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Report of the Vice-President, Grievances, 2016–2017

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Tenure issues

The Grievance portfolio is currently advising seven tenure candidates, including two who have received tentative negative recommendations from their committees. This is a similar number to what we saw last year. UTFA urges all members undergoing a permanency review to contact UTFA if they see any negative language in the summary of evidence provided by the chair of the review committee. The Grievance portfolio provides confidential advice to members; there is no need to be decided on or even contemplating a grievance or appeal. Candidates with questions or concerns should email faculty@utfa.org.

Statistics

UTFA currently has slightly over 100 open files (advice, grievance, and tenure). The 2015–2016 tenure cycle was relatively quiet, with 40 candidates being reviewed, compared to a norm of twice that many. According to the most recent statistics provided by the University administration, one candidate was denied tenure and one other candidate's file was still under review. UTFA has appealed the tenure denial and that appeal is ongoing. Despite increased emphasis on teaching excellence in recent years, the number of faculty granted tenure based on teaching excellence (one) and both teaching and research excellence (three) remains tiny. We hope to see these numbers increase in the near future. Twenty-four Teaching Stream faculty members were reviewed for Promotion to Senior Lecturer (and subsequent conversion to Associate Professor, Teaching Stream). One candidate was denied promotion and, although UTFA diligently exposed and criticized the many process problems in the file, we were unsuccessful at the Grievance Review Panel. All nine librarian members who were reviewed for permanent status this past year were successful.

Policy on Sexual Violence and Sexual Harassment

In 2016, Ontario's Sexual Violence and Harassment Action Plan Act (Bill 132) required universities to create policies to address sexual violence and sexual harassment. UTFA strongly endorses the need to develop comprehensive policies and programs to combat sexual violence at the University of Toronto. However, UTFA views these new policies as requiring negotiation with the faculty association, a position the Administration did not wholly accept. Nonetheless, based on extensive member and area expert consultation UTFA provided a detailed submission to the Administration in an effort to improve their draft policy for all. Following revisions to the draft policy, some of our concerns remain unaddressed by the Administration. The main areas of concern that persist in the policy are lack of due process, timeliness, the selection of competent investigators, training, and the protection of academic freedom. Some of UTFA's concerns may in future be addressed in the Companion Guide for the Policy on Sexual Violence that the Administration has indicated an intention to develop. It is UTFA's position that, to the extent that any guidelines add to or modify the Policy, they are also subject to the Facilitation/Fact Finding Process in Article 6, and therefore subject to negotiation with UTFA.

Evaluating Student Questionnaires on Courses and Teaching (SQCTs)

The Grievance portfolio has long recognized the negative effects that student questionnaires, used incorrectly, can have on a faculty member's career. End-of-course student questionnaires are used (and misused) in PTR, tenure, promotion, permanent status, and other significant circumstances. These questionnaires, sometimes referred to as student evaluations of teaching (SETs), student questionnaires on courses and teaching (SQCTs), or simply student opinion surveys, are important to the work we do as teachers. The questionnaires can be very good at capturing students' experiences, for example, but their limitations and problematic usage deserve careful attention. To provide such attention, last fall the Ontario Confederation of University Faculty Associations (OCUFA) set up a working group on SQCTs with experts in methodology, research ethics, and human rights. I was delighted to be asked by OCUFA to serve as their Human Rights expert on the working group, focusing on topics such as bias, harassment, and discrimination. Our work is ongoing, but OCUFA included a briefing note on progress to date in the March 29 OCUFA Report.

Health and Safety Gaps, as Evidenced by Asbestos

Since early March, the Grievance portfolio has been working extremely hard to address the ongoing asbestos management crisis in the Medical Sciences Building (MSB) at the St. George campus that has adversely affected our members, as well as students, staff, and others at the MSB. UTFA has been consulted by dozens of faculty members who were directly affected by the issue or who had concerns about the handling of asbestos (and other toxic substances) in University buildings on all three campuses, as well as its impact on their health and safety. The Grievance portfolio is providing legal advice, counsel, and direct support to several faculty members with complaints, and has also sought to address concerns with the Ministry of Labour and with the University administration.

Additionally, on March 31, UTFA co-sponsored (with all the major employee and student groups on campus) a well-attended and successful Asbestos Town Hall, featuring an expert panel focused on the serious health effects of exposure to asbestos fibres and the need for effective and well-informed Joint

Health and Safety Committees in all workplaces, including universities. Several participants in the audience who work in the MSB gave compelling testimonials of being repeatedly exposed to asbestos in labs that exceeded legal limits and/or of not being informed of asbestos contaminations in their workplaces until several days or even weeks after they had likely occurred.

This asbestos crisis has revealed significant gaps in the University's asbestos management program as well as the Internal Responsibility System required by the Occupational Health and Safety Act (OHSA). UTFA has serious concerns about the testing methodologies being used. UTFA is also disturbed by the significant gaps in the communication of information about the asbestos hazards, the failure (until recently) to post test results in a conspicuous place, as required by the OHSA, and the lack of transparency about the cause and full extent of the exposures.

In light of these issues and similar concerns expressed by UTFA members, staff, and students (including the unions and student groups who represent them), UTFA has called upon the Administration to create an all-campus asbestos task force. For more information and to receive updates on this dynamic issue, please visit https://utfa.org.

Thanks

I am very grateful to UTFA President Cynthia Messenger for her superb mentorship, and for her unwavering support of me as a new UTFA vice-president. I would like to acknowledge this year's Grievance Committee members for their thoughtful and energetic participation, input, and assistance. Many thanks to UTFA's lawyers, Heather Diggle (General Counsel), Reni Chang, Helen Nowak (currently on leave), and Samantha Olexson, for their dedicated and professional work, and to our Grievance Assistant, Rucsandra Schmelzer, for her support. Crucial administrative support has been provided by Chris Penn (currently on leave), Marta Horban, and Andrew Wright. UTFA has, again this year, been extremely well served by the expert lawyers at Goldblatt Partners.

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