

Terms of Reference of the DFA Grievance Committee

1. Grievance Committee Membership

The Grievance Committee is a standing committee of the DFA composed of no more than twenty members. It is chaired by a single Chairperson who is a member of the Executive Committee or by Co-Chairpersons at least one of whom is a member of the Executive.

The Chairperson of the Grievance Committee is responsible for recruiting members who shall act as DFA Grievance Officers. The Chairperson shall report the names of the new Grievance Committee members to the Executive for its endorsement. He or she shall report resignations from the committee as they occur.

2. Jurisdiction

The DFA Grievance Committee shall assist members of the Bargaining Unit who allege violations of the Collective Agreement, and may pursue grievances on behalf of the Association. The Grievance Committee shall assist DFA members who are not members of the Bargaining Unit, with the terms and conditions of their employment including alleged violations of the Senate Regulations Concerning Appointments, Promotion and Tenure.

3. Reports to the Membership

The DFA Grievance Committee will provide the DFA Annual General Meeting with:

- (a) a written assessment of the University's grievance policies and procedures, and
- (b) a written report of the grievances that have come to the attention of the Committee since the last annual report, including comment on the broad implications of these cases for the University but normally omitting to identify the grievors in question. This report lists the membership of the Grievance Committee.

4. Proceeding with Grievances

(a) Informal Stage

Potentially grievable matters should be brought to the attention of the Chairperson of the Grievance Committee as soon as possible, who, after consulting with the Professional Officer and with such other Committee members as he or she considers judicious, will decide whether a grievance should be initiated and appoint a Grievance Officer to handle the matter.

A Grievance Committee meeting provides an opportunity for the Committee as a whole to consider the case at this stage. At times, this is not possible. It is crucial that action be taken quickly at this point in the proceedings as a willing Grievance Officer must be appointed, he or she must prepare the case and attempt to resolve it by meeting with the appropriate person designated in the Collective Agreement, all within fifteen (15) working days of the time the matter was first raised.

(b) Formal Stage

Normally, the Grievance Officer will report at a Grievance Committee meeting and the Committee will decide whether the grievance should be pursued formally. From time to time, the Grievance Committee may decide to seek the advice of the Executive on this question. For example, the Committee's decision may be that the Association should withdraw, but submit the case to the Executive for consideration to ensure that the Association is not running afoul of its duty of fair representation. Occasionally, it may be necessary to proceed to the formal stage without full consultation with the Grievance Committee because of time constraints. In this case, action may be taken after consultation between the Chairperson, Grievance Officer and the Professional Officer.

(c) Arbitration

Cases may only be submitted to arbitration following a decision of the Grievance Committee and of the Executive. However, Grievance Officers should be aware that notice to the Board must be given within a fifteen (15) day deadline (cf. Clauses 29.21 and 29.22). It may therefore be necessary to give notice of **intention to proceed** to arbitration to the Board prior to a decision being taken, in order to preserve time limits.

4. Consultation with Pink Larkin

Bearing in mind the value of minimizing unnecessary legal expenses, consultation with Pink Larkin normally does not take place until after the decision by the President at the formal stage. On occasion, it may be prudent to consult the lawyer at an earlier stage for example, to assess the availability of a particular remedy, thereby facilitating negotiations at the formal level. The Grievance Officer and the Professional Officer should meet to prepare the case prior to meeting with the Association's "downtown" lawyers. Should the Association be advised, for example, that the remedy sought is not legally available, the case may be brought back to the Committee and the Executive for reassessment. If the case does go to arbitration, the Professional Officer is responsible for coordinating witnesses and for case preparation in collaboration with the lawyer and the Grievance Officer.

5. DFA Office Procedures

(a) Record Keeping

Two types of records are maintained in the DFA Office. One is a schedule that is intended to monitor the progress of a grievance and in particular, to serve as a check that deadlines are not missed inadvertently. The success of this system is contingent upon the cooperation of Grievance Officers. All Grievance Officers therefore should make every effort to keep the DFA Office apprised of meetings with the Administration, extensions of deadlines, etc. The DFA is in regular contact with the secretarial staff at Pink Breen Larkin, and monitors cases that have been submitted to arbitration, i.e., on the selection of the arbitrator and the date and time of the proceedings. Grievance officers are notified by letter once an arbitration date has been confirmed. The Office also maintains files on each case. This file contains copies of all correspondence that passes through the Office and the Professional Officer's notes. Upon resolution of a grievance, Grievance Officers are asked to turn their file over to the Office, so that we have a complete recording of the case. From time to time, Grievance Officers may wish to borrow a file because it has particular precedential value to the case they are currently handling. A receipt system has been instituted to reduce the possibility of lost files. **Grievance Committee files are confidential.**

(b) Professional Officer

In addition to the role outlined above, the Professional Officer makes every effort to ensure compliance with deadlines and to be available to Grievance Officers for advice or discussion of cases. Normally, the Professional Officer does not attend negotiating sessions with the Administration until the formal stage has been reached.

(c) Administrative Services

The DFA Office is available to type and process correspondence between the Grievance Officers and the Board. If Grievance Officers handle this aspect of cases themselves, they should check with the Office regarding the form letters that accompany the formal grievance and notice of submission to arbitration. It is important for the Office to be copied on all such correspondence.

6. Conflict of Interest

1. Any person, including a member of the Grievance Committee, may make representations on their case to the Grievance Committee for its consideration, but shall not be present in subsequent deliberations of the Grievance Committee on their case.

Although persons shall be consulted on the final disposition of their case before a decision is made, they shall not be present during the decision-making process.

2. In the course of dealing with a grievance, the Grievance Committee must always consider whether the involvement of a particular member of the Grievance Committee, because of a possible conflict of interest or bias creates a problem in dealing with the case. The Grievance Committee must also consider whether a member's involvement might undermine the confidence of the DFA Membership that the Grievance Committee's work in that case is less than fair, just and impartial. Whenever the Grievance Committee considers such a possibility exists, that member may withdraw from deliberations on the case. The Chairperson of the Grievance Committee shall report the withdrawal of a member of the Grievance Committee from deliberating on a case, at the next Executive Committee meeting. The Grievance Committee, after discussions on the matter, may request that the member withdraw from future deliberations on the case.
3. A member of the Grievance Committee shall not act as Grievance Officer on their own case.
4. Any person directly affected by a decision of the Grievance Committee may appeal that decision to the DFA Executive.