Faculty Collective Agreement (and other) Changes
DISCLAIMER

The following information is in summary form only and is focused only on significant changes. Reference should be made to the official collective agreement or immigration materials posted on the Faculty Relations website.
For assistance in interpretation or application of the Faculty Collective Agreement, please contact your designated Faculty Relations Consultant in the Office of Faculty Relations.

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- Arts and Humanities
- Education
- Health Sciences
- FIMS
- Music
- Social Science

- Business
- Engineering
- Law
- Schulich SMD
- Science
For assistance in immigration matters, please contact the Faculty Recruitment Consultant in the Office of Faculty Recruitment

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Faculty Collective Agreement (2014-2018)

Ratification and Transition, Training and Resources

Western

Office of Faculty Relations
Ratification and Transition

- Ratified on November 25, 2014 by UWOFA Members (93%) and on November 26 by Board of Governors
- Effective date is July 1, 2014 for compensation changes (retro-active)
- Effective date for language is upon ratification unless stated otherwise
Training and Resources

- General Info sessions (3 in December, 1 in January)
- Posting of FCA on OFR web after editing (Dec/Jan)
- Emails to advise of transition measures
- OFR Template/Guide changes
- Collective Agreement Reference Document (CARD) in late spring
- Direct inquiries to Faculty Relations Consultants
Faculty Collective Agreement (2014-2018)

Changes
Definitions and Interpretations

**Academic Colleague**: A faculty member from the University who may attend proceedings, as permitted in this collective agreement, in support of a colleague. The academic colleague may assume the role of a listener, advocate, witness or presenter, but cannot act in the capacity of legal counsel.

**Tied Votes**: Where any election for a collective agreement committee ends in a tie vote for any position, the tie will be broken by flipping a coin. Two disinterested parties shall attend to the coin flip. The tied candidates may elect to observe.
Academic Fraud and Misconduct

- Aligned language and process with *Tri-agency Framework: Responsible Conduct of Research*
- Integrates new policy *Academic Integrity in Research Activities* (MAPP 7.0)
- Defines Research misconduct
- Outlines process for making and reviewing Research misconduct complaints
Academic Responsibilities of Members

• Part-time Service permitted but not expected or paid (6.1)

• Faculty shall undertake training as required respecting legislative or policy directed responsibilities (at cost of Employer) (8.2)

• Outlines faculty responsibilities for control of confidential and personal information (9 g)

• Outlines faculty responsibilities for compliance with Copyright Act and University policy, and Employer indemnification (9 h)
Alternative Workload

- Member and Dean may mutually waive 6 month application/proposal timelines (UWOFA waiver no longer required). (3.1, 4.1)
Annual Performance Evaluation

• Elect APE Committee (where not delegated) by November 1 (4.1)

• 3 FT Members elected by (all) Members for a two year staggered term (max 2 terms) plus Standing Appointee (where PT Members being evaluated) (term is 1 year) plus 2 FT alternates and 1 PT alternate. (4.1a-c)

• APE criteria review on vote, at Dean’s request or at least every 3 years instead of annual (like Workload) (5)
Annual Performance Evaluation

- Separate criteria documents for FT and PT APE (5.1, 5.2)
- FT ratify FT criteria, PT ratify PT criteria (5.1, 5.2)
- PT criteria to be consistent with criteria for Standing Appointment (5.3.3)
- Joint APE uses amalgam of criteria of units involved created at time of appointment (no more need to construct a joint committee to develop criteria, just to assess) (6, 6.1)
Annual Performance Evaluation

- Performance related material in the Official File shall be provided to the APE Committee (automatically, not on request) (8 b)
- Members on Sabbatical, PPAL, or approved LOA need not submit Annual Report (9.1)
- If no AR is provided or detail is insufficient, request to Member to submit within 5 days and if not received can be assessed as “below the acceptable” level. (9.4)
Annual Performance Evaluation

• Re-ordering / grouping of “Assessment Considerations” for better readability

• Committee to consider periods of approved leave or accommodation in assessing so Member is not penalized. (11.7)
Annual Performance Evaluation

- Deadline for APE Committee to assess Members moved from Feb 15 to Jan 31, and Dean meetings with Member (if any) to occur by April 30 (instead of March 15) to permit more time for Deans to review/respond. (12, 12.3)
Appointments - FT

- Research Chair is a “designation” not an “appointment”. Advertising can be suspended where Appt <1yr or funding is linked (1.7.2)
- New LU for Western Research Chair recruitment (Search Committees)
- Limited Term hires at any rank (not just Lecturer or Assistant) (4.1, 4.2)
- FT Alternate to be elected to Appts Cttee
- Employment Equity article applies only to FT (re equity data)
Appointments - FT

• Search Committee provisions changed to allow for smaller committees (5.14)
• Joint Appts Cttee may include Associate Dean (Dean’s discretion) without vote
• Limited Term duration may go to 7 years
• Members with LT renewals past 14 years LT service are renewed without end date (8.6). Can be terminated on grounds in 8.3 a, c, d with notice and severance.
Appointments - PT

• A Grad Student cannot become a M/PS through cl. 3 d (formerly c) assignments (1.4.2, 1.4.3)

• Clarification that 15.6 (best candidate) trumps M/PS preference (see 3c, 3.1,15.6)

• Cl. 3 d (formerly c –GS and PD assignment) expanded through LU “Appts 3 d)” clarifies calculation of limits and has special provisions for MLL and French.
Appointments - PT

- SA Member eligible for Appts Cttee

- LD applicants notified of results by mail within 6 (not 4) weeks. Letter of Appt normally provided no later than 4 weeks prior to start of classes.

- Trigger date for cancellation stipend clarified
  - $750 before 1\textsuperscript{st} day of cancelled class (17.1)
  - $1500 after the 1\textsuperscript{st} scheduled class (17.2)
Appointments - PT

- Incorporated Standing Appointment Criteria (18.2-18.3)
- Member may request Appts Cttee add a course to roster – not arbitrarily denied (18.3.1)
- Reasons to be provided for removing course from roster (18.3.2)
- In assigning SA, most senior SA, then best qualified under cl. 12 (18.4)
Appointments - PT

- LD to LT Conversions
  - *up to* 12 across University
  - max 1 per Unit unless Dean’s permission
  - => 3.5 FCE per year 2010-11 to 2013-14
- Not FT employed or retired
- Requires approval of Appointments Cttee who may recommend from all eligible candidates in Unit
- 2 year appointment, renewable. May include R
Closure and Reorganization of an Academic Unit

- Right of reassignment extended to LT ned
- Training, evaluation and severance entitlements clarified
Compensation and Benefits/Duration

- FT Salary adjustments for 4 years
  - 1.25% plus $1050 lump sum and PLCP (paid retro to July 1, 2014 in December).
  - 1% plus $1050 lump sum and PLCP (for July 1, 2015)
  - 1% plus $1050 lump sum and PLCP (for July 1, 2016)
  - 1% plus PLCP and Career Trajectory ($965,000) (for July 1, 2017)
- Floors, PLCP breakpoints and SP values up by 2% per year
Compensation and Benefits/Duration

- FT Benefits
  - PER HCSA rolled into flex credits
  - Wellness Account (TBD)
  - Pension
    - >20 years service and at 5.5% employee = 9% employer contribution
    - Can opt in to 5.5% employee contribution at any time
  - Faculty Start-up grant = $6k, no application
Compensation and Benefits/Duration

• PT Salary adjustments for 4 years
  • 5/2/2/2 increase to base rates and experience premiums
  • Does not apply to “above the minimum” rates
Compensation and Benefits/Salary Removals

- Moving Expense Reimbursement
  - Clarified
  - Faculty member liability
- Research Grants
  - Clarified
  - Faculty member liability
  - Extended to “non-sabbaticants”
Court Leave

• P &T extension provisions harmonized with PPAL and other LOA

• From “demonstratively and seriously interferes with performance of duties” to “of at least 24 weeks”
Department Chairs and Directors of Schools

• Stipend moving from Type 1 (red-circled) to Type 2 (starts and ends with term)
  • Deals with transitions and stipend during MAWL
• Process for removal of Chair/Director before end of term
• Incumbent Chair not eligible for Chair Selection Committee
Discipline

• Employer may undertake review of allegations to ensure a complaint is “responsible” before formal investigation

• Severance payment made within 15 (not 5) days
Education Leave

• Education Leave applications to be copied to Vice-Provost (APPF)

• By April 15, eligible Members to be notified of opportunity/process to apply for Education leave (OFR will do)
Elected Public Office Leave

- P &T extension provisions harmonized with PPAL and other LOA
- From “demonstratively and seriously interferes with performance of duties” to “of at least 24 weeks”
Employment Equity

• Advertising/search and equity data collection/reporting provisions apply only to FT (not PT) appointments (Cl. 4, 5, 6, 11 b).

• Expansion of grounds under which systemic discrimination shall not occur (beyond designated groups to all factors listed in cl.2 a-h of Discrimination and Harassment article).
Grievance & Arbitration

- Informal: 10 days (not 5) for Dean’s response
- Step 1: 10 days (not 5) for Dean’s response
- Grievance to Step 2 within 15 (not 5) days
- Step 2: 10 days (not 5) for Employer response
- Grievance to Step 2 within 15 days (not 10)
Intellectual Property

• Provisions for copyright compliance and employer indemnification
  • Member shall comply with Copyright Act
  • Member shall follow advice of Copyright Officer
  • Employer shall defend Member against suit where actions in good faith and compliance with advice of Copyright Officer
• Parties rights in exploitation of Patentable Intellectual Property (cl. 14, 15.2.1, 15.2.2) and reduction of Employer’s share of profit where Employee exploits
Pregnancy, Parental and Adoption Leave

- Clarification that a Member who does not qualify for Pregnancy Leave may be eligible to request Compassionate Leave, Leave of Absence, Sick leave, Reduced Workload or Alternative Workload, or other leaves under the Employment Standards Act. (cl. 2.1, 3.1.2)

- P&T extension will occur for a Member who by the time the Committee’s consideration commences has or will have taken a PPAL, alone or combined with other leaves, of at least 24 weeks.
Privacy

• Before contracting for collection, storage, or use of Member’s information, terms of any agreement require that the third party protect the privacy of the information and comply with the Employer’s obligations under the Freedom of Information and Protection of Privacy Act.

• In the event of a privacy breach, the Employer shall notify the affected Member.

• The Employer shall notify a Member of any requests received for disclosure of Member’s information.

• Where an agreement provides for the third party storage of Members’ information, the Employer shall provide notice of the agreement to the Association.
Promotion and Tenure

- Evaluation of Teaching shall include Student Questionnaires on Courses and Teaching (Student Evaluations) and factors that may bias them. (cl. 3.1.1)

- Evaluation for promotion to Professor where high Service balance: “quality and quantity of R should be equivalent to that of a member with a NWL, but time taken to achieve may be longer for Member with a substantially higher Service WL.” (cl. 4.3.1.1)
Promotion and Tenure

• November assessment of candidates by P&T Committee deleted (cl. 6.2)

• Referees selected must be at least at rank that the candidate is applying for (eg Promotion to Associate, referees must at least be Associate, etc). (cl. 6.4.d) ii))

• P&T candidate review at end of March by Dean in consultation with P&T Committee for faculty “at the rank of Associate” (instead of “not at the rank of Professor”) (cl.15)
Promotion and Tenure

• Replacement of Department Chair who is “in conflict” by election (cl. 14.1)

• P&T extensions may be requested where fm has experienced extenuating circumstances which require accommodation under the *Ontario Human Rights Code* and have limited ability to perform duties such that progress toward tenure is materially jeopardized. (cl. 15.7.2)
Promotion and Tenure

- Should Committee or Dean/designate have questions or concerns about record of performance (*need not be considering negative recommendation*), shall request additional information. (cl. 16.1)

- Letters under 16.1 and 16.1.1 must state that Member may consult with an Academic Colleague or Association Representative.

- A Member who does not grieve denial of Tenure may take 50% of salary instead of 1 year appointment extension. (19.3.1)
Recognition

• Increase (to current state) on number of Associate and Vice-Deans who can be appointed out of the BU. (Limits set per Faculty).

• Removal of Additional Qualifications (non-degree) teaching (Education) from the scope of the bargaining unit.
Retirement and Resignation

• Phased Retirement extended to Limited Term with no end date (within 10 yrs of NRD)
• Pension Plan provisions removed to Compensation and Benefits article
Working Conditions

- Safety footwear (see *Health and Safety*)
- Pets in Member’s office *must be under control while on campus* and can be removed where a person with legitimate interest has objected.
Workload

- Workload review vote is FT Members (cl. 3)
- Workload Committee elected by all Members and may include a PT SA Member (cl. 3.1)
- Ratification vote for NWL (WL criteria) is FT Members (cl. 3.2)
- Report on teaching by Members need only advise of existence (not details) of individual’s Alternative Workload arrangements (cl. 10)
Letters of Understanding

- Advisory Group: Wellness Spending Account (new)
- Appointments Cl. 3 d) (GS and PD teaching) (new)
- (Special Provisions for) Appointing Additional Associate Deans and Vice-Deans (renewal with chg)
- Benefits for PT Members with Tier 1 status (renewal with changes)
- Centre for American Studies (renew with changes)
- Centre for Environment and Sustainability (renew with changes)
- Centre for Theory and Criticism (renew with changes)
Letters of Understanding

- Department of English and Writing Studies (renew with changes)
- Department of Women’s Studies and Feminist Research (renew with changes)
- Documentation of Waivers (renew)
- First Nations Studies Program (renew with changes)
- Ivey School of Business Workload Year (renew with changes)
- Limited Duties Conversions (renew with changes)
- Masters of Public Health Program (renew with changes)
Letters of Understanding

• Music Performance Studies (Studios and Ensembles) (new)
• Non-Traditional Units (renew with changes)
• Office Space for Part-Time Faculty (formerly Office Space for Standing Appointees) (renew with change)
• Online Courses (formerly Distance Studies) (renew with changes)
• Payroll for Studios within the Faculty of Music (renew)
• Phased Retirement (renew with changes)
• Posting and Selection of Limited Duties Appointments in the Faculty of Education (renew)
Letters of Understanding

- Standing Appointment Accruals (renew)
- Student Questionnaires on Courses and Teaching (new)
- Technical Support of MacIntosh (renew)
- Transitional Provisions for Removal of Members Teaching Additional Qualifications Courses from the Bargaining Unit (new)
- Transitional Justice Centre (renew)
- Western Research Chairs (new)
- LU under FCA 2010-2014 are no longer applicable.
Other Appointment Changes
Cross or Affiliate?

- Use **Cross** Appointment where the fm will be doing work in the Unit
- Use **Affiliate** Appointment where the fm will be associated with, but not normally doing work in, the Unit
Immigration Changes
Immigration Changes

Temporary Foreign Worker Program

• Used to obtain a positive Labour Market Impact Assessment (LMIA) to hire a foreign worker when a Canadian or Permanent Resident is not qualified

• Employers must follow TFWP guidelines (advertising, recruitment, application process)

• More rigorous application for LMIA – more data and information on recruitment process is required

• Increased compliance requirements

• Foreign worker will be required to apply for permanent residence to remain in Canada
Immigration Changes

International Mobility Program

• NEW program to be implemented July 1/15

• All LMIA exempt work permits (eg. NAFTA, CRC and CERC positions, post-doctoral fellows, clinical and research fellows, visiting professors)

• Will require employer to submit letter of offer to foreign worker to CIC before work permit will be issued

• Compliance fee of $230 to be introduced for LMIA exempt, employer specific work permits

• Increased compliance requirements
Immigration Changes

Express Entry = NEW January 1, 2015

• New Electronic System to apply for Permanent Residence for economic programs (Canadian Experience Class, Federal Skilled Worker and some Provincial Nominee Allocations)

• Requires applicant to apply online

• New Ranking System for Applicants to receive invitation

• Requires Language Proficiency at time of application and Foreign Credential Assessment if the applicant wants to obtain points for education

• Complete PR applications to be processed in 6 months

Shifting sands, new legislation and inconsistent implementation are creating challenges for academic recruitment

Refer to the Immigration Changes Memo sent Nov.28/14

Contact Connie Zrini, Faculty Recruitment Consultant at X82915