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March 20, 2009.

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Re: Workload Task Force
Final Report

Dear Janet and Don:

I am pleased to send to you the final report of the Workload Task Force. I am sorry for the delay but health problems got in the way.

Again I want to recognize the efforts of Marcus Harvey and Morris Uremovich who were of the utmost assistance to me in this enterprise. The report is truly a collaborative effort and reflects our collective assessment of the formula and related issues.

I hope that both sides find it useful.

Yours truly,



W. B. Rayner

WORKLOAD TASKFORCE

FINAL REPORT

March 2009

Workload Taskforce Report

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FINAL REPORT OF THE WORKLOAD TASKFORCE

INTRODUCTION

HISTORICAL CONTEXT

i) The Ontario Community College System

There are 24 colleges operating in the Ontario Community College system in all regions of the Province. These colleges offer a wide variety of programs to a broad range of students with different backgrounds and differing educational goals. Many changes that have occurred over the years have affected course material delivery and student learning. These factors include distance learning, compressed learning periods under apprenticeship programs, workplace placements, applied degree programs, and on-line education.

There has been a rapid growth in student numbers and at the same time a significant decline in government funding per student. These changes have put a considerable strain on the community college system. Both parties recognize that Ontario's community college faculty members are hardworking and dedicated. The essential difference between the parties in terms of teacher workload is the tension between the utilization of academic resources and overload. That tension is managed by the workload formula agreed to by the parties.

ii) Workload Bargaining History - An Overview

Article 11 of the collective agreement details a comprehensive workload formula that governs the assignment of work to teachers in the community college system. It also contains a general provision that relates to librarians and counsellors. Article 11 and the workload formula it contains resulted from a strike in 1984. The "back to work" legislation ending the strike contained a provision for binding arbitration and all issues other than workload were determined by arbitrator Paul Weiler. The workload issues were to be examined by an Instructional Assignment Review Committee chaired by Michael Skolnik whose subsequent report recommended that the existing provision (teaching hour caps with averaging) be replaced by limitations based on attributed hours for various workload factors. His recommendations envisioned a formula applied at the program level to take into account actual differences in the demands of different subjects, modes, and students. The parties negotiated the workload formula based on his recommendations and it has undergone few

changes over the last quarter of a century. The formula did not and does not differentiate between programs other than between post and non-post secondary education.

In its current state the formula establishes a number of maxima, including a weekly maximum of 44 hours per week for up to 36 weeks containing teaching contact hours in post secondary programs and for up to 38 weeks in non-post secondary programs. Workload factors that govern are teaching contact hours (up to 18 or 20 hours per week respectively for post and non-post secondary programs), weekly attributed hours for preparation based on how recently the teacher has taught the course, weekly attributed hours for evaluation and feedback based on the type of evaluation and number of students, and attributed hours for complementary functions with minima of 4 hours for out-of-class assistance to students and 2 hours for normal administrative tasks.

At this point we need not detail the collective agreement provisions other than to note that there are maxima establishing the limits on teaching contact hours in an academic year (648 and 760 respectively for post and non-post secondary programs) and for contact days per academic year (180 and 190 days respectively). Each teacher is to receive at least 10 working days in the academic year for professional development. The academic year is 10 months, normally September through June but there are provisions that permit year-round operation.

The mechanism used to administer the formula is the Standard Workload Form (the "SWF"). The supervisor and teacher are to discuss the proposed workload and the supervisor prepares the SWF which includes all details of the total workload. After the teacher receives the SWF he or she has 14 days to resolve any differences and if resolution cannot be reached the teacher can refer the issue to the college Workload Monitoring Group (WMG) for review of the assigned workload. Each WMG is composed of 8 members, 4 appointed by the College and 4 by the Union Local. If a majority of the WMG members agree on a resolution, its decision is binding on all. If the matter is not resolved the teacher, but not the Union, may refer the matter to a Workload Arbitrator (WRA).

In the 2003/04 round of negotiations both sides presented significant proposals to modify the formula. The 2003-05 collective agreement contained a letter of understanding creating a joint taskforce to examine and discuss issues relating to workload. Its terms of reference are attached as appendix "B." The members of that taskforce met several times and agreed to conduct a survey but the members were unable to reach consensus on the content of the survey. Both sides submitted reports. The Union's report was based in part on surveys it conducted. Both sides relied on their own reports when they made their submissions to Arbitrator Kaplan in June, 2006. Kaplan had been selected to set the terms and conditions of the current collective agreement but he made no award on workload directing instead the creation of a new taskforce to examine workload issues.

THE WORKLOAD TASKFORCE

i) Creation and Makeup

Arbitrator Kaplan directed the parties to nominate one member each and if they were unable to agree upon a chair he would select a third party by way of final offer selection. Morris Uremovich was appointed as the Colleges' nominee and Marcus Harvey was appointed as OPSEU's nominee. Wesley Rayner was appointed as chair. The taskforce was finally created in June, 2008, and had its first meeting in July, 2008.

ii) Mandate

The mandate of the present taskforce is substantively the same as the mandate of the earlier taskforce which we have attached hereto as appendix "B." We attach our mandate as appendix "C." That mandate directs us to prepare recommendations to the parties to assist in the bargaining of workload issues. The only change in our mandate from appendix "C" is that the due date for our report was moved back to March 1, 2009.

We determined that we would approach the various factors set out in the appendices by examining them as far as possible in the context of the four major factors set out in the formula, i.e. the maxima on contact hours, the attributed hours for preparation time, the attributed hours for evaluation and feedback, and those hours attributed for complementary functions. Some of the matters listed in appendix "C" such as professional development, the SWF, and the Pilot Projects had to be treated somewhat differently.

We also decided that our recommendations should not have the effect of increasing overall workload when looked at in the context of the total number of hours that could be required of employees. We also limited our investigations by deciding against recommending specific changes to the minutiae of the formula, i.e. suggesting adjustments to the multipliers used in calculating attributed hours for preparation and evaluation/feedback. We simply had neither the time nor the data to make such recommendations. We recognize that these multipliers are the best estimates of the parties for the approximate time that a faculty member does and should spend on the various components of his or her tasks. These limitations have not meant that we are prevented from making recommendations that are more general in nature and which we hope capture the reality of the workplace more accurately and ultimately may reduce some of the time pressures that teachers feel in the present environment.

iii) The Approach of the Taskforce

The Workload Taskforce (hereinafter "the taskforce") met several times over the summer. We reviewed the past history of the formula, the reports flowing from the earlier taskforce, the prior survey done by OPSEU, the results of a survey done by Leger Marketing on the completed pilot projects, and the earlier submissions to Arbitrator Kaplan.

We decided early on that a new survey would be needed because of the Colleges' objections to the OPSEU survey and because we needed as much objective data as we could get from teachers and managers. The parties agreed to fund a new survey and we proceeded to draft two questionnaires, one for academic managers and one for teachers. We drafted the survey questionnaires in a collaborative fashion and received only technical advice from Leger, the consulting firm retained to conduct the actual surveys. The choice of Leger was agreed to by both the Colleges and OPSEU. Any perceived deficiencies in the survey questionnaires are our responsibility alone.

We also determined that after the survey results were tabulated we should meet with both teachers and managers. These meetings were established to discuss the surveys, clarify how the surveys had been received in the field, and provide a venue for direct input by faculty and managers to the taskforce. Because of time constraints we decided on four regional meetings at colleges in London (January 19), Sudbury (January 22), Kingston (January 26) and Toronto (January 30). We drafted communiqués setting out the purposes of these meetings and inviting any interested person to attend. We intended that the invitation would reach all managers and teachers and not only those who had participated in the survey or were employed at the Colleges hosting the regional meetings.

Finally we obtained data on file with the Council and OPSEU relating to student numbers, total faculty numbers, average teaching hours, etc.

We analyzed this information and prepared our report over the month of February.

THE SURVEYS

In considering how best to develop our own survey instruments, we were mindful of both the data that had been generated by the Union in its survey of bargaining unit members in 2004/05 as well as the ensuing debate over the validity of that data. As there was little point in us generating a body of data that would be, on its face, unacceptable to either party, we determined to identify and -- to the best of our ability -- avoid those pitfalls identifiable from

the parties' earlier experiences. In this regard, we have some confidence in recommending the results of our survey to the parties to conduct further analysis of their own. We believe that the data may be invaluable in showing correlations between workload issues and complaints and particular circumstances. Certainly, we have tried to build a dataset that would be sensitive to institutional, programmatic, and demographic variations with respect to faculty workload.

Without rehearsing the arguments that went back and forth over the reliability of the 2004/05 OPSEU survey, we identify below a number of the particular charges and concerns that surfaced and describe the steps we took to mitigate any such concerns over our own survey instrument.

i) The Format and Questions

1) Sampling. The OPSEU survey was posted online and made available to any member of the bargaining unit who wished to complete it. While this resulted in a rather extraordinary return rate (in excess of 20% of those eligible to conduct the survey), it also opened the data to charges that it may be biased by virtue of the fact of self-selection. To avoid such charges, we invited a randomly selected stratified sample to complete our surveys. The sampling was conducted by Leger Marketing and we directed that the sampling should be sufficient to make statistically reliable observations at the institutional level, as well as for the 7 broad subject areas that we identified (Technology, Health Science, Business, Applied Arts, Human Services, Hospitality and Tourism, and Apprenticeship).

In consultation with Leger, we settled on a target samples of 600 teachers and 100 managers overall with sub-targets set for each institution, after which Leger began contacting those sampled with information about completing the survey. To ensure that you reach the desired "n" value, it is common to oversample in order to compensate for those potential respondents who opt not to participate and/or do not complete the survey. By December 8th, we had reached or exceeded the institutional sub-quotas set for the Teachers Survey at a majority of the colleges and we directed Leger to focus its efforts on those few under sampled colleges for the duration of the survey's run. That effort produced another 31 responses, allowed us to meet our institutional quotas and resulted in a final sample size ("n") of 846 for the Teachers Survey. A parallel sampling method was employed with respect to the Managers Survey, but the smaller total population of managers warranted a much smaller sample and the final "n" count for that survey was 114.

2) Aggregated recollections. One of the shortcomings of using a survey method to assess workload relates to the fact that many of the activities of greatest concern (preparation, curricular development, evaluation, student advising) are seldom conducted at once, or at

regular times. For this reason, broad questions aimed at discovering time allocation and use patterns rely on individuals to accurately recollect and aggregate a number (typically a large number) of discrete moments and/or make approximations. While such questions may still result in accurate data, it would nonetheless be prone to legitimate criticisms about the potential for bias skewing the results (more heavily weighting actions in exceptional weeks than all weeks, for example). As we did not have time to employ a journal method of measuring faculty time allocation decisions over a sufficiently long period of time, we determined that we would, as much as possible, avoid questions requiring the respondent to quantify time spent on activities that would not likely be either scheduled (like office hours) or clustered in memorable blocks (like professional development activities). For the most part, we designed questions to elicit responses based on relative effort or perceptions of in/sufficiency.

3) Self-interest. It is generally understood that a survey instrument in which the respondents have a material interest in the outcome of the research are susceptible to charges that the data collected may be biased in the direction of the respondents' understanding of their material interests. We recognize that our surveys could certainly be open to such a charge. Given the fact that the workload dispute between the parties is of long standing and well known by all, we saw no way to disguise our surveys. Instead, we pursued two strategies. First, we tried to design questions for which a self-interested answer would not be readily apparent. Again, questions asking respondents to consider workload issues relatively rather than absolutely were favoured. Second, we developed the Managers Survey precisely as an ancillary to the Teachers Survey so that we would have a check on the responses received from both. We anticipated that where there was greater congruity or compatibility of responses between the two surveys, the parties could have greater confidence in the reliability of the data.

4) Respondent perceptions. Any survey instrument is prone to misunderstanding by respondents and care needs to be taken to try and prevent misunderstandings between the designers of a given question and the respondent, to ensure that any such misunderstandings are individual and not systemic, and -- *post facto* -- to identify and flag any data that may have been compromised by misunderstanding. In addition to spending a lot of time refining our questions, we included a catch-all open-ended question at the end of each survey so that respondents who were troubled by any aspect of the survey might bring the matter to our attention. After finalizing the surveys, we instructed Leger to run several trials with employees whose names were suggested by OPSEU and/or by the Council. While this process doubtless saved us some headaches, we understood that the surveys would still contain flaws and the regional meetings were, in part, intended to provide us with sufficient feedback from the field to flag additional spots where our questions and our respondents' understanding of those

questions did not align. At least one such trouble spot is identified later in the report and should be noted by the parties in conducting any further analyses of our survey data.

The survey questions were formulated to provide data to the taskforce in a number of specific areas. Both the faculty and manager survey questions aimed to elicit complementary information and for the most part focussed on the same areas of interest. In general, the questions were posed to provide responses on a sliding scale of 1 to 7 that measured results from strongly disagree to strongly agree. The respondent was provided an opportunity to indicate a "not applicable" reply. There were also reply questions that required a specific answer input as opposed to a scaled reply providing an opportunity for open-ended answers to some questions.

The survey(s) questions were grouped to elicit data from specific areas of interest. Each respondent's profile was addressed with respect to gender, subject area, seniority and college affiliation which provided an opportunity to analyse data against a number of environmental variables. There were questions with respect to the teacher's affinity to the subject material, methodology and type of instruction. The ability of the incoming student to succeed was addressed. Issues related to workload factors such as preparation and evaluation and common to our current SWF were queried. Questions were posed on student numbers, class sizes and assigned sections. The survey included questions related to complementary functions, out-of-class assistance to students, professional development, and the workload dispute mechanism. There were questions aimed to determine how the availability of more or less time would affect workload. There was a focus on eliciting data on how resources (or the lack thereof) affect workload assignment.

ii) Conduct of the Surveys and Availability of the Data

The surveys were completed by mid December and the results (compiled by Leger Marketing) were available to us in mid January, 2009. The results of both surveys in a tabular format are attached as appendix "F." More importantly, we have asked Leger to provide the parties with the raw data in a readily workable electronic format to facilitate further analysis.

iii) Results and Conclusions

We do not propose to review all of the findings of our surveys as conducted by Leger. Rather we shall give an overview of the most salient results that led to our subsequent conclusions.

More than a quarter of our faculty respondents indicated that they had been teaching for more than 20 years in Ontario's community colleges and approximately half of them

indicated that they have been teaching in the system for more than 10 years. Well over 50% of the managers surveyed have been working in that capacity for more than 5 years. On average, managerial respondents had spent almost 9 years as managers and had spent an additional 8 years teaching in the system. More than 70% of managers indicated that they assign workload directly to teachers. The depth of experience evident in our samples led us to conclude that our respondents should have a good grasp of the workload formula.

There is a very high level of concurrence between managers and teachers that college faculty members have the skills and expertise necessary to teach the courses assigned to them. When we asked teachers if they felt qualified "in the teaching methodology" demanded by their assignments, an overwhelming majority (over 92%) indicated that they did. Teachers overwhelmingly said that they were comfortable with the classes they were teaching and were prepared for class. More than half agreed with the assertion that they spend approximately the same amount of time preparing for class each week, and two thirds of the faculty respondents affirmed that, with more time, they would "prepare for class differently" than they do now.

Both surveys indicated that classroom instruction and lectures are the most common teaching methods used. Indeed -- judging from the overlapping faculty responses -- lecture classes seem to be widely considered to be the traditional method of classroom instruction. Over 50% of managers indicated that in the departments for which they had responsibility online delivery was a common method of instruction; however, managers had been invited to indicate all the subject areas in which they work and so this figure doubtless reflects a considerable degree of obfuscating overlap. From the faculty figures it would appear that between 9% and 17% of classes at the colleges involve a significant component of online delivery, and these classes cluster primarily in Business, Health Sciences, and Hospitality and Tourism. With the exception of Business and Human Services, lab/shop work seems to be significant in many programs.

In gathering data on class size, we asked faculty members to indicate the enrolment in their smallest and largest classes, as well as their view of optimal enrolment for those same classes. It is useful to consider the results against the system averages shown in the general data for 2006/07 (Fall 2006 - average 30.0; Winter 2007- 28.0). While some program areas recorded average (smallest) class sizes that, as one might expect, were well below the system averages for all classes, the average smallest class sizes in Business (26.8), Health Sciences (26.1), and Human Services (27.2) are surprisingly close to the system average. The mean for the largest classes by contrast only approached the average for Apprenticeship (32.7), but was in every other case more than 12 persons higher than the system average for the corresponding semester in 2007. Because many managers indicated multiple areas of responsibility it is not possible to compare responses between the surveys accurately, except perhaps to note that, in

the aggregate, both faculty and managers seem to agree that their largest classes should, optimally, be smaller than is currently the case. With respect to optimizing enrolment in the smallest classes, both managers and faculty again seem to agree, but this time around a figure of approximately 20 students (generally, 10-20% fewer for Apprenticeship programs).

About half of managers and teachers alike see the evaluation process more as a tool to help each student improve and about one third see it more as a comparative tool. A clear majority of both managers (59%) and teachers (74%) feel that students receive sufficient attention regarding their assessments. Both groups also indicated (in similar proportions) that the manner of evaluation corresponded somewhat with their ideal. Among the factors affecting the time needed for evaluation/feedback, both groups listed such things as the number of students and type of assignments, in particular their nature, length, complexity, and frequency. We note that neither the length nor frequency of assignments is addressed by the formula.

Complementary functions as set out in Article 11.01 F are not specifically defined in the collective agreement. The agreement does set a minimum of 6 hours per week divided between routine out-of-class assistance for students (4 hours) and normal administrative tasks (2 hours). It sets no maximum on complementary time beyond the hypothetical weekly limit of 44 hours.

The Teachers Survey approached the question of assistance to students on two fronts; assistance given within normal office hours as well as assistance given outside that time. We anticipated that this separation would result in more accurate reporting, as office hours tend to be regular and consistent. On average teachers devote 8.5 hours weekly to office hours and, of those who do keep office hours, the median number of hours was 6. More than 67% of teachers noted that consulting with students was one of the three most important activities in which they engage during office hours. Moreover, assisting with course materials (20%), academic advising (15%) and answering emails (14%) also made the list. Accepting that these figures are generally reflective of contact with students, it seems reasonable to affirm that a considerable number of faculty members' office hours are spent assisting students. A high percentage of managers make such an assumption and expect faculty to spend their office hours in contact with students. The managers' top three expectations for faculty use of office hours included meeting with students (81%), academic advising (19%), and providing online support for students and answering students' emails (13%). When asked about assisting students outside of office hours or class time, 4% of teachers answered in the negative. Of the 740 respondents who tried to quantify that support, 41% claimed to spend 5 or more hours each week on such activities. Another 13% placed their time commitment at 4 hours per week. The mean was a little more than 5 hours. Many managers expect teachers to assist students outside of their regular office hours (79%) but only 30% of those with such expectations claimed to provide time for that assistance. Responses to our question asking faculty members

to list the top three factors effecting the amount of time spent advising students out of class included class dynamics and student ability (24%), complexity of course material (23%), assignments (17%), and due dates for assignments (14%). We note that class size ranked as one of the three most important factors for 11% of teachers responding. By a three to one margin, all the listed factors were thought to increase, rather than decrease, the amount of time spent advising students.

Faculty and managers were asked, as a counterfactual question, how an extra hour of time, if available, should be used. The two groups were notably consistent (managers 50%, teachers 23%) in responding that the time should be used to advise and assist students. Conversely when asked if an hour were to be lost, very few (managers 7%, teachers 8%) thought that time should be cut in this area.

Other matters that are, or could be, mentioned under complementary functions include curriculum development and mentoring junior colleagues and part-time faculty. While our surveys are silent on the former, we tried to assess the latter issue with Teachers Survey question #29. During our regional meetings and after reviewing the open-ended questions to the Teachers Survey we found that the ambiguous wording of this particular question had confused a number of people, and we do not feel the data generated by this question to be reliable.

The Teachers Survey demonstrates that there is little consistency to the utilization of professional development. At least twelve percent of those indicating how many days they spent on professional development in the previous year recorded 0 days and we suspect that this group may overlap somewhat with the group of faculty who have been at the institution for fewer than two years. Nonetheless, almost a third of the faculty recorded fewer than 5 days of professional development time, suggesting that even the requirement for 5 consecutive working days of professional development (11.01 H 2; 11.04 B 2) may be significantly underused. Significantly, perhaps it is about 1/3 of faculty who found the previous year's professional development to be unsatisfactory. Faculty in Apprenticeship programs were less likely to be satisfied with their professional development than those in other areas. The leading constraints pointed out by faculty with respect to professional development were funding (68%), available institutional time (58%) and the availability of personal time (53%). We offer no suggestions to alleviate the first and the third constraints, but with respect to the second constraint we note that the collective agreement provides for 10 days of professional development for all teachers (11.01 H 1), counsellors, and librarians (11.04 B 1), but does not confine those days to non-teaching periods.

Our questions relating to the use of the workload dispute resolution mechanisms created by the collective agreement (the WMG and WRA) demonstrated that most teachers (66%) are aware of the WGM and the WRA. While this is significantly more than the proportion of teachers who have disputed a workload assignment (36% of those indicating awareness of the mechanism or 23% of the total sample), it is troubling that a third of the bargaining unit seems unaware of this important contractual mechanism. Of the 192 respondents who indicated that they had disputed their workload, more than a third went before a WMG, and 40% again of that smaller group (27 individuals) went to a WRA. Given the complexity of the formula, it may be surprising to find so few individuals from the sample group taking a dispute through to expedited arbitration, especially considering the collective workplace longevity of our sample population. Looking at the figures from the Managers Survey, the number of managers answering this question who reported no WMG disputes (61%) is interesting in light of the potential number of SWFs that even a modest sized department could generate in a year. We note that the level of satisfaction with the workload dispute processes were consistently positive on both surveys (with approximately a 3:1 split between the satisfied and the unsatisfied), an outcome that one might expect of a resolution mechanism that is perceived to be balanced and fair.

Although we had not probed the issue of flexibility in the Teachers Survey, we decided that it could be useful to ask managers some questions relating to scheduling, academic planning, and "flexibility." In the aggregate, managers were evenly divided on the question of whether or not the existing process allows them to meet the teaching needs in their areas of responsibility. Although the data do not reveal much variation across programs, we suspect that this is a function of the survey's design (which allowed managers to indicate multiple areas of responsibility and thereby makes it impossible, in many responses, to determine precisely which programs are implicated, and which are not). Certainly the comments we heard at the regional meetings suggests that the formula works more smoothly in certain program areas than in others. When asked additional questions about managing human resources and addressing the professional development needs of their teachers, managers were slightly more likely to indicate dissatisfaction (52% and 44% respectively). When asked an open-ended question inviting them to list up to three ways in which the workload process could be improved, managers most frequently suggested ". . . greater flexibility" or variations of the same theme. Some of the possibilities suggested or implied in these responses to this open-ended question are explored in more detail in the next two sections.

We have attached the raw data as an electronic appendix "F" to this report so that the parties may examine the results and compare them with the two analytical summaries prepared by Leger in appendices "D" and "E." We chose to send the raw data in the form of an electronic appendix because that form permits easier analysis.

Our analysis of the data led us to several tentative conclusions which were reinforced by our observations from the regional meetings.

First, the workload formula appears to work adequately in the traditional courses which comprise the bulk of the courses offered. Second, if not sensibly applied it may create problems with other types of course delivery. For example, about 25% of the 66% of the managers who felt the question was relevant to their programs thought that distance learning added an average of three hours extra time for preparation. Apart from 11.01 G 2 which deals with atypical circumstances and the general catch-all of Complementary Hours there is no mechanism built into the formula by which to attribute time directly to this activity. Although this might be a case for assigning additional attributed time to preparation as provided for on the SWF, i.e. activities that need to be done outside of curriculum development and research, we can see no provision in the formula which allows for this potential additional time. Third, the area where the formula itself may be inconsistent in practice appears to be in the area of the attributed hours for out-of-class assistance to students. Our surveys asked managers and teachers where they would assign or use an additional hour if it were available and both groups said in substantial numbers that it should be allocated to student assistance. While these answers alone are not compelling, they did suggest to us that the area that could most usefully be examined was the concept of Complementary Functions and in particular assistance to students as set out in Article 11.01 F.

THE REGIONAL MEETINGS

i) Format

We conducted regional meetings at the four locations mentioned earlier. Our communiqué asking teachers and managers to attend, had attached to it the survey questionnaires. We sent the communiqué to OPSEU and the Council for distribution to the Local Union Presidents and each college. Apparently at some colleges the communiqué was posted or distributed inconsistently and there was confusion on some campuses over who authorized and conducted the surveys. More than one person at our regional meetings had thought that their survey may have been conducted by one side or the other and this misapprehension coloured their perceptions of the objectivity of the exercise. If they had seen the communiqué this misunderstanding could have been avoided. While the inconsistency is to be regretted the problem seems to have been isolated and we do not believe that the data generated by the surveys was compromised *in toto* or for any specific college.

The invitees need not have been part of either of our surveys and most attendees were not. The number of individuals at each meeting was relatively low, about 30 to 40 at each location. On a per capita basis, managers outnumbered teachers at every session. This was probably due to the fact that many teachers were teaching on the day of the meeting. Several teachers said that they could attend only a part of one of the sessions because of time conflicts with their teaching duties.

Both managers and teachers attended together and were asked to comment on the survey questionnaires and raise issues that they wished to discuss. In general the discussions were spirited and ranging. They were helpful in suggesting how a variety of workload issues play out on different campuses.

ii) Recurring Themes

Given the wide range of programs, the differences in the size, student demographics and specialities of the colleges, and the myriad of teaching methods used across the system, we were not surprised to hear a broad array of concerns ranging from the very specific to the very general. Obviously we cannot make recommendations on every concern raised. Rather we have tried to identify common and recurring themes that were present in the meetings.

One preliminary observation that came from the regional discussions and which can be attributed to participants from both the manager and teacher groups relates to a noticeable level of confusion across the system on how the formula ought to be understood and applied. It appears to us that the formula is not applied in a uniform fashion throughout the system or even within some colleges. As we discuss later, the differences in application of the formula was particularly apparent in the way time was attributed for preparation. A faculty member who had reviewed SWFs as part of his union duties at one campus said that in all of the SWFs that he had reviewed he could not recall ever having seen any credit assigned in the column for additional attributed hours for preparation. It is acknowledged that this column is used at other colleges. Another example related to the meaning of "section." One faculty member provided us with a written response in which he noted that the definition of "section" was treated differently when a teacher met with students in a lecture and then later with the same students for a lab. In his department those meetings constituted a single section while in another department in the same college the same meetings were treated as two sections. If one of the principle goals of the formula is to provide for the equitable division of workload among faculty these examples suggest that there are flaws in the application of the formula within the system.

The most recurring theme (almost the only theme) stressed by management attendees was the need for changes in the formula to allow for more flexibility in the system. Many

academic managers pointed out that the formula created serious problems in the delivery of certain types of programs. They said that apprenticeship programs, programs requiring block or concentrated teaching, programs requiring outside or field placement, some adult learning programs and certain on-line programs were among this group. Indeed we found a great deal of congruity between these observations and the type of courses which were the subjects of the Pilot Projects referred to in the next section. Conversely we heard few, if any such concerns when the formula was applied to the traditional classroom lecture courses. Academic managers stated that they much preferred to service their programs with full-time faculty and that it was not clear how added flexibility would affect the relative mix of full, partial load and part-time faculty. There was also some concern expressed that the college system has to remain competitive with other institutions and enterprises which offer similar types of programs or services such as adult education and concentrated non-credit upgrading and training for business.

The more frequently recurring themes raised by the teachers related to the accuracy of the formula in reflecting time spent for evaluation, the process by which a course's evaluation factor is determined and the related issue of academic freedom; the impact of e-mails and student numbers on complementary functions; the need to maintain academic standards and the role of the formula in that regard; the difference between preparation time and curriculum development and the blurring of that line when existing programs are modified to include a substantial percentage of on line learning and , the "hybrid" course. They noted the extra effort and time needed because of technological advancements since 1985 such as the use of e-mail by students to replace face to face meetings for feedback or learning assistance and the concomitant student expectation of prompt attention. It could be pointed out that an e-mail response demands more time than a simple conversation. It was suggested that because students are so willing to communicate by e-mail, out of office student contact time has increased. Other significant issues raised included the lack of job descriptions for coordinators, the workload pressure on librarians and counsellors, the use of local agreements (or the lack of that use) and the use of part-time faculty.

We close this section by noting that information gleaned from the regional meetings was for the most part consistent with the information gleaned from the surveys and the conclusions that we drew in the preceding section remain in place.

THE PILOT PROJECTS

i) Background and Implementation

In June, 2006, the parties set out a framework for the implementation of workload pilot projects. A copy of their agreement is attached as appendix "C" and we shall simply review the broad features of the framework. Participation in the Pilots was voluntary and at least 2/3 of the non-probationary full-time teachers in a program had to agree to participate in a Pilot before it was permitted. No college could have more than 10% of the full-time teaching faculty (with an absolute limit of 20 teachers) participating in the Pilots. There were further limits on the time that the pilot project could run.

A Pilot Project Steering Committee made up of four persons, two appointed by OPSEU and two by the Council, determined if any Alternate Pilot Proposals should be implemented. The Committee monitored all of the Pilot Projects. The Committee was responsible for ensuring that there was full documentation for each Pilot. It was to select an independent research firm to report on the Pilots. An independent arbitrator would resolve differences relating to Alternate Pilot Projects (there were no such projects and hence no differences) or to the selection of the research firm.

The parties agreed to three potential models for the description and limitations on workload within a Pilot. The Departmental/Program Model required the full-time teachers in the Department/Program to agree to the workload assignments, but the method of agreement (consensus, majority, etc.) was left to the group. Individuals who disagreed with their workload assignments could ask for a review by the WMG. Clearly this model was designed for group participation. The Simplified Model permitted an individual teacher to agree with the manager to work no more than an average of 16 teaching contact hours per week over a maximum of 36 weeks during the academic year with a limit of 576 contact hours in that year. No SWF was provided with this model. The final model, the Alternate Model set out no specific requirements other than that the manager and the teachers in the department/program agree to it and secure the approval of the Committee.

ii) The Survey

The parties agreed to choose an independent research team to report on the results of the Pilots with the costs of the report to be borne by the Council. The parties selected Leger Marketing which conducted a survey of the teachers, academic managers, and students who were involved in the Pilot Projects. Seven Colleges initiated Pilots for 20 programs. The number of faculty members participating in the Pilots ranged from a high of seven to a low of one. The average was 2.7. The Pilots covered 1,778 students of whom 266 (15.96%)

participated in the on-line survey. Twenty-one managers participated in the Pilots and 15 responded to the survey. Fifty-six faculty members participated in the Pilots and 54 responded to the survey.

iii) Conclusions

Overall the results of the survey demonstrated that managers and faculty members generally were positive about the Pilots. We assessed 18 of the 20 Pilots (we did not get results for two of the twenty, perhaps because those results were not available when the material was sent to us). Of those 18, we characterize 9 faculty responses as very positive, 5 as positive, and 4 as neutral. Managerial responses showed the same trend. The student responses overall were also positive but some expressed concern about their workload when teaching was compressed.

Although there was some variation in the reasons given for engaging in the Pilots, both faculty and managers felt that greater flexibility in the scheduling of contact hours was important to the success of their program. Virtually all of the Pilots involved programs that had condensed or “block” teaching, programs that went over the whole year, programs that required total on-line learning, programs with outside or field placement as part of the curriculum, programs that required laboratory work in the community, and other unbalanced programs where student contact hours varied considerably either within the semester or over the course of the academic year.

The conclusions drawn from the Pilot Projects survey were supported by the anecdotal evidence that we heard at the regional meetings. Almost all of the pleas for flexibility coming from academic managers involved courses or programs that contained some of the elements listed above. Several faculty members teaching in these types of programs also argued in favour of flexibility. Although the participation rate in the Pilot Projects was low, because of the success of the Pilots and for the reasons set out in this report, we have given the “Pilot Model” considerable weight in making our recommendations.

GENERAL DATA

We have reviewed the analysis of Standard Workload Form records for full-time academic staff prepared by the Collective Bargaining Information Services (CBIS) of the Ministry of Labour from 1995 to 2007 (as available). We also looked at data requested from the Council to determine the number of full- and part-time employees. These materials are attached as appendix “G.” We note that in addition to the data limitations set out in the reports of CBIS the

SWF data that form the basis of the reports have other inherent limitations. First each SWF is an approximation of hours worked. Second, the anecdotal evidence gathered at our regional visits indicates that there is a degree of variation among the Colleges (and perhaps even among departments) in how SWFs are completed. In spite of these variables, given the large number of SWFs analyzed we were prepared to accept the overall data as a reasonable reflection of workload trends at the colleges for the period covered by the data. While examining the data in detail, we noted some errors and omissions. The parties' need for accurate data is self evident.

There are three categories of teachers referred to in the collective agreement. The first category is full-time teachers. The second is partial load teachers defined in Article 26.02 B as those who "...teach(es) more than 6 and up to and including 12 hours per week on a regular basis." The third group is sessional employees defined in Appendix V of the collective agreement as those appointed on a sessional basis for up to 12 months of continuous or non-continuous accumulated employment in a 24 calendar month period. They are considered part-time employees. The Colleges also employ significant numbers of part-time teachers not covered by the collective agreement. Since the part-time (including sessional) employees are in the midst of a certification application we say no more about them other than to note their numbers below.

The data received from the Council shows little change in the total numbers of full-time and part-time academic staff employees between 1996 and 2007. Full-time numbers increased from 6774 to 6986 and part-time numbers for both credit and non-credit decreased from 8247 to 7970.

There was, however, a significant increase in the number of sessional and partial load academic staff over this period. The former increased from 467 to 953 and the latter from 612 to 2708. Those increases were not sporadic but reflect a steady growth throughout the years. The concern of the Union over the increased use of partial load and sessional employees as evidenced in its submissions to Arbitrator Kaplan appears to be supported by this data. We cannot say why there has been an increase in the number of sessional and partial load employees but we suggest that there may be a link between this growth and the lack of flexibility in the workload formula. Although Article 2.02 requires the College to give preference to full-time positions as regular rather than partial load teaching positions, that requirement is subject to operational requirements which presumably include faculty scheduling.

The other data from CBIS deals with the specific factors that drive the workload formula. Average class size has remained more or less constant ranging from 28.4 to 31 in the fall semester and from 27.2 to 29.3 in the winter semester. Over the entire system, the trend has been slightly downward over the decade. There is, however, significant variation by college. The

2006/07 data shows an average class size for fall and winter of 30 and 28 respectively. If you average the class size for Fleming, Fanshawe and George Brown, the averages are 39.5 and 37.0 respectively. The same calculation for Boreal, Northern and Sault yields 18.6 and 16.8.

The average number of students per teacher per semester (calculated by multiplying the average class size by the number of sections assigned to a teacher) has remained relatively constant in the fall semester (between 116.44 and 135.52 with the most recent number of 120). The winter number has been more variable (between 125.13 and 109.2). The latter number is the current value. If the data are examined in finer detail, there is a considerable difference between the large and small colleges. The average number of students per teacher at the three large colleges referred to in the previous paragraph is 158 while at the three smaller schools referred to above the average is 78.

Over the last decade the average Teaching Contact Hours (excluding coordinators) have decreased from 14.2 to 13.7. Average Preparation Hours have also decreased over this span. This decrease seems to be a reflection of the fact that there are fewer "New" attributions and more "Established B" and "Repeat B" preparations. The Evaluation/Feedback hours have remained relatively constant with only a slight decrease over this time period. The average complementary function time has increased from 9.5 to 10.6 in the fall semester and from 10.1 to 11.0 in the winter semester.

If one examines in some detail the data on student contact hours the data show that the average student contact time has fallen from 391.7 in the fall of 2001 to 372.4 in the fall of 2006. However if one looks at the five highest values of contact hours in 2001 and again in 2006 one sees a considerable increase. If one looks at the data at the local college level and not system wide the data appear to support the anecdotal evidence from some teachers at the regional meetings that increasing student numbers have made increasing demands on their time.

Across the system, between 1995 and 2005, the average total workload hours per week have decreased from 41.8 to 39.8 in the fall semester and from 41.6 to 40.1 in the winter semester. In 2006/07, total workload hours increased to 41.2 in the fall and 40.9 in the winter.

Enrolment at the colleges has increased from approximately 130,500 in 1995 to approximately 153,000 in 2007.

We recognize that the numbers quoted above are averages and do not reflect the fact that there may be considerable variations between colleges and departments in the distribution of workload. We have already alluded to some examples. Another clear example of variation is the 10 hour difference in average weekly workload between the highest workload

college and the lowest workload college. We can offer no explanation for that considerable difference except that we suspect some errors in reporting and/or recording. We draw several conclusions from this data.

First, it appears that student numbers have increased without a commensurate increase in full-time teaching staff. Since the full-time academic staff complement has only increased marginally we assume that the sessional and partial load staffs have been hired to meet the need of additional teaching which is the outcome from a number of factors in addition to the increase in student numbers over time.

Second, we conclude that the workload of teachers as reflected by the SWF has remained relatively constant over the last decade. The fact that the data reflect this constancy is not surprising when one notes that the formula which generates the SWF is very detailed and does not permit a great deal of flexibility. Many of the hours generated by the formula are “attributed” hours and may or may not reflect the actual time that a teacher spends on a task. However as a broad instrument maintaining some consistency of practice across the system the SWF appears to have been generally effective.

Third, if the data is accurate it would appear that for the “average” teacher and the “average” class the parties are able to live within the formula and thus the formula does what it seeks to accomplish, that is to set workload limits that may be appropriately demanded of a teacher and to distribute workload in a reasonably equitable way among staff.

Finally we note that the data can only be relied on, even as an accurate reflection of averages, if the SWF is set in good faith and with a proper application of the formula. We have no evidence of any systemic bad faith or “gerrymandering” to subvert the maxima set by the formula. We conclude that generally the formula has been applied properly and as dictated by the collective agreement. This conclusion is supported by the history of the workload dispute mechanisms set out in the collective agreement which we shall discuss later in this report.

GENERAL CONCLUSIONS

We started by dividing the issues raised by our analysis into three main groups. First there were issues that are highly specific and/or highly local. We think that these issues are best dealt with not under the collective agreement but by local discussions and local agreement. If the issue is of sufficient importance to the parties the normal dispute mechanisms are in place. Second there were issues that are of sufficient general importance that the parties may want to consider dealing with them in bargaining as discrete issues. Third

there were those issues that are of wide spread importance, but are not susceptible of solution by a specific change to any one part of the formula but that would be resolved by a mechanism agreed to by the parties that meets both their needs.

We conclude that there are three basic purposes served by the formula. The first is the equitable distribution of workload among faculty. Obviously this distribution cannot be exact in any workplace, and particularly in a workplace as complex and diverse as the community colleges. A very few of the specific complaints that we heard from faculty may come from an unrealistic expectation as to what the formula can achieve. The second purpose is to create a framework to guide the faculty in the allocation of their time among different tasks such as preparation, evaluation, complementary functions etc. Again the formula cannot be exact and one can safely assume that very few faculty members apply the strict mathematical calculations set out in the formula. The third, and perhaps most important, purpose is to set limits on what can be demanded by the College from the teacher. In this regard there are precise limits set out by the maxima governing total weekly hours, contact days per academic year, total teaching hours in any academic year, etc. Our recommendations could affect three of the maxima set out in the formula. They are the limitations on weekly teaching contact hours, the cap on weekly overtime, and the total hours in the work week.

We conclude that the formula system works adequately for a majority of programs and a majority of teachers and we believe that there are no compelling reasons to make major changes. We heard very few complaints with respect to the traditional method of classroom instruction and we note from our survey that almost two thirds of teachers use those methods and almost as many use the lecture method. It is not the formula itself that causes problems in these areas but rather its particular application. Most of our recommendations that fall within the first category set out above deal with these problems.

We also conclude that collegiality, academic freedom and professional development are important objectives in any college system and our recommendations have taken these objectives into account. We must note, however, that we detected some distrust between the parties that was present at all of the regional meetings. We hope that our recommendations may alleviate that distrust.

Finally we have not lost sight of the fact that our task is to make recommendations to guide the parties in bargaining. While some of our recommendations are specific we recognize that they are no more than a starting point. We have been specific, not because we presume to tell the parties what they need to bargain, but rather to suggest details that both sides may wish to consider in bargaining.

RECOMMENDATIONS

i) Flexibility

Our first substantive recommendation relates to the administrative concern to add a greater measure of flexibility to the formula process. Flexibility or lack thereof appears to be an issue for some programs. As evidenced in the Pilot projects clinical, field placement, studio and group-work programs are areas where an alternate workload assignment process was applied in a satisfactory fashion. Below we describe a mechanism that may assist in achieving more flexibility without jeopardy to the workload formula. We note that the Pilot Projects were designed to allow greater flexibility in programs where managers and faculty agree that such changes were desirable. We are not in a position to determine on a program by program basis what modifications need be made to the formula to achieve flexibility without jeopardizing the formula. Rather we have been guided by the Pilot Projects onto the path of finding a mechanism or structure that permits the parties to determine when and how the formula should be modified.

We recommend that the parties negotiate a mechanism to address flexibility concerns along the following lines:

In order to meet the needs of specific programs the workload formula set out in Article 11 may be amended in any academic year with the consent of the faculty member(s) and the consent of the local union. The consent of the union may not be unreasonably withheld. If the union refuses to consent, the College may refer the matter to the WRA who shall commence proceedings within two weeks. If the WRA determines that the withholding of consent is unreasonable the application of the formula in that specific program shall be amended as agreed to by the affected faculty members and academic managers.

What follows is our rationale for the recommendation and a subset of recommendations to flesh out and place limitations on the basic recommendation.

We note that the Council made a somewhat similar proposal in the last round of bargaining. There are, however, two significant differences between that proposal and this. First, management's proposal spoke of averaging total workload hours over the academic year. Second, it only required the consent of the faculty member. Our proposal does not speak of averaging. More importantly, we recognize that one of the basic tenets of collective bargaining is that it is the Union that bargains, not individuals. By requiring Union consent many of the allegations that flow from individual consent such as undue pressure by the employer or peers and unenlightened self interest on the part of the employee are dissipated. The *quid pro quo* for the requirement of Union consent is that it can not be unreasonably withheld. If a dispute

arises as to reasonability each side will have to set out its position for determination by a third party.

We have not added the proviso that the faculty member(s) cannot withhold consent unreasonably. We did so for two reasons. First, we are of the opinion that if the affected faculty as a whole do not support the modification, it will not succeed. This opinion was confirmed by managers at the regional meetings. Second, we note that the Pilot Project scheme was based on the voluntary participation of faculty and that the last negotiating proposal of the Council was also based on the concept of voluntary participation.

We do have a subset of recommendations to limit the application of this recommendation. They are as follows:

i) The total workload of any participating teacher under the modified workload should not exceed his or her workload in the preceding academic year.

ii) In determining whether the Union's denial of consent to the requested modification is reasonable the WRA shall be guided by those goals and factors set out in the Workload Pilot Agreement dated June 28, 2006. The WRA may also consider any other factors she/he deems appropriate.

iii) If the Union does not indicate that it objects to the alternate workload arrangement within 5 days of the receipt of the workload document, the matter will be considered to have been settled. (The parties will negotiate a specific time limit. We have simply chosen 5 days modelled on 11.02.E.2.)

iv) In determining reasonability regard may be had to the total percentage and total number of faculty working under modified workloads at the institution. The parties may wish to negotiate appropriate maxima, or "caps", as an alternative.

v) Assuming the agreement of the College and Union local, if two thirds of the faculty members in the department/program agree to the modifications, the proposal may go forward so long as the dissenting members have the opportunity to not participate in the modified workload plan.

vi) All of the provisions of Article 11 except those specifically modified by the agreed to plan shall apply to the modified workload.

vii) The parties may agree to modifications that are limited to one semester or extended to the academic year. The parties may also agree to modifications that are for two or more academic years or for the life of the collective agreement.

viii) Any dispute as to whether the modifications agreed to are in fact being followed must be referred to expedited arbitration.

ix) Workload assigned in this article requires documentation that includes details of the assigned workload, a copy of which is forwarded to the union local.

We believe that these recommendations in their totality could achieve at least the degree of flexibility that was evident in the Pilot Projects (and probably more) without jeopardizing the formula or undercutting Union bargaining rights. We also believe that the process could encourage collegiality among faculty and managers because it would require significant faculty/manager collaboration. It should also obviate the need for the practice of writing weekly or bi-weekly SFWs a practice which we do not believe is in keeping with the spirit of Article 11. We consider that any concern over potential radical departures from the formula are met by sub recommendation (i) and the concept of reasonability.

If the parties agree to a form of this subset of recommendations, they may want to consider placing their agreement in a Letter of Understanding that is attached to the collective agreement so as not to further expand Article 11. They may well wish to negotiate a time limit on such a letter by providing it shall last as long as the existing collective agreement or provide that it shall continue unless otherwise agreed. We believe that if successful modification of the formula that meets the needs of both sides is to occur, it shall occur by increments. We believe that if our recommendations or variations of them are accepted the parties will in fact develop a protocol for change that would be a useful template for further changes that future pressures, now unforeseen, may dictate.

ii) Preparation

Not surprisingly our survey showed that there was uniform agreement that teachers should arrive to class prepared and comfortable with their teaching assignments. At the regional meetings one contentious issue that emerged was the differentiation of curriculum development from class preparation. As we understand matters, the preparation factor is intended to cover the week-by-week preparation needed to prepare for each class and ought not to extend to substantive course modification or content development. Such curricular matters are handled through the provision of complementary time in a semester prior to the teaching of the course. This distinction between the two types of preparation generally seems to be clearly understood but the distinction may have become blurred at times, especially when a traditional delivery method is modified to include a substantial amount of on-line delivery or where a course is modified to include a significant amount of electronic content. The question

is whether the time spent in modifying the course to include the on-line component should be treated as preparation time or as curriculum development and the confusion seems to arise because such conversions may occur concurrently with the teaching of the course rather than in a preceding semester. In our opinion when the modification meets a certain level (affecting 20% or more of the course content) the time spent on the conversion should be treated as curriculum development and added to the SWF according to the provisions made by the collective agreement in Article 11.01 D3 (ix). Since we lack sufficient data, we can make no recommendation in this area but simply highlight this concern for the further consideration of the parties perhaps in bargaining. We do note that the SWF form contains a column entitled "Additional Attributed Hours" under the general heading "Preparation." As noted earlier, there is some inconsistency in the use of this category (if used at all), but we speculate that it may be a useful tool for such course revisions.

On a related matter, both the surveys and the regional meetings indicated concerns with distance learning. For example, among that subset of teachers for whom distance education was relevant, it was evident (by more than a 3:1 ratio) that such delivery required more time than traditional delivery methods. That said, responses relating to how much extra time was required spread out relatively evenly from 1 to more than 10 hours/week. Managers, on the other hand, were inclined to think that distance delivery involved little difference with respect to time required, but those who did see a difference thought distance delivery added rather than saved time (also by more than a 3:1 ratio). Conversely, our questions about the internet would seem to indicate that teachers and managers alike are inclined to see this technology as labour saving, rather than labour intensive.

We make no specific recommendation with respect to these concerns as they may relate to bargaining. More generally, however, we encourage the parties to develop guidelines, or list factors, to be considered by academic managers and teachers when reviewing the preparation component of faculty work assignments. The essential purpose of these guidelines would be to heighten awareness of the various factors that may affect course preparation, and any such guidelines should also be made available to the WMG.

iii) Evaluation

The issues raised by the allocation of time for evaluation and feedback under the formula are quite complex. First, one must distinguish between the process of evaluating students and the process of providing them with feedback relevant to that evaluation. On this latter point, we note that some faculty members' feedback to students ought properly to be considered under the complementary time allowed for routine out-of-class assistance to

students while we envision that only the time spent writing comments on student papers, explaining grades on an assignment to an individual student, or corresponding with a student about the evaluation of a particular assignment fall under the Evaluation factors at 11.01 E 1. All other out-of-class contact with students (meeting with a student who wishes to contest a grade, discussing assignments or progress through the course with a student, etc.) should, we feel, be covered under the complementary time allowed for such activity (with a minimum of 4 hours allotted each week).

Article 11.01 E 1 recognizes three types of evaluation with a descending scale of credit. These types range from essay or project evaluation outside teaching contact hours (given the most weight in terms of attributed hours) to in-process evaluation performed within the teaching hour (given the least weight in terms of attributed hours). Between these two extremes, the formula recognizes routine or assisted evaluation done outside teaching hours, as well as the blending of evaluation methods. There is a provision in Article 11.01 E2 (iv) dealing with courses in which there is a mix of evaluation methods. The underlying practical issue in this area is how the decision to adopt a particular evaluation method is made, but this practical issue masks more fundamental questions of academic freedom, professional expertise, and collegiality.

Our Teachers Survey tells us that the two most important factors affecting time spent on evaluation were the length and complexity of the assignments, and the number of students to be evaluated; however, the formula only takes into account the number of students. It does not tell us who makes the decision as to the types, number, and complexity of assignments. If such decisions are left to individual faculty members, it is easy to see the potential for excessive (i.e. unremunerated) evaluation resulting from good faith zeal. A number of faculty at the regional meetings indicated that they spent far more time working on evaluation than had been credited to them. Conversely one can imagine situations in which individuals might manipulate their evaluation methods for self-interested reasons. The regional meetings revealed a perception among some faculty that some managers were sacrificing the appropriate evaluation factor for the expediency of meeting overall formula restrictions. Such a perception could be damaging to faculty morale.

Our recommendation is designed to meet all these potential extremes. At the same time, it stresses another academic virtue, collegiality. What we feel is needed in this case is a method to balance pedagogical demands against the proper utilization of teaching resources in a more collegial fashion.

We recommend that for each program and/or course the evaluation methods be set in a consultative process by the affected faculty as a group and the academic manager and with the manager's approval placed in the course outline. All teachers are to abide by that outline. Any disputes between the faculty and the manager emerging from that consultative process are to follow the normal dispute resolution procedure, i.e., the WMG and the WRA.

Our intent in making this recommendation is to stress that the determination of evaluation methods should flow from consultations between the instructor(s) responsible for delivering the course(s) and the manager responsible for the overall program. Where teachers and managers cannot agree on evaluative methods, their dispute should be resolved through the existing appeal mechanisms and the decision of the WMG (or WRA).

We have used the generic expression "faculty group" as we assume that there is such a body, perhaps known under a specific name, in each department/program. Whatever its designation it is important to note that it is the collective, not the individual teacher, that is to reach agreement with the manager as to the evaluation method to be employed and that has the power to refer disputes to the dispute resolution mechanisms contained in the collective agreement.

iv) Complementary

Article 11.01 F deals with, but does not define, complementary functions. It does set a minimum allowance of 6 hours divided between assistance to students (4 hours) and normal administrative tasks (2 hours). It is worth noting that in setting such minima, the parties have created a relatively insensitive mechanism with potentially negative consequences. In addition to out-of-class assistance to students and administrative work, there are a number of other ancillary academic activities that are viewed as complementary functions and may have time attributed for them accordingly. Such activities include curriculum development, research, the mentoring of junior or part-time faculty, travel time for courses delivered at a distance from the college, or even the presentation of specific non-credit courses to local businesses. In short, because of its scope and the fact that it sets a minimum, and not a maximum, the complementary factor becomes something of a "catch-all" under the formula. This is not a bad thing as this factor -- when used to recognize particular circumstances -- does provide a significant measure of flexibility within the formula.

Our impression from the regional meetings, however, is that there is considerable variation among the colleges (and even perhaps between departments) as to the manner in which complementary time is attributed and used. While we are not so concerned with respect

to the variations between colleges, potential variations between departments within a college may be cause for concern to the faculty employed there. We make no recommendation on this issue of consistency and simply raise it for the consideration of academic managers.

Because of the vast number of permutations and combinations that can exist within the overall college system, we have no recommendation to make in regard to the multiplicity of circumstances and activities towards which attributed time is provided to employees under this category. It is, however, possible for us to examine the two specific areas set out in the article, assistance to students and normal administrative tasks. We shall deal with the latter first.

Our survey indicated that almost two-thirds of the teachers who answered our question about administrative assistance, felt that they could productively hand over two or more hours per week of work-related administrative tasks to support staff, if such staff were available. We see in this result a confirmation that attributing time for administrative tasks to faculty is a necessary component in the formula. Clearly both groups see this area as the least essential to the academic goals of the institution. Still, administrative tasks must be done and, in the absence of additional clerical support (and the anecdotal evidence from the regional meetings suggests that such support has been diminishing over the years), this work will fall to the teacher. The number of dollars going into the system is finite and to recommend the hiring of more clerical staff could have an adverse impact on the hiring and the financial position of academic staff. Further comment on this issue would, in any case, fall outside our mandate and expertise. The other area, routine out-of-class assistance to students, is a different matter.

Out-of-class assistance to students may take place face to face, by telephone, or by e-mail or other forms of electronic communication. The data regarding maximum class size combines with the anecdotal evidence received at the regional meetings to suggest that the student demands on particular faculty members may be insufficiently recognized. Indeed, several other indicators confirmed for us that student numbers may be placing significant pressures on the capacity of some teachers to render out-of-class assistance. We note, in particular, the congruence between the surveys on where additional time might be most productively employed.

While there are a number of factors that may affect the demands placed on faculty for student assistance (degree of student preparedness for the program, enrolment of students with special needs, etc.) within the context of the formula, we are of the opinion that we can only comment on one of those factors, total student contact hours.

While the CBIS data discussed earlier show that the average class size has remained more or less constant for the past decade, the data also show that total student contact hours may vary widely from one faculty member to the next. The fact that average class sizes have

remained constant is of little solace to a teacher whose total student contact hours are well in excess of the average and which translates into an excessive actual workload. We recognize that the number of students taught has little or no effect on preparation time (hence number of students is not a factor in attributing hours for "Preparation") and is already a component of the formula when attributing hours for "Evaluation /Feedback". However, except for the weekly 4 hour minimum and any additional complementary time provided, we also note that the formula does not stipulate any direct correlation between student number and out-of-class assistance (where student numbers have an obvious and direct correlation with the time demanded of a faculty member). In practice, we understand from the regional meetings, that academic managers may attribute additional complementary hours to faculty members with unusually high demands placed upon them and this is certainly an appropriate way to address conditions that can not reasonably be anticipated on an ongoing basis. The relationship between total student contact hours and student demands on faculty members' time does, however, strike us as something that could be more finely addressed under the existing arrangement.

We recommend that the parties negotiate a mechanism to address concerns over increased time needed for out-of-class student assistance when the total number of students taught reaches levels above the norm. We have adopted the concept of total number of students as the most workable basis for such a mechanism. To accomplish this mechanism, the parties should negotiate the following components: namely, a threshold number based on the total number of students taught that would reflect the existing notional four hours of out-of-class assistance now provided, and an escalator that would provide additional hour(s) for student assistance under complementary function.

In determining the threshold value and reflecting the total number of students, the parties should give consideration to the impact on assistance time required for students who are registered multiple times in a number of courses with the same teacher

We considered suggesting particular numbers to the parties with respect to both the threshold and the escalator, but decided against doing so as those numbers are best determined at the bargaining table.

A mechanism along these lines was presented by the Union under "Option C" in its brief to Arbitrator Kaplan.

v) Professional Development

The responses we received from managers and teachers to our survey questions in this area suggest that professional development is not particularly vibrant in the system. We have already discussed the major constraints to professional development revealed by the survey. To the extent that available institutional time is a constraint there is a link to the formula; however the collective agreement entitlement is clear and we assume that any dispute over time for professional development can be referred to the dispute resolution mechanisms. The other major constraints listed such as lack of funding and lack of available personal time fall outside our mandate. As a result we make no recommendations in this area, but do note that the need for professional development time for training, networking, becoming familiar with changes in the existing technology, and research must be met if the college system is to remain vibrant.

vi) Workload Dispute Mechanisms

We examined data and asked questions relating to the two dispute mechanisms in the collective agreement, namely the WMG and the WRA. Both mechanisms are essential to the operation of the workload provisions of the collective agreement because such a complex and comprehensive system as the workload formula established by Article 11 cannot function in a simple mechanistic fashion. Disputes will inevitably arise and their resolution will be required.

We examined data for the three academic years 2003 through 2006. The number of workload complaints in the system numbered 186 in 2003/04, 116 in 2004/05 and 189 in 2005/06. The number of complaints resolved by the WMG in that period was 149, 84 and 48 respectively. The number of complaints referred to a WRA was 22, 13 and 18 respectively.

We drew two positive conclusions from this data. First, the total number of complaints does not appear to be excessive. Given the thousands of SWFs created during the period, we would not have been surprised to find a greater number of disputes. Second, the system seems to work quite well in resolving disputes, particularly at the WMG level. We make no recommendations with respect to the dispute resolution mechanisms in the collective agreement other than to recommend it be used to resolve disputes that might be generated by the adoption of our other recommendations. We note specifically that if our recommendations in the area of flexibility are accepted it follows that the Union would have standing before the WRA.

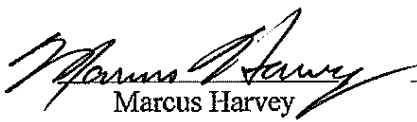
vii) Professional Standards and Relationships

Given the rise of applied degrees, college/university partnerships, and collaborative programs, Ontario's Colleges are clearly expanding and developing as complex institutions of higher education.

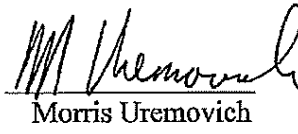
We recommend, therefore, that the parties consider mechanisms that will enhance collegiality, professional development, and academic freedom.

Collegiality, academic freedom, and professional development are important objectives in any college system and some of our other recommendations have also tried to take these objectives into account.

Dated at Toronto, the 20th day of March 2009


Marcus Harvey


Wesley Rayner


Morris Uremovich

Appendix A

Workload Taskforce Members

MARCUS HARVEY, BA (Western), MA (Queens), PhD (Florida) is a professional officer with the Canadian Association of University Teachers. He is currently overseeing CAUT's national study of faculty workload. Harvey served as a Vice President in the United Faculty of Florida, a higher education UniServ of the National Education Association. Later he moved to Berkeley, California, where he managed the west coast office of the American Association of University Professors. In that capacity, Harvey also served as Executive Director of the Berkeley Faculty Association, Managing Director of the Council of University of California Faculty Associations, and as the AAUP's liaison to the Academic Senate for California Community Colleges. Harvey staffed the AAUP's standing committee on Community Colleges on which he continues to serve in an advisory capacity. Harvey's dissertation in nineteenth-century American history examined the cultural significance of old age in the southern United States.

MORRIS UREMOVICH: Eng. Tech. Dipl.(Lakehead), B. Eng.(Lakehead), MBA (Athabasca), P. Eng is the Associate Director, Academic with the College Compensation and Appointments Council. From a private sector career in engineering, he moved to education where he has had an extensive 28 yr. background in Ontario, serving as a teacher at the post-secondary, college, and university levels. Morris has worked at two community colleges undertaking successive responsibilities as a Teacher, Chair, Dean, and Executive Dean. During his tenure, he has served on a number of national, provincial and local committees related to education. He has engaged in local and provincial union/management committees and served as a member of the most recent provincial bargaining team.

WESLEY RAYNER: BA (Western), LLB (Western), LLM (Yale), called to the Ontario Bar in 1966. He is currently a labour and commercial arbitrator and mediator and has acted in that capacity part or full time since 1970. He was a professor of law at Western's law school from 1968 to 1996 and served as Dean of the school from 1985 to 1990. He is the author of several books on topics that include property law, company law, mortgages and collective bargaining. His latest book, Canadian Collective Bargaining Law was published by Lexis Nexis in 2007. He was the first Chairman of OMVAP (Ontario Motor Vehicle Arbitration Plan). He has been a member of various professional societies including the Law Society of Upper Canada, the Ontario Arbitration Association, the Chartered Institute of Arbitrators (UK) and the National Academy of Arbitrators (US).

Appendix B

Workload Taskforce Mandate – March 31, 2004

Appendix A – Letter of Understanding

Ontario Public Service
Employees Union
100 Lesmill Road
North York, Ontario
M3B 3P8

College Compensation and
Appointments Council
2 Carlton Street, Suite 1102
Toronto, Ontario
M5B 1J3

March 31, 2004

Re: Workload Task Force

In that both parties have made proposals to adjust Article 11 in the last two rounds of negotiations and they have been unable to find mutually acceptable ways to make such adjustments, the parties agree to strike a joint task force to discuss and examine issues relating to Article 11 in more detail in an effort to assist the parties in negotiations.

In order to implement the task force, the Union and the Council shall each appoint three persons to sit on the task force. One person appointed by each party will be designated as a co-chair. The appointments shall be completed within 3 months of the ratification of this Collective Agreement.

The task force shall discuss and examine the following issues relating to the assignment of work to full-time faculty under Article 11:

- time spent in preparation, evaluation and feedback, and complementary functions
 - impact of e-learning and other alternative instructional modes
 - impact of class size
 - impact of total student numbers
 - curriculum development
 - professional development
 - scheduling of teaching contact hours
 - equitable assignment of workload to full-time faculty
 - impact on full-time faculty workload resulting from the use of non full-time faculty
 - impact of applied degrees
 - workload agreements
 - the Standard Workload Form
- and any other matters deemed appropriate by the task force.

The task force will report its findings, including possible amendments to the workload formula and any recommendations, to the parties by November 30, 2004.

Funding for the task force, including any costs associated with research or consultation as may be mutually agreed, shall be shared equally by the parties. The College will be reimbursed for time spent by the Union representatives on the task force in accordance with Article 8.02.

L. Casselman
President
Ontario Public Service
Employees Union

J. Farrell
Chair
College Compensation and
Appointments Council

Appendix C

Workload Taskforce Mandate – June 28, 2006

Pilot Project Letter of Understanding - June 28, 2006

Ontario Public Service
Employees Union
100 Lesmill Road
North York, Ontario
M3B 3P8

College Compensation and
Appointments Council
2 Carlton Street, Suite 1102
Toronto, Ontario
M5B 1J3

June 28, 2006

Re: Workload Task Force

The parties will establish as soon as possible a Task Force on Workload. Both parties will nominate one member. If the parties are unable to agree upon a chair, William Kaplan will choose the chair in a process of final offer selection. The Task Force is to complete its work by December 1, 2008. The Task Force shall discuss and examine the following issues relating to the assignment of work to full-time faculty under Article 11:

- time spent in preparation, evaluation and feedback, and complementary functions
- impact of e-learning and other alternative instructional modes
- impact of class size
- impact of total student numbers
- curriculum development
- professional development
- scheduling of teaching contact hours
- equitable assignment of workload to full-time faculty
- impact on full-time faculty workload resulting from the use of non full-time faculty
- impact of applied degrees
- workload agreements
- the Standard Workload Form
- Pilot Projects

and any other matters deemed appropriate by the Task Force.

L. Casselman
President
Ontario Public Service
Employees Union

D. Sinclair
Executive Director
College Compensation and
Appointments Council

Ontario Public Service
Employees Union
100 Lesmill Road
North York, Ontario
M3B 3P8

College Compensation and
Appointments Council
2 Carlton Street, Suite 1102
Toronto, Ontario
M5B 1J3

June 28, 2006

Re: Workload Pilots

In order to investigate alternative methods for teacher workload assignment, the parties agree to allow for the implementation of pilot workload projects.

The goal of each pilot project is to assess whether the model:

1. enhances or diminishes the quality of learning for students.
2. leads to improvements in teaching and learning.
3. leads to a reduction in the use of part-time staff and better usage of full-time teachers.
4. distributes work more equitably amongst the participating teachers.
5. could be applied to other departments/programs/colleges.
6. leads to greater satisfaction with workload assignments than the current model.
7. would be an efficient workload assignment process.

The following key principles will apply to each pilot:

1. Participation will be voluntary.
2. In order for a pilot project to be implemented in a department/program, at least two thirds (2/3) of the non-probationary full-time teachers in that department/program and the manager of that department/program must agree to implement and participate in the pilot project. Once a teacher has agreed to participate in the pilot project, the teacher will remain in the pilot project until its conclusion.
3. Teachers who have chosen not to participate in a pilot project, including those teachers working in departments/programs which are conducting pilot projects and who have chosen not to participate, will have the regular provisions of Article 11 apply to their workload assignments.
4. Results of each pilot project will be assessed and reported.
5. There will be a financial recognition for participating in the research related to the pilot project. Financial resources for the pilot projects will be held and distributed by the Council.
6. Pilot projects should be implemented in Colleges of various sizes and in different department/program areas.

7. Each College shall identify to the Steering Committee the pilot projects operating at that College.
8. No College shall have more than 10% of its full-time teaching faculty or 20 full-time teaching faculty, whichever is greater, participating in pilot projects at any time.
9. Participation shall be exclusive to teachers who have completed their probationary period.

Each pilot project shall be implemented in the following manner:

1. A pilot project must run for at least 28 weeks in order to qualify. Pilot projects using the Departmental/Program Model must cover the full academic year or a twelve month period. No pilot projects may run for more than twelve months.
2. The terms and conditions of each pilot project will be documented such that the goals can be appropriately assessed. The documentation related to the pilot project will be provided to the Pilot Project Steering Committee and a copy provided to the Union Local.
3. Each pilot project shall have evaluation reports and/or surveys to assess the pilot project's effectiveness in achieving the goals set out on page 107. The manager and each teacher involved in the pilot project shall participate in the evaluation reports and/or surveys. Such reports and/or surveys shall also assess possible improvements and/or modifications of the model.

Remuneration:

1. Each full-time teacher participating in a pilot project will receive \$1,000 as a research allowance upon completing the pilot project.

Steering Committee:

The parties agree that there shall be a Pilot Project Steering Committee comprising two persons appointed by OPSEU and two persons appointed by the Council. It will be the responsibility of the members of the Steering Committee to:

1. Collect the documentation related to the terms and conditions of each pilot project from the Colleges.
2. Request clarification of such documentation as may be required.
3. Assess Alternate Pilot Project proposals to determine their validity and viability in respect of the pilot project goals, principles, and implementation requirements, and to determine whether the project may be implemented.
4. If the Steering Committee is not able to come to agreement as to whether an Alternate Pilot Project should be implemented an independent Arbitrator will make that determination which will be binding on the parties. The Arbitrator will be drawn by lot from the list of Arbitrators in Article 32.
5. Ensure that no more than 10% of the full-time teaching faculty or 20 full-time teaching faculty, whichever is greater, at any College are participating in pilot projects and that all pilot projects are in compliance with the principles and implementation requirements as set out in this Letter of Understanding.

6. Select an independent research firm to develop appropriate assessment tools and surveys and report pilot project results to the parties.
7. If the Steering Committee is not able to come to agreement on the independent research firm within four months after the signing of the Collective Agreement, each party will identify the research firm which they prefer and an independent Arbitrator will make the selection which will be binding on the parties. The Arbitrator will be drawn by lot from the list of Arbitrators in Article 32.
8. Receive the reports from the teachers and managers participating in the pilot projects.
9. Authorize the release of funds to the independent research company.
10. Authorize the release of funds to the teachers (departments/programs) on completion of the pilot project, which will include participating in the necessary research.

The Council will pay any costs associated with the selection and work of the independent research firm. The College will be reimbursed for time spent by the Union representatives on the Steering Committee in accordance with Article 8.02.

ALTERNATE WORKLOAD ARRANGEMENTS

1. Departmental/Program Model

Instead of the workload arrangements specified in Articles 11.01 B 1, 11.01 C, 11.01 D 1 through 11.01 F, 11.01 G 2, 11.01 I, 11.01 J, 11.02 A 1 (a), 11.02 A 2, 11.02 A 3, 11.02 A 4, 11.02 A 5 and 11.08, the participating full-time teachers and their manager agree to implement a Departmental/Program Model.

The manager of the department/program shall identify the instructional, administrative, and other non-instructional activities that must be performed by the department/program during the academic year and the teachers and other resources which are available to perform such activities. The full-time teachers in a department/program will agree to the appropriate workload assignments for each full-time teacher participating in the pilot project for the academic year. The method of agreement of participating teachers shall be determined by the group (ie. consensus, majority, or some other method).

In determining workload assignments, the following non-exclusive list of factors shall be taken into account by the department/program:

- number of students per instructional grouping
- nature of courses
- number of different courses
- skills of available teachers
- marking requirements
- need for and availability of instructional support
- other instructional activities, administrative and other non-instructional responsibilities
- out-of-class assistance to students
- whether the teacher is teaching the course for the first time
- variation or changes to the curriculum
- specific instructional needs of students
- professional development

Subject to the agreement of the manager, the workload of the department/program will be assigned in accordance with the decisions of the participating teachers.

Each teacher's assignment for the academic year will be documented.

The pilot project documentation shall be provided to the Pilot Project Steering Committee and the Union Local.

If after a full-time teacher has received his/her workload assignment, he/she is not in agreement with it, then the teacher shall indicate in writing the nature of his/her disagreement and submit it to his/her supervisor who shall convene a meeting of the department/program to consider the issues identified.

In the event that the teacher is not satisfied by the outcome of the meeting and wishes to have the workload reviewed by the WMG, the teacher must so indicate in writing within three working days of the department/program meeting. Absent such indication, the teacher will be considered to be in agreement with the workload.

A timetable setting the schedule and location of assigned workload hours shall be put out on a timetable form to be provided by the College, and a copy shall be given to the teacher no less than two weeks prior to the beginning of the period covered by the timetable.

In the event of any difference arising from the interpretation, application, administration or alleged contravention of the applicable provisions of 11.01 or 11.02 or where issues remain outstanding concerning the teacher workload assignments, Article 11.02 A 6 (a) through Article 11.02 G shall apply.

2. Simplified Model

Instead of the workload arrangements specified in Articles 11.01 B 1, 11.01 D 1 through 11.01 F, 11.01 G 2, 11.01 I, 11.01 J, 11.01 K 3, 11.01 K 4 (ii), 11.02 A 1 (a), 11.02 A 2, 11.02 A 3, 11.02 A 4, 11.02 A 5, and 11.08, the participating full-time teachers in a department or program within a College may agree with their manager to work an average of no more than 16 teaching contact hours per week, over a maximum of 36 weeks during any academic year.

The participating teacher is responsible to ensure that appropriate preparation, evaluation, feedback and other complementary functions associated with these teaching contact hours are performed.

Teaching contact hours for a teacher shall not exceed 576 teaching contact hours per academic year for a teacher. Compensation for work in excess of this maximum shall be paid by the College to the teacher on the basis of 0.1% of the teacher's annual regular salary for each teaching contact hour in excess of the maximum.

The manager and each participating teacher will agree to and document how the non-teaching time in the academic year will be utilized.

No SWF will be provided but the assignment shall be recorded and provided to the Union Local and the project documentation shall be provided to the Pilot Project Steering Committee.

If after a participating full-time teacher has received his/her workload assignment, he/she is not in agreement with it and wishes to submit it to the WMG, then the teacher shall so indicate in writing within three working days of receipt. Absent such indication, the teacher will be considered to be in agreement with the workload.

A timetable setting the schedule and location of assigned workload hours shall be put out on a timetable form to be provided by the College, and a copy shall be given to the teacher no less than two weeks prior to the beginning of the period covered by the timetable.

In the event of any difference arising from the interpretation, application, administration or alleged contravention of the applicable provisions of 11.01 or 11.02 or where issues remain outstanding concerning the teacher workload assignments, Article 11.02 A 6 (a) through Article 11.02 G shall apply.

3. ALTERNATE MODELS

A department/program manager and the teachers in that department/program may agree to implement an Alternate Model Pilot Project. The terms and conditions of the Alternate Model Pilot Project will be appropriately documented.

Prior to implementation, proposals for Alternate Models must be approved by the Pilot Project Steering Committee.

L. Casselman
President
Ontario Public Service
Employees Union

D. Sinclair
Executive Director
College Compensation and
Appointments Council

Appendix D

Teachers Survey Tabular – Leger Marketing

File Name: AppendixD_Ontario Colleges Workload Task Force Teachers.pdf

Appendix E

Managers Survey Tabular – Leger Marketing

File Name:Appendix E_Ontario Colleges Workload Task Force Managers Report.pdf

Appendix F

Survey Data Raw Teachers and Managers – Leger Marketing

File Name: Appendix F_teachers coded.pdf

File Name: Appendix F_managers coded.pdf

Appendix G

FULL-TIME & PART-TIME ACADEMIC STAFF EMPLOYEES

Year	Full-time*	Sessional	Partial Loads	Part-time Credit	Part-time Non-Credit
1996	6774	467	612	5747	2500
1997	6499	519	762	5786	2517
1998	6288	634	873	5735	2436
1999	6346	518	674	5331	1822
2000	6277	927	1261	6001	1679
2001	6373	735	1420	5578	1684
2002	6391	987	1592	5368	1559
2003	6576	990	1645	5411	1907
2004**	6634	821	2035	5981	1576
2005	6738	913	2010	6113	1798
2006	6840	940	2408	6591	1387
2007	6986	953	2708	6324	1646

Notes:

* Full-time numbers include Professors, Instructors, Counsellors & Librarians

** In 2004, colleges did not report sessionals over 18 hours per week.

Appendix H

Survey Data – SPSS Files for Teachers and Managers – Leger Marketing

File Name: Appendix H_81815002 managers.sav

File Name: Appendix H_81815002 teachers.sav

Appendix I

Survey Questionnaires for Teachers and Managers – Leger Marketing

File Name: Appendix I_Screen Shots of Ontario College Workload Task Force Teachers.pdf

File Name: Appendix I_Screen Shots of Ontario College Workload Task Force Managers.pdf

