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Report of the Vice-President, Grievances, 2022-2023

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Advice Inquiries from Members

UTFA's political officers and legal staff regularly provide members with advice about a variety of issues. The five most prevalent subjects of advice inquiries this year – making up nearly half of the hundreds of requests – were: appointments, benefits, workload, compensation, and accommodations. Other common concerns include promotion procedures and appeals, PTR (annual merit evaluation) procedures, salary adjustments, research leaves, workplace accommodations, sick leaves, and maternity leaves. Sometimes the assistance we provide is in the form of a formal grievance; however, in most instances, we provide advice and guidance about resolving work-related issues and conflict informally.

Current and Potential Association Grievances

The UTFA Executive and the Grievance Committee are proud to share this chart of current Association grievances and information about their status (as of the last UTFA Council meeting).

I have chosen to highlight just two examples here, to provide a few additional details. The first was filed long ago, and the second is a potential future Association grievance:

1. **Student Evaluations of Teaching/Student Course Evaluations (SET/SCEs)**

More than two years ago, UTFA filed an Association grievance related to SETs/SCEs (Student Evaluations of Teaching/Student Course Evaluations). *We assert that SETs/SCEs are arbitrary and unreliable as a measure of teaching effectiveness, and are discriminatory on the basis of protected grounds under the Human Rights Code. Our members may wish to use them to better understand students' experiences, but should not be compelled to use them. More importantly, SETs/SCEs should not be depended upon to*

inform decisions related to tenure, promotion, continuing status, permanent status, continuing appointment, or annual PTR evaluations.

This important grievance has been stalled, however, as the Administration is refusing to schedule arbitration dates. (More information about this refusal is available below, under the heading "Grievance Review Panel (GRP).")

2. **Workload Policies**

UTFA's senior leadership has shared with the Administration that several key aspects of the central Workload Policy (WLPP) have not been followed. For example: section 2.16 states that "Unit Workload Policies shall be reviewed at least every three years by the unit"; section 2.14 speaks to a 15-day turnaround for decanal approval of these policies and any revisions; and section 2.16 (again) says that "The Vice-Provost, Faculty & Academic Life will transmit all updated policies to the Association by March 15." Unfortunately, there are many out-of-date workload policies: some departmental committees have revised their policies but have been waiting for a year or more for a decanal response that should have come in 15 days; in some other cases, UTFA has not received a policy at all, or has policies dated 2012 or 2015. We are working toward an interim solution, but something more robust will need to be developed.

We have also heard from UTFA members that they do not have access to their own unit workload policies, or that they are required to ask their Chair or Director for a copy. This is unreasonable, as some faculty and librarians are reluctant to signal to their department heads that they have a concern. UTFA is working on a solution for this as well (to be announced in the coming weeks), but in the meantime, if you need a copy of your own unit's workload policy, please don't hesitate to contact our staff at advice@utfa.org.

Due Process and Procedural Fairness

The Association is deeply committed to due process and procedural fairness so that our members are treated equitably and reasonably in all employment-related matters. Ad hoc, arbitrary processes have many serious, negative consequences for our members. To this end, the Association has raised concerns with the Administration regarding the manner in which the Administration undertakes investigations under various University policies. **The Association is advocating for procedural fairness safeguards that set out reasonable timelines for investigations, ensure transparent decision-making processes, and clearly define the parameters of the investigation from beginning to end.**

Grievance Review Panel (GRP)

Individual and Association grievances that reach the final stage (Step 4) are heard by the Grievance Review Panel (GRP). However, the GRP has not met in the past few years, and the backlog of cases continues to grow. The Panel has not met because the Panel is not yet fully populated – even though many names have been proposed and letters have been exchanged between UTFA and the Office of the Vice-Provost, Faculty & Academic Life (VPFAL) for several years – and because the Administration is insisting that the Panel be fully populated before they will begin to even schedule future dates for hearings. It is UTFA's position, though, that this is entirely unreasonable and is creating significant and undue delay: there is no need for the GRP to be fully populated because only two panelists and the Chair

are required to review a grievance, and the parties have already agreed to seven panelists and a Chair. *UTFA has been asking for the exercise of common sense – to begin working with the panelists we already have, as we have more than enough already – and an expedited timeline for scheduling of outstanding matters. The Administration is unwilling to even discuss the possibility, leaving the hearings unscheduled and the grievances unresolved.*

Notably, the University of Toronto is the only higher education institution in Ontario that requires a three-person panel to hear grievances. Other universities use a sole arbitrator (or a rotating list of sole arbitrators). UTFA has also asked the Administration if they would consider one of these alternatives, to no avail.

University Tenure Appeals Committee (UTAC)

We are facing a comparable situation with the University Tenure Appeals Committee (UTAC). UTFA and the Administration have already agreed to eleven names for UTAC, which is more than double the number (five, including the Chair) that are actually needed to review an appeal, and also more than the total of eight stated in our Memorandum and the Policy and Procedures on Academic Appointments (PPAA). (Both parties consented to increase the total from eight to sixteen Committee members several years ago to facilitate scheduling, but, once again, the Administration is refusing to even begin scheduling dates until all sixteen members have agreed to serve.)

Our members should not have to continue to wait unreasonable lengths of time when we have more committee members than we need ready and willing to serve. This is perhaps especially true when the matter is as momentous as a tenure denial appeal.

It is clear that the current systems are not working, are not reasonable, and are not sustainable. There is a critical need for significant changes to our dispute resolution mechanisms. Change is already long overdue.

Acknowledgements

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I am particularly grateful to Terezia, Nellie, and Helen, with whom I work most closely and without whom the essential work of the Grievance portfolio would simply be impossible. Their combined support and guidance continue to be invaluable to me and to every UTFA member who reaches out to advice@utfa.org for information and support.

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