

# Updated FAQ for YUFA Members Regarding the ongoing CUPE 3903 Labour Disruption

On March 9, 2015 CUPE 3903 members in Units 1 and 3 voted not to accept the latest offer from the Employer. Members of Unit 2 voted to accept the offer from the Employer. This means that Unit 1 and 3 members remain on strike and picket lines will remain in place for the time being. The purpose of this document is to answer some commonly asked questions about how the continuing labour disruption will affect YUFA members.

## 1. How do I get in touch with YUFA during the strike?

The YUFA off-campus site is located at 3100 Steeles Avenue West, Suite 600 (northwest corner of Jane and Steeles). Free parking is available. We can also be reached at [yufa@yorku.ca](mailto:yufa@yorku.ca) and 416-736-5236.

## 2. What is happening with the resumption of classes?

At the urging of the Provost, and in spite of the strong objections of numerous students, staff, and faculty members, the Senate Executive decided to resume classes on Wednesday, March 11 in a limited number of programs [see the list of classes [here](#)]. On March 12, the Senate Executive decided to resume law school classes on Employer favours a resumption of all classes on Tuesday, March 17.

**YUFA believes that lifting the suspension of academic activities is a grave mistake that threatens the safety of our community, the academic integrity of our programs, and the collegiality of our units and Faculties.** It may also impose significant additional workload demands on our members. Please see [YUFA's statement to Senate Executive](#).

## 3. Why does YUFA oppose resuming classes? Isn't that the best thing for students?

YUFA agrees that resuming classes is extremely important – but not at any cost. Treating students fairly and ethically demands that we resume programs only when we can ensure their academic integrity. While many Faculty-submitted plans are confidential – itself a serious concern – the plans we have seen and the directions given to some of our members are alarming. In the absence of striking TAs, tutorials will be taught by “volunteers” or even involve students teaching themselves. It has been suggested that tutorials and labs can simply be postponed, as if the sequencing of labs and lectures is irrelevant. Many students will have to wait until after a course is finished to have all assignments marked at once, with no opportunity to learn from continuous feedback. Thousands of students have pledged not to cross the picket line, a right guaranteed them by the Senate. We cannot pretend that the absence of those students and their contributions in our classes can be remedied by posting Powerpoint slides on the Internet.

Students deserve genuine academic integrity – not a fiction. **The way to ensure the academic integrity of programs is to negotiate a fair and equitable settlement and end the strike.**

## 4. What do I do if classes have resumed or eventually resume in my program? Do I have to cross the picket line?

YUFA is not on strike, and YUFA cannot legally advise members to cease carrying out their professional responsibilities. We also cannot guarantee that the Employer will not threaten you

with discipline if you do not teach your class at its scheduled time and place. However, members' existing rights, including the right to academic freedom, are still in place.

We have shared our view with the Employer that the Collective Agreement (Articles 10.01, 11.01, and 18.38) gives YUFA members the right to exercise their own professional judgement and make their own professional decisions about teaching in the midst of the ongoing labour disruption. We stated that members' rights include:

- The right to decide if their courses can meet academic objectives during the labour disruption, given the lack of supports for teaching assistance, the assessment of student work, and providing ongoing feedback to students.
- The right to decide if their courses can meet academic objectives with low attendance, given that many courses rely on active learning and class discussion as key pedagogical components.
- The right to decline to alter the method of delivery of their courses by moving elements of the course online or recording lectures for online posting.
- The right to refrain from teaching their courses on the grounds that they are not able to do so while respecting Article 11.01 of the contract, i.e. they are unable to treat students fairly and ethically, to inform students of deadlines and assignments, to maintain teaching schedules without cancellation, and/or to inform students adequately of course format, assignments and methods of evaluation.
- the right to decline to resume teaching during the labour disruption on the grounds of health and safety.

The Employer has neither agreed nor disagreed with the Association's position, nor has it threatened to discipline members or provided assurances that it will not attempt such discipline.

YUFA will defend any member subjected to discipline for exercising these rights or for (a) being unable to walk from a transit drop-off point to come to campus, (b) refusing to cross a picket line or do particular work for legitimate health and safety concerns (c) carrying out professional responsibilities in off-campus locations or using alternatives that preserve academic integrity of their courses, and/or (d) refusing to do the work of a striking CUPE 3903 member (or of any employee who does not perform their work because of the strike).

Should a Dean, Principal or University Librarian tell you to alter your course and grading requirements as a result of a labour disruption, you are within your rights to refuse such a request as a violation of the academic freedom language in the YUFA collective agreement.

**5. My students say they won't cross the picket line. Can students refuse to come to class and what responsibilities do I have to provide remediation in those circumstances?**

Senate rules protect students from penalties and guarantee accommodation to them for work they do not complete or classes they do not attend during the strike. Students cannot be penalized academically or otherwise if they decide not to cross any picket line. This is clearly spelled out in the [Senate policy on labour disruptions](#). The return to normal academic activities under the Senate policy will therefore often require extra "remediation" arrangements that would have to be

undertaken by instructors. It is our view that no YUFA member can be required to perform significant extra work as a result of remediation or rescheduled academic activities unless he or she is credited for that extra work.

**6. My Dean has asked me to take on work that is normally performed by my TA. What should I do?**

We urge all members not to take up work performed by any CUPE 3903 Unit 1 or Unit 3 member. Please contact YUFA at [yufa@yorku.ca](mailto:yufa@yorku.ca) if you are asked to do so.

**7. I have been told to ask my TAs or RAs if they are coming back to work, to ask TAs and RAs who have crossed the picket lines to volunteer to take extra students or do extra marking or research work, or to ask students to volunteer to do the work of striking members. What should I do?**

It is very important that you not engage in these conversations. Please contact [yufa@yorku.ca](mailto:yufa@yorku.ca) if you are being asked to have any discussions with students regarding crossing picket lines or doing the work of striking employees. YUFA members often hold or are perceived to hold significant power over the academic careers of CUPE 3903 graduate student members and non-unionised students. Discussions around returning to work or doing the work of striking employees could be perceived as threats, even if that is not your intention. These discussions could be considered an abuse of authority, harassment, or even a violation of provincial labour law, and you could be the subject of a complaint.

**8. I have been asked to provide a detailed remediation plan to my department chair. I'm very uncomfortable with this request. What should I do?**

It is YUFA's position that it is not the responsibility of bargaining unit members such as Chairs to track how other bargaining unit members are or are not taking up their professional responsibilities. If you have been asked to provide a remediation plan (or if you are a Chair, Director, or Coordinator and have been asked to track the work of other members) please contact [yufa@yorku.ca](mailto:yufa@yorku.ca).

**9. I have been threatened because of positions I have taken during the strike. What should I do?**

Members have a right to be free from harassment. Please document any threatening conduct and contact [yufa@yorku.ca](mailto:yufa@yorku.ca).

**10. Will my pay be affected by the strike?**

There are strict rules in the collective agreement and labour and employment legislation regarding withholding pay. YUFA will take all appropriate actions should any member be threatened with such discipline.

**11. I am scheduled to go on sabbatical or have other scheduled commitments this summer. What happens if the term is extended?**

In past disruptions, such situations have been handled on a case-by-case basis. We suggest that you discuss the situation with your Dean/Principal/University Librarian and contact [yufa@yorku.ca](mailto:yufa@yorku.ca) if a mutually satisfactory solution cannot be found.

## **12. How can I find more information regarding the current labour dispute**

Here are some useful links that may provide updates and background information related to the issues and implications of the current labour dispute between CUPE 3903 and the York administration:

### [YUFA's web site](#)

We will be posting current and archived messages and links to help our members stay up to date and find advice on how the strike may affect their work and their academic responsibilities.

### [CUPE 3903 web site.](#)

This site includes frequent updates about the issues each side has brought to the table. You will also find archives of CUPE's communications as well as in-house videos which include interviews with members of the York community, including members of YUFA.

### [York Administration's web page containing CUPE 3903 negotiations updates.](#)

This site currently includes the employer's explanations of the process of bargaining, including proposals it has brought to the table. We expect that announcements about the implications of a possible job action on the operations of the university, including related university policies will be posted there.

### [OCUFA's campaign to promote fairness for Contract Faculty](#)

The Ontario Confederation of Faculty Associations (OCUFA) is working hard to promote awareness of precarious academic labour, and its growing implications for all academic workers and our system of postsecondary education.

## **13. What do I do if I have a question not answered here?**

Please contact YUFA at [yufa@yorku.ca](mailto:yufa@yorku.ca), and we will respond as quickly as we can.