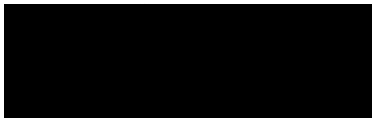


Memorandum of Understanding
between
Memorial University of Newfoundland
and
Memorial University of Newfoundland Faculty Association
“Without Prejudice”

Whereas the Parties recognize the need to adapt to temporary local, provincial, and national requirements, the declaration that COVID-19 is a public health emergency under the Public Health Protection and Promotion Act and guidelines relating to the COVID-19 global pandemic (“the Pandemic Response Measures”);

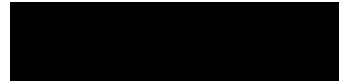
The Parties therefore agree that during the 2020/2021 Academic Year for Faculty and Librarian candidates for extension of a tenure-track appointment, promotion or tenure, all Promotion and Tenure deadlines in the Collective Agreement (April 30, 2019 - August 31, 2020), except Clause 11.11, shall be extended by twenty (20) days.



W. Schipper (for)
Memorial University of Newfoundland
Faculty Association

September 9, 2020

DATE



G. Williams (for)
Memorial University of Newfoundland

September 8, 2020

DATE

**A Calendar Guide To
Review, Extension of Tenure-Track Appointments,
Tenure and Promotion of
FACULTY MEMBERS
at Memorial University of Newfoundland
FOR THE 2020-21 ACADEMIC YEAR**

A Project of the Joint Association/University Relations Committee

This is a Guide only and does not contain the complete text of relevant Clauses.

Please also read the referenced Articles and Clauses in the MUN/MUNFA Collective Agreement April 30, 2019 – August 31, 2020. THE DEADLINES IN THIS DOCUMENT HAVE BEEN UPDATED IN LINE WITH THE MOU SIGNED SEPTEMBER 8, 2020. THE DEADLINES IN THIS DOCUMENT ARE FOR THE 2020-21 ACADEMIC YEAR ONLY.

INDEX

May	
Establish Promotion and Tenure Committee	5
June	
Notification of Promotion to Any Rank	7
Notification of Granting of Tenure	7
September	
Review of Tenure-Track Appointee	8
Tenure	9
Promotion to Any Rank	10
Vacancies on the Promotion and Tenure Committee	10
Establish file for Assessment – All Candidates	11
Non-Decision Year Review – Tenure-Track	12
October	
Promotion and Tenure files – All Candidates	13
Non-Decision Year Review	13
December	
Tenure or Extension of Tenure-Track Appointment	14
Extension of Tenure-Track Appointment	14

INDEX

February

Promotion to Associate Professor	15
Tenure	15

March

Extension of Tenure-Track Appointment	16
Promotion to Rank of Professor	16

Unspecified Date/General Information

Notification to All Candidates	17
Tenure, Promotion to Associate Professor and Promotion to Professor: Letters of Reference	17 – 18
Accommodation	19 – 20

MUN/MUNFA Collective Agreement

April 30, 2019 – August 31, 2020

THE DEADLINES IN THIS DOCUMENT HAVE BEEN UPDATED IN LINE WITH THE MOU SIGNED SEPTEMBER 8, 2020. THE DEADLINES IN THIS DOCUMENT ARE FOR THE 2020-21 ACADEMIC YEAR ONLY.

MAY/JUNE

May 1 June 1

Establish Promotion and Tenure Committee

- CLAUSE 8.01:** Within each Academic Unit, a Promotion & Tenure Committee consisting of Faculty Members shall be established annually **no later than May 1 June 1** to be in office for the following Academic Year. **The Administrative Head shall** initiate the process of establishing the Committee and inform the members of the Academic Unit of the committee membership. The Association shall be notified of the composition of, and any change to the Promotion and Tenure Committee, and which members were appointed or elected by the Academic Unit. *(See also Clauses 8.06, 8.10 and 8.12)*
- CLAUSE 8.09:** **When a Department cannot constitute a Promotion & Tenure committee as outlined elsewhere in this Collective Agreement, the Academic Unit shall be defined as the appropriate Faculty.** The Promotion & Tenure Committee shall consist of five (5) Faculty Members, no more than one (1) of whom shall be non-tenured; three (3) of whom shall be elected from within the Academic Unit and two (2) of whom shall be appointed from the Academic Unit. All Faculty Members in the Faculty shall be eligible to stand for election and be considered for appointment to the Promotion & Tenure Committee. **Only Faculty Members in the Department shall be eligible to vote.**
- CLAUSE 8.13:** **At Grenfell Campus,** Counselling Faculty Members shall, in consultation with the Vice-President (Grenfell Campus), select which school Committee shall review their file.
- CLAUSE 8.14(a):** **In the Faculty of Medicine...** each Division (Community Health and Humanities, and BioMedical Sciences) shall have a Promotion & Tenure Committee.
- CLAUSE 8.14(b):** **In the Faculty of Medicine...** one (1) of the three (3) elected members shall be elected from Faculty Members within the Faculty but outside the Divisions by Faculty Members within the Faculty but outside the Divisions and one (1) of the two (2) appointed members shall be appointed by the Dean from within the Division.

MAY/JUNE

CLAUSE 8.14(c): **In the Faculty of Medicine...** Faculty Members who are members of neither Division shall, in consultation with the Vice-Dean, select which Division Committee shall review their file.

CLAUSE 8.15: **In the Faculty of Engineering & Applied Science,** the procedure for appointment of the Promotion & Tenure Committee set out in Clauses 8.01 to 8.12 shall apply, except one (1) of the three (3) elected members shall be elected from Faculty Members within the Faculty but outside the Department by Faculty Members within the Faculty but outside the Department and one (1) of two (2) appointed members shall be appointed by the Dean from outside the Department.

JUNE

June 1 June 30

Notification of Promotion to Any Rank

CLAUSE 12.08(a): *At St. John's*, in every case where a Faculty Member has applied for, or has been nominated for, promotion, the President shall receive and consider the recommendation from the Provost & Vice-President (Academic) and shall **notify the candidate no later than June 1 June 30** of the President's recommendation to the Board. If the recommendation is not positive, the notification shall contain a statement of the reasons.

CLAUSE 12.08(b): *At Grenfell*, in every case where a Faculty Member has applied for, or has been nominated for, promotion, the President shall receive and consider the recommendation from the Vice-President (Grenfell) and shall **notify the candidate no later than June 1 June 30** of the President's recommendation to the Board. If the recommendation is not positive, the notification shall contain a statement of the reasons.

Notification of Granting of Tenure

CLAUSE 11.27(a): *At St. John's Campus* **the President shall** receive and consider a recommendation from the Provost & Vice-President (Academic) for ... granting of tenure for Faculty Members and shall **notify the candidate no later than June 1 June 30** in the case of tenure of their recommendation to the Board. If the recommendation is not positive, the notification shall contain a statement of the reasons.

CLAUSE 11.27(b): *At Grenfell Campus* **the President shall** receive and consider a recommendation from the Vice-President (Grenfell) for ... granting of tenure for Faculty Members and shall **notify the candidate no later than June 1 June 30** in the case of tenure of their recommendation to the Board. If the recommendation is not positive, the notification shall contain a statement of the reasons

SEPTEMBER

September 1 September 30

Review of Tenure-Track Appointee

- CLAUSE 10.06(a): In cases where a tenure-track appointee is appointed between January 1 and August 31, the first review for progress toward meeting the criteria for tenure **shall be initiated by the Administrative Head by September 1 September 30 of the year following the year of appointment** which shall be considered to be the second year. Further reviews **shall be initiated by the Administrative Head** in the 4th year, and in the 5th year when the tenure review is in the 6th year, in accordance with this Article.
- CLAUSE 10.06(b): In cases where a tenure-track appointee is appointed between September 1 and December 31, the first review for progress toward meeting the criteria for tenure **shall be initiated by the Administrative Head by September 1 September 30 immediately following the appointment** which shall be considered to be the second year. Further reviews **shall be initiated by the Administrative Head** in the 4th year, and in the 5th year when the tenure review is in the 6th year, in accordance with this Article.
- CLAUSE 10.06(c): By indicating to their Head, in writing, by ~~September 1~~ **September 30**, the Faculty Member shall have the option to **decline a non-decision review in the 4th year**. Such written requests shall be added to the assessment file.
- CLAUSE 10.06(d): Review of tenure-track appointees at the rank of Assistant Professor for **extension of appointment** shall be **initiated by the Administrative Head no later than September 1 September 30** in the 3rd year of the appointment.

SEPTEMBER

Tenure

- CLAUSE 11.08:** Except as provided elsewhere in this Collective Agreement, a Faculty Member with the rank of Assistant Professor **shall be considered for tenure in the 6th year of service**. A Faculty Member with a tenure-track appointment at the rank of Associate Professor **shall be considered for tenure in the 3rd year** of their tenure-track appointment. ...
- CLAUSE 10.06(e):** Review of tenure-track appointees **for tenure** shall be **initiated by the Administrative Head no later than ~~September 1~~ September 30** of the **6th year** of the appointment in the case of Assistant Professors, and the **3rd year** of the tenure-track appointment in the case of the Associate Professors. (*See Clause 11.08*)
- CLAUSE 11.18:** Following the review for tenure of an Assistant Professor in their **6th year** of a tenure-track appointment ... if the performance of the Faculty Member has **satisfied the criteria for tenure**, tenure shall be granted and a Faculty Member holding the rank of Assistant Professor **shall be automatically promoted to Associate Professor**.
- CLAUSE 11.22:** An Assistant Professor in their **5th year of a tenure-track appointment**, or an Associate Professor in the **2nd year** ... may apply to be considered for tenure ... **The candidate must meet the expectation of superior performance.** (*See Clause 11.24 – such considerations shall take place only once in an ASM's career.*)

SEPTEMBER

Promotion to Any Rank

- CLAUSE 12.01:** Consideration of a Faculty Member for promotion follows upon formal application or nomination for such promotion. Such an application or nomination must be made in writing to their Administrative Head **by ~~September 1~~ September 30**. Nomination shall require the written consent of the Faculty Member.
- CLAUSE 12.16(b):** An application or nomination for promotion to the rank of Associate Professor before the applicant has completed five (5) years of service as an Assistant Professor ... **shall be considered and decided on its merits**. Such an application or nomination shall take place only once in an ASM's career... . (*See also Clause 12.11 and Clause 12.12*)
- CLAUSE 10.06(f):** **Promotion (not concurrent with a tenure consideration)** - ... An application or nomination for promotion (not concurrent with tenure consideration) **shall be made in writing to their Administrative Head by ~~September 1~~ September 30**. The written consent of the candidate shall accompany a nomination for promotion. (*See Clause 12.01*)
- CLAUSE 10.06(g):** **At the same time (~~no later than September 1~~ September 30** – see **Clause 10.06(d), (e) and (f)**) as the Administrative Head initiates the **review or receives** an application or nomination for **promotion**, they shall request the Faculty Member to prepare materials for the assessment file as specified in Article 9.

Vacancies on the Promotion and Tenure Committee

- CLAUSE 8.10:** If a Committee is formed ... with less than a full complement of members, and if one (1) or more eligible candidates have later made it known that they are available prior to consideration of any candidate by the Committee, the vacancies shall be filled by election, following a further call for nominations, or by appointment, according to the manner in which the position(s) would originally have been filled.

SEPTEMBER/OCTOBER

CLAUSE 8.12: In the event of a resignation from the Committee prior to consideration of any candidate by the Committee, an attempt shall be made to fill the resulting vacancy, either by election or appointment, according to the manner in which the position(s) was originally filled. Resignations after the consideration of candidates by the Committee has begun shall result in the Committee's continuing with a reduced number of members.

~~September 2~~ **October 1**

CLAUSE 8.06: No later than ~~September 2~~ **October 1**, the Promotion and Tenure Committee shall be notified of the Faculty Members who intend to apply for promotion or tenure and shall be asked to declare to the Administrative Head if a personal conflict or conflict of interest exists. (See Clauses 8.03 and 8.05)

~~September 15~~ **October 14**

Establish File for Assessment – All Candidates

CLAUSE 9.02: Candidates for non-decision year reviews, extension of tenure track appointment, tenure or promotion shall submit materials for their file *in an electronic format*, if appropriate, to the Administrative Head by ~~September 15~~ **October 14**. The Administrative Head shall notify the Faculty Member *in writing* that the Faculty Member has the right to include in the assessment file rebuttal or written comments on the accuracy or meaning of any documents inserted into their assessment file. (*See also Clause 9.03*)

SEPTEMBER/OCTOBER

CLAUSE 11.11: All Ranks – for Tenure: **By September 15**, the Faculty Member shall submit to their Administrative Head, a list of at least five (5) potential referees who meet the criteria listed in Clause 11.10. The Administrative Head shall consult with the Faculty Member concerning the appropriateness of the names on the list. (See Clauses 11.10, 11.12, 11.13, 11.14, 11.15, 11.16) *this deadline remains unchanged as per the MOU of September 8, 2020

CLAUSE 9.03: Before making the file available to the Promotion & Tenure Committee, the Administrative Head shall insert copies of any relevant documents previously placed in the official personal file of the candidate, including non-decision year reviews and recommendations formulated during previous promotion and tenure assessments. Such documents **shall be clearly marked** as having been inserted by the Administrative Head. Before making the file available to external referees, the Administrative Head shall remove documents pertaining to non-decision year reviews and recommendations formulated during previous promotion and tenure assessments.

~~September 20~~ **October 20**

Non-Decision Year Review – Tenure Track

CLAUSE 10.06(g): In a non-decision year review, the Administrative Head shall present the file, prepared in consultation with the candidate to the Committee, **not later than September 20 October 20**.

OCTOBER/NOVEMBER

~~October 1~~ **October 30**

Promotion and Tenure Files – All Candidates

CLAUSE 10.06(g): The Administrative Head shall present the file, prepared in consultation with the candidate to the Committee **not later than ~~October 1~~ **October 30**** in the case of consideration for **extension of tenure-track appointment, tenure, promotion.**

Non-Decision Year Review

CLAUSE 11.07(c): In the case of non-decision year review, the **Promotion & Tenure Committee** shall submit a Report to the Administrative Head **by ~~October 1~~ **October 30****.

~~October 15~~ **November 13**

Non-Decision Year Review

CLAUSE 11.07(d) & (e): In the case of a **non-decision year review**, the Administrative Head shall write their own report. **By ~~October 15~~ **November 13****, copies of **both Reports** (the Committee and Administrative Head's) will be sent to the Faculty Member, the personal file and, in the case of departmentalized units, to the Dean, or at the Marine Institute, to the Associate Vice-President (Marine Institute) Academic and Student Affairs.

DECEMBER/JANUARY

December 1 **January 7**

Tenure or Extension of Tenure-Track Appointment

CLAUSE 10.08: In the case of **extension of tenure track appointment or tenure**, if the initial decision of the Promotion & Tenure Committee is not to make a positive recommendation, the Chairperson **shall notify the candidate in writing by December 1** **January 7**. The **Committee shall state its concerns** and offer to meet with the candidate... A candidate who elects to meet with the Committee **has 10 days** from the date of notice to seek advice and prepare further documentation. The committee shall review its initial recommendation following this meeting with the candidate.

December 15 **January 21**

Extension of Tenure-Track Appointment

CLAUSE 11.26(a) & (b): **When the Dean, Director ... makes a negative recommendation on the extension of a tenure track appointment, they shall inform** the Promotion & Tenure Committee and the candidate **no later than December 15th** **January 21**.

FEBRUARY/MARCH

~~February 1~~ **February 27**

Promotion to Associate Professor

CLAUSE 10.08: In the case of **promotion to Associate Professor**, if the **initial** decision of the **Promotion & Tenure Committee** is not to make a positive recommendation, the **Chairperson shall notify the candidate in writing by ~~February 1~~ February 27**. The Committee shall state its concerns and offer to meet with the candidate. If the candidate elects to meet with the Committee, they shall have ten (10) days from the date of the notice to seek advice and prepare further documentation. (*See also Clause 12.16(b)*). The committee shall review its initial recommendation following this meeting with the candidate.

~~February 15~~ **March 16**

Tenure

CLAUSE 11.26(a)(b)&(c): In the case of **tenure**, when the **Dean, Director, Associate Vice-President (Marine Institute) Academic and Student Affairs** makes a negative recommendation to the Provost & Vice-President (Academic) and the Vice-President (Grenfell Campus), respectively, for granting of tenure, **they shall notify** the Promotion & Tenure Committee and the candidate **no later than ~~February 15~~ March 16**. The Dean, Director, Associate Vice-President (Marine Institute) Academic and Student Affairs shall provide the candidate with a statement of reasons and the Promotion & Tenure Committee's Report and, where applicable, the Department Head's, or Division Head's recommendation.

MARCH

~~March 1~~ **March 30**

Extension of Tenure Track Appointment

CLAUSE 11.27(a) & (b): In the case of extension of tenure track appointment, the President shall notify the candidate no later than ~~March 1~~ **March 30**.

Promotion to the Rank of Professor

CLAUSE 10.08: In the case of **promotion to Professor**, if the initial decision of the Promotion & Tenure Committee is not to make a positive recommendation, the **Chairperson shall notify the candidate** in writing by ~~March 1~~ **March 30** stating its concerns and offering to meet with the candidate. A candidate who elects to meet with the Committee has 10 days in which to seek advice and prepare further documentation. All documentation provided by candidate to the Committee shall become part of the assessment file. **The Committee shall review** its initial recommendation following this meeting with the candidate.

Unspecified Date/General Information

Notification to all Candidates

CLAUSE 10.09: The Administrative Head shall inform the candidate of **BOTH** the Committee's and the Administrative Head's recommendations **simultaneously** with the forwarding of the recommendation to their immediate administrative superior. *While there is no time line stipulated for the Administrative Head to forward their recommendation, they should bear in mind the time lines that are stipulated for the Dean, Vice-President, and President accordingly.*

Tenure, Promotion to Associate Professor, and Promotion to Professor: Letters of Reference

CLAUSE 9.09: In the case of **tenure, promotion to Associate Professor and promotion to Professor**, the file shall contain letters from external referees. *(Please see Clauses 12.11 and 12.12 for the criteria for the external letters of appraisal and Clauses 11.10 through 11.16 for the procedures.)*

CLAUSE 11.12: Additional referees shall be added **only after the Dean, Director, or Associate Vice-President (Marine Institute) Academic and Student Affairs** has consulted with the candidate concerning the appropriateness of these names for the purpose. **The candidate may register, in writing**, any reservations they may have concerning the appropriateness of the proposed referees.

CLAUSE 11.13: **The Dean, Director, or Associate Vice-President (Marine Institute) Academic and Student Affairs** shall choose the referees subject to Clause 12.11 and 12.12, and shall **use a model letter** in requesting letters from them. **At least two (2) referees shall be from the list provided by the candidate.** **The Dean, Director etc., shall seek an early response** from the potential referees as to their willingness to act as a referee.

Unspecified Date/General Information

CLAUSE 11.14: If potential referees decline to provide a reference, additional referees may be contacted **following consultation** as specified in Clause 11.11 and Clause 11.12. If a potential referee **from the candidate's list** declines, **another from the list submitted by the Faculty Member must be contacted.**

As the letters of reference are received, they are transmitted **to the Administrative Head** and added to the candidate's assessment file in accordance with Article 9.

CLAUSE 11.16: In **no circumstance** shall the final assessment file **contain fewer than two (2) letters of reference from referees on the list submitted by the Faculty Member.**

CLAUSE 9.07: The candidate shall have access to the file at any time upon request. Confidential letters of assessment shall be viewed only in accordance with Clause 1.63.

CLAUSE 1.63: An ASM, or their duly authorized representative shall have the right to examine the contents of their file, except that **confidential material** solicited after January 1, 1989 shall be made available to the ASM upon request and with reasonable notice, and **shall have the identifying letterhead and signature block removed.**

Unspecified Date/General Information

Advice to Promotion and Tenure Committees concerning the Accommodation of Academic Staff Members (ASMs) with Disabilities

Employment accommodation is an ongoing process of adjusting or modifying the work environment or the method of doing work to address the individual need of employees who are protected from discrimination under the Human Rights Code. This advisory is directed towards Promotion and Tenure Committees in conducting their assessment of ASMs who are seeking accommodation of their disability and to Administrators in making their recommendations.

The overriding principles of accommodation include, but are not limited to:

- A. Individualization: designing accommodation to meet the specific circumstances of the employee
- B. Partnership: involving the person requiring the accommodation, administrators, unions and medical practitioners or other third parties with special expertise
- C. Consultation: involving those in the partnership in the development of the accommodation plan
- D. Inclusion: ensuring that the person to be accommodated is involved in the process and plan design
- E. Respect for confidentiality and dignity.

Any ASM requesting accommodation may “self-identify” to their Administrative Head and the accommodation may become part of the assessment file. The accommodation is based on the individual circumstances of the ASM and the process is consultative involving the University, ASM, the faculty association, medical practitioners and other third parties with special expertise. Information shared during the consultation process shall be held in the strictest confidence.

The essential duties of faculty members include undergraduate and graduate teaching; research, scholarship, and creative and professional activities; and academic service, which may include the application of the faculty member’s academic or professional competence or expertise in the community at large.

Unspecified Date/General Information

The essential duties of librarians include professional practice in the University Library by providing professional consultation and assistance to library users and by maintaining and developing the library holdings and information systems on the basis of the needs of Academic Units and the financial resources allocated to the Library; academic service within the University, which may include working with other members of the University community to enhance the academic excellence of the University and the quality of academic life, and working in the community at large through the application of the librarian's academic or professional competence or expertise; and research, scholarship, teaching, creative and professional activities.

The accommodation process must take account of these essential duties having regard to arrangements where workload assignments vary from the normal pattern. Where appropriate the accommodation shall address the timing and expectations of the academic assessments that are required for the granting of tenure, promotion and career progress.

The Promotion and Tenure Committee has a responsibility to act in accordance with the overriding accommodation principles and to facilitate accommodation measures.

The agreement of the University and MUNFA is required if reasonable accommodation involves modification to the collective agreement.