



Policy Grievance

Grievor's Name:
Windsor University Faculty Association

File # GR 0516

Address:
366 Sunset Ave.,
Windsor, Ontario

Ext: 3365

Date Grievance is first known
November 18, 2013, and following

Type of Grievance
Policy

1. Nature of Dispute

Unjustified discipline such as removal from class and/or exclusion from campus during investigation for misconduct.

2. Section(s) of Agreement Violated

Articles 59, and any other articles that may apply.

3. Facts of the Case

Minutes of Settlement of GR#0394 have in part a process for removing faculty members from the classroom "in cases where there has been a significant breakdown in the student-professor relationship, involving a significant number of students, or where there is concern for the safety and well-being of the students".

This MoS process in particular has, "The Associate Vice President, Academic will advise the Association that the University is considering removing the faculty member from the classroom and will allow the Association to provide input into the issue and representation for the faculty member. One day's worth of classes will be

cancelled if necessary to allow the Association and University the opportunity to meet to discuss the concerns. There is nothing precluding the University from returning the faculty member to the classroom once the concerns have been addressed.”

The MoS furthermore read that, “Nothing in these Minutes of Settlement shall serve to circumvent, negate or replace the process outlined in Article 59 of the Collective Agreement”.

In other words, Article 59 procedures will resume after the conclusion of the aforementioned MoS process, and before further discipline may be invoked if that includes permanent removal from class(es) and/or exclusion from campus.

A resumption of Article 59 procedures therefore requires that:

(1) Allegations about the aforementioned significant breakdown in the student-professor relationship etc. and concern for safety and well-being etc. should be documented in writing for the member and the President of the Faculty Association, for example, in the form of complaints from students or others in accordance with Article 27:02(e).

(2) Such written documents should be shared with the member and the President of the Faculty Association within thirty days of University’s receipt of the allegations.

In other words, the University cannot presume from either unsubstantiated allegations or instructor-written materials, including examinations and web-postings, that there has been a breakdown in the student-professor relationship, or there is a concern for safety and well-being for the students in the course with “one day’s worth” of cancelled classes.

The University furthermore cannot generalize this presumption of a breakdown in the student-professor relationship, or a concern for safety and well-being to different students in different courses either offered in same semester or a subsequent one.

4. Remedy Sought

(1) Unjustifiable discipline measures will be revoked so that the member is reinstated in the classroom if course(s) has(ve) not progressed beyond first two weeks of semester (or he or she will be on paid leave otherwise).

(2) The member will have all of his or her other rights and responsibilities restored as a faculty member at the University of Windsor including unrestricted access to campus.

Progress

Step 1 n/a

Step 2 n/a

Step 3 Delivered/Mailed to:
Provost & Vice President Academic by the Faculty Association on

Alan G Phipps

February-12-14

Signature of VP Grievance

Date

c.c.
Faculty Association