

LETTER OF AGREEMENT

BETWEEN: **Concordia University**, having its principal place of business at 1455 de Maisonneuve Boulevard West, in the city and district of Montreal, Province of Quebec, H3G 1M8, herein acting and represented by **Dr. Nadia Hardy**, Vice-Provost, Faculty Relations, and **Ms. Andrée-Anne Bouchard Executive Director, Employee and Labour Relations**, duly authorized to act hereunder for the purposes of the present Agreement;

(Hereinafter the "**Employer**")

AND: **Concordia University Part-Time Faculty Association**, having its address for the purposes of the present Agreement at Concordia University;

(Hereinafter the "**Association**")

OBJECT: **Article 10 of the 2021-2023 Collective Agreement**

(Hereinafter the "**Agreement**")

WHEREAS on March 31, 2021, the Employer and the Association agreed to form an omnibus side table to discuss items open for negotiation during the negotiations of the 2021-2023 Collective Agreement;




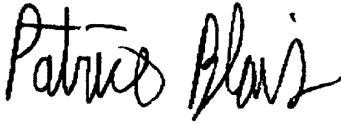
WHEREAS article 10 of the 2021-2023 CUPFA Collective Agreement outlines the procedures for hiring and course assignment;

WHEREAS the parties have come to an agreement to modify said article;

IT IS THEREFORE AGREED THAT:

1. The above preamble forms an integral part of the present Agreement;
2. Notwithstanding any provision to the contrary, the wording for article 10 found in the Appendix shall supersede any previous version agreed to, shall be implemented on February 1, 2023, and shall be incorporated into the 2021-2023 Collective Agreement;

IN WITNESS WHEREOF the authorized representatives of the Parties have signed in Montreal, Province of Quebec, this 02 day of February 2023.

Concordia University	Concordia University Part-Time Faculty Association
 Nadia Hardy Deputy Provost and Vice-Provost, Faculty development and Inclusion	 Robert Soroka President
 Andrée-Anne Bouchard Executive Director, Employee and Labour Relations	 Patrice Blais VP Collective Agreement and Grievance

APPENDIX

ARTICLE 10 HIRING AND COURSE ASSIGNMENT

10.01 This article addresses University-wide policies and procedures on the hiring and re-hiring of part-time faculty members, Graduate Students and Adjuncts. Each Department/Unit may have a Departmental Part-Time Hiring Document consistent with the terms of this Collective Agreement. Copies of hiring documents shall be sent to the Association.

- a) Only applicants who are defined as Canadian per the definition in Article 2 at the time of application for a part-time teaching contract shall be given consideration by the PTHC.

Non-Canadians shall only be eligible to receive Reserve Courses as per Article 10.24, and therefore shall be classified in accordance with Article 10.24d.

- a) The Association shall receive copies of all correspondence from administrators, Offices of the Deans, directors, or Department Chairs/Unit Heads involving the allocation of part-time contracts.

10.02 HIRING AND RE-HIRING OF PART-TIME FACULTY MEMBERS

Each Department/Unit shall have a PTHC. Recommendations for hiring or re-hiring of part-time faculty members are made by the PTHC.

10.03 COMPOSITION OF PTHC

- a) The composition of the PTHC in Departments/Units shall consist of:

- two (2) full-time faculty members of the Department/Unit;

- two (2) part-time faculty members provided by the Association from the part-time faculty members of the Department/Unit; and

- the Department Chair/Unit Head, who shall not vote except in the case of a tie.

In exceptional situations, the Association, after written notification to the Department Chair/Unit Head, may appoint a part-time faculty representative from outside the Department/Unit.

- b) The parties can agree in writing to a smaller composition for a PTHC consisting of:

- one (1) full-time faculty member of the Department/Unit;

- one (1) part-time faculty member provided by the Association from the part-time faculty members in the Department/Unit; and

- the Department Chair/Unit Head who shall not vote except in the case of a tie.

The smaller composition for a PTHC can be used provided that:

- There are fewer than ten (10) individuals whose names appear on the Seniority List and who hold part-time teaching contracts or extra duties contracts in the Department/Unit in the current academic year or held part-time teaching contracts or extra duties contracts one of the previous two (2) academic years
- The Chair/Unit Head certifies that the part-time faculty member who will sit on the PTHC will not require her or his qualifications to be discussed.

- c) The Association may name an alternate in each Department/Unit to serve in cases where the part-time member cannot participate in the hiring meeting.
- d) If a part-time faculty member is a member of the PTHC in which her or his qualifications need to be discussed for the allocation of a course, the part-time faculty member will leave the meeting for that discussion and vote to take place to resolve this situation of conflict of interest or perceived conflict of interest. To preserve the parity of the committee, a full-time faculty member (identified by a flip of a coin) will also leave the meeting for that discussion and vote.

10.04 PTHCs must hold meetings on-site or synchronously with a video conferencing software for the allocation of courses. Under exceptional circumstances, the Association may agree to permit a PTHC to meet by telephone or by email. The office of the Provost shall be informed of such exceptional agreements.

10.05 Part-time faculty members on PTHCs normally serve for a two (2) year term which may be renewed.

10.06 The Department Chair/Unit Head shall endeavour to accommodate scheduling requests of part-time faculty members with more than ninety (90) seniority credits, where such requests are received before October 1 of the previous academic year.

10.07 Part time teaching contracts are awarded based on posted courses that CUPFA members, or individuals eligible for CUPFA membership, have applied to teach. Reserve Courses are assigned in accordance with Article 10.24.

Faculties, in agreement with the Association, may elect each academic term to have all of their PTHCs meet on the same day to allocate part-time teaching contracts. Thereafter, the parties shall agree on the modus operandi.

10.08 POSTING OF COURSES

- a) The Employer and the Association agree that it is mutually beneficial to post, in the first instance, as many of the available part-time teaching contracts as possible. There shall be three posting deadlines: February 18 for Summer courses; May 1 for Fall, Winter, and Fall/Winter courses; and October 1 for remaining Winter courses. A copy of the posting shall be sent to the Association by electronic mail by the office of the Provost within twenty-four (24) hours it is posted on FRIS. A PDF of the postings shall be available on the FRIS for consultation until the next round of applications.

- b) The February 18th posting shall include at least eighty (80%) per cent of all the part-time teaching contracts planned to be offered during the coming summer semester. The May 1st posting shall include at least eighty (80%) per cent of all the part-time teaching contracts planned to be offered during the coming fall, fall/winter and winter semesters. It is understood that courses/sections may be cancelled at a later date in accordance with Appendix C.
- c) In the event that additional courses become available between the application periods (after May 20, October 20 and March 10), they shall be allocated as stipulated in Article 10.18 and Article 10.19.
- d) Courses assigned to the part-time pool shall not be removed or assigned to a full-time faculty member or as a Reserve Course under Article 10.24. Except under the provisions of Articles 10.20c) and 10.22. However, the parties may agree in writing to exchange a posted course for another course in the same academic year.
- e) All course postings shall be standardized in the same format across the University.

10.09 COURSE POSTINGS SHALL INCLUDE:

- a) the name of Department/Unit and name of the Department Chair/Unit Head;
- b) for each course: name, number, academic term, section, credits, schedule, and any specific academic and/or professional qualifications where required;
- c) team taught courses shall be so indicated, specifying the total number of credits to be awarded for the course, the number of instructors required for the course, the number of credits to be awarded per course segment, and the segments of the course available as part-time teaching contracts;
- d) application deadline and date of posting; and
- e) projected class enrolment and ceiling;
- f) Electronic or on-line courses shall be so indicated.

10.10 APPLICATION FOR TEACHING

- a) Part-time faculty members and applicants not on the seniority list must apply by the posted deadlines by logging on to the FRIS using their employee netname and password and following the instructions.
- b) The application shall indicate all the posted courses members wish to teach, the total number of credits desired, the course name, course number, section, schedule and any additional Department wait list to which the part time faculty member wishes to be added. Application deadlines are no later than March 10 for summer courses, May 20 for Fall, Winter and Fall/Winter courses, and October 20 for remaining Winter Courses.
- c) Application information for each applicant will be submitted to the Association.
- d) Except for courses assigned using the Waiting List, part-time faculty members may only be assigned courses and sections for which they have applied.

- e) Applications may be rejected outright in the event that any information submitted is materially false or misleading (e.g. falsifying citizenship, residency, or Article 10.24 classification status; etc.)
- f) Applications may be rejected when information is incomplete.
- g) The process stated in the present article shall not be modified without the Association's approval.
- h) The Association shall be consulted about the implementation of the process stated in the present article on an electronic platform.

10.11 ACADEMIC AND PROFESSIONAL SERVICE DOSSIER

- a) Each part-time faculty member shall have an Online Academic and Professional Service Dossier (APSD) containing material relevant to their academic and professional activities (e.g., current curriculum vitae, course evaluations, course outlines, etc.). The APSD shall not contain material of a disciplinary nature. The part-time faculty member shall normally have access to her/his Online Academic and Professional Service Dossier online at all times, with the exception of the period between the application deadline and the due date for the PTHC recommendations to be submitted (March 11 – March 27, May 21 – June 6, and October 21 – November 6).
- b) In the exceptional circumstance that the Academic and Professional Service Dossier contains materials that cannot be upload to the Online APSD, a physical and/or electronic version is kept in the Department/Unit. In such cases, the part-time faculty member is responsible for seeing that her/his dossier is kept up to date with the addition or removal of relevant documents. Information from this dossier may be forwarded to the Dean's Office, with a copy sent at the same time to the part-time faculty member.
- c) When required, the Online APSD and/or the physical APSD shall be made available to the PTHC.

10.12 PTHC PROCEDURES

The Department Chair/Unit Head or designate shall convene the PTHC to meet immediately following the application deadline as per Article 10.10 (a).

- a) Reasonably in advance of any meeting for the distribution of courses, but not less than forty-eight (48) hours prior to a scheduled meeting, members of the PTHC shall be given access to the applications received by the Department and attachments, if any. In addition, the PTHC shall be given access to the applicants' APSD, excluding documents of a disciplinary nature.
- b) The PTHC shall forward its recommendations to the Dean no later than March 27, June 6, and November 6, with a copy sent to the part-time faculty member. The Office of the Provost will provide the Association with all PTHC recommendations within two (2) days of the recommendation deadline. In the case that no courses are to be assigned to the part-time faculty member, she/he shall be so informed.
- c) All recommendations shall be structured in the same format across the University.

- d) In the event that a grievance is filed in accordance with Article 13, the PTHC may be requested to respond in writing to questions concerning the hiring process.

10.13 Should a recommendation of the PTHC be refused by the Dean, the latter shall advise, in writing, the Department Chair/Unit Head, the PTHC, the part-time faculty member and the Association, of the specific reasons for the refusal by April 4, June 14, November 14.

10.14 Issuing of Part-time Teaching Contracts

- a) Part-time teaching contracts shall be issued by April 5 for Summer courses, June 15 for Fall, Winter, and Fall/Winter courses, November 15 for remaining Winter courses.
- b) Part-time faculty members must sign their part-time teaching contract(s) by logging on to the FRIS using their employee netname and password and following the instructions by April 15, June 25, or November 25. Upon signing a teaching contract electronically, members shall be sent confirmation by electronic mail.
- c) Provided the conditions of Article 10.14 (a) are met, failure of part-time faculty members to sign their part-time teaching contract(s) by the prescribed deadlines as set out in (b) above shall be deemed by the Dean to constitute a refusal to teach and courses will be reassigned to available part-time faculty members in accordance with the procedures set out in Article 10.19.

10.15 QUALIFICATIONS TO TEACH

- a) Part-time faculty members with seniority on November 22, 1991 are qualified to teach a course they apply for if:
 - i. They fulfill the requirements under article 10.15 b); or
 - ii. They taught the course once, successfully, in the four (4) academic years preceding the academic year for which they are applying.
- b) Part-time faculty members who have successfully taught a course three (3) times or more are deemed to be professionally and academically qualified to teach the same course or a closely related course.
- c) Part-time faculty members who apply for courses for which they are not deemed qualified under Article 10.15a) or b) must demonstrate their competence to teach the course.
- d) Part-time faculty members who have developed a course by virtue of Appendix H shall be deemed professionally and academically qualified to teach said course insofar as they have either successfully developed or successfully taught said course in the four (4) academic years preceding the academic year for which they are applying.

10.16 In the assessment of qualifications, the PTHC shall take into account work experience in the field, academic and/or professional background, awards or honours received, and course evaluations.

10.17 When two or more members with equal seniority have applied for the same sections, the PTHC shall divide those sections equally among them, to complete their course assignment for that phase.

- If a section remains unassigned, the PTHC shall assign the section to the member who has been allocated a lesser workload.
- If the two or more members have been allocated an equal workload, the PTHC shall assign the section to the applicant with more teaching experience as measured by credits taught in the department/Unit.
- If the two or more members have equal teaching experience, the PTHC shall assign the section to the applicant who has achieved the higher academic degree.
- If the section remains unassigned, the section will be assigned randomly (by flip of a coin) to one of the members.

10.18 ALLOCATION OF COURSES

- a. Course allocations and seniority credits for each academic year begin with the Summer term.
- b. Course entitlement limits are as follows:
 - Part-time faculty members who have acquired ninety (90) credits or more of seniority may teach up to eighteen (18) credits per academic year;
 - Part-time faculty members who have acquired twenty-four (24) credits or more of seniority but fewer than ninety (90) credits of seniority may teach up to twelve (12) credits per academic year;
 - Part-time faculty members who have acquired less than twenty-four (24) credits of seniority and external candidates may teach a total of nine (9) credits per academic year.

For the purpose of this article, 'external candidates' refers to persons who are not in the seniority list (including those who have lost their previously accrued seniority) and have not taught nor are they teaching a course in the current academic year. An individual hired under the provisions of Article 10.22d) who is not in the seniority list (including those who have lost their previously accrued seniority) and have not taught nor are they teaching a course in the current academic year is considered an 'external candidate'.

- c. The courses to be assigned to part-time faculty members shall be allocated within each Department/Unit in the following manner:

Phase 1

- i) Part-time faculty members who have acquired ninety (90) credits or more of seniority at Concordia University shall, in order of seniority, be assigned twelve (12) credits, if available.
- ii) Part-time faculty members who have acquired twenty-four (24) or more credits of seniority at Concordia University but fewer than ninety (90) credits shall, in order of seniority, be assigned six (6) credits, if available.
- iii) In cases where a course is partially in phase 1 and 2 it will be considered a phase 1 allocation if a maximum of one (1) credit of the course falls into the phase 2 allocation.

Phase 2

- i) Part-time faculty members who have acquired ninety (90) credits or more of seniority at Concordia University shall, in order of seniority, be assigned six (6) credits, if available.
- ii) Part-time faculty members who have acquired twenty-four (24) or more credits of seniority at Concordia University but fewer than ninety (90) credits shall, in order of seniority, be assigned (6) credits, if available.
- iii) Part-time faculty members who have acquired fewer than twenty-four (24) credits of seniority at Concordia University shall, in order of seniority, be assigned six (6) credits, if available.

Phase 3

- i) Part-time faculty members who have acquired fewer than twenty-four (24) credits of seniority at Concordia University shall, in order of seniority, be assigned three (3) credits, if available.
 - ii) Should any courses still remain available, the PTHC may consider external candidates, who can be assigned up to nine (9) credits. Part-time faculty members who have applied to teach in the Department/Unit shall be assigned their full course entitlement, if they are qualified, before external candidates are offered any courses.
- d. Part-time faculty members are responsible for ensuring they do not accept more part-time teaching contracts than their entitled course load or course allocation. In the event that a part-time faculty member accepts more part-time teaching contracts than entitled as per Article 10.18, the Office of the Provost has the right to rescind any or all of the part-time teaching contracts in excess of the entitlement.
 - e. In a case where a part-time faculty member has applied to teach in more than one (1) Department/Unit, the respective Department Chairs/Unit Heads are responsible for ensuring that the part-time faculty member is not allocated more than their course entitlement in accordance with Article 10.18 and Article 10.19. The Department Chairs/Unit Heads shall also ensure that the phases in Article 10.18 are integrated across all Departments/Units so that the appropriate limits specified in each of the hiring phases are respected University-wide.
 - f. Courses requiring extra contact hours (labs and extended hour courses) shall be allocated in the same manner as other courses in Article 10.18. However, the prorated seniority credits as posted for that portion of extra contact hours shall not be counted when such courses are distributed.
 - g. Team taught courses shall be allocated by segment according to Articles 10.18 and 10.19.

10.19 WAITING LIST AND DEPARTMENTAL EXTRACT

- a) A Waiting List for each Academic Year is generated by FRIS at the conclusion of the PTHC meeting for the summer semester (held in the March 12 – March 27 period) and is valid for the following Academic Year. The list contains the names of all the part-time faculty members who have applied to teach in that Department or have indicated their availability to teach in that Department, ranked by their standing in Article 10.18. (i.e., their remaining allocation of courses for each phase).
- b) The list is kept up to date as courses are assigned and reviewed at each hiring round by adding, as appropriate, the names of all the part-time faculty members who have applied to teach in that Department, have indicated their availability to teach in that Department, or who were assigned a part-time teaching contract for the Academic Year, and who are not already on the Waiting list.
- c) An application to teach is defined as the submission, within the deadline, of a completed application on FRIS.
- d) There shall be one (1) Waiting List per Department (except where there is more than one, such as in Studio Arts, Education);
- e) Each department shall have a Departmental Extract. The extract contains the names of all the part-time faculty members who have taught in that department and who are on the current Seniority List. The name of the part-time faculty member who have taught a course cross-listed among two or more departments, shall appear in the Departmental Extract of all said departments.
- f) Each Academic Year starts with the summer semester;
- g) It is the responsibility of each Department to verify that the standing of the part-time faculty member as per Articles 10.18 to 10.22 is updated and accurate before assigning a course with the Waiting List/Departmental Extract process (10.19 h)). This assignment will take into consideration the courses allocated and the credit limits by seniority as specified in article 10.18.
- h) When a course becomes available to part-time faculty members after or outside of the standard allocation process established by article 10.18, and only after the applicable recommendation deadline as per article 10.12b) has passed:
- (i) The academic unit shall inform, by email, all members listed on the affected department or unit's Waiting List, of the availability of said course, the qualifications required, and the delay to indicate their interest in teaching said course. At the same time, the Office of the Provost and the Association shall be informed; a template of such email can be found in the Appendix K;
 - (ii) Members on the Departmental Extract will also be informed in a separate email; a template of such email can be found in the Appendix K;
 - (iii) Interested members shall indicate their availability and qualifications to teach the course within the delay specified in the email sent as per clause 10.19h)(i) and (ii);
 - (iv) A member who is not qualified under Article 10.15 to teach the course bears the responsibility to submit appropriate documentation to support their claim of qualification at the time they indicate their availability as per clause 10.19h)(iii);

- (v) The academic unit head shall make a preliminary assessment of the qualifications of the candidates and provide all PTHC members with the materials presented by the interested members, along with his/her recommendation as to whether a qualified candidate has emerged from the exercise. In doing so, the academic unit head will prioritize applications emanating from the Waiting List. Courses shall be offered to qualified applicants according to their standing in the Waiting List or their seniority if they are not in the Waiting List (they are in the Departmental Extract);
- (vi) The academic unit head will clearly indicate to all members of the PTHC the deadline to submit their comments regarding the candidates and the academic unit head's recommendation, stipulating that no response within the deadline is taken as agreement;
- (vii) A template of the message to be sent, as per clauses 10.19h)(v) and (vi), by the unit head to the PTHC members can be found in the Appendix K;
- (viii) Should a majority of the PTHC agree with the recommendation of the academic unit head, the recommendation will be entered in FRIS and thereby transmitted to the Office of the Dean;
- (ix) Should this process not identify a qualified candidate, the department will proceed to the provisions of Article 10.20.
- (x) Should there be no courses posted for a hiring period and no Waiting List created for the Academic year and if a course, or courses, is (are) offered after the posting deadline, the department will proceed with Articles 10.20 and 10.21 until the next hiring period.

10.20

a) Should a course remain unallocated after the application of the processes in 10.18 and 10.19, the Department Chair/Unit Head shall request from the Association a ranked list of suitable internal candidates, whose qualifications shall be assessed by the PTHC. The Association shall compile said list according to its internal policies.

- (i) The Department Chair/Unit Head shall make a preliminary assessment of the qualifications of the candidates submitted by the Association and provide all PTHC members with the materials presented by the interested members, along with his/her recommendation as to whether a qualified candidate has emerged from the exercise. Courses shall be offered to members in the list provided by the Association who are qualified, according to their seniority;
- (ii) The Department Chair/Unit Head will clearly indicate to all members of the PTHC the deadline to submit their comments regarding the candidates and the Department Chair/Unit Head's recommendation, stipulating that no response within the deadline is taken as agreement;
- (iii) A template of the message to be sent, as per clauses 10.20a)(i) and (ii), by the Department Chair/Unit Head to the PTHC members can be found in the Appendix K;

- (iv) Should a majority of the PTHC agree with the recommendation of the Department Chair/Unit Head, the recommendation will be entered in FRIS and thereby transmitted to the Office of the Dean;
- b) Should the above process fail to identify a suitable candidate, and the situation is not an emergency (see 10.22b), the Department Chair/Unit Head, in written consultation with the PTHC, shall, with due diligence, proceed with the following options, in any order:
- Seek a qualified external candidate; or
 - Seek to assign an overload, to a qualified member; or
 - Seek an agreement with the Association for a course exchange in accordance with article 10.08.
- c) If after exhausting all possible actions above, no qualified candidate is identified:
- The Department Chair/Unit Head may, at their sole discretion cancel the course or convert the course to a Reserve Course assigned to a Graduate Student within their residency period; or
 - The Association and the University shall collaborate in finding an appropriate solution.

10.21 OVERLOADS

a) Notwithstanding the credit limits by seniority, the credit limits (art. 10.18 b) can be increased by the lesser of 2 courses or six (6) credits, with the allocation of an overload, subject to the following conditions:

- Overload assignments must be offered in order of seniority, recommended by the PTHC, and approved by the Association. Such approval shall be inferred five (5) days after the Association has received the request.
- Overloads can only be assigned after the following dates: April 15 for a Summer (/1) course, July 15 for a Fall (/2) or Fall/Winter (/3) course, and December 1 for a Winter (/4) course.
- Prior to assignment of a course that results in a second overload to a part-time faculty member, other qualified members on the departmental extract who have reached their credit limit but have no overloads must first be offered the course as an overload.

Overloads shall not become the norm in any Department.

b) In the case where an increase in credits for a member teaching Private Study in the Department of Music causes the member to go over the limits specified on Article 10.18, Article 3.03 of Appendix F-A shall apply.

10.22 SHORT-TERM REPLACEMENTS

a) When the need to replace a faculty member for two (2) weeks or less arises, the Department/Unit Academic Head shall at their sole discretion assign a suitable individual.

b) When an individual who is not a part-time faculty member is assigned short-term replacement teaching (under the provisions of article 10.22) for the equivalent of less than 1 credit, said individual shall not accrue seniority and shall not become a part-time faculty member. Should said individual later be issued part-time contracts, the work done under this article shall not be retroactively applied to their seniority.

10.23 The Department/Unit shall post a list of part-time faculty members and course assignments by August 31, January 15 and April 30, with a copy sent at the same time to the Association.