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Report of the Vice-President, Grievances, 2019–2020

July 2, 2020

July 2019–April 2020

Matters handled by the Grievance Portfolio
The work of the grievance portfolio continues to increase, with more member inquiries than ever before. While the number of incoming inquiries was already strong before the coronavirus pandemic was declared, since March 2020 the number of faculty members who have reached out for assistance has also expanded. Between July 2019 and May 2020, 477 new member inquiries were made to UTFA (advice, grievance, and tenure). Of these, 203 came in during the COVID-19 period. Last year from July to May, 340 new member inquiries were received, 137 of those from March to May.

Currently, the grievance portfolio has 237 open matters, including two individual grievances, one group grievance, and eight tenure advice matters. If you are experiencing an issue impacting the terms and conditions of your employment and would like to obtain confidential advice and/or file a grievance, please contact advice@utfa.org.

Statistics
Ninety-one tenure stream candidates were reviewed for tenure in 2018–2019. Of those, one candidate was denied tenure. During the same period, 28 teaching stream candidates were reviewed and received continuing status, and 6 librarians were reviewed and received permanent status.

News
Advice and Grievances Q & A
The Advice and Grievances section of the UTFA website has been updated to include a Q & A reflecting the most common questions and concerns of UTFA members. Note that most matters brought to the attention of the Vice-President, Grievances do not result in a grievance. UTFA's grievance portfolio regularly meets with members confidentially to discuss strategies to resolve issues informally and collegially. If you wish to obtain confidential advice about a term or condition of employment, please contact advice@utfa.org.

Association grievance concerning the UTM shuttle bus
As the often-raised concerns about the UTM shuttle bus have not been addressed, UTFA has recently filed an Association grievance on this matter, under my lead. It is UTFA's view that the school buses that are currently used between UTM and UTSG are not safe. School buses are not fitted with safety belts, are not constructed for use by adults, and are not meant for travel at high speed on expressways. This creates inequitable working conditions for cross-appointed faculty members who need to travel between the two campuses. This Association grievance will become active again once the UTM shuttle resumes service.

Changes affecting UTFA members
Rules on Ethical Conduct for Research Involving Humans
This year the Administration has organized a series of Workshops on Research Ethics in the Social Sciences, Humanities and Education and Information sessions on Research Ethics in the Health Sciences to highlight the recent changes implemented in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*. These changes reflect the current emphasis on free and informed consent, privacy, confidentiality, and risk assessment based on participant vulnerability. UTFA members are encouraged to review their research protocols carefully and consult with the Research Ethics Boards (REBs)to make sure that the protocols are up to date.

Rules on Expense Claims
Changes to the Tri-Agency rules on the use of grant funds took effect on April 1, 2020. While the old rules prescribed what expenses were eligible for reimbursement, the new rules provide a set of principles that govern decisions. Most of the expenses covered under the old rules should continue to be covered, but expenses that the old rules did not capture may be covered as well. The University's Guide to Financial Management and other applicable policies will help to determine what is an eligible expense. The University has devised a framework for tracking, resolving, and escalating questions and decisions on expense eligibility. It has also conducted a gap analysis in order to identify areas in policy that need to be updated or created to respond to different types of situations that may arise, such as recovery of child care expenses.

Thanks
My warmest thanks to Cynthia Messenger for her tireless mentoring and to Helen Nowak, General Counsel, for her commitment, patience, and unwavering support during my first year in a new role. I am also grateful to the other UTFA lawyers—Reni Chang, Heather Diggle, and Samantha Olexson—for their hard work and advice, and to the members of the Grievance Committee for their thoughtful participation.

I very much regret that because of a family health emergency I was unable to complete my term as Vice-President, Grievances and wish all the best to my successors, Stephen Rupp and Brian McDonagh.

Claude Evans
Vice-President, Grievances

March–June 2020

Since mid-March the grievance portfolio has received many queries related to the impacts of COVID-19. In late March and early April these queries centred on health and safety, changes to course delivery and corresponding workloads, final examinations, and course evaluations. Librarians expressed concern about their health and safety during the period when the libraries remained open. Members who teach

very large courses experienced difficulties in making arrangements for Faculty final examinations at the departmental level. Concerns included the logistics of administering exams at different locations and measures for maintaining academic integrity online. These members reported a significant increase in their workload during the examination period and stressed the need for technical support and additional TA hours. Other faculty members had concerns related to the potential impact on their course evaluations of the shift to online teaching at the end of the term. Faculty members teaching during the summer session have asked about retaining online materials that they have prepared as their intellectual property, a right protected under the university's Copyright Policy.

In the area of research, members have contacted us concerning the impact of social distancing on research time and on access to research facilities and resources. UTFA secured agreement from the Administration that faculty members could request additional time to prepare for tenure and continuing status reviews and that faculty members with research and study leaves approved for the 2020–21 academic year could request postponement of their leaves. Other faculty members discussed with their unit heads remedies for research time lost on leaves that began in July 2019 or January 2020, with varying results.

Further queries relate to planning for course delivery in the fall term, particularly from members in divisions that have mandated a hybrid model of combined in-class and online teaching. This matter affects both workload and the right of members to determine the best method of delivering their courses. Faculty members with individual health considerations or who require family status accommodation to handle their workload have also reported significant challenges. It is UTFA's view that workloads should be adjusted to reflect the additional tasks of preparing and delivering online material. To address this series of concerns, UTFA has presented to the Administration a draft Association grievance with regard to course delivery in the context of COVID-19.

I am grateful to Claude Evans for her excellent work in this portfolio during most of the past year and to Cynthia Messenger, Terezia Zoric, and Helen Nowak for their assistance and support.

Stephen Rupp
Acting Vice-President, Grievances

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