

JOINT COMMITTEE ON THE
ADMINISTRATION OF THE AGREEMENT
(JCOAA)

MINUTES OF MEETING HELD

April 24, 2017

390 York Lanes

10:00 a.m. – 12:00 p.m.

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

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

Chair: Barry Miller

Regrets: Richard Wellen, Shawn Brixey, David Cabianca

Minutes

The committee approved the November and December 2016 minutes.

Update on Sexual Violence Policy and Procedures

The Association queried whether there was an update regarding the status of the flowchart on how the disclosure/reporting/ investigation process would proceed. The Association stated that it would like concrete decisions made by the Employer in relation to investigations, training and file retention.

The Employer noted that the steering committee would be meeting on April 28th and that these issues will be raised again at that time. The Employer indicated that it agrees that a flowchart would be useful, as it would provide clarity around decision-making. The Employer also noted that the University Secretary & General Counsel is reviewing the specific questions that were raised by the Association around file creation and record keeping and will provide clarity on these matters. The issues around the training of faculty and staff will also be announced as soon as decisions are finalized.

The Association noted that the new policy has been in place since January 2017 and that clarity is needed for faculty members. The Association expressed concerns around the burden of legal obligation and indicated that until there is appropriate training it would like the Employer to indemnify all faculty members. The Employer indicated that it would undertake to resolve any issues where disclosure occurs.

The question was raised about a scenario where a Teaching Assistant approaches a Professor regarding disclosure of an incident that occurred with another Teaching Assistant. The Employer noted that in that instance, if sexual harassment was involved, it would be most appropriate to refer the individual to the Centre for Human Rights. The parties agreed that given the many scenarios that could arise, it would be most appropriate to provide the training as soon as possible.

Article 18.15 Implementation

The parties noted that research release eligibility criteria for two units remain unresolved that the Dispute Resolution Panel (DRP) stage. An additional unit has also elected to move its criteria to the DRP and two units remain in discussion with the Dean.

The Employer noted that it remains optimistic that the outstanding issues will be quickly resolved, which would allow the units to move ahead to make recommendations for a research release to the Dean based on the approved criteria. The Employer will follow up accordingly.

Science, Health and Engineering Infrastructure Renewal Project

The Association noted that it has not received copies of the letters that have been sent to pre-tenured faculty members affected by this project. The Employer indicated that it would forward this information to the Association. The Employer also noted that one of the pre-tenure faculty members involved (a faculty member in FES) is on a leave of absence and that her new space will be ready for her at the end of her leave.

Notwithstanding this, she will still be provided with a “stop out” option, should the need arise.

The Employer indicated that it is following up on a matter that was raised by the Association in another forum regarding the ripple effect that might occur as a result of the relocation of a colleague in Engineering who has a need for a clean room and lab space.

A YUFA representative of the Committee expressed concern about the issue of space for graduate students. In particular, the concern was expressed that there seems to be inadequate space allocated for staff and graduate students in Lassonde. The Employer indicated that follow up will occur with the Interim Dean to get a sense of what his plans

are with regard to space allocation planning and whether faculty members might have an opportunity to provide input.

The Employer also provided an update from CSBO, indicating that it appears that the project is moving along according to schedule.

Employment Equity Data Reporting

The Association acknowledged receipt and thanked the Employer for providing Employment Equity data (which was due on 1 November 2016) broken down by Faculty, department and rank. The Association noted that the report did not identify the effective date of the data, and the Employer indicated that it would follow up to obtain the date.

The Association also inquired about the availability of information on the comparative faculty salaries of men and women at York. The Employer will review any information it has regarding the last pay equity exercise that it believes took place in 2006-07 and will also review the regression analysis for the anomalies exercise. The Employer has not recently undertaken a gender gap analysis, per se, but will see whether data on record can be helpful in this regard.

The Employer provided an update from the Department of Human Resources on the Employment Equity self-identification survey, reporting that only 290 faculty members have responded. As such, a reminder to respond to the survey will be sent to faculty. The Association queried whether a web portal could be set up through which survey responses could be provided as an alternative to having survey participants provide their responses by email as is being done at present. The Association suggested that a possible factor affecting the response rate might be a concern among some faculty that the current process is not sufficiently secure.

Proposed FES Affirmative Action Plan

The Association indicated that it would like to address two issues at the outset of the discussion. The first concerned the process that was being followed at JCOAA to take up issues relating to the FES AA Plan. The Association indicated it was advised by a YUFA representative on the Joint Committee on Affirmative Action (JCAA) that the JCAA committee was informed that the FES AA plan was no longer under discussion at JCOAA. The second matter concerned a meeting that occurred in FES, at which an Employer representative of the JCAA participated but no YUFA representatives of the JCAA were invited.

The Employer indicated that it understood that the discussion of the FES AA Plan had not yet concluded at JCAA, though discussion of the application of the AA

representation thresholds for women and visible minorities (racialized groups) in the FES Plan had; the parties agreed that the FES AA plan needs to conform with the AA Program in the collective agreement. The Employer also noted that it had a chance to follow up on the second issue after it had been initially raised at the JCOAA Co-Chairs meeting. The Employer stated that it was the case that Carl James, Affirmative Action Officer, Claudia McPherson, Affirmative Action Coordinator, and Associate Dean McPherson, Employer representative on the JCAA attended the meeting at issue in FES. The Employer noted that the absence of opportunity for a YUFA representative on the JCAA also to attend was the result of an earnest error on the part of the AA Coordinator, who believed that the Affirmative Action Officer's attendance would suffice for YUFA representation, as he is in the bargaining unit.

The Employer noted that JCAA is intended to be "non-partisan" and it would be inaccurate to state that no one in the bargaining unit was in attendance. Notwithstanding this, the Employer indicated that a similar error would not occur in the future.

The Association also expressed concern with the language in article 12.21 (a)(iii) of the collective agreement. Specifically, the Association indicated that it was concerned that as drafted, the clause could be interpreted to mean that if no member of one of the AA groups is recommended for appointment, then a candidate not from one of the AA groups must be recommended.

The Employer indicated that this was not the intent of the language, which had been agreed upon by the parties, but that it would need an opportunity to review carefully before responding. The parties agreed to put this item on the JCOAA agenda and the Employer would confirm its interpretation.

In a return to discussion of the FES AA Plan, the Association indicated that there is a general awareness of the underrepresentation of Black faculty at the University. The Association further indicated that FES has had a goal for approximately 15 years of addressing the underrepresentation of Black faculty in their AA plan. The Employer noted that there are ways of doing so without stepping outside the parameters of the collective agreement, including the option to pursue a targeted hire.

Proposed VISTA Affirmative Action Plan

The Association confirmed its agreement to the MOU proposed by the Employer to establish an Affirmative Action Plan for core VISTA team members. The parties agreed to remove reference to the 2015-2018 collective agreement. The Employer indicated that the Provost will sign this MOU on behalf of the University. Clarification was provided that according to the terms of the MOU, the Affirmative Action representation thresholds in the collective agreement will apply in the recruitment of a core VISTA team

member if either the AA representation thresholds are not met in the department to which the candidate would be appointed or the thresholds are not met by the core VISTA team (or if the thresholds are met by neither the department to which the candidate will be appointed nor the core VISTA team).

Extended Healthcare Drug Card

The Association queried whether someone who needs a brand name drug instead of generic one would be provided this option under the new extended healthcare drug card, if confirmation is provided by a medical practitioner. The Employer will inquire what the experience has been and will report back. The Association noted that its primary concern is that there be no change in policy with respect to generic vs. brand name drugs as a result of the implementation of the new drug card. The Employer noted that it can confirm that there will be no change in policy. The Association indicated that in response to such confirmation it would provide email confirmation of its concurrence with proceeding with the implementation of the new drug card.

Home Internet

The Employer did not have an update and was awaiting feedback from the VPFA on whether the home Internet costs for faculty members will continue to be covered by the PER accounts as proposed by the Association. The Employer inquired whether the Association would be prepared to share the results of a survey it indicated was conducted to gather information about the practice at other universities regarding reimbursement for home internet use. The Association agreed to share the results with the Employer.

Course Outcomes and Syllabus Reporting Requirements

The Employer will follow up with the Dean of AMPD and will provide an update at the next meeting.

Salary anomalies

The Association requested a report on how frequently the deans / principals make discretionary salary increases and on what grounds those increases are made.

Music Budget

The Association indicated that it has been advised by colleagues in the Music Department that the Dean has requested substantive cuts in the part-time faculty budget late in the budget approval process.

The Employer noted that it had the opportunity to follow up with the Dean regarding the issue. The Dean conveyed that over last several years there has been a significant decline in enrolments in areas of the Department curriculum and that the requested budget cuts were required for a proper alignment between resources and student demand. The Association requested that it be provided with data supporting the Dean's position, as the Department Chair has reported that enrolments are steady. The Chair reported that the Department had already reduced the budget by 10% and was being asked for further significant cuts.

The Association questioned the intent to make more cuts and expressed concern that that the additional budget cuts could be seen as a "back door" way of effecting a restructuring of the Department. The Association further indicated that it appeared to be unreasonable to request significant cuts so close to the start of the new academic year.

The Employer replied that based on the information provided by the Dean the cuts were in response to a period of enrolment decline and the need to ensure that resources are properly aligned with student needs and demand.

The Association requested a separate meeting with the Dean to address the issue in more detail, and the Employer indicated that it would follow up.

CLA Renewals

The Association inquired about CLA related data set out in article 12.10 of the collective agreement, and the Employer indicated that it will follow up to provide a report.

The Association noted receipt of a letter from the Dean of Health outlining the need for a two-year renewal of a CLA in Kinesiology, which would extend the CLA's term to 5 years in total. The Association indicated that it would expect the recruitment of a tenure stream position rather than renewal of the CLA in view of the indication in the Dean's letter that the CLA teaches in a core area. The Employer indicated that it would follow up with the Dean regarding the longer term plan for the position and noted that Deans are generally attempting to respond to Department requests in seeking CLA renewals that extend beyond 3 years.

The Association indicated that it may be that colleagues in Kinesiology requested a more permanent solution and that if they did not make such a request, it is up to the Dean to propose such a solution. In the case of Kinesiology, the need is in a core area, and it is the Association's view that a tenure stream position appears to be more appropriate. The Employer indicated that there may be strong reasons supporting the request for the CLA and will follow up for more information.

The parties also discussed the request for a 1-year CLA renewal in Lassonde which would extend the CLA's term to 4 years in total. An Association representative on the Committee indicated that there has been an issue with this position from the beginning. Initially it was supposed to be a tenure stream position and when making the appointment the Faculty converted the position to a CLA. The Association

representative indicated that there was concern and the Employer wanted to “try out” the candidate prior to deciding on a tenure stream position. The Employer indicated that it will look into the particulars of this case.

The Association raised the issue of the three Nursing CLA renewals which had been the subject of prior discussion at JCOAA, reiterating that the collective agreement had been violated with confirmation of the renewals provided to the faculty members prior to the Association receiving a communication advising of the intended renewals. The Employer indicated that the Dean shares the Association’s concern that CLAs have been used for too long to cover the areas of their expertise and will advise the School of Nursing that it is unlikely that he would authorize further CLAs for these areas. The Dean will also ask the School to clarify the specific area of need among the cluster of Community/Primary/Public Health and will indicate that if need in the clarified area of priority and in the area of paediatrics continues, he will expect the School to prioritize these areas in its tenure stream complement request for 2017-18.