

Subject: Re: [msvufa-univ-list] JC Memo on Return to Work

Date: Sunday, September 22, 2024 at 3:50:05 PM Atlantic Daylight Saving Time

From: Tianyuan Yu

To: [REDACTED]

Hi [REDACTED] all),

I understood that you, [REDACTED] had concerns about whether the FA has created a democratic culture wherein all voices are heard. It is my belief that **all FA member must feel safe to ask questions, whether in public (via listserv, at meetings, etc.) or in private.** If this were not the perceived reality, then I'd endeavour to make it the reality along with all other members in the FA leadership positions. Since I assumed the FA President's position in late July, people have been asking questions about the CA and questioned the transparency of FA decisions. That was why I have been writing and posting regular, detailed updates (often with editing support from Exec and BT members as long as they are instantly available) on the Listserv as much as I can say and as soon as I can. When you said you "saw that again at Friday's meeting", I really do not understand what made you feel so. I might have inadvertently overlooked some questions posted in the Zoom Chat during the meeting as I was preoccupied by chairing the meeting and watching for questions on the floor, but I never had such intention as making anyone feel "shamed or scolded and positioned as unsupportive of the union". I would regret if any of my actions or speeches had caused such misunderstanding.

I wish to explain a bit why we all have to prioritize our time and energy and to be ever more caring for everyone's physical & mental health especially during this difficult time. Things have been everchanging as we fight against the Employer's various delay tactics and make every effort to expedite the signing of the CA. New issues emerge almost on a daily basis that often require immediate, strategic actions from the FA leadership. Meanwhile, the FA leadership team have had to cope with severe constraints of resources due to the fact that half of the Exec committee positions are filled by new members while three of the BT members are on sabbatical, not to say the fact that most of the Exec members have regular teaching workload and limited time available and are basically working for the FA on a volunteer basis. What's worse, some of us are facing health conditions, undergoing surgeries, and/or are caregivers for sick elders or children at home. In the past months I have had to constantly asking for feedback and assistance from my team members and frequently calling for emergency Exec meetings despite knowing the difficulties many of us are facing. To give another example for the countless invisible work that the Exec and BT members have been doing, some are still working intensely this Saturday and Sunday to draft an interim RTPP protocol to be submitted to the Joint Committee on Monday, which must take into consideration the needs of all members up for RTPP this year as well as ensuring an equitable process for all. Indeed we have been subject to an unequal fight against the Administration who are highly paid for their time without any teaching or research duties. The FA leadership team in this sense has been badly disadvantaged and overstretched by this arduous battle.

Because of the resource constraints we are facing as mentioned above, as well as the complexity and urgency of the problems involved and the sensitivity of some strategic decisions at certain points of time, I have to say we cannot possibly have all questions answered at this stage although all questions are always welcome. If your questions are not

answered as of yet, please know that you are by no means “positioned as unsupportive of the union”! And I would encourage everyone to engage in a collective self-reflection process through the FA Ad Hoc Job Action Reflection (JAR) committee’s work once the CA is signed, when critical but constructive questions and comments would be essential for us to draw meaningful lessons from this collective experience.

Thank you and in solidarity,
Tianyuan

From: msvufa-univ-list <msvufa-univ-list-bounces@msvufa.ca> [REDACTED]

Date: Sunday, September 22, 2024 at 12:57 PM

To: [REDACTED]

Subject: Re: [msvufa-univ-list] JC Memo on Return to Work

Hello all,

Thanks, [REDACTED] for again bringing up some important observations and [REDACTED] for raising the importance of making sure all voices are heard. I have felt, that those who question are often shamed or scolded and positioned as unsupportive of the union. I saw that again at Friday’s meeting. Members asking questions are usually just trying to UNDERSTAND.

We all appreciate the commitment and hard work of our union executive and bargaining team. Tianyuan, very new to the president’s position, thank you for doing a great job chairing the two meetings last week. Although the meetings on Thursday and Friday were helpful, I still find myself with many questions. An answer to the following question will help me understand where we are with the RTP process and other outstanding issues and will build somewhat on Sandi’s comments:

When the strike was declared over, what had the union and administration signed that signified an agreement was reached?

To agree means there would be a memorandum of settlement/agreement including a list of all changes agreed to for our new agreement signed by both parties, or all changed articles with agreed upon changes signed off by article by both parties. If you didn’t follow either of these processes, can you share what process you followed? These “sign offs” by both parties would indicate what was agreed to.

Thank you,

[REDACTED]

From: msvufa-univ-list <msvufa-univ-list-bounces@msvufa.ca> [REDACTED]

Sent: Saturday, September 21, 2024 3:17 PM

To: [REDACTED]

msvufa-univ-list@msvufa.ca

Subject: Re: [msvufa-univ-list] JC Memo on Return to Work

Thank you, [REDACTED], for your continuing expressions of reasoned and unbiased concerns about the ongoing and seemingly intractable issues with our CA. Your suggestion for a review of the outstanding wording is a very good one but I doubt it will be considered.

Your concerns are shared by many members who have a reluctance if not fear of sharing their concerns in more open forums. We have all seen when questions or concerns are raised the subsequent accusations of not being supportive or worse.

Over the past five years it seems that the leaders of the FA have created a chilling effect for its members - sadly this is not 'cool'.

[REDACTED]

[REDACTED]

From: msvufa-univ-list <msvufa-univ-list-bounces@msvufa.ca> [REDACTED]

<[REDACTED]>

Sent: Friday, September 20, 2024 1:54 PM

To: Genevieve Boulet <Genevieve.Boulet@msvu.ca>; msvufa-univ-list@msvufa.ca <msvufa-univ-list@msvufa.ca>

Subject: Re: [msvufa-univ-list] JC Memo on Return to Work

Hello everyone.

Yesterday's meeting was insightful. We all know we must get the signing of the CA resolved. What I heard yesterday indicates that there does not seem to be a clear path unless an Arbitrator is involved and that will take some time.

Contrary to popular believe I have zero ill-will towards the union. I always analyze things to death and in these negotiations, I have been trying to understand how we got here and how can we move to closure. I have made suggestions, but they are always taken as me not supporting the work the union is doing on our behalf, but I cannot control those who choose to believe I am acting with malicious intent. I do know many of you have agreed with me privately and I thank you for understanding my motive.

RTP Process

For faculty worried about a delay in their RTP process, the union's lawyer indicated that under the Trade Union Act, the terms and conditions of employment in an expired collective agreement continue to apply until a new collective agreement is in place. So those seeking reappointment under the old CA can do so. However, the lawyer and our Executive said that one way we can pressure the employer to sign is to hold the RTP process over their heads as that process is almost sacred in universities and that faculty should withdraw their applications. Suggesting to faculty yesterday that those who wanted to proceed was not supporting the union and the union needs their solidarity is unfair and it paints faculty who had a different opinion on the RTP as not being supportive of the union. I have raised concerns before about voices being silenced by our union and some of the comments yesterday were not fair or inclusive of different opinions.

Question: does your new wording in the CA provide more beneficial wording for faculty seeking promotion? If not, one member indicated that faculty should have the choice to proceed as they want. I honestly don't see the employer being overly concerned or pressured if faculty might have to wait another year to get their promotions (in fact, it saves them money). I am cognizant of the fact that faculty who qualify under the new service route to full professor will be impacted as that route is not in the old CA, but I suspect there are many more who would be impacted under the old CA and want to move forward now. Does equity come into play here? I am guessing we cannot accommodate everyone, and double-digit numbers are likely for those who are up for promotion now versus single digit numbers for the new service route?

Several faculty have asked if course relief is counted as service in the new service route to full professor. The BT must have that wording in place on their end for this clause and I respectfully ask *again* for you to make this clause public to the FA.

Why Won't the Employer Sign?

I suggested personalities might be the issue with the signing of the CA. I stand corrected. Our lawyer indicated yesterday that he was told directly by the lawyer for the Employer that **bargaining was completed**. This leads to the obvious question – why they would state so unless they believed the union was trying to change wording? And why would they think the union was changing wording? What differences do the two parties have in their individual notes? The fact that the Employer had a 1300-page complaint suggests, by the sheer volume, that their lawyer must have written down every single word of the negotiations and have presented the “he said, she said” to the Labor Board in finite detail. I am not concluding that they are correct in what they believe was agreed to, but they obviously *believe* they have what they deem to be the correct wording from their notes between the two parties and thus their stance that bargaining was completed at the time of ratification. That shed much light at least to me on why they are being so difficult.

It then brought me to a statement made by the BT in the ratification meeting when a faculty member asked for a copy of the clauses so he could reasonably get enough information to vote and he was told that although the final negotiations resulted in agreement, it was not possible for the BT to speak exactly to the clauses as much of their negotiation notes were on dozens of pieces of paper that had to be pulled together. I then thought ok – if the first iteration of the CA came out in May could there be issues with the 2-month delay in remembering exactly what the notes on each piece of paper specifically agreed to?

It is clear the employer's lawyer believes her notes include what was agreed to and our BT believe their notes are correct. Could this be a matter of both sides not being fully clear given the delay in pulling together the CA? It is clear the Employer is not budging as they believe we are trying to renegotiate clauses that they feel have been finalized.

We all saw the 36 outstanding issues and they do not seem onerous or overly complicated. Is there a possibility to move forward by our union taking another look at the employer's wording and even if it does not agree with ours, if it does not hurt faculty in any major way, accept the wording and sign the deal? If it does hurt us, then stay with our Arbitration request. CAUT would like to take this on for us I am sure as it puts a union in the national spotlight of fighting the administration, but degrading the university through the use of social media and news not only vilifies the university's reputation but that of everyone who works there. Is having the final word and winning your exact wording worth it if faculty can easily withstand the 36 clauses with the employer's suggested clauses?

I don't have the answers to the above, but I am very uncomfortable with the direction this is moving. Would you agree to a group of faculty outside of the Union Executive and from across different departments having a look at the employer's wording and the union's wording for the 36 clauses and providing an opinion?

Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I acknowledge that MSVU is in K'jipuktuk, part of Mi'Kma'Ki, the unceded and ancestral territory of the Mi'Kmaq. We are all treaty people.

From: msvufa-univ-list <msvufa-univ-list-bounces@msvufa.ca> on behalf of Genevieve Boulet <Genevieve.Boulet@msvu.ca>
Sent: September 19, 2024 2:54 PM
To: msvufa-univ-list@msvufa.ca <msvufa-univ-list@msvufa.ca>
Subject: [msvufa-univ-list] JC Memo on Return to Work

Sharing this anew! GB

Please note that I am on sabbatical leave until 1 January 2025.

Geneviève Boulet, PhD (Pronouns: she/her)

Associate Professor of Educational Mathematics, Faculty of Education

Lead Negotiator, MSVUFA

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Where there is a will, there is a way - Vouloir c'est pouvoir

MSVU is located in Mi'kma'ki, the ancestral and unceded lands of the Mi'kmaq