

IN THE MATTER OF AN ARBITRATION

BETWEEN: ST. LAWRENCE COLLEGE OF APPLIED ARTS AND
TECHNOLOGY

AND ONTARIO PUBLIC SERVICE EMPLOYEES UNION

AND IN THE MATTER OF THE GRIEVANCE OF J. LUBIMIV

BOARD OF ARBITRATION: J.F.W. Weatherill, Chairman
R. Cochrane, Union Nominee
K. Hallsworth, College Nominee

A hearing in this matter was held at Ottawa on May 28, 1981.

C. Paliare for the Union

C.F. Murray for the College

A W A R D

In this grievance, dated January 25, 1979, it is alleged that the grievor is improperly classified as Instructor. The grievor seeks to be reclassified as a Teaching Master.

There are two teaching classifications provided for by the collective agreement: Instructor and Teaching Master. Neither is defined in the agreement. The classification of Instructor, however, has been defined by the Classification Review Committee, and it is agreed that that definition is to be applied in the instant case. The definition is as follows:

CLASS DEFINITION - INSTRUCTOR

The INSTRUCTOR classification applies to those teaching positions where the duties and responsibilities of the incumbent are limited to that portion of the total spectrum of academic activities related to the provision of instruction to assigned groups of students through prepared courses of instruction and according to prescribed instructional formats; and limited to instruction directed to the acquisition of a manipulative skill or technique; and under the direction of a teaching master. Notwithstanding such prescription, the INSTRUCTOR is responsible for and has the freedom to provide a learning environment which makes effective use of the resources provided or identified, work experience, field trips, etc., and to select suitable learning materials from those provided or identified to facilitate the attainment by the students of the educational objectives of the assigned courses.

The INSTRUCTOR'S duties and responsibilities include:

- ensuring student awareness of course objectives, instructional approach, and evaluation systems;
- carrying out regularly scheduled instruction according to the format prescribed for the course, including as appropriate classroom, laboratory, shop, field, seminar, computer-assisted, individualized learning, and other instructional techniques;
- tutoring and academic counselling of students in the assigned groups;
- evaluating student progress/achievement, assuming responsibility for the overall assessment of the students' work within the assigned course, and maintaining records as required;
- consulting with the Teaching Masters responsible for the courses of instruction on the effectiveness of the instruction in attaining the stated program objectives.

In addition, the INSTRUCTOR may, from time to time, be called upon to contribute to other activities ancillary to the provision of instruction, such as procurement and control of instructional supplies and maintenance and control of instructional equipment.

This definition is a restrictive one, and from a reading of the report of the Classification Review Committee as a whole, it is clear that the category of Instructor was intended to have "a restrictive scope", and is to be limited to some - but not all - situations of "hands-on" skill training, as the Committee put it. The term is thus defined in a quite particular way for the purposes of the collective agreement. The effect of the provisions with respect to teaching classifications, and the definition set out in the report of the Classification Review Committee is that, if one teaches at one of the Community Colleges, one is a Teaching Master unless one comes within the restricted category of Instructor. The category of Teaching Master may thus become - depending on the range of teaching assignments -

a rather broad one, especially by contrast with the precisely and narrowly defined category of Instructor.

The grievor has been a full-time teacher at St. Lawrence College since August, 1974, that is to say shortly after receiving her diploma in Animal Care Technology from the College. Most of her teaching has been in laboratory courses, and she has only occasionally been involved in teaching by the traditional lecture method. At the times material to this case the grievor's most substantial teaching activity was in the presentation of a course in Surgical Assisting. This is a course given to third year animal care students, and it involves a two-hour session each weekday morning over two semesters.

The Surgical Assisting course is taught to small groups of students, and involves their participation in the various roles - save only that of veterinary doctor - in an actual operating room setting, for the performance of surgery. A different group participates each day, there being a common lecture for all groups given by the grievor once per week.

There is a Teaching Master for the course, being the doctor who actually performs the surgery each day. The grievor's work in the daily classes involves instructing students as to the roles, and ensuring that everything is ready for surgery. When the doctor arrives, the grievor's portion of the class is over, and she leaves. The Teaching Master does not direct the grievor with respect to her work in the course. There is a manual for the course, on which the grievor and the Teaching Master are shown jointly as having prepared the revision.

Certainly much of what is done in this course may properly be described as "hands-on" instruction in manipulative skills. This is obviously true of such matters as room preparation, scrubbing, animal restraint, and the like. Such a description is less appropriate with respect to matters such as anaesthesia, where the teacher must ensure that students have a proper knowledge not merely of the techniques for administering drugs (and there is a wide variation in the size and characteristics of the animals being treated) but also of the characteristics of the various drugs available and of their appropriateness in particular situations. In addition, the teacher is concerned not

merely with the "manipulative skills" of the students, but also with their attitude and deportment: with their understanding of their work and its implications and with their professionalism.

In our view, then, while the teaching of the course in Surgical Assisting is to a large extent "directed to the acquisition of a manipulative skill or technique", it is not limited to that, but goes beyond it in a significant way. While many aspects of the course might be said to follow "prescribed instructional formats", not all of them do. The existence of a detailed course outline is not the same thing as that of a "prepared course of instruction" as that phrase is used in the Classification Review Committee's report. In the instant case, the grievor taught something more than the techniques of routine procedures, and she had resort to something more than prepared or prescribed materials quite often.

Apart from the foregoing, the grievor, as we have noted, gives a weekly lecture, which she prepares herself, from her own materials, as part of the course. No one gives any direct supervision. As to the marking of the students, the grievor assigns about seventy per cent of the students' marks in the course while the doctor - the Teaching Master - assigns about thirty per cent of the total mark, in respect of that portion

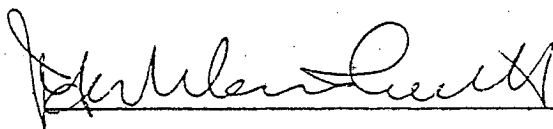
of the course in which he is involved. It cannot properly be said that the teaching done by the grievor is done "under the direction of a Teaching Master" in the sense in which the Classification Review Committee used that phrase.

For the foregoing reasons, we do not consider that, having regard to her teaching in the Surgical Assisting course, the grievor was acting as an Instructor. Her work was not limited in the ways the definition of the classification sets out.

We are of the same view with respect to the laboratory courses taught by the grievor. In this respect, what has been said in the Boone case between the same parties with respect to the same or similar courses applies here. What is taught is, often, not merely manipulative skills, that is techniques of setting-up and operating equipment, but interpretive skills as well - understanding and evaluating test results - as well as such matters as determining what tests to run, or procedures to follow in the first place.

Since, as we find, the grievor's teaching does, in a substantial and significant way, go beyond the rather narrow limitations set out in the definition of the Instructor classification, it is our conclusion that the grievor does not come within that classification. It follows that she should be classified as a Teaching Master, and we so award. The grievor is entitled to compensation for loss of earnings, and this board retains jurisdiction to deal with the matter of the amount of such compensation in the event the parties are unable to agree thereon.

DATED AT TORONTO, this 17th day of August, 1981



Chairman

"I concur. R. Cochrane"

Union Nominee

College Nominee

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DISSENT

Having considered the award of the Chairman, I am unable to agree with the decision to allow the grievance of Mrs. J. Lubimiv and to award compensation for loss of earnings.

In my view the grievor's duties and responsibilities were limited to that portion of the total spectrum of academic activities related to the provision of instruction through prepared courses of instruction and according to prescribed instructional formats directed to the acquisition of manipulative skill or technique and under the direction of a Teaching Master.

I find it difficult to imagine a group more clearly under the direction of anyone than a group of assistants in an operating room and their Instructor being under the direction of the surgeon.

Surely, even in an animal operation the surgeon, who is the Teaching Master responsible, will not proceed with the operation unless all of the preliminary preparations are made entirely to his satisfaction and inadequacies are brought forcefully to the attention of everyone concerned, including the Instructor.

In my view, even if the Class Definition - Instructor is interpreted restrictively, the relatively few deviations from strictly "hands on" training cited in the majority award can be comfortably contained in the following words from the Class Definition.

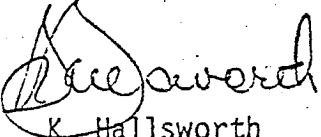
"Notwithstanding such prescription, the Instructor is responsible for and has the freedom to provide a learning environment which makes effective use of the resources provided...and to select suitable learning materials from those provided or identified to facilitate the attainment by the students of the educational objectives of the assigned courses."

It seems to me this covers, for example, text book descriptions of the various drugs and their appropriateness in particular situations, as well as identification of what is seen in a microscope.

As a general observation, I cannot believe that the Classification Review Committee in defining an Instructor's duties and responsibilities as providing instructions directed to the acquisition of a manipulative skill or technique (no matter how narrowly defined) but also as being

free to provide a learning environment to facilitate the attainment by the students of the educational objectives of the assigned courses, intended to purge entirely from the Instructor's arsenal the application of cognitive and interpretive skills in attaining these objectives.

I believe the grievor is properly classified as an Instructor and that the grievance should fail.


K. Hallsworth

