

Joint APUO-Employer Working Group Phase 1 Report

The Tenure and Promotion Process: Key Problems and Potential Solutions

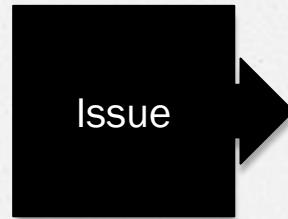
Sept 24, 2015

Joint APUO-Employer Working Group
(Richard Blute, David Currie, Antoni Lewkowicz, Paul Saurette)

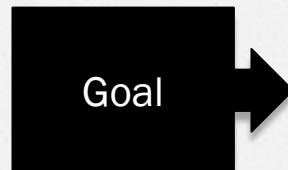
Overview

- ◆ This document offers a synthesis of the Phase 1 findings of the Joint APUO-Employer Working Group on Tenure and Promotion.
- ◆ It identifies the working group's conclusions regarding the main (potentially resolvable) challenges that exist with the current tenure and promotion process and the potential solutions that could address these issues.
- ◆ It is not a final statement of the working group's recommendations. Rather, it is a preliminary synthesis whose aim is to:
 - ◆ Update the two parties (Employer and APUO) and update/integrate the new member of the working group as to the group's Phase 1 analysis and progress;
 - ◆ Allow the two parties (Employer and APUO) to confirm that they want the group to work to develop these broad possibilities into more concrete recommendations in Phase 2; and
 - ◆ Broadly define the issues and possibilities that will be the subject of the group's continuing work in Phase 2.

1. Improve final decision-making stage of process



- University needs a final decision making body for tenure and promotion applications.
- However, two major issues exist with current process vis a vis the Joint Committee
 - First, U of O has grown massively and changed significantly since the original process was created. Demands on JC are very different now, overburdened, faces too many files to read carefully and make timely decisions
 - Second, Joint Committee's (JC) terms of reference and methodology vis a vis tenure and promotion is very unclear. No clear mandate outlined in writing and no shared understanding exists among members (Is it to confirm/validate procedural consistency? Is it to substantively evaluate files? Is it to establish consistent standards across the university?) Consequently, no consistent methodology.
 - Third, Deans' letters are crucial, but quality/utility varies widely
- Given the breadth of expertise that would be required for JC to make substantive judgments about files from across the university, it also seems likely that even with a clear mandate, a single Joint Committee would not have the expertise and context to make decisions across all faculties. Differences between norms and standards across university rare simply too great. This problem has been exacerbated by the fact that the present system of selecting representatives does not guarantee sufficient disciplinary representation.

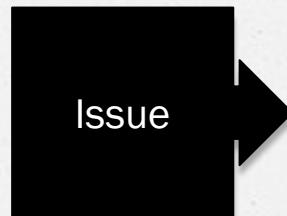


- Revise process to ensure that
 - Substantive and transparent final decisions are made by committees with appropriate subject expertise, clear mandate, shared methodology, and sufficient bandwidth and information.
 - Process is as streamlined and rapid as possible.

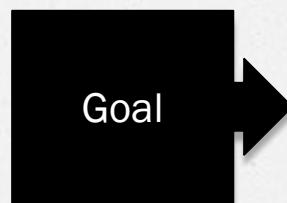


- Eliminate Joint Committee's from process; create more focused university tenure and promotion committees (possibly one for the 'hard sciences', one for 'social science/humanities/professional schools') to be final decision making committees.
- Create an expedited approval process for files that are supported by the unit, FTPC and dean (e.g. the process now used for approving academic leave).
- Create template for Deans' letters.

2. Improve consistency and utility of external evaluations



- External evaluations are key to the process since they offer the most reliable arms-length expert evaluation of research specialization of faculty members.
- However, quality and clarity of external evaluations vary significantly between evaluators, at least partially because the questions posed and the format of the invitation to evaluators leaves enormous room for variation.
- Consequently, the individuals and committees evaluating the files at the U of O are at mercy of quality of evaluators. Committees and deans end up trying to 'read between the lines', which potentially magnifies the difficulties even further.



- Ensure that the external evaluation process returns more consistent, clear and useful feedback from external evaluators.



- Clarify terms of reference for external evaluators by creating a revised and joint employer-APUO authorized set of questions and report template for evaluators that increase the consistency, clarity and utility of the external reports.
- Create a joint employer-APUO authorized cover letter to be sent to all evaluators that outlines all of the relevant articles in the collective agreement.

3. Create straightforward ‘accommodation’ process

Issue

- Employer has a legal obligation to ‘accommodate’ faculty members on a variety of dimensions as outlined by article 9 of the Collective Agreement and the Ontario Human Rights Code. For example, if a member is disabled in a way that allows her to continue her work, but requires her to do it in a different way (e.g. someone with a chronic disease that limits the time she can spend on a computer might choose to disseminate her research more in verbal reports and community engagement than in peer reviewed journals), the university has a duty to accommodate this – and thus the tenure and promotion process would likely be required to place less weight on journal publications than it normally would.
- The specific content of what must be accommodated and in what ways are highly specific to individual cases, since they are determined by a combination of consulting legal precedent and discussing the specific needs and limits of a given case.
- However, the fact that there is no clear process even outlining how accommodation requests should be dealt with at all – and in particular, no clear process regarding how the duty to accommodate must be considered in tenure and promotion decisions – makes this already challenging situation far more difficult.

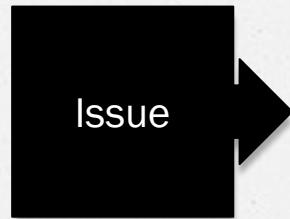
Goal

- Create a simple and clear process that ensures that (a) accommodation issues are surfaced and addressed well in advance of applying for T+P and (b) the T+P process officially recognizes any authorized accommodations and takes these into account when making judgments about a member’s tenure and promotion application.

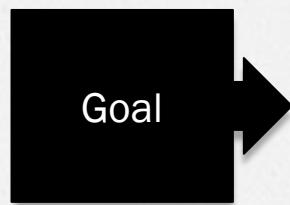
Potential Solutions

- Create specific tenure and promotion accommodation process (e.g. method to confirm accommodation status of condition; process to identify accommodation in light of status; instructions to evaluators and committees that explains impact of condition and what accommodation should be taken into account during evaluation of file).

4. Create more clarity re criteria



- CA language leaves significant ambiguity regarding the specific standards required for tenure and promotion.
- It is clear that a significant degree of flexibility is necessary to deal with the major differences in academic norms across disciplines – not only in terms of quantity, but also in terms of the privileged format of scholarly work, whether a given discipline has journals/publishers ‘of record’, etc, etc.
- It is not clear, however, whether the current situation represents an optimal balance between the flexibility required and the advantages that more clarity could bring to the process.

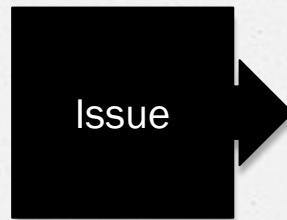


- Explore whether it is possible to create more concrete clarity about expectations regarding tenure and promotion in ways that still allow for the flexibility required for managing the significant diversity of disciplinary norms and definitions of success across the university and respect existing CA articles regarding tenure and promotion.

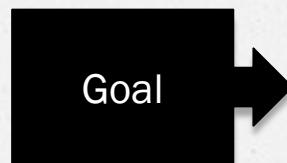


- Create a collaborative process (which would include members of administration, the APUO and professors) that would allow faculties/units to develop guidelines that both respect the CA articles and provide more concrete/specific guidance than currently exists.
- Others?

5. Reduce systematic delays in timing of final decisions



- Although the collective agreement states that tenure and promotion decisions must be communicated to the member by April 1st (meaning that the process, if followed correctly, already takes 8 months), decisions are rarely communicated within this time period. In the 2013-2014 process, almost 80% of decisions were not communicated within a week of the April 1st deadline. In the 2014-2015 process, 94% of decisions were not communicated within a week of the April 1st deadline.
- Our group did not have the data to reliably determine the main causal factors in this delay. However, anecdotally, it seemed like the identification of external evaluators and delays at the JC level were major causes of timing issues.

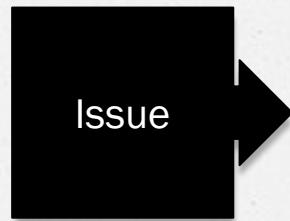


- Revise the process to address some of the most likely causes of delays.



- Start the process of identifying and requesting external evaluators much sooner. For example,
 - Members inform their faculty of their expectation to apply for tenure/promotion and they (and their chairs) identify their suggested evaluators by April 1st
 - FTPC approves initial lists in April
 - Faculties begin to contact evaluators in May.
- Revise decision making process as suggested earlier in this report (e.g. eliminate JC and replace with UTPCs; adopt same process now used for sabbaticals)
- Share best practices from high performing faculties regarding how to ensure most efficient and speedy processing of files.
- Consider whether number of evaluators requested/required is optimal

6. Ensure all individuals involved in process know the CA



- Many grievances regarding the tenure and promotion centre on the perception that the process followed and the substantive reasoning employed did not follow the rules of the collective agreement. Sometimes this is due to a disagreement between the APUO and the employer on what the CA concretely entails. However, other times it seems to be due to a lack of knowledge of the specific articles of the collective agreement – something which isn't surprising given the fact that it is now 340+ pages and in two languages.

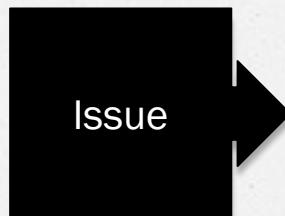


- Ensure that all individuals in the tenure and promotions process know all the CA articles relevant to the process.

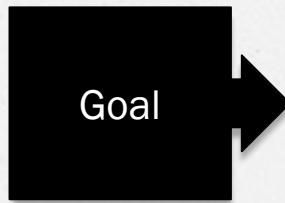


- Joint APUO-Employer training for all individuals involved in evaluation process (DTPC, FTPC, Chairs, Deans, JC/UTPC).

7. Ensure transparency and autonomy of the process



- Lack of transparency on certain issues.
- Best practices regarding mentoring, communicating and managing tenure and promotion process not shared between faculties.

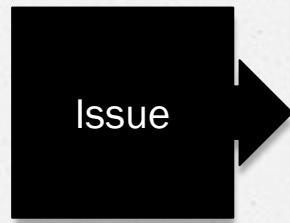


- Strengthen transparency, autonomy, and clarity of the process to build stronger trust in the process.
- Ensure proper and timely feedback before tenure and promotion application to allow member to improve if necessary.

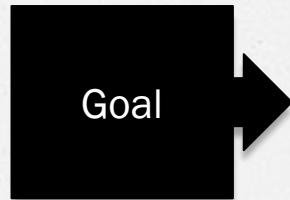


- Member receives an (anonymized) copy of the letter sent to the external evaluator and a memo outlining the dates of various steps of process?
- Joint employer-APUO report on best practices for mentoring, communicating and managing the tenure and promotion process

8. Create true feedback process



- Given current situation where (a) very little trust exists between APUO membership and employer regarding tenure and promotion decisions and (b) significant differences of opinion regarding what are acceptable reasons for the denial of tenure/promotion, there is very little room and opportunity for sincere discussion and feedback to take place.
- This is far from optimal for all parties.



- Explore whether there are ways to create a feedback culture where members and the final decision making body can actually have an open and frank discussion about what improvements are required.



- Revise modes of written formal feedback for negative decisions?
- Create formal mode of feedback in negative decisions – meeting between Dean and member of JC/UPTC to explain? Invite Deans to JC/UPTCs as observers when the files of their members are being discussed?
- Create informal modes of feedback in negative decisions – meetings between the APUO member and one or two members of JC and FTPC?
- Identify best practices re mentoring and feedback at U of O and elsewhere?
- Others?

Additional issues that were not addressed

Issue	Goals	Potential Solutions
<u>Resolving grievances</u> <ul style="list-style-type: none">Resolution process is extremely drawn out = stress for member and uncertainty for employer	<ul style="list-style-type: none">Increase efficiency of resolution process for T+P grievancesReduce stress/uncertainty more quickly	<ul style="list-style-type: none">Create expedited grievance process for tenure and promotionEstablish several standing annual dates for tenure and promotion arbitration - and book a mediator well in advance.
<u>Clarify CA criteria</u> <ul style="list-style-type: none">Significant differences of opinion exist regarding interpretation of key criteria in CA	<ul style="list-style-type: none">Try to create shared interpretation on articles where this is possible	<ul style="list-style-type: none">Criteria will likely be clarified to large extent if parties choose to create a process to develop guidelines for T+P criteria as previously recommendedThis process could also be used to identify outstanding areas of disagreement and have them be referred specifically to arbitrator to resolve
<u>Improve accountability of process</u> <ul style="list-style-type: none">Eliminate overlaps of influence in different phases of process	<ul style="list-style-type: none">Ensure that each stage of the process operates as autonomous steps and eliminate any overlapping influence	<ul style="list-style-type: none">FTPC's conduct final discussion and vote without Dean present (since Dean already has own voice and recommendation subsequent to FTPC)Create process to resolve possibility of perceived conflict of interest when there is conflict between applicant and any individuals in T+P process

Next Steps

- ◆ Update meeting between Working Group and representatives of the APUO and Employer (ideally during the first two weeks of October 2015).
 - ◆ Ideally, the meeting should take place within the first two weeks of October 2015 and the key decision makers for both parties should attend.
 - ◆ The aim of this meeting would be to (a) update both parties and integrate new working group member; (b) provide the two parties the information required for them to decide whether they believe the Working Group should continue into a Phase 2
- ◆ Employer and APUO confirm that working group should continue into Phase 2 (ideally no later than the first week of November 2015).
- ◆ Working Group develops and delivers to APUO and Employer a clear work plan and timeline for Phase 2 with a deadline for Phase 2 Recommendation Report of May 1, 2016 (timeline/work plan to be delivered not later than one month after receiving confirmation from Employer and APUO that working group should continue into Phase 2).
- ◆ Working Group develops Phase 2 Recommendation Report (Nov 2015-April 2016).