

# THE LOCAL

OPSEU 560 NEWSLETTER – JULY 2018

## STUDENT ASSESSMENT POLICY AND ACADEMIC FREEDOM

We have heard many concerns about the new Student Assessment Policy that is being unilaterally imposed upon Seneca College faculty. While the policy is rooted in some “best practices” of teaching and assessment, it is inappropriately restrictive and prescriptive. It fails to recognize the specific needs of unique courses, the scheduling challenges that can follow from accommodations, and the potential problem with evaluating students within the very first weeks of a course.

We note that this policy was drafted entirely after our latest Collective Agreement granted academic freedom to faculty, and we are disappointed by the lack of opportunity for faculty to provide meaningful input prior to this policy’s imposition.

We recognize that it is desirable for student achievement to be evaluated fairly and equitably through valid assessment methods, and also for students to receive prompt and constructive feedback on their performance in evaluations.

But a policy that provides arbitrary and prescriptive thresholds is unlikely to provide fairer evaluations than the exercise of an individual professor's academic freedom would.

Noting that managers have the right to approve exceptions to many of the policy’s terms, your Local 560 Executive encourages all members to consider the principles at the heart of the policy, and then structure student assessments in the manner that they personally feel is the most appropriate for their classes, their disciplines, and their students. You should submit an addendum with the most pedagogically appropriate assessment structure (including number of assessments, weighting, and scheduling) to your manager, in a timely manner.

Should your manager refuse to approve your addendum on the grounds that it does not adhere to the policy (or on any other grounds), we would encourage you to: i) present your academic justifications for your decisions, ii) obey any specific directions from your manager, and iii) contact the Local immediately at [union@opseu560.org](mailto:union@opseu560.org), to inquire about your right to grieve this potential violation of your Academic Freedom rights under the new Article 13 of our Collective Agreement.

It is vital that faculty familiarize themselves with their Academic Freedom rights and assert those rights at every stage of their professional conduct.

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## PARTIAL-LOAD REGISTRY

One of the gains of our 2017 strike was that the College is now obligated to keep a record of Partial-Load employees job experience, courses taught, and departments where those courses were taught. It is also obligated to keep a registry of Partial-Load faculty. Those who were Partial-Load in Fall 2017 semester are automatically registered

for the 2018-2019 academic year. Those who are on the registry will be granted hiring priority in accordance with Articles 26.10 D and 26. E of the Collective Agreement. This is an important gain as it grants Partial-Load employees seniority rights and enhanced job security.

Local Officers will continue to meet with management at the newly-reconstituted Union College Committee to continue discussing the registry and to ensure that it is being followed in hiring for Fall 2018.

## OUR FIGHT FOR EQUAL PAY FOR EQUAL WORK

On June 12<sup>th</sup>, RM Kennedy (our Divisional Executive Chair) and JP Hornick (Bargaining Chair and Divisional Executive member) met with contract faculty to discuss using Bill 148 to *fight* for equal pay for equal work.

The first stage is to ask folks who are working full-time workloads on a sessional basis to file a complaint with the Ministry of Labour arguing that their work is equivalent to that done by Full-Time faculty, but that they are not getting paid the same wage.

The reason why this effort is beginning with Sessional faculty is that our Collective Agreement

already recognizes that their work is the same: Appendix V states that “A sessional employee is defined as a full-time employee appointed on a sessional basis for up to 12 full months of continuous or non-continuous accumulated employment in a 24 calendar month period.”

We want to gather as many contract faculty as are willing to be involved to ensure that Sessional faculty are paid what they deserve, and to launch a public campaign to draw attention to the unfairness of our system. If you are a Sessional faculty member who wants to be involved, contact Anna Ainsworth: [aainsworth@opseu560.org](mailto:aainsworth@opseu560.org).

### NEXT ISSUE: PARTIAL-LOAD REGISTRY

We know that many members have questions related to the Partial-Load Registry. Stay tuned for an issue specific to the implementation of the Partial-Load Registry.

## RETURN-TO-WORK CLARIFICATIONS

When we were legislated back to work after the 2017 provincewide strike, Arbitrator William Kaplan was tasked with, among other things, creating a return-to-work protocol that would govern the way we were to resume post-strike duties. Kaplan determined that union members would receive a lump-sum payment. Yet, some members at some colleges were denied the lump sum payment (including members on the bargaining team, members on PD leave, pregnancy leave).

This issue was referred back to Arbitrator Kaplan for a determination: unfortunately, Kaplan ruled against the union in this manner. We are disappointed by this result.

Local 560 understands that OPSEU representatives intend to raise these issues when they meet with college representatives in the Ministry of Labour restorative mediation in the fall.

## NEW COM 101 COURSE

As of this September, EAC 150 will be replaced with a new composition course called COM 101.

Those of us who have loved teaching EAC 150 will miss the course greatly (we have been commiserating for a while now). COM 101 is distinctly different from EAC 150, so it involves training and new preparation—if you are Full-Time, please ensure that the new prep is recognized on your SWF.

If you are a contract faculty member who has been assigned the course in the Fall semester, please reach out to Anna Ainsworth at [aainsworth@opseu560.org](mailto:aainsworth@opseu560.org). The Local would like to see that Partial-Load faculty are paid for the additional meetings and training, especially if you are expected to attend these while you are not on contract.

## PARTIAL-LOAD CO-ORDINATOR ENTITLEMENT TO FULL-TIME POSITIONS

An arbitrator's ruling from this year clarified a section of our Collective Agreement, and might have significance for partial-load employees who do coordinator work at Seneca College.

Arbitrator Jasbir Parmar looked at the workload of two Partial-Load faculty members at St. Lawrence College who were teaching 12 hours weekly and also performing co-ordinator duties. She determined that, despite being on "Partial-Load" contracts, they were effectively performing Full-Time workloads.

As a consequence, the arbitrator determined that they ought to be classified as "Sessional" faculty.

Parmar then applied Article 2.03C (and Appendix V) of our Collective Agreement, which states that

if a Sessional position is extended beyond one full academic year in a 24-month period, it shall be reclassified as a "regular full-time position".

In short, the arbitrator handed Full-Time positions to two Partial-Load professors because they had been teaching as well as performing non-teaching academic duties, such that their workload constituted a Full-Time workload for more than one full academic year in a two-year period.

This ruling has potential to provide significant reward to Partial-Load faculty whose work history aligns with that identified in this recent arbitrator's ruling. If you would like to speak with us about whether or not your Partial-Load experience may qualify you for a Full-Time position, please email us at [union@opseu560.org](mailto:union@opseu560.org).

## PROVINCIAL TASKFORCE CANCELLATION

OPSEU Local 560 is disappointed to learn that the Ontario government has cancelled the Colleges of Applied Arts and Technology Taskforce.

OPSEU Head Office has indicated that it will consider all legal avenues if the government persists.

*The following is a reprinted open letter from the OPSEU's College Faculty (CAAT-A) Divisional Executive:*

## COMMUNICATING WITH YOUR LOCAL

We want to hear from you—with your concerns, challenges, and ideas (of course, compliments are also always welcome).

It is important, however, that you communicate with us from a personal email account, not from your College email. We ask this so that we can ensure your confidentiality and protect your interests.

<http://opseu560.org/about-local-560/directory-of-stewards/>



**OPSEU Local 560**

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Toronto, ON M1W 2T4  
416-495-1599**

Workload Monitoring Group: [wmg@opseu560.org](mailto:wmg@opseu560.org)

Other issues: [union@opseu560.org](mailto:union@opseu560.org)

[opseu560.org](http://opseu560.org)

## CAAT-ACADEMIC DIVISIONAL EXECUTIVE LETTER RE: PROVINCIAL TASKFORCE CANCELLATION

July 20, 2018

Colleagues,

As you may have heard, the newly installed Progressive Conservative government has cancelled the Provincial Taskforce that was mandated by William Kaplan as part of our settlement after we were legislated back-to-work.

This is of major concern to the more than 13,000 full-time and contract faculty, counsellors and librarians in the college system. Our strike and the resulting collective agreement saw, among other things, important advances in job security for our partial load members, the reinstatement of our ability to grieve for more full-time positions, and breakthrough academic freedom language.

However, demands that were central to the strike concerning precarious work, faculty complement and collegial governance now remain unresolved and unaddressed.

Your union leadership - the Local Officers, the Provincial Divisional Executive, and OPSEU Central - are reviewing all available options, including legal challenges, to ensure the work of the Taskforce continues. We have also formally requested to the Minister of Training Colleges and Universities that the Taskforce be reinstated. Please find attached OPSEU President Thomas's letter to Minister Fullerton.

We remain dedicated to the fight against precarious work and to ensuring that we have a stable faculty complement. And we remain committed to modernizing the governance structures of our colleges to be in line with the international norms of postsecondary education by ensuring that faculty have more say over academic decisions institution-wide.

These issues and our collective voice resonated with the media and the general public in our last round of bargaining and we will be bringing them to the forefront again in the weeks and months to come.

In solidarity,

The CAAT-Academic Divisional Executive

RM Kennedy  
Martin Devitt  
JP Hornick  
Pearline Lung  
Heather Gardine-Tuck

*OPSEU President Thomas's letter to Minister Fullerton can be found on the following page.*



July 20, 2018

Merrilee Fullerton  
Minister of Training, Colleges and Universities  
14th Floor, Mowat Block  
900 Bay Street  
Toronto Ontario M7A 1L2  
Email: Merrilee.fullerton@ontario.ca

**Sent via email and post**

Re: Colleges of Applied Arts and Technology Task Force

Dear Minister,

I am writing to you to express OPSEU's opposition to the Progressive Conservative government's termination of the Colleges of Applied Arts and Technology Task Force. It's impossible to overstate the deep disappointment our union felt when we received Deputy Minister Zegarac's letter of July 13, 2018 advising that the task force was terminated on June 29, 2018.

On behalf of all OPSEU members, we urge you to do everything in your power to persuade the government to reconsider this decision.

You should be aware that the CAAT Task Force was established following extended negotiations between the Crown, the College Employer Council, and OPSEU. The parties brought their respective interests and experience to those discussions, and OPSEU ultimately agreed to withdraw certain proposals from collective bargaining in order to reach agreement on a Letter of Understanding, entitled "Ontario's Public Colleges: The Next 50 Years." The Task Force that was established through this letter brought together representation from key stakeholders, including the Government, the College Employer Council, Academic Faculty, Support Staff, students and employers. The agenda of the Task Force was innovative, forward looking, and in the interests of all Ontarians.

You should also be aware that the Letter of Understanding states that "The Ministry agrees to accept and endorse this initiative, accepting signatory status as facilitator for the Task Force..." The Ministry committed that "all recommendations of the Task Force will be considered for funding by cabinet."

The Task Force was given a mandate to develop recommendations on a number of identified issues that are significant to OPSEU, and in our view to the future of post-secondary education in Ontario. You will be familiar with the interim report that was issued on April 30, 2018. A final report and recommendations would have been issued to the Ministry in the fall of 2018.

OPSEU strongly opposes the decision to terminate the Task Force, and we will consider all legal avenues if the government persists. It's important to point out that the task force was ordered by

Arbitrator William Kaplan in his award after last year's strike, making this markedly different than some of the decisions of the previous Liberal government that have been terminated or put on hold.

By cancelling the Task Force, the Government is withdrawing from its commitments to post-secondary education, as well as the specific commitments that were given to OPSEU and the College Employer Council in the course of collective bargaining. This decision to terminate interferes with the process of collective bargaining and overturns significant outcomes that were achieved by the parties. It certainly leaves the door open to a Charter challenge pursuant to s2(d) freedom of association. In addition, the parties, government, and indeed Ontarians will lose the opportunity to hear and consider the recommendations of the Task Force.

We look forward to hearing from you once you have had the opportunity to review this information.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Warren Thomas".

Warren (Smokey) Thomas  
OPSEU President

cc: RM Kennedy, Ontario College Faculty Division Chair  
Janice Hagan, College Support Divisional Executive Chair  
Philip Welford, Chief of Staff