



Team takes firm stand as management refuses to discuss faculty's top issues

If the first three days of negotiations are any indication, the members of the management bargaining team have abdicated their responsibility to address the real problems facing Ontario's colleges.

After opening statements on the first day of negotiations, the second day found the two sides exchanging opening proposals. However, it only took 24 hours from the union's presentation of their first set of proposals (found on page 2 of this bulletin) for management to declare their lack of belief in the need to discuss issues ranging from faculty's top issue of academic freedom/collegial governance to the grievance process.

As a result, the bargaining team has made the decision to file for conciliation. [In a news release issued yesterday](#), bargaining team chair JP Hornick made it clear that the team felt they were left with no other choice, given management's refusal to even entertain discussions around faculty's top issue.

"While the management team claims in their public communications to be seeking integrity in negotiations and a positive relationship between the union and management, their actions say the opposite," said Hornick. "When we proposed a better plan for academic decision-making through collegial governance, they refused to even consider it, despite the fact the very model we were proposing is already in place and functioning at Sheridan College.

"We're suggesting that we let everyone make the decisions they're experts in: faculty for academic decisions, and administrators for business ones. Sadly, they can't seem to imagine letting go of control – even when it would mean better colleges for Ontario students."

Given the lack of responsibility taken by the management team, the bargaining team is encouraging members to continue communicating with the public and elected officials to build support for the proposed improvements. Members can find materials to share through the new bargaining website at www.collegefaculty.org.

A better plan: what college faculty proposed in Week 1

The following is the text of the faculty bargaining team's presentations introducing proposals to improve academic quality and fairness for faculty. This week's proposals included language to address the following key demands passed by members:

- Establish academic freedom and collegial governance
- Strengthen intellectual property rights
- Strengthen language to improve union representation of members working inside and outside the province of Ontario

- Create a workload formula for counsellors and librarians

In each presentation below, you will find a link to the proposed language. The relevant demand is listed above, though there may be additional proposals to come on that demand. Please keep in mind that while the linked text represents the initial language tabled, language and proposals may be modified over the course of discussions, and in order to allow for free and open discussions at the table, these will not be shared publicly while negotiations are underway.

MEMBER DEMANDS: Establish academic freedom and collegial governance; Strengthen intellectual property rights

Ontario's Colleges of Applied Arts and Technology have evolved considerably since the system's founding. We are still community colleges that play an important role in local economies and provide high-quality employment and skills training. However, several recent trends have fundamentally changed the nature of what we do and how we do it. Our colleges are now: offering collaborative degrees with university programs; teaching regulated professions; offering stand-alone applied degrees; offering post-graduate certificates to university students; engaging in applied research; receiving Natural Sciences and Engineering Research Council (NSERC) and Social Sciences and Humanities Research Council (SSHRC) grants with university partners; and hiring a growing number of Ph.Ds.

These recent developments require our institutions to change in ways that are in fact long-overdue. To meet the needs of the present and to address a future in which colleges are even more integrated with the university sector, Ontario colleges must finally adopt a full post-secondary model. The three pillars of this model include faculty academic freedom, faculty intellectual property protection, and Academic Senates.

It is insufficient to have academic freedom and intellectual property policies at individual institutions. These protections are only meaningful when enshrined in the collective agreement (CA) and applied consistently across all colleges.

The three pillars of post-secondary quality are not new to the colleges, and in fact are arguably mandated. The Postsecondary Education Quality Assessment Board (PEQAB) requires a standard of academic freedom in order to approve degree programs, BScN nursing and other professional programs also necessitate faculty academic freedom, and the quality of college degrees and their acceptance by other post-secondary

institutions depends on standards of academic freedom. In 1990, the provincial government mandated College Councils to provide faculty and student input into academic programming. However, in practice, these Councils did not have the characteristics that actually ensure quality or provide authentic academic direction. These objectives can only be achieved by an elected, faculty-majority Academic Senate.

Beyond meeting the standards for post-secondary education set by the Ontario government and other regulatory bodies, a full post-secondary model is required to improve and subsequently maintain the quality of education. The reality in Ontario colleges today is that a lack of Academic Senates, academic freedom, and intellectual property protection have allowed financial motives to control institutional priorities, and this has led to serious erosion in the quality of education.

We must respectfully disagree with our friends from the Council. From the faculty perspective, everything is not working fine in Ontario's community colleges, and there are serious signs that educational standards are slipping:

- class sizes and Counsellor caseloads have been steadily increasing;
- Program of Instruction hours have been steadily decreasing;
- direct student contact with faculty has been steadily decreasing;
- academic standards have been slipping; and
- in the interest of "retention", students are no longer being given the kind of honest feedback they need to learn, grow, and ultimately excel.

From the perspective of faculty, financial pressure has clearly outweighed academic standards in today's colleges. We agree with our friends from the Council that tight college budgets have come from inadequate government funding. But equally important has been a significant growth in the ranks of administrators, far-beyond inflation increases to the salaries of senior administrators, and investment in new buildings, as opposed to investments in faculty. Our proposals around collegial governance will help re-balance the Ontario college system and re-orient its priorities away from institutional austerity and private revenue-generation — and toward student success and academic excellence.

What does filing for conciliation mean for negotiations?



Conciliation is covered under the Labour Relations Act, and means that the bargaining team has asked the Ministry of Labour to appoint a neutral third party, known as a conciliator, to work with both sides in order to help them reach a deal.

The appointment of a conciliation officer is also an initial step along the path towards a strike vote under the Colleges Collective Bargaining Act (CCBA). The team has not asked for a strike vote at this time, and remains hopeful that the appointment of a conciliator will help management to realize how important the issues of collegial governance and academic freedom are to faculty.



Should the employer continue to refuse to participate in meaningful discussions around how best to address the challenges facing Ontario's colleges, the bargaining team will be forced to consider more serious steps. If required, this may include scheduling a strike vote to demonstrate to the employer that faculty members support their team's plan to improve academic quality and fairness for faculty.

Our colleges' current structure is failing everyone:



STUDENTS

-  Degrees and diplomas aren't valued the same as those from other institutions
-  Classes are designed based on what is cheap to deliver, not how students can best learn

COLLEGES



-  Lose the perspective of those who can warn of the potential academic consequences of decisions
-  Risk their reputation when decisions lead to negative academic consequences or devalue the college's brand

PUBLIC



-  Safety can be put at risk when administrators, not faculty, decide when a student is ready to graduate
-  Public money is not well spent when educational outcomes suffer because decisions were made without faculty input

But with collegial governance, we all benefit:



STUDENTS

-  Degrees and diplomas that count the same as those issued by other institutions
-  Learning conditions that are designed to allow all students to succeed

COLLEGES

-  Demonstrate awareness of academic consequences, which can strengthen reputations
-  Make better decisions as a result of letting those with expertise make relevant decisions

PUBLIC

-  Public safety ensured by letting experts determine when students are ready to graduate
-  Public money is well spent, providing the best educational outcomes for the money allocated

Visit www.collegefaculty.org/collegial_governance to learn more about the importance of academic freedom/collegial governance, and how making sure the right people are making decisions will lead to better decision-making.

Academic freedom

Academic freedom is the necessary philosophical and practical precondition for education to be properly considered “post-secondary”. Education at the post-secondary level is not just rote recitation. Its very nature requires students to think critically, to question accepted norms, and to forge new pathways of knowledge and experience. These aspects of post-secondary education are necessary in order to advance scientific understanding, to improve professional practice, to incite technological innovation, and to spur economic development.

In order for our students to master learning outcomes and essential employability skills, the faculty that teach them must have the freedom to:

- determine the method and materials of instruction
- determine student evaluations
- assign student grades
- contribute meaningfully to the creation of academic policy and program requirements
- choose which topics of academic study and research to pursue
- speak publicly about their institution and about matters of public policy

Academic freedom ensures the quality of pedagogy, of student learning, and of faculty research. In addition, faculty academic freedom is essential in preserving post-secondary institutions as spaces that nourish the critical and creative thought necessary to a healthy democratic society.

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Introducing a comprehensive academic freedom article and updating the professor classification will not just benefit faculty; it will improve the entire Ontario college system. It will increase the prestige of colleges in the eyes of other post-secondary institutions in Canada, and internationally. It will improve the standing of degrees granted by colleges, and improve opportunities for future study for college students. Finally, it will help colleges both to attract the most skilled academic employees, and to ensure that the positive benefits of faculty expertise, creativity, and innovation are fully realized.

Intellectual property protection

In post-secondary institutions it is well understood that Intellectual Property (IP) protection is absolutely necessary to the success of any intellectual endeavour. Without IP protection there is no incentive to discover, to innovate, and to create.

Although Ontario's Colleges of Applied Arts and Technology are public institutions, and faculty gladly make their intellectual work available to students and the community, the need for faculty intellectual property protection remains critical. If faculty are operating in an environment in which the products of their intellectual labour are routinely taken by administration and used to expand a precarious workforce or outsource faculty work, then there is a profound disincentive for faculty to bring their full expertise to bear in program and curriculum development, in the classroom, and in research.

The colleges would do well to remember that the service they provide is based on the effort, creativity, and innovation of college faculty. Faculty create the programs, courses, and materials that are the public good of post-secondary education. Faculty also do the research that is becoming an increasingly large component of college activity. Without the intellectual labour of faculty, there is no college, and no college system.

Intellectual property protection will allow faculty to bring the fullness of their expertise to the classroom and to research. This benefits students, colleges, and the province.

Collegial governance

The standard model for administering post-secondary institutions in Canada and world-wide is bicameral governance, where a Board of Governors manages financial concerns and an Academic Senate manages academic matters. This model ensures that fiscal imperatives are matched by academic standards. Together, the two bodies allow a critical balance to be struck in post-secondary institutions.

The need for elected, faculty-majority Senates in Ontario colleges has never been greater. As fiscal pressures mount, it is critical that an independent body is able to ensure the quality of education. Senates bring faculty fully onboard with core institutional functions including creating academic policy, ensuring program quality, and determining program requirements. Faculty take academic direction from the Senate, not from administrators who may not possess the necessary credentials and experience. Working together, faculty, student, and administrator senators will make better policy and create higher-quality programs.

As proof of how an Academic Senate can function effectively in a College of Applied Arts and Technology, Sheridan College currently has a functioning faculty-majority Senate. From all reports, the Sheridan Senate is working fine. Faculty senators form a 2/3 majority, with the remaining senators coming from administration and students. Our proposal for Academic Senates in the CAATs is based on the Sheridan Senate. As such, it is a model that has already been tested in the college system, and we are proposing nothing apart from what has already been established.



Spread the word about how Collegial Governance can improve Ontario's colleges by sharing our short animated video, available at: http://www.collegefaculty.org/ontario_s_public_colleges_at_50_collegial_governance

Ultimately, as with academic freedom and intellectual property protection, elected, faculty-majority Senates will end up having a positive effect on Ontario colleges. With Senates, the interests of faculty will be fully harmonized with the interests of the institution. Faculty energy and expertise will be applied to academic leadership, thus allowing a substantial administrative savings that will likely offset the cost of Standard Workload Formula (SWF) time for faculty senators. Finally, each college will benefit from all of the time, money, and disruption saved when academic policies are effectively vetted by faculty and student Senate representatives before they are implemented.

[See the proposed new language.](#)

MEMBER DEMAND: Strengthen language to improve union representation of members working inside and outside the province of Ontario

The collective agreement (CA) is entered into in good faith by the parties with a commitment to adhering to the articles as set out therein. The very integrity of the CA is premised on this commitment.

Grievances – brought by the union local, employee(s), or the employer – are explicitly contemplated by the parties as the contractual mechanism to address differences in the application and interpretation of the CA for final resolution by a neutral third party. The parties gain from final resolution of differences arising

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from the application and interpretation of the CA that, if left unresolved, fester and ultimately harm labour relations.

The current language in article 32.09 unduly limits the union local's ability to bring a union grievance where an employee "could" bring the same grievance. The language is overly broad in that it precludes the union local from bringing forward a legitimate concern through the grievance process where an employee has not grieved notwithstanding that the issue is one in which an employee could grieve.

The current language therefore undermines the good faith obligations of the parties to resolve interpretive differences through the grievance procedure. Despite the colleges' position that these grievances are frustrating because the faculty affected are often said to be content with the situation, this language adversely and disproportionately affects partial-load and probationary faculty — our most marginalized and vulnerable members, whose silence should not be mistaken for contentment. In effect, there is a gap in the current language that diminishes the integrity of the CA.

We are proposing language that aims to uphold the parties' good faith obligations pursuant to the CA as well as ensure that the parties enjoy the mutual benefits of final resolution of differences as they arise. In addition, the proposed language balances these benefits with the parties' mutual desire to avoid costly and unnecessary duplication of grievances where possible. To that end, the proposed language would permit a union local to pursue a grievance on any alleged breach of the CA regardless of whether an employee could similarly grieve but, importantly, protects against the duplication of remedies.

Accordingly, the proposed language contemplates that a union local could not grieve where it seeks the same remedy sought in an existing employee grievance. However, the union local would be able to grieve where it seeks a different remedy from that of an existing employee(s) grievance and/or where an employee(s) has not filed a grievance in respect of a particular difference of application or interpretation of the CA.

The proposed language restores the integrity of the CA as contemplated by the parties and closes the gap currently existing in the language at 32.09.

[See the proposed new language.](#)

MEMBER DEMAND: Create a workload formula for counsellors and librarians

The Counsellor Class Definition in our current CA no longer reflects the present roles of counsellors in our colleges. Over the many years this CA has been in place, counsellors' roles have evolved in many ways and so has the reality of our students and of the colleges. Students on our campuses have been exposed to trauma like never before and more and more students are in need of accommodations, both as there is a higher awareness in the population to such disabilities and as the span of qualifying disabilities has broadened to include mental health disabilities. Colleges have also been experiencing the pressure to improve student retention. As a result, counsellors are now offering a broader diversity of services related to mental health, student accommodation and student success services.

We are therefore proposing an updated Counsellor Class Definition that speaks to other

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roles such as mental health support in response to tragic events; crisis intervention and risk assessments of students; developing and offering workshops to students; interviewing students who drop out of their program; assessing and recommending appropriate accommodation(s) to students who have a temporary or permanent disability or condition that has been, or may be, diagnosed by a Regulated Health Professional; and counsellors' involvement in related scholarly activities.

Also, the term "career counselling" is more appropriate and inclusive and therefore has replaced the reference to vocational/educational decision-making. The term "difficulties" has also been replaced by the term "challenges" to reflect a more positive and constructive perception of this reality.

There are also new regulations in Ontario in regards to psychotherapy and as a result the language needs to reflect some obligations for those counsellors who are regulated. For example, counselling programs need to be evidence-based (this replaces the word appropriate) and there are obligations in relation to notes and record-keeping of client files, as well as the obligation for many counsellors to develop and maintain professional competencies.

In addition, when the translation for the new CA is underway, there will be a series of housekeeping changes necessary to the current French version of the Class Definition to ensure that the meaning is consistent across both versions.

[See the proposed new language.](#)

To contact your CAAT-A bargaining team, please write to: bargaining2017@gmail.com

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