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Letter to Members: Guidelines in the event of a strike by CUPE 3902 Unit 1

February 24, 2015

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Dear members,

Contract negotiations between the University of Toronto administration and CUPE Local 3902 Unit 1 (representing teaching assistants, graduate-student instructors, lab demonstrators, and writing instructors) are ongoing. There is a tentative agreement in place for CUPE 3902 Unit 3 (representing sessional instructors), but Unit 1 and the employer will be in a legal strike/lockout position on February 27.

We all hope that a work stoppage can be avoided. However, if there is a strike or a lockout, there is a risk of serious disruption to undergraduate instruction on all three campuses of the University. UTFA has communicated to both parties our sincere hope that a negotiated settlement may be reached as soon as possible and without a work stoppage. While we are not expressing views on the respective positions of the parties, we do hope that any settlement will address the important issues being raised by CUPE and at the same time will reflect the broader interests of the University community, including UTFA's membership.

The purpose of this letter is to provide members with formal advice in the event that a strike or lockout does occur. Please read it carefully and if you have questions, please contact us.

First, there are questions about possible changes that faculty and librarians might be asked to make to courses and programs in order to ensure "academic continuity". Members should be aware of the University of Toronto's relatively new (and problematic) *Policy on Academic Continuity*. Some memos have already gone out to unit level administrators, and from them to those teaching courses, referencing the policy and a need to manage courses in a manner consistent with academic continuity (though no one seems to know exactly what that means). You should know in this context that the full force of the

Policy on Academic Continuity only applies if the Provost (or Academic Board) declares that a state of disruption is in effect and, even then, the policy requires a second, deliberate announcement (also by the Provost or Academic Board) before normal course evaluation procedures as governed by the *University Assessment and Grading Practices Policy* (UAGPP) can be suspended.

In the lead-up to or during a strike, faculty and librarians, including program directors, coordinators, and chairs, may come under pressure or feel that they are being pressured to reconfigure courses and/or programs to ensure academic continuity. Some may willingly undertake such changes in a well-intentioned desire to minimize the impact of a work stoppage on students (hopefully in a manner that prioritizes academic integrity and only after consultation with affected students). But it is important to understand that, for academic freedom to be upheld, discretion on whether and what changes to course grading schemes and assignment designs need to be made in the context of an academic disruption must remain primarily in the hands of course instructors and program coordinators. UTFA would consider it unwelcome and provocative for undue pressure to be brought to bear on individual faculty members (or librarians who are teaching) to reconfigure or otherwise significantly alter their courses or those of striking instructors in ways that undermine the autonomy of course instructors and the academic integrity of courses and programs.

In this context, UTFA has expressed grave concerns about the potential effect of a declaration of academic disruption and suspension of the UAGPP on academic freedom for course instructors and program coordinators. We are particularly concerned that provisions of the policy are incompatible with the Mission and Purpose of the University of Toronto, as well as with Article 5 “Academic Freedom and Responsibilities” of the UTFA Memorandum of Agreement (MoA). In response, we have been assured by the senior Administration that:

- i. no faculty member or librarian will be asked to do anything that would undermine their academic freedom as prescribed by Article 5 of the MoA; and
- ii. faculty and librarians who are teaching courses and who feel that changes to those courses may be warranted will be encouraged to consult students about such changes.

While we believe we share with the University administration a commitment to academic freedom, we also believe that this commitment specifically means deferring to the discretion of course instructors and program coordinators in deciding both whether *and* what changes may be required to their courses and programs if a state of disruption is declared. We were heartened to see included in yesterday’s [Provostial FAQ](#) the following statement: “*Faculty members’ rights to academic freedom as set out in Article 5 of the Memorandum of Agreement between the University and UTFA will be fully respected in the event of a strike. Neither the Provost nor other administrators will require faculty members to take any action that is inconsistent with this principle.*” This is crucial. Please know that UTFA will pursue vigorously and fully any alleged violation of Article 5. **No emergency warrants the suspension of academic freedom at the University of Toronto.** If you are in doubt about any request that is made of you or what action may be appropriate, please contact us immediately.

Second, you may be asked to gather together interim grades, ungraded assignments and exams, etc. and to make these available to the Administration. In general terms, these requests are appropriate and our advice is to comply with them. But please do so with sensitivity to TA and sessional colleagues and understand that they may be under considerable stress. UTFA members who act as program coordinators, directors, chairs etc., may be asked to facilitate the gathering of course-related materials in advance of a work stoppage. Again, UTFA’s position is that these requests are appropriate if they are

consistent with the role of undergraduate program administration more generally. However, it is also UTFa's position that it is appropriate for program administrators to ask that such requests or instructions for gathering course-related materials from colleagues be provided in writing so that they may be passed on directly. Moreover, if such requests entail an extraordinary (i.e., significantly out of the ordinary) amount of work for you, then you may have grounds to refuse to comply.

Third, UTFa's position in the event of a work stoppage is that ***no faculty or librarian can be legally required to perform the work of striking CUPE members*** (since, among other reasons, this would fall outside of the terms of our appointments and existing workload norms). This advice extends to program directors, coordinators, and chairs. UTFa will vigorously defend any faculty member or librarian represented by the Association who feels pressured to take on extra work and who wishes to resist such pressure.

Certainly, some members may wish to volunteer to take on extra work or to re-arrange course designs, in part due to a well-intentioned desire to lessen the impact of a potential strike or lockout on undergraduate students. Members are entirely free to make this choice. However, if you do, you should also be aware that taking on the work of striking TAs and/or instructors or otherwise seeking to mitigate the impact of a strike has the effect, even if otherwise intentioned, of taking sides in a labour dispute that is not your own. And it will certainly be seen by others as such. In this context, note that the Administration's [PDADC memo of February 23 \(PDADC#64; HR #26\)](#) states the following: "*All employees of the University who are not represented by CUPE 3902 Unit 1 will be expected to continue their regular activities*". Our strong advice is to take that statement literally and undertake to do no less but also no more than regular duties in the event of a strike.

Fourth, it is important for those who may be sympathetic to the striking workers or who may wish to honour labour solidarity to understand that, as faculty and librarians, we are not in a position to withdraw our own labour in the context of a CUPE work stoppage. Some may wish to make arrangements to teach or to meet with students off campus in order to honour picket lines. We will seek assurances from the Administration that this will be left to the discretion of instructors wherever practical. Such assurances may or may not be forthcoming, but should not be assumed. Moreover, teaching off campus may not be an option for classes with larger enrolments. Other members may wish to stay away from campus except for essential meetings. This is strictly a matter of individual choice. As well, if individual members feel that for legitimate health and safety reasons they are unable to cross picket lines, UTFa will support their right not to cross. But you are under a formal obligation to continue to do your job, no more, and no less. You may also want to consult [CUPE's information page for faculty](#) for more information and background.

Finally, some members will want to express opinions, concerns and the like, in some instances in support of the Administration, and in some instances in support of the union. You should be aware that if you are in a position of authority or supervision in relation to graduate students, teaching assistants, course instructors, or any members of CUPE 3902 Unit 1, whether those individuals support the union's positions or not, expressing your views either supporting or opposing the union could be construed as coercive and thus could result in formal complaints being brought against you. We recommend you exercise extreme caution in what you say and in what you put in writing (including in email) so as to respect the legally protected right of members of the CUPE bargaining unit to decide for themselves what they wish to do, but also to protect yourself from potentially negative repercussions. If in doubt, don't say it and don't write it. The safest strategy is to remain strictly neutral.

If you have any questions or concerns about the strike and what you should do, or if anything in this

letter is unclear, please be in touch at strikeinfo@utfa.org.

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File attachments:

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