

# Faculty Association

UNIVERSITY OF MANITOBA ♦ 100-29 DYSART RD., WINNIPEG, MB R3T 2M7 ♦ PH - (204) 474-8272 ♦ FAX - (204) 474-7548  
♦ FAUM@UMFA.CA

March 19, 2020

Darlene Smith  
Associate Vice-President (Human Resources)  
309 Administration Building  
University of Manitoba

Dear Ms Smith,

## **RE: The Collective Agreement, COVID-19, and Public Health and Safety**

This letter follows our letter of March 12 and our meeting of March 17. At that meeting we discussed several issues related to the Collective Agreement, including teaching rights and responsibilities, intellectual property, research, maximum untenured periods, grievance/discipline procedures, various benefits, and plans for the summer sessions. As promised, we have put our concerns and requests in writing. As with all conversations of this nature, what follows is without prejudice to any requests or action we may take in the coming weeks.

### *Ensuring Academic Freedom and Reasonable Administrative Recommendations for Instruction*

In her March 12 memo regarding contingency planning for the winter term, the Provost instructed Deans to ask faculty to ‘begin immediately to work on making all course materials for the remainder of the term (such as Powerpoint presentations, audio recordings of lectures, etc.) available through UM learn.’ She also instructed Deans to ask instructors if assessment methods could be altered such that social distancing practices could be followed. Where the Collective Agreement gives Members the Academic Freedom to determine instruction and evaluation methods, as well as the right to be consulted about and reasonably refuse the implementation of technology in their courses, this directive did not necessarily contravene the Collective Agreement. However, it did create considerable confusion for Members, who interpreted the subsequent directives of Deans and Directors as a mandatory course of action.

UFMA Members’ Teaching duties are directly connected to the University’s ROASS policy through article 19 of the Collective Agreement. At the emergency Senate meeting held on Monday, March 16 the Provost announced her decision to suspend certain sections of the ROASS procedure. These were sections pertaining to alterations of course outlines, timelines, evaluative feedback, and evaluation (sections 2.8, 2.9, and 2.12). In the discussion that followed the Provost made clear that the intent was to allow faculty to exercise their professional judgement in finding ways to fulfill their teaching duties. In response to questions and comments posed by various senators, she stated that those plans could include something as limited as sharing materials over email. Further, Section 2.10 of the procedure regarding the duty to instruct and arrange out-of-class consultation with students (i.e. “office hours”), and section 2.11 regarding cancellation of classes or shortening of instruction “for good reason”, and the corresponding duty to “where possible, ensure that appropriate substitution or make-up instruction is provided”, were not suspended. This course of action, along with her statements, appear to reaffirm Members’ individual rights to determine what action to take toward the completion of their duties.

However, confusion remains. The Provost’s decision does not appear to have been clearly communicated to Members, and in our meeting it was suggested that Members were obligated to follow the decisions

made at departmental or faculty councils. While these types of decisions perhaps sketch new limits on what can be considered a reasonable course of individual action, they do not undercut an individual's right and duty to exercise their professional judgement regarding their instruction of students.

UMFA requests that the University immediately communicate with all Deans/Directors to ensure that the position of Administration is adhered to, namely, that while faculty must continue to facilitate some form of distance learning for the remainder of their courses, the University is intent on respecting the professional judgment of faculty, whether that include providing lectures electronically or devising completely other methods of ensuring that students complete the requirements of their courses.

We understand that this has already been done, for example, in the Faculty of Arts. However, the Associate Dean has now made the assertion that all changes call only be done in consultation with each Member's department head. We find no basis for this in the ROASS procedures, the Provost's comments and communiques, or the CA. This error needs to be corrected.

We further note that *UM Today* recently included a link to a CATL webpage that suggests members consider assessing "only what has been taught before the time of the campus-based restrictions" and to "Consider how much assessment is still outstanding and decide whether you can waive further assessment." The administration should make clear that these options are available to Members (see <https://centre.cc.umanitoba.ca/assessment-alternatives/> ).

For clarity, the administration must ensure that Deans/Directors understand and make clear to Members that while Deans, Heads, and Directors may suggest best practices, they cannot and should not substitute their judgments on the appropriate methods of instruction for with that of a faculty member responsible for instructing the course. This pertains to both the means of delivery and alterations to content, assignments, and evaluation.

Furthermore, we request that the administration provide a reminder that flexibility is necessary to ensure that faculty may elect the form of teaching that will best respect their technological skills, in a compressed time period, thereby ensuring the most efficacious instruction possible.

#### *Providing Academic Misconduct Reminder to Students*

UMFA requests that the administration provide a reminder to students that it is a violation of University policy, including the Student Academic Misconduct Policy and Procedures, to copy and distribute lecture materials or other course content without authorization from the relevant faculty member.

As discussed in our call, we hold that such violations of copyright constitute (and/or constitutes an analogous offence of) "inappropriate collaboration" pursuant to clause 2.5(c) of the Student Academic Misconduct Procedure, which may result in discipline up to and including reprimand, suspension, or dismissal.

As Faculty will be monitoring for offences, such a warning would be helpful to ensure that students who may be unaware of these policies, or students who believe these policies are inconsequential, appreciate that the University takes these matters seriously.

While faculty members hold copyright, the process for investigating, hearing and disposing of remedial sanctions is the assumed responsibility of the University.

In addition, where we fully anticipate an increase in IP violations with the move to digitize a great deal of material previously unavailable in readily distributable form, we request that the administration direct the

Copyright Office (or whichever office may be appropriate) to draft a generic cease-and-desist order that Members can easily adapt to their needs as they discover such violations.

#### SEEQs and Performance Evaluations

UMFA requests that the administration suspend the delivery and collection of SEEQs for the Winter 2020 term, as well as any subsequent terms in which face-to-face teaching is precluded by the ongoing need for social distancing. It is unreasonable and unfair to assess teaching on the basis of student evaluations in a situation of crisis that necessitates the disruption of usual pedagogical practices. Moreover, where SEEQs cannot be administered in person and the validity of online assessments is questionable, no attempt should be made to administer or collect online evaluations.

Further, UMFA requests that the administration agree to direct Deans/Directors/Department Heads to take great care to avoid negative assessments of a Members' efficacy in transitioning to and facilitating the completion of their courses, and with regard to research and service take into account the negative impact of social distancing and administrative directives.

#### Maximum Untenured Period – Extensions

UMFA requests that the University offer tenure stream faculty the option of a one (1) year extension to their maximum probationary period where the affected Member experiences substantial disruptions to their research activities owing to the social, economic, family, and travel disruptions associated with COVID-19. Immediate agreement on and announcement of such a provision would greatly allay many Members' concerns.

Presently, the Collective Agreement provides that such extensions are mandatory where an individual is on maternity leave (Art. 19.C.4.3.1) or experiences a sick leave of greater than three (3) months continuous duration (Art. 19.C.4.3.3). The present request is for a voluntary extension for those who experience substantial disruptions to their research activities.

#### Rollover of Travel and Expense Funds

UMFA requests that the University agree to waive the requirement that individual Members request a roll-over of unused Travel and Expense Account funds for the coming T&E disbursement period, effective July 1, 2020-June 30, 2021, and instead automatically roll-over Members' unused allotments.

With conference cancellations and international travel being curtailed for the foreseeable future, members simply cannot utilize these funds as intended.

#### Research Study Leave Re-Crediting

UMFA requests that the University communicate with members on RSL to advise that, in the event that COVID-19 disruptions interfere with their capacity to meaningfully complete their research/study agendas, they may return to their regular duties and suspend their RSLs with the balance of their RSL credits being returned to their "bank".

#### Rollover of Vacation Entitlement

UMFA requests that the University automatically roll-over vacation days for any UMFA librarian/archivist who cannot make use of their allotted vacation days prior to March 31<sup>st</sup>, with the remaining vacation days to be used within the April 1, 2020 – March 31, 2021 vacation period.

UM Libraries

Members in the library system have expressed concerns about the continued operation of the libraries. We note that today all but three of the University's libraries are closed. Where classes have not been cancelled and the academic research continues, the administration noted both faculty and students' need to access academic materials. We trust that as the situation develops the complete closure of the libraries will be seriously considered.

Administrative Support

Members rely on the support of many different workers on campus, including administrative staff, maintenance staff, janitorial staff, and others. The need to maintain operations will put extra strain on some, and perhaps reduce the duties of others. Some employers have been requiring their workers to continue work where it's not advisable to do so, have not been providing adequate sick leave protections, and even laying people off. Where the University could not properly function without these workers, we reiterate our support for all workers on campus, and their receiving equitable consideration as the crisis continues.

\*

We are greatly encouraged that the administration has acted quickly to help slow the spread of the coronavirus. Where the effects of the pandemic are likely to spill into the Summer Sessions, requiring further discussion of how student instruction will be conducted (if at all), we hope we can come to agreement on these matters quickly and leave us all free to deal with other issues as they arise. We are in ongoing communication with Members and will raise new issues as they come to us, and hope the administration will do the same in light of its obligations under the CA.

We look forward to your response and further discussion to formalize, where necessary, resolutions to the above noted concerns.

Yours,



Greg Flemming  
Executive Director

Cc J Morrill  
M Hudson  
D Hiebert-Murphy  
L Halket