

JOINT COMMITTEE ON THE
ADMINISTRATION OF THE AGREEMENT
(JCOAA)

MINUTES OF MEETING HELD

January 16, 2017

390 York Lanes

10:00 a.m. – 12:00 p.m.

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

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

Chair: Barry Miller

Regrets: Shawn Brixey

Minutes

The Association provided revisions to the Employer's draft minutes of the September 12th meeting. The Employer will review the revisions and respond accordingly. The Association will review the October 31st meeting minutes provided by the Employer and provide feedback. The Employer will send to the Association the draft minutes for the November 21st and December 12th meetings.

Third Party Provider for Faculty and Staff Email

The Association noted that it wishes to review the privacy impact statement relating to the implementation of Office 365 as the new email service for faculty and staff. The Employer indicated that the privacy impact statement will be shared with the Association as soon as it is finalized. It was mentioned that the Employer would also look into arranging a meeting to include the University Counsel to address any concerns relating to the privacy impact assessment. YUFA indicated that it reserved all rights with respect to the Privacy Impact Assessment and the change to Microsoft Office 365.

The Association conveyed its understanding that the University of Toronto Faculty Association has raised concerns about the implementation of Microsoft Office 365 at the University of Toronto and that implementation has halted. The Employer indicated that it believed that the circumstances in the case of U of T are different from the circumstances at York and that they do not directly relate to specific

features of Microsoft Office 365. The Employer committed to follow up regarding the concerns presented by Rutgers University as well.

The Association also conveyed its view that a communication should be shared with faculty members regarding the change in email service prior to any change occurring and queried when the change would occur. The Employer agreed and indicated that it anticipated a staggered roll-out commencing in May.

Science, Health and Engineering Infrastructure Renewal Project

The Employer informed the Association that the Deans have touched base with most, if not all, six pre-tenure faculty members whose workspaces have been affected by the move. These faculty members will be provided with the option of an extra year on their tenure clock, if needed. The Employer indicated that the Deans wished to speak with the faculty members directly, in order to ensure that they were aware of this option and be provided an opportunity to discuss their particular circumstances. The Association indicated that the Deans would need to inform the colleagues in writing of this option and requested copies of those letters. The Employer indicated that the communication would come from each Dean's office separately.

The Employer also advised of its understanding that a series of meetings have been held involving the Deans to provide an opportunity to discuss the project. The Association noted that it has received feedback suggesting that there has not been an adequate opportunity for faculty to discuss project-related concerns with those managing the project. The Employer indicated that it would share that feedback with the appropriate individual.

An Association caucus member noted that he believes space allocation continues to be an issue, especially in Lassonde.

The parties have agreed to continue to keep this matter as a standing item on the agenda.

Update on Sexual Violence Policy and Procedures

The Association noted that the issues it raised at the previous JCOAA meeting remain, particularly in regard to the training of faculty members and any new files required under the new Sexual Violence Response Program. The Association also raised the issue of how the Sexual Violence Response Program will harmonize with Appendix Q and the Workplace Harassment Prevention Policy and Program. In regard to training, the Association noted that in the meeting it had with R. Castle, little detail was provided about basic training for employees and that such training was a statutory requirement. The Association noted the importance of providing basic training now that the Policy has been implemented and indicated that without training, faculty may not know where to direct any individuals who have a complaint under the Program. The Association suggested that the Employer offer an enriched training for faculty members who expressed interest in such. The Association also requested information about the training anticipated for senior leaders and investigators and expressed concern that investigators be adequately trained. The Association requested clear information about the timeline for such training and expressed concern that faculty members were now operating under a

policy for which they had not received training. The Association would also like to discuss the issue of file creation, management and disposition relating to the establishment of the Sexual Violence Response Office. The Association also requested that the Employer produce a flow-chart showing how a complaint made about a member would progress. The Employer agreed that this would be helpful.

The Employer indicated that it would be helpful to invite the University Counsel and R. Castle to the next meeting of JCOAA to address these issues. The Employer noted that the University Counsel would be best positioned specifically to address the issue of creation and management of files. It was agreed to invite the University Counsel and R. Castle to the next JCOAA meeting.

Article 18.15 Implementation

The Association and Employer agreed that all panel members will have equal access to the information provided to the panels and will work together to ensure that the dispute resolution process works as swiftly as possible. The Association proposed the following elements in regard to the operation of the Resolution Panels:

- 1) Panels to be co-chaired by an Association-appointed and Employer-appointed panelist
- 2) Units and Deans to be provided the opportunity to proactively submit additional information they believe would be helpful to the panel a specified period of time in advance of the panel meeting
- 3) A 7 day timeline for panels to reach a resolution of the research qualification criteria before them
- 4) Panel meetings to be open, allowing attendance of interested unit members

The Employer indicated that it did not agree to the proposal for the panel meetings to be open. Discussion followed on the other proposals and it was agreed that the parties would meet to reach agreement on the panel process.

The Employer will ensure that the Association has all of the material that it has received to date.

Pay Statements

The Association expressed the view that email notifications that monthly electronic pay statements are available should include a link to the web address where the pay statement can be accessed. The Association also indicated that it would also be helpful for the University to institute monthly email communications regarding PER accounts with a link to the eReports site for easy access to the PER balance statement. The Employer indicated that it will follow up to confirm whether it is planned to have a link to the site through which electronic pay statements can be accessed in the monthly notification email and will raise with the appropriate office the matter of a monthly PER email communication as suggested by the Association.

Course Outline and Syllabus Reporting Requirements

The Association noted that it is awaiting a response on the disposition of the template course outline circulated in AMPD and indicated that faculty have concerns about intellectual property in regard to the template. The Employer indicated that it should have a response by the next meeting. The Association further requested a copy of the latest draft course syllabus template agreed by Senate's ASCP (Academic Standards, Curriculum, and Pedagogy) committee. Vice-Provost Alice Pitt agreed to share the latest draft document with the Association.

Commitments Arising from the Memorandum of Settlement for Renewal Collective Agreement

(a) Employment Equity Data Reporting

The Employer met with representatives from the Human Resources Department on January 6th to discuss the reporting requirements. The Employer will share the data it receives from the Human Resources Department with the Association.

The Association queried the "snapshot" date of the AA representation data provided for 2015-16; the Association noted that a date of 2015 appears at the top of the data set. The Employer will confirm with Human Resources.

The Association indicated that there is frustration about the length of time the issue of the fuller breakdown of EE data is taking and that any under representations could be exacerbated.

The Employer noted that the data sets with a breakdown by unit of members who have self-identified as a woman and/or member of a visible minority (racialized group) were distributed to units in the summer and that the data will be updated through the survey that is being distributed in the Winter Term.

(b) Joint Appendix P Working Group

The parties indicated that they have confirmed their members on the Working Group. The next step will be to schedule a meeting.

Pension Calculation Issues

In response to the Association's request, the Employer indicated that it would share the data used by the Plan Actuary in its analysis of pension calculation errors with the understanding that it will be treated confidentially and will not be shared with anyone other than the Association Executive Committee and members of the JCOAA Benefits Subcommittee and the Association's actuarial consultant. The Association asked why there was such a delay in obtaining the relevant data and the Employer indicated that it intended to provide it before the next meeting.

The Employer acknowledged the need to resolve these issues and collectively agree to remedies. It further indicated that it believed the core issues would not necessarily be affected by these delays.

Nursing Associate Director Positions

The Employer followed up on the conversation that occurred at the previous JCOAA meeting about the Associate Director positions in Nursing. The Employer noted agreement with the Association's proposed placement of the positions in Category 5 of Appendix P. The parties agree that this would allow a placement of the positions in a category that is consistent with the teaching load reduction currently provided for the positions. The Employer noted that these positions will be subject to a review as part of a broader conversation that the Dean intends to have with the School members and may not continue in the future.

New Bus Locations and Accessibility

The Association noted that it believes that existing Van Go shuttle service is already strained and could be overwhelmed with the opening of the subway and increased demand in view of where transit drop off points are expected to be and indicated that it would like to hear back on the possibility of a ring road shuttle. The Employer noted that the possibility of a ring road shuttle service is part of the planning considerations. The Association further asked whether the York Federation of Students (YFS) or the York Graduate Student Association (YUGSA) have been consulted. The Association also asked whether the Employer has an update on when the completion of the York subway station is expected. In the discussion, the Employer noted that no final decision has been made as to whether the York University Go Station will be closed and that there is no new information regarding fare harmonization. The Employer indicated that it would follow up regarding the University's plans. The Association expressed concern regarding timelines in light of the subway's scheduled opening in December.

Employee Engagement Survey

The Association expressed concern regarding the message that went out via email regarding the launch date of February 7th for the survey. The Association had provided suggestions to the Employer at end of November and had not yet received feedback. As such, the Association felt that the launch date was premature. The Employer indicated that the feedback provided by the Association was communicated and identified revisions to the survey based on input from the Association. The Association noted that there remain a few areas of concern and errors in unit names that have not been addressed. The Employer indicated that it will review the outstanding recommendations and will inquire as to whether changes can still be made. The Association raised concerns that the Employer had not addressed its suggestion of including an option to allow colleagues to elect not to respond to certain questions. The Association additionally inquired about the management of survey data and the assurance of confidentiality for respondents. The Employer indicated it would follow up with respect to data management and would share a copy of the final survey and the results.

Extended Healthcare Drug Card

The Employer indicated that it has followed up with Human Resources regarding the possibility of implementing a drug card for faculty and librarians and will provide information when it receives it.

Home Internet Reimbursement

The Association conveyed that it believes that the Employer should continue to reimburse faculty for the charges of home Internet usage. It was mentioned that many other employers provide this benefit to their employees and the Association cannot see why York University would be any different.

The Employer will follow up on the matter.

CLA Renewals in Nursing

The Association indicated that the standard for CLA renewals was exceptional circumstances and expressed concern about the CLA renewals beyond the normal three-year limit in Nursing. In particular, the Association indicated that it did not believe a justification was provided in support of the third of three CLA renewals and indicated that it requires a rationale before agreeing to the extension. In regard to the first two CLA renewals, the Association noted that the curricular areas of the two CLA renewals (paediatrics, community/primary/public health) were described as "hiring priorities" and that in this context, it was prepared to agree to a one year extension of each of the two CLAs on confirmation of a commitment to make tenure stream appointments in these areas in 2017-18. The Employer indicated that the language in the collective agreement does not specify that CLA extensions beyond three years require the Association's approval. The Association responded that it disagreed and that such is exactly what the CA intends: the circumstances must be exceptional and the parties must agree that the standard of exceptional circumstances has been met.

The Employer indicated that it will follow up with the Dean of Health regarding the Association's concerns about the rationales provided for the CLA extensions and will provide a response.