

UTFA Council Agenda

Tuesday, May 15, 2018 – 3:00 – 5:30 p.m.
Upper Dining Room
Faculty Club
41 Willcocks Street

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1. Approval of the Agenda
 2. Minutes of Previous Meetings
 - a. April 11, 2018 *
 3. Business Arising
 - a. From the Minutes of Council
 - b. From the Summary of the Minutes of the Executive Committee
 - i. February 27, 2018 *
 - ii. March 16, 2018 *
 4. Order of the Day: 3:15 p.m. – Gender Salary Gap Update * (E. Phillips, Goldblatt Partners) (20 min)
 5. Report of the President (30 min)
 - a. JSPP funding update
 - b. Executive Nomination Process *
 - c. Other matters
 6. Report of the Nominating Committee * (20 min)
 7. Report of the Vice-President, Salary, Benefits, Pensions and Workload (45 min)
 - a. Negotiating Update and Motion *
 - b. Other matters
 8. Report of the Vice-President, Grievances (10 min)
 - a. WLPP Update
 - b. PTR Distribution of Effort
 - c. Sexual Violence Letter of Understanding

- d. Other matters
- 9. Report of the Chair of the Membership Committee (15 min)
 - a. Cross-appointed faculty and librarians
 - b. Other matters
- 10. Report of the Chair of the Librarians Committee (5 min)
 - a. Approval of new member to the Librarians Committee *
 - b. Other matters
- 11. Report of the Chair of the Appointments Committee * (Written report)
- 12. Other Business
 - a. Next meeting of Council
Wednesday, June 13, 2018
3:00 – 5:00 p.m.
Room 205, Claude T. Bissell Building (iSchool) (attached to Robarts Library)
140 St. George Street
- 13. Adjournment

* materials attached



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UTFA Council Minutes

Wednesday, April 11, 2018 – 1:00 – 3:00 p.m.

Innis College Town Hall

2 Sussex Avenue

Present:

Executive: K. Banning, A. Braun, C. Evans, R. Gillis, A. Taleghani, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, M. Tavakoli-Targhi, K. Weaver, T. Zoric

Present: M. Allen, E. Barbeau, K. Bickmore, E. Fillion, D. Gastaldo, C. Guberman, M.A. Guttman, P. Hamel, D. Heap, R. Helms-Park, J. Jenkins, W. Kemble, M. Light, J. Macdonald, M. Peski, J. Poë, S. Prudham, D. Roberts, L. Shade, V. Skelton, A. White, N. Wiseman

Regrets: M. Attridge, L. Chen, L. Florence, L. Kohn, J. Lanca, B. McDonagh, J. Nogami, M. O'Connor, H. Rodd

Absent: L. Austin, J. Berkovitz, D. Cooper, P. Gauvreau, P. Grav, K. Rankin, R. Sarabia,

Also Present: D. Campanella (Research analyst)
H. Diggle (Counsel)
M. Horban (Business Officer)
A. Lo (Communications, Outreach Campaign Support Officer)
J. Newman (Speaker)
H. Nowak (General Counsel)
C. Penn (Administrative Assistant and Note Taker)
S. Olexson (Counsel)
R. Schmelzer (Grievance Assistant and Note Taker)

J. Newman called the meeting to order at 1:15 p.m.

1. Approval of the Agenda

P. Hamel, seconded by W. Kemble, moved that:

the agenda be approved as distributed.

Carried.

2. Minutes of Previous Meetings

a. February 13, 2018 *

As there were no changes to the February 13, 2018 minutes, they were approved as distributed.

b. March 22, 2018 *

As there were no changes to the March 22, 2018 minutes, they were approved as distributed.

3. Business Arising

a. From the Minutes of Council

There was no business arising from the minutes of Council.

b. From the Summary of the Minutes of the Executive Committee

There was no business arising from the minutes of the Executive Committee.

4. Report of the President (10 minutes)

a. Part-time Appointments Policy Negotiations Update

C. Messenger reported on the Part-time Appointments Policy negotiations. UTFA has asked the Administration to check the statistics for this group. There are approximately 200 people in the Teaching Stream and 130 in a category the Administration calls non-tenure stream part-time, who typically have regular professorial ranks and some of whom have moved up through the ranks on the basis of the Part-time Appointments Policy. It is not clear that their workload is proportional to that in the tenure stream. The Administration is going to try to get a better understanding of this group. About 57 tenured faculty who were full-time have moved to part-time. UTFA will be asking the Administration for more information about this group, which has been invisible to both UofT and UTFA.

C. Messenger, seconded by K. Bickmore, moved that:

the meeting go in camera.

Carried.

T. Zoric, seconded by K. Weaver, moved to:

return to the regular meeting.

Carried.

b. Joint Committee Meeting *

C. Messenger called the members' attention to the Joint Committee agenda, noting its length.

C. Messenger said that we raised the issue of Divisional Guidelines and advised the Administration that we are carefully reviewing the ones we have received.

c. Other matters

There were no other matters.

5. Report of the Chief Returning Officer * (5 min)

A. White called the members' attention to his written report and outlined the procedures used in the election.

A. White said that he was happy to report that the 2018 UTFA Presidential election was successfully carried out, resulting in the re-election of Cynthia Messenger as President. There were 3,421 eligible voters, of whom 3,401 received electronic ballots and 20 received paper ballots. From this population 1,292 electronic votes and 7 paper ballots were cast, a turnout of about 38%. The voting results were:

Ken MacDonald: 560 (43.1%)

Cynthia Messenger: 739 (56.9%)

The candidates' scrutineers raised no disputes about the voting results.

A. White reviewed his suggestions on how elections for President could be improved. He said that perhaps for the next election Council could set some guidelines.

A. White thanked UTFA staff, M. Horban, A. Lo and C. Penn, for their support.

6. Report of the Chair of the Nominating Committee (5 min)

M. Tavakoli-Targhi reported that the committee has had two meetings and has met with C. Messenger and T. Zoric. An email was sent to Executive and Council members asking if they want to nominate anybody, or themselves, to an Executive position and saying that they should advise him by April 16. The final report of the Nominating Committee needs to be sent to Council by May 1 so that any other nominations can be received by May 10. He encouraged members to let him know as soon as possible if they wish to run for a position or to nominate somebody. Nine positions are vacant or have terms coming to an end. He would ask that any candidate prepare a statement of purpose.

M. Tavakoli-Targhi said that the Nominating Committee would need an extension beyond May 1.

M. Tavakoli-Targhi, seconded by A. White, moved that:

Council extend the period of nominations by one week.

Carried.

M. Tavakoli-Targhi thanked K. Macdonald and C. Messenger for running a dynamic and vigorous campaign. These campaigns are important to get members engaged. He said that the election was run well and hoped that it engendered a spirit of civil competition. He wants to bring this in as chair of the Nominating Committee.

7. Report of the Vice-President, Salary, Benefits, Pensions and Workload (10 min)

a. Negotiating Update

K. MacDonald congratulated C. Messenger on returning as UTFA President.

The members showed their appreciation through applause.

K. MacDonald reported that mediation is continuing.

K. MacDonald, seconded by K. Weaver, moved that:

the meeting go in camera.

Carried.

E. Barbeau, seconded by A. Braun, moved to:

return to the regular meeting.

Carried.

b. Other matters

There were no other matters.

8. Report of the Chair of the Librarians Committee (5 min)

K. Scheaffer reported that negotiations on the Librarian Policies continue. There have been three meetings with the Administration and they seem to have been constructive, productive and engaged. She was working on having another meeting in May.

9. Report of the Treasurer (5 min)

a. Year-to-date *

L. Florence called the members' attention to the year-to-date document.

L. Florence reported that we are mostly in line with what we expected. The JSPP expenses relating to actuaries and consultants are higher than expected. At the same time, the office renovations have not yet begun, so that line still has most of the money attached to it.

L. Florence said that on September 30, 2017, our investment account balance was about \$4,180,000. \$300,000 has since been transferred to the UTFA chequing account, mainly to cover expenses for pension negotiations, but separately from that our investment account is actually up by about \$89,000.

10. Report of the Vice-President, Grievances (10 min)

T. Zoric reported on the Sexual Violence Letter of Understanding negotiations, the Joint Health and Safety Committee, Workload Policy Negotiations, and items on the Joint Committee agenda.

Sexual Violence Letter of Understanding negotiations

T. Zoric reported that there has been one meeting on this issue and that it was productive. Various issues in the UTFA proposal were discussed. Council will be advised if the proposals are changed.

Joint Health and Safety Committee

T. Zoric reported that the Administration and UTFA differ as to whether UTFA should sit on the workers' or the administration side of these committees.

T. Zoric said that UTFA received a legal opinion on this issue stating that UTFA members should be on the workers' side. In Ontario universities, all but McMaster have faculty and librarians sitting on the workers' side. We are now in a legal struggle because the Administration regards us as managers. We will challenge this view.

Workload Policy Negotiations

T. Zoric said that the process is very secretive and she believes that the outcome will be unsatisfactory. Having units putting together their own workload policies is not working and nothing coming out of these negotiations will help. She said that UTFA may need to revisit the policy.

Joint Committee agenda

T. Zoric said that she spoke on seven of the eleven items on the agenda,.

T. Zoric said that UTFA is challenging a decision by CTSI to not look at the dossiers of some of our members.

T. Zoric said that she also challenged values statements. The UofT Civility guidelines, about which UTFA has protested, seem to have spawned a second-generation document in which departmental or division committees outline guidelines for appropriate and inappropriate conduct. Some even require being kind, but the prohibition of unkindness cannot be enforced. She hoped to hear back from the Administration about this.

Grievance Review Panel (GRP)

T. Zoric said that UTFA has previously requested that more people be nominated to the GRP, the panel where grievances are heard. The panel needs to have all of tenured faculty, teaching stream faculty, and librarians on it. Right now it does not have a good representative from the humanities.

Tri-Campus Review

K. MacDonald said that there was a discussion and update on the tri-campus review. Working groups are being put together but there were no specifics about the consultation process. He encouraged colleagues to get involved.

C. Messenger reminded the Administration that they would have to negotiate any changes with us and they did not deny that.

Workload

T. Zoric said that the central concerns appear to be about workload committees, which should be representative of UTFA members and should be seeking meaningful input on workload policies. It seems that in many departments, in the early stages, the Dean is telling chairs only to codify existing practices. They are not allowed to experiment or go beyond what the Dean was willing to sign off on. Most members say that they did not know that a workload policy committee existed in their unit. Certain groups, e.g., CLTAs, part-time appointments, etc., would probably need certain guarantees in the main document that do not now exist.

Asbestos:

T. Zoric said that an article about the asbestos review panel will be in the Globe and Mail shortly. UTFA approached Tavia Grant from the Globe and Mail to raise UTFA's concerns.

11. Report of the Chair of the Appointments Committee (5 min)

a. Tenure workshop – April 16, 2018 *

C. Evans called attention to the information on the back of the AGM Newsletter announcing the Tenure Workshop, which is being held this Monday, April 16, in Room 205, Claude T. Bissell Building. E. Phillips, H. Nowak, and T. Zoric will speak.

b. Part-time Appointments at the UofT Event – May 1 and 2, 2018 *

C. Evans called the members' attention to the program for the May 1 and 2 Part-time Appointments at the UofT event. It will be held in Room 205, Claude T. Bissell Building. On the first day there will be a panel with three speakers, followed by a reception.

C. Evans thanked colleagues who have agreed to chair sessions.

c. Other matters

There were no other matters.

12. Report of the Chair of the Equity Committee (5 min)

R. Gillis thanked members of the Equity Committee for all their work.

R. Gillis reported that he attended the OCUFA presentation on free speech on campus on April 5. It dealt with academic freedom and human rights. In CAUT's view this is an important topic, and we need to deal with it more at UTFA.

R. Gillis said that he attended the CAUT Equity Conference. Several issues were discussed including a salary gap analysis; how racialized groups and Indigenous groups were under-represented among both faculty and librarians across universities; and how some disciplines were also under-represented.

R. Gillis said that the university has training modules on sexual violence education and prevention. The extensive training session takes about 40 minutes. He encouraged people to complete it.

R. Gillis reported that he is chairing the Donations Policy Committee. A policy is needed as various groups come to UTFA requesting money for events and we have no way to determine eligibility, funding levels, etc. The committee will be looking at other policies across Canada.

13. JSPP/UPP Update – 2:30 p.m. (C. Messenger and H. Mackenzie) (20 min)

C. Messenger and H. Mackenzie provided an update on the mediation that took place on Saturday, April 7, with the Financial Services Commission of Ontario (FSCO).

Clio Godkewitsch (Goldblatt Partners) explained that FSCO enforces the Pension Benefits Act. The meeting was attended by representatives from UTFA and the other labour groups and the other three universities, including lawyers, actuaries, etc.

The regulator is supportive of this initiative and excited about a new JSPP. They want to work with the parties to make the process as successful and problem free as possible. They are concerned about the notices that will be prepared by the plan administrators to be sent to all members. We are about a year away from those notices being sent out. FSCO wants to work with us and guide us through the process, as we will be closely scrutinized. If the notices are deficient and don't meet prescribed processes and are challenged, it will defeat the process and delay things significantly.

Clio said FSCO's take-home message was to get it right the first time, and to give the process the time it needs and not compress the timeline to what the parties want but is probably not achievable. FSCO recommends a period of at least nine months between when detailed notices go to members and when the plan is up and running.

Clio said that it was an informative meeting for both FSCO and the representatives.

C. Messenger said that UTFA was going to hold small and large group meetings on this.

H. Mackenzie provided an update on where the process is going with respect to the development of the plan and the processes for governing the plan. He said that an agreement was reached in principle last May on the broad highlights of the development of the plan and formalized in a draft agreement reached in September that is regularly updated.

H. Mackenzie said that the detailed terms of the pension plan will take a long time to develop, as there are still a number of issues to resolve. He then outlined possible timelines in the different steps of this process and said that we hope to have accomplished all regulatory hurdles so as to have a plan in place by January 2020 and benefits by July 2020.

C. Messenger said that we have had indications from the provincial government that they will fund this process. She has reminded the university that UTFA is counting on those funds.

14. Other Business

J. Newman announced that at 5:00 p.m. today Angelica Fenner will be acclaimed to represent Constituency #116—Linguistics; French; and Germanic Languages & Literatures.

K. Scheaffer, seconded by H. Sonne de Torrens, moved that:

Mikaela Gray be approved as a member of the Librarians Committee.

Carried.

- a. Next meeting of Council
Tuesday, May 15, 2018
3:00 – 5:00 p.m.

J. Newman noted that he sends regrets for this meeting.

15. Adjournment

K. MacDonald, seconded by J. Jenkins, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 3:00 p.m.

C. Penn
Administrative Assistant

Council Summary
UTFA Executive Minutes

Tuesday, February 27 – 10:30 a.m.–12:30 p.m.

UTFA Boardroom

Chair – K. Weaver

Present: K. Banning, A. Braun, C. Evans, R. Gillis, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, A. Taleghani, K. Weaver (Chair) , T. Zoric

Also Present: M. Horban (Business Officer), H. Nowak (General Counsel), R. Schmelzer (Administrative Assistant and Notes)

Regrets: L. Florence, M. Tavakoli-Targhi

C. Messenger called the meeting to order at 1:10 pm.

1. Approval of the agenda Approved as distributed.
2. Minutes of previous meeting:

- a. January 12, 2018*
 - i. Executive minutes
 - ii. Council summary

C. Evans, seconded by K. Scheaffer, moved that:
the minutes be approved as amended

Carried.

- b. January 26, 2018*
 - i. Executive minutes
 - ii. Council summary

C. Evans, seconded by T Zoric, moved that:
the minutes be approved as amended

Carried.

3. Business arising (not elsewhere on the agenda)
 - a. Action List *

Several items were removed from the action list.

4. Report of the President (40 min)

a. CAUT Chief Negotiators Forum: March 23 and 24

C. Messenger noted that the Forum is taking place on March 23 and 24. J. McKeil invited K. Scheaffer to give a presentation. C. Messenger noted that she would also attend and present on the part-time policy proposal, which affects well over 200 members. K. MacDonald will also participate.

b. JSPP update

C. Messenger reported that the labour side will be meeting March 2. C. Messenger sent out an email regarding the launch of the pension website.

T. Zoric, seconded by C. Evans, moved that:

the meeting go in camera.

Carried.

K. Weaver, seconded by C. Evans, moved to:

return to the regular meeting.

Carried.

c. St. Michael's Ratification Vote (C. Messenger and K. Weaver)

K. Weaver announced that the agreement was ratified by both sides. The ratification by members was 100 per cent in favour. K. Weaver said that he was very impressed by the commitment of the members of this small bargaining unit and reported that they all greatly appreciated UTFA's support. K. Weaver also thanked the Executive for entrusting him with his role on the bargaining team. C. Messenger thanked K. Weaver for a job well done.

d. Executive Director Job Posting

C. Messenger reported that she received input from Council and that when the hiring committee meets it will incorporate it in the job posting so that it can go out. C. Messenger emphasized the importance of seeking input from Council members.

e. AGM Speakers

C. Messenger said that she is working to have guest speakers at the AGM who focus on Indigenous humanities. A draft agenda will be circulated and she asked members to suggest names of Indigenous writers and artists with ties to UofT.

f. Worldviews 2018 annual lecture: "Free speech on campus: Challenges for minority rights and democratic values" – April 5, 2018, University of Toronto

C. Messenger informed the members that OCUFA has asked UTFA to promote this event. She said that a reminder would be sent out closer to the date.

K. Weaver added that this conference is excellent as usually more than a couple of highlights end up in academic notes.

g. Other matters

T. Zoric said that UTFA is moving forward on the gender salary file. Extensive research has been undertaken by S. Olexson, D. Campanella, and an external consultant. It has taken much longer than had been anticipated, but we believe the thoroughness involved is necessary. We are now looking at determining next steps, which may involve writing to the Administration and/or filing a grievance.

5. Report of the Vice-President, Grievances (10 min)

a. Asbestos Event Update

T. Zoric reported that this event, which was organized by a group of unions/associations and student groups, had a strong turnout despite the bad weather. CUPE was also in its last stages of bargaining and on the verge of a strike. T. Zoric praised S. Olexson and H. Nowak for putting together an excellent panel, S. Olexson for providing excellent answers, and C. Penn for the administration of the event.

T. Zoric said that the event highlighted the fact that there are still questions to be answered by the Administration about what went wrong in the MSB that led to asbestos contamination. Mark Lai, a representative from ECOH, presented a report on asbestos abatement activities in the MSB that concluded that UofT did not follow best practices and that people who work in the affected buildings may still be at risk. The Administration has established a review panel and UTFA will be preparing submissions to address our concerns.

b. Grievance Portfolio Update

T. Zoric reported on grievances and advice files. Based on H. Nowak's summary of open files, there were, as of February 27, 162 matters opened, with 50 per cent being handled internally by UTFA lawyers.

T. Zoric said that the grievance portfolio is making a concerted effort to handle more matters in house rather than to use more expensive external counsel. She also discussed how there has been a marked increase in recent months for UTFA assistance and/or advice.

T. Zoric, seconded by K. Weaver, moved that:

the meeting go in camera.

Carried.

H. Sonne de Torrens, seconded by R. Gillis, moved to:

return to the regular meeting.

Carried.

c. CAUT Discussion Paper: Respectful Workplace Policies

T. Zoric reported on the CAUT discussion paper on Respectful Workplace Policies and explained why it is relevant to UTFA and UofT's Civility Guidelines. UTFA has previously raised issues with the civility guidelines with the Administration. CAUT's paper discusses how the principle of academic freedom may be threatened by the imposition of these respectful workplace policies.

C. Messenger asked T. Zoric to summarize CAUT's opinion. T. Zoric said that CAUT's position is that the language of academic freedom is becoming imperiled by respectful workplace policies that promote the view that academic freedom requires civility and civility is a more important value than academic freedom. The paper notes that standards of civility in the policies tend to go beyond anti-harassment laws and are often undefined. CAUT also criticized these policies because they are often used to attack unpopular or unwanted ideas (examples from Capilano University and University of Illinois at Urbana-Champaign summarized). Finally, T. Zoric summarized the recent Supreme Court of Canada decision about Academic Freedom that was cited in the paper that affirmed Academic Freedom.

H. Sonne de Torrens redirected the discussion on academic freedom to problems that are creeping into negotiations. She said that institutional policies are restricted and that can pose problems for academic freedom. As an example she said that if a librarian's supervisor does not want the librarian to pursue a

specific research direction, they have the power to not sign off on it. CAUT has failed to see how this hampers academic freedom.

R. Gillis, seconded by K. Weaver, moved that:

the meeting go in camera.

Carried.

R. Gillis, seconded by K. Banning, moved to:

return to the regular meeting.

Carried.

d. Other matters

There were no other matters.

6. Report of the Vice-President, Salary, Benefits, Pensions & Workload (20 min)

a. Update on bargaining

K. Weaver, seconded by K. Banning, moved that:

the meeting go in camera.

Carried.

K. Macdonald, seconded by K. Scheaffer, moved to:

return to the regular meeting.

Carried.

b. Other matters

There were no other matters.

7. Report of the Chair of the Appointments Committee (5 min)

C. Evans followed up on her proposal regarding an event next January or February. She said that she did further research regarding Dr. Amy d'Aprix (Dr. Amy) for a workshop on aging for UTFA members. C. Evans said that she was impressed with a workshop by Dr. Amy that she had attended but her fee, \$5,000, is high.

C. Evans, seconded by K. Weaver, moved that:

C. Evans invite Dr. Amy for an UTFA presentation in January or February 2019.

Carried.

a. Other matters

There were no other matters.

8. Report of the Chair, Equity Committee (10 min)

a. Considerations of a Statement by UTFA concerning the verdict in the Colten Boushie Case*

R. Gillis compared this case with the Tina Fontaine case. He said that value statements are applied to these sorts of situations. He also said that UTFA is developing an equity policy that reflects these cases.

R. Gillis reported that he participated in a round table on the Truth and Reconciliation Commission. He said that J. Hamilton-Diabo was there, and that it was mentioned that there is a lot of anger in the Indigenous community.

R. Gillis also attended his first meeting at the Accessibility Directorate, where he has been appointed to a panel on post-secondary institutions. He heard much criticism of UofT regarding accessibility.

R. Gillis will be attending the CAUT Equity Committee meeting in Ottawa and will report on that.

b. Other matters

There were no other matters.

9. Report of the Chair, Librarians Committee (10 min)

a. Inforum Library *

K. Scheaffer said that faculty and librarians at the iSchool received an email regarding revitalization with an RFP attached explaining the revitalization process on October 6. In November her unit, The Inforum, was told that its books (about 3,500 shelves) will be moving to Robarts. It was also erroneously reported that the staff was consulted in the RFP and that the books were to go to Downsview, not Robarts. She said that space planners were given access to the area, but none of her team was consulted.

K. Scheaffer said that the librarians wanted to meet with the dean. They have not had a meeting since the news came out in November until February 15 when the librarians expressed their concerns to the dean, who said that the revitalized plan went through all levels of the appropriate process. K. Scheaffer finds this alarming, since there was no open and wide consultation with all stakeholders.

Apparently students want more study space. However, students said that they might need the space but they need the collection as well. K. Scheaffer said the librarians are prepared to grieve. She sent a fact sheet to the Librarians Committee, student councils, and faculty lists so that folks are in the know.

H. Sonne de Torrens explained that during the move students would not have access to materials. K. Scheaffer said that the move is slated to take place on May 1 and will not be done by librarian staff.

C. Messenger stated the position that there are grounds for UTFA's intervention on process. K. Weaver acknowledged this.

K. Scheaffer, seconded by H. Sonne de Torrens, moved that:

H. Nowak draft a letter of complaint to the Administration.

Carried.

b. Other matters

There were no other matters.

10. ORDER OF THE DAY: 2:30 p.m.

a. Report of the Chair of the Ad Hoc Committee on Release Funds (20 min)

K. Weaver, seconded by A. Taleghani, moved that:

the meeting go in camera.

Carried.

K. Weaver, seconded by K. Scheaffer, moved to:

return to the regular meeting.

Carried.

K. Banning seconded by K. Weaver, moved that:

The meeting be extended by 30 min.

Carried.

11. Report of the Chair of the Teaching Stream Committee (10 min)

- a. Divisional Guidelines (K. Banning and H. Nowak)

This item was deferred due to time constraints.

- b. Other matters

There were no other matters.

12. Other Business

- a. AGM Newsletter reports due March 5, 2018.
- b. Next scheduled Executive Committee meeting
Friday, March 16, 2018
10:30 a.m. – 1:00 p.m.
- c. Next scheduled Council Meeting
Thursday, March 22, 2018
3:00 – 5:00 p.m.
- d. Adjournment

K. Scheaffer, seconded by K. Banning, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 3:40 p.m.

Rucsandra Schmelzer
Grievance Assistant



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Council Summary
UTFA Executive Minutes
Friday, March 16, 2018 – 10:30 – 12:30 p.m.
UTFA Boardroom
Chair – C. Messenger

Present: K. Banning, R. Gillis, K. MacDonald, C. Messenger (Chair), K. Scheaffer, A. Taleghani, M. Tavakoli-Targhi, K. Weaver, T. Zoric

Also Present: M. Horban (Business Officer), H. Nowak (General Counsel), C. Penn (Administrative Assistant and Notes)

Regrets: A. Braun, C. Evans, L. Florence, H. Sonne de Torrens

C. Messenger called the meeting to order at 10:35 a.m.

1. Approval of the agenda: Approved as amended.
2. Minutes of previous meeting
 - a. February 27, 2018:

The February 27, 2018 minutes and Council summary were deferred to the next meeting

3. Business arising (not elsewhere on the agenda)
 - a. Action List: Several items were removed from the action list.
4. Report of the Chair of the Teaching Stream Committee (10 min)
 - a. Divisional Guidelines (K. Banning and H. Nowak)

K. Banning reported that the divisional guidelines for the teaching stream have been rolling out. UTSC rolled out its guidelines for the tenure track at the same time.

UTFA does not receive notification when these guidelines are being approved and cannot monitor them. We need to be notified.

K. Banning reported that she and H. Nowak are examining 20 sets of divisional guidelines, looking at how the new guidelines diverge from the policies of the PPAA. In some cases, issues were identified before guidelines were voted on and some changes were accepted, but that is not good enough. Everything seems to related back to teaching duties and this is not fair. C. Evans and H. Diggle have also taken part in this review.

K. Banning also reported that she, C. Evans, and C. Messenger met with some members of the teaching stream at UTSC.

T. Zoric acknowledged all the work involved in reviewing the guidelines and thanked K. Banning and her team. She said that the grievance portfolio will consider launching a grievance on the Divisional Guidelines.

C. Messenger and H. Nowak noted past UTFA challenges to the Administration with regard to teaching.

b. Other matters

There were no other matters.

T. Zoric assumed the Chair.

5. Report of the President (50 min)

a. JSPP update

C. Messenger, seconded by K. Weaver, moved that:

the meeting go in camera.

Carried.

b. Report on Part-time Appointments Policy Negotiations

The meeting continued in camera.

c. UPP labour side sponsor board *

The meeting continued in camera.

d. Release funds proposal *

The meeting continued in camera.

K. Weaver, seconded by K. MacDonald, moved to:

return to the regular meeting.

Carried.

e. AGM Agenda *

C. Messenger called the members' attention to the draft AGM agenda.

The members discussed the agenda and suggested several changes.

M. Tavakoli-Targhi, seconded by R. Gillis, moved that:

The Executive Committee recommend that Council approve the AGM agenda as amended.

Carried.

f. New UofT Freedom of Speech Site * <http://freespeech.utoronto.ca>

C. Messenger called the members' attention to the new UofT freedom of speech website. She noted that she met with M. Gertler and discussed this site before it went up.

g. March for Science - April 14, 2018 <https://sciencemarchto.ca>

C. Messenger said that UTFA has been approached by Margrit Eichler, of the Right to Know group, with a request that UTFA help sponsor the March for Science event.

M. Horban noted that UTFA donated \$2,000 to this event last year.

K. Scheaffer, seconded by, K. Weaver, moved that:

UTFA donate \$2,000 to the March for Science event.

Carried.

h. UTFA's UTAM Representative (A. White)

C. Messenger said that A. White's term as UTFA's representative on UTAM is up and we need to nominate him and approve his reappointment. He is willing to be reappointed. His specialty is investing and he also serves on UTFA's Financial Advisory Committee.

C. Messenger, seconded by M. Tavakoli-Targhi, moved that:

The Executive Committee recommend to Council that A. White from the Rotman School of Management be renewed as UTFA's representative to the UTAM Board.

Carried.

i. COFAS Donation *

C. Penn explained that COFAS is made up of people who work in faculty associations across Canada, including executive directors, lawyers, researchers, and administrative staff. They put on an annual conference that addresses issues specifically pertaining to universities and faculty associations and their staff. In order to help cover the cost of this event and to allow people from smaller universities to attend, COFAS asks for donations.

M. Tavakoli-Targhi, seconded by, K. Banning, moved that:

UTFA donate \$1,000 to the 2018 COFAS conference.

Carried.

j. Work, Migration and Health Forum 2018 * www.wmhforum2018.ca

C. Messenger said that she was approached for a donation for this forum, to help sponsor a meal, as other faculty associations have done..

The members discussed the request for a donation.

R. Gillis said that this request is discipline specific and granting it might open the door for people from other disciplines to ask for funds. He did not know what UTFA members would get out of it. K. MacDonald said that this could open the floodgates for further requests for donations.

T. Zoric suggested that UTFA signal that it is supportive of the event but will only help sponsor it if it is open to the broader membership. If the organizers could break down who will attend the event, we would reconsider. M. Tavakoli-Targhi agreed to send a letter asking them to make a case for the sponsorship.

R. Gillis noted that the ad hoc committee on a donations policy is meeting in April.

C. Messenger assumed the Chair.

k. Other matters – Cross-Appointed Survey

H. Nowak called the members' attention to the draft survey for cross-appointed members. It was previously distributed by email but only one person commented.

M. Horban raised the concern that we do not receive lists of cross-appointed faculty and the survey would have to be sent to all faculty. H. Nowak will contact N. Gillespie at UofT to see if we could obtain such a list.

The members discussed the draft survey and proposed some changes.

K. Scheaffer said that wording on gender should be added and said that she would send it to H. Nowak.

The members agreed that with the suggested changes this survey could go out.

6. Report of the Chair of the Retired Members Committee (5 min)

K. Weaver noted that in the five weeks since the St. Michael's College settlement he had been thinking about the last three years and what was pending for next year. When he agreed to chair the Retired Members Committee it was with the intent of serving a two-year term, but this past year has been trying and busy and he wondered whether he would have the time to deal with this portfolio for another year.

K. Weaver announced that he will be resigning as Chair of the Retired Members Committee at the end of June. He thanked everybody for their support for the retired constituency.

C. Messenger said that the Executive would miss him, noting that there would no longer be a constitutional expert on the committee.

K. Scheaffer said that K. Weaver has helped form numerous librarian policies and received CAUT's Academic Librarians' and Archivists' Distinguished Service Award. He has also served on the SBPW and St. Michael's College negotiating teams.

The members showed their appreciation for K. Weaver and his work through applause.

7. Report of the Vice-President, Grievances (10 min)

a. Sexual Violence Negotiations

T. Zoric, seconded by A. Taleghani, moved that:

the meeting go in camera.

Carried.

b. Other matters

The meeting remained in camera to discuss asbestos issues.

8. Report of the Vice-President, Salary, Benefits, Pensions & Workload (10 min)

a. Update on bargaining

The meeting continued in camera.

b. Other matters

9. Report of the Chair, Librarians Committee (10 min)

The meeting continued in camera.

K. Scheaffer, seconded by K. Weaver, moved to:

return to the regular meeting.

Carried.

K. Scheaffer said that she would like to bring a motion to Council for the approval of an allocation of release funds to cover the cost of two research assistants who would analyze data collected in preparation for negotiating the Librarians Policy. They would be supervised by Dan D'Agostino and herself, working for ten and eight hours a week respectively, from late March to June 30, 2018. The maximum total allocation would be \$10,000.

10. Other Business

C. Messenger noted that people who sit on bargaining teams but are not on Executive usually get a \$1,000 stipend at the end of bargaining. She said that this would apply to those presently sitting on the various bargaining teams. She suggested that UTFA should recognize the amount of time people put into this work and reconsider the amount of those honoraria.

- a. Next scheduled Executive Committee meeting
Thursday, March 29, 2018
10:30 – 1:00 p.m.
- b. Next scheduled Council Meeting
Thursday, March 22, 2018
3:00 – 5:00 p.m.
- d. Adjournment

K. MacDonald, seconded by K. Weaver, moved that:
the meeting adjourn.

Carried.

The meeting adjourned at 1:10 p.m.

Chris Penn
Administrative Assistant

Gender Salary Anomaly Association Grievance

DRAFT

Pursuant to Article 7 of the Memorandum of Agreement (“the Memorandum”) between the University of Toronto Faculty Association (“UTFA”) and the University of Toronto Administration (“the Administration”), UTFA hereby gives notice of an Association Grievance.

More specifically, UTFA grieves that there exists a systemic, persistent, pervasive and significant gender pay gap at the University of Toronto. This pay gap negatively and significantly affects female faculty members and librarians, including full-time and part-time, teaching stream and tenure stream. Notably, this pay gap exists even when controlling for such factors as the member’s campus, division, rank, and years in rank.

This persistent gender pay gap also prejudicially and significantly impacts the pension benefits of female faculty members and librarians.

Previous efforts by the Administration to address pay inequities have been inadequate, ineffective, and short-lived. These include:

- A Faculty Salary Review in 1989, which found that more than half (54%) of the female professors received lower pay than their male comparators, and that female professors were paid on average 20% less than men.
- The Adoption of the *Employment Equity Policy* in 1991, which proclaimed that “The University upholds the Ontario Human Rights Code and will not under any circumstances permit employment practices and procedures in contravention of it.”
- The settlement of a legal claim by a group of female faculty in 2002, which alleged that the University had been unjustly enriched by paying them less than men performing the same work, and which benefited approximately 60 retired tenured and tenure-stream female professors.

The Administration’s failure to remedy the gender pay gap has persisted and, in the case of many female faculty members, the differential in pay has compounded over time.

In this regard, UTFA grieves that the existence of a gender pay gap, and the Administration’s failure to date to rectify the unequal pay for female UTFA members, violates:

1. Article 9 of the Memorandum, which provides that there shall be no discrimination toward any faculty member or librarian in respect of salaries and pensions, among other factors, by reason of sex, gender identity, gender expression, or family status;

2. The University of Toronto *Employment Equity Policy*, which states that the University of Toronto:

The University upholds the Ontario Human Rights Code and will not under any circumstances permit employment practices and procedures in contravention of it. While remaining alert and sensitive to the issue of fair and equitable treatment for all, the University has a special concern with the participation and advancement of members of four designated groups that have traditionally been disadvantaged in employment: women, visible minorities, aboriginal peoples and persons with disabilities.

3. Article 5 of the Ontario *Human Rights Code*, which prohibits discrimination in employment on the basis of sex, gender identity, gender expression, and family status; and
4. Section 42 of the *Employment Standards Act*, which provides that no employer shall pay an employee of one sex at a rate of pay less than the rate paid to an employee of the other sex when they perform substantially the same kind of work, their performance requires substantially the same skill, effort and responsibility, and their work is performed under similar working conditions.

Conclusion

UTFA reserves the right to add further particulars, and to rely on any other relevant provisions of the Memorandum, and any other relevant policies, practices and procedures.

Remedy

By way of remedy to these violations, UTFA seeks:

1. A declaration that the gender pay gap contravenes the Memorandum;
3. An immediate increase in salaries for female faculty and librarians to rectify any gender pay anomaly with appropriate retroactivity, including retroactive adjustments for pensions;
4. The creation of a permanent gender anomaly fund to address individual gender pay anomalies as they arise in the future, administered by a joint committee with equal representation by UTFA and the Administration;
5. The creation of a joint committee to examine the impact of gender on the determinants of salary including, but not limited to, the impact of gender on starting salary, PTR increments (including the distribution of PTR increments), and market retention and/or competitive offer adjustments. The joint committee will make recommendations to

UTFA and to the Administration by no later than 12 months after the date on which the committee is convened, except with the mutual agreement of UTFA and the Administration. UTFA and the Administration shall meet within two months of receiving the recommendations of the joint committee to agree upon measures to implement the recommendations. Failing agreement, or if 12 months has passed and the joint committee is unable to agree upon recommendations, either party may refer the matter for expedited arbitration before the Chair of the Grievance Review Panel.

6. A review of gender pay anomalies every five years to prevent future individual and/or systemic anomalies from developing;

7. The creation of a joint committee on employment equity to conduct a comprehensive review of, and to make recommendations to address, barriers to recruitment, advancement, retention and equal participation in the workplace for UTFA members who are members of equity-seeking groups (e.g. women, racialized minorities, indigenous people, members of the LGBTQ2 community, those with non-binary gender(s), and people with disabilities), including but not limited to a review of policies and practices relating to:

- recruitment
- workload and work assignment
- leaves
- accommodation under the Ontario *Human Rights Code*
- progression to tenure, continuing status, or permanent status, and promotion
- access to mentorship, research facilities, support, and funding
- service opportunities and opportunities for professional advancement

The joint committee will report on the results of its review to the President of UTFA and to the University Administration by no later than 12 months after the date on which the committee is convened, except with the mutual agreement of UTFA and the Administration.

9. Any other appropriate remedy.



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T 416 978-3351 F 416 978-7061
E faculty@utfa.org / www.utfa.org

Cynthia Messenger
Tel: 416-978-4640
E-mail: messenger@utfa.org

March 26, 2018

By Email

Professor Sioban Nelson
Office of the Vice-Provost Faculty and Academic Life
McMurrich Building, Room 103
12 Queen's Park Crescent West
Toronto, Ontario M5S 1S8

Dear Professor Nelson:

Re: Pay Equity at the University of Toronto

We are writing to respectfully remind the Administration about its pay equity obligations. UTFA represents several female job classes under the University of Toronto's 1990 Pay Equity Plans (e.g. Librarians, Tutor/Senior Tutor).

The Administration is obligated to maintain pay equity for these female job classes, and it appears that this has not occurred. As you know, the above-noted female job classes have changed significantly since the early 1990's, the OISE bargaining unit has been added, and several new job classes have also been added. Considering these changes, it is UTFA's view that a joint pay equity maintenance process is needed, and that a joint committee should be established as soon as possible to undertake this important exercise. We trust you will agree that this is the most expedient and collegial way to address pay equity maintenance.

1. Pay Equity Plan(s)

The only documents that are currently available to UTFA are a Pay Equity Plan dated January 1, 1990 and an Amended Plan dated April 20, 1990. Please provide UTFA with all versions of the University's non-union Pay Equity Plan, including the 1990 versions and any subsequent version(s). This should include all Pay Equity Plans for OISE.

As will be discussed in more detail below, it is unclear whether the Administration has taken any steps to maintain pay equity for UTFA's members since the early 1990's. Please provide UTFA with all records relating to the Administration's efforts to maintain pay equity for the employees represented by UTFA, including with respect to new and restructured jobs.

2. Achievement of Pay Equity

Based on the available information, it is unclear whether pay equity was properly achieved for UTFA's members. It appears "Librarian", "Tutor/Senior Tutor", and "Professor" were each treated as a single job class. Based on the Act's definition of a job class, it is not at all clear that this was appropriate. In any event, as is explained in more detail below, many of the jobs have changed so significantly that they should be re-evaluated. Considering this, it is all the more important to collaboratively resolve pay equity achievement and maintenance issues.

3. Failure to Maintain Wage Rates of Male Comparators Under Original Pay Equity Plan

Section 7(1) of the Act requires an employer to "establish and maintain compensation practices that provide for pay equity". The term "maintenance" under the Act requires two things. At the most basic level, it requires an employer to ensure that pay equity is maintained once it is achieved through the job-to-job method. Specifically, where a female job class is assigned a male comparator, pay equity is achieved when its wage rate is at least equal to the wage rate of that male comparator. Pay equity maintenance requires that this relationship be maintained. Where an employer fails to ensure that its female job classes maintain at least the wage rate of their male comparator, a violation of the Act will be found and liability (including interest) will follow.

If the available documents correctly indicate the job-to-job comparisons that were made, there is evidence that pay equity has not been maintained. For example, it appears that Librarians were treated as one job class which achieved pay equity by being compared with the male job class of Professional Engineering Officer 3. We understand that the Tutor/Senior Tutor job(s) were also compared with the Professional Engineering Officer 3. It is unclear whether this male job class still exists, let alone that Tutors/Senior Tutors and Librarians are paid at least as much as this male job. If this male comparator is no longer available, pay equity maintenance requires that a new male comparator be identified for these female jobs. There is no evidence this has occurred.

4. Failure to Consider Changes in Job Value Since the Early 1990s

The Tribunal recently clarified that pay equity maintenance must involve a consideration of changes in compensation as well as any changes in the job's "value (the amalgam of skill, effort, responsibility and working conditions)" (see for example *Ontario Nurses' Association v. Participating Nursing Homes*, 2016 CanLII 2675 at paras. 107-110).

Moreover, the Tribunal reviewed a series of previous cases that made it clear that pay equity maintenance requires:

- "Employers and unions to review their pay equity plans as positions are added or eliminated from the bargaining unit, or as duties and responsibilities are altered. The plan must be up to date and respond to present realities of the workplace";

- "Reviewing job classes regularly to capture any changes to job duties and responsibilities, which may require pay equity adjustments. Some examples of changes resulting from ongoing maintenance are: changes to job titles; changes to the duties and responsibilities of a job that may place it in a different job class and salary scale; the creation or elimination of a job class, in particular, a male comparator job class; and changes in the gender dominance".

We have no evidence that the Administration has reviewed changes in the value of the work performed since 1990. As you know, the job classes of "Librarians" and "Tutor/Senior Tutor" have changed significantly since the early 1990's, and new job classes have been added to these streams. For example, in 1999 UTFA and the Administration agreed to create the teaching stream and the job titles of Lecturer and Senior Lecturer.

As you know, when the 2015 Policy and Procedures on Academic Appointments came into effect, it created professoriate job titles in the teaching stream. In the intervening period teaching stream jobs have changed significantly, including through the addition of a scholarship requirement (which was not a recognized part of the Tutor/Senior Tutor job class).

As you also know, and as we have discussed in our recent rounds of bilateral negotiations, academic librarianship has also changed significantly since the early 1990s and many new librarian jobs have been created in that time.

We look forward to collegially addressing these issues through a joint process. UTFA and the Administration should meet as soon as possible to discuss the next steps for a joint pay equity maintenance process. Please provide us with your availability to meet during the month of April.

Sincerely,



Cynthia Messenger

President, University of Toronto Faculty Association

cc. Professor Terezia Zoric, Vice-President, UTFA
Ms. Samantha Olexson, Legal Counsel, UTFA
Ms. Emma Phillips, Legal Counsel, Goldblatt Partners

UTFA Bylaws

Article 10: Terms of Reference for the Nominating Committee

10.1 A Nominating Committee will be struck in the following manner. The Executive Committee will suggest a slate of four names not later than five business days before the January Council meeting. One of those on the list will be a member of the Executive (or failing this, a Past-President) and one or two on the list will have been members of the Nominating Committee the previous year. Council will elect a fifth member of the Nominating Committee at the January Council meeting. The Nominating Committee will be approved by Council at that January meeting. The committee shall choose one of its members as Chair.

10.2 The Nominating Committee shall be appointed no later than February 1, allowing at least eighty (80) days to follow for deliberations and submission of the Committee's slate of Executive nominees by no later than May 1.

10.3 The Chair of the Nominating Committee will ask those members of the Executive whose terms are expiring, but who have not reached the six-year limit for their positions, if they would like to continue for another term. If they are interested in continuing in that position, incumbents may be nominated according to the rules and procedures set out in this Article and Article 9 of the Constitution. The Chair of the Nominating Committee will inform Council of the decisions of the current Executive, so that members of Council have ample time to recruit those UTFA members who are interested in running for any of the positions on the Executive Committee.

10.4 In compiling a slate of nominees pursuant to Article 9.2 of the Constitution, the Nominating Committee shall solicit and consider recommendations from the incumbent President and Executive Committee members, as well as Council.

The nominees will be colleagues who can be relied upon to be effective, responsive, creative and dedicated and also have the understanding of what it takes to have a responsible position in a collegial organization and to help enhance trust among colleagues. The Nominating Committee will make every effort to ensure that the proposed slate of nominees reflects the diversity of the Association's membership as far as possible with respect to employment

category, discipline, campus and recognized equity groups. As part of that process, the Nominating Committee will attempt to recruit new people to the Executive Committee. The Nominating Committee will make every effort to ensure that there are at least sufficient nominees to fill all vacancies.

10.5 To enable the Nominating Committee to have clear discussions with the potential nominees about the positions, the Nominating Committee will provide information about (i) what the position entails based, for example, on comments from the incumbent, (ii) any description of the position that occurs in the Constitution and By-Laws, and (iii) the release time and stipend normally or likely to be associated with the position (but subject to change as permitted in Article 11).

10.6 The Nominating Committee provides an important communication and feedback mechanism supplementing the work of Council and the Executive Committee and, as a result, the Nominating Committee is encouraged to make suggestions relating to the work of the Nominating Committee, to be considered by Council the following year (e.g. through a Constitutional Review Committee).

10.7 A slate of nominees from the Nominating Committee shall be communicated in writing and by electronic-mail to all members of Council no later than May 1. In no way shall the recommendations of the Nominating committee be interpreted as other than recommendations. After the Nominating Committee has communicated the slate of nominees, nominations will be accepted until May 10, allowing members of Council time to propose additional nominations in writing. A minimum of two members of Council shall be required to nominate any additional Executive nominees (i.e. other than nominees proposed by the Nominating Committee). All nominees are expected to supply a short (maximum of one page) statement that outlines their goals for serving on the Executive Committee in that position (alternatively, the nominee may describe their goals orally at the May Council meeting). After the close of nominations, the full list of nominees (i.e. including the slate proposed by the Nominating Committee and any additional nominees), shall be communicated in writing and by electronic mail to all members of Council. Council shall retain the sole authority to elect the Executive Committee.

10.8 A candidate for an Executive Committee position (other than the President) may choose to serve for a one-year or a two-year term, but must declare his or her intention (one- versus two-year term) prior to May 1 for a candidate being considered for recommendation by the Nominating Committee, and prior to May 10 for any additional candidates.

10.9 At the first meeting of Council (no earlier than May 18) after the Annual General Meeting, Council shall appoint the Executive Committee (by ballot when necessary) from the slate of Nominating Committee nominees as presented no later than May 1 and nominees as received from members of Council by May 10.

10.10 Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.

Item 5b:

Notice of Motion from Judith Poë

Be it resolved that

1. the Nominating Committee should be asked to remain seized of its responsibilities and re-submit its slate, possibly expanded, and report to Council members by May 26,
2. additional nominations close on June 5, and
3. the vote on the nominees take place at the June 13 meeting of UTFA Council.

May 19, 2018

Dear Colleagues,

To assist the Council with its deliberations on May 15th, I am forwarding all emails that the Nominating Committee sent to Council concerning positions which were either (i) about to become vacant, or (ii) that were approaching the conclusion of their two-year terms. The Nominating Committee was required to address both types of situations. I will also describe the key aspects of our deliberations over the course of the last six weeks. Before doing so, it is important for Council members to understand one critical and under-appreciated aspect of the Nominating Committee's work. As per 10.3 of the by-laws, those members of the Executive whose terms are expiring but who have not yet reached their six-year term limit "may be nominated" for re-election by the Nominating Committee (or subsequently by means of council nominations). As in the past, the Nominating Committee is not obligated to nominate those individuals. This critical past practice implies that there are no "automatic" nominations of incumbents. As a committee, we included in our deliberations not only whether or not incumbents wished to be re-elected, but also based on information submitted to the committee, whether or not we wished in turn to nominate them. We decided to do so in order to defer to Council's authority and to encourage transparency.

Please note that the first meeting of the Nominating Committee was on March 21st. Since this initial meeting occurred on the eve of the presidential election, the Committee decided to set its timeline for receiving notifications from the Executive Committee for the period after the election. On March 29th we sent a message to members of the Executive Committee requesting them to "let us know as soon as possible—and no later than April 9th—if you are interested in continuing in your position for another term" (please see email below). Due to the complexities of the post-election period, however, we did not receive all of the requested notifications by the designated deadline of April 9th. The Vice President-Salary, Benefits, Pensions and Workload (VP-SBPW) did not directly communicate with the Chair of the Nominating Committee until May 1st. Among others, however, I clearly communicated to Council on March 22 that the term for the VP-SBPW was expiring and so anyone who wished to be considered for the position was welcome to make that known to us.

A chart of all expiring positions was made available to Council members during the March 22nd meeting of Council (please see attached). During my presentation on that day, I also asked Council members to nominate colleagues proactively for both the vacant positions and those up for renewal. I explained the significance I placed on democratizing the nomination process by means of nominating colleagues for both sets of positions. In compliance with article 10.3 of the Bylaws, this was followed by the Nominating Committee's April 10th message informing the Council of vacant positions and those reaching the end of their two-year terms on the Executive. I then asked Council members to "nominate dynamic and responsible colleagues to serve in these positions on the UTFA Executive." This list included the position of VP-SBPW. I brought these positions again to the attention of the Council during the April 11th Council meeting and asked for nominations by April 13th. Aware of the difficulty of interviewing all nominees before the deadline stipulated by Article 10.2 of the Bylaws, I requested a week's extension for the submission the Committee's slate of nominees for the Executive. This extension was approved unanimously by Council at the April 11th meeting and no one at that time questioned its prudence.

The Committee began conducting exit interviews with colleagues who had either resigned or who had signaled that they did not intend to continue serving on the Executive Committee. We

also began interviewing all colleagues who had been nominated and had submitted their vision statements for the expiring positions. The Committee discussed with each nominee their vision statement and emphasized the significance of collegiality within UTFA as a faculty association. We concluded our interviews on May 2nd. In response to a request from the UTFA President, on May 3rd we provided the Council with a "list of positions on the Executive Committee for which the incumbent has indicated that they are not returning . . ." (please see email below).

After the Nominating Committee's final meeting on May 3rd and in response to an email campaign that began on that evening, including concerns about allowing sufficient time for additional nominations to come in from Council, in good faith I released the slate of nominees to Council on the following day (May 4), which was prior to the May 8th extension that had been granted to the Committee by Council at its April 11th meeting. Aware that UTFA Council has "the sole authority to elect the Executive Committee," in our report--which appears below--we cited Article 10.7 of the UTFA Bylaws: "In no way shall the recommendations of the Nominating Committee be interpreted as other than recommendations. After the Nominating Committee has communicated the slate of nominees, nominations will be accepted until May 10, allowing members of Council time to propose additional nominations in writing."

In sum, the committee has endeavored to be transparent in its efforts and deliberations and to work in a timely fashion. The complexities of the presidential election were considerable, putting pressure on colleagues and on our timeline. Despite our best efforts to deal with these, I take full responsibility for any shortcomings of the committee. In light of this experience, however, I highly recommend in future to alter the timeline for the operation of the Nominating Committee so that it does not coincide with UTFA presidential elections.

I look forward to the May 15th deliberations of the Council concerning the issues raised via email in the past few days.

Cordially,

Mohamad Tavakoli
2018 Nominating Committee Chair

From: Chris Penn <penn@utfa.org>
Date: Friday, May 4, 2018 at 10:07 AM
To: Council_A <council_a@utfa.org>, Council_B <council_b@utfa.org>
Subject: Another Correction to the Report of the Nominating Committee

Following is another correction to the Report of the Nominating Committee. Again, we apologize for any confusion.

Dear Colleagues,

During its April 11th meeting, the Council voted to extend the deadline to May 8th for the submission of the slate of candidates by the Nominating Committee.

As a follow-up to the recent update on May 3rd and prior to the May 8th deadline, the Nominating Committee presents the following slate of nominees for your consideration. Please note that it was not a unanimous decision.

Vice-President, University and External Affairs

Two candidates are recommended:

Roy Gillis and Paul Hamel

Vice-President, Salary, Benefits, Pensions & Workload

Kathleen Scheaffer

Vice-President, Grievances

Terezia Zoric

Chair, Teaching Stream Committee

Kass Banning

Chair, Equity Committee

Azita Taleghani

Chair, Librarians Committee

Harriet Sonne de Torrens

Chair, Membership Committee

Jens Hanssen

Chair, Retired Members Committee

Jody Macdonald

Member-at-Large

Ken MacDonald

Member-at-Large

Matthew Allen

In its deliberations, the Nominating Committee considered all nominations and interviewed each nominee. We discussed with each nominee their vision statement and emphasized the significance of collegiality in UTFA as a faculty organization.

By early next week, we will provide Council with the nominees statements. As stipulated in Article 10.7 of UTFA Bylaws, please note:

In no way shall the recommendations of the Nominating Committee be interpreted as other than recommendations. After the Nominating Committee has communicated the slate of nominees, nominations will be accepted until May 10, allowing members of Council time to propose additional nominations in writing.

Cordially,

2018 Nominating Committee
Mohamad Tavakoli, Chair
Connie Guberman
Victoria Skelton
Alan White

From: Faculty <faculty@utfa.org>
Date: Thursday, May 3, 2018 at 8:22 AM
To: Council_A <council_a@utfa.org>, Council_B <council_b@utfa.org>
Subject: Update from the UTFA Nominating Committee

Dear Colleagues,

As a follow-up to our message of 44 [10] April 2018, which appears below, please note that the role of the Nominating Committee is to recommend a slate of nominees to fill the vacant positions on the UTFA Executive Committee. Because this is an election year in which the President is elected, we are a little behind schedule. Please accept our apologies.

The list of positions on the Executive Committee for which the incumbent has indicated that they are not returning is:

1. Vice-President, Salary, Benefits, Pensions & Workload
2. Vice-President, University and External Affairs
3. Chair, Equity Committee
4. Chair, Librarians Committee
5. Chair, Membership Committee
6. Chair, Retired Members Committee
7. Member-at-Large
8. Member-at-Large

We intend to produce a slate of one or more nominees for each of these positions to be considered at UTFA Council on May 15, 2018. Council members may also submit written nominations (including self-nomination) for any or all of these positions to be considered at UTFA Council.

As agreed during the last Council meeting, we will release our nomination by 8 May 2018.

Cordially,

2018 Nominating Committee
Mohamad Tavakoli, Chair
Connie Guberman
Victoria Skelton
Alan White

From: Faculty <faculty@utfa.org>
Date: Tuesday, April 10, 2018 at 10:07 AM
To: Council_A <council_a@utfa.org>, Council_B <council_b@utfa.org>
Subject: Request from the 2018 Nominating Committee--Self Nomination

Dear Colleagues,

As a follow-up to the email earlier today, please note that the Nominating Committee also welcomes self-nominations.

If you are interested in a position on the UTFA Executive and wish to discuss this with the Nominating Committee, please contact us as soon as possible.

The UTFA Nominating Committee will make every effort to be transparent and inclusive, so please feel free to contact us to discuss your future candidacy.

Best regards,

2018 Nominating Committee
Mohamad Tavakoli <m.tavakoli@utoronto.ca>, Chair
Matthew Allen <matthew.allen@daniels.utoronto.ca>
Connie Guberman <c.guberman@utoronto.ca>
Victoria Skelton <victoria.skelton@utoronto.ca>
Alan White <awhite@rotman.utoronto.ca>

From: Chris Penn <penn@utfa.org>
Date: Tuesday, April 10, 2018 at 8:38 AM
To: Council_A <council_a@utfa.org>, Council_B <council_b@utfa.org>
Subject: Request from the 2018 Nominating Committee

Dear Colleagues,

As noted at the last Council meeting, the following UTFA Executive Committee positions will be vacant, or will reach the conclusion of their two-year terms by the end of the current academic year:

Equity
Grievance

Librarians
Member-at-Large
Membership
Retired Members
VP, Salary, Benefits, Pension, and Workload
Teaching Stream
VP, University & External Affairs

For your reference, please refer to the attached list.

We would be grateful if you could nominate dynamic and responsible colleagues to serve in these positions on the UTFA Executive. This ***Friday, April 13*** is the deadline for these nominations.

According to the UTFA Bylaws (Article 10.4), the Nominating Committee will be soliciting “recommendations from the incumbent President and Executive Committee members, as well as Council.” As this article explains, “The nominees will be colleagues who can be relied upon to be effective, responsive, creative and dedicated and also have the understanding of what it takes to have a responsible position in a collegial organization and to help enhance trust among colleagues.”

We thank you in advance for your timely collaboration.

Cordially,

2018 Nominating Committee
Mohamad Tavakoli, Chair
Matthew Allen
Connie Guberman
Victoria Skelton
Alan White

From: Faculty <faculty@utfa.org>

Date: Thursday, March 29, 2018 at 10:10 AM

To: Executive <executive@utfa.org>

Subject: Message from Mohamad Tavakoli-Targhi - Chair, Nominating Committee

Dear Colleagues,

The following UTFA Executive Committee positions will be vacant, or will reach the conclusion of their two-year terms by the end of the current academic year:

Equity
Grievance

Librarians
Membership
Retired Members
Salary, Benefits, Pension, and Workload
Teaching Stream
University & External Affairs

We would be grateful if you could let us know as soon as possible—and no later than April 9th --if you are interested in continuing in your position for another term. As you know, there is a six-year limit (three consecutive terms) for each position on the Executive.

According to UTFA Bylaws (Article 10.4), the Nominating Committee will be soliciting “recommendations from the incumbent President and Executive Committee members, as well as Council.” As this article explains, “The nominees will be colleagues who can be relied upon to be effective, responsive, creative and dedicated and also have the understanding of what it takes to have a responsible position in a collegial organization and to help enhance trust among colleagues.”

We would also appreciate nominations of dynamic and responsible colleagues to serve on the Executive. Friday, April 13, is the deadline for these nomination.

We thank you in advance for your timely collaboration.

Cordially,

2018 Nominating Committee
Mohamad Tavakoli, Chair
Matthew Allen
Connie Guberman
Victoria Skelton
Alan White

--

Mohamad Tavakoli-Targhi
Professor of History, Historical Studies & Near and Middle Eastern Civilizations
m.tavakoli@utoronto.ca | [facebook.com/tavakol](https://www.facebook.com/tavakol)
Editor-in-Chief, Iran Namag: A Bilingual Quarterly of Iranian Studies
<http://irannamag.com>
Department of Near and Middle Eastern Civilizations
University of Toronto
4 Bancroft Avenue, Toronto, Ontario M5S 1C1

UTFA Executive Members Length of service / Vacancies 2018-2019-2020

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Cynthia Messenger	V-P, Griev. 2010-2016						President 2016-2018			
Louis Florence								Treasurer 2017-2019		
Claude Evans				Teaching Stream 2014-2016			Member-at-Large 2016-2017	Appointments 2017-2019		
Aurel Braun								Member-at Large 2017-2019		
Azita Taleghani								Member-at Large 2017-2019		
Ken MacDonald							V-P, SBP 2016-2018			
Terezia Zoric				Equity 2013-2017			V-P, Griev. 2016-2018			
Linda Kohn			Member-at-Large 2012-2014		V-P, U&EA 2014-2017					
Roy Gillis							Equity 2016-2018			
Kathleen Scheaffer							Librarians 2016-2018			
Mohamad Tavakoli-Targhi								Membership 2017-2018		
Kent Weaver						Retired Members 2015-2017		Retired Members 2017-2018		
Kass Banning							Teaching Stream 2016-2018			
Harriet Sonne de Torrens			Librarians 2010-2016				Member-at-Large 2016-2018			

Nominating Committee 2018

Alan White

Connie Guberman

Matthew Allen

Mohamad Tavakoli-Targhi (Chair)

Victoria Skelton

faculty@utfa.org

APRIL 25, 2018

MEMORANDUM OF AGREEMENT

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO (THE
"UNIVERSITY")

-AND-

THE UNIVERSITY OF TORONTO FACULTY ASSOCIATION (THE "ASSOCIATION"
OR "UTFA")

By the signature of authorized representatives hereunder the parties agree as follows:

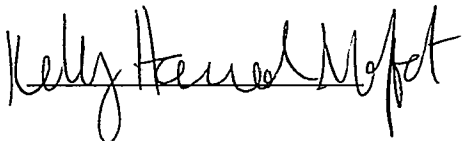
1. The signed April 25, 2018 Memorandum of Settlement attached hereto and the Senior College document attached hereto will be recommended unanimously by the respective negotiating teams to their respective principals for ratification. In this regard the parties waive the conditions in the second recital paragraph of the signed April 25, 2018 Memorandum of Settlement attached hereto.

2. With respect to unresolved issues related to Workload, PTR Guidelines and Salary Anomaly the parties agree to engage in facilitated discussions with William Kaplan on May 17th and 30th, 2018, and if necessary other dates as may be mutually agreed or directed by the facilitator. William Kaplan will remain seized as mediator-arbitrator with respect to these matters. The above is without prejudice or precedent to the University's position on whether PTR Guidelines and Salary Anomaly are arbitrable under Article 6 of the MOA and the University's ability to raise a preliminary objection in this regard if these matters proceed to arbitration.

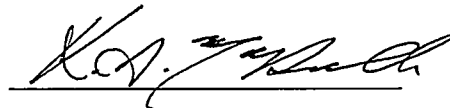
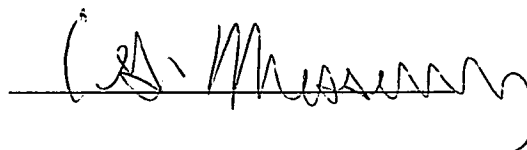
3. All other proposals are withdrawn.

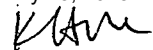
Dated at Toronto this 25th day of April 2018

For the University



For the Association


_____



APRIL 25, 2018 UNIVERSITY CONFIDENTIAL AND WITHOUT PREJUDICE
SETTLEMENT OFFER

MEMORANDUM OF SETTLEMENT

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO

(the "University")

-and -

THE UNIVERSITY OF TORONTO FACULTY ASSOCIATION

(the "Association" or "UTFA")

CONFIDENTIAL AND WITHOUT PREJUDICE MEDIATION WITH WILLIAM KAPLAN -
CONDITIONAL AGREEMENT RE ARTICLE 6 SALARY, BENEFITS AND WORKLOAD

The terms and conditions of this confidential and without prejudice mediation agreement shall remain confidential unless or until the condition is met, or the parties mutually agree otherwise.

All of the terms and conditions of this conditional agreement are subject to mutual agreement on any amendments to the Workload Policy, in mediation with William Kaplan on or before April 25, 2018 and the PTR Guidelines, the salary anomaly proposal, the senior college proposal and the licensed software proposal in mediation with William Kaplan on or before April 25, 2018, or thereafter as agreed to by the parties. The reference to PTR Guidelines, salary anomaly, senior college and licensed software in this paragraph is without prejudice or precedent to any position the University has taken or may take that these matters do not fall within the scope of mediation or arbitration under Article 6.

The negotiating committees of the University and the Association have met and negotiated pursuant to the provisions of Article 6 of the Memorandum of Agreement, including in mediation with William Kaplan as mediator/arbitrator, and have reached agreement on the terms and conditions set out herein, subject to the condition set out above.

The parties agree that they will recommend any final mediated settlement unanimously to their respective principals.

The terms of this agreement are as follows:

1. TERM

This agreement is for 2 years commencing July 1, 2018 and ending June 30, 2020

AGREED

2. COMPENSATION

(a) Salary

- July 1, 2018 1.9 % across-the-board salary increase
- July 1, 2019 2.0 % salary increase paid as follows:
- 1% across-the-board
- 1.0 % paid as a flat dollar amount of \$1,630 per full-time member, pro-rated for part-time members:

(b) PTR

PTR for July 1, 2018 utilizing the PTR model in the November 2015 Memorandum of Settlement and June 2017 Memorandum of Settlement and utilized beginning with the July 1, 2016 PTR exercise. For this purpose, the reference point will be \$163, 970.

PTR for July 1, 2019 utilizing the PTR model used prior to the November 2015 Memorandum of Settlement – i.e. as last utilized with the July 1, 2015 PTR exercise.

PTR breakpoints and increments will move by 1.9 % for the June 30, 2019 PTR exercise and by 2.0 % for the June 30, 2020 PTR exercise./

(c) Days (Librarians)

The parties are not in agreement with the title or description of the days (Librarians). Without prejudice or precedent to either parties' position in this regard:

Effective July 1, 2018 increase the number of days (Librarians) available for each librarian from 10 to 12 days as per existing practice.

Effective July 1, 2019 increase the number of days (Librarians) available for each librarian from 12 to 14 days as per existing practice.

Under exceptional circumstances, a librarian may apply to take more than the number of days available as set out above. Any additional days will require approval of the librarian's manager as well as the approval of the University Chief Librarian or her/his their designate.

3. LTD

See March 27, 2018 8:30 p.m. document attached hereto as Appendix "A".

AGREED

4. PER COURSE STIPEND AND OVERLOAD RATE

Effective July 1, 2018: \$17,544

Effective July 1, 2019: \$17,895

AGREED

5. BENEFITS

- (a) Effective July 1, 2018 introduce partial coverage for Continuous Glucose Monitoring for Type 1 Diabetes under the EHC plan as follows:

Plan participants with diagnosed type 1 Diabetes, who have a treating specialist's recommendation (submitted to Green Shield for prior approval) that they utilize a Continuous Glucose Monitor (CGM), will be eligible for partial reimbursement of equipment and supplies as follows:

In any 12 month period, commencing with the first claim:

- CGM Transmitters – **90% reimbursement** to a maximum \$1000 / 12 months
- CGM Sensors – **90% reimbursement** to a maximum of \$2,000 / 12 months
- CGM Receiver – **90% reimbursement** to a maximum of \$600 every 3 years

Reimbursement under this plan is subject to eligible claims first being submitted to the Provincial Assistive Devices Program should coverage become available for CGM or related supplies.

If participating in a monthly subscription plan with a CGM provider, invoice and receipts submitted for reimbursement must clearly show the amount paid separately for transmitters and sensors.

Note: Faculty and Librarians who are currently in receipt of a better benefit than the benefit set out above will be grand-parented and maintain the better benefit they currently receive.

AGREED

Vtm

(b) Pregnancy/Adoption/Primary Caregiver/Parental Leave for Faculty and Librarians

The parties will revise existing policies consistent with Appendix "B" attached hereto.

AGREED

(c) Gender Affirmation Leave

Faculty members and librarians who provide a certificate from an appropriate medical practitioner confirming that the faculty member or librarian requires a leave(s) of absence for the treatments and procedures related to gender affirmation are entitled to a paid leave(s) of absence for such purposes.

AGREED

(d) University Faculty and Staff Housing and Loan Program

The parties note that many years have passed since the University Faculty and Staff Housing and Loan Program (the "Program") has been revised and that there have been significant increases to the cost of housing over that period. Accordingly, following the completion of this mediation/arbitration process, the University and UTFA will convene a small group to review and discuss the current Program, including considering what other universities do in this regard.

AGREED

(e) Psychologist and Mental Health Benefit

July 1, 2018, expand coverage under the existing Registered Psychologist benefit to include Registered MSW and Registered Psychotherapists, and increase the overall combined maximum coverage from \$2,000 to \$3,000 per person/plan year.

AGREED

(f) Paramedical Benefits

- Effective July 1, 2018, increase the combined paramedical maximum from \$950 to \$1,250/person/plan year.
- Effective July 1, 2018, remove the requirement for a doctor's letter for registered massage benefits.

(g) Childcare Subsidy

That coverage under this benefit be revised to remove the age cap for children with documented disabilities.

Representatives of the University will meet with representatives of UTFA to discuss streamlining the document process related to the Child Care Subsidy. William Kaplan will be seized as mediator/arbitrator if the parties are unable to resolve issues regarding the streamlining of the document process, without prejudice or precedent to either party's position on whether or not this is an arbitrable issue regarding salary, benefits or workload under Article 6 of the MOA.

(h) Compassionate Care Benefit

Please see section on Disruptions to Research at www.research.utoronto.ca/faculty-and-staff/manage-your-research-funding/spending/ and the assistance indicated therein will continue to be available.

AGREED

(i) Audio Benefit

- Effective July 1, 2018 increase the reimbursement for hearing aids from \$500/ear to \$750/ear every 3 years.
- Effective July 1, 2019 increase the reimbursement for hearing aids from \$750/ear to \$1000/ear every 3 years.

AGREED

(j) Vision Benefit

- Effective July 1, 2018, increase vision care from \$400 to \$450 every 24 months.

AGREED

(k) Dental

Increase major restorative by \$300 to \$2,800 effective July 1, 2018, still 80% employer paid.

AGREED

6. PENSIONS

Pension Plan Maximum

The mechanism set out in paragraph 10 of the November 21, 2015 MOS will continue for the additional calendar years 2019 and 2020 with William Kaplan remaining seized as mediator-arbitrator.

AGREED

7. Equal Pay for Equal Work Provisions of the ESA

See Appendix "C" attached hereto.

AGREED

8. Research or Study Leave for Librarians

Issues related to librarian research and study leave, including inclusion in Article 4 of the MOA, to be discussed at Librarian side-table on librarian policy. If no agreement, and without prejudice to whether any aspect of librarian research and study leave falls within the binding arbitration jurisdiction of Article 6, Kaplan to remain seized of any aspect that falls within Article 6 binding arbitration.

AGREED

9. William Kaplan will be seized as mediator-arbitrator of any issues concerning the implementation, interpretation, administration, application or alleged breach of the terms and conditions of this Memorandum of Settlement.

10. All other proposals are withdrawn.

11. This Memorandum of Settlement may be signed in any number of counterparts with the same effect as if all parties had signed the same document. All counterparts, including facsimile or email pdf signatures shall be construed together and shall constitute one and the same agreement.

DATED at Toronto this 25th day of April, 2018

FOR THE UNIVERSITY

Per: [Signature]

Per: [Signature]

Per: David Cameron

FOR THE ASSOCIATION

Per: [Signature]
ROBERT JAIN HARRINGTON
V-P, SALARY, BENEFITS, ACTION, WORKLOAD.

Per: [Signature]
Cynthia Messenger
President, IATFA

Per: [Signature]

Terezia J. Zoric
Vice-President, Grievances
IATFA

Handwritten mark

Per: Jim C. A. G. 1

Per: Kent Weaver
KENT WEAVER
CHAIR, ROTISSA MUMFORDS COMMITTEE

Per: [Signature]

Per: KASA
Kathleen Scheaffer
chair, librarians Committee

Per: _____

Per: [Signature]
MEMBER OF COUNCIL

APPENDIX "A"

March 27, 20172018 - 587:30 pm

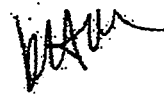
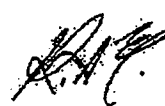
U of T and UTFA Confidential and Without Prejudice Mediation with William Kaplan

LTD - U of T Proposal

The University proposes:

The Working Group established in the October 15, 2015 Letter of Understanding Re Joint Working Group on LTD Plan Design/Funding attached to the 2015 Memorandum of Settlement (the "Letter of Understanding") will continue under the same terms, except as follows:

- a. The Administration will provide information as per paragraph 3 of the Letter of Understanding no later than ~~October 15~~ May/July 15, 2018. This will include data up to and including 2017/18 as available.
- b. The Working Group will meet by ~~November~~ May 31/September 15, 2018.
- c. The Working Group will review plan design and funding options and make recommendations for ~~p~~Plan design and best funding options for a faculty and librarians Plan (it being understood that the review and recommendations may cover any options) to enable moving forward with an RFP, no later than March 31/November 30, 2018~~January 15,~~ 2019.
- d. ~~The University will establish an LTD RFP advisory group or groups to provide input into the LTD RFP process in April, 2019, with representation from UTFA and other employee groups. The~~ Administration will provide UTFA with a draft Request for Proposals (RFP) for comment no later than ~~February 28~~ March 31, 2019; UTFA will respond by March 31/April 30, 2019.
- e. ~~The University Administration~~ will issue the RFP no later than ~~July May 31~~ June 30, 2019. Results will be shared with UTFA and the LTD Advisory Working Group no later than ~~September 30~~ July 31/August 31, 2019.
- f. ~~The result of the RFP Working Group will consider the options arising out of the RFP process, including premium structure, and make final recommendations for Plan Design and funding for UTFA and for other employee groups will be made an LTD plan no later than December 31~~ October 31, 2019, with implementation for July 1,



2020 of the LTD plan will occur as soon as practicable, and no later than July 1, 2020.

i) —

g. Failing agreement by that date October 31, 2019, or such later date as may be agreed by the Working Group, either party may refer the matter for arbitration before William Kaplan as per paragraph 4 of the Letter of Understanding.

h. The timelines in this agreement may be extended by mutual agreement of the parties or by Mr. Kaplan at the request of either party and such agreement shall not be unreasonably withheld.

Any dispute over the relevance of the information requested as per paragraph a) or the timeliness within which it is being provided will be resolved by Arbitrator Kaplan on a summary and expedited basis

The timelines in this agreement may be extended by mutual agreement of the parties or in exceptional circumstances of ordered by Arbitrator Kaplan.

APPENDIX "B"

U OF T AND UTFA – CONFIDENTIAL AND WITHOUT PREJUDICE MEDIATION WITH WILLIAM KAPLAN

MARCH 23, 2018

PROPOSAL FOR PREGNANCY/ADOPTION/PRIMARY CAREGIVER LEAVE FOR FACULTY AND LIBRARIANS

For faculty and librarians who qualify for top up, the following would apply effective July 1, 2018.

Changes from current to proposed are highlighted in yellow.

	Pregnancy/Adoption/Primary Caregiver leave (paid)	Parental leave (paid)	Parental leave (unpaid)	Total max leave
Birth parent (current)	20 weeks: 2 weeks' waiting period for EI maternity leave (@95%) Plus 15 weeks' top up EI mat leave benefit (to 95%) Plus 3 weeks' top up EI parental leave benefit (to 95%)	10 weeks' top up EI parental leave (to 95%)	22 weeks	52 weeks
Birth parent (proposed)	20 weeks: 1 week waiting period for EI maternity leave (@97%) Plus 15 weeks' top up EI mat leave benefit (to 97%) Plus 4 weeks' top up EI parental leave benefit (to 97%)	10 weeks' top up EI parental leave (to 95%)	48 weeks	78 weeks
Adoptive parent & primary caregiver (current)	20 weeks: 2 weeks' waiting period for EI parental leave (@95%) Plus 18 weeks' top up EI parental leave (to 95%)	10 weeks' top up EI parental leave (to 95%)	22 weeks	52 weeks
Adoptive parent & primary caregiver (proposed)	20 weeks: 1 week waiting period for EI parental leave (@97%) Plus 19 weeks' top up EI parental leave (to 97%)	10 weeks' top up EI parental leave (to 95%)	33 weeks	63 weeks
Non-birth parent (current)	N/A	10 weeks' top up EI parental leave (to 95%) including pay at 95% for 2 week waiting period if applicable.	27 weeks	37 weeks
Non-birth parent (proposed)	N/A	10 weeks' top up EI parental leave (to 97%) including pay at 97% for 1 week waiting period at if applicable	53 weeks	63 weeks

APPENDIX "C"

Item 7b
Council - May 15, 2018

March 27, 2018 -- University 5:45 pm

U of T and UTFA Confidential and Without Prejudice Mediation with William Kaplan

Proposal regarding the Equal Pay for Equal Work Provisions of the ESA

1. The University and UTFA agree that any part-time faculty member or librarian or group of part-time faculty members or librarians who alleges a breach of section 42.1 of the ESA will pursue such a complaint through the grievance process set out in Article 7 of the MOA, with written grievances commencing at Step 3 and up to and including Step 4 being referral to and final and binding adjudication by the Grievance Review Panel.

2. Without precedent or prejudice to either party's position on Article 7, the parties agree that UTFA can bring a grievance on behalf of one or more part-time faculty and/or librarian members in an academic unit or library department where at least one part-time faculty and/or librarian member in the academic unit or library department has raised with UTFA an alleged breach of s. 42.1 of the ESA.

3. Complaints concerning part-time faculty members or librarians of a breach of section 42.1 may initially be raised/discussed on a mutually agreed without prejudice basis at ad hoc meeting(s) to be scheduled from time to time as necessary between representatives of the University (e.g. the Vice-Provost Academic and in-house counsel) and UTFA (e.g. the UTFA President and/or Grievance Officer and/or in-house counsel).

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4. If following a meeting under paragraph 3 above the complaint was not resolved a grievance could be filed at Step 3. For clarity, a grievance may be also be filed directly at Step 3 without first being discussed in the ad hoc meeting described in paragraph 3.

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5. If following the Step 3 grievance process a grievance was referred to the GRP at Step 4 the parties would consider agreeing to a mediation with Mr. Kaplan before any adjudication before a panel of the GRP on the understanding that Mr. Kaplan's involvement as mediator would not disqualify him from sitting as the Chair of a panel of the GRP in respect of the grievance.

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6. The "reprisal prohibited" provisions of Section 74(1) of the ESA would be applicable in respect of complaints or grievances under the MOA relating to an alleged breach of Section 42.1 of the ESA.

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7. Where appropriate, the parties will expedite the complaint, mediation, and grievance processes.

SK
RAM

April 25, 2018

U of T and UTFA Confidential and Without Prejudice Mediation with William Kaplan

This proposal is made without prejudice or precedent to the University's position that the Senior College issue is not subject to arbitration under Article 6 of the MOA.

Provided that UTFA withdraws its Senior College Proposal

Senior College

The University continues to support Senior College with space, staffing and other resources as set out in the Letter of Understanding between the University and UTFA with regard to retired faculty and librarians dated March 14, 2005.

In 2008 support included a Senior Staff position at 0.5 FTE. The position was increased to 0.6 FTE in 2014. In 2015 UTFA agreed to provide additional funding for the Senior Staff position in an amount equivalent to 0.4 FTE.

The current salary for the Senior Staff position is \$83,195.00 per year with the University's 0.6 FTE share representing \$49,917 per year and UTFA's 0.4 FTE share representing \$33,278.50 per year. UTFA has given notice that it will cease providing this funding in September of 2018.

The University is currently undertaking a staffing review of the Senior Staff position in order to best understand the staffing requirements in light of UTFA's decision to withdraw its funding support. During the period July 1, 2018 to June 30, 2020, the University will continue to fund the Senior Staff position. Further, in the event that the staffing review indicates that the Senior Staff position be a less than 1.0 FTE position the University will for the same period continue to provide funds equivalent to a 1.0 FTE to support the Senior College. For clarity and by way of example, if the staffing review determined that after September of 2018 the Senior Staff position should be 0.75 FCE (i.e. \$62,396.64 per year based on the current 1.0 FTE salary of \$83,195.50 per year) the balance of funds equivalent to 0.25 FCE (i.e. \$20,798.88 per year based on the current 1.0 FTE salary of \$83,195.50 per year) would be made available to Senior College by the University to be used for other supports.

Item 7a:

The Executive Committee recommends that:

Council ratify the signed April 25, 2018 Memorandum of Settlement and the April 25, 2018 proposal regarding Senior College.

Item 10a

Kathleen Scheaffer moves that:

Alexia Loumankis from the Bora Laskin Library be added to the Librarians Committee.

Report of the Chair of the Appointments Committee
Council Meeting, May 15 Meeting

The Chair of the Appointments Committee recently organized two events : the *Tenure Workshop* on Monday April 16, 10 a. m. – 11 :30 a. m. and the *Part-Time Appointments at the University of Toronto : Challenges and Stengths Conference* April 30-May 1st. The *Tenure Workshop* has been offered annually for some time but the *Part-Time Appointments* event was a first.

On April 16 Emma Phillips led the Workshop. Emma is a lawyer from Goldblatt Partners who has frequently represented UTFA in a range of workplace disputes and grievance arbitrations relating to tenure. Helen Nowak General Counsel at UTFA and Terezia Zoric, Vice-President Grievances at UTFA also participated. The event was attended by 17 members, all on the 6-year tenure clock.

On April 30 the three speakers in the panel which took place from 3 p. m. to 5 p. m. were Louise Birdsell Bauer, Sarika Bose and Frankie Cachon.

Dr Louise Birdsell Bauer is a CAUT Research Officer who specializes in the employment and working conditions of contract academic staff (CAS) in Canadian universities and colleges. Her work has been published in *Labor Studies Journal*, *Work, Employment & Society* and the *Canadian Review of Sociology*. Her Ph.D. thesis is entitled *Precarious Professionals: Contract Academic Staff in Southern Ontario Universities*. Dr Sarika Bose is a Sessional Lecturer in the department of English on the Vancouver campus of UBC. Dr Bose is Chair of CAUT Contract Academic Staff Committee and Chair of the Contract Faculty Committee in the UBC Faculty Association. Dr Frankie Cachon, a Sessional Instructor in Women's and Gender Studies at the University of Windsor, is a feminist sociologist with a specialization in social justice. She is Chair of OCUFA Contract Faculty and Faculty Complement Committee.

Dr Birdsell Bauer gave a summary of the results of the recent CAUT survey for part-timers and Dr Bose and Cachon described at length the harsh conditions caused by precarity of employment in higher education in Canadian higher education. There were 30 people in attendance at this event plus the lawyers and presenters, about 40 people in total.

The panel was followed by a reception at the Faculty Club from 5:15 to 7:30.

On May 1st Cynthia Messenger gave introductory remarks which were followed by a short presentation by Kristin Cavoukian. Vice Chair of CUPE 3902, Unit 3. The Colloquium included

three sessions: Music, 10:15-11:45 a. m.; Languages and Linguistics, 12-1:30 p. m.; Sciences and Health, 2:00-3:30 p. m. with a total of 10 speakers. The sessions were shared by Cynthia Messenger, Rena Helms-Park and Judith Poë. 30 people were in attendance plus the presenters.

As the *Part-Time Appointments at the University of Toronto: Challenges and Strengths* was well received, the Chair of the Appointment Committee intends to ask for approval to plan a similar event in April or May 2019 aiming at supporting Part-timers and at showcasing their achievements and contributions.