policy that would make IP creator-owned. While widely perceived as a mechanism by which to simplify IP issues, our evaluation of MUN's draft policy identified several areas of concern. Once again we used specialized legal assistance from an IP lawyer to provide feedback on this proposal. This is an on-going discussion and if the policy is implemented it will also require changes to the collective agreement that must be negotiated.

Our members continue to be concerned about not only the university's IP policies, but also the implementation of these policies through the VP Research's Office. The growth of the bureaucracy and

increased timelines to get contract or collaborative research agreements in place is a major concern to our members. MUNFA has a number of individual and association grievances filed on these matters.

**Restructuring of the Faculty of Humanities & Social Sciences (HSS):**

In 2016, the Dean of HSS, under direction from the Provost, struck a working group to examine possibilities for “Transition” in the Faculty of HSS. The result was a lengthy report, including options for reconfiguring departments in HSS. While other recommendations were taken up, the Faculty opposed the proposals for reorganization. In December, the Dean told HSS department heads that the proposals for restructuring were being shelved. Nevertheless, in January 2017, the Provost emailed the Dean of HSS, telling her to “direct” the Departments of History, Classics, and Religious Studies to start collaborating on a plan for integration. Departments and ASMs across the Faculty of HSS immediately and strongly opposed this “forced merger,” and MUNFA wrote a public letter to the University President “condemn[ing] the utter disregard for the principle of collegiality represented by the Provost’s action.” MUNFA also raised concerns that this proposal posed risks for the future of particular disciplines at the university (see: <http://munfa.ca/humanities-and-social-sciences-integration/>).

The administration subsequently replaced the forced merger with a request that departments find their own merger partners. Faculty members continued to question the rationale for reorganization and worried that it would result in the eventual elimination of particular academic programs and/or serve as an avenue for laying off ASMs. MUNFA responded by asking the University to sign a Memorandum of Understanding that would safeguard against these outcomes (<http://munfa.ca/3440-2/>). The University declined, saying it was unnecessary, as the “intent” of combining departments was not to eliminate academic programs or lay off ASMs (<http://munfa.ca/muns-response-to-munfas-mou-re-amalgamating-humanities-social-sciences/>). The Dean’s office subsequently issued secret ballots to tenure-stream ASMs in 7 departments that had indicated that they were willing to consider merging with one or two others, asking them whether they supported the proposal “in principle.”

MUNFA has grieved the exclusion of those of our members who are term appointments from voting on the proposed mergers. We have filed an Access to Information request on administrative correspondence relating to the mergers, in an effort to gain some insight into the University’s rationale for the proposal. We continue to monitor the situation and remain concerned about the lack of clarity about the rationale and procedures for the process, as well as its possible consequences for ASMs and academic disciplines and the very accelerated timetable imposed by the administration for dealing with such a consequential matter.