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Professor Cheryl Misak  
Office of the Vice-President and Provost  
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*Cheryl.*  
Dear Professor Misak:

**Association Grievance re the FAS Academic Plan**

1. Pursuant to Article 7 of the Memorandum of Agreement (“the MOA”) between the University of Toronto Faculty Association (“UTFA”) and the University of Toronto (“the Administration”), UTFA hereby gives notice of an Association Grievance.
2. This grievance arises from the Faculty of Arts and Science Academic Plan 2010-2015 (“the Academic Plan”). The Academic Plan was the result of an academic planning process conducted by the Faculty of Arts and Science (“FAS”) that followed the most recent external review of FAS, conducted in 2008. The three main components of UTFA’s grievance are these:
  - a) The academic planning process that led to the Academic Plan was carried out in a manner that violates the MOA, including Article 5, and established or recognized policies, practices and procedures;
  - b) The recommendations made in the Academic Plan would have a negative impact on faculty and librarian appointments, in violation of established or recognized policies, practices and procedures;
  - c) The recommendations made in the Academic Plan were implemented prior to proper governance approval, in violation of established or recognized policies, practices and procedures.

**The academic planning process was carried out in a manner that violates the MOA and established policies, practices and procedures.**

3. The University's *Statement of Institutional Purpose*, which the Administration describes on the University website as "the over-arching policy framework within which the University operates," explicitly commits the institution to a collegial form of governance:

THE UNIVERSITY COMMUNITY

The University of Toronto believes that it best serves Canada and the wider world by pursuing to the limit of its abilities its fundamental mandates of research and teaching in the spirit of academic freedom. In seeking to achieve the above objectives, the University of Toronto is committed to four principles:

1. Respect for intellectual integrity, freedom of enquiry and rational discussion;
  2. Promotion of equity and justice within the University and recognition of the diversity of the University community;
  3. A collegial form of governance;
  4. Fiscal responsibility and accountability.
4. The collegial form of governance is enshrined in, and fundamental to, the MOA. In particular:
    - a) Article 1 of the MOA provides that one of its purposes is to "to promote and maintain harmonious, collegial relationships within the University of Toronto;"
    - b) Article 5 of the MOA enshrines the right and responsibility of faculty and librarians to participate in the collegial governance of the University;
    - c) Article 7 of the MOA provides for grievances regarding breaches of established policies, practices, and procedures;
    - d) The principle of collegial governance is embedded in numerous University policies, including the policies frozen under Article 2 of the MOA and other policies.
  5. The University of Toronto has enjoyed a long tradition of shared governance. Colleagues participate in decision-making on matters affecting programs, departments, faculties, and the University as a whole.
  6. The policies and planning documents applicable to the development of the current Academic Plan explicitly identify the need for collegial input. Although UTFa is not satisfied that the processes outlined in these documents are necessarily sufficient, they do reflect an acknowledgement on the part of the Administration that significant

academic decisions must involve all stakeholders. For the sake of brevity, we have listed only some examples below:

- a) In September 2009, the Office of the Vice President & Provost published a document entitled *University of Toronto: Academic Planning in the context of Towards 2030*, which outlined the process for academic planning. That document stated in part:

The primary mechanism we have for ensuring that we continue to improve in a way that is true to our core principles is by local academic planning. Faculties or divisions (such as UTM and UTSC) determine their visions, priorities and implementation plans, coherent with the University's aims. These divisional plans speak to teaching, undergraduate and graduate enrolment, research, government advocacy, financial resource development, and capital plans. They are the structures in which faculty, students and staff operate and thrive. Local planning is an ongoing matter, to be systematically thought through when there is a change in leadership.

...

#### **Framework for Academic Planning**

##### **Process**

Academic planning relies heavily on a self-study and external review process designed to summarize the current state of the unit. A *self-study* is a broad-based, reflective report that includes critical analysis. It is an assessment of the appropriateness and strength of the areas of activity in the division. The process of preparing a self-study should involve faculty, students and staff.

...

*Academic plans should be developed through an iterative process of consultation, formulation, and further assessment.* The planning processes should involve not just tenure stream and teaching stream faculty, but also administrative staff and students – i.e., all those who have a stake in the future of the division. For multi-departmental faculties, academic unit plans (departments, extra-departmental units, and programs) should be considered. (Emphasis added)

- b) The *Policy for Assessment and Review of Academic Programs and Units* provides:

Through the process of internal assessment and review, *a sound basis of information is provided in order for approval decisions or recommendations for improvement to be made.* Both processes must address the questions of what is being done well, what is not being done well, and how the program or unit will compare or compares to the best in its field among international peer institutions. (Emphasis added)

- c) In addition, the *Guidelines for Review of Academic Programs and Units* referred to above explicitly state in s. 4.1 that any review must contain a thorough self-study that must include the involvement of faculty, students and staff, be comprehensive and include relevant data and indicators. In addition, an external review is required. The clear intent of the guidelines is for review of academic programs and units to be an inclusive, collegial process.
7. Contrary to the policy and practice of collegial governance, the planning process leading up to the development of the Academic Plan was directed by a Strategic Planning Committee (“SPC”) appointed and chaired by the Dean of FAS. This committee was unrepresentative of faculty and librarians, and unrepresentative of FAS as a whole, as it was comprised solely of nine administrators (the Dean, three Vice-Deans, three Chairs, one college Principal and one centre Director).
8. Among other things, the Academic Plan calls for numerous significant structural changes to units. Appropriate consultation and collegial discussion are fundamental to shared governance. Such discussions must take place before decisions are made. The collegial character of academia (as demonstrated, *inter alia*, by the centrality of peer review in tenure, promotion, and other academic matters) requires that a fair, equitable, reasonable, transparent, and otherwise due process be followed in academic planning. This specifically requires that faculty, librarians, and other stakeholders be actively and meaningfully involved in all dialogue concerning the future of their units and any changes to their working conditions in the institution. However, in the case of the current Academic Plan, it appears that implementation is being undertaken prior to meaningful consultation with stakeholders.
9. The Academic Plan contains numerous references to implementation, including the following:
- ...As it moves towards implementation, the Faculty will lead a consultation and deliberation process on key aspects of the plan and its recommendations in the coming months....
- The Faculty will very soon convene working groups to guide its implementation around a number of key initiatives as noted above. These groups will be broadly representative of the major constituencies involved in each proposal, and each group will be given terms of reference and objectives arising from the recommendations of the Strategic Planning Committee to guide its work as we bring these initiatives forward...
- This academic planning report will be brought to the Faculty of Arts & Science Council in Fall 2010, followed by each major recommendation requiring governance approval.
10. In a June 23, 2010, email announcing the School of Languages and Literatures, the Assistant Dean and Director of Human Resources gave detailed information about the School, and indicated that consultation would relate to “the specific structure and operating principles of the School”.

11. Other communications from the Administration also indicated the intention to move to implementation without proper consultation. The concluding paragraph of the Dean's July 14, 2010, memo, for example, states, "The real work of implementation now begins".
12. Again, the Academic Plan appears to contemplate consultation with our members and units about the *implementation* of its recommendation, not about the recommendations themselves. This clearly violates the MOA and the applicable policies and practices. Policies and internal guidelines governing academic reviews and assessments of academic units contemplate that the work involving expertise in a discipline is done first by faculty, librarians, and others at the unit level. Proposals for new programs, or changes to existing programs, go through an approval process from the unit level through senior administration and ultimately to Governing Council. Some elements of the Academic Plan do the opposite; they are top-down decisions made without an opportunity for faculty members and other stakeholders to provide meaningful input as to the potential benefits and/or risks associated with each element of the Academic Plan.
13. Beginning in late 2009, departments and centres within FAS were assigned the task of preparing and submitting reports, no more than eight pages in length, responding to a list of questions provided by the SPC. The SPC requested data from departments and centres, without indicating the content of any proposals under consideration. At no time were the vast, specific changes contemplated by the Academic Plan put before faculty, librarians, or other stakeholders for comment. Had units been aware of the purposes for which the data would be used, they could have provided context, explanations, and additional information more closely related to the data requested by the SPC.
14. The nature of the SPC's appraisals, critiques, and challenges demonstrated, in some cases, only that the SPC appeared not to have the facts in front of it. The SPC, whose members were too few in number, produced analyses of unit plans that were plainly rushed and inadequate. This is contrary to the MOA and established policies and practices, including the requirements in the *Policy for Assessment and Review of Academic Programs and Units*, and the guidelines pursuant to that policy, which require that any review of academic programs be founded on a sound basis of information, be comprehensive, and include relevant data.
15. In addition to the obligation to engage meaningfully with affected faculty members and librarians where structural changes are proposed, UTFA must also be consulted, given UTFA's responsibility to ensure that the MOA and University policies are respected. The MOA between UTFA and the Administration is itself predicated on the notion of collegiality and a commitment to the joint resolution of issues that arise. Collegiality is listed as one of the key purposes of the document: "to promote and maintain harmonious, collegial relationships within the University of Toronto."
16. The practice, and indeed the necessity, of consultation with UTFA has been recognised when other major changes have been proposed. For example, UTFA and the Administration negotiated a protocol around the implementation of the Tri-Campus Framework in 2002/03. While the Academic Plan indicates that the Arts and

Science Students' Union was invited to make submissions to the SPC, UTFA was neither consulted on, nor informed of, the major structural changes being put forward in the Academic Plan. In addition to the impact on UTFA as such, the changes outlined in the Academic Plan will have significant impacts on the appointments of UTFA members.

**The recommendations made in the Academic Plan would have a negative impact on faculty and librarian appointments, in violation of established or recognized policies, practices and procedures.**

17. Since the release of the Academic Plan, UTFA has heard from an unprecedented number of its members, expressing their deep concerns for the ways in which their appointments will be affected. Individuals are appointed to departments by way of their appointment letters and cannot be moved out of those departments against their will. Such forced movement would violate established policy, practice, and procedures and, indeed, undermine those faculty members' very employment relationships with the University. Nothing in the *Policy and Procedures on Academic Appointments* or in faculty members' individual appointment letters contemplates such radical changes without the agreement of the affected faculty member.
18. The principle of academic freedom, as elaborated in Article 5 of the MOA, creates an obligation on the part of the institution to ensure that working conditions support individuals in meeting their professional and scholarly expectations. Academic freedom demands that due consideration be given to ensuring some reasonable continuity in professional activities, including in teaching and research in the context of any redeployment of faculty and librarians. Academic freedom is a principle that must apply to all faculty and librarians and must receive serious consideration in any conversation regarding the re-configuration of existing appointments.
19. For example, some recently hired faculty members have expressed considerable reservations about certain elements of the Academic Plan. Many of these faculty members turned down attractive offers at prestigious institutions in favour of appointments at U of T. Those faculty members accepted their appointments with the entirely reasonable expectation that the departments they were hired into would be the departments they would actually work in.
20. The proposed changes could significantly alter the intellectual environment for faculty members and librarians in the affected units. However, it does not appear that the SPC ever sought out information from faculty and librarians about the impact on their scholarship, if any, the proposed changes might have. The SPC should have investigated how structural changes might affect interdisciplinarity, or how a change in a unit's status might bear upon faculty members' and librarians' standing in the eyes of colleagues, funding agencies, graduate students, and other important bodies. The failure to seek out such information suggests a disregard for the sanctity of the academic appointment and the guarantee of academic freedom set out in the MOA.

**The Administration has begun to implement the recommendations prior to governance approval, in violation of established or recognized policies, practices and procedures.**

21. After the Academic Plan was released, significant steps toward implementation were taken or proposed prior to any real dialogue and debate having occurred in the appropriate administrative bodies, including the Faculty of Arts and Science Council. It appears that the Administration simply presumed approval of its recommendations and proceeded accordingly. Steps toward implementation included, but were not limited to: memos to graduate students in affected departments from the Vice-Dean Research and Graduate Programs, describing the effects of the structural changes; Human Resources meetings with support staff, advising that they should begin looking for other jobs; and messages from the Administration to the effect that centres and departments proposed for merger or other structural changes might not be permitted to admit graduate students in the upcoming admission cycle.
22. Implementation prior to all necessary approvals erodes confidence in the governance structure, as it implies that the Administration does not view the levels of governance review as substantive assessments and rather, assumes approval of its plans. Further, the Administration's approach to academic planning interferes with faculty members' freedom to engage in full and free debate on the merits of the proposals. The results of governance review would appear to be predetermined and units may fear that opposition to the Academic Plan could have negative consequences.
23. UTFA reserves the right to add further particulars, and to rely on any other relevant provisions of the MOA, and any other relevant policies, practices and procedures.

### **Remedies**

24. On behalf of all its members, UTFA seeks remedies that will help to restore collegial relations at the University of Toronto and reflect the critical role that must be carried out by faculty members, librarians, and other stakeholders in academic decisions. On its own behalf, UTFA seeks remedies in its capacity as the guardian of the MOA and the frozen policies, notably those related to academic appointments. The following remedies are requested:
  - a) An interim order that the Administration cease and desist from implementing portions of the Academic Plan that involve unit (including department, program, or centre) closure or significant change pending resolution of the issues raised by the grievance, except as agreed to by UTFA;
  - b) A declaration that the Academic Plan has been formulated in a manner that contravenes the MOA;
  - c) An order requiring that the Administration cease and desist from attempting to implement portions of the Academic Plan that involve unit closure or significant change, except as agreed to by UTFA;
  - d) An order requiring full disclosure of the status of any and all discussions, proposals, and agreements with individuals or units related to the Academic Plan;

- e) An order requiring full disclosure of any and all steps taken toward implementation of the Academic Plan;
- f) An order requiring that any proposals that involve unit closure or significant change be subject to a process negotiated with UTFA that reflects the principles and practices of collegial governance, and is consistent with the MOA. All consultations must be founded on the principles of transparency, fairness, and due process, and must include, as a minimum:
  - (i) Establishment of a collegial process to formulate recommendations that is transparent, representative, and inclusive and that includes collegial participation, access to all relevant information, and consideration of all reasonable alternatives;
  - (ii) Full consultation with all affected units, faculty members, librarians, and other stakeholders;
  - (iii) Full consultation with UTFA before any recommendations that involve unit closure or significant change are formulated, including discussion of the reasons for the proposed change, the information required to make an informed decision, and exchange of all relevant information.
- g) An order requiring the Administration to cease and desist from implementing any changes to the terms and conditions of employment of faculty and librarians inconsistent with the MOA and their present appointments;
- h) An order requiring the Administration to consult with UTFA and its affected members prior to the implementation of any restructuring that could have an impact on the terms and conditions of employment for faculty and librarians;
- i) Any other appropriate remedy.

Sincerely,



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