



FOR RECOMMENDATION

PUBLIC

OPEN SESSION

TO: Planning and Budget Committee

SPONSOR: Cheryl Regehr, Vice-President & Provost
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PRESENTER: As above
CONTACT INFO:

DATE: January 9, 2015 for January 14, 2015

AGENDA ITEM: 4

ITEM IDENTIFICATION:

Policy and Procedures for Faculty and Librarians on Academic Restructuring

JURISDICTIONAL INFORMATION:

Under Section 4.1 of the Planning & Budget Committee's Terms of Reference, the Committee is responsible for policy on planning, and reviews and makes recommendations to Academic Board on the University's general planning framework. Specific areas in which recommendations are made by this Committee to the Academic Board include policy on the organization of academic planning at the University. In addition, under Section 4.4, the Committee also recommends to Academic Board on proposals for the restructuring of academic units, including activities contemplated in these *Policy and Procedures*.

GOVERNANCE PATH:

1. **Planning & Budget Committee [for recommendation] (January 14, 2015)**
2. Academic Board [for recommendation] (January 29, 2015)
3. Executive Committee [for recommendation] (February 9, 2015)
4. Governing Council [for approval] (February 26, 2015)

PREVIOUS ACTION TAKEN:

The Governing Council of the University of Toronto first approved a Memorandum of Agreement (MOA) between the University and the University of Toronto Faculty Association (UTFA) on June 28, 1977, as amended from time to time, last consolidated on December 31, 2006.

HIGHLIGHTS:

As described in more detail in the attached Informational Memo, in the Spring of 2013, a Special Joint Advisory Committee (SJAC) was established with representatives of the University of Toronto and UTFA to discuss potential changes to the MOA between the Governing Council of the University of Toronto and UTFA. The SJAC and its subcommittees met regularly between March 2013 and December 2014 in order to reach the tentative agreements summarized in the attached Informational Memo, including the October 10, 2014 agreement to recommend for approval by the Governing Council the proposed new *Policy and Procedures for Faculty and Librarians on Academic Restructuring*. The SJAC process was extended several times in order to accommodate further collegial discussion and was expertly facilitated by the Honourable Frank Iacobucci.

UTFA's Council ratified the tentative agreement at its scheduled meeting on December 15, 2014, and the Governing Council is now being asked to approve the tentative agreement as per the relevant respective terms of reference for its various boards and committees.

The University administration recommends the proposed *Policy*, which is consistent with and supports the University's commitment to collegial processes for academic planning and consultation on various matters that include faculty and librarians and include students and staff and other interested members of the University community when certain significant changes to academic units are being proposed. The proposed *Policy* specifically addresses the disestablishment, amalgamation, or relocation from one campus to another of an academic unit, with 'unit' being defined as Divisions; Faculties; Departments; Institutes, Centres or Schools with Extra-Departmental Unit A or B status; and Colleges where the primary appointment of a faculty member is held within the College.

While not a part of the SJAC process, *Guidelines on Divisional Academic Planning* are also being brought forward by the Administration for approval in the current governance cycle because of their description of the broader academic planning context within which the proposed new *Policy* will apply.

The Administration has engaged in consultation regarding the proposed *Policy*, as outlined in the attached Memo. UTFA has also engaged in a process of consultation with its members.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION:

Be It Recommended to the Academic Board:

THAT the proposed *Policy and Procedures for Faculty and Librarians on Academic Restructuring* be approved, effective immediately.

DOCUMENTATION PROVIDED:

- Informational Memo on Special Joint Advisory Committee (SJAC)
- Tentative agreement between UTFA and University Administration on Academic Restructuring (October 10, 2014)
- *Policy and Procedures for Faculty and Librarians on Academic Restructuring*

Informational Memo on Special Joint Advisory Committee (SJAC)

Context

In the Spring of 2013, a Special Joint Advisory Committee (SJAC) was established with representatives of the University of Toronto and University of Toronto Faculty Association (UTFA) to discuss potential changes to the Memorandum of Agreement (MOA) between the Governing Council of the University of Toronto and UTFA. The SJAC was created to address several issues, including (i) possible changes to appointments policies for both faculty streams; (ii) the role of faculty and librarians in academic planning; and (iii) review of the strengths, weaknesses and options for modernization of the Memorandum of Agreement.

The SJAC and its subcommittees met regularly between March 2013 and December 2014 in order to reach the tentative agreements summarized below. The SJAC process was extended several times in order to accommodate further collegial discussion and was expertly facilitated by the Honourable Frank Iacobucci.

We are very pleased that representatives of UTFA and the University administration have reached tentative agreement regarding changes to the MOA and on related issues falling under the auspices of the SJAC process. It is to the credit of both parties and to our Facilitator that our shared strong commitment to the University of Toronto enabled us to reach a tentative agreement on these challenging and important issues. UTFA's Council ratified the agreement at its scheduled meeting on December 15, 2014, and the Governing Council is now being asked to consider for approval the tentative agreement as per the relevant respective terms of reference for its various boards and committees.

History

The University Administration and UTFA first entered into a comprehensive MOA on June 28, 1977. The MOA's basic structure and processes have served the institution well over the course of more than three decades. The agreement has enabled the University to become one of the world's great public institutions of higher learning and advanced research because of its support for the collective interests of faculty and librarians while providing for individual autonomy and flexibility in their scholarly and teaching pursuits.

The MOA sets out a process for the negotiation of faculty and librarians' salaries and benefits and workload; it enshrines vigorous protection of academic freedom; it contains a grievance and arbitration procedure; it protects core academic policies from unilateral change; and, it deals with various other terms and conditions of employment for faculty and librarians. Among the MOA's unique features are provisions that establish a process for negotiation of salary and benefit minimums and workload policy, including interest arbitration by a dispute resolution panel where the parties are unable to reach

agreement. One of the stated purposes of the MOA is to promote and maintain harmonious, collegial relationships within the University of Toronto, including the settlement of differences without resort to strikes and lockouts under the Ontario Labour Relations Act.

Highlights

The Governing Council is being asked to approve the four major elements of the tentative agreement reached with UTFA based on the terms of reference for the various governance boards and committees:

1. Changes to the MOA – specifically relating to Articles 2, 5, and 6
2. Changes to the *Policy and Procedures on Academic Appointments* (PPAA) regarding the teaching stream
3. Changes to the PPAA regarding the tenure stream
4. *Policy and Procedures for Faculty and Librarians on Academic Restructuring* (new)

With the exception of the changes to Article 5, the proposed changes to the MOA have been agreed to in principle but not yet drafted with specific wording. Therefore, approval is sought in principle of the agreements at the present time, with a request for approval of the specific revisions to the MOA to come in a subsequent cycle of governance.

The proposed changes to the MOA accomplish three goals:

- a) To clarify the statement on **academic freedom** in Article 5, including making explicit the fact that “creative professional activities” of faculty and librarians are subject to the protection of academic freedom;
- b) To include sick leaves, leaves of absence and parental leave benefits in the **Article 6** salary and benefit and workload process. These policies have previously been included in the Article 2 “frozen policies” category which required agreement between with UTFA to change but were not part of the Article 6 negotiation and dispute resolution process; and
- c) To institute a **new non-binding, facilitation and fact-finding process** for addressing potential changes to so-called ‘frozen policies’ in Article 2, certain specified provisions in the MOA itself, and other significant terms and conditions of employment for faculty and librarians contained in existing or proposed University-wide policies. Such matters are not subject to any prescribed process for bringing the parties together under the current MOA, and discussions about such matters have taken place on an *ad hoc* basis historically.

The proposed changes to the PPAA regarding **teaching-stream** faculty also have been agreed to in principle subject to agreement on the specific policy wording. Approval in principle is sought at the present time, with approval of the policy wording to come subsequently. The proposed changes recognize the value and unique contributions of teaching-stream faculty to the University. After implementation, the changes will result in rigorous, competitive appointment and evaluation systems that will be consistent across the institution. Specific changes include: initial four-year teaching-stream appointments; provision for a mandatory interim review with a term of teaching and service reduction following successful renewal and a two year re-appointment; a review for promotion to continuing status in year six; and the introduction of professorial ranks and titles that will recognize

accomplishments across a teaching-stream faculty member's scholarly career. If the proposed policy changes are approved, current full-time Senior Lecturers and full-time Lecturers with continuing-stream appointments will have an opportunity to elect to transition into the new policies or to remain under the existing policies.

The proposed changes to the PPAA regarding **tenure-stream** faculty – here with specific wording for approval, as agreed to by both parties – will make significant changes to tenure and promotion procedures that we believe are to the benefit of our colleagues and better align U of T with peer institutions around the world. For example, the changes will extend the normal tenure clock from five to six years and provide pre-tenure faculty with an academic term with reduced workload prior to their tenure review to permit them to address issues identified during their interim review. If the proposed policy changes are approved, current pre-tenure faculty members will have a one-time opportunity to elect to transition into the new policies or to remain under the existing policies.

Finally, approval is sought of a ***new Policy and Procedures for Faculty and Librarians on Academic Restructuring***, which sets out a process that will ensure full and appropriate collegial involvement and consultation with faculty members and librarians when certain significant changes to academic units are being proposed. This new *Policy* reflects our shared commitment to best practices of consultation with faculty and librarians about potential academic restructuring proposals, specifically when it comes to the disestablishment, amalgamation, or relocation from one campus to another of an academic unit.

Although not a part of the SJAC tentative agreements, the parties have committed to making review of the *Policies for Librarians* a priority, once the above elements are approved.

Consultation

The various elements of this agreement have undergone significant discussion and consultation to ensure the support of faculty members and librarians. This 22-month process has been a highly engaged one, with discussion, feedback, and communication at various times during the process. Various elements were presented to and discussed with Principals & Deans, the Executive Committee of Governing Council, and Principals, Deans, Academic Directors, and Chairs (PDAD&C). In addition, UTFA undertook its own process of consultation with its membership.

AGREEMENT BETWEEN UTFA AND THE UNIVERSITY ADMINISTRATION ON ACADEMIC RESTRUCTURING, OCTOBER 10, 2014

The University Administration will recommend this Policy for approval by Governing Council following its approval by UTFA Council, which UTFA's SJAC representatives agree to recommend. This Policy will not go into effect until approved by Governing Council.

If this Policy is approved by UTFA Council and the Governing Council, the parties agree that Article 2 of the Memorandum of Agreement will be amended to add this Policy to the list of policies that cannot be changed except in accordance with the facilitation and fact finding process.

Policy and Procedures for Faculty and Librarians on Academic Restructuring

This Policy is consistent with and supports the University's commitment to collegial processes for academic planning and consultation on various matters that include faculty and librarians and include students and staff and other interested members of the University community. Within the wide scope of such collegial processes and consultations there is a need for a specific process for faculty members and librarians dealing with Academic Restructuring as set out below.


1. Academic Restructuring must include the opportunity for the meaningful involvement of faculty members and librarians.
2. From time to time, Divisions, Faculties, Departments, Institutes, Centres or Schools with Extra Departmental Unit A or B status, and Colleges where the primary appointment of a faculty member is held within the College (collectively "Academic Units")¹ are disestablished, amalgamated, or relocated from one campus to another campus. In a university setting, this is normal and necessary to the evolution of the institution and is vital to maintaining a standard of excellence in teaching and research. This Policy applies to the disestablishment, amalgamation, or relocation from one campus to another campus of Academic Units requiring the recommendation or approval of the Academic Board, the Executive Committee of Governing Council or the Governing Council as the case may be (referred to hereinafter as "Academic Restructuring").
3. While all University constituencies have an interest in Academic Restructuring, the direct and meaningful involvement of faculty and librarians requires that they bring their academic expertise to bear on shaping the conditions under which they perform their activities and duties.
4. A proposal for Academic Restructuring may only be sent for approval by University Governance bodies provided that the procedures in this Policy have been followed.
5. Prior to an Academic Restructuring being proposed, faculty members and librarians of potentially affected Academic Units must have had a reasonable opportunity to participate in a collegial, inclusive and deliberative process in which the context and parameters of potential Academic Restructuring could be explored and during which their input was sought. This includes Academic Unit self-study prior to any required external review.

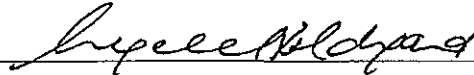
¹ For the purposes of this Policy the Central Library, the UTM Library and the UTSC Library will be treated as "Academic Units" and references to "faculty" in this paragraph will be deemed in those units to be references to "librarians".

6. If, following the process described in paragraph 5, an Academic Restructuring is proposed, the proposal must be accompanied by a clear academic rationale in relation to the University's overall mission and the relevant Academic Units' academic priorities and objectives, including explicit consideration of alternatives. The proposal shall also consider and include relevant information and implications, including budgetary and financial. Information pertaining to the rationale for a proposed Academic Restructuring shall be made available to all faculty members and librarians of the Academic Units for which Academic Restructuring has been proposed.
7. All faculty members and librarians of Academic Units for which Academic Restructuring has been proposed must be notified in writing no less than 120 days before the proposal is to enter formal processes of University Governance for consideration. During that period of time, the Academic Unit head shall establish and communicate a process to engage unit faculty members and librarians in collegial discussion. In consultation with the faculty members and librarians of the unit, the Academic Unit head shall be given the opportunity to propose academically sound and fiscally responsible alternatives to the academic administrator proposing the Academic Restructuring for their consideration.
8. In addition, in the case of the proposed establishment of a new Academic Unit or in the case of a proposed program that establishes significant new academic directions for a Faculty or which is anticipated to have a substantial impact on relationships amongst divisions or with the public, reasonable efforts will be made to ensure that faculty and librarians in affected or cognate Academic Units have been given the opportunity for meaningful consultation, prior to a final decision being made,
9. Nothing in this Policy shall constrain the existing rights of faculty and librarians to make representations before all relevant levels of decision-making in University Governance.

For the University of Toronto

DATE





Oct 10 2014

For the University of Toronto Faculty Association

DATE

Proposed Policy and Procedures for Faculty and Librarians on Academic Restructuring arising from an Agreement between UTFA and the University Administration on Academic Restructuring, October 10, 2014

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