

## **LETTER OF UNDERSTANDING INDIGENOUS FACULTY MEMBERS**

The Parties agree that this Letter of Understanding forms part of the 2022-2026 Faculty Collective Agreement for the life of the Collective Agreement.

**WHEREAS** the Parties jointly endorse the goals outlined in the Western University Indigenous Strategic Plan (ISP) pertaining to faculty, i.e. to increase the number of Indigenous faculty members working at Western and, through promotion, tenure, continuing status, and performance review processes, to recognize additional demands placed on time and workload of Indigenous faculty members through involvement in a number of activities that support Indigenous education and scholarship across the institution, including guest lectures, community based work, planning and consulting on development of new courses and Indigenous content across the university, academic advising and support for students, as well as ongoing expectation to consult on Indigenous-related committees and initiatives;

**WHEREAS** the Indigenous Faculty Advisory Council has reviewed the contents of this Letter of Understanding;

THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Indigenous Faculty Member Joint Working Group shall remain constituted for the life of this Collective Agreement. It shall be reconvened, by mutual agreement, for further discussions and possible Collective Agreement amendments.
2. Notwithstanding point 1., the 'Indigenous Faculty Member' Joint Working Group shall reconvene one year from the signing of this LOU to review the effectiveness of the changes and make further recommendations if necessary.
3. All processes, procedures and relevant meetings associated with Performance Evaluation; Promotion, Tenure and Continuing Status and Workload shall be conducted from a culturally responsive perspective.
4. The 2022-2026 Faculty Collective Agreement will be amended effective on the date of the signing of this Letter of Understanding as per Appendix A.

Signed this \_\_\_\_th day of \_\_\_\_\_, 2024

\_\_\_\_\_  
For the Association:  
Jeff Tennant

\_\_\_\_\_  
For the University:  
Robert Monti

**APPENDIX A---** underline denotes language added to the existing clause or a new clause.

## Definitions

**Indigenous Scholar** shall mean a Member who self-identifies as Indigenous, whose Teaching, Research and Scholarship and/or Creative Activity are partially or entirely in a field of Indigenous Scholarship, and/or who is actively engaged in service to an Indigenous community.

## Academic Responsibilities of Members

### Teaching

2 d) being available to students for consultation and academic counselling, including in the case of Indigenous Scholars, advising, mentoring and supporting Indigenous students and prospective students from Indigenous communities;

2 g) For an Indigenous Scholar whose teaching is community focused, collaboration with, and engagement with Indigenous communities is common,

### Research, Scholarship and Creative Activity

4. For Indigenous Scholars, Research, Scholarship and Creative Activity, as defined in Clause 3, may include research carried out based on traditional/Indigenous Knowledge, and the practical applications or dissemination of such research generally, or specifically through engagement with Indigenous communities. In all assessment processes mandated by this Collective Agreement, there should be recognition of Indigenous traditional methods, data collection and dissemination protocols that are culturally appropriate.

### Service

9.1 A Member who holds a Probationary or Continuing Appointment on the Teaching Scholar Track shall have teaching as their primary area of Academic Responsibility. They shall have Academic Responsibilities in the areas named in Clauses 2, 7 and 8 above. There will be no requirement to engage in research; however, such teaching faculty are expected to engage in scholarship activities, which broaden the scope of their educational responsibilities, and to share this expertise with their colleagues. Such scholarship activities may include curriculum development and evaluation, mentoring, and research into the efficacy of different pedagogical approaches. The above may be specified by written agreement between the Member and the Employer or such written agreement may specify a different set of responsibilities. Any such agreement shall be consistent with the provisions of this Collective Agreement, and a copy shall be sent to the Association. For an Indigenous Scholar, Service can include maintaining relationships, responsibilities and commitments to Indigenous Communities including communities of interest and/or their Nation.

Clause 13.1 An Indigenous Scholar may request, and the Dean may grant a period of authorized absence for purposes including but not limited to ceremonial and protocol observance. During an authorized absence a Member is not subject to being recalled to Campus, even if the Member has scheduled duties or responsibilities, to allow the Member to maintain relationships, responsibilities and commitments to Indigenous Communities including Communities of interest. While it is the responsibility of the Member to make alternate arrangements for their academic responsibilities including teaching, the academic Unit will support the Member in making such arrangements as necessary. Such a request shall be made with 2 weeks' notice. The Dean shall decide within five working days of receiving such a request whether or not to grant the request. If the request is denied, the Dean shall give written reasons for the denial. A period of authorized absence is not a Leave, and the Member is presumed to be carrying out Research, engaging in scholarly, creative, or professional activities, or preparing for scheduled duties, as part of the fulfilment of their Academic Responsibilities.

## **Performance Evaluation**

5.1.1.1 When assessing the file of an Indigenous Scholar, at the request of the Member the Committee shall be expanded to include an Indigenous faculty member who has academic expertise in Indigenous research using culturally appropriate methodology, or a non-Indigenous faculty member who is sufficiently familiar with Indigenous research using culturally appropriate methodology and who has a demonstrated track record of allyship with Indigenous Peoples, as determined by the Indigenous Faculty Advisory Council. Where the Performance Evaluation has been delegated to the Dean (in a Faculty without Departments or Schools), the Chair of the Department, or the Director of a School, at the request of the Member, the Dean, Chair or Director shall consult with an Indigenous faculty member who has academic expertise in Indigenous research using culturally appropriate methodology, or with a non-Indigenous faculty member who is sufficiently familiar with Indigenous research using culturally appropriate methodology and who has a demonstrated track record of allyship with Indigenous Peoples, as determined by the Indigenous Faculty Advisory Council.

5.1.2 Every member of the Performance Evaluation Committee of a Unit in which there is at least one Indigenous Scholar will participate in training, developed jointly by the Employer and the Association, to allow them to acquire the knowledge and understanding necessary to assess the performance of Indigenous Scholars from a culturally responsive perspective. This training will address, in addition to basic equity considerations such as mitigation of unconscious bias, the specific nature of Indigenous Scholarship and the Academic Responsibilities of Indigenous Scholars. The training will be presented in the context of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the University's responsibilities in responding to the Truth & Reconciliation Commission's Calls to Action, and Treaty relationships between Indigenous and non-Indigenous communities of Turtle Island.

6 c) Indigenous Scholars. The Committee shall have the opportunity to consult with an Indigenous faculty member who has academic expertise in Indigenous knowledge or

with a non-Indigenous faculty member who is sufficiently familiar with Indigenous research using culturally appropriate methodology and who has a demonstrated track record of allyship with Indigenous Peoples, as determined by the Indigenous Faculty Advisory Council, when the procedures and criteria for the assessment are created.

6.1 By December 1 of the final year of the three-year Performance Evaluation period, , the Committee, together with the Dean or a designated Associate Dean and any Part-Time Member elected to the Committee, shall identify in writing procedures and criteria for the assessment of the performance of Part-Time Members in the Department, School or Faculty in the area of Teaching to be applicable in the assessment to occur in the next three-year Performance Evaluation cycle. These procedures and criteria shall be consistent with the criteria specified for Standing Appointments. These procedures and criteria shall be explicitly described for Indigenous Scholars.

The procedures and criteria proposed by the Performance Evaluation Committee shall be ratified by a majority ballot of the Part-Time Members of the Department, School or Faculty, where applicable, and forwarded to the Dean or designate. If the proposed procedures and criteria are not ratified by a majority ballot and forwarded to the Dean or designate by January 30, the provisions of Clause 6.2.3 of this Article shall apply.

6.1.1 Units in which there is at least one Indigenous Scholar shall by December 1 in the year the appointment commences, review their procedures and criteria documents for the current PE cycle to ensure compliance with the language added to Clauses 6 c), 6.1, and 6.2.

10.3 d) vi) participation by the Member in the advising, examination and supervision of the thesis work of graduate students, or other work by graduate students not listed in 10.3 d) (i) required for their degree completion, with masters and doctoral students listed separately. This should include a list of students for whom the Member has been chief advisor or supervisor including the student's year in their program, a list of students for whom the Member has been a thesis examiner, and a list of students for whom the Member has served in any other capacity requiring significant commitment of time. Where applicable, details of supervision by the Member of graduate thesis work, or other work by graduate students required for their degree completion (i.e. project research, clinical work, practicum or internship training, other), should also be provided including start and end dates of the supervision, the role of the Member (i.e. chief advisor or supervisor, advisory committee member, examiner, other), frequency of meetings, and outcome of the supervision including whether a degree-seeking student was successful in defense of the research project; including in the case of Indigenous Scholars, advising, mentoring and supporting Indigenous students and prospective students from Indigenous communities;

10.3 e) ix); other documents that allow for, or provide, an assessment of the Member's performance in Teaching including in the case of Indigenous Scholars, work done using Indigenous traditional methods, or other culturally appropriate forms of data collection and dissemination protocols, including community engagement processes.

## **Appointments**

5.8 g) where the Appointment is for an Indigenous Scholar, at least one of the members of the Appointments Committee shall be an Indigenous Scholar. In exceptional cases where an Indigenous Scholar is not available to fulfill this role, the Vice-Provost & Associate Vice-President (Indigenous Initiatives) may, in consultation with the Indigenous Faculty Advisory Council, propose for this role a Member who is not an Indigenous Scholar. The Member in this role shall have full voting rights as a member of the Appointments Committee for the purposes of the search.

5.16 e) where the Appointment is for an Indigenous Scholar, at least one of the members of the Search Committee shall be an Indigenous Scholar. In exceptional cases where an Indigenous Scholar is not available to fulfill this role, the Vice-Provost & Associate Vice-President (Indigenous Initiatives) may, in consultation with the Indigenous Faculty Advisory Council, propose for this role a Member who is not an Indigenous Scholar. The Member in this role shall have full voting rights as a member of the Appointments Committee for the purposes of the search.

7.1 f) where the Appointment is for an Indigenous Scholar, at least one of the members of the Search Committee shall be an Indigenous Scholar. In exceptional cases where an Indigenous Scholar is not available to fulfill this role, the Vice-Provost & Associate Vice-President (Indigenous Initiatives) may, in consultation with the Indigenous Faculty Advisory Council, propose for this role a Member who is not an Indigenous Scholar. The Member in this role shall have full voting rights as a member of the Appointments Committee for the purposes of the search.

## **Promotion, Tenure and Continuing Status**

12. By March 15 of the year in which the file of an Indigenous Scholar is to be considered and evaluated by the Promotion, Tenure and Continuing Status Committee, the Member shall be advised that they may, by May 15, request that the Dean add an Indigenous person as an advisor to the Committee and that they may suggest to the Dean the name(s) of suitable advisors. The Dean, upon receipt of this request, shall in consultation with the Vice-Provost & Associate Vice-President (Indigenous Initiatives) and Western's Indigenous Faculty Advisory Council (IFAC) select a person external to Western who may or may not be an academic and who is at arm's length from the candidate to be the Indigenous advisor to the committee in the consideration and evaluation of the Member's File. The Vice-Provost & Associate Vice-President (Indigenous Initiatives) shall consult with and receive input from Western's Indigenous Faculty Advisory Council (IFAC) as part of the selection process.

## **Workload**

4 e) consider any concerns of Indigenous Scholars and ensure their concerns are appropriately addressed in the preparation of the Workload Document.

8.1 Using the provisions of the Article Alternative Workload, a Full-Time Indigenous Scholar appointed to a Probationary contract of more than five years may request one Academic Year during the probationary period in which no scheduled teaching is assigned. Such a request shall not be arbitrarily denied. The timing of such shall be subject to the agreement of the Member, the Unit head and the Dean.

8.1.1 Using the provisions of the Article Alternative Workload, following each period of three Academic Years in which an Indigenous Scholar's workload is weighted towards a Service commitment of 30% or greater in a role for which they would not accrue MAWL entitlement, an Indigenous Scholar may request an Academic Year in which only one of the Academic Terms includes scheduled Teaching. Such a request shall not be arbitrarily denied. The timing of such a Term, if approved, shall be subject to the agreement of the Member, the Unit head and the Dean. The Teaching Workload of the Member in the Academic Year in which the Term free of assigned, scheduled Teaching duties is approved would normally be one half of the Normal Teaching Workload of the Unit. Clause 8.1.1 does not apply to a Full-Time Indigenous Scholar appointed to a Probationary Appointment.