

**GRIEVANCE INFORMATION OFFICER**  
**Report to UGFA Annual General Meeting**

**22 May 2024**

In defending UGFA members' rights under the Collective Agreement (CA), the Faculty Association has handled approximately 90 new and continuing cases since May of last year. These activities include 4 Arbitrations / Mediations, 7 Grievances, 15 Disciplinary Investigations, 10 Human Rights Investigations (representing members as complainants and/or respondents), 11 requests for Medical Accommodation, 3 Tenure & Promotion Appeals, 12 meetings with new members to review Appointment Letters, as well as 25 other matters resolved through formal meetings with the Administration.

**As a primer for new members or those needing a refresher:**

A grievance is a formal allegation by the UGFA that the Administration has violated specific terms of the CA. If the Administration denies a grievance, or responds that it has not violated the CA, the UGFA must then determine whether to submit the grievance to arbitration. We are often successful in resolving grievances through constructive discussion with the Office of Faculty and Academic Staff Relations (FASR).

The need for vigilance and launching timely grievances reflects continuing concerns about the Administration's failure to follow the CA in matters regarding: the Tenure, Promotion, and Performance Review process; disciplinary investigations and resulting measures taken; the Administration's responsibility to protect the health, safety, security, privacy, Academic Freedom and Intellectual Property rights of members, and to provide appropriate medical accommodations.

The arbitration of a grievance is the UGFA's most powerful tool to defend the CA. Mediation may occur as part of the process prior to final arbitration, with an arbitrator jointly agreed upon by the UGFA and the Administration or appointed by the Ministry of Labour. Arbitration is the culmination of a very lengthy process that begins with the identification of the issue and follows meetings with the affected members and with the Administration, the preparation and filing of a grievance, the Administration's response to the grievance, further meetings with the Administration, and consultations with UGFA's legal counsel.

The costs of arbitrations/mediations are considerable, including arbitrators' fees and those for legal counsel, and time spent by UGFA Staff and Executive members. These costs are justifiable expenses for protecting members' rights by drawing on the needed expertise to craft successful arguments (and equally as often advise against an arbitration that is unlikely to succeed).

**Pressing matters:**

We have two ongoing arbitrations representing important efforts to address the continual erosion of collegial governance at the University. The first resulted from our grieving the

Administration's unilateral re-interpretation of the definition of "faculty member" to include non-UGFA members in administrative roles on Senate and other important University committees. Irregularities observed include positions on committees reserved for UGFA members being filled or nominated by administrators reporting to a dean or directly to the Provost. Anomalies that contravene the rules in place to give faculty a voice in University affairs provide a partial explanation for the sorry state of Senate and collegial governance at the U of G. This case has been in arbitration since May 2022, with new hearings scheduled in the months ahead.

More recently, the UGFA grieved the Administration's imposition of "paused" programs as a putative corrective for the "financial crisis." With faux regard for consultation with our members and no evidence of meaningful cost savings, the imposed measures have resulted in plummeting morale among faculty and irreparable reputational damage to the effected programs. This blatant disregard for consultation warrants our concerted efforts to push back through arbitration to assert collegial governance protections enshrined in the CA.

Other pressing matters occupying our attention include conflict between members filing complaints against each other. In such cases, the UGFA represents both complainants and respondents, with no exchange of information between the UGFA representatives on opposite sides of the case. The UGFA holds regular meetings to ensure that these 'walls' are properly observed and that both parties receive fair representation. Investigations stemming from complaints, in our experience, tend not to restore collegiality or harmony; and sometimes attempts at mediation make these kinds of problems worse. The growing culture of complaints reflects both stressful work conditions and an Administration often reluctant to have difficult discussions of the kind that are needed to effectively manage what appears to be pervasive workplace conflict.

More generally, the past year has seen a troubling increase in cases resulting in disciplinary investigations. A particularly worrying and escalating trend involves the targeting of faculty by students resulting in investigations for possible discipline based on often frivolous and/or vexatious allegations. Student bullying, harassment, and defamation of professors threatens Academic Freedom and subjects us to considerable added stress that undermines professional integrity. Despite our best efforts to negotiate a student code of conduct in the last round of bargaining with procedures to protect the reputations of UGFA members, the Administration continues to downplay and pay lip service to these matters.

Established patterns we are finding particularly vexing are the low threshold for complaints against faculty by students resulting in investigations, as well as disregard for timelines, conducted by the office of Diversity and Human Rights (DHR). The typical scenario is one in which a student alleges discrimination by a supervisor or examining committee for a low evaluation based on poor performance. Despite the evidently frivolous nature of complaints against faculty providing critical constructive feedback, the ensuing investigation will drag on for months and months, and sometimes take more than a year to resolve. Whether the result

be vindication for the member or minor discipline imposed to mollify complainants, faculty (and sometimes whole departments) end up getting 'dragged through the mud' for the offense of having done their jobs.

Increasingly litigious, disgruntled students seeking to weaponize commitments to diversity on campus not only target faculty. They sometimes target the employer, as customers who feel entitled to the service and credentials being bought by their tuition. One might hope that overlapping interests with its faculty tasked with educating students might eventually compel the Administration to guarantee protection of our Academic Freedom and professional integrity in the conduct of our work. In the meantime, the UGFA will continue to employ all means available to support faculty subjected to complaints and accusations by a growing contingent of desperate students.

These and other trends observed continue to occupy our time as we advocate for equitable and workable solutions to the problems facing members. Please don't hesitate to let us know if we can be of help. Thanks so much for your attention and continuing support!

Andy Hathaway