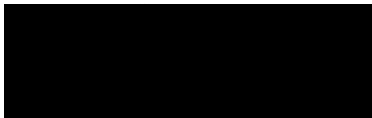


Memorandum of Understanding
between
Memorial University of Newfoundland
and
Memorial University of Newfoundland Faculty Association
“Without Prejudice”

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”);

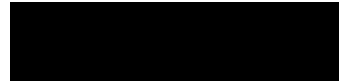
The Parties therefore agree that during the 2020/2021 Academic Year for Faculty and Librarian candidates for extension of a tenure-track appointment, promotion or tenure, all Promotion and Tenure deadlines in the Collective Agreement (April 30, 2019 - August 31, 2020), except Clause 11.11, shall be extended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

LIBRARIANS

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.

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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.

NON-DECISION YEAR REVIEW
AND
EXTENSION OF
TENURE-TRACK
APPOINTMENT

MAY/JUNE

CLAUSE 14.01: A Promotion and Tenure Committee must be established no later than ~~May 1~~ June 1 to be in office for the following Academic Year. The University Librarian shall initiate the process of establishing the Committee. The Association shall be notified of the composition of and any change to the Promotion and Tenure Committee and which members were appointed and elected by the Academic Unit. (*See also Clauses 14.06, 14.07 and 14.08*)

SEPTEMBER/OCTOBER

CLAUSE 16.15: On ~~September 1~~ **September 30** the University Librarian shall provide the Committee with the anniversary dates of any **Librarians who should be reviewed**. The Promotion & Tenure Committee shall review the performance of tenure-track appointees as specified in Clause 17.05, at the end of the first year of the appointment and again at the end of the second and fourth years unless a decision to tenure has been reached. (*See also Clause 13.37*)

CLAUSE 14.09: Any vacancies on a Promotion & Tenure Committee shall be filled between ~~September 15 to October 1~~ **October 15 to October 30**.

UNSPECIFIED DATES

- CLAUSE 14.11:** In the event of a resignation from the Promotion & Tenure Committee, an attempt shall be made to fill the vacancy according to the manner in which the position was originally filled, i.e. by election or by appointment. No position on the Committee shall be replaced for a particular candidate after that candidate's assessment process has begun. *(See Clause 16.07)*
- CLAUSE 16.03:** Normally, transactions of business shall require the presence of all members. In no case shall business be transacted in the absence of more than one (1) member or in the absence of the Chair. ... Transaction of business shall be confidential.
- CLAUSE 14.12:** The Committee shall elect its own Chair. The University Librarian may meet with the Committee but the Committee has the option to hold meetings in the absence of the University Librarian.
- CLAUSE 16.09:** The **Promotion & Tenure Committee may request** a meeting with the candidate as part of the review procedure. In addition, a candidate shall, if they request, be given the opportunity to meet with the Committee. The candidate shall be notified at least five (5) days before the date of the meeting.
- CLAUSE 15.07:** The assessment file **shall be maintained by the academic administrator** currently responsible for formulating a recommendation and **shall be located** in their office, except when signed out by a member of the Promotion & Tenure Committee. If working copies are made for Committee members, the Chair of the Committee shall ensure their destruction at the conclusion of the assessment process.
- CLAUSE 15.08:** **The candidate shall have access** to the file at any time upon request.
- CLAUSE 15.03:** Before making the file available to the Promotion & Tenure Committee, **the University Librarian 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 University Librarian.

NON-DECISION YEAR REVIEWS:

(Based on Anniversary Date of Appointment – add twenty (20) working days to Anniversary Date)

- CLAUSE 16.06(a): Review of tenure-track appointees at the rank of Librarian I or Librarian II for progress toward meeting the criteria for tenure **shall be initiated by the University Librarian no later than** the anniversary date **+ twenty (20) days** of the appointment which starts the second, third and fifth years of appointment.
- CLAUSE 16.06(b): Review ...at the rank of **Librarian III or Librarian IV** for progress toward... **shall be initiated by the University Librarian no later than** the first anniversary date of appointment **+ twenty (20) days**.
- CLAUSE 16.15(a): **The Librarian shall** submit material for the assessment file to the University Librarian **within twenty (20) days of the initiation of the review.** (See also Clause 16.06(a)).
- CLAUSE 16.15(c): **The University Librarian shall transmit** the file to the Promotion & Tenure Committee **no later than thirty (30) days after initiation of the review.**
- CLAUSE 16.15(g): **Within sixty (60) days** of the initiation of the review, copies of both Reports shall be sent to the Librarian and to the personal file **by the University Librarian.**
- CLAUSE 16.16: Following the completion of the Report in Clause 16.15, the Promotion & Tenure Committee may invite a Librarian to be considered for tenure.
- CLAUSE 15.12: **In the case of a non-decision year review the University Librarian** shall be responsible for transmitting the file to the Director of Human Resources for inclusion in the official personal file and shall return to the candidate all copies of books, articles...

EXTENSION OF TENURE-TRACK APPOINTMENT:

*(Based on Anniversary Date of Appointment - **add twenty (20) working days to Anniversary Date**)*

- CLAUSE 15.02: In the case of **extension of tenure-track** appointment, the University Librarian shall initiate the **review of a tenure-track appointee not later than the anniversary date of appointment + twenty (20) days, at which time they shall request in writing** that the candidate prepare an assessment file. The University Librarian shall, at that time, notify the Librarian, **in writing**, that the Librarian has the right to include in the assessment file rebuttal or written comments on the accuracy or meaning of any document inserted into their assessment file.
- CLAUSE 16.06(c): Review of tenure-track appointees at the rank of **Librarian I or II** for **extension of appointment** ... shall be initiated by the University Librarian **at the end of the third year of the appointment + twenty (20) days**. (See also Clauses 13.36 and 17.06)
- CLAUSE 15.02: Candidates for **extension of tenure-track appointments** ... shall submit their assessment file to the University Librarian within **twenty (20) days following the date of request**.
- CLAUSE 16.07: The assessment file shall be presented to the Committee by the University Librarian **not later than thirty (30) days following the anniversary date of the candidate's appointment**.
- CLAUSE 15.09: The **Chair of the Promotion & Tenure Committee** shall inform the candidate in writing of the final content of the file **before** the Committee begins a review.
- CLAUSE 16.10: In the case of an **extension of tenure-track appointment** ... if the Promotion & Tenure Committee makes a negative initial recommendation, the Committee Chair shall inform the candidate in writing, **not later than fifty (50) days + twenty (20) days after the anniversary date of the candidate's appointment**.

EXTENSION OF TENURE-TRACK APPOINTMENT:

- CLAUSE 16.12:** Ref. Clause 16.10, the candidate has the option to meet with the Committee, and the candidate shall indicate in writing whether or not they wish to meet with the Committee. 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. All documentation provided by the candidate to the Committee shall become part of the assessment file. The Committee shall review its initial recommendation following this meeting with the candidate.
- CLAUSE 17.18:** The University Librarian shall inform the candidate of both the Committee's and the University Librarian's recommendations no later than eight (8) months prior to the anniversary + **twenty (20) days** date of the tenure-track appointment.
- CLAUSE 17.19:** When the **University Librarian** makes a recommendation to the Provost & Vice-President (Academic), or in the case of candidates from the Ferris Hodgett Library, the Vice-President (Grenfell Campus), on the extension of a tenure-track appointment the Promotion & Tenure Committee and the candidate shall be informed **no later than eight (8) months prior to the anniversary date + twenty (20) days of the tenure-track appointment**. The University Librarian shall give the candidate a statement of reasons and provide the Promotion & Tenure Committee's Report. (*See also Clause 16.14*)
- CLAUSE 17.20:** The **President** shall receive and consider a recommendation from the Provost & Vice-President (Academic), or at Grenfell Campus, the Vice-President (Grenfell Campus), for extension of a tenure-track appointment or granting of tenure for Librarians and shall notify the candidate **no later than seven (7) months prior to the anniversary date + twenty (20) days of the tenure-track appointment** of their recommendation to the Board. If the recommendation differs from the University Librarian's, the notification shall contain a statement of reasons.
- CLAUSE 15.11:** **In the case of extension of a tenure-track appointment, the President shall transmit** the assessment file to the Director of Human Resources for inclusion in the personal file.
- CLAUSE 15.13:** **When the Director of Human Resources receives an assessment file** for inclusion in the official personal file, they shall return to the candidate all copies of books, articles in accordance with Clause 1.53.

TENURE OF LIBRARIANS

MAY/JUNE

CLAUSE 14.01: A Promotion & Tenure Committee must be established no later than May 1 June 1 to be in office for the following Academic Year. (*See also Clauses 14.06, 14.07 and 14.08*)

SEPTEMBER / OCTOBER

CLAUSE 14.05: No later than ~~September 2~~ **October 1**, the Promotion & Tenure Committee shall be notified of the Librarians who intend to apply for tenure and shall be asked to declare to the University Librarian if a personal conflict or Conflict of Interest exists.

CLAUSE 14.09: Any vacancies on a Promotion & Tenure Committee shall be filled ~~between September 15 and October 1~~ **October 15 and October 30**.

UNSPECIFIED DATES

- CLAUSE 14.11:** In the event of a resignation from the Promotion & Tenure Committee, an attempt shall be made to fill the vacancy according to the manner in which the position was originally filled, i.e. by election or by appointment. No position on the Committee shall be replaced for a particular candidate after that candidate's assessment process has begun. *(See also Clause 16.07)*
- CLAUSE 16.03:** Normally, transactions of business shall require the presence of all members. In no case shall business be transacted in the absence of more than one (1) member or in the absence of the Chair. ... Transaction of business shall be confidential.
- CLAUSE 14.12:** The Committee shall elect its own Chair. The University Librarian may meet with the Committee, but the Committee has the option to hold meetings in the absence of the University Librarian.
- CLAUSE 16.09:** The **Promotion & Tenure Committee may request** a meeting with the candidate as part of the review procedure. In addition, a candidate shall, if they request, be given the opportunity to meet with the Committee. The candidate shall be notified at least five (5) days before the date of the meeting.
- CLAUSE 15.09:** The Chair of the Promotion & Tenure Committee shall inform the candidate in writing of the final content of the file **before** the Committee begins a review.
- CLAUSE 15.07:** The assessment file **shall be maintained by the academic administrator** currently responsible for formulating a recommendation and **shall be located** in their office, except when signed out by a member of the Promotion & Tenure Committee. If working copies are made for Committee members, the Chair of the Committee shall ensure their destruction at the conclusion of the assessment process.
- CLAUSE 15.08:** **The candidate shall have access** to the file at any time upon request.

ANNIVERSARY DATE

CLAUSE 16.06(c): Review of tenure-track appointees at the rank of **Librarian I or Librarian II** for ...tenure shall be initiated by the University Librarian at the **end of the third year of the appointment +twenty (20) days**.

CLAUSE 16.06(d): Review of tenure-track appointees for tenure shall be initiated by the University Librarian at the **end of the fifth year of the appointment +twenty (20) days** if the candidate has the rank of **Librarian I or II**. Review of tenure-track appointees for tenure shall be initiated at the **end of the second year of the appointment +twenty (20) days** if the candidate has the rank of **Librarian III or IV**. (*See also Clauses 13.37 and 17.06*)

CLAUSE 15.02: In the case of tenure, **the University Librarian, not later than the anniversary date of the candidate's appointment +twenty (20) days, shall request in writing** that the candidate prepare an assessment file. **The University Librarian shall**, at that time, notify the Librarian, **in writing**, that the Librarian has the right to include in the assessment file rebuttal or written comments on the accuracy or meaning of any document inserted into their assessment file.

Each candidate shall submit materials ... to the University Librarian **within twenty (20) days following the request**.

CLAUSE 15.03: Before making the file available to the Promotion & Tenure Committee, **the University Librarian 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 University Librarian.

CLAUSE 16.07: **The University Librarian shall** present the file prepared in consultation with the candidate to the Committee **not later than thirty (30) days fifty (50) days following the anniversary date of the candidate's appointment**.

CLAUSE 16.10: In the case of tenure, if the Promotion & Tenure Committee makes a negative initial decision, the Committee Chair shall inform the candidate in writing, **not later than fifty (50) seventy (70) working days after the anniversary date of the candidate's appointment**.

ANNIVERSARY DATE

- CLAUSE 16.12:** Ref. Clause 16.10, the candidate has the option to meet with the Committee, and the candidate shall indicate in writing whether or not they wish to meet with the Committee. 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. All documentation provided by the candidate to the Committee shall become part of the assessment file. The Committee shall review its initial recommendation following this meeting with the candidate.
- CLAUSE 17.18:** The University Librarian shall inform the candidate of both the Committee's and the University Librarian's recommendations no later than eight (8) months prior to the anniversary date **+twenty (20) days** of the tenure-track appointment.
- CLAUSE 17.19:** When the **University Librarian** makes a recommendation to the Provost & Vice-President (Academic), or in the case of candidates from the Ferris Hodgett Library, the Vice-President (Grenfell Campus), on ...tenure that differs from the recommendation of the Promotion & Tenure Committee, the Promotion & Tenure Committee and the candidate shall be informed **no later than eight (8) months +twenty (20) days prior to the anniversary date of the appointment.** The **University Librarian** shall give the candidate a statement of reasons and provide the Promotion & Tenure Committee's Report. (*See also Clause 16.14*)
- CLAUSE 17.20:** The **President** shall notify the candidate **no later than seven (7) months +twenty (20) days prior to the anniversary date...** of their recommendation to the Board. If the recommendation differs from the University Librarian's, the notification shall contain a statement of reasons.
- CLAUSE 15.11:** **Concurrently** with informing the candidate of their recommendation, the **President** shall transmit the file to the Director of Human Resources for inclusion in the personal file.
- CLAUSE 15.13:** **When the Director of Human Resources receives an assessment file** ... they shall return to the candidate all copies of books, articles or other similar materials in accordance with Clause 1.53 ...

PROMOTION OF LIBRARIANS

MAY/JUNE

- CLAUSE 14.01:** A Promotion & Tenure Committee must be established **no later than May 1 June** 1 to be in office for the following Academic Year. *(See also Clauses 14.06, 14.07 and 14.08)*
- CLAUSE 16.02:** Once appointed or elected to a Promotion & Tenure Committee, a Librarian cannot be a candidate for promotion during the Academic Year for which that Committee was established.
- CLAUSE 16.04:** In cases of **promotion** to a **Librarian III or Librarian IV**, when a Librarian is appointed to the University between March 1 and August 31, the calculation of years in rank shall be made as though the Librarian had been appointed or promoted on the **following September 1**. *(See also Clause 13.37)*
- CLAUSE 16.05:** In cases of **promotion** to a **Librarian III or Librarian IV**, when a Librarian is appointed to the University between September 2 and the last calendar day of February, calculation of years in rank shall be made as though the Librarian had been appointed or promoted on the **previous September 1**. *(See also Clause 13.37)*

SEPTEMBER / OCTOBER

- CLAUSE 14.09:** Any vacancies on a Promotion & Tenure Committee shall be filled between September 15 and October 1 **October 15 and October 30.**
- CLAUSE 16.08(a):** A candidate for promotion shall submit an application or be nominated in writing to the University Librarian by September 1 **September 30.**
- CLAUSE 16.08(b):** Upon receipt of an application or nomination for promotion, the University Librarian shall request in writing, materials for the assessment file.
- CLAUSE 14.05:** No later than September 2 **October 1**, the Promotion & Tenure Committee shall be notified of the Librarians who intend to apply for promotion shall be asked to declare to the University Librarian if a personal conflict or Conflict of Interest exists.
- CLAUSE 15.04:** Candidates for promotion shall submit their assessment file to the University Librarian by September 15 **October 15.**
- CLAUSE 15.03:** Before making the file available to the Promotion & Tenure Committee, the University Librarian 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 University Librarian.
- CLAUSE 14.11:** In the event of a resignation from the Committee, an attempt shall be made to fill the resulting vacancy either by election, or by appointment, according to the manner in which the position was originally filled. No position on the Committee shall be replaced for a particular candidate after that candidate's assessment process has begun.
- CLAUSE 16.08(b):** The University Librarian shall present the assessment file for promotion, prepared in consultation with the candidate, to the Committee not later than October 1 **October 30.**

UNSPECIFIED DATES

- CLAUSE 16.03:** Normally, transactions of business shall require the presence of all members. In no case shall business be transacted in the absence of more than one (1) member or in the absence of the Chair. ...
- CLAUSE 14.12:** The Committee shall elect its own Chair. The University Librarian may meet with the Committee, but the Committee has the option to hold meetings in the absence of the University Librarian.
- CLAUSE 16.09:** The **Promotion & Tenure Committee may request** a **meeting with the** candidate as part of the review procedure. In addition, a candidate shall, if they request, be given the opportunity to **meet with** the Committee. The candidate shall be notified at least five (5) days before the date of the meeting.
- CLAUSE 15.09:** The **Chair of the Promotion & Tenure Committee** shall inform the candidate in writing of the final content of the file **before** the Committee begins a review.
- CLAUSE 15.07:** The assessment file **shall be maintained by the academic administrator** currently responsible for formulating a recommendation and **shall be located** in their office, except when signed out by a member of the Promotion & Tenure Committee. If working copies are made for Committee members, the Chair of the Committee shall ensure their destruction at the conclusion of the assessment process.
- CLAUSE 15.08:** **The candidate shall have access** to the file at any time upon request.

FEBRUARY / MARCH

- CLAUSE 16.11:** With respect to promotion, if the initial recommendation of the Promotion & Tenure Committee is negative, the **Chair of the Committee** shall inform the candidate in writing **by February 1 February 27**.
- CLAUSE 16.12:** Ref. Clause 16.11, the candidate has the option to meet with the Committee, and the candidate shall indicate in writing whether or not they wish to meet with the Committee. 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. All documentation provided by the candidate to the Committee shall become part of the assessment file. The Committee shall review its initial recommendation following this meeting with the candidate.
- CLAUSE 16.14:** The **University Librarian** shall forward their recommendation and the Promotion & Tenure Committee's Report to the Provost & Vice-President (Academic) or in the case of candidates from the Ferris Hodgett Library, the Vice-President (Grenfell Campus) **and shall concurrently inform the Committee of their recommendation. The University Librarian shall inform the candidate** of both the Committee's and the University Librarian's recommendations simultaneously with forwarding the recommendation to the Provost & Vice-President (Academic) or in the case of candidates from the Ferris Hodgett Library, the Vice-President (Grenfell Campus).

JUNE

- CLAUSE 18.06:** In every case when a Librarian 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 of the decision, in writing, no later than ~~June 1~~ June 30**. If the decision differs from the recommendation of the University Librarian or the Provost & Vice-President (Academic), the decision shall contain a statement of the reasons.
- CLAUSE 15.11:** **Concurrently** with informing the candidate of their recommendation, **the President shall transmit** the assessment file to the Director of Human Resources for inclusion in the personal file.
- CLAUSE 15.13:** **When the Director of Human Resources receives an assessment file...** they shall return to the candidate all copies of books, articles or similar materials in accordance with Clause 1.53 ...

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.