

## UTFA Council Agenda

Thursday, September 23, 2021

3:00 – 5:00 p.m.

Zoom

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1. Approval of the Agenda
2. Reading of the Statement of Acknowledgement of Traditional Land
3. Welcome to all Members
  - a. Introduction of Nicole Ptinis, Executive Assistant to the UTFA President
4. Approval of interim Council Speaker
5. Minutes of the Previous Meetings
  - a. May 18, 2021\*
  - b. June 10, 2021 - Special Council Meeting re: Association Grievance Protocols Working Group Report \*
  - c. June 18, 2021 - Special Council Meeting re Pensions\*
  - d. June 23, 2021 \*
  - e. August 9, 2021\*
  - f. August 16, 2021\*
6. Business Arising
  - a. From the Minutes of Council
  - b. From the Minutes of the Executive Committee
    - i. May 7, 2021\*
    - ii. May 20, 2021\*
    - iii. June 10, 2021 \*
    - iv. June 18, 2021 \*
    - v. June 29, 2021 \*
    - vi. August 5, 2021 \*
    - vii. August 16, 2021 \*
7. New Council and Committee Membership (5 min)
  - a. Introduction of new Council members
  - b. Approval of members to Standing Committees \*

8. Report of the President (60 min)
  - a. Executive Retreat – part one
  - b. Health and Safety (with J. Nogami & A. Giacca)
    - i. Checklist response update
  - c. Fall Term return to in-person work (with J. Nogami)
    - i. Implementation of COVID LOU
    - ii. Toronto Inter- University Coalition
      - i. Expert Panel Event
    - iii. Intra-University coordination
    - iv. Governing Council Deputation
    - v. Petition
    - vi. Survey
  - d. CAUT Censure
  - e. Sexual Violence Policy LOU and related matters
  - f. Academic Continuity
  - g. Association Grievances
    - Teaching Stream and PT Faculty Workload (not filed)
    - PTR update
  - h. Extending terms of UTFA Pension Committee
  - i. Resignation of Keith Adamson from Membership Committee Chair
  - j. Membership Chair Vacancy (Executive motion)
6. Timed break – 4:00 pm (5 min)
7. Report of the Vice-President, Grievances (15 min)
  - a. Grievance portfolio activity over the summer
  - b. Accommodation requests \*
  - c. Responses and some workload grievance resolutions
  - d. Representation Policy \* (Executive Motion)
8. Report of the Pension Committee (10 min)
9. Report of the Vice-President, Salary, Benefits, Pensions, and Workload (10 min)
  - a. SBPW Bargaining update (with T. Zorić)
10. Report of the Chairs of the Membership and University & External Affairs Committees (5 min)
  - a. Citizenship Award update
11. Report of the Chair of the Librarians Committee \*
12. Other Business
  - a. Winter Term Council Meetings – 3:00–5:00 p.m.
    - i. Wednesday, October 20, 2021
    - ii. Tuesday, November 16, 2021
    - iii. Tuesday, December 14, 2021

17. Adjournment

\* materials attached



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## UTFA Council Minutes

Tuesday, May 18, 2021

3:00 – 5:00 p.m.

Zoom

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

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

**Regrets:** N. Wiseman

**Absent:** R. Gomez

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

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

1. Approval of the Agenda

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

2. Minutes of the Previous Meetings

a. April 20, 2021\*

As there were no changes to the April 20, 2021 Council minutes, they were approved as distributed.

3. Business Arising

a. From the Minutes of Council

There was no business arising from the minutes of Council.

b. From the Minutes of the Executive Committee

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

J. Bale said that he would like to know how two Council members obtained a confidential grievance document from UTFA to H. Boon, Vice-Provost, Faculty and Academic Life, and whether they were named.

T. Zorić said that Executive knows who the Council members are. She wrote to the two Council members asking where and how they accessed the document. One member replied saying that they would not provide that information as they had promised not to identify the person who called their attention to the document. The other member did not reply. She noted that the information in the document was also passed on to a reporter sympathetic to the Administration's position. The confidential document has also been posted on an anonymous site on the internet. She asked for Council's guidance.

The members discussed the issue of confidentiality, and what steps UTFA could take to ensure that this does not happen again.

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

The members discussed the motion.

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

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

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

**8 votes against:** L. Chen, E. Fillion, R. Kluger, R. Levine, J. Macdonald, C. Messenger, H. Rodd, S. Rupp  
**15 abstained:** V. Arora, E. Barbeau, A. Braun, E. Comelli, M. Dubber, A. Giacca, P. Gries, A. Keith, T. Kirsch, M. Pęski, J. Poë, M. Vieta, K. Weaver, A. White, A. Zilman

D. Roberts asked, in view of the fact that the motion passed, that the two Council members who had the confidential information make themselves known and say how they came to be in receipt of the confidential information.

T. Zorić said that there was no attribution of responsibility or culpability on these individuals.

One of the two members identified themselves and stated they would not reveal the source of the information because of having made a promise not to do so.

The second member in question did not identify themselves.

T. Zorić said that this situation is unprecedented. She said she also spoke to H. Boon about how this confidential correspondence could have been shared. UTFa is unable to go any further with an investigation without the two Council members sharing how they came to be in possession of the confidential information.

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

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

J. Nogami introduced the Executive motion nominating a Chief Returning Officer, who would work with the staff to verify the votes.

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

b. Report of the Nominating Committee \*

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

Chair, Teaching Stream Committee – Sherri Helwig – Term ends 2023

Chair, Appointments Committee – Leslie Stewart Rose – Term ends 2023

Member-at-Large – Whitney Kemble – Term ends 2023

Member-at-Large – Nasim Niknafs – Term ends 2023

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

Chair, Appointments Committee – Giovanni Grasselli – Term ends 2023

Member-at-Large – Anton Zilman – Term ends 2023

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

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

5. Executive Committee elections (45 min)

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

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

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

M. Peski raised a point of order that according to Robert's Rules of Order any vote has to end in a report and asked that the report include the tally.

D. Roberts said that past practice was not to share that information, but if there are no objections that information will be shared. No objections were raised.

Election for Chair, Appointments Committee.

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

Chair, Appointments Committee:

Giovanni Grasselli 17 votes

Leslie Stewart Rose 41 votes

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

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

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

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

Election for two Member-at-Large positions.

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

Member-at-Large:

Whitney Kemble 42 votes

Nasim Niknafs 40 votes

Anton Zilman 17 votes

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

M. O'Connor thanked M. Horban and D. Puscas for their assistance with the election process.

G. Grasselli congratulated the newly elected Executive members with a wish for them to be collaborative and equitable and do a great job for UTFa.

A. Zilman said that it was a pleasure and an honour to participate in the election and he hoped to work productively with the newly elected Executive members.

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

a. Report \*

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

There was no objection.

- b. Motions on recommendations \* (Executive motions)

This item was deferred.

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

8. Report of the Pension Committee (5 min)

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

This item was deferred.

- b. Special Meetings regarding Pensions

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

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

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

This item was deferred.

- b. SBPW Bargaining update (with T. Zorić)

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

10. Report of the President (20 min)

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

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

- b. Privacy Policy Negotiating Team \* (Executive Motion)

This item was deferred.

- c. Confidentiality Breach \* (Executive Motion)

This item was deferred.

- d. Health and Safety/Central Health and Safety Committee

- i. Legionella

- ii. Asbestos (with A. Giacca)

These items were deferred.

- e. CAUT Censure (with R. Gillis)

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



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

H. Sonne de Torrens said that on May 5 the four senior librarians at OCAD U received notice that their positions were going to be terminated on June 1. The librarians belong to OPSEU. There was no collegial process involving faculty, librarians, or students around the decision. A collegial process does not involve just an executive committee and the governing board. She is working with colleagues in a large network, with the guidance of R. Gillis, K. Scheaffer, M. Attridge, and T. Zorić, to support these librarians. Letters of support are coming in from all institutions. This could be the beginning of a kind of dangerous creep that often spreads to other areas.

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

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

- h. Association Grievances updates

This item was deferred.

- i. Joint Committee \*

This item was deferred.

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

- a. Update on the Laurentian University Solidarity Working Group

This item was deferred.

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

- a. Teaching Stream Committee
  - i. Ellen Katz, Faculty of Social Work
  - ii. Paul Gries, Department of Computer Science
- b. Equity Committee
  - i. Joseph Berkovitz, Institute for the History and Philosophy of Science and Technology
  - ii. Kyla Everall, Librarian
  - iii. Eve Tuck, OISE
  - iv. Yigal Nizri, Department for the Study of Religion
  - v. Judith Taylor, Department of Sociology
  - vi. Alejandro Paz, UTSC – Anthropology
  - vii. Jessica Hanley, UTM Library
- c. Librarians Committee
  - i. Manda Vrkljan, Industrial Relations and Human Resources Library

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

A. Zilman asked why there are so many new members on the Equity Committee.

K. Banning said that the members contacted her asking to join this committee. This reflects that the larger membership has an investment in contributing to changing equity issues.

13. Other Business

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

14. Adjournment

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

The meeting adjourned at 5:45 p.m.

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Senior Administrative Assistant



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## UTFA Special Council Minutes

Thursday, June 10, 2021  
4:00 – 6:00 p.m.  
Zoom

- 
- Executive:** K. Adamson, M. Attridge, K. Banning, A. Braun, A. Giacca, R. Gillis, J. Macdonald, B. McDonagh, J. Nogami, D. Roberts, S. Rupp, H. Sonne de Torrens, T. Zorić
- Present:** V. Arora, J. Bale, E. Barbeau, L. Chen, E. Comelli, S. Darnell, G. de Souza, M. Dubber, A. Fenner, E. Fillion, D. Gastaldo, W. Ghobriel, G. Grasselli, P. Gries, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, A. Keith, E. Kim, T. Kirsch, R. Kluger, R. Kwong, R. Levine, C. Messenger, N. Niknafs, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, K. Scheaffer, A. Siddiqi, M. Spence, L. Stewart Rose, J. Taylor, S. Wagner, K. Weaver, Z. Zhang, A. Zilman
- Regrets:** R. Gomez, M. Stapleton, M. Vieta, N. Wiseman
- Absent:** C.H. Chen, C. Desai, W. Kemble, F. Murnaghan, A. White
- Also present:** R. D'souza (Special Project Senior Strategic Communications Director and Policy Analyst)  
M. Horban (Notes and Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
E. Phillips (Goldblatt Partners LLP)  
R. Schmelzer (Notes and Bookkeeper)  
J. Thiessen (Executive Assistant)

1. Approval of the Agenda

D. Roberts called the meeting to order at 4:03. He spoke about the use of chat. He noted that as this was a special meeting. He also noted that the materials in the meeting package had been circulated previously.

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

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

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

T. Zorić called the question.

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

**Failed.**

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

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

J. Bale called the question.

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

**Failed.**

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

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

**Carried.**

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

E. Phillips gave a PowerPoint presentation.

a. Questions and answers

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

D. Roberts thanked E. Phillips for her presentation.

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

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

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

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

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

i. Minority Report (5 min)

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

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

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

iii. Questions of clarification (10 min)

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

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

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

i. Executive motions

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

AGPWG Recommendation #1 and 2

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

**Executive Motion:**

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

AGPWG Recommendation #3

**Executive Motion:**

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

AGPWG Recommendation #4

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

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

The members began the debate.

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

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

The members continued their discussion of the motions.

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

- strike the current Recommendation #3 and replace it with Recommendation #3 of the original working group report as distributed:  
*Council will have the option to endorse the Association grievance in principle, or not. It may also refer the Association grievance back to the Executive for further consideration.*
- and
- strike the current Recommendation #4 and replace it with:  
*Council to approve Recommendation #4 from the working group report [The ultimate decision of whether or not an Association grievance is filed lies with the UTFA President and Vice-President, Grievances.] with the addition "To clarify, an Association grievance can be submitted only if it is endorsed by Council in a vote."*

The members discussed the amendments.

M. Attridge called the question on the amendments.

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

**Failed.**

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

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

**Carried.**

D. Roberts put the question on the Executive motions.

**Carried.**

4. **Adjournment**

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

The meeting adjourned at 6:40 p.m.

Marta Horban  
Business Officer

REPORT OF THE  
ASSOCIATION GRIEVANCE PROTOCOL WORKING GROUP

May 11, 2021

Contents

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

## EXECUTIVE SUMMARY

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

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

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

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

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



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

### **Recommendations**

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

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

## 1. Council Motions

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

January 19, 2021:

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

February 18, 2021:

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

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

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

## 2. Meeting Dates of the Working Group

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

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

### 3. Documents Reviewed: UTFA Constitution and Bylaws

- A. UTFA Constitution
- B. UTFA Bylaws

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

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

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

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

### 5. Documents Reviewed: UTFA Policies

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

#### **Duty of Fair Representation**

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

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

(emphasis added)

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

Our Legal Representation Policy states:

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

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

[...]

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

### **Privacy and Confidentiality**

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

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

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

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

**Standard of Privacy/Confidentiality**

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

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

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

A. UTFA Association Grievances – Inconsistent Governance

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

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

The following legend is used in the list below:

**BLUE**= endorsed/supported

**PINK**=filed without approval/support/endorsement

**GREEN**=approved/authorized

**RED**=not filed after Council motion

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

## B. UTFA's Past Practice

### i. Past Council Association Grievance Motions

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

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

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

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

## ii. Email from a former UTFA President to Council

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

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

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

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

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

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

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

### **Site of Decision-Making Authority**

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

### **Faculty Associations with a Council Structure**

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

For example:

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



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

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

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

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

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

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

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

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

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

### **Confidentiality:**

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

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

### Commentary

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

[...]

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

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

## Quality of Service

### When Client is an Organization

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

#### Commentary

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

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

## 9. Principles

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

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

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

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

The following further develops the principles above:

A. Duty of Fair Representation/Legal Representation Policy

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

B. Fully Informed Decision-Makers

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

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

C. Confidentiality

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

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

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

### D. Timeliness

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

Timeline for Association grievances (MoA):

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

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

### E. Transparency/Clarity in Process

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

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

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

### F. Accountability

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

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

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

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

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

### G. All Members Have a Right to Representation

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

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

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

## 10. Recommendations

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

## Appendix A

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

16 May 2021

## MINORITY REPORT

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

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

### UTFA Constitution

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

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

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

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

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

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

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

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



### UTFA By-laws

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

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

## UTFA Council Minutes

Friday, June 18, 2021

3:30 – 5:00 p.m.

Zoom

- 
- Executive:** K. Adamson, M. Attridge, K. Banning, A. Braun, A. Giacca, R. Gillis, J. Macdonald, B. McDonagh, J. Nogami, D. Roberts, S. Rupp, H. Sonne de Torrens, M. Stapleton, T. Zorić
- Present:** J. Bale, E. Barbeau, C.H. Chen, L. Chen, E. Comelli, S. Darnell, C. Desai, G. de Souza, A. Fenner, E. Fillion, D. Gastaldo, W. Ghobriel, R. Gomez, G. Grasselli, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, A. Keith, W. Kemble, E. Kim, T. Kirsch, R. Kwong, R. Levine, C. Messenger, F. Murnaghan, N. Niknafs, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, K. Scheaffer, M. Spence, L. Stewart Rose, J Taylor, S. Wagner, K. Weaver, A. White, Z. Zhang, A. Zilman
- Regrets:** N. Wiseman
- Absent:** V. Arora, M. Dubber, P. Gries, R. Kluger, A. Siddiqi, M. Vieta
- Also present:** H. Diggle (Counsel)  
M. Horban (Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
S. Olexson (Counsel)  
C. Penn (Notes and Senior Administrative Assistant)  
R. Roth (Director, Communications and Outreach)  
J. Thiessen (Executive Assistant)

D. Roberts called the meeting to order at 3:30 p.m.

1. Approval of the Agenda

**Motion** by M. Peski, seconded by M. Stapleton, that the agenda be approved as distributed with a timed item included to adjourn at 5:00 p.m. **Carried.**

2. Update on the UPP (20 minutes) C. Messenger, H. Mackenzie, and T. Zorić, with others from the Pension Committee. Note: The links below are taken from the AGM Newsletter

a. Brief history (<https://www.utfa.org/sites/default/files/UPP-org-graphic-UTFA-AGM-AppendixB.pdf>)

C. Messenger said that the UTFA Pension Committee is composed of L. Florence, M.A. Guttman, L. Kramer, B. McDonagh, J. Nogami, M. Peski, H. Sonne de Torrens, M. Stapleton, and T. Zorić, with herself as chair.

C. Messenger noted that she provided links to documents already circulated as part of the AGM Newsletter for 2021

b. Timeline (<https://www.utfa.org/sites/default/files/UTFA-UPP-Report-April2021-AppendixA-timeline.pdf>)

C. Messenger said that a link to the timeline of the development of the UPP was provided to Council.

The UPP was founded as a DB pension plan for the university sector only in Ontario. The UPP has three participants, with Trent University joining as the fourth in January 2022. The UPP is a landmark achievement at U of T, and the Administration, USW, and UTFA played leading roles in its formation.

Although talks on a sector-wide jointly sponsored plan began many years ago, it was not until 2017 that three universities, U of T, Queen's, and Guelph, decided to move forward. Negotiations were challenging. They continued until 2019, when each faculty association and union conducted the overwhelmingly positive consent votes that allowed the project to continue.

C. Messenger outlined the key events of the UPP.

c. Current status of the UPP (<https://www.utfa.org/sites/default/files/UPP-Q-A-AGMReport-April2021.pdf>)

C. Messenger said that the Board of Trustees (BoT) administers the pension plan, which will be formally launched on July 1, 2021.

H. Mackenzie said that the job of the BoT over the past 15 months has been to prepare the UPP to take over the plan as of July 1. The BoT has been creating an infrastructure to take over areas such as member services, investment management, and back-office functions.

d. Role and terms of reference for the UTFA Pension Committee \*

C. Messenger called the members' attention to the terms of reference for the UTFA Pension Committee in their meeting package. She asked that discussion of this item be deferred until the June 23 meeting.

e. Questions and discussion

The members discussed the presentations and C. Messenger and H. Mackenzie answered questions.

3. SIPP (40 minutes) C. Messenger, H. Mackenzie, M. Stapleton, and T. Zorić, with others from the Pension Committee

a. Definitions and sample SIPPs

C. Messenger gave a PowerPoint presentation on SIPPs (Statements of Investment Policies and Procedures). She noted that the pension legislation mandating a SIPP simply requires a statement as to whether environmental, social, and governance (ESG) factors are incorporated into the plan's investment policies and procedures, and if so, how. She provided some examples.

H. Mackenzie spoke on the objectives and goals of the July 1, 2021, Readiness Progress Report. He noted that the BoT was working toward the plan coming into effect as of July 1, 2021. Getting to UPP-owned pension services will be a multi-year effort. Members will continue to receive services at their university. Transition from the universities will happen in phases, focusing on the surgical replacement of one element at a time.

H. Mackenzie said that the long-term goal is to have a dynamic total fund investment strategy that meets our pension funding needs while evolving with market changes, with critical attention to risk management and responsible investing. He outlined the UPP's Investment Management: Readiness plan for July 1 at Queen's, Guelph, and U of T.

b. Paul Downes on climate change and the SIPP (10 minutes)  
<https://divestmentandbeyonduoft.ca>

Paul Downes gave a PowerPoint presentation on climate change and the SIPP. He belongs to Divestment and Beyond, a group of faculty, staff, and students at U of T formed in response to President Gertler's failure to respond to the report of the Advisory Committee on Divestment in 2015.

P. Downes outlined what the Divestment and Beyond group would like to see in the UPP SIPP:

- Full disclosure to members and the public of the UPP's climate strategy that demonstrates how its holdings are aligned with the goals of the Paris agreement. This includes annual reporting of direct and indirect investments in carbon-intensive holdings, investments in climate solutions, and the absolute GHG emissions associated with the portfolio.
- An immediate investment screen on new oil, gas and coal related finance and investment alongside a clear and measurable timeline for eliminating from the portfolio by 2025 all direct and indirect investment across all asset classes in companies involved in the extraction, processing, refining or transportation of fossil fuel investments.
- A timeline for seeking the long-term decarbonization of all other held assets, with the goal of achieving a zero-emissions portfolio by 2040. This must include a commitment to absolute decarbonisation, not relative carbon intensity.
- Clear and measurable goals for increasing the percentage of the portfolio invested in profitable climate solutions (i.e., renewable energy assets).

- Robust and transparent climate-related engagement criteria for owned companies. This would include forbidding participation in and funding of lobbying activities that undermine climate policy, company reduction timelines for achieving zero-emissions, and linking executive compensation to measurable emissions reduction goals. The escalatory tool of divestment would be employed if these engagement strategies do not produce desired outcomes.

H. Mackenzie replied to these proposals.

T. Zorić thanked P. Downes for his presentation and said that she had heard from many members who are also concerned about these issues.

c. Proposed UTFA statement on the SIPP; possible motion to approve the statement \*

T. Zorić said that the Executive received, with thanks, this statement on the SIPP.

**Motion** by T. Zorić, seconded by C. Messenger, that Council endorse the SIPP and commit to further work on developing additional text in relation to the SIPP. **Carried unanimously.**

d. Feedback on the UPP listening sessions in May

C. Messenger said that the votes that are coming up are important but can be done in a different forum.

4. SAP (15 minutes) \* J. Nogami, T. Zorić

a. Motion to approve our agreement with the Administration \*

J. Nogami called the members' attention to the final text of the SAP in their packages. He said that agreement was reached on the final text in early May, yet the Administration has not yet signed off on it. He is asking Council to endorse the SAP in principle and when we get the final text we will make sure that it is what was agreed to.

The members discussed the SAP agreement.

C. Messenger said that approval of the SAP is fundamental to agreeing to the UPP.

T. Zorić said that we are asking for Council's support today. C. Messenger had a leading role in the initial iteration and J. Nogami, M. Peski and she helped to negotiate it. She said that if we receive the final document before June 23, we will send it to Council, otherwise we may have to sign it under summer authority or call a special Council meeting.

**Motion:** The Executive Committee recommends that Council approve the Supplementary Account Plan (SAP) agreement in principle. **Carried.**

5. Committee Elections (15 minutes)

a. UTFA's Representative on UTAM\*

T. Zorić said that A. White has been the UTFA representative on UTAM and he has agreed to stand for a further year.

**Motion:** The Executive Committee recommends to Council that A. White be renewed as an UTFA representative to UTAM. **Carried.**

b. UTFA's Representatives on the U of T Pension Committee

T. Zorić said that, like UTFA, Governing Council also has a Pension Committee. The number of times it is going to meet is limited.

**Motion** The Executive Committee recommends that Council reappoint L. Florence, C. Messenger, J. Nogami, M. Stapleton, and T. Zorić as UTFA's representatives to the U of T Pension Committee. **Carried.**

6. Adjournment

**Motion** by E. Barbeau, seconded by V. Arora, that the meeting adjourn. **Carried.**

The meeting adjourned at 4:48 p.m.

Chris Penn  
Senior Administrative Assistant

## UTFA Council Minutes

Wednesday, June 23, 2021

3:00 – 5:00 p.m.

Zoom

- 
- Executive:** K. Adamson, M. Attridge, K. Banning, A. Braun, A. Giacca, R. Gillis, J. Macdonald, B. McDonagh, J. Nogami, D. Roberts, S. Rupp, H. Sonne de Torrens, M. Stapleton, T. Zorić
- Present:** J. Bale, E. Barbeau, C.H. Chen, E. Comelli, C. Desai, G. de Souza, A. Fenner, E. Fillion, W. Ghobriel, G. Grasselli, C. Guberman, M.A. Guttman, R. Helms-Park, A. Hojatollah Taleghani, J. Jenkins, A. Keith, W. Kemble, E. Kim, T. Kirsch, R. Kwong, R. Levine, C. Messenger, F. Murnaghan, N. Niknafs, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, K. Scheaffer, M. Spence, L. Stewart Rose, J. Taylor, S. Wagner, K. Weaver, A. White, Z. Zhang, A. Zilman
- Regrets:** L. Chen, S. Darnell, R. Kluger, A. Siddiqi, N. Wiseman
- Absent:** V. Arora, M. Dubber, D. Gastaldo, R. Gomez, P. Gries, M. Vieta
- Also present:** M. Horban (Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
C. Penn (Notes and Senior Administrative Assistant)  
J. Thiessen (Executive Assistant)



D. Roberts called the meeting to order at 3:00 p.m.

1. Approval of the Agenda

T. Zorić said that as some members have raised concerns that Council meetings often go past the stated end time, she was making two motions shorten the agenda.

**Motion** by T. Zorić, seconded by J. Nogami, that the minutes listed under item 2 be deferred to the September meeting of Council. **Carried.**

**Motion** by T. Zorić, seconded by J. Nogami, that items 4, Report of the Treasurer, 5a, Summer Authority, and 5j, UTFA Pension Committee, be moved up on the agenda, to be followed by items 7b, Policy for Librarians (PfL) Negotiating Team, and 11, Report of the Chair of the Nominating Committee, and then the remaining items as stated. **Carried.**

**Motion** by J. Poë, seconded by G. Grasselli, that the Council meeting adjourn at 5:00 p.m. **Carried.**

2. Minutes of Previous Meetings

- a. May 18, 2021\*
- b. June 10, 2021 - Special Council Meeting re: Association Grievance Protocols Working Group Report \*
- c. June 18, 2021 - Special Council Meeting re Pensions

The minutes were deferred to the September meeting of Council.

3. Business Arising

- a. From the Minutes of Council
- b. From the Minutes of the Executive Committee
  - i. May 7, 2021\*
  - ii. May 20, 2021\*

This item was deferred to the September meeting of Council.

4. Report of the Treasurer (15 min)

- a. Draft budget\*

M. Stapleton reviewed the draft budget document with the members. Figures from July 1 to May 31 show an operating surplus of \$280,000.

M. Stapleton called the members' attention to the 2020–2021 budget as prepared by L. Florence. She noted progress that has been made on managing UTFA finances: the External Legal & Consulting line is almost \$400,000 below budget. This was achieved by the hard work of B. McDonagh, K. Johnson, H. Nowak and the legal team. Our lawyers are working to their limits. The budget for next year will include hiring an articling student to assist with the growing workload.

M. Stapleton cautioned that even though we are in the black now, this may not be the case next year, because of items that were put on hold because of COVID-19. This includes office repairs necessitated by the flood that took place just before we closed down last year. The budget projects

a \$345,000 deficit next year. The audit will take place in August.

M. Stapleton answered questions from Council members. Asked whether UTFA was planning to move from the space at 720 Spadina Avenue, she said that there are no such plans at this time.

T. Zorić thanked M. Stapleton for pulling together the draft budget. There are monetary demands of doing UFTA's work in a post-SJAC world.

T. Zorić said that discussions continue on what back dues to charge faculty and librarians who are not members and are asking for UTFA's assistance. They now have to pay one year's back dues to join but we are looking at charging three to five years' back dues.

M. Stapleton thanked the UTFA staff and Executive members who work with her on finances.

5. Report of the President (55 min)

a. Summer Authority

T. Zorić said that a motion is generally put forward at the June Council meeting granting summer authority to Executive.

**Motion:** The Executive Committee recommends to Council that until the next regular meeting of Council (in September), summer authority be granted to the Executive Committee to:

- i. Conduct normal UTFA business
- ii. Authorize usual expenditures

The members discussed the motion.

**Motion** by B. McDonagh, seconded by J. Bale, to call the question.

There was no opposition to moving to a vote.

D. Roberts proceeded to ask for a vote to call the question.

D. Roberts said that the vote failed as the 2/3 necessary majority was not reached. The vote was 32 for, 14 against, and 3 abstentions.

The discussion of the motion on granting summer authority to the Executive Committee continued.

T. Zorić said if an Association grievance arises, she will let Executive and Council know and a meeting will be convened if needed.

J. Nogami said that the Executive and the negotiating team have been working extremely hard on behalf of the members on many fronts. This work will continue over the summer, and he will work to keep Council informed. However, meetings take a lot of time and effort and if Council really wants to meet over the summer, it will just add to the workload.

**Motion** by H. Sonne de Torrens, seconded by B. McDonagh, to call the question.

There was no opposition to moving to a vote.

D. Roberts said that the result of the vote was 36 for, 8 against and 3 abstentions. The vote passed as 75% voted to call the question.

**Carried.**

D. Roberts asked the members to vote on the original motion.

**Carried.** There were 35 votes for, 13 against and 2 abstentions.

b. Kaplan Equity Data Disclosure Award \*

T. Zorić said that this data disclosure award is one of the most important and significant decisions this year. The decision by Arbitrator William Kaplan came down this week.

Mr. Kaplan's decision is strongly in favor of UTFA receiving this information with an agreement that the anonymized information we receive be kept confidential.

T. Zorić said that this is a very good outcome. She noted that we have been seeking this information since 2017.

T. Zorić thanked S. Olexson for her extraordinary work, as well as Emma Phillips and Mary Elizabeth Dill from Goldblatt Partners. She also thanked the UTFA staff, B. McDonagh, C. Messenger, and all those on Council who supported UTFA on this issue.

c. CAUT Censure (with R. Gillis) \*

T. Zorić reported that a letter was sent to M. Gertler asking for a meeting of all members to discuss the CAUT censure. We asked that U of T host an interactive town hall and answer members' questions directly. He has replied only to acknowledge receipt of UTFA's letter. We wrote him again yesterday asking for a response before today's Council meeting, but he did not reply.

d. Concerns related to the Faculty of Music

**Motion** by T. Zorić, seconded by M. Stapleton, to go in camera. **Carried.**

e. Sexual Violence Policy LOU mediation

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

- i. Vaccinations
- ii. Legionella
- iii. Ventilation
- iv. Asbestos
- v. Return to in-person work

g. Workload update

h. Joint Committee meeting on Pay Equity Association Grievance (June 17)

i. Other Association Grievances

**Motion** by T. Zorić, seconded by M. Pęski, to return to the regular meeting. **Carried.**

j. UTFA Pension Committee

T. Zorić reported that the special meeting was well attended, and members were quite engaged. Executive decided prior to that meeting that it would be good for the UTFA Pension Committee to review its terms of reference before changing the membership.

**Motion:** The Executive Committee recommends that Council extend the terms of the members of the UTFA Pension Committee to September 2021. **Carried.**

T. Zorić said that this committee will continue its work over the summer. Members should contact the committee if they would like to be engaged.

k. OCUFA Service Award \*

T. Zorić announced that C. Messenger is the one of the recipients of an OCUFA Service Award. She congratulated C. Messenger. She said that C. Messenger is Past President and a key figure on the UPP. She, along with Herb Kunze (University of Guelph Faculty Association) and Paul Young and Robert Hickey (Queen's University Faculty Association), were instrumental in developing the UPP plan. T. Zorić said that she and B. McDonagh nominated C. Messenger for this honour. Members owe C. Messenger a debt of gratitude for the work she has done in on the university pension plan. T. Zorić asked the members to join her in congratulating C. Messenger for this well-deserved award.

1. Thank you to members leaving Council and Executive

T. Zorić acknowledged Executive and Council members who have fulfilled their terms or are retiring. She thanked them for their service and commitment to UTFA. An UTFA pen will be sent to them as a token of appreciation when the office opens.

Aurel Braun	Executive – Member-at-Large
Elinor Fillion	Council – #901, Retired Members
Adria Giacca	Executive – Member-at-Large
Ronald Kluger	Council - #103, Chemistry; Earth Sciences
Raymond Kwong	Council - #403, Electrical & Computer Engineering - Retiring
Fiona Murnaghan	Council - #111, Mathematics – Retiring
David Roberts	Executive – Chair, Teaching Stream Committee
Stephen Rupp	Executive – Chair, Appointments Committee
Nelson Wiseman	Council - #114, Political Science and the Munk School of Global Affairs – Retiring

6. Timed break – 4:00 pm (5 min)

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

a. SBPW Bargaining update (with T. Zorić)

**Motion** by J. Nogami, seconded by T. Zorić, to go in camera. **Carried.**

**Motion** by J. Nogami, seconded by T. Zorić, to return to the regular meeting. **Carried.**

b. Policy for Librarians (PFL) Negotiating Team \* (Executive motion)

i. Approval of M. Attridge to Pfl Negotiating Team

J. Nogami said that this Executive motion is supported by the Librarians on the Policy for Librarians Negotiating team.

K. Scheaffer, Chief Negotiator for these negotiations, said that M. Attridge has had an extensive history of involvement in negotiations, including as the Chief Negotiator for the St. Michael's College bargaining unit and on UTFA SBPW negotiating teams. The Pfl negotiating team supports this nomination unanimously

**Motion:** The Executive Committee recommends to Council that M. Attridge be approved to sit on the Policies for Librarians Negotiating Team.

**Carried.**

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

a. Citizenship Award update

This item was deferred to the September meeting of Council.

9. Report from the Code of Conduct [Civility] Working Group (J. Nogami) (10 min)

a. Name of this working group

b. Next steps

This item was deferred to the September meeting of Council.

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

a. Approval of E. Kim, Faculty of Architecture and N. Niknafs, Music to the Equity Committee

This item was deferred to the September meeting of Council.

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

a. Housekeeping: Motion to approve the new members of Executive

J. Nogami said that Executive elections took place at the May Council meeting. It has been the practice to put the motion in front of Council to approve the slate of candidates for Executive.

**Motion** by J. Nogami, seconded by B. McDonagh, that Council appoint the following slate to join the Executive Committee as of July 1, 2021.

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

The members discussed the election process. It was suggested that the process be reviewed.

**Motion** by J. Nogami, seconded by H. Sonne de Torrens, to call the question.

There was no opposition to moving to a vote.

**Carried.**

D. Roberts called for a vote on the original motion.

**Carried.**

T. Zorić thanked all of the candidates and congratulated the new Executive members.

12. Report of the Chair of the Librarians Committee \* (Written Report)

13. Other Business

There was no other business.

14. Adjournment

The following motion was passed at the beginning of the meeting:

**Motion** by J. Poë, seconded by, G. Grasselli, that the Council meeting adjourn at 5:00 p.m.

The meeting adjourned at 5:00 p.m.

Chris Penn  
Senior Administrative Assistant

## Special Meeting

### UTFA Council Minutes

Monday, August 9, 2021  
3:00 – 5:00 p.m.  
Zoom

- 
- Executive:** K. Adamson, K. Banning, R. Gillis, S. Helwig, W. Kemble, J. Macdonald, B. McDonagh, N. Niknafs, J. Nogami, H. Sonne de Torrens, M. Stapleton, L. Stewart Rose, T. Zorić
- Present:** J. Bale, C.H. Chen, G. de Souza, A. Fenner, W. Ghobriel, A. Giacca, R. Gomez, G. Grasselli, P. Gries, C. Guberman, M.A. Guttman, R. Helms-Park, A. Keith, R. Levine, C. Messenger, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, S. Rupp, K. Scheaffer, A. Siddiqi, J. Taylor, M. Vieta, S. Wagner, K. Weaver
- Regrets:** V. Arora, M. Attridge, L. Chen, S. Darnell, M. Spence, A. Zilman
- Absent:** A. Braun, E. Comelli, C. Desai, D. Gastaldo, A. Hojatollah Taleghani, E. Kim, Z. Zhang
- Also present:** E. Barbeau (Retired Member)  
H. Diggle (Counsel)  
M. Horban (Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
C. Penn (Notes and Senior Administrative Assistant)  
D. Roberts (COVID-LOU Negotiating Team Member)  
R. Roth (Director, Communications and Outreach)

T. Zorić called the meeting to order at 3:05 p.m.

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

**Motion** by B. McDonagh, seconded by R. Gillis, that K. Weaver act as speaker for today's meeting on a one-time-only basis. **Carried.**

T. Zorić welcomed the members to the special meeting and noted that there are only two items on the agenda. She said that the first agenda item is presentation of the COVID-19 LOU with a motion recommending ratification and the second is a discussion of health and safety issues. Another special meeting will take place on August 16 to discuss the vaccine mandate.

T. Zorić said that the Salary Benefits Pension and Workload (SBPW) negotiating team members want to hear what is happening in Council members' units regarding health and safety, including if pressure is being applied to teach in person. UTFA has received many emails from members pressing us to take a position on a vaccine mandate.

1. COVID LOU (75 min)

a. Presentation of COVID-19 LOU

**Motion** by S. Rupp, seconded by A. Giacca, to go in camera. **Carried.**

**Motion** by J. Nogami, seconded by T. Zorić to return to the regular meeting. **Carried.**

b. Ratification motion

**Motion:** The Executive Committee recommends that UTFA Council ratify the COVID-19 LOU between the UofT Administration and UTFA. **Carried unanimously.**

2. Health and Safety (45 min)

T. Zorić said that UTFA has been working closely with experts from the Dalla Lana School of Public Health, including D. Fisman, A. Tuite, and Ross Upshur. Members of the Central Health and Safety Committee (HSC) are J. Scott, J. Siegel, P. Jeff, P. Bozek, A. Giacca, J. Nogami, and T. Zorić. The committee has been assisted by S. Olexson and K. Johnson. As a result of this technical and scientific work it was decided to consolidate requests to Administration into one document, the Health and Safety Checklist. This document has now been shared and used by other universities across Canada.

T. Zorić called the members' attention to the Health and Safety Checklist. It sets out what UTFA believes the Administration must do to create a safe and healthy university reopening. We believe that the vast majority our members would like to return to in-class teaching, but only when it is safe to do so.

T. Zorić said that she has heard from many members that they want U of T to have a vaccine mandate that requires proof.



**Motion** by A. Giacca, seconded by J. Nogami, to go in camera. **Carried**.

**Motion** by M. Stapleton, seconded by A. Giacca, to return to the regular meeting. **Carried**.

3. Adjournment

**Motion** by J. Nogami, seconded by T. Zorić, moved to adjourn. **Carried**

The meeting adjourned at 5:03 p.m.

Chris Penn  
Senior Administrative Assistant



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## Special Meeting

### UTFA Council Agenda

Monday, August 16, 2021  
3:00 – 4:00 p.m.  
Zoom

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- Executive:** K. Adamson, M. Attridge, K. Banning, R. Gillis, S. Helwig, W. Kemble, J. Macdonald, B. McDonagh, J. Nogami, H. Sonne de Torrens, M. Stapleton, L. Stewart Rose, T. Zorić
- Present:** J. Bale, C.H. Chen, S. Darnell, G. de Souza, A. Fenner, W. Ghobriel, A. Giacca, P. Gries, C. Guberman, M.A. Guttman, R. Levine, M. O'Connor, M. Peski, J. Poë, H. Rodd, S. Ruddick, S. Rupp, A. Siddiqi, J. Taylor, S. Wagner, K. Weaver, Z. Zhang
- Regrets:** V. Arora, L. Chen, R. Gomez, R. Helms-Park, A. Keith, E. Kim, C. Messenger, N. Niknafs, M. Spence
- Absent:** A. Braun, E. Comelli, C. Desai, D. Gastaldo, G. Grasselli, A. Hojatollah Taleghani, K. Scheaffer, M. Vieta, A. Zilman
- Also present:** R. Chang (Counsel)  
M. Horban (Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
S. Olexson (Counsel)  
C. Penn (Notes and Senior Administrative Assistant)  
R. Roth (Director, Communications and Outreach)

T. Zorić called the meeting to order at 3:04 p.m.

T. Zorić reminder Council that this is a Special Meeting on the vaccination mandate.

T. Zorić gave a PowerPoint presentation on why U of T needs a vaccine mandate.

**Motion:** The Executive Committee recommends to Council that UTFa will advocate that the U of T Administration adopt a mandatory vaccination policy that requires proof of vaccination for anyone participating in in-person activities on campus. Such a policy will:

- Provide exemptions on medical or human rights grounds;
- Require unvaccinated persons to undergo regular, three times weekly testing;
- Allow for alternative work arrangements for those unable to be vaccinated;
- Ensure that equity-seeking groups are not adversely affected by access to vaccinations or enforcement measures;
- Provide stringent privacy protections for the handling of personal information; and,
- Be revisited every three to six months.

The members discussed the motion

T. Zorić called the question on the motion. There was no opposition to calling the question.

**Carried.**

1. Adjournment

**Motion** by M. Peski, seconded by K. Banning, that the meeting adjourn. **Carried.**

The meeting adjourned at 4:00 p.m.

Chris Penn  
Senior Administrative Assistant

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## Council Summary

### UTFA Executive Minutes

Friday, May 7, 2021

Zoom Conference Call

1:00 p.m.- 3:00 p.m.

Chair – T. Zorić

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

Regrets: A. Braun

Also present: R. D'souza (Special Project Senior Strategic Communications Director and Policy  
Analyst), M. Horban (Business Officer), K. Johnson (Executive Director),  
H. Nowak (General Counsel), C. Penn (Senior Administrative Assistant)  
D. Puscas (Communications Officer), J. Thiessen (Executive Assistant)

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

1. Approval of the agenda: The agenda was approved as distributed.
2. Minutes of the previous meeting
  - a. April 9, 2021
    - i. Council summary \*

As there were no changes to the April 9, 2021 Council summary, they were approved as distributed.

- b. April 22, 2021 \*
  - i. Executive minutes
  - ii. Council summary

As there were no changes to the April 22, 2021 Executive minutes and Council summary, they were approved as distributed.

- c. April 23, 2021\*
  - i. Executive minutes
  - ii. Council summary

As there were no changes to the April 23 Executive minutes, they were approved as distributed.

3. Business arising (not elsewhere on the agenda)

There was no business arising.

4. Report of the Chair of the Nominating Committee (10 min)

a. Update and next steps

J. Nogami noted that the report of the Nominating Committee with the slate of candidates for the Executive Committee was sent out May 1 and the candidate statements were sent out May 4.

**Motion** by J. Nogami, seconded by K. Adamson, that the meeting go in camera. **Carried.**

**Motion** by J. Nogami, seconded by K. Adamson, to return to the regular meeting. **Carried.**

**Motion** by M. Attridge, seconded by K. Adamson, that the Executive Committee recommend to Council that Kent Weaver be nominated to serve as the Chief Returning Officer for the upcoming Executive elections at the May Council meeting. **Carried.**

It was agreed that D. Roberts would contact K. Weaver to ask if he would serve in this position.

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

**Motion** by J. Nogami, seconded by K. Adamson, that the meeting go in camera. **Carried.**

a. SBPW Bargaining (with T. Zorić)

b. Supplementary Account Plan (SAP) (with T. Zorić)

**Motion** by J. Nogami, seconded by K. Adamson, to return to the regular meeting. **Carried.**

**Motion** by J. Nogami, seconded by K. Adamson, that the Executive Committee recommend to Council that Council approve the SAP agreement in principle. **Carried.**

J. Nogami assumed the chair.

6. Report of the President (60 min)

a. AGM

i. What worked well?

T. Zorić asked the members what they thought worked well at the AGM. Some responses:

- It was well organized and well received, including the panel.
- We identified successfully what the members wanted to discuss and receive information on.
- There seemed to be a lot of interest in the CAUT censure.
- Members who got off track in chat were steered back to the conversation by other members.
- We may have to combine Zoom with in-person meetings in the future.
- Meeting with constituencies before the AGM and encouraging them to attend probably helped to increase attendance.

T. Zorić said that UTFA could not do all that it is doing without an Executive Director and thanked K. Johnson, as well as D. Puscas and J. Thiessen, who played key roles in pulling together the AGM. She also thanked C. Penn, M. Horban, H. Nowak, H. Diggle, S. Olexson, R. Chang and R. D'souza for their work in making the AGM a success. It was a massive team effort.

ii. What needs improvement?

The members suggested the following:

- We should not try to attract members to the AGM by having guest speakers unless they are speaking on an issue that affects the members in their employment.
- Ensure that the closed captioning is working.
- Look at what our members are concerned about and what they are not aware of but should be.
- We should be proactive and generate positive energy instead of defensively reacting to issues.

iii. Follow-up

b. CAUT Censure (with R. Gillis)

- i. CAUT censure motion
- ii. Censure information meeting
- iii. Next steps

T. Zorić reported that about 300 people registered for this meeting. In the meeting we addressed many questions received in advance and as many questions received in chat as we could.

T. Zorić said that she would send out an update email on the CAUT censure and another planned meeting, on how the U of T Administration came to be censured.

**Motion** by T. Zorić, seconded by K. Adamson, that the meeting go in camera. **Carried**

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

- i. Return to in-person work
- ii. Legionella
- iii. Ventilation
- iv. Vaccinations

d. Workload

- i. Checklist
- ii. Workload Committee workshops
- iii. Planning for a campaign

e. Joint Committee Update

f. Culture Reviews

g. Employee Sponsor Committee (ESC) funding

**Motion** by J. Nogami, seconded by K. Adamson, to return to the regular meeting. **Carried.**

h. Association grievances

i. Sexual Violence mediation

T. Zorić said that H. Nowak is the staff counsel lead on the Sexual Violence grievance, with advice from E. Phillips. The original team consisted of M. Allen, R. Gillis, A. Hojatollah Taleghani and T. Zorić. M. Allen is no longer an UTFA member. As we are heading into mediation, she will ask R. Gillis and A. Hojatollah Taleghani to continue and two more members to join.

**Motion** by T. Zorić, seconded by K. Adamson, moved that the Executive Committee recommend to Council that Brian McDonagh and Kyla Overall be approved as members of the Sexual Violence Policy LOU negotiating team. **Carried.**

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

T. Zorić assumed the chair.

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

a. Laurentian University (with T. Zorić and J Nogami)

R. Gillis updated the members on the campaign in support of Laurentian University. J. Nogami and T. Zorić rode their bikes in a rally. R. Gillis and T. Zorić spoke on an online program. UTFA approved \$300 to support the rally.

Over 150 programs have been closed and over 100 people have been laid off. The Laurentian administration is moving ahead with restructuring. The government has shown support for keeping the midwifery program in some form at some other university.

The working group continues to meet. R. Gillis will contact OCUFA and CAUT about their plans and will keep UTFA members informed about what they can do to support Laurentian.

T. Zorić said that the organizers of the rally did not need UTFA's \$300 and asked UTFA if they could donate it to Scholar Strike Canada. The members agreed.

9. Other Business

a. UTFA Executive Meetings

- i. Thursday, May 13 – 3:00 – 4:00 p.m
- ii. Thursday, May 20, 1:00 – 3:00 p.m.
- iii. Thursday, June 10 – 1:00 – 3:00 p.m.
- iv. Tuesday, June 29 – 1:00 to 3:00 p.m.

b. UTFA Council Meetings – 3:00 to 5:00 p.m.

- i. Tuesday May 18, 2021
- ii. Wednesday June 23, 2021

10. Adjournment

**Motion** by T. Zorić, seconded by K. Adamson, 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

Thursday, May 20, 2021

Zoom Conference Call

1:00 p.m.- 3:00 p.m.

Chair – T. Zorić

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

Regrets: K. Adamson  
M. Attridge  
A. Braun

Also present: R. D'souza (Special Project Senior Strategic Communications Director and Policy Analyst)  
M. Horban (Business Officer)  
K. Johnson (Executive Director)  
H. Nowak (General Counsel)  
C. Penn (Senior Administrative Assistant)  
J. Thiessen (Executive Assistant)



T. Zorić called the meeting to order at 1:06 p.m.

1. Approval of the agenda

**Motion** by T. Zorić, seconded by H. Sonne de Torrens, that the agenda be approved as distributed. **Carried.**

2. Minutes of the previous meeting

a. May 7, 2021 \*

i. Executive minutes

As there were no changes to the minutes of the May 7, 2021 Executive meeting, they were approved as distributed.

3. Business arising (not elsewhere on the agenda)

There was no business arising.

4. Report of the Treasurer (15 min)

a. Year to date \*

M. Stapleton reported that our fiscal year to date shows is a positive cash flow of \$290,000. This number compares with a deficit of \$110,000 at this time last year. The number will change as we are waiting for a number of invoices but every indication is that our deficit will be less than budgeted. She thanked M. Horban, K. Johnson, R. Schmelzer, and B. McDonagh. She also thanked for T. Zoric for her support.

T. Zorić expressed her thanks and appreciation to the UTFA legal staff for working hard to keep more grievances and other work in house.

M. Stapleton reviewed the rest of the year-to-date information with the members and reported that she is working the 2021–2022 draft budget.

T. Zorić said that the goal is to give value to membership and to be fiscally responsible. UTFA is doing more on more issues for more people than ever before. We need to realize that the demands on the upcoming budget will be considerable.

b. Draft budget discussion

J. Nogami assumed the chair.

5. Report of the President (60 min)

a. New Executive Member Orientation/Transition

T. Zorić asked the members what they thought would be the most important things for new Executive members to know in preparing for their new roles. Usually the last meeting in June is a combined meeting of old and new Executive, where we thank those members who are leaving and let new members see how the Executive works.

b. Confidentiality Breach

**Motion** by D. Roberts, seconded by H. Sonne de Torrens, that the meeting go in camera. **Carried.**

c. CAUT Censure (with R. Gillis)

i. Censure information meeting

ii. Next steps

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

- i. Vaccinations
- ii. Legionella
- iii. Ventilation

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

T. Zorić reported that UTFA is receiving a high volume of reports to the Central Health and Safety Committee. We have received results of testing for Legionella in water, asbestos testing, workplace inspections, and minutes from the University's various JHSC meetings. With this amount of information being received, UTFA may need to consider having a Health and Safety Officer.

T. Zorić said that S. Olexson is analyzing the urgent health and safety issues and related documents. We need to look at ways to streamline the review and analysis process.

T. Zorić said that U of T is testing for Legionella in U of T buildings but we have concerns about the testing methodology and the pattern of results.

T. Zorić said that we have received some information from U of T on its ventilation strategy. UTFA continues to have concerns about U of T policy, protocols, and the safety of buildings on U of T campuses.

iv. Return to in-person work

T. Zorić said that we have not received enough information to determine if it would be safe for members to return to in-person work in the fall.

e. Workload update

T. Zorić said that we need to do more work on unit workload policies.

f. Update on Pension Follow-up (T. Zorić and J. Nogami)

- i. Special Meeting of Council
- ii. Other matters

T. Zorić said that the UTFA Pension Committee discussed having a special meeting of Council on pensions. This meeting would deal with the UPP's SIPP, U of T's SAP, other pension issues and the election of committee members.

g. Sexual Violence LOU mediation

T. Zorić said that the UTFA Sexual Violence LOU negotiating team met to prepare for the Sexual Violence LOU mediation. Mediation has been set for June 15.

T. Zoric assumed the chair.

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

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

a. Update on the OCAD U situation

H. Sonne de Torrens reported that there is shock in the community about the elimination of six librarian positions at OCAD U. Letters of support are coming in and the senate at OCAD U have rebelled and are asking for a review of the restructuring, but that does not necessarily mean that these colleagues would be reinstated. Faculty and student voices have been raised.

H. Sonne de Torrens said that she is working with R. D'souza, R. Gillis, M. Attridge and T. Zorić on a short campaign. A digital day of action is being planned for May 31 along with a media blitz. An op-ed piece for NOW magazine has been drafted, incorporating broader concerns in post-secondary education, such as Laurentian University's funding issues, corporatization of our institutions, and so on. Media packages will go out nationally on May 27.

T. Zorić said that if it becomes normal for librarians to lose jobs at one institution then they can more easily be threatened at others. We all need to work to protect each other. T. Zorić acknowledged that R. D'souza has played a terrific role on this special project.

8. Report from the Civility Working Group (J. Nogami) (15 min)

- a. Name of this working group (K. Banning)
- b. Next steps

J. Nogami said that the Civility Working Group is coordinating its work with the Equity Committee.

K. Banning said that the Equity Committee discussed the word "civility." They found the term extremely loaded and request a renaming of the working group.

J. Nogami said that the working group could be renamed, and within that they could talk about a code of conduct, but there is also the related issue of harassment guidelines, and the working group would have to work closely with the Equity Committee on these issues.

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

- a. SBPW Bargaining (with T. Zorić)
- b. Supplementary Account Plan (SAP) (with T. Zorić)

**Motion** by J. Nogami, seconded by H. Sonne de Torrens, that the meeting go in camera. **Carried.**

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

10. Other Business

The Executive and staff thanked Darren Puscas for his work at UTFA and wished him well in his future endeavours.

- a. UTFA Executive Meetings
  - i. Thursday, June 10 – 1:00 – 3:00 p.m.
  - ii. Tuesday, June 29 – 1:00 to 3:00 p.m.
- b. UTFA Council Meetings – 3:00 to 5:00 p.m.
  - i. Wednesday June 23, 2021

11. Adjournment

**Motion** by J. Nogami, seconded by H. Sonne de Torrents that the meeting adjourn. **Carried**

The meeting adjourned at 3:05 p.m.

Chris Penn  
Senior Administrative Assistant

## Council Summary

### UTFA Executive Minutes

Thursday, June 10, 2021

Zoom Conference Call

1:00 p.m.- 3:00 p.m.

Chair – T. Zorić

Present: K. Adamson, M. Attridge, K. Banning, A. Braun, R. Gillis, J. Macdonald,  
B. McDonagh, J. Nogami, D. Roberts, S. Rupp, M. Stapleton, T. Zorić

Regrets: A. Giacca, H. Sonne de Torrens

Also present: R. D'souza (Outgoing Special Project Senior Strategic Communications Director  
and Policy Analyst), M. Horban (Business Officer), K. Johnson (Executive  
Director), H. Nowak (General Counsel), C. Penn (Senior Administrative  
Assistant), J. Thiessen (Executive Assistant)

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

1. Approval of the agenda

**Motion** by M. Attridge, seconded by M. Stapleton, to approve the agenda as amended. **Carried.**

2. Minutes of the previous meeting

- a. May 7, 2021 \*
  - i. Council Summary
- b. May 20, 2021 \*
  - i. Executive Minutes
  - ii. Council summary

As there were no changes to the Council summary of the May 7 meeting or to the minutes or Council summary of the May 20 meeting, they were approved as distributed.

3. Business arising (not elsewhere on the agenda)

There was no business arising.

4. Report of the Treasurer (15 min)

- a. Draft budget \*

T. Zorić commended the team effort that went into preparing the budget. She also thanked the legal team for keeping more legal work in house.

M. Stapleton gave a summary of UTFA's current financial position and presented the highlights of the draft budget, including income and legal and staffing expenses.

The members discussed the budget.

T. Zorić expressed her appreciation to M. Stapleton, as well as M. Horban, R. Schmelzer, K. Johnson, H. Nowak and B. McDonagh and the whole legal team.

It was noted that the budget goes before Council in June for information only.

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

a. Citizenship Award update

R. Gillis and K. Adamson reported that they and M. Horban, with support from C. Penn, met to set a course for reviving the Citizenship Award.

The committee reviewed all the Council motions on the award and supporting documentation, identified possible changes and additions, including eligibility criteria, a time frame for submission of materials, how the financial award might be split, and when the award is to be presented. The document summarizing this information will go to the Membership and University and External Affairs Committees, then Executive, and then Council, for final approval, in the fall.

J. Nogami assumed the chair.

6. Report of the President (60 min)

a. New Executive member orientation/transition

T. Zorić said that both current and incoming Executive members would be attending the last meeting of the year. She noted that a new Executive members orientation will need to be held. She suggested holding an Executive retreat, with two half-day on-line sessions in September 2021.

b. Executive release time

T. Zorić spoke to the importance of having release funds used for release time, to allow Executive members time for their UTFA work. UTFA can help Executive members discuss this matter with their chairs.

c. Summer authority

T. Zorić reminded the members that Council typically passes a motion in June vesting responsibility with Executive until the next Council meeting, in September.

d. Zoom chat

T. Zorić reminded the members about the status of Zoom chat at events and Council meetings. The Speaker will remind Council that the chat is not moderated except to create the speakers list.

e. CAUT Censure\* (with R. Gillis)

i. Censure information meeting

T. Zorić said that the second Censure information meeting led to a request that the Administration hold a town hall. This request has been conveyed to President Gertler in an open letter.

The members commented on the letter and discussed possible outcomes.

ii. Next steps

T. Zorić said that if she does not receive a timely reply from the President, she will follow up.

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

i. Return to in-person work

J. Nogami reported that the message from the Administration has been shifting. There are concerns about the Delta variant, against which a single vaccine dose is not very effective. There are vaccine requirements for students going into residence but there are no requirements for anyone else.

In discussion the members shared information about their units' decisions about in-person vs. online teaching and touched on the University's treatment of those who are seriously ill or immunocompromised.

R. Gillis and J. Macdonald reported on concerns expressed by Senior College about ventilation at 256 McCaul St. They are not sure that the Administration is providing accurate information. T. Zorić asked R. Gillis and J. Macdonald to communicate Senior College's concerns to S. Olexson.

g. Special meeting regarding Confidentiality Workshop/Association Grievance Protocol Working Group Report and Recommendations

T. Zorić outlined the plan for the special Council meeting.

h. Concerns arising from the Faculty of Music

T. Zorić said that serious questions are arising about the work environment at the Faculty of Music and the Administration's response. UTFA is meeting with members and Union leadership who represent other impacted staff in the faculty. A joint letter to Administration is being considered.

i. UTFA representative to UTAM

T. Zorić noted that A. White is UTFA's representative on the board of UTAM.

**Motion** by T. Zorić, seconded by M. Stapleton, that Executive recommend that Council renew the term of Alan White as the UTFA representative to UTAM. **Carried.**

j. Joint Committee meeting (June 17)

T. Zorić spoke about discussing the pay equity Association grievance at the Joint Committee meeting.

k. Sexual Violence Policy (SVP) LOU mediation

T. Zorić said that she, H. Nowak, and the SVP team worked hard to prepare for mediation taking place on June 15 with Michelle Flaherty. The mediation brief will be sent to the Administration shortly.

j. Association grievances

T. Zorić commented on the number and importance of UTFA's current Association grievances.

T. Zorić assumed the chair.

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

8. Report of the Chair of the Librarians Committee (10 min) Deferred

a. Update on the OCAD U situation

b. Update on Librarian issues

9. Report from the Civility Working Group (J. Nogami) (5 min)

a. Rename working group to Working Group on Code of Conduct

J. Nogami reported that the Civility Working Group is working with the Equity Committee and is considering changing its name to the Working Group on a Code of Conduct. There is also consideration of conducting a survey of Council.

b. Council member requests to join the Working Group

J. Nogami said that the working group is recommending not accepting new members.

c. Next steps

The working group will be meeting again shortly and will be presenting their next steps plan to Council.

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

**Motion** by T. Zorić, seconded by D. Roberts, that the meeting go in camera. **Carried.**

a. SBPW bargaining (with T. Zorić)

i. Mediation dates Next week Wed 4pm. And many others.

b. Supplementary Account Plan (SAP) (with T. Zorić)

c. Special Council meeting regarding pensions (with T. Zorić)

**Motion** by T. Zorić, seconded by M. Attridge, to return to the regular meeting. **Carried.**

d. Policy for Librarians Bargaining Committee

i. Approval of M. Attridge to PFL Mediation Team

**Motion** by J. Nogami, seconded by T. Zoric, that the Executive Committee recommend to Council that M. Attridge be approved to sit on the Policies for Librarians Negotiating Team. **Carried.**

11. Report of the Executive Director (5 min)

This report was deferred.

12. Other Business

a. UTFA Executive Meetings

i. Tuesday, June 29 – 1:00 to 3:00 p.m. plus between now and Council either 1 hour mtg for email approvals

b. UTFA Special Council Meetings

i. Special Meeting re Confidentiality Workshop/Grievance Protocol Working Groups Report and Recommendations – June 10, 2021, 4:00 – 6:00 pm

ii. Special Meeting re: Pension/SIPP/SAP – June 18, 2021, 3:30 – 5:00 pm

c. UTFA Council Meetings – 3:00 to 5:00 p.m.

i. Wednesday June 23, 2021

13. Adjournment

**Motion** by T. Zorić to adjourn. **Carried.**

The meeting adjourned at 2:55.

Marta Horban  
Business Officer

## Council Summary

### UTFA Executive Minutes

Friday, June 18, 2021

Zoom Conference Call

1:00 p.m.- 2:00 p.m.

Chair – T. Zorić

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

Regrets: A. Braun, B. McDonagh, M. Attridge

Also present: R. D'souza (Outgoing Special Project Senior Strategic Communications Director and Policy Analyst), M. Horban (Business Officer), K. Johnson (Executive Director), H. Nowak (General Counsel), C. Penn (Senior Administrative Assistant), R. Roth (Incoming Director, Communications and Outreach), J. Thiessen (Executive Assistant)

T. Zorić called the meeting to order at 1:00 p.m.

1. Approval of the agenda

**Motion** by K. Adamson, seconded by H. Sonne de Torrens, that the agenda be approved as discussed. **Carried.**

2. Report of the Executive Director

a. Staff changes

K. Johnson announced that R. D'souza will be leaving UTFA to move to another position and R. Roth will be moving into the Communications and Outreach contract position.

The members introduced themselves to R. Roth.

3. Memorandum of Concern

**Motion** by M. Stapleton, seconded by D. Roberts, that the meeting go in camera. **Carried.**

**Motion** by T. Zorić, seconded by J. Nogami, moved to return to the regular meeting. **Carried.**



**Motion** by T. Zorić, seconded by H. Sonne de Torrens, that that the request of the group that wrote to the Executive with a memorandum of concern to fund external legal consultation be denied and that she write them in this vein. **Carried with one abstention.**

4. UTFA Pension Committee

a. Executive motion

**Motion** by S. Rupp, seconded by H. Sonne de Torrens, that the Executive Committee recommend that Council reappoint L. Florence, C. Messenger, J. Nogami, M. Stapleton and T. Zorić as UTFA's representatives to the U of T Pension Committee. **Carried.**

**Motion** by S. Rupp, seconded by D. Roberts, that the Executive Committee recommend that Council extend the terms of the members of the UTFA Pension Committee to September 2021. **Carried.**

5. Update on Faculty of Music

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

**Motion** by T. Zorić, seconded by K. Banning, to return to the regular meeting. **Carried.**

6. Adjournment

**Motion** by T. Zorić, seconded by K. Adamson, that the meeting adjourn. **Carried.**

The meeting adjourned at 2:05 p.m.

Chris Penn  
Senior Administrative Assistant



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## Council Summary

### UTFA Executive Minutes

Tuesday, June 29, 2021

Zoom Conference Call

1:00 p.m.- 3:00 p.m.

Chair – T. Zorić

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

Regrets: J. Macdonald

Also present: S. Helwig (Incoming Chair, Teaching Stream Committee), M. Horban (Business Officer), K. Johnson (Executive Director), W. Kemble (Incoming Member-at-Large), N. Niknafs (Incoming Member-at-Large), H. Nowak (General Counsel), C. Penn (Senior Administrative Assistant), R. Roth (Incoming Director, Communications and Outreach), L. Stewart Rose (Incoming Chair, Appointments Committee), J. Thiessen (Executive Assistant)

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

1. Approval of the agenda: The agenda was approved as distributed.

2. Welcome of New Members and Introductions

T. Zorić welcomed the new members who will be joining the Executive Committee as of July 1:

Sherri Helwig – Chair, Teaching Stream Committee

Whitney Kemble – Member-at-Large

Nasim Niknafs – Member-at-Large

Leslie Stewart Rose – Chair, Appointments Committee

3. Minutes of the previous meeting

a. June 10, 2021: The minutes of the June 10, 2021, Executive meeting were deferred to the next meeting.

The Council summary was not available.

- b. June 18, 2021: The minutes of the June 18, 2021, Executive meeting were deferred to the next meeting.

The Council summary was not available.

4. Business arising (not elsewhere on the agenda): There was no business arising.

J. Nogami assumed the chair.

5. Report of the President (60 min)

- a. Summer authority

T. Zorić said that at its June meeting each year, Council votes to give Executive summer authority to conduct the usual business of UTFA. An exception would be something like a vote on an SBPW agreement.

- b. New Executive member orientation/transition

T. Zorić offered to meet with the new Executive members along with their outgoing counterpart, as well as M. Horban, K. Johnson, and C. Penn, to discuss the work each committee accomplished; what still needs to be done; any new initiatives; office procedures; which staff member does what; agendas and minutes of meetings, and so on. She called the members' attention to Article 9 of the Bylaws.

- c. Executive retreat

T. Zorić said that Executive holds a retreat each year. Last year, because of COVID-19, the retreat was held on Zoom on two half days. This year will likely be the same as she does not see it being safe yet to meet in person.

- d. Executive release time

T. Zorić said that Executive members receive two types of compensation—a taxable stipend, in an amount based on their position, that is paid four times a year, and release funds.

T. Zorić and the members discussed the amounts available for release time for each position, how to request it, and what the funds can and cannot be used for.

- e. Scheduling of summer meetings

T. Zorić said that meetings are held in the summer only to discuss or vote on a specific issue, e.g., if an agreement is reached regarding the Faculty of Music, or agreement on SBPW.

- f. Concerns arising from the Faculty of Music\*

T. Zorić reported that on June 24 a letter was sent to H. Boon, K. Hannah-Moffat, and C. Regehr, from UTFA, CUPE 3902, and USW 1998, expressing common concerns about faculty, librarians, instructors, and staff who work in or are closely associated with the Faculty of Music. The letter asked that our members be provided with a safe workplace, free of harassment (sexual or otherwise), intimidation, discrimination, abuse of power, censorship, and fear. It also asked that students be provided with a safe learning environment.

T. Zorić said that the letter recipients replied saying that they will respond to our letter by July 16, after consulting with the incoming Dean, who starts on July 5.

**Motion** by T. Zorić, seconded by H. Sonne de Torrens, that the meeting go in camera. **Carried.**

- g. CAUT Censure (with R. Gillis)

- i. Letter to M. Gertler\*
  - ii. Next steps
- h. Health and Safety (with J. Nogami & A. Giacca)
  - i. Return to in-person work
    - a) Administration communication\*
    - b) UTFA position
    - c) Inter-university coordination
    - d) Intra-University coordination
  - i. Association grievances
- 6. Break: timed item 2:00 p.m. (10 min)

T. Zorić assumed the chair.

**Motion** by H. Sonne de Torrens, seconded by K. Adamson, to return to the regular meeting. **Carried.**
- 7. Report of the Chair of the Librarians Committee (10 min)

H. Sonne de Torrens reported that she sent minutes from Librarian Committee meetings as well as reports to Council and Executive.

H. Sonne de Torrens reported that a letter of support was sent out on June 21 for the Laval librarians who are seeking academic status. There was also a national campaign regarding OCAD U's' dismissal of six professional librarian positions; these librarians are members of OPSEU and do not have any academic freedom. There was a similar situation at McMaster in 2011.

H. Sonne de Torrens reported on a posting in the UTL for an Associate Chief Librarian for Science Research and Information, which would be a Librarian III-IV. The posting was internal, which is unusual for a senior leadership position. There was only one candidate and they have been appointed. The Librarians Committee objected to this process and a letter was sent to L. Alford protesting that U of T did not conduct a national search for such an important position.

T. Zorić said the letter to L. Alford says that it is not a comment on the qualities of the successful candidate and does not disparage them.
- 8. Report of the Vice-President, University and External Affairs (10 min)
  - a. Citizenship Award update (with K. Adamson)

R. Gillis and K. Adamson said that they need to have additional meetings before bringing recommendations to Executive. The plan is to bring this to Executive first before bringing it before Council.
  - b. Laurentian phone zap

R. Gillis reported that a “phone zap” is taking place on July 7 The goal is to lobby MPPs and MPs to disallow public institutions from making use of the CCAA, the legislation that Laurentian University and the provincial government used to make changes.
- 9. Report from the Code of Conduct [Civility] Working Group (J. Nogami) (5 min)
  - a. Next steps

J. Nogami reported that this committee is now called the Code of Conduct Working Group. The report brought forward four recommendations:

**Recommendation #1** – Develop a Workplace Harassment Program for UTFA as required by the Occupational Health and Safety Act.

**Recommendation #2** – Identify “good practice” / guidelines for respectful discussion, debate, and decision making by Council.

**Recommendation #3** – Annual reorientation to UTFA Council business process

**Recommendation #4** – Request a refresher workshop by Emma Phillips for UTFA leadership on the intersection between harassment / civility / discrimination and academic freedom

The Council only discussed the first part of the report.

The members discussed the recommendations and decided to ask that the Equity Committee work on the harassment guidelines. The working group would work on other parts of the report.

J. Nogami said that since this report was presented at Council other members have asked to join the working group, but after much discussion it was decided to keep the membership of the working group as it is. A survey will be prepared and Council will be asked for input. This was seen as the fairest way to get input and to move things forward.

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

a. SBPW bargaining (with T. Zorić)

i. Mediation dates

J. Nogami said that mediation continues for a COVID-LOU and further meeting dates have been arranged with Mediator Burkett. Other faculty associations have negotiated a COVID-LOU with their universities in a timely manner, but U of T Administration has yet to be responsive to the concerns raised by UTFA.

b. Supplementary Account Plan (SAP) (with T. Zorić)

J. Nogami reported that UTFA received final language on the SAP and is comparing the previous document and the new one. Executive and Council have approved the document in principle, but it would be best to circulate the final language to Council to see if there are any objections.

T. Zorić said that Executive was empowered to approve the agreement if there were no meaningful changes.

J. Nogami said that he has been answering questions on the Health Care Spending Account, a portion of which members must use before June 30.

11. Report of the Executive Director (5 min)

a. Summer office hours and staffing

K. Johnson updated the members on summer hours and reduced staffing during the summer. Anybody who needs assistance should email [faculty@utfa.org](mailto:faculty@utfa.org), which someone will always be monitoring.

K. Johnson noted that during the summer some of the administrative staff will have a reduced work week and will not be working on Friday afternoons. Anyone who needs assistance should email [faculty@utfa.org](mailto:faculty@utfa.org), which someone will always be monitoring.

12. Other Business

T. Zorić expressed her thanks to the outgoing members of Executive. S. Rupp, the outgoing Chair of the Appointments Committee, will remain on Council and will assist L. Stewart Rose. A. Braun, an outgoing Member-at-Large, will remain on Council. A. Giacca, also an outgoing Member-at-Large, will remain on the Central Health and Safety Committee and on Council. D. Roberts, the outgoing Chair of the Teaching Stream Committee, will assist S. Helwig. T. Zorić thanked the outgoing members for their service.

The members showed their appreciation through applause.

a. UTFA Executive Meetings

i. TBD

b. UTFA Council Meetings

i. TBD

13. Adjournment

**Motion** by T. Zorić, seconded by H. Sonne de Torrens, that the meeting adjourn. **Carried.**

The meeting adjourned at 2:50 p.m.

Chris Penn  
Senior Administrative Assistant

## Council Summary

### Special Meeting of UTFA Executive

#### Minutes

Thursday, August 5, 2021

Zoom Conference Call  
10:00 – 11:30 a.m.  
Chair – T. Zorić

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

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

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

T. Zorić read the land acknowledgement and said that UTFA will work to make these more meaningful.

1. Approval of the agenda

**Motion** by H. Sonne de Torrens, seconded by M. Stapleton, that the agenda be approved as distributed. **Carried.**

2. COVID LOU \*

**Motion** by K. Adamson, seconded by B. McDonagh, that the meeting go in camera. **Carried.**

**Motion** by S. Helwig, seconded by K. Banning, moved to return to the regular meeting. **Carried.**

**Motion** by J. Nogami, seconded by T. Zoric, that the Executive Committee recommend to Council ratification of the COVID-LOU. **Carried unanimously.**

3. Health and Safety

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

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

4. Adjournment

**Motion** by K. Adamson, seconded by M. Attridge, that the meeting adjourn. **Carried.**

The meeting adjourned at 11:30 p.m.

Chris Penn  
Senior Administrative Assistant



## Council Summary

### Special Meeting of UTFA Executive

#### Minutes

Monday, August 16, 2021

Zoom Conference Call  
1:00 – 2:00 p.m.  
Chair – T. Zorić

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

Regrets: N. Niknafs

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

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

1. Approval of the agenda

**Motion** by H. Sonne de Torrens, seconded by M. Stapleton, that the agenda be approved as distributed. **Carried.**

2. Vaccine Mandate

J. Nogami reported that a joint meeting with the Administration, CUPE 3902, USW 1998 and UTFA was requested at the end of July to discuss the Administration's approach to vaccinations. The Administration did not agree to a joint meeting but instead is arranging separate meetings with each organization. UTFA will meet with CUPE 3902 and USW 1998 to coordinate next steps.

T. Zorić said that by the end of today's meeting she would like to have a motion to take to today's Council meeting. It can be a work in progress.

**Motion** by S. Helwig, seconded by M. Stapleton, that the meeting go in camera. **Carried.**

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

**Carried.**

**Motion** by J. Nogami, seconded by T. Zorić, that the Executive Committee recommends to Council that:

UTFA advocate that the U of T Administration adopt a mandatory vaccination policy that requires proof of vaccination for anyone participating in in-person activities on campus. Such a policy will:

- Provide exemptions for medical or human rights grounds;
- Require unvaccinated persons to undergo regular, three times a week testing;
- Allow for alternative work arrangements for those unable to be vaccinated;
- Ensure that equity-seeking groups are not adversely affected by access to vaccinations or enforcement measures;
- Provide stringent privacy protections for the handling of personal information; and,
- Be revisited every three to six months.

**Carried unanimously**

3. Adjournment

**Motion** by H. Sonne de Torrens, seconded by M. Attridge, that the meeting adjourn. **Carried.**

The meeting adjourned at 2:00 p.m.

Chris Penn  
Senior Administrative Assistant