

LETTER OF UNDERSTANDING
Under the 2015-2019 Collective Agreement between
the University of Victoria and the University of Victoria Faculty Association

Between

The University of Victoria Faculty Association

And

The University of Victoria

Re: Disciplinary Action Arising from a University Investigation

Whereas

The Collective Agreement does not identify the process for discipline arising from an investigation occurring under a university policy and does not provide for a pre-discipline meeting with the person(s) responsible for determining discipline;

And whereas

The parties wish to clarify an agreed upon process which is fair and efficient and responds to these deficiencies:

The Parties hereby agree that:

The below noted provisions shall be amended as follows:

58.22 ~~Once an investigator is identified, the University will give the Member notice of a meeting with the investigator. The notice will schedule a meeting between the Administrator and the Member to discuss the matter and to give the Member the opportunity to respond to the allegations. This meeting will normally be held within two working days, and will not be held later than five working days from the Member's receipt of the notice. The notice will specify the right of the Member to be accompanied to the meeting by a representative of the Association. The Administrator may have a representative of their choice attend the meeting. The Administrator may have a representative of their choice attend the meeting.~~

58.24 ~~The intent of the meeting or meetings under this section section 58.22 is to enable the Member to understand and to respond to the allegations, facilitate a full disclosure by both the University and the Member so the matter can be dealt with at the earliest stage possible and so that the matter can, if possible, be resolved.~~

58.25 ~~After the completion of the investigation meeting or meetings with the Member and after such further discussions as the Administrator considers necessary, and normally within 60 working days after the investigation was initiated, the Administrator (or designate) will determine what disciplinary action in accordance with sections, if any, is warranted and will send the investigative report (unless prohibited by law) to the Member with a notice in writing indicating whether or not disciplinary action is warranted, including any proposed discipline and the rationale for the proposed discipline, with a copy of the notice and report will be sent to the Association, of the investigation report her or his decision. The Administrator will also send to the Member a copy of any report or reports arising from the investigatory process, unless prohibited by law.~~

58.26 ~~If the Administrator notifies the Member that in their opinion disciplinary action is warranted, a meeting will be scheduled, normally within 5 working days of the notice, to enable the Member to make submissions on the findings in the investigation or the proposed discipline, before the discipline decision is finalized. The Member may waive this meeting in writing within two days of receipt of the notice. the Member may require a final meeting with the Administrator to respond to the decision. The Member must deliver notice of this meeting, in person or by email to the Administrator with a copy to the Association within two working days from the Member's receipt of the notice imposing or recommending discipline. The Member must be accompanied to this meeting by a representative of the~~

Association. The Administrator is entitled to have a representative of their choice attend the meeting. Within 5 working days of this meeting, the Administrator will provide their decision regarding discipline in writing to the Member, with a copy to the Association.

58.27 Disciplinary action may be taken against a Member, following an investigation either under sections 58.18-58.26 or under relevant university policy, only for just and sufficient cause and only in accordance with the provisions of this section:

58.27.1 disciplinary action will be commensurate with the nature of the Member's conduct ~~and must only follow after an investigation under sections 58.18—58.26;~~

The Parties agree that this Letter of Understanding forms part of the 2015-2019 Collective Agreement for the life of the Collective Agreement.

SIGNED this 8 day of June, 2018



Dr. Valerie Kuehne
Provost and Vice-President Academic
University of Victoria



Dr. Helga Halgrimsdottir
President
University of Victoria Faculty Association