



**fauw**

Faculty Association of  
the University of Waterloo

# Academic Freedom and Member Support Committee

## Terms of Reference

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## Purpose/Mandate

Academic Freedom and Membership Support Committee (AF&MS) is a standing committee of the Faculty Association of the University of Waterloo (FAUW) and reports to the FAUW Board of Directors.

The AF&MS Committee provides confidential assistance to FAUW members with any issue arising with the university regarding terms and conditions of employment and application of university policy. This includes, but is not limited to, performance reviews, tenure, permanence and promotion, discipline, accommodations, leaves, and academic freedom. The committee hosts and plans the development of workshops for members relating to the terms and conditions of employment. The committee also plays an advisory role in the development and revision of relevant University policies and, with the approval of the FAUW Board of Directors, works to inform members about such matters.

## Committee structure

The AF&MS Committee reports to the FAUW Board through its chair.

### Membership

The AF&MS Committee membership should consist of:

- 12–15 voting members of the committee, including the chair, with representation from all Faculties. There should be tenured and permanent teaching stream members. The committee should represent the diversity of members on campus.
- A chair and vice-chair are elected by the committee membership and approved by the FAUW board.
- When possible, a past chair to assist with institutional knowledge.
- The Grievance Officer of the Renison Association of Academic Staff (RAAS), as a non-voting member
- The Academic Freedom & Tenure (AF&T) and Policy Officer, who is a FAUW staff member, shall serve as the Committee support, in a non-voting capacity
- Only FAUW members are eligible to serve on standing committees.

## Terms of membership

- Positions are up to 3 years, and renewable indefinitely. Committee members are asked to inform the AF&MS chair as soon as they can if they are not interested in continuing on the committee.
- Members should be equity minded and willing to work collegially to represent the interests of all FAUW members.
- All potential committee member referrals should go to the Nominating and Elections Committee.
- Upon receiving the name of a potential committee member, a current AF&MS committee member will meet with the potential member, discuss the position and the potential members experience, and report back to the AF&MS Committee.
- Based on this report, committee members will vote on recommending potential committee members to the board.
- Based on a favorable vote, the AF&MS chair will make recommendations to the board for adding a potential member to the committee.
- Recognizing that the vitality and effectiveness of the committee depends on the new ideas and enthusiasm that come with new members, the committee will encourage some turnover in membership each year.

The AF&MS Committee may strike ad-hoc sub-committees that have specific directives and terms of operation. All sub-committees will report and be responsible to the chair of the AF&MS Committee.

## Selection of the Chair

- A chair's term will be up to 3 years, renewable. Although there is no limit to the number of times that they can be renewed, the committee should be cautious of recommending repeated renewals without good reason.
- If the incumbent is willing to serve an additional term, they will notify the FAUW executive, ideally 1 year in advance of the end of their term. A member of the FAUW executive will discuss the additional term with the AF&MS Committee and recommend the incumbent to the FAUW Board if supported by the AF&MS Committee.
- Selection of a new chair is ideally made 1 year in advance, to allow for shadowing of exiting chair for a smooth transition of caseload and notice to home department.
- At least a year before the incumbent Chair's term is complete, the incumbent and the policy officer will begin a search for the next Chair.
- The Chair and policy officer will communicate with all members of the AF&MS Committee to gauge interest in the Chair position. If one or

more current committee member(s) is (are) interested, the process will move to considering the candidates.

- If no committee members are interested in the Chair position, the incumbent and policy officer will reach out to past AF&MS committee members to ascertain interest in the position.
- If no current or past committee members are interested in the Chair position, a call to the general FAUW membership will be put out. All interested faculty members will be considered for the position of Chair of the AF&MS committee.
- The AF&MS committee will request a written statement and/or oral presentation from candidates. If there are many candidates, written statements may be used to shortlist candidates.
- The AF&MS Committee will meet to discuss interested candidates.
- The AF&MS committee will invite shortlisted candidates to a meeting to discuss the Chair position (if the candidate(s) is (are) members of AF&MS Committee, they will recuse themselves). If there is a single shortlisted candidate, then a secret ballot will be held to determine if there is an acceptable candidate for the Chair position. If there are multiple shortlisted candidates, then the committee will determine by what process they will determine the candidate to put forward. If a candidate is deemed acceptable, the AF&MS Committee will recommend appointment of the candidate for the Chair position to the FAUW Board of Directors before the end of June or as soon as possible.
- If no candidate is deemed acceptable, the incumbent chair will present a summary of the process and committee discussions and decisions to the FAUW executive. The executive will decide the next steps.
- The incoming Chair will receive course release for a training period of 4 to 6 months (The course release(s) is (are) at the discretion of the FAUW Board of Directors. Historically, 1 course release has been offered for the 4 to 6-months training).
- The transition from past chair to chair will be completed July 1.
- Selection criteria to consider:
  - Interest in helping faculty members
  - Experience (i.e. # and variability of AF&MS cases)
  - Depth of understanding of UW policy/procedures and FAUW Memorandum of Agreement (MoA)
  - Ability to work in a highly collaborative environment (works closely with AF&T and Policy Officer, FAUW staff and FAUW Board)
  - Approachability
  - Excellent reputation, highly regarded and respected by peers.
  - Open-mindedness

- Proven record in demonstrating tact, judgment, diplomacy and maintaining confidentiality
- Conflict resolution skills
- Equity, diversity, and inclusion commitment
- Prior service involvement (FAUW/committee work)
- Rank (consider impact on career trajectory)

To assist in a smooth transition, a Past chair typically continues to support an incoming chair for up to 1 year.

## **Onboarding of committee members**

Each September, all committee members are required to review the following documents:

- The Committee's Terms of Reference
- FAUW's [Memorandum of Agreement](#) and [Constitution](#)
- [FAUW 101](#)
- [Policy 33 – Ethical behaviour](#)

All committee members are responsible for becoming familiar with these materials and their accountabilities to the Board.

The chair may also require additional training in financial policies and knowledge management practices, provided by FAUW staff or external bodies like OCUFA.

## **Removing committee members**

Any committee member in violation of the committee's accountabilities may be removed by a 2/3 vote of the full committee membership. This vote can be held anonymously and asynchronously with support from the Nominating and Elections Committee or staff, if requested. The Board may vote to remove a committee member at any time, with cause. Removal of any members must be immediately reported to the FAUW Executive.

## **Removing the chair**

If there is a lack of confidence in the chair, committee members are free to communicate directly with the FAUW President to share their concerns. A 2/3 vote of the full committee membership may recommend the removal of the chair to the FAUW Board, who will make the final decision. This process only removes the chair from their leadership position, not the committee. This vote can be held anonymously and asynchronously with support from the Nominating and Elections Committee or staff, if requested. The FAUW Board may vote to remove a chair at any time, with cause. Any concerns with committee leadership should be directed to FAUW President.

## Position of Vice-Chair

The selection criteria, approval and removal for vice-chair will be the same process as used for chair. Normally the position of vice-chair would be held by a member in a different faculty than that of the chair.

## Mid-term vacancies

If a member leaves the committee prior to the end of their term, the committee will determine whether to appoint a mid-term replacement or leave the vacancy open until the next call for members. The Chair and the Vice-chair must be filled on an interim basis. The Vice-chair will automatically assume the role of chair for the remainder of the chair's term, if that role is left vacated.

## Meetings

### Communication and facilitation

Committee meetings will be arranged by email. They will be held in person, if possible. Often, they will be informally run, using Robert's rules of Order if necessary.

### Frequency

The committee will meet at minimum of once per term, with additional meetings as necessary.

### Quorum

Quorum for conducting committee business shall be 50%+1 of committee membership, with the exception of removing members, which requires a 2/3 vote of the committee's entire membership.

## Accountabilities

All FAUW volunteers are representatives of the Faculty Association and should conduct themselves as such during any FAUW business. Any members found in violation of the Memorandum of Agreement, FAUW Constitution or other governing documents, policies and procedures, may be subject to removal through the processes outlined above.

## Officers

**Chair:** The committee chair will chair the meetings and represent the AF&MS Committee to the FAUW Board of Directors, the University, and in the broader community. If not an elected Director, the chair will serve as an *ex-officio*, non-voting member of the FAUW Board. The chair will be charged with the general management and supervision of the affairs of the Committee and its sub-committees. In addition, the Chair is expected

to submit monthly reports in writing to the FAUW Board on the activities of the Committee, and bi-annual reports for FAUW Spring and Fall General Meetings.

**Past chair:** The past chair supports the onboarding of the incoming chair and serves to provide institutional knowledge as needed.

**Vice chair:** The vice chair will fulfill the duties of the chair in their absence or in the case of conflict of interest.

**Secretary:** The committee secretary will be selected from the committee membership and work with the chair to draft an agenda for each meeting. They will ensure the agenda is provided to all committee members at least one week ahead of meetings, and that meeting minutes (and any recordings or transcriptions) are recorded and stored in a central location that can be accessed by all committee members and FAUW staff. The secretary will also support the Chair and FAUW staff in scheduling and booking meetings.

## **Committee members**

Committee members are responsible for actively participating in committee meetings and projects, as appropriate, including reviewing all meeting package materials, and arriving prepared for meetings.

### **Role of Committee members:**

- Assist faculty members with issues relating to terms and conditions of employment.
- Ensure confidentiality and privacy to faculty members seeking support.
- Assist faculty with interpretation and application of FAUW's Memorandum of Agreement (MoA), university policies and procedures.
- Act as academic colleague and accompany members to meetings, acting as a witness and ensuring fair procedures are followed.
- Discuss options with members to fully explore various informal and formal processes.
- Attend committee meetings, typically 1 per term, with additional meetings as needed for potential grievance/arbitration cases.
- Consider cases assigned by the Chair and AF&T and Policy Officer
- Take on 1-3 cases per year, typically, depending on complexity.

### **Role of AF&T and Policy Officer:**

- Serve as the initial points of contact for faculty members seeking assistance from the AF&MS Committee.

- Co-lead / lead and manage informal and formal employment and labour relations conflicts and disputes to resolution.
- Conduct research on legal, bargaining, benefit, policy, and procedure issues, understand the established practices and precedents of the university.
- Understand and interpret the MOA and policy language; draft agreements, reports, and grievance documentation; and recommend to the AF&T Chair and/or FAUW Board of Directors revised or new language and proposals for continuous improvement of policies, procedures, guidelines, operations, and services for faculty members on matters of concern.
- Establish, maintain, and safeguard a system of accurate and complete confidential case records management that will produce timely analysis of sensitive faculty employment and labour relations concerns and university precedents to develop effective strategies for improving terms of employment and labour relations for faculty.
- Assist in the preparation and delivery of educational workshops for members.
- Assist in the selection of committee members
- Advocate on behalf of faculty members with senior academic and administrative personnel when necessary
- Act as a resource to the AF&MS Chair and committee members.
- Work closely and collaboratively with the Chair in managing case load, assigning cases and consulting with Committee members.

## **Reporting**

The committee must report their full membership to the FAUW Board and promptly advise the Board of any departures.

The committee shall provide written reports one week ahead of each FAUW Board meeting, and one month ahead of each General Meeting of members. All reports are advisory in nature and do not bind the FAUW Board.

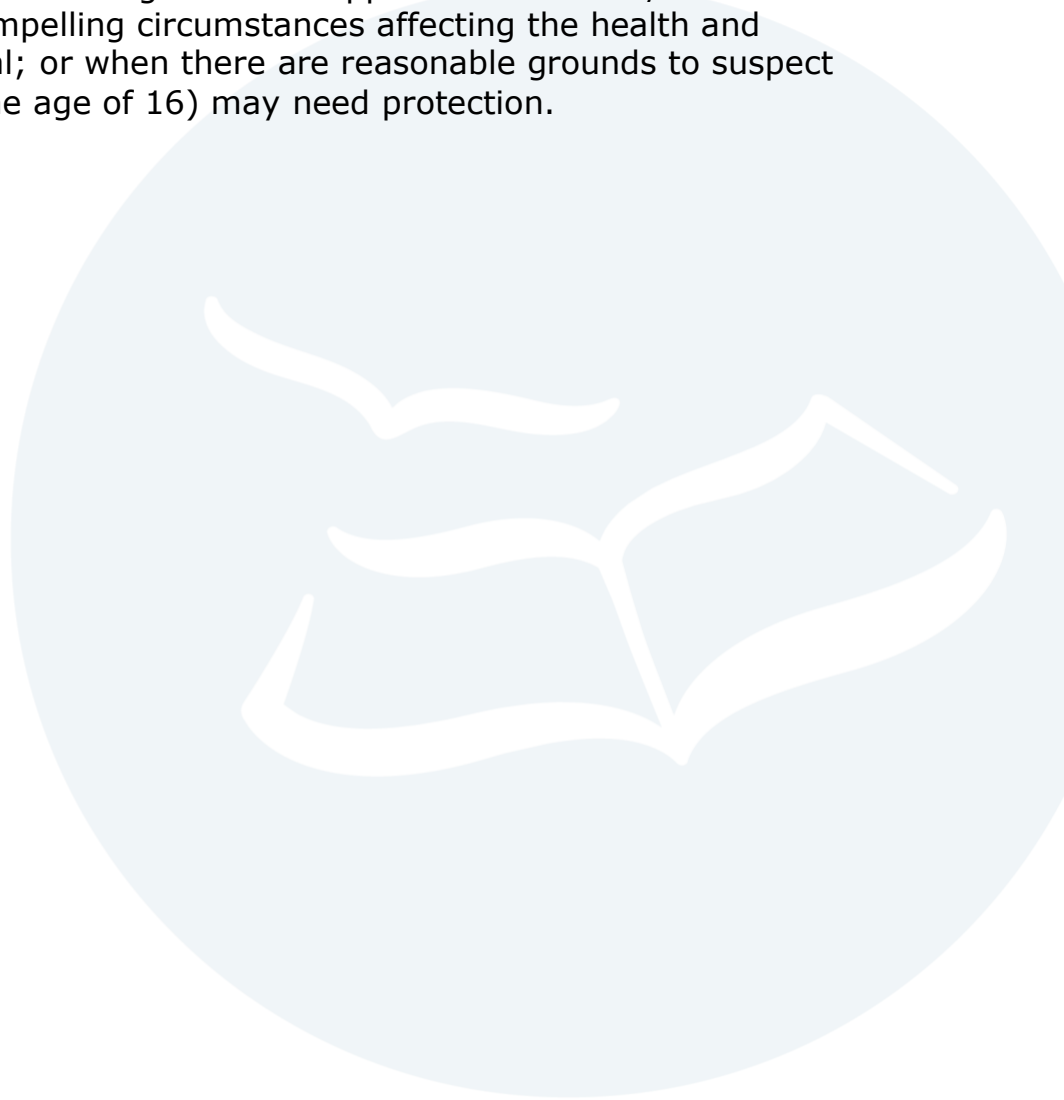
## **Documentation and knowledge management**

Committee meeting agendas, minutes, reports and other non-confidential documents should be stored in the AF&MS Teams channel. Confidential material should be stored securely.

## **Conflict of Interest and Confidentiality**

It is common practice that the AF&MS Committee member is from a faculty different than the supported member's faculty to reduce the risk of conflict of interest. Confidentiality of AF&MS support is key. Details of

cases are not shared except in exceptional circumstances, even with the chair of the committee, or the FAUW executive and board. In an exceptional circumstance, information may need to be shared with the FAUW executive (such as when there is a potential of legal or liability implications). In addition, the AF&MS Committee member may be legally required to use/give some of a member's personal information without their consent. Examples include situations related to safety; when a clearly imminent physical danger to the support member and/or others is determined; or in compelling circumstances affecting the health and safety of an individual; or when there are reasonable grounds to suspect that a child (under the age of 16) may need protection.



## Confidentiality

Appendix II

Draft Confidentiality statement

The Academic Freedom and Member Support (AF&MS) Committee recognizes that confidentiality is an essential element to providing support to faculty. AF&MS Committee members will treat all information provided by the Member or said of the Member as confidential. In exceptional circumstances, information may need to be shared with FAUW executive, (such as when there is a potential of legal or liability implications), or relevant authorities as described below under Safety.

In order to best support the Member, relevant anonymized information may be shared, with the member's permission, between the appropriate individuals: AF&MS Committee Chair (faculty), assigned AF&MS academic colleague (faculty), AF&T and Policy Officer (staff) and the FAUW Executive Manager (staff). Only relevant information necessary to carry out the requested work, shall be shared. Relevant information pertains to discussions in determining fair procedure, merits of grievances/complaints, degree of FAUW financial commitments for example.

### Duty of Fair Representation

We are required to respond in good faith to a member's request for support and must not be discriminatory nor arbitrary. With individual carriage, we don't act without a member's consent.

### Recordkeeping

Records are kept on member cases limited to identify nature of issue, tracking relevant meetings, key documents and nature of outcome, if applicable. Records are collected by AF&T and Policy Officer (staff) and shared with AF&MS Committee Chair (faculty). Minimal aggregate data on number of AF&MS cases and general trends is presented bi-annually to the membership at the spring and fall general meetings and more often as needed to the FAUW Board. Care will be taken to ensure confidential information is stored in a secure location.

If a case is considered closed, and the role of the academic colleague is done, retention of documents that may be relevant for precedent in future cases will be provided from the colleague to the AF&T and Policy Officer (staff). This exchange will be done in consultation with the Member. Any other documents or correspondence in possession of the assigned academic colleague will be asked to be destroyed.

### AF&MS Committee

The AF&MS Committee is led by the AF&MS Committee Chair (faculty) and supported by the AF&T and Policy Officer (staff). The committee is comprised of senior faculty members who are assigned as academic colleagues to support members. During committee meetings, member cases are only discussed in terms of procedural fairness and in relation to policy. Identifying details of cases are redacted. Identifiers such as names, gender, department, etc. are not shared.

### Member-to-member disputes

In situations that may involve FAUW member to FAUW member conflict, every effort will be made to ensure confidentiality and maintain separation between cases (firewalls), when appropriate and necessary. Academic colleagues will be selected from other Faculties, when possible. It may be appropriate for consultation, with the members permission, on fair procedure to occur between the relevant individuals: AF&MS Committee Chair (faculty), assigned AF&MS academic colleague (faculty), AF&T and Policy Officer (staff) and the FAUW Executive Manager (staff). Identifiers will be removed.

### FAUW Board of Directors

While a standing committee of the Faculty Association (FAUW), the AF&MS Committee largely functions independently. The elected officers of the Faculty Association (FAUW) Board are not informed of any confidential personal information without the member's consent. Except for those situations mentioned above, individual AF&MS cases are not discussed with any board member. At Board meetings, the AF&MS Committee Chair (faculty) and AF&T and Policy Officer (staff) would only offer aggregate, generalized input on trends and themes emerging from AF&MS cases unless provided redacted information is needed to obtain FAUW board support for needed strategical and/or financial support (legal expenses/arbitration support, etc).

Members of the FAUW Executive are given limited but necessary information about some grievances, particularly if there is the chance of moving to Stage 2, arbitration. Members will be consulted on bringing any level of information about grievance to the Executive.

### Safety

The limits to confidentiality where we may be legally required to use/give some of a member's personal information without consent relate to issues of safety: when a clearly imminent physical danger to self and/or others is determined or in compelling circumstances affecting the health

and safety of an individual; when there is reasonable grounds to suspect that a child (under the age of 16) is or may be in need of protection.

Member's role

Confidentiality and discretion are also important on the Member's side. When AF&MS is working with a member, we will recommend that the Member afford others the same respect of confidentiality, and consult with us prior to discussing the matter with others. We request that no private consultation or meeting with AF&T staff or committee members be recorded in any way.

In signing below, you are acknowledging that you have read and understood the above.

Name (please print)

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Signature

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Date

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