

JOINT COMMITTEE ON THE
ADMINISTRATION OF THE AGREEMENT
(JCOAA)

MINUTES OF MEETING HELD

February 13, 2017

390 York Lanes

2:00 p.m. – 4:00 p.m.

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

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

Chair: Barry Miller

Regrets: Richard Wellen, Shawn Brixey

Guests: Maureen Armstrong, Robert Castle, Elana Shugar, Samina Sami, Susan Seaby

Minutes

The committee approved the September and October 2016 minutes. The Employer indicated that it would review the revisions to the November minutes provided by the Association. The Employer will send the Association the draft minutes for the December 12 and January 16 meetings.

Update on Sexual Violence Policy and Procedures

M. Armstrong, R. Castle & E. Shugar attended to address the following issues raised by the Association:

- The storage of files and reports with regard to complaints under the Policy and Procedures
- A timeline and information on the content of training to be provided to all faculty members to familiarize them with the policy and program;
- Information on the training for investigators
- In addition to the regular training (noted above), whether there will be an opportunity for faculty members to receive deeper/enriched training, if interested;
- A timeline of the anticipated consultative schedule and the harmonization of related policies and procedures.

The Employer noted that investigations of sexual violence complaints involving faculty and staff will follow existing policies and procedures and collective agreement provisions, Student-on-student complaints will follow the Sexual Violence Policy and Procedures. The Employer noted that any files being created would involve the same retention, collection of information and disposition as before.

The Association indicated that file retention is an important issue and raised the question of the number of files that might be created in addressing a complaint and where the files will be retained. The Association made specific reference to file management in the Sexual Violence Response Office (SRO), indicating that it would appear that some type of file would have to be created. The Employer noted that in the case of complaints involving faculty, the SRO would not be the prime office of responsibility but would refer the complaint to the appropriate office. It was further pointed out that there could be multiple points of contact depending on the office first presented with a complaint. The Association indicated that it was concerned about circumstances in which a faculty member's name was recorded, raising the question of whether, in cases where an individual discloses a concern but does not make a report, where a complaint is dismissed or does not proceed, the name "stays out there." The Employer indicated that the confidentiality provisions within the policy are strong, and that information is only shared on a need to know basis. The Employer indicated that it would review the issue of record retention where names are recorded.

The Employer indicated that training in support of the Sexual Violence Policy and Procedures may incorporate approaches at other institutions but will be mostly York-developed. The training will be tailored to York University's policy and will be largely provided by internal subject matter experts. The planned training will include "basic-level" of training for faculty and staff to provide guidance on how to address matters that are brought to their attention. The intent is also to ensure that anyone who has a more detailed interest and/or responsibility in regard to the Policy and Procedures will be given more detailed training.

The Employer indicated that it is still developing its approach to training and education. The Association again expressed concern that the policy is in effect but that Faculty members have not been trained and requested a timeline.

In regard to the training for investigators, the Employer indicated its intention to work with other universities to develop comprehensive training modules. It is the Employer's goal to ensure that there is an understanding of the sexual violence policy/program and that individuals who will be conducting investigations will have the grounding necessary to carry out their investigation responsibilities effectively. It was also noted that investigators must be "attuned" to the university context. The Employer indicated that the GTA schools anticipate establishing a common roster of trained investigators, as the policy allows for internal and external investigators. The internal investigators will most likely be from the Centre for Human Rights.

The Employer indicated that it expects training to be provided for key academic and senior leadership members starting in the Summer and training for students to be provided in September. The Employer noted it was planning to develop online training modules for faculty, recognizing the limitations of this approach. The Association raised the question of when

training will be available for faculty and noted the importance of practical training so that faculty are informed about such matters as confidentiality in the process and the appropriate channels for complaints.

The Association expressed its concerns that the lack of training and the multiple avenues for disclosure of complaints could lead to significant problems for confidentiality.

The Employer expressed that it is open to suggestions about the most effective way of reaching faculty. The Association suggested that attending unit level departmental meetings would be a good way to facilitate face-to-face communication. The Association suggested that in order to ensure the Employer reaches a critical mass of individuals, the training needs to be expressed as a requirement. The Employer acknowledged that the training needed to address two issues: the policy itself and issues foundational to the policy.

The Association also suggested that a wallet card (or something of that nature) that faculty members could keep in their desk drawer would come in handy. The Employer noted that Appendix A in the policy provides guidance on how to support a disclosure.

The Employer indicated that key commitments in support of the Policy and Procedures will be communicated to the community soon.

The Association stated that it would like to see as few files as possible and articulated the principle of having only one file. The idea of a flow chart was suggested and the Employer indicated that it would look into the creation of a flow chart to share.

Third Party Provider for Faculty and Staff Email

The parties agreed that a separate meeting would be arranged to discuss the privacy impact assessment in more detail. Members in attendance on behalf of the Association will be confirmed shortly. Participants on behalf of the Employer will include University General Counsel Maureen Armstrong and the Director, Information and Privacy, Patricia Lynch.

The Employer stated that the Association's concerns regarding the implementation of Office 365 at the University of Toronto were looked into. Upon review of documents that were put together by the University of Toronto Faculty Association (UTFA), the issues appear to centre on the state of policies dealing with privacy at the University of Toronto. There is a January 2017 document that refers to a 2013 communication from UTFA to the Provost. The documents point to a desire on the part of UTFA to discuss privacy issues with the senior University leadership. The Employer noted that the University has had policies regarding email going back to 2004 or 2005. The University's policy in respect of privacy was strengthened in 2013 in the context of FIPPA. The Employer noted that, as previously conveyed, the University's current policy will continue to apply with the implementation of Office 365. The Employer also noted the Association's concerns regarding data storage in the U.S. are addressed by Microsoft's establishment of servers in Canada, which will be used for York Outlook email. The Employer also noted that the University will be maintaining a York email service for colleagues who do not want to move to Office 365.

The Association raised two issues regarding the privacy impact assessment for the implementation of Office 365 that was provided by the Employer. These concerned the indication in the privacy assessment impact that Microsoft could change the servers it is using with one month's notice and the indication that user identification validation will occur in the U.S. The Employer indicated that these issues will be best taken up at the meeting with the University General Counsel and Director, Privacy and Information.

Article 18.15 Implementation

The Association expressed that it is deeply unhappy about how the implementation of 18.15 is proceeding. It is the Association's view that the process has taken far too long and that the delay is on the part of the Employer.

The Employer indicated that it has a different perspective and that there has been no intent to delay completion of the process. The Association noted that a two week period in January was "lost" for scheduling of the panels because no availability was identified for the Employer-appointed panelists. The Employer noted there have been different views of the interpretation of 18.15(e) between the parties, which has contributed to the length of time the process has taken. Further, a decanal representative noted that often chairs have indicated that discussed changes to the unit criteria require a full unit vetting, also contributing to the length of time the process has taken. The Employer further noted that the Deans have received positive feedback on the exercise from some units. At the end of the discussion, the Association summarized its perspective to indicate that in its view, there have been substantial delays in the implementation of Article 18.15 caused by the Employer, regrettably.

Science, Health and Engineering Infrastructure Renewal Project

The Employer stated that it looked into a concern raised by the Association at the last contracts & grievance meeting regarding one faculty member. The Employer noted that space on the 3rd floor of the Bergeron building has been identified for this faculty member. The Employer also noted that there was a meeting with the Deans and affected faculty members.

The Association indicated that it wishes to have copies of letters from the Deans to the pre-tenured candidates. The Employer indicated that there were verbal discussion between Associate Deans and the faculty members about the possibility of a "stop out availability" and will follow up on whether these conversations were followed up with written communications.

The Employer noted that a sixth untenured faculty member, who is in FES will not be going through an interim move. A new space will be available through the refresh project. Nonetheless, the Association requested that the same offer be afforded to this individual.

Employee Engagement Survey

The Association thanked the Employer for being responsive and adjusting the survey as much as possible. The Association indicated that there were still things that it would have liked to have had included and that the consultation process should have been longer and more thorough. The Association expressed the view that the Provost's Office should have anticipated

the desire for longer consultations. The Association indicated it cannot agree to the survey.

The Association requested a copy of the last survey.

The Employer stated that it would be helpful to discuss the results and consider how the data might be broken down for a finer look at the results. An example cited was a question the Association flagged as allowing for different responses depending on the size of the unit. The Association added that there is an ambiguity with the use of "School" in the survey, because schools can be both faculties and units. In the survey, "School" was grouped with "Department/Unit," while "Faculty" was given its own separate category, when in fact "School/Faculty" could have been grouped as a category.

The Employer indicated that when available it will provide the Association with timelines for the analysis and distribution of the survey results.

Community Safety Department's Strategic Plan Consultations

S. Sami & S. Seaby attended the discussion and circulated a copy of the attached presentation.

The Community safety consultation process is being undertaken across York's campuses with staff, students and faculty to help shape the vision, mission and strategy for the new department.

The Community Safety Department is hoping to launch this mission and vision statement and strategy by the fall of 2017. The mission, vision and strategy will take a holistic and intersectional approach to safety. This is community driven, as research in community safety and crime prevention indicates that community engagement is a critical element of safe communities.

Input from the community has highlighted the importance of a number of areas, including training, communications, service delivery for peak community needs, and proactive education. Another important element of strategy is the ability to review the progress being made and provide an update to the community annually.

It has also been noted that students would like to see an increase in the Go Safe transportation services at night. Other priorities highlighted include education and information on emergency preparedness.

Areas that the Community Safety Department is responsible for include (the full list is the attached slides):

- 24/7 security services (patrols, CCTV)
- Investigations (criminal investigations are led by the police)
- Access controls and management (e.g. subway perimeter access)
- Lost and found
- Crime prevention through environmental design
- Community relations
- goSAFE patrols

- Emergency preparedness and response
- Collaborative work with other York organizations and departments to promote safety on campus (e.g. Safety Council, VPStudents, CSBO)

The draft mission and vision statement was shared with the JCOAA committee and feedback was requested. The Association indicated that it would share the information to the units and disseminate the information to the stewards. The Employer indicated that S. Sami and S. Seaby would be happy to attend meetings at the department level as well.

The Association noted that many faculty are on campus on the weekend and that there does not appear to be much security services presence during that time. The Association indicated that this appears especially to hold true during the summer.

A few concerns were raised regarding traffic safety and while the area looking after this is another department, S. Sami and S. Seaby indicated that they were prepared to provide the feedback to the relevant department (Transportation).

CLA Renewals

The parties agreed to take this item offline.

SSHRC Carry-Over Issues

The Association requested an update on this issue in relation to an LA&PS faculty member. Faculty Relations will follow up with the Dean regarding possible assistance for the faculty member.

The Association also requested that a communication go out to all faculty noting that the SSHRC requirements have changed. The Association will share with Faculty Relations the communication that has been received thus far. Faculty Relations will follow up.

Aramark Strike

The Association indicated that it is worried about picketing and asked whether faculty members will be expected to cross picket lines. The Association also indicated that students might not cross picket lines.

The Employer stated that the expectation for all York University employees is that they will continue to attend to their duties and responsibilities. There is further expectation that Aramark would not picket on University property. The Employer indicated that it would follow up regarding communications that have been sent to students.

The Association indicated that this is an issue for members who are opposed to crossing picket lines as a matter of principle. The Employer reiterated that employees who are not striking are expected to attend to their duties and responsibilities.

VISTA – Memorandum of Understanding regarding a VISTA Affirmative Action Plan

The Employer will send a Memorandum of Understanding to the association for review.

Graduate Student Funding Model

The Association expressed further concern about the delays in communication to faculty members. An Association representative indicated that the matter needed to be resolved, that there were consistently moving goal posts with respect to the cost of funding graduate students, and he still was unaware of the costs.

An Association representative indicated that there have been no internal communications about the graduate student funding model in Lassonde, making it difficult for faculty with external funding to budget for graduate student support. The Employer indicated that revised letters had been sent to Lassonde students and that the 2013 funding model had been adopted for Lassonde. The representative indicated that he still did not know what his financial commitment was because so many different figures had been circulated. The Employer indicated that it will follow up on this matter.