

Jeff Waselenchuk - Conf Call with Roger Hofer re [REDACTED]

From: Jeff Waselenchuk
To: Higgins, David; Jeff Waselenchuk; Paterson-Weir, Janet
Date: 10/17/2011
Time: 1:00 PM - 1:45 PM
Subject: Conf Call with Roger Hofer re [REDACTED]
Place: Janet's Office
CC: Dunlop, Noreen

Hi Janet, David:

I was able to secure a time with Roger for next Monday at 1:00. David, we will have to push negotiations back by ~ 45 minutes to accommodate this -> will you be able to contact Jonathon to advise the FA (and then update our committee as well).

David, just to bring you up to speed, Janet and I had a quick conversation this morning regarding several issues involving [REDACTED]. I have an opinion on most of them but can't say that I ever reviewed them with Brian or Roger in any detail (or at all), nor with you and Janet. As a result, I would feel a lot more comfortable if we all had an opportunity to review together and also bounce any questions we'd like more clarity on off of Roger. Some of the questions include:

1. How/when are the Investigative Committee's findings communicated - in Roger's sample letters, it appeared that the decision m/b communicated through the "Intent to Dismiss" letter, but the actual report and details would not be shared until after that time (i.e. in the 2nd letter confirming the termination). I'd like to confirm that.
2. Are we definite in our decision to (1) implement immediate termination (2) reject the appeal process under the policy, and (3) direct matters to the grievance process.
- 3. Is it appropriate for David to sign the initial letters (as presently) configured? I understand how that preserves Janet's role for the grievance process but does it potentially create other perceived conflicts of interest?

We'll call Roger's office from Janet's office if that works for both of you. Let me know if you have any questions or concerns. jeff

Jeff Waselenchuk

Senior Manager, Labour Relations
Grant MacEwan University
Edmonton, Alberta

780 633-3573
waselenchukj2@macewan.ca

And this would be a problem why?
MacEwan not wanting an independent
person reviewing their actions?

??? might see arbitrator seize jurisdiction in entirety.

Issues for discussion with Roger:

1. Bearing of the harassment complaint and the two grievances on taking dismissal action?
2. Bearing of the procedural difficulties (actions of general counsel in particular) on the recommendation of the committee on scholarly integrity – i.e. do they render the recommendation unusable?
3. How is the recommendation to be articulated with the 1 April letter of warning? In specific, the letter gives warning about future actions. The actions suggesting a breach of integrity happened in the past – the present brings the assessment of those past actions as a serious and substantial error.

ps - might see arbitrator seize jurisdiction in entirety. still concern?

Further to.....

- 4. How should dismissal action unfold? For example,
- a) Janet receives recommendation
 - b) Janet aware of bigger picture – specifically the warning letter
 - c) Janet, putting a and b together – invokes suspension with a view to dismissal following
Such action would not rest upon recommendations flowing from the Academic Integrity policy.

There is no separate appeal process accessible under C5051.

All might be better if Janet wasn't intimately involved in the planning.

From C5051

4.5.5.10 The investigation committee's findings as to whether misconduct has occurred or not will be binding on the institution. The Provost and Executive Vice President Academic or designate will make the decisions as to any sanctions. The decision of the Provost and Executive Vice President Academic or designate is final. The implementation of any sanctions determined to be necessary must follow processes as outlined in the Collective Agreement and other employment policies as appropriate.

4.5.6 Appeals

4.5.6.1 If it is the decision of the Provost and Executive Vice President Academic that formal disciplinary action is to be taken, the researcher shall have the right of appeal before any sanctions take effect. Where applicable, appeal mechanisms already provided for in existing collective agreements or academic regulations shall be followed.