

From: Michael Conlon <mconlon@ocufa.ca>  
Subject: COVID-19 Update

Hi all,

As many will have heard by now Laurentian University announced yesterday that it is suspending all in person classes for the remainder of the semester in response to the concern about community spread of the COVID-19 virus in Sudbury. It is the first public university to do so in Canada. Importantly they have not closed the entire campus as some universities in the United States have done.

Given the rapidly evolving situation and likelihood other universities will follow suit, I thought it would be helpful to provide a sense of where OCUFA is in our preparation and advice to members. At this point most universities are communicating a 'business as usual' message based on guidance from Public Health Canada and Ontario's Chief Medical Officer, who continue to rate the threat to public safety as "low". Though the number of cases spread within the community in Ontario remains low, the very clear consensus from public health experts is that the question about wider community outbreak is 'when' as opposed to 'if'. It seems fairly clear then that the message is likely to rapidly shift away from 'business as usual' in the coming days.

To that end, please find below some analysis of this fluid and challenging situation. While we did consult legal counsel in the preparation of this note, the foregoing should not be taken as legal advice. Specific cases must be dealt with in the context of your collective agreement, relevant university policies, and in concert with your legal counsel.

The following is meant to provide some general advice and answer some questions based on the latest information we have:

1. Can universities move teaching online and suspend in-person classes? The answer depends on any applicable collective agreement provisions and university policies, including in particular academic continuity policies. For example, some academic continuity policies leave such decisions to individual instructors while others give the central Administration the prerogative to make these decisions. Collective agreements may also have restrictions on the use of online teaching. Absent collective agreement or policy restrictions, in general management rights would likely permit a move to online teaching if the Administration has a good faith belief that there is legitimate health and safety threat to faculty, staff, and students. The current crisis would almost certainly qualify.

However, it is critical that administrations consult with faculty about the mode of delivery and address any concerns as they relate to academic freedom, workload, or accommodation (for example a member with a medical condition that calls for them to limit screen time) and abide by any collective agreement or other legal obligations. Given the nature of the situation our first impulse would not be to publicly criticize institutions, however we will monitor the situation and consult with the membership and issue a public statement if needed.

It is worth noting, based on our research in the United States, the notion of online learning is a bit of a misnomer as it conjures up images of elaborate and interactive online learning platforms. In the bulk of the cases in the United States moving online amounts to faculty sending lectures and assignments to students via email as well as marking and returning assignments electronically as well as consulting with students by phone during office hours. However even this relatively limited notion of online learning raises a number of pedagogical, technical, intellectual property, and labour relations questions that administrations must consult with faculty about.

In particular, Faculty Associations should ensure that there are clear agreements that members retain intellectual property in any recordings of their lectures, etc, consistent with existing language in collective agreements.

2. If the virus starts to spread widely in the community, it is likely campuses will be closed entirely which would interrupt collective bargaining. Are University Administrations required to engage in bargaining off-campus? Depending on the nature of the public risk it would be very difficult to compel administrations to bargain off campus and in most cases it would be advisable to simply wait. The one caveat is that in such cases the Association should ensure that the Administration agrees that all timelines as they apply to grievances or collective bargaining are held in abeyance.
3. Can Administrations institute a blanket ban on professional travel? OCUFA's position is no. But if a member does travel to a region with widespread rates of infection the employer will be able to legitimately enquire about the status of the member's health and/or require that the member 'self isolate.' Any concerns about unreasonable demands for health information, or unreasonable quarantine requirements (for example for an unreasonable length of time), will need to be dealt with on a case-by-case basis.
4. A more complex and long-term problem is the issue of the 'tenure clock'. Any prolonged absence from a member's laboratory, conferences, or other impediments to access to research facilities (for example that might require travel for fieldwork), could impede the path to tenure for some faculty and should be a topic raised with Administrations. It would be prudent for Associations to flag these concerns with their respective Administrations as issues that will likely need to be addressed going forward.

In terms of OCUFA's internal preparation and precautions we are preparing for the possibility of working remotely in the event that it becomes necessary. In the event that we are compelled to work remotely we will continue to provide service and support to members and we are in the process of putting a plan in place to minimize disruption. We are also closely monitoring the situation in light of upcoming public events OCUFA has scheduled including, the Collective Bargaining and Grievance Committee on April 3, the Pension Worksop April 4, and the Worldviews Lecture April 7, and the Status of Women and Equity meeting April 17. We will continue to monitor the advice of public health authorities and make all decisions about proceeding in the best interests and safety of OCUFA staff, members, and the general public, who attend our events.

Given the complexity of the situation and how rapidly information is evolving about the spread of the virus, other questions may arise in the coming weeks and days and we will endeavour to communicate with you as expeditiously as we can with what we know—and in some cases, as importantly, what we don't know—in this very challenging and unpredictable period we are likely to enter in short order.

All the best,

Michael

Michael Conlon, Ph.D  
Executive Director  
Ontario Confederation of University Faculty Associations  
17 Isabella Street  
Toronto, Ontario, Canada M4Y 1M7  
Tel: 416-979-2117 x229  
Fax: 416-593-5607  
E-mail: [mconlon@ocufa.on.ca](mailto:mconlon@ocufa.on.ca)  
Web: [www.ocufa.on.ca](http://www.ocufa.on.ca)  
[www.academicmatters.ca](http://www.academicmatters.ca)  
[www.weteachontario.ca](http://www.weteachontario.ca)