

## UTFA Council Agenda

November 14, 2017 – 3:00 – 5:00 p.m.

Room 374, Rotman School of Management

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1. Approval of the Agenda
  2. Minutes of Previous Meetings
    - a. October 17, 2017 \*
  3. Business Arising
    - a. From the Minutes of Council
    - b. From the Summary of the Minutes of the Executive Committee
      - i. October 13, 2017 \*
  4. SRA (Supplementary Retirement Arrangement) Proposal \* (30 minutes) (Hugh Mackenzie)
  5. PTR Proposals for upcoming SBPW Negotiations (30 min) \* (C. Messenger)
  6. Proposals for upcoming SBPW Negotiations (25 min) (K. Scheaffer and K. MacDonald)
    - a. PTR Proposal \*
    - b. Research Days for Librarians proposal \*
    - c. Proposal to incorporate Librarians into Article 4 of the MoA, Research and Study Leave \*
    - d. ATB Proposal \*
  7. Sexual Violence Letter of Understanding (LOU) \* (10 min) (T. Zoric)
  8. Report of the President (15 minutes) (4:00 p.m.)
    - a. Report on the St. Michael's College Negotiations (Michael O'Connor, Chief Negotiator)
    - b. Approval of UTFA Committees \*
    - c. JSPP Update
    - d. Other matters
  9. Report of the Vice-President, University and External Affairs Committee (5 min)
  10. Report of the Vice-President, Salary, Benefits, Pensions and Workload \* (Written Report)

11. Tax havens and U of T investing \* (C. Messenger) (5 min)
12. Report of the Chair of the Appointments Committee \* (Written Report)
13. Other Business
  - a. Next meeting of Council  
Monday, December 11, 2017  
3:00 – 5:00 p.m.  
Upper Dining Room, Faculty Club
  - b. UTFA Winter Reception  
Monday, December 11, 2017  
5:00 – 7:00 p.m.  
Main Dining Room, Faculty Club
14. Adjournment

\* materials attached

Motions from the Executive Committee  
November 14, 2017 Council Meeting

The Executive Committee recommends that:

- Item 4: Council approve the The SRA (Supplementary Retirement Arrangement) Proposal
- Item 5: Council approve the PTR Proposals
- Item 6a: Council approve the PTR proposal
- Item 6b: Council approve the Research Days for Librarians proposal
- Item 6c: Council approve the proposal to incorporate Librarians into Article 4 of the MoA, Research and Study Leave
- Item 7: Council approve the Sexual Violence Letter of Understanding



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## UTFA Council Minutes

October 17, 2017 – 3:00 – 5:00 p.m.

Main Dining Room  
Faculty Club  
41 Willcocks Street

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### Present:

**Executive:** K. Banning, A. Braun, C. Evans, L. Florence, R. Gillis, L. Kohn, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, K. Weaver, T. Zoric

**Present:** M. Allen, M. Attridge, L. Austin, E. Barbeau, J. Berkovitz, K. Bickmore, E. Fillion, P. Gauvreau, M. Guttman, P. Hamel, D. Heap, R. Helms-Park, W. Kemble, J. Lanca, J. Macdonald, J. Nogami, M. Peski, S. Prudham, D. Roberts, H. Rodd, R. Sarabia, L. Shade, V. Skelton, L. Stewart Rose,

**Regrets:** P. Grav, C. Guberman, A. Hojatollah Taleghani, J. Jenkins, B. McDonagh, J. Poë, K. Rankin, M. Tavakoli-Targhi, S. Vong, N. Wiseman

**Absent:** L. Chen, D. Cooper, D. Gastaldo, A. White

**Also Present:** H. Diggle (Lawyer)  
M. Horban (Business Officer)  
A. Lo (Communications, Outreach Campaign Support Officer)  
J. Newman (Speaker)  
C. Penn (Administrative Assistant and Note Taker)

J. Newman called the meeting to order at 3:10 p.m.

1. Approval of the Agenda

K. Weaver, seconded by, M. Attridge, moved that:  
the agenda be approved as distributed.

Carried.

2. Minutes of Previous Meetings

a. September 20, 2017 \*

A. Braun, seconded by Paul Hamel, moved that:  
the minutes be approved as amended.

Carried.

3. Business Arising

a. From the Minutes of Council

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

i. September 8, 2017 \*

ii. September 29, 2017 \*

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

4. Announcements

The members discussed the recent incident involving Professor Michael Marrus at Massey College.

R. Gillis offered to explore related topics.

5. Report of the Vice-President, Salary, Benefits, Pensions and Workload (55 min)

a. Order of the Day: Approval of Bargaining Positions (motion) 3:15 p.m. (K. MacDonald) (by Skype

K. Macdonald, seconded by J. Macdonald, moved that:  
the meeting go in camera.

Carried.

K. Weaver, seconded by, moved that:

Council return to the regular meeting.

Carried.

Item 5a: The Executive Committee recommends to Council that:

The SBW proposals presented by the Vice-President, SBPW be approved with minor amendments.

Carried.

b. Approval of Anomaly Adjustment Working Group (motion)

K. MacDonald said that this proposal came out of the 2014–2017 agreement.

The Executive Committee recommends to Council that:

Roy Gillis, Lisa Austin, Kass Banning, and Ken MacDonald be approved as members of the Anomaly Adjustment Working Group.

Carried.

c. Approval of Working Group on LTD (motion)

The Executive Committee recommends to Council that:

Roy Gillis, Vicki Skelton, and Ken MacDonald be approved as members of the working group on LTD.

Carried.

d. Approval of Joint Benefits Committee members (motion)

The Executive Committee recommends to Council that:

K. MacDonald, K. Weaver, and K. Bickmore be approved as members of the Joint Benefits Committee.

Carried.

e. Update on Librarians Policy (K. Scheaffer) (5 min)

K. Scheaffer said that at the last Council meeting she presented slides about modernizing the Policies for Librarians which have not been updated in 39 years. She has worked hard with previous Librarians Committee chairs and conducted research through consultations and surveys to prepare these proposals. A meeting is being arranged with the ACALP group, which was formed in 2015, to review the draft. She will also be seeking input from the Librarians, Executive, and Appointments Committees. K. Scheaffer said that she hopes to have a draft policy by the next meeting. This draft policy has been reviewed by the recent Librarians chairs and Executive.

f. Other matters

K. MacDonald thanked the Negotiating Team and staff for their hard work in developing all the proposals.

6. Report on the University of Toronto Workload Policy and Procedures for Faculty and Librarians (“WLPP”) \* (20 min)

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

the meeting go in camera.

Carried.

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

Council return to the regular meeting.

Carried.

The Executive Committee recommends to Council that:

Council approve the WLPP proposal for bargaining.

Carried.

7. Report of the President (10 minutes)

a. Approval of UTFA Committees \*

R. Sarabia, seconded by E. Fillion, moved that:

A. Kwak be added to the list of members of the Librarians Committee and that the list of committee members be approved as amended.

Carried.

b. Approval of the Ad Hoc Committee on Release Funds (motion) \*

C. Messenger said that an ad hoc committee of Council was being formed to look at internal policies on release funds so there will be greater transparency as to use of these funds.

The Executive Committee recommends to Council that:

L. Florence, H. Sonne de Torrens, J. Nogami, J. Berkovitz, and R. Sarabia be approved as members of a committee to look at release funds.

Carried.

c. Part-time Appointments Policy

C. Messenger called the members' attention to the information on the Part-time Appointments Policy. She said it is being revised and she will be bringing it back to Council for approval, likely in January.

C. Messenger said that members who work at UofT part-time say that their working conditions are poor and they have high workloads. Many of them are in the teaching stream. They were not given access to the professorial ranks that were assigned to the full-time teaching stream faculty in the SJAC process. C. Messenger said that she would like to see the updated teaching stream appointments policy cover those who are part-time.

d. Merit Pay Policy

C. Messenger said that UTFA is not attempting to re-create the PTR system from scratch. We are, rather, trying to increase the likelihood of compliance with those parts of the guidelines that seem fair and are compatible with collegial governance. She said that, where possible in the proposal, we have retained the language of the Academic Administrative Procedures Manual, improving phrasing in places, but sometimes we have introduced changes to the substance of the policy.

C. Messenger said that she would be bringing the proposal to the November meeting of Council for approval. She asked members to provide her with feedback.

e. Poster on In-Class Behaviour of Professors \*

C. Messenger said that the CAUT Executive Director brought the poster on in-class behaviour of professors to her attention. The Executive has discussed it by email and finds the caricature of the professor and the statement on academic freedom highly problematic.

K. Scheaffer said that she was aware of the poster and noted that she is an LGBTQ member. She said that the poster refers to one professor, but believes that it was poorly executed. She does not think it was an attack on professors at large. The poster was approved by the UofT Sexual and Gender Diversity Office, as part of the “No Big Deal” campaign, and was put out to make sure that type of discrimination does not occur on campus.

C. Messenger said that our protocol is for the President to contact Simcoe Hall to let them know that we are concerned about the poster, which she did. We are waiting to hear back from them.

S. Prudham said that there is a lack of understanding at UofT about academic freedom, which is taken to mean different things in different contexts. This is a good opportunity for a dialogue on this issue.

S. Prudham said that he was not in the country for the issue around this professor but, without legitimizing what he has done, this raises the question of how we can look at human rights and academic freedom together. He suggested sitting down with the people involved in creating the poster. Talk about academic freedom often presupposes that a professor can say whatever they want.

f. Constitutional change

C. Messenger said that there has been some discussion about constitutional changes to the structure of UTFA. We have excellent people and a wonderful Executive, but we are regarded across the country as singularly undemocratic, as only our President is elected. When members she invites to run for Council learn that if more than one person is nominated an election is required, they hesitate to run.

C. Messenger said that discussions should begin now, but changes would not occur until after all the negotiations taking place this year.

g. Asbestos Update (T. Zoric)

T. Zoric called the members’ attention to an open letter to Sioban Nelson, dated September 29, on the asbestos issue at UofT. It asks that UofT follow the higher standards explicit in its own *Health and Safety Policy* (2017). It also asks that UofT follow UTFA’s principal conditions, that the process be transparent and retrospective and that UofT adhere to the highest possible standards and not just regulatory compliance. UTFA sees this as a deeply flawed process. CUPE and Steelworkers are supportive and she hopes to meet with them soon.

h. Blog posts

i. PTR Policy \*

<https://www.utfa.org/content/negotiating-ptr-policy>

ii. Part-time Appointments Policy \*

<https://www.utfa.org/content/part-time-appointments-policy-and-precarity>

C. Messenger called the members’ attention to her blog posts.



i. Other matters

There were no other matters.

8. Report of the Treasurer (5 min)

a. 2017-2018 Budget \*

L. Florence called the members' attention to the 2017–2018 budget.

L. Florence said that items impacting UTFA's financial situation in 2017–2018 that are not reflected in the earlier forecast are:

- hiring an Executive Director
- building out and furnishing our new space in Suite 408
- pension-related expenses and possible reimbursement
- approx. 100 new dues paying members => revenue increase of about 10%
- the impact of the above on CAUT and OCUFA contributions => increase of about 6–7%

L. Florence reported that the chequing account has about \$200K in it. We receive about \$280K monthly in faculty and librarian dues. Our investment accounts have a balance of about \$4.18M. Since January 1, 2012, we have invested about \$3.18M and our investments have earned about \$1.0M. Our investments are very conservative and diversified, but a serious market correction could cause downward fluctuations in the range of hundreds of thousands of dollars. Our investments are earning dividends and interest in the order of \$150k annually.

L. asked the members to email him with any questions.

The Executive Committee recommends to Council that:

the 2017–2018 budget be approved as distributed.

Carried.

b. Other matters

There were no other matters.

9. Order of the Day: JSPP (Cam Hunter) 4:25 p.m. (35 min)

C. Hunter from Eckler Partners gave an update on the JSPP–UPP3 plan design and highlighted the most important aspects of the plan. In his comments he focused on: process; plan design; SRA; political pressure; and an illustration of the impact on pensions.

J. Newman thanked C. Hunter for his presentation.

10. Other Business

There was no other business.

11. Next meeting of Council

Tuesday, November 14, 2017  
3:00 – 5:00 p.m.

Room 374, Rotman School of Management

12. Adjournment

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

the meeting adjourn.

The meeting adjourned at 5:20 p.m.

Chris Penn  
Administrative Assistant



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**Council Summary**  
**UTFA Executive Minutes**

Friday, October 13, 2017 – 10:30 a.m.–1:00 p.m.

UTFA Boardroom

Chair – K. Weaver

**Present:** A. Braun (phone), K. Banning, C. Evans, L. Florence, R. Gillis, L. Kohn,  
K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, A. Taleghani,  
M. Tavakoli-Targhi, K. Weaver (Chair), T. Zoric

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

K. Weaver called the meeting to order at 10:40 a.m.

1. Approval of the agenda: Approved as distributed.
2. Minutes of previous meeting
  - a. September 29, 2017: the minutes and Council summary of the September 29, 2017 meeting were approved as amended.
3. Business arising (not elsewhere on the agenda)
  - a. Action List \*

Several items were removed from the action list.

The members discussed several possible speakers for the C.B. Macpherson Lecture as well as other workshops/lectures for the 2017–2018 academic year. It was agreed that further discussion would take place at the next Membership Committee meeting.

L. Kohn reported that next week is Fair Employment Week. She has volunteered to man a table with CUPE 3902 and OCUFA at Hart House to help explain where faculty stand on these issues.

L. Kohn said that she attended a meeting on precarious employment. It was sobering to learn how people are treated and what working conditions they have, including a lack of proper training and equipment.

4. Report of the Vice-President, Salary, Benefits, Pensions and Workload (50 min)
  - a. Approval of Bargaining Positions for Salary/Benefits /Workload /Policies

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

the meeting go in camera.

Carried.

K. Macdonald, seconded by, L. Kohn, moved that:  
the meeting go ex camera.

Carried.

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

the Executive Committee recommend to Council that:

The following SBW proposals, as presented by the Vice-President, SBPW, be approved:

- Compassionate Care Leave
- Green Commuting Benefit Proposal
- Mental Health Benefit
- Senior College Administrative Support
- Housing Assistance Benefit
- Pension Augmentation
- Proposal for Per-Course Stipend and Overload Rate
- PTR (Progress-through-the-ranks)
- Two Members Household Benefits Proposal
- Proposal for Gender Confirmation Leave

Carried.

b. Approval of Anomaly Adjustment Working Group

K. MacDonald said that the working group is meant to address implementing a process by which salary anomalies can be addressed.

K. MacDonald, seconded by L. Kohn, moved that:

the Executive Committee recommend to Council that:

R. Gillis, L. Austin, K. Banning and K. MacDonald be approved as members of the Anomaly Adjustment Working Group.

Carried.

c. Other matters

K. MacDonald said that a working group on LTD (Long Term Disability) needs to be formed. The previous working group had K. MacDonald, G. Macdonald and R. Gillis on it. G. Macdonald has since retired and needs to be replaced.

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

the Executive Committee recommend to Council that:

R. Gillis, V. Skelton and K. MacDonald be approved as members on the working group on LTD.

Carried.

d. Joint Benefits Committee

K. MacDonald said that a Joint Benefits Committee needs to be formed.

K. MacDonald, second by, M. Tavakoli-Targhi, moved that:

the Executive Committee recommend to Council that:

K. MacDonald, K. Weaver and K. Bickmore be approved as members of the Joint Benefits Committee.

Carried.

5. Report of the Vice-President, Grievances (30 min)

a. University of Toronto Workload Policy and Procedures for Faculty and Librarians ("WLPP")

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

the meeting go in camera.

Carried.

T. Zoric, seconded by, L. Kohn, moved that:

the meeting go ex camera.

Carried.

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

the Executive Committee recommend to Council that:

Council approve the WLPP proposal for bargaining.

Carried.

b. Update on Sexual Violence Issue

T. Zoric reported that Grievance Portfolio has continued to work with Goldblatt Partners on a Letter of Understanding (LOU) related to the Policy on Sexual Violence and Sexual Harassment. The LOU will be bargained in the upcoming round of SBPW negotiations.

This is an alternative to collective bargaining and having language in the collective agreement. The LOU is intended to address areas that the Administration did not address to UTFA's satisfaction in discussions last year about the draft Policy on Sexual Violence. The LOU protections will apply only to faculty members and librarians. T. Zoric said that a joint Equity and Grievance Committee meeting is being held to review the draft LOU, focusing on some particular sections. She invited Executive members to attend the meeting as this is an important policy that affects faculty, librarians, and the whole university.

R. Gillis reported on a workshop he attended on Bill 132.

The members discussed what they want to see in a Sexual Violence/ Harassment Policy to make it as fair as possible to complainants and respondents.

T. Zoric said that this policy is now in place and UofT is setting up centres where people can get help. People need to feel safe and confident that the procedures will serve them well if they come forward.

T. Zoric said that we did not negotiate this policy, but we engaged in meaningful conversation with the Administration. Because of legislative timelines, our ability to negotiate the policy was limited. She noted that we have not agreed to eliminate the old Sexual Harassment Policy, which is frozen under the

MoA. T. Zoric said that she would provide further feedback after the joint Grievance/Equity Committee meeting.

c. Update on Asbestos issue

T. Zoric called attention to UTFA's open letter to S. Nelson, expressing concern about the Asbestos Review Terms of Reference and declining to participate. She acknowledged that the Administration added a requirement to interview employee groups, based on UTFA's feedback to a draft proposal, too many of UTFA's other concerns remained unaddressed. She noted that UofT would not likely have conducted this review if UTFA had not been as active as it was this past year. The panel will make its final report available to the Business Board and Governing Council.

T. Zoric said that we believe that the Administration is failing to exercise due diligence to protect people from asbestos exposure, given what has happened on campus recently, including at the Medical Sciences Building..

The letter is an open letter and will be posted on our website. Council will be asked to endorse it. It is strange that UofT is calling this a review process, when they are only looking forward.

T. Zoric and H. Diggle provided an update on recent IT updates in the UTFA office affecting the Grievance portfolio.

6. Report of the Treasurer (10 min)

a. 2017–2018 Budget

L. Florence said items impacting UTFA's financial situation in 2017–2018 that are not reflected in the earlier forecast are:

- hiring an Executive Director
- building out and furnishing our new space in Suite 408
- pension related expenses and possible reimbursement
- approx. 100 new dues paying members => revenue increase by about 10%
- the impact of the above on CAUT and OCUFA contributions => increase by about 6-7%

L. Florence reported that the chequing account has about \$200K in it. We receive about \$280K monthly in faculty and librarian dues. Our investment accounts have a balance of about \$4.18M. Since January 1, 2012, we have invested about \$3.18M and our investments have earned about \$1.0M. Our investments are very conservative and diversified, but a serious market correction could cause downward fluctuations in the range of hundreds of thousands of dollars. Our investments are earning dividends and interest in the order of \$150k annually.

R. Gillis asked whether the asset mix needs adjusting. L. Florence said we have a policy on this that has served UTFA well. The Financial Advisory Committee will meet over the next month to see where we are and decide if any adjustments are needed.

L. Florence, seconded by H. Sonne de Torrens moved that:

The Executive Committee recommend to Council that:  
the 2017–2018 budget be approved as distributed.

Carried.

7. Report of the President (50 mins)

a. UPP3 JSPP Update

C. Messenger reported that there have been several meetings on pensions. There is a tentative agreement and she is a co-chair on the subcommittee to approach the provincial government to get funding. A meeting has been arranged for October 18 for herself, her co-chairs, Angela Hildyard and Alex McKinnon, and Hugh Mackenzie to talk to the government about funding. They will be asking for millions of dollars over a number of years to fund communications and to pay for the writing of all the legal documents that will be required. C. Messenger said that UTFA is having a JSPP education meeting for Council members on Monday, October 16. C. Hunter will give a presentation with projections for the future.

C. Messenger said that she will not be asking Council to vote on the JSPP proposal at the October meeting, but she may ask it to endorse the tentative agreement, even though Council alone cannot approve it.

b. President's Blog [UTFA President's Blog](#)

C. Messenger called the members' attention to the President's Blog. She has posted on the Part-time Appointments Policy and Precarity and on Negotiating a PTR Policy. She asked members for ideas for future blogs and will be asking T. Zoric to do a guest blog on asbestos.

c. Approval of the Ad Hoc Committee on release funds

C. Messenger said that an ad hoc Committee on Release Funds is needed to develop an internal document on how release funds can and cannot be used. They will meet with S. Nelson in the Provost's office to discuss a policy as the Administration has expressed some concern about how departments are using these funds. UTFA and the Administration agree that they would like the process to be less ad hoc and more systematic.

C. Messenger, seconded by R. Gillis, moved in principle that:

The Executive Committee recommend to Council that:

L. Florence, H. Sonne de Torrens, J. Nogami, J. Berkovitz, and one other Council member be approved as members of a committee to look at release funds.

Carried.

d. Executive Director Job Description

C. Messenger said that she will turn her attention to the Executive Director Job Description as soon as possible.

e. Joint Committee Agenda: Call for items

C. Messenger asked members to email C. Penn with items for the Joint Committee agenda.

M. Horban asked the members to let her know of any problems they have had in accessing their research accounts online. She said that any such information would be kept confidential.

f. Draft Council Agenda

C. Messenger said that there was a full agenda including approving SBW and WLLP proposals.

g. Other matters

There were no other matters.

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

a. Librarian Policy Changes Update

K. Scheaffer reported that K. MacDonald, E. Phillips (Goldblatt Partners) and she have finished a draft Policy for Librarians for modernization. It has been revised for consistency and language. She will be calling a meeting of the ACALP committee to review the proposal as some of what is in the policy was based on the language they prepared. K. Scheaffer said that she would then take the draft policy to the Librarians Committee, Appointments Committee, and Council.

C. Messenger said that as this policy does not come under arbitration it will start later than the SBW negotiations and will not go to Council for approval in October. This is the first policy to be negotiated under the new SJAC policy and Council has to approve what is going to be bargained.

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

a. New Faculty and Librarian Hire Event

M. Tavakoli-Targhi reported that there will be a new faculty and librarian reception on October 27 from 3:00 to 5:00 p.m. at the Faculty Club. He invited members to attend.

b. Update on selection process for website designer

M. Tavakoli-Targhi reported that a short list of vendors has been chosen and a set of questions is being sent to their referees. When replies are received the committee will meet to make a final choice.

10. Other Business

a. Next scheduled Executive Committee meeting

Friday, October 27, 2017  
10:30 a.m.–12:30 p.m.

b. Next scheduled Council Meeting

Tuesday, October 17, 2017  
3:00–5:00 p.m.  
Faculty Club

c. Adjournment

T. Zoric, seconded by K. Banning, moved that the meeting adjourn.

The meeting adjourned at 1:05 p.m.

Chris Penn  
Administrative Assistant



**UTFA -- SRA – draft proposal – 28 September 2017**  
**WITHOUT PREJUDICE**  
**NOT FOR CIRCULATION**

The following proposal for a defined benefit Supplementary Retirement Arrangement (SRA) at the University of Toronto for Faculty and Librarians is designed to be part of a package of changes to be introduced in concert with the conversion of the University of Toronto Pension Plan to the university sector Jointly Sponsored Pension Plan (JSPP). Consequently, design features are modeled on the JSPP and eligibility – including credited service – are tied to participation in the JSPP.

The SRA would provide for an earnings-related pension where a member's earnings would, under the JSPP, result in a pension in excess of the maximum pension permitted from a registered pension plan under the Income Tax Act (ITA).<sup>1</sup> The earnings level associated in the JSPP with the ITA maximum pension is referred to as the ITA or CRA maximum.

The earnings base for the University of Toronto SRA would be earnings in excess of the ITA maximum earnings.

**Key features**

1. Defined Benefit – provisions to be modeled on the JSPP except as modified below
2. Earnings capped at 2.0 times the 60<sup>th</sup> percentile of the annualized salaries of UTFA members of the JSPP.<sup>2</sup>
3. Non-registered, non-contributory<sup>3</sup>

<sup>1</sup> Although the ITA maximum refers to a pension amount, not an earnings level, under an earnings-related plan design, the ITA maximum pension translates to a unique final average earnings level, which we refer to as the ITA maximum related earnings, or the ITA maximum for short. The ITA maximum is also often referred to as the CRA maximum because the provision is administered by the Canada Revenue Agency.

<sup>2</sup> The calculation of the 60<sup>th</sup> percentile of UTFA represented members of the JSPP would be based on the entire group, including Tenure Stream and Teaching Stream Faculty and Academic Librarians. The maximum would be linked to the salary distribution at the University of Toronto rather than tied to a multiple of the ITA maximum to ensure that a divergence between the ITA maximum and U of T salaries does not undermine the role of the SRA in future.

<sup>3</sup> Registration of an SRA with the Canada Revenue Agency is not a viable option. CRA rules would effectively require advance payment of future income tax at the top marginal tax rate, with no interest credited on the advance payment. As a result, a registered SRA would be extremely costly.

4. Termination benefit – a lump sum payment equal to the commuted value of the benefit earned, calculated using the going concern funding assumptions used in funding the JSPP.
5. Post-retirement death benefit
  - a. 50% survivor benefit
  - b. 10-year guarantee with no spouse
6. Pre-retirement death benefit – a lump sum payment equal to the commuted value of the benefit earned, calculated using the going concern funding assumptions used in funding the JSPP.
7. Disability – continued accrual at deemed salary level during disability or age 65, whichever comes first.
8. Design modeled on JSPP
  - a. Accrual at half the JSPP accrual rate – 1% of salary above the CRA maximum and below the SRA maximum<sup>4</sup>
  - b. SRA benefit payable only as a monthly pension on normal or unreduced early retirement AND only after cessation of employment with the University of Toronto
9. Service covered – service after the inception date of the JSPP.

Because contributions can only be tax exempt if a plan is registered with the CRA, the SRA would best be a non-contributory plan.

<sup>4</sup> A 1% accrual rate based on the non-contributory nature of the SRA and the 50/50 contribution sharing in the JSPP – i.e. a non-contributory 1% plan delivers an equivalent compensation value from the employer to a 2% 50/50 cost shared plan.

## UTFA -- SRA –briefing note – 28 September 2017

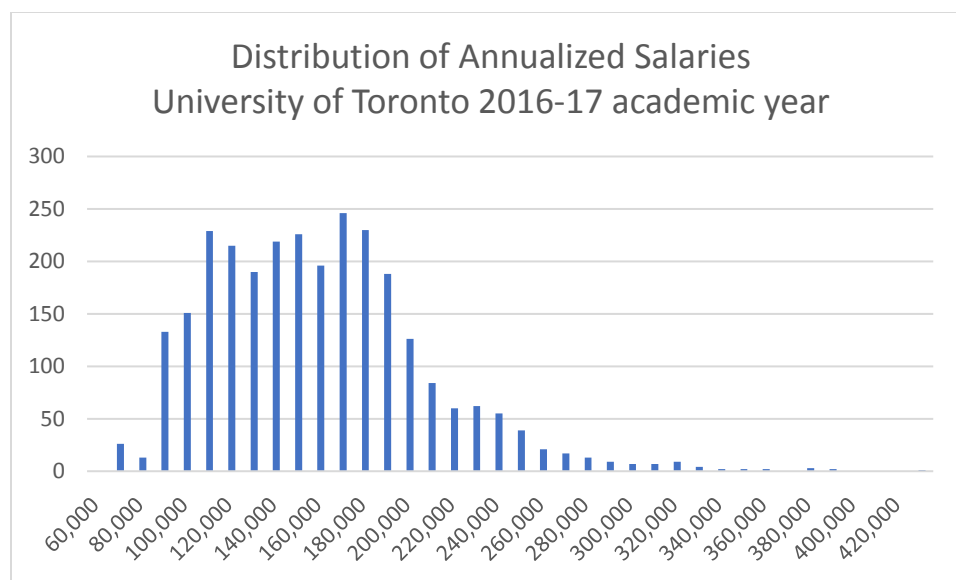
Regulations under the Income Tax Act set a maximum amount per year of credited service for a registered pension plan. For 2017, that amount is \$2,914.44.

In a final average earnings-related pension plan like the current University of Toronto Pension Plan and the proposed university sector JSPP, that maximum pension maps directly into a maximum earnings amount for pension calculation purposes – a 3-year average, in the case of the current plan; a 4-year average in the case of the proposed JSPP.

In the current U of T plan, the earnings maximum is \$159,547. In the JSPP, the maximum would be \$156,782. It would be slightly lower in the JSPP because the formula for earnings below the CPP year's maximum pensionable earnings is better (1.6% vs. 1.5% in the current plan). Although the CRA maximum refers to a pension amount, not an earnings level, under an earnings-related plan design, the CRA maximum pension translates to a unique final average earnings level, which we refer to as the CRA maximum related earnings, or the CRA maximum for short.

The effect of the CRA maximum is to limit the defined benefit pension coverage of U of T employees whose earnings are above that level.

The following table and chart show the distribution of the annualized salaries of UTFA-represented employees of the University of Toronto who would be participants in the JSPP.



Distribution of Annualized  
Salaries

	Count
60,000	0
70,000	26
80,000	13
90,000	133
100,000	151
110,000	229
120,000	215
130,000	190
140,000	219
150,000	226
160,000	196
170,000	246
180,000	230
190,000	188
200,000	126
210,000	84
220,000	60
230,000	62
240,000	55
250,000	39
260,000	21
270,000	17
280,000	13
290,000	9
300,000	7
310,000	7
320,000	9
330,000	4
340,000	2
350,000	2
360,000	2
370,000	0
380,000	3
390,000	2
400,000	0
410,000	0
420,000	0
430,000	1

As of 2016 – the data year – 46% of the group that would make up UTFA-represented members of the JSPF had salaries that were above the CRA maximum. Projecting salaries to a normal retirement date, that percentage would be between 55% and 65%, depending on real salary growth.

The purpose of an SRA is to provide additional pension coverage above the limit set in the Income Tax Act for registered pension plans.

The attached proposal for a defined benefit Supplementary Retirement Arrangement (SRA) at the University of Toronto for Faculty and Librarians is designed to be part of a package of changes to be introduced in concert with the conversion of the University of

Toronto Pension Plan to the university sector Jointly Sponsored Pension Plan (JSPP). Consequently, design features are modeled on the JSPP and eligibility – including credited service – are tied to participation in the JSPP.

The SRA would provide for an earnings-related pension where a member's earnings would, under the JSPP, result in a pension in excess of the maximum pension permitted from a registered pension plan under the Income Tax Act (ITA).<sup>1</sup> The earnings level associated in the JSPP with the ITA maximum pension is referred to as the ITA or CRA maximum.

As of 2017, the CRA maximum pension under the terms of the JSPP would be reached at final average earnings of \$156,782. This is comparable to a 4-year average of the 60<sup>th</sup> percentile of the annualized salary distribution of UTFA members (including Tenure Stream and Teaching Stream Faculty and Academic Librarians).

In recent years, the 60<sup>th</sup> percentile has been:

2013 \$155,016

2014 \$154,624

2015 \$158,867

2016 \$163,734 for a 4-year average of \$158,060.

For a faculty member retiring in 2017, the CRA maximum under the JSPP would be roughly equivalent to the 4-year average of the 60<sup>th</sup> percentile of UFTA pension participant salaries.

The initial limit would be set 2x the CRA maximum earnings under the JSPP. That maximum would be adjusted annually by the percentage change in the 4-year average of the 60<sup>th</sup> percentile of annualized salary, with a minimum adjustment of 0%. The maximum would be linked to the salary distribution at the University of Toronto rather than tied to a multiple of the ITA maximum to ensure that a divergence between the ITA maximum and U of T salaries does not undermine the role of the SRA in future.

The SRA would not be registered as a Supplementary Retirement Arrangement with the Canada Revenue Agency. SRA pensions would be paid directly by the University.

Registration of an SRA with the Canada Revenue Agency is not a viable option. CRA rules would effectively require advance payment of future income tax at the top marginal tax rate, with no interest credited on the advance payment. As a result, a registered SRA would be extremely costly. Because contributions can only be tax exempt if a plan is registered with the CRA, the SRA would best be a non-contributory plan.

The accrual rate (1% of best average earnings) is set at half the JSPP accrual rate on earnings above the CPP Years Maximum Pensionable Earnings to reflect the fact that

members would not contribute to the SRA. I.e. a non-contributory 1% plan delivers an equivalent compensation value from the employer to a 2% 50/50 cost-shared plan.

## Proposal for an SRA in conjunction with conversion of the University of Toronto Pension Plan to a university sector JSPP.

1. Defined Benefit – provisions to be modeled on the JSPP except as modified below
2. Earnings base – earnings in excess of the earnings level which would generate the maximum pension permissible under the Income Tax Act
3. Earnings for SRA purposes to be capped at 2.0 times the CRA maximum and subsequently adjusted annually by the greater of 0% and the percentage increase in the 4-year average of the 60<sup>th</sup> percentile of annualized salaries of UTFA members of the JSPP.
4. Non-registered, non-contributory
5. Termination benefit – a lump sum payment equal to the commuted value of the benefit earned, calculated using the going concern funding assumptions used in funding the JSPP.
6. Post-retirement death benefit
  - a. 50% survivor benefit
  - b. 10-year guarantee with no spouse
7. Pre-retirement death benefit – a lump sum payment equal to the commuted value of the benefit earned, calculated using the going concern funding assumptions used in funding the JSPP.
8. Disability – continued accrual at deemed salary level during disability or age 65, whichever comes first.
9. Design modeled on JSPP
  - a. Accrual at half the JSPP accrual rate – 1% of salary above the CRA maximum and below the SRA maximum
  - b. SRA benefit payable only as a monthly pension on normal or unreduced early retirement AND only after cessation of employment with the University of Toronto
10. Service covered – service after the inception date of the JSPP.

**D R A F T #11 – November 13, 2017**

**Without prejudice**

**Confidential to UTFA Council, Executive,  
and the Bargaining Team**

**PTR Policy Proposal**

UTFA Salaries/Benefits/Workload Bargaining  
2017-2018

C. Messenger, President

**Preamble**

- a) Progress-through-the-ranks (PTR) is a critical component of the remuneration of UTFA members, and is regularly negotiated by UTFA and the University Administration. However, there is no existing negotiated policy on the distribution of individual PTR increases. Rather, instructions for how to implement merit-based increases to annual salary are set out in an annual PDAD&C issued by the Office of the Provost. Now, it would appear, those instructions have made their way into the Academic Administrative Procedures Manual (AAPM). It is time to formalize these crucial instructions by codifying them as being subject to a negotiated process.
  - b) As a first step to negotiating improvements to the distribution of individual PTR awards with the University of Toronto Administration, UTFA proposes revisions, set out below, to the 2017 version of the AAPM. These revisions are designed to address problems that faculty and librarians have raised with UTFA, some of which are reflected in a range of PTR grievances that have been brought forward over recent years.
  - c) The proposals outlined address all three streams (both full-time and part-time): the tenure stream, the teaching stream, and the librarians.
  - d) That UTFA does not comment in this document on all of the language in the AAPM covering PTR should not be interpreted to mean that UTFA accepts that language. UTFA views the proposed changes as a *first step* in developing a more coherent, consistent and transparent PTR process across the University. They are intended to initiate a longer-term process of reform, involving further proposals in future rounds of bargaining, such as proposals related to the distribution of PTR. The fact that UTFA makes modest PTR proposals related to the AAPM should not be interpreted to suggest that UTFA accepts other aspects of the PTR process.
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1. **PTR in small groups:**

The University Administration offers two purposes for the 5% merit pool (commonly known as the Dean's Award or the Chief Librarian's Merit Award): a) "to reward those colleagues who have demonstrated that they are leaders in their field or who have made an outstanding contribution" and b) "as a means for heads of small units (fewer than six individuals in a pool of academic staff members) to reward exceptional merit." Such "small groups" may be found in each of the three streams.

**Comment:** UTFA will not address in this document the 5% merit pool and its use to reward those who, in the view of the Administration, are outstanding. UTFA maintains its position that the Dean's or the Chief Librarian's merit awards should not come out of the overall PTR monies negotiated by UTFA, and that the process for the distribution of merit awards must be more transparent and equitable.

There is considerable unfairness and inefficacy in the distribution of the 5% merit pay in small pools. Small groups currently find that they may not count on a small-group award in any given year. The phrase "exceptional merit" is not defined or contextualized in the AAPM in terms of the small group. If the members of a small group were exceptional, then they should receive extra merit pay (Dean's or Chief Librarian's Award), regardless of the size of the pool. A separate fund needs to be established for small groups.

**Proposal 1 a):** Any funds designated *small group* will be distributed for the reason that the group is small. A separate fund will be established for this purpose. This practice will not preclude *also* awarding members of the small group for outstanding performance from the normal Dean or Chief Librarian merit Award funds. In some instances, therefore, members in small pools may receive a PTR award deriving from three (3) funds: PTR, small group and a merit award.

**Proposal 1 b):** Small groups need to be redefined. The "fewer than six individuals" prescription is arbitrary. Statistical analysis must be undertaken to define small groups more accurately in relation to and to assess the extent of their disadvantage in terms of the merit pay system. Small groups may be found in each of the three streams.

**Proposal 1 c):** Once the small group is redefined, members of small groups shall receive small-group funds, in addition to any other PTR award or merit award, each and every year.

**Proposal 1 d):** A Joint Working Committee, consisting of members of all three streams, shall be constituted to address PTR issues affecting small groups in all three streams. The Joint Working Committee will make recommendations to the parties prior to July 1, 2019 or such later date as is mutually agreed.

2. **Part-Time and Contract Faculty and Librarians:**

According to the AAPM, academic staff on both part-time and contractually-limited term appointments are eligible for PTR. The decentralized budget model should provide for "a pro-rated amount [of funding] for all part-time academic staff who are to be considered for PTR on the same basis as their full-time colleagues." Likewise, "increases for part-time staff

should be determined on the basis of their annualized salaries and appropriately pro-rated.”  
**UTFA has found that these instructions are not followed. Part-time and full-time appointed contract faculty and librarians are often systematically disadvantaged in the assignment of PTR. Some of those renewed on contract report that they are treated as though they are new employees who are not eligible for PTR.**

**Comment on Proposal 2 a) and 2 b):** The text in the AAPM must be revised to make clear that part-time and contract appointees who are renewed or reappointed on an annual basis shall not be treated as though they are new hires for the purposes of salary increments.

**Proposal 2 a):** In the decentralized budget model each academic division is responsible for providing the base budget funds that are to be expended fully on merit-driven base salary increases for faculty and librarians. This includes a pro-rated amount for all part-time faculty and librarians who are to be considered for PTR on the same basis as their full-time colleagues.

**Proposal 2 b):** Consistent with Provostial directive, new faculty and librarian appointments effective after January 31<sup>st</sup> are considered new hires. Therefore, appointees in these positions are not entitled to ATB or PTR increases on July 1<sup>st</sup> of that same year. Part-time and contract faculty and librarians whose appointments are being renewed or re-appointed are entitled to ATB or PTR increases and shall be reviewed for PTR at the same time as their full-time colleagues.

**Proposal 2 c):** Increases for part-time faculty and librarians will be determined on the basis of their annualized salaries and will be appropriately pro-rated. PTR committees will be reminded to assess candidate’s achievement relative to their percentage appointment. It is inappropriate for PTR committees to compare level of achievement of part-time members against full-time members’ level of achievement without taking into account the part-time member’s percentage appointment.

**Comment on Proposal 2 d):** UTFA has been advised by some part-time appointees that they are evaluated for PTR purposes on the basis of their research/scholarly activities/creative professional activity (CPA) (as well as teaching and/or administrative responsibilities and service), despite the fact that under the terms of their appointment letters they are not responsible for carrying out research/scholarship/creative professional activity. The Workload Policy and Procedures for Faculty and Librarians (“WLPP”) states that all faculty and librarian appointments must include some component of the three main areas of responsibility. One exception would be part-time members on an appointment of less than 50%, who are exempted from service duties under the “Policy and Procedures on Employment Conditions of Part-Time Academic Staff”. (Note that UTFA’s part-time proposal will change this threshold to 40%.) Notwithstanding this exemption, these part-time appointments must include a component of research/scholarship/creative professional activity. UTFA proposes language to address these circumstances.

**Proposal 2 d):** Barring circumstances of human rights accommodation or cases in which policy excludes service duties for some appointments (i.e. for appointments less than 40%), *all* faculty and librarian appointments must include some component of each of the three main areas of responsibility (research/scholarship/creative professional activity;

teaching/professional practice; and service). Without prejudice to this position, if the appointment of a part-time faculty member or librarian does not include research/scholarship/creative professional activity, or includes reduced research/scholarship/creative professional activity, the member should be evaluated accordingly for the purposes of PTR.

### 3. The Evaluation Process and Criteria Used in the Assessment:

The AAPM states the following: “The evaluation process for PTR awards needs to be clearly understood by all faculty and librarians.” UTFA has found that some unit heads do not know about this directive, do not understand it, or choose to ignore it.

**Proposal 3 a):** Each unit shall, through collegial deliberation, arrive at an agreement on an internal policy and procedures for assessing PTR, in a manner consistent with the principles set out in the AAPM. PTR assessment policy and procedures shall be provided in writing at the beginning of each academic year and reiterated in writing at the time of the evaluation.

### 4. Procedure for Evaluation:

**Proposal 4 a):** A PTR Advisory Committee must be formed in each unit and shall reflect the array of appointments in the unit. Membership should not remain static year on year but should rotate among members of the unit at least once every two years and shall reflect the array of appointments in the unit. On a regular basis, and at least one month before the members of the committee shall be selected annually, the unit head shall invite eligible faculty in stages, going first to those who have not recently served. Membership on this committee and its mandate shall be announced by March 31. Members of this committee shall not have access to the salary information of those being assessed, nor shall committee members decide the amounts of each PTR award. Members of the committee shall receive the activity report, cv, and performance assessment (in the case of librarians) of all unit members being assessed. The unit or division head shall decide on the dollar figure for each PTR award.

**Comment:** Further discussion at the bargaining table will be required to better understand how a dollar figure is attached to the grade assigned to each librarian. A further proposal may be warranted to address this question.

**Proposal 4 b):** In writing, the unit head shall communicate to each member of the unit the relative weight of the three components of the appointment that will be evaluated (as appropriate according to stream and/or the appointment letter), the format to be used for the Activity Report, and any unique aspects of the evaluation process for the unit. This shall be distributed to the members of the unit at the beginning of the academic year (i.e. July 1<sup>st</sup>).

**Comment on Proposal 4 c):** UTFA has assisted numerous cross-appointed members who have encountered difficulties in understanding how their PTR score was reached, and how their percentage appointments in each unit were considered during their PTR evaluation. Language is required to increase transparency and provide clarity to academic administrators and cross-appointed academic staff about how their PTR is evaluated and scored.

**Proposal 4 c):** In cases where faculty and librarians evaluated are cross-appointed, or where faculty hold a graduate appointment outside of their primary unit, consultation with other unit or division heads and/or graduate chairs is a critical element of the information-gathering process for PTR assessments and shall be undertaken. Such consultation shall occur in writing and prior to the PTR committee meeting. Members shall provide their Annual Activity Reports and updated curriculum vitae to each applicable unit head. Each unit head and/or graduate chair shall provide an assessment in writing, including details about any applicable point system used, to the primary unit head. In writing these assessments, the percentage appointment in each unit shall be taken into account. It is inappropriate for PTR committees to compare level of achievement for cross-appointed members against full-time members' level of achievement without taking into account the respective percentage appointment of the cross-appointed member in each unit.

**5. The Balance of Teaching/Professional Practice; Research/Scholarship/Creative Professional Activity; and Service**

**Proposal 5 a):** As mandated by WLPP, there are three components to every academic appointment, with the exception of faculty members appointed at less than 50%, who are not required to perform service. The PTR scheme allows each unit reasonable flexibility in determining the balance among the three principal components of a faculty member's or librarian's activities - teaching/professional practice; research/scholarship/creative professional activity; and service. This reasonable flexibility is important for recognizing the unique missions of units and the differences in agreed-upon activities of individuals. A distribution of effort shall not be constructed that undermines the individual's wish to undertake adequately each area of the academic appointment.

**Proposal 5 b):** Normally, for tenure-stream faculty, the portion of the total PTR allocated to teaching and research/creative professional activity is approximately equal, but, in a limited number of cases, an argument may be made that an atypical weighting of all three areas of activity for the individual concerned is appropriate. In such cases, the member shall discuss with their unit head what the appropriate distribution of effort shall be, and this shall be reflected in the member's Annual Activity report. The PTR committee shall be instructed to conduct its assessment accordingly.

**Proposal 5 c):** A separate weighting of teaching; scholarship/creative professional activity; and service should be made for teaching-stream faculty. As mandated by the Policy and Procedures on Academic Appointments (PPAA) and the WLPP, teaching stream faculty members engage in pedagogical and/or discipline-based scholarship relevant to the field in which they teach. As such, they shall be evaluated on that activity.

**Proposal 5 d):** Weighting for librarians should account for the wide variety of activities undertaken in that stream (professional practice including teaching, if applicable, research and scholarly contributions, and service).

**6. Point Systems and the Evaluation**

**Proposal 6 a):** Some units have employed a ten-point scheme as a model, based, for the tenure stream, on four points for teaching, four points for research/scholarship/creative professional activity and two for service—or 40/40/20.

This distribution of effort will be varied for teaching stream faculty. Often teaching stream faculty will be assigned a 60/20/20 distribution of effort, where no more than 60 is for teaching, no less than 20 is for research/scholarship/creative professional activity, and 20 is for service.

The distribution of effort for librarians will be no more than 80% for professional practice (including teaching, if applicable) and no less than 20% for a combination of service and research and scholarly contributions (as per the WLPP).

**Comment on proposal 6 b):** While there are advantages to the use of a point system as the primary basis for evaluation, not all groups use point systems in that way. Where a point system is used as the primary basis for evaluation, it is important to note that the purpose of the evaluation is to establish the relative levels of performance of the members of the group and not a set of scores that are translated arithmetically into PTR awards.

**Proposal 6 b):** Where a point system is not used, the primary basis of evaluation must be documented by the Dean or Chair/Director, and communicated to the recipient of the PTR award. In all instances, for comparative purposes and for the sake of consistency, results must be translated into points and the points must be communicated to the recipient and more generally reported to the unit.

**Comment on Proposal 6 c):** UTFA has been advised that in some cases, the allocation of points to librarians in their PTR evaluations has been artificially suppressed in order to ensure that there is “room to grow”.

**Proposal 6 c):** Instructions shall be issued to all PTR committees to the effect that points shall be allocated according to members’ performance relative to their level or rank, and shall not be artificially suppressed.

## **7. Communications regarding ATB, PTR and Revised Salary**

**Proposal 7 a):** A letter must be sent to each individual, explaining the judgment underlying the award of PTR. The letter must include the scores (including points allocated) for each of the components of the appointment. The letter shall provide appropriate detail of the individual's performance and, for probationary faculty or librarians, the assessment should also be related to the individual's career development.

**Proposal 7 b):** In addition to the specifics of the individual PTR award, the annual salary increase letter shall include the appropriate histogram(s), and should, when possible, include information on the dollar amount of the ATB (across-the-board salary increase) award (which is applied to the June 30<sup>th</sup> salary before the award of PTR). In some years, as a result of lengthy salaries/benefits negotiations, two letters must be issued, one in which the PTR amount is communicated and one in which the ATB award is communicated.

**Proposal 7 c):** Unit heads are responsible for preparing histograms showing the distribution of total PTR and for forwarding the histograms to the Provost's Office by July 20<sup>th</sup> of each year. The histograms will be reviewed by the Provost and UTFA representatives. Each member, except those in pools of three or fewer individuals, must receive a divisional or departmental histogram displaying the PTR awards. Members in pools of three or fewer members in multi-department units must receive a unit-wide or, in the case of librarians, a UTLS histogram and a breakdown by division.

## **8. Faculty and Librarians on Research and Study Leave**

**Proposal 8 a):** Weighting of the three areas of the academic appointment for faculty and librarians on research and study leave should reflect not only the research/scholarship/creative professional activity but also any teaching (including graduate supervision) and/or service undertaken while on leave.

**Proposal 8 b):** Faculty and librarians returning from a research and study leave must attach a copy of the completed leave application form to their completed activity report. Faculty and librarians who are on research and study leave during the academic year shall be assessed with reference to the standards applicable to the leave activity and only on those criteria which are appropriate in light of the work planned for their leave. The PTR evaluation should take into account the degree to which the objectives of the approved leave plan have been realized, or, where the objectives have changed during the course of research/scholarship/creative professional activity, the degree to which the revised objectives have been achieved.

**Proposal 8 c):** Faculty and librarians on research and study leave should be awarded a PTR amount appropriate to their accomplishments and should not simply be awarded the average for the unit. The PTR amount is not to be adjusted downwards for full-time faculty and librarians, despite the fact that they may have been receiving less than full salary while on leave. For an individual who holds a part-time appointment, the amount should be pro-rated to the percentage of FTE that the person normally receives when not on leave.

**Proposal 8 d):** For librarians who opt not to write an activity report while on research and study leave, their PTR from the previous year shall be carried forward.

## **9. Faculty and Librarians on Maternity/Parental/Adoption Leave**

**Proposal 9 a):** With respect to PTR, the principle of no professional disadvantage shall prevail for those on maternity/parental/adoption leave. Calculations for PTR should be based on the faculty and librarian's work prior to and after the leave, with allowances for a longer-term review to ensure no anomalies occurred. The faculty and librarian's performance prior to the leave may be a good indication of the PTR for the leave period, although in cases where the faculty or librarian was ill or unable to function at full capacity prior to the leave, it may be necessary to extrapolate over a longer period of time

## **10. Faculty and Librarians on Unpaid Leave**

**Proposal 10 a):** Those on unpaid leave do not normally receive a PTR increase, unless they undertake duties in any one of the three areas of the academic appointment.

## **11. Faculty and Librarians on Sick Leave or LTD**

**Comment:** Based on 2014-2017 SBPW settlement

**Proposal 11 a)** As is true for maternity/parental leave, the principle of no professional disadvantage shall prevail for those on sick leave and/or LTD. For the first 12 months that faculty and librarians are in receipt of LTD benefits and/or while they are on sick leave, calculations for PTR shall be based on the faculty or librarian's work prior to and after the leave, with allowances for a longer-term review to ensure no anomalies occurred. The faculty and librarian's performance prior to the leave may be a good indication of the PTR for the leave period, although in cases where the member was ill or unable to function at full capacity prior to the leave, it may be necessary to extrapolate over a longer period of time. For faculty and librarians on LTD for more than 12 months, on returning to work after being on LTD, faculty and librarians will be considered eligible for PTR on a pro-rata basis during the relevant PTR period during which they return to active employment.

## **12. Faculty and Librarians on Compassionate Care Leave, Family Caregiver Leave, Family Medical Leave, Critically Ill Childcare Leave (hereinafter 'Compassionate Care Leave')**

**Proposal 12 a)** As is true for maternity/parental leave, the principle of no professional disadvantage shall prevail for those on Compassionate Care Leave. For the period that faculty and librarians are on such leaves, for up to 12 months, calculations for PTR shall be based on the faculty and librarian's work prior to and after the leave, with allowances for a longer-term review to ensure no anomalies occurred. The faculty or librarian's performance prior to the leave may be a good indication of the PTR for the leave period, although in cases where the member was ill or unable to function at full capacity prior to the leave, it may be necessary to extrapolate over a longer period of time. For faculty and librarians on Compassionate Care Leave for more than 12 months, on returning to work after being on the leave, faculty and librarians will be considered eligible for PTR on a pro-rata basis during the relevant PTR period during which they return to active employment.

## **13. Individuals Facing Challenges**

**Proposal 13 a):** The PTR review will help to identify those individuals facing challenges in their career development. The head of a unit shall meet with all individuals who have been identified as having difficulties relative to their colleagues in the unit, or who have received an unusually low assessment in any of the three areas of the academic appointment, and shall identify for the faculty or librarian the challenges that have been identified, consult with the faculty or librarian to understand the reason for their challenge(s), and provide constructive steps that can be taken in a reasonable timeframe to remedy those deficiencies.

**Proposal 13 b):** In discussions with the head of the unit, the faculty member or librarian shall be encouraged to identify any needed change in assigned duties or any needed support, such as additional teaching assistant hours. Faculty and librarians should also be encouraged

to identify any need for accommodation, if relevant. Advice/assistance may include referral to a course or workshop on teaching/professional practice, or to the services of a teaching consultant; help in formulating research grants or planning a research/scholarship/creative professional activity endeavour or project; or referral to other appropriate supports. A letter detailing the unit head's concerns and suggested ways to remedy the difficulties shall follow the meeting.

**Proposal 13 c):** The Dean/Chief Librarian or, in single department Faculties, the Provost's Office, must be informed of cases in which individuals have, over a lengthy period of time, consistently failed to meet expectations that have been clearly identified. The Dean, Chief Librarian or Provost's office can offer advice to the unit head.

**Proposal 13 d):** PTR shall not be used as a disciplinary tool. PTR is to be used to recognize achievement and merit, and must not be used in a punitive manner.

**Proposal 13 e):** PTR shall not be used to reward excessive workloads. As stated in 11 d) above, PTR is to be used to award achievement.

#### 14. Appeal Process

**Proposal 14 a):** Faculty and librarians may appeal PTR decisions as outlined in Article 7 of the [Memorandum of Agreement](#).

#### 15. Faculty and Librarians who Retire or Cease Employment during the Academic Year

**Proposal 15 a):** No merit award is calculated for individuals who are not currently employed by the University. Individuals who retire on or before June 30th do not receive an ATB or PTR award for the following July 1st.

#### 16. Assessment of Teaching

**Comment on Proposal 16 a):** The AAPM states that "the assessment of excellence in teaching should never be based on a single indicator, such as student course evaluations." UTFA has been advised that in some cases, student questionnaires on courses and teaching ("SQCTs") form the primary or even sole basis upon which teaching has been assessed for the purposes of PTR. UTFA has proposed language to ensure that an array of teaching related duties will be assessed, as per the faculty or librarian's annual activity report, in determining a PTR score for teaching.

**Proposal 16 a):** The assessment of teaching should never be based on any single indicator, such as SQCTs. Decisions should be based on a careful analysis of all the material filed annually as part of the candidate's Annual Activity Report (which might include, for example, evidence of teaching related duties, creative professional activity related to teaching, innovations in teaching, curriculum development or educational leadership), of which student course evaluations form only a single source of data. A process that considers a broader array of evidence is more fair.



## LETTER OF UNDERSTANDING RE: SEXUAL VIOLENCE POLICY

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## A. Purpose

1. The purpose of this LOU is to provide for a framework to govern processes where a Disclosure or Report is made under the University of Toronto *Sexual Violence Policy* (hereinafter, the '*Policy*') that impact members of the University of Toronto Faculty Association (hereinafter, 'UTFA').
2. The LOU sets out terms by which the *Policy*, and any corresponding document (e.g. companion guidelines, manual, etc.), will be negotiated between the University of Toronto and UTFA.

## B. General Principles

3. The University Administration shall be guided by the principles of fairness and proportionality in dealing with all Disclosures and Reports of sexual violence. This includes not only the Complainant's right to seek a remedy and the Respondent's right to be informed of both the allegations and the Complainant's name, but also the rights of both parties to a fair, timely and impartial investigation and decision-making process.
4. The University Administration will build the capacity of the University of Toronto community to address sexual violence and play a role in ending sexual violence in our community.

## C. Memorandum of Agreement

5. In the event that any provision of this LOU is found to be inconsistent with the provisions of the Memorandum of Agreement (hereinafter, the '*MOA*') between the University of Toronto and UTFA, the MOA shall prevail.

## D. Academic Freedom

6. Nothing in this LOU is intended to diminish Academic Freedom as defined and articulated in the MOA.
7. For clarity, engaging in academic scholarship or debate in accordance with a faculty member's professional duties is not itself sexual violence, including with respect to topics relating to sexual conduct, sexual orientation, gender expression, and gender identity.

Members of the university community may at times participate in scholarly debate, discussion and research of subject matters that are controversial, sensitive and uncomfortable, and such debate is not itself sexual violence.

## E. Representation by UTFA

8. If the Complainant or Respondent is a member of UTFA, either may request the assistance and representation of UTFA during all meetings and investigations under the University *Policy*. Members should be advised of their right to be represented by UTFA as outlined below.

## F. Normal Duration of Process

9. Normally, where an assessment has been made by the Office of Safety and High Risk that a Report falls within the scope of the *Policy* and an investigation is commenced, the time frame for an investigation to be undertaken and an investigation report written is ninety (90) days after the appointment of an investigator, unless delays occur in good faith and no substantial prejudice will result to any person affected by the delay.
10. An assessment of a Report, as contemplated in the *Policy*, will be completed by the Office of Safety and High Risk within ten (10) working days of the written Report being received or completed.

## G. Time Limits in LOU

11. The time limits stated in this LOU are meant to ensure that the matters are dealt with in a timely fashion. Where no timelines are stated in this LOU, the intention is to always comply with a reasonable time period and to act as expeditiously as possible in light of the nature and complexity of the circumstances of the Report and in light of other circumstances that may arise during the process that are beyond a party's reasonable control.

## H. Reporting incidents

12. Incidents of sexual violence should be reported within twelve (12) months from the date of the alleged incident. Such time limits may be extended having regard to contextual

factors, including the individual circumstances of the Complainant, the severity of the incident, and the principles of natural justice.

13. The Complainant shall be notified at the time the Report is made that they have the right to seek legal advice and to bring a support person, including a UTFA representative or legal counsel, as applicable, to any formal or informal meetings related to the investigation.
14. Where a Report involves a faculty member or librarian, either as Complainant or Respondent, the Complainant shall be provided with a copy of this LOU.

## I. Notice of Report to the Respondent

15. The Respondent shall be notified in writing that an incident invoking the *Policy* has been reported within ten (10) working days of the Report being submitted to the Office of Safety and High Risk. The notice shall include details of the nature of the allegations made, the date the Report was received, and the name of the Complainant. The notice shall also indicate that the Office of Safety and High Risk will assess, within ten (10) working days, whether the matter falls within the scope of the *Policy* and decide whether an investigation will be commenced of the date the Report was received. A copy of this LOU will be provided to the Respondent at the time of this notice.
16. The Respondent will be notified in writing, within five (5) working days, whether it is determined that the Report falls within the scope of the *Policy* and/or if an investigation will be conducted. If it is determined that the Report does not fall within the scope of the *Policy* and/or that no investigation will occur, the Respondent will be informed what further steps, if any, will be taken by the Administration with regards to the Report.
17. If an investigation will be conducted, principles of fairness and natural justice require disclosure to the Respondent of the identity of the Complainant and of any material witnesses (if known) as well as any other information reasonably required in order for the Respondent to make a full and fair response. Therefore, a copy of the written Report, including the name of the Complainant and potential witnesses (if known), and their statements, if applicable, shall be included with the notice to the Respondent of the commencement of an investigation.
18. A copy of all documents disclosed to the Respondent shall be provided to the Complainant.

19. The Respondent shall be notified in writing that they have the right to seek legal advice and to bring a support person, including a UTFA representative or legal counsel, as applicable, to any meetings related to the Report, including with respect to the investigation, alternative dispute resolution, and/or the sanction.

## J. Interim Measures

20. Interim measures may be implemented subsequent to the making of a Report and pending a final decision. In implementing these measures, the Administration shall ensure the measures are reasonable and appropriate in the circumstances.
21. Interim measures shall not be construed as evidence of either guilt or a finding of violation of the *Policy*, or as an affirmation of innocence/finding of non-violation of the *Policy*. Such measures are without prejudice to the ultimate outcome of the investigation.
22. Interim measures will be reviewed on an ongoing basis throughout the process to ensure they remain reasonable and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the final resolution of a Report.
23. The following is a list of examples of interim measures that may be appropriate (which is non-exhaustive):
  - a) Academic or employment accommodation or other measures to stabilize a situation, to protect a Complainant from retaliation, to address safety or other concerns, and/or to otherwise support the parties.
  - b) For students, this can include exam or assignment deferral, class and/or schedule changes, housing changes, and no contact orders.
  - c) For employees, this can include making changes that are non-disciplinary but precautionary to avoid contact between parties or placing the Respondent on a temporary non-disciplinary leave with pay.
24. In the event that a member is directed to take a leave of absence as an interim measure, such leave shall be without loss of pay or benefits and during such period, the person can continue to access relevant University support services.
25. The imposition of any interim measures on a Respondent that affects the Respondent's terms and conditions of employment is subject to provisions in the MOA, including the grievance procedure in Article 7 and any other applicable policy.

## K. Appointment of Investigator

26. An investigator will be appointed within ten (10) working days of the decision of the Office of Safety and High Risk that the reported matter falls within the scope of the *Policy* and that an investigation will be commenced.

27. The appointed investigator will be someone who is either internal to the University or an independent third party, as appropriate in the circumstances. In either case, however, the investigator will be a competent person, defined as someone who is impartial, and seen to be impartial, by the parties to the dispute, has knowledge, training and expertise and/or experience related to the workplace and/or sexual violence, as appropriate, and has knowledge of relevant legislation and the *Policy*.
28. Education and training on the *Policy* will also be provided to individuals who will be involved in the investigation or decision-making process.
29. The investigator will be provided with a copy of this LOU at the outset of their agreement to investigate and will be required to comply with its provisions.
30. When an investigator is appointed, the Complainant and Respondent will be notified in writing of their name and will be reminded that the investigation will be conducted in accordance with this LOU.
31. Where the Complainant or Respondent reasonably believes that the investigator may have a conflict of interest, may not be competent as defined above, or has other reasonable objections to their serving as investigator, they may request an alternative investigator.

## L. Role of Investigator

32. The role of the investigator is to conduct a fact-finding investigation and to provide a written report containing a summary of the facts/information gathered during the investigation and the investigator's findings of fact made based on a balance of probabilities. The investigator will not make any decision as to whether a violation of the *Policy* occurred and will not offer a recommendation(s) as to any disciplinary action or sanction that may flow from the investigation.

## M. Investigation

33. All parties will be advised of the need to protect and keep confidential the personal information of those involved in the investigation, including any information disclosed in the course of the investigation, and that acts of reprisal are prohibited.

34. The Complainant and any witnesses identified by the Complainant, if applicable, shall be interviewed by the investigator within fifteen (15) working days of receiving notice of the appointment of the investigator. If the Complainant and witnesses respond orally, the response will be documented by the investigator in writing and approved by the Complainant and witnesses, as applicable.
35. The Respondent will be provided with a copy of the Report, the Complainant or witness statement(s), and any evidence that the Complainant or witness relies on. Copies of the Complainant and witness statements should normally be made available to the Respondent within fifteen (15) working days the investigator's meetings with the Complainant and witnesses, as applicable.
36. The Respondent will be given a reasonable opportunity to respond, usually within fifteen (15) working days of receiving the written notice of the appointment of the investigator or of receiving a copy of the Complainant and/or witness statements. If the Respondent responds orally, the response will be documented by the investigator in writing and approved by the Respondent.
37. If the Complainant or a witness refuses to participate in the investigation and/or meet with the investigator, the Respondent shall be notified of their refusal.
38. If the Respondent does not respond within a reasonable timeframe set by the investigator, normally fifteen (15) working days, or chooses not to participate in the investigation, the investigator may proceed in the absence of the Respondent's response.
39. The Complainant shall receive a copy of the Respondent's response, and will be offered the opportunity to reply within ten (10) working days. If the Complainant does not respond within a reasonable timeframe set by the investigator, normally ten (10) working days, the investigator may proceed in the absence of a Reply.
40. The Complainant and Respondent may choose to submit any additional information to the investigator, including the names of other potential witnesses. This information shall be provided to all parties.
41. The Respondent will receive a copy of the Complainant's reply, if any, and will be able to provide a final reply to any new evidence or allegations included in the Complainant's reply within ten (10) working days.

## N. Investigation Report



42. During the course of the investigation, the investigator will keep the parties regularly apprised of the status of the investigation and the expected time to completion.
43. Upon completion of the investigation, the investigator will send the Office of Safety and High Risk a written confidential report containing the summary of the facts/information gathered during the investigation and the investigator's findings of fact based on a balance of probabilities. The written confidential report shall be prepared and submitted to the Office of Safety and High Risk, and the Complainant and Respondent within twenty (20) working days of receiving the last submissions of the Complainant or Respondent, as contemplated in the last section, whichever is later.
44. The investigation report will be provided to the Complainant and to the Respondent with a reminder of the need to protect and keep confidential the personal information of those involved in the investigation.
45. The Complainant and Respondent will be provided an opportunity to make written submissions with respect to the investigation report, within fifteen (15) working days of receiving the investigator's report. Any submissions received by either party will be disclosed to the other.
46. The investigation report and the submissions of the parties will be presented to the Office of Safety and High Risk, who will forward these documents to the appropriate decision-maker, as outlined in the *Policy*, within five (5) working days.

## O. Decisions

47. The investigation report and submissions of the parties will be reviewed by the decision-maker, as outlined in the *Policy*, for a decision as to whether, based on a balance of probabilities, there has been a breach of the *Policy*.
48. Within ten (10) working days of receiving the investigator's report and all additional written submissions of the parties, the decision-maker will:
  - a) Decide whether the investigation was fair and conducted properly;
  - b) Decide whether the reported incident is a violation of the *Policy*, on a balance of probabilities,
  - c) Determine the role of the Respondent in that incident; and

- d) Recommend consequences or measures it considers appropriate to remedy or mitigate any academic or employment harm or disadvantage arising from the Report to prevent its reoccurrence and ensure the safety of all individuals.
49. The decision and the reasons in support of it must be in writing and be delivered to the Complainant and Respondent. The decision shall include a summary of the information relied upon in making the decision. The Freedom of Information and Protection of Privacy Act (FIPPA) prohibits the disclosure of the details of any disciplinary actions or consequences taken against the Respondent.
50. If it is decided that the allegation(s) made in the Report is/are unfounded, or where no action has been taken, all material relating to the allegations shall be removed from the personnel/student files maintained by the University and/or the unit/faculty/department of the Respondent and destroyed within ten (10) working days.

## P. Remedy

51. If a finding is made that there was a violation of the *Policy*, the decision-maker will determine any appropriate discipline, sanction, or corrective action, having regard to the severity of the offence and any mitigating or aggravating circumstances.
52. The Respondent will be notified in writing of any discipline imposed and any corrective measures shall be implemented in accordance the MOA and/or any applicable University Policy.

## Q. Respondent's right to appeal

53. The Respondent shall have the right to appeal the decision, as both to culpability or sanction, as set out in Article 7 of the MOA or any applicable University Policy.

## R. Alternative Dispute Resolution (ADR)

54. ADR will be permissible and available in cases where the closely-affected parties consent to such ADR and the ADR does not require any face-to-face meetings between the Complainant and the Respondent. This ADR may occur at any stage provided no party is unduly pressured to consent. ADR, such as restorative justice and mediation, are alternatives to traditional justice practices that punish perpetrators and ignore the needs of those harmed.

## Q. No reprisals

55. A reprisal is an action, or threat, that is intended as retaliation for making a Report under the *Policy* and/or participating in the investigation of a Report. Acts of reprisal are prohibited and shall be treated as a violation of the *Policy*.

## R. Frivolous, Malicious and/or Vexatious Reports

56. Frivolous, malicious and/or vexatious Reports are prohibited.
57. Where a Report is deemed frivolous, malicious and/or vexatious, at any time after the Report is made, the investigation shall be suspended and all material relating to the allegations shall be removed from the personnel/student files maintained by the University and/or the unit/faculty/department of the Respondent and destroyed within ten (10) working days.
58. Parties deemed to have made a frivolous, malicious or vexatious Report will be subject to reasonable and appropriate sanctions.

## S. UTFA Right to Negotiate

59. The parties agree that future changes to the *Policy* and its accompanying document (e.g. companion guidelines, manual, etc.) shall be negotiated with UTFA.

Committee Name	Chair	Member	Department
<b>Librarians Committee</b>	Scheaffer, Kathleen		
			Denistry Library
		Zych, Maria	
<b>University &amp; External Affairs</b>	Linda Kohn		
		Pereyaslavskaya, Katya	Librarian

## **Report of the Vice-President, Salary, Benefits, Pensions and Workload**

Over the past two council meetings I have presented a number of bargaining proposals for your approval. Additional proposals are being presented today. These include proposals for: ATB; PTR; Librarian Research and Study Days; An amendment to Article 4 of the MoA to include Librarians; and PTR guidelines. These will compete the proposals that are subject to arbitration. These proposals seek to improve total compensation for faculty and librarians and also improve specific components of our benefits package.

As always, we continue to monitor settlements in our sector and to research the compensation and benefits structures at other Universities throughout Canada, with a view to bargaining for an optimum overall compensation package. As with previous rounds of bargaining, the bargaining team for this round, which includes Linda Kohn, Cynthia Messenger, Katherine Rankin, Kathleen Scheaffer, Kent Weaver, and Terezia Zoric, intends to pursue the best possible deal for our members while bearing in mind our collective commitment to the wellbeing of the University and to issues of equity, diversity and collegiality.

As many of you are aware, the Special Joint Advisory Committee (SJAC) process resulted in changes to the MoA that provided a new ability to negotiate policies that had previously been outside the scope of bargaining without the agreement of both parties. The hard work of the SJAC team helped to develop a process of negotiation that is separate from the arbitration track. This allows us to bring policy issues to the table which will be subject to mediation and, if agreement between the parties cannot be reached, to the report of a fact finder. The fact-finder report will be available to members so that the final positions of Administration and the Association will be clear. We have been providing updates on these policy issues over a number of past Council meetings and intend to bring full policy proposals forward for your approval at the December meeting of Council. These include proposals on: Policies for Librarians; Privacy; and a Letter of Understanding on the Sexual Violence Policy.

Your UTFA bargaining team will be sitting down with the administration for the first time this year on November 22. This will be followed with bilateral meetings on November 29<sup>th</sup> and into December. Dates for mediation and arbitration have been scheduled in an attempt to have an agreement in place by June of 2018. The proposals that you have seen to date, those in front of you today, and those that will be presented to you in December are the result of discussion among members of the Salary, Benefits, Pensions and Workload Committee and represent the hard work of your bargaining team, and by UTFA's legal staff, notably Heather Diggle; Dave Campanella, and Chris Penn, by members of the 2014 bargaining team; We have also taken advice from external experts: Gary Kawaguchi of PRL Benefits and our economics consultant, Hugh MacKenzie, as well as, of course, Emma Phillips and Steven Barrett at Goldblatt Partners. We have also drawn on the results of the bargaining survey that circulate earlier this year and have benefitted immensely from the work of previous bargaining teams.

Collectively, these proposals express the general areas of concern for UTFA and our goals, in the broadest sense. We continue to do the background work to support these proposals and welcome your comments and suggestions at any time.

In non-bargaining updates, I am moving forward with the Working Group on LTD, with a meeting planned for the UTFA members of the Working Group in early December. Concerns over benefits also continue to come in from members and we plan to hold a preparatory meeting for the UTFA members of the Joint Benefits Committee in early December with a goal of convening a meeting of the JBC later in December or early January. I encourage you to consult with members of your constituencies about any concerns or difficulties they may have regarding benefits, and put concerned members in touch with me so that we can address them in upcoming meetings.

Respectfully submitted,  
Ken MacDonald

Toronto Star Article

By Robert Cribb Investigative Reporter

Wed., Nov. 8, 2017

U of T's endowment, pension funds have investments in two offshore tax havens

The pension fund holds shares in WLR IV Loans AIV Feeder (Cayman), Ltd., part of a web of offshore companies traced to U.S. Secretary of Commerce Wilbur Ross, who founded a coal company implicated in the deaths of a dozen miners and an investment company fined \$2.3 million (U.S.) for financial improprieties.

The University of Toronto's endowment and pension funds have investments in two offshore tax havens including a Cayman Islands company founded by U.S. Secretary of Commerce and billionaire Wilbur Ross, newly leaked documents reveal.

The University of Toronto's pension fund holds shares in WLR IV Loans AIV Feeder (Cayman), Ltd., part of a web of offshore companies traced to Ross, a billionaire investor who founded a coal company implicated in the deaths of a dozen miners and an investment company fined \$2.3 million (U.S.) by the Securities and Exchange Commission for financial improprieties.

The Governing Council of the University of Toronto — which oversees the academic, business and student affairs of the university — is also named as an investor in a company listed in the Malta corporate registry.

Both Malta and the Cayman Islands are well-known tax havens. The investments are not listed in U of T's annual pension and endowment statements. The Cayman Islands investment doesn't appear in the university's financial statements because it represents less than one per cent of the pension fund's total assets, according to a written statement from the university.

In all, a cache of 13 million leaked records from the offshore law firm Appleby — known as the Paradise Papers and obtained by the International Consortium of Investigative Journalists which includes the Toronto Star — show more than 150 prestigious universities and colleges across Canada, the U.S. and the U.K. with tax haven investments, including Oxford, Cambridge, Princeton, Columbia, Stanford, University of Pennsylvania and University of Texas and Northeastern.

Together, they are invested in more than 200 offshore firms, mostly in the Cayman Islands and Bermuda.

There is nothing illegal about the investments. And for Canadian universities, there is no apparent tax advantage since universities here are already tax exempt.

But for publicly funded institutions of higher learning and open dialogue, the move into secretive offshore tax havens comes with risks, experts say.

More than \$6 billion in U of T endowment and pension money is managed by the University of Toronto Asset Management Corporation (UTAM), a non-profit with a Bay Street address that operates separately from the university.

UTAM signed the United Nations-backed Principles for Responsible Investment (PRI) in 2016, which defines an investing approach that aims to incorporate “environmental, social and governance” factors in order to “better manage risk and generate sustainable, long-term returns.” “If they are involved in tax havens, it may represent a reputational risk to the university,” says Omar Dominguez, former chair of the Coalition of Universities for Responsible Investment, which published a 2013 report on ethical university endowment investing.

“As an investment manager at a university, you’re responsible for raising money to provide scholarship and professorships and research . . . We do need to engage in questions of morals and ethics and not turn a blind eye to how we’re making money. Tax havens do provide that opportunity and it does raise questions about whether we should make money at any costs.” Requests for an interview with UTAM officials were declined. In its written statement, the university said it invests around the world, “using a broad diversification strategy that goes well beyond the Canadian economy, which represents only three per cent of the world financial market. We do this to ensure we manage risk and realize the best returns for our pension and endowment funds.”

The statement describes the Cayman Islands investment as “long-term.”

“We made this particular investment 10 years ago and . . . it’s a very small position.”

U of T’s pension fund sat at \$4 billion as of June 2016. Its endowment funds totalled nearly \$2.4 billion as of April — the biggest among all of Canada’s universities. Investment returns help fund student aid, endowed chairs, research and teaching, and academic programs for more than 85,000 students, U of T’s statement to the Star reads. Forty-three per cent of endowment earnings go to student aid.

UTAM’s leaders are conspicuous on the list of top-paid university employees in Ontario. William Moriarty, the former president of UTAM, was among the highest-compensated public-sector workers in Ontario, earning \$937,500 in 2015 — the highest-paid university employee in the province that year. The next three spots on the list were also UTAM employees. Moriarty’s salary cracked \$1 million last year when he retired and Daren Smith became president and chief investment officer with a focus, he said, on “strong value-added returns.”



Smith was the university's second-highest paid employee last year — and the third highest among all Ontario university employees — with an income of \$512,215.61. That is less than he made a year earlier when he was paid \$693,507 as one of UTAM's managing directors. "The only reason for an organization like UTAM to exist is if it can outperform its benchmarks," Smith is quoted on U of T's website. "We believe that we have the governance, team, infrastructure and culture in place to maximize the chances of outperforming in the future." Since Canadian universities are tax exempt, chasing higher investment returns is the only clear motivation for venturing into tax-free offshore havens.

"I think the issue is they have a large endowment," says Adam Aptowitzer, a tax lawyer with Drache Aptowitzer LLP. "They're looking for a specific rate of return." Burgeoning endowments concentrated in large, elite schools across the Western world are fuelling the move offshore — and expanding an already growing divide between have and have-not schools, some experts warn.

"It's a constant issue of haves and have-nots," says Toronto charity tax lawyer Mark Blumberg. "Tax havens undermine the ability of the Canadian and provincial government to collect taxes that [fund vital services](#) such as health care, education and poverty alleviation. By investing in investment products located in certain tax havens a charity may be supporting a system that undermines the revenue they wish to receive from government and could reputationally negatively affect the charity, which can also affect fundraising."

The Governing Council of the University of Toronto appears as a shareholder — with 333,123 shares — of Troy Capital Limited in leaked documents from the Maltese corporate registry. It is listed as an "involved party" with a mailing address at MARS Centre on College Street in Toronto.

The Maltese shares are part of a private equity fund managed by an Asian-based fund manager for holding investments in a South Korean bank "in order to simplify the inspection process that's needed to meet government regulations related to a South Korean banking act," U of T's statement reads.

More than 90 per cent of the assets overseen by UTAM are invested by external managers who make decisions for individual bonds, stocks and other securities, says U of T's statement. Handing over investment decisions to external fund managers should not remove the university's self-declared commitment to responsible investing, says Jim Turk, former executive director of the Canadian Association of University Teachers and now director of the Centre for Free Expression at Ryerson University.

"Whether they do it in house or externally, it is ultimately their responsibility to set the parameters in which the investments are made," he says. "Farming it out doesn't relieve the university, whose funds it is, from saying, 'These are the parameters in which we want you to make the investments.'"

Universities can dictate, for example, that their endowment funds not be placed in companies with questionable business practices or those that flout environmental regulations — a growing point of sensitivity on Canadian campuses dating back at least a decade.

Universities can make good returns while still choosing ethical investments outside of tax havens, he says. But many have resisted.

“They’ve just said, ‘We’re going for the best returns we can get.’ It’s very strange that while they claim ethical considerations guide what they do in all areas of what they do, they are not sensitive to that in their investments.”

UTAM’s Cayman Islands investment listed Ross as a director between October 2009 and January of this year when he divested the vast majority of his corporate interests after being named to U.S. President Donald Trump’s cabinet, public disclosure records show. Revelations found in the [Paradise Papers](#) and published this past week show Ross has a stake in a shipping company that has received more than \$68 million (U.S.) in revenue since 2011 from a Russian energy company co-owned by the son-in-law of Russian President Vladimir Putin. Reports have said that Ross did not disclose the holding when he became commerce secretary. Monday the Office of Government Ethics released a disclosure in which Ross says he has completed selling assets to comply with conflict-of-interest laws.

Worth an estimated \$2.5 billion (U.S.), he has luxury homes and an art collection worth an estimated \$250 million (U.S.), according to reports. He is best known for investing in American steel and coal.

In 2006, a West Virginia mine owned by Ross’ equity fund collapsed and killed a dozen people. Federal safety inspectors had logged 208 violations the previous year, media reports say. Ross told the media that while he was aware of the safety violations, he had been assured by mine management that it was a “safe situation.”

Before Ross joined the cabinet, the U.S. SEC announced it was taking action against Ross’ WL Ross & Co. for overcharging investors on management fees. Without admitting or denying the allegations, WL Ross agreed to pay \$10.4 million (U.S.) in restitution to investors and \$2.3 million (U.S.) in civil penalties.

## Appointments Committee Chair Report, UTFA Council, November 14, 2017

### Report of the Chair, Appointments Committee Claude Evans November 14, 2017

The problems and inequities caused by part-time work in higher education are a major focus of the work of the Appointments Committee this academic year. They affect directly approximately 250 UTFA members and have repercussions for all members.

On October 20-21, CAUT held a conference in Toronto entitled 'Stronger together: Achieving fairness for Contract Academic Staff'. The Chair attended six sessions which dealt with topics such as 'Challenges faced by part-time academic staff', 'Tools used in bargaining and the results achieved', 'Grievances', 'Mobilization and ways to move the agenda forward'. Very compelling points were made. Frankie Cachon (Sociology, Anthropology, Criminology, University of Windsor, University of Windsor, Chair of OCUFA Contract Faculty and Faculty Complement Committee) pointed out that there is a disproportionate number of women in the academy who are 'under-employed' and that job precarity has adverse effects on health; Sarika Bose (English, UBC, Chair of CAUT Contract Academic Staff Committee) discussed creative ways of raising awareness among students and full-time faculty by holding events and leading the Fair Employment campaign; Lynne Hanson (Law School, Queen's) described Queen's University's category of Adjunct Academic Staff – divided into groups 1, 2 and 3. Groups 2 and 3 normally teach the equivalent of 2 or more full courses per year. Members of Group 3 have taught for more than 5 years. Appointments to Group 2 or 3 are subject to the approval of the Dean, and appraisals are conducted every year. They receive benefits, are entitled to vacations and are eligible for travel support to conferences and research funds. For those who pursue research on their own time, there is a possibility of transfer to the tenure-stream.

A survey is being conducted at present by CAUT on the experiences of contract academic staff. A reminder about this survey was sent to the membership in October, and a notice that the deadline has been extended to December 15 was sent in early November. Both notices were signed by the Chair of the Appointments Committee and by the UTFA President.

To increase the visibility of part-timer faculty at the University of Toronto and to show evidence of support, the Chair is taking the lead for the organization of an event, 'Part-time Appointments at the University of Toronto: Challenges and Strengths', planned tentatively for April 30- May 1<sup>st</sup> 2018. The event will include a panel of three speakers and a mini-conference for part-time faculty members in which they will be invited to present their discipline-based research, creative professional activity, pedagogical research or pedagogical practice. An organizing committee, including members from various disciplines, is being formed. Depending on the number of proposals, the panel will be held 3-5 pm on April 30, and there will be a day of presentations on May 1. (It is possible that all events will take place on April 30.)

## Appointments Committee Chair Report, UTFA Council, November 14, 2017

Three speakers have accepted an invitation to take part in the panel: Frankie Cachon, Sarika Bose and Louise Bidsell Bauer. The credentials of the first two were given above. Louise Bidsell Bauer, CAUT Research Officer, has worked with Karen Foster (Department of Sociology and Social Anthropology, Dalhousie University) on the survey for part-timers and has done post-doctoral research on the topic.

On October 24 the Chair met with Terezia Zoric, VP Grievances, to discuss the organization of a Roundtable on the topic of 'The Threat of Stereotype in Academia' planned for October 29, 2018. Warmest thanks to Council member Kathy Bickmore, who has been most helpful in providing names of possible speakers.

A meeting of the Appointment Committee will be held on November 17, 3-5 pm, Room 410.