

UTFA Council Agenda

Monday, April 27, 2020

2:00 – 4:30 p.m.

Zoom

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1. Approval of the Agenda
 2. Minutes of the Previous Meeting
 - a. February 13, 2020 *
 3. Business Arising
 - a. From the Minutes of Council
 - b. From the Minutes of the Executive Committee
 - i. January 10, 2020 *
 - ii. February 7, 2020 *
 - iii. February 28, 2020 *
 - iv. April 3, 2020 *
 4. Report of the President (40 min)
 - a. COVID update: communication with the administration * (various letters are attached)
 - b. Request for a special Joint Committee meeting scheduled for April 30 *
 - c. Townhall meeting in May on the COVID response and consequences
 - d. AGM meeting – reschedule for the fall (C. Messenger and W. Gray)
 - e. Climate change and investing statement
 - f. Part-time policy negotiations: ongoing
 - g. Nomination of UTFA's representative to UTAM – Alan White * (motion)
 - h. Executive Director hiring
 5. Report of the Vice-President, Salary, Benefits, Pensions and Workload (20 min)
 - a. SET Association grievances *
 - b. SBPW update
 - c. Salary discrimination Association grievance
 - d. Request for case management conference with Administration
 6. Report of the Treasurer (10 min)

- a. Update on UTFA investments
 - b. Year-to-date
- 7. Report of the Chair of the Nominating Committee (5 min)
- 8. Report of the Chair of the Membership Committee (10)
 - a. Black Faculty Focus Group - Salary Discrimination initiative
 - b. Email communication
 - c. Meet and greet
- 9. Report of the Chair of the Librarians Committee (10 min)
 - a. Update on Policy for Librarians Negotiations (K. Scheaffer & H. Sonne de Torrens)
 - b. Update and concerns on what is happening in the libraries
- 10. Report of the Acting Vice-President, Grievances (10 min)
 - a. Grievance re: Administrative Access to Quercus sites *
 - b. Update on Grievance portfolio
- 11. Report of the Chair of the Teaching Stream Committee (10 min)
 - a. Teaching stream review/promotions workshop - Wednesday, May 6th from 3-5pm
 - b. Summary results of the teaching stream survey on research, scholarship and creative professional activities *
- 12. Report of the Chair of the Equity Committee (5 min)
 - a. Approval of Maryam Faiz, Divisions of Anatomy to the Equity Committee
- 13. Other Business
 - a. Next meeting of Council
TBA
 - b. Annual General Meeting
TBA
- 14. Adjournment

* materials attached



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UTFA Council Minutes

Thursday, February 13, 2020 – 3:00 – 5:00 p.m.
Room 374
Rotman School of Management
105 St. George Street

Present:

Executive: K. Adamson, M. Allen, A. Braun, C. Evans, L. Florence, A. Giacca, R. Gillis, J. Macdonald, C. Messenger, S. Rupp, A. Taleghani, T. Zoric

Present: M. Attridge, E. Barbeau, J. Berkovitz, K. Bickmore, C.H. Chen, A. Fenner, E. Fillion, D. Gastaldo, P. Grav, M.A. Guttman, J. Jenkins A. Keith, W. Kemble, R. Kluger, J. Nogami, M. O'Connor, M. Peski, S. Ruddick, M. Stapleton, L. Stewart Rose, K. Weaver

Regrets: K. Banning, L. Chen, E. Comelli, A. Fenner, G. Grasselli, D. Heap, R. Helms-Park, K. MacDonald, D. Roberts, H. Rodd, K. Scheaffer, V. Skelton, H. Sonne de Torrens, A. White, N. Wiseman

Absent: J. Lanca, M. Light, B. McDonagh, J. Poë, S. Prudham

Also Present: N. Bueler (Executive Assistant)
M.E. Dill (Goldblatt Partners)
M. Horban (Business Officer)
H. Nowak (General Counsel)

R. Riendeau called the meeting to order at 3:05 p.m.

1. Approval of the Agenda

M.A. Guttman, seconded by A. Giacca, moved that:

the agenda be approved as amended.

Carried.

2. Minutes of the Previous Meeting

a. January 22, 2020 *

As there were no changes to the January 22, 2020 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.

4. Report of the President (20 min)

a. Presidential election guidelines *

C. Messenger called the members' attention to the proposed presidential election guidelines.

C. Messenger said that the guidelines were discussed at the Executive meeting, but no Executive motion was passed as some information was not yet available. She said that she would be asking Council to approve the guidelines with possible changes.

C. Messenger said that we need the presidential election guidelines to be passed before the March 1 opening of the nominations for President.

C. Messenger noted that items 1 and 2 on the attached checklist (Executive suggests the Nominating Committee slate five days before the January Council meeting, and the Nominating Committee is appointed by Council by Feb. 1) have been done.

C. Messenger said that webcasting or live streaming of the Presidential Candidates Forum had been suggested so that everyone, particularly members at UTM or UTSC, could watch at the same time. She called the members' attention to item 11 of the guidelines, which outlines how such a forum would take place. Executive agreed that instead of a webcast or live feeds into classrooms, a video link would be provided, and members could watch the forum live.

The members discussed the best way to reach the most members for a Presidential forum.

C. Messenger noted that candidates' information will be posted on the UTFA website. Candidates can also provide a link to their own website.

K. Weaver noted that there have been discussions about the pros and cons of both electronic and paper voting. He suggested that the guidelines should explicitly say that a company has been engaged to conduct an "online" vote. He noted that the percentage of those eligible to vote in recent elections who needed paper ballots has been very small, and paper ballots will eventually be done away with.

Note in further discussion:

- the respective merits of the terms "collegial" and "civil"

- rotation of the Presidential Candidates Forum between the three campuses in the future, though this might create new problems
- accessibility on the three campuses

C. Messenger said that nominations close on March 16.

Following are the guidelines with amendments suggested by the members:

UTFA
GUIDELINES
PRESIDENTIAL ELECTION
APPROVED BY UTFA COUNCIL ON FEBRUARY 13, 2020

The Chief Returning Officer for the 2020 presidential election is Louis Florence.

Presidential Election: Note that Article 9.1 (iii) of the Constitution 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 live webcast will be available by link on the UTFA website as a matter of accessibility. No video will be posted or distributed.** 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.*

C. Messenger, seconded by M.A. Guttman, moved that:

the Presidential election guidelines be approved as amended.

Carried.

b. Nominating Committee guidelines * (motion)

C. Messenger called the members' attention to the Nominating Committee guidelines.

The members discussed the guidelines and suggested the following addition to the end of item 5:

“Any member of the current Executive Committee shall be deemed not to be returning to their position on the Executive Committee if they do not respond by the deadline when the Chair of the Nominating asks whether or not the member is returning.”

C. Messenger said that she suggested that the Nominating Committee not meet until these guidelines passed. There may not be a lot of work to do before the President is announced.

The members discussed the Nominating Committee guidelines and suggested changes to the Bylaws.

C. Messenger noted that the Chief Returning Officer will run the elections at Council, not the Speaker.

The Executive Committee recommends to Council that:

the Nominating Committee Guidelines be approved as amended.

Carried.

c. Executive Director hiring update

C. Messenger said that there three candidates will be interviewed for the position of Executive Director. Odgers Berndtson are setting up the interviews.

d. Release time * (motion)

C. Messengers said that the release time schedule being presented is the same as last year's. She said that the FTE referred to in the schedule is a notional FTE only. It takes into account the salaries of all three streams. It needs to be revised but has not been as yet. She suggested that perhaps the new President could review it. The Nominating Committee needs these numbers to let candidates for Executive know what their release time would be so that they can negotiate with their chairs.

K. Weaver noted that the VP, SBP should be changed to VP, SBPW.

J. Macdonald noted that the Chair of the Retired Members Committee does not receive any funds.

The Executive Committee recommends to Council that:

the release time schedule be approved as amended.

Carried.

e. OCUFA Bill 124 challenge * (T. Zoric and R. Gillis)

R. Gillis reported that OCUFA has decided to move ahead to challenge Bill 124 and has asked UTFA to be a signatory to the challenge. Most of the faculty associations in Ontario have agreed to have their names added to the challenge, though this is not required. Our doing so would show our support of the legal challenge and our solidarity with the other unions and faculty associations across the province.

R. Gillis said that Bill 124, Protecting a Sustainable Public Sector for Future Generations Act, allows only a 1% pay increase for any provincially funded organization. This presents a challenge to unions.

R. Gillis said that UTFA would not be paying for any part of this challenge. OCUFA would pay for it.

R. Gillis, seconded by M. Attridge, moved that:

UTFA agrees to be named as a signatory to the Ontario Federation of Labour (OFL) coalition challenge against the Protecting a Sustainable Public Sector for Future Generations Act.

L. Florence said that he understood the importance of the ability to bargain, however, he also understands that the government is trying to reign in an out of control deficit.

Carried with one opposed.

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

a. Salary discrimination project

T. Zoric, seconded by R. Gills, moved that:

the meeting go in camera.

Carried.

b. SBPW Negotiations

The meeting continued in camera for items 5b, 5c and 5d.

c. Asbestos group grievance and health and safety

d. Sexual Violence Policy LOU negotiations

e. SET/SQCT Association grievance * (with S. Rupp)

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

return to the regular meeting.

Carried.

T. Zoric, seconded by S. Rupp, moved that:

UTFA Council give support for the SET/SCT Association grievance.

Carried.

6. Report of the Treasurer (15 min)

a. Motions:

i. Increasing the UTFA contingency fund allocation (motion) *

L. Florence said that these motions were discussed at the last Council meeting and he incorporated the feedback Council provided. He noted that the money would be in the investment portfolio, which is now at approximately \$4.5 million. When the reserve fund was initially set up about 15 years ago it was agreed that \$750,000 be put into the fund.

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 negotiations with the UT administration deemed by the UTFA Executive/Council at that time to be of fundamental importance to the interests of our membership.

Carried.

ii. Monitoring the investment fund balance (motion) *

L. Florence said that this recommendation came out of the Financial Advisory Committee. He offered the example of the Business Officer asking the Treasurer to transfer \$3 million to the UTFA chequing account and the Treasurer agreeing to do so, and noted that there are no checks and balances or formal restrictions preventing this. The purpose of this motion is to control that, to be able to identify a point at which something significant has changed and Executive needs to be informed. He said that it is important to maintain UTFA's financial strength especially in negotiations with the Administration.

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.

Carried.

7. Order of the Day: 4:00 p.m. - UTM Shuttle Bus Association Grievance * (15 min)

C. Evans introduced M.E. Dill from Goldblatt Partners, who would be talking about the draft UTM shuttle bus Association grievance.

S. Rupp, seconded by A. Giacca, moved that:

the meeting to in camera.

Carried.

T. Zoric, seconded by E. Barbeau, moved to:
return to the regular meeting.

Carried.

C. Evans, seconded by R. Gillis, moved that:

Council give support in principle for the UTM shuttle bus Association Grievance.

T. Zoric said that approving the motion in principle allows room for change.

Carried.

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

a. Letter to Heather Boon regarding the publication of SET scores on Quercus *

C. Evans called the members' attention to the letter sent to H. Boon on Quercus reporting of SET results. A member called to our attention that quantitative SET results are published in Quercus and that faculty members are automatically opted in to have their SET results published and if they want to opt out they have to do it for each semester instead of on a one-time only basis. We are still waiting for a reply.

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>

C. Evans reported that she attended the above-noted workshops. The February 3 workshop was presented by Dean Sharpe, manager of the U of T Research Ethics Boards (REBs). She said that she recommends reviewing the protocols that are in place if you are dealing with humans in your research. Privacy concerns and possible conflicts of interest have led to cases of research misconduct.

c. Update on permanent legal assistant hiring

C. Evans said that the job description for the legal assistant has been posted to two agencies. February 28 is the closing date and meeting and interview dates are being arranged with the hiring committee.

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

a. Meet and greet with constituents

K. Adamson thanked the members of the Membership and University and External Affairs Committees for attending the joint meeting to talk about the ways to build community and communications.

K. Adamson said that the committees are working hard to fill vacant Council seats and are considering candidates for English, Math, Public Health, Occupational Health, OISE, Engineering, Kinesiology, and Pharmacy. He also asked the members if they know of any candidates for those vacancies.

K. Adamson sent an email to members of Council again asking members to take one colleague to coffee. For all of those who can't do this before March 30, he asked that they try and do it before April 30. When a member has set a date with a colleague, he can provide speaking points and a card for coffee.

b. Electronic communications

K. Adamson said that UTFa would be trying out the new constituency email lists on the retired members constituency. We have been able to get each constituency's email addresses into one email address. He said that he would report at the next meeting on the results of the test and any special considerations if

we are to use these new addresses. They will help us communicate with our members.

K. Weaver, seconded by E. Barbeau, moved that:

the meeting be extended to 5:30 p.m.

Carried.

10. Report of the Vice-President, University and External Affairs (5 min)

a. Proposed donation to scholarship fund

R. Gillis said that it has been suggested that, instead of having our own scholarship, UTFA donate to an existing scholarship at UofT in support of Iranian students/Iranian studies. This was discussed at Executive and the last Council meeting and there has been some change to the initial idea. UTFA was going to set up its own scholarship, but the Advancement office at UofT said that they are already setting up a scholarship fund for Iranian students in memory of the students who perished in the Ukrainian flight. Right now, any donated funds will be matched three to one up to \$250,000. The money will come from the federal government. Iranian students or those working in the Iranian community, whether undergraduate, graduate, domestic, or international students, would qualify to apply for this award.

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

UTFA provide a one-time only donation of \$10,000 in support of the UofT Iranian Student Memorial Scholarship Fund.

Carried.

b. CAUT Day of Action

R. Gillis reported that the CAUT Day of Action took place on February 12. The information was sent out through social media and part of the day of action was to support our contract academic staff in their precarious employment. The day of action was coordinated across the country with CAUT's leadership.

c. Black Faculty event at OISE

R. Gillis reported that OISE held a successful event with people attending and participating from across the campus. Members of the Black community also attended, and the auditorium was filled. There was an important discussion about the absence of Black faculty representatives across all faculty, not just at OISE. The numbers are lower compared to the population and percentage of the department. The event had good support from the Dean of Administration, and he hoped this event would help push for hiring more Black faculty at UofT and OISE. He will be discussion with A. Taleghani how UTFA can be more pro-active in promoting this with the Administration and raising it as a priority.

J. Nogami said that the Administration has agreed to create 20 new faculty positions specifically for Black or Indigenous faculty.

11. Report of the Chair of the Equity Committee (10 min)

a. Special Council Meeting: unconscious bias workshop

A. Taleghani thanked Council members who attended the unconscious bias workshop. She found it to be engaging and informative. E. Phillips actively engaged the Council members in the discussion. She thanked all those involved in the event.

b. Meeting of the OCUFA Status of Women and Equity Committee (SWEC), January 24, 2020

A. Taleghani reported that she attends the OCUFA Status of Women and Equity Committee meeting every 3 months.

A. Taleghani said the following issues were discussed at the meeting:

- SWEC Project: Employment Equity at three stages: Hiring, Retention and Promotion
- Accessibility for faculty, student, and the accommodation issue
- Increasing the number of international students because of provincial budget cuts
- YUFA (York University Faculty Association) Workshop on “Faculty Associations and Climate Justice”
 - Why should faculty associations care about climate justice?
 - What does equity have to do with climate justice?
 - What can faculty associations do for climate justice?

A. Taleghani said that we should all think about how to deal with the increased numbers of international students and how to deal with these students in increased class size.

A. Taleghani said that the next meeting of the Equity Committee will take place on February 27 from 3:00-5:00 p.m.

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

a. Approval of C. Evans to the Appointments Committee

S. Rupp said that he has been the Chair of the Appointments Committee since last July, but he has been away on sick leave until recently. S. Rupp said that he is grateful for the support he received from colleagues and people at UTFA while he was on leave.

S. Rupp reported that the Appointments Committee met at the end of January to discuss potential priorities. The committee discussed the Policy on Part-time Appointments, SETs, and the policy and procedures to the rank of full professor in both streams. The negotiations on the Policy on Part-time Appointments is moving forward.

S. Rupp said later this term there will be a Tenure workshop in conjunction with E. Phillips from Goldblatt Partners.

S. Rupp, seconded by T. Zoric, moved that:

C. Evans be approved to sit on the Appointments Committee.

Carried.

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

W. Kemble, seconded by K. Weaver, moved that:

R. Makinson be approved to sit on the Librarians Committee.

Carried.

14. Other Business

M. Attridge said that he attended the OCUFA Executive and board meetings. They welcomed the three of the four presidents of the teacher’s unions in Ontario who gave a presentation about what is going on

in their negotiations and the challenges they are facing. They said that the provincial government is working to isolate teachers' unions and that the concerns the teachers have are not just the teacher's issue. It is also an attack on post-secondary education and not just about salary. OCUFA discussed what faculty associations could do to express their solidarity with the teachers' unions.

The members discussed what UTFA could do to show solidarity with the teachers' unions. It was suggested that UTFA work with other faculty associations in Ontario to put out something in the newspapers leading up to the day of action where all the unions were walking out at the same time. This would be the first time in 23 years where the teachers of all four unions would be striking.

M. Attridge, seconded by T. Zoric, moved that:

it be resolved that the UTFA Executive explore options, in preparation for the province wide teachers strike next Friday, to work with RFA, YUFA and OCADUFA to support the teachers in their efforts to maintain a strong publicly funded education system in Ontario.

The members discussed ways to show solidarity with the teachers' unions.

It was agreed the R. Gillis and M. Attridge would work on this.

Carried with one opposed.

C. Messenger said that she has agreed to sit on a pension panel on April 4 that OCUFA is arranging.

C. Messenger, seconded by A. Giacca, moved that:

the meeting to go in camera to discuss the Part-time Appointments Policy negotiations.

Carried.

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

return to the regular meeting.

Carried.

- 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

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

the meeting adjourn.

Carried.

The meeting adjourned at 5:30 p.m.

Chris Penn
Senior Administrative Assistant

Motions from the February 13, 2020

UTFA Council meeting

Item 4a: Presidential election guidelines

C. Messenger, seconded by M.A. Guttman, moved that:

the presidential election guidelines be approved as amended.

Carried.

Item 4b: Nominating Committee guidelines

The Executive Committee recommends to Council that:

the Nominating Committee Guidelines be approved as amended.

Carried.

Item 4d: Release time

The Executive Committee recommends to Council that:

the release time schedule be approved as amended.

Carried.

Item 4e: OCUFA Bill 124 challenge

R. Gillis, seconded by M. Attridge, moved that:

UTFA agrees to be named as a signatory to the Ontario Federation of Labour (OFL) coalition challenge against the Protecting a Sustainable Public Sector for Future Generations Act.

Carried with one opposed.

Item 5e: SET/SQCT Association grievance

T. Zoric, seconded by S. Rupp, moved that:

UTFA Council give support for the SET/SQCT Association grievance.

Carried.

Item 6a(i): Increasing the UTFA contingency fund allocation

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 negotiations with the UT administration deemed by the UTFA Executive/Council at that time to be of fundamental importance to the interests of our membership.

Carried.

Item 6a(ii): Monitoring the investment fund balance

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.

Carried.

Item 7: Order of the Day: 4:00 p.m. - UTM Shuttle Bus Association Grievance

C. Evans, seconded by R. Gillis, moved that:

Council give support in principle for the UTM shuttle bus Association grievance.

Carried.

Item 10a: Proposed donation to scholarship fund

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

UTFA provide a one-time only donation of \$10,000 in support of the in support of the UofT Iranian Student Memorial Scholarship Fund.

Carried

Item 12a: Approval of C. Evans to the Appointments Committee

S. Rupp, seconded by T. Zoric, moved that:

C. Evans be approved to sit on the Appointments Committee.

Carried

Item 13a: Approval of Robert Makinson – UTM Communications and Liaison Librarian | HMALC Library to the Librarians Committee

W. Kemble, seconded by K. Weaver, moved that:

R. Makinson be approved to sit on the Librarians Committee.

Carried.

Item 14: Other Business

M. Attridge, seconded by T. Zoric, moved that:

it be resolved that the UTFA Executive explore options, in preparation for the province wide teachers strike next Friday, to work with RFA, YUFA and OCADUFA to support the teachers in their efforts to maintain a strong publicly funded education system in Ontario.

Carried with one opposed.



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Council Summary UTFA Executive Minutes

Friday, January 10, 2020
UTFA Boardroom
1:00 – 3:00 p.m.
Chair – C. Messenger

Present: K. Adamson, M. Allen, A. Braun, C. Evans, L. Florence, A. Giacca (phone)
R. Gillis, J. Macdonald (phone), C. Messenger, D. Roberts, S. Rupp, H.
Sonne de Torrens (phone), A. Taleghani, T. Zoric

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

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

C. Messenger welcomed the members to the new year and said that this would be her last term as President, but she would continue working for UTFA on the UPP Sponsor Board.

C. Penn read the Statement of Acknowledgement of Traditional Land.

1. Approval of the agenda: The agenda was approved as distributed.
 2. Minutes of the previous meeting
 - a. November 8, 2019: The minutes and Council summary of the November 8, 2019 Executive meeting were approved as distributed.
 - b. November 21, 2019: The minutes and Council summary of the November 21, 2019 Executive meeting were approved as distributed.
 3. Business arising (not elsewhere on the agenda)
 - a. Action List: Several items were removed from the action list.
- L. Florence assumed the chair.
4. Report of the President (30 min)
 - a. Part-time appointments policy negotiations
- S. Rupp, seconded by K. Adamson, moved that:
the meeting go in camera.

Carried.

M. Allen, seconded by D. Roberts, moved to:

return to the regular meeting.

Carried.

b. Nominating Committee

C. Messenger said that the Executive must suggest four names for the Nominating Committee to Council not later than five business days before the January Council meeting. Council will then elect a fifth member and approve the slate. She will email a list of candidates to Executive for approval.

c. Presidential election guidelines

C. Messenger said that she has studied the report from J. Poë and her committee and is reviewing which dates are set in the bylaws and which are more flexible. A one-page guideline is needed for the upcoming election. Executive should discuss it and then take it to the February Council meeting for approval.

d. Chief Returning Officer

C. Messenger reported that she has approached someone on Council about serving as the Chief Returning Officer. If there is an election, then there is about six weeks' worth of work.

e. UTFA Council agenda

C. Messenger asked that members let C. Penn know their agenda items for Council.

f. Update on UPP

C. Messenger said that the UPP exists as of January 1, 2020, but there are no funds in the plan yet. The key documents have been submitted to the provincial government. The plan text is being scrutinized by the Sponsor Board and will then be submitted. The seven employee-side members of the Trustee Board have been appointed and the employers have also chosen their representatives. Six members of the Trustee Board are appointed by members of the employee sponsor committee. Formal letters are being sent out to them and the Chair of the Trustee Board has met with them informally.

C. Messenger reported that the Sponsor Board had met and will meet again in March. It has issued requests for proposals for legal and actuarial services. Sponsor Board expenses will be covered to 2021 only. Members of the Employee Sponsor Committee will then develop a cost sharing agreement. Trustee Board expenses will be borne by the pension plan.

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

a. Salary Discrimination Project

T. Zoric said that she is putting together the working group that came out of the Librarian salary discrimination facilitation, with meetings beginning in January.

C. Evans, seconded by M. Allen, moved that:

the Executive recommend to Council that:

T. Zoric, H. Sonne de Torrens, and K. Everall be on the Librarian working group on systemic salary issues.

Carried.

S. Rupp, seconded by R. Gillis, moved that:

the meeting go in camera.

Carried.

K. Adamson, seconded by M. Allen, moved to:

return to the regular meeting.

Carried

b. SBPW Negotiations

T. Zoric said that the Negotiating Team was agreed to at the last Council meeting; however, there was an interest in having another tenure stream and another part-time faculty member on the team.

T. Zoric, seconded by M. Allen, moved that:

the Executive Committee recommend to Council that:

J. Nogami and M. Allen be added to the SBPW Negotiating team.

Carried.

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

the meeting go in camera.

Carried.

c. Joint Benefits Committee (T. Zoric and R. Gillis)

The meeting continued in camera for items 5c, 5d, 5e, 5f and 5g.

d. Workload Adjudicator

e. Asbestos Group Grievance

f. Sexual Violence Policy LOU

g. Internal Workload Issues

L. Florence, seconded by C. Evans, moved to:

return to the regular meeting.

Carried.

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

a. Update on the activities of the grievance portfolio

C. Evans provided statistics on the number and types of files opened and closed from October to December 2019 and compared them with the numbers for the same period in 2018. She noted that many people who contact UTFA just want advice and a grievance is never opened.

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

the meeting go in camera.

Carried.

C. Evans, seconded by M. Allen, moved to:

return to the regular meeting.

Carried.

C. Evans updated the members on the search for a Legal Assistant. She expected the job description for this permanent position to be posted soon after consultation with the union.

b. OCUFA Grievance Committee meeting, November 29

C. Evans reported that she and T. Zoric attended this meeting. T. Zoric gave a presentation on issues and strategies around salary discrimination and pay equity grievances that was well received. Also discussed were equity, indigenous, and gender issues and, in particular, the statement on indigenous lands.

c. Graduate student evaluation *

C. Evans said that this is about a plan to have graduate students evaluate their supervisors.

A. Giacca called attention to the letter that members in the Faculty of Medicine are about to sign, stating the flaws in the Graduate Supervisory Experience Survey.

A. Giacca asked that members send her any comments before the letter is signed and sent off.

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

a. Discussion of key message to be sent to Council

K. Adamson said that the Membership Committee has a plan for members of Council to connect with their constituents. He updated the members on the invitations he sent to Council members to invite at least one constituent to have coffee with them. As we promised to provide Council members with speaking points, he said that he would draft them and send them to C. Messenger for vetting.

C. Messenger suggested that each Chair or Vice-President send up to three bullet points about the most exciting and important news from their portfolio that should be conveyed to our members.

8. Report of the Treasurer (15 min)

a. Financial update

T. Zoric, seconded by R. Gillis, moved that:

the meeting go in camera.

Carried.

L. Florence, seconded by K. Adamson, moved to:

return to the regular meeting.

Carried.

b. Increasing the UTFA contingency fund allocation

L. Florence said that he will have a motion for the next Executive meeting about increasing the contingency fund and he would circulate it before the meeting.

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

a. Unconscious bias workshop – January 28 – Rotman, 3-5 pm

A. Taleghani reminded members of the special meeting of Council on unconscious bias. E. Phillips will be presenting the workshop and A. Taleghani has been in contact with her to discuss a potential topic.

10. Report of the Vice-President, University and External Affairs (15 min)

a. Report on the Special OCUFA meeting on court challenges to provincial legislation

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

the meeting go in camera.

Carried.

R. Gillis, seconded by A. Braun, moved to:

return to the regular meeting.

Carried.

b. Update and proposed actions on the violations of academic freedom and violence in India and China

R. Gillis said that D. D'agostino raised his concerns to him regarding violation of academic freedom in India and China.

The members discussed how UTFA could best deal with these concerns.

R. Gillis, seconded by L. Florence, moved that:

concerns about the violations of academic freedom and violence in India and China be forwarded to the CAUT Academic Freedom and Tenure Committee to deal with

Carried.

c. Al Miller Graduate Awards

R. Gillis reported that there were five short-listed candidates for the Al Miller Graduate award, which is named after a former Executive member. The calibre of applicants this year was high, so there will be two awards. The recipients, receiving \$5,000 each, are Diana Peragine, a fifth-year PhD student in the Department of Psychology, and Esmeralda Bukuroshi, a PhD candidate in the Department of Chemical Engineering and Applied Chemistry.

R. Gillis said that it has been our practice to invite the recipients to the AGM to receive their awards. He thanked the members of the University and External Affairs Committee for helping with selection.

11. Other Business

C. Messenger announced that the new Executive Assistant had been hired and would start the next week.

- a. Next Executive Committee Meeting
Friday, January 24, 2020
1:00 – 3:00 p.m.
- b. Next UTFA Council
Wednesday, January 22, 2020
3:00 – 5:00 p.m.
Room LL1030, Rotman School of Management
- c. Special Council meeting on unconscious bias
Tuesday, January 28, 2020
3:00 – 5:00 p.m.
Room 368, Rotman School of Management
- d. AGM
April 14, 2020
George Ignatieff Theatre
- e. Adjournment

T. Zoric, seconded by R. Gillis, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 3:15 p.m.

Chris Penn

Senior Administrative Assistant



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Council Summary UTFA Executive Minutes

Friday, February 7, 2020
UTFA Boardroom
1:00 – 3:00 p.m.
Chair – C. Messenger

Present: K. Adamson, M. Allen, A. Braun, C. Evans, L. Florence, A. Giacca,
R. Gillis, C. Messenger, D. Roberts, S. Rupp, A. Taleghani, T. Zoric

Regrets: J. Macdonald, H. Sonne de Torrens

Also present: N. Bueler (Executive Assistant), M. Horban (Business Officer),
C. Penn (Senior Administrative Assistant and Note Taker)

T. Zoric called the meeting to order at 1:10 p.m.

1. Approval of the agenda: The agenda was approved as distributed.
2. Minutes of the previous meeting:
 - a. January 10, 2020 *
 - i. Executive minutes
 - ii. Council summary

The January 10 minutes and Council summary were deferred to the next meeting.

3. Business arising (not elsewhere on the agenda)
 - a. Action List: The action list was deferred to the next meeting.

L. Florence assumed the chair.

4. Report of the President (40 min)
 - a. Presidential election guidelines *

C. Messenger called the members' attention to the draft presidential election guidelines.

The members discussed the guidelines and suggested some changes. C. Messenger said that she would also consider K. Weaver's suggested changes.

The members discussed how to hold a town hall that would reach UTFA members on all three campuses. A webcast accessible via a link on the UTFA website was suggested.

- b. Nominating Committee guidelines *

C. Messenger called the members' attention to the draft Nominating Committee guidelines. She noted the importance of having Executive members whose terms are ending declare by a set date whether they wish to return to the Executive Committee.

The members discussed the guidelines and suggested changes.

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

the Executive Committee recommend to Council that the Nominating Committee guidelines be approved as amended.

Carried.

c. Continuity Policy

C. Messenger said that we have a grievance on the Continuity Policy that we are going to revive after significant delays. C. Messenger is leading on it.

d. Executive Director hiring update

C. Messenger reported that Odgers Berndtson has provided her with a short list of candidates that she will share with the Office Staff Relations Committee.

e. Release time *

C. Messenger called the members' attention to the release time schedule. The percentages are the same as last year, but the dollar amounts will go up by the ATB increase.

The members discussed the document and suggested a few changes.

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

the Executive Committee recommend to Council that the Executive release time schedule be approved as amended.

Carried.

f. Update on office renovations (M. Horban)

M. Horban provided an update on office renovations. Building permits have been obtained. A Designated Substance Survey has been done in Suite 418, looking for asbestos, lead, or mold that might require remediation. A contract has been signed for demolition of Suite 408, to begin the week of February 18.

g. Update from Chief Returning Officer (L. Florence)

L. Florence reported that, after consultation with M. Horban and D. Puscas, it was decided that UTFA will use Simply Voting in case of a presidential election. He will work with the vendor to make sure that there are no glitches.

h. AGM

i. Newsletter

M. Horban said that Executive members should submit their reports for the AGM newsletter by March 2.

C. Messenger said that, at the AGM, instead of having a guest speaker she would give a longer farewell speech. She also would like to have some discussion of each report instead of asking for questions.

i. Joint Committee agenda

C. Messenger asked if the members had any items to be raised at the April 2 Joint Committee meeting.

j. OCUFA Bill 124 challenge *

C. Messenger called the members' attention to the email from M. Conlon, Executive Director of OCUFA, asking each faculty association for consent to list them on the application for the legal challenge to Bill 124. OCUFA needs this because it is not the bargaining agent for its members, but it is a party to the legal challenge. By obtaining consent to list its members on the application, OCUFA is affirming that it does indeed represent members who are bargaining agents.

C. Messenger said that Council can decide if it wants to agree to this request.

- k. UTFA Council agenda

C. Messenger asked the members to send items for the Council agenda to C. Penn.

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

- a. Salary discrimination project

T. Zoric, seconded by D. Roberts, moved that:

the meeting go in camera.

Carried.

- b. SBPW Negotiations *

The meeting continued in camera for items 5b, c, d and e.

- c. Asbestos group grievance
- d. Sexual Violence Policy LOU
- e. SET/SQCT association grievance (with S. Rupp)

T. Zoric, seconded by M. Allen, moved to:

return to the regular meeting.

Carried.

T. Zoric assumed the chair.

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

- a. Letter to Heather Boon regarding the publication of SET scores on Quercus *

C. Evans called the members' attention to the letter sent to H. Boon regarding the publication of SET scores on Quercus.

UTFA is concerned about the use of SETs at UofT and the publication of quantitative results on Quercus. Under the present system, faculty members and registered students have access on Quercus to the SET scores for courses given on all three campuses, except where instructors chose to opt out of the system.

The members discussed the letter.

C. Evans said that this is not yet a grievance and that UTFA is asking for remedies.

- 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>

C. Evans reported that she attended the above-noted workshop, led by Dean Sharpe. He is manager of the Social Sciences, Humanities, and Education Research Ethics Board as well as an academic.

C. Evans said that there is information online and noted that the rules changed last summer. Even if a project is approved, it needs to be renewed annually because of privacy issues. There are also rules about encrypting devices (e.g., phones and laptops). She suggested having focus groups on ethics protocols.

c. Update on permanent legal assistant hiring

C. Evans said that two employment agencies have been contacted and that February 28 is the closing date for the legal assistant applications. After a short list is decided on, interviews will take place.

C. Evans noted that the job description was approved by CUPE 1281.

d. UTM shuttle bus Association grievance

C. Evans said that UTFA is preparing an Association grievance on the UTM shuttle bus.

This issue was raised with the Administration a few years ago as there are no seatbelts on the buses and they travel on the freeway. Not only is this dangerous but the buses are uncomfortable. We have revived our concerns and are looking at launching a formal complaint. The Administration last stated that it will continue not using seatbelts as long as that is legal.

C. Evans asked that this item be an Order of the Day on the Council agenda.

C. Messenger assumed the chair.

7. Report of the Treasurer (15 min)

a. Increasing the UTFA contingency reserve fund *

L. Florence called the members' attention to the motion on the contingency reserve fund. He noted that the motion was revised based on feedback from Council.

L. Florence, seconded by A. Braun, moved that:

the Executive Committee recommend 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 U of T administration deemed by the UTFA Executive/Council at that time to be of fundamental importance to the interests of our membership.

Carried.

b. Monitoring the investment fund balance *

L. Florence called the members' attention to the motion on monitoring the investment fund balance. He said that it also incorporates suggestions made by Council.

L. Florence, seconded by R. Gillis, moved that:

the Executive Committee recommend 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.

Carried.

8. Report of the Vice-President, University and External Affairs (15 min)

a. Draft position statement on the coronavirus (also A. Giacca)

R. Gillis and A. Giacca reported that they had discussed the above-noted issue and concluded that UTFA was unlikely to be able to add anything to the information that is already being provided.

C. Messenger suggested that, instead of having an UTFA position statement on the coronavirus, we could post links to other statements and sites.

b. Developments and training regarding the AODA for PSE environments

R. Gillis said that everyone who works at UofT must complete the AODA training module, which is now on the Human Resources website. Even if you previously did AODA training, you must do it again.

It was suggested that R. Gillis prepare a statement to send to Council as well as the link.

R. Gillis said that this is a crucial area and he would like AODA representatives from UofT to come and speak to Council. It was agreed that they should come to the March Council meeting.

It was agreed that R. Gillis will invite Ben Poynton, AODA Officer, and Tina Doyle, Director, AccessAbility Services at UTSC, to the March Council meeting as an Order of the Day for 30 minutes.

c. Memorial scholarship for those UofT community members who died in the recent crash of the Ukrainian airliner

R. Gillis said that he spoke with C. Messenger and others about whether UTFA should set up a scholarship in memory of those UofT community members who died in the recent Ukrainian airliner crash. He noted that we now give out scholarships to graduate and undergraduate students.

The members discussed whether UTFA should create its own scholarship or see what other memorial scholarships are being created and donate money to one of them, as well as details such as eligibility.

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

the Executive Committee support, in principle, a scholarship in honour of those members of the University of Toronto community who perished in the crash of the Ukrainian Flight #752.

Carried.

R. Gillis said that he would work with the awards office to set up this scholarship.

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

a. Meeting of the OCUFA Status of Women and Equity Committee (SWEC), January 24, 2020

A. Taleghani reported that she attended the above-noted meeting and cited some highlights from it. SWEC is concerned with:

- developing a practical guide for faculty associations on how to address employment equity in hiring, tenure, and promotion,
- issues of accessibility and accommodation, notably the lack of education or support for accommodation, and the situation of faculty who have a disability, and
- increases in the number of international students because of provincial budget cuts.

R. Gillis noted that there are issues that the committee is not addressing but should. He said that he wrote to M. Conlon about OCUFA not doing anything for Black History month or on contract faculty.

A. Taleghani said that the unconscious bias workshop held on January 28 was a success. E. Phillips gave a high quality presentation and actively engaged the Council members in discussion. She thanked all those who attended and who helped organize the event.

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

a. Information from Chairs about committee activities

K. Adamson reported that he asked chairs of the Executive Committee to provide him with information on the highlights of work in their portfolio, but he has received it from only a few of them.

K. Adamson said that we may now have a way for constituency reps to connect with members by email. It will be tested using the retiree constituency email list.

C. Messenger said that UTFA must ensure that constituency lists are kept in strict confidence.

11. Other Business

a. COFAS Donation * (C. Penn)

C. Penn presented the request from the COFAS President for a donation to the 2020 COFAS conference. She explained that COFAS is made up of the people who work in faculty associations across Canada. They meet once a year to discuss issues that are relevant to their work in faculty association offices. UTFA has given a donation of \$1,000 over the past few years.

C. Messenger, seconded by A. Braun, moved that:

UTFA give a donation to COFAS in the amount of \$1,000.

Carried.

- b. Next Executive Committee Meeting
Friday, February 28, 2020
1:00 – 3:00 p.m.
- c. Next UTFA Council
Thursday, February 13, 2020
3:00 – 5:00 p.m.
Room 374, Rotman School of Management
- d. AGM
April 14, 2020
George Ignatieff Theatre
- e. Adjournment: the meeting adjourned.

The meeting adjourned at 3:10 p.m.

Chris Penn
Senior Administrative Assistant



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Council Summary

UTFA Executive Minutes

Friday, February 28, 2020
UTFA Boardroom
1:00 – 3:00 p.m.
Chair – C. Messenger

Present: K. Adamson, M. Allen, A. Braun, C. Evans, A. Giacca, R. Gillis, J. Macdonald (phone)
C. Messenger, D. Roberts, S. Rupp, H. Sonne de Torrens, A. Taleghani,

Regrets: L. Florence, T. Zoric

Also present: N. Bueler (Executive Assistant), M. Horban (Business Officer), H. Nowak (General Counsel), C. Penn (Senior Administrative Assistant and Notetaker)

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

1. Approval of the agenda: The agenda was approved as distributed.
2. Minutes of the previous meeting
 - a. January 10, 2020: the January 10, 2020 minutes and Council summary were approved as amended.
 - b. February 7, 2020: the February 7, 2020 minutes and Council summary were approved as amended.
3. Business arising (not elsewhere on the agenda)
 - a. Action List *

Several items were removed from the action list.

M. Horban reminded the members of the deadline for reports for the AGM Newsletter.

C. Evans assumed the chair.

4. Report of the President (40 min)
 - a. Pension conference report

C. Messenger reported that she and T. Zoric attended a conference organized by SHARE (Shareholder Association for Research and Education), a not-for-profit organization that deals in responsible investment services, research, and education. There were presentations for pension trustees, foundations, and Indigenous trusts. SHARE is headed by Kevin Thomas. He works out of Toronto and is willing to speak to Executive, Council, and the Financial Advisory Committee about ethical investment.

C. Messenger also attended the Plan Sponsor Exchange conference in Cambridge.

H. Sonne de Torrens, seconded by D. Roberts, moved that:

the meeting go in camera.

Carried.

K. Adamson, seconded by M. Allen, moved to:

return to the regular meeting.

Carried.

b. Executive Director search update

C. Messenger reported that there is a short list of three candidates for Executive Director. The Office Staff Relations Committee is conducting interviews on March 6.

c. Update from Chief Returning Officer (L. Florence)

L. Florence sent his regrets.

d. Divisional Guidelines

H. Nowak reported that a grievance on Divisional Guidelines was filed about a year ago. At a Joint Committee meeting held last summer, the Administration said that they could reach agreement in some areas but not others. C. Evans, T. Zoric and C. Messenger will be meeting to decide how to proceed.

The members discussed the process going forward.

e. Part-time Appointments Policy Negotiations

A. Giacca, seconded by M. Allen, moved that:

the meeting go in camera.

Carried.

f. Employee Sponsor Committee report

The meeting continued in camera.

A. Taleghani, seconded by H. Sonne de Torrens, moved to:

return to the regular meeting

Carried

g. Flood damage in Suites 418 and 410 (M. Horban)

M. Horban reported that a pipe burst in Suite 418 and water seeped into Suite 410. A baseboard needs to be replaced.

M. Horban said that this year's insurance premium will reflect our claim for the February 2019 flood. We will receive only a portion of our claim, in part because our asbestos testing duplicated the landlord's.

h. Academic Continuity Policy update

C. Messenger noted that this is a draft grievance. This policy is designed to address emergencies such as pandemics, but UofT appeared to invoke it during the CUPE Unit 1 strike. A grievance was drafted, and UofT started to rewrite the policy. Many faculty felt that the policy would affect academic freedom, as it could be used to change assignments and grading. The rewriting must be completed.

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

the meeting go in camera.

Carried.

M. Allen, seconded by K. Adamson, moved to:

return to the regular meeting.

Carried.

C. Messenger said that Council will be asked to approve in principle launching a grievance on the Academic Continuity Policy.

- i. Canadian Centre for Policy Alternatives (CCPA) *

C. Messenger said that Randy Robinson, the Ontario Director of CCPA, is asking UTFA for a donation.

The members noted that many organizations request donations and we would not want to set a precedent, and that the request does not speak to our main functions stemming from the MoA or to our mandate. It was agreed that C. Messenger should ask the legal team to draft a response in the negative.

- j. AGM:

- i. Newsletter reports

See item 2a.

- ii. Agenda

The members discussed the draft agenda and made several changes.

C. Messenger said that under reports from the Executive, she expected each of the portfolios to speak for a few minutes and to take questions from the floor.

R. Gillis suggested inviting an Indigenous elder to give greetings and read the acknowledgement of traditional land.

C. Messenger said that the AGM agenda will be approved at the next Executive meeting.

C. Messenger assumed the chair.

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

- a. Web Advice and Grievances Q & A posted on UTFA Website

C. Evans reported that there is now a Q&A section on the website, as well as a new email address, advice@utfa.org, and a link from the Grievance Committee page to the Q&A.

- b. Hiring of permanent legal assistant

C. Evans said that this was the last day for applications for the legal assistant position. She is chairing the Hiring Committee, which also includes H. Nowak, R. Gillis, T. Zoric and R. Schmelzer.

C. Messenger noted that this is a union position and has been approved by the union.

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

- a. CAUT equity conference (with A. Taleghani)

R. Gillis said that he attended the CAUT equity conference, along with K. Pereyaslavskaya. He said that this seemed to be the year for bargaining for equity for a lot of universities. The guest speakers included lawyers and others who spoke about how grievances and bargaining can be used to increase equity.

- b. Update on AODA training and PSE standards

R. Gillis said that we need to set aside time at a Council meeting for speakers on AODA and PSE standards. He would like to invite Ben Poynton, AODA Officer, and Tina Doyle, Director of AccessAbility Services at UTSC.

R. Gillis noted that he is a representative for UofT on the Standards Development Committee focusing on accessibility in postsecondary education in Ontario. The committee's recommendations will go to a larger group and then to the Ministry for consideration.

c. Update on UTEAU mental health and wellness initiative

R. Gillis said that UTEAU has decided to have a special working group on mental health and wellness. They are looking at adopting the CAUT survey that was administered to all faculty.

R. Gillis noted some confidentiality issues with UofT's Speaking Out survey. The mental health section was talking about burnout, but the survey results are not anonymous and UofT will be linking them to other (unnamed) data sets. The survey is being handled in house. How long will the data be stored?

d. OCUFA media campaign of solidarity with teachers' unions

R. Gillis said that the media campaign in solidarity with the teachers' unions was successful. D. Puscas attended and took some pictures, which he posted to our website and sent out on twitter.

e. Donation to UofT memorial fund in honour of U of T community members who died in flight #752

R. Gillis followed up about UTFA's \$10,000 cheque to the Iranian Student Memorial Scholarship Fund.

7. Report of the Chair of the Appointments Committee (10 min)

a. Appointments Committee meeting – January 30, 2020

S. Rupp reported that the Appointments Committee met to discuss priorities. The committee had concerns regarding procedures for promotion to full professor in both the tenure and teaching streams.

C. Messenger noted that there are policy problems in both streams.

b. Grievance re: SETS

S. Rupp said that the committee had questions on SETs. Another meeting will be arranged to update the members. There was also a good discussion at Council on this issue. Council has agreed to file an Association grievance. He will be working with C. Evans and T. Zoric on the wording of the grievance.

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

a. Workers Weekend: Organizing for Power

b. Presentation by Andrea Calver - outreach campaigns

K. Adamson said that he and M. Allen met with A. Calver, the Engagement and Campaigns Coordinator at OCUFA. She invited them to attend the Workers Weekend: Organizing for Power, dealing with capacity building. We need to be more strategic in our organizing.

K. Adamson said that A. Calver has provided much help and Executive should hear her ideas. She could be invited to give a small presentation, at Executive and/or Council.

9. Report of the Chair of the Equity Committee (10 min)

a. Equity Committee meeting, February 27, 2020

A. Taleghani reported that the Equity Committee had a meeting. It discussed equity matters and K. Pereyaslavskaya gave a report from the CAUT Equity conference.

A. Taleghani said that C. Evans talked about the shuttle bus grievance. Also, the committee is going to look at a questionnaire on unconscious bias and UTFA will develop a questionnaire to find out how much these types of questions are helpful when they go to a research or promotion committee.

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

a. Update

H. Sonne de Torrens reported that the Librarians Committee met in January, to engage members to collect data and information on the gender bias issue. Another meeting is scheduled for next week.

H. Sonne de Torrens reported that she and K. Scheaffer have been asked to meet with the Waterloo librarians on March 16 to discuss the benefits of belonging to UTFA. Librarians at Waterloo are not part of a faculty association nor are they certified.

b. Inforum letter to Chief Librarian

H. Sonne de Torrens said that a letter was sent to the Chief Librarian in response to an email from him indicating that the Inforum space would still be called a library even though there is no longer a library there. It was a library space, with librarians supporting students. The letter laid out the reasons why it should no longer be called a library. The Chief Librarian did not know that this issue was discussed by Council and the Librarians Committee.

11. Other Business

R. Gillis said that he would draft a letter to the Administration saying that UTFA feels that cleaning should be stepped up to deal with the coronavirus. Since they contracted out caretaking, they have reduced the amount of money spent on cleaning.

A. Giacca said that a letter on the Graduate Supervisory Experience Survey Task Force report was sent out on January 30. Six people signed the letter and it was copied to C. Messenger and H. Nowak. They are still waiting for a reply. She will discuss the next step with H. Nowak.

K. Adamson reported that there will be a Black faculty focus group on March 4. This will be a first for UTFA. Hopefully this will be the first step in an ongoing partnership.

- a. Next Executive Committee Meeting
Friday, March 13, 2020
1:00 – 3:00 p.m.
- b. Next UTFA Council
Tuesday, March 17, 2020
3:00 – 5:00 p.m.
Room 368, Rotman School of Management
- c. AGM
April 14, 2020
George Ignatieff Theatre
- d. Adjournment

A. Braun, seconded by C. Evans, moved that:
the meeting adjourn.

Carried.

The meeting adjourned at 3:00 p.m.

Chris Penn

Senior Administrative Assistant



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Council Summary

UTFA Executive Minutes

Friday, April 3, 2020
Conference Call
2:00 – 4:00 p.m.
Chair – C. Messenger

Present: K. Adamson, M. Allen, A. Braun, A. Giacca, R. Gillis, L. Florence,
J. Macdonald, C. Messenger, D. Roberts, S. Rupp, H. Sonne de Torrens,
A. Taleghani, T. Zoric

Regrets: C. Evans

Also present: N. Bueler (Executive Assistant), M. Horban (Business Officer), H. Nowak (General
Counsel), C. Penn (Senior Administrative Assistant and Notetaker)

C. Messenger called the meeting to order at 2:05 p.m.

1. Approval of the agenda: the agenda was approved as distributed.
2. Minutes of the previous meeting: the February 28, 2020 minutes were approved as amended. The Council summary was not available.
3. Business Arising (not elsewhere on the agenda)
 - a. Action List

C. Messenger said that UTFA would not be pursuing a grievance on the Academic Continuity Policy. It is more complex than just a matter of academic freedom. It will have to go through the policy negotiating process. It is too late to negotiate it for this crisis. When it can be invoked must be carefully negotiated.

C. Messenger said that the AGM will have to be rescheduled.

C. Messenger suggested not using an action list until the office and meetings are back to normal.

4. Report of the President (40 min)
 - a. COVID, LOU, Survey

C. Messenger said that she consulted a Constitutional lawyer and spoke with the signing officers. The lawyer confirmed that the Constitution and Bylaws allow only for face-to-face meetings.

C. Messenger anticipates that UTFA will hold a town hall meeting this spring instead of an AGM and that it will take place online. This will be discussed at the next Council meeting, as will scheduling an in-person AGM in the fall. At that time there would be a vote on changes to the Constitution and Bylaws.

C. Messenger said that there would only be an agenda and a general discussion at a town hall meeting, but no motions or other elements of a regular meeting. One of the pressing issues to prepare for the fall AGM would be Council approval to move forward with incorporation of UTFA, which the AGM would approve in turn. If that is not possible then Council may have to do the approval, but not yet.

C. Messenger reported on a Joint Committee meeting where issues around COVID-19 and their effects on trying to conduct negotiations were discussed. These included

- an extension on course evaluations,
- the use of faculty Quercus sites by chairs and staff,
- permission to access labs,
- final exams – how to give them remotely and still maintain academic integrity,
- faculty being able to opt out of putting SETs online,
- a Letter of Understanding (LOU) on COVID-19 and possible mediation to deal with differences,
- and how to continue ongoing negotiations.

b. Part-time negotiations

C. Messenger has requested that the part-time negotiations continue in a virtual manner, as she is concerned about the 300 faculty at UofT who are precariously employed. Some are being told that they will not be renewed at the end of their two-year contract.

c. ED hire (C. Messenger and T. Zoric)

C. Messenger reported that UTFA has hired an Executive Director and she will be able make a more detailed announcement when the details have been sorted out and the offer letter is signed.

T. Zoric said that she wanted to recognize everyone on Executive and Council who persisted through several rounds of interviews to contribute to this hiring. She anticipates that her term as president will be challenging, and she is happy to have the Executive Director hired.

The members discussed the process around this hiring and the role Odgers Berndtson played by providing excellent candidates.

C. Messenger said that she is pleased that T. Zoric will have an Executive Director in place when she assumes the role of President. The new Executive Director is experienced and professional and understands the challenges she faces. She will meet one-on-one with the staff and Executive.

d. Supporting staff during COVID crisis

C. Messenger said that we are aware that UTFA needs to be prepared to support the office staff during this COVID-19 self-isolation. She anticipates that a lot of this will be handed over to the Executive Director. It is difficult for staff to work at home and not have access to their usual documents and equipment. If they come in at all then physical distancing measures must be taken.

A. Giacca said that a member has told us that project grants have been cancelled. People had already sent out their grant proposals but COVID cancelled them. She believes that going forward it will be more difficult to support technicians.

C. Messenger said that she has seen the letter and has asked S. Rupp to write to H. Boon to raise this issue. Perhaps UofT can exert some pressure.

C. Messenger reported that, due to family issues, C. Evans can no longer continue in her role as Vice-President, Grievances. C. Messenger has asked S. Rupp to be the Acting Vice-President, Grievances in the interim. She thanked him for taking on these additional duties. He is doing a wonderful job.

5. Report of the Vice-President, Salary, Benefits, Pensions and Workload (30 min)

- a. SET Association grievances

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

the meeting go in camera for items 5a, b, and c.

Carried.

- b. SBPW Update
- c. Salary discrimination grievance

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

- a. Graduate Student Supervisor's Evaluation Survey

The meeting continued in camera.

7. Report of the Vice-President, University and External Affairs (15 min)

- a. Summary of OCUFA COVID 19 Update and Zoom Teleconference with Goldblatt Partners - Friday March 27 9:30-11:00 a.m. (R. Gillis & T. Zoric)

The meeting continued in camera.

K. Adamson, seconded by M. Allen, moved to:

return to the regular meeting.

Carried.

- b. Importance of Monitoring Mental Health and Well-being of UTFA Members (in addition to our students, staff and least we forget, ourselves) During These Stressful and Uncertain Times (R. Gillis & K. Adamson)

The members discussed the importance of not only looking after the well-being of UTFA members, students and staff, etc., during this pandemic but also remembering to look after one's own well-being. They discussed various ways of dealing with the stress of the pandemic and perhaps listing mental health resources on the UTFA website.

K. Adamson said that the world of social work is very busy. The provincial government has put out calls to social work and psychology associations to provide mental health support.

K. Adamson said that we need to look carefully at how UTFA communicates with members. He is open to looking at R. Gillis's suggestion and seeing what resources UTFA has.

T. Zoric said that UTFA is under as much pressure as ever, if not more than ever before. It is hard to hear how we need to be kind together but also to pull together to get work done to protect our vulnerable members. The workload can feel crushing. She said that if people have expertise on mental health resources, then when the Executive Director starts UTFA can try to provide any assistance that is needed.

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

- a. Black Faculty Focus Group

K. Adamson reported that a Black faculty focus group was held on March 4. He, T. Zoric, and S. Olexson sat down with five faculty members.

K. Adamson said that it was a good and open conversation that ended with a request to engage with more Black faculty. There was to be a meeting in May and an invitation to UTFA to have a broader conversation with the Black faculty.

T. Zoric said that we received a vote of confidence when we were invited to a follow-up meeting.

T. Zoric said that since UTFA has begun this high-profile discussion regarding salary discrimination, a number of faculty have been approached by their chairs offering to top up their salary.

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

a. Update on the work of the Nominating Committee

A. Taleghani reported that the Nominating Committee has met twice. The members discussed process and selected K. Weaver as Chair. K. Weaver sent Executive an email asking if they wished to continue to serve. She asked those members who have not responded to K. Weaver to do so. K. Weaver asked C. Messenger to expedite the process with the Executive.

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

a. Provostial delays to permanent status

H. Sonne de Torrens, seconded by A. Taleghani, moved that:

the meeting go in camera.

Carried.

H. Sonne de Torrens, seconded by T. Zoric, moved to:

return to the regular meeting.

Carried.

11. Other Business

J. Macdonald asked how UTFA could reach out to retired members. She said that she sent the retired members a message using the new list produced by UTFA but had not heard back from anyone and did not know if the mailing worked. Staff will follow up.

T. Zoric said that if people feel isolated, perhaps UTFA could hold a seminar and help those who struggle with video conferencing. Perhaps we could put on activities similar to those Senior College puts on.

R. Gillis said that perhaps UTFA can have some online activities in which members can become engaged.

a. Next Executive Committee Meeting

To be determined.

b. Next UTFA Council

To be determined

c. Adjournment

A. Braun, seconded by K. Adamson, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 4:05 p.m.

Chris Penn
Senior Administrative Assistant



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March 24, 2020

By Email

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

Dear Vice-Provost Boon,

RE: PDAD&C Memo #56 "Provision for Requesting delay to Timeline for Academic Review in Response to COVID-19"

I am in receipt of your recent PDAD&C memo #56, "Provision for Requesting delay to Timeline for Academic Review in Response to COVID-19", dated March 20, 2020.

Like you, the Association is very concerned that the physical distancing measures required as a result of COVID-19 may have significant harmful impacts on UTFA members' research/scholarship, pedagogical and professional development, professional practice and teaching. In particular, these measures are severely (if not entirely) limiting members' ability to conduct fieldwork, attend conferences and other academic meetings, access libraries and archives, and engage in numerous other scholarly and pedagogical activities.

UTFA therefore agrees with the provision made in PDAD&C #56 that members are entitled to a delay in the date of their review on the grounds of the impact of the COVID-19 pandemic.

It is UTFA's position that the impacts of COVID-19 represent an extraordinary set of circumstances, which should not be conflated with other kinds of personal or professional circumstances which might entitle a member to delays in their review. In addition, UTFA remains concerned that there exists a widespread perception that there is a two-year "maximum" for extensions under paragraph 10 of the *Policies and Procedures on Academic Appointments*, and that members are not entitled to any further extensions as may be required due to other personal or professional circumstances.

It is therefore UTFA's position that a one-year extension granted to a member in relation to the COVID-19 impacts should not be "counted" towards the two years a member might otherwise seek under paragraph 10 of the *PPAA* (where circumstances warrant). For example, should a member receive a one-year extension in relation to the COVID-19 impacts, and then subsequently experience

significant delays in the establishment of their laboratory for reasons outside of their control, they should not be penalized because they already received a COVID-19 extension.

Moreover, and in any event, the University's obligations to accommodate an employee on the basis of the protected grounds under section 5 of the *Human Rights Code* clearly override the *PPAA*. As such, a member who has received a COVID-19 extension, and subsequently requires a further extension for reasons of medical disability, pregnancy or parental leave, or family status accommodation, should be so entitled—regardless of having taken a COVID-19 extension.

UTFA proposes that such cases should be dealt with on a case-by-case basis as circumstances arise.

If you would like to discuss this matter further, I would be happy to discuss UTFA's concerns further.

Sincerely,



Cynthia Messenger
President, UTFA

c. Helen Nowak, General Counsel, UTFA



UNIVERSITY OF
TORONTO

OFFICE OF THE VICE PROVOST, FACULTY & ACADEMIC LIFE

March 31, 2020

Via email

Cynthia Messenger
President, UTFA
cynthia.messenger@utoronto.ca

Dear Cynthia

Thank you for your letter of March 24 2020. We appreciate the efforts that the Association is making to work with us with respect to addressing and alleviating the impacts of the extraordinary circumstances that are occurring because of the COVID-19 pandemic.

It will be important for each faculty member and librarian who is preparing for a tenure, continuing status or permanent status review to assess the potential impact of the emergency measures on their work and preparation for their review and to decide whether or not to ask for a delay of that review based on their own circumstances and the pandemic's impact on their work.

Please be assured that obtaining a delay based on impact of the COVID-19 pandemic will not be conflated with the Provost's consideration of subsequent requests for delay based on other circumstances, which will, as always, be assessed on a case by case basis in accordance with the *PPAA* and, where relevant, the provisions of the Ontario Human Rights Code.

Sincerely,

Heather Boon, Vice-Provost, Faculty & Academic Life



UNIVERSITY OF
TORONTO

OFFICE OF THE VICE PROVOST, FACULTY & ACADEMIC LIFE

April 4, 2020

Via email

Cynthia Messenger
President, UTFA
cynthia.messenger@utoronto.ca

Dear Cynthia,

Re: Timelines to file grievances & workload complaints.

Thank you for your letter of March 27 regarding the extension of grievance timelines under the MOA as well as the time for filing a workload complaint under the Workload Policy and Procedures. The University acknowledges the extraordinary circumstances and efforts related to the COVID 19 pandemic and the many contributions that faculty and librarians have made to our response. We recognize that there are serious difficulties for all of us to meet ordinary timelines in these circumstances. We therefore agree to an extension of the time for a faculty member or librarian to commence a grievance under article 7 of the Memorandum of Agreement or complaint under the WLPP, where the time for filing the grievance or complaint otherwise would have expired during the period March 13 until June 30, 2020 until twenty days following June 30, 2020. This extension period may be further extended by mutual agreement in writing.

In the meantime, if new grievances are filed during this period, they will be reviewed and responded to as expeditiously as practicable in the circumstances of the COVID-19 pandemic and the resource and other issues related to it.

Sincerely,

Heather Boon
Vice-Provost, Faculty & Academic Life

APRIL 8, 2020**University of Toronto Faculty Association**

(the “Association”)

And**The University of Toronto Administration**

(the “Administration”)

Letter of Understanding (LOU)**Regarding the Response to and the Impact of the COVID-19 Crisis**

The University of Toronto Administration and the University of Toronto Faculty Association acknowledge that the exceptionally unusual circumstances that have resulted from the COVID-19 pandemic have had a significant impact on teaching and learning and on research, scholarship, professional practice, and creative professional activity. The current circumstances have necessitated certain extraordinary measures in the delivery of courses, in the supervision of graduate students, in the operation of research labs, and in the professional practice of librarians on the three campuses. These measures include the cancellation of face-to-face instruction for the remainder of Winter 2020 term, the suspension of laboratory research, an expansion of electronic resources, and a shift to the use of information technology on the part of faculty and librarians.

The University acknowledges its commitment to upholding its obligations under Article 5 of the *Memorandum of Agreement* to protect the academic freedom of faculty members and librarians.

The parties acknowledge that the terms of this LOU are not comprehensive, and the parties reserve the right to propose additions or changes to this LOU as circumstances surrounding the COVID-19 crisis crystallize.

With these principles in mind, the parties agree to the statements set out below. This Letter of Understanding is made without prejudice and precedence to either party's interpretation or application of any policies and procedures at the University of Toronto. The parties further agree that any measures taken in response to the COVID-19 crisis cannot be relied upon to establish a common practice, past practice, or future practice.

A. Suspension of in-person instruction, programs, and services

1. The physical distancing measures required by public health and government authorities require faculty and librarians to deliver courses, programs, and services, and to engage in modes of delivery and evaluation, by means other than in-class teaching and instruction for as long as the public health authorities deem necessary. These measures will generally include the use of information technologies to support programs, services, and temporary remote instruction.
2. The rights of faculty and librarians with respect to academic freedom will be fully respected, and no actions will be required that are inconsistent with the academic freedom provisions of Article 5.
3. Based on the principles of academic research, pedagogical integrity, and academic freedom, faculty and librarians will decide how best to adapt course instruction, programs, and services in the context of a disruption or crisis (e.g. live online, recorded, hybrid, online links to materials, use of Quercus, research guides, etc.) and to support and assess students (e.g. re-weighting of overall grades, grading of work to date, etc.). University administration may not enter the Quercus course sites (or similar course sites) of faculty or librarians without their express permission.
4. If the crisis generated by the pandemic continues into the summer and/or fall term, faculty and librarians must be given both sufficient notice and adequate TA and IT support if they are required to move whole courses to an online format.
5. Members retain the right, as a matter of academic freedom, to refuse to teach a course through temporary remote instruction if teaching the course in that manner will substantially undermine its pedagogical and/or academic integrity (e.g. certain laboratory-based courses). In such cases, the course will not be offered until in-person teaching is possible.

6. The Administration will provide reasonable institutional, technical, and logistical support to assist members who move to temporary remote course or one-on-one instruction, or temporary remote professional practice in the libraries.
7. Any modifications that faculty and librarians make to their courses, programs, services, or course delivery to respond to the COVID-19 pandemic are made in exceptional circumstances and will not be relied upon as a basis for requiring such modifications in any other circumstances or as evidence of a common practice, past practice, or future practice. The same principle applies in the case of librarians who must, on a temporary basis, make dramatic changes to their professional practice.

B. Suspension of laboratory research

8. Where the public health and government authorities permit it, and where it is reasonable to do so, the Administration will continue to provide faculty and librarians with access to their research labs. Detailed protocols for lab access and for the preservation of research and/or the continuation of research will be communicated to researchers responsible for labs in a timely manner. Where access is not possible, the Administration will offer a rationale that is clearly communicated in a timely manner to researchers who have responsibility for labs. Access to labs will be restored as quickly as possible once the crisis is deemed to be over.
9. The Administration must make every reasonable effort to address in a timely manner all serious issues, within the purview of the University, that arise from the disruption to research, scholarship, creative professional activity, and professional practice.

C. Intellectual Property and the U of T Copyright Policy and Inventions Policy

10. As outlined in the University of Toronto's Copyright Policy and Inventions Policy, members retain the usual intellectual property rights to all of their research and to all course materials, whether or not those course materials were developed and delivered using information technology (for example, online).
11. All protections afforded by the University's Copyright Policy and Inventions Policy remain in place during a crisis.

D. Assessments of Teaching, Research, Scholarship, Creative Professional Activity, and Professional Practice

12. The COVID-19 pandemic has had a dramatic impact on the teaching, research, scholarship, creative professional activity, professional practice, and service of faculty and librarians. Members of equity-seeking groups, including women (and particularly those who are parents), are facing significant additional barriers. For example, the impact of the crisis is gendered; school closures have added disproportionate family care responsibilities to the workload burden of many female faculty and librarians. The impact on all of the scholarly, service, and professional activities noted above must be considered in all collegial review processes, including the PTR process; the probationary or interim review; the tenure, continuing status, and permanent status reviews; the promotion to full professor; and the promotion through the ranks for librarians. Cautions that refer to the potential adverse and discriminatory effects of the COVID-19 crisis will be issued to all unit heads, committee chairs, peer review committees, external reviewers, and other individuals, including staff, involved in the full array of performance assessments. The principle of “no professional disadvantage” should apply to the assessment of a faculty or librarians who are unable to maintain productivity as a result of the COVID crisis.
13. All letters of invitation to external reviewers of tenure, continuing status, permanent status, or promotion to full professor candidates will include a statement that the COVID-19 crisis occurred during the period under review and that the crisis has resulted in disruptions. External reviewers will be asked to consider the crisis in the context of their assessment of the candidate’s work.
14. Faculty and librarians have the discretion to determine whether any course evaluations collected during the period impacted by COVID-19 (i.e. when in-person classes are not offered) may be relied on in any performance assessment, review, or promotion process, including for the purposes of PTR, tenure, continuing status, permanent status, or promotion to full professor. *The window for members to “opt-out” of the publication of course evaluation results on Quercus will be extended at least until October 15, 2020.*

E. Workload and Leaves of Absence

15. The parties acknowledge that some reasonable, short-term increase in workload is to be expected as a result of the rapid shift to using information technology and online tools resulting from the COVID-19 outbreak. At the same time, excessive workload will be compensated in equitable, transparent, and comparable manner, including through overload stipends, future course release, or professional practice

release time. The impact on workload will be evaluated by the parties at the end of the teaching and academic term, and the parties will make any necessary adjustments, including through overload compensation, to address excessive workload during this period. The Association reserves the right to dispute increases to workload arising from the transition to temporary remote instruction or temporary remote professional practice through the Workload Complaint procedure and/or through a grievance.

16. Faculty and librarians who notify their supervisor that they must be absent from work to care for a family member who has a confirmed or suspected case of COVID-19, or who is unable to work due to childcare responsibilities and a reasonable return to work arrangement cannot be reached, will be placed on a leave of absence without loss of pay, regardless of other paid leave they may be entitled to under university policy (e.g. paid compassionate care leave).
17. Faculty and librarians who were scheduled to take a sabbatical leave during 2020-2021 will be granted a deferral if they formally request a deferral by writing to their unit head. Faculty and librarians who suffered a serious disruption during their 2019-2020 sabbatical leave projects should approach their unit heads to discuss a remedy on a case-by-case basis.

F. Part-Time and CLTA Faculty and Librarians

18. Where faculty or librarians (part-time or CLTA) have a signed letter of appointment for a summer 2020 course or for professional practice during the summer of 2020, and the Administration cancels the in-class course or the professional practice contract, there shall be no loss of pay for the affected faculty or librarians.
19. In no case shall faculty or librarians (part-time or CLTA) suffer a loss of income as a result of the cancellation of courses, programs, or services, or the closure of facilities as a result of measures taken in response to COVID-19.

G. Duration of this Agreement

20. This Letter of Understanding is in place until physical/social distancing measures have been lifted by public health authorities and the University Administration, and in-person employment may safely resume. The parties agree that faculty and librarians who are unable to resume normal duties, will continue to be covered by the terms of this agreement. The parties agree to revisit the terms of this LOU, and possible renewal of the agreement, prior to June 1, 2020.

H. Continued Engagement with the Association

20. The Employer agrees to consult with the Association about any additional measures being considered in response to the COVID-19 pandemic. Either Party shall be able to request consultation to discuss matters related to this LOU and measures taken in response to the COVID-19 pandemic.

I. Rights Under the Memorandum of Agreement

21. The parties agree that this Letter of Understanding does not restrict the Association's right to grieve under Article 7 of the Memorandum of Agreement and that in all cases the provisions of the Memorandum of Agreement prevail.



UNIVERSITY OF
TORONTO

OFFICE OF THE VICE PROVOST, FACULTY & ACADEMIC LIFE

Without Prejudice

April 16, 2020

Via email

Cynthia Messenger

President, UTFA

cynthia.messenger@utoronto.ca

Dear Cynthia,

I am writing in response to your April 8, 2020 without prejudice Letter of Understanding (LOU) proposal. First I want to acknowledge and thank the University of Toronto Faculty Association (UTFA) for your willingness to work with the University of Toronto Administration to address several urgent and important issues that have impacted faculty members and librarians during the exceptional circumstances that have been created by the COVID-19 pandemic. Our ability to work together in a collegial manner had enabled us to move forward quickly with a number of agreements and statements that effectively address concerns raised by faculty members in a timely and proactive way in the best interest of the University and its mission.

With respect to the specific issues raised in the draft LOU, many have already been addressed in our collegial discussions and summarized in memos or statements that are available on the Provost's web site <https://faculty.utoronto.ca/resources/covid19/>

For example:

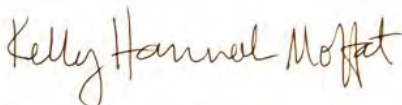
- **PDAD&C #50 COVID-19 Planning for Completing Courses this Term**, reaffirms our commitment to the principle of academic freedom of faculty members and provides specific advice for faculty members teaching during the period in which in-person instruction, programs and services are suspended. See: <https://memos.provost.utoronto.ca/covid-19-planning-for-completing-courses-this-term-pdadc-50/>
- **Coronavirus (COVID-19) Research FAQ web page** is regularly updated to provide information and support for faculty members related to their research during the COVID-19 pandemic. See: <https://research.utoronto.ca/covid-19>

- **PDAD&C #57 Winter 2020 Course Evaluation Data: COVID-19** advises all Chairs, Academic Directors and Deans reviewing course evaluation data for the purposes of PTR (Progress Through the Ranks), tenure, continuing status and promotion processes, and for the sessional lecturer advancement process, to consider course evaluation data in this context.
<https://memos.provost.utoronto.ca/winter-2020-course-evaluation-data-covid-19-pdadc-57/>
- **PDAD&C #56 Provision for Requesting Delay to Timeline for Academic Review in Response to COVID-19** confirms that any pre-tenure or pre-continuing status faculty member, or pre-permanent status librarian, may request a delay in their timeline to academic review on the grounds of the circumstances beyond their control associated with the current COVID-19 situation.
<https://memos.provost.utoronto.ca/provision-for-requesting-delay-to-timeline-for-academic-review-in-response-to-covid-19-pdad56/>
- **New PDAD&C Memo #TBA** outlines our agreement: 1) to extend the “opt out” period for an instructor to elect to opt out of the reporting of course evaluation results on Quercus is extended to April 30, 2020; and 2) that any faculty member or librarian teaching a course that normally includes in-person classes in the period during which physical distancing measures were in place and in-person classes could not continue (beginning March 16, 2020 and ending August 30, 2020), may determine whether or not the student course evaluations for courses taught in that period may be relied on in any academic review process, including the PTR process and that no adverse consequences will flow from a decision not to consider those course evaluations.

Finally, we agree that University of Toronto policies and procedures remain in force including the University of Toronto's *Copyright Policy and Inventions Policy*, the *Policy and Procedures on Employment Conditions of Part-time Academic Staff* and Unit Workload policies. In addition, we confirm that the University is acting in accordance with the terms of all current academic appointments.

The Administration and UTFA have worked closely together to address the key issues that have arisen in the context of responding to the COVID 19 pandemic and we are committed to continuing to do so. We are not persuaded that there is any need to expend scarce time and resources to repeat these arrangements or to negotiate an additional LOU in that regard. Please let us know if there is a specific or particular issue that you would like the Administration to consider.

Sincerely,



Professor Kelly Hannah-Moffat
Vice-President, HR & Equity



Professor Heather Boon
Vice-Provost, Faculty & Academic Life



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April 23, 2020

By Email

Professor Vivek Goel
VP Research & Innovation
University of Toronto
158 St. George Street
Toronto, ON M5S 2V8

Re: Canadian Institutes of Health Research (CIHR) – Spring 2020 Competition

Dear Professor Goel:

As you are aware, the Canadian Institutes of Health Research (CIHR) has cancelled the Spring 2020 Project Grant competition in light of the COVID-19 pandemic. The cancellation has had a significant impact on the many faculty members who have devoted considerable time to preparing and submitting applications and whose research programs are dependent upon timely adjudication of grant applications.

I am writing as President of UTFA to urge you to advocate on behalf of the University community to have the CIHR reinstate the Spring 2020 competition (with any necessary delay) or, at a minimum, implement further measures to mitigate the impact of the cancellation to the greatest and most equitable extent possible. UTFA is aware of and sympathetic to the important role of CIHR-funded researchers and adjudicators in responding to the COVID-19 pandemic. We also recognize that the increased workload faced by faculty members across Canada, especially in maintaining their teaching and research duties and attending to family and other personal responsibilities, has created constraints that granting agencies must address. However, UTFA has heard directly from faculty members that the cancellation of the CIHR's Spring 2020 competition is itself adding to the difficulty of maintaining their research programs.

The cancellation of the Spring 2020 competition was announced on April 2, 2020. In response to concerns raised directly with the CIHR by researchers, the CIHR posted a further announcement on April 3, 2020 acknowledging a number of concerns, especially in relation to the impact of the cancellation on early career researchers. The April 3, 2020 announcement indicated that the CIHR was in receipt of thoughtful suggestions as to how to address the challenges faced in connection with the Spring 2020 competition and that it was continuing to explore measures to mitigate the impact on early-career researchers:

Next, I have also heard extremely clearly that early-career researchers are at particular risk. Please be assured that CIHR is also exploring specific measures to assist early-career researchers. We have received a wide array of thoughtful suggestions as to how to address this particular aspect of the COVID-19 crisis; we will carefully integrate these suggestions as we move forward.

Yet, to UTFA's knowledge, there have been, to date, no further steps taken by the CIHR to reconsider its cancellation of the search or to address the situation of early-career researchers specifically.

UTFA asks that the Administration encourage CIHR to reassess the possibility of delaying the Spring 2020 competition, as occurred in 2017, and/or proceeding with the Spring 2020 competition on a narrower basis.

Additionally, UTFA asks that you urge CIHR to explore and adopt measures to mitigate the impact of the cancellation, particularly for early career researchers. We understand that a number of individual faculty members, including ones who are well-established in their careers, have communicated to CIHR the importance of minimizing the effects of the cancellation for those researchers who are most vulnerable.

UTFA is aware that the CIHR is extending existing investigator-initiated grants by one year, as well as all bridge grants provided to Nominated Principal Applicant (NPAs) in the Fall 2019 Project Grant competition. In addition, the CIHR has announced that all NPAs from the Spring 2020 Project Grant competition will be given the option to bring their submission forward automatically to the Fall 2020 Project Grant competition, including the ability to provide a one-page supplement for additional support data or publications, or to withdraw their application and resubmit a new or updated application to the Fall competition. These are important steps, but they do not go far enough to protect the needs and interests of researchers at earlier stages in their career. The situation of early-career researchers is especially critical, given the likely heightened demand for research funding in future grant competitions as a result of the cancellation of the Spring 2020 round.

The field for the 2020 Fall Project Grant competition can be reasonably expected to be quite crowded for two reasons: those who submitted in Spring 2020 will amend or bring forward their previous submissions and those who had always intended to apply in the fall will make new submissions. At the same time, the funds available will be reduced, given that the CIHR has indicated that \$31 million required to extend existing grants has already been taken from the \$275 million allocated for the Spring 2020 competition. As a result, only \$244 million will be carried over to the fall.

With more applicants competing for reduced funds, there is a very real risk that early-career researchers will be disadvantaged. Grant applications that would have been successful in Spring 2020 may not be successful until Spring 2021 or beyond. A 12- or 18-month delay may have disproportionate impacts on those who are at earlier stages of developing their research, publication records and networks, and who have had less opportunity to pursue and establish financial supports outside of the CIHR. We therefore ask that the Administration communicate to CIHR the importance of minimizing the effects of the cancellation of the Spring 2020 competition for early career researchers.

Although three weeks have passed since the CIHR's announcement that the Spring 2020 competition has been cancelled, universities across Ontario continue to deliver their courses and faculty members continue to make exceptional efforts to continue their research programs. The CIHR's cancellation is out of step with these efforts. Further, UTFA members are concerned that any failure by the CIHR to

develop methods to adjudicate grant applications in the Spring 2020 competition only means that future rounds of grant applications will be imperiled until the CIHR devises processes to permit consideration of grant applications to proceed in spite of the limitations faced by the research community and others. The Administration must take further steps to safeguard and enhance research capacity today if it is to emerge from this period of crisis as a thriving and innovative research institution. UTFA is prepared to discuss and provide further information concerning the impact on its members and to join you in advocating to the CIHR if it is of assistance for UTFA to do so.

Best Regards,



Cynthia Messenger
President

c: Helen Nowak, General Counsel



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April 24, 2020

BY EMAIL

Professor William Gough
Vice-Principal Academic and Dean
University of Toronto, Scarborough
1265 Military Trail
Arts & Administration Building, Room AA423
Toronto, Ontario M1C 1A4

Dear Professor Gough;

I write to express UTFA's concern regarding academic integrity and faculty workload relating to remote exams. We have received reports of the following:

1. Faculty members have not been permitted to use software to help protect academic integrity, such as software that would lock browsers, monitor students, or otherwise help invigilate exams, despite those resources being made available to the University as a whole.
2. Faculty members have been required to create multiple different exams for each class because of the requirement that exams take place between 9:00 a.m. and 10:00 p.m. in each student's local time zone.
3. AccessAbility Services has asked faculty members to allow students to start exams before the rest of the class, if the additional time required would otherwise extend the exam beyond 10:00 p.m. Faculty members must either create an additional exam or accept the risk of providing the exam to some students in advance.

UTFA has been informed that exams will be scheduled in the summer term to avoid time zone issues, and we trust that will also be the case for any subsequent terms where remote instruction is prominent. Although UTFA supports the use of remote assessment in these unprecedented times, the preservation of academic integrity is imperative as is supporting University faculty members.

We look forward to hearing from you on the concerns we have outlined above.

Sincerely,

Cynthia Messenger
UTFA President

c.c. Heather Boon, U of T Vice-Provost
Terezia Zoric, UTFA Vice-President, Salary, Benefits, Pensions, and Workload
Helen Nowak, UTFA General Counsel
Heather Diggle, UTFA Counsel



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Joint Committee Meeting
Thursday, April 30, 2020
3:00 – 5:00 p.m.
Conference Call

1. Research funding and PDAD&C #66
2. Workload and COVID
3. Agreement on extraordinary departures from policy and practice
4. Protecting those teaching on contract

Motions to UTFA Council

April 27, 2020

The Executive Committee recommends to Council that:

Alan White be UTFA's representative to UTAM.



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Terezia Zoric
Tel: 416-978-4654
E-mail: zoric@utfa.org

April 2, 2020

By Email

Professor Heather Boon
Vice-Provost, Faculty and Academic Life
Simcoe Hall
27 King's College Circle
University of Toronto

Dear Vice-Provost Boon,

Re: Association Grievance Re Administration of Student Course Evaluations
During COVID-19

The University of Toronto Faculty Association hereby grieves that the decision of the University Administration to continue with the use of student course evaluations in the context of the serious disruption to teaching resulting from the COVID-19 pandemic is a violation of the *Memorandum of Agreement* (the *MOA*), the *Policies and Procedures on Academic Appointment*, the *Policies and Procedures Governing Promotion*, the *Ontario Human Rights Code*, and the terms and conditions of employment of UTFA members under numerous other University policies.

As the Administration is aware, UTFA has on numerous occasions raised concerns with respect to the reliability and inherent bias in student course evaluations (SCEs) often referred to as student evaluations of teaching, or SETs. These concerns are significantly

exacerbated in the context of COVID-19, as described below. In this context, and without **prejudice to the Association's broader position with respect to the reliability of SETs/SCEs** under normal circumstances, the use of SETs/SCEs in the circumstances of the pandemic fundamentally compromises the right of UTFA members to a fair and reasonable assessment of teaching for the purposes of performance assessments. Given the broadscale disruptions at the University, affecting all faculty members and librarians who engage in teaching and **instruction, the Administration's insistence on relying on deeply flawed instruments for the** assessment of teaching, including for the purposes of compensation decisions in the form of merit pay increments, impacts on virtually all UTFA members across the University. As such, UTFA has a significant and direct interest in the use of SETs/SCEs in the assessment of teaching for UTFA members during the course of the COVID-19 pandemic.

Given the urgency of the situation, with annual PTR reviews to be carried out beginning in May 2020, UTFA proposes that consideration of the grievance be expedited, including a hearing before the Grievance Review Panel if necessary. In that regard, and given the importance of a timely resolution of this matter, UTFA proposes that any hearing take place before Arbitrator William Kaplan alone, acting as Chair of the Grievance Review Panel, utilizing a videoconferencing platform.

1. Background to the Grievance

UTFA has repeatedly brought to the Administration's attention its substantial concerns with respect to the University's continued reliance on SETs/SCEs to assess effectiveness of teaching at the University of Toronto, including for the purposes of important employment decisions such as PTR increments (affecting members' compensation), tenure, continuing status, permanent status, and promotion. UTFA's concerns are based on the known problems with student evaluations, well-established in expert research and in legal jurisprudence, including that:

- Student evaluations are highly susceptible to negative biases on the basis of human rights-protected grounds, including in particular gender, race, ethnicity, and age;
- Students do not have the expertise to assess or evaluate the quality of teaching, the effectiveness of the instructor, or their own learning. At most, students are able to comment on their own experience of the class, which is nevertheless also tainted by discriminatory biases;
- Course characteristics significantly impact student evaluations, including class size and discipline, whether the course is mandatory, and whether the course includes quantitative or sensitive/controversial subject matter. Student evaluations cannot be meaningfully compared between faculty members, courses, departments, or faculties;
- **Student evaluations do not accurately measure a faculty member's teaching effectiveness, but rather are closely correlated with the student's perception of the attractiveness of the instructor and the student's expectation of a grade;**

- Student ratings are negatively correlated with innovations in teaching that are beneficial to student experience and learning and therefore reliance on SETs/SCEs discourages improvements in teaching;
- Responders are not a random sample and there is no reason their responses should be taken as representative of the class as a whole. Therefore, even with an appropriately designed student opinion survey, the results are unreliable without at least a 2/3 response rate;
- Administering SETs/SCEs on-line and outside of class tends to result in a significantly lower response rate and lower overall ratings than SETs/SCEs administered in-class, thereby further impacting reliability; and
- Administering SETs/SCEs on-line can lead to harassing behaviour.

Despite the significant known problems with SETs/SCEs identified by the Association, the University has continued to insist on the utilization and reliance on student course evaluations for important employment-related decisions, including:

- The evaluation of teaching for the purposes of PTR, including by assigning points in the PTR assessment on the basis of SET/SCE scores (in some units teaching is assessed exclusively on the basis of SET scores);
- The evaluation of teaching for the purposes of interim reviews and tenure reviews (see e.g., the *Academic Administrators Procedures Manual* (the AAPM), the *Policies and Procedures on Academic Appointments* (the PPAA), PDAD&C Memo 134, and other university policies and documents);
- The evaluation of teaching for the purposes of probationary review and continuing status for teaching stream faculty (see e.g., the AAPM, the PPAA);
- The evaluation of teaching for the purposes of promotion in the tenure stream and the teaching stream (see e.g., the AAPM, the *Policies and Procedures Governing Promotion*, and the *Policies and Procedures for Promotion in the Teaching Stream*); and
- The evaluation of teaching under Divisional Guidelines for the Effectiveness in Teaching (see e.g. *Provostial Guidelines for Developing Written Assessments of Effectiveness of Teaching in Promotion and Tenure Decisions*);
- SET/SCE results posted to Quercus can be accessed by other faculty members and by students, in violation of the *Memorandum of Agreement* and employee privacy;
- The posting of average scores on Quercus, allowing members of the university community to inappropriately compare and rely on average scores.

2. Use of SETs in the Context of COVID-19

In the context of COVID-19, **UTFA's concerns regarding the reliability** of SETs are significantly exacerbated. As the University Administration is well aware, the physical distancing measures required by public health authorities, as well as the Declaration of

Emergency and associated emergency measures declared by the Ontario government, have resulted in very significant disruptions to teaching including, most importantly, the suspension of all in-class teaching and modes of evaluation. As a result, UTFA members engaged in teaching or instruction were required, virtually overnight, and with almost no time to prepare, to adapt their courses to remote instruction. In many cases, members received little or no pedagogical and/or technological support to assist with this transition. The ability of members to engage in remote instruction has varied considerably, including as a result of nature of the course, size of enrolment, familiarity with or prior utilization of information technologies, degree to which the course already included an on-line component, availability of TA or instructor support, etc. As a result, many members, while making best efforts to ensure academic continuity in these challenging circumstances, have experienced technological impediments in carrying out remote instruction, and have achieved varying levels of sophistication in developing on-line teaching tools.

In addition, students have expressed a high degree of stress and anxiety as a result of the pandemic, including the stress of social isolation, worries about illness, concern for loved ones, and generalized anxiety. Many international students have also had to either return home unexpectedly, or have become stranded in Canada. In addition, students face the added stressors of trying to finish courses, coursework, assignments, exams, and other forms of assessment, in the context of a rapidly changing learning environment.

These serious disruptions to teaching, together with the high level of generalized anxiety, **is likely to impact significantly on students' overall educational experience, their perception** of their educational experience and of their instructors, and, inevitably, on their evaluations of teaching. The robust research on SETs/SCEs demonstrates that student evaluations of teaching are not a reliable measure of the effectiveness of the instructor or the course, but rather are closely correlated to other factors that affect student perceptions and that are **unrelated to the quality of teaching, such as the student's expectation of a grade and** perceptions of the instructor. These factors are likely to be strongly negative in a context in which students are experiencing considerable uncertainty about how to finish their coursework, anxiety about forms of evaluation in the circumstances of significant instability, and frustration with an instructor's **handling of information technology and remote** instruction.

Moreover, research demonstrates that SETs/SCEs are negatively impacted when they are administered on-line, rather than in class, because response rates drop even further—rendering results even less reliable—and those students motivated to respond to the on-line survey are those tend to have more negative opinions.

Biases on the basis of human rights grounds that negatively impact on student evaluations are also more likely to be exacerbated in this context.

As described, the University of Toronto's policies and practices continue to rely heavily on course evaluations for the assessment of effectiveness in teaching in a wide variety of important employment decisions, including with respect to PTR increases (affecting **members' compensation**), **interim reviews, tenure, continuing status, and permanent** status, and promotion. UTFA members should not be prejudiced in these significant employment decisions as a result of the extraordinary circumstances of COVID-19.

As such, UTFA has requested, without prejudice to the Association's broader position with respect to the reliability of student evaluations under normal circumstances, that the Administration agree that during the period when in-person classes are not offered, and or

physical distancing measures are in place, each faculty member or librarian will determine whether their course evaluations may be relied on in any review process.

In this context, it is relevant that a number of other University Administrations have already agreed to either suspend the administration of SETs/SCEs during the course of the COVID pandemic, or to make reliance on SETs/SCEs optional and at the discretion of the individual instructor.

In addition, UTFA requested that the window for faculty members to “opt-out” of the reporting of course evaluation results on Quercus be extended at least until the fall. Faculty members and librarians are dealing with numerous and pressing challenges--whether in respect of trying to manage their teaching and research responsibilities under very difficult circumstances, managing the needs of their family members, or potentially dealing with COVID-related health impacts. Many are also overwhelmed with the constant stream of new information, whether from public health authorities or the University Administration. In these circumstances, members cannot be expected to turn their minds to whether to opt-out of the publication of their results on Quercus.

UTFA raised these concerns with the University Administration by email dated March 26, 2020.

On March 31, 2020, Vice-Provost Heather Boon responded, indicating that the Administration would continue to administer and use course evaluations. Vice-Provost Boon relied on PDAD&C Memo #57, issued on March 24, 2020, in which the Administration advised Chairs, Academic Directors and Deans reviewing course evaluations as part of the assessment of teaching for the purposes of PTR, tenure, continuing status and promotion processes, and for the sessional lecturer advancement process, to consider course evaluation data “in the context of the COVID-19 situation”.

With respect to the window for members to “opt-out” of reporting of SETs/SCEs to on Quercus, Vice-Provost Boon agreed to extend the window by two weeks only.

3. Breaches of the MOA and University Policy

The measures announced by the University Administration in PDAD&C Memo #57, and those stated by the Vice-Provost in her email of March 31, 2020, are wholly inadequate in the circumstances. SETs/SCEs are flawed and unreliable instruments for the assessment of teaching even in the normal circumstances of in-class teaching. In the context of the COVID pandemic and the suspension of in-class teaching, they become both entirely arbitrary and highly prejudicial. There can be no justification for the continued utilization of SETs/SCEs under these circumstances for any kind of evaluative purpose and in any employment decision, except and unless the instructor agrees. Put differently, in the absence of the **instructor’s express agreement, and even taking into account “the context of the COVID-19 situation”, reliance on SETs/SCEs in the present circumstances renders the assessment of teaching arbitrary.**

The arbitrary nature of SETs/SCEs constitutes a fundamental breach of the frozen policies under Article 2 of the *Memorandum of Agreement*, and also a unilateral change to approved policies and practices relating to the terms and conditions of employment of faculty members and librarians under Article 1.

More specifically, and as described above, reliance on SETs/SCEs is incorporated into numerous University of Toronto policies, including the *Policies and Procedures on Academic*

Appointments and the *Policy and Procedures on Promotion*, both “frozen policies” under the *Memorandum of Agreement* which cannot be changed without the mutual consent of the parties. For example, paragraph 13 of the *Policies and Procedures on Academic Appointments* states as follows:

13. Tenured appointments should be granted on the basis of three essential criteria: achievement in research and creative professional work, effectiveness in teaching, and clear promise of future intellectual and professional development. Contributions in the area of university service may constitute a fourth factor in the tenure decision but should not, in general, receive a particularly significant weighting.

...

b) Effectiveness in teaching is demonstrated in lectures, seminars, laboratories and tutorials as well as in more informal teaching situations such as counselling students and directing graduate students in the preparation of theses. It is, however, recognized that scholarship must be manifested in the teaching function and that a dogmatic attempt to separate “scholarship” and “teaching” is somewhat artificial. Three major elements should be considered in assessing the effectiveness of a candidate's teaching: the degree to which he or she is able to stimulate and challenge the intellectual capacity of students; the degree to which the candidate has an ability to communicate well; and the degree to which the candidate has a mastery of his or her subject area.

Implicit in these policies is the understanding that teaching will be assessed on the basis of reasonable, reliable, non-arbitrary, and unbiased instruments of evaluation. The University **Administration’s insistence on utilizing SETs/SCEs in the** context of COVID-19 renders the assessment of teaching fundamentally unreliable, in violation of these frozen policies. As such, the continued reliance on SETs/SCEs constitutes a unilateral change to the frozen **policies without UTFA’s consent, in violation** of Article 2 of the *MOA*.

Similarly, SETs/SCEs are integrated into the terms and conditions of employment for UTFA members, including through numerous Administration policies such as the PTR components of the *Academic Administrative Procedures Manual*, the *Provostial Guidelines for Developing Written Assessments of Effectiveness of Teaching in Promotion and Tenure Decisions*, and the various divisional policies on effectiveness in teaching. These policies are also all premised on the utilization of reasonable, reliable, non-arbitrary, and unbiased instruments **of evaluation. The Administration’s insistence on continuing to utilize an unreliable and** arbitrary measure of teaching similarly constitutes a unilateral change in university practice. (For clarity, **UTFA’s position is that the reliance on SETs/SCEs in the normal course** constitutes an unreasonable, arbitrary, and biased practice; however, and as previously stated, in the context of COVID-19 the flawed nature of these measures of teaching are even further exacerbated.)

Further and in addition, the reliance on SETs/SCEs constitutes a violation of the rights of UTFA members under the *MOA*.

Article 5 of the *MOA* establishes the core professional obligations and responsibilities of a faculty member as follows:

A faculty member's professional obligations and responsibilities to the University of Toronto shall encompass (i) teaching; (ii) research, scholarly or creative activity; (iii) service to the University of Toronto.

While the pattern of these duties may vary from individual to individual, they constitute the faculty member's principal obligation during the employment year, and include, without being restricted to, responsibilities as follows:

(a) A faculty member shall carry out his or her responsibility for teaching with all due attention to the establishment of fair and ethical dealings with students, taking care to make himself or herself accessible to students for academic consultation, to inform students adequately regarding course formats, assignments, and methods of evaluation, to maintain teaching schedules in all but exceptional circumstances, to inform students adequately of any necessary cancellation and rescheduling of instructions and to comply with established procedures and deadlines for determining, reporting and reviewing the grades of his or her students.

Inherent in Article 5 is the right of a faculty member to be held to reasonable and non-arbitrary standards for the assessment of teaching, and to be evaluated utilizing reasonable and reliable measures of teaching.

Similarly, the Administration's persistence in using SETs/SCEs for the purposes of merit pay, tenure, continuing status, permanent status, and promotion is a violation of Article 9 of the *MOA* and section 5 of the *Human Rights Code*, which prohibit discrimination towards faculty members and librarians in respect of salaries, rank, promotion, tenure, reappointment, or any other terms and conditions of employment on the basis of the human rights grounds. For example, extensive research demonstrates the ways in which students place greater expectations on female instructors than male instructors, for example expecting them to be more nurturing and to demonstrate more emotional empathy (in addition to other stereotypical, biased, and discriminatory expectations). These demands and expectations are likely to be exacerbated in the context of the COVID-19 crisis, leading to more negative impacts on SETs/SCEs where female instructors are unable to meet these expectations.

Finally, in the absence of appropriate technological and pedagogical support for remote **instruction and modes of assessment, the Administration's insistence on continuing to** administer SETs/SCEs is violation of Article 8, which obligates the Administration to **"continue to use its best efforts to ensure that there is an adequate level of support for faculty members relating to working conditions"**.

4. Remedy

By way of remedy, UTFA seeks:

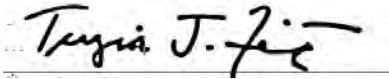
1. A declaration of a breach of the *Memorandum of Agreement*;
2. An order directing that during the period when in-person classes are not offered, and/or physical distancing measures are in place, each faculty member or librarian will determine whether their course evaluations may be relied on in any review

process, including the PTR process, and that no adverse consequences will flow from a decision not to rely on SETs/SCEs;

3. **An order extending the "opt-out" period for the reporting of course evaluation results** on Quercus; and
4. Any other order deemed appropriate by the Grievance Review Panel.

UTFA reiterates its request that this matter be dealt with expeditiously, given that collegial PTR processes will begin shortly, and units require clear guidance with respect to whether or not SETs/SCEs can be considered.

Sincerely,



Terezia Zoric
UTFA VP, Salary, Benefits, Pensions, and Workload

cc. Professor Cynthia Messenger, President, UTFA
Helen Nowak, General Counsel, UTFA



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April 14, 2020

Professor Heather Boon
Vice-Provost
Faculty and Academic Life
McMurrich Building
Room 103, 12 Queen's Park Crescent W.
University of Toronto

Email: vp.fal@utoronto.ca

Dear Heather,

Thank you for your response to our grievance.

We accept the proposed terms of the settlement, without prejudice to the Association's broader position that SET/SCE results belong to the member, irrespective of the particular circumstances arising out of the COVID-19 pandemic. It is UTFA's position that members should have the right to determine whether or not their SET/SCE results can be considered or relied upon for the purposes academic reviews and PTR, and should be entitled to opt out of publication of their SET/SCE results on Quercus at any time. UTFA expressly reserves the right to pursue its concerns about SETs/SCes and the publication of data on Quercus, including through a grievance under the MOA.

Best Regards,

Terezia Zoric
Vice-President
Salary, Benefits, Pensions & Workload
Email: zoric@utfa.org

c.c. C. Messenger, President
H. Nowak, General Counsel



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March 31, 2020

BY EMAIL

Dean Melanie Woodin
Faculty of Arts & Science
University of Toronto
Sidney Smith Hall, 100 St. George Street
Toronto, ON M5S 3G3

Dear Dean Woodin,

UTFA is dismayed to learn that, in some departments in FAS, faculty and staff are gaining access to the Quercus sites of other faculty, on the grounds that access might be needed if faculty were to fall prey to COVID-19, or become otherwise ill or unable to teach. The Dean's office at FAS is being cited as requesting this move.

UTFA's position is that such blanket access is not reasonable and constitutes a violation of the rights of faculty on a number of fronts, including privacy and academic freedom. If an emergency arose, and a faculty member could no longer teach, IT staff could help a unit Chair to gain access to grades, assignments, etc.

No formal disruption has been declared that UTFA knows of. Even if FAS has declared a disruption, blanket access to Quercus sites could not be justified.

We would like written assurance from you that *only* those staff, TAs, and/or administrators whom faculty members admit to their Quercus sites may gain admittance and that blanket access will not be tolerated.

Sincerely,

Cynthia Messenger
UTFA President

c.c. Heather Boon, Vice-Provost
Helen Nowak, General Counsel



UNIVERSITY OF TORONTO
FACULTY OF ARTS & SCIENCE

April 3, 2020

SENT VIA EMAIL

Professor Cynthia Messenger
President, University of Toronto Faculty Association
720 Spadina Avenue, Suite 419
Toronto, Ontario M5S 2T9

Dear Professor Messenger,

I am writing in response to your letter of March 31, 2020 regarding Quercus access.

The Faculty of Arts & Science understands UTFA's concerns around blanket access to Quercus sites. However, in light of the need to prepare for and continue operations during the current COVID-19 pandemic, we have asked units to develop plans for course resilience. In keeping with academic and business continuity best practices, we asked unit heads to "[e]nsure that your support/administrative staff have unit-level Quercus access to all courses in your unit/department."

Subsequently, as part of an effort to ensure that academic units could communicate with all students registered in their courses, we asked unit heads to develop listservs of students in their courses. Our instructions asked them to "connect with instructors immediately to ask them to share their Quercus pages with you or to provide you with a contact list for the students in their courses."

To put it plainly, we have not asked for 'blanket access', nor have we empowered Chairs or others to request such access through IIT. We have made the requests set out above in light of the COVID-19 situation. Accordingly, only those individuals who have been admitted to Quercus sites by faculty members have such access except for extraordinary situations such as those contemplated in the second paragraph of your letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M Woodin".

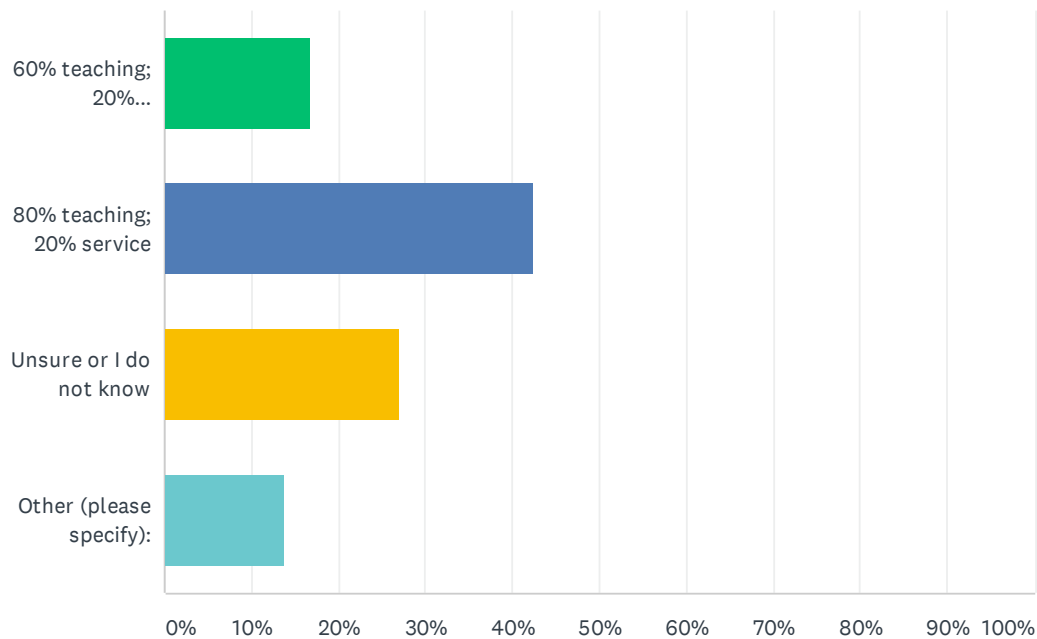
Melanie A Woodin
Dean and Professor of Cell & Systems Biology

OFFICE OF THE DEAN

Sidney Smith Hall, 100 St. George Street, Suite 2005, Toronto, ON M5S 3G3 Canada
Tel: +1 416-978-3383 • Fax: +1 416-978-3887 • dean.artsci@utoronto.ca • www.artsci.utoronto.ca

Q1 Is the distribution of effort formula that is used to calculate your merit pay (PTR) one of the following?

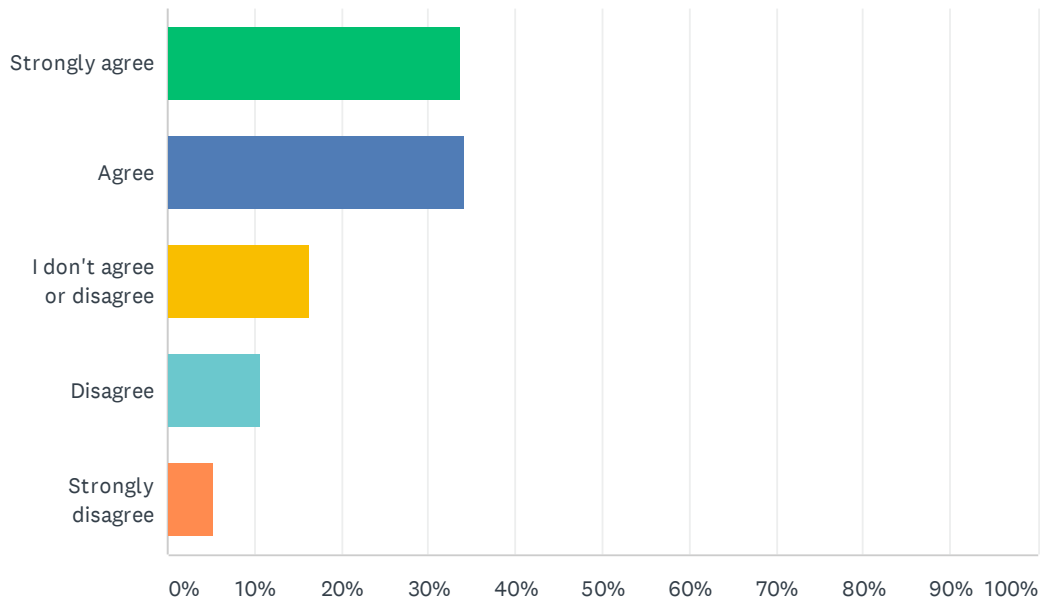
Answered: 252 Skipped: 1



ANSWER CHOICES	RESPONSES	
60% teaching; 20% scholarship/research/CPA; 20% service	16.67%	42
80% teaching; 20% service	42.46%	107
Unsure or I do not know	26.98%	68
Other (please specify):	13.89%	35
TOTAL		252

Q2 Please respond to the following statement: I feel free to choose the emphasis of my scholarship/research/CPA work?

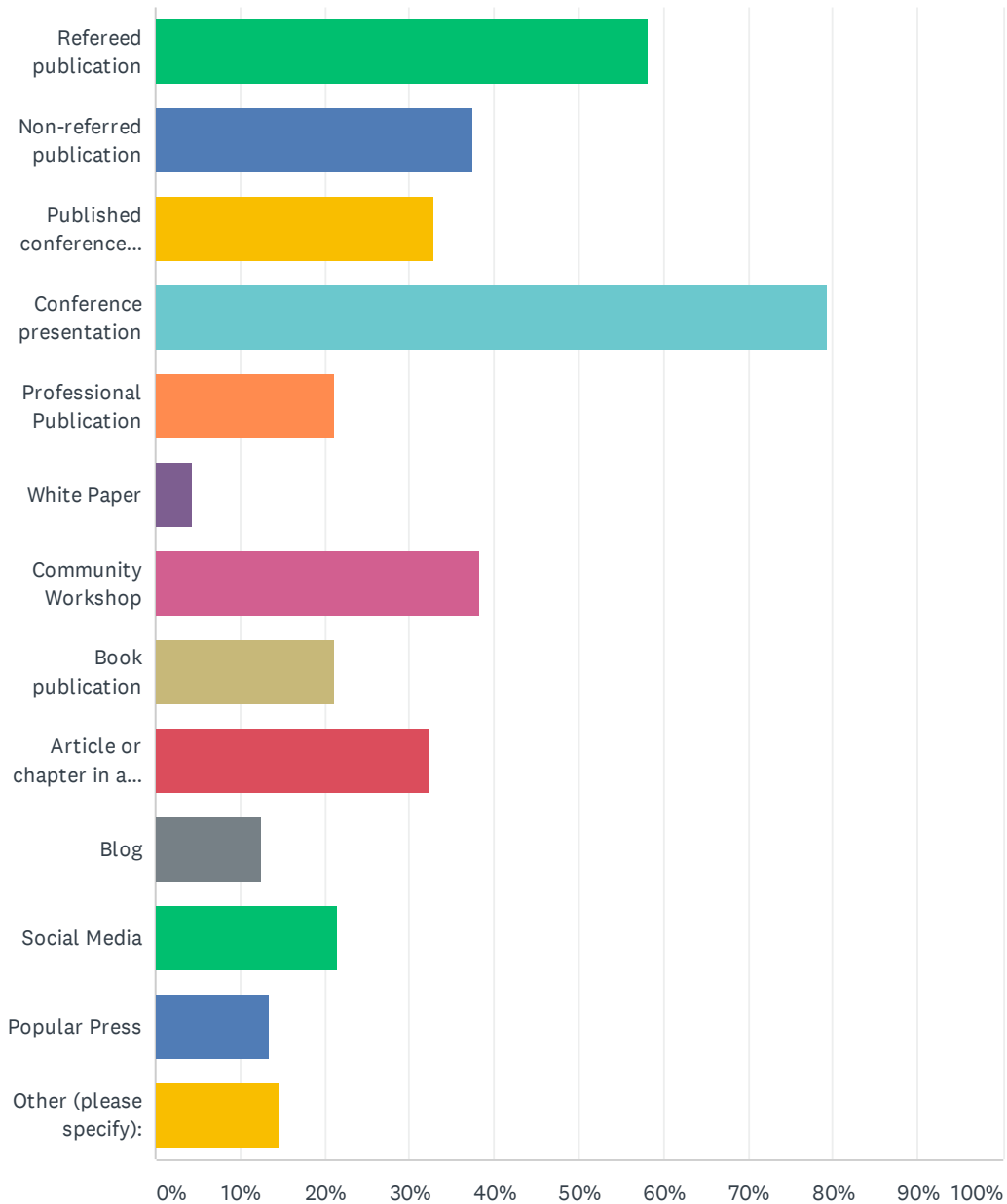
Answered: 252 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	33.73%	85
Agree	34.13%	86
I don't agree or disagree	16.27%	41
Disagree	10.71%	27
Strongly disagree	5.16%	13
TOTAL		252

Q3 Since being appointed, have you disseminated the results of your scholarship/research/CPA in any of the following media? Please check all that apply:

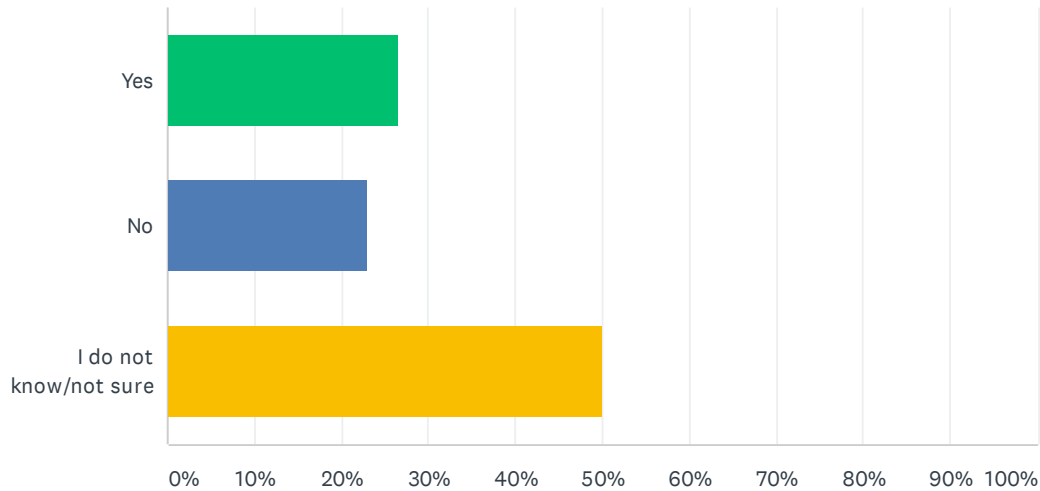
Answered: 232 Skipped: 21



ANSWER CHOICES	RESPONSES	
Refereed publication	58.19%	135
Non-referred publication	37.50%	87
Published conference proceedings	32.76%	76
Conference presentation	79.31%	184
Professional Publication	21.12%	49
White Paper	4.31%	10
Community Workshop	38.36%	89
Book publication	21.12%	49
Article or chapter in a book	32.33%	75
Blog	12.50%	29
Social Media	21.55%	50
Popular Press	13.36%	31
Other (please specify):	14.66%	34
Total Respondents: 232		

Q4 The Workload Policy and Procedures states that publishing in various media constitutes scholarship. From your experience, are the full range of ways of disseminating your scholarship being reflected in PTR decisions?

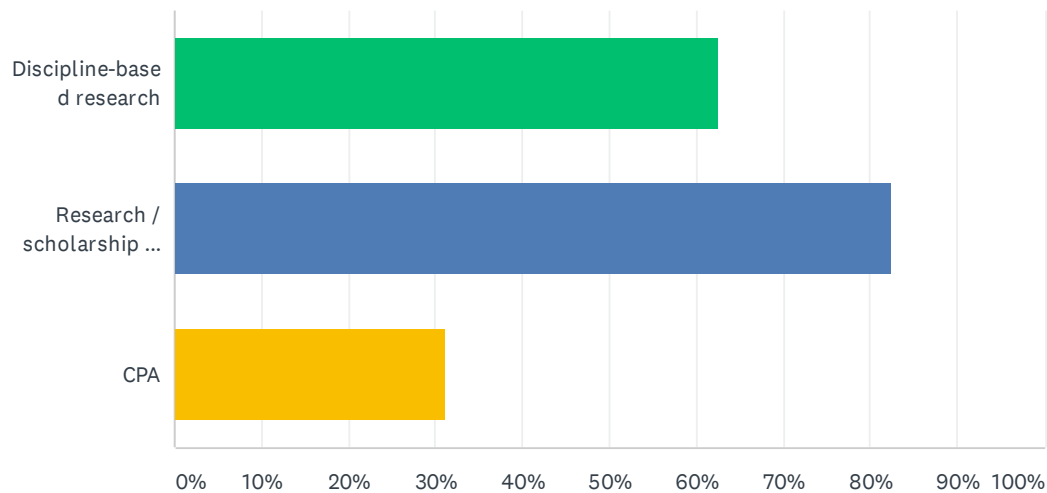
Answered: 252 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	26.59%	67
No	23.02%	58
I do not know/not sure	50.00%	126
TOTAL		252

Q5 From your experience, which of the following is considered in your PTR? Please check all that apply

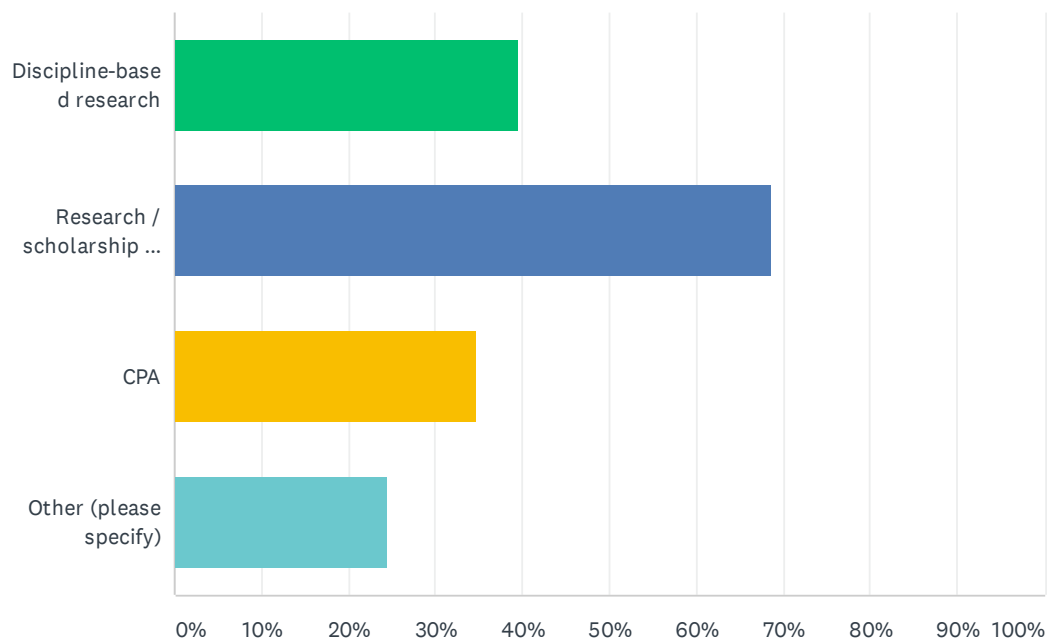
Answered: 240 Skipped: 13



ANSWER CHOICES	RESPONSES	
Discipline-based research	62.50%	150
Research / scholarship on teaching and learning	82.50%	198
CPA	31.25%	75
Total Respondents: 240		

Q6 If you have achieved continuing status, which of the following was considered in your promotion review? Please check all that apply:

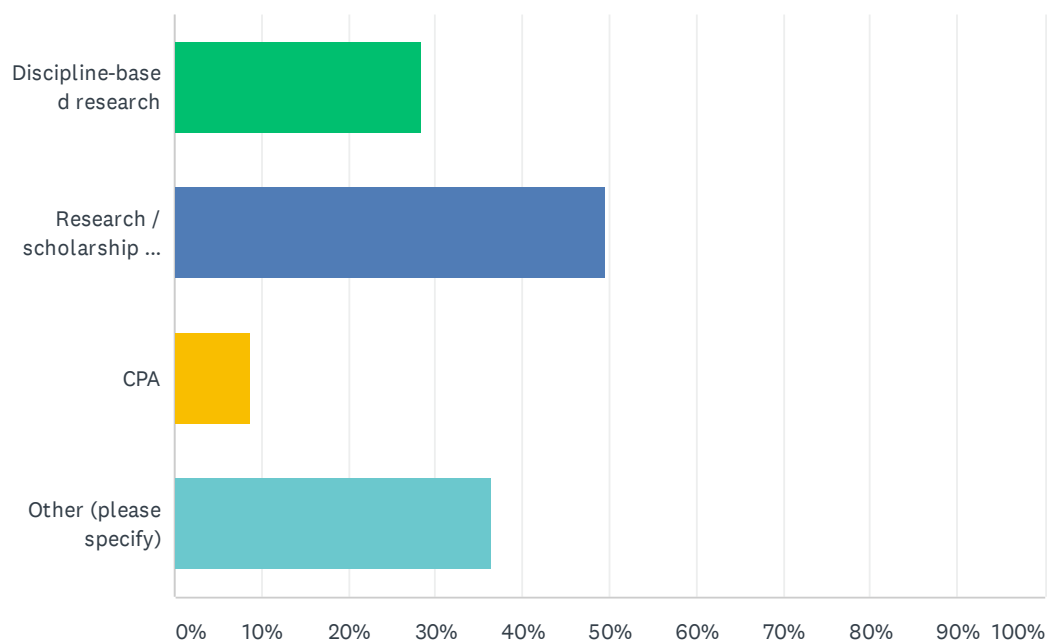
Answered: 147 Skipped: 106



ANSWER CHOICES	RESPONSES	
Discipline-based research	39.46%	58
Research / scholarship on teaching and learning	68.71%	101
CPA	34.69%	51
Other (please specify)	24.49%	36
Total Respondents: 147		

Q7 Have you applied for external funding (e.g. SSHRC, NSERC, or internal sources such as the Connaught fund, Strategic Partnership grants or TSPG or ATLAS grants) to support your:

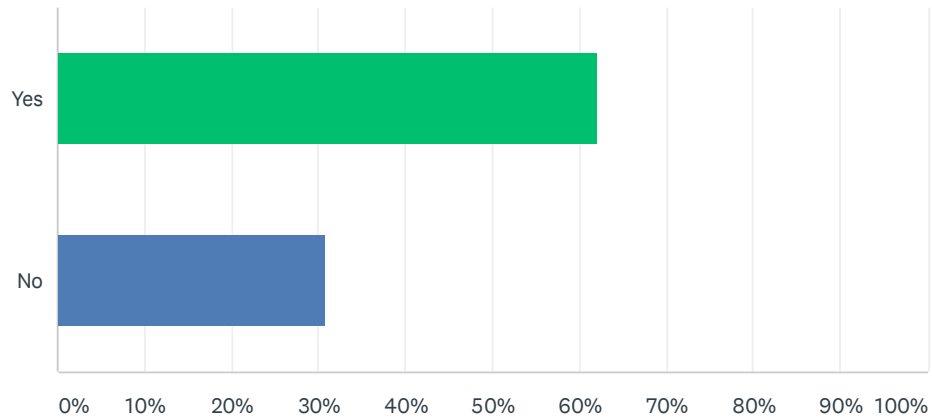
Answered: 137 Skipped: 116



ANSWER CHOICES	RESPONSES	
Discipline-based research	28.47%	39
Research / scholarship on teaching and learning	49.64%	68
CPA	8.76%	12
Other (please specify)	36.50%	50
Total Respondents: 137		

Q8 Were you the Principal Investigator?

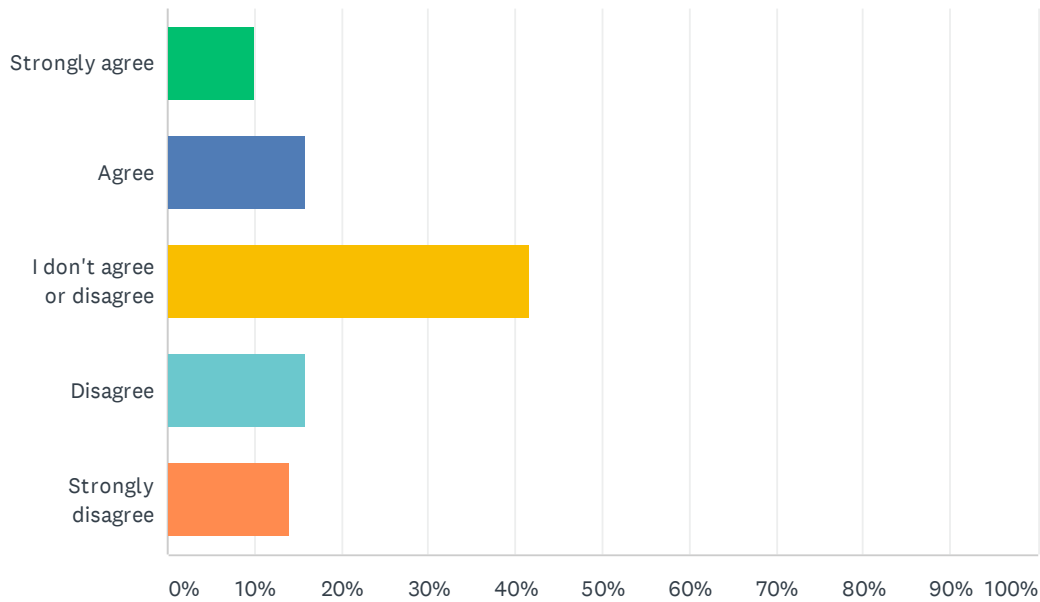
Answered: 140 Skipped: 113



ANSWER CHOICES	RESPONSES	
Yes	62.14%	87
No	30.71%	43
TOTAL		140

Q9 Please respond to the following statement: I feel supported in my efforts to seek advice from the Research Services Office.

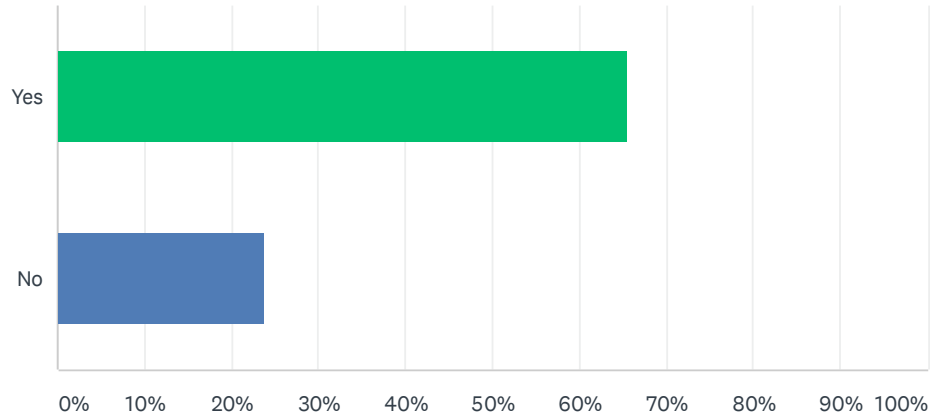
Answered: 207 Skipped: 46



ANSWER CHOICES	RESPONSES	
Strongly agree	10.14%	21
Agree	15.94%	33
I don't agree or disagree	41.55%	86
Disagree	15.94%	33
Strongly disagree	14.01%	29
TOTAL		207

Q10 If you received a grant, were you awarded a sufficient budget and means to meet the budgetary requirements of your project?

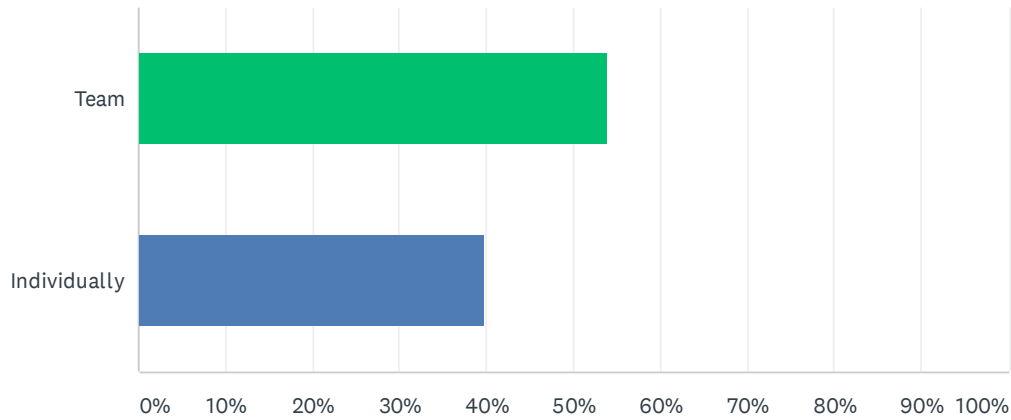
Answered: 122 Skipped: 131



ANSWER CHOICES	RESPONSES	
Yes	65.57%	80
No	23.77%	29
TOTAL		122

Q11 Was your project part of a team?

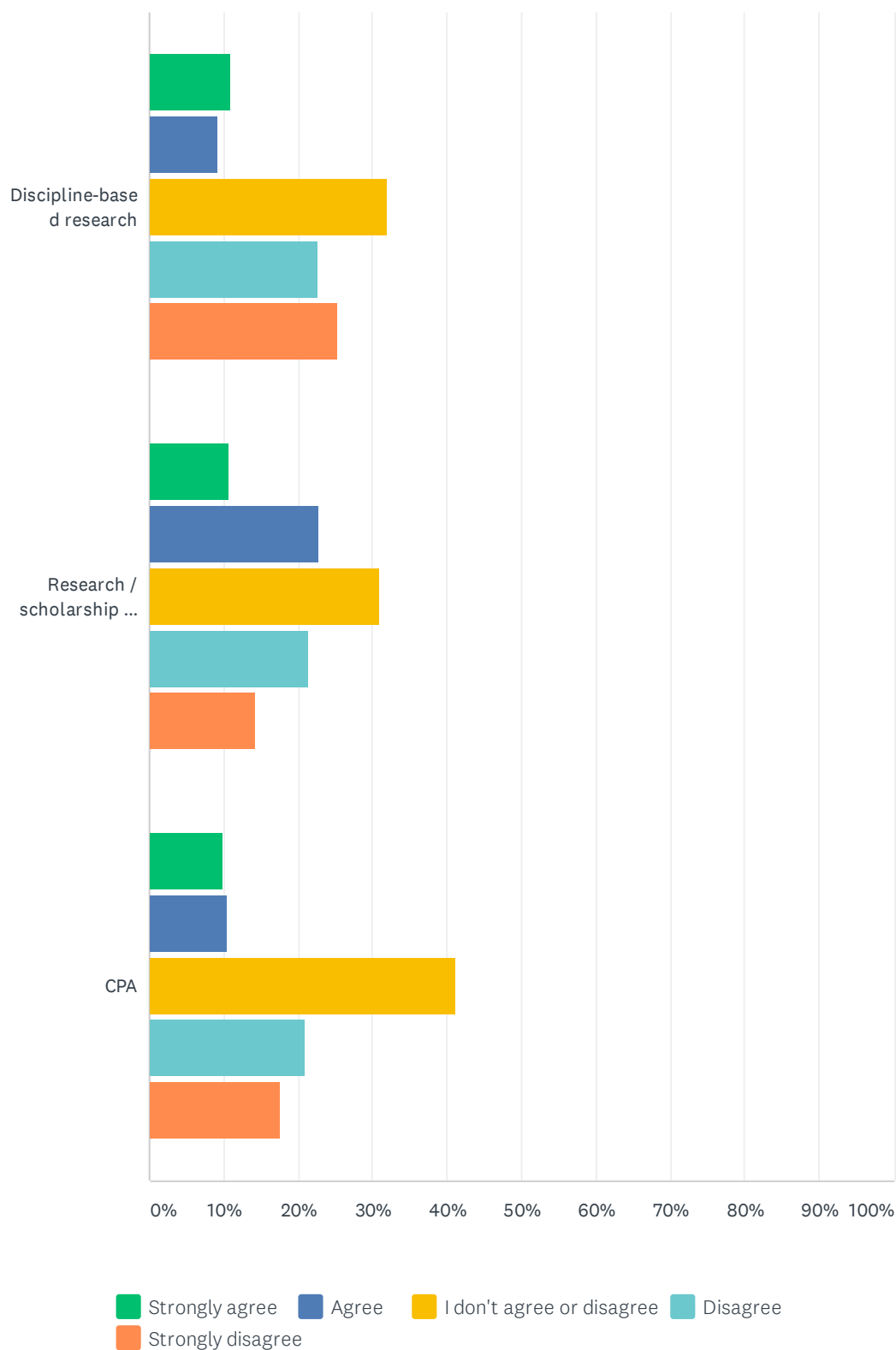
Answered: 126 Skipped: 127



ANSWER CHOICES	RESPONSES	
Team	53.97%	68
Individually	39.68%	50
TOTAL		126

Q12 Please respond to the following statement: I have been actively encouraged by my Chair, Principal, Dean, or other supervisor to seek funding (from e.g. SSHRC, NSERC, or internal sources) to support my

Answered: 204 Skipped: 49



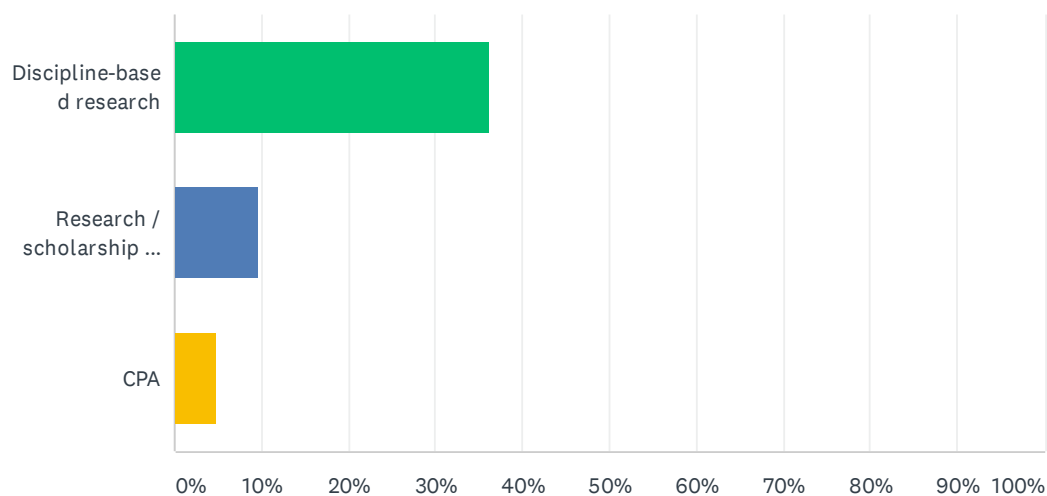
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Item 11b
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	STRONGLY AGREE	AGREE	I DON'T AGREE OR DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL
Discipline-based research	10.82% 21	9.28% 18	31.96% 62	22.68% 44	25.26% 49	194
Research / scholarship on teaching and learning	10.66% 21	22.84% 45	30.96% 61	21.32% 42	14.21% 28	197
CPA	9.80% 15	10.46% 16	41.18% 63	20.92% 32	17.65% 27	153

Q13 Have you been actively discouraged by your Chair, Principal, Dean, or other supervisor from seeking funding (from e.g. SSHRC, NSERC, internal sources) to support your:

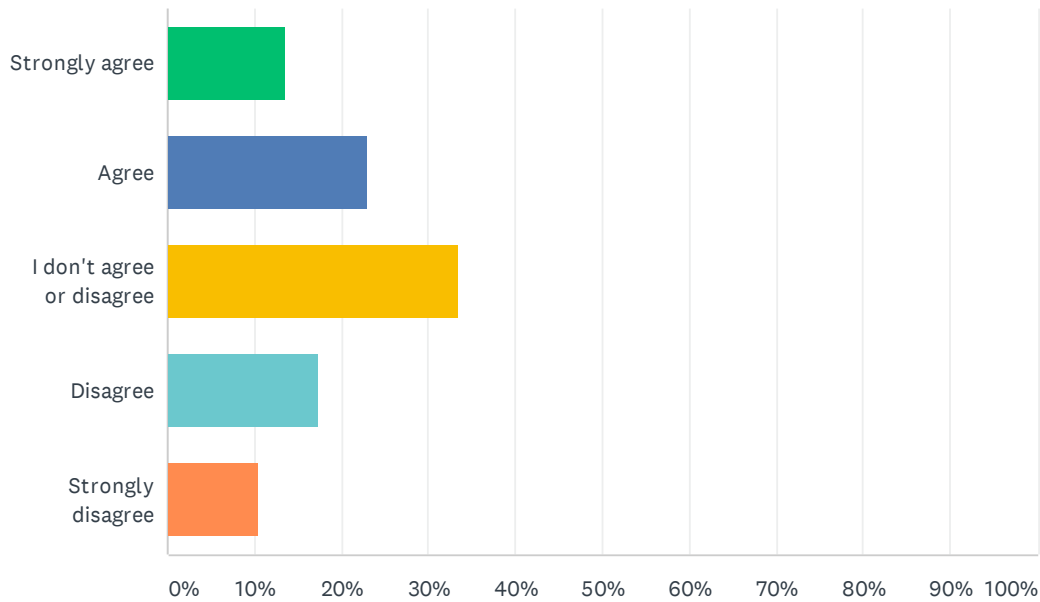
Answered: 83 Skipped: 170



ANSWER CHOICES	RESPONSES	
Discipline-based research	36.14%	30
Research / scholarship on teaching and learning	9.64%	8
CPA	4.82%	4
TOTAL		83

Q14 Please respond to the following statement: I feel supported in my efforts to seek research funding or other funds to support my scholarship.

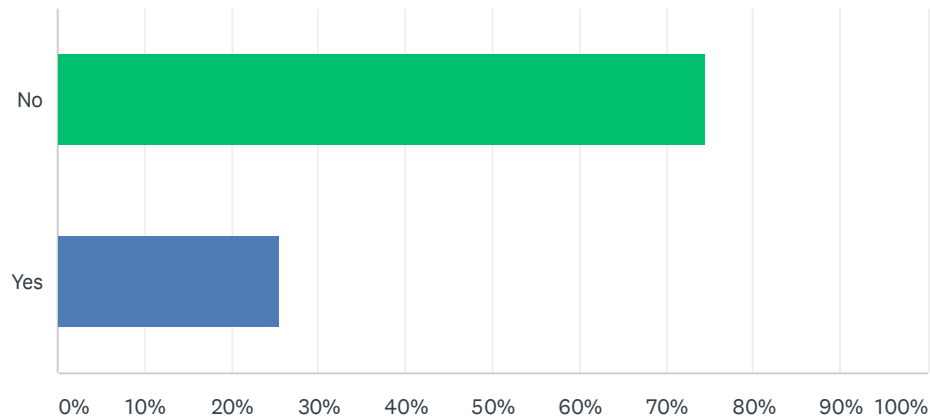
Answered: 212 Skipped: 41



ANSWER CHOICES	RESPONSES	
Strongly agree	13.68%	29
Agree	23.11%	49
I don't agree or disagree	33.49%	71
Disagree	17.45%	37
Strongly disagree	10.38%	22
TOTAL		212

Q15 For your primary appointment, are you appointed in a College-based program or other interdisciplinary unit?

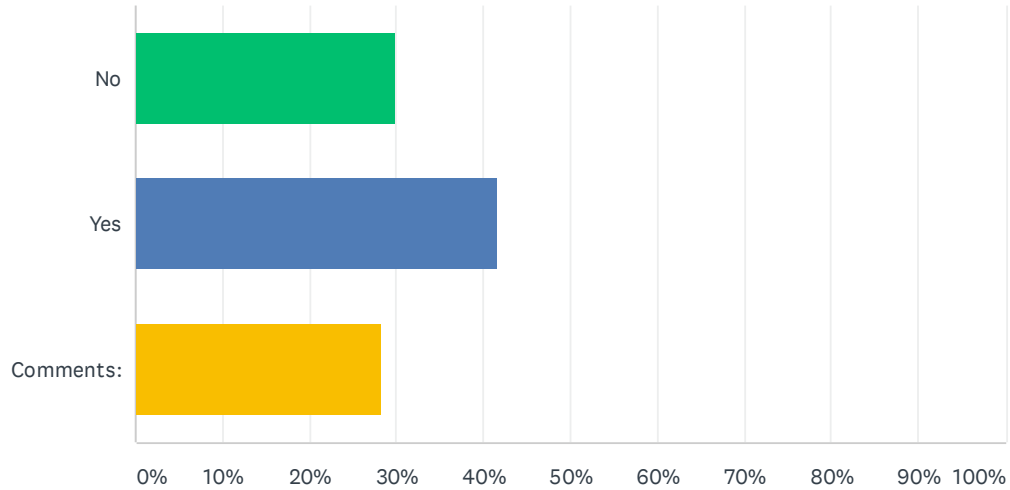
Answered: 208 Skipped: 45



ANSWER CHOICES	RESPONSES	
No	74.52%	155
Yes	25.48%	53
TOTAL		208

Q16 Has your appointment type impacted your ability to apply for and hold grants for scholarship/research/CPA?

Answered: 60 Skipped: 193



ANSWER CHOICES	RESPONSES	
No	30.00%	18
Yes	41.67%	25
Comments:	28.33%	17
TOTAL		60

Q17 What are the most significant barriers you face in engaging in scholarship/research/CPA?Comments:

Answered: 173 Skipped: 80

Q18 What priorities do you think UTFA should pursue with the administration to improve support for the teaching stream faculty to engage in scholarship?

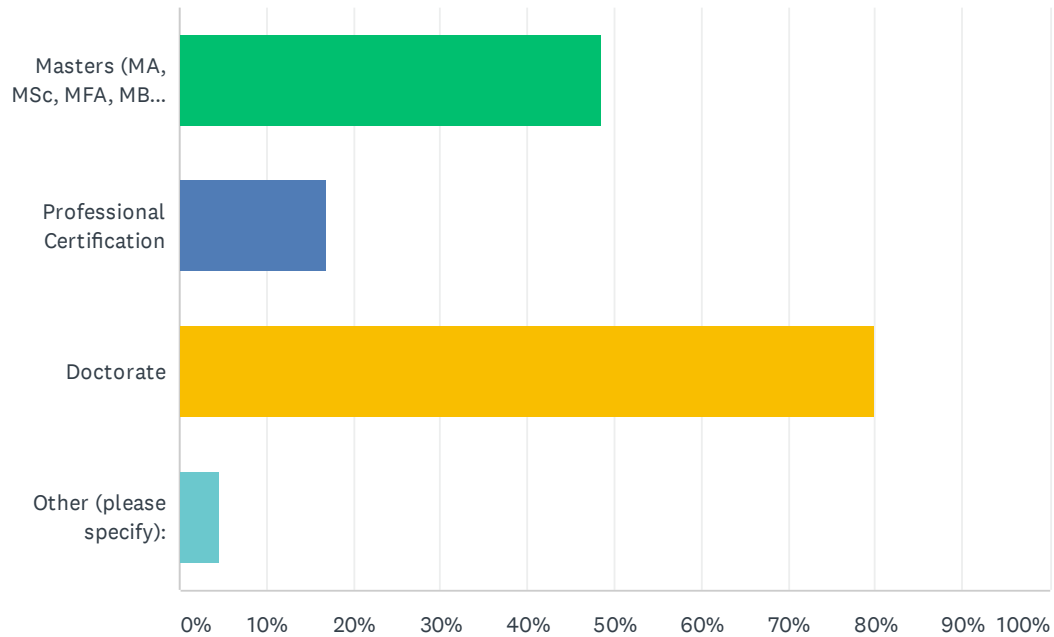
Answered: 151 Skipped: 102

Q19 Please use this space to tell us more about any of the topics addressed in this survey, or to provide additional information about your situation and experiences with respect to funding for your scholarship/research/CPA. Comments:

Answered: 68 Skipped: 185

Q20 Please indicate the degrees that you hold (select all that apply):

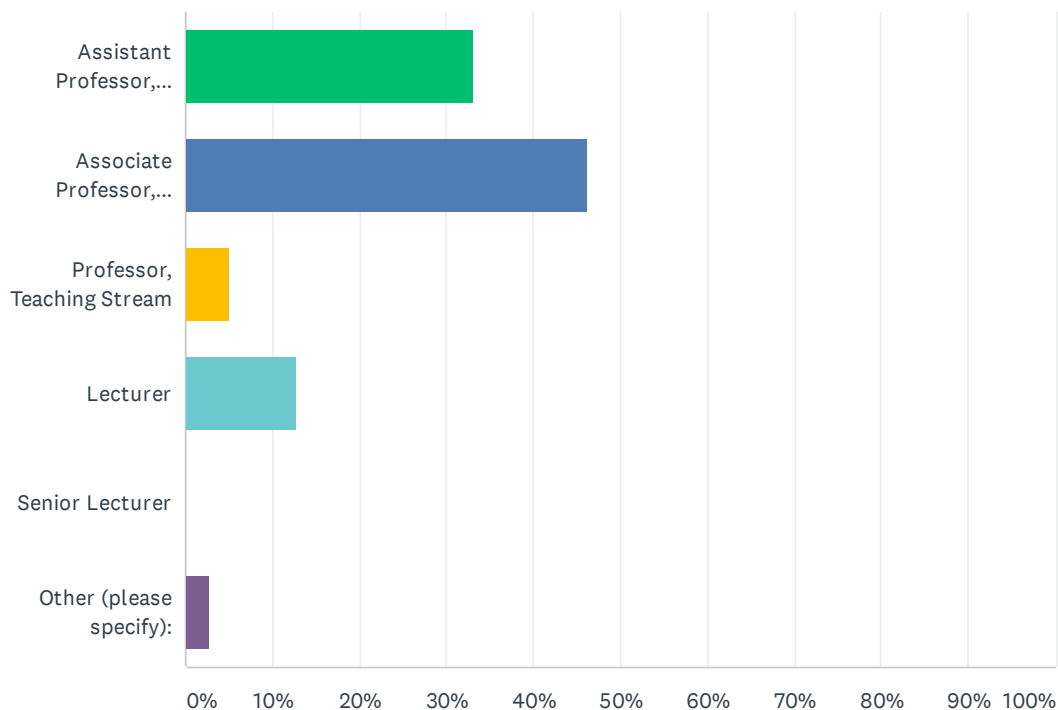
Answered: 218 Skipped: 35



ANSWER CHOICES	RESPONSES	
Masters (MA, MSc, MFA, MBA, etc.)	48.62%	106
Professional Certification	16.97%	37
Doctorate	79.82%	174
Other (please specify):	4.59%	10
Total Respondents: 218		

Q21 What is your current title?

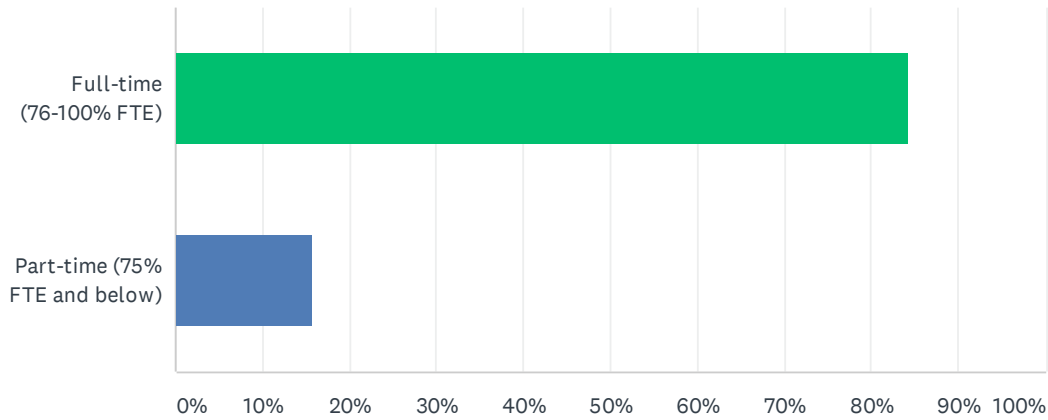
Answered: 218 Skipped: 35



ANSWER CHOICES	RESPONSES	
Assistant Professor, Teaching Stream	33.03%	72
Associate Professor, Teaching Stream	46.33%	101
Professor, Teaching Stream	5.05%	11
Lecturer	12.84%	28
Senior Lecturer	0.00%	0
Other (please specify):	2.75%	6
TOTAL		218

Q22 Please indicate whether your appointment is full-time or part-time:

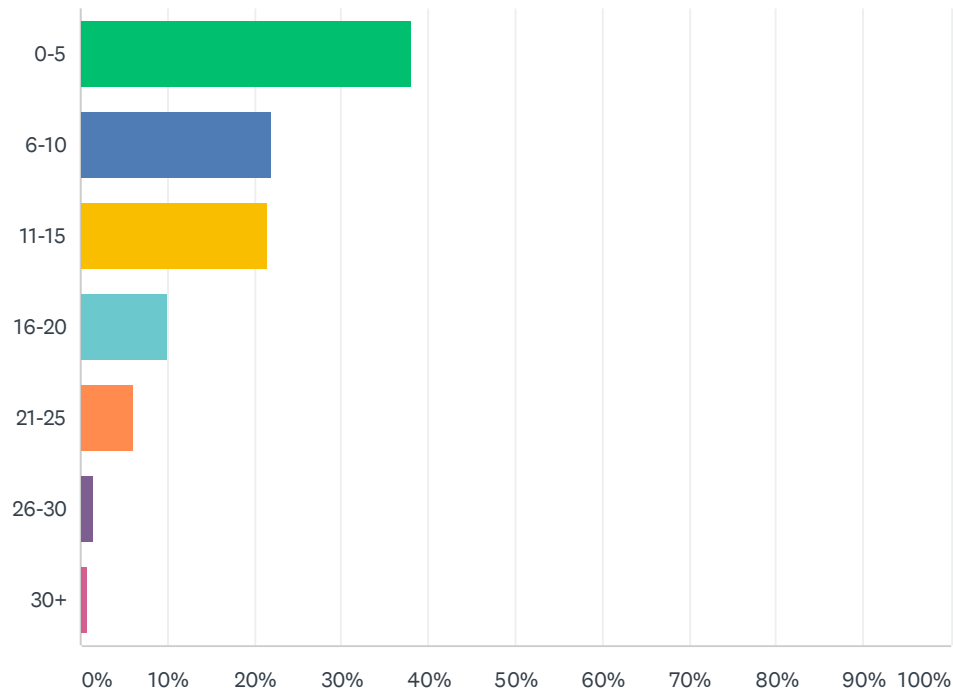
Answered: 216 Skipped: 37



ANSWER CHOICES	RESPONSES	
Full-time (76-100% FTE)	84.26%	182
Part-time (75% FTE and below)	15.74%	34
TOTAL		216

Q23 How many years in total have you held your appointment (from the time of your initial hiring, including if applicable under titles such as Assistant Professor, Teaching Stream, Associate Professor, Teaching Stream, etc.)?

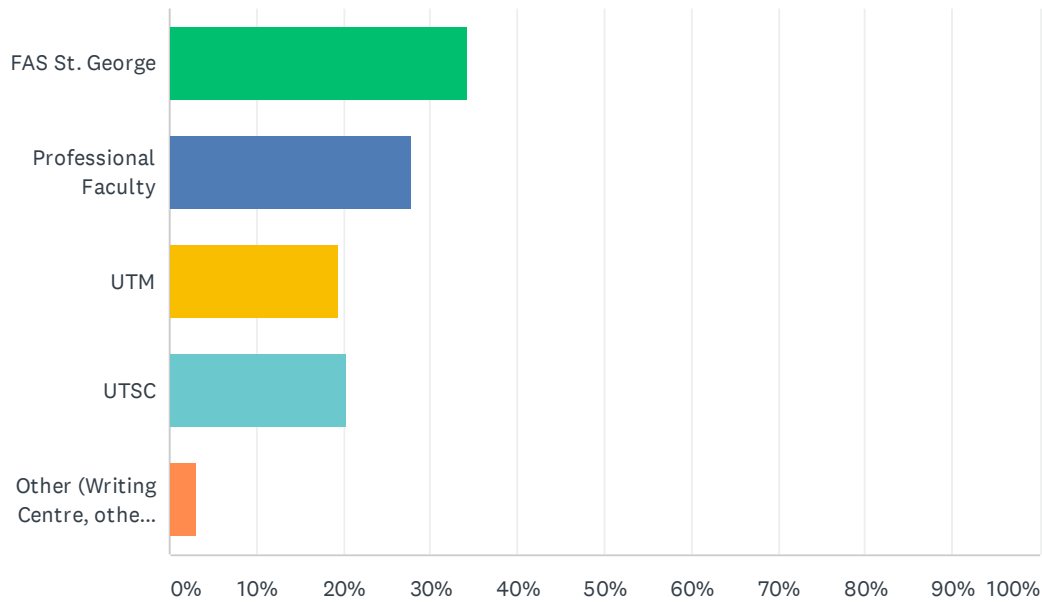
Answered: 218 Skipped: 35



ANSWER CHOICES	RESPONSES	
0-5	38.07%	83
6-10	22.02%	48
11-15	21.56%	47
16-20	10.09%	22
21-25	5.96%	13
26-30	1.38%	3
30+	0.92%	2
TOTAL		218

Q24 Please identify the kind of unit in which you hold your appointment (check all that apply if you are cross-appointed):

Answered: 216 Skipped: 37



ANSWER CHOICES	RESPONSES	
FAS St. George	34.26%	74
Professional Faculty	27.78%	60
UTM	19.44%	42
UTSC	20.37%	44
Other (Writing Centre, other non-departmental teaching unit):	3.24%	7
Total Respondents: 216		