

IN THE MATTER of a Collective Agreement
between the Ontario Council of Regents
for Colleges of Applied Arts & Technology
and the Ontario Public Services Employees
Union (for Academic Employees);

Feb 24 / 87

AND IN THE MATTER of an Arbitration pursuant
to Article 4.02 of the said Agreement,
heard on Friday, the 20th of February,
1987, in London.

B E T W E E N:

GARY FORDYCE

Teacher

- and -

FANSHAWE COLLEGE OF
APPLIED ARTS & TECHNOLOGY

College

ISSUE TO BE DETERMINED

Is the laboratory evaluation factor (0.0121) attributed
to this teacher for the electrical component of the M.A.P.
40 program correct.

REMEDY SOUGHT

The rejection of factor 0.0121, and the substitution
of factor 0.030.

FACTS

1. A draft SWF was provided to the teacher in July, 1986. For acceptable reasons, the teacher had no input into the final SWF which went into effect for him on the 1st of September, 1986.
2. Section 4.02(1) provides the mechanism for establishment of a teacher's SWF. It provides for an exchange between the teacher and the supervisor on any dispute over the workload assigned. The type of evaluation/feedback required by the curriculum is part of the consideration going into the establishment of the SWF.
3. There is disagreement between the parties with respect to the initial set-up of this teacher's SWF. Sec. 4.02 indicates that the teacher must follow the procedure set out therein if he wishes to dispute the SWF; otherwise, he shall be considered to be in agreement with the total workload. The disagreement appears to have arisen because of the teacher's vacation, and his absence when the SWF was being formulated. The college concedes that the grievance was pursued in a timely manner, and indicates that its concern with the teacher's lack of initial involvement relates solely to his misapprehension as to what is required in the lab evaluation, and how the said factor was determined. No adverse inference is to be drawn from the memos of July, 1986, to the teacher.
4. Sec. 4.01(5)(a) sets out the formula for attributing hours for evaluation and feedback. The ratio is determined by factors assigned to three categories, "Essay or Project" at 0.030, "Routine or Assisted" at 0.015 and "In-Process" at 0.092. It is agreed that the categories are not separate and distinct, but rather are on a gradient,

with some projects requiring more than one type of evaluation/feedback.

5. In this case, the said factor under dispute was arrived at by adding 50% of the "Routine or Assisted" factor to 50% of the "In-Process" factor which produces 0.0121.
6. The method of evaluation of the course consists of 70% for Theory and 30% for Applied Practices.
7. The Applied Practices portion is further broken down into two parts. Part 1 is based on "daily observation" and is worth 15% - or 50% of the 30%. Part 2 is based on "selective sampling" of task completions such as Direct or Indirect Evaluation of Competence. It, too, is worth 15% - or 50% of the 30%.
8. The issue relates to the Indirect Evaluation of the Competence portion of the Practical assessment based on selective samples of task completions. The issue arises because of the choice that the teacher has in requesting either paper based tests or lab reports as part of the evaluation process. A sample was provided by the teacher for my consideration at the hearing.
9. The College considered initially that the entire Applied Practice portion of the student evaluation was in fact governed by an "In-Process" evaluation factor. It reconsidered that position, and determined, because there was some "extra" consideration involved by the teacher, that the factor which would more truly represent the time required would be greater than the "In-Process" factor, so it added a portion of the "Routine or Assisted" factor and came up with the 0.0121 as indicated above.
10. The teacher considers that this is inappropriate and states that the proper factor is 0.030, the factor associated with the "Essay or Project". He supports this contention

by looking at the definitions in 4.01(5)(b), particularly (i), which refers to "student performance based on behavioural assessments compiled by the teacher outside of teaching contact hours". He further states that because "paper based tests" or lab reports under Part 2(b) of Applied Practice must be assessed outside of teaching contact hours, and are "behavioural assessments" of his students, they cannot attract a factor relating to either "In-Process" or "Routine or Assisted" as defined in Sec. 4.01(5)(b)(ii) or (iii).

11. The College says that the teacher has assumed too much in expanding the nature of the reports required, and even if a simple paper based test had to be evaluated outside of the teaching contact hour, it is minimal and is reflected in the factor as allotted, or even in the factor as established for "In-Process" evaluation itself.

AWARD

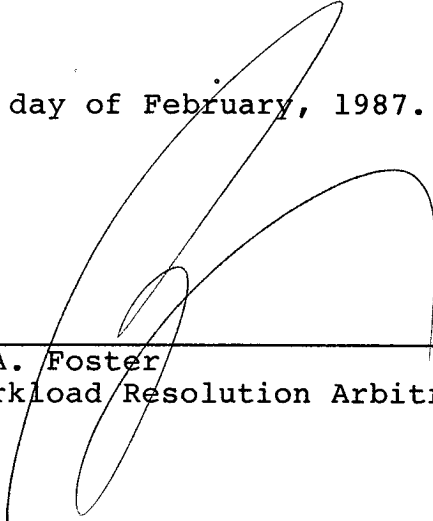
On the basis of all of the information provided to me, and upon my reading of the appropriate sections, I find as follows:

1. The College provides the student with a Course Information sheet which it is obliged to hand to each student;
2. The College and the teacher are apparently bound to follow the format set out therein;
3. The College is responsible for the drafting of the "Methods of Evaluation", subject to Provincial Guidelines, including Part 2, Indirect Evaluation of Competence. It could have confined the assessment in

Part 2 to "In-Process" evaluation and feedback as defined in Sec. 4.01(5)(b)(iii);

4. The College gave the teacher the option to assess the student right in class or to assess the student by paper test to be marked outside of class - this is not to be confused with the assessment under Assignments of the Theory portion of the evaluation;
5. And, irrespective of the extent of that assessment, on a plain reading of the definitions, I cannot see how the College could utilize "Routine or Assisted" as part of the proper formula. It is not applicable as there is no mechanical marking assistance or marking assistants involved;
6. Both sides accept the fact that there is a gradient between these categories. Because of that, and because these reports are such a minor portion of the overall Applied Practice assessment, I believe that the proper factor is 0.0196, being one half of the "Essay or Project" factor and one half of the "In-Process" factor.
7. I believe that the parties can work out the appropriate mathematical remedy and will leave that to them unless specifically requested to do otherwise.

DATED AT London, this 24th day of February, 1987.



B.A. Foster
Workload Resolution Arbitrator