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Attn: Sheila Cote-Meek, VP Equity, People and Culture
Dan Bradshaw, AVP Labour Relations & JCOAA Co-Chair
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cc. Nick Mulé, YUFA JCOAA Co-Chair
Sheila Embleton, YUFA Chief Steward and JCOAA member
Kaylie Gordon, Coordinator, Office of Labour Relations

July 14, 2022

Subject: Status of new Art 19.33 fund?

Sent via email

Dear Sheila, Dan and Adam,

As a follow up to our July 5th email and as YUFA noted in both our JCOAA Co-chairs meetings and at our June JCOAA meeting, YUFA has many concerns with the Employer's document entitled "*Parameters for the Awarding of Course Load Reductions for Service Related to Equity, Diversity and Inclusion (EDI) through Article 19.33 in the York-YUFA Collective Agreement*" provided to YUFA from Adam on May 26th. Below is a summary of YUFA's immediate concerns. These concerns came from a wide variety of YUFA representatives with a diverse range of perspectives, including feedback from various YUFA Equity caucuses and YUFA members involved in EDI work at York University.

In the context of this newly bargained fund, much of the detail about how this fund would be operationalized in its first iteration was left unspecified in the language agreed to between the parties. YUFA's concerns as outlined below are intended to improve the implementation of the fund moving forward such that it best meets the needs of Indigenous and/or racialized YUFA members and to ensure more equitable, transparent, and practical considerations in the distribution of the fund.

In addition to the concerns described below, YUFA has recently learned that YUFA members may be applying for the Course Load Reduction for EDI Related Service who may not qualify under the terms of the new Article 19.33, such as chairs of *Access York* and *SexGens*. Art 19.33 stipulates

that this fund applies to "*those who self-identify as Indigenous or as members from a racialized group*".

It is also the Association's understanding that eligible applicants to this new fund would not already be in receipt of a course release **for the same EDI-related service work**. So members would not be in effect double-compensated, nor would the Employer be able to off-load its existing obligations onto this new fund.

In the immediate, the Association wants to ensure mutual understanding of these issues as applications are adjudicated and would appreciate clarity on these points in addition to the other concerns raised below.

Summary of YUFA Concerns & Questions

- A. The Employer's "Parameters" document states the following: "*Approval of applications for course-load reductions through this Fund will be in consultation with the Applicant's Dean or Principal*" (page 1) and also "*The Office of the VP EPC will consult with the applicants' Dean or Principal prior to making a final decision on the awarding of the course load reductions*" (page 2). While the Association recognizes that the language agreed to between the parties indicates consultation with the applicant's Dean or Principal, unfortunately it is the case that many YUFA members who self-identify as Indigenous and/or racialized have had difficult and strained relationships with their Deans and/or the Principal. Due to this reality, YUFA's bargaining proposals introducing this fund had the adjudication of these course releases rest with the JSCEEI. The Association urges the Employer to reconsider involving Deans or the Principal in the adjudication of these funds.

- B. The Employer's "Parameters" document states the following: "*Course load reductions through this fund are intended to provide opportunities for recipients to engage in service activities in support of or relating to Equity, Diversity and Inclusion (EDI) **that could not otherwise be undertaken as part of normal service workload without benefit of the course load reduction***" (emphasis added). Later this point is reiterated in the "Criteria for Assessment": "*Clarity of the description of the proposed service activity, including **how the course load reduction is instrumental to its completion and could not otherwise be undertaken as part of normal service workload***" (emphasis added). From the Association's perspective, this clause undermines the original intention of the fund which was to recognize that many self-identified Indigenous and racialized faculty have taken on - and continue to take on - disproportionately more EDI service work within universities compared to their white (often male) colleagues. YUFA had originally tabled a bargaining proposal for this kind of fund with the intention for the parties to recognize the historically disproportionate burden of EDI-related service work that these colleagues have been shouldering. This parameter also contradicts the principles of EDI as asserted in the Employer's "Equity Strategy" draft document (for example, the notion of inclusion on page 8). The establishment of such a fund also supports the Employer's stated goals (as outlined in the draft EDI Strategy document) of transforming the university from within and provides an important parallel to new and equitable hiring. Therefore, this clause in the Employer's "Parameters" document seems to miss the point of this fund entirely.

- C. On page 1 of the “Parameters” document, the Employer suggests that *“highest priority will be given to proposed service activities that a) advance or implement aspect [sic] of the York University Equity, Diversity and Inclusion Strategy, including the Indigenous Framework for York University; Framework to Address Anti-Black Racism; and/or Faculty/School/Department equity, diversity, inclusion, and decolonization (EDID) plans; and b) have the potential for broader impact or application beyond the period of the course release (i.e., are more than a “one-off” activity with no broader potential for impact)”*

YUFA objects to such constrained and limiting parameters for the fund. Regarding the first parameter, the Employer’s EDI strategy document referred to here is still in draft form and will not be finalized before these applications are due. In addition, YUFA notes that the VP EPC Office has not yet responded to YUFA’s concerns and comments related to this document or to re-schedule a more appropriate consultation regarding this document. Therefore, this parameter is premature (please see proposed examples of EDI service considerations for this fund in YUFA’s bargaining proposal) package “YUFA 2” dated January 25, 2022).

The second parameter when coupled with the “expectation” outlined later in the document that *“Individuals may receive a course load reduction through this fund no more than once every three years”* means that YUFA members involved in long-term EDI projects will only receive a course release once every three years. In practice, this means that YUFA members involved in such EDI projects – often the same pool of a small number of members - who wish to stay involved in these projects are only marginally compensated and recognised for the work that they will be doing on an ongoing multi-year basis. Again, this is antithetical to the original purpose of the fund which was to sustain and support the ongoing EDI work of Indigenous and racialized YUFA members.

- D. The fund bargained into the YUFA Collective Agreement was a total of \$100,000 to offset the costs of course load reductions for faculty who self identify as Indigenous and racialized. The “Parameters” document states that *“Up to eight 0.5 Full-Course Equivalent (FCE) course load reductions”* will be awarded. However, YUFA notes that the cost of eight 0.5 FCE course load reductions is much less than \$100,000. YUFA course load reductions of 1.0 FCE are costed based on the CUPE 3903 Unit 2 Course Director rate per academic session which is \$18,454.00 as of Sept 1, 2022. The Employer has recently suggested that the full cost of a 1.0 FCE course release - with benefits and vacation pay added - is approximately \$23,414. Without prejudice to YUFA’s position on the replacement costs of a YUFA member, using the Employer’s figure, the cost of four 1.0 FCE or eight 0.5 FCE course load reductions would be approximately \$93,656. What is happening with the difference?

- E. Under “Criteria for assessment”, #3 notes that one point of consideration will be *“Feasibility of the proposed service activity during the period of the course load reduction*. YUFA requires further clarity on how this will be operationalized for the 2022 -23 year of the fund. For example, at this point in the academic cycle, units are only beginning to determine their hiring processes and potential hiring committees. At the point at which these applications were to be due (June 8th), YUFA members may have only had a vague sense of whether for example, a designated Black faculty and/or designated Indigenous faculty hiring may take place in their unit or another unit, as the hiring authorizations haven’t been issued yet at that point in time. If they are asked and decide to serve on that committee despite already having a robust service

load, the YUFA member's service on the hiring committee may very well take place *before* the course load reduction. YUFA members should be able to apply for these funds retroactively and therefore, be provided course release **following** EDI service work such as hiring committee participation, with permission to bank the release for use within two years.

- F. Under "Criteria for Assessment", #4 states "*How the proposed service activity aligns with or relates to other EDI related service activities or initiatives in the Department and/or Faculty and/or University*". Based on this criterion, it sounds like the YUFA applicant is supposed to justify their EDI service work in relation to other EDI initiatives within the University. Why is this a necessary criterion? From the Association's perspective, this is an extra step that appears unnecessary beyond the intended purpose of the fund as proposed by YUFA in bargaining.

- G. With regard to "Expectations", the document states "*Course load reductions through this fund must be taken in the year for which they are awarded other than in exceptional circumstances approved by the Office of the Vice-President Equity, People and Culture (VP EPC) in consultation with the recipient's Dean or Principal or designate*". Again, YUFA asserts that Deans should not be involved in these decisions. Also, this expectation is unreasonable to assert, particularly given the proposed June 8th deadline, since many YUFA members do not yet know the sorts of EDI service work (for example, hiring committees) they may be asked to participate in.

- H. As part of Expectation #3, the document states "*Successful applicants are expected to undertake no overload teaching during the period of the course load reduction through this fund*". Why is this expectation relevant? YUFA's position is that this appears as an additional and unnecessary restriction to applicants. This expectation fails to recognize that overload is often externally generated and that colleagues often engage in overload teaching to spell off the courses of another colleague who may be on a leave and/or to assist their unit with course offerings or last-minute emergencies.

- I. The last expectation states "*Successful applicants will be expected to submit a report to the Office of the Vice-President Equity, People and Culture within six months following the end of the period of course load reduction...*". More clarity about the expectations of such a report would be useful for applicants (for example, the length of words/pages expected).

- J. For 2023-24 and thereafter, the "Parameters" document notes that "*Applications for a course load reduction will be due by no later than February 15 of the year preceding the year in which the course load reduction will be exercised (e.g., February 2023 for the 2023-24 academic year)*". Again, as YUFA noted in (E) above, setting such a deadline is incongruent with the annual academic cycle and YUFA members' knowledge of the EDI needs of their unit for the fall and winter of the next academic year. For example, unit requests for upcoming hires are not made for several months and approvals follow several weeks after that. A February deadline would eliminate potentially eligible and deserving YUFA members from applying for this fund who may end up participating in one or more designated Black and/or Indigenous hiring committee(s) and therefore be engaged in EDI-related service work that exceeds a normally expected service load.

YUFA looks forward to the Employer's response to these concerns.

Alison

Alison Fisher, PhD (she/her: preferred pronouns)
Staff Representative