

## SETTLEMENT AGREEMENT

BETWEEN:

UNIVERSITY OF VICTORIA

("UNIVERSITY")

AND:

UNIVERSITY OF VICTORIA FACULTY ASSOCIATION

("FACULTY ASSOCIATION")

(Article 46.7: Policy Grievance)

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### WHEREAS:

- A. Sections 46.7 and 46.17 of the University of Victoria Faculty and Librarian Collective Agreement (effective July 1, 2022 - June 30, 2025) were last modified during the 2022 negotiations;
- B. The parties expressly agree that Letters of Expectations ("LOE's") and Oral Discussions constitute non-disciplinary actions under the aforementioned Collective Agreement;
- C. On January 29, 2025, the Faculty Association filed a policy grievance alleging that the interpretation of Article 46.7 was inappropriate (the "Policy Grievance"); The University denied the Policy Grievance and the matter was referred to expedited arbitration; and
- D. The Parties agreed to settle the Policy Grievance outside of expedited arbitration on July 25, 2025.

The parties agree to fully and finally resolve all outstanding issues regarding the Policy Grievance on the following terms:

- 1. The University agrees that non-disciplinary actions such as an Oral Discussions or Letters of Expectations will not be used in the assessment of a Member within the Processes for Reappointment, Continuing Appointment, Tenure, removal of probationary status, Promotion and evaluation for biennial salary adjustments, except regarding LOE's under the circumstances noted

below.

2. It is agreed that Oral Discussions or Letter of Expectations will only be used to provide formative and constructive feedback to a member.
3. In cases where LOEs were imposed as a result of an investigation that included relevant findings of fact, a brief summary of the evidence related to these findings of fact may be taken into consideration in promotion processes, in the Unit level and above for Members seeking promotion to Professor, Teaching Professor, Librarian III or IV if the following conditions are all met:
  - a) The evidence is directly relevant to the evaluation criteria established under Article 25 (Evaluation of Members) as it pertains to the Member's specific appointment type. Any acknowledgement of this evidence shall serve a clarifying function and will demonstrate how the Member has utilized the non-disciplinary LOE process to support their development and the evaluation outcomes;
  - b) The LOE was received by the Member within 3 years of the submission of the file;
  - c) The Member can include in their promotion file their response to the LOE, as per 46.18;
  - d) The Member and the Association are given written notice at least 20 working days prior to the deadline for the Member to submit their file for consideration, that the University is proposing to include a brief summary of findings of fact from an investigation that resulted in an LOE in the Member's promotion file.
  - e) The Member agrees, after viewing the evidence to be placed in the file, and after having the opportunity to consult with FA representatives if they wish, that this evidence should be placed in their file. This material cannot be placed in their promotion file without the Member's consent. If the Member agrees to include the material in their file, it must be understood that this material will be placed in their file prior to the deadline for the Member to submit their file for consideration, so that Members will have the opportunity to address this material in their submission; and
  - f) The Member is afforded all rights in accordance with the Collective Agreement, including without limitation in accordance with sections 30.27, 30.29, 30.30, 33.27, 33.28 and 33.42.
4. Any dispute concerning the interpretation, application, administration or alleged violation of this agreement will be resolved by the Collective Agreement Grievance Procedure.
5. The Settlement is without prejudice and precedent to any other matter and will not be referred to or relied upon in any future arbitration and/or legal proceedings except with respect to the interpretation, application, or enforcement of this agreement.
6. The Parties agree to incorporate this settlement into the body of the Collective Agreement as a matter of housekeeping in the 2025 round of Collective Bargaining. This may require

consequential amendments to the existing language of the Collective Agreement for clarity and consistency.




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Pamela Richards, Executive Director  
Faculty Relations & Academic Administration  
University of Victoria



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Lynne Marks, Chief Negotiator  
University of Victoria Faculty Association



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Adam Con, President  
University of Victoria Faculty Association