



University of Prince Edward Island FACULTY ASSOCIATION

2007-08 Officers & Staff

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Memo

To: All Members of the UPEI Faculty Association
Date: February 11, 2008
Subject: Cancellation of courses with fewer than 10 student enrollments

In September 2007, the Union became aware that a significant number of courses, largely in the Faculty of Arts, had been cancelled at the start of the 2007 fall semester for having fewer than 10 student enrollments. It appeared that these cancellations were ordered by the Vice-President Academic Development or the Dean without, in many cases, any consultation with the Department Chair or even the particular faculty member scheduled to teach the course.

At that time, the Union issued an email request asking all members to advise the Union about any such occurrences. Following consideration of the issue, an Association grievance was filed on September 24, 2007 which alleged that the Employer's action to cancel courses was done in a manner contradictory to the Chairs' duties and responsibilities defined in Article B3.4.

Under this Article, the first duty and responsibility of the Chair is that of *determining the courses to be given*. The Union takes the position that the Employer, i.e., the Vice-President Academic Development or the Dean, does not have the right to assume this authority. The Union sees this as a significant challenge to the rights of Chairs provided by the Collective Agreement and to the autonomy of their departments.

In response to this grievance, the ruling issued by the Employer's designated representative determined that the grievance did not have merit. The ruling further determined that the Employer had consulted with Chairs regarding the cancellations and, therefore, had not violated any provision of the Collective Agreement. The Union takes the position that the question as to whether or not the Employer consulted with Chairs on this particular matter is irrelevant since the authority to determine the courses to be given belongs to the Chair, in the first place, not the Employer. This grievance is now proceeding to an arbitration hearing. Not surprisingly, the Union has learned that the Employer has continued to cancel courses for the 2008 winter semester. Consequently, a second grievance has been filed with respect to this action.

At this point, the Union requests that all members, especially Chairs, advise the Union regarding the process by which courses may have been cancelled in your department for this current semester. This information will be extremely useful to the Union in its efforts to defend the rights of Chairs and the autonomy of their departments.