



# Information Report

UNIVERSITY OF TORONTO *faculty* ASSOCIATION

April 9, 2014

## SJAC FAQ

### **The Special Joint Advisory Committee: What Is It and Why Should You Care?**

#### **Q: What is the SJAC?**

The SJAC was set up to allow representatives of UTFA and the University administration to explore issues that are crucial in shaping the conditions under which we work as academics. These issues include appointments policies for faculty, the procedures that prevail in significant academic restructuring exercises (e.g., program opening or closing), and the form of representation and advocacy that UTFA provides in shaping such policies and procedures (e.g., formal negotiations versus working groups, access to dispute resolution or not, etc.).

#### **Q: How did SJAC originate?**

The SJAC is a product of a [mediation agreement](#) reached in April 2012, following a multi-year outreach and organizing campaign conducted by UTFA to review and seek ways to improve on the decades-old framework agreement that enables *and* constrains the capacity of UTFA. Formal bilateral talks have taken place for more than a year via one main committee and two subcommittees.

#### **Q: Why is the SJAC necessary?**

Several substantive issues are being addressed by UTFA and the Administration, including time-to-tenure, direct access to peer reviews by tenure candidates in the context of tenure evaluations, and possible changes to teaching stream appointments policy (e.g., security, title, and the balance of emphasis between teaching and scholarship). We are also hoping to agree on a process to modernize appointments policies for librarians in the immediate future. While the SJAC is aimed at updating these policies, it also represents an attempt to modernize the *manner* by which we negotiate changes as an alternative to the antiquated and ineffectual frozen policies mechanism in the current Memorandum of Agreement (MoA). Moreover, the SJAC process reviews areas where the current MoA is entirely silent. These include

privacy for academic staff in relation to the records (paper and electronic, including email) that they generate in their research, teaching, and professional activities; intellectual property in teaching and research; and the aforementioned procedural aspects of academic restructuring. UTFA is seeking a voice in shaping a range of policies and guidelines that are not currently subject to sufficiently accountable and collegial means of determination.

**Q: What is the problem?**

UTFA is one of the very few faculty associations in Canada that is not a certified union and as a consequence does not comprehensively negotiate the terms and conditions of employment for faculty and librarians. At the same time, U of T is a unicameral institution and does not feature a true senate. This means academic staff at U of T have the *weakest* form of collective representation in the country. It also means we have a dangerous [collegiality gap](#) resulting in an absence of accountability in the exercise of authority by the University administration. The collegiality gap at U of T is a threat to both academic freedom and academic excellence.

**Q: Does any of this really matter? Isn't U of T excellent?**

Yes. And yes! U of T is without question one of the world's premier research-intensive universities. The collective bargaining process in the MoA which has set compensation terms for faculty and librarians since the late 1970s is one of the main reasons why academic staff at U of T are the highest paid in the country, entirely appropriate given the unparalleled professional expectations and challenges we face.<sup>1</sup> And being "top of the market" is crucial in maintaining the institution's excellence. Yet, as higher education faces an unprecedented suite of changes and challenges, we need better means to ensure that the collective voice of academic staff is heard when it comes to the determination of non-monetary terms of our employment as well.

**Q: But what is the *real* the problem? Give me examples of things that are not working under the status quo?**

UTFA's formal capacity to advocate for faculty and librarians is currently quite limited, particularly on non-monetary issues. Guidelines, many simply imposed by the Administration, play a fundamental role in shaping the context of our work. An example is PDAD&C Memo #134, "[The Tenure Review Process and Tenure Check List](#)". This document plays a central role in shaping deliberations over tenure at this institution, and yet it was simply imposed by the Provost of the day. Another example is the widely used (and widely criticized) Provostial "[Policy on Developing Written Assessments of Effectiveness in Teaching in Promotion and Tenure Decisions](#)".

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<sup>1</sup> More specifically, as President Gertler noted in his November installation speech, U of T ranks 20th in the world according to the latest Times Higher Education World University Rankings, 8th in the world in scientific performance according to the 2013 National Taiwan University Ranking, 2nd in the world in total output of scholarly publications (after Harvard), 1st in Canada in all of these rankings and yet last in Canada, and amongst the very lowest in North America, when it comes to public funding per student.

Imposed by the Office of the Provost some years ago, this policy plays a powerful role in shaping, and many say discouraging, recognition of excellence in teaching. Among the examples of its shortcomings is the substitution of the word “superlative” for “excellence” when it comes to classroom teaching. Many colleagues complain that this document, as much as any, is responsible for the devaluation of teaching in relation to research when it comes to tenure and promotion decisions. And it was imposed. UTFA’s only recourse in such situations is to grieve, albeit within an extremely tight time frame. Once that time window closes, imposed guidelines become policy. For some time now, the Office of the Provost has been advancing a guideline on academic planning as the solution to recent breakdowns in collegial process when significant changes to academic units are being contemplated (e.g., in the Faculty of Arts and Science in 2010). The approach advocated by the Provost undermines the integrity of all that we do. We cannot accept it. Other examples include an insidious proposed change to the academic continuity policy in 2011 that would have given unprecedented emergency powers to the Provost to intervene at the level of individual courses to ensure delivery of academic programs. No emergency warrants that kind of suspension of academic freedom, and certainly not by a policy that is introduced by less than collegial means. UTFA has little or no formal means to resist such impositions under the current arrangement. You may think this risk does not apply to you. By the time you realize it does, it may be too late.

**Q: What is the alternative to the SJAC?**

When it comes to the role of UTFA in representing you, the main alternatives to negotiated reform via the SJAC are (i) status quo and (ii) union certification. If the SJAC fails, the MoA will stay as it is, and UTFA’s formal capacity to shape monetary and non-monetary issues will stay as it is. But many among the substantial majority of us wishing for change will begin to advocate more actively for union certification. If the SJAC fails, you can expect a potentially charged debate to unfold on whether and when UTFA should certify. That debate, unto itself, is not a bad thing. In fact, it is normal that we would explore this option. But the SJAC process was designed to allow the parties to negotiate reform of the existing framework, partly in response to concerns about the possible impacts of strikes on students if we were to certify. Many see broadening the scope of matters (e.g., academic freedom language, procedural aspects of academic restructuring, etc.) subject to formal bargaining using a process akin to the one we now use to shape compensation and workload as the best way forward. But if the SJAC process fails, it would appear that avenue will have closed.

**Q: Why should I be interested now?**

The SJAC is in its last days. We initiated this process two years ago, and formal bilateral talks took place on a regular basis over the last year. On April 12, UTFA and the University Administration are meeting in the third of three scheduled days of facilitation with the Honourable Mr. Frank Iacobucci assisting us. Absent a significant breakthrough on that day, the process will fail. The time to take interest is now.

**Q: What can I do?**

Talk to colleagues. Write a letter to the Provost and/or the President of U of T, as well as to the President of UTFA. Make your views known. Arrange a brown bag lunch to discuss the options. Someone from UTFA's leadership will attend.

**Q: Where can I get more information?**

You may find updates and much of the history leading up to and through the SJAC mediation agreement on UTFA's "[Ongoing Negotiations](#)" page on our website.

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