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## Advice & Grievances

The grievance portfolio provides confidential advice and handles inquiries and grievances related to terms and conditions of employment of faculty and academic librarians who are members of UTFA. Most of our files are advice files rather than formal grievances. Members may seek our advice and assistance without filing a grievance.

One of the duties of the Vice-President, Grievances, is to identify the Administration's potential violation of policy. Most grievances are based on violations of policy or established practices at the University. We also assist members with concerns or difficulties in the tenure, continuing status (teaching stream), and permanent status (librarian) review processes.

The best means of contacting the Vice-President, Grievances, for advice or for filing a potential grievance is by email to [advice@utfa.org](mailto:advice@utfa.org).

### Q & A

#### **Does communication with UTFA always lead to a grievance?**

No. Most of our files are advice files. We regularly give our members advice about issues related to promotion procedures and appeals, problems with their appointments, PTR procedures, workload, salary adjustments, research leaves, benefit entitlements (e.g. PERA and health benefits), workplace accommodations, sick leaves, maternity/parental leaves, among other issues. We provide advice and guidance on how to resolve work-related issues and conflict in a collegial manner, where possible.

#### **Will the Chair of my department or my supervisor and colleagues know that I am seeking advice from UTFA?**

No. Contact with UTFA is confidential. Access to details of your complaint is restricted to the UTFA Vice-President, Grievances, the UTFA President, the UTFA lawyers and the legal support staff. In the extremely rare circumstances where a legitimate concern exists about someone in one of these positions having access to a file, arrangements can usually be made to accommodate the situation (e.g. by restricting access to the file).

### **What happens after I write to [advice@utfa.org](mailto:advice@utfa.org)?**

An UTFA staff member will contact you to schedule a time to discuss your concerns. Meetings are usually held at the UTFA office but can be arranged by phone where appropriate.

### **What is a grievance?**

Article 7 in the [Memorandum of Agreement](#), the document which prescribes the role of UTFA in representing faculty and librarians, defines a grievance as “a complaint by a faculty member or librarian or by two or more faculty members or librarians arising from the interpretation or application or alleged violation of an established or recognized policy, practice, or procedure of the University of Toronto...other than a complaint or alleged violation with respect to a faculty member relating to appointments, tenure, or dismissal for cause of a tenured faculty member”.

### **Is timing important in initiating a grievance?**

Yes, grievances must be launched at Step 1 within 20 working days of the date on which the member knew or should have known of the issue in question. UTFA may ask for an extension of this timeline in some circumstances. We encourage members to contact UTFA for advice in a timely manner.

### **If I grieve, what is the process?**

There are four possible steps:

1. Step No. 1 is a meeting at the first administrative level, usually with the department Chair, supervisor or equivalent. A grievance at Step No. 1 can be oral, but UTFA recommends that the result is documented in order to prevent future misunderstandings. A Step No. 1 grievance must be presented within 20 working days of the date on which the member knew or should have known of the issue in question. UTFA may ask for an extension of this timeline in some circumstances.
2. If the grievance is not resolved at Step No. 1, it can be referred to Step No. 2. At Step No. 2, the grievance is presented to the Dean, Principal, Chief Librarian or equivalent in the member's division. A grievance meeting is usually held, and a written decision must be issued within 15 working days.
3. If the grievance is not resolved at Step No. 2, it can be referred to Step No. 3. At Step No. 3 the grievance is presented to the Vice-President and Provost. This function has been delegated by the Provost to the Vice-Provost, Faculty & Academic Life. A grievance meeting is usually held, and a written decision must be issued within 21 working days.
4. Failing a satisfactory resolution of the grievance under Step No. 3, you may refer to the Grievance Review Panel (Step No. 4). Grievances at Step No. 4 are decided after a hearing by an internal committee consisting of an expert external Chair and two internal colleagues.

Please refer to Article 7 of the [Memorandum of Agreement](#) for important details about the grievance procedure.

### **May I grieve if I am not hired for a position?**

Generally speaking, no, you may not. The definition of a grievance provides that it cannot deal with “a complaint or alleged violation with respect to a faculty member relating to appointments” (Article 7, [Memorandum of Agreement](#)). If you are a current UTFA member (e.g. a CLTA applying for a continuing stream position) and you feel there was a serious procedural problem with the hiring process or that it was discriminatory, you may want to speak with UTFA to determine if any recourse is available.

### **May I grieve if I am not awarded tenure?**

UTFA regularly advises members regarding their interim and/or tenure reviews. We recommend that ANY negative comments in a summary of evidence be responded to by the candidate. UTFA is available to provide advice. We encourage candidates to consult UTFA early in the process if they have any

concerns. UTFA can also assist members with extensions of time to the interim or tenure reviews if they have taken pregnancy/parental or adoption leave or have experienced serious personal circumstances beyond their control such as illness or injury or damage to their research facilities.

Appeals of non-renewal at the interim review stage are limited in scope (significant procedural irregularities, bias, unreasonable inconsistency in the application of standards) and do not follow the grievance procedure. Some aspects of a tenure review can be grieved, but to challenge a denial of tenure, there is a different process. Appeals of tenure are limited in scope (significant procedural irregularities, bias, unreasonable decision in light of the evidence and the standards applied in the division in recent years). They are decided after a hearing by an internal committee of colleagues. When an appeal is successful, the candidate's tenure is referred to a new committee for consideration.

### **May I grieve if I am not awarded continuing status?**

As with the tenure review, UTFA recommends that faculty members respond to ANY negative comments in a summary of evidence. We can provide advice relating to the probationary and/or continuing status review. UTFA can also assist members with extensions of time to the probationary or continuing status reviews if they have taken pregnancy/parental or adoption leave or have experienced serious personal circumstances beyond their control such as illness or injury.

Appeals of non-renewal at the probationary review stage are limited in scope (significant procedural irregularities, bias, unreasonable inconsistency in the application of standards) and do not follow the grievance procedure. Denial of continuing status may be appealed following the grievance procedure, beginning at Step 3.

### **May I grieve if I am not awarded permanent status?**

Some aspects of the permanent status review can be grieved, but a specific appeal process exists to challenge denials of permanent status. Appeals are limited in scope (significant procedural irregularities, bias, absence of relevant material, or the application of inappropriate standards). They are decided after a hearing by an internal committee of colleagues.

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