

## UTFA BARGAINING UPDATE

NOVEMBER 15, 2011

### **The Current Impasse and Expanding the Role of UTFA: Collegiality, Academic Freedom, and Academic Excellence**

#### **Highlights of This and the Attached Bulletin:**

- **Academic freedom and excellence depend on collegial self-governance in academic planning to afford a direct role for academic staff in shaping the conditions of our work as scholars, teachers, and professionals. UTFA has proposed an entirely new policy dealing with procedural aspects of academic planning exercises in response to a demonstrated need to elaborate on what notions of collegial self-governance and self-direction in shaping academic programs and priorities really mean.**
- **It is important to underscore that our proposal does not seek to insert the faculty association into the substance of academic planning. We are only proposing procedures that would ensure adequate participation, accountability, and transparency for faculty and librarians.**
- **There has been no real response in bargaining to UTFA's proposal on procedural aspects of academic planning despite the fact that the proposal was tabled in June.**
- **On tenure, the Administration is proposing no change to the frozen policies framework for negotiating changes now or in the future. We have received considerable and valuable feedback on our initial proposal, which we are revising. But we are at an impasse over reform of the bargaining process, which UTFA has argued is necessary for negotiating these changes, and any changes the Administration has in mind, in a fair, accountable, and rigorous way.**
- **Frozen policy negotiations are not an effective, responsive approach to dealing with important policy matters and they leave the University of Toronto with antiquated language on crucial matters such as appointments, intellectual property, and other issues.**
- **In the current impasse, it is important to understand that faculty and librarians are being confronted with a fundamental choice: (i) accept no change and live with the status quo as the Administration proposes; (ii) enhance the voice of faculty and librarians by broadening the existing bargaining article of our MoA to include priority areas of academic policy that shape the conditions of research, teaching, and professional practice; or (iii) seek certification as a union to secure the capacity to negotiate more inclusively and productively.**

This bargaining update comes in two parts. First, in this message (also attached as a pdf) we provide a reminder of the fundamental issues at stake in this round of bargaining, how we got here, and some sense of where things stand. The last two months have witnessed an open letter (Sept 14, 2011 posting at

[www.utfa.org](http://www.utfa.org) ) from UTFA's bargaining team to the Administration, and subsequent responses in the form of open letters from the Provost and other members of the Administration. It is important now to step back and remind ourselves of the fundamental issues involved in these exchanges. In a second attached document, we explain the rationale for and importance of a new policy dealing with procedural aspects of academic planning. UTFA proposed such a policy in June and to date the Administration has refused to negotiate this issue. We argue it is vital that such a policy be negotiated with UTFA. One key reason is the need to elaborate on the meaning of collegial self-governance in processes of academic planning to ensure both academic freedom and the University of Toronto's reputation for excellence. If you have any trouble opening the attachments, they are both posted at <http://www.utfa.org/content/bargaining-current-updates> .

In subsequent updates we will deal with the questions and concerns we have received around the role of interest arbitration as well as the status of negotiations on changes to the tenure policy, including revisions to our initial proposal in light of feedback received from members.

### ***Fundamental Change and the Impasse over Expanding the Scope of Bargaining***

It is important to review why UTFA has proposed change to the existing bargaining process and what, fundamentally, the character of that change is. In the simplest terms, UTFA has proposed to expand the scope of our existing bargaining framework (as described in Article 6 of the Memorandum of Agreement) to cover the full range of issues that shape the conditions under which faculty and librarians at U of T work. The Article 6 process provides for good faith bargaining, and it provides for independent professional neutral mediation and arbitration (when necessary) to resolve any issues that the parties are unable to resolve through bilateral negotiations. But the current scope of the Article 6 process is limited to compensation and workload. Other matters such as appointments policies are negotiated (if at all) via the so-called 'frozen' policies framework, while still other important matters (including policies ensuring collegial governance in academic planning initiatives) are subject to unilateral determination by the Administration.

Increasingly, UTFA members have indicated they are no longer content with the existing arrangement. Dozens of discussions, in focus groups, faculty meetings, one-on-one conversations and email, have conveyed this message over the last four years. These discussions are ongoing in the midst of the current impasse.

Last February's bargaining survey – completed by about 700 non-retired faculty and librarians from a population of about 2500 UTFA members – included specific queries concerning whether UTFA should seek changes to tenure policies and whether to propose access to mediation and arbitration (if necessary) in negotiating changes. We asked similar questions about a policy dealing with procedural aspects of academic planning and found that there was support for using the Article 6 process to negotiate these policies. The survey also asked if we should seek to make broader use of Article 6 to cover the full range of priorities our members identify, now and in the future. Again, there was support among respondents for seeking this reform.

When we asked about union certification in the same survey, the results were much less definitive. Reinforcing the input we are receiving from direct discussions with members, the survey indicated that members prefer that we make every effort to secure reform of our current system before facing any decision on whether to seek certification.

And so UTFA negotiators have been working to secure reform. The negotiating team has sought to engage the Administration in a dialogue about consensual, collegial expansion of the scope of Article 6. But to date, the Administration has firmly refused any such change. On this fundamental issue, *we are*

*currently at an impasse.* However, negotiations between UTFA and the Administration are continuing. These negotiations include issues over which there is agreement on how we bargain, e.g., a fair and reasonable across the board salary increase, some proposals from UTFA for improvements to benefits, and the Administration's proposal for increased pension contributions from faculty and librarians.

We have received feedback on the broader issue of how to improve our ability to negotiate with the Administration and also on specific provisions of our proposals, particularly the tenure policy changes. This feedback will inform any actual negotiations over these issues, should they take place.

But at this moment, it is important for members to understand that we are confronted with a stark choice between three very different options vis-à-vis the bargaining process.

- One option is the status quo, which is the Administration's position. This would involve no change at all in the relationship. This option is the least acceptable to members of UTFA's Executive and Council and, based on our outreach to date, it is also the least acceptable to the majority of our members.
- A second option is the one we have proposed, i.e., make broader use of the Article 6 process that has worked well for negotiating matters of compensation for many years, even though it too was once opposed by the Administration. Reforming the existing structure of the MoA would allow UTFA to negotiate fairly and productively with the Administration all policies that affect the conditions of our work as teachers, scholars, and professionals, e.g., academic freedom, appointments, and procedural aspects (i.e., governance) of academic planning processes.
- The third option is to consider union certification. This option is one that has been selected by most (i.e., over 80 percent) of the faculty and librarians in Canada.

Many members are either ambivalent about or averse to this third option; others support it. But it bears noting that this third option has the virtue of being exclusively a matter of choice by faculty and librarians. That is, unlike the second option (which requires approval by the Administration), pursuing certification is a legally protected avenue of democratic choice for those who wish to secure the capacity to negotiate over all the critical terms and conditions of their employment. Pursuing the third option means all faculty and librarians would have a direct say via a legally binding vote on the matter.

Many of these points were explained more fully in the bargaining team's open letter of September 14, 2011 (posted at [www.utfa.org](http://www.utfa.org)). Members who have not read this letter should do so, as it remains an important statement about the broader issues at stake in the current impasse. For now, we have a stalemate on reform of the bargaining process. If we are unable to secure reform in the way we negotiate important policies such as tenure and the procedural aspects of academic planning at the bargaining table, then members will see their choices as outlined above reduced from three to two.

### ***A Brief Word on UTFA's Suggestions for Revisions to the Tenure Policy***

We will be revising our tenure proposal in the near future. While we did not propose radical changes to the existing policies, and while *we are categorically not seeking to raise or lower the success rate of tenure per se*, some members have expressed concern that, on specific points, we have proposed too much change or have proposed some of the wrong kinds of change. Other members have indicated support for what we proposed. We are continuing to receive input and we are listening. In subsequent communications we will enumerate some of the most significant responses to date, we will clarify what was proposed and why, and we will lay out our plans for any revisions to the proposal. These revisions and our attempts to negotiate them fairly with the Administration will be shaped first and foremost by our attempts to capture what changes members most desire.

To that end, and in keeping with our broader commitment to reflect the views of our members, UTFA is engaged in further outreach regarding the current impasse. We have conducted open fora on all three campuses and continue to meet with smaller groups for more focused and more discipline-based discussions. We have conducted nine of these smaller group discussions in the course of the last month alone and more are scheduled in the weeks to come. These focus group meetings/brown bag lunches will continue through the rest of this term, so if you and your colleagues have yet to participate in one and would like to do so, please write to [membership@utfa.org](mailto:membership@utfa.org) to schedule a visit from one or more members of the Executive and bargaining team.

Thank you for your support and for the many comments that we have received via [bargaining@utfa.org](mailto:bargaining@utfa.org) . We read them all and we are listening.

Your negotiating team in this round is:

Michael Donnelly, Professor Emeritus of Political Science

Sherri Helwig, Program Supervisor, Arts Management Specialist and Humanities Co-op Programs, Senior Lecturer, Department of Humanities (Visual and Performing Arts and Humanities)

George Luste, UTFA President, Professor, Department of Physics

Scott Prudham, UTFA VP and Chief Negotiator, Professor, Department of Geography and Program in Planning cross-appointed to the Centre for Environment

Helen Rodd, Professor, Department of Ecology and Evolutionary Biology

Victoria Skelton, Librarian, Industrial Relations and Human Resources Library (Newman)

Judith Teichman, UTFA Appointments Chair, Professor, UTSC Social Science (Political Science)

Luc Tremblay, UTFA VP University & External Affairs, Associate Professor, Faculty of Physical Education and Health