



Information Report

UNIVERSITY OF TORONTO *faculty* ASSOCIATION

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SJAC Information Report #5

Reform or Retrenchment? SJAC Process Enters Final Chapter¹

After two day-long negotiating sessions in March with the Honourable Mr. Frank Iacobucci acting as facilitator, representatives of UTFA and the University administration still have a long way to go if we are to reach agreement on a new framework prescribing the role of the Association at the University of Toronto.

On March 1 and March 8, representatives of the parties met to continue the Special Joint Advisory Committee (SJAC) process. The SJAC was created in April of 2012 and includes in its core mandate:

- (i) a review of the role of faculty and librarians in processes of academic restructuring; and
- (ii) modernization of the Memorandum of Agreement (MoA) prescribing UTFA's role in providing representation to faculty and librarians.

Two subcommittees of the SJAC have also examined possible changes to appointments policies for faculty, including:

- (i) a possible extension in the time to tenure;
- (ii) more direct access to external assessment letters for tenure candidates, mentorship, and other procedural matters; and
- (iii) changes to teaching stream appointments policy, including security, title, and the balance of emphasis between teaching and scholarship.

In the SJAC negotiations, UTFA has proposed an entirely [new policy](#) dealing exclusively with the procedural aspects of academic restructuring exercises (e.g., opening or closing of academic units). The purpose of this proposed policy is to define what collegiality means in such processes (including such provisions as the rights of faculty and librarians to have timely notification, access to information, opportunities for meaningful input, etc.) and to ensure accountability in the exercise of administrative authority. Clearly such a policy is warranted following failed

¹ For a primer on the Special Joint Advisory Committee, see our FAQ document entitled "The Special Joint Advisory Committee: What is it and Why Should You Care?"

restructuring initiatives, including in the Faculty of Arts and Science in 2010 and efforts to close the Faculty of Forestry. Other examples abound. But to date, the University administration has flatly refused to negotiate a policy with UTFA, preferring instead to simply promulgate guidelines on how academic planning, including significant academic restructuring, should take place. Guidelines imposed by the Administration will only make this problem worse.

The guideline problem, and what some are calling the problem of “guideline creep”, points to a larger issue.² UTFA is one of the few remaining faculty associations in Canada that is not a certified union. In addition, U of T is unicameral and has no senate. This combination is unique and dangerous. It constitutes a collegiality gap that allows for too much unchecked administrative authority in shaping the context of our academic work. In the face of significant challenges in higher education, the political economy of academic publishing, and federal and provincial policies on funding and oversight of research and teaching, we need an independent, collective and democratically accountable voice for academic staff. UTFA is the only voice that meets those criteria, but UTFA’s capacity is currently quite limited.

The SJAC process represents a unique opportunity to narrow the collegiality gap at U of T and to rein in the proliferation of imposed guidelines on matters that shape the context of our work as academics. These matters include intellectual property protections; privacy policies pertaining to the production and circulation of paper and electronic records (including email correspondence) generated in the context of teaching, research, and professional activities; and important but often overlooked matters such as the authority of the Provost’s Office to intervene in course curricula in the name of ensuring continuity in the delivery of academic programs. For academic freedom and excellence to thrive, administrative managerial authority in a university must be accountable.

Via the SJAC, UTFA has also [proposed significant](#) change to the existing MoA, primarily to enhance the scope, rigour, accountability, and efficiency of negotiations over non-monetary issues. One of our specific proposals is to eliminate the antiquated and ineffectual frozen policies provision of the MoA. As an alternative, we are proposing to make broader use of formal negotiating processes in shaping policies currently frozen as well as other terms of academic employment excluded from the MoA altogether. Formal collective bargaining over compensation as provided by Article 6 of the MoA has helped keep compensation for academic staff at U of T “top of the market” — one foundation of our institutional excellence. The proposal to expand what is formally negotiable under the MoA is aimed at building on this existing strength, but also reflects a strong preference among colleagues to increase accountability and collegial representation in the determination of important academic policies.

But, to this point, the University administration has proven unwilling to embrace any change of the sort proposed by UTFA. As a result, the prospects for successfully

² See [SJAC Information Report #4](#), “The Collegiality Gap”.

resetting the relationship between UTFA and the Governing Council of U of T by means of a negotiated “new deal” are in question.

If the SJAC process fails, UTFA’s Executive and Council, together with colleagues, will need to turn in a different direction and consider options for moving forward. The SJAC process represents a middle path of negotiated reform. The other options for UTFA’s role in representing you are:

- (i) status quo, an option rejected repeatedly by the majority of faculty and librarians who want to see real modernization and more effective collective representation via UTFA; and
- (ii) union certification, always an option, but one seen as problematic primarily out of concern for the potential impacts of strikes on students.

At its meeting of March 17, 2014, the UTFA Council passed the following resolution:

“Be it resolved that the UTFA Council:

- 1. Remains committed, by means of the SJAC process or otherwise, to genuine reform of the relationship between UTFA and the Governing Council with the aim of securing shared and collegial governance and more meaningful participation in the determination of academic policies that comprise working conditions for faculty and librarians in the University...and*
- 2. Calls on the Governing Council to comply in good faith with the terms of reference for the SJAC process by meaningfully and constructively engaging with and responding to UTFA’s proposals for a negotiated policy on procedural aspects of academic restructuring and modernization of the Memorandum of Agreement...and*
- 3. Directs that, in the absence of agreement via the SJAC process on modernization of the MoA and a mutually agreed policy on procedural aspects of academic restructuring, the UTFA President, in consultation with the Executive, advise the Council on a future course of action informed by the report of the Ad Hoc Committee on Post-SJAC Options.”*

The “Ad Hoc Committee on Post-SJAC Options” in the last sentence above refers to a committee of UTFA Council, established in January of 2014. The committee’s mandate, as the name suggests, was to explore what options exist beyond the SJAC should the process fail. Those options include union certification and the report goes into some detail in exploring the logistics and implications of formal certification under the Labour Relations Act. Members who have questions on these and related matters will want to review the committee’s [report](#), now available and posted on the [UTFA website](#).

We are approaching a crossroads. Please consider writing to the Provost and/or the President of the U of T to encourage the Administration to take the SJAC process seriously as a way to avoid a potentially divisive debate.

Members who wish to meet to discuss the state of play should be in touch via membership@utfa.org to schedule an ad hoc brown bag lunch or a visit to an upcoming regularly scheduled department meeting.

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