



**Memorandum of Understanding
Between
United Faculty of Western Washington (UFWW)
and
Western Washington University**

The following Memorandum of Understanding (the "Memorandum") is entered into by and between the United Faculty of Western Washington (the "UFWW") and Western Washington University (the "University").

Collective Bargaining Agreement 2012-15, Section 8 Agreement

In place of Section 8 of the *UFWW/WWU Collective Bargaining Agreement 2012-15*, the UFWW and the University agree to substitute the attached language as Section 8. This revision is effective 11/13/13.

This agreement shall expire on September 15, 2015.

Signed and dated this 13 day of November, 2013.

United Faculty of Western Washington

Western Washington University

For UFWW:

For WWU:

By: 

Chuck Lambert
President, UFWW

By: 

Bruce Shepard
President, WWU

Attachment

SECTION 8 NON-TENURE-TRACK FACULTY

8.1 Teaching Faculty

8.1.1 Appointments

8.1.1.1 Non-tenure-track teaching faculty are usually appointed for the longest period of time that the need for their services can be anticipated by the University, not to exceed three years per contract.

8.1.1.2 Non-tenure-track teaching faculty appointments expire at the end of the contract period. Non-tenure-track teaching faculty are not eligible for tenure, and appointments do not normally lead to a change in appointment to a tenure-track position.

8.1.1.3 Prior to extending an offer, the terms and conditions of employment of a non-tenure-track teaching faculty member must be approved by the department chair, dean, and Provost.

8.1.1.4 Contracts offered to non-tenure-track teaching faculty shall be presented in a letter of offer that states departmental assignment, non-tenure-track faculty title, the effective dates of the appointment, compensation, benefits, the FTE, a description of specific responsibilities, and any other accommodations negotiated by the faculty member. Non-tenure-track teaching faculty will not be expected to perform duties for which they are not paid: that is, duties not outlined in the letter of offer.

8.1.1.5 All senior instructors who currently are at an annual FTE of 0.5 or greater will be offered a two-year commitment of employment, beginning September 2013, of at least 0.5 annual FTE. If programmatic need continues to exist at the end of the two-year period, such senior instructors will be offered an additional two-year commitment. When programmatic need exists, senior instructors may be granted multiyear appointments not to exceed three years.

8.1.1.6 Normally, contracts for returning non-tenure-track teaching faculty will be awarded no later than July 15. Teaching sections may be added to existing contracts after July 15.

8.1.1.7 The University will consider qualifications such as teaching experience, diversity, merit and length of service at the university when making hiring and renewal decisions. The effective recommendation for hiring non-tenure-track teaching faculty lies with the department, and shall be conducted according to departmental policies and procedures, subject to approval of the dean and Provost. Current non-tenure-track teaching faculty shall not be denied reappointment for the sole purpose of hiring another non-tenure-track candidate at a lower salary.

8.1.2 Non-tenure-track Teaching Faculty Titles

8.1.2.1 Instructor. Faculty employed for a non-tenure-track position outside the structure of tenure.

8.1.2.2 Senior Instructor. An instructor who has taught a minimum of five separate academic years at 0.5 annual FTE or more at the University with satisfactory evaluations in each of those five years shall be appointed senior instructor effective the following September. The 0.5 annual FTE is based upon a nine-month appointment at the University and on the teaching of credit bearing and/or degree applicable courses. Summer Session FTE may be included in the calculation of 0.5 annual FTE. Appointment to Senior Instructor shall not result in additional duties without compensation beyond the senior instructor salary increase.

8.1.2.3 Visiting Faculty. An individual may be appointed as visiting assistant professor, visiting associate professor, or visiting professor, provided the individual qualifies for the rank and the appointment is for a designated term.

8.1.3 Evaluation of Non-tenure-track Teaching Faculty

8.1.3.1 Non-tenure-track teaching faculty shall be evaluated by the department chair in a manner established by the departmental evaluation plan and on the basis of expectations and duties defined in the letter of offer. The evaluation will include student evaluations of the instructional quality for all courses taught. Faculty are expected to provide the opportunity for students to complete evaluations for all sections. The department chair may consult with the tenured and tenure-track faculty of the department if deemed appropriate by the chair or the faculty member. The department chair shall summarize the results of his/her evaluation in a letter. The faculty member shall receive a copy of this letter and have the opportunity to respond before it is submitted to the dean. The dean will review the letter to verify compliance with departmental and college standards. A copy of the final letter shall be provided to the faculty member and the Provost.

8.1.3.2 Under no circumstances shall a performance evaluation of a faculty member be undertaken without the faculty member's knowledge.

8.1.3.3 Senior instructors shall be evaluated once every three years.

8.1.4 Termination

8.4.1 Termination of non-tenure-track teaching faculty during their contract term may occur due to:

8.1.4.1.1 Dismissal as provided in Section 19.

8.1.4.1.2 Reduction in force as provided in Section 21.

8.4.1.3 Inability to perform responsibilities as defined in the letter of offer.

8.4.1.4 Disability, in accordance with appropriate federal and state laws.

8.4.1.5 Resignation.

8.1.5 Non-Renewal

8.1.5.1 Senior instructors with multi-year contracts shall be given notice of nonrenewal by March 15 of the final year of the appointment. Failure to provide notice will result in a terminal one-year contract.

8.1.5.2 Non-renewal is not grievable, except when the University is not in compliance with Section 8.1.1.7 of this Agreement.

8.1.6 Working Conditions

8.1.6.1 Non-tenure-track teaching faculty shall have access to workspaces and support staff, as needed and appropriate, in order to perform duties outlined in the letter of offer.

8.1.6.2 Non-tenure-track teaching faculty shall have access to materials as needed and appropriate in order to perform duties outlined in the letter of offer and as determined by the department chair and the dean. Such materials may include, but are not limited to, a computer (laptop for faculty who teach at multiple sites), access to a printer and phone.

8.2 Research Faculty

8.2.1 Appointments

8.2.1.1 Research faculty will be offered a variable commitment of appointment, depending on the combination of State-line, self-sustaining and external funds available to support the appointment. Research faculty may be granted multiyear appointments or level of FTE reflecting the length of time such funds are available.

8.2.1.2 Research faculty appointments expire at the end of the period designated in the letter of appointment as amended annually. Non-tenure track research faculty are not eligible for tenure and appointments do not lead to a tenure track position.

8.2.1.3 Prior to extending an offer, the terms and conditions of employment of a non-tenure track research faculty member must be approved by the department chair or program director, dean

where appropriate and Provost. Typically, research faculty will be appointed within academic departments. Appointments outside of departments must be negotiated in advance and be approved by the provost.

8.2.1.4 Contracts

8.2.1.4.1 Contracts shall be presented in a letter of offer that states departmental/ program assignment, position title, effective dates of the appointment, compensation, benefits, the FTE (subject to change depending upon funding sources), a description of specific responsibilities, and any other accommodations negotiated by the faculty member. Non-tenure-track research faculty will not be expected to perform duties for which they are not paid: that is, duties not outlined in the letter of offer.

8.2.1.5 Duties assigned, as specified in the letter of appointment as amended annually, will depend upon the funding sources available to support the appointment. Research faculty whose appointments are not in academic departments engaging in instructional duties (including advising graduate students) will normally apply for and receive affiliate status in the appropriate academic department. Research faculty will be expected to actively engage in research and develop and submit proposals through Research and Sponsored Programs (RSP). Duties associated with sponsored research will be those specified in the proposal that resulted in the funding. Research faculty receiving external funding to support research will be expected to follow all relevant regulations established by RSP and the funding agency.

8.2.1.6 Recruitment to the ranks of non-tenure track research faculty may occur via either of two processes. If a position is created through vacancy or new resources, the appointment will occur via a national search identical to that for tenure-track faculty recruitment processes. If an appointment of opportunity becomes available, a departmental/program search committee process will be implemented to evaluate candidates and provide recommendations to the department chair/program director. This process will follow university regulations for opportunity hires.

8.2.1.7 Normally letters of reappointment will be awarded no later than May 1 for the succeeding fiscal year. Total FTE will be subject to the combination of funding sources available to support the appointment.

8.2.1.8 Qualifications such as research experience, potential for grants activity, diversity, intellectual merit and ability to contribute to the mission of the department or program must be considered when making hiring and renewal decisions. The effective recommendation for hiring non-tenure-track research faculty lies with the department or program, and shall be conducted according to departmental/program policies and procedures, subject to approval of the dean (where appropriate) and Provost. Current non-tenure-track research faculty shall not be denied reappointment for the sole purpose of hiring another non-tenure-track candidate at a lower salary.

8.2.2 Non-tenure track Research Faculty Titles

8.2.2.1 Research Assistant Professor. Qualifications for appointment at the rank of Research Assistant Professor are those common for entry-level professionals at the same rank for tenure track faculty, including having attained the terminal degree for the discipline. Candidates who have met all of the requirements for the terminal degree but the dissertation (ABD) may be appointed to this rank. Candidates appointed ABD must complete degree requirements by June 15 of their first year. If a candidate appointed as ABD does not complete the degree by June 15, the second year contract shall be a terminal contract.

8.2.2.2 Research Associate Professor. A Research Assistant Professor who has served at the rank for five years with positive evaluations may be considered for promotion to Research Associate Professor. Promotion processes will be the same as those approved by departments/programs for promotion of tenure-track faculty to the rank, except that criteria will be based on the annual letters of appointment that specify expectations. Research Assistant Professors who are not recommended for promotion may, at the discretion of the department chair/program director, have their appointments extended at the existing rank. Appointments to the rank of Research Associate Professor may occur as the result of a recruitment process for either vacancies or appointments of opportunity should the candidate's qualifications warrant such consideration

8.2.2.3 Research Professor. A Research Associate Professor who has served at the rank for five years with positive evaluations may be considered for promotion to Research Professor. Promotion processes will be the same as those approved by departments/programs for promotion of tenure-track faculty to the rank, except that criteria will be based on the annual letters of appointment that specify expectations. Research Associate Professors who are not recommended for promotion may, at the discretion of the department chair/program director, have their appointments extended at the existing rank. Appointments to the rank of Research Professor may occur as the result of a recruitment process for either vacancies or appointments of opportunity should the candidate's qualifications warrant such consideration

8.2.3 Annual Evaluation and Promotion of Non-tenure track Research Faculty

8.2.3.1 Non-tenure-track research faculty shall be evaluated annually by the department chair/program director in a manner established by the departmental/program evaluation plan and on the basis of expectations and duties defined in the letter of offer as amended annually. Should teaching duties be assigned, the evaluation will include evaluations of the instructional quality for all courses taught. The department chair/program director may consult with the tenured and tenure-track faculty of the department or by other research faculty of the same rank if deemed appropriate by the chair/program director or the faculty member. The department chair/program director shall summarize the results of his/her evaluation in a letter. The faculty member shall receive a copy of this letter and have the opportunity to respond before it is submitted to the dean or Provost. The dean or Provost will review the letter to verify compliance with departmental and college standards. A copy of the final letter shall be provided to the faculty member and the Provost.

8.2.3.2 Under no circumstances shall an annual performance evaluation of a faculty member be undertaken without the faculty member's knowledge.

8.2.3.3. Research Assistant Professors must be reviewed in their sixth year of appointment and a recommendation made concerning promotion to the Research Associate Professor level. These appointments are not eligible for tenure. Promotion may be recommended prior to the sixth year; however, the candidate must have a strong, clearly demonstrated record of achievement in order to merit approval of an early promotion. The unit in which the appointment resides will determine the process of promotion consideration, approved by the Dean or Provost as appropriate and acknowledged in writing by the incumbent. Typically it will include review and vote in the affirmative or negative by all research faculty in the unit at the rank of Research Associate Professor and above and other university tenure-track faculty as the unit director/chair might deem appropriate. Three alternative actions may be taken concerning promotion when reviewed in the mandatory year: 1) Recommend approval. 2) Recommend denial. The candidate's appointment may then be extended for additional three-year appointments at the rank of Research Assistant Professor; 3) Recommend postponement of the decision (the unit must specifically vote on a motion for postponement).

8.2.3.4 Promotion to the Research Professor level is not a function of time in rank nor length of service. Every faculty member below the rank of Research Professor must be considered each year for possible promotion. Research faculty promotions must meet all criteria and procedures that apply to tenure-track faculty promotion, except evaluation of teaching which is optional. If promotion is recommended in the last year of a Research Associate Professor's appointment, a reappointment recommendation shall be submitted in addition to a separate promotion recommendation. The unit in which the appointment resides will determine the process of promotion consideration, approved by the Dean or Provost as appropriate and acknowledged in writing by the incumbent. Typically it will include review and vote in the affirmative or negative by all research faculty in the unit at the rank of Research Professor and other university tenure-track faculty as the unit director/chair might deem appropriate.

8.2.4 Termination

8.2.4.1 Termination of non-tenure-track research faculty during their contract term may occur due to:

8.2.4.1.1 Dismissal as provided in Section 19.

8.2.4.1.2 Reduction in force as provided in Section 21.

8.2.4.1.3 Inability to perform responsibilities as defined in the letter of offer.

8.2.4.1.4 Disability, in accordance with appropriate federal and state laws.

8.2.4.1.5 Resignation.

8.2.5 Non-Renewal

8.2.5.1 Research faculty with multi-year contracts shall be given notice of non-renewal by March 15 of the final year of the appointment. Failure to provide notice will result in a terminal one-year contract.

8.2.5.2 Non-renewal is not grievable, except when the University is not in compliance with Section 8.1.7 of this Agreement.

8.2.6 Working Conditions

8.2.6.1 Non-tenure-track research faculty shall have access to workspaces and support staff, as needed and appropriate, in order to perform duties outlined in the letter of offer.

8.2.6.2 Non-tenure-track research faculty shall have access to materials as needed and appropriate in order to perform duties outlined in the letter of offer and as determined by the department chair and the dean or program director. Such materials may include, but are not limited to, a computer, access to a printer and phone.