

IN THE MATTER OF THE *LABOUR RELATIONS CODE*,
R.S.B.C. 1996, c.244, AS AMENDED (the "Code")

COPY

AND:

IN THE MATTER OF AN ARBITRATION

BETWEEN:

UNIVERSITY OF BRITISH COLUMBIA

(The "Employer")

AND:

UNIVERSITY OF BRITISH COLUMBIA FACULTY ASSOCIATION

(The "Association")

(Josephine Chiu-Duke Grievance)

BEFORE: Joan M. Gordon)
 Arbitration Board) Tuesday, November 5, 2002

CONSENT ORDER

WHEREAS the Employer and the Association agree that this Arbitration Board is properly constituted and has jurisdiction to provide a final and conclusive settlement of the matter in dispute;

AND WHEREAS the Employer and the Association have executed a mutually satisfactory settlement of the dispute;

AND WHEREAS the Arbitration Board is satisfied that the terms of the settlement agreement are not contrary to the Code or the Labour Relations Regulations;


AND WHEREAS the Employer and the Association have requested this Arbitration Board to issue the following Consent Order;

NOW THEREFORE, PURSUANT TO SECTION 89(a) OF THE CODE, THIS ARBITRATION BOARD ISSUES THE FOLLOWING ORDER BY CONSENT:

1. This Arbitration Board orders the Employer and the Association to comply with the terms of their Settlement Agreement dated November 5, 2002, a copy of which is attached hereto as Attachment "A" and forms part of this Consent Order.


Dated and effective at Vancouver, British Columbia, this 5th day of November 2002.

ARBITRATION BOARD



Joan M. Gordon, Arbitrator

CONSENTED TO BY:



Lisa Castle
for the Employer

CONSENTED TO BY:



Rosanne Hood
for the Association

ATTACHMENT " A "

SETTLEMENT AGREEMENT

1. The Grievor will have her application for promotion to Assistant Professor assessed on the basis of the criteria set out in Article 3.05 of the collective agreement (i.e. not taking into consideration service to the University, the academic profession and the community).
2. The Dean of Arts will consider the recommendation of the Department of Asian Studies Standing Committee to promote Dr. Chiu-Duke to the rank of Assistant Professor and will consider such supplemental material, as contemplated in Article 5.03 of the Conditions of Appointment for Faculty, as Dr. Chiu-Duke may wish to submit (which was not available to Dean Tully in May 2001). In addition, the current Dean will have before her all the information which was available to Dean Tully (as re-submitted by Dr. Chiu-Duke).
3. The decision by the Dean of Arts will be considered a decision on a periodic review (which must be the subject of a decision by the President).
4. If the President recommends in favour of the promotion, the effective date of the promotion will be July 1, 2002.

" Josephine Chiu-Duke ")

" Rosanne Hood ")

" Lisa Castle ")

) November 5, 2002

Consent
Award

1. The Grievor will have her application for promotion to Assistant Professor assessed on the basis of the criteria set out in Article 3.05 of the collective agreement (i.e. not taking into consideration service to the University, the academic profession & the community).
2. The Dean of Arts will ~~will~~ consider the recommendation of the Department of Asian Studies Standing Committee to promote Dr. Chiu - Duke to the rank of Assistant Professor and will consider such supplemental material, as contemplated in Article 5.03 of the Conditions of Appointment for Faculty, as Dr. Chiu - Duke may wish to submit (which was not available when Dean Tully in May, 2001.) In addition the ~~Dean~~ ^{current} Dean will have before her all the information which was available to Dean Tully (as re-submitted by Dr. Chiu - Duke).
3. ~~The Dean & her Advisory Committee may~~ ask the Acting Departmental Head to request letters of appraisal from external referees for any or all of the three new articles written ~~in publication~~ & submitted as supplemental material, as the Dean & her Advisory Committee considers necessary. If the ~~Dean~~ Acting Dep't Head is


asked by the Dean to contact referees, the referees contacted shall be the same as ~~stated~~ the four who provided reference letters in 2000/2001 (referred to as A, B, C & D). If any one of those referees are not available or prepared to provide a reference, the referee will be selected from the 10 names provided by Dr. Chon Duke as potential referees to the Acting Head Mottow.

#3. This decision by the Dean of Arts will be considered a decision on a periodic review (~~subject to review by the President, in the event the Dean's decision is negative~~) (which must be the subject of a decision by the President)

4.5. If the President recommends in favor of the promotion the effective date of the promotion will be July 1, 2002.

JGD
Nov. 5/02

Rosanne Hood Nov 5,

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