

UTFA Council Agenda

Thursday, February 13, 2020 – 3:00 – 5:00 p.m.

Room 374

Rotman School of Management

105 St. George Street

1. Approval of the Agenda
2. Minutes of the Previous Meeting
 - a. January 22, 2020 *
3. Business Arising
 - a. From the Minutes of Council
4. Report of the President (20 min)
 - a. Presidential election guidelines *
 - b. Nominating Committee guidelines * (motion)
 - c. Executive Director hiring update
 - d. Release time * (motion)
 - e. OCUFA Bill 124 challenge * (T. Zoric and R. Gillis)
5. Report of the Vice-President, Salary, Benefits, Pensions and Workload (20 min)
 - a. Salary discrimination project
 - b. SBPW Negotiations
 - c. Asbestos group grievance and health and safety
 - d. Sexual Violence Policy LOU negotiations
 - e. SET/SQCT Association grievance * (with S. Rupp)
6. Report of the Treasurer (15 min)
 - a. Motions:
 - i. Increasing the UTFA contingency fund allocation (motion) *
 - ii. Monitoring the investment fund balance (motion) *
7. Order of the Day: 4:00 p.m. - UTM Shuttle Bus Association Grievance * (15 min)

8. Report of the Vice-President, Grievances (15 min)
 - a. Letter to Heather Boon regarding the publication of SET scores on Quercus *
 - b. Research Ethics in the Social Sciences, Humanities and Education February 3 Workshop
<https://ischool.utoronto.ca/news/research-ethics-in-the-social-sciences-humanities-and-education-workshops-2019-2020/>
[Research Ethics Boards \(REBs\) https://research.utoronto.ca/research-ethics-boards](https://research.utoronto.ca/research-ethics-boards)
 - c. Update on permanent legal assistant hiring
9. Report of the Chair of the Membership Committee (5 min)
 - a. Meet and greet with constituents
 - b. Electronic communications
10. Report of the Vice-President, University and External Affairs (5 min)
 - a. Proposed donation to scholarship fund
 - b. CAUT Day of Action
 - c. Black Faculty event at OISE
11. Report of the Chair of the Equity Committee (10 min)
 - a. Special Council Meeting: unconscious bias workshop
 - b. Meeting of the OCUFA Status of Women and Equity Committee (SWEC), January 24, 2020
12. Report of the Chair of the Appointments Committee (5 min)
 - a. Approval of C. Evans to the Appointments Committee
13. Report of the Chair of the Librarians Committee (5 min)
 - a. Approval of Robert Makinson – UTM Communications and Liaison Librarian | HMALC Library to the Librarians Committee
14. Other Business
 - a. Next meeting of Council
 Tuesday, March 17, 2020
 Room 368, Rotman School of Management
 - c. Annual General Meeting
 Tuesday, April 14, 2020
 George Ignatieff Theatre
 Trinity College
15. Adjournment

* materials attached

[C. Messenger asked that the following excerpt from the January 18, 2020 email to Council be included in the Council materials]

Article 9 of the Constitution and Article 10 of the Bylaws set out the following dates:

1. Executive suggests the Nominating Committee slate five days before the January Council meeting.
DONE.
2. The Nominating Committee is appointed by Council by Feb. 1. **DONE.**
3. Election period opens with nominations for president not later than March 1. Nominations close on March 16 at 5 p.m. (March 15 is a Sunday.)
4. Election is 21 days after the close of nominations on March 15.
5. Nominating Committee offers Council a slate no later than May 1.
6. Nominating Committee accepts additional nominations until May 10.
7. Council approves the Executive slate no earlier than May 18.

UTFA
DRAFT GUIDELINES
PRESIDENTIAL ELECTION
EXECUTIVE COMMITTEE APPOINTMENT PROCESS
2020
Cynthia Messenger

What follows are draft guidelines to cover the upcoming presidential election and the Executive Committee appointment process. Most of what is below reflects UTFA practice and custom.

These guidelines would need to be approved by Council, in two separate motions, at the February 2020 meeting. The approved guidelines would serve in addition to and would not replace the UTFA Constitution and Bylaws requirements for the presidential election and the appointment of members of the Executive Committee.

GUIDELINE A:

A. Presidential Election: Note that Article 9.1 (iii) calls for Council to establish guidelines for presidential elections.

1. At least five weeks before the election period, the CRO will ask the Executive Committee to approve engaging a specified external firm to conduct the presidential vote in the event that it is needed. The CRO will also work with the business officer to make sure that paper ballots are available to those voters who require them.
2. By the close of nominations at 5 p.m. on March 16 (March 15 is a Sunday), the presidential candidates must submit a one-page, single-sided and single-spaced statement to the Chief Returning Officer (CRO) for posting on the UTFA home page. The statement must include the name of the candidate, their academic rank, and the unit(s) in which they hold their appointment(s). This statement may contain one external link. The candidates may, in addition, provide one head and shoulders photograph for posting on the UTFA site. Finally, each candidate must submit the name, email address, and mobile phone contact information of a scrutineer, who must be a member in good standing. The scrutineer *must* be present at the UTFA office for 5 p.m. on the last day of voting.
3. If only one eligible presidential candidate is nominated, the CRO will, within twenty-four hours of the close of nominations, email all members to declare that the candidate is acclaimed. The CRO will provide a link to the candidate's statement and to the photograph (if available) on the UTFA home page.
4. If more than one presidential candidate is nominated at the close of the nomination period, within twenty-four hours, the CRO will write to the membership to communicate the following: declare that an election will occur; provide the names of the candidates, along with a link to their statements and photos (if available) on the UTFA home page; provide the dates of the election period, including the time and date on which all voting will cease; inform the membership, including the retired, how they may vote, making sure to note that

online ballots often “roll” out rather than appear in all members’ inboxes at the same moment; provide contact information in the event that a member does not receive an online ballot; and communicate the approximate dates on which reminders to vote will be issued. All of this information must *also* appear on the UTFA site, under a heading marked “Click here for information on the UTFA Presidential election.”

5. On the UTFA home page, the candidates will, initially, be listed in alphabetical order by last name, in a vertical list. The positions of the names will be shuffled every three days so that one candidate is not consistently listed first. The list will also be shuffled each time a voting reminder is sent to members. After the announcement of the candidates, three additional reminders should go out over the voting period.
6. The candidates may update their statements only twice in the course of the election period. Any further updates/corrections are at the discretion of the CRO.
7. Out of fairness to external candidates who might not serve on UTFA committees, candidates may not use UTFA email distribution lists to conduct their campaigns.
8. Candidates may not use UTFA staff to work on or support their campaigns.
9. Candidates may not use UTFA equipment or materials to support their campaigns.
10. Candidates are encouraged to maintain a collegial tone.
11. A *collegial* **Presidential Candidates Forum** will be held around Wednesday, March 18, at 3 p.m., (or on another date the candidates agree to) at which presidential candidates will outline their platforms. A video link would be provided to the UTM and UTSC campuses. The CRO will serve as moderator and will work with UTFA’s Chris Penn to book an adequately large room well in advance. The CRO will announce the Forum to the entire membership and will send a reminder 48 hours in advance. Each candidate will speak at a lectern for not more than 10 minutes. The same decorum practiced at Council will be expected at the Presidential Candidates Forum. Candidates will take questions from the audience for 10 minutes each. At the Forum, candidates may circulate (their own copies) of one double-sided sheet of paper, outlining their platforms and providing a link to their websites. A sample of the printed material must be submitted to the CRO 24 hrs before the Forum, for his information.
12. Disputes between the campaigns must first be brought before the CRO for resolution. If need be, the CRO may bring disputes before the Executive Committee for resolution but not to the president alone.

Executive Committee Nominations: Note the following from the Bylaws. Article 10.10 states, “Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.”

1. The Nominating Committee will select its own chair and will begin its work in a timely way and in accordance with the Constitution and Bylaws. The chair must keep a record of and acknowledge all correspondence in a timely and collegial manner.
2. Discussions at the Nominating Committee will be treated as confidential.
3. The Nominating Committee will accept nominations in writing, through email, to the Nominating Committee Chair, in accordance with the Constitution and Bylaws. Members may self-nominate. The Nominating Committee must make clear to UTFA Council the dates on which the nomination period begins and ends.
4. If the Nominating Committee finds it necessary to establish ground rules or an additional brief guideline, the Chair must bring said proposals before the Executive Committee for approval in a timely manner.
5. Some members of the Executive Committee will want to know who the new UTFA president is before committing to continue to serve on the Executive Committee. Members of the Executive Committee must, however, declare to the Nominating Committee their intention to return to the Executive Committee --or not--by **April 8**, which is after the results of the election will be announced. If an Executive Committee member declares in writing (email) that they will *not* return to an Executive Committee position, that declaration may *not* be reversed.
6. No member of the Nominating Committee may run for an Executive seat or for UTFA president in the 2020 round of elections/appointments. Any Nominating Committee appointee who decides to run for office or for an Exec seat must resign before the Nominating Committee meets for the first time.
7. The Nominating Committee must adhere to all deadlines set out in the UTFA constitution and bylaws.
8. The CRO will conduct elections at the appropriate Council meeting where more than one candidate is nominated for an Executive Committee seat. The CRO is encouraged to work with the Nominating Committee to bring forward any further guidelines for approval by UTFA Council.

Item 4b

The Executive Committee recommends to Council that:

The Nominating Committee Guidelines be approved as amended.

RELEASE TIME for 2020-2021 - Preliminary, using 2019-2020 amounts

Salary	\$154,421
Benefits (at 24.00%)	<u>\$37,061</u>

Total **\$191,482 = 1 FTE**

This is a notional amount from which the value of each Executive member's percentage release time is calculated. It is not any real person's salary.

TOTAL ALLOCATION	FTEs	3.5	AMOUNT	\$670,187
ALLOCATION BY POSITION				
President	0.8		\$153,186	
VP, Grievances	0.5		\$95,741	
VP, SBP	0.5		\$95,741	
VP, U&EA	0.3		\$57,445	
Treasurer	0.175		\$33,509	
Committee chairs				
Appointments	0.175		\$33,509	
Equity	0.175		\$33,509	
Librarians	0.175		\$33,509	
Membership	0.175		\$33,509	
Teaching Stream	0.175		\$33,509	
Members-at-large				
1	0.113		\$21,637	
2	0.113		\$21,637	
3	0.113		\$21,637	
ALLOCATED	3.314		\$634,571	
NOT YET ALLOCATED	<u>0.186</u>		<u>\$35,616</u>	
TOTAL	3.5		\$670,187	

Item 4d

The Executive Committee recommends to Council that:

The release time schedule be approved as amended.

Hi Cynthia,

I hope all is well on your end. I'm following up on the January 10 Board meeting and wanted reach out to you about the note below. In terms of the challenge what we are looking for from each association is consent to list them on the application for the legal challenge. We require this because OCUFA is not the bargaining agent for our members but we are the party to the legal challenge. By obtaining consent from our members to list them as members in the application we are affirming that we do indeed represent members who are the bargaining agent.

At this point all we require is the consent of the association and the name of one representative from the Association who is in the bargaining unit. I want to emphasize that in agreeing to do so the association is not taking on any liability or responsibility for costs. In essence what we are doing is affirming in a legal document is that UTFA are OCUFA members. However this is purely voluntary and would not affect the substance of the challenge and I absolutely understand given some of the challenges with GP if you prefer not to be listed.

Please feel free to connect if you have any questions.

All the best for now,

Michael

Michael Conlon, Ph.D
Executive Director
Ontario Confederation of University Faculty Associations
17 Isabella Street
Toronto, Ontario, Canada M4Y 1M7
Tel: 416-979-2117 x229
Fax: 416-593-5607
E-mail: mconlon@ocufa.on.ca
Web: www.ocufa.on.ca
www.academicmatters.ca
www.weteachontario.ca

From: Michael Conlon

Sent: January 16, 2020 9:29 AM

Subject: Bill 124 Challenge - Member Request

Hi all,

I wanted to connect and let you know that work is underway in earnest so that we can meet the deadline for official filing of the OFL coordinated challenge of Bill 124.

To that end in coming days myself or OCUFA staff may reach out to you for some basic information about your union or association; such as the number of members, the nature of the bargaining unit (e.g. do you represent contract faculty). In order to be included in the challenge we must list our affiliated unions in the actual court application. It is not mandatory to be listed as part of the challenge and, should we prevail, all OCUFA members would see the benefit. However it would be helpful to bolster the comprehensive nature of the claim if we could get most if not all of our members listed.

Please also note that it is OCUFA that is party to the legal action and by providing this information the association is not incurring any cost or potential liability. The list of associations and bargaining status is largely a formality so the courts are satisfied that OCUFA members are directly affected by the legislation. At a later date we may reach out to you for suggestions about potential affidavits from members adversely affected by the 1% wage cap including contract faculty, faculty from equity seeking groups and faculty early in career. This would, of course, be voluntary but it would be immensely helpful in highlighting the specific effect of the legislation on our members.

Please feel free to connect with me if you have any questions.

Cheers,
Michael

Michael Conlon, Ph.D
Executive Director
Ontario Confederation of University Faculty Associations
17 Isabella Street
Toronto, Ontario, Canada M4Y 1M7
Tel: 416-979-2117 x229
Fax: 416-593-5607
E-mail: mconlon@ocufa.on.ca
Web: www.ocufa.on.ca
www.academicmatters.ca
www.weteachontario.ca

Item 6a(i)

The Executive Committee recommends to Council that:

the UTFA Contingency Reserve be increased from \$750,000 to \$1,500,000, and that the contingencies include any future grievance or negotiation with the UT administration deemed by the UTFA Executive/Council at that time to be of fundamental importance to the interests of our membership.

Item 6a(ii)

The Executive Committee recommends to Council that:

should the balance in the UTFA Investment Account drop below \$3,000,000, (or should there be a precipitous drop within a short period of time, for instance a 30% drop from a recent peak or a drop of \$500,000 within a month), the Treasurer be required, within 5 business days, to inform the Executive, so that the Executive may take any measures it deems appropriate to ensure UTFA's financial strength.



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

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

1. The University of Toronto Faculty Association (“UTFA”) hereby gives notice of an Association Grievance, pursuant to Article 7 of the Memorandum of Agreement (“the MOA”) between UTFA and the University of Toronto Administration (“the Administration”). Specifically, UTFA grieves that the Administration has failed to ensure the health and safety of UTFA members on University of Toronto Mississauga (“UTM”) shuttle buses.

Background

2. The Administration contracts with a third party to operate shuttle buses between the Mississauga and St. George campuses of the University (the “UTM shuttle buses” or the “UTM shuttle bus service”). These shuttle buses are the only form of public transportation that provides a direct route between these campuses.
3. In order to fulfill their professional responsibilities to the Administration, UTFA members, including those with appointments or cross-appointments at UTM, must travel between the St. George and UTM campuses on a regular basis as part of their work. Many UTFA members use the UTM shuttle buses to do so. The UTM shuttle bus service therefore forms a part of the day-to-day working conditions of many UTFA members.
4. The UTM shuttle bus service is inadequate and unsafe. The shuttle buses themselves are converted school buses, designed decades ago to transport children to school along local streets. These buses are outdated and were not designed for adults. Further, the UTM shuttle buses lack important safety protections, including passenger seatbelts. The risks created by these unsafe conditions are further elevated by the fact that the buses are often overcrowded and travel at accelerated speeds along the Gardiner Expressway and Queen Elizabeth Way highway.
5. As a result of the inadequate and unsafe condition of UTM shuttle buses, the health and safety of UTFA members riding these buses is at risk.
6. In particular, without passenger seatbelts, UTFA members travelling on these buses are more likely to sustain serious injuries in the event of an accident. Recent government studies and investigative reporting reveal that high-backed, padded seats on school buses provide no protection against side-impact and rollover crashes and that the installation of three-point seatbelts on these buses can save lives.

Basis for the Association Grievance

7. University policy requires the Administration to comply with and exceed the requirements of the *Occupational Health and Safety Act* (the “OHSA”) and its regulations. In this regard, the University’s *Health and Safety Policy* provides, in part:

The Governing Council, the President and all levels of management will work in consultation and cooperation with University employees, joint health and safety committees, students, contractors and visitors to ensure that the requirements of the Occupational Health and Safety Act and its regulations, other applicable

legislation with supporting guidelines and procedures, and the University's Occupational Health and Safety Management System are fully implemented and integrated into all University work and study activities.

Where reasonable, the University will strive to exceed the legislated requirements by adopting the best practices available to protect the University community and to promote a positive health and safety culture. The University will work towards continuous improvement in its health and safety program.

Managers and supervisors, whether academic or administrative, will take responsibility and accountability for the health and safety of all workers (i.e., employees and certain others as set out in OHSA – Bill 18) under their direction and those workplaces under their charge. They will advise their workers of the existence of potential or actual workplace hazards, and will ensure that they work safely and in accordance with the *Occupational Health and Safety Act* and its regulations, and all applicable University policies and procedures. They will take every precaution reasonable in the circumstances for the protection of their workers.

[Emphasis added.]

8. By failing to ensure the health and safety of UTFA members on UTM shuttle buses, the Administration has, *inter alia*, violated its duty to take every precaution reasonable in the circumstances for the protection of its workers, contrary to s. 25(2)(h) of the OHSA, and has failed to meet and exceed legislated requirements by adopting best practices to promote the health and safety of its employees, contrary to the *Health and Safety Policy*.

9. Article 8 of the MOA also requires the Administration to make best efforts to ensure an adequate level of support for UTFA members related to working conditions and to provide an equitable level of support. Article 8 provides in part:

The University of Toronto agrees to continue to use its best efforts to ensure that there is an adequate level of support for faculty members relating to working conditions amid equitable distribution of support among members of the same academic division or department (in multi-departmental divisions).

10. By failing to provide UTFA members with access to safe, adequate transportation between the St. George and UTM campuses and between UTM and Sheridan campuses, which comprises an integral component of the day-to-day working conditions of faculty members with UTM appointments, the Administration has failed to provide necessary support and adequate working conditions for affected UTFA members.

11. Further, the Administration's failure to ensure the health and safety of UTFA members on UTM shuttle buses creates inequitable working conditions as between UTM and non-UTM faculty members. For example, as a result of the condition of UTM shuttle buses, faculty members with UTM appointments must not only spend additional time and money travelling between campuses, but must also put their health and safety at risk when travelling on these dated, crowded and unsafe buses as part of their work. They also experience increased stress as a result of having to travel in such dangerous conditions. This represents a separate and discrete violation of Article 8.

12. In addition, UTFA has been advised that the poor condition of UTM shuttle buses – and in particular, the fact that they were designed to transport children and not adults – exacerbates the pre-existing medical condition(s) of certain UTFA members. The poor condition of UTM shuttle buses therefore disproportionately adversely impacts UTFA members with underlying health conditions, contrary to Article 9 of the MOA, which provides that there shall be no discrimination on the basis of disability in respect of the terms and conditions of UTFA members' employment.

13. The Administration has also acted contrary to the University's *Environmental Protection Policy*. The *Environmental Protection Policy* provides, in part:

The University of Toronto is committed to being a positive and creative force in the protection and enhancement of the local and global environment, through its teaching, research and administrative operations.

[T]he University as an institution, and all members of the University community, have a responsibility to society to act in ways consistent with the following principles and objectives:

Fundamental Principles

The University will:

- Meet and, where reasonably possible, exceed compliance with applicable federal, provincial and local environmental regulations and other requirements to which the University subscribes
- Operate so as to minimize negative impacts on the environment
- Adopt practices that reflect the conservation and wise use of natural resources
- Respect biodiversity

Specific Objectives

- In adopting these fundamental principles, the University will be guided by ethical attitudes towards natural spaces and will take all reasonable steps to meet the following objectives:
 - Minimize the use of energy, water and other resources, through efficient design, management and practice
 - Minimize waste generation and actively manage the impact of waste, emissions, & effluents generated by University activities
 - Minimize noise and odor pollution from University activities
14. The substandard condition of UTM shuttle buses reduces ridership. While some UTFA members (e.g. those without a driver's license or vehicle and/or those with health conditions that prevent them from driving) have no choice but to use existing UTM shuttle buses to travel between campuses, other UTFA members drive themselves between campuses given the poor condition of the buses. Greenhouse gas emissions and traffic congestion are increased as a result. This directly undermines the Administration's stated commitment to "operate so as to minimize negative impacts on the environment" and to "minimize waste generation...generated by University activities."

Conclusion

15. For the above reasons, UTFA grieves that the Administration has violated:
- a. Articles 8 and 9 of the Memorandum of Agreement;
 - b. Section 25 of the *Occupational Health and Safety Act*;
 - c. The University of Toronto *Health and Safety Policy*;
 - d. The University of Toronto *Environmental Protection Policy*; and
 - e. Any other relevant MOA provisions, policies, procedures, practices or law.
16. By way of remedy, UTFA seeks:
- a. A declaration that the Administration has violated the MOA, the *Occupational Health and Safety Act*, and University policies as set out above;

- b. An order that the Administration immediately takes steps to ensure that the UTM shuttle bus service is suitable, efficient, healthy and safe for UTFA members. This should include, at minimum, the installation of safety seat belts and/or the contracting of updated coach buses;
- c. [Are these any other specific remedies UTFA might want?]
- d. Such other remedies as UTFA may request.

UTFA reserves the right to add to or amend this grievance.



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

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

Claude Evans
Tel: 416-978-4109
Email: evans@utfa.org

January 30, 2020

Professor Heather Boon
Vice-Provost, Faculty and Academic Life
McMurrich Building, Room 103
12 Queen's Park Crescent West
Toronto, Ontario M5S 1S8

Dear Professor Boon:

Re: Quercus Reporting of SET Results

Further to UTFA's letters dated September 27, 2018, and October 26, 2018, in which a number of concerns were raised about the use of Student Evaluations of Teaching (SETs) at the University of Toronto, we are writing in regard to the publication of quantitative SET results on Quercus. Under the present system faculty members and registered students have access on Quercus to the SET scores of all courses given on the three campuses, except for those courses for which the instructors chose to opt out of the system.

SETs measure student experience and therefore they do not directly measure teaching effectiveness. Moreover, they are subject to discriminatory bias. On this basis alone, the practice of publishing SET results on Quercus is called into question. In addition, UTFA has privacy concerns about the publication of the results of SETs.

Additionally, in recent months, a number of faculty members have contacted UTFA to indicate varied concerns related to the opt out process on Quercus and the use of scores that are published for review by all students and faculty at the University. The main concerns can be summarized as follows:

- Faculty members are automatically *opted in* to the publication of their SET results.
- Faculty members must opt out in every semester, rather than opting out on a one-time basis.
- Opting out applies only to one semester and may not be retrospective.

- There is only a small window of time to opt out in each semester. Faculty members who do not opt out during this short time frame are prevented from removing their scores in the future.
- The mean score of all SET questions per course is made available to the entire university community. As has been decided by Arbitrator Kaplan in his June 28, 2018 decision at Ryerson University:

"The evidence is clear, cogent and compelling that averages establish nothing relevant or useful about teaching effectiveness. Averages are blunt, easily distorted (by bias) and inordinately affected by outlier/extreme responses.

[...]

There is no demonstrated value in comparing average results across formats, levels, topics and disciplines. This is statistically unhelpful and only exacerbates the confounding biases earlier referred to."

Therefore, average SET scores should not be calculated or relied on in any manner and should not be reproduced and made public.

In light of the above, UTFA requests that, at minimum, the practice surrounding opting out on Quercus be modified as follows:

- All Faculty members will be automatically opted out of the publication of their SET scores on Quercus (including for courses from previous terms), and be given the option of opting back in.
- Faculty members will be entitled to opt in or out at any time, and not only during a specified period.
- No adverse inference will be made against any faculty member who decides to remain opted out, particularly junior faculty who have not obtained tenure or continuing status.

We thank the Administration for its consideration of this request and look forward to a speedy resolution of these concerns. This letter is without prejudice to any future correspondence with the Administration on this matter.

Sincerely,



Claude Evans
VP Grievances, UTFA

c: Cynthia Messenger, President, UTFA
Terezia Zoric, VP, SBPW, UTFA
Helen Nowak, General Counsel, UTFA