

MINUTES OF SETTLEMENT

BETWEEN:

CARLETON UNIVERSITY ACADEMIC STAFF ASSOCIATION

("Association")

- and -

CARLETON UNIVERSITY

("University")

- and -

DR. ROOT GORELICK

("Dr. Gorelick")

WHEREAS the *Carleton University Act* creates the University and provides that the government, conduct, management and control of the University and of its work, affairs and business, and of its property and revenues, and all other matters shall be vested in the Board of Governors (the "Board");

AND WHEREAS section 18(b) of the *Carleton University Act* provides the Board with the power to make by-law's for the election of the members to the Board;

AND WHEREAS the Board By-Laws create a process for eligibility for the election of Board members;

AND WHEREAS the General Bylaws of the University provide that there shall be two academic staff Governors on the Board, positions which have historically been held by Association members;

AND WHEREAS the Board has created a Board of Governors Code of Conduct ("Code of Conduct");

AND WHEREAS the University is signatory to a collective agreement with the Association;

AND WHEREAS the Board ruled Dr. Gorelick was not eligible to stand as a candidate to serve as an Academic Staff Governor on the Carleton University Board of Governors

because he refused to agree to comply the *Code of Conduct* when submitting his Expression of Interest form;

AND WHEREAS the Grievor grieved on July 8, 2016, (Grievance Number 16-E-00042) alleging that the University and its Board acted contrary to articles 2, 3, 4, 6, 6.1, 6.3, 13.1, and 15.1 of the collective agreement and past practice when it refused to let him stand as a candidate to serve as an academic staff Governor on the Board for the 2016– 2019 term of office, by denying him his academic freedom and his right to participate in the governance of the University and perform his service to the University;

AND WHEREAS the University has asserted that there is no enforceable right pursuant to the collective agreement with the University for an Association member to serve on the Board of Governors;

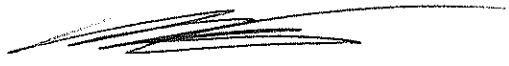
AND WHEREAS Dr. Gorelick, the Association, and the Board are desirous of resolving all matters arising from this grievance;

THE PARTIES AGREE AS FOLLOWS:

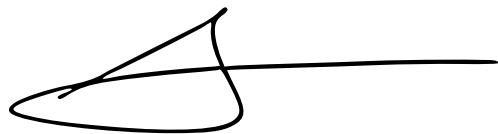
1. The University's representatives will recommend to the Board that the *Code of Conduct* be revised as per Schedule "A". These changes will be recommended for approval by the Executive Committee on or before January 12, 2018. If the Executive Committee approves the changes in schedule "A" it will recommend that Board approve the changes. If the Executive Committee does not approve these changes by January 12, 2018, this agreement will be null and void. In addition, if the Board does not approve the changes in Schedule "A" these Minutes will be null and void.
2. The University agrees that time spent as a Governor on the Board is an element of service to the University pursuant to the collective agreement.
3. This agreement is without prejudice or precedent to either the Association's or the University's position regarding whether there is an enforceable right pursuant to the CUASA collective agreement for an Association member to be eligible to serve on the Board of Governors.
4. The University in entering into this agreement is in no way fettering its authority to establish rules, policies, bylaws or procedures relating to the Board, its operations or management of the University.
5. The Association in entering into this agreement is in no way fettering its members' right to academic freedom, or any other collective agreement right.
6. The Association and Dr. Gorelick agree that his settlement resolves any and all disputes arising from the grievance (Grievance Number 16-E-00042).
7. The University will pay to the sum of \$21,500 for legal fees incurred following the receipt of an invoice from CUASA counsel.

8. The payment referred to in paragraph 7 will be made no later than February 15, 2018.
9. Arbitrator Burkett will remain seized to deal with any and all issues related to the interpretation, application, or administration of these Minutes of Settlement, including but not limited to, issues that may arise with respect to Board eligibility; publicly expressed comments, disagreement with Board decisions including any repercussions; and/or issues related to confidentiality.

Dated this ____ day of December 2017 in the City of Ottawa.



Root Gorelick




Carleton University



CUASA (Melissa Haussman - VP)



F.M. VANVELDHOVEN



(A.B. MINGARELLI)

Schedule "A"

Replace 10 in Part I

10. Respect the principle of Board collegiality, meaning an issue may be debated vigorously but once a duly constituted decision is made by the Board or any of its Committees, it is recognized as such by all members of the Board. However, subject to the Code of Conduct, a member may publicly express disagreement/comment with regards to a decision of the Board.

Amend in Part I

11. Subject to paragraph 10, refrain from taking any action that is damaging to the reputation of the University, when the University is acting in accordance with the objects and purposes set out in the Act and the law.

Delete in Part II

~~6. Respect the integrity of and publicly support Board decisions which are arrived at through duly constituted meetings of the Board or any of its Committees.~~

Amend in Part II

8. Maintain the confidentiality of all closed session discussions, as well as materials, reports, data and other documentation submitted to the Governor in confidence (material provided for discussion at Open session is not subject to confidence).

During Board or Committee meetings, Governors are not permitted to photograph, record, broadcast, tweet, post on social media or film meetings, or any parts thereof, during Board or Committee meetings, without prior permission of the Board.

General By-law #1

4.03 b) Each Governor is required to abide by the *Code of Conduct* and to acknowledge in writing this requirement prior to being eligible for consideration by the Nominating Committee. Governors must sign the *Code of Conduct* on an annual basis to remain a Governor.

"CONSENT TO ACT AS A GOVERNOR FORM" to be rescinded by the Executive Committee