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PRESIDENT'S VOICE

Are Our Classrooms Properly Ventilated?

QUFA continues to press the University to supply accurate classroom-ventilation data in a timely and transparent fashion

By **Jordan Morelli**
 President, QUFA

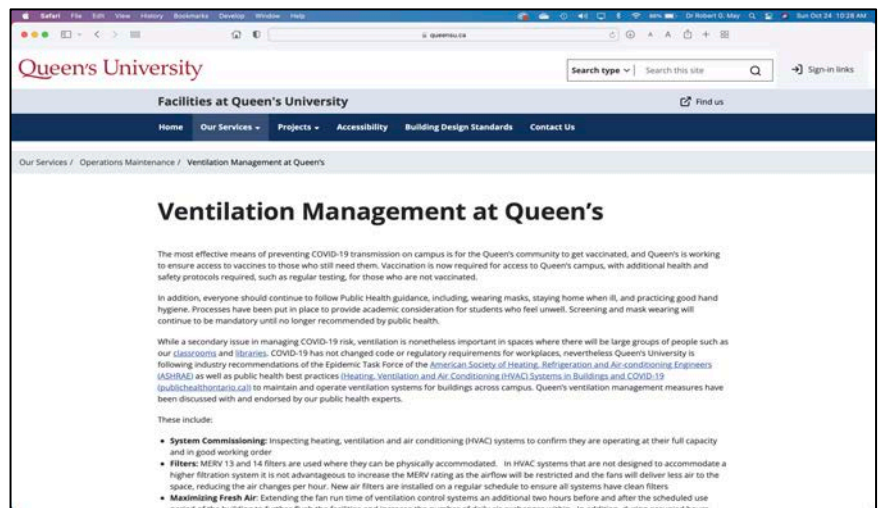
I hope you had a restful fall-term break and have returned refreshed and ready for the remaining weeks of term.

Fall-Term Break

Speaking of fall-term break, the University is conducting a review of the duration and timing of the break. There is a survey to solicit feedback on the topic¹ that is open from 1-22 October 2021, and the committee that is carrying out the review is scheduled to meet with the QUFA Council of Representatives on 21 October 2021. While these dates will be in the past by the time you read this article, if you missed the opportunity to take the survey but have feedback you would like relayed to the review committee, please send it to me via e-mail, and I will be happy to pass it along.

Classroom Ventilation

As you may recall, before the return to campus this fall, QUFA raised a



Queen's University

The ventilation estimates presented on Queen's Ventilation Management Web site seem overly optimistic about the ventilation of our classrooms and other spaces on campus. QUFA will continue to urge the University to share accurate ventilation data with QUFA Members quickly and transparently.

number of health and safety concerns with the University that resulted in QUFA filing a grievance, and culminated in the parties reaching a mediated settlement² on 8 September 2021. As part of this settlement, the University agreed that it would carry out ventilation measurements in a mutually agreed to subset of classrooms and shared office spaces, and that the results of these measurements would be shared with the Joint Health and Safety Committees (JHSCs). The University also agreed to complete measurements in all remaining "classrooms, teaching labs, libraries, and for shared office spaces, and where reasonably requested by the

member to their supervisor," and that these additional measurements would be provided to the JHSCs by 31 December 2021.

The initial set of measurements show that the ventilation estimates presented on the University's Ventilation Management Web site³ are often overly optimistic about the ventilation. For example, in Room 128, Jeffery Hall, the original estimated equivalent air changes per hour (eACH)⁴ was listed by the University as 10.4. This figure has since been revised down to 7.9, but the actual measurement shows it to be only 4.3. Unfortunately, as of the time of writing this article, the

University's Web site has not been updated with the measured values. As another example, Room 405, Ontario Hall, was estimated to have an eACH of 3.7, but the measured value is only 3.1, and that figure is only achieved if the two supplemental air purifiers that were installed are operating. In a few rooms, the measured ventilation exceeds the University's estimate. For example, in the Auditorium, Stirling Hall, the estimated ventilation was listed to be 6.9, and the measured value was found to be 7.6.

QUFA will continue to press the University to ensure that it operates its facilities in a safe manner, and that health and safety measures are accurately and transparently reported.

Notes

¹https://queensu.qualtrics.com/jfe/form/SV_eJt2uUm484YOMYu

²https://www.qufa.ca/wp-content/uploads/2021/09/Queens-and-QUFA-MOA_8Sept2021.pdf

³<https://www.queensu.ca/facilities/our-services/operations-maintenance/ventilation>

⁴The eACH figure represents the number of times in one hour that the complete volume of air within the particular room is replaced with fresh air.

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COLLECTIVE BARGAINING Contract Negotiations Begin in 2022

Wage restraint, changes to pension and benefits, and events at Laurentian form the backdrop for the next round of bargaining

**By Jordan Morelli
President, QUFA**

The current Collective Agreement (CA) expires on 30 June 2022. While that seems to be a long time in the future, there is much work to be done to prepare to bargain a new contract and a novel set of circumstances to work within, including provincial wage-restraint legislation, recent changes to our pension plan and to our medical benefits provider, and the shocking events at Laurentian University this past winter.

Wage Restraint

In 2019, the Ford government passed the Protecting a Sustainable Public Sector for Future Generations Act, which effected an annual 1% total compensation cap for three years on broader public-sector employees, including those at universities. The Act considers "compensation" to refer to any benefit paid for or provided to the employee, with the exception of increases for years of service, performance, or the achievement of a professional benchmark such as a certificate or degree. There is an ongoing legal challenge to the constitutionality of the Act, but as it stands now, QUFA and Queen's can

YOU ARE INVITED QUFA Fall Events

As we have done in previous years, we're offering virtual "Lunch and Learn" sessions with Meaghan Welfare this coming fall term.

Meaghan will host lunch-hour workshops and discussions on the following topics:

- **Active Listening and Effective Communication (24 November 2021):** Critical to all effective relationships at work or home are effective communication skills. This workshop will identify key skills for becoming an active and effective communicator.
- **Cultivating Respectful Workplaces for Faculty (8 December 2021):** This workshop will explore how to foster and maintain respectful workplaces for faculty. With a specific focus on the uniqueness of the academic environment, we will identify and discuss best practices for cultivating a respectful environment.

All meetings will be held from 12.00 noon to 1.00 p.m. via Zoom. Please RSVP to Elizabeth Polnicky (ep43@queensu.ca) if you'd like to attend.

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QUFA Voices publishes QUFA-related news and information for QUFA Members and provides QUFA Members with a forum to express their QUFA-related ideas and opinions. We want to hear from you! Please send your QUFA-related story ideas, news items, opinion pieces, letters to the editor, photographs, and other submissions to the editor.

QUFA Voices is edited by Robert G. May. He can be reached at mayr@queensu.ca.

be expected to comply with this law when we meet to negotiate new terms.

Pension and Benefits

As we are now members of the University Pension Plan, we no longer negotiate pension terms locally. As well, we have just shifted from Great West to Manulife for extended medical benefits. This change followed a Request for Proposals exercise that was mandated with the signing of the Queen's-QUFA CA in 2015. Given the recency of this exercise, we are unlikely to get much traction on benefits improvements or changes. It should be noted that any benefits changes that cost the employer money would come out of the total 1% compensation increase mandated by the Act referenced above.

Laurentian and CCAA

As you may recall reading in the February 2021 issue of *QUFA Voices*,¹ Laurentian University underwent a Companies' Creditors Arrangement Act (CCAA) process in response to the supposed looming insolvency. There were many tragic consequences of this process, including the closure of valuable programs in the North and the loss of more than one hundred faculty positions. What concerns us in the bargaining context is that Laurentian's collective agreement with its faculty union had explicit language dictating how financial exigency would be handled (as does ours), but that language was completely bypassed by the imposition of the CCAA.

Where to in 2022?

The QUFA Executive Committee has been actively preparing for 2022 by naming negotiators, creating special purpose committees, and setting out a timeline for preparation and Member consultation.

The Executive named two people to act as Co-Chief Negotiators in the coming round: Amy Kaufman (Law Library) and Leslie Jermyn (Executive Director). They bring complementary experiences and expertise to the bargaining table, and we look forward to working with them over the coming months.

With the local and provincial contexts noted above in mind, QUFA leadership is exploring a number of non-monetary avenues of change and improvement for Members' working lives. As part of this initiative, three ad-hoc committees were formed this past spring and summer:

1. **Equity, Diversity, Inclusion and Indigeneity Audit Working Group:** This group is reviewing the CA to find areas of improvement for equity-seeking Members.
2. **Adjunct Advocacy Working Group:** This group was called into being at the Spring General Meeting (April 2021) to explore ways to improve adjunct Members' working lives.
3. **Review of Queen's Finances and Budget Working Group:** These Members are looking at how we might better defend ourselves from a Laurentian-style hijack of the CA in tough financial times.

Each group will report to the Executive early in the new year with their suggestions for improving our contract with Queen's.

The timeline is to form the remainder of the Bargaining Team this term so that they can begin training in the new year. We plan to announce the members of the Team at the Fall General Meeting in December. The Team will receive reports from the committees named above in the new year, and will use those and other Member input to draft a bargaining mandate for Executive, Council, and

ANNOUNCEMENT Tuition Support Plan Deadline

The deadline to submit an application is:

1 November 2021

More information can be found on the Queen's Human Resources Web site:

<https://www.queensu.ca/human-resources/total-compensation/employee-benefits/tuition-support-plan>

Member approval. We will present that mandate to you at the Spring General Meeting.

Have Your Say!

Those are our formal plans, but informally, we want to know what you think could be improved in our contract with Queen's. If you have noted a deficiency or problem area in your working life, please write to us at qufa@queensu.ca with "Bargaining 2022" in the e-mail subject line. If you wish to contribute an observation or anecdote to any of the ad-hoc committees described above, simply note that in the subject line as well, and we will direct your comment to the appropriate people.

We look forward to hearing from you over the next months!

Note

¹<https://www.qufa.ca/wp-content/uploads/2021/02/97-QUFA-Voices-Feb-2021-1.pdf>

Jordan Morelli can be reached at morelli@queensu.ca.

GRIEVANCE CORNER

Look Before You Dig

QUFA Members should take a cautious approach in their interactions with students to avoid running afoul provincial legislation

By **Peggy Smith**
Grievance Officer, QUFA

A former law professor of mine identified his role as helping students identify “bad smells.” In his view, bad smells were equivalent to a red light that signalled the need to “look before you dig”; to gather information to inform a decision before acting on a presumed interpretation of the law. I encourage all QUFA Members to exercise the same cautionary approach when interpreting the provisions of the Collective Agreement (CA) governing interactions with students.

Both the Ontario Human Rights Code (OHRC) and the Ontario Health and Safety Act (OHSA), prohibit behaviour in the workplace that is “known or ought to be known to be unwelcome.” This puts a positive obligation on Members to reflect and be sensitive to how communications and other interactions with students could be received.

In addition, The Ministry of Training, Colleges, and Universities (MCTU) Act, and Regulation 131.16 must also be read into the CA. The MCTU Act requires that all Ontario universities have a sexual-violence policy that addresses all complaints of sexual violence involving all students who are members of the university community. As a result, sexual relationships with any student who is a member of the Queen’s community could be the subject of a complaint of sexual violence, triggering a potentially disciplinary investigation. To best protect yourself, you need to be alert to the impact of the legislative framework on the following provisions of the CA:

FYI

Information Sessions

Limited spaces are still available for upcoming Information Sessions about Queen’s new Harassment and Discrimination Prevention and Response Policy

The new Harassment and Discrimination Prevention and Response Policy¹ came into effect on 1 September 2021. The new Policy, which also prompted updates to the Student Code of Conduct,² streamlines complaints and reports for individual and systemic instances of harassment and discrimination across all University-related spaces and activities. It is the responsibility of all members of the University community to strive to create an environment free of harassment and discrimination in their areas of responsibility and in their interactions with others.

Faculty, staff, and students are encouraged to sign up for one of three informative sessions³ to help them understand their roles and obligations under the new Harassment and Discrimination Prevention and Response Policy.

Sessions are one hour in length. Please select the “Faculty,” “Staff,” or “Student” header to book the date and time that works best for you. Everyone is encouraged to attend.

Faculty Sessions

4 Oct. 2021, 1.30 p.m. 1 Nov. 2021, 1.30 p.m. 29 Nov. 2021, 9.30 a.m.

<https://www.queensu.ca/equity/secure/trainingmanager/api/registration.php?AccessCode=3R45F>

Staff Sessions

13 Oct. 2021, 10.00 a.m. 10 Nov. 2021, 1.30 p.m. 1 Dec. 2021, 9.30 a.m.

<https://www.queensu.ca/equity/secure/trainingmanager/api/registration.php?AccessCode=54T3M2>

Student Sessions

6 Oct. 2021, 10.30 a.m. 4 Nov. 2021, 1.30 p.m. 30 Nov. 2021, 5.30 p.m.

<https://www.queensu.ca/equity/secure/trainingmanager/api/registration.php?AccessCode=8PL55R>

Notes

¹<https://www.queensu.ca/secretariat/harassment-discrimination/overview>

²<https://www.queensu.ca/studentconductoffice/>

³<https://www.queensu.ca/secretariat/harassment-discrimination/training>

Article 15.1.1: Members shall meet their obligations in a professional manner, including maintaining professional boundaries in their interactions with students.

Practically speaking, Members should know (or ought to know), that professional boundaries extend to both written and verbal interactions with students. All messages shared via

ANNOUNCEMENT Queen's-QUFA COVID-19 LOU

QUFA has negotiated some key revisions to the Collective Agreement with Queen's University. The most up-to-date information can be found on the QUFA COVID-19 Web site:

<https://www.qufa.ca/qufa-covid-19-watch/>

social media or e-mail should be considered as being on the record and subject to public scrutiny. The nature of off-duty conduct is also critical to your right to engage in the activity without scrutiny by the University. Any conduct that has a connection to the operation of or the reputation of the University can trigger an investigation and potential discipline, regardless of whether the conduct took place off hours or away from the workplace. The key is the legal characterization of the behaviour. Regardless of where and when an allegation of sexual harassment or sexual violence took place, these are serious allegations that, if substantiated, could give rise to discipline, up to and including termination.

Article 18.1.2.1: A Member shall immediately disclose to their unit head in writing ... any personal, sexual, or otherwise intimate relationship with a student with whom the member has a supervisory or evaluative relationship.

Article 18.1.2.1 does not limit the application of the MCTU Act, the OHRC or the OHSAA. The fact that the student you are interacting with is not your student, or is not currently under your supervision, is not a defence to a breach of your legislative and negotiated obligations, and does not release the University from their statutory duty to launch a potentially

QUFA VOICES Voice Your Views!

If you have an opinion about anything you read in *QUFA Voices*, send us a letter to the editor!

mayr@queensu.ca



disciplinary investigation if a complaint is filed against you.

The Cautious Approach

QUFA recommends that Members take a cautious approach in their interactions with students. Here are some recommendations:

1. Educate yourself about sexual harassment and sexual violence. Attend one of the upcoming workshops on the new Sexual Harassment and Sexual Violence Policies (see box above).
2. Report and document any consensual relationship with students whom you teach or supervise as required under Article 18.
3. Speak to your head or dean if you are concerned about your interactions with students and how they are being received.
4. Document consensual interactions in real time, and provide copies confirming the arrangements to all those involved.
5. Be mindful, proactive, and cautious.
6. Ask before you act.

As always, I am open to discussing any individual questions or concerns you might have.

Peggy Smith can be reached at smithpe@queensu.ca

ON THE WEB Access QUFA Online

QUFA Members can interact online with QUFA in many different ways!

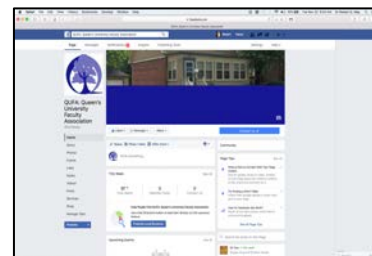
QUFA's online resources contain a wealth of information about your faculty association, including upcoming events, information about the collective agreement, news items of interest, and more!

1. QUFA Web Site



www.qufa.ca

2. QUFA on Facebook



www.facebook.com/qufapage

3. QUFA on Twitter



www.twitter.com/qufatweet