

## NEW COLLECTIVE AGREEMENT PROVISIONS ON TENURE/ PROMOTION AND CONTINUING APPOINTMENT: OVERVIEW

### Overview of Collective Agreement Changes

In the course of negotiations for the 2013-16 collective agreement between the University and the University of Winnipeg Faculty Association (UWFA), there was significant discussion by the parties about the processes for tenure, promotion, and continuing appointment. The parties' shared goal was to develop a fair, clear, and consistent process that combined peer review with clear and consistent standards within and across Faculties, without altering or diminishing academic standards. In a Letter of Agreement signed on December 16<sup>th</sup>, 2013, the parties ultimately agreed to establish new promotion, tenure, and continuing appointment procedures. The new language was drafted and signed by the parties at the end of May 2014 and comes into effect for the 2015-16 academic year.

There is **no longer a separate article governing tenure** because tenure and promotion to Associate Professor have been 'inextricably linked' for some time. Both tenure and promotion are dealt with in Article 25. The new Article 24 deals with continuing appointment only.

### The TPCAC

For continuing appointment, tenure and/or promotion applications, the DPC and the FTPC will be replaced by **a single Faculty-level committee** (the Tenure, Promotion and Continuing Appointment Committee or **TPCAC**) chaired by the **Dean** (non-voting), comprised of:

- the applicant's **Chair** (non-voting),
- **two nucleus members** appointed by the Dean (normally from the Dean's Faculty and normally from different Departments) and
- **three Members of the applicant's Department** (or where necessary, a closely related discipline).

The Dean is responsible for constituting the TPCAC for the Faculty to consider Members' applications for promotion (including promotion with tenure) and continuing appointment.

The Dean is responsible for ensuring that the TPCAC process is fair, with particular regard to conflicts of interest and circumstances that could create a reasonable apprehension of bias for the applicant. The Dean has the authority and responsibility to replace a committee member for consideration of any application where there is a conflict of interest or reasonable apprehension of bias.

In accordance with a Letter of Understanding signed between the Employer and the UWFA, absent other evidence, co-authorship and collaboration with the applicant for professional outputs and publication shall not normally amount to a conflict of interest or reasonable apprehension of bias with respect to Department Members who serve on the TPCAC. Each case shall be examined based on its particular circumstances.

However, a Department Member shall not participate in a TPCAC for an applicant, when the Dean is satisfied that the Member:

- a. has engaged in prior co-authorship and collaboration on a substantial quantum of the material presented for the deliberations of the TPCAC; or
- b. is involved in current and on-going collaboration or co-authorship with the applicant for a grant competition or other contract expected to result in monetary compensation.

Except as otherwise provided in the Agreement, the deliberations and recommendations of the TPCAC are confidential.

**Note: The TPCAC will be implemented and replace the FTFC in 2015-16. However, in 2015-16, the TPCAC will utilize only the general criteria and conditions outlined in the current Collective Agreement.**

**One of the responsibilities of the University and UWFA was to determine appropriate transition terms. The following has been agreed to between UWFA and the Employer:**

1. Members who apply for tenure, promotion or continuing appointment on or before June 30, 2016, for consideration in the 2016/17 Academic Year, shall have the option of having their applications evaluated pursuant to:
  - a. The applicable conditions and general criteria set out in the Agreement only; or
  - b. Both the applicable conditions and general criteria set out in the Agreement and the faculty-based criteria; and
2. Members who apply for tenure, promotion or continuing appointment in any subsequent year shall have their applications evaluated pursuant to both the applicable conditions and general criteria set out in the Agreement and the faculty-based criteria.

### **The DPC**

The DPC will continue to conduct annual evaluations and will provide the Dean with a list of potential members to sit on the TPCAC to consider applications for promotion, tenure, and continuing appointment from the Department.

## TPCAC Nominees

By **October 1st** of each year, the DPC will provide the Dean with a list of at least five (5) Members of the Department (or where necessary, a closely related discipline) as nominees for the TPCAC that will consider applications from the Department for tenure, promotion, and continuing appointment each year.

**Two of the significant governing principles for the composition of the faculty based tenure and promotion process are representation by and from a members' discipline, and representation by and from tenured Faculty. These principles are normally best realized by representation from the applicant's Department; however, it is recognized that not all Departments have the requisite number of tenured Faculty to provide a list of five names from their own Department. As such, the following has been agreed to between UWFA and the Employer:**

1. Where the Department has a sufficient number of tenured Faculty available to serve on the TPCAC, such Faculty shall be nominated, and shall serve on the TPCAC; and
2. Where there are an insufficient number of available tenured Department members to nominate five (5) from the Department:
  - a. The DPC shall nominate **up to** three Department members who hold a probationary appointment at the rank of Assistant Professor; and
  - b. The Dean shall ensure that at least two (2) of the voting members of the TPCAC shall be from the applicant's Department; and
  - c. The Dean shall ensure that at least three (3) of the voting members of the TPCAC (including nucleus designates) shall be tenured Faculty.

Should the Department be unable to submit a list of five nominees having considered all of the above, the DPC shall complete their list of nominees with members from a related discipline.

## Annual Evaluation Criteria

Effective the 2015-16 academic year, each DPC and Chair will formulate criteria of qualitative and/or quantitative measurement in the three areas of evaluation, **having regard to the Faculty-based criteria for continuing appointment and promotion established by the Dean for the Faculty** and provide them in writing to the Dean for review. The DPC and the Chair will have until November 30, 2015 to submit these criteria in order to ensure they have sufficient time to become familiar with the Faculty-based criteria. **NOTE:** The annual evaluation criteria formulated by DPC's in the Fall Term (2015) will apply to evaluations commencing in the 2016-17 academic year.

Once approved by the Dean, these criteria of qualitative and/or quantitative measurement may be reviewed by the Chair and DPC every five (5) years. In evaluating members' annual performance, the options are now Unsatisfactory, Satisfactory and Excellent (instead of Exceptional).

### **Faculty-based Criteria**

Deans are responsible for setting criteria for tenure, promotion, and continuing appointment within their Faculties. In accordance with the Letter of Agreement between the parties, these Faculty-based criteria have been established following consultation with **Chairs and DPC chairs** (who were given the opportunity to provide written submissions), and with the Provost and **Vice-President (Academic)**. The purpose of the Faculty-based criteria is to specify how the conditions and general criteria set out in the Collective Agreement apply in each Faculty in order to warrant promotion to the next rank or the granting of a continuing appointment. These Faculty-based criteria are consistent with the Collective Agreement, while providing more specific information relevant to expectations in each Faculty. The Faculty-based criteria for all Faculties will be posted on the University's website and reviewed every 5 years.

In order to be promoted or be granted tenure or a continuing appointment, Members must meet the **existing conditions and general criteria** set out in the Agreement. Commencing in 2016-17, and based on an agreement reached between the University and the UWFA, applicants will have the option of being evaluated pursuant to the existing conditions and general criteria set out in the Agreement alone or the existing conditions and general criteria set out in the Agreement and **the Faculty-based criteria**. Commencing in 2017-18, both the existing conditions and general criteria set out in the Agreement and the Faculty-based criteria will apply to all applicants.

In order to clarify both the **internal and external service requirements** in the Collective Agreement and the Faculty-based criteria, the Employer and the UWFA have agreed as follows:

1. All Members are required to make internal service contributions;
2. Members are not required to make external service contributions. However, if Members choose to make external service contributions, these contributions may be submitted for consideration for the purposes of annual evaluations and applications for tenure, promotion and continuing appointment; and
3. Where a Member engages in external service, and especially where that external service is proffered by the member as demonstrative of satisfactory or excellent service performance, the onus will be on the Member to explain the relevance of the external service work and to show how it enhances their discipline and/or the University.

## **Tenure, Promotion & Continuing Appointment Process**

The date for receipt of applications for promotion, tenure, or continuing appointment for the current 2015-16 academic year is August 1. Commencing in the 2016-17 academic year, the deadline will be **June 30**. Revised application forms will be available on the University's website.

A list of applicants from each Department will be provided to DPC Chairs following the application deadline to aid in formulating the list of TPCAC nominees.

The applicant provides the TPCAC with whatever information he/she or the TPCAC deems necessary to justify his/her being granted tenure, promotion, or continuing appointment. All applications shall also include the materials listed in Article 24.03 for continuing appointment and Article 25.05 for tenure and promotion. External references are required for all Faculty Members' applications for promotion to Associate Professor and Professor.

Following consideration of applications by the TPCAC, recommendations will be made by the TPCAC, the Chair, the Dean, the Provost and VPA, and the final decision will be made by the President. Decisions regarding the granting of continuing appointment shall be made by March 31<sup>st</sup> and decisions regarding tenure and/or promotion shall be made by May 31<sup>st</sup>.

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