

## University of Lethbridge Faculty Association Member Representation Policy

The University of Lethbridge Faculty Association (ULFA) recognizes its responsibility under the Post Secondary Learning Act and The University of Lethbridge Faculty Handbook to represent Members fairly, in good faith, without discrimination, and in accordance with its duty of accommodation.

Decisions to represent a Faculty Member are made through the process established by the bylaws of the Association and in accordance with the Handbook, in particular, through a discussion and vote of the Grievance Committee to recommend to the Executive Committee that a Grievance be filed and a discussion and vote of the Executive Committee to then file that Grievance.

However, sometimes circumstances may warrant the Executive, acting on behalf of the Association, deciding against representing a Member or cause the Executive, acting on behalf of the Association, to cease to represent a member. The purpose of this policy is to suggest possible grounds for the making of such a decision and to outline the process by which such a decision can be appealed.

The circumstances under which the Executive, acting on behalf of the Association, may make a decision not to represent a Member in a particular matter or to cease to represent a member in a particular matter include but are not limited to the following:

- The matter which the member is bringing forward is not within the ambit of University policy or the Faculty Handbook;
- The matter is not one which would be grievable or arbitrable (it is outside of ULFA's jurisdiction);
- The matter has ceased to be within the ambit of University policy or the Faculty Handbook, or has ceased to be grievable or arbitrable.

### **The Appeal Process Timeline**

- When the decision is taken by the Executive, acting on behalf of the Association, to not represent a Member or to cease to represent a Member, the Member must be so informed in writing within 5 working days of the decision. This notification must also provide the reason(s) for the decision.
- Should a member wish to appeal the decision, he/she must notify the President of ULFA and the Chair of the Member Representation Appeal Committee<sup>1</sup> (MRAC) in writing within 5 working days of the date of the letter informing him/her of the Association's decision.

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<sup>1</sup> The MRAC is a three-person committee, comprising a Chair elected by the general membership normally from a pool consisting of former Association Grievance Chairs or Presidents, and two additional members; one nominated by the Association Executive and one nominated by the Member.

- In order for the appeal to proceed, the Member's written notification must also identify the grounds for appeal and provide whatever additional supporting documentation the Member deems to be relevant.
- The MRAC shall investigate the matter and within 15 working days, submit a written report to both the Member and the Executive acting on behalf of the Association.
- In their notice of appeal, Members have the right to request to meet with the MRAC, but if this right is invoked the Executive, acting on behalf of the Association, may also request to appear before the MRAC.
- Should the right to appear before the MRAC be invoked, the format of the meeting will be as follows:
  - ULFA presentation (maximum 30 minutes)
  - Member's presentation (maximum 30 minutes)
  - ULFA rebuttal (maximum 10 minutes)
  - Member's rebuttal (maximum 10 minutes)
  - Questions from the MRAC (time as required)

### **Other Matters**

- In the event of scheduling difficulties, timelines may need to be adjusted by the MRAC. Should this be required, every effort shall be taken to deal with concerns brought forward by a Member in a timely manner.
- The Chair of the MRAC shall report at the Association's Annual Meeting on appeals heard.
- The decision of the MRAC is final and binding, and exhausts all internal remedies.

Approved by the Executive Committee, Meeting No. 21, April 16, 2009

Approved by the Annual General Meeting, April 29, 2009