

BETWEEN:

THE UNIVERSITY OF WESTERN ONTARIO FACULTY ASSOCIATION  
("the Association")

- and -

THE UNIVERSITY OF WESTERN ONTARIO  
("the Administration")

### MEMORANDUM OF SETTLEMENT

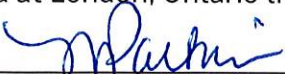
Whereas the Association filed a grievance on June 8, 2015 the Association has alleged that during the 2014-2015 Annual Performance Evaluation (APE) process in the Department of Epidemiology and Biostatistics the Employer has violated Clause 9 of the Article *Basic Scientists in Clinical Departments* and Clause 11.1 of the Article *Annual Performance Evaluation*.


AND WHEREAS the Administration and the Association wish to resolve all outstanding issues between them, without admission and without prejudice or precedent;


#### THEREFORE, THE PARTIES AGREE AS FOLLOWS:


1. The Association hereby withdraws the above-noted Grievance;
2. The Employer will send the attached reminder (Attachment A) to the Chairs of the Basic Departments of the Schulich School of Medicine and Dentistry regarding the APE Committee's obligations under the Annual Performance Evaluation process of the Faculty Collective Agreement. The Employer shall require compliance with the provision that the Chair of the Clinical Home Unit and, if appropriate, the Director of a Research Institute participate during deliberation on files of Basic Scientists.
3. These Minutes of Settlement are made without admission of wrongdoing or non-compliance with the Collective Agreement.
4. The parties to these Minutes of Settlement acknowledge that they understand its terms and have had a reasonable opportunity to obtain independent legal advice about its effect.
5. These Minutes of Settlement constitute the entire agreement between the parties.
6. These Minutes of Settlement shall not be the subject of a grievance or arbitration except to enforce its terms.

Dated at London, Ontario this 23<sup>rd</sup> day of November 2015

  
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For the Employer: Michele Parkin

  
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For the Association: Kathleen Fraser

  
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## Attachment A

Please be reminded of your obligations under the Faculty Collective Agreement regarding the Annual Performance Evaluations of UWOFA Members in your respective Departments, especially those who are covered in the Article *Basic Scientists in Clinical Departments*.

There are some specific clauses we would like to draw your attention to, including Clause 9 in the Article *Basic Scientists in Clinical Departments* which states:

9. For the purposes of Annual Performance Evaluation of a Basic Scientist, and where the Basic Home Unit has elected to have an Annual Performance Evaluation Committee, the Committee shall be expanded to include the Chair of the Clinical Home Unit and, if appropriate, the Director of a Research Institute.

Please ensure the appropriate Chair or Director is included in the discussions and deliberations for the APE evaluations for these Members. The "expanded" APE Committee also needs to ensure compliance with Clause 10.1 of the Article *Annual Performance Evaluation*, which states:

10.1 Each member of the Annual Performance Evaluation Committee shall contribute an assessment of each Member of the Unit in accordance with the categories in Clause 10.4, save for themselves and for any others involving a conflict of interest, as set out in the Article *Conflict of Interest and Conflict of Commitment*.

This requirement is further explained under Clause 26.3 of the Article *Compensation and Benefits*, which states:

26.3 Where the assessment of performance is performed by the Annual Performance Evaluation Committee pursuant to the Article *Annual Performance Evaluation*, each individual member of the Committee is required to provide a judgment of the individual Member's performance using the rating system provided in Clause 26.2 of this Article. A Member's Performance Level points for each area of Responsibility will be based on a simple averaging of scores provided by individual members of the Committee.

In summary, each member of the APE Committee (including the Chair(s) of the Department (both Basic and Clinical) and if appropriate, the Director of a Research Institute) must provide an individual assessment for the Members under review and then an averaging of the scores is completed.

If you have any questions about the process please contact Jennifer King in Faculty Relations at ext. 83723 or via email ([jking89@uwo.ca](mailto:jking89@uwo.ca)).