

UTFA Council Agenda

Wednesday, October 20, 2021

3:00 – 5:00 p.m.

Zoom

-
1. Approval of the Agenda
 2. Approval of Council Speaker
 3. Minutes (S. Helwig) (5 min)
 - a. Form and content *(Executive motion)
 4. Minutes of the Previous Meetings
 - a. May 18, 2021*
 - b. June 10, 2021 - Special Council Meeting re Association Grievance Protocols Working Group Report *
 - c. September 23, 2021*
 5. Business Arising
 - a. From the Minutes of Council
 - b. From the Minutes of the Executive Committee
 - i. September 10, 2021*
 - ii. September 24, 2021*
 6. Report of the Vice-President, Grievances (5 min)
 - a. Clarification of back dues repayment in the Representation Policy (with J. Nogami)
 7. Report of the Chair of the Membership Committee (10 min)
 - a. UTFA Academic Citizenship Award update (with R. Gillis)
 - b. Communication with your constituents
 8. Report of the Chair of the Pension Committee (5 min)
 - a. Update on Terms of Reference
 9. Report of the President (50 min)
 - a. Tenure and Academic Freedom
 - b. Executive Retreat – part two
 - c. Health & Safety (with J. Nogami)
 - d. Governing Council

- e. Sexual Violence Policy
 - i. LOU facilitation
 - ii. Provincial consultation and related matters
 - f. Academic Continuity Policy Update (with D. Roberts)
 - g. Association Grievance Updates
 - i. Salary Discrimination
 - ii. Pay Equity
 - iii. COVID & Health and Safety
 - iv. Divisional Guidelines on the Assessment of Teaching Effectiveness
 - v. Student Evaluations of Teaching (SET)/ Student Course Evaluations (SCE)
 - vi. Faculty of Law Hiring Controversy
 - vii. UTM Shuttle Bus (not filed)
 - viii. Teaching Stream Workload (in preparation/tentative) (with S. Helwig)
 - h. Council Speaker
10. Timed break – 4:00 pm (5 min)
11. Report of the Vice-President, Salary, Benefits, Pensions, and Workload (15 min)
- a. SBPW Bargaining update (with T. Zorić)
 - b. Update on Policies for Librarians Negotiations (with K. Scheaffer)
12. Report of the Chair of the Appointments Committee (5 min)
- a. Barriers to Research Project (with M. Attridge)
13. Report of Vice-President, University and External Affairs (5 min)
- a. Victoria College and St Mike's update (with M. Attridge)
 - b. OCUFA's consultation related to the AODA
14. UTFA 50th Anniversary Working Group (J. MacDonald with T. Zorić) (5 min)
15. Report of the Executive Director (5 min)
- a. CUPE 1281 collective agreement settlement (with J. Nogami)
 - b. UTFA staff & UPP
 - c. Articling Student
16. Other Business
- a. Approval of Committee members
 - i. Financial Advisory Committee – Lisa Kramer, UTM Management
 - ii. Librarians Committee - Mason, James, Metadata & Digital Initiatives Music Librarian
 - b. Winter Term Council Meetings – 3:00–5:00 p.m.
 - i. Tuesday, November 16, 2021
 - ii. Tuesday, December 14, 2021
17. Adjournment

* materials attached

Motions to the October 20, 2021

UTFA Council Meeting

The Executive Committee recommends to Council that UTFA minutes contain mainly a record of what was done at the meeting, not what was said by the members. Accordingly, debate and commentary will not be included in UTFA minutes. However, immediately following a vote, a voting member can request that their dissenting vote or abstention be officially noted by name in the minutes to preserve the members' position for the record.



720 Spadina Avenue, Suite 419
Toronto, ON M5S 2T9

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

UTFA Council Minutes

Tuesday, May 18, 2021

3:00 – 5:00 p.m.

Zoom

Executive: K. Adamson, M. Attridge, K. Banning, A. Braun, A. Giacca, R. Gillis, J. Macdonald, B. McDonagh, J. Nogami, D. Roberts, S. Rupp, H. Sonne de Torrens, M. Stapleton, T. Zorić

Present: V. Arora, J. Bale, E. Barbeau, C.H. Chen, L. Chen, E. Comelli, C. Desai, G. de Souza, S. Darnell, M. Dubber, A. Fenner, E. Fillion, D. Gastaldo, W. Ghobriel, G. Grasselli, P. Gries, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, A. Keith, W. Kemble, E. Kim, T. Kirsch, R. Kluger, R. Kwong, R. Levine, C. Messenger, F. Murnaghan, N. Niknafs, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, K. Scheaffer, A. Siddiqi, M. Spence, L. Stewart Rose, J Taylor, M. Vieta, S. Wagner, K. Weaver, A. White, Z. Zhang, A. Zilman

Regrets: N. Wiseman

Absent: R. Gomez

Also present: R. D'souza (Special Project Senior Strategic Communications Director and Policy Analyst)
S. Helwig (UTSC - Arts, Culture & Media)
M. Horban (Business Officer)
K. Johnson (Executive Director)
H. Nowak (General Counsel)
C. Penn (Notes and Senior Administrative Assistant)
S. Olexson (Counsel)
E. Phillips (Goldblatt Partners)
D. Puscas (Communications Officer)
J. Thiessen (Executive Assistant)

D. Roberts called the meeting to order at 3:02 p.m.

1. Approval of the Agenda

Motion by M.A. Guttman, seconded by S. Rupp, that the agenda be approved as distributed. **Carried.**

2. Minutes of the Previous Meetings

a. April 20, 2021*

As there were no changes to the April 20, 2021 Council 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 Minutes of the Executive Committee

- i. April 9, 2021 *
- ii. April 22, 2021 *
- iii. April 23, 2021 *
- iv. May 13, 2021 *

Motion by J. Bale, seconded by J. Taylor, that the Council members who had access to confidential grievance information name themselves and say how they got that information.

The members discussed the motion.

D. Roberts called for a vote on the motion. The members requested a recorded vote. D. Roberts asked if there were any objections. There were none.

Carried. The result was 60% in favour (34), 14% against (8) and 26% abstained (15).

34 votes in favour: K. Adamson, M. Attridge, J. Bale, K. Banning, C.-H. Chen, S. Darnell, C. Desai, G. De Souza, A. Fenner, D. Gastaldo, W. Ghobriel, R. Gillis, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, W. Kemble, E. Kim, R. Kwong, B. McDonagh, F. Murnaghan, N. Niknafs, J. Nogami, S. Ruddick, K. Scheaffer, A. Siddiqi, H. Sonne de Torrens, M. Spence, M. Stapleton, L. Stewart Rose, J. Taylor, S. Wagner, Z. Zhang

8 votes against: L. Chen, E. Fillion, R. Kluger, R. Levine, J. Macdonald, C. Messenger, H. Rodd, S. Rupp

15 abstained: V. Arora, E. Barbeau, A. Braun, E. Comelli, M. Dubber, A. Giacca, P. Gries, A. Keith, T. Kirsch, M. Pęski, J. Poë, M. Vieta, K. Weaver, A. White, A. Zilman

4. Report of the Chair of the Nominating Committee (5 min) (J. Nogami)

a. Nomination of the Chief Returning Officer * (Executive motion)

Motion: The Executive Committee recommends to Council that M. O'Connor be the Chief Returning Officer for the Executive elections at Council. **Carried.**

b. Report of the Nominating Committee *

J. Nogami presented the report of the Nominating Committee. On May 1, 2021, the Nominating Committee recommended the following candidates to Council.

Chair, Teaching Stream Committee – Sherri Helwig – Term ends 2023
 Chair, Appointments Committee – Leslie Stewart Rose – Term ends 2023
 Member-at-Large – Whitney Kemble – Term ends 2023
 Member-at-Large – Nasim Niknafs – Term ends 2023

J. Nogami said that statements for the above noted candidates were circulated to Council on May 5. As of May 10, the committee had received two additional nominations from Council:

Chair, Appointments Committee – Giovanni Grasselli – Term ends 2023
 Member-at-Large – Anton Zilman – Term ends 2023

J. Nogami said that at today's meeting there will be elections for the Chair, Appointments Committee (two candidates) and for the Member-at-Large seats (three candidates for two seats). He noted that the candidate statements for all the above candidates were circulated on May 11.

J. Nogami thanked the members of this year's Nominating Committee—Rena Helms-Park, Alison Keith, Azita Hojatollah Taleghani, and Kent Weaver—for their invaluable contributions.

5. Executive Committee elections (45 min)

D. Roberts outlined the procedure for the election and voting. Candidates would have three minutes to speak and then up to five minutes for questions from the floor. The vote would then take place by Zoom poll. D. Roberts said that we have a Chief Returning Officer to oversee these elections with the assistance of staff.

D. Roberts asked G. Grasselli and L. Stewart Rose to give their presentations for the position of Chair, Appointments Committee.

G. Grasselli and L. Stewart Rose gave their presentations. Each presentation was followed by questions from the floor.

Election for Chair, Appointments Committee.

M. O'Connor announced the results of the election.

Chair, Appointments Committee:

Giovanni Grasselli 17 votes

Leslie Stewart Rose 41 votes

There were 58 eligible votes, and no ballots were spoiled.

D. Roberts asked W. Kemble, N. Niknafs and A. Zilman to give their presentations for the Member-at-Large position.

W. Kemble, N. Niknafs and A. Zilman gave their presentations. Each presentation was followed by questions from the floor.

D. Roberts set out that there are three names on the poll and members may vote for up to two candidates. Voting for all three names will spoil the ballot.

Election for two Member-at-Large positions.

M. O'Connor announced the results of the election.

Member-at-Large:

Whitney Kemble 42 votes

Nasim Niknafs 40 votes

Anton Zilman 17 votes

There were 57 eligible votes, and no ballots were spoiled.

6. Report of the Association Grievance Protocol Working Group (25 min) (T. Zorić and B. McDonagh)

a. Report *

J. Nogami said that he is proposing having a separate Council meeting to discuss the report of the Association Grievance Protocol Working Group and the minority report.

There was no objection.

b. Motions on recommendations * (Executive motions)

This item was deferred.

7. Timed Break: 4:00 p.m. (5 min)

8. Report of the Pension Committee (5 min)

a. UTFA statement on the Statement of Investment Policies and Procedures *(SIPP)

This item was deferred.

b. Special Meetings regarding pensions

T. Zorić said that she is aware that Council needs time to hear and discuss the Report of the Pension Committee. A special Council meeting on pensions will be arranged.

9. Report of the Vice-President, Salary, Benefits, Pensions, and Workload (15 min)

a. Supplementary Account Plan (SAP) * (with T. Zorić) (Executive motion)

This item was deferred.

b. SBPW Bargaining update (with T. Zorić)

T. Zorić said that a membership bargaining town hall meeting will be arranged in the coming months.

10. Report of the President (20 min)

a. Sexual Violence LOU Negotiating Team* (Executive Motion)

Motion: The Executive Committee recommends to Council that Brian McDonagh and Kyla Everall be approved as members of the Sexual Violence Policy LOU negotiating team.

Carried.

b. Privacy Policy Negotiating Team * (Executive Motion)

This item was deferred.

c. Confidentiality Breach * (Executive Motion)

This item was deferred.

d. Health and Safety/Central Health and Safety Committee

- i. Legionella
- ii. Asbestos (with A. Giacca)

These items were deferred.

e. CAUT Censure (with R. Gillis)

T. Zorić said that we are aware that CAUT censure is on members' minds and she is preparing an email to send to Council. We intend to have a follow-up education session on this issue.

f. Ontario College of Art & Design University (OCAD U) termination of 6 librarians (with Harriet Sonne de Torrens)

H. Sonne de Torrens said that on May 5 the four senior OPSEU librarians at OCAD U received notice that their positions were going to be terminated on June 1 without any collegial process (i.e., involving faculty, librarians, and students, rather than an executive committee and the governing board). She is networking with a group of colleagues in a large network, with the guidance of R. Gillis, K. Scheaffer, M. Attridge, and T. Zorić. Letters of support are coming in from a wide range of institutions.

g. Workload Policy (WLPP) and Unit Workload Policy (UWP) committee work

T. Zorić asked members to let her know if they are being pressured to do hybrid teaching in the fall. We are hearing that departments are giving members multiple options and she wants to know if people are being given a real choice or if they are being pressured.

h. Association Grievances updates

This item was deferred.

i. Joint Committee *

This item was deferred.

11. Report of the Vice-President, University and External Affairs (5 min)a. Update on the Laurentian University Solidarity Working Group

This item was deferred.

12. Timed Item: 4:55 pm Approval of members to UTFA Committees (5 min)

a. Teaching Stream Committee

- i. Ellen Katz, Faculty of Social Work
- ii. Paul Gries, Department of Computer Science

b. Equity Committee

- i. Joseph Berkovitz, Institute for the History and Philosophy of Science and Technology
- ii. Kyla Everall, Librarian
- iii. Eve Tuck, OISE
- iv. Yigal Nizri, Department for the Study of Religion
- v. Judith Taylor, Department of Sociology
- vi. Alejandro Paz, UTSC – Anthropology
- vii. Jessica Hanley, UTM Library

c. Librarians Committee

- i. Manda Vrkljan, Industrial Relations and Human Resources Library

Motion by R. Kluger, seconded by R. Kwong, that the committee members be approved as listed. **Carried.**

13. Other Business

- a. Winter and Summer Term Council Meetings – 3:00–5:00 p.m.
 - i. Wednesday June 23, 2021

14. Adjournment

Motion by J. Poë, seconded by R. Kwong, that the meeting adjourn. **Carried.**

The meeting adjourned at 5:45 p.m.

Chris Penn
Senior Administrative Assistant



720 Spadina Avenue, Suite 419
Toronto, ON M5S 2T9

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

UTFA Special Council Minutes

Thursday, June 10, 2021

4:00 – 6:00 p.m.

Zoom

Executive: K. Adamson, M. Attridge, K. Banning, A. Braun, A. Giacca, R. Gillis, J. Macdonald, B. McDonagh, J. Nogami, D. Roberts, S. Rupp, H. Sonne de Torrens, T. Zorić

Present: V. Arora, J. Bale, E. Barbeau, L. Chen, E. Comelli, S. Darnell, G. de Souza, M. Dubber, A. Fenner, E. Fillion, D. Gastaldo, W. Ghobriel, G. Grasselli, P. Gries, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, A. Keith, E. Kim, T. Kirsch, R. Kluger, R. Kwong, R. Levine, C. Messenger, N. Niknafs, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, K. Scheaffer, A. Siddiqi, M. Spence, L. Stewart Rose, J. Taylor, S. Wagner, K. Weaver, Z. Zhang, A. Zilman

Regrets: R. Gomez, M. Stapleton, M. Vieta, N. Wiseman

Absent: C.H. Chen, C. Desai, W. Kemble, F. Murnaghan, A. White

Also present: R. D'souza (Special Project Senior Strategic Communications Director and Policy Analyst)
M. Horban (Notes and Business Officer)
K. Johnson (Executive Director)
H. Nowak (General Counsel)
E. Phillips (Goldblatt Partners LLP)
R. Schmelzer (Notes and Bookkeeper)
J. Thiessen (Executive Assistant)

1. Approval of the Agenda

D. Roberts called the meeting to order at 4:03.

Motion by S. Rupp, seconded by B. McDonagh, that the agenda be approved as distributed.

Motion to amend by J. Poë, seconded by R. Kruger, that agenda item 3.a.ii be removed.

The members discussed the motion to remove item 3.a.ii, Response of the Working Group Co-Chairs to the Minority Report.

T. Zorić called the question.

There were no objections and D. Roberts put the question.

Failed.

Motion to amend by G. Grasselli that the order of agenda items 2 and 3 be reversed.

The members discussed the motion to reverse the order of items 2, Workshop on UTFA's obligations related to privacy and confidentiality, and 3, Report of Association Grievance Protocol Working Group.

J. Bale called the question.

There were no objections and D. Roberts put the question.

Failed.

B. McDonagh called the question on approval of the agenda.

There were no objections and D. Roberts put the question.

Carried.

2. **Timed item: Workshop on UTFA's obligations related to privacy and confidentiality led by Emma Phillips of Goldblatt Partners LLP (40 min)**

E. Phillips gave a PowerPoint presentation.

a. Questions and answers

The members posed a number of questions and E. Phillips responded to them.

D. Roberts thanked E. Phillips for her presentation.

3. **Report of Association Grievance Protocol Working Group (AGPWG):**

a. Presentation of the Working Group Report (20 min)

T. Zorić introduced the speakers who would be joining her in giving a PowerPoint presentation on the Report of the Association Grievance Protocol Working Group (see Appendix A for the full text of the report): B. McDonagh, M.A. Guttman, and J. Nogami (drawing on notes compiled with H. Sonne de Torrens).

The speakers spoke in turn, commenting on the slides in the presentation.

D. Roberts indicated that questions of clarification could be posed after the presentation of the minority report.

i. Minority Report (5 min)

J. Poë gave the minority report (see Appendix B for the full text of the report).

ii. Response of the Working Group Co-Chairs to the Minority Report (5min)

T. Zorić, speaking for herself and B. McDonagh, thanked J. Poë for clarifying the minority position. She then responded to the points in the report.

iii. Questions of clarification (10 min)

The members discussed the role of Council, the Executive Committee, and the President with regard to specific past Association grievances.

Motion by A. Zilman, seconded by E. Barbeau, that the meeting adjourn. **Failed.**

b. **Timed item:** Motions regarding Association Grievance Protocols

i. Executive motions

D. Roberts opened the floor on the Executive motions related to the AGPWG recommendations.

AGPWG Recommendation #1 and 2

1. *Both Executive and Council will be informed before an Association grievance is filed.*
2. *If timing does not allow for this process to occur during regularly scheduled Executive and Council meetings, notice of the Association grievance will be communicated by email, and if necessary, special meetings of the Executive or Council will be held.*

Executive Motion:

The Executive Committee recommends to Council to approve recommendations #1 and 2 as distributed.

AGPWG Recommendation #3

Executive Motion:

The Executive Committee recommends to Council to approve the amended recommendation #3: Council will be offered the opportunity to provide feedback on the major contours of the Association grievance. Council may refer the Association grievance back to the Executive for further discussion.

AGPWG Recommendation #4

4. *The ultimate decision of whether or not an Association grievance is filed lies with the UTFA President and Vice-President, Grievances.*

Executive Motion: The Executive Committee recommends to Council to approve recommendation #4 as distributed.

The members began discussing the motions.

Motion by J. Taylor, seconded by J. Bale, that the Executive motions be voted on together. **Carried.**

Motion by A. Braun, seconded by J. Poë, that the meeting adjourn. **Failed.**

The members continued their discussion of the motions.

Motion to amend by M. Peski, seconded by A. Braun, as follows:

- strike the current Recommendation #3 and replace it with Recommendation #3 of the original working group report as distributed:
Council will have the option to endorse the Association grievance in principle, or not. It may also refer the Association grievance back to the Executive for further consideration.

and

- strike the current Recommendation #4 and replace it with:
Council to approve Recommendation #4 from the working group report [The ultimate decision of whether or not an Association grievance is filed lies with the UTFa President and Vice-President, Grievances.] with the addition “To clarify, an Association grievance can be submitted only if it is endorsed by Council in a vote.”

The members discussed the amendments.

M. Attridge called the question on the amendments.

There were no objections and D. Roberts put the question.

Failed.

T. Zorić moved to call the question on the Executive motions.

D. Roberts put the question of whether to proceed to the question on the Executive motions.

Carried.

D. Roberts put the question on the Executive motions.

Carried.

4. Adjournment

Motion by T. Zorić, seconded by R. Gillis, that the meeting adjourn. **Carried.**

The meeting adjourned at 6:40 p.m.

Marta Horban
Business Officer

REPORT OF THE ASSOCIATION GRIEVANCE PROTOCOL WORKING GROUP

May 11, 2021

Contents

EXECUTIVE SUMMARY	2
1. Council Motions.....	4
2. Meeting Dates of the Working Group	4
3. Documents Reviewed: UTFA Constitution and Bylaws	5
A. UTFA Constitution	5
B. UTFA Bylaws.....	5
4. Document Reviewed: Legal Opinion on UTFA's Duty of Fair Representation to its Members	5
5. Documents Reviewed: UTFA Policies.....	5
A. UTFA's <i>Policy on the Provision of Advice and Representation</i> (Approved by Council on April 15, 2010)	5
B. UTFA's <i>Privacy Policy</i> (Approved by Council on February 13, 2008).....	7
6. Information Reviewed: UTFA Council's Motions with Regard to Association Grievances since 2010.....	7
A. UTFA Association Grievances – Inconsistent Governance	7
B. UTFA's Past Practice	8
7. Information Reviewed: Research on Approaches Taken at Similar Institutions.....	9
A. CAUT Research Related to Grievance Governance at U15 Faculty Associations	9
B. OCUFA Research Related to Grievance Governance of Ontario's Faculty Associations	11
8. Law Society of Ontario <i>Rules of Professional Conduct</i> for Lawyers	12
9. Principles	13
A. Duty of Fair Representation/Legal Representation Policy	14
B. Fully Informed Decision-Makers.....	14
C. Confidentiality	14
D. Timeliness.....	15
E. Transparency/Clarity in Process	15
F. Accountability.....	16
G. All Members Have a Right to Representation.....	16
10. Recommendations	16

EXECUTIVE SUMMARY

The Association Grievance Protocol Working Group (AGPWG) was formed following a Council motion. Its mandate was “to investigate and study past practices and bylaws concerning Association or policy grievances in UTFA, as well as approaches taken by similar organizations.” This Report summarizes the materials reviewed by the AGPWG and presents an overview of the working group’s key deliberations.

Beginning in mid-February 2021, the working group met on numerous occasions and reviewed the following materials: UTFA’s Constitution and Bylaws, a legal opinion on UTFA’s duty of fair representation, UTFA’s *Policy on the Provision of Advice and Representation* (the “Legal Representation Policy”) (approved by Council in 2010), UTFA’s *Privacy Policy* (approved by Council in 2008), UTFA Council motions on Association grievances since the approval of the Legal Representation Policy, a recent Grievance Review Panel decision related to UTFA’s interest in filing Association grievances, research conducted by CAUT and OCUFA on Canadian and Ontario Faculty Associations’ approaches to policy/Association grievances, and the Law Society of Ontario’s *Rules of Professional Conduct*.

A review of the CAUT and OCUFA research revealed that there is no uniform approach to governance and decision-making on Association grievances. The one consistency, however, is that none of the FAs with a council (or large body of representatives/stewards) place the decision-making authority to file Association grievances with their council.

The AGPWG determined that UTFA’s approach to Association grievances must be consistent with the following principles:

1. **Duty of Fair Representation:** UTFA’s approach must be consistent with our Legal Representation Policy (2010), which commits to representation that is in good faith, non-discriminatory, and non-arbitrary.
2. **Informed decision-makers:** Decision-makers must be fully informed of all relevant facts, jurisprudence, and documents.
3. **Confidentiality:** In keeping with our Privacy Policy (2008), UTFA must comply with the Law Society of Ontario’s requirement to maintain strict confidentiality and solicitor-client privilege.
4. **Timeliness:** Our approach must allow us to respond in a prompt, timely, and efficient way.
5. **Transparency/Clarity in Process:** Our process must be transparent and clear as relates to the rights, roles, and responsibilities of the member that may come forward; the Executive; the VP Grievances and President; and Council—even when people disagree on the substance. Individuals must be able to disagree on substance while also understanding the decision-making process.
6. **Accountability:** In keeping with the articulated roles and responsibilities found in the UTFA Constitution, Bylaws, and Legal Representation Policy, each of the individuals and groups with responsibilities for Association grievances must fulfill their obligations.

7. **Right to Representation:** The UTFA membership has a right to representation, in accordance with the Memorandum of Agreement (MoA). Consistent with the principles above, the interests of UTFA “as such” must be considered.

Recommendations

Following its review of the aforementioned materials, developing principles to guide its recommendations, and thorough debate among working group members, the AGPWG developed the following recommendations:

1. Both Executive and Council will be informed before an Association grievance is filed.
2. If timing does not allow for this process to occur during regularly scheduled Executive and Council meetings, notice of the Association grievance will be communicated by email, and if necessary, special meetings of the Executive or Council will be held.
3. Council will have the option to endorse the Association grievance in principle, or not. It may also refer the Association grievance back to the Executive for further consideration.
4. The ultimate decision of whether or not an Association grievance is filed lies with the UTFA President and Vice-President, Grievances.

1. Council Motions

The Association Grievance Protocol Working Group (AGPWG) was struck following a contentious discussion about process with respect to the filing of an Association grievance. It became evident that legal, ethical, and governance boundaries related to UTFa Association grievances needed to be reviewed and clarified.

January 19, 2021:

Motion: “The Executive Committee recommends to Council that T. Zoric and B. McDonagh co-chair and J. Nogami, M. A. Guttman, and Judith Poë be members of a grievance protocol working group to investigate and study past practices and bylaws concerning Association or policy grievances in UTFa, as well as approaches taken by similar organizations, and to submit a report with recommendations to Executive and then Council at or before the March Council meeting.”

February 18, 2021:

Motion: “That the timeline for the Grievance Protocols Working Group to report to Council be moved to the April 20 Council meeting.”

Motion: “The Executive Committee recommends to Council that H. Sonne de Torrens be added as a member to the Grievance Protocols Working Group.”

Motion: “To add A. Zilman to the Grievance Protocol Working Group.”

2. Meeting Dates of the Working Group

The Association Grievance Protocol Working Group met on the following dates:

- February 17, 2021
- March 9, 2021 (supplementary meeting with new committee member)
- March 15, 2021
- April 6, 2021
- April 9, 2021 (review of legal opinion)
- April 13, 2021
- May 11, 2021

3. Documents Reviewed: UTFA Constitution and Bylaws

- A. UTFA Constitution
- B. UTFA Bylaws

4. Document Reviewed: Legal Opinion on UTFA's Duty of Fair Representation to its Members

In 2001, UTFA sought a legal opinion on whether it owes a duty of fair representation to its members. Because UTFA is not a certified bargaining agent under the Ontario *Labour Relations Act*, it was unclear whether the duty of fair representation applied to UTFA.

Conclusions reached following the working group's reading of the 2001 Legal Opinion:

1. To avoid potential legal liability, UTFA ought to conduct itself as though it owed a duty of fair representation. (It seems this recommendation was taken up by UTFA Council in 2010 with the adoption of paragraph 6 of its Legal Representation Policy.)
2. While there is no obligation to take on all grievances, UTFA's discretion is not unfettered. UTFA is under an obligation to exercise its discretion in good faith, non-arbitrarily, and without discrimination.
3. Where a *critical interest* is at stake, including with matters involving academic freedom, discretion is substantially constrained. A good reason for not proceeding with a grievance involving academic freedom would have to be established and there would be a heightened burden to justify a decision not to proceed with such a grievance.
4. UTFA may also face obligations under the law of negligence or fiduciary law. For example, liability may arise where UTFA leads one or more members to believe that it will pursue grievances on their behalf but fails to do so without informing the member(s) and without preserving their rights to pursue alternative legal proceedings.

5. Documents Reviewed: UTFA Policies

- A. UTFA's *Policy on the Provision of Advice and Representation* (Approved by Council on April 15, 2010)

Duty of Fair Representation

In April of 2010, UTFA formally adopted the duty of fair representation into its *Policy on the Provision of Legal Advice and Representation* (Legal Representation Policy). The duty comprises three independent requirements:

- To not act in a manner that is arbitrary;
- To not act in a manner that is discriminatory; and
- To not act in bad faith.

(emphasis added)

These legal requirements mirror those set out in the Ontario Labour Relations Act, where a large body of jurisprudence has developed over time.

Our Legal Representation Policy states:

“6. In determining whether to provide or continue to provide advice or representation, UTFA, although not subject to the Ontario *Labour Relations Act*, shall not act in a manner that is arbitrary, discriminatory, or in bad faith and shall have regard to:

- a. the merits of the case and likelihood of success
- b. the interests of the members of UTFA as a whole
- c. whether UTFA has a conflict of interest in pursuing the dispute
- d. the employment-related interests of the member at stake in the dispute
- e. the financial cost to UTFA and its members
- f. whether the member has retained his or her own counsel
- g. whether the member has breached his or her obligations under this *Policy*
- h. any other relevant factors.

[...]

10. If UTFA decides not to provide advice or representation, or to discontinue advice or representation, the member may appeal the decision within fifteen working days to the President of UTFA. There shall be no further right of appeal.”

Privacy and Confidentiality

UTFA’s Legal Representation Policy also contains provisions regarding confidentiality and privacy. This language supplements the language adopted by Council in 2008 in the UTFA *Privacy Policy* (discussed further below):

14. UTFA collects its members’ personal information in order to comply with the requirements of the Law Society of Upper Canada and in order to provide its members with appropriate representation. Personal information shall be collected and handled in accordance with UTFA’s *Privacy Policy*.

15. All interactions with UTFA are confidential. Discussion among UTFA legal staff, external counsel, volunteer grievance officers, the Vice-President, Grievances, and the President, with regard to a particular member’s dispute, may occur in compliance with the terms of this *Policy* and UTFA’s *Privacy Policy*. Cases may also be discussed by the Grievance Committee, the Executive Committee, or Council in a manner which protects the confidentiality and, where possible, anonymity of the member.

B. UTFA's *Privacy Policy* (Approved by Council on February 13, 2008)**Standard of Privacy/Confidentiality**

The UTFA *Privacy Policy* was approved in February 2008, following enactment of the *Personal Information Protection and Electronic Documents Act*. In this document, the standard of confidentiality that was adopted was that of the Law Society of Upper Canada (now the Law Society of Ontario):

“7. UTFA has adopted this policy as a minimum guarantee of confidentiality. Where information is collected, used or destroyed by members of UTFA’s legal staff in the course of providing legal services, such information will also be handled in accordance with the Law Society of Upper Canada’s Rules of Professional Conduct, including the observation of strict confidentiality and solicitor-client privilege.”

6. Information Reviewed: UTFA Council’s Motions with Regard to Association Grievances since 2010

A. UTFA Association Grievances – Inconsistent Governance

UTFA Council has had an inconsistent practice when it comes to passing motions in relation to Association grievances. Since 2010, there have been sixteen motions passed on Association grievances. Of these:

- 9 Association Grievances were “endorsed,” “supported,” or “supported in principle.”
- 4 Association Grievances were filed without Council approval.
- 3 Association Grievances were “approved” or “authorized.”

The following legend is used in the list below:

BLUE= endorsed/supported

PINK=filed without approval/support/endorsement

GREEN=approved/authorized

RED=not filed after Council motion

- Faculty of Forestry = Council **endorsed** but **NOT** filed by P/VP
- Faculty of Arts and Science Academic Plan = **filed without Council approval/support/endorsement** and resolved
- Equity of Tri-Campus Salaries = Council **approved** in principle but **NOT** filed by P/VP
- UTSC Chief Librarian Renewal = Council **approved**; filed and resolved
- 2012 Academic Continuity = Council **authorized** but **NOT** filed by P/VP
- Teaching Stream amounts = Council **supported** and resolved without filing?
- Asbestos = Council **supported in principle** but **NOT** filed by P/VP
- 2015 Academic Continuity = Council **expressed its serious concern/supported AG/called upon the UofT administration to commit to upholding academic freedom at all times/further called on the University administration to keep its prior commitment and to engage in good faith dialogue with UTFA...** but **NOT** filed by P/VP
- 2018 Academic Continuity = draft grievance **endorsed** by Council but **NOT** filed by P/VP
- 2019 Divisional Guidelines = Council **endorsed** but **NOT** filed by P/VP for ~18 months now in progress
- Librarian Pay Equity = **filed without Council approval/support/endorsement** in progress
- Teaching Stream Pay Equity = **filed without Council approval/support/endorsement** in progress
- SET/SCT = Council **supported** and now filed
- Salary Discrimination = **filed without approval/support/endorsement for full range of grounds of discrimination** in progress
- UTM shuttle bus = Council **supported in principle** and **ON HOLD**
- COVID Health & Safety and Covid Workload = Council **supported**: in progress

B. UTFA's Past Practice

i. Past Council Association Grievance Motions

The following motions demonstrate that varying language has been used by Council on motions related to Association grievances since the passing of the 2010 Legal Representation Policy. In none of the following cases was the language of the grievance itself presented to Council at the time of the vote.

- **2010** "UTFA Council **endorses** the launching of an Association Grievance regarding the termination of the Faculty of Forestry ..."
- **2010** "With the understanding that Council will be asked at a future meeting to **approve the final copy** of the Grievance before it is submitted: ...**Council approve in principle** the Association Grievance on the Equity of Tri-Campus Salaries."
- **2012** "That **Council authorize the Executive Committee to launch** an association grievance regarding the Administration's proposed new Policy on Academic Continuity"
- **2011** "Council **approve** an Association Grievance regarding the UTSC Chief Librarian Renewal."
- **2015** "UTFA Council **expresses its serious concern** regarding the attenuation of academic freedom UTFA Council **supports an Association Grievance** aimed at remedying these deficiencies. UTFA Council **calls upon the UofT administration to commit to upholding academic freedom at all times** UTFA Council **further calls on** the University administration to keep its prior commitment and to engage in good

faith dialogue with UTFA in a timely fashion in order to rectify the dangerous shortcomings of the current Academic Continuity Policy.”

- **2015** “Council **support** the Association Grievance regarding the Administration’s error in implementing the new Teaching Stream amounts.”
- **2017** “UTFA Council support **in principle** an Association Grievance that would seek to establish a task force to review the University administration’s handling of asbestos”
- **2018** “Council **endorse** the *draft* grievance on the Academic Continuity Policy.”
- **2019** “Council endorse **in principle** an Association Grievance on the UniForum benchmarking exercise...”
- **2019** “Council **endorse** the Divisional Guidelines Association Grievance.”
- **2020** “UTFA Council **give support for** the SET/SCT Association grievance.”
- **2020** “Council **give support in principle** for the UTM shuttle bus Association Grievance.”
- **2020** “Council **support** the Association Grievance on Safeguarding Policy and Academic Integrity during the COVID crisis.”

ii. Email from a former UTFA President to Council

Former President Scott Prudham’s email to Council of October 15, 2015, stated, “Association Grievances are not formally subject to Council approval.”

7. Information Reviewed: Research on Approaches Taken at Similar Institutions

To fulfill the Council motion, the working group compiled two separate data sets: one federal and one provincial.

A. CAUT Research Related to Grievance Governance at U15 Faculty Associations

At the request of the AGPWG, CAUT conducted research on the governance processes related to Association grievances at the U15 Faculty Associations. U15 refers to the group of Canadian research-intensive universities that came together in 1991 to speak to the federal and provincial governments.

The data collected on the practices of U15 faculty associations showed that there is no uniform approach to governance as it relates to Association grievances at Canada’s top-tier research-intensive institutions. There are, however, common principles that inform the policies and practices adopted by these faculty associations in the handling of Association or policy grievances.

The following is a summary of some observations made by working group members:

Site of Decision-Making Authority

- Many FAs have a grievance officer authorized to file grievances when members come forward with a set of facts that support individual, group, or Association grievances.
- The grievance officer may be an appointed member of executive, elected member of executive, or ex officio to the executive.
- In some instances, a small (elected) committee or group of individuals determines whether an Association grievance will be filed.
- In many cases, the executive makes the determination about whether an Association grievance will be referred to arbitration, but earlier decisions about filing grievances remain with the grievance officer or committee.

Faculty Associations with a Council Structure

For faculty associations with a council structure, there are various models of governance for Association grievances. The one consistency, however, is that none of the FAs with a council (or large body of representatives/stewards) place the decision-making authority to file Association grievances with the council.

For example:

- University of Alberta: There is a Council of up to 70 members. Grievance decision-making powers rest with the Executive.
- University of Waterloo (non-certified): Has a Council of 49 representatives currently. The Executive authorizes the filing of Association grievances.
- University of Western Ontario: Has a Council of 48 members. The Grievance Committee determines whether to file a grievance and makes a recommendation to the Executive about proceeding to Arbitration. However, the grievance can be forwarded to Arbitration before a decision is rendered by the Executive in order to preserve the grievance timeline.
- York University: The Chief Steward and President bring recommendations to the Executive. Stewards or the Stewards' Council may also bring grievances to the Executive. Decisions to proceed to arbitration remain with the Executive.
- McMaster University (non-certified): Has a Council (number unknown) that has no formal role in filing grievances.
- Queen's University: Council of 48 members. Decisions on filing grievances remain with the Grievance Committee and decisions to move the grievance to arbitration are determined by the Executive.
- McGill University: MAUT does not file policy or Association grievances.
- Laval University: Council with 62 members. The language is a bit unclear, but it appears that the Grievance Committee and Executive make decisions on filing grievances.

B. OCUFA Research Related to Grievance Governance of Ontario's Faculty Associations

OCUFA provided summary information on governance processes at twelve certified faculty associations in Ontario. Similar variation across the sector exists among the universities studied.

Not all of the governing documents of these organizations spell out the decision-making process for policy or Association grievances. The following are examples where governance is clearly spelled out in either the faculty association's governing documents or the collective agreement:

- Ryerson University:
 - o (per the Collective Agreement) policy grievances initiated/conveyed by Grievance Officers.
 - o (per the bylaws) "In considering whether, and to what extent, the Association shall support a grievance, the Grievance Committee shall fairly consider and weigh the interests of all Members. Where a decision must be made as to whether to pursue a grievance to formal arbitration, the Grievance Committee shall forward its recommendation to the Executive..."
- Lakehead University:
 - o (per Grievance Committee Policy and Practice) "In grievances with ramifications for association policy or of general concern to the faculty, interpretations of policy must be referred to the LUFA members of the Joint Committee for prior approval." Note – there are four LUFA members on the Joint Committee.
- Guelph University:
 - o (per the Collective Agreement) Policy grievances must be signed by UGFA President.

The AGPWG would be remiss not to point out one important factor that must be kept in mind when one considers the approaches taken at unionized faculty associations. An important distinction between a unionized FA and UTFA is the background knowledge that a grievance decision-maker at UTFA requires in order to be effective. For example, a certified faculty association grievance officer would only need to consider one document when determining the merits of a grievance in a manner that fulfills the association's duty of fair representation. At UTFA, conversely, the grievance decision-maker must have significant experience with and knowledge of UTFA's negotiations and a wide array of University policies, practices, and procedures. Without this knowledge, which undoubtedly is complex and requires time to learn in a substantive way, there is a real risk of making decisions contrary to the Association's duty of fair representation.

The AGPWG weighed this factor significantly in its recommendations below. **The majority of members of the AGPWG agreed that in order to be an informed decision-maker on all grievances, including Association grievances, and to fulfill UTFA's duty of fair representation to its members, the decision-maker must have significant knowledge of these policies, practices, and procedures and have access to the confidential information about the particular members affected.**

8. Law Society of Ontario *Rules of Professional Conduct* for Lawyers

The AGPWG considered some of the rules that govern the professional conduct of lawyers. These rules affect how UTFA lawyers maintain member confidentiality in the context of representing UTFA members. While UTFA lawyers, who work in-house, have a direct lawyer-client relationship with UTFA, and a corresponding professional obligation to maintain confidentiality to UTFA, they also provide legal advice to UTFA members. As is explained above, in the section on the UTFA policies, UTFA lawyers and UTFA itself also owe a duty of confidentiality toward UTFA's members in the grievance process "in a manner which protects the confidentiality and, where possible, anonymity of the member." (*Legal Representation Policy*, paragraph 15).

The following are relevant sections of Law Society of Ontario rules on professional conduct for lawyers in maintaining confidentiality.

Confidentiality:

3.3-1 A lawyer at all times shall hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and shall not divulge any such information unless:

- (a) expressly or impliedly authorized by the client;
- (b) required by law or by order of a tribunal of competent jurisdiction to do so;
- (c) required to provide the information to the Law Society; or
- (d) otherwise permitted by rules 3.3-2 to 3.3-6.

Commentary

[1] A lawyer cannot render effective professional service to the client unless there is full and unreserved communication between them. At the same time, the client must feel completely secure and entitled to proceed on the basis that, without any express request or stipulation on the client's part, matters disclosed to or discussed with the lawyer will be held in strict confidence.

[...]

[5] Generally, unless the nature of the matter requires such disclosure, a lawyer should not disclose having been:

- (a) retained by a person about a particular matter; or
- (b) consulted by a person about a particular matter, whether or not the lawyer-client relationship has been established between them.

Quality of Service

When Client is an Organization

3.2-3 Notwithstanding that the instructions may be received from an officer, employee, agent or representative, when a lawyer is employed or retained by an organization, including a corporation, in exercising the lawyer's duties and in providing professional services, the lawyer shall act for the organization.

Commentary

[1] A lawyer acting for an organization should keep in mind that the organization, as such, is the client and that a corporate client has a legal personality distinct from its shareholders, officers, directors, and employees. While the organization or corporation will act and give instructions through its officers, directors, employees, members, agents, or representatives, the lawyer should ensure that it is the interests of the organization that are to be served and protected. Further, given that an organization depends upon persons to give instructions, the lawyer should ensure that the person giving instructions for the organization is acting within that person's actual or ostensible authority.

[2] In addition to acting for the organization, the lawyer may also accept a joint retainer and act for a person associated with the organization. An example might be a lawyer advising about liability insurance for an officer of an organization. **In such cases the lawyer acting for an organization should be alert to the prospects of conflicts of interest and should comply with the rules about the avoidance of conflicts of interest (Section 3.4, Conflicts).**

9. Principles

Seven key principles emerged from the AGPWG's discussions. These have guided the recommendations put forth below. The following text was approved by a majority of the members of the AGPWG on April 6, 2021.

Our approach to Association grievances must be consistent with the following principles:

- A. Duty of Fair Representation:** UTFA's Legal Representation Policy was adopted by Council in 2010.
- B. Informed decision-makers:** Decision-maker(s) must be fully informed of all relevant facts, jurisprudence, and documents.
- C. Confidentiality:** In keeping with UTFA's Privacy Policy (2008), maintain consistency with the Law Society of Ontario's maintenance of strict confidentiality and solicitor-client privilege.
- D. Timeliness:** Our approach must allow us to respond in a prompt, timely, and efficient way.
- E. Transparency/Clarity in Process:** Our process must be transparent and clear – even when people disagree on the substance. People must be able to disagree on substance while also understanding the decision-making process.

- F. Accountability:** In keeping with the articulated roles and responsibilities found in the UTFA Constitution, Bylaws, and Legal Representation Policy, each of the individuals and groups with responsibilities for Association grievances must fulfill their obligations.
- G. Right to Representation:** The UTFA membership has a right to representation, in accordance with the Memorandum of Agreement (MoA). Consistent with the principles above, the interests of UTFA “as such” must be considered.

The following further develops the principles above:

A. Duty of Fair Representation/Legal Representation Policy

In 2010, UTFA Council adopted its new *Policy on the Provision of Advice and Representation*. In doing so, it chose to adopt an obligation to act in good faith, without discrimination, and without arbitrariness when making decisions regarding grievances. These terms have been well developed in labour jurisprudence, including at the Supreme Court of Canada. Any process adopted by UTFA on grievance-related governance must fulfil this obligation.

B. Fully Informed Decision-Makers

Grievance decision-making requires that decisions whether to pursue a grievance be made with the requisite expertise. Therefore, any grievance-related governance processes must ensure that the decision-maker(s):

- Be informed of all facts relevant to the matter (maintaining confidentiality, as per the discussion below);
- Understand relevant U of T policies, practices, and procedures, as well as ongoing negotiations between the Administration and UTFA, and how each affects and relates to grievances;
- Be knowledgeable about GRP decisions as well as the larger body of labour jurisprudence; and
- Make decisions on grievances that maintain consistency with UTFA priorities and practices.

C. Confidentiality

Members who seek assistance from UTFA are promised that the information they provide is kept confidential and, where possible, their identity will remain anonymous. This is consistent with the intent of UTFA’s Privacy Policy, UTFA’s Legal Representation Policy, and the lawyers’ professional obligations under the *Rules of Professional Conduct*.

Any process adopted by UTFA for the purposes of processing grievances must seek to maintain confidentiality to the greatest extent possible. This includes keeping the number of people who are entitled to disclosure of material facts, particularly those facts that might threaten confidentiality or limit a member’s willingness to reveal confidential information, as small as

possible. In addition, the process must consider the potential for conflicts of interest; conflicts of interest become more likely when more individuals are tasked with decision-making.

D. Timeliness

The grievance timeline set out in the Memorandum of Agreement (MoA) is important to consider when developing procedures for Association grievance decision-making. For prompt responses to time-sensitive matters, the AGPWG recommends an efficient decision-making process.

Timeline for Association grievances (MoA):

“An Association grievance is any complaint by the Association that any of the undertakings or provisions in this Agreement that directly relate to the Association as such has been breached. If the Association considers that any of the undertakings or provisions in this Agreement that relate to the Association has been breached, the Association may give written notification to the Vice-President and Provost. The matter shall then be placed in written form on the agenda of a Joint Committee meeting which shall be held within twelve (12) working days of the notification to the Vice-President and Provost. The parties agree that every effort should be made to resolve an Association grievance in the Joint Committee. In the event that the matter is not resolved at the meeting, the Association shall be deemed to have filed a grievance. The Vice-President and Provost shall respond in writing to the grievance within seven (7) working days of the meeting. The Vice-President and Provost’s response shall constitute the Step No. 3 response. If the Association grievance is not resolved at Step No. 3, it may proceed further in the manner described above.

Lawyers responding to members’ concerns and drafting grievances must have the ability to obtain instructions from *one point person* in order to move forward efficiently. The practical reality of the work involved in filing grievances means that, at times, a quick turnaround time is required. The AGPWG recommends that timeliness be a central consideration for the development of a procedure for approval of Association grievances. In other words, the AGPWG recommends that the decision-maker be conscious of grievance timelines and be in a position to provide instructions quickly and with sufficient knowledge about the members involved, UTFa and U of T policies, practices, and procedures, and relevant jurisprudence to make decisions (while maintaining consistency with UTFa priorities and practices, as mentioned above).

E. Transparency/Clarity in Process

All UTFa members including UTFa Council should have a clear understanding of how Association grievances should proceed. Transparency/clarity in process should include a clear setting out of rights, roles, and responsibilities for each of: the member that may come forward; the Executive; the Vice-President, Grievances and President; and Council.

The principle of transparency/clarity relates to the process itself and not the contents of an Association grievance. Particulars of a grievance, especially where they come from UTFa

members who have an expectation of confidentiality, are not a process question. Grievance particulars are governed by the representation and privacy policies of UTFA.

F. Accountability

In keeping with the articulated roles and responsibilities found in the UTFA Constitution, Bylaws, and Legal Representation Policy, each of the individuals and groups with responsibilities for Association grievances must fulfill their obligations.

UTFA Association grievance decision-makers are identified in the UTFA Bylaws and the Legal Representation Policy adopted by UTFA Council in 2010.

There has been inconsistency in the practice at UTFA of informing Council of the filing of an Association grievance. In many cases, Council was asked to endorse Association grievances or to express its support or support in principle for them. We address the issue of inconsistency in the recommendations below.

Association grievances are presented at Joint Committee meetings of UTFA's president and vice-presidents and the senior U of T Administration. There "every effort [is] made to resolve an Association grievance" (see MoA).

UTFA's Vice-President, Grievances is appointed by Council. The President is elected by the UTFA membership as a whole.

G. All Members Have a Right to Representation

This right exists in accordance with the MoA and is further articulated by UTFA's Legal Representation and other related policies. When filing Association grievances the interests of UTFA "as such" must be considered.

In the award of the Grievance Review Panel in a matter where the Administration challenged UTFA's ability to bring forward its Salary Discrimination Association grievance, Arbitrator Kaplan elaborated on the "interests of UTFA 'as such'":

"Article 9 of the Memorandum of Agreement states: "The parties agree that there shall be no discrimination...practised toward any faculty member or librarian with respect to salaries...by reason of age, race, creed, colour, disability, national origin, citizenship, religious or political affiliation or belief, sex, sexual orientation, gender identity, gender expression, marital status or family status, place of residence...as well as any other ground included in or added to the *Ontario Human Rights Code*." The obligations are quasi constitutional. They directly engage the Association. Assertions of breach directly relate to the Association as such." (emphasis added)

10. Recommendations

1. Both Executive and Council will be informed before an Association grievance is filed.

2. If timing does not allow for this to occur during regularly scheduled Executive and Council meetings, notice of the Association grievance will be communicated by email, and if necessary, special meetings of either the Executive or Council will be held.
3. Council will have the option to endorse the Association grievance in principle, or not. It may also refer the Association grievance back to the Executive for further consideration.
4. The ultimate decision of whether or not an Association grievance is filed lies with the UTFA President and Vice-President, Grievances.

16 May 2021

MINORITY REPORT

We the undersigned, a minority of the Association Grievance Protocol Working Group (AGPWG) appointed by UTFA Council on 19 January 2021, and not agreeing with some of the recommendations of the majority, desire to share our views on the protocol for handling Association Grievances. We think that the official report of the committee is an outcome of very hard work of all committee members and UTFA legal counsel. However, we feel it prudent to share additional collegial approaches to some of the points, so that the Council can be more fully informed and the perspectives of more of its members represented. We hope this make it easier for the Council members to come to an informed decision.

While the UTFA Constitution and By-laws are silent on the decision making responsibility for approval of Association Grievances, the primacy of UTFA Council in many areas, some of which are listed below, appears throughout these documents. The By-laws and the Constitution are very clear in that the Executive Committee is directed by the Council and is accountable to the Council. Although there can be legitimate arguments as to what this means in practice, we are concerned that the recommendations of the AGPWG carve out a role for the Executive that is not explicitly granted to it by our Constitution and By-laws. We are concerned that they may amount to an *ad hoc, de facto* interpretation of the Constitution and By-laws, something the committee was not authorized to do.

UTFA Constitution

4.1 There shall be a Council of the Association, consisting of the elected members and the Officers (who may or may not be elected members), responsible for establishing and carrying out the Association's policies, and for carrying on its business subject to the provisions of this Constitution and to such directions as may be given at any Annual or other General Meeting of the Association.

7.7 The Executive Committee shall carry out such duties as may be delegated to it by the Council.

8.1 There shall be Standing Committees of the Council on (i) Salary, Benefits, Pensions and Workload, on (ii) Grievances, on (iii) University and External Affairs, and such other standing and special committees as the Council may establish from time to time.

8.2 The committees shall have such duties and powers as may be assigned to them by the Council.

8.3 The Council, from the regular membership of the Association, shall confirm the members of each committee.

9.1 (iii) Council, by regulation, shall establish guidelines for conduct of the election.

12.1 The Council shall have charge of the finances of the Association, and, subject to such directions as may be given at the Annual or any General Meeting, all expenditures shall be authorized or approved by the Council.

12.2 Both the Treasurer and the President shall exercise day-to-day financial oversight. Council must be informed of any anticipated or actual financial income shortfall or expenditure overrun as soon as is known to the Treasurer or President.

UTFA By-laws

2.3 The Executive Committee is charged with carrying out the responsibilities of the Association, as formulated by Council, under the leadership of the President and put into effect by the Vice-Presidents and committees of the Association.

2.4 The Executive Committee solicits advice, when necessary, from committees and members, considers resolutions passed by committees, and makes recommendations to Council.

2.7 The Executive Committee is accountable to the President of the Association and to Council.

12.1 Council has responsibility for management of the Association, subject to any relevant provisions in the Constitution and By-laws.

12.2 Council shall normally approve Association positions, goals and objectives of all matters applicable to the membership concerning: salary, benefits, pensions and workload, appointments, and conditions of employment requiring negotiation with the University of Toronto Administration.

12.3 Council shall ratify all agreements made between the Association and the University of Toronto Administration, subject to Article 4.1 of the Constitution. The terms of all salary, benefits, pensions and workload agreements between the Association and the University of Toronto Administration shall be communicated to all members of the Association at least two weeks prior to Council's ratification meeting.

12.4 Council shall appoint all non-Presidential members of the Executive Committee (the three Vice-Presidents, the Treasurer, the Chairs of the Standing Committees, and the three members-at-large), and approve the membership of all Committees and Negotiating Teams.

In addition, the UTFA website confirms the authority of the Council where it says, "UTFA ensures that retired members are represented on our main decision-making body, the UTFA Council, and on the Executive Committee."

The minority members of the AGPWG offer the following recommendations for the consideration of UTFA Council.

1. The first UTFA body to consider the formulation of an Association Grievance shall be the Grievance Committee. Recommendations of the Grievance Committee would proceed to the Executive Committee. If the Executive Committee deemed an Association Grievance to be in the interests of the Association and its members, its recommendations would be forwarded to the UTFA Council.
2. If timing does not allow for this process to occur during regularly scheduled Grievance Committee, Executive Committee and Council meetings, notice of consideration of the Association Grievance will be communicated by email, and if necessary, special meetings of the appropriate body shall be held.
3. Council will have the option to endorse the Association grievance in principle, or not. It may also refer the Association grievance back to the Executive Committee or the Grievance Committee for further consideration and/or additional information
4. The ultimate decision of whether or not an Association Grievance is filed lies with the UTFA Council.

The principal arguments against our recommendations that were made in the AGPGW were twofold:

1. that the UTFA Council was too large of a body to be trusted to maintain confidentiality where required, and
2. that UTFA Council could not be made sufficiently informed to be entrusted with decision making.

With regard to the former, and based upon the considerable number of documents that we have studied and that outline UTFA's duties with regard to confidentiality and privacy of the grievors, we don't see why the grounds, the merit and the contours of an association grievance cannot be presented to the Council *in camera*, with a minimum of, if any, confidential material included. As an example, one of us (JCP) served as UTFA's Vice President–Grievances for six years during which time grievance matters were regularly brought to the UTFA Council without any breaches of confidentiality having occurred.

With regard to the latter, we are in total agreement with the other members of the AGPGW with regards to the importance of informed decision making. Unfortunately, as above, we do not feel that the AGPGW's conclusion is sufficiently evidence based. We believe that the pervasive, systemic, repeated, and/or egregious violations of the Memorandum of Agreement, or negotiated university policies, which lead to Association Grievances can be readily understood by UTFA Council members, particularly if they are directed to the particular documents of relevance. In the past UTFA Council members have taken their responsibility regarding Association Grievances very seriously and have normally approved/authorized/supported/endorsed the Association Grievances brought to them, although a few of them generated vigorous debate as is appropriate in collegial governance.

A successful, working example of our recommendations can be seen in the CAUT governance model and its process for considering censure of a university (which could be seen as the ultimate form of an association grievance). That process was described by David Robinson, CAUT Executive Director, at the 6 May 2021 UTFA information session and is verified in the CAUT by-laws. (CAUT By-Law Number 1, section 8.2 d.) Such matters are first considered by the CAUT Academic Freedom and Tenure Committee whose recommendations go to their Executive Committee and then to the CAUT Council. CAUT Council is the ultimate decision-making body for both imposing and removing censure. Although CAUT Council is significantly larger than that of UTFA, confidentiality is maintained when required and the Council members consider themselves to be appropriately informed before making decisions. In fact, in her 14 May 2021 e-mail message to "UTFA Colleagues," the UTFA President wrote "It is clear that CAUT Council came to its censure decision by way of an informed process."

In conclusion, we believe that we have presented a set of recommendations that are a viable alternative to those presented by the AGPGW (and the amendment made by the Executive Committee). These recommendations are in close keeping to past practices at UTFA and are not incompatible with the UTFA Constitution and By-laws. We hope that you will give them your serious consideration.

Respectfully submitted,

Judith Poë
Professor, Teaching Stream
Department of Chemical and Physical Sciences
UTFA Council Constituency 204 Representative

Anton Zilman
Associate Professor
Department of Physics
UTFA Council Constituency 113 Representative

720 Spadina Avenue, Suite 419
Toronto, ON M5S 2T9T 416 978-3351 F 416 978-7061
E faculty@utfa.org / www.utfa.org

UTFA Council Minutes

Thursday, September 23, 2021

3:00 – 5:00 p.m.

Zoom

Executive: M. Attridge, K. Banning, R. Gillis, S. Helwig, W. Kemble, J. Macdonald, B. McDonagh, N. Niknafs, J. Nogami, H. Sonne de Torrens, L. Stewart Rose, T. Zorić

Present: V. Arora, J. Bale, E. Barbeau, A. Braun, C.H. Chen, L. Chen, E. Comelli, C. Desai, G. de Souza, A. Emon, A. Fenner, C. Guberman, M.A. Guttman, R. Helms-Park, A. Keith, E. Kim, R. Kwong, R. Levine, R. Marshall, C. Messenger, M. Peski, H. Rodd, S. Ruddick, S. Rupp, A. Sabl, M. Spence, J. Taylor, K. Weaver, Z. Zhang, A. Zilman

Regrets: A. Giacca, W. Ghobriel, M. Stapleton, S. Wagner

Absent: K. Adamson, R. Gomez, P. Gries, A. Hojatollah Taleghani, A. Siddiqi, D. Gastaldo, G. Grasselli, K. Scheaffer, M. Vieta, M. O'Connor, S. Darnell

Also present: H. Diggle (Counsel)
C. Doyle (Legal Assistant)
M. Horban (Business Officer)
K. Johnson (Executive Director)
H. Nowak (General Counsel)
S. Olexson (Counsel)
C. Penn (Notes and Senior Administrative Assistant)
N. Ptinis (Executive Assistant)

T. Zorić called the meeting to order at 3:00 p.m.

T. Zorić noted that she would act as Speaker until approval of the interim Speaker.

1. Approval of the Agenda

Motion by J. Taylor, seconded by A. Emon, that all discussion of items 5a and 5b be tabled until the next meeting for proper discussion. **Carried.**

Motion by B. McDonagh, seconded by M. Attridge, that the agenda be approved as amended. **Carried.**

2. Reading of the Statement of Acknowledgement of Traditional Land

T. Zorić read the Statement of Acknowledgement of Traditional Land.

3. Welcome to all Members

a. Introduction of Nicole Ptinis, Executive Assistant to the UTFA President

T. Zorić welcomed the members of Council to this meeting.

T. Zorić introduced N. Ptinis as the new Executive Assistant to the UTFA President.

The members welcomed N. Ptinis to UTFA.

4. Approval of interim Council Speaker

T. Zorić said that we are grateful that K. Weaver has agreed to be Speaker today.

Motion: The Executive Committee recommends to Council that K. Weaver act as Council Speaker for the September 23 meeting. **Carried.**

5. Minutes of the Previous Meetings

Agenda items 5a and 5b were deferred to the next meeting.

a. May 18, 2021*

b. June 10, 2021 - Special Council Meeting re Association Grievance Protocols Working Group Report *

c. June 18, 2021 - Special Council Meeting re Pensions*

As there were no changes, the June 18, 2021, minutes were approved as distributed.

d. June 23, 2021 *

As there were no changes, the June 23, 2021, minutes were approved as distributed.

e. August 9, 2021- Special Council Meeting re COVID-LOU and Health & Safety *

As there were no changes, the August 9, 2021, minutes were approved as distributed.

f. August 16, 2021 – Special Council Meeting re Vaccine Mandate *

As there were no changes, the August 16, 2021, minutes were approved as distributed.

6. Business Arising

- a. From the Minutes of Council
- b. From the Minutes of the Executive Committee
 - i. May 7, 2021*
 - ii. May 20, 2021*
 - iii. June 10, 2021 *
 - iv. June 18, 2021 *
 - v. June 29, 2021 *
 - vi. August 5, 2021 *
 - vii. August 16, 2021 *

There was no business arising from the minutes of Executive or Council.

7. New Council and Committee Membership (5 min)

- a. Introduction of new Council members

T. Zorić introduced and welcomed the following new Council members:

- Ruth Marshall - Constituency #112, Philosophy, Study of Religion, History & Philosophy of Science & Technology
- Andrew Sabl - Constituency #114, Political Science and the Munk School of Global Affairs
- Anver Emon – Constituency #704, Faculty of Law
- Raymond Kwong – previously on Council but now returning as a representative for Constituency #901, Retired Members

The members of Council welcomed the new members.

- b. Approval of members to Standing Committees *

K. Weaver said that, in addition to the list of standing committee members in the Council package, Anton Zilman should be added to the Appointments, Grievance, and University & External Affairs Committees.

Motion by M. Peski, seconded by R. Kwong, that the list of 2021–2022 committee members, as constituted thus far, be approved as amended. **Carried.**

8. Report of the President (60 min)

- a. Executive Retreat – part one

T. Zorić reported on the Executive retreat and gave a presentation on what was discussed, including current projects and conclusions reached on goals and priorities thus far. More information will be provided after part two of the retreat.

- b. Health and Safety (with J. Nogami & A. Giacca)

- i. Checklist response update

T. Zorić updated the members on: how PTR is supposed to be distributed this year; accommodation guidelines; CERF; SETs; and the email to members from Dean Melanie

Woodin, Faculty of Arts & Science, advising faculty to stop consulting with students as to whether they want online or in-person teaching.

The members discussed the email from Dean Woodin. Members also brought forward examples of what is taking place in their departments around teaching.

The members discussed other health and safety issues, including ventilation, masks, and distancing.

c. Fall Term return to in-person work (with J. Nogami)

- i. Implementation of COVID LOU
- ii. Toronto Inter-University Coalition
 - i. Expert Panel Event

T. Zorić outlined the steps U of T needs to take to implement the COVID LOU.

iii. Intra-University coordination

T. Zorić updated the members on the work being done by the Toronto Inter-University Coalition. Their main goal is to call on their respective Administrations to show leadership by embracing the advice of scientific experts and adopting best practices to ensure a safe fall return to campus.

iv. Governing Council Deputation

T. Zorić said that she spoke at the last Governing Council meeting about UTFA concerns around COVID and the reopening of the university, and the lack of information from the Administration.

v. Petition

T. Zorić said that UTFA is working with UTEAU on a shared petition developed by the Coalition.

vi. Survey

T. Zorić reported that a survey was being prepared to be sent to UTFA members with questions about their experiences around accommodation, teaching, and so on.

d. CAUT Censure

T. Zorić reported that CAUT issued a statement in September that censure against U of T has been suspended pending a vote at CAUT Council in November.

The members discussed the next steps in the process for UTFA and CAUT.

e. Sexual Violence Policy LOU and related matters

T. Zorić updated the members on negotiations on the Sexual Violence Policy LOU.

f. Academic Continuity

T. Zorić noted that D. Roberts is leading on the negotiations for the Academic Continuity Policy.

g. Association Grievances

- Teaching Stream and PT Faculty Workload (not filed)

T. Zorić updated the members on the work being done on the Teaching Stream and part-time faculty workload issue in anticipation of an Association grievance being filed.

- PTR update

T. Zorić updated the members on the issues around PTR and the steps UTFA is taking to protect members who have special circumstances. She noted that UTFA has received a lot of complaints on how PTR was being handled this year.

- h. Extending terms of UTFA Pension Committee

T. Zorić noted that the terms of the UTFA Pension Committee were extended at the June meeting. Council will need to vote on the make-up of this committee.

- i. Resignation of Keith Adamson from Membership Committee Chair

T. Zorić reported that K. Adamson was stepping down as Chair of the Membership Committee. On behalf of Executive and Council, she wished him a good year and thanked him for his service.

- j. Membership Chair Vacancy (Executive motion)

T. Zorić said that J. Taylor is willing to step in as interim Chair of the Membership Committee, as she has previously served in this role. She has agreed to serve until January.

The members discussed J. Taylor assuming this role.

Motion: The Executive Committee recommends to Council that Council affirm Judith Taylor as the interim Chair of Membership Committee for the fall term. **Carried.**

- 9. Timed break – 4:00 pm (5 min)

- 10. Report of the Vice-President, Grievances (15 min)

- a. Grievance portfolio activity over the summer

B. McDonagh gave a presentation showing the numbers and types of files the grievance portfolio is working on, as well as a comparison of how cases have escalated over the past 5 years.

- b. Accommodation requests

B. McDonagh said that we have communicated to the Administration our concerns regarding denial of accommodation requests, but we have not heard back from them.

- c. Responses and some workload grievance resolutions

B. McDonagh reported on some of the successes UTFA has had in grievances on workload.

- d. Representation policy * (Executive Motion)

B. McDonagh presented the Executive motion on changes to the representation policy. The motion was discussed by Council.

The Executive Committee recommends to Council that the *Policy on Provision of Advice and*

Representation and the Internal Guidelines Relating to the Provision of Advice and Representation be amended as follows:

Policy on Provision of Advice and Representation

Membership in UTFA

1. UTFA does not normally represent non-members. If UTFA chooses to provide advice or representation to a non-member faculty member or librarian seeking advice, the faculty member or librarian must pay **three (3) ~~one~~ year's back** dues and become a member of UTFA and agree to continue to be a member in good standing for at least five years.

Internal Guidelines Relating to the Provision of Advice and Representation

2. Principles Governing Advising and Representing Members of UTFA

2.1 An individual seeking assistance from UTFA shall be advised of the following principles guiding the provision of advice to and/or representation of UTFA members:

2.1.1 UTFA does not normally represent non-members. If UTFA chooses to provide advice or representation to a non-member faculty member or librarian, the faculty member must pay three (3) ~~one~~ year's back dues and become a member of UTFA and agree to continue to be a member in good standing for at least five years.

Carried.

11. Report of the Pension Committee (10 min)

C. Messenger gave a presentation on the ongoing work of the UPP. She provided some background information; updated the members on how the transfer of payments to the UPP would work; and provided an update on the work of the Board of Trustees and the staff they have hired.

Motion by A. Sabl, seconded by K. Banning, that the meeting be extended to 5:10 p.m.

Carried.

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

a. SBPW Bargaining update (with T. Zorić)

J. Nogami updated the members that mediation was underway and U of T's assertion regarding confidentiality and UTFA's communications regarding negotiations to Executive, Council, or its members. Discussion on this matter is ongoing.

13. Report of the Chairs of the Membership and University & External Affairs Committees (5 min)

a. Citizenship Award update

R. Gillis updated the members on the UTFA Citizenship Award, noting that the terms of

reference were being updated from the original proposal in 2016. He reviewed the process to nominate a person or persons for this award.

14. Report of the Chair of the Librarians Committee (Written Report) *

15. Other Business

- a. Winter Term Council Meetings – 3:00–5:00 p.m.
 - i. Wednesday, October 20, 2021
 - ii. Tuesday, November 16, 2021
 - iii. Tuesday, December 14, 2021

T. Zoric thanked K. Weaver for taking on the role of Speaker for this meeting.

17. Adjournment

Motion by T. Zoric, seconded by A. Sabl, that the meeting adjourn. **Carried.**

The meeting adjourned at 5:10 p.m.

Chris Penn
Senior Administrative Assistant



720 Spadina Avenue, Suite 419
Toronto, ON M5S 2T9

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

Council Summary

UTFA Executive Minutes

Friday, September 10, 2021

Zoom Conference Call

10:00 a.m.- 12:00 p.m.

Chair – T. Zorić

Present: K. Adamson, M. Attridge, K. Banning, R. Gillis, S. Helwig, W. Kemble,
J. Macdonald, B. McDonagh, N. Niknafs, J. Nogami, H. Sonne de Torrens,
M. Stapleton, L. Stewart Rose, T. Zorić

Also Present: M. Horban (Business Officer), K. Johnson (Executive Director), H. Nowak
(General Counsel), C. Penn (Senior Administrative Assistant), N. Ptinis (Executive
Assistant), R. Roth (Director, Communications and Outreach)

T. Zorić called the meeting to order at 10:05 p.m.

M. Attridge read the Statement of Acknowledgement of Traditional Land.

1. Approval of the agenda

Motion by M. Attridge, seconded by B. McDonagh, that the agenda be approved as amended.
Carried.

2. Welcome to all members

T. Zorić welcomed the members of Executive to a new academic year.

3. Minutes of the previous meeting (deferred)

4. Business arising (not elsewhere on the agenda)

5. Report of Executive Director (5 min)

a. Introduction of Nicole Ptinis, Executive Assistant to the President (with T. Zorić)

K. Johnson introduced Nicole Ptinis as the new Executive Assistant to the President.

The members welcomed N. Ptinis.

N. Ptinis thanked everyone for their kind welcome.

J. Nogami assumed the chair.

6. Report of the President (70 min)a. Health and Safety (with J. Nogami)i. Toronto University Coalition update

Motion by W. Kemble, seconded by M. Stapleton, that the meeting go in camera. **Carried.**

ii. Next Steps

The meeting continued in camera.

b. Fall Term return to work (with J. Nogami)i. Implementation of COVID LOUii. Return to in-person workiii. Governing Council Deputationiv. Petition

The meeting continued in camera.

c. Executive retreati. Agenda

The meeting continued in camera.

d. Council Speaker

The meeting continued in camera.

e. Executive schedules/release time

Motion by H. Sonne de Torrens, seconded by M. Attridge, to return to the regular meeting. **Carried.**

f. Extending terms of UTFA Pension Committee

T. Zorić said that elections were to take place in June for members of the UTFA Pension Committee. Council extended the terms of the present members in anticipation of a proposal from the committee on membership and terms. She will approach the Chair about it.

g. Resignation of Keith Adamson as Membership Committee Chair

K. Adamson said that it has been a privilege to work with UTFA as the Chair of the Membership Committee for the last three years. He is fortunate to have had time on the Executive and has benefited from the knowledge he acquired. The work that UTFA does is very important, and he will continue to follow it. He will continue to represent Social Work on Council and hopes to be able to return to Executive someday.

T. Zorić thanked K. Adamson for bringing warmth and delightful energy to every meeting he attended. She is happy that he will remain on Council and hopes that one day he can return to the Executive. She thanked him on behalf of Executive for his work.

h. Membership Chair Vacancy

The members discussed who the interim Chair of the Membership Committee would be.

Motion by T. Zorić, seconded by M. Stapleton, that the Executive Committee recommend to Council that Council affirm Judith Taylor as the interim Chair of Membership Committee for the fall term. **Carried.**

T. Zorić assumed the chair.

7. Break: timed item 11:00 am (10 min)

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

a. Grievance portfolio activity over the summer

B. McDonagh reported that UTFA has 247 open files, of which 19 are full grievances and half of those are Association grievances.

b. Accommodation requests *

The members discussed U of T's position on requests for accommodation to teach from home. Some requests have been denied and a letter was sent from UTFA to the Administration asking for more transparency.

Motion by B. McDonagh, seconded by L. Stewart Rose, that the meeting go in camera. **Carried.**

Motion by B. McDonagh, seconded by M. Attridge, to return to the regular meeting. **Carried.**

c. Responses and some workload grievance resolutions

This item was discussed in camera above.

d. Representation Policy *

Motion by B. McDonagh, seconded by T. Zorić, that the Executive Committee recommend to Council that the *Policy on Provision of Advice and Representation* and the *Internal Guidelines Relating to the Provision of Advice and Representation* be amended as follows:

Policy on Provision of Advice and Representation

Membership in UTFA

1. UTFA does not normally represent non-members. If UTFA chooses to provide advice or representation to a non-member faculty member or librarian seeking advice, the faculty member or librarian must pay **three (3) ~~one~~ years' back** dues and become a member of UTFA and agree to continue to be a member in good standing for at least five years.

Internal Guidelines Relating to the Provision of Advice and Representation

2. Principles Governing Advising and Representing Members of UTFA

- 2.1 An individual seeking assistance from UTFA shall be advised of the following principles guiding the provision of advice to and/or representation of UTFA members:

- 2.1.1. UTFA does not normally represent non-members. If UTFA chooses to provide advice or representation to a non-member faculty member or librarian, the faculty member must pay **three (3) ~~one~~ years' back** dues and become a member of UTFA and agree to continue to be a member in good standing for at least five years.

Carried.

9. Report of the Vice-President, University and External Affairs (10 min)

a. UTFA Academic Citizenship Award update (with K. Adamson)

R. Gillis updated the Executive on the UTFA Academic Citizenship Award and the members provided their input. He will present it to Council after further consultation with Executive.

R. Gillis said that he informed OCUFA that UTFA would be signing on to their position statement on CCAA.

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

a. SBPW bargaining (with T. Zorić)

J. Nogami updated the members on mediation.

J. Nogami reported that one day of mediation has been booked for September 30. This has to do with Article 6 negotiations. Additional dates are being sought.

Motion by T. Zorić, seconded by S. Helwig, that the meeting go in camera. **Carried.**

Motion by N. Niknafs, seconded by, K. Banning, to return to the regular meeting. **Carried.**

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

a. New Member Event *

K. Adamson provided an outline for a new member event where they would learn about what UTFA does and to bring people together.

K. Adamson acknowledged the work of M. Attridge and H. Sonne de Torrens to develop a plan for a new member event. He called the members' attention to the outline provided and noted that some of the ideas still need further discussion.

T. Zorić thanked K. Adamson and his team for their continued work on planning this event.

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

a. AROHE conference

J. Macdonald reported on discussions that took place at the Retired Members Committee, the AROHE conference and an event for new retirees.

J. Macdonald reported that the Retired Members Committee would be holding three meetings this fall and more in the spring.

J. Macdonald reported that UTFA has registered five members for the AROHE conference in the fall.

J. Macdonald said that a decision needs to be made about whether to hold a new retiree event online or to plan an in-person meeting for next fall. It has already been postponed once because we hoped to be able to have an in-person event. She will discuss this with the members of the Retired Members Committee.

13. Other Business

Librarian Forum on COVID LOU and Health and Safety

T. Zorić said that J. Nogami, H. Sonne de Torrens and she discussed having a one-hour session on the COVID LOU and health and safety just for librarians. We would provide them with links to some negotiated terms and ask them for questions.

It was agreed that H. Sonne de Torrens and W. Kemble would plan this meeting.

a. UTFA Executive Meetings

i. Friday, September 24, 1:00 – 3:00 p.m.

- ii. Friday, October 15, 1:00 – 3:00 p.m.
 - iii. Friday, October 29, 1:00 – 3:00 p.m.
 - iv. Friday, November 12, 1:00 – 3:00 p.m.
 - v. Friday, November 26, 10:00 a.m. – 12:00 p.m.
 - vi. Friday, December 10, 10:00 a.m. – 12:00 p.m.
- b. UTFA Executive Retreat
- i. Friday, September 17, 1:00 – 5:00 p.m.
 - ii. Friday, October 1, 3:00 – 6:00 p.m.
- c. UTFA Council Meetings
- i. Thursday, September 23, 3:00 – 5:00 p.m.
 - ii. Wednesday, October 20, 3:00 – 5:00 p.m.
 - iii. Tuesday, November 16, 3:00 – 5:00 p.m.
 - iv. Tuesday, December 14, 3:00 – 5:00 p.m.

13. Adjournment

Motion by N. Niknafs, seconded by L. Stewart Rose, that the meeting adjourn. **Carried.**

The meeting adjourned at 12:10 p.m.

Chris Penn
Senior Administrative Assistant



720 Spadina Avenue, Suite 419
Toronto, ON M5S 2T9

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

Council Summary
UTFA Executive Minutes
Friday, September 24, 2021

Zoom Conference Call
1:00 p.m.- 3:00 p.m.
Chair – T. Zorić

Present: M. Attridge, K. Banning, R. Gillis, S. Helwig, W. Kemble, J. Macdonald, B. McDonagh, N. Niknafs, J. Nogami, H. Sonne de Torrens, M. Stapleton, L. Stewart Rose, J. Taylor, T. Zorić

Also present: M. Horban (Business Officer), K. Johnson (Executive Director), H. Nowak (General Counsel), C. Penn (Senior Administrative Assistant), N. Ptinis (Executive Assistant)

T. Zorić called the meeting to order at 1:05 p.m.

1. Approval of the agenda

Motion by L. Stewart Rose, seconded by H. Sonne de Torrens, that the agenda be approved as distributed. **Carried.**

2. Minutes of the previous meeting

- a. September 10, 2021
 - i. Minutes
 - ii. Council summary

The minutes of the September 10, 2021, Executive meeting were deferred to the next meeting.

3. Business arising (not elsewhere on the agenda)

As there were no minutes, there was no business arising.

4. Report of Executive Director (with B. McDonagh)

K. Johnson reported that UTFA hired an articling student, Khaleida Rashid, to assist with the grievance portfolio.

J. Nogami assumed the chair.

5. Report of the President (70 min)

- a. Council Speaker

Motion by T. Zorić, seconded by S. Helwig, that the meeting go in camera. **Carried.**

- b. Council Minutes
 - i. Form and content
- c. Health and Safety (with J. Nogami)
 - i. Toronto University Coalition update
 - ii. Next Steps
- d. Fall Term return to work (with J. Nogami)
 - i. Implementation of COVID LOU
 - ii. Return to in-person work
 - iii. Petition
- e. CAUT Censure
- f. Executive retreat
 - i. Agenda
- g. Extending terms of UTFA Pension Committee
- h. Barriers to Research approvals in the context of COVID

Motion by B. McDonagh, seconded by N. Niknafs, to return to the regular meeting. **Carried.**

The members discussed having a subcommittee that would discuss barriers that members experience to their right to do research. It was agreed that M. Attridge will chair this subcommittee. S. Helwig, H. Sonne de Torrens, R. Gillis, N. Niknafs and L. Stewart Rose volunteered to sit on this subcommittee. Terms of reference will be developed.

- i. UTFA's 50th Anniversary

T. Zorić noted that UTFA's 50th anniversary was coming up. J. Macdonald, B. McDonagh, K. Johnson, and C. Penn will meet to start planning an event to mark this milestone.

Items j., k., and l. were deferred.

- j. Sexual Violence Policy LOU and related matters
- k. Academic Continuity
- l. Association Grievances
 - Teaching Stream Faculty Workload (not filed)
 - PTR update

- 6. Break: timed item 2:00 p.m. (10 min)

T. Zorić assumed the chair.

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

- a. Update from Retired Members Committee meeting

J. Macdonald updated the members on the discussion at the Retired Members committee meeting and a possible new and ongoing retiree event.

- b. Update on Retired Members reception

- 8. Report of the Vice-President, University and External Affairs (10 min)

a. UTFA Academic Citizenship Award update (with Membership Chair)

The members discussed the Academic Citizenship Award that Council approved at the September 23 Council meeting and the next steps.

9. Report of the Vice-President, Salary, Benefits, Pensions, and Workload (5 min)

a. SBPW bargaining (with T. Zorić)

J. Nogami reported that the next mediation date was September 30.

Motion by J. Nogami, seconded by S. Helwig, that the meeting go in camera. **Carried.**

b. CUPE 1281 Bargaining

10. Report of the Chair of the Membership Committee (5 min)

a. Current and future plans

Motion by J. Taylor, seconded by H. Sonne de Torrens, to return to the regular meeting. **Carried.**

J. Nogami assumed the chair.

11. Other Business

a. UTFA Executive Meetings

- i. Friday, October 15, 1:00 – 3:00 p.m.
- ii. Friday, October 29, 1:00 – 3:00 p.m.
- iii. Friday, November 12, 1:00 – 3:00 p.m.
- iv. Friday, November 26, 10:00 a.m. – 12:00 p.m.
- v. Friday, December 10, 10:00 a.m. – 12:00 p.m.

b. UTFA Executive Retreat

- i. Friday, October 1, 3:00 – 6:00 p.m.

c. UTFA Council Meetings

- i. Wednesday, October 20, 3:00 – 5:00 p.m.
- ii. Tuesday, November 16, 3:00 – 5:00 p.m.
- iii. Tuesday, December 14, 3:00 – 5:00 p.m.

12. Adjournment

Motion by H. Sonne de Torrens, seconded by J. Taylor, that the meeting adjourn. **Carried.**

The meeting adjourned at 3:00 p.m.

Chris Penn

Senior Administrative Assistant