

IN THE MATTER OF AN ARBITRATION

BETWEEN

SENECA COLLEGE OF APPLIED ARTS & TECHNOLOGY
(“the College” / “the Employer”)

- AND -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION
(for Academic Employees)
(“the Union”)

CONCERNING A WORKLOAD REFERRAL of PROFESSOR JONATHAN SINGER
(“the Grievor”)

Christopher Albertyn – Workload Resolution Arbitrator

APPEARANCES

For the Union:

Prof. Ted Montgomery, President, OPSEU, Local 560
Prof. Larry Olivo, Vice-President, OPSEU, Local 560
Prof. Jonathan Singer, School of English & Liberal Studies, Grievor

For the College:

Ms. Kavita Chhiba, Director, Human Resources Services
Paula F. Gouveia, Chair, School of English & Liberal Studies
Maureen Day, Dean, Faculty of Business
Karen Murkar, Chair, Centre for Financial Services

Hearing held in TORONTO on December 8, 2008.

Award issued on January 21, 2009.

AWARD

1. This is an arbitration pursuant to the Workload provisions, Article 11, of the parties' collective agreement.

2. The Grievor, Professor Singer, teaches in the School of English and Liberal Studies. The School falls within the Faculty of Business.

3. The workload referral concerns a claim by the Grievor for credit on his SWF for atypical time he will spend to teach the course LSP800 in the winter and spring terms, from January 12 to February 27, 2009, and from March 9 to April 24, 2009.

4. The SWFs the Grievor challenges give him one assigned teaching hour each week, with 0.6 attributed preparation hours and a factor 0.03 for evaluation feedback hours for each student, and four additional attributed hours for teaching the LSP800 course. The total weekly hours for teaching 27 students in the course amount to 6.41. The Union and the Grievor contend this attribution is wholly insufficient.

5. The relevant provision of the collective agreement is Article 11.01 G 2, which reads:

Where there are atypical circumstances affecting the workload of a teacher or group of teachers which are not adequately reflected in this Article 11, additional hours shall be attributed, following discussion between each teacher individually and the supervisor, on an hour for hour basis.

6. The course, LSP800, is a degree program course. This is unusual in that only 10 of the College's 152 programs are for degree purposes. The course requires the students, at the end of their period of study, in their 8th semester, to produce an advanced research project. An ambition of the course is for the students to produce work of publishable quality that can be archived.

7. Course LSP800 immediately follows course LSP700, given in their 7th semester. LSP700 is a research methodology course, which Professor Singer teaches. In it he enables students to acquire the theoretical and methodological basis for the research project they each undertake in course LSP800. He instructs the students on research principles and ethics, on library research, and research standards. Course LSP800 is the practical application of the insights and lessons learned in course LSP700. LSP700 has a classroom component, a lecturing component, and some common assignments. LSP800 has very little of that; it is

devoted to the individual achievement of a research project. Professor Singer's role is to guide each student in the conceptualization and writing of their individual (or paired) research projects. He acts as an advisor and mentor.

8. Professor Singer is highly qualified to teach such courses. His own fields of study include research methodology, and he has himself written dissertations and theses for his two masters level degrees, and for his doctorate. He has over 15 years post-secondary experience as a student and teacher at esteemed universities in Canada, the US and France.

9. Some of the subjects of study of the students in the LSP800 permit them to undertake their research projects in pairs, rather than individually. Consequently, about half the students in LSP800 will work alone, and about half will work in pairs. This difference affects Professor Singer's workload, though not as much as might be expected because, within each pair, the students will have different concerns and different queries. There may also be a need for Professor Singer to assist such students to reconcile differences in their formulations and expectations of what they will do together.

10. Professor Singer is not alone in giving such guidance. The students who

take the LSP700 and LSP800 courses are from the Financial Services Management or the Environmental Site Remediation programs. They may also be from other subject specific programs. Two professors from those disciplines, Professor Samky Mak of Financial Services Management and Professor Mahipal Jadeja of Environmental Remediation, provide subject specific advice to the students on the content of their research projects. They assist the students to determine what research they will undertake and for what purpose. They advise the students on the content of their research projects. They are each assigned 3 teaching hours a week with the students. This contrasts with the one hour assigned to Professor Singer. Professors Mak and Jadeja are seen as the principal guides to the students, since their specialities are the disciplines that inform the subject content of the students' projects. They will grade the students' papers. The College's expectation is that Professor Singer's communications role is secondary to the lead role of the discipline-based faculty and that he does not need to mark the students' written final presentation.

11. Professor Singer's role is to guide the students less in the content of what they write than in research methodology, in the use of language, in the development of their ideas. He will show them how to write conceptually, how to articulate their thoughts in a theoretically coherent, accessible manner. His advice

to them is not in what they say in their research projects, but in how they say it, how they express their insights.

12. The first question is whether teaching the course LSP800 involves atypical circumstances. As I have explained, teaching course LSP800 is highly individualized, even when dealing with those students who work in pairs. There is very little common instruction, except in the requirements, because Professor Singer's advice must be individually tailored to meet the queries, doubts, needs and concerns of each of the students. There is no common application of the curriculum to the students' work, no classroom teaching time; the methodological lessons they learnt in course LSP700 must be individually adjusted to the particular research project the student has undertaken. Also, when evaluating and providing feedback to the students on the drafts they prepare, Professor Singer is required to consider how each project can be honed into a more coherent and transparent piece of work. These are atypical requirements. They go beyond the usual evaluation of students' assignments resulting from lectures they receive in the classroom. Article 11.01 G 2 therefore applies to the situation.

13. The questions that follow concern what hours should be attributed under Article 11.01.G 2, and whether the hours assigned to the Grievor in his SWFs are

insufficient.

14. There is a discrepancy between Professor Singer's expectations and those of his supervisor, the Chair of the School of English and Liberal Studies, Paula Gouveia, as to what is required of him to teach the course. Professor Singer sees himself as significantly more engaged with the students than Chair Gouveia thinks he ought to be. In her view, Professor Singer's role is ancillary, supportive, guiding, but the work on the research projects is to be done by the students themselves, under the principal guidance of their subject teacher. She sees Professor Singer taking on greater responsibility for the students' work than is required of him.

15. The Employer takes the position that 6.41 hours (for 27 students) is sufficient for the Grievor to do what is required of him. Professor Singer estimates he spends over 11 hours a week attending to the students on the course, the bulk of this time giving instructions and assistance to students and evaluating their work.

16. Chair Gouveia points out that the degree undertaken by the students is to enable them to enter an occupational field of practice, not an academic program,

although that is a possibility. As a consequence, the research project involves writing a long paper, not a thesis. The students are not expected to defend what they write. Chair Gouveia refers to the writing as a capstone project – a long, specialized paper from research, different from an academic work though based on a clear thesis statement, which is then supported by the research results. The project is not published, unless a student were to ask for publication, which has not yet occurred. The Chair of the program decides each year whether any particular project meets an exceptional standard, in which event the project would be retained by the School. None has so far been retained.

17. In my view, the required amount of time to teach the course lies somewhere between Professor Singer's and the Chair's assessments. I think the Employer has given insufficient time for the individual contact Professor Singer must have with the students. Almost all of the teaching in the LSP800 course is individual, with each student, to address their particular deficits, needs and abilities. Yet, Professor Singer's assessment, although no doubt accurate of the time he actually has spent with the students in previous years, suggests more attention to the students' needs than is expected of him by his supervisor. The department requires less intense supervision of the students' projects than Professor Singer has given in his past teaching of the course.

18. In light of these observations, I conclude that the additional hours attribution on Professor Singer's SWFs needs adjustment. He should be attributed two additional hours per week. There ought, therefore, to be 6 hours additional attribution, not the 4 hours currently contained on the SWFs.

19. This addition will not meet Professor Singer's assessment of the hours he considers he needs to perform his teaching responsibility to the level he thinks essential, but it will, in my view, meet the reasonable expectation of what is required of the teacher by the supervisor to accomplish the learning outcomes of the course.

20. I therefore direct that the SWFs be amended to reflect 6, not 4, hours additional attribution for the course LSP800.

21. I remain seized in the event there is any dispute concerning the implementation of this award.

DATED at TORONTO on January 21, 2009.

A handwritten signature in blue ink, appearing to read "C. Albertyn". The signature is fluid and cursive, with a prominent vertical stroke on the left side.

Christopher J. Albertyn

Workload Resolution Arbitrator