



# UTFA Newsletter

University of Toronto Faculty Association  
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## Annual General Meeting 2008

Tuesday, April 15, 2008, 3:30 – 5:00 p.m.

Faculty Club  
Main Dining Room, 41 Willcocks Street

### AGENDA

1. Minutes of the Previous Meeting \*
2. Reports of the Officers \*
3. Reports of the Chairs of Committees and Working Groups \*

(\* The included reports will not be read at the meeting. However, the President, Vice-Presidents, Treasurer and Committee Chairs will answer any questions)

4. Special Topics
  - i. Tenure Turnbacks - Update on Association Grievance
  - ii. Pension Governance – Update on Discussions
  - iii. Discussion of Possible Changes to Salaries, Benefits, and Pension Agreement Ratification Protocol
  - iv. Input for Next Round of Salary, Benefits and Pensions Negotiations

5. Other Business

*\*\*Members are invited to stay after the meeting for cocktails and reception.*

## **Minutes from the 2007 Annual General Meeting**

Professor Nelson called the meeting to order at 3:30 p.m. as quorum had been reached.

### **1. Reports of the Officers**

Professor Nelson said that written reports were included in the Newsletter and asked the members if they had any questions of the Officers or Chairs.

#### Report of the President

There were no questions.

#### Report of the Vice-President, Salary, Benefits and Pensions

There were no questions.

#### Report of the Vice-President, Grievances

A question was asked about what the terms of reference are for the Grievance Review Panel. Professor Luste said that those terms are set out in the Memorandum of Agreement. The members of the GRP are appointed by the President after consultation with UTFA to see if they are acceptable. In the past there has been very little disagreement on who sits on this committee.

Professor Nelson said that under the Memorandum of Agreement, the GRP can hear grievances against the Administration. He said that at the time this was negotiated it represented a triumph over the administration.

#### Report of the Vice-President, University and External Affairs

There were no questions.

#### Report of the Treasurer

There were no questions.

### **2. Reports of the Chairs of Committees Report of the Chair, Librarians Committee**

There were no questions.

#### Report of the Chair, Teaching Stream Committee

There were no questions.

#### Report of the Chair, Status of Women Committee

A member asked that as the name of the Status of Women Committee was being changed to the Equity Committee, that the Committee consider religious issues under its mandate.

### **3. Changes to UTFA By-laws**

Professor Milbrandt said that last June a suggestion was made that the procedure used to nominate members to the Executive Committee should be more open. UTFA Council determined that Article 10 of the By-laws could be modified to implement these changes. In the following, new wording is in *italics* and wording to be removed is crossed out.

**Addition:** *Article 10.2 - The Nominating Committee shall be appointed no later than February 28, allowing at least 60 days to follow for deliberations and submission of the Committee's slate of Executive nominees by no later than May 1.*

Professor Milbrandt said that Article 10.2 was added to allow for a longer period of time for the nominating process. The process tends to get delayed and often the Nominating Committee has not been able to report to Council the list of candidates until the June meeting. This article was added to ensure there is enough time for the Committee to do its job.

**Modified:** Article 10.4 - A slate of nominees [from the Nominating Committee] shall be communicated in writing and by electronic mail to all members of Council ~~no less than ten days before their consideration for appointment~~ [no later than May 1. All nominations will close on May 10, allowing members of Council time to propose additional nominations in writing. Two members of Council shall be required to nominate each additional Executive nominee. After close of nominations, the full slate of nominees shall be communicated in writing and by electronic mail to all members of Council.]

Professor Milbrandt said that this clause now allows members of Council to put names forward after the Nominating Committee has presented its list of candidates. If any additional names from Council are brought forward, then the complete list of candidates will be circulated so that nominations can be presented at the May meeting of Council.

**Addition:** *Article 10.5 At the first meeting of Council (no earlier than May 18) after the Annual General Meeting, Council shall appoint the Executive Committee (by ballot when necessary) from the slate of Nominating Committee nominees as presented no later than May 1 and nominees as received from members of Council by May 10.*

Professor Milbrandt said this sets out the timelines and process for the Executive Committee nomination and appointment process.

**Addition:** *Article 10.6 - Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.*

Professor Milbrandt said that this article was added to allow for a more detailed appointment process, if necessary, which would be developed and modified over time without the need to make further changes to the By-laws. This clause would allow Council to make these changes.

Professor Estes said that he has been Chair of a Nominating Committee and that it is a thankless job. He asked that no member of UTFA in good standing be declined a nomination to the Executive Committee.

UTFA Council recommends to Council that:

The changes to Article 10 of the UTFA By-laws be accepted as distributed.

Carried without dissent.

**4. i. Recent Increases in Tenure Denials and Turnbacks – Rhonda Love, Vice-President, Grievances**

Professor Nelson said recently there have been a number of tenure denials and turn-backs from the U

of T President's office.

Professor Love referred the members to the article on page 9 of the UTFA Newsletter and other materials provided for reference. UTFA presently has 4 cases where the Tenure Committee recommended tenure and the President declined to award tenure. UTFA is handling individual grievances in these cases and others.

Professor Love said that there are 2 types of tenure appeals – (1) individual grievances where people are denied tenure and they come forward and UTFA helps them with an individual grievance and (2) an Association grievance where the Association files a grievance on behalf of all of its members.

Professor Love said that she would speak to individual grievances but there are confidentiality issues regarding these grievances that she cannot speak to. In general the grounds to appeal a tenure decision are listed in the Appointments Policy. They are:

- A significant irregularity or unfairness in the procedure, followed by the tenure committee, or in the selection of its members;
- Improper bias or motive on the part of any member of the tenure committee;
- Improper bias or motive on the part of any person whose opinion may have materially influenced the decision of the committee;
- The decision is unreasonable in the light of the evidence which was available or should have been available to the committee and in light of the standards that were generally applied in the division in recent years.

Professor Love said that when a person has been denied tenure and they come forward to UTFA, the process is explained to them and the individual has to decide whether to go forward. UTFA will then file an appeal to be heard by the University of Toronto Tenure Appeal Committee. She said that at any point the appeal can be withdrawn, for instance if an agreement is reached.

Professor Love recommended that people who are sitting on a Tenure Committee or are scheduled to

sit on a committee to contact UTFA to find out what their responsibilities are. She reminded members that they need to become expert on the Tenure Policy and Procedures. She mentioned that there is some concern that negative information might be receiving more weight than it deserves in light of the positive information and that members need to pay attention to the criteria as outlined in the Policy. It is also very important that the evidence supports the recommendation to the President.

Professor Love introduced Mr. Eric Comartin, UTFA Counsel, and asked him to speak to second tenure committees.

Mr. Comartin introduced himself. He said that the issue in question is how the appeal mechanisms work when somebody who has had their positive tenure recommendation either denied or turned back by the President. The current appeal mechanism is only for someone who receives a negative recommendation from the Tenure Committee. The process does not take into account what happens when the President denies tenure after a positive decision has been made by the Tenure Committee. We are not saying that the President should not have a role to play in the process. However it is UTFA's view the role of the President is limited to ensuring the process was fair. The President should never be able to interfere with the expert opinion of the Tenure Committee unless there is an irregularity in the process. It is UTFA's opinion that is what the 1995 decision of the GRP says.

There is a problem with the Appointments Policy as it does not address what happens when the President makes a decision contrary to that of the Tenure Committee and it does not address what is the role is of the President. We believe that under the Appointments Policy that the Tenure Committee makes the recommendation and the President reviews it for procedural errors.

The members discussed the problems Tenure Committees are experiencing in that they feel they are being pressured by the Administration's representatives and do not feel that the process is left in their hands.

Professor Love said it was imperative that members of the Tenure Committee know and understand the Appointments Policy. She encouraged them to contact UTFA with any questions and reassured them that any contact would be kept confidential. Professor Love said that keeping notes is a good idea and it was important to make your objections known. She said that the Committee member should get things in writing, as well as ask for notes from the meeting. They should keep their own records so that things do not get distorted. Professor Love said that a person could refuse to serve on a Committee but it might hurt the process and it was important to focus on the process.

Professor Luste said that an Association Grievance was initiated on March 13, 2007. The senior members of the Executive met with the senior members of the Administration at a Joint Committee meeting to discuss the grievance but did not reach an agreement. The Administration thought that the process was being followed and that the President was within his right to reject a positive recommendation by the Tenure Committee and so deny tenure.

Professor Luste noted that after many years of many Presidents accepting the peer decision of the Tenure Committees there now were four rejections of positive recommendations for tenure within one year. He said that UTFA was left wondering if something in the process had changed unilaterally. The purpose of the Association Grievance is to try to get clarity on the President's role and the Tenure Committee's role. Professor Luste said that one view mentioned is that the role of the Tenure Committee is to judge the scholarship and the role of the President is to judge the quality of the evidence - but even if one should accept this, it is not clear how one realizes this in practice. He said that Michael Mitchell from Sack Goldblatt Mitchell was representing UTFA in the grievance.

Professor Luste said that over the next several months UTFA is planning on engaging the University community regarding problems with the Appointments Policy.

Professor Nelson said that President Naylor is not the first President to challenge the process in the

Appointments Policy. He said that President Evans and President Prichard tried to challenge the Policy and this is what brought about the 1995 grievance. President Prichard did not reject recommendations outright but questioned them improperly. Whenever a new President comes aboard they read the Policy and see that they promote people and they then try and exercise this power. He said that this seems to happen when you have a President who is removed from Arts and Science.

Professor Love said that across-the-board we need to get better about reading the policies, understanding and enforcing them.

Professor Love said that she has been on the UTFA Executive for 16 years and that this was her last meeting as an officer. She thanked the members and the members gave her a round of applause.

ii. **The U of T Pension Abyss – George Luste, President**

Professor Luste said that while the tenure topic is vital to new people coming into the University, pensions are important to people about to retire. Unfortunately, if you wait until retirement before taking any interest in the pension plan, it is too late to correct any problem. He said that while our current pension plan concerns (and assumptions) may be alarming for the long term, in the near term the current retiree pensions were safe. At some point however, there will be a funding problem that may be difficult to address.

Professor Luste called the members' attention to a handout he had prepared.

Professor Luste led the members through several scenarios about how much money one would need to have saved if you retired 40 years from now. This introduced the key assumption in a pension plan: the importance of the future time value of money or what should the long term investment return assumption be. Actual experience from the recent past is often a poor guide for the long term. Deciding on this future return assumption is a critical issue facing most defined benefit pension plans today. He said that there are several questions that need to be asked – what are the

assumptions, who controls the assumptions and has the pension plan sponsor (the University) taken advantage of the pension plan beneficiaries by changing the assumptions? Professor Luste said that a defined benefit pension plan member must trust that the pension promise will be kept and can be kept. But the member should also ask: 'Is this trust warranted?'

Some historical background was provided. Prior to 1987 the U of T had a different arrangement regarding contributions to the pension plan. For every dollar a faculty member put into the plan, the U of T put in \$2.55 and that ratio was fixed. At the time it was a true sharing of funding risk. The faculty and the U of T were partners together in any shortfall risk (or the beneficiaries in a surplus). However, in the 1987 Salary, Benefits and Pensions negotiations this arrangement was changed. Going forward after 1987 our contribution amount was fixed and the University assumed the responsibility for the balance. The expected input ratio was about 1 to 2 – roughly for every dollar the faculty member contributed the university was expected to add 2. This did not happen. In changing the contribution agreement the faculty gave up the automatic benefit from any surplus in exchange for not having any obligation to fund a pension shortfall – or so they believed.

Professor Luste said that members may not worry about their pension because they believe it is 'guaranteed'. He then asked: 'What does that guarantee mean in a non-profit public university?' The answer here differs from that for a government employee or a private company employee in a defined benefit (DB) pension plan. A government employee is protected - the government can always print money to keep the pension promise. And in a private company the employee may be protected - the company assets and the shareholders dividends can make up for the shortfall to the pension plan. Not so at a university. U of T has no direct access to new outside funds. If the law requires it contribute more millions into the pension plan, it can only go after salaries and workload of current faculty. Thus it is the members that bear the ultimate funding risk.

Professor Luste said that the long term rate-of-return assumptions for the U of T pension plan

have changed over the years – to the direct benefit of U of T, not the pension plan members. This is a very serious issue. The assumption changes made most of the contribution holidays possible. He said that prior to 1987, the real return (above inflation) assumption was 2.25%. In 1987 it was increased to 2.5%, in 1990 it was 3%, 1997 it was 3.5% and 1999 it was 4%. This important chronology is not reported in the annual pension reports. It is not emphasized yet it is very important. However, if you increase the assumed future real rate of return – going forward for 30 to 40 years - you have to put aside much less money today. You can then claim a current ‘surplus’ and so take a contribution holiday. Professor Luste showed, via a cumulative tabulation, that during the past 20 years U of T has taken about \$1.3 billion dollars in pension holidays, measured in today’s dollars. In addition the members, including support staff, received about \$165 million in additional pension holidays.

Professor Luste said that from 1987 on, U of T was allowed to take numerous contribution holidays because of the generous return assumptions – and the temporary stock market generosity. When the real assets exceeded the assumed liabilities by 10% government regulation forbids further contributions by the employer (but not the employee).

Today, in order to go back to the 2.5% return assumption of 1987, U of T would need to contribute in the order of \$750 million to the pension plan. This is a very large sum of money. We may be asking future generations of faculty to make up this shortfall. It is like a financial time bomb with a very long fuse – but nobody knows exactly how long the fuse is. It could be 10 or 20 or 30 years long.

Professor Luste said another issue is the increasing cost to service the pension plan. Ten years ago the annual cost was under \$3 million. Today it is in excess of \$14 million per year.

Professor Luste said that members did not have to be alarmed about their immediate pension but believed that at some point the University would have to face up to the very serious problem that it had created via its twenty years of contribution holidays.

A member asked what relevance this had to the pension plan cutbacks in the United States. Professor Luste said that active members are more at risk but the University has made small steps in acknowledging this problem by increasing their annual contribution. But this does not solve the underlying funding problem. The problem is even more serious in the US. All DB plans have this problem.

Professor Luste asked members to write to President Naylor, requesting that he address the pension plan problem.

## 5. Other Business

Professor Alloway, seconded by Professor Love, moved that:

the meeting be adjourned.

Carried.

The meeting adjourned at 5:00 p.m.

Chris Penn  
Administrative Assistant

**Reports of the Officers, Chairs of Committees, and  
Chairs of Working Committees**

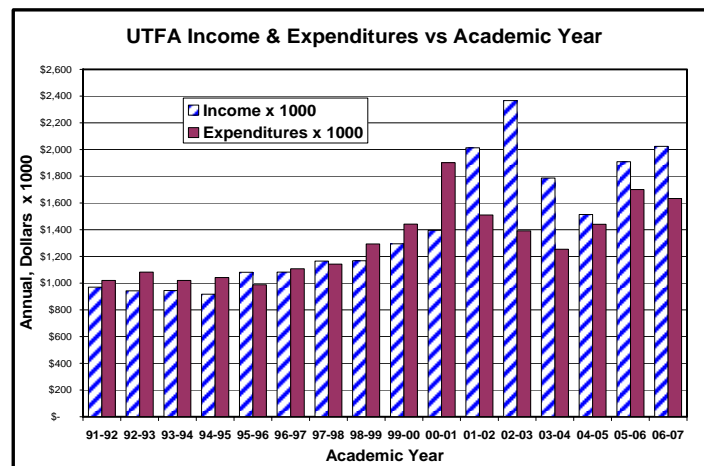
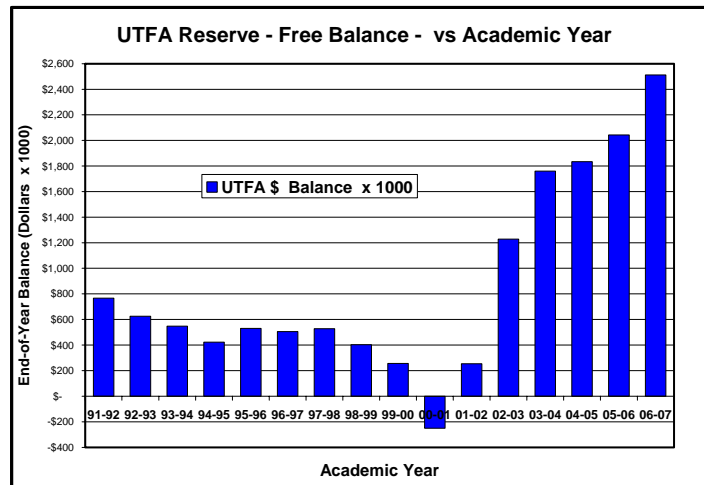
## Report of the President

### UTFA finances. An update from the last AGM

The continuing positive news is that as of June 30, 2007, the Faculty Association had a healthy *positive* net worth of about \$2,500,000.

Subsequently, in the fall of 2007 UTFA Council authorized two months (December, 2007 and January, 2008) of contribution holidays for the current academic year. While the surplus is welcome and important, I must again repeat my message from prior years that having a large reserve is not the purpose of the Association. It

does, however, provide UTFA the means by which it can serve its members more effectively. The reserve gives us the ability to handle emergencies and unanticipated expenses and allows UTFA to initiate new projects that were not in the budget at the start of the year. The important point is that the Association must never compromise its representation and negotiations, on behalf of our membership, with the Administration for lack of adequate financial reserves. These include salary and benefit negotiations, association and individual grievances with the Administration as well as policy changes.





In 2004-05 we decreased our mil rate to 7.5<sup>1</sup> (or 0.75% of salary) and we gave members a contribution holiday for two months, in part to refund the earlier special academic freedom levy we had invoked for two years when UTFA's financial viability was threatened. This accounts for the reduced income in 2004-05. My AGM report that year also discussed the various reasons for the striking changes in UTFA's income and expenditure from year to year after 2000, and we will not repeat that explanation here.

Once more I affirm my commitment to having UTFA continue to live within its financial means and to be as cost-effective as possible.

**UTFA Membership** There are currently about 2,810 employed faculty and librarians at the University of Toronto who could be dues-paying members of UTFA. Approximately 2,431 are paying dues, but another 373 are not. Of these only 10 are redirecting their dues to a charity, and the other 363 are voluntary non-members who pay no dues to anyone because they were grandfathered when the dues were made compulsory in the 1998 settlement. The number of grandfathered non-members is slowly decreasing each year as retirees are replaced by new hires who must contribute to an ongoing cost that benefits everyone. UTFA also has 471 retired faculty and librarians who are members.

**Renovations at UTFA** At the time of the last AGM meeting, UTFA staff and officers were in temporary office spaces while a major renovation was underway to the UTFA suite at 720 Spadina. We have added about 700 square feet of new space and we have reorganized the office layout in order to add more offices and thus realize more efficient use of all our space. We thank Gayle Murray who initiated this needed improvement and the Administration who provided 50% of the funding for the main renovation cost.

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<sup>1</sup> Not all of the income from the current 7.5 mil rate stays with UTFA. About 1.5 goes to CAUT and 1.3 goes to OCUFA, leaving UTFA with about 4.7 (or 0.47%) for its expenses. By way of comparison the mil rate at York University is significantly higher than ours, at a 11.0 mil rate (or 1.1% of salary).

**Staff Changes at UTFA.** Since the last AGM we have hired two new staff, Alison Warrian as Counsel to UTFA for grievance and tenure appeals and Rosemary Gill as a Litigation Assistant to manage and coordinate all the files and scheduling related to grievances and tenure appeals. Olivia Liu, our former Bookkeeper, has left and Cheryl Zimmerman has assumed the bookkeeping responsibility. In addition, Eric Comartin, our General Counsel and Chief Administrative Officer has signed a continuing contract with UTFA. At present John Lymburner is assisting our staff and officers in our implementation of 'Time Matters' on a contract basis. Time Matters is an extensive practice management software system that manages contacts, calendaring, email, documents, research, accounting and matters or projects. It was originally developed for law firms.

**New UTFA web Site** By the time you receive this Newsletter in April our initial implementation of UTFA's redesigned web site should be live at [www.utfa.org](http://www.utfa.org). As time allows we will be adding more content to make it more robust and informative.

**Two year settlement on salaries benefits and pensions** In the early morning hours of August 8, 2007, UTFA and the Administration signed a two year mediated agreement regarding salaries, benefits and pensions. The signed agreement can be found on the UTFA website. Martin Teplitsky acted as both Mediator and if necessary as Arbitrator. We again must thank the able assistance of Jeffrey Sack our Counsel of long standing and Hugh Mackenzie. We shall not discuss the details here. In addition to the acceptable improvements in compensation, four joint working groups were established. Reports from the co-chairs are in this Newsletter.

**Appointments Policy Issues** Next to the Memorandum of Agreement, the "Policy and Procedures on Academic Appointments" is perhaps our second most important document. It is one of the "frozen" policies in our Memorandum. It needs updating, and revising. We are currently engaged in defining the issues and communicating with our members via newsletters and workshops.

**Association Grievances.** On March 31, 2008 the Grievance Review Panel (GRP) released its decision on the matter of whether or not a faculty member, who has initiated a tenure appeal and then resigned from the University, still has the right to continue the appeal of a negative tenure decision to the University's Tenure Appeal Committee. The GRP decided "yes" the faculty can continue the appeal, that member's appeal entitlement is not extinguished by the resignation. I invite you to read this important decision (to be posted on [www.utfa.org](http://www.utfa.org) ). Jim McDonald, our Counsel from Sack Goldblatt Mitchell (SGM), argued this case on our behalf. There are two remaining Association Grievances against the Administration. First, the Teaching Stream Activity Forms and Research Leave Form grievance is almost settled. That leaves the very important Association Grievance that seeks clarity on the process of how the President reverses the recommendations of Tenure Committees. The Tenure Committee is a peer committee charged with evaluating the scholarship and teaching worth of each and every tenure candidate. The first hearing day is to be Friday April 25. We have asked Michael Mitchell, of SGM, to argue our case before the Grievance Review Panel. The formal Notice of the Grievance to the Administration expressing our concerns is posted on the UTFA web site.

**Pensions** I continue to be deeply immersed in our pension plan and its many issues. On October 18, 2007 I made a deputation to the Harry Arthurs' 'Ontario Expert Commission on Pensions'. Last November and December I made deputations to the Business Board. There are serious problems with our pension plan governance, with its past practice of ensuring contribution holidays via questionable changes in actuarial assumptions and its current investment policies and frictional costs via UTAM, the University of Toronto Asset Management Corporation. I cannot do justice to this complex topic here, but I plan to briefly address some of the issues at the AGM.

**UTFA Council** A few Council constituencies are vacant, and a number of terms will be coming due on July 1. We must have a strong Council that can fulfill UTFA's mandate, "*to promote the welfare of the current and retired faculty, librarians and Research associates ... And generally to advance*

*the interest of teachers, researchers and librarians in Canadian universities*". I urge you, please consider becoming a Council member, or join one of our standing committees.

**UTFA Presidency** My current term expires on June 30, 2008 and I have been acclaimed to continue serving as your President of UTFA for another term. I will endeavour to serve you all to the best of my ability.

I must thank and acknowledge the support of the many colleagues on Executive, on Council, and at RALUT. I am also grateful to the UTFA office staff for their hard work. Thank you to all for contributing to our success this past year.

George Luste  
President  
[luste@utfa.org](mailto:luste@utfa.org)

## **Report of the Vice-President, Salary, Benefits and Pensions**

### **Latest Settlement**

Last August, the University Administration and UTFA reached a mediated agreement covering salary, benefit and pensions matters for the 2007-08 and 2008-09 academic years. The agreement included across-the-board salary increases of 3% for most faculty members and librarians and fixed-dollar increases larger than 3% for UTFA members whose salaries are at the lower end of the scales for their respective employee categories. Because these across-the-board increases are somewhat greater than anticipated inflation, they represent a small amount of "catch-up" to compensate for across-the-board increases in the 1980's and 1990's that were less than inflation during those decades.

In addition to the salary increases, the 2007-08 and 2008-09 agreement included several important benefit improvements. After trying for several years, we finally obtained orthodontic coverage for UTFA members and their dependents starting July 1, 2008. In addition, starting with the 2008 calendar year, we obtained reimbursement for child-care

expenses of up to \$2000 per year for each child under the age of 7. Other new benefits include partial coverage for hearing aids and eyeglasses.

### **What Next?**

UTFA members frequently ask us when we plan to negotiate with the Administration about workload issues, improvements in the way tenure appeals and grievances are handled, or other improvements to the University's personnel policies for professors, librarians and teaching-stream faculty members. These questions reveal a widespread misunderstanding with respect to the scope of issues about which UTFA is entitled to negotiate. UTFA's relationship with the University Administration is governed by the Memorandum of Agreement, most parts of which were ratified in 1977. This agreement requires the Administration to negotiate with UTFA about salary, benefit and pension issues, sets out a procedure for handling grievances, deals very briefly with workloads and working conditions, and establishes a number of "frozen" policies which can be changed only by mutual agreement of the two parties. In other words, the only matters about which the Administration is obliged to negotiate with UTFA on a regular basis are salaries, benefits and pensions. The many other issues that concern our members would require changes to the Memorandum of Agreement itself or to one of the "frozen" policies. When we ask the Administration to discuss changes to the Memorandum or to the "frozen" policies, they always express willingness to do so, but actually moving the negotiations forward is an arduous process that is fraught with many difficulties and subject to endless stalling.

What we need is a new Memorandum of Agreement that requires both sides to engage in good-faith negotiation of all issues that pertain to the working conditions of faculty members and librarians. Obtaining a new agreement which will create a new relationship with the Administration is a task that UTFA needs to address as quickly and forcefully as we can. To achieve that, we need to do a better job of educating our members about how our relationship with the U of T Administration compares to the more effective relationships that Faculty Associations at other Canadian universities have with their

administrations and about the changes that need to be made in order for us to negotiate more effectively about the full range of issues that affect the professional lives of all our members. During the next year, UTFA plans to undertake an outreach programme to explain the issues to our members more effectively and more thoroughly than we have in recent years and to seek broadly based support for our efforts to negotiate a new Memorandum of Agreement with the Administration.

Tom Alloway  
Vice-President  
Salary, Benefits and Pensions

## **Report of the Vice-President, Grievances**

### **Tenure Files:**

University Administration's statistics show that in 2005-06, ten faculty members were denied tenure. The figure for 2006-07 is seven, with one additional file pending. The U of T President did not deny tenure to any 2006-07 candidate who received a positive recommendation at the level of the tenure committee. Rather, he asked questions about negative tenure recommendations in at least two cases. As of the writing of this report, the President had not overturned a negative tenure recommendation. The tenure denial figures for 2007-08 are not yet known. (Any tenure candidate who receives a negative summary of evidence during the tenure review should contact the UTFA office.)

As most of our members know, UTFA has engaged the Administration on tenure matters through various forms of "litigation." Over the last few years, UTFA has filed two Association grievances (one of which we recently won; see George Luste's report), a judicial review, and a number of tenure appeals, all actively challenging weaknesses in process and policy. In some of the tenure appeals, UTFA negotiated settlements that granted each candidate a second tenure committee. (It is worth reminding our members that the Tenure Appeal Committee (UTAC) cannot grant tenure, even if it grants an appeal. The main "remedy" it can offer is

a second tenure committee. Sometimes UTAC will also issue instructions on process.) Policy language related to second tenure committees, however, is weak, mainly because it is vague. This part of the Policy and Procedures on Academic Appointments (PPAA) cries out for revision. As I indicated in my newsletter article dated Feb. 28/08, the jurisdiction of UTAC and the grounds of appeal are unclear in cases where the candidate is recommended for tenure and subsequently denied tenure by the President. I believe that, until the PPAA can be adequately revised, candidates denied tenure by the President should not be subjected to a flawed tenure appeal process but instead should automatically be granted a second tenure committee. The difficulties with our appeals procedures are structural. The faculty who chair and serve on these panels do fine work, and UTFA is grateful for their contribution.

### **Grievances:**

Over the last year, the grievance portfolio has carried, on average, 65 – 75 files. As old files are closed, new ones are rapidly opened. Advice and grievance files arrive each week. Grievance timelines, set out in Article 7 of the Memorandum of Agreement (MofA), are unrealistic and need to be revisited. Some postsecondary institutions have a 90-day grievance filing period; our members have 20 working days to file. The ten- and fifteen-day response times for the University and UTFA do not provide the time needed for investigation and research.

UTFA grievance files vary considerably by type: PTR, salary anomaly, contract issues, harassment (not sexual), accommodation and long-term disability, denials of promotion in the teaching stream, unreasonable denials of sabbatical leave, workload, and extensions on the time to tenure, to name several.

### **PTR:**

In the late summer and early fall of 2007, UTFA received a large number of PTR complaints. The main problem was essentially the same in each case: the PTR amount was too low, and the faculty member's achievement was misrepresented or underplayed in the PTR letter. UTFA and the

member were often able to resolve the issues at the level of the chair, but some of these files have worked their way through the grievance procedure. In a few cases, cross-appointed faculty have not been adequately recognized in one of the departments in which they are appointed. The Provost's PTR instructions make clear that chairs must consult each other when assessing cross appointed faculty members.

The PTR instructions also indicate that faculty on research leave should be assessed based on whether they fulfilled the research plans articulated on their leave forms. Faculty should take note of these instructions when they fill out their applications for leave. Chairs and PTR committees may *not* simply assign an "average" score to faculty on research leave, as is the custom in some divisions.

If this summer you find that your PTR award and letter are unfair, within 20 working days of *receiving* your PTR letter, you should write to your Chair, requesting a meeting to discuss the issue. Prepare for that meeting: bring your activity report, your c.v., and a point-form list of the year's achievements. Bear in mind that PTR review is a comparative process. It may be difficult for you to know what others in your department have achieved. If your department/faculty has established PTR criteria, you should know what they are. For example, some departments reward the acquisition of large grants; others reward publication in peer-reviewed journals.

### **Research Leave:**

The University Administration has, in some cases, denied research leaves to faculty who have not yet attained permanent status. Pre-tenure professorial faculty and pre-promotion teaching stream faculty who hold appointments of at least 50% of full-time and who have served at least six years at U of T have the right to a research leave. This right is guaranteed by the Memorandum of Agreement. No research leave can be unreasonably denied.

### **Retirement:**

UTFA has heard that a few Chairs are urging members to retire or consider retirement. UTFA is actively pursuing one such case through the

grievance procedure. The University Administration may not pressure any faculty member or librarian to retire. Any such pressure violates the agreement on ending mandatory retirement and could be viewed as a human rights violation and a form of harassment.

### **Teaching Stream Matters:**

UTFA will not receive statistics on Teaching Stream promotion denials until later in the spring. UTFA believes that this year's denial rate is higher than last year's. Any member of the teaching stream who, during the review for promotion, receives a negative summary of evidence should contact me. Any teaching stream member who is denied promotion should consider launching a grievance with UTFA's assistance. Even though the PPAA states that no further contract can be awarded after the denial, UTFA has successfully negotiated extensions of contract for those lecturers who are grieving their cases.

In 2005, UTFA launched an Association grievance related to academic freedom in the teaching stream. As many of you know, this grievance responded to the activity report form and leave form that the Faculty of Arts and Science and UTM created for the teaching stream, forms that restricted the reporting of research and overemphasized pedagogy. When the Provost issued new PTR instructions that allowed Chairs to give credit to teaching stream faculty who conduct discipline-based scholarship, he took the first step in resolving the grievance. The next, difficult steps involved FAS's revision of both forms to reflect the Provost's instructions. The revised leave form is excellent. The new activity report form now clearly indicates that discipline-based scholarship must be reported and credited. The FAS has also issued new forms for the professorial stream. All new forms will be used this year.

### **Policy Symposium:**

The one-day policy symposium UTFA held on Feb. 29/08 drew faculty from across the streams and met its main goal by stimulating discussion on policy matters. (This event will appear in more than one report in this Newsletter because it touched on several portfolios.) Organizing this successful event

was very much a group effort. UTFA Executive members Geeta Paray-Clarke, Rea Devakos and Dennis Patrick handled logistics. They were assisted by UTFA staff members Chris Penn, Cheryl Zimmerman, and Rosemary Gill. Hamish Stewart served as MC. Speakers from outside of U of T included senior counsel Cathy Lace and Michael Mitchell of Sack, Goldblatt, Mitchell; CAUT's Peter Simpson and Marcus Harvey; Mike Dawes from the University of Western Ontario, and Francesca Holyoke from the University of New Brunswick. Several U of T faculty and librarians served on panels and delivered presentations, offering compelling arguments for the need for revision in the policies of all three streams: professors, teaching stream faculty, and academic librarians. The audience for the event was fully engaged. Many excellent questions were asked during the Q & A that followed each session.

### **Grievance training:**

This year I have attended training sessions offered through CAUT and through Lancaster House on issues such as accommodation, LTD, human rights complaints, harassment, policy language, negotiations, the grievance process, etc. This training has helped me serve our members more effectively.

I have also learned a great deal from UTFA's in-house counsel, and I am grateful to all of them for their very hard work in this busy year: Eric Comartin, Alison Warran, and Carol Wolkove. I would also like to thank Peter Rosenthal and the lawyers at Sack, Goldblatt, Mitchell for their excellent work, especially on tenure files and association grievances. Many thanks, too, to all the staff at UTFA, without whom the Grievance portfolio could not function. In addition to those named for their participation in the Policy Symposium, I would add Peter Olsen and John Lymburner.

A final thank you to the members of this year's Grievance Committee: George Luste, Mounir AbouHaidar, Aurel Braun, Christina Tooulis-Santolin, Luc Tremblay, and Sandford Borins.

Cynthia Messenger  
Vice-President, Grievances

## **Report of the Vice-President, University and External Affairs**

### **Background**

The University and External Affairs Committee is one of three permanent standing committees named in the UTFA Constitution. The committee advises Council on matters of general concern to the University community, including relations with the Provincial and Federal Governments. It cooperates with other campus organizations and campus unions and maintains contacts with activities at other universities in Canada through the Canadian Association of University Teachers (CAUT) and Ontario Confederation of University Faculty Associations (OCUFA).

### **Main Activities for 2007-08**

- Administered the UTFA Undergraduate Tuition Award and the Al Miller Graduate Tuition Award, with the assistance of Helen Grad, Mary Alice Guttman, and Magdalene Redekop.
- Organized the C.B. Macpherson Lecture, with considerable assistance from Dennis Patrick, Chris Penn, and Cheryl Zimmerman. This year, the lecture took place on Nov. 1, and was delivered by John Ralston Saul with an introduction by the Hon. Henry N.R. Jackman. Attendance was approximately 350 and the event was highly successful.
- Scott Prudham participated in the Remembrance Day Ceremonies at the Soldier's Tower, and laid the UTFA wreath.
- Jody Macdonald and Scott Prudham attended the OCUFA Board meetings June 8-9, 2007. Scott Prudham also attended the OCUFA Board meeting of February 2<sup>nd</sup>, 2008.
- Scott Prudham and Eric Comartin represented UTFA at the CAUT Council meeting in Ottawa Nov. 22-25, 2007.

### **Committee Members:**

George Luste - President of UTFA, Helen Grad, Lino Grima, Mary Alice Guttman, Ryan McClelland, Victor Ostapchuk, Peter Pennefather, Magdalene Redekop, Scott Prudham, UTFA V-P

University and External Affairs(Chair), Luc Tremblay, and Kaiwen Xia

Scott Prudham  
Vice-President  
University and External Affairs

## **Report of the Treasurer**

The Association continues to be in good financial health with an accumulated reserve of approximately \$2,200,000. As prescribed by the UTFA investment policy the reserve fund is divided into thirds: cash, liquid bonds, and liquid equities. Although there has been volatility in the past few months in the equity portion of the reserve, the diversification of the funds has minimized the effect of recent market conditions. The Financial Advisory Committee met in October and April to review the investments in the Association's reserve fund. The members of the committee, including myself, are George Luste, Sandford Borins, Laurence Booth, and Mary Pugh. I wish to thank them for their time and for the stimulating discussions.

Surplus funds from 2006-2007 were used to fund a two month dues holiday for active members in December 2007 and January 2008.

At the moment I have a draft version of the Audited Statement by Schwartz, Levitsky, and Feldman for the fiscal year ending June 30, 2007. There were delays this year in the preparation of the audit. The final version will be made available at the AGM and posted on the UTFA website at [www.utfa.org](http://www.utfa.org).

Dennis Patrick  
Treasurer

## **Report of the Chair of the Appointments Committee**

During the 2007-08 academic year, the Faculty Association has made progress in preparing to negotiate with the university administration

improvements to the Policies and Procedures on Academic Appointments (PPAA). By the time you receive this report, the Appointments Committee will have met twice to discuss these possible improvements. In addition, during the past academic year, the Executive Committee has been made very aware of some of the deficiencies in the PPAA. And on 29 February 2008, UTFA held a very successful Policy Forum, organized by Cynthia Messenger, where our Appointments Policies were considered and discussed.

There are many ways in which the existing PPAA could be amended to improve job security for the professoriate, the teaching stream, and librarians, and thereby improve the protection of academic freedom at the University of Toronto. However, based on UTFA's experiences and internal discussions over the past year, three issues appear particularly urgent. First, there is an important problem in the tenure appeal process that needs to be addressed. The tenure appeal process is structured as an appeal from a negative decision by a Tenure Committee, leading, if successful, to a fresh decision by a new committee. But, as we have seen on several occasions over the years, the President of the University sometimes declines to award tenure even in the face of a favourable recommendation by a Tenure Committee. Neither the procedural nor the remedial provisions of the existing policies adequately deal with this kind of Presidential decision. UTFA has an outstanding policy grievance about the President's use of his power to deny tenure in the face of a positive recommendation; but apart from this grievance, there needs to be a suitable procedure for dealing with Presidential denials of tenure in individual cases. Second, librarians at the University of Toronto have for more than 30 years been working under a set of policies that were never agreed to by the Faculty Association. This lacuna in the relationship between UTFA and the University administration needs to be addressed, particularly because there are some serious substantive flaws in the Policies for Librarians. Third, the policies applicable to members of the Teaching Stream who do not have continuing appointments need to be revisited to provide better review procedures and job security.

At its February meeting, UTFA Council appointed a team to conduct negotiations about the Appointments Policy with the University administration. The members of the team are George Luste, Cynthia Messenger, Rea Devakos, and me. We hope to be ready to begin these negotiations in the very near future.

Respectfully submitted,

Hamish Stewart  
Associate Professor of Law  
Chair, UTFA Appointments Committee

## **Report of the Chair of the Librarians Committee**

I would like to begin by thanking the Librarians' Committee members: Susan Cozzi, Noel McFerran, Don McLeod, Jeff Newman, Suzanne Meyers Sawa, Cristina Sewerin, Vicki Skelton, Mary-Jo Stevenson, Christina Tooulias-Santolin and Kent Weaver.

As part of UTFA's review of the Policy and Procedures on Academic Appointments, we continued to examine the unsigned Policies for Librarians. The February 29<sup>th</sup> Policy Forum was a welcome opportunity to discuss the policies and possible changes. Librarians are the only stream currently working without signed policies — and with administration policies which include a number of problematic clauses including termination for financial exigencies or stringencies. The committee has now identified other key areas of concerns. I would like to thank Kent Weaver, Susan Cozzi, Hamish Stewart, George Luste and Cynthia Messenger for their support, astute advice, and continued work.

In addition, the committee had a number of new and continuing initiatives this year:

- Regular communication with our members continued via an electronic newsletter I would like to thank Vicki Skelton and Jeff Newman who serves as co-editors.



- The Joint Librarian/ Library Administration Committee continued to meet. I would like to thank the UTFA members: Suzanne Meyers Sawa and Kent Weaver.
- Christina Tooulias-Santolin and Jeff Newman attended a CAUT workshop on bargaining strategies.
- Informal pub nights provided an opportunity to meet with our constituents.
- Kent Weaver, Jeff Newman and I shared duties on the Negotiating Team

This marks my last term as Chair. In closing, I would like to thank the UTFA staff, Executive and Council for their assistance over the last five years.

Rea Devakos  
Chair  
Librarians Committee

## **Report of the Chair of the Teaching Stream Committee**

This year, Teaching Stream Committee (hereafter the Committee) discussions centered around workload, funding for research projects, job security and revision of the Appointments Policy, and promotion.

**1. Workload:** Teaching stream faculty from different units and across the three campuses reported general unhappiness with workload. Unfortunately, the stream's dissatisfaction with the workload issue is not reflected in the official results of the University's *Speaking Up Employee Experience Survey* because detailed data analysis of the teaching stream responses is not available. UTFA has requested this analysis from the University. Furthermore, UTFA has recently created its own fact-finding online "Survey on Teaching Stream Workload". We hope to use the results to conduct policy negotiations in the near future.

Various unfair practices related to workload plague the University. In some departments/units, while tenure stream workload has decreased, teaching stream workload has not. In other departments/units, new hires in the teaching stream have been assigned a higher workload (as much as 4 courses per semester) than senior lecturers. In such cases, departments are applying the "80% teaching/ 20% service" formula that does not allow for time to pursue professional development (although it is a requirement for the senior lecturer promotion). A few teaching stream faculty have reported that their research activities are not being taken into consideration when their PTR is assessed. Some departments/units are requiring that teaching stream faculty teach in all three academic terms, although this practice violates Article 8 of the *Memorandum of Agreement*. More and more, teaching stream faculty are reporting that the time they are devoting to administration is increasing steadily; however the increased workload is not being acknowledged as such. There is also the issue of "hidden workload increase" as a result of expanded enrollment (sometimes as much as 200%) resulting in an increased student-to-faculty ratio. Last but not least, teaching stream faculty have raised concerns regarding the lack of departmental transparency in assigning workload and course release.

Consequently, the Committee is very interested in the findings of the Joint Working Group on Workload and Work Life Balance. To this end, the Committee had a productive consultation meeting with Scott Prudham, Co-Chair of the Working Group, on March 28. The Committee is also inviting teaching stream faculty across the three campuses and in different departments/units to hold such consultations with the Co-Chair of the Working Group.

**2. Funding for research projects:** Because the teaching stream is committed to doing research, there is a heightened need to identify potential funding sources. However, given that some research funds are limited to the tenure stream, the teaching stream is left begging. The Committee has helped teaching stream faculty identify sources of research funding for which they are eligible.



One such source is the *Self-Funded Research Grant* administered by the University's Research Grants Office. Many teaching stream faculty are not aware that they are eligible for this grant because, currently, the application form does not specify a category for teaching stream although there is one for the tenure stream and one for the CLTA. The University has agreed to UTFA's request that the application form be changed to cite the teaching stream's eligibility for these funds. Information on this grant may be found at:

[http://www.research.utoronto.ca/funding\\_internal/f\\_i\\_self.html](http://www.research.utoronto.ca/funding_internal/f_i_self.html)

### **3. Job security and revision of Appointments**

**Policy:** The Committee has been concerned with reports regarding teaching stream faculty in certain departments/units who have been reduced from full-time employment to 60% or less, after the first three or four years of service. This trend is worrisome for the future of the teaching stream. Hence, there is an urgent need to revise the Appointments Policy to ensure the security and recognition of full-time appointments. There are too many needed policies to list here. The third-year review is only one of them. Another is the need for initial three-year appointments followed by review and a two-year extension contract.

The issue of teaching stream job security was among the questions addressed by UTFA's Policy Symposium held on February 29<sup>th</sup> in which the Committee was actively involved. The excellent turnout at our Committee's panel discussion indicated that UTFA members are strongly in favour of renegotiating the now outdated Appointments Policy.

**4. Promotion:** The Committee is worried about the denial of promotion in the teaching stream. This year, the Vice-President, Grievances, heard from approximately five teaching stream faculty who were, in one way or another, denied promotion to the rank of senior lecturer. We are more than ever committed to advising and assisting our members who will be going through the promotion process. **To this end, the Committee will be conducting a workshop and Question and Answer session on promotion on May 9.**

Although this is mainly intended for teaching stream faculty who will be reviewed for promotion

to senior lecturer in the Fall of 2008, we encourage lecturers who are currently in their first, second, or third year to attend.

In conclusion, I would like to thank the Committee members: Stavroula Andreaopoulos, Nancy Johnston, Jody Macdonald, Hazel McBride, Cynthia Messenger, Suzanne Meyers-Sawa, Dennis Patrick, Judith Poë, Janet Potter, Margaret Procter, Luis De Windt, and Terezia Zoric. They have been a tremendous source of strong support and inspiration to me. I am especially grateful to Cynthia Messenger, the former Committee Chair, for her guidance in my duties in this position. I also want to thank Eric Comartin, Chris Penn and Cheryl Zimmerman, UTFA staff members, for their precious help and judicious advice.

Geeta Paray-Clarke  
Chair, Teaching Stream Committee

## **Report of the Chair of the Membership Committee**

### **Background**

The Membership Committee is an ad hoc committee of UTFA which was established by UTFA Council on January 23<sup>rd</sup>, 2007. The committee reports to Council and the UTFA Executive. The goals of this committee are: (i) as the name suggests, to better enable UTFA to coordinate the mobilization of membership; (ii) to provide avenues for the better flow of information from the UTFA Executive and the Council to its membership, and in the opposite direction; and (iii) to make UTFA a more powerful, cohesive organization acting in the collective interests of its diverse membership. The committee is chaired by Scott Prudham, Vice President, University and External Affairs.

During the past year, the committee has been involved in several specific initiatives, including the following:

- AGM 07 turnout – we undertook a specific turnout plan for the 2007 AGM involving

emails to members, but also working with Council reps to contact their constituencies electronically and through individual targeted turnouts. This was instrumental in helping our turnout increase from previous years, and we were able to make quorum for the meeting.

- AGM 08 turnout – the committee has been and (as of this writing) continues to be active in AGM turnout, but this year we have adjusted our strategy to include phone calls to members in their offices to advise them of the AGM and to touch base with more members individually.
- New hires – we participated in the New Staff Orientation conducted by the administration in September of 2007, and made personal contacts with about 10-15 new hires. George Luste, Mary Pugh, and Scott Prudham attended on behalf of UTFA.
- Workshop for Members Serving on Tenure Committees – members of the committee (along with members of the Executive) were active in organizing and conducting a workshop for people serving on tenure committees; we did some limited, targeted turnout for the workshop. Attendance was on the order of about 35-40 people. Feedback was generally positive.
- We have been running a series of lunches for new hires, opportunities for people hired in the last year to meet in small groups (4-5) with George and another member of the Executive and/or the Membership Committee.
- Promotion and Tenure Workshop – we did some turnout for the Promotion and Tenure workshop in the spring of 2007. This also seemed to work and membership turnout for the event was strong.

### **Members of the Committee for 2007-2008**

George Luste - President of UTFA, Tom Alloway - UTFA V-P Salaries, Benefits and Pensions, Rea Devakos - Chair, UTFA Librarians Committee, Helen Grad, Lino Grima, Scott Prudham - Chair, and UTFA V-P University and External Affairs, (Chair), Magdelene Redekop, Peter Sawchuk,

Kent Weaver, and Terezia Zoric.

### **Get involved**

This committee takes all comers! We will be active in support of the communications and outreach initiative endorsed by Council at the March 17<sup>th</sup>, 2008 meeting, and we have opportunities for members to be involved at strategic planning levels, but also through specific and discrete tasks. If you want to be involved, please contact Scott Prudham ([prudham@utfa.org](mailto:prudham@utfa.org)), or get in touch with Chris Penn in the UTFA office ([penn@utfa.org](mailto:penn@utfa.org)).

Scott Prudham  
Vice-President, University and External Affairs  
Chair, Membership Committee

## **Joint Working Group on Pension Plan Governance and Funding**

### **Background:**

The Joint Working Group on ‘Pension Plan Governance and Funding’ is a creation of the 2007 Salaries and Benefits agreement, one of four such groups established as joint UTFA and the administration initiatives. This Working Group is somewhat special in that it is the only one where Mediator/Arbitrator Martin Teplitsky remains seized on its outcome. If the two parties fail to reach unanimous agreement he will mediate/arbitrate on the pension governance issue (not the funding issue).

This working group is co-chaired by George Luste (for UTFA) and Vice-President Angela Hildyard (for the administration). Other working group members include Laurence Booth and Jun Nogami for UTFA and Catherine Riggall and Sheila Brown for the administration.

Pension plan governance refers to the structure and process for overseeing, managing and administering a pension plan to ensure the fiduciary and other obligations of the plan are met.

The main terms of reference are as follows:

*“The parties agree to establish a Joint Working Group to consider:*

*(i) The existing governance mechanisms related to the University of Toronto Pension Plan, other models of pension plan governance, the appropriate forum for the Association to have a voice concerning pension plan governance and issues related thereto, and issues related to plan structure including issues related to possible separate pension plan for faculty and librarians. The parties acknowledge the University’s role as legal Administrator of the plan and the Plan Sponsor.*

*If the joint working group fails to make a unanimous recommendation on the issue of the appropriate forum for the Association to have a voice concerning pension plan governance the parties agree that Martin Teplitsky shall remain seized.*

*(ii) Issues related to the funding of the Pension Plan including both member contributions and University contributions.*

*The Working Group can include advisors, actuaries and/or counsel for each of the parties.”*

#### **General Principles – held by UTFA**

- The cornerstone of a pension governance process is that it must recognize, reflect and facilitate the discharge of fiduciary duty. This requires that plan members and their interests be brought to bear on key decisions and thus be part of the decision-making process.
- Pension plans must represent the beneficiaries and no one else.
- They must be free from any suspicion of conflict of interest.
- They have to be autonomous institutions.
- They must be accountable.

- They must be able to communicate with their constituents – the people for whom they are trustees.

#### **Specific Proposals – made by UTFA**

- That the pension plan assets for faculty and librarians be separated from the current plan. The reasons being the faculty and librarians represent a well defined interest group that negotiates its own terms conditions separately from the 20 or so unions that are also in the current plan. And while faculty and librarians represent about 65% of the dollars, or current pension assets and liabilities, they only represent about 35% of the members of the current plan. At other major universities, like UBC, the faculty and librarians have their own plan and governance.
- That new and distinct ‘Faculty Pension Plan Board’ be created with oversight for investments, administration and communication. This Board would have the sole fiduciary duty to represent the best interests of the pension plan members.
- That at least two and preferably three of the members of this Board be faculty and librarians appointed by UTFA. The preferred size of the Board would be seven members and thus the majority of the Board appointments would still come via the Business Board and Governing Council. Given the legacy liabilities in the current plan this is appropriate.
- To minimize any transition difficulties, initially UTAM be retained as Investment Manager and UofT HR and Hewitt as plan administrators.

#### **Progress to date:**

- The working group has met twice as a whole, and the UTFA side has met independently. In addition we also have a larger pension governance advisory committee and if the reader is interested in joining this committee please contact George Luste at [luste@utfa.org](mailto:luste@utfa.org)

- At present UTFA is waiting for a specific proposal from the Administration.

George Luste  
Co-Chair of the Working Group

## Joint Working Group on Benefits

The Benefits Working Groups terms of reference state that it is to consider:

(i) Issues around the liability for employee future benefits and retiree benefits other than pensions as well as issues related to Health Care spending Accounts, complex demographics and personal preferences concerning benefits, premium structures for existing or alternative benefits including short and long term disability insurance, and tax efficient benefit design.

(ii) The premium structures for the current medical and dental insurance plans.

UTFA is especially interested in two modifications to the current health and dental insurance plans. The current plans have two premium levels: one for individual members and another for members and their families. In response to a number of comments from members who feel that it is unfair to require couples to pay the same premium as people with children, UTFA has sought a three-level system: individual members, individual members plus one other eligible dependent, and families. In 2005, both UTFA and the Administration proposed switching to a three-level system. However, the Administration claims that before the change is made, we need to investigate the possibility that changing to a three-tier system will have unexpected effects. The working group is examining what the ramifications of changing to a three-level premium system would be.

UTFA is concerned that our present system in which the employer pays part of the premiums for all our benefits is inefficient from the perspective of tax planning. When the employer pays any part of a long-term disability premium, the pension that a disabled employee eventually receives is fully

taxable. However, if the employee pays all the benefit, the disability pension is tax-free. The working group is looking at schemes under which UTFA members would pay all the long-term disability premium with the employer paying a larger part of the other health and dental insurance premiums so that the net amount deducted from UTFA members' salaries remains constant.

Finally, the Administration is interested in establishing a flexible benefit plan under which UTFA members would have some choice about what benefits they wished to receive. As a part of such a scheme, UTFA members might receive a health-care spending account out of which to pay some or all of their medical and dental expenses. Employers often prefer benefit schemes of this type because they reduce the employer's cost of providing employee benefits. In other words, flexible benefit schemes and health care spending accounts are usually advantageous for the employer but not for the employees. So far, the Administration has not actually made a proposal. The working group will examine their proposal if and when they specify it in sufficient detail to evaluate its effects on the employer's costs and the benefits that UTFA members would actually receive.

Tom Alloway  
Co-Chair of the Working Group

## Joint Working Group on Salaries for Professors Outside the Tenure Stream and Salary Floors and Maximums.

The mandate of this working group is to consider the salary scale and salary structure for all categories of professors who are outside the tenure stream. The working group is also to consider the possibility of and issues related to increasing and/or eliminating existing salary floors and maximum salaries for tenure stream and tenured assistant, associate and full professors. For clarification, a professor outside the tenure stream is anyone whom UTFA represents who is not a librarian, is

not a lecturer, and is not a tenure-stream or tenured professor.

The UTFA representatives are: Tom Alloway, Mary Pugh, and Luis de Windt. The Administration representatives are: Gage Averill, Edith Hillan, and Anne Lancashire. The working group has met four times. So far, we have focused our energies on trying to understand the variety of professors outside the tenure stream and how various salary modifications might affect them, their departments, and the university. The working group has been hobbled by the state of the various employee databases --- a problem the Administration is already well aware of. Michelle Broderick of the Vice-Provost, Academic's office has been quite helpful in trying to plumb their depths to try and answer the working group's questions.

We are confident that we will come to agreement on some of the things we have been working on.

Mary Pugh  
Co-Chair of the Working Group

## **Joint Working Group on Workload and Work Life Balance**

### **Background:**

The Joint Working Group on Workload and Work Life Balance is a creation of the 2007 Salaries and Benefits agreement, one of four such groups established as joint UTFA and the administration initiatives. The working group is co-chaired by Scott Prudham (for UTFA) and Deputy (and soon to be Interim) Provost Cheryl Misak (for the administration). Other working group members include Cynthia Messenger and Rea Devakos for UTFA, and Edith Hillan and Carole Moore for the administration.

The terms of reference, including the preamble for all of the working groups, are as follows:

“The membership of each of these Joint Working Groups shall include three representatives of each party.

The parties agree that each Joint Working Group will be provided with data in accordance with the provisions of Article 11 of the Memorandum of Agreement. The groups will determine the analysis and presentation methods for summary statistical data to be used so that both parties work from a common set of data.

The groups may consult with the University community, where appropriate, and will report to the parties no later than (twelve months after the conclusion of the 2007-2008 Salary and Benefits Negotiations).

The parties shall jointly determine if and when the recommendations of the working groups shall be made public.

The parties agree that the fact that any particular matter or issue is the subject of a working group is without prejudice or precedent to either party's position regarding whether the issue(s) falls within article 6 of the Memorandum of Agreement....

The parties agree to establish a Joint Committee on workload and work life balance.

(i) Study the issue of workloads, including but not limited to class size/ workload/ laboratory supervision for tenured/tenure stream professoriate, teaching stream, and librarians.

(ii) The parties agree that the Committee will review workload provisions of other university in Canada.”

Various indicators suggest that workloads have increased sharply for faculty and librarians at the University of Toronto, with strong parallels at other Ontario universities. These trends are propelled not least by rising enrolments at the undergraduate and graduate levels, coupled with decreases in provincial funding dating back to the early 1990s. As President Naylor frankly and succinctly acknowledges in his Vision 2030 paper (p. 21) “At Toronto, the impact of chronic funding shortfalls has been felt in rising student-to-faculty ratios, bigger class sizes and depleted administrative

infrastructure.” For example, according to the “Performance Indicators For Governance, 2007” report issued by the Office of the University Vice-President and Provost, the aggregate student-faculty ratio at the U of T in 2005 was 37.2, up from 30.4 in 2001, and well above the Association of American Universities (AAU) mean of 22.3. In fact, the U of T figure is far and away the highest of the AAU figures listed in the report.<sup>2</sup>

In the 2006-2007 HR “Speaking Up” survey UTFA, respondents identified workload as the single greatest area of concern. This was particularly evident among female respondents (see Figure 1 below). The problem is serious enough that many respondents expressed concern that meeting the demands of excessive workloads has led to the erosion of work quality.

While the working group is an important opportunity for UTFA and the administration to exchange and compare views, it is important to note that this working group is created in part in response to the limitations of our existing Memorandum of Agreement, which has somewhat restrictive language pertaining to workload. Specifically, Article 8 is quoted below for reference. This article contrasts, for example, with the opportunity among certified faculty associations in Ontario (and in other provinces) to negotiate stronger binding language on workloads through collective agreements covering all terms and conditions of employment. That is, workload is not a frozen policy at the University of Toronto, and falls outside the rubric of Salaries and Benefits. Because we are not certified, and have not secured agreement from the administration to collectively negotiate workloads, faculty and librarians must essentially negotiate workloads on an individual basis, subject only to the provisions of Article 8 of our Memorandum of Agreement.

#### **Article 8: Workloads and Working Conditions**

The Governing Council agrees that no faculty member shall be expected to carry out duties and

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<sup>2</sup> AAU reporting norms mean that these faculty data do not include the Teaching Stream nor the clinical faculty. The report can be found at <http://www.provost.utoronto.ca/public/reports/performanceindicators/2007pi.htm>.

have a workload unreasonably in excess of those applicable to faculty members within the academic division or department (in multi-departmental divisions) of the University to which such faculty member belongs.

In the interest of research and scholarship, faculty members shall not be required to teach formal scheduled courses for more than two terms in any academic year and those terms normally shall be the Spring and Fall terms. Summer teaching in Woodsworth, Erindale and Scarborough Colleges shall continue to be voluntary and on an overload basis. However, nothing in this Article shall be interpreted to alter substantially the current arrangements for integrated summer teaching in those departments and divisions where this is now the practice. Nor shall this Article be construed to preclude faculty members from voluntarily agreeing to rearrange their teaching schedules so as to include summer teaching as part of their normal teaching loads where this is acceptable to them and to the colleges, divisions or departments (in multi-departmental divisions) offering summer courses. The Governing Council agrees to continue to use its best efforts to ensure that there is an adequate level of support for faculty members relating to working conditions amid equitable distribution of support among members of the same academic division or department (in multi-departmental divisions).

#### **Progress to date:**

- The working group has met twice as a whole, and the UTFA side has met several times independently.
- We agreed as a first step to choose case study departments, in part to allow the administration a chance to examine course load data on a manageable scale and to develop protocols based on this examination, and in part to allow us to examine issues specific to disciplinary cultures which might help us gain insight on how to approach the workload problem (e.g. types of work people do, how this varies within departments and between campuses, but also what specific North American departments are research peers). The departments chosen are: *History, Anthropology, Nursing, Chemistry, German, Philosophy, Political Science, and*



*Psychology*. So far, we have seen only indicators of course load in these departments, calculated per tenure stream faculty member, and broken down by individual campus. No indicators have been given to us by the administration pertaining to the teaching stream, nor to the librarians.

- The administration has discussed mechanisms for gathering additional information on workload among the chosen departments by working through Deans and Department Chairs, and has also agreed in principle to gathering information on course loads among the teaching stream, but calculated by campus and by faculty, not by department. No specific steps have been promised with regard to the librarians, and we will be pressing for more action and commitment on this front in subsequent communications and meetings.
- UTFA, working with the Membership Committee, has initiated “focus” groups, starting with the Librarians and the Teaching Stream Committees. Additional consultations are planned in April and May in the Anthropology Department, in the Division of Social Sciences at UTSc. and among the teaching stream at UTM and UTSc. These consultations are intended to deepen our understanding of the workload phenomenon and how it varies within and across units.
- We have conducted a survey of the collective bargaining language on workload from certified faculty unions in Canada. This survey indicates that there is a diversity of approaches to regulating and managing workloads among faculty and librarians at Canadian universities. There seems also to be diversity and not a great deal of clarity in the translation of this language into meaningful workload regulation in the context of escalating workloads and deteriorating financial foundations elsewhere. However, some important themes stand out:
  - (i) A significant difference between these institutions and ours is that as certified bargaining units, these faculty associations are able to negotiate all terms and conditions of employment including the capacity to discuss and agree to terms for regulating workloads. A common element is that the agreements typically list factors to be taken into account by a Dean or other charged with

maintaining equity. This is a significant advantage over the arrangement at U of T, irrespective of the efficacy of the actual measures in place;

(ii) There is a clear opportunity for the U of T administration and UTFA to demonstrate leadership in this regard, since there is opportunity for innovation in negotiating workload provisions and in putting these into practice;

(iii) A common thread of discussion among certified peers is that the availability of information on existing workloads within units is a key to achieving and enforcing equitable and effective limits on workload. Some of the agreements require publication of workload assignments throughout the university. This publication principle is a force for equity, as private deals cease to be as common.

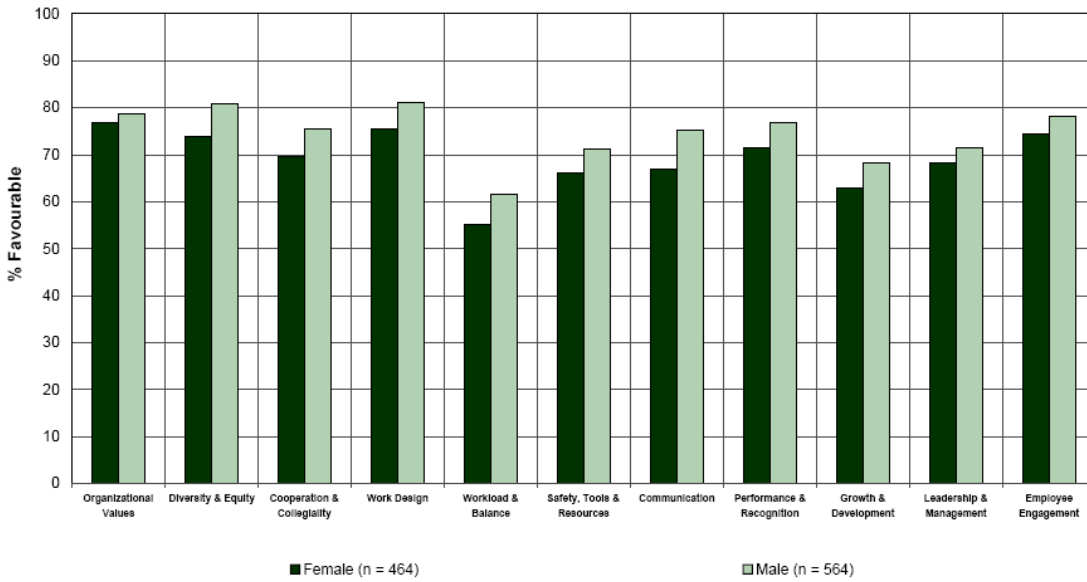
(iv) A common error at other institutions has indeed been to settle too quickly and easily on the most readily quantifiable measures of workload, most often course load. This leads to confusion and conflation of workload and course load, but also, confusion and conflation of course load and teaching load.

(v) Some agreements protect professional development and research activities as part of the appointments and expectations for librarians (see e.g. YUFA’s agreement for instance, which reads from clause 18.16 “The workload for librarians shall be established with due regard for their research and scholarly responsibilities.”).

## Conclusion

This working group will continue to tackle the workload problem in the coming months, including consultations with Deans and Chairs coordinated by the Office of the Interim Provost, but also focus group consultations conducted by UTFA. Anyone with suggestions or a desire to be involved in our deliberations and consultations should contact Scott Prudham ([prudham@utfa.org](mailto:prudham@utfa.org)) directly or Chris Penn ([penn@utfa.org](mailto:penn@utfa.org)) in the UTFA office.

Scott Prudham  
Co-Chair of the Working Group



**Figure 1: UTFA member responses on favourable disposition by issue and gender from Speaking UP survey 2006.**

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**The Audited Financial Statement will be available at the AGM meeting and will be posted on the UTFA website [www.utfa.org](http://www.utfa.org) as soon as it is available.**