



## **APUO POLICY ON TEACHING FOCUSED FACULTY (TFF) STREAM**

Adopted by the Executive Committee of the APUO, March 2016

(Based on the recommendations of the APUO Strategic Working Group on TFF, February 2016)

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## **I - BACKGROUND**

- In each of the last three rounds of negotiations, the employer has proposed creating a new stream of full-time, tenure track professors that would focus almost exclusively on teaching. The core of the employer's proposals has remained essentially the same over the three rounds: a certain number of new tenure track faculty positions would be identified as 'TFF' positions that would carry a teaching load of 200% the regular teaching load (up to eight courses a year) taught over three semesters. These positions would have similar compensation and career progression tracks as regular professors (although the tenure and promotion criteria would reflect the teaching focus – in particular, requiring the individuals in these positions to demonstrate 'outstanding' teaching to get tenure and promotion).
- The employer's proposal would therefore create a new permanent stream of tenure-track TFF professors (with the new working conditions outlined above) that would co-exist with the existing stream of traditional tenure-track professors (with current working conditions).
- In preparation for the 2012, 2013 and 2015 rounds of negotiations, APUO members deliberated on this issue at great length (including through general member surveys, at the Collective Bargaining Committee, the Executive Committee, the Negotiation Team, the Board of Directors, and at the Special General Assemblies on APUO negotiating priorities).
- In all cases, the APUO committees unanimously voted to reject the TFF stream.
- The surveys of APUO members have also consistently shown that members overwhelmingly reject the idea of TFF.
- Finally, at the special APUO 'Bargaining Priorities' General Assemblies in 2013 and 2015, APUO members voted overwhelmingly to reject the creation of TFF (90+% in 2013 and 2015).
- During the discussions at the 2015 General Assembly, some APUO members suggested that APUO should develop a more robust rationale explaining and justifying its position.
- The APUO President therefore convened a Strategic Working Group to consider the issue and report back to the Executive Committee of the APUO. Between December 2015 and February 2016, the working group intensively investigated and deliberated the question of TFF. It then produced a detailed report on the issue, including clear recommendations, and delivered it to the APUO executive at the end of February 2016.
- The APUO executive then debated and deliberated the report and adopted its recommendations as APUO policy in March 2016.
- This report is therefore an overview and explanation of APUO policy regarding the question of TFF at the U of O.



## II - KEY QUESTIONS

1. Should the APUO retain, or should it revise, its democratically developed policy against the creation of a TFF stream at the University of Ottawa?
2. As a consequence, how should the APUO react to the employer's proposal at this round of bargaining?
3. What rationale supports the working group's recommendations?

## III - BACKGROUND FACTS REGARDING TFF

➤ **No faculty association in Canada has voluntarily and autonomously advocated for TFF positions.**

In every case, the creation of TFF resulted from employer's negotiating priorities. Where TFF exist, they exist only because employers have successfully pressured professors' associations and unions to accept them.

➤ **The national research and advocacy body for professors – the Canadian Association of University Teachers (CAUT) – continues to unequivocally recommend that faculty unions do not create TFF streams.**

CAUT's position has consistently been against creating TFF streams. It has been reiterated once again in the most recent publication on the topic (*CAUT Bargaining Advisory, Teaching-Intensive Appointments*, January 2016). The reasons for CAUT's position are numerous (several will be discussed in this document).

➤ **One of the key problems with TFF is that these positions sever the crucial link between research and teaching in ways that fundamentally risk undermining the central mission and nature of university education.**

As CAUT notes, one of the core elements distinguishing universities from other educational contexts is the link between research and teaching. According to CAUT, a "fundamental principle (...) is that scholarly activity involves teaching, research, and service – that critical enquiry in pursuit of discovery or applied research is essential to support and sustain critical enquiry in teaching" (CAUT 2016, p. 8). As such, the latest policy statement "warns of the qualitative and pedagogical impoverishment attending the segregation of academic responsibilities, particularly, the segregation of teaching and research. CAUT continues to espouse the principle that the academic mission to foster scholarship and critical enquiry can only be achieved when research and teaching are intertwined in the post-secondary institutional fabric" (CAUT 2016, p. 1) and therefore concludes that "the growth of teaching-intensive appointments is a significant challenge to that principle" (CAUT 2016, p. 8).



In the context of uOttawa, there is no question that the employer's proposal to create positions with a workload of 200% the normal teaching load (up to eight courses/year taught over three semesters) would effectively sever the link between research and teaching. Both the APUO and CAUT agree on this, as did the Continuing Limited Term Professors (now called Continuing Special Appointment Professors, or CSAP) to whom we spoke as we prepared for negotiations (CSAP teaching load is approximately 150% of a normal teaching load and varies by faculty and department).

- **An equally crucial problem is that the introduction of TFF generally creates a two-tier system characterized by deep inequality, gender bias, and many other negative dynamics in the academic workplace.**

One of the core principles of the APUO is the importance of a fair and equal workplace where the working conditions of its members are relatively similar and where inequality is minimized to the utmost degree possible. The introduction of TFF threatens to undermine this principle.

According to CAUT, the introduction and growth of TFF “not only threatens the culture of critical enquiry that is the hallmark of the university, but it is also fundamentally unfair, creating a two-tiered university system in which some are fully vested with academic citizenship and others not” (CAUT 2016, p. 2).

For example, studies and surveys consistently show that these positions are generally viewed and treated as ‘second-class citizens’, even when their compensation and academic career progressions are roughly the same as regular faculty. This is particularly true at institutions that consider themselves ‘research intensive’ (e.g. Rowland, 2012).

Studies also highlight the fact that since women occupy these positions much more frequently than men, TFF streams also create and strengthen gender inequality by creating a situation where most of these ‘second-class citizens’ are women (e.g. Baker 2012; Ceci and Williams 2011; Fletcher et al 2007).

Reports from other faculty associations in Canada also stress that the creation of TFF usually leads to significant tensions within departments and faculties as the working conditions and resulting interests of different types of members clash and grate against one another. For example, do TFF get first priority for course selection over regular professors given their heavier teaching load? Or conversely, are they treated like second-class professors who are expected to teach the less desirable and less ‘expertise’-oriented courses? Do differences in tenure expectations create resentment between the different streams? (Hanson, Mann and Kramer, 2016).

Faculty unions in Canada also report that the different working conditions of the two streams usually create significant tensions between the bargaining priorities of TFF and regular stream faculty. This often means that much of the energy of mobilization and much of the collective bargaining power of those unions become fractured and divided in ways that benefit the employer. For example, unions report that they often spend enormous time trying to make working conditions for TFF less exploitive – and that this dilutes overall bargaining capacity for



improvements that benefit the entire membership. Moreover, employers often very consciously use a 'divide and conquer' strategy in order to weaken the union. These realities result in sub-par bargaining outcomes for regular faculty and TFF alike (Downes, 2015).

There is every reason to believe that these dynamics would emerge at uOttawa as well – particularly given the strategies and behaviours of the employer regarding Continuing Special Appointment Professors (CSAPs), Contractually Limited Term Professors (CLTPs), Limited Term Replacement Professors (LTRPs) and Science Lecturers (SLs).

➤ **There is no sound academic evidence that these positions lead to better educational outcomes than do regular stream positions.**

Given that the employer is proposing a radical change in the name of the quality of education, the onus is on the employer to prove that it will be a significant improvement over what could be provided by hiring more regular professors.

The employer, however, has been unable to provide any such evidence.

In fact, a review of the academic literature shows that there is essentially no credible evidence suggesting that TFF create a higher quality of education or better educational outcomes than programs taught by regular faculty members whose workload includes both teaching and substantial research responsibilities. The bulk of the academic literature (some of which is noted above) concludes that there are many problems with the structural conditions that accompany these positions.

In general, the only reports that support the idea of introducing TFF are those produced by advocacy groups with specific employer interests – such as the Higher Education Quality Council of Ontario (HECQO).<sup>1</sup> Even these self-interested reports, however, have been unable to produce concrete evidence demonstrating that TFF improve the quality of education over regular faculty positions.

➤ **Faculty unions can successfully resist the introduction of these positions. The APUO is in a particularly good position to continue to do so.**

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<sup>1</sup> HECQO is a Crown Agency of the Ministry of Training, Colleges and Universities of Ontario (MTCU), created and funded solely by the Ontario government and thus whose interests align closely with the employer's interests. The institutional pressures which align its perspective with those of the government and the employer are further reinforced by the fact that its senior leadership team and board of directors are made up almost entirely by individuals who were senior administrators at universities (e.g. its CEO was the President of the University of Calgary for nine years and the Provost of McMaster; four of its six board members are past presidents or vice-presidents of universities) or civil servants working for the Ontario government. It is therefore an organization whose perspective consistently supports government and employer's interests.



CAUT's 2016 bargaining advisory pointed to Queens and Regina as two contexts in which unions successfully defended against the introduction of these positions.

CAUT also singled out APUO's 2013 negotiations as a particularly successful example insofar as the APUO both resisted the introduction of TFF and negotiated new regular faculty positions.

Given that introducing TFF would be the single most important change to working conditions at uOttawa in 50 years, the employer faces an extremely high bar to force these positions on the APUO.

- **The only real advantage that these positions offer over simply hiring more regular tenure-track professors is that they reduce costs for the employer by exploiting professors faced with a very challenging job market**

#### **IV - EVALUATION OF CLAIMS IN FAVOUR OF TFF**

***Claim: TFF contribute to an improvement of the quality of education.***

APUO responses:

- As outlined in the section above, neither the employer nor employer organizations in favour of TFF have been able to present any solid evidence that creating a TFF stream improves the quality of education more than would hiring more regular professors.
- Moreover, a review of the academic literature not only fails to support this claim; it suggests the opposite – that creating regular positions that link research and teaching is what distinguishes and defines the university educational environment and it should be strengthened, not diluted.
- Over the last several rounds of negotiation, the APUO has brought numerous proposals about how to increase the quality of education at the uOttawa. The employer, however, has consistently rejected virtually all of them.

***Claim: Similar positions already exist at many other universities in Ontario.***

APUO responses:

- This fact is not an argument for or against the positions. For example, the fact that almost every other university in Ontario is unilingual is not an argument in favour of eliminating the bilingual nature of uOttawa.
- That these positions exist elsewhere is simply a result of other faculty associations and unions not being able to successfully resist having these positions imposed on them by their employers. This is certainly not a reason for the APUO to accept these positions.



***Claim: The University must create TFF to reduce the cost of teaching at uOttawa.***

APUO responses:

- The University has banked enormous surpluses over the past 15 years and is in an excellent financial situation. It currently has in excess of \$800 million in the bank. Please refer to the [April 2016 Financial Update](#) and [APUO Response to the Board of Governors' Budget Approval, 2015-2016](#) which outline the university's surplus amounts since 2002.
- Over this same time period uOttawa has chosen to under-invest in hiring regular professors, despite massive student enrolment growth, and spends less than its peers on teaching.
- Over the last 15 years, uOttawa has consistently claimed to be facing significant budgetary deficits when in reality they have posted an actual surplus for 14 of the past 15 years.
- Neither emergency financial concerns nor structural financial constraints are relevant factors in evaluating the desirability of TFF.

***Claim: Since uOttawa has created many research chairs who teach less, they need to create TFF to compensate.***

APUO responses:

- The focus of any university should be on the quality of education and research.
- The APUO acknowledges that the employer has devoted significant resources to increasing the research intensiveness of the university.
- The APUO hopes that the employer will now devote the necessary (and available) resources to increase the quality of education. Scientific research shows that hiring regular faculty members is one of the best ways to do that. The APUO has also introduced many other proposals in bargaining regarding how uOttawa could improve the quality of teaching. The employer has, so far, rejected virtually all of these proposals.

***Claim: Hiring regular professors in some disciplines (most notably certain disciplines in the sciences) requires additional lab space. UOttawa does not have sufficient space for more regular professors who need these physical spaces. TFF without research programs will increase the number of courses taught by tenure-track professors in a way that recognizes space constraints.***

APUO responses:

- This is true only for a very few academic units. The vast majority of new hires do not require this type of physical space.



- Even if it is true that uOttawa faces some real space constraints as a downtown campus, it has nonetheless managed to expand its physical capacity significantly over the last 15 years, and it has several active building projects on the go. Moreover, there is more room on the campus and significant plans for further expansion in the future.

***Claim: APUO members want TFF.***

APUO responses:

- According to all available information, a very large majority of APUO members do not want a TFF stream.
- The issue of TFF has been surveyed, debated and voted on at all levels of the APUO organization and membership in extraordinary details over the last five years – including multiple times over the course of several years at the Collective Bargaining Committee (CBC), the Executive Committee, the Board of Directors and the General Assembly. In fact, there is no question that this issue has been the most debated and analyzed issue in APUO bargaining over the past five years.
- During the 2013 bargaining process, the issue was debated and investigated thoroughly at the CBC, Executive and Board of Directors – and the position against the creation of TFF received unanimous support at votes in each of these committees.
- At the 2013 General Assembly on APUO Bargaining Priorities 95%+ of APUO members voted in favour of an explicit APUO motion against the creation of TFF.
- In the 2015 pre-bargaining survey of the APUO membership, the issue of creating TFF did not even register as one of the top 30 issues. It was raised by less than 1% of the 500+ members who responded to the survey.
- Despite this, it was again explicitly debated by the CBC, Executive and Board of Directors and the APUO proposals (which included the continuation of the 2013 policy against TFF) received complete support once again.
- At the 2015 General Assembly on APUO Bargaining Priorities – the issue of TFF was again explicitly raised and discussed and the membership resoundingly voted in favour of the APUO set of priorities.

***Claim: Some existing regular faculty members would like to teach more and research less. TFF would allow them to transfer into a position that allowed them to focus on teaching more.***

APUO responses:





- If professors wish to focus less on their research and do more of their academic work as teaching, under section 22.2.1.6 and 22.2.1.7 of the Collective Agreement, they can request that their teaching load be increased and that expectations regarding their research be similarly reduced. Importantly, this process requires that members agree to the increased teaching workload – the Dean cannot unilaterally impose an increased teaching load.
- In this context, it makes no sense that current APUO members would want the APUO to create TFF positions so that they could switch into a TFF stream that requires a 200% teaching load (determined by the Dean with no consultation with the member) rather than use the current provisions of the Collective Agreement (which already give members the chance to increase their teaching load in a much more reasonable way and with more control).

***Claim: The APUO should allow the employer to impose a new, permanent TFF stream in order to secure better working conditions for CSAPs (previously called CLTPs/LTRPs/SLs) and/or because some of them might want to apply for such positions.***

APUO responses:

- Since this has been at the core of the employer's strategy for the last three rounds of bargaining, and since the history and current situation has been muddied by a lack of accurate information and misleading narratives perpetuated by the employer and a few others, we have outlined a full history and analysis of the situation in the appendix to this document. As such, those who are interested in the history and the present situation or have been convinced in the past by this argument should consult the appendix. A compressed overview, however, is presented here.
- The APUO finds it indefensible that the employer has linked the unrelated issues of CSAP/CLTP working conditions to the question of whether the APUO will acquiesce to the creation of a TFF stream at the U of O. For in doing so, the employer has explicitly and consciously used threats to the job security and working conditions of CSAP/CLTPs and their predecessor positions (the LTRPs and SLs) as bargaining chips in an attempt to force the APUO to accept a new TFF stream.
- In contrast to employer claims, it has been the APUO who has fought forcefully for the interests of these members over the last 5 years.
  - The APUO has strong CSAP representation on its key committees (e.g. 12% of the 2015 Executive and 17% of the Strategic Working Group on TFF were CSAP members, whereas only 2% of APUO members are CSAP).
  - Over the previous 2 rounds of negotiations, the APUO argued that the employer could easily resolve the job security issues of the 30 members who were in LTRP/SL/CLTP positions by creating 30 regular tenure track positions and using the transfer provisions in the Collective agreement to move all qualified LTRP/SL/CLTP members into permanent tenure track positions. The employer refused to do so.



- This was not a perfect resolution but it was the best solution in the circumstances.
  - The APUO also worked extremely hard to convince the employer to improve the working conditions of the CSAPs in the 2015-16 round of bargaining. Moreover, it managed to establish improved job security for CSAPs (5 year contracts rather than 3 year) and a new title – both of which were among the top priorities that the CSAP members communicated to the APUO executive
- The APUO, however, remains unequivocally committed to the belief that the question of whether the APUO should accept the introduction of a permanent TFF stream – something that would be the most significant change to the working conditions of APUO faculty members in 50 years – is an entirely unique and profound question of policy and principle that must be evaluated and decided on its own merits. It is not logically linked in any way to the question of whether CSAPs (or any other APUO member) deserve better working conditions. Nor should it be linked in negotiations.
  - This is particularly true because the APUO's analysis suggests that the introduction of TFF would very likely erode a number of core APUO principles (including the centrality of protecting equal, fair, and legitimate working conditions). In these circumstances, there is simply no way to argue that the APUO should trade off the introduction of TFF for slight improvements in working conditions for existing members.
  - In reality, the only reason the question of TFF and CSAP/CLTP working conditions has seem linked is because the employer has used this as a very specific negotiation strategy. Linking two unrelated issues is a classic negotiation tactic. But it is essential to realize that this is nothing more than the employer attempting to bribe the APUO by targeting members with the least job security. And while the employer is legally free to link any issues together as part of its bargaining strategy, the APUO believes that the employer's decision to do this in ways that have sought to hold CSAP/CLTPs hostages by pairing their very core job security to the introduction of TFFs is indefensible.
  - It is clear that in this context, the best thing that the APUO can do is to treat these two issues as completely separate.
  - For the sooner the employer realizes that the APUO will not make decisions regarding TFF based on bribes, the sooner the employer and APUO can (a) have the principled discussion around TFF that is appropriate and (b) can discuss improving CSAP working conditions on their own merits.
  - In this context, the APUO would also like to explore ways it can support the Association of Part Time Professors of the University of Ottawa (APTPO) in improving the working conditions of their members.



***Claim: By not being open to the idea of TFF, the APUO is being intransigent and acting in bad faith.***

APUO responses:

- This perspective profoundly misrepresents the APUO's role, how negotiations work, and what it means to have firm and clear policy positions.
- The APUO's role is to develop and defend core principles and policy positions that are both reflective of the best interests of its membership and are supported by the majority of the APUO's membership.
- The APUO has more than embodied this over the last 5 years. In fact, there is no question that the issue of TFF has been the single most discussed, analysed, debated, surveyed, and reconsidered issue in the last decade of the APUO. Far from being intransigent, the APUO has been extremely democratic and robust in the development and validation of its policy position.
- The APUO has also not been 'intransigent' in its dealings with the employer on this question. Rather, it has acted entirely appropriately in ways that have been accurate and authentic reflections of the robustness of its policy on TFF.
- As most members likely know, despite having been told very clearly by the APUO of its position on TFFs over the last several rounds of bargaining, the employer raised the issue of TFF again in the 2015-16 negotiations. In response, the APUO acted very appropriately. The APUO did not refuse to allow the employer to present its case. We listened to the employer's bargaining team and arguments in favour of TFF. We asked them to clarify issues that were unclear. Moreover, we went far further than necessary in evaluating the employer's position. In convening this Strategic Working Group on TFF – the Executive asked a group of APUO members (none of whom were on the negotiating team and most of whom were not on the Executive) to once again reconsider the issue (this in spite of the fact the APUO already had a very strong mandate from the membership and a clear policy against TFF). Far from being intransigent, the intensity and processes of analysis used by the APUO Executive and negotiating team to evaluate the employer's proposal went far beyond what could reasonably be expected.
- The claim that the APUO has been intransigent and has refused to discuss or negotiate the issue with the employer is categorically untrue.
- In fact, if any party has been 'intransigent' on this issue, it has been the employer. For by introducing more or less the identical proposal in each of the last three rounds, despite seeing how fully it was rejected by the membership in many different contexts, it is the employer who refused to listen to and respect the clear position of APUO members.
- Moreover, it is important to remember that with TFF, it is the employer who is seeking to introduce something new. This is important because as mentioned previously, in a labour



relations context, the party who demands that something new be added faces a much higher threshold of proof and argumentation than does the party who is simply defending the status quo. As such, if any party can be accused of being intransigent, failing to listen, and uninterested in a creative search for a mutually acceptable solution, it is the employer. The employer could have easily approached the APUO to explore whether there were other ways to achieve some of their core interests, or ways they could change their proposal to make it more acceptable. This did not happen.

***Claim: Creating a TFF stream would allow an increased focus on the Scholarship of Teaching and Learning.***

APUO responses:

- Research in the area of 'the Scholarship of Teaching and Learning' (SOTL) has been a growing field of academic research in recent decades. In particular, it has become increasingly visible in the sciences as the academy has realized that studying which pedagogical options are ideal for scientific teaching is an important area of inquiry for scholarly research.
- SOTL research and a TFF stream, however, are distinct phenomena and are not necessarily related to each other.
- For example, one regular faculty member in the sciences could have research expertise in SOTL and a research agenda focused on investigating the pedagogy of science education and communication, while another colleague in the same unit might have a research agenda focused on investigating basic scientific questions about the nature of matter or biological evolution. Both professors would have working conditions that would allow them to undertake a very strong research agenda that linked to, and supported, their teaching in various ways.
- In contrast there is no necessary reason why TFF would be experts in SOTL research. They might teach more than regular professors, but in the bulk of faculties, there is no reason to think that academic units would recruit TFF with research interests in SOTL over any other topic (nor have they, outside of the Sciences). In fact, because TFF would have no real time for scholarly research activities, it is highly unlikely that they would have a robust research profile in any topic – whether organic chemistry, international relations, philosophy of science, or SOTL.
- The issue is perhaps slightly confusing in certain faculties at uOttawa since several of the science CSAPs happen to have a research focus on SOTL. However, this is simply reflective of particular decisions that were made by the faculty of science at the time these positions were created. It says nothing about a logical link between SOTL and TFF. And there is no reason why the faculty of science can't hire regular tenure track professors with SOTL expertise.
- In fact, any academic unit in any faculty can define a SOTL research expertise as the criteria for any new regular tenure track positions they receive from the administration if they so desire.



They certainly do not need TFF to do that. And in fact, given that TFF have essentially no research component, TFF would not allow for the development of SOTL research at all.



## **V – RECOMMENDATIONS TO APUO**

### **1. The APUO should uphold and vigorously defend its current policy of rejecting the creation of a TFF stream.**

- A TFF stream would decouple the critical link between research and teaching and thus risk eroding the core mission of the university.
- There is no evidence that TFF improve the quality of education.
- A TFF stream would create a two-tier system that would likely introduce a variety of negative dynamics within the work environment.
- A TFF stream would also likely significantly heighten formal and informal gender inequality in ways that are not reconcilable with APUO's policy of equality and equity.
- Current APUO faculty members already have significant flexibility to increase the teaching portion of their workload should they so desire.
- There are many ways to improve the quality of education (many of which have been proposed by the APUO in the past), should the employer be genuinely interested in doing so.
- Based on knowledge of this issue over the last 20 years, CAUT recommends unequivocally against accepting these types of positions

### **2. The APUO should continue to resist the creation of TFF.**

- The APUO should clearly and coherently explain the principled reasoning behind our rejection of TFF. The APUO should also explain why it is offensive that the employer continues to link the specific working conditions of the CSAPs to the major policy question of creating a new TFF stream.
- The experiences of our 2011, 2013, and 2015 negotiations, other recent university faculty negotiations and the reality of the broader current context suggest that the APUO can continue to resist the imposition of these positions and that it is in the broad interests and principled basis of the APUO to do so.

### **3. The APUO should continue to strongly advocate for the enhancement and improvement of the quality of education and create a permanent committee whose mandate would be to develop a coherent set of proposals on this topic over the coming years.**

- The APUO strongly values the goal of improving the quality of education– as demonstrated by many of the proposals it has forwarded in the last three rounds of bargaining.
- However, the group believes that the APUO may be able to find ways to promote this goal more creatively and robustly during and between rounds of negotiations. To facilitate this, it



should be able to do more on this front. It therefore recommended focusing on what the APUO can do during and between rounds of bargaining to improve the quality of education at the university. As such, it recommended that the APUO create a permanent Committee on the Quality of Education (chaired by the Academic Officer), whose goal would be to develop a diverse and proactive set of APUO proposals designed to improve the quality of education for students and professors.

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## **APPENDIX**

### **Teaching Focused Faculty (TFF) and Continuing Special Appointment Professors (CSAPs) -**

#### **Two Separate Issues, One Indefensible Employer Negotiation Strategy**

##### **Introduction and context**

Over the last decade, the employer has attempted to force the APUO to accept a new, permanent TFF stream by exploiting the job security and working conditions of a small number of members in contractually limited roles that have gone by a number of names including Limited Term Replacement Professors (LTRP), Science Lecturers (SL), Contractually Limited Term Professors (CLTP) and Continuing Special Appointment Professors (CSAP).

The question of whether the APUO should accept the creation of a new permanent TFF stream is entirely unrelated to questions about the job security and working conditions of CSAP/CLTP/SL/LTRP.

The employer, however, has consistently used a negotiating strategy of linking these two issues together and bribing/threatening the APUO to accept TFF by exploiting the lower job security and working conditions of members in these positions – conditions that the employer itself created.

This is an indefensible negotiation strategy; the two issues must be treated separately. In fact, the APUO believes that treating them separately is the best possible option for the CSAPs, the employer and the APUO since doing so offers the only real possibility that the two negotiating parties might creatively and constructively discuss the issues in ways that might allow for some exploration of whether there is any common ground possible.

A strong understanding of the actual historical record and a solid analysis of how best to respond to it are crucial.

##### **The APUO highly values members in CSAP roles**

- The APUO highly values its members in the CSAP roles and very much appreciates the excellent work that CSAPs (like their regular tenure-track colleagues) routinely perform for the university and its community.
- The APUO continues to engage and support its CSAP members strongly.
  - ❑ One of the eight members of the Executive Committee is currently a CSAP.
  - ❑ One of the six members of the Strategic Working Group on TFF was a CSAP.



- The APUO introduced a number of specific bargaining proposals in the 2015-2016 round of negotiations that aimed to significantly improve the working conditions of the CSAPs (for example, increasing the contract terms from three years to five years; bargaining for access to academic leaves; and opening the opportunity for graduate supervision).

### **The employer's strategy of holding CSAP members hostage in negotiations in relation to TFF is indefensible**

- The APUO finds it indefensible and deeply offensive that the employer has used (and continues to use) the situation of CSAPs (and their predecessor positions) as bargaining chips to be held hostage in an attempt to force the APUO to accept a new TFF stream.
  - Over the last 5 years, the employer has acted with little regard for the individuals in these positions by consistently employing a hard-nosed negotiation strategy that attempted to make any improvement to the job security and working conditions of CSAPs (and their predecessor positions) contingent on the APUO accepting the creation of a new TFF stream. This has created enormous – and unnecessary – uncertainty and stress for these individuals. It has also consumed significant APUO resources as we sought to develop constructive solutions to the issues raised by the CSAPs.
  - What is particularly galling about this situation is that the employer has always been in a position to solve the issues raised by CSAP positions easily on its own. All the employer would need to do is transform these positions into regular tenure track positions. Yet it has steadfastly refused to do so and has instead chosen to use the job security and working conditions of the individuals in these positions as pawns in its negotiation strategy.
  - Contrary to what the employer has often suggested, over the last six years, it has been the APUO that has worked extremely hard to resolve the challenges of the CSAP positions, including, most importantly, the creation of permanent positions for the individuals holding these positions. In contrast, it has been the employer who has treated the CSAPs as bargaining chips and refused to offer fair, regular working conditions.

### **The history of the CSAP/CLTP/LTRP/SL**

- As some members will remember, the APUO agreed to allow the employer to create a small number (approximately 30) of temporary Limited Term Replacement Professor (LTRP) and Science Lecturer (SL) positions in the mid-2000s to address the growing student population that was a result of the elimination of grade 13 in Ontario (the “double cohort” issue). This was the explicitly stated purpose and justification for these temporary positions.



- As a result of the specific and temporary nature of the problem, the APUO agreed to allow the employer to define these positions with non-standard working conditions as compared to regular faculty positions:
  - ❑ The LTRP workload usually comprised about six courses/year whereas the SLs tended to have four or five courses/year;
  - ❑ They were explicitly identified (both in the Letter of Understanding between the APUO and the employer, and in each of the individual LTRP and SL contracts) as term-limited (rather than permanent) positions that would expire permanently on a specific end date (a maximum of five years after they were created).
  - ❑ The hiring processes used by the employer to fill these positions varied significantly between units and faculties. Many of these positions were hired using processes that did not follow procedures for regular faculty positions as outlined by the collective agreement (including widely advertised competitions, academic job talks, interviews, departmental votes by the faculty members of the relevant units, etc.). Even in cases where the collectively negotiated, standard hiring processes were followed, and faculty in the relevant units voted on the appointments, it was on the explicit understanding that these were term limited, not permanent, positions.
  
- Soon after these positions were created, however, the employer started using them as negotiating chips in an attempt to impose TFF on the APUO.
  - ❑ The employer soon began to suggest that these individuals might be able to gain a permanent position – but only if the APUO accepted the creation of a new type of permanent TFF stream.
  - ❑ Understandably, many individuals in these temporary positions were very interested in having their positions rendered permanent, and many regular APUO members wanted to support their valued colleagues. Thus, the APUO developed a bargaining proposal that called on the administration to create an equivalent number of regular tenure track positions and allow the individuals in the LTRP/SL positions to apply for a transfer into the regular tenure track positions (individuals would have to be qualified for a tenure track position, meaning that they would hold a PhD and meet any other requirements of their units).
  - ❑ The employer consistently refused to do this. Instead, they insisted they would consider creating permanent positions for the 30 members in LTRP/SL positions only if the APUO accepted the creation of between 100-200 permanent TFF positions.
  - ❑ The employer used this tactic in the 2011-12 bargaining round and then intensified it even more forcefully during the 2013 round (when the issue was becoming urgent insofar as many of the LTRP and SL positions were expiring). Given the stakes for the individuals in these



positions, there is no other way to describe the employer strategy than as playing on the job insecurity of the LTRP/SL members to wring out compromises from the APUO.

- In contrast, the APUO championed the idea that the employer should transform these temporary positions into regular tenure track positions and enable members to invoke the transfer provisions in the collective agreement to apply for the regular positions.
  - The APUO made this proposal explicitly, verbally and in writing, on many occasions within and outside the context of collective negotiations, including pushing for the creation of permanent positions for the LTRP/SLs until (literally) the very last hour of mediation during the 2013 bargaining round. The APUO accepted the compromise position of creating permanent contractually renewable CLTP positions rather than regular tenure track positions only when it became absolutely clear that the employer was prepared to force the union to go on strike rather than agree to create regular positions for these 30 members (the APUO does not know why the employer refused to transfer these into regular tenure track positions – but it is probably not coincidental that preserving some degree of job insecurity for CLTPs ensured that the employer could try to hold these members hostages in the next round of negotiations... which they once again did in the 2015-16 round).
  - The 2013 agreement ensured that the approximately 30 members in LTRP/SL positions now had 3 year rolling contracts that could be indefinitely renewed (as long as the employer chose to do so). To increase the interests that the employer had in continually renewing these contracts, the agreement also included a stipulation that when the current member in the new CLTP position left the university, the employer would have to create a regular tenure track position to replace it. For various reasons, this creates an extra incentive for the university to continue to renew the contracts for these individuals. The 2013 agreement also standardized the CLTP's pay bands with regular tenure track professors.
  - In the 2015-16 round, the working conditions of these positions were further improved, including by having their 3 year contracts being replaced by 5 year contracts and by having the salary cap for these positions being made consistent with that of Associate Professors.
  - It should therefore be clear that the APUO has had a very consistent policy of trying to improve the job security and working conditions of the LTRP/SL/CLTP/CSAP positions over the last five years and that it has been the employer who has actively sought to resist the APUO's attempts to improve the job security and working conditions of these members.

**TFF is entirely distinct from CSAP job security/working conditions and must be evaluated as such – especially in light of the employer's negotiation strategy of linking the two issues**



- At the same time that the APUO has fought hard to improve the conditions of CSAP members, the APUO has also had very clear and consistent positions: (i) against the creation of the permanent TFF stream; and (ii) against the idea that the APUO should treat the issue of a TFF stream as linked to questions about improved conditions for a specific group of APUO members (CSAP or others).
  - ❑ For the APUO, the question of whether a TFF stream should be introduced at uOttawa is a profound question of policy and principle that must be analyzed and answered on its own merits.
  - ❑ Because it would represent one of the most radical changes to the working conditions of regular tenure track faculty in 50 years, and profoundly impact the educational context of the university community, the APUO believes that the question of whether to accept a permanent TFF stream is, and must remain, entirely unconnected to questions about how the specific security and working conditions of any group of APUO members should be improved.
  - ❑ For the APUO, there are good reasons why the job security and working conditions of CSAPs should be improved, just as there are good reasons why the working conditions of regular faculty, replacement professors, librarians and language teachers should be improved.
  - ❑ These issues of job security and working conditions of existing members, however, are entirely unrelated to whether a TFF stream should be created at uOttawa.
  - ❑ Although the creation of the CSAP position was not APUO's ideal solution (the ideal solution was transferring the LTRP/SL members into regular tenure track positions) it was an acceptable solution to the problems raised by the LTRP/SL positions in that it was a one-time solution.
- In contrast to the specific, limited and non-precedent setting resolution that the creation of the CSAP positions represented, however, the creation of a permanent TFF stream would be a significant and lasting change to the working conditions of APUO members.
- The creation of a new stream of tenure track, teaching-focused positions has to be discussed in light of its consequences for all current professors, the working conditions of future professors, the quality of education for the students of the university, and the core mission of the university.

**The APUO should firmly and explicitly continue its policy of refusing to link the question of TFF and the working conditions of CSAPs**

- First, as was proven by the 2013 and 2016 negotiations, the APUO and its membership need to remain united and strong. It is clear that the strike vote of 2013 profoundly changed the dynamic of the negotiations and allowed the APUO to make significant gains and avoid major concessions.



Moreover, the 2016 negotiations demonstrated that when member support is clear and the APUO explicitly and firmly outlines its key positions, the two parties can reach a mutually acceptable agreement that does not require APUO to violate its key principles and bargaining commitments.

- Second, it is essential that the APUO continue to reject the linkages that the employer attempts to create, and instead treat each as a discrete issue. This is particularly necessary where deep principles and profound structural change are involved, as is the case of TFF.
- Moreover, this approach has been successful in the past.
  - The APUO has consistently conducted its negotiations in accordance with this principle. Almost since the predecessor positions to the CSAPs were created (in the mid-2000s), the APUO has consistently sought to find creative solutions to improve the security and working conditions of the CSAP (and predecessor) positions in ways that would not require the creation of a generalized TFF stream.
  - Insofar as it allowed the APUO to resist both the introduction of the TFF and transform the expiring LTRP and SL positions into permanent CSAPs this strategy has proven itself to be very successful. It might not have been as successful as the APUO would have ideally liked, of course (since the APUO was pushing the employer to transform these expiring positions into regular tenure track positions), but that is the nature of negotiations – there is not one issue the APUO has negotiated over the last five years where the outcome was as successful as the APUO would have liked. In the circumstances, however, this strategy has been as successful as the APUO could have possibly imagined.
  - In this sense, having the APUO insist on the separation of the TFF question from the working conditions of the CSAP members is in the best interests of the CSAP members as well. The more the employer continues to link them, the less likely are we to see major improvements to CSAP working conditions – because the APUO will clearly not change its position on the question of TFF simply to win improved working conditions for any group of APUO members. As such, the sooner these two issues can be uncoupled, the sooner will the working conditions of CSAP members be treated in the same way that the working conditions of all other APUO members are... which is a process of making incremental gains in each successive round of negotiations.

**The APUO therefore can both strongly support its CSAP members and unequivocally resist the imposition of TFF without any contradiction or logical tension**

- As should be clear, then, there is no contradiction in the idea that the APUO can both strongly value, and fight to improve the working conditions of those members who occupy CSAP positions



and also simultaneously unequivocally resist (for reasons of principle and historical experience) the creation of a TFF stream without any contradiction or logical tension. In fact, it is precisely the APUO's commitment to the core principles of protecting the quality of education and fostering fair and equitable working conditions which explain why it has both fought so hard to resolve the LTRP/SL situation and improve CSAP working conditions and why it should continue to resist the employer's proposed introduction of TFF at uOttawa forcefully.