

JOINT COMMITTEE ON THE
ADMINISTRATION OF THE AGREEMENT
(JCOAA)

MINUTES OF MEETING HELD

November 21, 2016

390 York Lanes

12:00 p.m. – 2:00 p.m.

Association: Robert Tordoff (Co-Chair), Alidad Amirfazli, Sheila Embleton, Sonja Killoran-McKibbin, David Cabianca, and Richard Wellen

Employer: Barry Miller (Co-Chair), Alice Pitt, Ananya Mukherjee-Reed, Shawn Brixey and Noura Shaw

Chair: Barry Miller

Regrets: Nick Mulé

Minutes

The minutes of the June 24th, 2016 meeting were approved as is. The Association will review the September 12, 2016 & October 31, 2016 meeting minutes and provide feedback.

Science, Health and Engineering Infrastructure Renewal Project

The Employer shared a relocation report for all faculty members involved in the Project, including timelines, with the Association. The Association indicated that it will review the information and will let the Employer know if it has received concerns from any faculty members who are not included on the list.

The Association expressed concern about the potential impact of the project on the affected pre-tenure faculty members. The Association requested that these individuals be automatically provided a one-year stop-out of the tenure and promotion process in the event that it is required. The Employer indicated that there is precedent for the granting of a stop out of the tenure and promotion process as a result of a delay in readiness of required lab facilities. The Employer indicated that it would consider the Association's request but, as an initial response, indicated that it in its view it made more sense to consider individual stop out requests if and when the need arises.

Employer Responses to Questions Regarding the 2015 Employment Equity Report

Faculty Relations will be meeting with the relevant Human Resources representative to obtain an update on the items flagged for “follow up” in the Employer’s response to the Association’s questions about the 2015 Employment Equity Report. The update will be shared with the Association.

Update on Sexual Violence Policy and Procedures

The Association will be meeting with R. Castle to provide feedback on the draft Policy. The Association requested a copy of the policy and presentation in advance of the meeting in order to properly prepare. The Association noted that its consultation was scheduled for November 28, 2016, which was also identified as the date for completion of the draft Policy, with the presentation of the draft Policy to Senate scheduled for the next day. The Association raised a concern about its specific consultation taking place when the policy was effectively completed, as well as how little opportunity was provided for consultation more generally.

The Employer noted that there is a hard implementation deadline of January 1, 2017 for the Policy, specifically as it applies to students. The Employer reported that there have been 44 consultations to date and the discussions with staff and faculty will continue. The policy will continue to be amended after the implementation date with the intent of developing a comprehensive policy that harmonizes with existing policies and procedures.

The parties agreed to keep this topic as a standing agenda item.

Course Outcomes and Syllabus Reporting Requirements

The Association continued to raise concerns regarding information requirements for course outlines in Lassonde and AMPD.

The Association noted that the concerns raised in regard to the information requirements relating to course learning outcomes in Lassonde are being addressed through a separate process.

S. Brixey, Dean of AMPD, indicated that a template course outline distributed in AMPD, identified as the source of the concerns, was intended as a pilot and specifically applied to online courses. The Association indicated that the template appeared to be obligatory and that the principal concern was over intellectual property (IP) rights. The Employer noted that phrasing is being developed to convey that the IP associated with the course outline belongs to the faculty member. The Association elaborated that the concern centres on protecting IP ownership in the context of the availability of course outlines in an electronic format.

The Employer indicated that it would follow up to clarify the status of the course outline template distributed in AMPD.

Availability of Course Outlines with Grading Scheme at Least Two Weeks Prior to Start of Classes (Notice of Motion by ASCP)

The Association continued to express concern that the requirement for instructors to provide a limited course outline at least two weeks prior to the start of the term could create a workload issue for faculty and interrupt research. The Association noted that CUPE contracts do not begin until September 1, further reinforcing the unreasonable nature of the new requirement.

The Vice-Provost Academic reminded the committee that students have long been raising concerns about not knowing what types of evaluation will be included in their courses. There has been a high volume of requests for course changes as a result.

The Association noted the distinction between considering the provision of a short outline at least two weeks in advance of the start of the term as a “best practice” versus a requirement and indicated that it believed “best practice” is the appropriate description of the intent of the Senate motion to introduce the provision of short outlines in advance of the start of the term. The Vice-Provost confirmed that posting the course outline at least two weeks prior to the start of an academic session would be “best practice”.

The Employer indicated it saw the Senate motion regarding the provision of short outlines in advance of the start of the term as no different from other Senate motions setting out expectations in regard to course outlines and syllabuses.

It was noted that it would be helpful for short course outlines provided in advance of the start of the term per the Senate motion to indicate that they may be subject to change.

SSHRC Internal Grants

The Employer provided the Association with a copy of the communications from SSHRC advising of the changes to the guidelines for internal grant programs. The Association expressed concern that the revised internal grant program, in requiring an indication of how proposed projects relate to the themes in the University’s strategic research plan, is more restrictive than allowed/intended by the SSHRC grant programs. The Employer indicated that it will follow up with the VP Research and Innovation but that, on first consideration, did not see a way in which the revised internal grant program could be more restrictive than intended by the SSHRC. The changes to the internal grant program were undertaken to accord with the revised Tri-Council guidelines for internal grant programs.

Commitments Arising out of Memorandum of Settlement

(a) Employment Equity Self-Identification Form

The Employer will provide the Association with the results of the survey using the revised self-identification form when they are available.

(b) Employment Equity Reporting Data

The Association noted that the revised employment equity data report is to be annually shared by November 1st. The Employer indicated that it will follow up in regard to the report.

(c) Joint Committee on Criteria and Procedures for Promotions and Continuing Appointments of Librarians

The committee membership has been confirmed and the parties will work on establishing meeting dates.

(d) Joint Appendix P Working Group

The Employer has confirmed its membership on the committee and will follow up with the Association regarding dates.

Pension Calculation

The Association requested the data that served as the basis of Aon's analysis of pension calculation issues summarized in the report be shared with it. The Association raised a concern that the investigation was being conducted by the Plan Actuary, rather than an independent third party. The Association also requested the correspondence between the University and the CRA and between the University and the Plan Actuary.

The Employer indicated that it would follow up regarding the data set serving as the basis for Aon's analysis and would take back for consideration the request for correspondence, which it saw as a distinct matter.

The Association expressed concerns regarding the impact of further delays resolving this matter, particularly given the close of the year. The Employer indicated that it did not believe the issues being taken up by the parties would be affected by such deadlines.

The Association indicated that the Aon report excluded consideration of certain errors, and the Employer responded that it would follow up with HR on the issue.

Curriculum Vitae Exercise

The Association proposed that the sentence in the annual call for updated CVs advising that updates to the CV for the year in question "should be highlighted" be omitted from the call.

The Employer indicated that CVs can be quite substantial and that it is not an unreasonable undertaking for colleagues to highlight the updates. The Association noted that changing the language to "may be highlighted" would likewise not be an unreasonable undertaking. The Employer also noted that the highlighting of changes in the CV greatly assists the Deans of larger Faculties, noting that LA&PS, for example, has over 600 full-time faculty. The Employer reiterated that it is not a requirement for updates to the CV to be highlighted.

The Employer noted that the phrasing at issue in the call for updated CVs was discussed in past JCOAA meetings. The Employer indicated that it was curious about the basis of the concern over highlighting and indicated that it is open to discussion about what the concern might be.

The Association also expressed concern over mention in the call for updated CVs that the Deans will review the CVs and provide feedback. The Association indicated that the phrasing in question raises a concern among faculty that the Employer is introducing an annual performance review. The Employer indicated that as conveyed on previous occasions when a similar concern was raised, it was not introducing an annual performance review program through the annual call for updated CVs and their review. The Employer indicated that CVs provide an important means for the Deans to see whether faculty are fulfilling their professional responsibilities as set out in Article 11 of the collective agreement and, related to the former, whether there is a fair and equitable distribution of workload among faculty in accord with Article 18. The Employer noted that the collective agreement contains various clauses that anticipate actions on the part of the Employer in the event that a given faculty member is not fulfilling his or her professional responsibilities. While the CV exercise provides a positive opportunity for the Deans to see the various activities and accomplishments of members of the Faculty and to acknowledge such accomplishments and activities through feedback to the faculty, Deans can also be expected to follow up in cases where a CV gives rise to concern about whether the faculty member is fulfilling his or her professional responsibilities. The Employer noted that a performance review program comes with a specific set of measures and outcomes according to an assessment of performance against the measures and that this program did not represent a performance review. The Association asked whether anyone had been told they were failing to fulfill professional responsibilities as a result of the CV exercise and whether there was any plan of instituting post-tenure review. The Employer indicated that it was not aware of any Article 11 or 18 issues and has no plan to institute a post-tenure review process.

Nursing Appendix P Issues

The Employer indicated that it would bring a proposal to next month's JCOAA for the categorization of the two Associate Director positions in Nursing. The Employer indicated again that the Dean plans to review the administrative roles and organization in the School with the unit and the two Associate Director positions may not continue as part of the exercise.

Third Party Provider for Faculty and Staff Email

The Association indicated that it would like to see the privacy impact statement. The Employer indicated that it would share this information when available. The Employer conveyed that it was its understanding that the project is scheduled to begin in the 2017 Winter Term and that the new email service will be phased in across the University in stages.

Plan to Restructure in the University Libraries

The Employer indicated that meetings are scheduled in December with a consultant who will be providing assistance with the restructuring exercise. The Employer further indicated that the development of restructuring plans with specified outcomes has not yet begun. The Employer indicated that librarians would be involved and that there would be a series of all-library meetings. The Association indicated that it hoped that faculty input would also be sought, including a YUFA faculty member on the restructuring committee as part of the exercise to the extent that the restructuring would affect faculty.

New Bus Locations and Accessibility

The Association highlighted three issues:

- 1) fare structure across the GTA transit authorities
- 2) accessibility to the centre of campus from outlying transit stops (e.g., the Black Creek terminus)
- 3) Internal shuttle bus

In regard to the first issue, the Association gave the example of Design students who are required to travel between York and Sheridan to illustrate the importance of an integrated fare structure. In regard to the second and third issue, the Association indicated that there was concern from members that the current transportation service on campus to support community members with accessibility needs could be “overwhelmed” with the opening of the subway and suggested that having a shuttle bus that runs along the road around campus could provide an effective means of addressing accessibility issues.

The Employer indicated the transit authorities have not made a decision with respect to fare integration and that it will convey the Association’s comments and concerns with respect to accessibility and on-campus transportation service.

YUFA Releases

The Employer indicated that it will obtain data relating to teaching load reductions provided for YUFA service as requested by the Association. The Employer noted that the data collection will involve a manual exercise. The intent of the data is to illustrate any patterns there may be regarding the banking of such teaching load reductions. The issue in debate is whether YUFA service teaching load reductions are subject to Faculty banking policies and practices. The Association expressed that it understood such teaching load reductions to be outside of any Faculty practices and policies and at the discretion of the Association. The Association indicated its view that the separate nature of YUFA releases is past practice and that there is no example of this practice not being followed in the past.

The Employer indicated that in its view, any collective agreement provisions relating to the banking of YUFA service teaching load reductions must be respected but that Faculty banking practices and policies should otherwise apply. The Employer cited an example from LA&PS in which the Association requested reimbursement for a service teaching load reduction in order to provide the faculty member in receipt of the teaching load reduction with a stipend instead after the faculty member was advised that the teaching load reduction could not be banked as the faculty member desired.

A member of the Association caucus cited examples of releases provided to former YUFA presidents which he argued indicates that the Association service teaching load reductions were at the discretion of the Association and not subject to Faculty banking policies or practices.

The Employer indicated that it understood that the Association has its own policies and practices with respect to the awarding of service teaching load reductions but that it was a separate matter of whether service teaching load reductions fall under Faculty banking practices and policies subject to any collective agreement provisions. The Employer indicated during the discussion that it assumed that

Faculties other than LA&PS also had banking practices and the Association requested a list of any Faculties with a banking practice.

Article 18.15 Implementation

The Association indicated that it believed that a high number of units may elect to refer their qualification criteria to the dispute resolution process. The Association suggested a two-week timeline for the resolution panels to respond. There was further discussion on how to best implement the dispute resolution panel. The Association indicated that it would like to see at least one member per panel with expertise and, as a result, was considering having two constant Association appointed panel members and one rotating member based on faculty/discipline. The parties agreed to continue discussions on this matter.