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Tenure and Promotion: Joint Committee

As has been outlined in previous updates (see [here](#)), APUO members have faced an unprecedented number of challenges with the tenure and promotion process over the last several years. As part of the APUO's response, we agreed with the employer to create a joint working group to study the question of tenure and promotion over the coming year and, if possible, develop a set of recommendations for potential adoption. Given that APUO has historically received very little detail about members' files in the past and the fact that many of the most important challenges for our members seem to emerge at informal stages (e.g. being discouraged even before submitting an application often on the basis of illegitimate factors), it is crucial that we compile a comprehensive data set of the issues that members have faced.

In this context, APUO will be sending out a survey to all of its members in an effort to compile accurate information about their tenure experiences in order to properly assess the main issues that members face, as well as the magnitude of each issue. This will allow the working group to concentrate on the areas that most matter to our members.

As such, please watch for the coming survey and respond to it. It is essential that as many professors as possible complete the survey - including those who underwent tenure and promotion many years ago and those who have yet to go through the process. Having many respondents from all ranks and stages of their career will ensure our data are robust and that our efforts in the working group are as helpful to our members as possible.

Tenure and Promotion: Late Responses

April 1st was the deadline for the employer to answer members' tenure and promotion applications. This year, only a handful of responses came in on time, by April 1st, and 95% of applicants have received their responses late. Remember that if you get your promotion late it should be retroactive to May 1st following the September you applied.

Online Course Evaluations

Members recently wrote us to express concern about the online teaching evaluation pilot project launched by the employer this year. Several months ago the APUO Executive invited Yves Herry, Associate Vice-Rector, Teaching and Learning Support Services, to one of its meetings so that he could explain the pilot project and take comments before implementation. At that time, members of the APUO Executive expressed major reservations about the working document that provided the rationale for launching this initiative. Some of the concerns included the surprisingly short and shallow literature review that was used as justification for the pilot project and the absence of any discussion of limitations and adverse effects of such an initiative. In particular, the potential (if not probable) impact on the evaluation results themselves (and therefore members' records) warranted an in-depth analysis before implementation.

APUO executive members also identified a number of methodological problems with the initiative and questioned the validity of any outcomes resulting from the proposed project. We suggested strengthening the proposal to increase the project's credibility and to increase APUO members' confidence in it so as to make the project a key learning opportunity for everyone. We stressed the obvious need for members' participation to be voluntary and not subject to institutional pressure.

Today, we regretfully note that none of our suggestions were heeded. Quite the opposite in fact; the pilot project was launched and seems even weaker than initially presented. APUO is especially concerned about the employer's approach to recruitment which directly targets members - placing them in the uncomfortable position of either taking part in a questionable pilot project, or refusing to participate altogether.

Under these circumstances APUO recommends that members refuse requests to participate in the online teaching evaluation pilot project. We would like to emphasize that APUO does not oppose a thoughtful or well-executed online teaching evaluation project, but because of reasons stated above, APUO cannot endorse the project currently underway.

For members who accepted the invitation to take part in the pilot project in the winter semester, it is important for you to know that even though the collective agreement specifies that Senate can make changes to the various aspects of the course evaluation system (article 24.3.3.1), data obtained further to experimental changes must not be used by the employer for recommendations or decisions pertaining to a member's career (article 24.3.3.2(b)).

In addition, data obtained further to changes approved by Senate cannot be used by the employer to reach decisions or recommendations pertaining to a member's career without prior consent from the Association (article 24.3.3.2(c)). To date, the Association has not consented to migrating the teaching evaluation process online.

APUO is also gathering information from Ontario faculty associations as well as provincial and national organizations as part of our efforts to ensure that any change is as fair to APUO members as possible. OCUFA is one organization that has identified a number of preliminary problems, such as:

- Some associations report that response rates typically are about half that of paper based in-class versions. This leads to very low sample sizes that skew teaching evaluation scores.
- Related to the above, more time and effort are required to encourage online participation than in-class evaluations. Some administrations started to put the onus on faculty to take on the work of increasing response rates. One strategy pushed by administration is to press professors to allocate class time to having students' complete online evaluations.
- Online may be used disproportionately by students who are failing or have particular issues with the class. Online respondents may have poor attendance records. Some associations have provided anecdotal evidence that students have mixed up their professors when filling out multiple on-line evaluations.
- Some universities have replaced individualized or department specific questionnaires with university-wide questions as part of the move to online evaluations. Associations report that the new questions are more focused on the overall course experience than teaching, and have resulted in lower individual scores for teachers in large classes.

Grievance Update: Maternity / Parental / Disability Leave

The APUO has referred a grievance to arbitration that objects to the employer's practice whereby certain Deans have been assigning additional teaching duties to members upon return from maternity, parental or disability leave. It is the APUO's position that this practice is discrimination based on family status and disability and is in violation of the Ontario Human Rights Code. Members are encouraged to contact the APUO grievance officer (apuogo@uottawa.ca) if they have experienced discriminatory treatment upon returning from a leave.

Benefit Plan Update: Generic Drugs

As of May 1st, Manulife will only cover generic versions of prescriptions unless your doctor prescribes you a specific brand name drug. Therefore it is important that if you need to have a specific brand of drug, your doctor must indicate on the prescription that "**no substitutions**" are allowed. If your doctor fails to indicate this on the prescription and the pharmacy fills it with a brand name medication, you will be charged the difference between the cost of the brand name drug and its generic version.

APUO "Kicked Out" of the University Centre

After 28 years and with no advance warning, the employer kicked APUO out of its offices in UCU 348.

Two years ago, APUO filed a grievance in this matter because the collective agreement clearly states that "The Association shall be entitled to occupy suitably serviced and maintained office space, centrally located on the University of Ottawa premises..." (article 6.1.3). Furthermore, the employer is obligated to provide "... access to the following services of the University of Ottawa, at standard rates for internal users: telephones, mail, audio-visual aids, reproduction and printing, computer services and general office services (article 6.1.1).

Adequate office space has been a challenge for APUO's administrative staff for over a dozen years. During this period, the employer has never offered a more suitable alternative to UCU 348 although that space was no longer meeting the needs of members or APUO staff for many years. Despite the neglect and inertia of the employer, APUO went ahead and rented office space at 170 Waller Street (opposite the Faculty of Arts building) in the spring of 2012. This new office has nearly three times more space than UCU 348 while still being in a central location.

APUO continued to pay for maintenance and service for the space in UCU 348 since we still occasionally used it for meetings and made it available to student groups and other unions on campus.

But at the end of three days of arbitration regarding the grievance in early February 2014, the employer declared APUO shut out of UCU 348 and informed staff that the locks had already been changed. In order to even recoup the furniture inside, our staff would have to make an appointment with a representative of the employer.

The behavior and decisions of the employer during the last several years have often been disappointing and contrary to the collective agreement, but locking APUO out of office space that is a negotiated obligation is unwarranted and likely to impoverish an already strained relationship.

APUO recently filed a second grievance on this issue while maintaining the original grievance's coming arbitration dates. We are working toward an outcome that is reasonable for our members despite the offensive and inexplicably aggressive actions of the employer.

Freedom of Information and Protection of Act requests

Under the Ontario *Freedom of Information and Protection of Privacy Act* (FIPPA), citizens and organizations are able to request certain information from universities in Ontario. FIPPA recognizes that only documents in the institutions **custody or control** are disclosable unless they are explicitly exempted or access is limited by the exceptions listed under the Act.

While both the employer and APUO acknowledge that APUO members must respond to such requests, each party has different views on which documents are in the institutions custody or control. APUO recommends that members heed the following:

1. Records or portions of records in the possession of an APUO member that relate to personal matters or activities that are wholly unrelated to the university's mandate are not in the university's custody or control.
2. Records relating to teaching or research are likely to be impacted by academic freedom, and would only be in the University's custody and/or control if they would be accessible to it by custom or practice, taking academic freedom into account.
3. Administrative records are *prima facie* in the university's custody and control but would not be if they are unavailable to the university by custom or practice, taking academic freedom into account.

What does this mean for you in light of the specific request you received from the employer?

- You have the right to decide whether a document is subject to the request or not, taking into account the three principles listed above.
- You are not required to disclose to the Employer whether or not you located responsive records to the request. This can only be answered in the affirmative if you determine that the record in your possession is within the Employer's custody or control after completing an analysis of the three principles, including taking academic freedom into account.
- If you are unsure about whether a document is subject to the request and thus unable to make a judgment yourself, you may, if you wish, provide a list of such documents as well as an explanation of why you believe that they are not in the Employer's custody or control.
- You are not obligated to provide a list of search terms or key words used to do the search (as requested by the Employer).

We would like to remind members that if they receive a FIPPA request, they can obtain assistance from APUO before responding to it.

uOttawa – Carleton Shuttle Cancellation

The University of Ottawa community recently learned that Carleton decided to stop paying its share for the shuttle service between its campus and the University of Ottawa campus in spite of several joint programs between the two universities. The service was discontinued May 1st. Students are expected to use their OC Transpo U Passes to travel between the two campuses (except in the summer when the U Pass is not valid). APUO members have been advised that they can choose between using their own personal vehicles or obtaining employer-paid taxi chits to get to Carleton and back. The costs will be covered by the Faculties affected, but what remains to be clarified is which faculty will foot the bill, particularly for graduate programs. Members should note that shuttle service between the Roger Guindon campus, St. Paul University and the downtown campus is not affected by this cancellation.