

Bargaining Bulletin #3

We want to start this bulletin by reminding you that all the tabled proposals are available to view on [CUASA's website](#). One is quite large so we apologize for your access time and suggest you directly download it rather than using the PDF viewer in your browser. Also available are [Bargaining Bulletins #1](#) and [Bulletin #2](#).

On 16 July the employer tabled a proposal on Tenure and Promotion. This proposal

- deletes the definition of tenure along with Appendix A;
- removes the automatic consideration for tenure/confirmation for a term employee in their 5th year of service;
- defines a new class of pre-tenure employees, "Probationary Appointments" who are required to obtain additional qualifications to become normal tenure track;
- extends the current 4th year consideration for tenure and 5th year consideration for promotion to associate to a 6th year consideration for both;
- links tenure and promotion to Associate in normal procedures. It allows a faculty member to request separate consideration in exceptional circumstances only;
- refuses to consider any activities accomplished before employment at Carleton towards tenure;
- makes the annual reporting on progress towards tenure and promotion criteria mandatory;
- adds the requirement of up to six (6) external reference letters for consideration of tenure;
- asks units to develop their own criteria for tenure and promotion;
- changes the procedures so that the final decision could arrive more than one year after you apply for tenure rather than early in the following winter term;
- includes the "status and reputation" of Carleton University as a basis for consideration of a candidate's tenure;
- includes separate assessments by the unit, the faculty, the dean, the university and the President. Currently for tenure, the only considerations are the unit, faculty and President;
- makes abstentions count as votes against candidate;
- includes a promotion appeal process more like our current tenure appeal process, a 5 member appeal committee of peers;
- does not allow appeal of deferments of tenure;
- does not allow any appeal on substantive grounds (criteria) if all assessments are negative;
- deletes the right of the tenure appeal committee to grant tenure in appeals on procedural grounds;
- gives the President new abilities to overturn any appeal decision without oversight;
- deletes the due process right of an appellant to bring new information to appeal proceedings.

We would like to discuss some of these aspects of the employers proposal. First, the lack of definition is very troubling. The current definition of tenure in our collective agreement is

"Tenure" means permanency of appointment including the right to fair consideration for increases of responsibility and salary, and for promotions in rank, and the right of a faculty member to continue as such until age 65 subject only to dismissal for just cause.

This definition is precisely what makes tenure meaningful. Without it, tenure confers neither job security nor academic freedom; your employment can be terminated for any reason. The only remaining definition would be the reference at the beginning of the collective agreement which primarily refers to the one being deleted! The employer's deletion of the definition combines with their proposals a) to extend their rights to overturn positive decisions from lower levels, b) to give the President the ability to overturn a successful appeal with no oversight, and c) to include the "status and reputation" of Carleton University as a basis for tenure consideration; all of these represent a

fundamental erosion of your rights and academic freedom. Their proposals on tenure and promotion further align with other proposals to erode our academic freedom which are already on the table. (see the [previous Bargaining Bulletin](#) and the [pdfs of posted proposals](#)).

The employer's proposals would destroy the integrity and protection of the existing tenure appeal process. Currently, when a member is denied tenure they have the right to appeal on **any** relevant grounds, including substantive, procedural, academic freedom, and discrimination. Their right to appeal exists **even if there were negative decisions by all the committees**. Members are allowed to present **any evidence** at the appeal. Our Senate Tenure Appeal committee can make **any decision they think is appropriate** including the granting of tenure, and this decision is **final and binding on the employer**. The employer's proposals would eliminate our members' rights to basic justice and due-process. Plainly stated: every member who is denied tenure must have a right to appeal; this right must be available for everyone regardless of their circumstances; every appellant must have the right to bring the most current information and evidence to the appeal. Yet the employer is not satisfied with simply eroding deleting these rights. They want to ensure that even if the process goes against them that the President can overturn any appeal decision without any oversight.

To further aggravate the matter, the employer has proposed extending the tenure and promotion committee and appeal process to more than a year. What might this do to those members who have been denied, and chose to appeal? How will members fare, knowing that they will have to endure more than a year of anxiety, uncertainty, and tension? Currently you are notified by the President of the decision on tenure in December of the same year you apply and the appeal procedure normally concludes in the following winter term.

There are multiple dimensions of the employer's proposal which are simply illogical. For instance, tenure and promotion are linked, yet the employer has proposed that there be different criteria. For instance, they would not allow consideration of work done before coming to Carleton for tenure, but would allow such consideration for promotion. They have proposed unit criteria for consideration of tenure and promotion, yet have added a University consideration of Tenure, and have increased the President's power to deny tenure and appeals.

In this proposal the employer has also eliminated the automatic consideration for a continuing appointment for term employees in their 5th year. We all know excellent colleagues who have permanent faculty positions at Carleton only because of this right. They have brought their excellent teaching, research and administrative strengths to Carleton and we are all better for their presence. This is an important right that we need to keep.

When thinking about the employer's proposal we urge you to think ahead to your tenure consideration or to remember back if you already have tenure. Imagine how differently the process could have been for you had it happened under the procedures the employer is proposing. Is this how you want yourself and your colleagues to be treated? Think especially of the young colleagues who you have helped hire in recent years: what is fair and right for them? Will denial of tenure be one way that positions are permanently eliminated from departments and schools? Remember you have invested your time, energy and resources to these excellent scholars you have hired in your units.

When considering the employer's tenure and promotion proposals recall that this employer has refused to negotiate a 2.0 maximum course workload . They have opposed units developing local workload norms. This employer plans to expand student enrolments without hiring new faculty. This employer has refused to negotiate student/faculty complement (ratio) language. This employer is seeking to cut back on research support to faculty while simultaneously demanding greater research output from our members. This employer has chosen to run programs and departments by relying on Contract Instructors (Sessionals) which in turn creates increased administrative burdens on our members.

In addition to all this, remember that the employer has additionally tabled proposals that:

- give them access to all our intellectual property including teaching and research;
- require employees to pay back their sabbatical salaries with a more than 25% additional penalty if they do not return to Carleton University after a sabbatical;
- make it the default for all courses to be designated for student evaluations which will be used in career decisions (CDIs, Tenure, Promotion, etc.);
- exclude recognition of administrative service in consideration of CDIs and limiting evaluation only to teaching and scholarship/research;
- limit academic freedom.

On the 20th of July the negotiating team held a general membership meeting to discuss the state of bargaining and all the proposals on the table. The attendance was 85 and there was a lot of energetic discussion about many of the employer's proposals. At the meeting the following resolution was passed.

The Open General meeting of CUASA received employer proposals and strongly opposed them on the grounds that they represent a fundamental attack on the principles on which an effective University must be based.

The bargaining committee is taking seriously the suggestion from many members at the meeting that a strike mandate is necessary. We want to thank all those who attended and helped to give the negotiating team important feedback.

Again please remember that PDFs of all proposals that have been tabled are available on [CUASA's website](#) as are [Bargaining Bulletin #1](#) and [Bulletin #2](#).

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