

## **A Guide to AUFA Grievance**

Most Acadia faculty members probably know that their union has a grievance process, but few fully understand how that process works. This column offers a brief overview of how grievances are handled by AUFA.

The Association Grievance Committee—or AGC, for short—is a four-member standing committee of AUFA responsible for investigating potential violations of the collective agreement. The AGC also offers support to AUFA members seeking to understand the language of the collective agreement. It is appropriate for any AUFA member who has questions about contract language, who becomes aware of a possible violation of the collective agreement, or who feels that the way something is handled on campus may be a violation of her/his rights to contact the Senior Grievance Officer (SGO).

The AGC is often able to respond to queries about contract language via telephone or email, but complaints require a face-to-face meeting. Once an AUFA member has contacted the SGO with a complaint, it is the SGO's job to meet with the complainant and one of the AGC's two Junior Grievance Officers. At this confidential interview, the complainant has a chance to describe her/his concerns, and the grievance officers have the opportunity to ask questions designed to elicit as thorough a description of the complaint as possible. When the meeting is concluded, the grievance officers share an account of the complaint with the full AGC, and the committee works collaboratively to investigate the matter with an eye to determining if the complaint constitutes a grievance. This investigation might involve interviewing people on campus, consulting relevant files, following up with more questions for the complainant, and/or consulting with CAUT or with AUFA's legal counsel.

If the AGC determines that the complaint ought to be recognized as a grievance, the grievor's name and the nature of the grievance are shared with the AUFA Executive, a group of faculty members bound, like the AGC itself, by a duty of confidentiality. The AGC then proceeds under Article 18 of the collective agreement in an attempt to resolve the grievance. It is worth noting that the process specified in Article 18 emphasizes the responsibility of representatives of both the administration and the association to try to resolve disputes informally; only once such attempts have failed may formal grievances be filed. While some matters can be resolved successfully at the informal stage through conversation with the administration, others require the filing of formal paperwork by the AGC (see Article 18, Appendix I). In cases in which meetings with administration fail to produce resolution, the AGC must seek permission from the AUFA Executive to pursue arbitration (see Article 19).

Arbitration, the final possible step in the grievance process, brings the matter in dispute before an external arbitrator whose decision is final and binding on both parties, and whose award in the case becomes a matter of public record. Although the AGC remains actively involved in the proceedings, at this stage AUFA engages legal counsel to consult and to present the case in the course of the formal proceedings. Individual grievors are protected from legal debt as all grievance cases belong formally to the association, which is

thus responsible for paying lawyers' fees and for sharing with the employer the other expenses of the arbitration process. Arbitration can be costly and time-consuming for the association, but it is sometimes the only way to ensure fully fair hearings for members and robust protection of collective rights fought for at the negotiating table.

Of course, not all complaints from members to the AGC meet the criteria for grievance. Sometimes members' concerns fall outside the purview of the collective agreement, and other times the complainant's conviction that the agreement has been violated is not confirmed by an AGC investigation. In these cases, the AGC explains why grievance cannot proceed and, when appropriate, offers possible alternative venues through which the complainant might seek recourse. In cases in which the AGC determines that a complaint cannot be grieved, the committee's ruling can be appealed to the AUFA Executive. If the appeal is successful, the Executive will instruct the AGC to proceed to grievance under Article 18 following the process described in the previous paragraph. Should the Executive uphold the AGC's decision, or if the member chooses not to appeal a negative decision, alternative solutions to the complaint may be available, but the avenue of formal grievance under the collective agreement is closed.

There is a misconception in some quarters that grievance ought to be used only as a last resort because it is an unnecessarily adversarial means of addressing concerns best dealt with more "collegially." Unfortunately, in the context of collective bargaining, "collegially" is most often synonymous with "the way the employer wants it done." While it is certainly the case that some matters are best resolved through frank conversation among colleagues or through existing administrative hierarchies recognized in the collective agreement, violations of the collective agreement are best addressed through the confidential, incremental, and collective process of grievance.

Questions about the AUFA grievance process can be directed to any member of the AGC.