

Policy on Presidential Decision-Making Authority within the RFA

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The issue arises within the RFA from time to time, as it does in many unions, about precisely which decisions, especially decisions involving the employer jointly, the President is empowered to make “on his/her own” or without Executive approval.

The first and most basic principle needs to be that in any collective bargaining organization all major decisions about relations with the employer should be made in accord with specified procedures approved by and, where practically possible, involving the judgment of members. In general, these procedures are specified in the By-Laws. These include the establishment of an Executive which acts on behalf of members as “the governing body of the association between General Membership Meetings.” (By-Law 10.4(a)). This should be interpreted as implying that all major decisions on behalf of members, especially those establishing precedents and/or establishing policy, should be made by the Executive in deliberative assembly.

The President, on the other hand, is established as the “chief executive officer, chief administrator, and general spokesperson for the association.” (10.7). “Executive” can be interpreted to mean the President executes what the Executive (or members more directly) decides. The RFA Executive affirms that this *is* the best way to conceive of the relationship between President and Executive. So much is not often contested, however.

Things become less clear once it is realized that: 1) any “executing” of a policy or decision may involve an element of judgment which may extend or specify what has been decided by the Executive/members in a particular direction, and; 2) the Executive is not always quickly accessible as a deliberative body given the seasonal rhythms of academic life and work. In practice, matters that need quick attention in “off season” or which are not likely to be seen as “major” tend to devolve to certain office holders, especially the President. But what is “major” would seem to be inherently contestable, and does not easily admit of codification.

In light of the above, excepting the need for negotiating and agreeing to settlements of grievances, the following principles are articulated to guide a President and an Executive in deciding what falls within Presidential discretion and what does not:

- (a) The President must seek the direction of the Executive on all substantive matters. In a world connected via e-mail the Executive is accessible to a degree that should not be underestimated.
- (b) Deviations from the Collective Agreement are not within Presidential purview and must come before the Executive, though minor questions of the implementations of some process or procedure may be within Presidential authority; where an in-person meeting is not feasible, this direction shall be sought via e-mail or phone.
- (c) Any decision that increases the workload or obligations of members should come to the Executive;

- (d) Any decision that might set a precedent which would be difficult to undo must be made by the Executive;
- (e) Finally, in areas where only a few members are affected, Presidential authority is usually dependent on the consent of those affected;
- (f) All letters to members that are to be signed jointly by the University administration and the RFA President, except those to individuals, must be approved by the Executive.

The Executive also recognizes, however, that the President is called upon to make myriad decisions of an administrative and quasi-administrative nature, and that these require his/her judgment.