

## **ARTICLE 18. HIRING OF MEMBERS**

### **18.A General Provisions**

- 18.A.1 The primary objective in recruiting is to develop the best possible educational program for students at the University of Manitoba. Except when it is clearly to the disadvantage of the University and its programs, those defined as Canadian at the time of application for a University post shall be hired in preference to those defined as non-Canadian.
- 18.A.2 For the purpose of this Article, a Canadian is defined as a person who:
- 18.A.2.1 holds Canadian citizenship, or
  - 18.A.2.2 holds permanent resident status, or
  - 18.A.2.3 is able to provide proof that he/she is an applicant for permanent resident status from within Canada who has received approval in principle from Citizenship and Immigration Canada and is therefore eligible to hold a valid open work permit authorizing him/her to work pending finalization of his/her application for permanent residence.
- 18.A.3 In keeping with requirements of the Federal Contractors Program, to which the University is committed, the University and the Association agree to the principle of employment equity for women, visible minorities, Indigenous peoples and persons with disabilities at the University of Manitoba. This principle ensures opportunities in hiring, promotion and tenure for members of the above groups, and ensures that no systemic barriers exist to the full participation of the above groups in the workplace of the University of Manitoba.
- 18.A.4 Notwithstanding the provisions of s. 18.A.6, whenever a department has at least ten (10) Members of one gender and none of the other gender holding probationary appointments or appointments with tenure, the next available probationary or tenured position in the department as approved by the Provost and Vice-President (Academic) shall, if possible, be filled by hiring a qualified applicant of the gender not represented in the department.
- 18.A.5 Where an unwarranted numerical gender imbalance (the determination of which shall not be inconsistent with the University's Employment Equity Program as approved on February 13, 1990) exists in the composition of the department or library, the department shall, as part of the search procedures:
- 18.A.5.1 consult with informed men or women of the respective department, library, or discipline in order to identify suitable prospective candidates, and
  - 18.A.5.2 ensure that such candidates are made aware by letter of such vacant positions.
- 18.A.6 The University and the Association agree that the best candidate shall be hired, irrespective of gender. When two candidates are demonstrably equal, and there is

an unwarranted numerical gender imbalance in a department or library, the candidate of the under-represented gender shall be offered the position.

18.A.7 In the evaluation of candidates for appointment to a position in the bargaining unit, search committees shall take into account career interruptions caused by family responsibilities. Such interruptions shall not be a disadvantage to the candidate.

18.B **Search and Advertising**

18.B.1 The following procedures are intended to apply to all positions in the bargaining unit except for contingent appointments, term appointments to replace a Member on leave under Article 21 and 22, the renewal of term and contingent appointments, spousal recruitment under s. 18.D (except to the extent provided therein), renewals and appointments under sections 17.A.6.3, 34.7.3 and Article 28.

18.B.2 **Faculty Participation**

18.B.2.1 The academic staff members with faculty rank of the department meeting in committee shall recommend to the dean/director the priorities and procedures whereby candidates shall be sought, assessed and recommended for appointment. A reasonable number of academic staff members with faculty rank of a department shall participate in an advisory role in the search process.

18.B.2.2 Except as provided in s. 18.D of this Article, a search committee normally composed of five (5) persons (exclusive of the dean/director and any student participation), as follows, shall be appointed by the dean/director:

18.B.2.2.1 At least three (3) of those persons appointed to the committee shall be selected from a list of five (5) Members recommended to the dean/director by the academic staff members with faculty rank of the department meeting in committee. Members shall form the majority of voting members of the committee. If insufficient Members agree to serve, other persons may be used.

18.B.2.2.2 The dean/director or his/her designate shall be the non-voting chairperson of the search committee.

18.B.2.2.3 The committee shall be advisory to the dean/director.

18.B.2.2.4 There shall be provision for student participation. In the event students do not participate in the search committee's procedures that shall not invalidate the proceedings of the search committee.

18.B.2.2.5 At least one faculty member from a related discipline will normally be involved.

18.B.2.2.6 There shall be at least two (2) persons of each gender on each search committee wherever possible although there shall always be at least one (1) person of each gender. This shall be exclusive of any student participation.

18.B.2.2.7 In the event of:

- 18.B.2.2.7.1 a cross-appointment, or
- 18.B.2.2.7.2 departmental circumstances which do not permit the application of s. 18.B.2.2.1 above, or
- 18.B.2.2.7.3 a faculty/school which is not organized into departments, other procedures, modelled on the above, shall be established by the dean/director.
- 18.B.2.3 The search committee shall provide the dean/director with all information involved in the search process.
- 18.B.2.4 After the search is completed, a recommendation on the order of preferred candidates for the appointment shall be forwarded to the dean/director, which shall then be forwarded to the Provost and Vice-President (Academic) together with the dean/director's own recommendation before any offer of appointment is made.
- 18.B.2.5 Members of a department shall be advised when a candidate is visiting.
- 18.B.2.6 It shall not be considered a breach of confidentiality for a Member to disclose to the chair of the search committee, to the dean/director, to the Vice-Provost Academic Affairs, to Staff Relations, or to the Association, any facts or information pertaining to procedural defects (including bias) under this Article. Where the Association becomes aware of a concern, the Executive Director will contact the Director of Staff Relations to discuss the situation prior to taking any action.
- 18.B.3 **Librarians' Participation**
- 18.B.3.1 Whenever the filling of a full-time academic librarian's position is authorized, the University Librarian shall conduct a search for suitable prospective candidates.
- 18.B.3.2 Academic librarians meeting in committee shall recommend procedures whereby candidates shall be sought, assessed and recommended for appointment. A reasonable number of academic staff members with academic librarian rank shall participate in an advisory role in the search process.
- 18.B.3.3 A search committee of six (6) persons shall be appointed by the University Librarian.
- 18.B.3.3.1 At least three (3) of those persons appointed to the committee shall be selected from a list of five (5) Members recommended to the University Librarian by the academic librarians meeting in committee. Members shall form the majority of voting members of the committee. If insufficient Members agree to serve, other persons may be used.
- 18.B.3.3.2 The University Librarian or his/her designate shall be the non-voting chairperson of the search committee.
- 18.B.3.3.3 The committee shall be advisory to the University Librarian.
- 18.B.3.3.4 There shall be at least two (2) persons of each gender on each search committee wherever possible although there shall always be at least one (1)

person of each gender. This shall be exclusive of any student participation.

18.B.3.4 After the search is completed, the recommendations regarding the appointment shall be forwarded to the University Librarian.

18.B.3.5 Academic librarians in a department, section, or regional library, as appropriate, shall be advised when a candidate is visiting.

18.B.3.6 It shall not be considered a breach of confidentiality for a Member to disclose to the chair of the search committee, to the University Librarian, to the Vice-Provost Academic Affairs, to Staff Relations, or to the Association, any facts or information pertaining to procedural defects (including bias) under this Article. Where the Association becomes aware of a concern, the Executive Director will contact the Director of Staff Relations to discuss the situation prior to taking any action.

#### 18.B.4 **Advertising**

18.B.4.1 All positions approved for external search shall be advertised in electronic and/or print media. Such advertising shall include notice of vacancy in at least one (1) issue of University Affairs, in at least one (1) issue of the CAUT Bulletin, and, if appropriate, at least once in a Canadian society or association journal. The notice of vacancy shall also be posted on the University of Manitoba website. Deans and Directors shall monitor this process. In exceptional circumstances, a departure from this procedure may be authorized by the Provost and Vice-President (Academic) who shall inform the Association in writing of such authorization within ten (10) working days thereof.

18.B.4.2 All positions approved for internal search shall be posted on the University of Manitoba website.

18.B.4.3 All advertisements for any one (1) position shall be worded as similarly as possible in all publications and shall be consistent with s. 18.A.3.

18.B.4.4 All advertisements shall contain wording in accordance with legal requirements of Employment and Social Development Canada.

18.B.4.5 All advertisements shall spell out clearly the areas of competence and requirements of the position. If Canadian experience or background is required, this should be noted.

#### 18.B.5 **Preferential Treatment to Canadians**

18.B.5.1 The search committee shall ensure that preferential consideration be given to Canadians who meet the qualifications of the advertised position, accordance with applicable Government of Canada immigration requirements.

18.B.5.2 The search committee shall ensure that at least the top qualified Canadian (as defined in s. 18.A.2 above) is offered an interview for tenured or probationary

appointments. In exceptional circumstances, a departure from this procedure may be authorized by the Provost and Vice-President (Academic).

#### 18.B.6 **Recommendations for Appointment**

The dean/director shall inform the search committee and department head, as appropriate, whether he/she accepts or rejects the advice of the search committee or department head. In the event that the dean/director rejects the advice of the search committee or department head his/her reasons shall be given to the search committee or department head, as appropriate.

#### 18.0 **Appointment**

18.C.1 Upon approval of the Provost and Vice-President (Academic), the dean/director, may make an offer of appointment to the approved candidate. Any such offer shall be made on the understanding that the appointment is subject to the approval of the Board of Governors and, where legally required, Employment and Social Development Canada.

18.C.2 The dean/director shall ensure that the type of appointment, the duration of the appointment, the rank and salary, and any other terms and conditions pertaining to the appointment as provided in this Agreement are clearly set out in all offers of appointment.

18.C.2.1 An offer of appointment for a term appointment at the rank of lecturer may provide that, contingent upon the approved candidate's satisfactory completion of the Ph.D. in his/her discipline (but not later than two (2) years from the date of the appointment):

18.C.2.1.1 his/her rank may be changed to assistant professor;

18.C.2.1.2 his/her type of appointment may be changed to probationary; and

18.C.2.1.3 his/her base salary rate may be increased by an amount specified in the offer.

18.C.3 The Collective Agreement shall be made available in all such letters of offer through reference to the Human Resources website. The Human Resources website shall have the subject index appended to the Collective Agreement. A letter from the Association, acceptable to the University, shall also be provided electronically. This letter shall advise the approved candidate to be in contact with the Association and shall provide contact information. University approval of the letter shall not be unreasonably withheld.

18.C.4 A copy of the final letter of offer for all newly appointed Members shall be sent to the Association within twenty-five (25) working days of approval by the Board of Governors.

18.C.5 Upon completion of the hiring process set forth in this Article, a copy of the "Summary of Applications for Full-Time Appointments" form completed by the chair of the search committee shall be sent to the Association. The form includes the type of appointment, the number of male and female applicants, the number of

male and female interviewees, the number of male and female appointees, the composition of the search committee and special efforts utilized to attract applications from both males and females. Nothing in this section shall require the University to provide the names of applicants or interviewees.

## 18.D **Spousal Recruitment**

18.D.1 Where, in accordance with the provisions of this Article:

18.D.1.1 the candidate recommended for appointment has a spouse who is seeking an academic appointment, and where the candidate's acceptance of an appointment is contingent upon his/her spouse obtaining an appointment, the University may depart from the procedures for search and advertising specified in this Article vis-a-vis the spouse to facilitate the recruitment of the candidate; or

18.D.1.2 a Member has a spouse who is seeking an academic appointment, and where the Member's remaining at the University is contingent upon his/her spouse obtaining an appointment, the University may depart from the procedures for search and advertising specified in this Article vis-a-vis the spouse to facilitate the recruitment of the candidate.

18.D.2 Where section 18.D.1 is to be invoked, the following procedures shall apply:

18.D.2.1 The dean/director of the faculty/school in which the spouse would be seeking an appointment must give his/her consent to consideration of the spouse's appointment in that faculty/school. Prior to making this decision, the dean/director shall seek the recommendation of the department head of the department in which the spouse would be seeking an appointment and the academic staff members with faculty rank of the department meeting in committee.

18.D.2.2 Where the dean/director gives his/her consent pursuant to s. 18.D.2.1, a search committee formulated in accordance with s. 18.B.2 shall review the application, interview the applicant, and, having regard to the department priorities as described in s. 18.B.2.1, make a recommendation which shall be forwarded to the dean/director and the Provost and Vice-President (Academic) before any offer of appointment is made.

18.D.2.3 Where the spouse would be seeking an appointment as an academic librarian, the University Librarian must give his/her consent to consideration of the spouse's application for an appointment in the Libraries. Prior to making this decision, the University Librarian shall seek the recommendation of the academic staff with academic librarian rank meeting in committee.

18.D.2.4 Where the University Librarian gives his/her consent pursuant to s. 18.D.2.3, a search committee formulated in accordance with s. 18.B.3.3 and following the procedures of s. 18.B.3.4 and s. **18.B.3.5** shall review the application, interview the applicant and make a recommendation which shall be forwarded to the University Librarian and the Provost and Vice-President (Academic) before any offer of appointment is made.

18.D.2.5 The provisions in sections 18.B.6 and 18.C.1 through 18.C.5 shall apply.

18.D.3 The Association shall be notified in writing within ten (10) working days of s. 18.D being invoked. The notice shall include the names of both individuals, types of appointment, rank and department.

18.E **Academic Administrators within the Bargaining Unit**

The following provisions do not apply to the appointments of acting administrators, or to their deputies (e.g. associate or assistant department head).

18. E.1 **Academic Staff Members with Faculty Rank**

The selection of department heads, whether by internal or external search, shall be in accordance with the provisions of this Article. In considering candidates for the position, the search committee shall automatically consider the incumbent as a candidate for renewal of appointment unless he/she declines to be considered. For clarity, internal applicants shall be eligible to apply where there is an external search.

18.E.1.2 **Academic Staff Members with Academic Librarian Rank**

The selection of section heads, department heads and coordinators, whether by internal or external search, shall be in accordance with the provisions of this Article. For clarity, internal applicants shall be eligible to apply where there is an external search.