



ADVISING

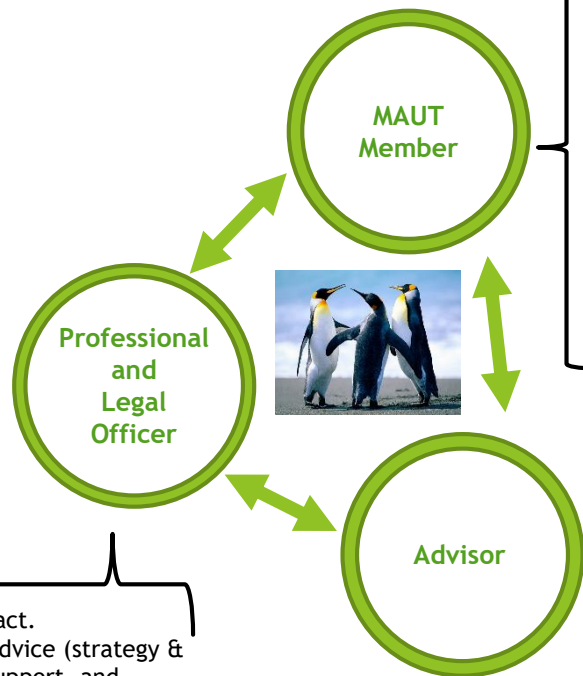
<https://www.mcgill.ca/maut/about-us/advicing>



Prepared and Presented by Joseph Varga, MAUT-Professional and Legal Officer
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ADVISING OVERVIEW

- MAUT- Professional and Legal Officer:
- 24 years of experience.
 - Annual training: CAUT and FQPPU Workshops, 30 hours of training at the Quebec Bar.
 - Member of Quebec Bar
 - Governor of the Quebec Bar Foundation
 - B.A. Industrial Relations
 - B.C.L., LL.B.,
 - Certificate in Mediation
 - Certificate in Arbitration
 - Commissioner of Oaths
 - Certificate in Pastoral Intervention
 - Certificate in Association Management



- Needs assistance:
- Reappointment, Tenure, Promotion
 - Discipline
 - Harassment
 - Research Misconduct
 - Intellectual Property
 - Leaves
 - Benefits
 - Pensions
 - Salaries
 - Other working conditions, policies and practices...

- A member of the McGill University Community that agrees to act in an advisory capacity and without remuneration.
- Not an advocate.
- Often works in a team with the Professional and Legal Officer.
- Advisors are welcomed to the various ongoing training sessions offered by the FQPPU and CAUT.
- Advisors are recommended to follow the General Principles for Advising - https://www.mcgill.ca/maut/files/maut/april_21_2016_advising.pdf

- Recommended to be the first contact.
- Provides immediate information, advice (strategy & alternatives discussed), on-going support, and determines with the Member if an Advisor is to be recommended given the context.
- Where appropriate refers the Member to the appropriate university official, MAUT Executive, Committee, etc.
- Some cases are complex and delicate and require tact and attention to timing and to long term implications for the Member.
- Maintains a list of Advisors (Usually Members who have served as Advisors in the past, have shown an interest to be an Advisor, and/or have been recommended.)
- The Professional and Legal Officer and Advisor often work as a team to provide assistance.
- While maintaining confidentiality, reports to the MAUT President(s), important emerging trends.
- Ongoing training: annual relevant courses and workshops by FQPPU, CAUT and Quebec Bar.

NOTE:

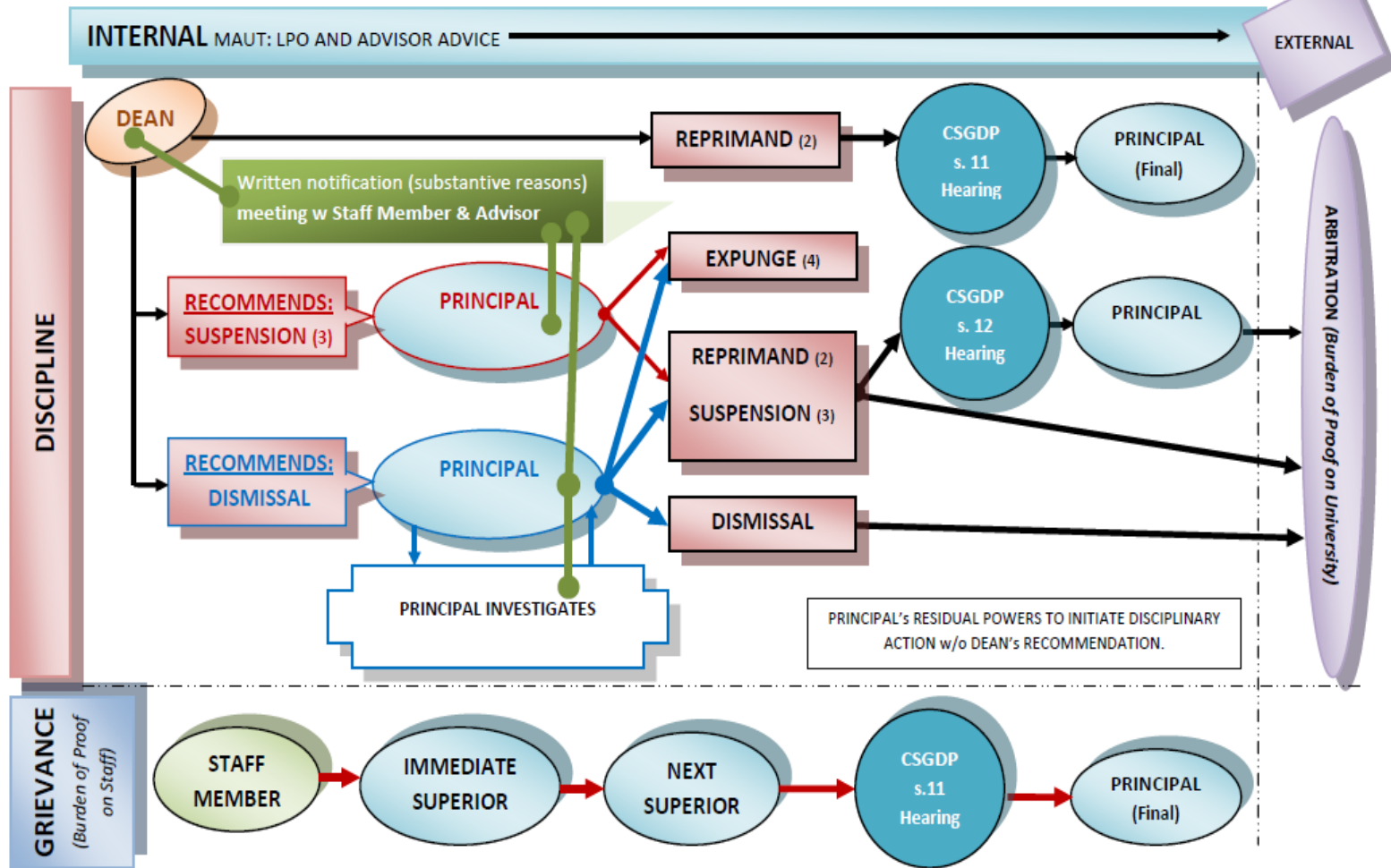
- The MAUT does not carry the grievance, arbitration or appeal. In other words, the decision to go forward with a dossier rests entirely with the Member and not with the MAUT.

GENERAL PRINCIPLES FOR ADVISING

1. Advisors are not advocates. Ideally, the colleagues that you advise will prepare and make their own case, with you as a consultant, editor, confidant, and supporter.
2. Your primary task is to help your advisee prepare the best possible case. That begins with a careful analysis of the situation, a review of the relevant regulations, and the drafting of position statements. Advisors enter when colleagues find themselves in difficult situations, and advisors provide both strategic and emotional support.
3. In the early stages of a case, and throughout, you should rely on Joseph Varga's expertise and advice, and consult with a more experienced advisor if you wish. Meetings with the advisee and Joseph at the start of the process will allow for a thorough review of the events leading to the situation and a discussion of the pertinent regulations. There are often deadlines that must be honoured and procedures that must be performed in sequence.
4. Advisors should make certain that all documents (e.g., responses to DTC and UTC letters) are well written and accurate and respond to the relevant concerns. They should help the advisee prepare to speak at any meetings that are required. It helps to have a handout for meetings that summarizes key points and lists all submitted documents.
5. During meetings, it is best if the advisee presents the case and answers all questions. Advisors should be alert to the exchange and ready to fill-in missing information or arguments; advisors might also summarize key points in closing. However, it is not required that advisors speak.
6. Advisors are not required to take a case, and may wish to advise a colleague to drop an appeal, a complaint, or a grievance. What is in the colleague's best interest? A complaint or grievance that has no hope of positive reconciliation might be more damaging to the colleague than letting it go.
7. Because emotions can run high during the situations in which you advise, one job of the advisor is to provide a calm, rational presence. Advisees do themselves no good by ranting or shouting, and the best written and oral presentations are focused only on the issues of relevance.
8. In tenure hearings, when the colleague is responding to DTC or UTC letters which report a "tending to a negative," it is important to remember that some percentage of the DTC/UTC might be allies, and that a single DTC/UTC member can force a committee to call the tenure applicant in. A careful consideration of the make-up of the DTC/UTC is useful; are there members with a personal grudge against the applicant? Who are the UTC members from outside the discipline, and might they be unclear about disciplinary culture?
9. Most situations in which advisors work are not adversarial or confrontational. Sometimes it's just a question of educating a committee or administrator, and sometimes it's a process of mediation to reach a mutually agreeable solution. Appeals and grievances can become more charged, but even there it is possible to avoid hostility.

(A. Pare and J. Varga, MAUT Orientation for New Advisors, 2013-14)

GRIEVANCE AND DISCIPLINARY MACHINERY: GENERAL OVERVIEW



Notes: CSGDP: Committee on Staff Grievances and Disciplinary Procedures (2) A letter of reprimand is so designated and is expunged from the record at a date stated in the letter (not more than 5 years after the date of the letter). (3) Suspension with or without pay to a max. of 6 months. (4) Disregards recommendation and expunges the record of the case.

Joseph Varga, MAUT-Professional and Legal Officer August 2012