

IN THE MATTER OF AN ARBITRATION

B E T W E E N:

ALGONQUIN COLLEGE

(The "College")

- and -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

(The "Union")

AND IN THE MATTER OF A CLASSIFICATION GRIEVANCE CONCERNING THE
POSITION OF STUDENT SUCCESS SPECIALIST

David K.L. Starkman

Arbitrator

APPEARANCES FOR THE COLLEGE

Jock Climie
Diane McCutcheon
Wayne McIntyre
Kent MacDonald

Counsel
Manager, Employee Services
Chair, Marketing & Management
Dean, School of Business

APPEARANCES FOR THE UNION

Kristin Eliot
Doug Brandy
Claude Lacelle

Janet Strickland

Counsel
Local Union President
Chief Steward, Local 416
(Support)
Vice-President, Local 416
(Support)

A Hearing in this matter was held on April 20, May 6, and 20, 2004 at Ottawa, Ontario

AWARD

The Union alleges that the College is in violation of the provisions of the collective agreement insofar as it assigned bargaining unit work to Student Success Specialists (SSS) which, in the Union's view, is work formerly assigned to academic bargaining unit members designated as coordinators, and specific reference was made to article 14.03 A 3 of the collective agreement which provides:

Allowances - Professors

14.03 A 3 Coordinator Allowance - Coordinators are teachers who in addition to their teaching responsibilities are required to provide academic leadership in the coordination of courses and/or programs. Coordinators report to the academic manager who assigns their specific duties. It is understood that coordinators do not have responsibility for the disciplining of teachers in the bargaining unit. It is not the intention of the Colleges to require employees to accept the designation of coordinator against their wishes.

Those employees who are designated as coordinators will receive an allowance equal to one or two steps on the appropriate salary schedule. Such allowance will be in addition to the individual's annual base salary.

It was the position of the College that SSS were not performing academic bargaining unit work, and that the position was appropriately placed in the support staff bargaining unit. The position of the College is summarized in the May 28, 2002 reply to the grievance which provides in part as follows:

In January 2002, the School of Business created a one-year “test” assignment of this clerical position as a result of numerous student complaints. The student complaints centered on not knowing where to go to get answers to their questions or not being able to contact teachers/coordinators. This customer service representative position was created to provide front-line contact with the students.

The College recognizes the Union’s concern regarding this position conducting faculty-related academic work; however it is not the intent of this position. Similar to the clerks in the Registrar’s Office, this position processes many forms (i.e. drop/adds); keeps student records up-to-date as well as keeping student and professors informed. This position does not issue credits on Academic work or PLA credits. This position does transfer credits from other institutions where there is an articulation agreement or the transfer is on an approved list.

Ms Alberta Smith, an English Professor since 1971 and an English academic coordinator since 1992, testified as to the duties of an academic coordinator. She stated that the coordinator position is voluntary. A English coordinator monitors how the English courses are being delivered and meets and advises students as to their courses of study. Ms Smith identified and referred to the position description of academic coordinator which provides as follows:

OVERVIEW

The Academic Co-ordinator is the critical link between student, industry and program delivery.

The Academic Coordinator assists with curriculum development and delivery, selection of resources and scheduling, student registration, evaluation and recommendation for graduation, and the marketing and promotion and recruitment of students to their respective programs within Algonquin College.

GENERAL RESPONSIBILITIES

The Academic Co-ordinator assists in the implementation and evaluation of new education initiatives. The Academic Co-ordinator will help the School of Business be recognized as the national leader in the delivery of applied business training and education by maintaining a direct and active link with industry and business leaders.

The Academic Coordinator is a critical member of the School of Business academic team. Reporting to the academic chair and working closely with continuing education, distance education and on-line learning, the incumbent is responsible for the co-ordination and academic integrity of assigned full-time, Continuing Education, Distance Education and on-line programs and courses.

MAJOR RESPONSIBILITIES

1. Curriculum development and consultation with faculty in matters that pertain to curriculum development and delivery.
 - 1.1 The Co-ordinator reviews and updates course outlines, curriculum and program learning outcomes annually, and recommends changes as required.
 - 1.2 Work with the academic chair to help coordinate the teaching duties of professors who are teaching courses in which there is more than one section. The coordinated approach will ensure consistent course content, delivery, and evaluation standards.
 - 1.3 Co-ordinate the preparation of common exams for multiple sections, ensure exams are prepared and submitted on time, submit examination requirements, and review exam schedule to ensure no conflicts.
2. Student registration and evaluation:
 - 2.1 Academic advisor to all students in their assigned program.
 - 2.2 Work with the academic chair to evaluate overall student progress.
 - 2.3 Work with the academic chair to review final grades for all students in their assigned program to determine graduation status.

- 2.4 Meet with representatives of all service departments to discuss student progress when appropriate.
- 3. Liaison and promotion
 - 3.1 Assist Algonquin College, Continuing Education, Distance Education and on-line learning in assessing the relevance of activities and programs to the needs of the students and the community.
 - 3.2 Attend advisory committee meetings, as required.
 - 3.3 Attend information sessions and liaise with external groups e.g. high schools, employers etc., as required.
 - 3.4 Work with the academic chair in the preparation , review and update of promotional program material on an ongoing basis.
- 4. Resources
 - 4.1 Assist the academic chair in the selection and hiring of temporary/contract teaching staff.
 - 4.2 Co-ordinate the acquisition of textbooks, and other teaching resources.
 - 4.3 Work with the academic chair to advise and assist new temporary/contract teaching staff.
- 5. Scheduling
 - 5.1 Work with the academic chair, assist in course loading and faculty assignments.

Ms Smith referred to the 2002 job posting for the position of Student Success

Specialist which provides as follows:

ALGONQUIN COLLEGE
SCHOOL OF BUSINESS
MARKETING AND MANAGEMENT STUDIES DEPARTMENT
requires a

CLERK GENERAL C
(Student Success Specialist)

Reporting to the Chair, the incumbent provides overall student contact for all programs in the Marketing and Management Studies Department. The Student Success Specialist is centered on academics and promotes a caring attitude between College personnel and students. He/She will provide guidance for the students and promote development, retention and success with their studies. The incumbent will also build relationships within the College, and help students identify services which clarify both their career and life goals.

DUTIES:

- Primary Department student contact
- Schedules appointments and meets with students to assist with their program of study
- Assists students and campus administrators with registrations and related activities
- Responds to inquiries regarding on-line courses and student participation processes
- Revises and processes elective forms
- Processes academic records by in putting student upcoming course load
- Reviews student records for graduation
- Helps coordinate student orientation by program(s)
- Collaborates with other programs within the College
- Makes appropriate referrals to College support services
- Participates in departmental meetings and in the promotion of department programs

QUALIFICATIONS:

- Secondary school graduation with additional job related training courses or equivalent
- More than one year and up to three years related experience; experience in an educational environment an asset
- Excellent oral communication and interpersonal skills
- Good working knowledge of Microsoft Office Suites (Word Processing, spreadsheet, PowerPoint software)
- Proficiency in communicating with e-mail
- Ability to meet deadlines, manage multiple priorities and work under pressure
- Requires strong minute taking and writing skills
- Good planning, record keeping, organizational skills, and telephone

- answering skills
- Must be able to work independently with ability to problem solve situations

SALARY: \$15.00 to \$17.39 per hour (approximately \$28,384 to \$32,906 per annum based on a 36.25 hour work week). The College also offers a complete range of fringe benefits.

Ms Smith testified that, in her opinion, SSS were giving advice to students concerning academic matters and granting course exemptions which they were not qualified to give. She stated that since SSS were hired, her student contact time had been reduced by ninety-five per cent and that she had seen a sharp decrease in the number of exemption forms and add/drop forms that she was required to sign, and that she had seen SSS signing off on the same.

Ms Smith referred to the position description of the Student Success Specialist and indicated that, for the most part, these are duties which she had previously done. The description provides as follows:

OVERVIEW

The Student Success Specialist is a valuable member of the School of Business support staff team. The incumbent will enhance the quality and timeliness of services delivered to all students and will measurably impact the retention of School of Business students.

GENERAL RESPONSIBILITIES

The Student Success Specialist will:

1. Assist students who require information pertaining to their records, program of study and registration/enrolment in courses and programs.
2. Assist prospective students and alumni who request information pertaining to admission, records, program of study and registration/enrolment. The SSS will provide information that will positively reflect School of Business courses and programs and which may lead the prospective student or graduate in enrolling in courses and programs offered by Algonquin College.
3. Assist in the registration process including collecting, verifying and entering student information. Provide valuable information to potential students and act as a program expert, serving as a single point of contact whenever possible.
4. Using GeneSIS, responds to questions regarding all transcript information and graduation status. Advise students of other programs and courses that could enhance their academic experience.
5. Serve as a single point of contact for students to enter data on GeneSIS regarding the students' drop/adds, class changes and program transfers.
6. Revise and processes student elective forms.
7. Track student advanced standing and exemptions and PLA area requests.
8. Understand the advantages and technical aspects of on-line delivery in order to respond professionally and intelligently to student inquiries regarding the delivery of on-line and hybrid courses.
9. Assist with the coordination of student orientation by program(s).
10. Generate letters to verify student enrolments, will need to explain this more...
11. Verify students' residency requirements following established

guidelines. Can we explain this more...

12. Collaborate with other programs within the College.
13. Make appropriate referrals to College support services.
14. Liaison with area high schools and other academic institutions.
15. Participate in departmental meetings.
16. Coordinate program council meetings.
17. Communicate cancelled classes to ensure students know classes are not being offered.

In response to questions from counsel for the College, Ms Smith indicated that her primary concern with the duties performed by SSS was that they were giving academic advice to students in difficulty, and advising students concerning add/drop courses which they did not have the qualifications to do. Coordinators are teachers who are familiar with the content of the programs and are therefore in a position to offer proper advice to students, whereas SSS lack this knowledge and expertise

Mr. Claude Lacelle, the Chief Steward of OPSEU, Local 416, the support staff unit, testified that SSS are classified as a Clerk C, and that the Union is presently examining whether this is the appropriate classification.

Mr. Wayne McIntyre, the Chair of the Business Administration program, testified that the SSS position was created on a temporary basis in April 2002 to create a customer service centre point to distribute information and direct students where to go to get

information and to get their questions answered.

He stated that, prior to the creation of this position, students did not know where to go to get answers, and that SSS were intended to improve student satisfaction and ultimately to improve student retention in the course of study. He testified that SSS are to help the program coordinator, and that it is not the role or responsibility of SSS to do academic advising, and that he advised the SSS accordingly.

Mr. McIntyre stated that applications for advanced standing must come to him for approval. He also testified that there are a number of reasons why Ms Smith may have experienced a considerable drop in the number of students requesting academic advice from her. There is an increased amount of academic advising carried out by e-mail. Since the elimination of Grade 13, such courses are not available to be considered for advanced standing. Many issues involving academic counselling are referred to the program coordinator, and, inasmuch as Ms Smith is an English course coordinator, she would have a limited number of referrals in the School of Business.

Since September, 2003, the College has sent letters to students advising them as to who their academic advisor was, and Mr. McIntyre speculated that students may be seeking advise from such persons instead of from the course coordinator.

Mr. McIntyre stated that the focus of the position of coordinator was course development, and communication between industry and the program, and that SSS

would relieve coordinators of some of the administrative and clerical duties previously associated with the position, so that they can concentrate on the key academic requirements of assessing the courses and marketing the program.

With respect to drop/adds, Mr. McIntyre stated that, if it in any way involves an issue requiring academic advice, then the SSS would refer it to an academic advisor or program coordinator.

Mr. Kent MacDonald, the Dean of the School of Business stated that the role of SSS and the role of coordinators are different and emphasized that there are more coordinators in 2003, and 2004, than there were prior to the hiring of SSS.

Ms Sherry Mulligan testified that she has been a SSS in the School of Business for three months. She stated that she works from 8:00 a.m. until 4:00 p.m. five days per week and is paid an hourly rate. She testified that she performs the following duties.

Daily Duties

- Interoffice mail
 - File CSD letters in a Confidential binder
 - Pass on the exemption sheets (internal and external) to the appropriate Coordinator or Chair
 - Pass on the program transfer forms to the appropriate Coordinator or Chair
 - I post Promotional or job advertisements for companies on my bulletin board
 - If Sue Bayley is away on Holidays I will sign for the parcels that come into our department and file the mail in the

professors mailboxes

- Email/Answering Phones
 - Each morning I will answer emails and phone messages from student, professors, coordinators, registrar's office, internal department and outside parties
 - The requests vary from when a course is offered, the amount of hours in a course to a student number needed. It is very unpredictable.

- Student Walk-ins/Meetings
 - Students can come see me at any point and they do not need a meeting time.
 - They are my number one priority
 - Students can come to talk to me about general information about their program of study (i.e. how many electives they have to take when they started the program, where can I get a tutor, when is our tuition due)

- Computer
 - Using Microsoft products, Internet, Email, Backboard and GeneSIS
 - Formulating letters for student to reactivate them in the system so they can be able to register for studies, creating memo's which deal with special circumstances made by my coordinators or chairs with towards their students, writing memos to registrar's office telling them that a student is part-time or full-time, changing a students level etc.
 - Posting documents, meetings, minutes and announcements on Backboard for our program council site and advising sit.
 - Formulating elective sheets, templates, posters etc using Word, Excel, Power Point
 - Printing off job advertisements each day and posting the jobs on our board.

- Filing/Photocopying
 - Each day I receive files from Wayne McIntyre, coordinators, professors, registrar's office and file in my cabinet.
 - Majority of my files are electronic

Weekly Duties

- Room Bookings

- I am the contact person for the students who are involved in Program Council meetings, which means that I book rooms for them.
- I will also book rooms for the students upon request, post the agenda, and inform students on Blackboard,
- I also book rooms for other events such as special guests and upcoming meetings.

- Star Students
 - If the star student need help with a task I will assist them.
 - I also give them small duties to do such as i.e. making posters, photocopying.

- Information Walk-ins
 - Going to the first year classes and introducing myself as the Student Success Specialist.
 - Making the students aware of things at certain times of the year and outlining what my job entails.

- Marks Analysis
 - Is an ongoing project that was designed to track the success of our students in the programs from all levels of study.
 - Viewing the grades from one year to the next
 - The spreadsheet is used for statistic reasons for the Chairs/Coordinators

- Probation Letters
 - Sending out letters to students who were unsuccessful in the term and making them aware
 - I also keep track of these students in a spreadsheet

- Promotional Stuff (i.e. tours)
 - Organize tours for students who are interested in the School of Business
 - Provide an information package and brochures

- Attend Information Sessions
 - I attend information sessions such as career fairs, guest speakers etc. to provide additional feedback for the students

- University Articulation
 - I organize the visits for the Universities that we have agreements with in the School of Business
 - I update the website as well as keep the most current information in my office for the students
 - I attend the info sessions so I have a better understanding of the agreements and the new changes from each year.

Monthly Duties

- Preparing Elective Sheets
 - I meet with the Chairs from each department and they verify with me, which courses they are going to offer
 - I formulate the elective sheets with the current information and then send them to the registrar's office
 - I also post the information for the students on my bulletin board
 - I also make sure the course description for each course is accessible.
- Registration
 - I help the registrar's office with registration for the School of Business.
 - In the first week of school I make changes to the students timetables such as, change of course section times, scheduling error (i.e. the student has already taken the course), the student was enrolled in the wrong course, the student wants to take it at night course or distance education course, the student changes their area of study, they need a course to substitute for the course they failed etc...
 - I help the student fill out the drop/add sheets, program transfer, course exemptions, withdrawal sheets, and part-time status
- Surveys
 - We have multiple surveys that go on through out the semester.
 - The KPI survey is a major survey that I am heavily involved in.
 - I was paired up with a professor or coordinator and we were assigned to classes which we administered the survey.
 - The course evaluation surveys I hand out to the professors and keep track of the surveys that has been collected and send them to the planning department.

- Full-time survey etc...
- Odd Projects
 - Wayne or Tammy will give me projects to do on an ongoing basis
 - For example (graduate symposium, guest speakers, class visits, PASS event, Orientation)
- Web Site Updates
 - I am in charge of the updates for the School of Business Website.
 - Any new ideas or changes that I want to be made to the website send our technician the updates and he will change them on the website.
- Early Alerts
 - I send out the form to all the professors
 - I keep track of the students in an excel spreadsheet
 - In the 5th or 6th week I notify each program coordinator of the students and the issues and they advise the student.
 - I do assist sometimes with setting up meeting times
- Academic Dumps
 - I organize the professors/coordinators on the process and tell them which level and program of study they will be evaluating. I break it down into smaller categories for them.
 - I provide all the necessary information so that the job can be done.
- Department Meetings
 - I attend the department meetings when requested to listen to the new changes and ideas that may be occurring in the next year.
 - Provide input and information
 - Take minutes and notes
- Distance Education/Continuing Education
 - Provide students with information about the CE and DE courses
 - Respond to inquiries about the courses

Ms Mulligan stated that if a student has questions or concerns about academic matters

she refers the student to the program coordinator. She acknowledged that SSS are the first and primary contact with the students. She stated that her function was to build a relationship with the students, and to gather and analyse data. With respect to drop/adds, Ms. Mulligan stated that she refers students to the program coordinator if there is an academic issue to be discussed.

DECISION

The Union submitted that article 14.03 A 3 makes it clear that coordinators are teachers who must be members of the academic bargaining unit, and that coordinators have a special status and an indivisible bundle of duties which cannot be parcelled out to non-bargaining unit members.

While a coordinator may receive an additional one or two steps on the salary grid and release time from teaching to perform their duties, nevertheless the position of coordinator is not a classification or position to which the seniority or layoff provisions of the collective agreement apply. As such, it is a position of status and leadership.

It was the Union's first position that because of the unique nature of the coordinator position, the conventional functional analysis in which arbitrators examine whether the core functions of the coordinator position have been infringed upon by SSS in determining whether there has been a violation of the provisions of the collective

agreement is not applicable.

Alternatively, the Union urged a qualitative analysis of the coordinator's work and an analysis of whether the work done by SSS qualitatively diminishes the work of a coordinator. In this regard the Union submitted that, insofar as SSS may be the primary or only contact point with a student, and insofar as SSS make the only determination as to whether a coordinator should become involved, this function undermined and diminished the value of the coordinator position.

In support of its submissions reference was made to the following arbitral decisions *Re Heede International Ltd. and International Brotherhood of Boilermakers, Lodge 359*, (1977) 17 L.A.C. (2d) 429 (J.M. Weiler), *Re Draftsmen's Association of Ontario, Local 164*, and *Canadian General Electric Co. Ltd., Guelph Works*, (1969) 20 L.A.C. 154 (C.G. Simmons), *Algonquin College and Ontario Public Service Employees Union, Grievance #87P95*, unreported, October 31, 1989, (HD Brown), *George Brown College and Ontario Public Service Employees Union*, unreported, October 6, 2003, (D.K.L. Starkman), *Niagara College and Ontario Public Service Employees Union*, unreported, December, 1991, (C.G. Simmons), *Algonquin College and Ontario Public Service Employees Union, Local 415*, unreported, August 3, 2001, (P. Knopf).

The College submitted that it had the management right to establish a system of academic counselling which had a primary point of contact, and emphasized that the

introduction of SSS, at best, reduced the clerical and administrative duties of coordinators.

It emphasized that in establishing SSS, the College did not intend, nor has it in fact infringed upon the core duties of a coordinator, and that there are many reasons for the reduction in student contact time experienced by Ms Smith other than her assertion that SSS were performing this function, and that there was no evidence of the erosion of the number of co-ordinators or reduction in academic SWF's.

In a number of decisions between these parties arbitrators have used a core function test to determine whether a particular employee is properly in the academic or support staff bargaining unit. In *Fanshawe College of Applied Arts and Technology and O.P.S.E.U.* 1996 C.L.A.S.J. Lexis 24103, August, 1996, (K.M. Burkett), the Board was considering the classification of an employee who taught in the Tourism and Hospitality division of the College. At para. 19, after considering the evidence, the Board concluded:

...The core function test, as applied by Arbitrator Brent, is the best measure for deciding whether an employee is more appropriately in the academic unit or more appropriately in the support unit when, as here, there are overlapping duties and responsibilities. On the facts here the core function test, as we have already found, causes us to conclude that Ms. Bond is properly within the support staff bargaining unit.

In *Ontario Public Service Employees Union and Fanshawe College Re. Grievance Re Nursing Liaison Position*, 1997 C.L.A.S.J. Lexis 17432, (M.G. Picher) the Board was

considering whether a nursing liaison position was within the academic or support staff bargaining unit. After adopting the core function test the Board stated at para 32:

In what meaningful sense can it be said that the liaison officer performs a teaching function? To be sure, as related by Ms O'Brien, contact with student nurses will give rise to occasions where the liaison officer might see a problem and offer advice on the spot. In that respect, her involvement is not unlike that of the kitchen manager whose responsibilities were examined in the award of Arbitrator Burkett. Occasional or incidental opportunities to offer a tip or a corrective suggestion do not, of themselves, suffice to bring a position within the academic bargaining unit. As the cases amply disclose it is the core function of the duties and responsibilities of the job which must be looked to. Upon careful consideration of the totality of the evidence before us, we are compelled to the conclusion that the core responsibilities of the liaison officer's role are more fairly characterized as administrative and clerical, rather than in the nature of a teaching or academic responsibility. Such functions as monitoring attendance, compiling assessments and grades assigned by others, reviewing logs and even periodic meetings with students and preceptors do not, in our view, qualify as teaching in the sense contemplated by the collective agreement, as that concept has evolved in the jurisprudence reviewed above. If the facts of this case can be analogized to a university setting, many of the duties and responsibilities of the liaison officer can fairly be likened to the tasks normally performed by a dean's secretary or administrative assistant. We are satisfied that the core functions of the position in question do not fall within the concept of teaching, and should not be viewed as teaching contact hours or work falling within the academic bargaining unit. While it is undeniable that the role of the liaison officer contributes substantially to the advancement of the education and training of the student nurses in the pre-graduate semester, the position is fundamentally administrative, and not pedagogical in nature.

Similarly in *Niagara College and Ontario Public Service Employees Union, 1998*

C.L.A.S.J. LEXIS 9058, the Board was considering whether the position of Co-op

Consultant was properly included in the support staff bargaining unit. At para 25 the

Board stated:

Finally, however, it is important to observe that placement of a job within one bargaining unit or the other is based upon the core function of the job, and not on ancillary assignments. The distinction drawn in the arbitral jurisprudence is based not on the mere fact of the assignment of some academic bargaining unit duties to someone who would otherwise be in the support staff bargaining unit, but on the quantity of that assignment. In both *Re Georgian College and Ontario Public Service Employee Union, Union grievance 89B533*, October 17, 1990 (Carter) and *Re Mohawk College of Applied Arts and Technology and Ontario Public Service Employees Union, Sweeny Grievance 96C782 and 96C783*, May 15, 1997 (Howe), the awards collect together and approve the cases which have applied a core function test on the question of bargaining unit jurisdiction, and apply that test to positions remarkably like the one now before us for consideration, only to conclude that someone performing duties similar to the present Co-op Consultant is properly placed, on the basis of the core functions of marketing, public relations and administrative tasks, in the support staff bargaining unit.

In this matter the collective agreement clearly provides that coordinators are teachers who coordinate courses and/or programs under the direction of an academic manager who assigns the specific duties.

The evidence is clear that in hiring SSS, it was not the intention of the College to infringe on the traditional duties performed by coordinators, but, to the contrary, the intention was (i) to provide a better level of service to students by creating a central information distribution point to direct students where to go to get their questions answered, and (ii) to reduce the administrative and clerical duties associated with the coordinator position so that coordinators can concentrate on the key academic requirements of assessing the courses and marketing the program.

The Union submitted that the job functions historically performed by coordinators are indivisible and that the College cannot remove some of the functions without diminishing and fundamentally altering the nature of the coordinator position. I do not accept this submission.

A review of the evidence of Ms Smith and the position description of academic coordinator discloses that the central purpose and responsibilities of the position are with respect to curriculum development, coordination of the teaching duties of professors, scheduling, student registration, examination preparation and evaluation, recommendations for graduation, marketing, promotion, recruitment of students and advising students with respect to their assigned programs.

The job description of SSS are more clerical in nature and include assisting students to gather information regarding their records and programs of study, assisting in the registration progress including adding and dropping courses which have been pre-approved, revising election forms, verifying residency requirements, and sending various letters and memos to students at the request of coordinators or department chairs.

Ms Smith confirmed that her major concern was that SSS were doing academic advising, and she drew this conclusion from the fact that she had personally been doing significantly less advising since SSS were hired, that SSS made certain decisions about whether students could drop/add a course, and that SSS made

decisions concerning which students would be referred to coordinators for advise and counselling. Ms Smith also stated that she had seen SSS sign drop/add forms and transfer forms.

In my view it is difficult, considering the number of prior arbitral decisions between the parties, to depart from the core function analysis when determining whether a position is properly within the academic or support staff bargaining unit. The Union attempts to draw a distinction on the basis that this grievance concerns the coordinator position. The collective agreement however does not specify the job duties of a coordinator and, given the breadth of responsibilities performed by coordinators across the College system, to endeavour, without express language in the collective agreement, to lock in all the job responsibilities such that they could not be changed or amended in any way, would lead to unnecessary rigidity and protracted disputes.

The core function test, because of its history and its flexibility, is entirely suited to resolving a grievance of this nature. The College recognizes that the position of coordinator has certain core functions or responsibilities and is not endeavouring to infringe on them. Rather it is seeking to remove or lessen some of the administrative or clerical duties in order to better meet student needs, and in order that coordinators can concentrate on their core duties more effectively. The evidence discloses that, for the most part, this has occurred.

The grievor and the Union point however to certain actions or incidents in which

particular SSS may have performed a task, or taken an action such as signing drop/add forms which, in the Union's view, required academic counselling because of the potential repercussions to a student's program of study. Mr. McIntyre testified that he advised the SSS that they are not to engage in academic counselling but are to refer students who have questions or concerns about their programs of study to the appropriate coordinator, and also stated that it was the responsibility of the Chair of the Department to sign the drop/add forms and advance placement forms.

Ms Mulligan testified that she does, in fact, refer students who request or require counselling to a coordinator, and that occasionally she signs drop/add forms when a student is requesting to change sections of a course because of timetabling conflicts, or will approve an advanced placement if the course has been pre-approved by the Department.

At the present time there are one full-time and two part-time SSS in the Business School, who are employed on a trial basis. If successful, it would seem that these positions will become more prevalent across the College and it is understandable that the grievor and the Union are concerned about the scope of these positions and the degree to which they interact, or perhaps even conflict, with the duties historically performed by coordinators.

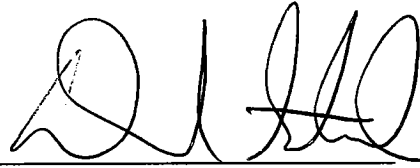
The evidence presented at the hearing however, does not disclose that SSS have been sanctioned to perform, or have in fact been performing, on a sustained or

continual basis, any of the core functions of the coordinator position. There may be some incidents of SSS 'counselling' students when the Union believes such students should have been referred to a coordinators, but these incidents are isolated and not systemic, and are not, in my opinion, sufficient to conclude that SSS are performing the functions of coordinators. In my view the reasons for the decline in student contact experienced by Ms Smith are more likely attributable to other factors including that most counselling referrals by SSS in the Business Department are to the program coordinators.

Accordingly I have concluded, based on the evidence presented, that the SSS are not performing, to any significant degree, the core functions of a coordinator and the grievance is therefore dismissed.

If, at some future date however, there is evidence that SSS are performing significant coordinator core function duties, or that they are performing some duties traditionally performed by coordinators for a significant periods of time, such as to result in a diminution of the prestige of the coordinator position, or as a consequence of performing these duties, there is a significant reduction in the number of coordinator positions, a different result may obtain.

Dated at Maberly, Ontario this 15th day of June, 2004

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a vertical line and a series of loops and flourishes.

David K.L. Starkman