



Negotiations Report

26 January 2009

Tenure and Promotion

Mount Royal's AUCC application states that "Mount Royal's Academic Plan sets a course for an undergraduate institution that is deliberate about excellence in teaching and learning that is informed by scholarly work and research." In our transition to a university, we are striving to maintain excellence in teaching as we introduce scholarship into faculty work.

Tenure and promotion criteria and processes will become an important part of faculty life at Mount Royal. The expectations for teaching, scholarship and service in the two work patterns will inevitably affect how faculty spend their time.

Tenure and promotion decisions are pivotal in an academic career – the tenure decision determines whether a faculty member will obtain a permanent academic appointment and promotion decisions acknowledge levels of achievement and future expectations. Having procedures for tenure and promotion in the Collective Agreement protects members by ensuring that candidates are treated fairly and equitably and that arbitrary changes to processes or criteria will not be made.

MOU Regarding Academic Rank and Promotion

As stipulated in the Memorandum of Understanding Regarding Academic Rank and Promotion in the current Collective Agreement, a subcommittee of the MRFA and Board negotiating committees is currently meeting to devise a system of academic rank and promotion. See page 60 of the Collective Agreement for the guiding principles agreed to by both parties and the expected activities of the subcommittee. Determining how existing faculty will be placed in a new system of academic rank is part of the subcommittee's work.

Preliminary discussions about rank, tenure and promotion during collective bargaining last year led to the Memorandum of Understanding. In January 2008, the recommendations of the Task Force on Faculty Roles and Responsibilities were presented jointly to the negotiating teams. Prior to that, the MRFA Negotiating Committee had surveyed the membership and met with every academic department and unit.

Both negotiating committees felt that it was important to continue our work with no changes in membership and to build on the relationships developed during our successful interest-based bargaining last year. Confidentiality is an important part of the negotiating process, unlike the Appointments, Promotion and Tenure Committee of General Faculties Council

(APTC), which will soon be releasing a report to the college community. The two-tiered process of APTC's public reporting and the MRFA subcommittee's *in camera* deliberations has created some confusion among faculty, who may not understand that tenure, rank and promotion language must be negotiated through collective bargaining. We welcome the synergy of the APTC contribution, but we are mindful that not all of the APTC recommendations will necessarily survive the collective bargaining process.

The work of the subcommittee is scheduled to be completed by March 15, 2009, when it will make recommendations to both bargaining teams. Formal negotiating will then begin under limited terms (see page 59 of the Collective Agreement).

All members of the Negotiating Committee welcome your comments and opinions as we work towards a ratification meeting expected in the Spring.

Tenure and Promotion at Brock University

The subcommittee has selected several Canadian universities, similar in size and/or mandate, to serve as models in developing a system of rank and promotion for Mount Royal. The President of Brock University is a member of the AUCC Visiting Committee and information about Brock can be found on our [AUCC Application web site](#).

Following are some of the clauses related to tenure and promotion in the [Brock Collective Agreement](#):

1. "A member applying for tenure shall also apply for promotion to Associate Professor at the same time." Although the criteria for promotion to Associate Professor are the same as the criteria for tenure, it might be possible to be granted tenure without being promoted to Associate Professor. However, in many universities an Assistant Professor is automatically promoted to Associate Professor when tenure is granted.
2. "A faculty member shall be eligible for promotion to Professor because of:
 - i. Sustained scholarly excellence plus sustained high quality teaching and a consistent and demonstrated record of service; or
 - ii. Sustained excellence in teaching plus a sustained high quality record of scholarly, creative or professional work and a consistent and demonstrated record of service."
3. Prior to the consideration of dossiers, the University Committee on Promotion and Tenure "shall meet to review the provisions of this Article. This review shall include discussion of the criteria and evidence upon which tenure and promotion decisions are made and the diverse forms of scholarship that exist across the University (see Article 21.11 (a), (b), and (c))." (these articles provide detailed lists of evidence that can be used to demonstrate the quality and effectiveness of teaching, the quality of scholarly activity or creative work, and service contributions)
4. If the University Committee on Promotion and Tenure is considering a negative recommendation, the candidate and the Chair of the Department are informed of the

concerns in writing. The candidate and the Chair are invited to appear before the Committee. The candidate has the right to submit additional information and to be accompanied and/or represented by an Association representative.

5. The Tenure and Promotion Appeals Committee consists of faculty members appointed jointly by the President of the University and the President of the Faculty Association. It is a standing committee from which hearing panels are drawn.

An appeal dealing with a deferral of tenure or a denial of promotion is a reconsideration of the recommendation of the University Committee on Promotion and Tenure, based on the information that was available to the Committee. In the case of an appeal dealing with denial of tenure, the panel shall consider any new information.

The Collective Agreement contains detailed procedures for handling an appeal. The University will provide legal counsel if it is deemed necessary. The appellant and the President may be assisted and/or represented by an advisor. The University and the Association each appoint an observer for the hearing.

The decision is final and binding and can only be grieved on alleged violations of the articles on Promotion and Tenure, Academic Freedom, or No Discrimination.

Tenure and Promotion at Nipissing University

We did not select Nipissing as one of our models, but their new collective agreement will contain several ideas that we may consider in crafting our tenure and promotion system.

The tenure and promotion procedures at Nipissing were initially completely outside of the collective agreement. However, detailed rank, tenure and promotion clauses will be added to their next agreement. Having rank, tenure and promotion outside of the agreement did not sufficiently protect faculty. The complete new Article 25 – Tenure and Promotion can be found at the [Nipissing University Faculty Association](#) web site. It includes:

1. The URC (University Review Committee), composed of the Vice-President, Academic, one Dean and six faculty members, makes recommendations on tenure and promotion to the President.
2. The President appoints a non-voting Faculty Association observer to the URC. The observer can communicate with the chairperson between meetings and has the right to call a recess in a meeting for the purpose of communicating with the chairperson.
3. “Between September 1 and September 30 each year, prior to commencing the evaluation of applications for tenure and promotion, the University and the Association will jointly sponsor at least one information session for the purpose of familiarizing all committee members with their responsibilities and with the tenure and promotion procedures. All evaluators (including alternates on all Committees) will be invited to attend. While it is not a requirement that invitees attend, it is highly recommended that they do so. The

University will produce an audio-visual recording of at least one information session and will make this recording available to all invitees, including those who were not able to attend.”

4. Decision-Making Procedures:
 - (a) “In assessing applications for tenure or promotion, the deliberations of all evaluators will be governed by the highest standards of integrity, fairness, professionalism, discretion and equity. Evaluations will be based only on the information contained in the candidate’s file [which is described in a five-page article] and only on the criteria outlined in this agreement. Evaluators will not use, formally or informally, criteria which differ from those set forth in this agreement.”
 - (b) “Evaluators must consider teaching; research, scholarly and/or creative activities; and service in the context of the working conditions at Nipissing, a small university that is primarily focused on undergraduate education, with relatively few graduate programs.”
5. “Candidates for tenure and promotion will be assessed using the Standards for Tenure and Promotion for Faculty under the NU/NUFA Collective Agreement as approved by the University and the Association through the JCAA.” The JCAA (Joint Committee for the Administration of the Agreement), comprising two Board appointees and two Association appointees, must approve any changes to the Standards recommended by the URC.
6. A candidate may appeal a negative recommendation of the URC to the URAC (University Review Appeals Committee). The URAC is comprised of three faculty members – one appointed by the President, one appointed by the Association, and one appointed jointly to serve as Chair. An appeal of a recommendation for denial of tenure or promotion can be based on procedural irregularity, discrimination (Article 12), violation of academic freedom (Article 17), or improper application of the standards for tenure and/or promotion. The URAC makes a recommendation to the President. In making a decision, the President will give it equal weight to the recommendation of the URC.

Respectfully submitted,

Gerry Cross
First Vice-President