

Designation as Academic Procedure			
Parent Policy	Designation as Academic Policy		
Policy Sponsor	Chief Human Resource Officer	Category	Board
Policy Contact	Chief Human Resource Officer	Effective Date	September 11, 2020
Procedure Contact	Deputy Chief Human Resource Officer	Review Date	September 11, 2025

1. Purpose

The Post-secondary Learning Act (“**PSLA**”) grants the Board of Governors of Athabasca University (the “**Board**”) the discretionary authority to designate or make changes to the designation of employees and/or categories of employees as “academic staff”, which in turn determines whether or not an employee or categories of employees appropriately belong in a bargaining unit for the purposes of collective bargaining. The Board policy regarding designation is outlined in the Designation as Academic Policy (the “**Designation Policy**”). The Designation Policy may be amended from time to time.

This procedure is intended to outline the process through which certain Stakeholders may bring forward issues regarding the designation of employees. This includes but is not limited to situations where Stakeholders wish to review a prior designation decision, or where the University is designating a newly created employee’s position as academic.

2. Scope

This procedure is made under and complements the Designation as Academic Policy.

3. Definitions

Bargaining Agent	A trade union that acts on behalf of staff in collective bargaining or as a party to a collective agreement
CHRO	The person or persons occupying the position of Chief Human Resource Officer and any designate of the Chief Human Resource Officer
DBC	Designation Business Case

DBCF	Designation Business Case Form
DBCP	The Designation Business Case Package – includes the Designation Business Case Form and supporting documents submitted by the Stakeholders.
Executive Team	Is comprised of the President; Provost & Vice-President Academic; Vice-President, Finance and Administration and Chief Financial Officer; Vice-President, Information Technology and Chief Information Officer; Vice-President, University Relations; University Secretary; Chief Human Resource Officer; the Chief of Staff, Office of the President, and any other position as so designated.
HRCC	Human Resources and Compensation Committee
PSLA	Post-secondary Learning Act
Stakeholder	A Bargaining Agent of affected employees or the University
University or AU	Athabasca University

4. Procedure

4.1 Submission

A Stakeholder wishing to propose that an employee or category of employees be designated, excepted from designation, or change the designation of said employees will submit to the Chief Human Resource Officer (CHRO) a comprehensive Designation Business Case (DBC), outlining the basis for that proposal. The case will include at least the following information to be detailed in the Designation Business Case Form (DBCF):

- A summary of the employee or category of employees' current duties (including job description(s) where available);
- A comprehensive overview of the rationale for the proposed designation of the employee or category of employees (including but not limited to any references to the principles and objective criteria articulated in the Designation Policy and any other applicable authorities (case law and legislation));

- The expected impact on the employee or category of employees resulting from the change in the proposal; and
- Any relevant supporting documents.

4.2 Review

The DBCF and supporting documents will be reviewed by the University's Executive Team, in conjunction with the CHRO. The Executive Team or delegate may take a number of steps in response to receiving a case, including, but not limited to, the following:

- Requesting further information from the Stakeholder who brought forward the DBC;
- Where the DBC was brought forward by a bargaining agent, request further information or a response to the case from the affected working area(s);
- Proceed to consultations with the affected bargaining agent(s), in the manner described below;
- Refuse to take further steps in relation to the proposal, in which case the Executive Team or delegate shall provide the Stakeholder with written reasons for the decision.

4.3 Consultation

- 4.3.1** Where required under the PSLA, the CHRO shall forward a copy of a proposed DBC to all bargaining agents representing employees of the University affected by the proposal in the DBC. The Stakeholders shall be provided with 21 calendar days to submit a written response to the DBC. That time may be extended by mutual agreement between a bargaining agent and the CHRO.
- 4.3.2** Where required, the CHRO may organize consultation meetings with Stakeholders. The purpose of these meetings will be to allow those involved to inform each other of their respective positions in relation to the proposal in the DBC, and to provide all with further opportunities to give and receive any relevant information.

4.3.3 The CHRO shall, within 15 calendar days following the end of the consultative process submit the Designation Business Case Package (DBCP) to the Executive Team for submission to the HRCC. The DBCP must include the DBCF and all supporting documents reviewed and considered during the consultative process. All Stakeholders who engaged in the consultation process will be provided a copy of the DBCP submitted to the Executive Team. Neither Stakeholder group shall be permitted to amend their submission without the prior consultation and agreement from the other Stakeholders.

4.4 Decision

4.4.1 The Executive Team shall, within 21 calendar days following the receipt of the DBCP provide the HRCC's designate, with the DBCP for decision by the HRCC.

4.4.2 Upon the receipt of the DBCP, the HRCC may take a number of steps in response to receiving a DBC, including but not limited to the following:

- Request further information from the Stakeholders;
- Request the Stakeholders engage in further consultation, in the manner described in 4.3.2;
- In accordance with the authority granted the Board in Section 60(2) and delegated by the Board to the HRCC exercise its discretionary authority to designate or make changes to the designation of employees and/or categories of employees as "academic staff" as detailed in the DBCP.

4.4.3 The CHRO shall, within 30 calendar days of a decision from the HRCC, shall communicate the HRCC's decision in writing to all affected Stakeholders.

5 Applicable Legislation and Regulations

[AUFA/The Governors of Athabasca University \(Board\) Collective Agreement](#)
[AUGSA/The Governors of Athabasca University \(Board\) Collective Agreement](#)
[AUPE/The Governors of Athabasca University \(Board\) Collective Agreement](#)
[CUPE/The Governors of Athabasca University \(Board\) Collective Agreement](#)
[Labour Relations Code](#)

[Position Establishment/Disestablishment Policy & Procedure](#)

[Post-secondary Learning Act](#)

[Public Service Employee Relations Act](#)

6 Related Procedures/Documents

[Bill 7 An Act to Enhance Post-Secondary Academic Bargaining](#)

[Designation as Academic Policy](#)

[Designation Business Case Form](#)

History

<i>Date</i>	<i>Action</i>
September 11, 2020	Policy Approved (The Governors of Athabasca University Motion #245-C2.02)