

KNOW YOUR RIGHTS

A navigation tool for sessional members of

OCADEFA

OCADFA acknowledges the sacred land on which we live and work. For over 15,000 years this land has been home to Indigenous people who have lived and continue to live in relation with the land in ways that have been proven to be ecologically sustainable and vital, and that deepen our humanity by honouring our relations.

This land is the territory of the Mississauga of the Credit First Nation, Anishnaabe, Haudenosaunee, Wendat, and Huron Indigenous Peoples.

Today, this meeting place of Toronto is still home to many Indigenous people from across Turtle Island and we are grateful to be here together, in conversation with Indigenous histories. We are committed to working in solidarity with Indigenous-led activism and to upholding the values and practices that protect the land, care for the people and make it possible to plan for a peaceable future.

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KNOW YOUR FACULTY ASSOCIATION

We encourage you to visit the [OCADFA website](#) to learn more about who OCADFA is and what we do in service of our members.

Who is OCADFA?

The Ontario College of Art & Design Faculty Association (OCADFA) is the union that represents more than 600 faculty and academic staff at OCAD University. The Association was formed in 1965 with the mandate of protecting the rights and improving the working conditions of its members and continues today as the sole recognized bargaining agent for its members and as their voice in the complaint process.

OCADFA Members	
Faculty	Academic Staff
<ul style="list-style-type: none">➤ Sessional➤ Teaching-Intensive Stream (TIS)➤ Contractually Limited Term Appointment (CLTA)➤ Continuing➤ Probationary➤ Tenured	<ul style="list-style-type: none">➤ Technicians (contract, probationary, and permanent)➤ Academic Counsellors (contract, probationary, permanent)➤ Teaching/Research Assistants

OCADFA is steered by an elected Board of Directors and various Committee Members, elected by the membership for limited 3-year terms, and assisted by an Executive Director.

What does OCADFA do?

OCADFA represents teaching and research faculty including Tenured, Probationary, Continuing, CLTA, Teaching-Intensive Stream, and Sessional, along with Academic Staff including Technicians, Academic Counsellors, Teaching Assistants (TAs), and Research Assistants (RAs). If you are employed by OCADU in any of these positions with a signed contract, you are a member in good standing of OCADFA.

From the OCADFA website:

1. Negotiations:

OCADFA negotiates a Memorandum of Agreement (MoA) with the University. The MoA lays out the terms and conditions of employment for all faculty and academic staff. The MoA is your comprehensive resource regarding all the details of your job, expectations and rights at the University.

The current MoA is being drafted. You can find the most recent MoA [here](#), as well as changes made to it as a result of the most recent bargaining round [here](#).

2. Grievances and Member Representation:

In collaboration with its members, OCADFA monitors the University's compliance with the MoA. The Association may file grievances on behalf of itself and/or one or more of its members if it believes the MoA, or relevant policy or legislation, has been violated, in order to defend its members' individual and collective rights. If you think your labour rights have been violated, you should check our [OCADFA Grievance FAQs](#) on our website and contact us [here](#).

In the case of discrimination concerns, we may refer you to the Office of Diversity, Equity and Sustainability Initiatives to pursue a complaint through the Respectful Work and Learning Environment Policy, because the Ontario legislative environment generally requires that discrimination complaints follow that path. Even there, however, we often can help you assess your situation and provide support in filing and pursuing a complaint.

3. Advocacy:

On the provincial and national level, OCADFA advocates for issues affecting the postsecondary sector by working with the Ontario Confederation of University Faculty Association (OCUFA) and the Canadian Association of University Teachers (CAUT).

4. Outreach and Communication:

OCADFA keeps its members informed about the issues affecting them and the broader University sector through internal email and social media. Keep an eye out for our newsletter, which should come to your OCADU email monthly.

Twitter: <https://twitter.com/ocadfa1>

Facebook: <https://www.facebook.com/OCADFA>

Instagram: <https://www.instagram.com/ocadfa/>

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KNOW YOUR COLLEAGUES

OCADU is a unique postsecondary institution

OCADU is the largest art and design university in Canada. It offers undergraduate and graduate programs. As an institution OCADU has committed to diversity, equity and inclusion and to decolonization.

OCADU hosts four faculties: The Faculty of Arts, the Faculty of Design, the Faculty of Arts and Sciences and the Faculty of Graduate Studies. Each is headed by their discrete Dean's office, where the Faculty Office is housed and administers the activity in that faculty.

Each Faculty at OCADU is made up of several programs that are headed by a Program Chair. Though Chairs work closely with the Dean's office to facilitate their programs and departmental structures of collegial governance, they are not members of the administration and are our fellow OCADFA members.

OCADU is particularly unique in that it specializes in delivering **studio-based** education. That means many of us have different teaching experiences than is typical in a post-secondary institution. It is also what makes OCADU what it is, and OCADFA strives to protect our unique identity and the quality of student experience and education from being eroded by cost-saving measures.

Who are the sessionals of OCADU?

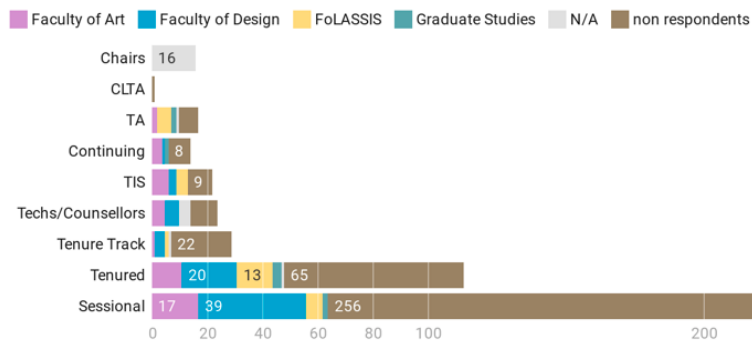
OCADFA periodically surveys our members to get a good understanding of where our diverse membership is at, and what they are experiencing. Here's a few snapshots from our 2020 Membership Survey.

We are by far the most numerous labour category at OCADU. In 2021/22, 55% of courses taught here are taught by sessional faculty, and 62% of all faculty who taught at OCADU were sessionals.

BREAKDOWN OF RESPONDENTS BY LABOUR CATEGORY

Labor category	Total	respondents
CLTA	1	0
Continuing	14	6
Sessional	320	64
TA	17	10
TIS	22	13
Techs/Counsellors	24	14
Tenured	113	48
Tenure Track	29	7
Chairs	16	?

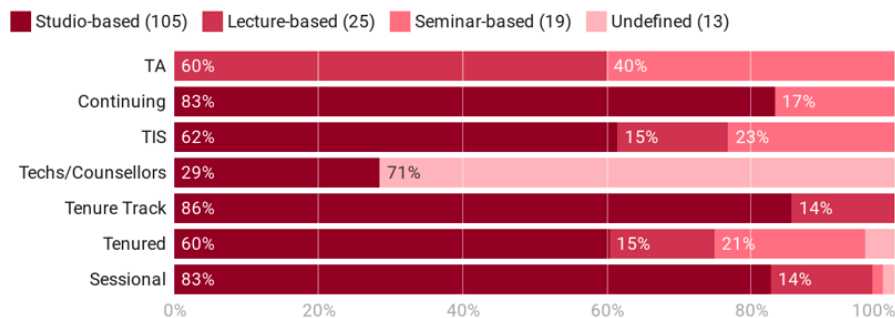
Labour category by Faculty



Source: OCADFA 2020 Membership Survey • Created with Datawrapper

Most of the sessionals at OCADU (83% of us) teach studio-based courses:

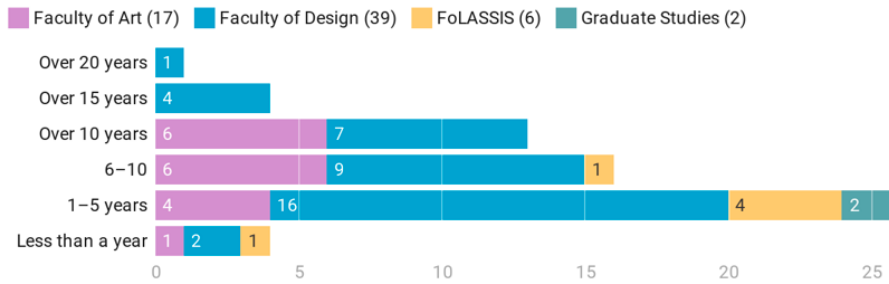
Types of courses taught by Labour category



Source: OCADFA 2020 Membership Survey • Created with Datawrapper

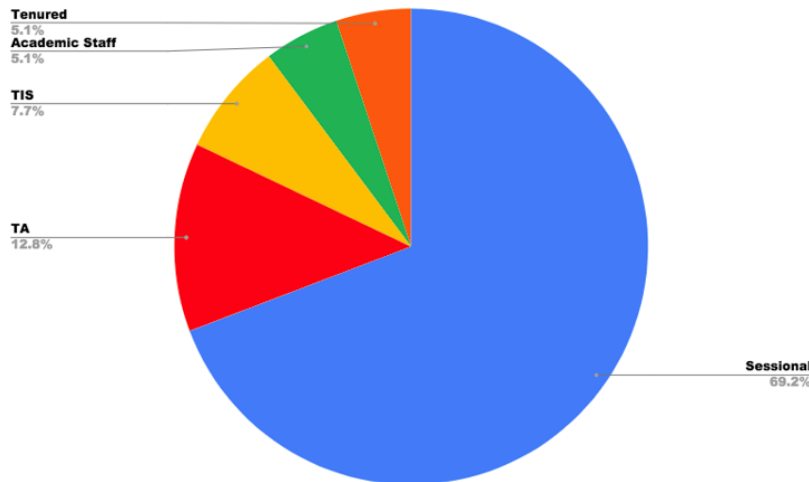
While the majority of us have been here for at least four years, only 9% of us report being financially secure, and we are by far the most financially insecure labour category at OCADU.

Number of years Sessionals have been teaching



Source: OCADFA 2020 Membership Survey - Created with Datawrapper

Financial insecurity by labour category

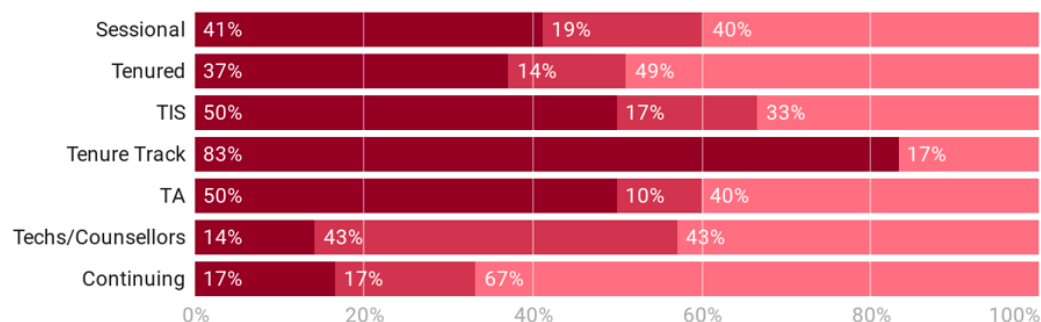


About 40% of us explicitly identify as members of equity seeking groups. That means that as a population we are slightly less representative than our faculty colleagues as a whole. OCADFA is working with Administration through our new MoA to balance dignity and job security with achieving our collective goal of a faculty that is representative of the diversity of our student and broader communities here in T'karonto.

Identification as a member of an equity-seeking group

154 /162 respondents

Yes (61) Rather not say (28) No (65)



Source: OCADFA 2020 Membership Survey • Created with Datawrapper

Contact Hot List

OCADFA Executive Director Graeme Reniers

greniers@ocadu.ca

OCADFA Grievance Co_Chairs

rhunt@ocadu.ca; aqadeer@ocadu.ca

OCADFA President

ccaines@ocadu.ca

Office of Diversity, Equity and Sustainability

odesi@ocadu.ca

People & Culture (Human Resources)

people@ocadu.ca

Student Accessibility Services

studentaccessibility@ocadu.ca

Student Wellness Services

swc@ocadu.ca

Faculty & Curriculum Development Center

fcdc@ocadu.ca

Faculty Office Managers

Graduate Studies

Gale Allen

gallen@ocadu.ca

Faculty of Design

Kelly Dickinson

kdickinson@ocadu.ca

Faculty of Design

James Morrow

jmorrow@ocadu.ca

Faculty of Arts & Science Amy Jung

ajung@ocadu.ca

KNOW YOUR WORKPLACE

Our Memorandum of Agreement

The Memorandum of Agreement is a contract between OCADFA and the University Administration that employs us. It details agreed upon standards for workplace conditions, employee and employer responsibilities, pay scales, benefits, hiring processes, and performance review processes.

The MoA periodically expires and must then be renegotiated. OCADFA does not have the right to strike. If we cannot reach an agreement with the Administration through negotiations, we proceed to mediation. If that doesn't succeed, we proceed to binding arbitration - the arbitrator considers both ours and the employer's position, and hands down an award that will then be binding on both sides.

If something has happened individually to you that is in breach of the MoA we collectively have, as OCADFA, with our employer, OCADFA will pursue a remedy for this breach through grievance. To understand more about this process, check the write-up on the Grievance Process in the section **KNOW YOUR REMEDIES**.

Reading your contract

When you have been appointed to a course at OCADU you will receive a contract. This contract details which courses you teach, the "contact hours" (or when you must be physically present to deliver the course) and your compensation. This contract is governed by the MoA. If there is anything that is stated or implied in your contract that does not seem reasonable, get in touch with OCADFA as soon as possible so that we can ensure that you are being treated fairly.

The sessional hiring process

Sessionals who have not attained our job security provision, the Right of Reappointment (see **KNOW WHAT YOU ARE ENTITLED TO**) are required to apply to any position that they wish to be considered for.

Open positions are posted regularly on the [OCADU HR site](#). Postings go up on a somewhat irregular schedule, so we recommend you check the site frequently.

Once you have submitted your application, they will be considered by the Sessional Hiring Committee. The SHC is composed of permanent faculty in the program that you are applying to, and chaired by the Program Chair, who is a non-voting member. The SHC will make recommendations to the Dean of the Faculty, who will either accept the recommendation or send it back to the committee for reconsideration.

Only successful candidates will be notified, so if you have applied to a course and need to know whether or not the appointment has been filled, reach out to the Faculty Office Manager to get confirmation.

All faculty hiring processes are subject to the equity provisions detailed in our MoA, which you can find [here](#).

Once you have an appointment, even if you do not have the Right of Reappointment, you may be reappointed to your course without going through the initial process, through the “Expression of Interest” process. While there is no guarantee you will be reappointed, sessional faculty interested in being reappointed for the following academic year must notify their Associate Dean of Faculty no later than February 1.

“Teaching and teaching-related duties”

Our MoA specifies what the “teaching and teaching related duties” referred to in your contract are. You can read the full list in our MoA as article 20.2.

In summary, our teaching and teaching-related duties include “delivery of curriculum, which includes curricular development, innovation, and refinement that ensures student learning and academic success”.

More specifically, these include:

- course development (including research of current subject matter and literature and consideration of appropriate teaching and learning methodologies)
- course delivery (including distribution of the course outline, being present for classroom/studio contact hours, providing course-related student advising, and grading or evaluating student work)
- performing studio supervision where relevant (including teaching and modelling and enforcing proper health&safety procedures)
- completing any mandatory health and safety training

- participating in providing a safe and secure environment for our community
- and, when relevant, supervising Teaching Assistants.

Protocol for assigning TAs and determining their hours

In the most recent round of bargaining, OCADU and OCADFA agreed to a TA Allocation formula which is attached to our MoA as a Letter of Understanding. This formula can be found [here](#).

Teaching Assistant positions are preferentially offered to incoming graduate students at OCADU. These TAs are provided with paid training in order to prepare them for their roles. Supervising and mentoring our TAs is included in our teaching and teaching related duties.

OCADFA represents all faculty and academic staff at OCADU, including our Teaching and Research Assistant colleagues. It is our responsibility to support our TA colleagues in making sure they are not working in excess of their contracted hours. If you need help managing a situation where this seems likely, contact OCADFA to help you navigate your next steps.

The Faculty & Curriculum Development Center

The FCDC works with the Administration to support OCADU faculty as we strive to achieve our institutional values of equity, access, and decolonization. The FCDC provides several workshops annually that provide insight into how to integrate these values into our pedagogy, and you can consult with their office as needed.

The FCDC does not have authority to determine our teaching methods or to override the core academic principle of academic freedom. However, this Center is an excellent resource for furthering core values of anti-ableism, decolonization, land-based pedagogy, anti-racist pedagogy, and pedagogical specificity for studio teaching. You can find out more about the FCDC [here](#), or contact them through fcdc@ocadu.ca.

Student Accessibility Services

Student Accessibility Services work to support faculty to provide accommodations to those of our students who are facing barriers to educational access. This is the office you will work with to ensure that differently abled, disabled, or acutely and chronically ill

students can participate fully in your course. You can find out more about the SAS [here](#), or contact them at sas@ocadu.ca.

Student Wellness Services

When a student is manifesting that they are in distress, we can find it very difficult to understand how best to help them. While we are in a nurturing and guiding position as regards our students, we are not trained counsellors and intervening in the situation in that role can compromise our pedagogical relationship to the student.

If you have identified that a student is in distress, refer to this excellent resource: [A Guide to Supporting Students in Distress at OCAD University](#). There are solid resources here to support students in distress at Student Wellness Services, and OCADFA strongly encourages you to keep good boundaries and access this support to help care for a student who needs extra support.

You can find out more about the SWS [here](#), or contact them at sws@ocadu.ca.

The OCADU Student Union

The OCADU Student Union represents undergraduate and graduate student interests at OCADU. It operates a variety of programs and services for students, as well as providing programming throughout the year to advance causes that OCADFA is often in solidarity with. You can find out more about the OCADSU [here](#).

KNOW WHAT YOU ARE ENTITLED TO

What if I am too sick to work?

OCADFA understands the term “health” to encompass both mental and physical health. In the case of acute illness (ie. appearing suddenly and with severity) it is important to contact your Faculty Office Manager immediately to inform them that you will not be able to conduct your class that week (and CC OCADFA’s Executive Director and HR on that message). It is also ideal, if possible, to notify your students as soon as possible

that class has been cancelled.

Copying People&Culture and OCADFA helps establish documentation in the event that the situation becomes more long-term, and will prevent any confusion between these three sites of support. If a situation is immediately affecting your ability to perform work requested from another entity, like Student Accessibility Services, it is okay to inform them that you are not able to attend to the request as soon as ideal due to illness or personal circumstances. Again, you should copy People&Culture and OCADFA on any such communication in case any follow up is necessary.

Each term schedule does include a date for makeup classes that have been cancelled due to illness. There are structures in place to ensure that your students will still receive the full benefit of your course even if you must cancel a session due illness.

If the illness you are experiencing has longer-term effects, contact OCADFA as soon as possible. We are here to help you navigate the channels that will get you the supports you need to continue your work in the event of chronic health conditions.

Workplace accommodations

OCADU is committed to equity, which includes reducing barriers for differently abled folks, and folks with disabilities, to participate fully in the University.

If you have a condition that requires workplace accommodations, contact OCADFA immediately. OCADU administers workplace accommodations such as supportive technology through the Human Resources Office.

Accommodations cannot be put into place until the OCADU community member discloses the need for one. However, disclosing is often a difficult step, and confidentiality in regards to accommodation is extremely important. Any such documentation remains confidential to HR and is not shared with any other administrative entity or departmental chair. As per the [Accessibility for Ontarians with Disabilities Act](#): Individuals who need accommodations are not required to disclose a diagnosis.

However, when requesting an accommodation through People&Culture you may need to provide medical information that will help People&Culture understand what accommodations are necessary. To do so, you will be asked to complete the [Workplace Accommodation for Persons with Disabilities Form](#). This form will document your confirmation of a disability and the limitations and restrictions that require

accommodation, but does not require you to provide specifics on the medical condition or diagnosis.

For further details on the accommodation policy, please contact HR at hr@ocadu.ca

Sometimes you may feel like it is your responsibility to soldier through extreme circumstances as a sessional at OCADU. But, this is not the best way for HR to promote a healthy workplace environment. You should never feel like you are not welcome to communicate with OCADFA, or HR, when you require support to be well at work.

You can read more on the Right to Reasonable Accommodation on our website:

<https://ocadfa.ca/right-to-reasonable-accommodation/>

Academic freedom

All faculty and academic staff at OCADU have the right to exercise academic freedom in their teaching, including as regards the facilitation of a safe teaching and learning environment as adopted by the Association of Universities and Colleges of Canada (AUCC) on May 5, 1988.

“Academic freedom is essential to the teaching function of the University, as well as to the creative and scholarly pursuits of the faculty, academic staff, other staff, and students. This includes a commitment to unfettered intellectual and aesthetic inquiry and judgment and to the provision of those textual, audio, and visual resources necessary to free inquiry and practice. Academic freedom includes: the right of responsible teaching from a subjective point of view; the right to freedom of creative practice or expression; and the right of dialogue, discussion, debate and criticism in the exercise of professional responsibilities including those referred to herein.”

This definition is recognized in Appendix 5 of our MoA. Nonetheless, our conduct towards our colleagues, students and OCADU community members is governed by the OCADU Respectful Working and Learning Environment Policy (see **KNOW YOUR POLICIES**), and by statutory laws such as the Criminal Code of Justice and the Ontario Human Rights Code.

If you have concerns about whether or not your teaching practices may be bringing you over to the wrong side of these policies and laws, we recommend you consult with OCADFA. We have access to legal opinions and case histories of the application of these policies in the event that they seem to contradict the principle of academic freedom.

Intellectual property rights

Our rights to the intellectual property we create as sessional faculty at OCADU is protected by our MoA. You can read the full policy as detailed in Appendix F [here](#), beginning on page 230.

For our purposes, though, any of the following shall be considered our IP:

*“For the purposes of this Policy, original works may include but are not limited to: websites, books, texts, articles, monographs, glossaries, bibliographies, cartographic materials, modular posters, study guides, laboratory manuals, **correspondence course packages, interactive textbooks, course work delivered on the Internet, including distance education, multimedia instructional packages, syllabi, tests and work papers, lectures**, musical and/or dramatic compositions, choreographic works, performers' performances, unpublished scripts, films, filmstrips, charts, transparencies, **other visual aids, video and audio tapes and cassettes**, computer programs, live video and audio broadcasts, programmed instructional materials, drawings, paintings, sculptures, photographs, communication design applications (including digital and web), interactive design, works of architectural, landscape artistic or environmental design including plans and drawings, computer software, tangible research property, research data and databases or other products of research and discovery and other works.”*

In other words, unless you were explicitly contracted (outside your teaching contract) to produce alienable (ie. work that can be separated from your presence) materials, you retain all intellectual property rights to anything that you produce in the context of your teaching at OCADU, *including all material you create to deliver courses in an online, remote, or hybrid course context.*

“All Intellectual Property described at paragraphs E.1 – E.3 in any works created by a Faculty Member who created the work using the Ordinary Support of OCAD University shall be deemed to vest exclusively in the Faculty Member, even if it was created solely on OCAD University's time and with OCAD University's facilities and resources, except in cases of works where there is a contract to the contrary between the Faculty Member and OCAD University”.

Though we are paid to teach our courses, the Administration does not subsequently own any of the pedagogical materials we create in order to teach these courses.

If you are concerned about potential infringements of your intellectual property, or if you are being pressured to provide work that you have created in the course of teaching at OCADU, get in touch with OCADFA's Executive Director and Grievance Officer right away. We can support you to defend your intellectual property rights and to protect your

work from being removed from your moral or legal control.

The 3-week syllabus goal

For the sake of remedying barriers to our students who are differently abled or managing disabilities, it is preferable for us and is our University-wide goal to have our syllabi posted on Canvas 3 weeks prior to the start of course. This will give students with accommodation needs time to read through their syllabi and to approach Student Accessibility Services to discuss any accessibility needs that your course delivery plan might create for them.

Usually that means having your syllabi prepared about a month in advance, so that your Faculty Office Manager can forward it to the Dean/Associate Dean for final sign-off.

However, this is not an explicit requirement under the Access for Ontarians With Disabilities Act. So, if you are appointed to a course 4 weeks before it starts, it is generally understood between OCADFA and the Administration that you may not have your syllabus posted three weeks prior. It may not be possible to have it posted until after the three-week prior mark, but that does not mean that you are in violation of the AODA or the Ontario Human Rights Code.

If you are concerned about the 3-week syllabus goal and the possibility of encountering labour discipline for failing to meet it, contact OCADFA.

Right of Reappointment

In our last round of bargaining, OCADFA finally attained recognition that sessional instructors often have a long-term and committed relationship to our University. As a result of that recognition our new MoA establishes the Right of Reappointment.

If you have taught a specific course in four different terms over the last fifteen academic terms (Spring, Fall and/or Winter) you may apply for the Right of Reappointment.

The deadline to apply for this right is 1 October of each year. Your faculty office should send you notice well in advance of this deadline to notify you if you are eligible to apply for the RoR, and detail which courses this right applies to. If you believe you qualify for the RoR and have not received such an email by September 15, get in touch with OCADFA right away.

The email you receive if you qualify will look something like this:

Applications for Right of Reappointment for the following Academic year are to be submitted by no later than October 1, 2021, addressed to the attention of the Associate Dean of Faculty.

Your application must include:

- *The relevant course(s) for which the Right of Reappointment is being sought;*
- *Course syllabi;*
- *Current Curriculum Vitae (CV);*
- *Results of the teaching review (if completed);*
- *Other materials relevant to one's Teaching & Teaching-Related Responsibilities and quality of teaching (e.g sample assessment, statement of teaching philosophy)*

Applications for the Right of Reappointment will be reviewed by the Sessional Faculty Appointments Committee and shall be awarded to an applicant that demonstrates to the Sessional Faculty Appointments Committee that they fully meet expectations for Teaching & Teaching-Related Responsibilities in Article 20.2 of the MoA with regard to the course(s) for which the Right of Reappointment is sought. The Dean of Faculty (or designate) will make every effort to notify you of the results of your application by no later than March 31, 2022.

In the winter semester following our application, you should be informed you conditionally hold the RoR to that course subject to the teaching review. In some cases you may not receive a review the year that you apply for the right, as this is a significant amount of labour and there will be many people qualifying for this right in the next few years. However, you will still be reappointed to the course, assuming it is available for sessional appointment, unless your application is deemed to not meet expectations for Teaching & Teaching-Related responsibilities (Teaching & Teaching-Related responsibilities are detailed on Appendix B of our MoA, but some of these are not appropriate to sessional appointments and we are currently working with Admin to refine this definition as it would be applied to RoR). If you have applied for RoR and have not received a response by the end of the winter semester, or your application was denied, make sure you connect with OCADFA right away.

Once you have the conditional or confirmed right, and assuming that course is available for sessional appointment, you have the right to be reappointed to that course for one section each term it is available. If there are more sessional faculty with the RoR than available courses, the appointment will go to whomever had the RoR first. If at least two such sessional faculty members were awarded RoR the same year, then the appointment will go to whomever first commenced employment as a sessional at OCADU.

Having (or not having) the RoR in no way precludes you from applying to additional sections of the course you have taught, or to other courses in your field of competency

at OCADU.

Even if you have not taught in the last academic year and are not currently teaching at OCADU, you are still considered “current” as long as you have taught here within the last 24 months and you have taught the course you are applying for the RoR for at least 4 times in the past 15 terms.

As no significant measure of job security for precarious faculty at OCADU existed prior to this new policy, we are very interested to hear about your experiences with this process and encourage you to contact OCADFA with any questions, insights, or feedback about how this is going.

Progression up the pay grid

Article 19.1.1 of the MOA stipulates that Sessional Faculty be placed on the sessional pay grid (Appendix C) at a level “which reflects experience and career achievement.” OCADFA’s position is that this provision the MOA has not been adequately respected. Of our 272 Sessional members in 2021-22, only 4 were compensated at the Ses3 rate, and 22 at the Ses2 rate.

The default position of the Administration had been to place new Sessional members at the Ses1 rate irrespective of the individual’s experience and career achievement, hence why Sessional appointments are advertised at the Ses1 rate before the successful candidate’s experience and career achievement is even known. Furthermore, once hired, there was no process in place for Sessionals to move up the grid.

In August 2019 OCADFA grieved on behalf of a Sessional Faculty member alleging their placement on the sessional pay grid violated the MOA; specifically that the placement did not reflect the member’s experience and career achievement. OCADFA is happy to announce that we have settled the grievance after one day of mediation with Arbitrator Beatty. We recognize that many Sessional members are likely in the same situation and so we think it’s important to announce this settlement.

OCADFA believes that this grievance settlement provides the impetus to: (1) no longer place new Sessional Faculty at the Ses1 rate by default, and (2) develop a process or guidelines by which Sessional Faculty can move up the pay grid. In other words, the language of the MoA needs to be respected.

We are encouraged that the University administration has recently implement a new “Sessional Placement Tool” to determine sessional grid placement. A number of

sessional faculty members have finally seen movement up to the Ses2 level for the 2022-23 academic year. However, to date, the administration has refused to share with OCADFA any information on the Tool.

In the Fall of 2022, sessional members of OCADFA launched a campaign for Fair Pay and Job Security. You can read more about that campaign, and find a link to our petition, here: <https://ocadfa.ca/sessionals/>

Employment Insurance and leaves

As precarious workers, we are not entitled to the benefits that full-time permanent employees receive, such as contribution to paid leaves by our employer. However, we may be entitled to these benefits as they're administered through Service Canada.

Even if you have limited EI insurable hours through your position at OCADU, Service Canada considers all employment hours when determining what you may qualify for.

So, if as many of us do, you work more than one contract or position while employed at OCADU, it's quite possible you will meet the threshold to qualify.

When your contract at OCADU is over, the Human Resources Office will submit your electronic Record of Employment to Service Canada within 7 days of your last payroll. There's no need to contact HR about this, and no need to wait for confirmation from OCADU or from Service Canada to initiate your EI application process. If for some reason you require a paper ROE for your Service Canada EI application, please email hris-payroll@ocadu.ca.

You may qualify for federally-administered parental leave and other leaves (like extended sick leave) benefits. HR can assist you in preparing the documentation of your employment at OCADU that you will need to apply for these benefits. The Human Resources Office has affirmed that parental benefits are extended to everyone, regardless of whether or not they are part of a heteronormative family structure. So, if you have legally adopted or been awarded guardianship of a minor child, you are entitled to these benefits if you meet the threshold of insurable hours.

If you are taking parental or maternity leave through Employment Insurance, make sure you confirm you anticipated leave period dates to Human Resources at hr@ocadu.ca and ask that those be included on your Record of Employment.

KNOW YOUR REMEDIES

If something feels wrong, it probably is

As an institution OCADU is committed to equity, inclusion and decolonization. As a community, we cherish what we have accomplished and continue to work hard to advance social justice through the many tools at our disposal. This includes practicing and teaching art and design, as well as working within our university decision making and representative bodies to build a more equitable OCADU.

However, we are all aware that systemic oppression is, precisely, *systemic*. As a result it continues to manifest in and inflect our community, and the work to abolish it is nowhere near done. At OCADFA, we believe that one of the best ways to dismantle intersecting systems of oppression and exploitation is to name them and support each other in confronting them, and we are committed to acting in solidarity with one another and our communities in this struggle.

There are many registers of oppression that we can experience in our workplaces and communities. Sometimes it may feel like your reaction to these incidents of injustice are overreactions. But, as our experienced grievance team at OCADFA can assert, *if something feels wrong, it probably is*.

There are several avenues to resolve such situations and to make sure that your right to realize yourself, your talents, your capacities and your inherent dignity within our community are upheld. These are described in the subheadings below.

But, first off, **as soon as something starts to feel wrong, start documenting**. You can do this by keeping a journal of troubling interactions or potentially discriminatory acts, and by making sure you communicate about these matters in written form as opposed to informal conversations at all times. If someone asks you to meet either virtually or in person to discuss, *we strongly recommend that you ensure that you have Association representation during these meetings*.

We also strongly recommend that you get in touch with OCADFA representation as soon as you experience anything that may be harassment, bullying, discrimination or

reprisals.

You do not prove that someone has committed an egregious offense to seek support. Sometimes harmful behaviours can be resolved very productively. And even if you meet resistance as you seek remedy through the three methods detailed below, OCADFA is here for you and here to guide you, in consultation with our legal counsel, through the various remedies that you can access as part of our Association.

The grievance process

Contact our Grievance Co-Chairs (rhunt@ocadu.ca and aqadeer@ocadu.ca) and cc our Executive Director (greniers@ocadu.ca).

OCADFA is the recognized bargaining agent for all faculty and some staff members at OCADU. This does not only mean that we periodically negotiate contracts with the Administration. It also means that we are able to represent our members when they are encountering workplace conditions that do not comply with our legally binding collective agreement.

Many times, you may encounter an issue that does not seem to directly breach our collective agreement but seems exploitative, unfair, unreasonable or discriminatory. Even in such cases where this is not an obvious violation of our MoA, it's very important to reach out to OCADFA. We are able to consult with our legal firm to determine the best possible course of action to assert your rights at work. We can assist you in achieving resolutions that may need to be pursued through other channels. As well, knowing where our MoA is not meeting our members' needs is very important as it allows us to address such oversights in the MoA in the next round of collective bargaining.

We always encourage you to connect with us about any workplace-related or community social justice concerns.

If something doesn't seem right, immediately document what is going on. Any future conversations regarding the problem should be conducted via email.

Many people do not know that personal documentation of communication and incidents is recognized as admissible evidence in an arbitration hearing. Though most of our members' grievances are resolved without having to resort to arbitration, the more concrete documentation we have of a potential violation of the MoA, the stronger our

position will be as we work to address it for all of our members. ***If it's happened to you, it's probably happening to some of your colleagues, too.***

And you should be aware that ***any grievance should be brought by OCADFA to the attention of the Vice Provost Academic within 21 days of your knowledge of the alleged infringement of your collective agreement rights.*** These deadlines are set by Ontario labour law, so please be mindful that if you do not connect with us within that timeframe we may be able to assist you, though not through the formal legal grievance process.

When you connect with OCADFA with the details of your case, everything is kept carefully confidential. *We will never share identifying details about your case to any party without your explicit consent.* However, it may be necessary to identify yourself individually to pursue certain types of resolution. We can consult with you about the confidentiality protections around the range of options available when you reach out to us.

There are 3 types of complaints or grievances that can be pursued:

1. Complaint

A complaint may be discussed informally between a member and their Dean or Manager. Many complaints can be resolved at this stage. OCADFA can assist by consulting with the faculty member beforehand, clarifying their rights within the context of the MoA or applicable policies and legislation, assisting with correspondence, or accompanying a member to a meeting with the Dean/Manager. This option is especially worth considering if you have a positive relationship with your supervisor, or feel that your supervisor will be receptive to your concern. If the complaint doesn't resolve the problem, a grievance can be filed. See Article 13.3 of the MoA.

2. Grievance

A grievance is a written allegation made by OCADFA that the MoA or an applicable policy or law has been breached. The alleged infraction(s) and proposed remedies are submitted in writing to the Vice-President Academic or designate, and a meeting is held to try to resolve the grievance. If there is a proposed resolution from the Vice-President Academic or designate, the proposed resolution is presented to the grievor for approval. OCADFA then confirms in writing to the Vice-President Academic if the resolution is agreeable. See Article 13.4 of the MoA.

3. Grievance Mediation/Arbitration

Either OCADFA or the Employer may refer unresolved grievances to Mediation/Arbitration. Typically—although not always—this process starts with Mediation in which the Arbitrator tries to work with the two sides to reach a mutually-agreeable resolution. If mediation is not successful in resolving the grievance, then the process reverts to arbitration. At this stage, the Arbitrator assesses evidence brought forward by the Faculty Association and the Employer and renders a binding decision. See Article 13.5 of the MoA.”

The Office of Diversity, Equity and Sustainability Initiatives (ODESI)

ODESI is the office that actively works to foster diversity, equity and sustainability initiatives at OCADU. It is autonomous from both upper Administrative and OCADFA oversight. It promotes these initiatives and is also the place to seek resolution to conflicts and injurious situations that result from any member of the OCADU community violating our Respectful Workplace and Learning Policy (more below). It is also where you would initiate pursuing remedy if you have experienced any discrimination, harassment, or bullying on the basis of your actual or perceived identification with any community that is protected by the Ontario Human Rights Code.

If you experiencing discrimination, harassment, or bullying we recommend that you immediately

ODESI has provided us with this information about when it is a good idea to get in touch with them:

Harassment and discrimination on campus

OCAD U has a *Respectful Work and Learning Environment Policy (RWLEP)*. It says that harassment and discrimination violate an individual’s human rights and run contrary to the University’s fundamental values. OCAD U will act promptly to address this conduct and will ensure that individuals are able to express concerns and register complaints without fear of reprisal.

Who does the *RWLEP* Protect?

The RWLEP projects all OCAD U Students, employees, volunteers, visitors, and contractors at OCAD U.

What is discrimination?

Discrimination happens when a person experiences negative treatment or impact, intentional or not, that are directed towards grounds or social areas that are protected by the Ontario Human Rights Code.

Protected grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.

Protected social areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations.

Discrimination can be direct and obvious or subtle and hidden, but harmful just the same. It can also happen on a bigger systemic level such as organizational rules or policies that look neutral but end up excluding certain groups of people. It can also lead to a poisoned environment (when comments or actions make you feel unwelcome or uncomfortable where you work or go to school).

What is harassment?

Harassment means engaging in a course of comment or conduct, in reference to grounds that are protected by the OHRC, that is directed toward a person or people and is harmful or

threatening. Harassment may consist of a single incident of a serious nature or a series of incidents.

Under the RWLEP, harassment and bullying does not include:

- Rights of managers to make personnel decisions, to make day-to-day management decisions or to take other supervisory actions affecting employees or students;
- Legitimate, constructive, and/or fair criticism of an employee or student's performance/behavior and creative expressions;
- Legitimate (i.e. not discriminatory, arbitrary, abusive or defamatory) exercise of academic freedom, or freedom of thought, inquiry and expression in teaching and research.

What is Sexual Solicitation?

Any invitation to sexual interaction or any **sexual or potentially sexual advance by any person who is in a position to grant or deny a benefit** to the recipient of the solicitation or advance can be injurious and you can seek recourse for such injury through ODESI, and with OCADFA's support.

People in a position to grant or deny a benefit include managers and supervisors, as well as faculty and staff, where one person is in a position to grant or deny a benefit to the other. Our RWLEP draws upon existing statutory law to protect anyone in our community from reprisals (such as denial of reappointment, disproportionate workload, or reputational damage) for rejecting such advances or solicitations.

It is important to note that approaching OCADFA and/or ODESI for support in such situations is not the same as filing a civil suit. You are not going to be held to the same burden of proof. Our first step, as you'll read below, is to seek a transformative-justice resolution to the problem as long as that is acceptable to you. As in the case of any grievance or injurious workplace situation, OCADFA is committed to seeking remedy only in consultation with you, and will not take any steps in this regard without your explicit consent (which may be withdrawn at any point).

What is Poisoned Environment?

"Poisoned environment" is a term initiated by and recognized by the Ontario Human Rights Commission. A poisoned environment can be created by comments or conduct based on any **Code** ground that cause you to experience discrimination in your workplace.

A poisoned environment can be created by general remarks that infringe on the dignity of any group or community recognized by the Ontario Human Rights Code. Such remarks, insults,

“jokes” or systematic behaviors need not be directed at a specific person to be understood to create a poisoned environment. And they may come from any person, regardless of position or status.

For instance, a student who is consistently misogynist during their conversations during office hours may create a poisoned environment. A tenure-track faculty member who makes transphobic jokes about their Dean may create a poisoned environment. A Dean who makes transmisogynist remarks during a hiring process is most definitely creating a poisoned environment.

A single comment or action, if sufficiently serious, may create a poisoned environment.

What is Reprisal?

A reprisal is negative treatment that results when you assert a confirmed right, or bring a concern related to bullying, harassment, or discrimination forward.

Contact ODESI

At any time, you can contact the Office of Diversity, Equity & Sustainability Initiatives (ODESI) to confidentially ask a question, raise a concern or seek assistance on how to address an issue. Meetings can also be arranged off-campus if you prefer:

- Contact ODESI for confidential human rights information and to discuss various options
- ODESI can arrange for Departmental training and education
- ODESI can provide assistance bringing a concern forward
- ODESI can provide coaching for managers to address a concern
- Where appropriate, ODESI can help you access experienced and external mediators to address human rights concerns or to rebuild working relationships. A mediator helps the parties clarify issues, understand each other’s perspective and move towards a mutual agreement.
- ODESI can support confidential informal complaint processes to resolve human rights concerns without investigation (e.g., facilitated resolution or workplace restoration).
- Contact ODESI to file a formal complaint. This may involve a review by an external fact-finder and result in remedies to address the concern.

The People & Culture Office at OCADU

The People & Culture Office is where to get support accessing federal benefits like EI, paternal leave, and extended sick leave. P&C staff can also help you provide documentation for situations like childcare subsidy applications. And, it's where you go to establish mid and long term support for health conditions that require workplace accommodations.

If you are encountering a situation where you require access to workplace benefits and/or accommodations, reach out to OCADFA's Executive Director right away. It can be difficult to navigate this process, and we are here to help and support you as you access your right to an accommodating workplace.

OCADU's payroll is administered through the Payroll Office (hris-payroll@ocadu.ca). You can access your paystubs and T4s through the OCADU self-service portal (<https://my.ocadu.ca/employee/Pages/default.aspx>).

KNOW YOUR POLICIES

Student accommodations

Just like us, our students can face a range of functional impacts that result from the symptoms of disabilities or health conditions. These can affect their equitable access to education. Accommodations are the mechanism we have to bridge that gap.

Students with accommodation needs register with Student Accessibility Students, and their Accessibility Advisors discuss what accommodations they may need and then communicate those to the faculty. Students request their academic accommodation letter be sent to the faculty. Ideally we receive these at the beginning of the term, though in some cases it may happen later in the term.

Once registered, when a student needs accommodation they either contact us directly to activate their accommodation, or ask their advisor to reach out on their behalf. Accommodations should still ensure that your student leaves the course having met the essential requirements with no alteration in standards or outcomes, though the way the student demonstrates the required knowledge and skills may be changed.

If a student is pressuring you to dismiss any requirement or if there is any disagreement between you and the student about what accommodations would best allow them to demonstrate mastery, your next step is to reach out to their SAS Advisor to collaboratively resolve the situation while avoiding conflict or any harm being experienced (by either you or your student).

We also have a duty to inquire - which is, if we note that a student appears to be accessing barriers it is our responsibility to ask them “Is there anything you need in terms of support to overcome any barriers you are experiencing to fully participating in this course?”

As per your academic freedom, it is acceptable to grant extensions or modify assignments even in the absence of a student being registered with the SAS. However, we have a legal obligation under the Ontario Human Rights Code - our Duty to Accommodate - to provide robust accommodations to any student with a disability or health condition.

However, if it is your experience that the requirements of providing student accommodations is causing overwork, requires you to work outside of the end date of your contract, or is causing your health or workplace conditions to deteriorate we strongly encourage you to connect with OCADFA.

Student Accessibility Services has created a handbook to further explain the accommodation process at OCADU, which you can access here:

<https://www.ocadu.ca/services/disability-services/staff-and-faculty>

The Respectful Working and Learning Environment Policy

The RWLEP is the policy document that governs OCADU’s commitment to “an inclusive and respectful working and learning environment, free from harassment, discrimination and/or bullying”. It’s worth familiarizing yourself with the full policy, which you can access [here](#).

Essentially, the RWLEP lays out the scope and grounds by which students, staff, faculty or any member of the University Community can seek recourse to experiences of systematic inequity as well as the individual moments of harmful and oppressive behaviors that can also manifest these systems.

ODESI administers the RWLEP. However, we strongly suggest that whether you are making a complaint or responding to one that you ensure that you have OCADFA

representation every step of the way. This right is codified in the RWLEP and to ask for Faculty Association representation is in no way unusual during such discussions. The RWLEP has several systems of conflict resolution. Not all involve pursuing a formal complaint through a legal or quasi-legal procedure. ODESI also works to address systemic inequity in OCADU's culture through trainings and policy advocacy with academic leadership and the University's administration.

Assisting students in distress

If a student approaches you to disclose gender-based and/or sexual harassment or violence, we have a duty of care to this student. OCADU has developed a [policy](#) on how to support students who have disclosed an experience like this. If this is the case, we must inform students of the limits of our confidentiality and refer them to the Student Wellness Center to connect them with immediate and longer-term supports.

If a student discloses an experience of sexual harassment or violence to to you

- Do not attempt to provide them with counselling support
- Instead, ask questions about their immediate safety
- Inform them of the limits of confidentiality that exist under statutory law before hearing their story (*"Confidentiality cannot be maintained where information needs to be shared in order to address a risk to the health and safety of a Member or Members of the University Community or where required by law"*)
- Listen to the disclosure without judgement
- Don't attempt to provide advice about next steps for them
- And refer them immediately to the Student Wellness Center

If a student is otherwise experiencing distress, it is important to remember that though we have front-line relationships with students, we are not typically trained counsellors and we should not be providing any medical advice, or advice about how a student can process distress and come out all right on the other side.

Student Wellness Services has created a flow chart to guide us through appropriate responses to students who are exhibiting distress:

STUDENT CRISIS SUPPORT PROTOCOL

CONCERN

If student is expressing signs of distress **WITHOUT POSING RISK** to self or to others

- Some of the signs may include:
- Increased absence and/or lack of participation in class or studio
 - Missed, late, or incomplete assignments/exams
 - Excessive exhaustion, falling asleep in class repeatedly
 - Loss of interest, lack of energy or difficulty concentrating
 - More withdrawn or animated than usual
 - Disturbing content in student work or its presentation

URGENT

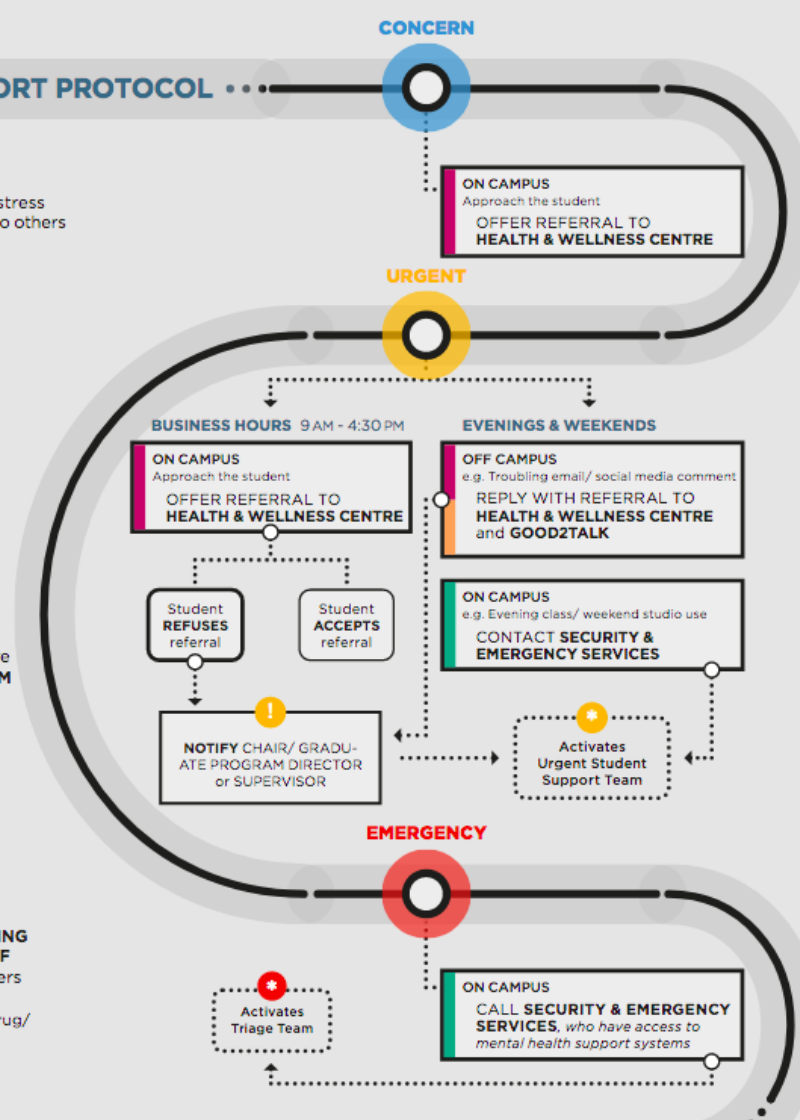
If you believe the student has a **SERIOUS NEED FOR HELP** and there is **NO IMMEDIATE THREAT OF HARM**

- Some of the signs may include:
- Talk of suicide
 - Expressions of hopelessness
 - Out of touch with reality
 - Serious emotional difficulties

EMERGENCY

If the student is **ACTIVELY PLANNING SUICIDE** or **POSSESSES THREAT OF IMMEDIATE HARM** to self or to others

- This may include cases of apparent drug/ alcohol abuse or drug reaction



HEALTH & WELLNESS CENTRE	
Medical & Counselling Services	
MONDAY TO FRIDAY 9AM - 4:00PM	
416-977-6000 (Ext. 260)	hwc@ocadu.ca
Call, email or Walk-in	
6thFloor, 230 Richmond St. West, Toronto, ON	

GOOD2TALK POST-SECONDARY HELPLINE	
Counselling & Mental Health Resources	
AVAILABLE 24/7/365	
1-866-925-5454	Good2Talk.ca

SECURITY & EMERGENCY SERVICES	
Medical, Crisis Intervention, Crime Prevention	
SEE HOURS OF OPERATION	
EMERGENCY	416-977-6000 (Ext. 511) or Pick-up the RED PHONE
NON-EMERGENCY	416-977-6000 (Ext. 366)
100 McCaul Street, Main Lobby Security Console	

Academic misconduct

Academic misconduct at OCADU is, broadly defined, any act where all or part of work that is submitted as if it was original is indeed produced by another individual. This can be a case of plagiarism, or a case where a student has asked another individual to provide all or part of materials submitted for an assessment such as a test or take-home quiz.

If you suspect that a student has engaged in academic misconduct, your first step is to send an email to your faculty office manager informing them of your concern. Then, you must write to the student within 7 days of noticing the concerning material. First, prepare documentation of your cause for concern. For instance, if an entire paragraph of a takehome quiz matches up directly to a Wikipedia article on the subject, provide a screenshot of the Wikipedia article and the submitted work to the student in your introductory email. Then write to the student using their official OCADU email and attach your documentation and the Academic Misconduct policy (you can find that [here](#)) to your request for a meeting.

When you meet the student, you can assess to what degree they need support to ensure that they do not continue to contravene academic standards at OCADU. If you determine that the student genuinely was confused about their behavior being improper, you can inform your faculty office that you determine it to be a “Non-culpable academic misconduct.” You have the option to either not count the grade of the work towards the final mark, or to ask the student to revise and resubmit the work. They must also take an Academic Integrity workshop at the Writing and Learning Center (read more about that workshop [here](#)).

If after your conversation with the student you are not satisfied that it was non-culpable, you can inform them that the next step will be to have a meeting with themselves, the Associate Dean, and you. Contact the Associate Dean immediately with your documentation of the issue, and your assessment of the initial meeting. At that point the process becomes the concern of academic leadership and they will assume responsibility for assessing what will best uphold academic integrity here.

Non-academic misconduct

The Non-academic misconduct governs situations where students at OCADU may be engaging in behavior that disrupts our community’s ability to function as a space of academic and creative inquiry free from aggression either on campus or on spaces that are clearly connected to the University (like, for instance, a gallery show of a group of OCADU students.)

“Membership in the University Community implies acceptance by every student of the principle of mutual respect for the rights, responsibilities, dignity and well being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it.

Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse effect on the reputation or the proper functioning of the University, or the health, safety, rights or property of the University, its members or visitors, is subject to discipline under this Policy.”

It is important to note that not all antagonistic situations between students and one another, students and faculty, or students and the administration constitute non-academic misconduct. As the policy states:

“Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes subject to the principles of mutual respect for the dignity, worth and rights of others as outlined by the Ontario Human Rights Code.”

If you witness, experience, or have disclosed to you a situation where Non-Academic misconduct may have occurred, your first point of contact would be your Associate Dean in your faculty office. Especially if you are experiencing aggression that is identified as Non-Academic misconduct, make sure to connect with OCADFA immediately to ensure that you have the support you need to navigate a sometimes fraught and often emotionally taxing process.

The full Non-Academic misconduct policy can be found [here](#).

Supervising teaching assistants

Supervising teaching assistants can be part of our Teaching and Teaching Related responsibilities. We are responsible for ensuring that our TAs understand the expectations related to their position, that we support them when they have questions about how to complete any of their duties, and that we encourage our TAs to track their hours to ensure that they are not going over their contract.

It is very important to make sure that any task you ask your TA to accomplish is directly related to the provision of course curriculum and that it is understood that a TA who is working with you is assisting you *only* in teaching and teaching-related work.

If you are experiencing a breakdown in your working relationship with your TA there are ways that OCADFA can help. We will continue to work to support our members and to provide resources that will nurture collegial and equitable relationships between members of all labour categories at OCADU.

Grade submissions and incompletes

Though each Faculty affirms its grading deadlines each term, along with instructions and resources on how to complete your assessments, you can generally expect that if you do not have a final assessment (e.g. a final crit, or an exam) your grades should be submitted by one week after the end of class. If you do have a final assessment, it will be one week after the end of the final assessment period. The final dates for grade submissions are also posted [here](#).

If a student has not completed their coursework and has a reason that you find to be compelling, you can allow them to take an incomplete when you submit your final grades to the registrar. There is a deadline for the completion of work which is usually during the first week of the subsequent term. If a student does complete this work, you can reach out to your faculty office manager to request the form to change their grade prior to the Registrar's deadline. In the event that this form is not submitted on time, it is still possible to request a change of grade, though that's not ideal.

Many sessionals have reported continuing to work well past their contract to accommodate students who requested incompletes and have outstanding work. If this is something that you are encountering, please reach out to OCADFA immediately. We recognize that as committed faculty members we are pleased to assist our students in successfully completing their courses, but at this point we do have concerns that a substantial amount of unpaid labour is being provided by sessionals who continue to work for OCADU after their course-specific contract has expired.