

# Contract Faculty

## **Reappointment and Allocation Review**

January 31, 2024

Presented by: Brenda Lang, Contract Member Officer (MRFA)

# Collective Agreement

This presentation is based on the Collective Agreement dated

**July 1, 2020-June 30, 2024**

**This Agreement contains key changes to the sessional reappointment process**

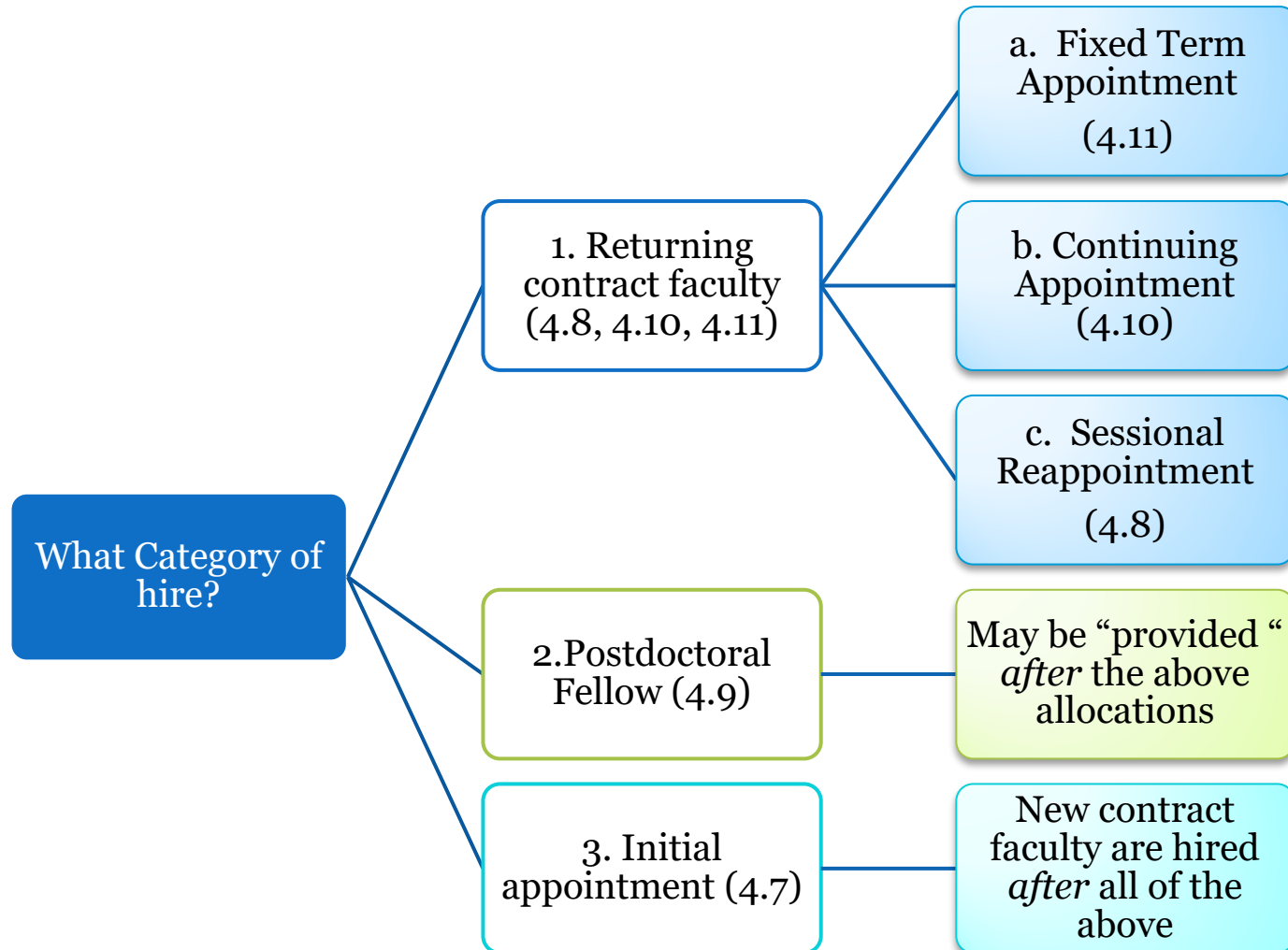
# Key Articles 4.7-4.11 and 14.14

- 4.7 —Initial Sessional Appointment \*updated in 2022\*
- 4.8—Sessional Reappointment and Workload Allocation \*updated in 2022\*
- 4.10—Continuing Appointment
- 4.11—Fixed-term Appointment
- 14.14—Instructional Load for Contract Employees \*updated in 2022\*

# Determining What Courses are Available

- The number will vary from year to year
  - What courses are scheduled
  - Number of tenured or tenure-track faculty
  - Tenured and tenure-track faculty on leave
  - Tenured and tenure-track faculty receiving reassigned time

# Determining What Courses are Available



# Fixed-Term & Continuing Appointments



Fixed-term and Continuing contract faculty may compete for additional sessional contracts, subject to 14.14. (4.10.5, 4.11.11.2)



Such additional contracts to be allocated along with all other sessional reappointments

# “Can’t Always Get What We Want”

- Workload is allocated by category (Fixed-term allocations occur before Continuing appointment allocations, and so on) but people within a category are not entitled to pick their workloads without constraint.
  - Qualifications
  - Manageable schedules for everyone within the category

# Posting Available Courses

## Deadlines

(4.8.3, 4.8.4, 4.8.5, 4.8.11)

- Normally, hiring for Spring, Summer, Fall, and Winter will be done simultaneously
- Extra/New Winter courses must be posted by **Nov 15**

## “eligible contract Employees”

- All current contract faculty members
- All employees who have taught in the Academic Unit within the last 18 months
- **Previous limited-term appointment grants access to the reappointment pool.\***
- \* Employees who do not currently hold, but who have held a Limited-term appointment in the Academic Unit within the eighteen (18) months prior to the **March 1** posting.

“...the Chair shall post the available courses projected for the upcoming Spring, Summer, Fall, and Winter semesters along with the reappointment criteria, and invite eligible contract Employees in the Academic Unit to submit their requested teaching load . . .”



What does it mean to “post”?



# Application

## Article 4.8.3.4

- Eligible contract Employees shall notify the Chair in writing of their requested teaching load within seven (7) Days of the courses being posted, and their application for reappointment shall be considered by the standing committee. While requested teaching allocations shall be considered, there is no guarantee that they will be accommodated.

# Application

- Candidates must
  - “submit their requested teaching load” (4.8.3.4) in writing
  - Submit any relevant experience the Chair would not be able to access (new credentials, experience at other places, etc.)
  - Be aware of deadlines

There is no official form for this, but many departments have their own form. Remember to update your information.

# Sessional Reappointment

There are now specific criteria for determining eligibility for reappointment and for determining course allocations

The standing committee makes decisions regarding eligibility and workload allocation for available courses.

- a) Criteria for determining eligibility
- b) Criteria for determining course allocations
- c) The role of seniority
- d) Maximum teaching loads

# Determining Eligibility of Existing Contract Faculty

- Eligibility and reappointment are separate
- Determining eligibility happens BEFORE courses are allocated, is based on specific criteria, and applies to EVERY applicant.
- Per Article 4.8.4, candidates are one of the of the following:
  - Eligible for reappointment
  - Eligible for reappointment with conditions (4.8.8)
  - Ineligible for reappointment (4.8.9)

# Determining Eligibility of Existing Contract Faculty

The criteria for determining an applicant's eligibility for reappointment are as follows:

- performance of duties in a responsible and professional manner
- teaching performance as assessed by Chair/tenured designate evaluations (including evaluation of course materials as applicable) and student evaluations of instruction

# Conditions

## Important!

The Chair must advise you as soon as conditions are placed on your eligibility for reappointment. A copy of that communication is kept in your employee record in the department.

### Article 4.8.4.4

*A contract Employee who is eligible for reappointment with conditions shall be advised in writing of the reasons for the conditions, the nature of the conditions and how long the conditions shall remain in effect. The notice of eligibility for reappointment with conditions shall be signed by the Employee to indicate receipt. Within ten (10) Days of receiving notice of eligibility for reappointment with conditions, the Employee may respond to the committee in writing.*

# Course Allocation Criteria (4.8.5.2)

- “Subject to an applicant’s availability, the criteria for determining recommended allocations are as follows:
  - Required and, with valid justification, desired academic credential(s) and professional certification(s);
  - Appropriate subject and professional expertise;
  - Any applicable professional performance standards;
  - Other bone fide department and program needs and priorities approved by the Dean and included in the posting, per Article 4.8.3.2. Bona fide department and program needs and priorities not include in the posting, per Article 4.8.3.2, shall not be considered.”

# The Role of Seniority

4.8.5.3 Where the criteria for course allocation are, as between or amongst applicants, deemed relatively equal by the committee, then the applicant with higher seniority shall be allocated the course.

The role that seniority plays in the course allocation process is now very clearly defined.

## Additional context regarding seniority

- Seniority is essentially the tiebreaker, and it plays a role only when two or more applicants are deemed to be equally qualified to teach a course based on the criteria for course allocation.
- Seniority is a calculation now **based on total SICH taught** by the employee (versus work in the academic unit “only”)
- The role of seniority should be read **in conjunction with Article 14.14**, which deals with maximum instructional loads for contract instructors



# Maximum Instructional Loads

14.14 Exceeding the course allocations (unchanged) requires the approval of the Dean, following consultation with the Chair. Approval shall only be granted **when there is no suitably qualified Contract Employee available** who has not reached the instructional load in Article.

Role of maximum instructional loads:

- While these amounts are unchanged in the new Collective Agreement, they have much firmer boundaries
- Article 14.14 applies to *all* contracts across *all* academic units
- Chair needs to make the Dean aware when the maximum load may be exceeded

# Allocation Deadlines

- 4.8.9 Normally, eligible applicants who have applied for courses shall be informed of the results of their application
  - no later than **December 1** for extraordinary Winter semester allocations not made in the main allocation period
  - no later than **April 1** for Spring/Summer/ Fall/Winter semester allocations

# Offer of Employment

- The offer
  - happens AFTER the Dean has approved the standing committee's recommendations and often far in advance of signing a contract
  - should be via letter or email—not oral
  - should note it is subject to the budget, fill-rate, etc.
  - should include information on evaluations (SPoT and Chair/peer) that will need to be completed
- The applicant must respond within 10 days (4.8.10)

# Initial Appointments

## What is an initial Sessional Appointment?



Person is new to the Academic Unit



Person has not worked within the Academic Unit for the past 18 months



Full-time faculty members who have retired and are now seeking contract work are considered initial appointments, as are administrators who want to teach

# Avoiding the pitfalls



# Lessons Learned



Reasons for ineligibility to teach or ineligibility to teach in a particular program must be communicated to you – you can respond to these comments if there is new evidence to present



Workload preference may be considered, but there is no guarantee that you will get all that you ask for



Being transparent with expectations will mean fewer challenges

# Lessons Learned



An individual can be eligible for reappointment but not eligible to teach a particular course – this must be explained to you



Departments may have specific hiring criteria based on the bona fide requirements of a profession – must be included with posting if present



Sick leave cannot be held against any employee – you cannot be made to “make up” sick time in the future

# Continuing Appointments

Article 4.10.1.1 A sessional Employee who has completed four (4) semesters of employment within the last thirty-six (36) months shall be eligible for a continuing appointment with the opportunity for reappointment, subject to the conditions specified in Article 4.10.1.2. The Dean shall consult with the Chair to make decisions regarding the establishment of continuing contracts.

- ✓ The period of appointment or reappointment shall not exceed 24 months
- ✓ Continuing Clinical Appointments may commence in Fall, Winter, or Spring.
- ✓ At least 240 SICH per academic year - 96 of which must occur in Fall Term
- ✓ May be combined with laboratory schedule per Article 6.1.3.2
- ✓ Compensation evenly distributed over the duration of appointment
- ✓ Eligible for Benefits per Article 16.8
- ✓ Retirees ARE eligible for this type of appointment



# Grievances?

- See Article 20
- Remember, we grieve the Dean's decision
- Deans usually ask the Chair to attend a Step 1 meeting as they recommend to the Dean

