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February 14, 2012

Dear members,

Negotiations for a new contract between the University of Toronto and CUPE Local 3902 Unit 1 (the union representing teaching assistants, graduate-student instructors, lab demonstrators, and writing instructors) remain unresolved. The union and the Administration will be in a legal strike/lockout position on February 23<sup>rd</sup>. If there is a strike or a lockout, there is a risk of serious disruption to undergraduate instruction on all three campuses of the university, with serious potential impacts, particularly on undergraduate students. On behalf of all of our members, we urge the parties to these negotiations to exhaust all efforts to reach a fair, negotiated settlement as soon as possible.

The purpose of this letter is to provide members with advice in the event that a strike or lockout does occur. First and foremost, UTFA's position in the event of a work stoppage is that no faculty or librarian can be legally required to perform the work of CUPE members (since, among other reasons, this would fall outside of the terms of our appointments and existing workload norms). This advice extends to program directors, coordinators, and chairs. UTFA will vigorously defend any faculty member or librarian represented by the association who feels pressured to take on extra work and who wishes to resist this pressure.

There is also the distinct possibility that course instructors will be asked to make changes to their courses in order to ensure academic continuity. Members should be aware of the University of Toronto's "Grading Practices Policy" and its specific provisions for academic disruptions, including strikes (section II.3 "Procedures in the Event of Disruptions"). This specific section of the policy is available at:

[http://www.governingcouncil.utoronto.ca/policies/grading.htm#\\_Toc187345822](http://www.governingcouncil.utoronto.ca/policies/grading.htm#_Toc187345822).

Individual faculty members, including program directors, coordinators, and chairs, may well come under pressure to reconfigure their courses or to step into and teach or administer courses whose graduate student instructors are on strike, whether under the auspices of the Grading Practices Policy or otherwise. In this context, it is important to note that the policy provides for considerable discretion to instructors in making changes to their courses to deal with an academic disruption. Restructuring individual disrupted courses is *not* required by the policy. Specifically, in the "Procedures" section of II.3 in (b) the policy reads: "Individual instructors or multi-section co-ordinators responsible for courses that are disrupted shall determine, as the disruption proceeds, whether any changes to classroom procedures are needed to complete the course." UTFA would

consider it an unwelcome development indeed for undo pressure to be brought to bear on individual faculty members to reconfigure or otherwise significantly alter their courses or those of striking instructors in ways that undermine the autonomy of course instructors and the academic integrity of courses. And in general terms, to repeat, UTFA's position is that no faculty or librarian can be legally required to perform the work of CUPE members who are on strike.

Some members may well wish to volunteer to take on extra work or to re-arrange their course designs, in part due to a well-intentioned desire to lessen the impact of a potential strike or lockout on undergraduate students. This is understandable and in most instances will reflect an admirable commitment to teaching and to students. Members are entirely free to make this choice. However, if you make this choice, you should also be aware that taking on the work of TAs and/or instructors who are on strike or taking action that otherwise ameliorates the impact of a strike has the effect, even if otherwise intentioned, of strikebreaking, a serious transgression of the ethics of collective bargaining and the democratic exercise of employee association and union rights. And it will be seen by others as such.

It is also important to note that as faculty and librarians, we are not in a position to withdraw our own labour in the context of a work stoppage for CUPE 3902 Unit 1 or any other campus union. Some may wish to make arrangements to teach or to meet with students off campus order to honour picket lines. We will seek assurances from the Administration that this will be left to the discretion of instructors. However, teaching off campus may not be a practical option for classes with larger enrollments and so instructors teaching in these settings will need to meet with students as usual. Other members may wish to stay away from campus for reasons other than essential meetings. This is strictly a matter of individual choice. As well, if individual members feel for legitimate health and safety reasons that they are unable to cross picket lines, UTFA will support their right not to cross.

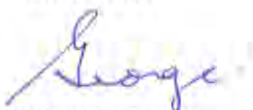
Some of our members are being asked to gather together interim grades, ungraded assignments and exams, etc. and to make these available to the Administration. In general terms, these requests are appropriate and our advice is to comply. Other UTFA members who act as program coordinators, directors, chairs etc., have been asked or will be asked to facilitate the gathering of those course related materials in advance of or during a work stoppage. We have heard from numerous members who occupy these positions asking whether to comply with such requests. UTFA's position is that these requests are appropriate if they are consistent with the role of undergraduate program administration more generally. However, it is also UTFA's position that it is appropriate for program administrators to ask that such requests or instructions for gathering course-related materials from colleagues be provided in writing for the purpose of being forwarded to relevant course instructors. That is, you are within your rights to ask to convey rather than author these requests.

Finally, some members will want to express opinions, concerns and the like, in some instances in support of the Administration's side of this dispute, and in some instances in support of the union. You should be aware that if you are in a position of authority or supervision in relation to graduate students, teaching assistants, graduate student course instructors, or any members of CUPE 3902 Unit 1, expressing your views either in

support or in critique of the union could be construed as coercive and thus could result in formal complaints being brought against you. As the Administration has recently emphasized in the context of providing advice on this same point, “[T]he right to strike is a legal right and by law no employee can be discriminated against, threatened or penalized for exercising that right... You should not ask individual CUPE 3902 Unit 1 members about their personal views regarding the strike or whether or not they voted for a strike. If a CUPE 3902 Unit 1 member asks whether or not he or she should go on strike, he or she should be informed that this is a personal decision.”<sup>1</sup> We strongly agree with the Administration on this point and recommend you exercise caution so as to protect yourself as well as the legally protected right of members of the CUPE bargaining unit to decide for themselves free of coercive influence. If in doubt, don’t say it and don’t write it. The safest strategy is to remain neutral.

If you have any questions or concerns about the strike and what you should do, or if anything in this letter is unclear, please be in touch at [strikeinfo@utfa.org](mailto:strikeinfo@utfa.org).

Sincerely,



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<sup>1</sup> [http://www.brandequity.utoronto.ca/about-hr-equity/news/2012/Memo\\_2011-12\\_HR35.htm](http://www.brandequity.utoronto.ca/about-hr-equity/news/2012/Memo_2011-12_HR35.htm)