

UWFA Executive Director's Report – Spring General Meeting

Reporting period: Nov 28, 2022 to April 12, 2023

Thanks to Marissa, Peter, Council and the bargaining teams of the respective units.

We continue to deal with outstanding legal issue. We are at the table on behalf of CAS we are meeting and preparing bargaining proposals for RAS.

There has been a massive turnover in Administration and HR and this has had implications for our abilities to make progress on collective bargaining and workplace investigations.

Issues and Concerns:

Toxic Workplace:

Previously, I reported to you regarding an investigation regarding a toxic workplace and the matter did not give rise to any grievances.

The Employer has hired a Conflict Resolution Specialist whose role it will be to assist with matters before they become intractable. This has had a bit of a bumpy start that has led to missteps but we reacted quickly and decisively. It has really been a matter of boundaries between the UWFA and the Employer as well as cultivating an understanding the University itself. I do not expect any such missteps in the future.

Complaints under RWLE

I previously reported to you about student complaints regarding Members' insensitivity being investigated under the RWLE. We have seen one complaint dismissed. I have a concern with respect to one of the investigators and this has been addressed with the Employer.

I am concerned that there appears to be a diminished understanding of the nature of academic freedom and the role of faculty with respect to students. While the Employer has an obligation to ensure that students have a learning environment free from harassment and discrimination, this is not the same thing a faculty being required to consider whether or not a particular student's feelings might be hurt.

DFR

Three Members have filed a complaint with the Labour Board alleging that UWFA breached our duty of fair representation by failing to file a grievance when they were placed on unpaid leave for not complying to comply with the University's vaccination policy. We prevailed at the Labour Board. The Members have applied for judicial review of the Board's decision and the matter will be heard in late April. Owing to errors in the application I do not expect the matter to be decided at that date but instead to be put over to a later date. While I expect that ultimately the appeal will be denied, it is important to note that the very best result the Applicants can expect is for the matter to be re-heard by the LRB. The issue is only whether or not the UWFA breached its duty of fair representation, it will not be about vaccination mandates, mask mandates, accommodations, or any other issue.

Outside Professional Activity

We have had one Member accused of breaching the rules with respect to outside professional activity and it did result in discipline. Owing to the unusual nature and complexity of the situation Both CAUT and outside counsel were consulted and were advised that we were unlikely to succeed with a grievance. For more information on outside professional activity please see Article 18 Outside Professional Activity and please report outside professional activities, for which you receive compensation, to your Dean.

On-going Investigation

There is an on-going investigation involving a Member and a student where it has been alleged that our Member behaved in a physically inappropriate manner toward the student. There is video of the incident and it is not clear that our Member behaved in a manner that should attract discipline. The Er is seeking advice. Please be mindful that recording has become ubiquitous and you may not always know when you are being recorded.

Comment:

The number of investigations is on the rise. Please be advised of the following,

- You must cooperate with an investigation.
- You must be honest and forthcoming.
- If you are not, you could be disciplined for insubordination.
- You can be terminated for dishonesty.
- If you are the subject of an investigation, never meet with the investigator without UWFA representation.
- Thanks to Maureen Kilgour, Steven Kohm, Carlos Colorado, Desiree Vanderwal for assisting with Member support during investigations.

GO

- Steven Kohm has been appointed by Council for a 2 year term as Grievance Officer.

Appointments/ Terminations/Retirements

- The Er has extended the transition to retirement for another year while they explore other options for those who may be considering retirement,
- So far this year we have had 1 retirement, hired 3 term appointments and one Instructor rank Member. There are still about 15 of hirings in the works.

Respectfully submitted, April 11, 2023.

Lisa McGifford
Executive Director