

**Memorandum of Understanding – 26 **HIRING AND EVALUATION OF
INDIGENOUS FACULTY MEMBERS AND LIBRARIANS (*CURRENTLY UNDER
REVIEW - SEE ADDENDUM*)****

The Association and the University agree on the importance of substantially increasing the number of Indigenous faculty and Librarians as well as the quality of the experience of the Indigenous faculty and Librarians, and increasing the level of Indigenous SRC as part of the University's response to the Calls to Action by the Truth and Reconciliation Commission (TRC) of Canada. As recommended and agreed to by the Joint Committee on Indigenous Faculty this Memorandum of Understanding outlines modifications to the current Faculty Association Collective Agreement, which will assist in meeting this important objective. For clarity, any agreed to modifications to the current Faculty Association Collective Agreement provided for below will modify and/or supersede the current provisions, and be applicable to Indigenous faculty and Librarians members.

3. Definitions

The following definitions will be added to Article 1 of the Faculty Association Collective Agreement:

DESIGNATED INDIGENOUS FACULTY AND LIBRARIANS are defined as those who self-identify as Indigenous and can show lineage and/or acceptance by an Indigenous community. Their claims will be reviewed by the Indigenous Faculty Committee.

INDIGENOUS SCHOLARLY, RESEARCH AND CREATIVE ACTIVITY (SRC) activity is defined as research in any field or discipline that is conducted by, grounded in or engaged with First Nations, Inuit, Métis or other Indigenous nations, communities, societies or individuals, and their wisdom, cultures, experiences or knowledge systems, as expressed in their dynamic forms, past and present. Indigenous research can embrace the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment. (Social Sciences and Humanities Research Council. Definitions of Terms. Retrieved from: <https://www.sshrc-crsh.gc.ca/funding-financement/programsprogrammes/definitions-eng.aspx#a0a>).

4. Establishment of the Faculty Association Indigenous Faculty Committee

The Faculty Association Indigenous Faculty Committee will be established. This is a self-governing committee composed of Indigenous Faculty Association members (Acting Assistant, pre-tenure faculty, tenured faculty LTF, Professional Counsellors, Librarians). This Committee will develop criteria they will use to confirm who they consider to be Indigenous faculty members.

5. Hiring of Designated Indigenous Faculty

The University will designate positions as Indigenous faculty positions and this does not preclude hiring Indigenous faculty for regular faculty positions. Faculties may decide that an Indigenous hire will be someone with a terminal degree or, alternatively, someone with Indigenous Knowledge i.e. a Traditional Knowledge Keeper or Indigenous Language Speaker.

Faculty (tenure-stream, LTF)

When a faculty position is designated as an ‘Indigenous hire’, there must be a tenure-stream Indigenous faculty member as a voting member on the DHC. If the DHC does not have an Indigenous faculty as an elected member, the Chair/Director of the Department/School will appoint an Indigenous faculty member from the Indigenous Faculty Committee. When the Indigenous faculty member on the DHC is the Chair/Director’s appointee, they will remain on the DHC for the hiring of the designated Indigenous position only. As such, the Chair/Director of the Department/School will appoint a separate/alternate appointee who will serve on the DHC to carry out committee work related to the non-Indigenous hires.

When self-identified Indigenous candidates apply for regular non-Indigenous faculty positions, the DHC shall consult with the Indigenous Faculty Committee, and the Indigenous Human Resources Lead. The Indigenous Human Resources Lead then confirms the validity of the Indigenous candidate.

Traditional Knowledge Keeper/Indigenous Language Speaker

Departments/Schools may determine a defined area of expertise whereby candidates will not hold a terminal degree. In these instances, the area of expertise may include traditional knowledge holders and/or language speakers deemed equivalent to a terminal degree, as verified by their Indigenous communities in consultation with the Indigenous Faculty Committee.

Application to Existing Indigenous Faculty

The evaluation model set out below will apply to both existing employees and to new employees on a “go forward” basis. If an existing Indigenous faculty member has a concern over a previous evaluation or assessment that predates the introduction of this evaluation model and believes that the previous result would be different had it been conducted through the lens of this MOU, they may indicate this and the reasons for the belief and this will be taken into account by any subsequent recommendation or decision maker relying upon that previous evaluation or assessment.

6. Appointment Letters for Indigenous Hires

In order for DEC's, FTC's, and FPC's to appropriately assess the SRC of Indigenous faculty members who carry out Indigenous SRC, the following language, or something similar, will be included in the appointment letter for Indigenous faculty:

It is acknowledged that your SRC activities may in part be demonstrate through Indigenous community-based/community-engaged SRC, Indigenous-specific creative projects, and the dissemination of your SRC through mechanisms that include writing for Indigenous audiences, Indigenous peer review processes and recognition of Indigenous protocols when presenting research findings (Indigenous feasts, newsletters, oral presentations, and reports to the Indigenous community) that recognize the ethics of and responsibilities to collaborate with Indigenous communities. Your service to external bodies may also include participation in or service to Indigenous organizations that might not be considered learned societies and/or professional associations.

7. Hiring Indigenous faculty as Acting Assistant Professors

Indigenous faculty who have not yet achieved their terminal degree, or equivalent, shall be hired as Acting Assistant Professors under Article 4.5 of the Collective Agreement. Recognizing that Indigenous candidates may bring with them knowledge and experiences that are different than conventional research, in order to provide Indigenous pre-tenure faculty with more time to complete their terminal degree, as recommended by the DHC, their appointment letter may provide them with a longer time period than what is provided in Article 4.5.F of the Collective Agreement to complete their terminal degree.

It is understood that generally and save for exceptional circumstances Indigenous hires that do not possess a Ph.D. or equivalent terminal degree by the time of their appointment can have up to five (5) years to achieve their doctorate, or equivalent terminal degree(s). The amount of time allowed to complete the terminal degree will be reasonable and based on the circumstances of the applicant and will not be unreasonably denied. All other provisions of Article 4.5 will apply to the Indigenous faculty member. The Dean and the VPFA must approve length of the term of the Acting Assistant Professor, as recommended by the DHC under Article 4.5.F of the Collective Agreement to complete their terminal degree.

Tuition Reimbursement

For those Indigenous faculty who have not yet achieved their terminal degree hired as Acting Assistant Professors the University will provide tuition reimbursement for up to five (5) years of their terminal degree program on a go forward basis. The number of years eligible for tuition reimbursement will be the same as the number of years provided for completion of the terminal degree. This reimbursement will be capped at an amount equal to or less than the University's tuition for an equivalent and comparable program.

8. Evaluation of Indigenous Faculty Members

In regards to evaluation for year-end assessments, intermediate reviews, tenure, and promotion, an Indigenous faculty member can elect to have a tenured Indigenous faculty member as a voting member on their DEC, FTC and FPC. If this election is made by the Indigenous faculty member then the Indigenous Faculty Committee will recommend to the Dean a tenured Indigenous faculty member to the relevant committee(s).

If Indigenous faculty choose not to have an Indigenous representative on their evaluation committees (DEC, FTC, FPC) it is presumed that their SRC will be assessed based on non-Indigenous models of SRC.

DEC

On the DEC the appointed Indigenous faculty member will take the place of the Chair/Director's appointee, as provided for in Article 5.A/B.1.C of the Collective Agreement.

FTC

An additional Indigenous tenured faculty member will be added to the FTC on the recommendation of the Indigenous Faculty Committee for the evaluation of the Indigenous faculty member.

FPC

An additional Indigenous tenured faculty member will be added to the FPC on the recommendation of the Indigenous Faculty Committee. The appointee on the FPC must hold the rank of Professor, at the University unless an Indigenous Professor is unavailable in which case an Indigenous Associate Professor may be selected. If the applicant for promotion elects not to have the Indigenous Faculty Committee appoint a member to the FPC, the applicant can still access Article 5.3.F and request an appointee, who may or may not be from the Faculty Association Indigenous Committee.

Role of Indigenous Appointee

The role of the Indigenous appointee is a full voting member on the committee. Their role includes providing assistance with the evaluation of the Indigenous aspect of the candidate's SRC. The tenured Indigenous appointee cannot be on the DEC and FTC for the same candidate.

Term of Indigenous Appointee

In order to respect the service obligations of Indigenous faculty members, the Indigenous appointee will not serve on the committees for the normal terms outlined in the Collective

Agreement, they will remain on the relevant committee for the evaluation of the Indigenous faculty member(s) only.

External Referees

- i. Tenure: When a member is hired on the basis of Indigenous knowledge, Indigenous faculty members provide the names of five potential external referees during the tenure process, as outlined in Article 5.10, they shall clearly identify any Indigenous Scholars on their list. The Dean will take this into consideration when making their selection of external referees, and when possible will ensure that at least two of the external referees are Indigenous Scholars.
- ii. Promotion: Article 5.13.E.1 articulates that “In certain circumstances, where there is a limited availability of potential referees at the rank of Professor, it is understood that the applicant may provide up to two names of internationally recognized authorities in the applicant’s SRC field and will explain their inclusion and ability to judge the scholarly merits at a Professor level.”

Given the limited number of Indigenous Scholars that hold the rank of Professor, it is understood that Indigenous faculty members hired on the basis of Indigenous knowledge applying for promotion may access this exception outlined in Article 5.13.E.1, and may provide the names of Indigenous Scholars, two of whom may not hold the rank of Professor, but who are recognized authorities in the applicant’s SRC field and the applicant will explain their inclusion and ability to judge the scholarly merits at the Professor level. The applicant shall clearly identify any Indigenous Scholars on their list. The Dean will take this into consideration when making their selection of external referees, and when possible will ensure that at least two of the external referees are Indigenous Scholars.

For all of the above purposes, Indigenous Scholars will be confirmed as such by the Indigenous Faculty Committee.

9. Training Hiring and Evaluation Committees

All relevant committees (DHCs, DEC, FTCs, FPCs) will be trained on appropriate considerations for Indigenous candidates. Training for hiring and evaluation committees must include information regarding Indigenous knowledge, and Indigenous SRC. The training will be provided by the Indigenous Faculty Committee and the Indigenous HR Lead. The training will be offered jointly by the Faculty Association and the Administration.

Librarian Members

The University and the Faculty Association agree that the principles and objects of this Memorandum are equally applicable to Librarian members.

The Parties agree to apply the principles above in the hiring and evaluation of Librarian members and, working from and with the learnings from the Joint Committee on Indigenous Faculty Hiring and Evaluation and supported by the Indigenous Lead, Human Resources, in order to integrate Librarian members into MOU 26, the University and the Faculty Association will meet to develop a hiring and evaluation process specifically designed for Indigenous Librarians, and one which reflects any issues unique to Indigenous Librarians. This process is to be completed by December 31, 2021 unless the parties mutually agree upon an extension. The resulting language to be amended to MOU 26 upon written approval of the Faculty Association and the University.

Professional Counsellors

The parties agree on the importance of increasing the number of Indigenous Professional Counsellors.

To that end the University and the Faculty Association will establish a Joint Committee to develop a hiring and evaluation process specifically designed for Indigenous Professional Counsellors, and one that reflects any issues unique to Indigenous Professional Counsellors and students. This will include examination and recommendations for any specific measures to improve hiring and retention of Indigenous Professional Counsellors and specific measures that may be needed to support Indigenous students. This will include review of best practices at other post-secondary institutions.

The Joint Committee will be composed of an equal number of committee members appointed by the Faculty Association and by the Administration.

The Joint Committee will determine a process for consultation with relevant stakeholder groups. The Joint Committee will be supported by the Indigenous Lead, Human Resources.

The Joint Committee's recommendations will be reported to the Faculty Association and to the Administration.

This process is to be completed by December 31, 2021, unless the parties mutually agree upon an extension.

Memorandum of Understanding 26 ADDENDUM –

PROCESS FOR MODIFYING MOU 26 (signed December 1, 2023)

The Association and the Administration agree that certain refinements are needed to be made to the existing MOU - 26 Hiring and Evaluation of Indigenous Faculty Members and Librarians in the July 1, 2020 to June 30, 2023 collective agreement, in order to facilitate its successful implementation.

To this end the parties agree to the formation of a Joint Committee to review MOU 26, with attention to:

1. tenure and evaluation of indigenous faculty members/librarians/counsellors
2. hiring process for indigenous faculty members/librarians/counsellors
3. credit for service demands made of indigenous faculty members/librarians/counsellors
4. confirmation of indigenous identity
5. any other items that the committee deems it necessary to address in pursuit of the implementation of MOU26

While the title of MOU 26 in the July 1, 2020 to June 30, 2023 collective agreement omits reference to counsellors, it is agreed that counsellors will be addressed in the discussions and recommendations from the Joint Committee.

The committee shall be composed of no less than five representatives of each party. Either party may invite a non-voting resource person(s). The Faculty Association representatives on this Joint Committee will be expected to report back to, and receive direction from, their constituents.

The Committee will provide recommendations to the VPFA and to the President of the Association no later than six (6) months following the convening of the Committee, unless the parties agree to extend the timeline.

Upon receipt of the recommendations, if the parties are able to enter into a Memorandum of Settlement, then a ratification by both parties should be conducted at the first opportunity following the signing of such a Memorandum, with a view to implementing the Memorandum as soon as is reasonably possible, and to incorporating it into the Collective Agreement. If the signing of the Memorandum coincides with a ratification of a new Collective Agreement, the signed Memorandum can be treated as part of the Collective Agreement that is being submitted to ratification.