

IN THE MATTER OF AN ARBITRATION

B E T W E E N

CARLETON UNIVERSITY

(the “University”)

AND

**CARLETON UNIVERSITY ACADEMIC STAFF
ASSOCIATION**

(the “Association”)

Re: February 19, 2020 Association Policy Grievance re: Student Evaluations of Teaching, Grievance No. 19-P-00238 (the “Grievance”)

AWARD

Paula Knopf - Arbitrator

APPEARANCES:

For the University: Amanda Lawrence-Patel, Counsel
Amy Wyse, Director, Labour Relations, Academic
Nathasha Macdonald, Assistant VP (Institutional Research & Planning)
Joshua Hruschka, Senior Labour Relations Officer (Academic)
Dwight Deugo, Vice Provost and Associate VP (Academic)
Tyler Hall, Director, Strategic Analysis, Planning & Accountability

For the Association: Christal Côté, Legal Services Representative
Angelo Mingarelli, President, CUASA
Chinnaiah Jangam, Chair, CUASA Grievance Policy and
Administration Committee
Alex Aucoin, Grievance Support Services Assistant
Hanan Mankal, Grievance Support Services Assistant

The hearing of this matter was held in electronic format on October 5 and 6, 2021.

This case arose out of a dispute between the Parties concerning the interpretation and administration of Article 25.3 of the Collective Agreement that provides that student

evaluations of teaching shall be obtained for each course through questionnaires administered in such a way as to afford all the students in a given course or class a reasonable chance to respond. It also provides that the choice of administering the student evaluation in written or electronic form shall be at the sole discretion of the instructor. The issues in this matter are the format(s) (written and/or electronic) and framework for administration of the student evaluation. This has become particularly challenging for the Parties given the changes in course delivery requirements brought about as a result of COVID-19 restrictions.

The Parties presented evidence and submissions to me in the context of a mediation/arbitration hearing pursuant to section 48(14) of the *Labour Relations Act*. Having considered the evidence and submissions, as well as the terms of Articles 25.3 (a), (h) and (i) of the Collective Agreement, I have concluded as follows:

1. Given the format for delivery of courses due to the COVID-19 situation and the LOUs dated June 29, 2020 (Re: Administration of Student Evaluations of Teaching for the 2020 Summer Term), November 14, 2020 and March 25, 2021, and the Minutes of Settlement dated July 5, 2021 (Re: Renewal of the Collective Agreement effective May 1, 2021 – April 30, 2024), the format for the administration of student evaluations is currently deemed to be electronic.
2. Effective January 5, 2022, the selection of the Faculty Employee or Instructor regarding the choice of the format for the administration of student evaluations may be changed at any time. The selection which will apply in any given Fall or Winter Term will be the one in place at the end of the first month of each Term (i.e., September 30 or January 31). The selection that will apply in any given Summer Term will be the one in place two (2) weeks from the commencement of the course.
3. The selection of the Faculty Employee or Instructor or the deemed selection will be saved and applied to all In-Class Courses taught by that Faculty Employee or Instructor in subsequent Terms, unless changed by the Faculty Employee or Instructor. If the selection is changed after the dates noted above in paragraph 2, that selection will first apply in the following Term.
4. If a Faculty Employee or Instructor fails to make the selection by the date(s) set out in paragraph 2, the selection of format for the student evaluations will be deemed to be electronic until the Faculty Employee or Instructor changes the selection for following Terms.
5. Notwithstanding paragraph 2, commencing in the Winter 2022 Term, the format for student evaluations of teaching for all courses which are taught fully online will be electronic.
6. Any new Faculty Employee or Instructor will have one month after their date of hire to select the format for the administration of their student evaluations. If they fail to make

the selection, the format will be deemed to be electronic until they change the selection for the following Terms in accordance with paragraph 2.

7. Commencing in the Winter 2022 Term, the University will implement a secure online portal (using MC1 authentication) which will allow Faculty Employees and Instructors to select, at their sole discretion, whether the student evaluations of teaching for all In-Class Courses taught by that Faculty Employee or Instructor will be administered in electronic or paper format.
8. The format for student evaluations of teaching to be used for Hybrid Learning Courses, which are courses that can be simultaneously completed fully online, in-class, and as a combination of the two, will be referred to the Joint Committee for the Administration of the Agreement to be determined.

These conclusions fully resolve the interpretative issues arising from the grievance.

I remain seized regarding the implementation of this Award.

Dated at Toronto this 8th day of October, 2021

A handwritten signature in black ink, appearing to read "Paula Knopf", is centered on the page. The signature is fluid and cursive.

Paula Knopf - Arbitrator