

Examiner

Fall 2021



COLLEGE
FACULTY

Local 240

Education in a Time of Crisis...



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by Heather Giardine-Tuck, President, OPSEU Local 240



Welcome to our 2021/22 academic year
Local 240 Colleagues!

It has been a year since I took the reins as your Local 240 President and what a year it has been. In your fall 2020 Examiner, I wrote:

“The challenges of 2020 have been enormous and unprecedented. We have faced the stress of the Covid-19 lockdown; the mammoth task of converting our courses to the online environment; have had to master Canvas, while delivering our courses from home; juggled the demands of work and life while trying to maintain a balance; and worried continually about the health of our families, students, colleagues and communities amidst the uncertainties of the virus and second wave. Yet, despite it all, you have risen beyond these challenges and exceeded expectations, once again. Rest assured that your Local remains here for you. You can count on us. Since the beginning of the pandemic, we have been meeting regularly with the College to deal with the multi-faceted challenges Covid-19 has presented.”

As I began writing to you in fall 2021, I realized not much has changed other than the arrival of vaccines (thank goodness!), the start of the 4th wave, and the beginning of bargaining for a new Collective Agreement. Really hoping that by fall 2022, we are in a much different, less stressful place. We'll have a new contract and our teaching or supporting of students (for our Counsellors, Librarians and non-teaching Faculty) will be going well. Here's to that!

With regard to Bargaining, as you know, our contract expired September 30th, 2021. Our Bargaining Team requested mediation, which was agreed to by the College Employer Council, and both sides remain in talks under a media blackout. We know our Bargaining Team is committed to negotiating a contract which will address the concerns you have raised through our Demand Setting process, and one that they can support. We hope you will be able to join us at our virtual General Membership Meeting (GMM) on Monday, October 18th, 2021 where an update on negotiations will be given and you will have the opportunity to ask any questions you may have. Please

LOCAL 240 GENERAL MEMBERSHIP MEETING

Monday, October 18, 4:30pm to 6:30pm - via Zoom

Look for the meeting link and materials in your non-College email. All full time and partial load faculty are invited to attend. There will be important updates and discussion on the bargaining process, including a guest speaker from OPSEU Provincial.

stay tuned as we will keep you posted. To that end, if you have not already done so, please be sure to sign up for Local 240 news/email by completing the Email registration form on your [opseu240.ca website](http://opseu240.ca).

On the local front, we have made very good progress in reaching an understanding with the College about Intellectual Property, specifically as it applies to our recorded lectures. Kevin will be describing this in more detail in his article in this Examiner so I will not steal his thunder here.

Your Local 240 Exec team was also successful in getting the College to agree to pay Partial Load faculty for the whole first week of classes, regardless of when their contracted classes were scheduled to begin. We were very pleased that the College agreed to this as it was the right thing to do. We all know that once courses are live, whether we have taught the first class or not, students begin reaching out to us with their questions and we engage with them to ensure they are informed of all they need to know. It is what we all do as faculty. Paying our Partial Load faculty for this work acknowledges their role as professionals who are committed to student success regardless of their employment status.

Unfortunately, the news is not as bright when it comes to getting our Partial Load faculty compensated for meetings. Across the College, it is our belief that Partial Load faculty in every department should be invited to all meetings whether they are for Orientation, departmental updates or Promotion. They must also be compensated for their time to attend.

In this enlightened environment of Equity, Diversity and Inclusion, we cannot fathom how the College can consider itself inclusive if it expects Partial Load faculty to voluntarily attend work meetings. Meetings where information is shared about work, *are* work. It is that simple. We have filed a Union grievance in an attempt to have the Partial Load faculty in Nursing paid for the

Orientation sessions they attended this semester. The College denied this grievance so we have referred the matter to Arbitration. It is our hope the Arbitrator will rule that it is far better to pay Partial Load faculty the meeting rate (\$90/half day; \$180/day) than it is for both parties to continue to pay lawyers.

We will continue to keep you updated and informed as the semester progresses. Thanks to all of you who have reached out to us. Please continue to do so. Wishing you a smooth semester and a wonderful Thanksgiving long weekend!

Take care and stay well,
Heather



Heather and Meghan representing OPSEU Local 240 at Labour Day

We Are in Trouble - Big Trouble! (and I don't mean contract talks): Students, Faculty, and the Climate Crisis

by **Shelley Rempel**,
Professor, Social
Service Work



I expect many of you are busy with the start-up, prep, and marking treadmill that arrives with every new semester, and also with the added pressures of the on-going pandemic. This fall is an exception for me because instead I will be starting a one-year Professional Development Leave (which I highly recommend!) to research the climate crisis and its implications for Social Work. I offer this article as an introduction to my research, and I hope to follow it up with an update next year.

My research so far has reinforced for me that we are in trouble... big trouble. On August 6, 2021, the Intergovernmental Panel on Climate Change (IPCC) released their most recent Report, and the news is alarming. The IPCC is a United Nations group mandated to produce summaries of scientific data and provide recommendations concerning humanity's impact on the climate. If you have any doubt about the credibility of their warning, be reassured, as the Report is compiled by 200 scientists and experts from around the world and approved by 195 member governments.

The IPCC Report calls for immediate action to

limit greenhouse gas emissions in order to prevent further global warming. However, even if drastic measures are taken immediately, we will still face serious effects from accumulated warming. Heatwaves, droughts and flooding will no longer be the exception, the IPCC warns, but a regular occurrence with consequences for everyone, but especially for vulnerable groups - older adults, people with disabilities, women, children, people who live in poverty, Indigenous People, and racialized communities.



The shifting climate has and will have an impact on all of us. Some recent examples in Canada are the wildfire in Lytton B.C. (2021), the Fort McMurray, Alberta, fire (2016), severe flooding in High River, Alberta (2013) and the B.C. heat wave in June and July of this year that resulted in approximately 600 deaths. Some people argue that one-off weather events such as these cannot be attributed to climate change. However, this is not the case, as scientists who study

extreme weather events have been researching the links between human activity and severe flooding, droughts, and heatwaves for the past 20 years. These researchers have concluded that a

great majority of recent extreme weather events have become more frequent, and more intense, because of human caused climate change.

Essentially, the climate crisis is upon us, and as faculty we should help students prepare for the emergency and also do our best to put an end to the on-going causes of global warming. These causes include primary greenhouse gas emissions, fossil fuel use, intensive agriculture, and deforestation. Basic climate change literacy is essential for all students to ensure that fewer will be susceptible to the teachings of conspiratorial climate change deniers. Furthermore, all students should leave College with an understanding of how their profession can prepare for the climate emergency and contribute to lessening the effects of the coming challenges.

Several writers have made insightful comparisons between the climate crisis and the COVID-19 pandemic. Given this analysis, it seems reasonable to assume that some academic areas will likely be more impacted by climate crisis, just as come were by COVID-19. For instance, students in the health and human services fields will face many more challenges in a climate crisis, just as they have/are facing in the current COVID-19 pandemic. There will be an increased need for health and mental health care in the hours, days and months following traumatic climate events. In the immediate aftermath, trained and experienced health and human service workers will be needed to help the most vulnerable members of the community cope with trauma, displacement, loss, and injuries. There will also be an immediate need for emergency services, crisis counselling, food, and temporary accommodation.



The COVID-19 pandemic provides some lessons for how to prepare for an extreme weather event in our community. After the immediate reaction of shock and fear, we can expect more homelessness, poverty, hunger, mental health problems, and addictions. There will be shortages of food, water, and other necessities. As was previously said, no one will be untouched, but some communities will be more vulnerable and require more attention and resources. We do not want to repeat the horrendous level of neglect suffered during the pandemic by older adults in long term care and retirement homes, by people who are homeless, or by those with mental health/opioid addictions.

The climate crisis is here and will by all accounts worsen in the coming years, even with strong efforts to slow the damage. As faculty it is our responsibility to help prepare students for this challenging future and to understand their professional responsibilities to provide compassionate care to those in need of assistance.

Finally, I would like to add that one of the responsibilities

of all faculty and students is to use professional knowledge and skills to advocate for changes to climate policy at the municipal, provincial, and federal levels of government. Academic and front-line workers are in a powerful position, with direct experience managing crises and a clear understanding of what can be done to alleviate the damage experienced by communities. The climate crisis and the required policy response is politically charged, with powerful economic interests using their incredible wealth and influence to continue to exploit the environment for profit. I encourage you, if you haven't already, to speak/write to our elected representatives, join groups

and organizations working for change, and of course, encourage students to get engaged as well.

There are numerous local, provincial, national, and international organizations engaged in actions to put a stop to environmental damage and the climate crisis. As an example, consider joining and supporting [Fridays for Future](#), [Hamilton 350](#), [Environment Hamilton](#), [Seniors for Climate Action Now](#), [Extinction Rebellion](#), or the [David Suzuki Blue Dot Movement](#). The climate crisis will have an impact on all of us both personally and professionally. Faculty are important leaders and role models for students, so I urge you to get involved in whatever capacity you can and to encourage your students to do the same.

Finally, I want to briefly share my experience attending the Canada Still on Fire demonstration at Hamilton City Hall on September 8th. The Hamilton demonstration was one of over 60 in communities across Canada organized to bring the climate crisis to the attention of the candidates running in the federal election. The demonstrators were a diverse group with stu-

dent, 2SLGBTQ+, Indigenous and labour groups displaying their flags and banners. Speakers included representatives from youth organizations, racialized groups, Indigenous communities, labour, and of course environmental groups. All speakers pointed to the intersectionality of the climate crisis, the impact on vulnerable populations, and the need for a just transition away from fossil fuels and towards a green economy that leaves no one behind. While the political and economic elite continue to silo issues such as racism, sexism, and the climate crisis (no doubt to divide their opposition), the grass roots community is getting it. Solidarity, intersectionality, and action are coalescing – there is no better time to get involved.

“Washing one’s hands of the conflict between the powerful and the powerless means to side with the powerful, not to be neutral”

- Paulo Freire, Pedagogy of the Oppressed



Fair Dealing, FIPPA, and Faculty Lectures: why the College doesn't own *everything* you upload to the LMS

by Kevin MacKay, Vice President,
OPSEU Local 240

Struggling to Maintain Quality in the Online World

The move to online teaching has brought a host of workplace and education quality issues to the forefront. Many of these issues relate to the learning management system (LMS) that all courses are now delivered through. With the advent of a mandatory LMS, teaching faculty are now spending increasing amounts of time acting as web developers, online content creators, third-party software experts, technical trouble-shooters, and technical support providers. This is all in addition to their traditional duties as subject experts and educators - developing new courses, re-developing and updating existing courses, teaching students, conducting research, meeting with students, providing academic leadership to instructors and support staff, and participating in departmental meetings and projects. No extra time has appeared on faculty SWFs for their additional online duties. Time has also not been added for the increase in electronic communication, with faculty in some programs answering scores of student emails every day.

The LMS has also enabled managers to increase their claims on faculty intellectual property. In some academic areas, managers have asserted that everything professors upload to the LMS is the property of Mohawk College, to be used as the employer sees fit and for as long as they want. This blanket IP claim includes class lecture

videos, lecture presentation slides, and other forms of instructor notes. Furthermore, faculty are being told that all course materials must be housed on the College LMS and that

In some academic areas, managers have asserted that everything professors upload to the LMS is the property of Mohawk College, to be used as the employer sees fit and for as long as they want...

lecture videos can't be housed on YouTube.

The reason for management's aggressive IP stance is clear, as faculty have seen their developed course materials, including lectures that feature their image and student images, given to contract teachers. This generally happens without the input or assent of the faculty who recorded the lectures, and enables the broader College practice of avoiding full time hiring and instead relying on an ever-expanding army of contract professors. Managers running on this "skeleton crew" staffing model relish the ability to turn over lectures and presentations wholesale to contract faculty at the last second.

The education quality issues resulting from this management IP theft should be obvious. Each College professor, whether full time or contract, brings their own knowledge, skills, credentials and experience to courses they teach. These are the very factors that Colleges and students pay for – having a subject matter expert directly involved in creating, organizing, and delivering



course materials. When these materials are instead just handed to a contract faculty member at the last second, the link between expertise and delivery is sundered. In such cases, it is the students who lose.

How Does Copyright Law Treat Lectures?

IP theft is bad pedagogy and bad institutional policy. However, it is also a violation of Canadian copyright law. The great majority of college professors include copyright protected material in their lectures. We show external images and videos and use material from other authors. We are able to do this without violating copyright protections because of the Fair Dealing language contained in Canadian copyright law. In the section titled [Infringement of Copyright and Moral Rights and Exceptions to Infringement](#), **Article 30.01(1)**, it states that a lesson that would otherwise violate copyright (by using copyright material without payment or permission), is permissible in an educational institution. However, it then clearly states that if this lesson is recorded, access to the recording must be limited to the students enrolled in the specific course in which the lesson was delivered. Furthermore, it requires the educational institution, and anyone acting under its authority (like the professor!) to destroy the recording within 30 days after the students in the course have received their final evaluation.

Copyright law is clear that it is the legal obligation of faculty to destroy their recorded lectures, removing them from the course LMS, 30 days after completion of the course. If a manager claims ownership of these lectures beyond this 30 day period, or tries to use these recordings for other than their intended purpose (the specific group of students the lecture was delivered to), then the manager is acting illegally and is violating the very Fair Dealing provisions that enable educational institutions to function.

Privacy Issues

College attempts to claim ownership of faculty recorded lectures beyond 30 days of the end of a course violates Copyright Law. However, there are also serious privacy issues associated with

keeping or widely distributing these lectures. If a faculty lecture contains the image of the faculty member and of other students, along with questions and comments made by students, then these aspects of personal information are protected under the federal Freedom of Information and Protection of Personal Privacy Act (FIPPA). Under FIPPA, this information can only be used by an educational institution for the purpose it was intended (a lecture to a specific student group in a specific course), and if the people whose personal information is included explicitly agree to its use. As such, taking a recorded lecture that contains the lecturer's image and giving it, without permission, to another faculty member, is a clear violation of the lecturer's FIPPA rights. Similarly, it is a violation of the FIPPA rights of every student whose image and voice are also recorded in that lecture, unless the College has obtained their explicit consent. Finally, FIPPA specifies that any such recordings of personal information must be destroyed after a given time-period, with many post-secondary institutions specifying one year.

When *Are* Recordings College Property?

With the above caveats in mind, there are legitimate circumstances in which faculty recordings are considered College property. If a manager specifically directs a faculty member to create videos or other online materials, with the express intention of having these materials used in repeated course deliveries, and if the faculty member has this work assigned on a SWF, then the resulting materials are the property of the College. This is commissioned work, and this fact separates it from the electronic recording of lessons that all faculty deliver each week.

There is some evidence that managers at Mohawk are starting to understand the distinction between commissioned online materials and weekly lesson video recordings and presentations. However, there are still some managers who are confused about their institutional obligations under copyright law and FIPPA. If you feel that your manager is asking you to violate these regulations through sweeping IP claims, please contact the faculty union for support.

Introducing Your new Chief Steward

Greetings!

I am a professor and coordinator in the Communication and Global Studies Department. In my new role as Chief Steward, I am here to support full-time (FT) and partial-load (PL) faculty. It has been a busy semester so far, but there are three topics that I would like to highlight:

Accurate Workload/Revised SWFs

Now that Add/Drop is over, FT faculty may have noticed that the number of students on their standard workload form (SWF) doesn't match up with the reality in class, or perhaps all their assigned work is not accurately captured on their SWF (i.e. mentoring is needed, course revisions are required, etc.). If that is so, faculty may request a revised SWF from their Associate Dean (AD) after which time any concerns ought to be addressed with the AD. The [Collective Agreement](#) (CA) notes that this ought to be done within 14 days "after the circumstances giving rise to the complaint". If the FT member and the AD can't come to an agreement, FT faculty can then refer their revised SWF to the Workload Monitoring Group (CA 11.02 A6 (a), p. 18) in order to come to a resolution.

Two-tiered contacts/Unbundling of Professorial Work

In the Allied Health and Nursing areas this fall, PL faculty were asked to sign two contracts, one as an instructor and one as a professor. The past practice has always been to pay these contracts at the single professor rate under the concept that one person equals one contract. It is uncertain what pedagogical reason there could be behind such a change, and as the recent [2021 Update on Education in Ontario Colleges](#) by Kevin MacKay and Martin Devitt notes, this trend to 'unbundle' professor work "means that

by **Rebecca Mills**, Chief Steward, OPSEU Local 240



students are not always receiving the best or most appropriate form of teaching" (p. 34). In addition to short-changing students, this practice undermines the professionalism of our healthcare PL professors and weakens the bargaining unit.

Credit Courses in Continuing Education

Mohawk College offers academic credit courses in Continuing Education (CE), but faculty teaching those courses don't get paid the PL rate, but rather a much lower CE rate. To add insult to injury, CE professors don't get paid until two weeks after their grades have been submitted. It is worth noting that this matter has already been arbitrated and settled provincially more than once in favour of unions.

In the MacDowell Decision between the Union and St. Lawrence College (2005), the Arbitrator states that "College employees who teach courses, **for academic credit** [my bolding], for the requisite number of hours, do not "slide out of the bargaining unit," because those courses happen to be given outside the traditional classroom setting or in something called 'Continuing Education'" (p. 115-116). When the matter came up again in 2014, between the Union and Algonquin College, the Arbitrator sided with the Union again (Jesin, 2014, p. 17-18). Thus, non-full-time faculty at Mohawk College ought to be paid the same rate for teaching credit courses whether those courses are offered in CE or in non-CE programs because all credit courses are part of the bargaining unit.

Please reach out to me at professorrebecca-mills@gmail.com if you have any questions or concerns. I look forward to meeting many of you from across the college!

Fill in the form... again!

by **Rebecca Mills**, Chief
Steward, OPSEU Local 240

This article is for Partial-Load faculty, and if you are experiencing déjà vu, it is because I wrote a very similar piece last year. If you haven't done so yet, and you want to be employed as a partial-load faculty member in 2022, please add your name to the partial-load registry by **Oct. 30, 2021**. Why, you might wonder? The 2017-2021 Collective Agreement requires it: "A currently or previously employed partial-load employee must register their interest in being employed as a partial-load employee in the following calendar year" (26.10 C, p. 58). Here are the instructions:

1. Sign into MyMohawk,
2. Click on the Faculty page on the left-hand navigation bar,
3. Scroll down to the bottom, left-hand side of the page,
4. Fill out the "Partial Load Registry Form," and

Partial Load Registry Form

Partial Load registry is for employees that have held a Partial Load contract within the last 4 years. Please enter your 9 digit Banner ID to register.

Banner ID (9 Digit Employee ID)

First Name

Last Name

Email Address

Before submitting your information to the registry, please take a moment to ensure your information has been entered correctly. Ensuring the College has the correct information is an important step in being accurately included in the registry.

SEND

5. Hit "Send."
6. This message will appear:

Partial Load Registry Form

[Home](#) / [Faculty](#) / [Partial Load Registry Form](#)

Thank you for your submission!

The form was submitted successfully.

The Partial Load Registry will be open from April 1, 2021 until October 30, 2021. Once closed the information will be compiled and will be finalized in November 2021. Once completed the registry list will be shared with the departments and the union. Thank you for completing and submitting your information. It would be helpful if you could remind other partial load colleagues that the registry is open and encourage them to register.

Please take a screen shot of this acknowledgement message for your records, as evidence of your registration for the Partial Load list.

[Return to the Faculty page.](#)

7. Take a screenshot for good measure.

OPSEU Local 240 Mohawk College Faculty Area Stewards September 1, 2021 - August 31, 2022

OFFICERS

President: Heather Giardine-Tuck
Vice President: Kevin MacKay
Chief Steward: Rebecca Mills
Treasurer: Gaspare Bonomo
Communications Officer: Robert Soulliere

AREA	STEWARD	Office & Phone Ext
Architectural, Civil, Urban, Planning, Math	Kevin Haluik	A209D x3994 kevin.haluik@mohawkcollege.ca
Aviation	Paul Sprentz	Airport paul.sprentz@mohawkcollege.ca
Business Management Studies	Robert Soulliere Communications Officer	H101A Library x3936 robert.soulliere@mohawkcollege.ca
Business Office Administration and Business Graduate Studies Programs	Gaspare Bonomo Treasurer	M-wing x3193 gaspare.bonomo@mohawkcollege.ca
Chemical & Mechanical Technology Programs	Monika Jungmann	E310C x3258 monika.jungmann@mohawkcollege.ca
Computer Science Technology	Sam Scott	Q-wing x3029 sam.scott1@mohawkcollege.ca
Electro-technology Programs	Vijay Khatri	E-238 B x3572 vijay.khatri@mohawkcollege.ca
Social Service work and Community Studies	Heather Giardine-Tuck President	A126 x4065 heather.giardine-tuck@mohawkcollege.ca
Social Service work and Community Studies	Shelley Rempel	A224 x3825 shelley.rempel@mohawkcollege.ca
Liberal Studies and Music	Kevin MacKay Vice President	F175 x3364 kevin.mackay@mohawkcollege.ca
Liberal Studies and Music	Dan Popowich	F175 x3690 dan.popowich@mohawkcollege.ca
Justice Studies	Steve Cook	C025 x3397 steve.cook@mohawkcollege.ca
Health, Wellness & Fitness; RMT	Dan MacLennan	C041 x3641 dan.maclennan@mohawkcollege.ca
Liberal Studies, ESL, Academic Upgrading, DEP	Betti Sheldrick	A126 x3949 betti.sheldrick@mohawkcollege.ca
Library, Counseling & Accessibility, CTRL, Int'l	Kasey Waddell	The Square, Office 35 x3778 kasey.waddell@mohawkcollege.ca
Media & Entertainment Studies, Graphics and Design	Patrick Hanson	F108T x3175 patrick.hanson@mohawkcollege.ca
CVT, OTA-PTA, Pharm Tech	Michael Chan	IAHS 315 x6180 michael.chan4@mohawkcollege.ca

Nursing: Bachelor of Science in Nursing BScN, Practical Nursing, Personal Support Worker	Tracy Lickers	IAHS tracy.lickers@mohawkcollege.ca
Med/Rad/Science	Caryn Schaefer	IAHS caryn.schaefer@mohawkcollege.ca
Partial Load: IAHS	Andrea Christmas	IAHS andrea.christmas@mohawkcollege.ca
Partial Load: Fennell Campus	Rebecca Mills Chief Steward	A126 x4186 rebecca.mills@mohawkcollege.ca
Skilled Trades: Transportation & Industrial, Apprenticeship, Construction, Electrical, Fuels & Green Tech	Craig Cooper	Stoney Creek C114 x2520 craig.cooper@mohawkcollege.ca
Skilled Trades: Transportation & Industrial	Greg Neale	Fennell B106 x5278 greg.neale@mohawkcollege.ca
	TRUSTEES/AUDITORS	
	Carol Tristani & Cornel Fulop	M-wing
Union Office		A006 x3468

SWFs!
Get your SWFs
right here!

WINTER SWF DATES!

- Regular Mohawk Post-Secondary programs start Jan. 5th, so SWFs are due Nov 12
- McMaster/IAHS classes start Jan 3rd (clinical placements) so SWFs are due Nov 12th
- All other McMaster/IAHS classes start Jan 10th, so SWFs are due Nov 19th

**IF YOU HAVE ANY QUESTIONS ABOUT
YOUR SWF, CONTACT YOUR AREA
STEWARD FOR SUPPORT**

