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ALRB NOV 29 2017 PM 3:31  
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Our File No.: 300-17-010

November 29, 2017

Alberta Labour Relations Board  
501, 10808 99 Avenue  
Edmonton, AB T5K 0G5

Fax No. 780-422-0970

Pages: 7 incl. cover

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**Attention: Tannis Brown, Director of Settlement**

Dear Madam:


**RE: An Application brought by Northern Lakes College Faculty Association affecting Northern Lakes College**

We are counsel for Northern Lakes College Faculty Association. Please find enclosed an Application respecting a complaint by Northern Lakes College Faculty Association affecting Northern Lakes College, for filing.

We look forward to hearing from you.

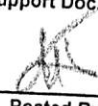
Yours truly,

**CHIVERS CARPENTER**

  
**GORDON NEKOLAICHUK**  
(Email: [gnekolaichuk@chiverslaw.com](mailto:gnekolaichuk@chiverslaw.com))  
GN/rmd  
Encls.

cc: Northern Lakes College  
Attention: Madeline McVey

cc: Northern Lakes College Faculty Association  
Attention: Kieran Moore

<b>POSTED</b>	
66-07658	
File No.	Support Doc. No.
29/11/17	
Date	Posted By

{300-17-010;00230601;1}

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10426-81 Avenue  
Edmonton, Alberta  
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\* Denotes lawyer whose professional corporation is a member of the partnership  
† Also a member of Northwest Territories Bar



**LABOUR RELATIONS BOARD**

An application respecting academic staff designations under sections 12(2)(a), 16(3), and 58.6(1) of the *Labour Relations Code*, RSA 2000, c L-1 [Code],

**I. APPLICANT:**

**NORTHERN LAKES COLLEGE FACULTY ASSOCIATION (the "Association")**

**MAILING ADDRESS:**

1201 Main Street SE  
Slave Lake, AB T0G 2A3

**CONTACT PERSON:**

Kieran Moore,  
President, NLCFA  
PHONE: 780-849-8650

**LEGAL COUNSEL:**

Gordon Nekolaichuk  
Chivers Carpenter Lawyers  
101, 10426 - 81 Avenue  
Edmonton, AB T6E 1X5  
PHONE: 780-439-3611  
FAX: 780-439-8543

**II. NAME OF EMPLOYER (RESPONDENT):**

**NORTHERN LAKES COLLEGE (the "Employer" or the "College")**

**MAILING ADDRESS:**

1201 Main Street SE  
Slave Lake, AB T0G 2A3

**CONTACT PERSON:**

Madeline McVey  
Vice President, Academic  
Northern Lakes College  
PHONE: 780-751-3256  
FAX: 780-849-2570

**III. SECTION AND SUB-SECTION ALLEGED TO HAVE BEEN VIOLATED:**

The Association relies upon section 58.6 of the *Code*.

## V. PARTICULARS

### A. Background

1. The College is a "public post-secondary institution" pursuant to the *Post-Secondary Learning Act*, SA 2003, c P-19.5 [PSLA]. It provides post-secondary and continuing education services across 23 campuses throughout northern Alberta as well as via distance learning technology. It offers Diploma and certificate programs in academic upgrading, business administration, office administration, health sciences and human services, trades and technology, university studies, as well as other continuing education and corporate training certificates and courses.
2. The Association is an "academic staff association" pursuant to the PSLA. Section 58.3(c) of the *Code*, in conjunction with the PSLA, designates the Association as the exclusive bargaining agent for all academic staff at the College.
3. There are approximately 118 academic staff members at the College.
4. The College typically employs 11 people in the position of Chair.
5. The College designated the category of employees in the Chair position as management, and not academic staff members.
6. All Chairs are employed within the department of Learner Services at the College. Each Chair is assigned to a particular academic unit within Learner Services. Some academic units have multiple chairs, such as Academic Upgrading. The academic units are as follows: Academic Upgrading; Business, Administrative Programs & University Studies; Practical Nurse & Community Health; Allied Health; Centre for Teaching and Learning; Counselling Services; Dual Credit & Recruitment; Trades; Resource Technology; and Continuing Education and Corporate Training.
7. Chairs report to a Dean for the academic units. Each Dean is generally responsible for two or three academic units. Deans are designated as management employees. An organizational chart for the College is attached as Appendix "A".

### B. The Chair Position at the College

8. According to the job description for the position of Chair, Academic Upgrading, which is attached as Appendix "B", the Chair has responsibility for and participates in several academically related issues. Among other things, the Chairs duties include:

- a. Overseeing programming;
  - b. Working with faculty to develop and implement plans for teaching; and
  - c. Continuously learning and improving in areas of program management, adult and distance education, learning technologies, e-learning, and faculty development;
9. With regard to knowledge and skills, the job description states that the Chair is required to have academic expertise, knowledge of adult education principles, knowledge of instructional methods, teaching skills and the ability to apply:
  - a. progressive, sound practices in teaching and learning;
  - b. online, distance, classroom, and blended delivery methods;
  - c. progressive, sound practices in developing engaging curriculum for multiple modes of delivery; and
  - d. the use of instructional techniques.
10. The academic qualifications for the Chair position include degrees in the field of education. The job description indicates that applicants for the Chair position must have a Bachelor of Education degree. Further, it is suggested that applicants have, or are in the process of obtaining, a graduate degree in a field related to education, including Education, Adult Education, Distance Education, Educational Leadership, Adult Learning, Curriculum and Learning, and Interdisciplinary Studies. The College also prefers if applicants have at least 3 years' experience developing or adapting curriculum for distance delivery.
11. Consistent with the job description, Chairs will occasionally teach in a classroom or other setting. Particularly if there is a vacant instructor position, the Chair of the academic unit containing the vacancy will perform some or all of the teaching duties normally assigned to that position. Specifically, Chairs will prepare, deliver, and evaluate core curriculum to students. This is currently happening in the Academic Upgrading department.
12. Chairs also regularly assist with the clinical examination of students. In some departments, the method of evaluating students includes clinical, skill-based, testing. The student must demonstrate their ability to perform certain skills taught in the course. The person evaluating the student, which is regularly the Chair, will observe the student's skills, evaluate his or her performance, and provide the student with feedback on how to improve the skill being performed.

13. In addition, Chairs have responsibility for monitoring and adjusting the curriculum for courses in their departments. Based on student course evaluations and input from staff, Chairs will initiate a process for changing the curriculum for a course, and will oversee the development and implementation of the changes.
14. Further, Chairs are responsible for assigning courses to instructors and scheduling such courses.
15. The Chairs' other duties include a variety of administrative tasks. Among other things, Chairs have responsibility for the following: leading department meetings; representing the department's interests to the College; conducting performance evaluations of other faculty; drafting an initial departmental budget to be submitted and reviewed by the Dean, VP of Finance, Human Resources, etc.; and approving vacation requests from other faculty.
16. Chairs have no authority to terminate staff or to impose discipline beyond a written warning. If a Chair suspects a staff member has engaged in misconduct potentially warranting a suspension or termination, the Chair will send the matter to Human Resources and the Dean.
17. Although Chairs are involved in the hiring process, they have no independent discretion regarding whether to hire staff. Staff are hired when a vacancy occurs or when the budget, approved by those above the Chair, includes funding for a new position.

*C. Designations of Academic Staff at the College*

18. The Association is not aware of any College policies regarding the designation of academic staff.
19. The College has a policy regarding faculty assignments ("Faculty Assignment Policy"), which is attached as **Appendix "C"**. The Faculty Assignment Policy indicates that the College views faculty duties broadly, and as including administrative as well as teaching responsibilities. It states that faculty assignments include "teaching (via distance technologies or onsite or a combination of theory, lab or clinical), program advising, and/or administration/special projects."
20. The College has historically designated positions with academic duties, but no regular, assigned teaching obligations, as academic staff. In particular, the position of Coordinator does not always have regular, assigned teaching duties, but is designated as an academic staff position.

21. The Association is unaware of any attempts by the College to consult with the Association regarding the designation of Chairs as management or non-academic staff.

## **VI. SUMMARY AND BASIS OF THE APPLICATION**

22. Anyone employed by the College as a Chair should be designated as an academic staff member.
23. Chairs are predominantly academic; their duties include teaching on occasion, but also regularly involve conducting clinical testing. Chairs also oversee curriculum development and modification. The College's Faculty Assignment Policy suggests the College views clinical testing curriculum development as faculty duties.
24. It is clear from the job description for the position of Chair, Academic Upgrading, that the College also believes Chairs perform an academic function. The job description lists as requirements for the position academic qualifications and skills connected to teaching and instruction.
25. Although Chairs perform administrative functions as well, the College's Faculty Assignment Policy suggests these too are functions of faculty. As mentioned above, the Faculty Assignment Policy describes faculty assignments as including administration in addition to teaching.
26. Based on the College's practice when designating academic staff, the College has historically designated employees as academic staff regardless of whether they performed regular, assigned teaching duties. Coordinators do not always have regular teaching duties, but are designated as academic staff.
27. The Chairs' administrative functions do not create potential for significant conflict with other academic staff members at the College. Chairs will conduct performance evaluations, but have no ability to impose discipline beyond a written warning. Chairs also have no authority to terminate an employee.
28. As the College designated Chairs as management, Chairs are not represented by another other bargaining agent. No other bargaining agent is affected by the designation of Chairs as academic staff.
29. Finally, section 58.6(2)(b) of the *Code* authorizes the Board to consider the College's failure to consult with the Association when considering an application to designate employees as

academic staff. The College's failure to consult with the Association about the designation of Chairs as management and non-academic staff should weigh in favour of designating Chairs as academic staff.

## VII. REMEDY REQUESTED

30. On the basis of the above, the Association seeks the following remedies:

- a. A declaration that any employee of the College falling within the category of Chair is an academic staff member;
- b. An order that the College engage in meaningful consultation with the Association whenever, in future, designating employees or categories of employees as academic staff or non-academic staff;
- c. An order that the College post notices for employees setting out the Board's orders in this matter; and
- d. Any other order or direction that is appropriate in the circumstances.

DATED at the City of Edmonton, in the Province of Alberta, this 24<sup>th</sup> day of November, 2017.



---

Kieran Moore, President  
Northern Lakes College Faculty Association

12/01/2017 13:02 FAX

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# APPENDIX A





NORTHERN LAKES  
COLLEGE

# Organizational Chart

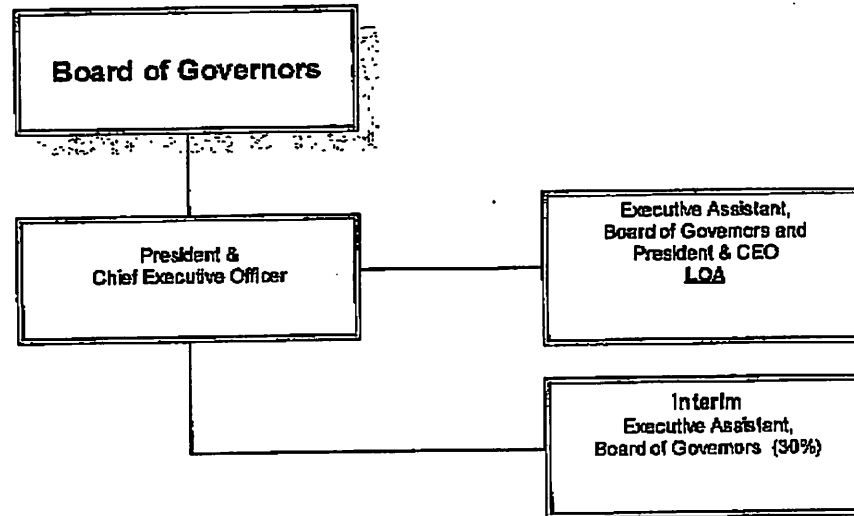
2016-2017

Updated: August 2016

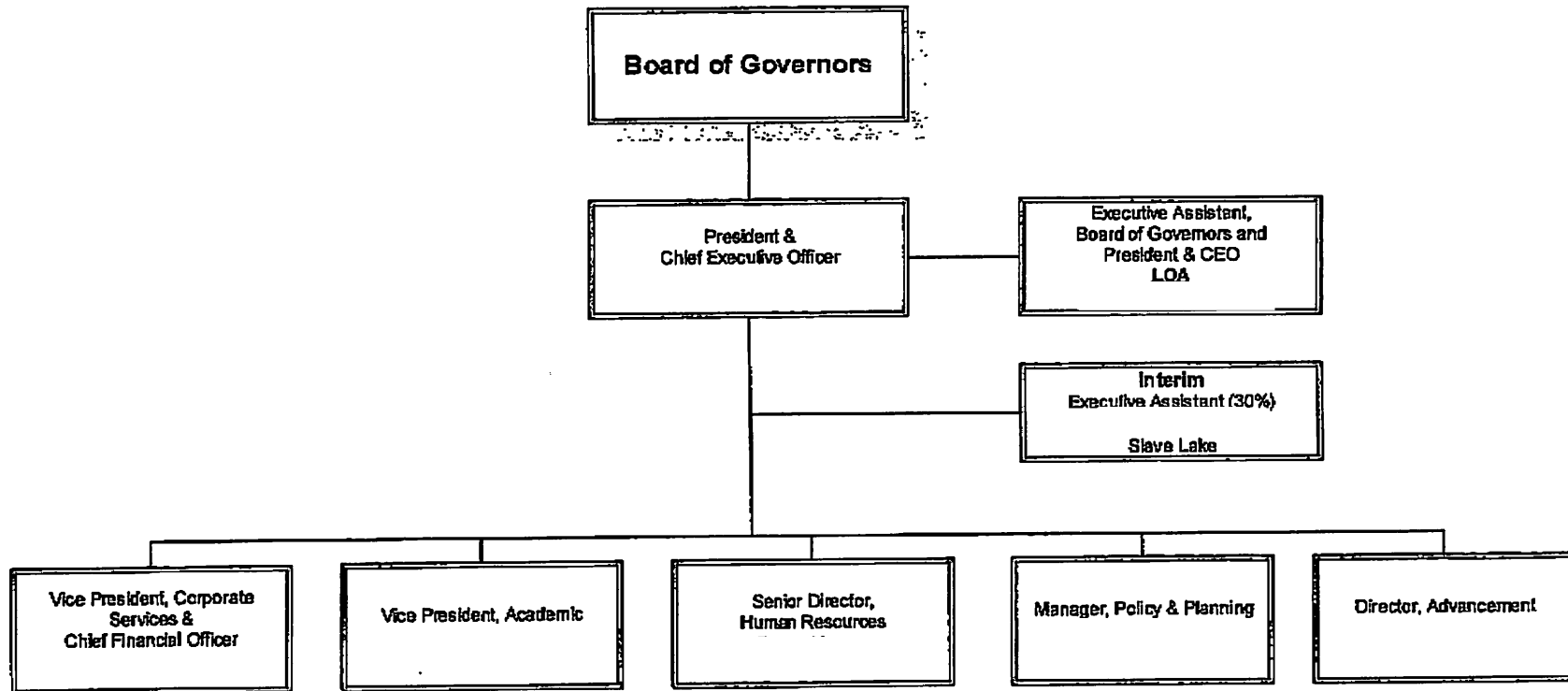
## TABLE OF CONTENTS

Governance.....	1
President Office.....	2
Senior Leadership Team.....	3
Operations Committee.....	4
Learner Services.....	5
Learner Services.....	6
Learner Services (Academic Upgrading).....	7
Learner Services (Academic Upgrading).....	8
Learner Services (University Studies).....	9
Learner Services (PRCC).....	10
Learner Services (Community Access Points).....	11
Learner Services (Health & Human Services).....	12
Learner Services (Health).....	13
Learner Services (Centre for Teaching & Learning & Human Services).....	14
Learner Services (Student Services).....	15
Learner Services (Counselling).....	16
Learner Services (Student Services).....	17
Learner Services (Trades & Resource Technology & CE&CT).....	18
Learner Services (Trades).....	19
Learner Services (Resource Technology).....	20
Learner Services (CE&CT).....	21
Learner Services (Library Services).....	22
Corporate Services.....	23
Facilities & Ancillary Services.....	24
Corporate Services (Information Technology Services).....	25
Corporate Services (Finance Services).....	26
Human Resources.....	27
External Relations.....	28
Index.....	29-31

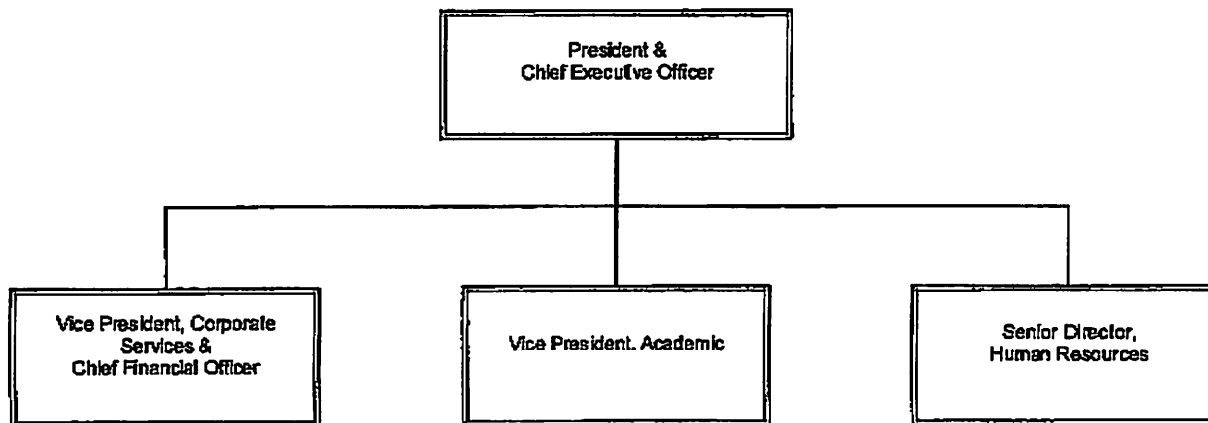
# GOVERNANCE



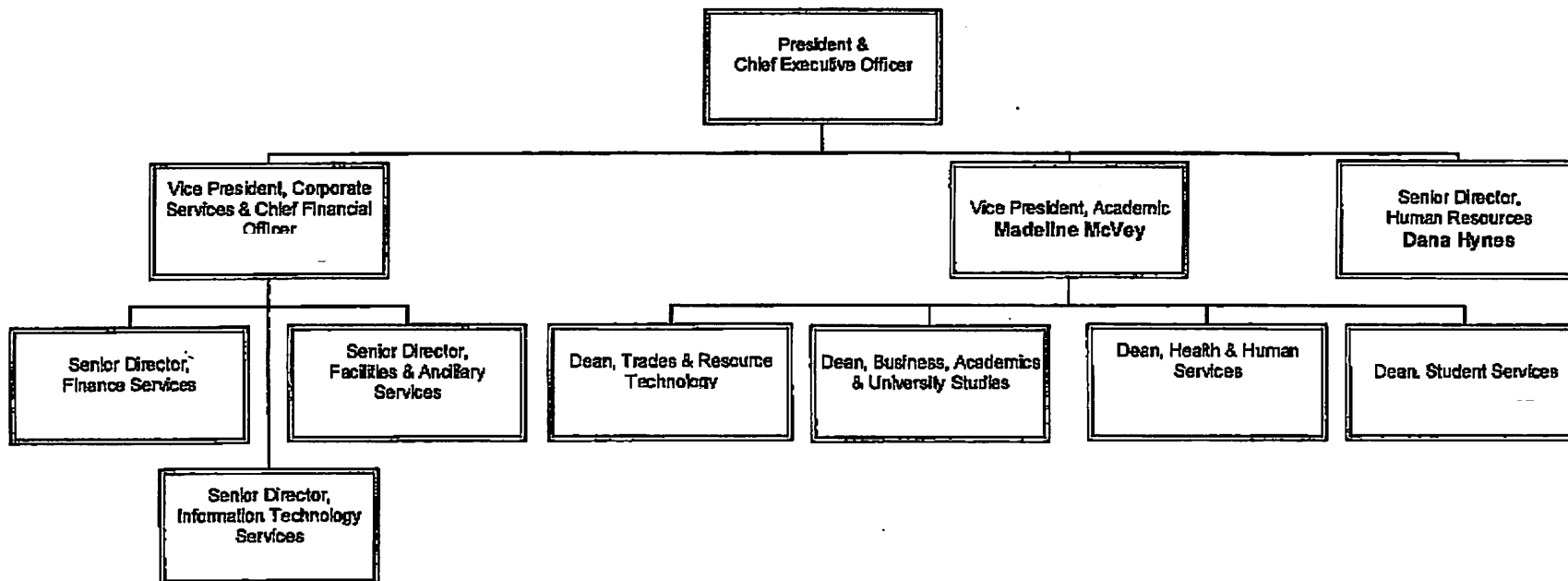
# PRESIDENT OFFICE



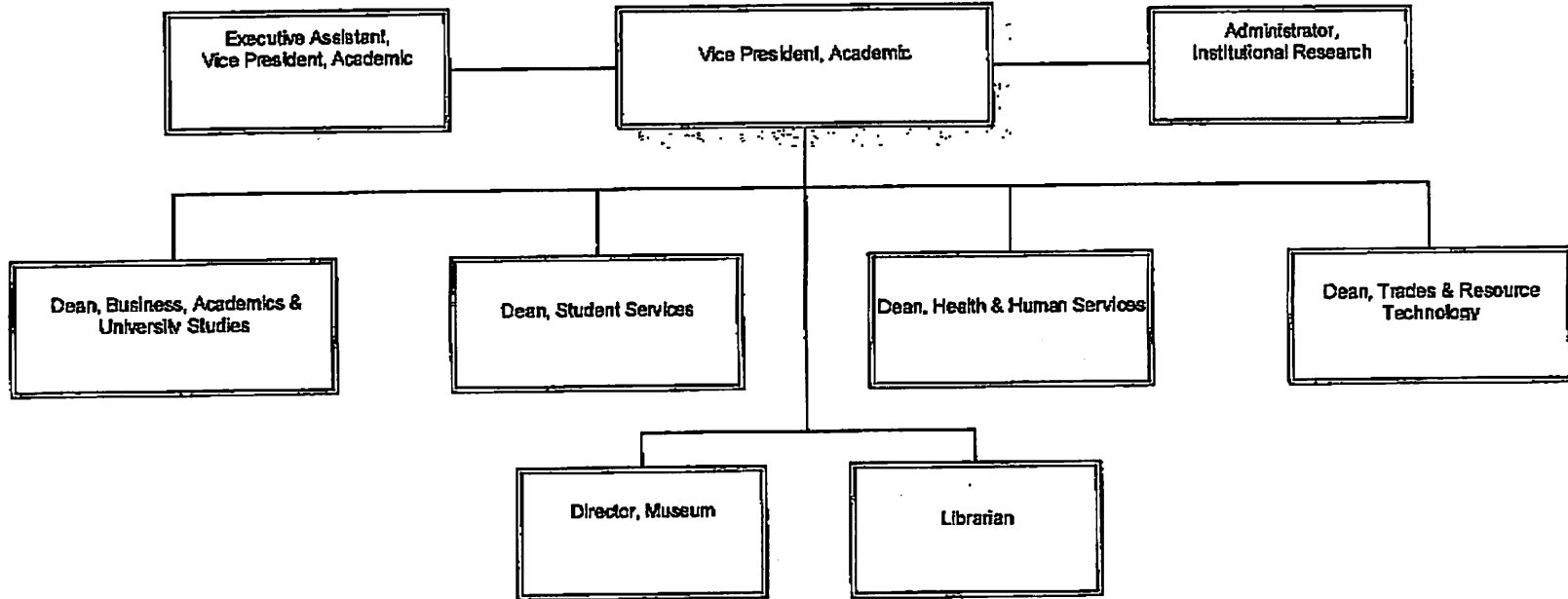
## SENIOR LEADERSHIP TEAM



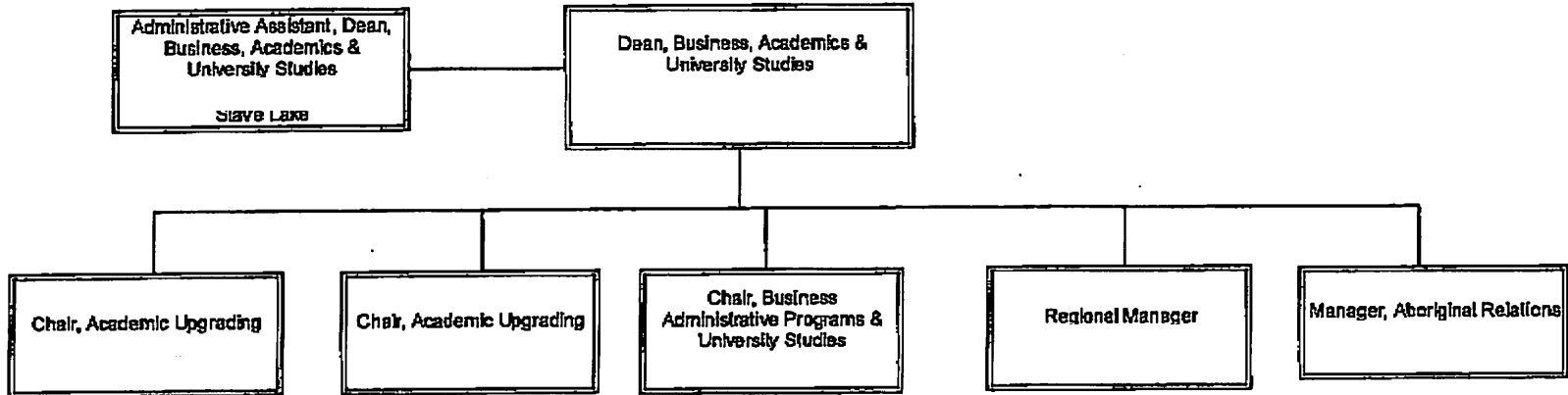
# OPERATIONS COMMITTEE



# LEARNER SERVICES



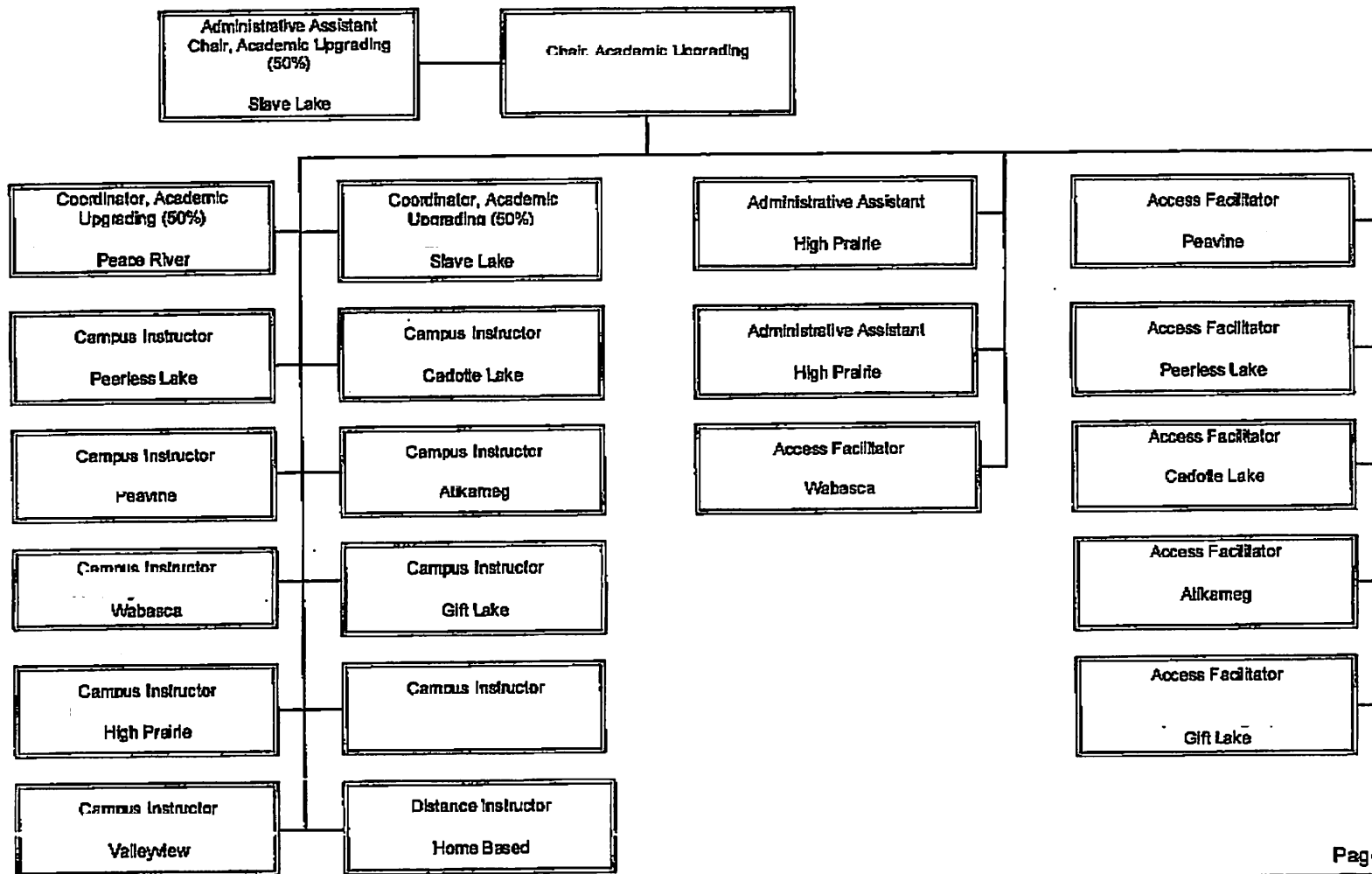
# LEARNER SERVICES





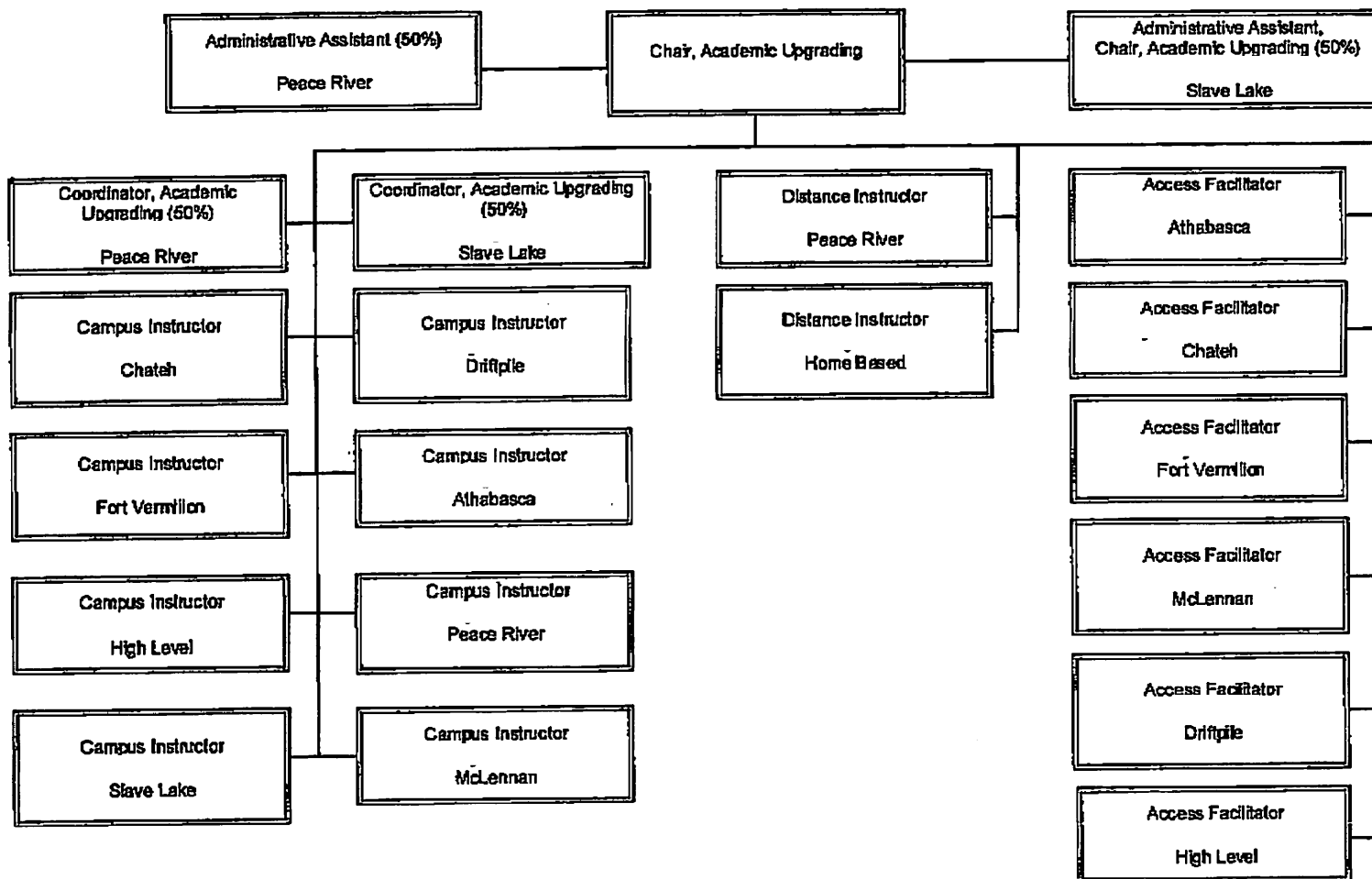
# LEARNER SERVICES

## (ACADEMIC UPGRADING)



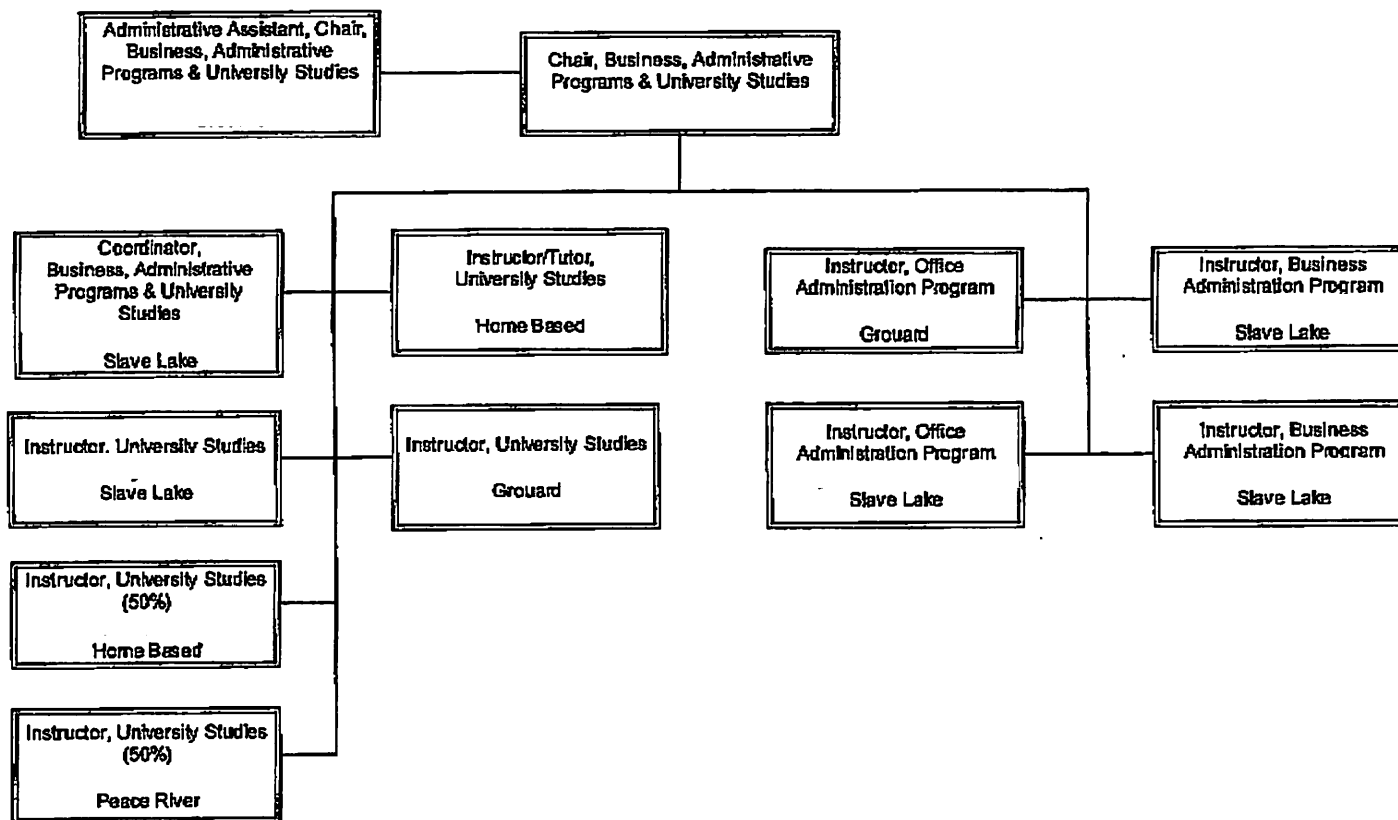
# LEARNER SERVICES

## (ACADEMIC UPGRADING)



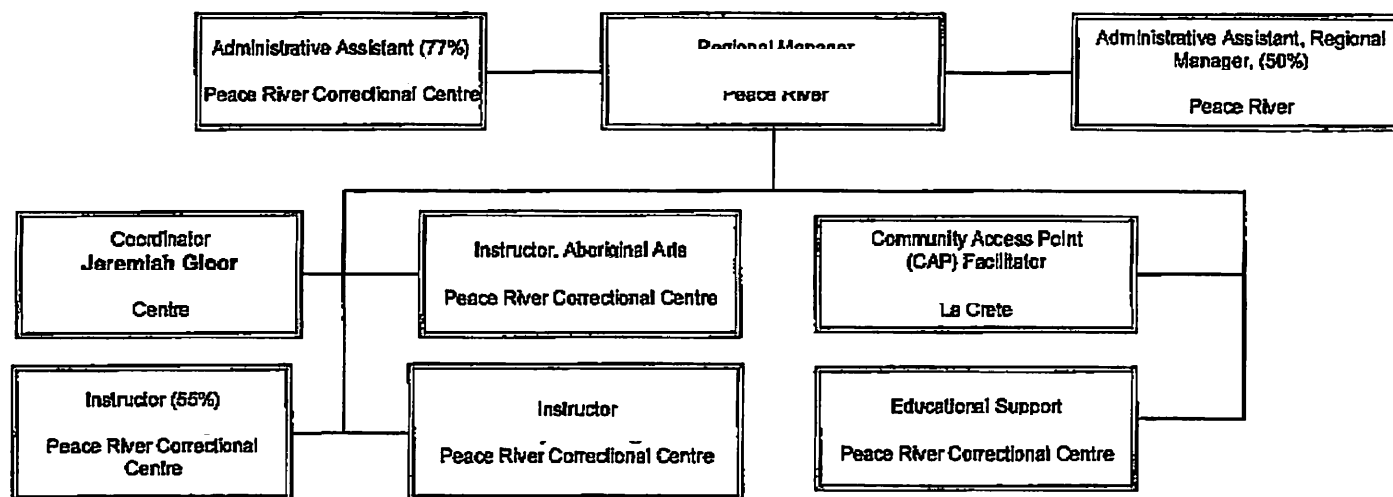
# LEARNER SERVICES

## (UNIVERSITY STUDIES)

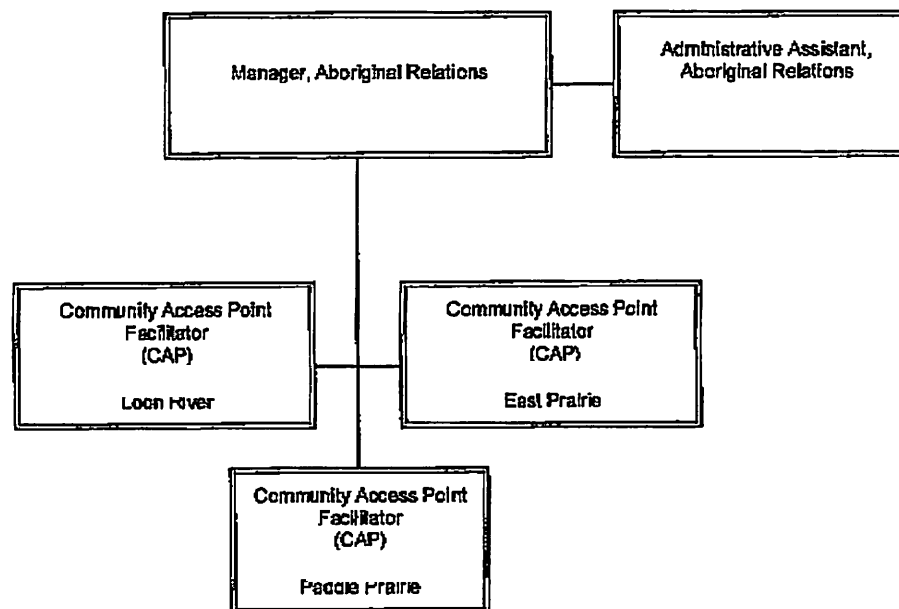


# LEARNER SERVICES

(PEACE RIVER CORRECTIONAL CENTRE AND COMMUNITY ACCESS POINTS)

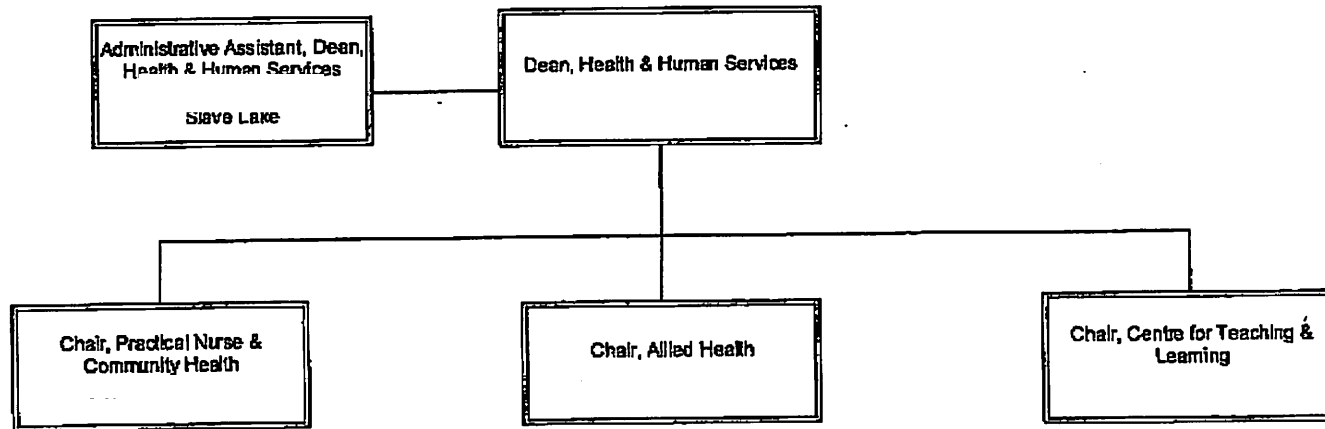


## LEARNER SERVICES (COMMUNITY ACCESS POINTS)

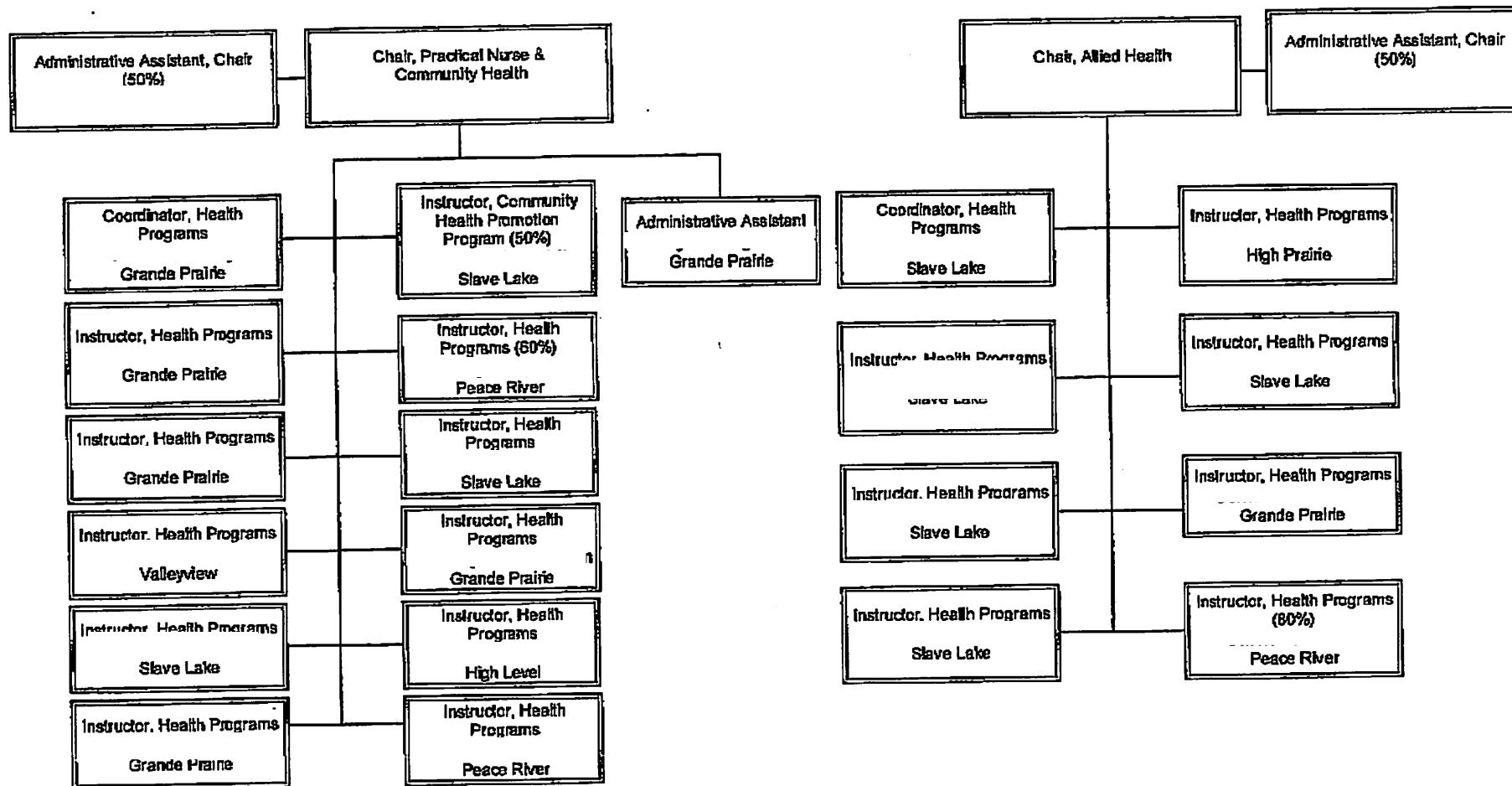


# LEARNER SERVICES

( HEALTH AND HUMAN SERVICES)

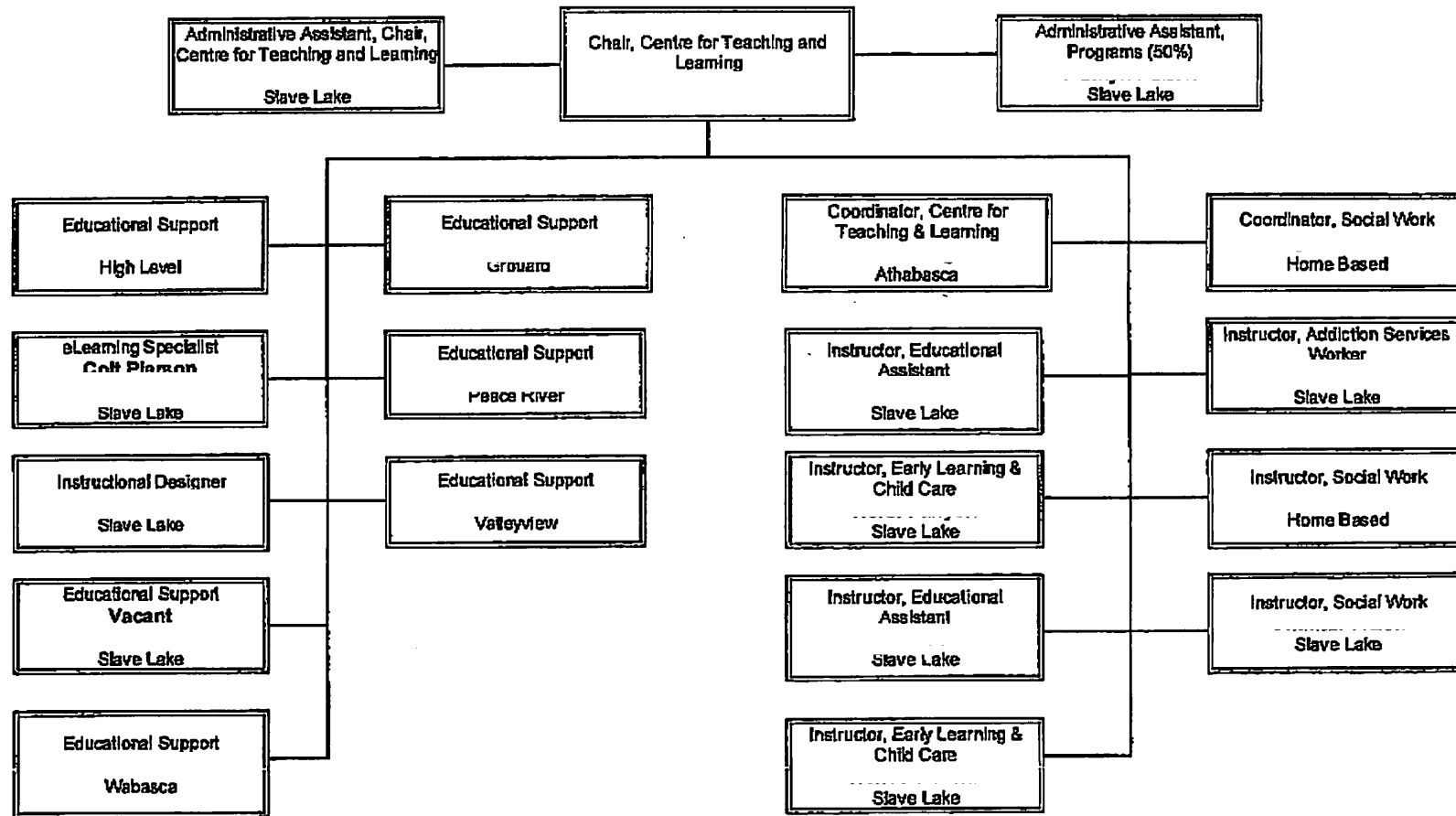


# LEARNER SERVICES (HEALTH)



# LEARNER SERVICES

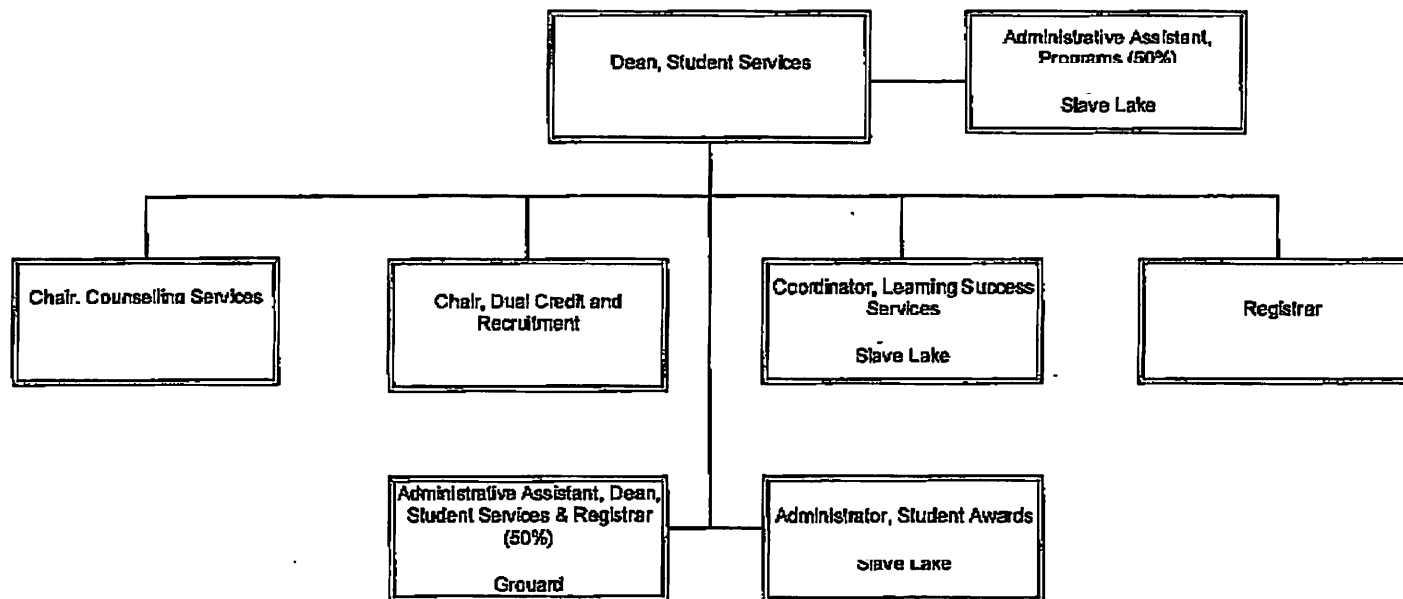
(CENTRE FOR TEACHING AND LEARNING & HUMAN SERVICES)



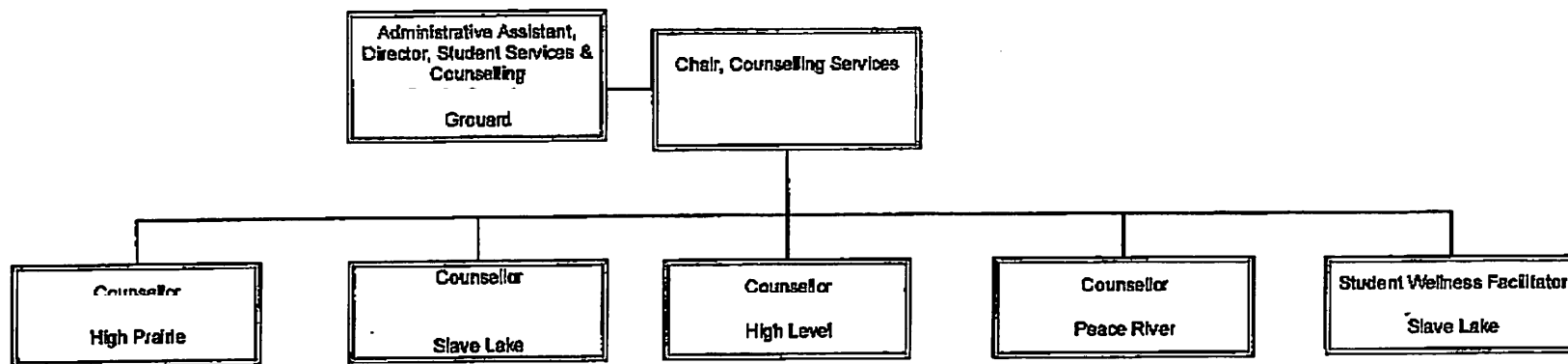


# LEARNER SERVICES

(STUDENT SERVICES)

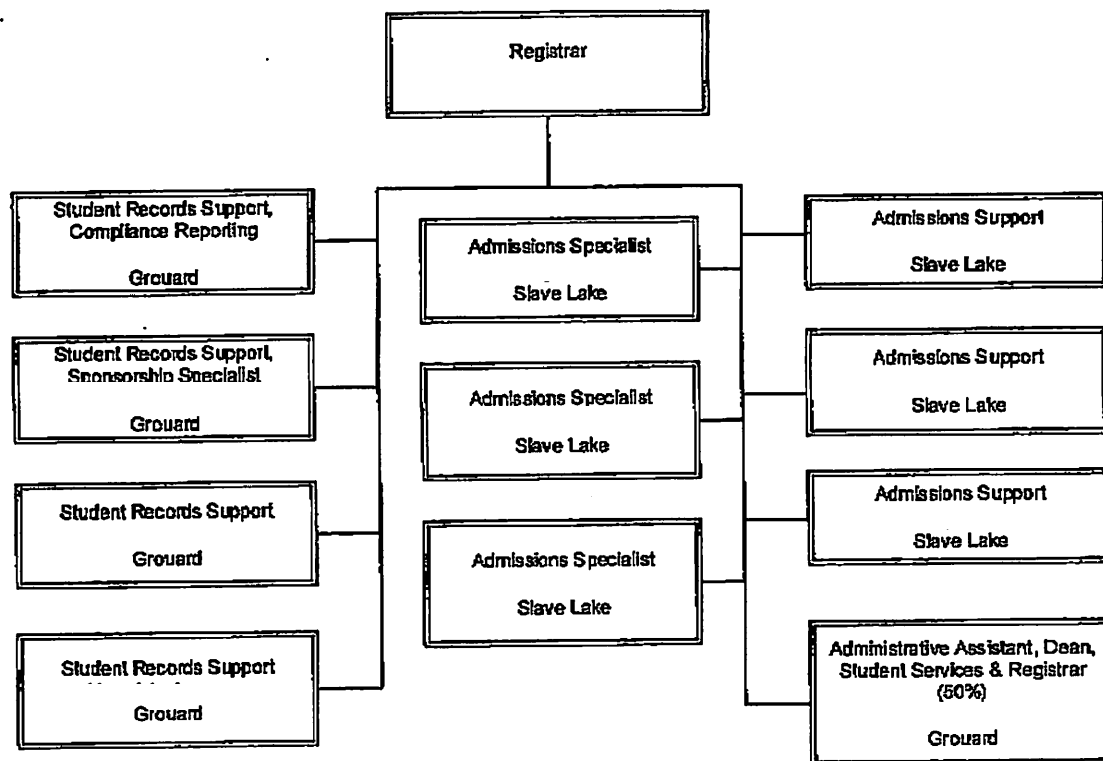


# LEARNER SERVICES (COUNSELLING)



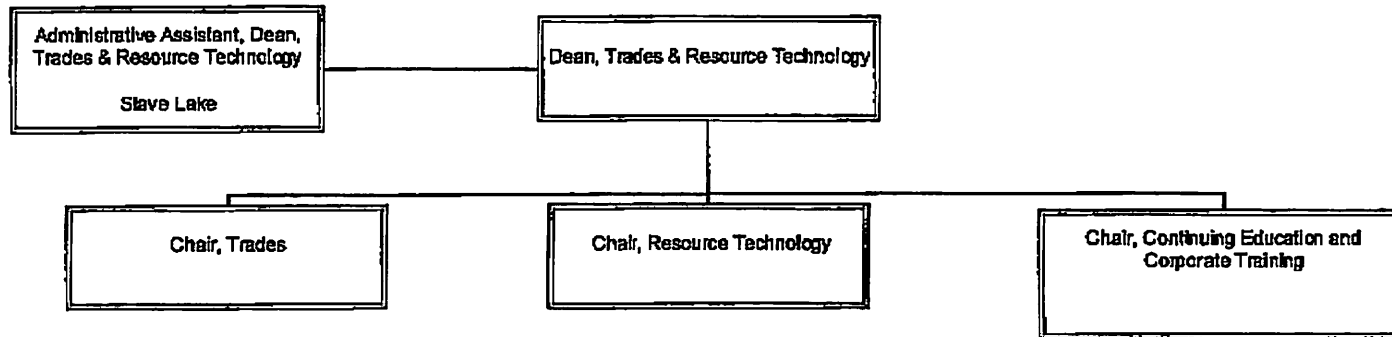
# LEARNER SERVICES

(STUDENT SERVICES)

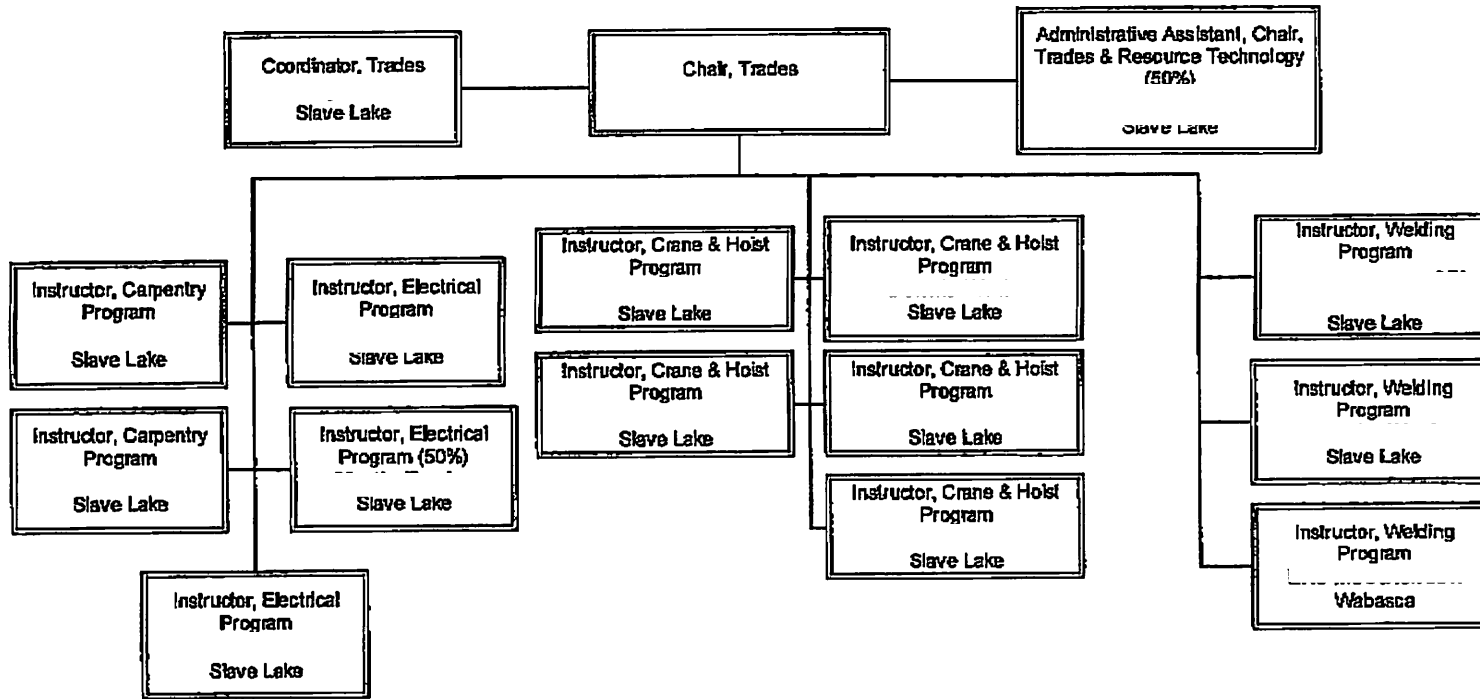


# LEARNER SERVICES

(TRADES & RESOURCE TECHNOLOGY & CONTINUING EDUCATION & CORPORATE TRAINING)

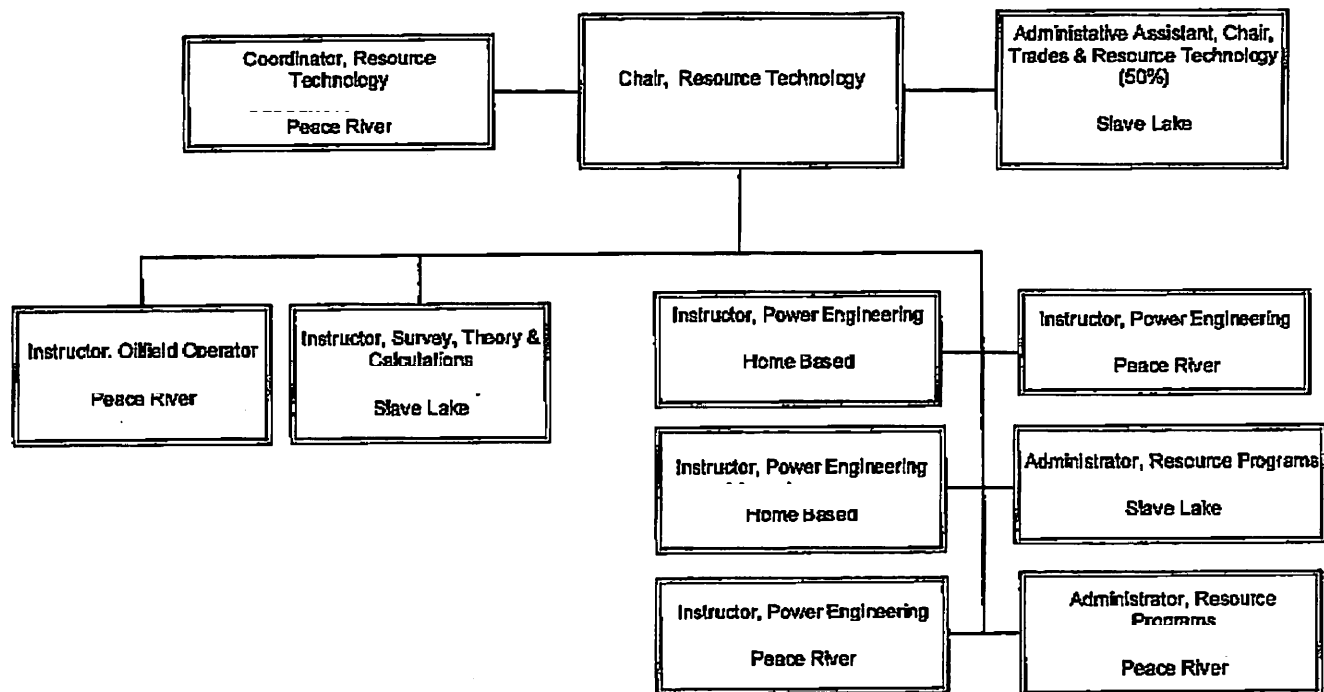


# LEARNER SERVICES (TRADES)



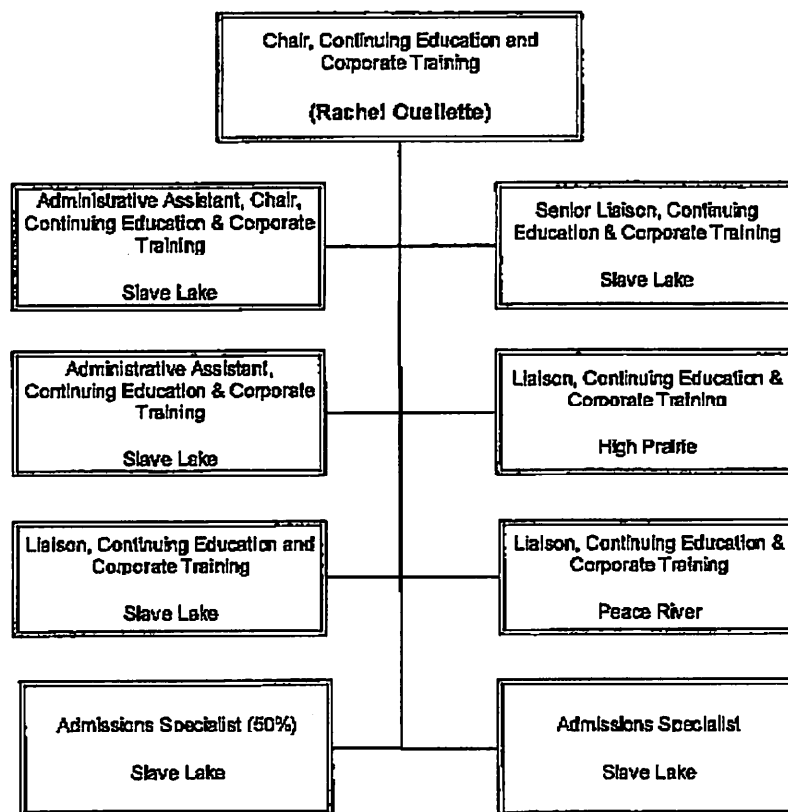
# LEARNER SERVICES

(RESOURCE TECHNOLOGY)



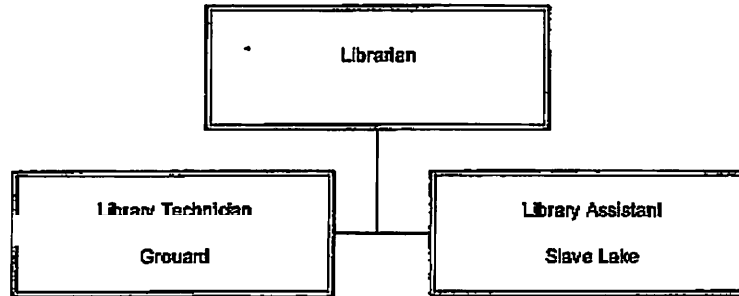
# LEARNER SERVICES

## (CONTINUING EDUCATION & CORPORATE TRAINING)



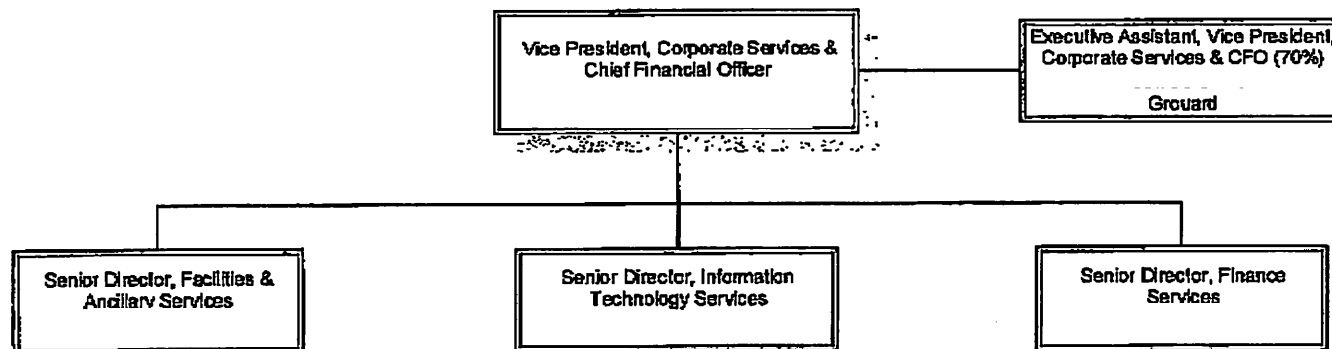
# LEARNER SERVICES

(LIBRARY SERVICES)



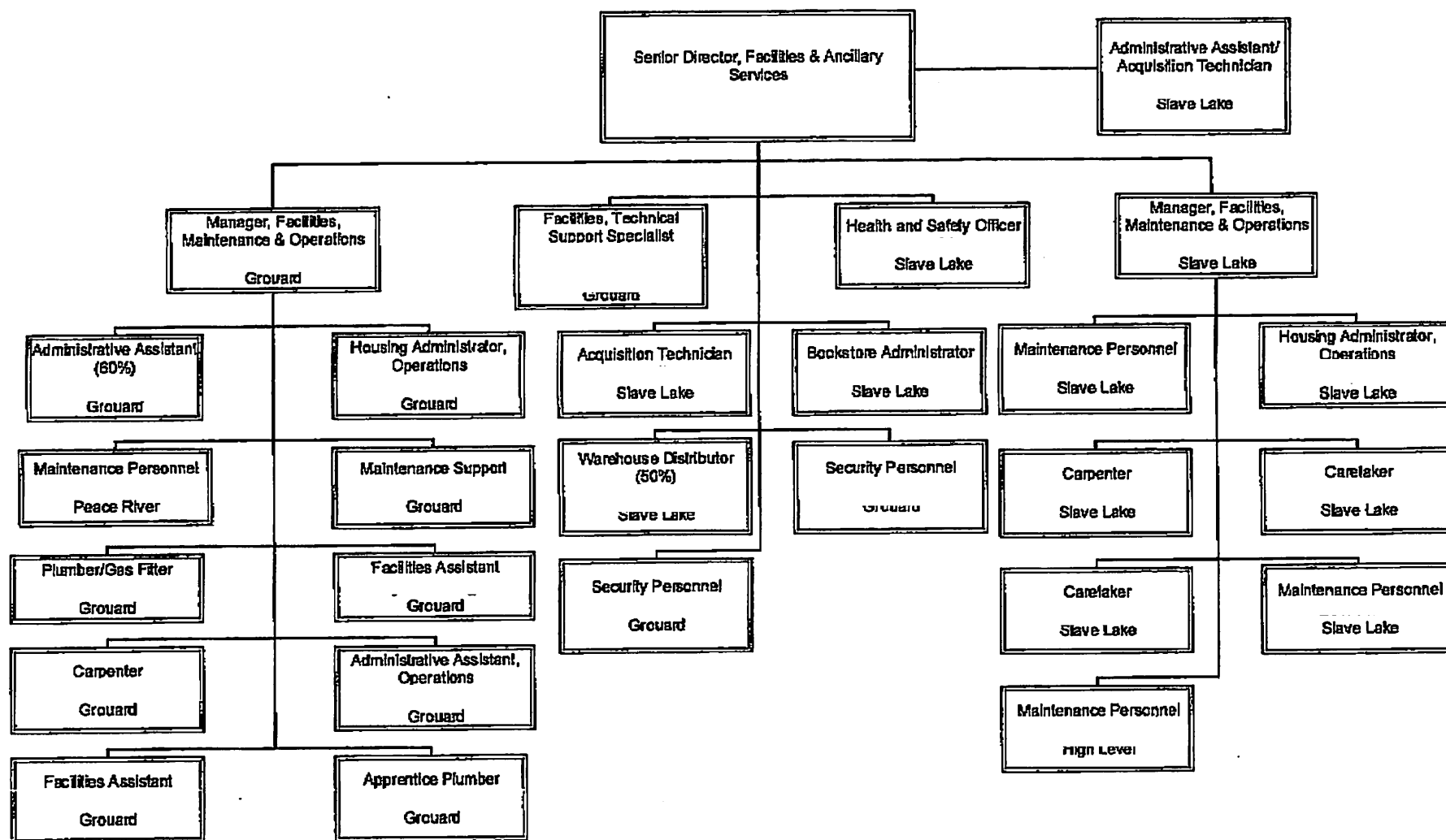


## CORPORATE SERVICES



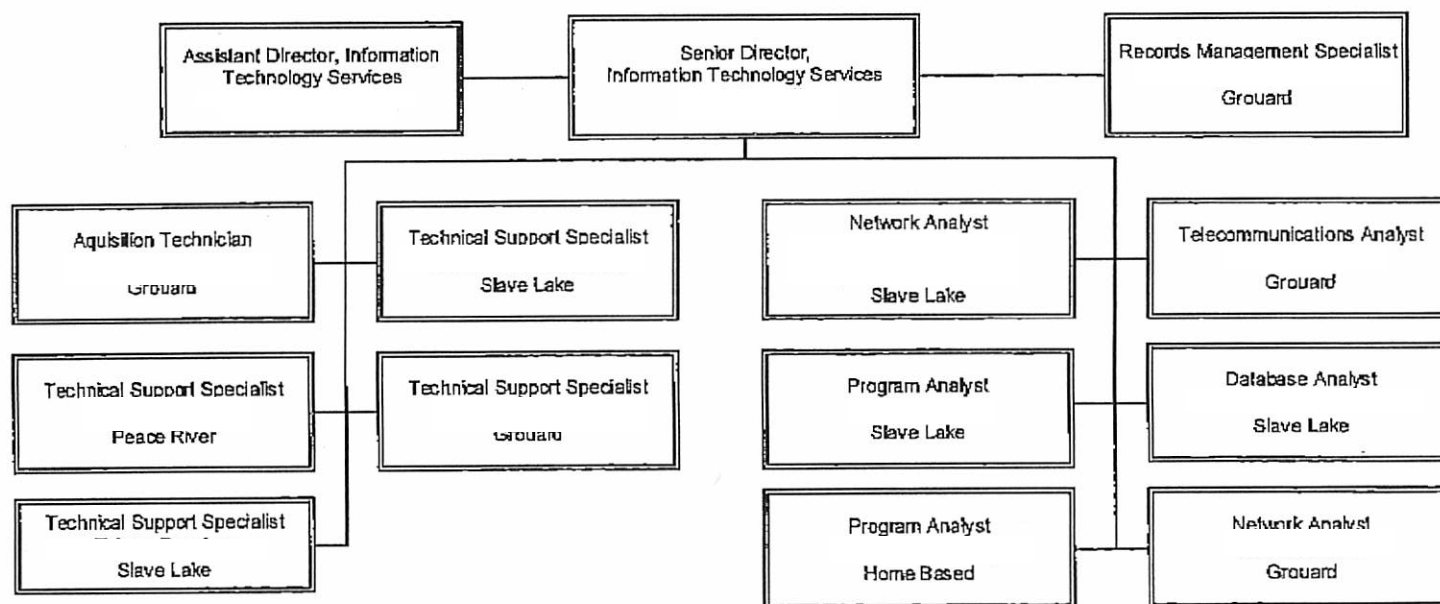
# CORPORATE SERVICES

## (FACILITIES & ANCILLARY SERVICES)



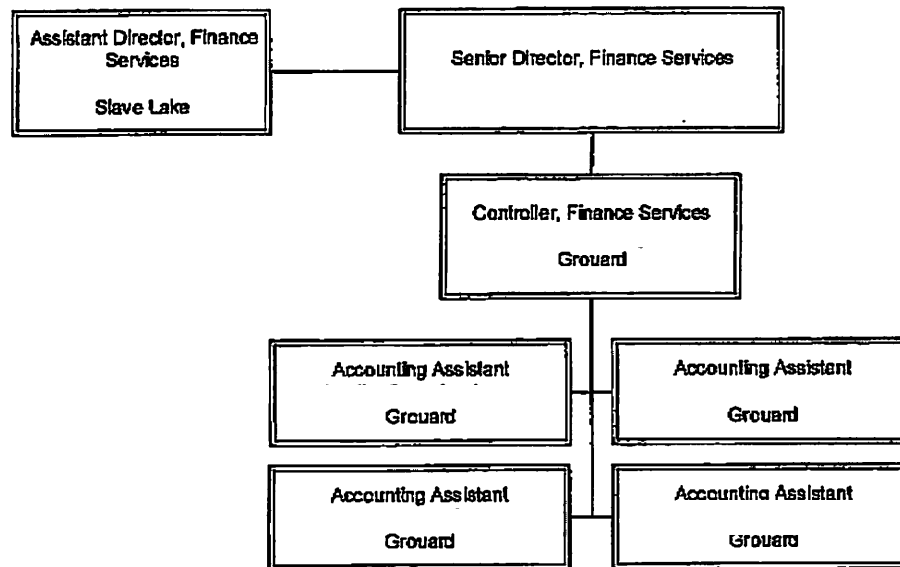
## CORPORATE SERVICES

(INFORMATION TECHNOLOGY SERVICES)

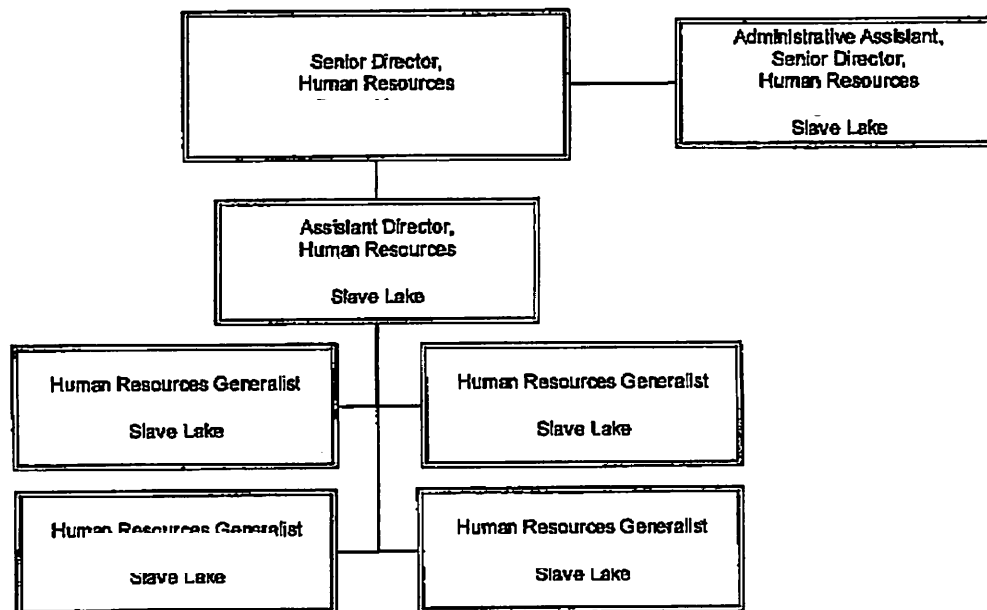


# CORPORATE SERVICES

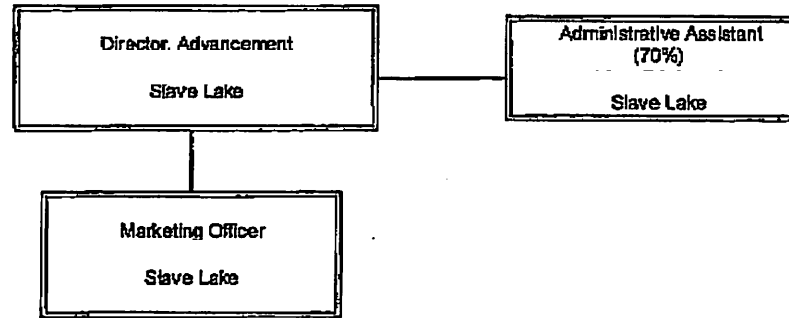
(FINANCE SERVICES)



# HUMAN RESOURCES



## EXTERNAL RELATIONS



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## APPENDIX B

Careers at NLC: Northern Lakes College

Page 1 of 8

## NORTHERN LAKES COLLEGE

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### CAREERS AT NLC

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### Chair, Academic Upgrading - Internal

Chair

#### Status:

Full time Term

#### Location:

Campuses north of and including Peace River.

#### Competition #:

NLC-1604

#### Open To:

Internal Applicants

#### Date Posted:



**Careers at NLC: Northern Lakes College****Page 2 of 8**

June 29th, 2017

**Closing Date:**

July 6th, 2017 - 11:59pm

**Compensation Rate:**

Salary Range: \$81,743 to \$118,343 per year

**Hours Per Week:**

36.25 hours per week

**Additional Information:**

Northern Lakes College is a publically governed Comprehensive Community Institution (CCI) with 23 campuses and 5 cap sites, located in 50 communities across northern Alberta. Diploma and certificate programs include academic upgrading, business administration, office administration, health sciences and human services, trades and technology, university studies, and a variety of continuing education and corporate training certificates and courses. We support and promote professional development and wellness opportunities, and provide our employees with an attractive benefits plan and competitive salaries. The college's service region offers numerous recreational activities for the entire family to enjoy!

Northern Lakes College has the following term position available:

*at campuses north of and including Peace River:*

**Chair, Academic Upgrading**

Reference #NLC-1604

Salary Range: \$81,743 to \$118,343 per year

Term: July 2017 to April 11, 2018

**Qualifications:**

- Bachelor of Education;
- A minimum of three years working in a directly related position;
- A valid driver's license.

**Suggested Additional Qualifications:**

**Careers at NLC: Northern Lakes College****Page 3 of 8**

- Completed, or in progress with ability to complete within two years, a graduate degree in a directly related field such as Education, Adult Education, Distance Education, Educational Leadership, Adult Learning, Curriculum and Learning, Interdisciplinary Studies, etc.
- Five years of post-secondary work experience;
- Five years' supervisory experience;
- Three years' experience working and living in a northern, rural community;
- Three years' experience working with diverse cultures and ethnic groups;
- Three years' experience developing /adapting curriculum for distance (synchronous and asynchronous) delivery.

For complete details on this employment opportunity, visit us online at

[www.northernlakescollege.ca/about-us/work-at-nlc](http://www.northernlakescollege.ca/about-us/work-at-nlc)

click on *Careers* or email resume to: [resumes@northernlakescollege.ca](mailto:resumes@northernlakescollege.ca)

Please submit a resume *quoting the reference number NLC-1604* to:

Northern Lakes College, Human Resources, 1201 Main Street SE, Slave Lake, AB T0G 2A3

Fax: 780 849-5881 or Apply online

**Closing Date: July 6, 2017**

**Note:** Northern Lakes College thanks all applicants for their interest in employment; however, only those candidates selected for interviews will be contacted.

**Job Description:**

**Title:** Chair, Academic Upgrading

**Department:**

Leamer Services

**Major Job Function:**

## Careers at NLC: Northern Lakes College

Page 4 of 8

The incumbent will work with other Chairs to oversee the supervision, administration and operation of the department (Adult Basic Education and High School programming). This includes supporting, monitoring and evaluating faculty and staff performance including those in outlying campuses as assigned. Subsequently, frequent travel is required. This Chair position also includes oversight of programming and Northern Lakes College faculty and staff at the Peace River Correctional Centre.

### Duties and Responsibilities:

The chair is the academic and administrative leader of the department and serves as a representative of the dean. The chair guides and supports faculty and staff in carrying out the mission of teaching and other professional activities. The responsibilities of a chair include the following:

#### Leadership:

- Act as a role model for collegiality, collaboration, integrity, and professionalism across the organization
- Academic Leadership in Life Skills, Adult Basic Education, and High School programming
- Quality Assurance
- Technology Integration
- Provide strategic vision
- Support College strategic goals in department programming decisions
- Maintain a hospitable climate
- Encourage faculty engagement, participation, and collegiality
- Celebrate success

#### Management

- Overall operations and performance of the department
- Personnel management
- Financial planning, management and reporting
- Liaison with potential and existing partners external to the college and other departments within the college
- Manage resources including development, redevelopment, evaluation and maintenance
- Articulate the goals of the department and the unit, both within and external to the department
- Inform the department of the perspectives and actions of the dean and other administrators that have implications for the department
- Create and maintain productive partnership with admissions offices
- Work with the dean and other colleagues to ensure the department's goals are consistent with the Comprehensive Institutional Plan
- Be receptive to questions, complaints and suggestions from the members of the department, staff and faculty from other areas, and students
- Work with faculty to develop and implement plans for teaching
- Develop, monitor and report on budgets

## Careers at NLC: Northern Lakes College

Page 5 of 8

- Conduct regular department meetings; establish department committees as needed; and represent department interests to the dean
- Organize and oversee the work of department and program committees as needed
- Keep faculty members informed of department, program, college, division, and institutional plans and activities
- Oversee and ensure timely completion of program annual evaluations
- Provide periodic feedback and coaching to faculty and staff as needed
- Periodically visit all program sites to provide ongoing support
- Contract initiation and management

### Faculty / Staff Development:

- Plan, support and provide professional development opportunities
- Manage the Performance Appraisal Cycle for employees within the unit.
- Listen and communicate effectively with faculty and staff
- Select and retain outstanding faculty and staff
- Provide overall leadership and direction to department /program faculty
- Identify staff and faculty for awards

### Professional Responsibilities:

- Continuous learning and improvement in areas of program management, adult and distance education, learning technologies, e-learning and faculty development / supervision
- Promote College programs and activities
- Maintain personal professional development
- Initiate and oversee research projects

### Student Responsibilities:

- Maintain open and responsive communication with students as needed
- Assist with student recruitment, admissions, and retention policies and activities
- Meet with students and student representatives as needed
- Participate in the student appeals process
- Encourage faculty and student interaction
- Support scholarships and awards and identify students for selection

Other duties as assigned

### Skills/Knowledge:

Leadership Skills in:

## Careers at NLC: Northern Lakes College

Page 6 of 8

- Strategic and operational planning
- Problem solving, including investigation and analysis

### Academic expertise and ability to apply:

- Progressive, sound practices in teaching and learning
- Online, distance, classroom and blended delivery models
- Progressive, sound practices in academic leadership
- Progressive, sound practices in developing engaging curriculum for multiple modes of delivery
- The use of instructional technologies (synchronous and asynchronous)

### Management abilities in:

- Results oriented project management
- Responsible fiscal management that balances budget and growth
- Productive performance management that builds team and capacity
- Progressive human resource management that uses effective delegation, facilitates professional development and optimizes productivity to meet specific timelines and other parameters
- Adopting current processes already in place and assisting with the development of new ones

### Communication skills including:

- Active listening and accurate interpretation of messages
- Technical, curriculum, report and proposal writing
- Oral written and visual communications and presentations
- Ability to translate complex information into comprehensive and concise objectives

### Proven ability and skills in:

- Leading and facilitating teams
- Affecting decisions through influence, cooperation and building consensus with diverse groups of stakeholders
- Resolving conflict through negotiation and conciliation
- Strategic and critical thinking

### Staff and Professional development skills to:

- Encourage the development of staff and faculty talents and interests
- Facilitate discussion on department priorities for professional development
- Plan development activities as required

### Special knowledge and skills required:

- Knowledge of adult education principles

## Careers at NLC: Northern Lakes College

Page 7 of 8

- Knowledge of program planning and development
- Knowledge of instructional methods used in traditional and distributed delivery
- Ability to manage projects and direct project teams
- Ability to solve problems collaboratively and independently
- Interpersonal and teamwork skills
- Supervision skills
- Teaching skills
- Knowledge of related disciplines

### Contacts (Internal and External):

- College faculty and staff
- Peace River Correctional Centre management and employees
- Students
- Representatives from school jurisdictions
- Representatives from bands, settlements and communities
- Applicants

### Qualifications:

- Bachelor of Education
- A minimum of three years working in a directly related position
- A valid drivers license

### Suggested Additional Qualifications:

- Completed, or in progress with ability to complete within two years, a graduate degree in a directly related field such as Education, Adult Education, Distance Education, Educational Leadership, Adult Learning, Curriculum and Learning, Interdisciplinary Studies, etc.
- Five years of post-secondary work experience
- Five years' supervisory experience
- Three years' experience working and living in a northern, rural community.
- Three years' experience working with diverse cultures and ethnic groups
- Three years' experience developing /adapting curriculum for distance (synchronous and asynchronous) delivery

**APPLY NOW**

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**Page 8 of 8**

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# APPENDIX C





## Academic Procedure

**Title: Faculty Assignments for Post-secondary Programs**

**Approved:** \_\_\_\_\_  
(President)

**September 6, 2011**  
(Date)

**Policy or Compliance Reference:** Board of Governors Policy: Delegation of Authority, Programs and Services

**Date(s) Approved/or Reviewed/or Revised:** September, 2011

**Effective Date:** September, 2011

**Stakeholders Consulted (Date):**

**Reference to other Documents (if any):** Faculty Agreement 2009-2012

**Purpose:**

The purpose of this document is to establish guidelines for faculty assignments that are fair and equitable, are based on the needs of the program, the College and communities, the Northern Lakes College Faculty Agreement, and take into consideration the needs, talents, professional growth, and development of individual faculty members.

**Guideline:**

The College reserves the right to assign work.

A faculty assignment shall be determined by the Program Director, in consultation with the faculty member, annually for each faculty member of the department.

A faculty assignment may include teaching (via distance technologies or onsite or a combination of theory, lab or clinical), program advising, and/or administration/special projects.

The practice of the post-secondary programs is that a 3-credit course makes up for 25% of a faculty member's assignment per 4 month term (e.g. 4 sections of 3 credits per term equals 1.0 FTE). Program Directors are responsible for making the adjustments to the faculty assignments and must take into consideration new course preparations, class size, classes with multiple sections, directed independent studies, required ratios for practicum supervision, lab and clinical assignments (e.g. College of Social Workers; College of Licensed Practical Nurses of Alberta; Alberta College of Paramedics), and travel time to other College campuses.

Faculty assignments will also include service to the College, department and the profession. (e.g. curriculum committees, student recruitment, program evaluation)

Faculty assignments must be considered as an integrated whole over the course of the full year. Faculty activity in each of the areas may vary from semester to semester, according to the interests and abilities of the faculty member and the needs of the department, or the College Directors are expected to distribute the duties in their academic unit/s so that each faculty member contributes maximally to the program according to his or her capabilities and experience.

Department directors must use their best judgment in making faculty assignment so as to make the best use of faculty time, to optimize the overall performance/productivity of the department and to best serve the students, the program, the College, and communities.

This process is overseen by the program Dean and Vice President Academic.

Exceptions to this must be reviewed and approved by the College Vice Presidents and appropriate Program Dean.