
Susan Wurtele
President, Trent Faculty Association

June 9, 2009

Dear Sue,

As per our discussions, this letter is the Administration's response to TUFA's request that we clarify and narrow our bargaining proposals.

After signing a bargaining protocol on April 27, 2009, the parties met May 27 to exchange proposals. Prior to that meeting the Administration had advised TUFA that in reviewing the TUFA collective agreement, and other faculty agreements, it was found that the current chapter structure was difficult to work with and outdated. We did so prior to committing a large amount of time to reorganizing the agreement. The Administration approached TUFA to gauge their willingness to embark on such an exercise. The approach was well received. The result of the Administration's effort is a reordered collective agreement, similar in structure to that of almost all other Universities across the country. It has 29 articles, each titled according to its content, with separate faculty and librarian articles. On May 27, the parties walked each other through the proposals briefly allowing an opportunity for questions and clarifications.

At our next meeting with TUFA on June 1, TUFA stated that they supported this effort; however they had concerns with the scope and number of changes proposed in the Administration's document. The concern expressed was that the magnitude of the proposed changes could have an adverse affect on the process, if shared with the membership as tabled. TUFA requested that the Administration take their proposals back and refocus on a narrower set of priorities. TUFA identified the primary areas of concern as (1) the removal of policies from the collective agreement, (2) the proposed teaching stream positions, (3) the proposed changes to LTA workload, (4) the inclusion of Chairs' responsibilities, (5) the creation of an Appeals Committee for some personnel decisions, (6) the removal of restoration of CDI, (7) limitations on the jurisdiction of arbitrators. The overall concern expressed was that the proposals went beyond the expected financial concerns and the tenure process at issue between the parties over the last year.

The Administration has carefully considered TUFA's opening statements and would like to reinforce the explanations provided at the table.

In the spirit of good faith bargaining we advised TUFA that we were doing a comprehensive review of the collective agreement. This largely involved a re-ordering of existing clauses. Many of the proposed changes are a reflection of that process.

It was never our intent to discuss only financial challenges. In the fall of 2006 at Joint Committee, TUFA was provided with a list of clauses that were outdated and inconsistent with one another and/or with current practice. At that time the Administration asked that the parties begin working on these issues in advance of bargaining. The executive advised that all of the items be forwarded to bargaining. You will find that changes proposed reflect those discussions, and, although substantive, the vast majority of them reflect current practice.

In addition, we have not bargained in four years. In those four years significant legislative and policy changes have occurred in Human Rights, Employment Equity, Privacy legislation, AODA requirements, Workplace Violence, and Health and Safety. As our experience has shown, the membership has advised that they want those issues dealt with in bargaining. Again, many of our proposals are in response to meeting our legislative obligations as an Employer. We have indicated flexibility on how we tackle our joint obligations together.

One of the issues identified as highly contentious is the teaching stream appointment proposed by the Administration. We do see this as a monetary item, and the parties have been discussing this issue for six years, as evidenced by the Appendix in the current collective agreement. Currently most, if not all, Universities have teaching only positions, and we have indicated flexibility with regards to the details of this proposal. We have also explained that the changes to LTA workload are connected to this issue and that a resolution can be found between these two proposals.

The time and money spend on arbitration has motivated both parties to change the language around COAP processes and personnel decisions. The Administration has attempted to clarify the language to capture (and reaffirm) existing practices and to replace the request-for-reconsideration-by-the-same committee stages by an independent appeals process. The Administration's proposed language changes in the personnel clauses are consistent with those captured in the guidelines for the submission of personnel recommendations that were developed by COAP, taken to Faculty Board, and shared with Joint Committee. Our process has differed in that the Administration has tabled a comprehensive review of all clauses impacted, whereas TUFA has focused on the reappointment and tenure process, requesting the right to table revised versions of other personnel clauses once agreement is reached on the reappointment and tenure clauses. Either approach involves a significant review of the collective agreement. We are committed to that process – as indicated by the detail provided in our document.

Finally, we have emphasized that we believe in the importance and maintenance of Parity. We have tabled modifications to reflect the evolution of our environment, the comparative data, the need for the University to be in a position to plan over the duration of the contract, and the University's fiscal reality. We have also tabled possible solutions to the most significant challenge, the state of the TUFA pension plan, and we have offered to work collaboratively with TUFA's team and the pension subcommittee, as done in previous years. We have asked for guidance from the TUFA bargaining team on the membership's priorities on these very significant issues, as they are undeniably interconnected.

We are confident that, through discussion and the negotiations process, we can explain why we believe our proposals are in the best interests of your members and the University. We recognize that it will be a lot of work for both parties, but are willing to put in the effort required to have an accessible, compliant, comprehensive agreement, which creates opportunities for consultation and involves TUFA members in crucial decision making processes.

We look forward to working with you on this important initiative,

Sincerely,

Stephanie Williams
Director, Human Resources