ARTICLE 23 REDUNDANCY

A. PREAMBLE

1. The University and the Association recognize the importance of sound academic planning in establishing or changing academic priorities.

2. No faculty member or Librarian shall be laid off or subject to an involuntary transfer requiring retraining except in accordance with this Article or Article 22 (Financial Exigency).

B. DEFINITION

1. Program Redundancy refers only to the direct termination of an academic program by Senate that either leads to the layoff of faculty members or to the transfer of faculty members or Librarians into academic units such that training will be required. It also refers to the reduction or restructuring of an academic program by Senate that leads to layoff of faculty members or Librarians.

2. An academic program for these purposes consists of a group of courses offered by the University which may lead to a diploma, certificate or degree, a designated sub-discipline within a Department/School, Faculty or the Library or any combination of the above.

C. INVOKING PROGRAM REDUNDANCY

1. An academic program may be declared redundant by the University upon a recommendation from Senate to the Board of Governors, solely for bona fide academic reasons as outlined in C.2.

2. Bona fide academic reasons arise from concerns about academic quality within the program or within the University in the context of an exigency, academic relevance or enrolment. Senate may strike a subcommittee to determine whether bona fide academic reasons exist for the declaration of a program redundancy.

3. Upon such declaration, the University shall impose a halt to the hiring of new faculty members or Librarians in the Department/School/Unit involved.

4. Following the declaration of a program redundancy, the University shall strike a Redundancy Committee (RC) as set out below.

D. THE REDUNDANCY COMMITTEE (RC)

1. The Redundancy Committee shall consist of three representatives appointed by the University, three members appointed by the Association and a Chair jointly selected by a majority of the appointees. If the appointees cannot agree on a Chair, they shall be chosen by lot from the nominees of each side.

2. All members of the RC shall be tenured faculty members or career Librarians at the University. No senior academic administrator at the level of Dean or above, no person who belongs to the academic unit affected by the proposed redundancy and no person who participated in the preparation of the University's declaration of program redundancy may be nominated to or participate on the RC.

3. The RC shall meet within ten (10) days of being appointed and shall establish its own procedures.

4. The reasonable cost of the RC shall be borne by the University.

5. The University shall cooperate with the RC in its deliberations including providing full disclosure of available information that is pertinent to any proposed layoff or transfer of faculty members or Librarians.

6. The RC shall consult with all faculty members and Librarians of the academic unit declared redundant who wish to be heard, either individually, in groups or through the Association. Generally, the RC may consult as broadly as it deems necessary in order to arrive at its recommendations to the University.

E. MANDATE OF THE RC

1. Within forty-five (45) days of being struck, the RC shall prepare a report which shall:

a) Assess the extent and nature of the impact that the program closure(s) will have upon the other academic programs at the University;

b) Recommend how to implement the program redundancy, including transfers or layoffs in the least disruptive manner;

c) Recommend specific implementation strategy in respect of each faculty member or Librarian affected either by a transfer to another academic unit, or layoff of a faculty member or Librarian.

2. The report shall be submitted to the President, Provost and Vice-President, Academic, Vice-Provost, Faculty Affairs and the Association President.

F. IMPLEMENTATION

1. If the Report of the RC specifies that layoff of faculty members or Librarians is necessary as a result of Program Redundancy, the University shall, within thirty (30) working days prepare a detailed plan that it proposes to take. The Plan shall be in accordance with the collective agreement, shall affect faculty members' or Librarians' terms and conditions of employment only to the extent necessary to alleviate the academic problem identified hereunder and shall be based on sound academic reasons. The plan shall include:

   a) a list of faculty members affected by the redundancy;

   b) a list of the faculty members who are to be laid off and timelines for the layoffs;

   c) a list of academic and administrative positions to which each faculty member or Librarian could be transferred, either without training or following a training period of not more than two (2) years, considering their academic and professional qualifications and their work experience;

   d) a list of all options other than layoff, including but not limited to accelerated or partial sabbatical leaves, voluntary early retirement, voluntary resignation, voluntary transfer to Reduced Workload status and redeployment.

2. In the event the University chooses not to accept one or more of the recommendations contained in the RC Report because it believes other steps could be taken with less impact on the faculty members or Librarians, reasons for not accepting the recommendations must be presented in writing to the RC and to the Association President.

3. A copy of the University's Plan shall be presented to the Association which shall have twenty-one (21) working days to make written comments thereon.

4. Within a further ten (10) working days following receipt of the comments from the Association, the University shall prepare a final plan of action and provide a copy to the Association. If the University position rejects advice given in the comments from the Association, written reasons for rejecting that advice shall be included in the final detailed plan. If the

University Plan proposes an implementation decision which is different from that of the RC or the Association's advice, then that decision may be the subject of a grievance by any affected faculty member or Librarian to determine whether or not it meets the requirements of sub Article H.1. below.

G. TIME LIMITS

1. Any time limits under this Article may be extended by agreement of the parties in writing. Such agreement may not be unreasonably denied.

H. GENERAL

1. Given the academic nature of the University, the RC, the Senate and the President shall act to protect the primacy of the academic work of the University. Thus, prior to effecting any layoffs of faculty members or Librarians, the University shall make every effort to offer each faculty member or Librarian in the redundant program a transfer to another Department/School to an unfilled complement position for which the faculty member or Librarian is academically qualified or could become qualified with a maximum of two (2) years of retraining.

2. A faculty member or Librarian who is offered a transfer under H.1. shall have fifteen (15) working days to accept or reject that offer. If the faculty member or Librarian accepts a transfer to another academic unit, they shall retain rank, base salary, benefits and seniority. If a faculty member or Librarian chooses not to accept the transfer, or if the University cannot offer such a position, then the faculty member or Librarian will be laid off in accordance with the Layoff Article.