AASUA Council Meeting

Thursday, May 21, 2015
Lister Centre- Aurora Room
2:00 p.m. – 4:00 p.m.
Annual Dinner to follow

AGENDA

1. Approval of Agenda
   Kevin Kane

2. Approval of Council Minutes of April 23, 2015
   Kevin Kane
   
   Executive Minutes of April 9, 2015 – received for information

3. President’s Report
   Kevin Kane

ACTION ITEMS

4. Reserve Fund Policy (attached)
   Loren Kline

5. Election of Bylaws Amendment Committee (two nominees for one vacancy)
   Kevin Kane
   - Drafting Committee (bios attached)

6. Bylaws Amendment Committee – Request for Funding
   Li-Kwong Cheah

7. Board of Governors request to De-Designate the President and Vice-Presidents
   Kevin Kane

8. Nominating Committee Motion for consideration
   Rachel Milner

INFORMATION ITEMS

9. Third Quarter Report (attachment to follow)
   Loren Kline

10. Bargaining Update
    Chris Mackay

Guest Speaker:
11. SCC ruling on right to strike as a Charter Right
    Pat Nugent, Barrister & Solicitor

    Carolyn Sale

13. Committee Reports and Executive Director Report
    Rachel Milner
    - Nominating Committee

14. Other Business

Next Meeting: Thursday, June 25, 2015
2:00 – 4:00 PM
ECHA 1-182
AASUA Council Minutes
Thursday, April 23, 2015
ETLC 6-060

Attendees:   Kevin Kane, Laurie Adkin, Ted Allison, William Anselmi, Angela Bayduza, Kathy Belton, Charles Beck (non-voting), Jim Boyes, Jennifer Branch-Mueller, Christine Brown, Heather Bruce, Linda Cameron, Li-Kwong Cheah, Larry Clark, Bob Cole, Sherrill Conroy, Sharon Farnel, Christina Gagne, Terra Garneau, Andrew Holt, Trina Innes, Randa Kachkar, Mark Karstad, Adam Kemezis, Loren Kline, Janice Kung, Gerhard Lotz, Kelly MacFarlane, Chris Mackay, Martin Davies (alternate for Rachel Milner), Amy Kaler (alternate for Sourayan Mookerjea), Brenda Parlee, Don Perkins, Melinda Pinfold, Frances Plane, Jeremy Richards, Carolyn Sale, Sheena Wilson (alternate for Maite Snauwaert), Gordon Swaters, Guido Tondino, Richard Uwiera, Don Voaklander, Joanna Auger (guest), Vera Cain (guest), Brygeda Renke (ex-officio, non-voting), Roxanne Rowe (recording), Aly Koskela (office staff, assistant), Maurice Morinville (office staff, assistant)

Regrets:   Sourayan Mookerjea, Trish Manns, Betty Peavey, David Cooper, Mark Freeman, Makere Stewart-Harawira, Rachel Milner, Ricardo Acuna, D’Arcy Vermette, Nadir Erbilgin, Andrew Luchak

1. Approval of Agenda

   MOTION: Kline/Branch-Mueller moved approval of the agenda with the noted revision:

   Item 9 to follow President’s Report.

   Carried

2. Approval of Council Minutes of March 28, 2015

   MOTION: MacFarlane/Conroy moved acceptance of the minutes.

   Carried

   The Executive Minutes of March 12, 2015 were received for information.

3. President’s Report

   Kevin Kane provided a verbal report.

4. Governance Committee – Composition of AASUA Council
Council was informed that the document will be amended by inserting Public Health (1 proposed and 1 current) between Phys Ed and Rehab. This did not affect the overall composition numbers.

**MOTION:** Bruce/Tondino that Council confirms the number of representatives to be elected for 2016-17 as amended.

25 in favor  
11 opposed  
2 abstentions  
Motion Carried

5. **Election of Bylaws Amendment Committee**  
Council made the following determination on the receipt of two nominations received after the deadline, one for the Drafting Committee and one for the Advisory Committee (FSO): A second call is to be made for any vacancies that remain.

Secret ballots were distributed to conduct the following elections:

**Nominees for Drafting Committee**  
Andrew Macdonald  
James Muir  
Carolyn Sale  

All 3 (three) were declared elected to the Drafting Committee.

**Nominees for Advisory Committee**  
Érika Banski (Librarian)  
Li-Kwong Cheah (APO)  
Patricia Paradis (TRAS)  
Heather Young-Leslie (SOTS)  
Katie Biittner (CAS:T)  
David Kahane (Academic Faculty)  
Amy Kaler (Academic Faculty)  

All 7 (seven) were declared elected to the Advisory Committee.

6. **Bylaw revisions re: Elections of Officers & Directors**  

**MOTION:** Richards/Branch-Mueller that Council approves changes to the Bylaws as presented.

13 in favor
21 opposed
Motion defeated

7. Motion to revise Bylaws re: Past Presidents to attend Council
  Motion withdrawn.

8. Motion to post Council Meeting Material

  MOTION: Bruce/Kachkar moved that upcoming AASUA Council meeting material and draft minutes shall be posted on the AASUA website. Approved minutes from AASUA Council meetings shall be posted on the AASUA website as soon as they are approved by Council vote, generally at the subsequent meeting.

  Carried

9. Bargaining Update

  Chris Mackay reported that the Executive appointed members of the AASUA negotiations bargaining team to act as the AASUA appointees to the ARC requested by the Board of Governors under Article 28 as follows: Christopher Mackay, Heather Bruce, Gerhard Lotz, Gordon Swaters, and Linda Cameron (resource).

  A verbal update was provided and the following motion was made:

  MOTION: Mackay/Clark that Council affirms the decision of the bargaining committee and now the ARC committee appointed under Article 28 to uphold by all means the principle that under the various Agreements between the Board of Governors and the constituency groups of the AASUA, negotiations for contract language on the other hand and compensation negotiations are to be treated through separate procedures (the former under Article 5 and the latter under Article 19, these articles referring to the Faculty Agreement with the corresponding articles of the other agreements being understood) against the Board of Governors’ demand that contract language be inserted into compensation negotiations in contravention of the letter and spirit of the various Agreements and in clear violation of past practice.

  Carried unanimously

  A bargaining summary will be posted on Rhumblines.
10. Proposed Bylaw Revisions by Governance Committee
Heather Bruce reported that the revisions have been completed and will eventually be released to Council, and to the Bylaws Amendment Committee (BAC) for information only. The BAC shall now continue revisions to Bylaws.

11. Ad Hoc Research Committee
Li-Kwong reported. Powerpoint to be distributed to Council members. Committee is operating with full complement except an FSO representative.

12. Committee Reports and Executive Director Report
No reports were received.

13. Other Business
No other business was reported.

Adjournment: The meeting adjourned at 4:20 pm.
AASUA Executive Minutes  
Thursday, April 9, 2015  
1901 College Plaza Boardroom

Attendees: Kevin Kane, Heather Bruce, Christine Brown, Ted Allison, Andy Holt, Randa Kachkar, Sharon Farnel, Kelly MacFarlane, Guido Tondino, Rineke Steenbergen (alternate for Kathy Belton), Laurie Adkin, Mark Karstad, Gordon Swaters, Larry Clark, Richard Uwiera, Loren Kline, David Cooper (non-voting), Brygeda Renke (ex-officio), Linda Wagner (recording)

1. Approval of Agenda

   **MOTION: Kachkar/MacFarlane** moved approval of the agenda with the following additions under Item # 7-Other Business.

   Other Business-
   - Academic Freedom Event/Saskatoon – Kevin Kane
   - New UAPPOL Polices to Review - Ted Allison

   Carried

2. Approval of Executive Minutes of March 12, 2015

   **MOTION: Kachkar/Farnel** moved approval of the minutes of March 12, 2015

   Carried

3. President’s Report

   Kevin Kane provided a verbal report.

4. Constituency Representation on AASUA Committees

   Kelly MacFarlane will be following up with committee chairs regarding CAST representatives for the upcoming year.

5. Appointment of Members to the ARC Article 28 (25 CAS:T and SOTS)

   Christopher Mackay, Lead Negotiator attended as a guest. Discussion was held in camera. The following motions were made.

   **MOTION: Clark/ Holt** moved that AASUA Executive appoint the members of the AASUA negotiations bargaining team to act as the AASUA appointees to the ARC requested by the Board of Governors under Article 28, with the exception that Gordon Swaters will become a full member instead of a resource person and Linda Cameron will become a resource person instead of a full member. Accordingly, the appointees to the ARC will be Heather Bruce, Gerhard Lotz, Christopher S. Mackay and Gordon Swaters, with Linda Cameron as resource person.

   1 abstention

   Carried
MOTION: MacFarlane/Swaters moved that AASUA Executive affirms the decision of the bargaining committee and now the ARC committee appointed under Article 28 to uphold by all means the principle that under the various Agreements between the Board of Governors and the constituency groups of the AASUA, negotiations for contract language on the one hand and compensation negotiations are to be treated through separate procedures (the former under Article 5 and the latter under Article 19, these articles referring to the Faculty Agreement with the corresponding articles of the other agreements being understood) against the Board of Governors' demand that contract language be inserted into compensation negotiations in contravention of the letter and spirit of the various Agreements and in clear violation of past practice. Christopher S. Mackay will propose to Council at its April 23 meeting a motion ratifying this affirmation.

Carried

6. Reports from Committee Chairs and Executive Director

The Executive Director provided a written and verbal report.

The following Committee Chairs provided verbal reports:
- Governance
- FSO
- APO
- SOTS
- AFC
- Board of Governors Representative

7. Other Business

- Academic Freedom Event – Kevin Kane
  Carolyn Sale has attended in the past. She, amongst others will be approached to determine interest in attending this year.

- New UAPPOL Policies to be reviewed – Ted Allison – Deferred

8. In Camera Session – Grievance

Adjournment: The meeting adjourned at 4:30pm.
2.5 AASUA Reserves Policy

The Association aims to maintain an Operating Reserve at a minimum equivalent of one year’s operating expenses. The main purpose of this reserve is to defray obligations to staff members should the Association be wound up for any reason. In the financial statements, the auditors call this an “unrestricted reserve”.

Council approved (1994.02.10) the creation of another reserve fund, the Membership Defence Reserve Fund, a contingency fund to be used to assist with legal costs on behalf of the AASUA and its members in arbitration proceedings and legal actions, as well as defending the academic staff agreements and principles therein. In the financial statements, the auditors call this an “internally restricted reserve”.

The Membership Defence Reserve Fund was established at $250,000 by transferring that amount from the operating surplus in 1994. It was intended that it would be added to (or reduced by) the differences between the annual budgeted amount for legal and arbitration costs and the actual expenditures for each account. The fund would be allowed to reach a maximum of $750,000, at which time Council would reconsider the terms of reference. No transfer to the Membership Defence Reserve Fund will be made in a year when the balance of revenues over expenditures at the year-end is a deficit, or of an amount that would thereby create a deficit (Council, 1998.10.29). The money in the Membership Defence Reserve Fund is to be used after the exhaustion of amounts budgeted for these purposes in the regular annual budget of the Association.

Pursuant to §2.6.2, Council delegates to the Executive Committee the authority to make payments from the Membership Defence Reserve Fund, and to redeem any investment necessary to meet those expenditures.

MOTION: That Council increase the Membership Defence Fund maximum to $1,500,000.
Biographical Statement

Ricardo Acuña
Executive Director, Parkland Institute
Faculty of Arts, U of A

Ricardo has been Executive Director of the Parkland Institute since May 2002, and is a member of the TRAS Committee of AASUA. Ricardo chaired the bargaining team that negotiated the first TRAS collective agreement in 2006, and has served AASUA in numerous capacities since then including on Council and Executive, as chair of TRAS, as chair for three years of the Personnel Committee, and as a past member of the Finance Committee.

Before joining Parkland, Ricardo worked for nine years as Projects Coordinator for Change for Children Association – an Alberta-based charitable organization supporting grassroots community development projects in Latin America, and a program of global and justice education here in Alberta.

Ricardo has over 25 years’ experience volunteering for and as an occasional consultant for a number of local organizations in the fields of international development, multiculturalism, advocacy, and popular education. He is a current board member of Oxfam Canada and Public Interest Alberta, and was a founding member of and continues to sit on the advisory committees for the Next Up programs in Edmonton and Calgary. He was a founding board member of the Alberta Council for Global Cooperation and the Memoria Viva Society of Edmonton, and played a key role in drafting the founding bylaws of both those organizations.

He is a regular media commentator on public policy issues, and writes a regular column for VueWeekly in Edmonton.
Lan Chan-Marples, B.A., M.Ed  
Research Facilitator, Social Sciences and Humanities  
Research Facilitation and Strategic Initiatives Team  
Research Services Office, University of Alberta

I am interested in being on the Bylaws Drafting Subcommittee. I have been a Research Facilitator (an APO position) with the Research Services Office, University of Alberta since September 2003 (11.5 years). My work involves grant applications and awards administration for the five social sciences faculties assigned to me.

I have served on community boards (more than 20 boards over time) for more than 20 years, as board executives mostly and have had held positions as chair, vice-chair, secretary and treasurer. All these boards are regulated by established By-laws for the organization. I have had experience in the drafting, amendment and filing of By-law changes.
WHEREAS:

A March 26, 2015 motion passed by AASUA Council constituted a Bylaws Amendment Committee. The Committee was charged with engaging in a consultative process with membership, consulting with legal and governance experts, and drafting new Bylaws that will change key democratic structures in the Association, including ensuring direct election of Officers and Standing Committee Chairs by the membership. These Bylaws will go to Council and then the membership for approval. The March 26 motion as passed anticipated our working with outside consultants but did not stipulate a budget for the Committee.

To do the work required of it, the Committee requests funding for three purposes, as outlined in the Motion of March 26, 2015:

1. To retain a consultant to support the extensive consultation with the membership outlined in the motion that constituted our Committee.
2. To retain legal counsel to ensure that the draft Bylaws are well constituted and in conformity with the PSLA, as anticipated by that motion.
3. To retain and consult experts in structures and bylaws for organizations like ours; as part of this we may wish to bring people to campus (e.g. from the CAUT) to consult with the Committee and also to speak to or meet with the membership at large.

At this early stage of its work the Committee is unable to fully quantify the amount of funding required but does not anticipate needing more than $50,000 for the first phase. The Committee has taken several steps to minimize the total amount of funds requested, including engaging members of the Association who have legal experience or experience in drafting bylaws. However, unexpected or extenuating circumstances may require that the Committee return to Council with further requests should additional funding be required.

MOTION: That Council authorizes the Bylaws Amendment Committee to spend up to $50,000 for the purposes just outlined.

Mover: Li-Kwong Cheah
April 24, 2015

Attention: Ms. Brygeda Renke  
The Association of Academic Staff  
University of Alberta  
1901 College Plaza  
8215 – 112 Street  
Edmonton, AB  
T6G 2C8

E-MAILED TO: brygeda.renke@aasua.ca

Dear Ms. Renke:

Re: Consultation about De-Designation of the President and Vice-Presidents of the University of Alberta

There have been several occasions over the last 18 months when I have raised with you the subject of AASUA’s representation of senior administrators, both verbally and in writing. The Association has raised concerns in the past about the challenges inherent in representing senior administrators as part of the academic staff bargaining unit, including conflict of interest.

The Board of Governors, through the BHRCC, is considering the possibility of removing the positions of President and Vice-President from the academic staff through a change in designation, as contemplated by section 60(2) of the Post-secondary Learning Act. The BHRCC is concerned that senior administrative employees should not be part of the bargaining unit due to the inherent conflict of interest between their managerial responsibilities and their personal interests as members of the bargaining unit. Further, conflict of interest arises between these administrative employees and the Association, which raises concerns that these employees are not appropriately represented by the Association.

I am writing on behalf of the Board to begin a consultation process with the Association about the possibility of de-designating the President and the six Vice-Presidents of the University as academic staff. The terms and conditions of employment for those employees would then be prescribed by individual contracts of employment operating outside of the collective agreements. The Association would not have any representational responsibilities for those employees while occupying these senior administrative positions.

For academic staff who leave the bargaining unit to assume any of these senior administrative roles, with an expectation that they will return to the bargaining unit after the administrative appointment is concluded, I would anticipate a process by which they return to their original “in scope” positions without any loss of seniority, tenure, salary and benefits.

If a change of this nature is to be made, a logical implementation date would be the start of the new academic year on July 1, 2015, when a new President and a new Provost and Vice-President
(Academic) begin their terms. However, any implementation date would obviously depend on the course of our consultations.

I propose that we meet for an initial discussion about this proposal following which I would invite the Association to provide its preliminary response in writing. If you require any additional information for the initial meeting, please let me know. My office will contact yours to schedule the meeting.

Sincerely,

[Signature]

Jay Spark
Vice-Provost and Associate Vice-President
(Human Resources)

Attachments

cc. Kevin Kane, President, AASUA
    Michelle Strong, Director, Faculty and Staff Relations
Nominating Committee Motion for consideration by Council:

That AASUA office staff manage the preparation of letters for recognition of the service of members of Council. Two form letters are proposed: the first will be directed to members of Council in December, and will thank them for their service and note the number of Council meetings they have attended since September. It will include a reminder that it is possible, and encouraged, to arrange alternates where attendance is impossible. Councillors who have never attended a Council meeting will be asked to consider resignation. The second letter will be directed to members of Council in June and will state the number of Council meetings they attended for the full academic year, and thank them for their service. This letter will be cc'd to the member's Chair.