

## UTFA Council Agenda

Tuesday, April 19, 2022

3:00 – 3:45 p.m.

Zoom

1. Approval of the Agenda
  2. Minutes of the Previous Meeting
    - a. March 24, 2022
  3. Business Arising
    - a. From the Minutes of Council
    - b. From the Minutes of the Executive Committee
      - i. March 18, 2022
      - ii. April 1, 2022
  4. Report of the Chief Returning Officer (CRO) \* (15 min)
  5. Report of the Chair of the Nominating Committee (5 min)
  6. Report of the Chair of the Membership Committee (5 min)
    - a. AGM
  7. Report of the Vice-President, Salary, Benefits, Pensions and Workload (5 min)
  8. Report of the President (10 min)
    - a. Health and Safety
    - b. Team to Negotiate Provostial Guidelines on Donations \* (Executive Motion)
  9. Special Report of the Executive Director and General Counsel (5 min)
    - a. Interim Dispute Resolution Policy Information Meeting
  10. Report of the Chair of the Pension Committee \* (Written Report)
  11. Other Business
    - a. Winter Term Council Meetings
      - i. Thursday, May 19 3:00 – 5:00 p.m.
      - ii. Wednesday, June 15 3:00 – 5:00 p.m.
    - b. Annual General Meeting
      - i. Tuesday, April 19 4:00 – 6:00 p.m.
  12. Adjournment
- \* materials attached

## **CRO report to Council 2022 Presidential Election Process (Jan–Apr 2022)**

I was appointed as CRO by Council on January 20, 2022. Although I had served in this role for the election of Executive Committee members and in one Council election, I was immediately on a steep learning curve and am grateful to all those who supported this work—and to those who repeatedly thanked me for “taking on this thankless task, lol.”

I was provided by staff with previous CRO reports and the Guidelines drawn up (but not needed) in 2020. The Presidential Election Guidelines for 2022 (hereafter Guidelines), an amended version of the previous set, were approved by Council on February 23.

As with the rest of UTFA’s work at this time, the role of the CRO was conditioned by the Covid-19 pandemic. From start to finish of the process, I did not have a single in-person meeting; communication, planning, and public events (candidate forums), were virtual/remote/digital.

### **1. Timeline**

The timeline followed Article 9.1 (i)–(ii) of the Constitution. The nomination period began on Tuesday, March 1 and closed on Tuesday, March 15 at 5:00 p.m. Two nominations were received: for Renan Levine and for Terezia Zorić. The membership were notified that there would be an election and the contract with Simply Voting was confirmed. Candidate Forums were held online on Tuesday, March 22, 5 to 6 p.m., and Wednesday, March 23, 10 to 11 a.m. Voting began on Wednesday, March 23. Voting closed on Tuesday, April 5 at 5:00 p.m. and the results were announced shortly thereafter.

For the duration of the election, there was a designated page on the UTFA website, reached via a button on the home page. This included a list of important dates; the Guidelines and links to the Constitution and By-Laws; candidate photos, statements, and links to their campaign websites; and all messages from the CRO, including the results.

Once the starting gun is fired, the election period is fairly breathless. I would recommend an earlier appointment of the CRO with an opportunity for mentoring or training; I would also recommend that some thought be given to succession planning – especially in view of anticipated turn over in office staff. I am working with staff to compile a handbook which will include all communications, decision points, and timelines from the 2022 election process for the next CRO’s reference.

### **2. Voting**

This was the first completely paperless UTFA presidential election. There is a very small number of members who have not provided UTFA with a contact email address. In view of the risk to confidentiality of such a small number of paper ballots, these voters were asked for an email address where their electronic ballot could be sent.

Simply Voting sent out the ballot and three reminders (to those who had not yet voted). In addition, UTFA sent out a notice that balloting had begun and three reminder notices to the full membership list. These notices included guidance on what members had to do if they had not received a ballot; latterly, this advice was posted to the website. The CRO and office staff dealt with many requests concerning “missing ballots.” Some voters were guided towards their spam or junk folders, or to the inbox of an alternative email address. In some cases, voters had

unsubscribed from Simply Voting during a previous election and we were able to help them resubscribe. By far the greatest number of inquiries concerning “missing ballots” turned out to be related to eligibility (see below). Frequent updates on voter turnout were shared with the candidates.

This is the first time UTFA has used Simply Voting for a presidential election (we have used them for Council election(s) and for the UPP plebiscite). The technology worked very smoothly and the support and daily reporting were prompt and effective. I recommend continuing to use them.

### 3. Results

Shortly before 5:00 p.m. on April 5, I met on Zoom with the candidates’ scrutineers: Andrew McDougall (for Levine) and Joseph Carens (for Zorić). I briefed them on the voting process and then shared my inbox on screen as the results came in by email—first showing them the message itself then the attached pdf with the results. We read through this together and verified the source and contents. I then forwarded the email to the scrutineers and they left the Zoom meeting to call their candidates. The role of the scrutineers changes as the method of balloting changes; while there was no manual vote-count to oversee, verification of the receipt of the results is important to the election’s transparency and credibility. I thank Andrew and Joe for their participation.

The results were as follows:

Terezia Zorić: 1669 votes (61.5%)

Renan Levine: 1043 votes (38.5%)

The voter turnout was 2720 (70.3% of electors, including 8 abstentions).

The turnout was a record. For the previous three contested presidential elections, the turnout was as follows: 2012 = 51.5% (Prudham/Losell); 2016 = 31.5% (Messenger/Hamel); 2018 = 36% (Messenger/MacDonald).

### 4. Eligible voters

The voter list was created from our membership database. Over the course of balloting, anyone wanting to join or rejoin UTFA, and eligible to do so, had their request processed expeditiously and was sent a ballot. These requests—coming to CRO and/or staff—fell into one or more of the following categories:

1. Retirees who had let their dues lapse; as soon as they renewed their dues, they were added to the voter list and sent a ballot.
2. Some who were “pre-Rand” (hired before 1998) and had never opted-in to pay UTFA dues. Staff were able to address these cases—and all those that follow—in collaboration with UofT payroll.
3. Some who had chosen to redirect their dues to a charitable cause.
4. A small number of expiring administrators who, having finished their administrative term, were on administrative leave and had not yet technically returned to the rank and file, and to their dues-paying relationship with UTFA.

In total, in the election period about 100 members were added. We continued to respond to these requests in the final days of the election period. This was the most frequent subject of emails coming to the CRO inbox. For future elections, UTFA should consider a pre-election renewal drive with a deadline *ahead of*, rather than *identical with*, the voting deadline.

## 5. Candidate Forums

Two Presidential Candidate Forums were held online. They were more-than-ably moderated by the Speaker of Council, Hamish Russell. Elaborating on the points in the Guidelines, Hamish and I drew up a simple procedure for the forums which we shared with the candidates ahead of time (Appendix 2).

The Zoom webinar format was used, and questions were invited from members ahead of and during the forums. The Guidelines specify that candidates may not speak for more than three minutes in one answer. My own understanding is that this was designed to prevent over-long responses; it had the unintended consequence that candidates gave three-minute answers to nearly every question. As a result, the candidates got through little more than half a dozen questions over both forums—although this was a fraction of those sent in, the moderator ensured that a balance of topics was covered. A full list of all questions submitted was forwarded to the candidates after the second forum was over.

The turnout for the forums was 130 (Tuesday) and 100 (Wednesday). 21 people attended both. A large minority (almost a third of attendees) were members of Council/Executive Committee. I am told that this compares reasonably with in person hustings events held in the past. With the consent of the candidates, recordings of both forums were made available online for the duration of the election—in non-downloadable format, via Zoom—and members were notified. The recordings received the following number of views: Tuesday = 1514 views; Wednesday = 1408 views.

## 6. Mailing lists

The second-most frequent item in the CRO inbox was the use of email. The Guidelines say that candidates may not use UTFA email distribution lists, equipment, or materials for their campaigns (Guidelines 7–9). There was a broad consensus that the principle implicitly constrains *all* members, not just candidates—especially Council members with access to constituency mailing lists. After a day or two of discussion and intervention, I wrote to Council members on March 26, clarifying the main points at issue (appendix 1). This clarification was not contested; the gist of the email should probably be included in future Guidelines.

The election was largely an online event. Given the pandemic, much of the outreach was done through email. At different points in the campaign, I received complaints from members about campaign emails they had received. There were two concerns: (1) unsolicited mailing and (2) the alleged improper use of UTFA resources. To the first, I replied that, while the electronic equivalent of postering and leafleting was part of the campaign, I would urge the candidates to make sure they did not make a nuisance of themselves.

To the second, I wrote to the candidates and asked them to give assurances that their mailing lists had not been assembled with the aid of any UTFA lists or other resources. Both candidates assured me that this was the case. Both candidates also admitted to a degree of scrambling for voters' contact details (my paraphrase).

Perhaps the scramble for contact details is just part of the election process; I do wonder whether it may be possible at the next election to circumvent several possible problems—accurate mailing lists, fair access to data, unwanted emails—by taking a proactive approach in providing data in some form, or providing access to a fixed number of centrally-organized mailings.

## 7. Collegial tone

This election was hard-fought and occasionally heated. While the election Guidelines encourage the candidates to “maintain a collegial tone,” the Guidelines give little by way of definition; Council should probably take a view on whether and how to enforce its desire for a collegial tone in future elections.

## 8. Recommendations

1. That Council appoint a small committee to meet in 2023 (and in subsequent off-years too) to review the Guidelines in detail and propose Guidelines for the next election. This committee should ideally include the last CRO and the next CRO. This can be done in conjunction with a review of the staff election logistical handbook.
2. That the CRO for a presidential election be appointed earlier (in conjunction with #1 above). That thought be given to documentation of the role, mentoring/training, and succession planning.
3. That UTFA continue to use Simply Voting for future presidential elections, constituency elections, and any other association-wide voting.
4. That careful consideration be given to campaign communication—fairness, access to data, data protection, member patience, and so on. Options might include: (a) providing presidential candidates, under strict conditions, with a complete up-to-date mailing list of members; (b) offering candidates up to three mailshots to all members, sent out centrally; (c) generally taking a hands-off approach (which is, roughly speaking, the status quo), while aiming to identify any potential pressure points in the evolving communications context.
5. That Council consider specific definitions, incentives, and possible sanctions, with a view to ensuring a collegial tone in future elections (where this is not covered explicitly elsewhere).
6. That there be a brief pause on membership renewals during the voting period. This might be preceded by a mini membership drive immediately prior.

## 9. Thanks

I am immensely grateful to UTFA staff for their helpfulness, institutional memory, agility, professionalism, and reliability throughout this campaign: Kathy Johnson, Marta Horban, Chris Penn, Darren Puscas, and Claire Reyes. For additional support, thank you to Hamish Russell (Speaker), and Kent Weaver (CRO 2012).

Respectfully submitted  
Michael O'Connor  
April 12, 2022

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*Appendix 1*

**From:** Chief Returning Officer <[chiefreturningofficer@utfa.org](mailto:chiefreturningofficer@utfa.org)>  
**Sent:** Saturday, March 26, 2022 5:00 PM  
**To:** Council\_A <[council\\_a@utfa.org](mailto:council_a@utfa.org)>; Council\_B <[council\\_b@utfa.org](mailto:council_b@utfa.org)>  
**Subject:** Communication

Dear Council members

As promised, a quick note to offer some clarification around communication. The basic principle = keep in mind which hat you're wearing.

**From your personal or utoronto.ca email address:**

1. Please feel free to campaign, make endorsements, respond to others, contact your network – and ensure a lively, collegial, participatory Election. This is every member's right.
2. There is nothing to prevent you from identifying yourself as an UTFA Council rep; just make sure it's clear that you are not speaking *on behalf of UTFA* in these communications.

**When using UTFA email addresses and/or constituency mailing lists:**

3. As at any other time of the year, please continue to inform your constituents about the ongoing work of UTFA – normal business has not been suspended.
4. If you choose to mention the Presidential Election, please keep to factual reminders only. (You do not have to mention the Presidential Election – communications to the membership about the Election can be adequately handled by the CRO.)
5. The Election result will be announced by the CRO. Please do not use your UTFA constituency list to congratulate, commiserate, or ruminate on any aspect of the Election.

I hope that's clear and helpful. In short, you do not need to remain neutral (that's the CRO's solitary burden). You may openly support a candidate – just not on UTFA letterhead or using UTFA resources.

thanks  
Michael

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*Appendix 2*

## UTFA Presidential Candidates Forums

*Tuesday, March 22, 5–6pm; Wednesday, March 23, 10–11am.*

### **Participants**

1. The forums will be hosted by Hamish Russell, the Speaker of UTFA Council.
2. Renan Levine will be Candidate A on Tuesday and Candidate B on Wednesday.
3. Terezia Zorić will be Candidate B on Tuesday and Candidate A on Wednesday.

### **Platform**

4. The forums will take place online using the Zoom Webinar format.
5. The Candidates and the Moderator alone will be visible.
6. Cameras and microphones will be disabled for all other attendees.
7. The CRO retains the option of appearing and speaking, if necessary.
8. There will be no chat function.

9. Attendees may submit questions through a Q&A box; these questions will only be visible to the Moderator, the CRO, and the UTFA staff support team.
10. Candidates are invited to join the Webinar 15–20 minutes ahead of the start time for an audio-visual check.
11. Candidates are responsible for the quality of their camera, microphone, and internet connection.
12. Candidates may use campaign materials in their (virtual) background.
13. Candidates are encouraged to maintain a collegial tone.

**Welcome and Introduction (3–5 minutes)**

14. The Moderator will welcome everyone, introduce the forum, set the scene, and give reminders of important dates.

**Opening comments (20 minutes)**

15. The Moderator will invite Candidate A to make their opening comments (max 10 minutes).
16. The Moderator will invite Candidate B to make their opening comments (max 10 minutes).

**Question period (20 minutes)**

17. The Moderator will draw on questions submitted to the CRO ahead of time. Towards the end of the question period, the Moderator will select from questions submitted by participants through the Q&A function.
18. The Moderator will ask the first question to Candidate A.
19. The Moderator will invite Candidate B to reply to the first question.
20. The Moderator will ask the second question to Candidate B.
21. The Moderator will invite Candidate A to reply to the second question.
22. This alternating pattern will be repeated throughout.
23. Candidates may not speak for more than three minutes on any question.
24. The Moderator will make best efforts to ensure that the time is equally allotted between the two Candidates.

**Closing (8 minutes)**

25. The Moderator will invite Candidate A to make their closing comments (max 3 minutes).
26. The Moderator will invite Candidate B to make their closing comments (max 3 minutes).
27. The Moderator will thank all participants and close with a reminder of voting dates.

**After the forums**

28. Both forums will be recorded. If both Candidates give their consent, recordings will be posted on the UTFA website until the end of the voting period. If either Candidate withholds their consent from either recording, it will not be posted.
29. The CRO will forward to the Candidates the questions submitted before and during the forums.

Michael O'Connor  
Chief Returning Officer  
March 17, 2022

Agenda item 8b

The Executive Committee recommends to Council that J. Bale, A. Emon, J. Nogami, D. Reaume, D. Roberts and T. Zorić be on the team to negotiate the Provostial Guidelines on Donations.



## UTFA Executive Committee and Council Pension Report

Cynthia Messenger

UTFA Representative on the ESC

Chair, UTFA Pension Committee

April 2022

The UTFA Pension Committee began meeting in February, after a hiatus of several months, during which the UTFA Executive and Council revised the committee's terms of reference. UTFA Council approved a new UTFA Pension Committee in January 2022: Joseph Carens, Paul Downes, Erica Kim, Lisa Kramer, James Mason, Jun Nogami, Marcin Peski, Maureen Stapleton, and Terezia Zoric. My thanks and gratitude to Louis Florence, Mary Alice Guttman, and Brian McDonagh, who cycled off the Committee in 2021. UTFA staff continue to play an important support role, and I wish to recognize and thank Crystal Doyle, Kathy Johnson, Chris Penn, and Nicole Ptnis.

The UTFA Pension Committee met twice in February and once in March. It is scheduled to meet twice in April. I have provided links and documents to the Committee by way of orientation, and I have presented slides that offer summaries of central plan documents. To date we have covered the Plan Text and the Labour Sponsor Agreement. The Funding Policy and the Sponsor Agreement are next.

In February, the Committee offered detailed feedback on two drafts of the Board of Trustees (BoT) Responsible Investment (RI) survey that resulted in substantial change to the survey. The Committee is actively committed to RI, even though Committee discussions represent a range of views. While the Committee encourages the decarbonization of the portfolio, it recognizes the importance of social and governance aspects of RI. In February, Paul Downes gave a presentation on sample RI language in which Paris Agreement-aligned approaches were central. Other speakers on an array of issues will be invited to speak to the Committee in the coming months. On April 12, legal advisor to the ESC, Murray Gold, spoke to the Committee on the fiduciary responsibility of the BoT, and he reviewed a new guidelines document for new plan entrants.

### Reporting:

- **Reporting schedule:** I will raise with the UTFA Pension Cmte and the Executive Cmte what a reasonable schedule of pension reporting to Executive and Council might be. Once that reporting schedule is established, it is important that it be honoured by all parties. (I could not attend the February and March Council meetings because of scheduling conflicts. I wanted to file a

report with Council in February but did not realize that the Executive Cmte needed to see it first and therefore could not complete it in time for the Feb. meeting.)

- **Team and group reporting:** I would like to create team and group reporting protocols: the chair of the UTFA Pension Cmte would report on ESC matters, but UTFA Pension Cmte members would help the chair report on other pension-related issues. The UTFA Pension Cmte is blessed with knowledgeable and engaged members, and the Executive and Council should hear from them.
- **Confidentiality:** A reporting challenge that I have asked the ESC's legal counsel to address on behalf of the ESC has to do with confidentiality. What may members of the ESC report to their principals? What must remain confidential? Which issues must principals be aware of? These are critical questions. The appointing bodies (such as UTFA), the Joint Sponsors, and the BoT must turn their minds to these matters this spring.

### **Summary of ESC activities during 2021-2022:**

Neither the Employer Sponsor (ERSC) nor the Board of Trustees (BoT) has proposed any changes to the pension plan. The ESC continued to work on building the plan during this last year. Activities and initiatives included, but were not limited to, the following: providing feedback to the BoT on member engagement sessions and surveys in November 2021 and March 2022; negotiating participation agreements for new plan entrants and processing related documentation; developing guidelines for new plan entrants; meeting with the BoT Chair and CEO for updates on the development of Responsible Investing (RI) approaches, on staff hires, and on administrative infrastructure and systems; meeting with unrepresented plan members (university administrators without union or equivalent representation); meeting with unions with no seats on the ESC; communicating with OCUFA on pensions. It is impossible to convey the enormous amount of work involved in the plan-building issues noted so briefly above. Countless email exchanges and many Zoom meetings were required throughout the year. The ESC remains hopeful that guidelines and protocols that have been established will not need to be revisited repeatedly in the years ahead.

### **UPP NEWS:**

- **Member handbook:** The UPP has expanded its website, and it has also created a member handbook. For detailed information on the plan, please see the member handbook on the UPP website (under the Members tab): <https://myupp.ca/wp-content/uploads/2021/06/13838-UPP-Member-Booklet-Dec-2021.pdf>

- **New plan entrants:** On January 1, 2022, faculty in the Trent University faculty pension plan, staff at the University of Guelph Faculty Association, staff at the UPP, and staff at UTFA joined the UPP. See the Member Handbook on the UPP site for a complete list of employers in the plan.
- **Responsible Investing policy (RI):** On March 8, 2022, at its online member engagement session, the BoT staff expanded on the UPP RI policy by announcing new emissions targets: net-zero by 2040; interim emissions reduction targets for 2025, 2030 and 2035. Note that the BoT is not committing to blanket divestment immediately but will develop an engagement approach. The ESC will seek more clarity on the emissions reduction initiative and greater transparency in terms of Board expenditures and plan investments. Click on this link for the UPP's investment policies:  
<https://myupp.ca/investments/investment-policies/>
- **UNIE initiative:** For an example of an RI initiative that reflects the engagement approach, please see SHARE's UNIE initiative  
<https://share.ca/initiatives/unic/>
- **UPP as signatory:** See the News page on the UPP site for various announcements related to climate action and the UPP.
- **RRII:** The UPP offers a link to the following on its site: SHARE's Reconciliation and Responsible Investment Initiative (RRII).  
<https://share.ca/initiatives/reconciliation-and-responsible-investment-initiative/>
- **RI survey:** Note that the UPP's RI survey is open until April 30, 2022. See the UPP home page: <https://myupp.ca>
- **UTAM and UPP:** On April 1, 2022, all of UTAM's pension investments were moved over to the BoT's control. The investments in the Guelph and Queen's plans moved to the UPP in 2021. (Note that UTAM continues to invest the U of T's endowment funds.)
- **Annual actuarial valuation:** The UPP is responsible for preparing annual actuarial valuations and is in the process of doing so for January 1, 2022. Any proposed change in the discount rate, which is currently 5.6%, will be discussed at all appropriate committee levels at UTFA.