

**Carleton University's
Bargaining Proposal for
Tenure and Promotion Contract Language
with
The Carleton University Academic Staff Association**

08 May 2012

6.2 Tenure and Promotion for Faculty Employees

1. Appointments without Tenure

1.A. An appointment without tenure shall be stated to be a term appointment, a probationary appointment, or a preliminary (tenure-track) appointment.

1.A.I. A term appointment is one made without expectation of renewal. A term appointment may, however, be renewed and a faculty member employed under successive term appointments must in the fifth year of such employment be considered for a preliminary (tenure-track) appointment; in any case successive term appointments must not exceed a period of six years.

1.A.II. A probationary appointment (normally one at the rank of Lecturer) is one made where there is a specific requirement, such as the completion of a doctoral degree or some other required credential or professional designation. Such requirements will be clearly stated in the letter of appointment. The length of a probationary appointment shall be from one (1) to a maximum of three (3) years. If the requirement is successfully met, a probationary appointment will be succeeded by a preliminary (tenure-track) appointment.

1.A.III. A preliminary (tenure-track) appointment at the rank of Assistant Professor is one made with the expectation that, subject to successful reviews, it will be renewed and at some point succeeded by an appointment with tenure. The purpose of a preliminary (tenure-track) appointment is to allow sufficient time to successfully transition to a tenured appointment. Normally, renewal of a preliminary appointment shall be for three (3) years and the total time in a preliminary appointment shall not be for more than a total of six (6) years, including any years served on a probationary appointment, exclusive of extensions granted for other reasons, such as parental leave, and not counting periods of unpaid leave, from the date of the preliminary appointment.

1.A.IV. A preliminary (tenure-track) appointment at the rank of Associate Professor is one made with the expectation that, subject to successful reviews, it will result in consideration for tenure within three years. Normally, a preliminary (tenure-track) appointment at the rank of Associate Professor shall not be renewable. However, a short extension of not more than six (6) months may be granted by the Provost and Vice-President (Academic) on recommendation of the Dean.

1.B. Procedures for Tenure Track Appointments without Tenure

1.B.I. The Dean will meet with each Member on a probationary and preliminary appointment, within the Faculty Member's first semester of appointment and will discuss the approved criteria with respect to the granting of tenure and promotion to Associate Professor. A written statement indicating that the meeting has taken place and including the criteria will be signed by the Dean and the Member and placed in the Member's file.

1.B.II. If the requirements as stated have been met prior to or at the end of the probationary period, a probationary appointment shall be converted to a preliminary appointment. Normally a probationary appointment shall not be extended if the requirements have not been met, however, a short extension of not more than six (6) months may be granted by the Provost and Vice-President (Academic) on recommendation of the Dean and where there is a clear plan for completion of the requirement(s) within the period of the extension.

1.B.III. Annual Review of Probationary and Preliminary Appointments

As an institution and as parties to this agreement, we commit to preparing candidates for tenure and promotion. The responsibilities of the Chair/Director in the annual review of probationary and preliminary appointments include review of a faculty members' annual report (as part of the CDI process), as well as a written report that is submitted to the Dean. The responsibilities of the Dean in the annual review of probationary and preliminary appointments include review of a faculty members' annual report (as part of the CDI process), as well as review of the written report submitted by the Chair/Director, and one-to-one faculty member meetings where applicable.

1.B.III.a. All faculty members on probationary and preliminary appointments shall submit an annual report as part of their CDI process report (including an up-to-date CV and any additional materials the member may wish to submit) for review by their Chair/Director, unit level CDI process committee, and Dean on performance and progress towards meeting the criteria for tenure and promotion to Associate Professor. In the case of a Member on a probationary appointment, the annual report will include an update on progress towards meeting the requirements of the probationary appointment as stated in the letter of offer.

- 1.B.III.b. The Chair/Director will submit a written report to the Dean, who will review the report and add any comments, including any areas where the member needs to show improvement. The Dean may ask to meet with the faculty member and discuss any issues arising from the report. Also the member may request a meeting with the Dean to discuss the report.
- 1.B.III.c. A template shall be developed to facilitate these reviews and shall be approved by JCAA.
- 1.B.III.d. The Dean will sign the report and a copy will be placed in the member's official file and included in the file used to assess the member for tenure and promotion.
- 1.B.IV. Units shall keep a catalogue of successful research and teaching dossiers available to all members when the faculty member agrees.

2. Tenure and Promotion to Associate Professor

- 2.A. The term "tenure" means permanency of appointment including the right to fair consideration for increases of responsibility and salary, and for promotions in rank, and the right of a faculty member to continue as such subject only to dismissal for just cause, except as described under the conditions of article 17.

2.B. Consideration for Tenure and Promotion to Associate Professor

- 2.B.I. The holder of a preliminary (tenure-track) appointment will be considered for tenure and promotion to Associate Professor in their sixth year of the preliminary appointment. However, the holder of a preliminary (tenure-track) appointment may apply to be considered for tenure and promotion to Associate Professor in their 4th or 5th years of service. Normal practice may vary from unit to unit. If a faculty employee applies for tenure and promotion in their fourth or fifth year of service and at the unit level Tenure and Promotion committee there is a negative decision, the candidate may withdraw his/her application without prejudice. If the candidate proceeds to the Faculty level, then the full process, including appeals will continue to a final decision except as described in 5.F for the Sprott School of Business.
- 2.B.II. In all cases letters from external referees shall be available for consideration at the Faculty, and University levels.

2.C. University Criteria and procedures for Tenure and Promotion to Associate Professor

2.C.I. Consideration for the awarding of tenure and promotion to Associate Professor shall be based on the following criteria:

- a. Academic and Professional Credentials – possession of the normal credentials as defined for the position of Assistant Professor; usually an earned Ph.D. (or equivalent) or the degree that is determined as the terminal degree for the discipline. Additionally in the case of a member hired as Lecturer, any additional credentials required for the specific position that were stated in the letter of appointment. These additional criteria are assessed at the time of the renewal of the probationary appointment.
- b. Teaching Effectiveness – a strong record of successful and effective performance as a university teacher at all levels including advising and supervision of undergraduate and graduate students (as appropriate for the candidate and their academic unit).
- c. Research, Scholarly and/or Creative Work – a strong and sustained record of research, scholarship, and/or creative achievement as appropriate for the field of expertise, including published work assessed by peer review, demonstrating a successful career as a professor and established scholar. Candidates for tenure and promotion to Associate Professor are expected to have applied for external research funding, and success in obtaining external grants, industrial research and development contracts shall be recognized.
- d. Service to the University– an appropriate record of service to Carleton University (and other institutions where appropriate), such as administrative and committee duties and other professional activities which contribute to the operations or the public stature of the University. It is expected that assigned service, pre-tenure shall be below the average service levels of faculty members in the same unit.
- e. Where there is a significant record of service to society, such as extension activities; consultancies or collaborations with governments, international development agencies, communities, or the private sector or participation in scholarly and professional organizations and other activities, which further the University's mission of service to society, this shall be recognized.

2.C.II. Unit Guidelines for the Application of the Criteria for Tenure and Promotion to Associate Professor

Each academic unit/s (Department/s or equivalent) will by way of a regularly constituted committee, representing all the areas of specialization in the unit, develop and approve by vote of all tenured and tenure-track faculty in the unit/s a detailed specification of what would satisfy the above criteria in the discipline/s in question. The specification will take into account the workload allocations within the department/unit. Upon development, these local criteria are subject to a two-person peer review by tenured Carleton faculty members (with the rank of at least Associate Professor) from outside the unit and by the chair (or equivalent) in a similar academic unit at a comparable university chosen by JCAA. Upon approval of peer reviewers and unit, the criteria shall be reviewed by the Dean and the Provost and Vice-President (Academic) and, if considered acceptable, shall be signed by the Dean. Every seven (7) years the unit must review their Guidelines. If they decide to revise the Guidelines, the procedure for approval shall be the same as above.

2.C.III. Each candidate for tenure and/or promotion will submit the names and contact information for three external referees to the Dean by July 1 of the year of application.

2.C.IV. Each candidate will submit one (1) electronic copy and one (1) hard copy of their dossier to the Chair of the Departmental Tenure and Promotion Committee by September 15 of the year of application. The dossier will include a current CV, copies of all Annual Reports as referred to in articles 6.2.1.B.III.a and 6.2.1.B.III.b, teaching evaluations, copies of publications, and any additional materials to support the assessment of the candidate in meeting the criteria. The candidate has the right to discuss their dossier with the chairperson (or equivalent) before submitting it to the committee.

2.C.V. No anonymous material may be considered at any level, and with the exception of the external letters of reference nothing may be added to the dossier at any time without the candidate's knowledge and consent. At any appeal hearing the appellant may only introduce new material that was not available at the time of the previous hearings (such as updates of the status of articles submitted for publication).

2.C.VI. In the case of applications for tenure and promotion to Associate Professor, letters from external referees shall be available for consideration at the Faculty and University levels. Where these referees are academics, they shall hold or have held at least the rank of

Associate Professor. Where the referees are not academics, a justification for their inclusion and their ability to judge the scholarly merits of the file must be included. The dean will request letters from six (6) referees comprising three (3) names of outside referees chosen by the candidate, and three (3) names of outside referees chosen by the Dean. The dossier must contain all letters received. The dossier must contain at least four (4) letters and at least two (2) of these must be from names chosen by the candidate and at least two (2) must be academics.

3. Promotion to Full Professor

3.A. Consideration for Promotion to Full Professor

3.A.I. Promotion to the rank of Full Professor will usually not be considered before the lesser of seven (7) years in the rank of Associate Professor or thirteen (13) years from the conferring of the doctorate (or its equivalent). Such consideration will normally take place in the seventh (7th) or thirteenth (13th) year as appropriate.

3.A.II. Faculty members will be considered for promotion only if they signify to the departmental- or school-level committee in writing that they wish to be considered for promotion in a particular year. These committees shall ensure that the deadline for application for promotion is communicated in writing to all faculty employees each year.

3.B. Criteria and procedures for Promotion to Full Professor

3.B.I. Promotion to the rank of Full Professor is based primarily on:

- intellectual maturity;
- outside recognition of the candidates as an authority in his/her chosen field and
- significant contributions to research, scholarship and the profession and to the University.

Scholarship and significant contributions to one's professional field would be of paramount importance; teaching and other activities would receive less weight.

3.B.II. The criteria for assessing promotion to the rank of Full Professor are:

- a. Teaching Effectiveness – a sustained record of successful and effective performance as a university teacher at all levels

including advising and supervision of undergraduate and graduate students (as appropriate for the candidate and their academic unit).

- b. Research, Scholarly and/or Creative Work – a significant record of sustained and productive research, scholarship, and/or creative achievement as appropriate for the field of expertise, including published work assessed by peer review that has resulted in national and preferably international recognition and high standing in the discipline or field of expertise. Success in obtaining external grants, industrial research and development contracts shall also be recognized.
- c. Service to the University, the Profession and Society – a significant record of service to Carleton University (and other institutions where appropriate), such as administrative and committee duties and other professional activities which contribute to the operations or the public stature of the University;
- d. Where there is a significant record of service to the profession and society, such as extension activities; consultancies or collaborations with governments, international development agencies, communities, or the private sector or participation in scholarly and professional organizations and other activities which further the University's mission of service to society, this shall be recognized.

3.B.III. Unit Guidelines for the Application of the Criteria for Promotion to Full Professor

Each academic unit/s (Department/s or equivalent) will by way of a regularly constituted committee, representing all the areas of specialization in the unit, develop and approve by vote of all tenured and tenure-track faculty in the unit/s a detailed specification of what would satisfy the above criteria in the discipline/s in question. The specification will take into account the workload allocations within the department/unit. Upon development, these local criteria are subject to a two-person peer review by tenured Carleton faculty members (with the rank of Full Professor) from outside the unit and by the chair (or equivalent) with the rank of Full Professor in a similar academic unit at a comparable university chosen by JCAA. Upon approval of peer reviewers and unit, the criteria shall be reviewed by the Dean and Provost and Vice-President (Academic) and, if considered acceptable, shall be signed by the Dean. Every seven (7) years the unit must review their Guidelines. If the Unit decides to revise the Guidelines, the procedure for approval shall be the same as above.

- 3.B.III.a. Only in rare and exceptional cases would long years of valued service to teaching and to the University be expected to constitute sufficient grounds on their own for promotion to Full Professor.
- 3.B.IV. Each candidate for promotion will submit the names and contact information for three external referees to the Dean by July 1 of the year of application.
- 3.B.V. Each candidate will submit one (1) electronic copy and one (1) hard copy of their dossier to the Chair of the Departmental Tenure and Promotion Committee by September 15 of the year of application. The dossier will include a current CV, copies of all Annual Reports, teaching evaluations, copies of publications, and any additional materials to support the assessment of the candidate in meeting the criteria. The candidate has the right to discuss their dossier with the chairperson (or equivalent) before submitting it to the committee.
- 3.B.VI. No anonymous material may be considered at any level, and with the exception of the external letters of reference nothing may be added to the dossier at any time without the candidate's knowledge and consent. At any appeal hearing the appellant may introduce new material that was not available at the time of the previous hearings (such as updates of the status of articles submitted for publication).
- 3.B.VII. In the case of promotion to Full Professor, letters from external referees shall be available for consideration at the Faculty, and University levels. Where these referees are academics, they shall hold or have held the rank of Full Professor. Where the referees are not academics, a justification for their inclusion and their ability to judge the scholarly merits of the file at the Full Professor level must be included. The list of referees will include at least one referee from outside of Canada. The Dean will request letters from six (6) referees comprising three (3) names of outside referees chosen by the candidate, and three (3) names of outside referees chosen by the Dean. Referees must be at arm's length from the candidate and any professional or personal relationship must be fully disclosed. The dossier must contain all letters received. The dossier must contain at least four (4) letters and at least two (2) of these must be from names chosen by the candidate and at least three (3) must be academics. The external referees will be asked to speak to the intellectual standing of the candidate within the discipline or field of expertise.

4. Levels and Guidelines for Assessment

- 4.A. The diversity of academic and professional disciplines at Carleton University make inequitable if not impractical any single interpretation of the evaluation criteria for tenure and promotions. Evaluators must be flexible in their assessment and weighting of the candidate's accomplishments, especially for tenure and promotions to the rank of Associate Professor. This includes acknowledging diverse career paths, ways of knowing, and forms of communicating knowledge.
- 4.B. As described in Articles 2.C.II and 3.B.III, each academic unit at Carleton University will develop disciplinary specifications of how the general criteria in 2.C.I a-e and 3.B.II a-d are interpreted for their disciplines or fields of study.
- 4.C. There are three levels of assessment in the tenure and promotion process:
- 4.C.I. The Departmental/Unit level assesses the criteria relative to the discipline and/or fields of the candidate.
- 4.C.II. The Faculty level is more arm's length and stresses assessment from a more diverse and academically broader perspective.
- 4.C.III. The University level brings a broader and more diverse perspective yet, assessing the candidate on the basis of the assessments and recommendation of the previous levels within the context of the criteria, and with a view to ensuring that unreasonable disparities do not develop across the university.
- 4.C.IV. An observer nominated by the Carleton University Academic Staff Association may be invited to attend any meeting of any level Committee to which any candidate is invited if the Committee or the candidate so requests.

5. Department/School Tenure and Promotion Committees

- 5.A. By September 30 of each year, each department (including Schools) establishes a Tenure and Promotion Committee comprised as follows:
- The department chairperson or school director as appropriate, and at least four other faculty members.
 - It shall be as representative as possible of the ranks and areas of interest in the department, including non-tenured members but a

majority shall be tenured faculty at the rank of Associate Professor or above.

- The chairperson of the committee shall be chosen through a procedure specified by the department/school.
- The committee may include faculty members from other departments or schools.

5.B. All voting shall be on a “yes” or “no” basis by secret ballot. Abstentions, blank or spoiled ballots do not count for or against the candidate. The appropriate committee shall vote and make one of the following recommendations:

5.B.I. For Tenure and Promotion to Associate Professor:

- Tenure and promotion be granted.
- Tenure and promotion not be granted.
- Tenure and Promotion be deferred and the preliminary appointment be renewed for two-years and that reconsideration of tenure and promotion occur in the second year of the extension (this can only be granted to a candidate once).

5.B.II. For Promotion to Full Professor:

- Promotion be granted.
- Promotion not be granted

5.C. The committee chairperson will submit the list of candidates to the appropriate Dean(s) together with for each candidate a *curriculum vitae* and the complete dossier, an evaluation of each of the categories identified in the criteria for tenure and promotion, and the department Tenure and Promotion Committee's vote and recommendation by November 15.

5.D. Once the appropriate committee has made its recommendation, the chairperson of the committee shall so advise the candidate in writing within two weeks. In the case of a recommendation against tenure and/or promotion the written communication will indicate to the candidate how they did not meet the criteria. In the case of a deferral of tenure and promotion, the written communication will indicate to the candidate at least in which area or areas of performance the committee

would expect evidence of further development before recommending in favour of tenure and promotion. A candidate may at this time submit additional information to the Dean(s) if s/he believes his/her case not to have been adequately represented. This is the final time, prior to any appeal processes at which any new information can be added to the file during the entirety of the review process.

- 5.E. In the case of cross-appointed faculty members the following procedures apply:
 - 5.E.I. Where the appointment is more than 50% in one Faculty (the 'majority faculty'), the joint departmental committee shall be constituted in accordance with the following:
 - 5.E.I.a. Where the appointment is more than 50% in one department (the 'majority department'), the joint departmental committee shall have membership proportional to the weighting of the cross-appointment, and shall be chaired by a member of the majority department. The Committee shall make its recommendation to the Faculty Tenure and Promotion Committee of the majority faculty, which shall make its recommendation to the University Tenure and Promotion Committee.
 - 5.E.I.b. Where the appointment is divided equally between two units, the joint department level committee shall be representative of each of the pertinent departments (or equivalent) and shall be comprised of the chairperson of each of the appropriate committees and at least one (1) other representative from each of the departments (or equivalent). The Dean of the majority Faculty shall designate a chairperson who shall be responsible for forwarding a written recommendation together with supporting evidence to the Faculty Tenure and Promotion Committee of the majority faculty, which shall make its recommendation to the University Tenure and Promotion Committee.
 - 5.E.II. Where the appointment is divided equally between two Faculties, the employee seeking tenure and/or promotion shall designate his/her 'home faculty'. The joint departmental committee shall be representative of each of the pertinent departments (or equivalent) and shall be comprised of the chairperson of each of the appropriate committees and at least one (1) other representative from each of the departments (or equivalent). The appropriate Deans shall designate a chairperson who shall be responsible for forwarding a written recommendation together with supporting evidence to the "home Faculty" level tenure and promotion committee
- 5.F. Procedures for the Sprott School of Business

- 5.F.I. Unless the Sprott School of Business establishes departments within the Faculty, tenure and promotion applications will be dealt with by a Faculty-wide Tenure and Promotion Committee that shall consist of the Dean, who shall act as chairperson, and at least six (6) other faculty members at the rank of Associate Professor or above, and it shall be as representative as possible of the areas of interest and diversity in the School. A majority of the committee shall be tenured faculty at the rank of Associate Professor or above. This committee shall take on the combined roles of the Unit level and Faculty level committees as described in this “Article” and this combination shall not be interpreted in any way so as to deny a candidate a right they would have from either or both of those two committees in the normal procedures described in this “Article.”
- 5.F.II. The Committee shall prepare a statement, signed by all the Committee members, of its recommendation and the reasons for it. Any disagreement within the Committee concerning its recommendation shall also be described in the statement. For each candidate, the recommendation, together with the *curriculum vitae* and the complete dossier, an evaluation of each of the categories identified in the criteria for tenure and promotion, and the Faculty Tenure and Promotion Committee's vote and recommendation, shall be made to the University Tenure and Promotion Committee. If a faculty employee applies for tenure and promotion in their fourth or fifth year of service and at the unit level Tenure and Promotion committee there is a negative decision, the candidate may withdraw his/her application without prejudice.
- 5.F.III. All other tenure and promotion procedures and criteria shall apply.
- 5.G. A candidate may at this time submit additional information to the Dean(s) if s/he believes his/her case not to have been adequately represented. This is the final time, prior to the appeal processes at which any new information can be added to the file during the entirety of the review process.

6. Faculty Tenure and Promotion Committees

- 6.A. By November 15 of each year, each Dean shall establish a Faculty Tenure and Promotion Committee (FTPC) comprised as follows:
- The Dean who shall be the chairperson.
 - At least eight (8) other faculty employees, unless all the members are elected by the appropriate Faculty Board, in which case, it

may be less than eight (8), at the rank of Associate Professor or above and it shall be as representative as possible of the areas of interest in the Faculty.

- 6.B. All letters of reference solicited in relation to tenure and promotion become part of the candidate's official dossier and are considered by the Faculty Tenure and Promotion Committee.
- 6.C. All voting shall be on a “yes” or “no” basis by secret ballot. Abstentions, blank or spoiled ballots do not count for or against the candidate. The appropriate committee shall vote and make one of the following recommendations:
- 6.C.I. For Tenure and Promotion to Associate Professor:
- Tenure and promotion be granted.
 - Tenure and promotion not be granted.
 - Tenure and Promotion be deferred and the preliminary appointment be renewed for two-years and that reconsideration of tenure and promotion occur in the second year of the extension (this can only be granted to a candidate once).
- 6.C.I.a. In the event of perceived deficiencies with respect to the criteria for tenure and promotion to Associate Professor, a candidate may not be denied tenure or promotion or both unless there have been annual reviews of performance as detailed in Article 1.B.III. . If that has not been done, the candidate must be given an extension adequate to rectify the deficiencies before a final decision on tenure is taken.
- 6.C.II. For Promotion to Full Professor:
- Promotion be granted.
 - Promotion not be granted
- 6.D. Recommendations for tenure and promotion to Associate Professor shall be submitted to the Provost and Vice-President (Academic) as Chair of the University Tenure and Promotion Committee by December 15.
- 6.E. Recommendations for promotion only (whether to Associate Professor or Full Professor) shall be submitted to the Provost and Vice-President

(Academic) as Chair of the University Tenure and Promotion Committee by January 31.

- 6.F. The findings of the committee along with the complete dossier (including the letters from the referees) of each candidate are submitted to the Provost and Vice-President (Academic). Following consideration by the Faculty Committee, the Dean shall advise each candidate in writing, within one week, whether the faculty committee agrees or disagrees with the departmental recommendation. If the Faculty Committee disagrees with a positive departmental recommendation, the written communication shall indicate to the candidate at least in which area or areas of performance the committee would expect evidence of further development before recommending in favour of tenure and promotion.
- 6.G. The Dean shall also write his or her own assessment of the candidate, and shall indicate whether or not he or she agrees with the recommendation of the Faculty Tenure and Promotion Committee. The Dean must consult the Faculty Tenure and Promotion Committee before adding his or her assessment to the dossier and cannot substitute his or her judgment for the recommendations of the Faculty Tenure and Promotion Committee. A copy of the Dean's assessment will be provided to the candidate.

7. University Tenure and Promotions Committee

- 7.A. The University Tenure and Promotions Committee (UTPC) consists of the Provost and Vice-President (Academic) as chairperson, eight (8) members to be chosen by the President and eight (8) full-time tenured faculty holding the rank of Full Professor to be elected by the Senate. The President may attend as an observer during the meetings of this Committee.
- 7.A.I. At the University Tenure and Promotion Committee, a CUASA Observer shall be appointed in accordance with Appendix <<xyz>>, the Memorandum of Agreement agreed between the University and CUASA in 2012.
- 7.B. The Dean of each Faculty shall present the cases of all the candidates from that Faculty to the University Tenure and Promotions Committee.
- 7.C All voting shall be by simple majority on a "yes" or "no" basis by secret ballot. Abstentions, blank or spoiled ballots do not count for or against the candidate, The Chair shall vote only in case of a tie. The UTPC shall vote on each candidate and make one of the following recommendations:

7.C.I. For Tenure and Promotion to Associate Professor:

- Tenure and promotion be granted.
- Tenure and promotion not be granted.
- Tenure and Promotion be deferred and the preliminary appointment be renewed for two-years and that reconsideration of tenure and promotion occur in the second year of the extension (this can only be granted to a candidate once).

7.C.II. For Promotion to Full Professor:

- Promotion be granted.
- Promotion not be granted

7.C.III The chairperson shall keep a record of the number of votes cast for and against each candidate, and the reasons for any no votes or abstentions. In the event of an appeal the candidate concerned shall be informed of the vote on his/her candidacy.

7.D. By January 31 of each year, the UTPC shall recommend for tenure and promotion to Associate Professor any candidate receiving a majority of the “yes” and “no” votes of those present at the consideration of that candidate and such recommendation shall be made to the President who shall advise each candidate in writing, by February 20, of the decision. In the case of a decision to deny tenure and promotion, the written communication shall indicate to the candidate where s/he failed to meet the criteria in order to enable a candidate to appeal, if s/he so wishes. In the case of a deferral of tenure and promotion, the written communication shall indicate at least in which area or areas of performance the Committee would expect evidence of further development before recommending in favour of tenure and promotion.

7.E. The UTPC shall recommend for promotion to Associate Professor (where a candidate already has tenure) and Full Professor any candidate receiving a majority of the “yes” and “no” votes of those present at the consideration of that candidate and such recommendation shall be made to the President who shall advise each candidate in writing of the decision by May 1. In the case of a recommendation against promotion the written communication shall indicate to the candidate at least in which area or areas of performance the Committee would expect evidence of further development before recommending in favour of promotion. In order to enable a candidate to

appeal, if s/he so wishes, the reasons for the decision to recommend against promotion shall be given in writing to the candidate.

- 7.F. A candidate who is not promoted has recourse to the appeal procedures described herein.
- 7.G. In the case of a deferral of tenure, within one month of the final decision, the candidate, the department Chair, and the Dean will meet to determine an appropriate and reasonable workload that will permit the candidate the opportunity to address the concerns identified in the deferral. The candidate has a right to have a CUASA representative present at such a meeting and this representative's participation shall be without prejudice.
- 7.H. In the case of a denial of tenure, the candidate will be offered a one-year non-renewable term appointment at the rank of Assistant Professor upon completion of the preliminary appointment.

8. **Tenure and Promotions Appeal Committee**

- 8.A. Candidates receiving a decision, communicated by the President, to deny tenure and/or promotion may appeal the decision by making a written submission to the Tenure and Promotion Appeal Committee (TPAC) within fifteen (15) working days after receipt of the letter from the President.
- 8.B. Appeals may be based upon one or more of the following grounds:
 - 8.B.I. Procedural irregularity or failure to apply the tenure and promotion procedures; procedural grounds may include but are not limited to failure to ensure the integrity of appellant's dossier (for example, having anonymous material included in dossier), failure to provide the appellant with proper information regarding tenure or promotion criteria, failure to provide the appellant with regular annual reviews, and unduly large administrative service duties prior to tenure and promotion.
 - 8.B.II. Discrimination within the meaning of Article 5 (No Discrimination Article);
 - 8.B.III. A violation or violations of academic freedom within the meaning of Article 4 (Academic Freedom Article);
 - 8.B.IV. Substantive grounds based on the application and/or interpretation of any of the criteria for teaching, research, and service; substantive

grounds may include but are not limited to improper weighting or discounting of scholarly activity and/or teaching in critical, marginal and/or new areas of specialization and their methods and/or sites of dissemination.

- 8.C. The TPAC is established by Senate by December 1 each year through existing procedures with the following amendments:
 - 8.C.I. It shall be representative of the different Faculties
 - 8.C.II. It must have at least one male and one female member and reasonable effort shall be made to seek diversity on the committee.
 - 8.C.III. It shall be comprised of Full Professors.
- 8.D. The appellant may request to make an oral presentation to the TPAC in addition to the written submission. The candidate has a right to representation and advocacy from CUASA. Both parties may call witnesses. Both parties to the appeal must be present throughout. The University will report on the process and considerations that resulted in the denial of tenure or promotion. Then the appellant or representative will lay out the grounds for the appeal of this decision. The appellant or representative and the representative of the university shall have an opportunity to ask questions of the other and any witnesses called and members of the TPAC shall have the opportunity to put questions. Once the two sides have presented, the TPAC has the right to request further submissions, oral or written, as it sees fit.
- 8.E. Where the appeal is based upon substantive grounds, the TPAC will establish an external review committee comprised of at least two external experts who hold the rank of Full Professor. These external reviewers will be asked to review the file and make recommendations to the TPAC on the substantive merits of the appeal.
- 8.F. The appellant shall have the right to enter new evidence that was not available at the time of the previous hearings (such as updates of the status of articles submitted for publication). The TPAC shall not accept any new evidence from the University unless it is in response to new information raised by the appellant in his/her appeal. New material will be made available to all those making presentations as far in advance as possible and in any case not less than two full days before the hearing begins.
- 8.G. Both parties have a right to have an observer present throughout.
- 8.H. The TPAC shall reach a decision by majority vote.

- 8.I. The TPAC will select one of the following determinations, which shall be binding upon the parties (except as provided in 10 below regarding grievance and arbitration):
 - 8.I.I. Uphold the appeal on substantive grounds and determine that the President grant tenure and/or promotion;
 - 8.I.II. Uphold the appeal on procedural grounds and determine that the UTPC reconsider the case and address the procedural error or problem;
 - 8.I.III. Reject the appeal and uphold the decision communicated by the President;
 - 8.I.IV. In the case of an appeal of denial of tenure, and as long as the appellant has not been granted a previous deferral of tenure, the TPAC may determine that a deferral of consideration of tenure for two years be granted.
- 8.J. The report of the TPAC to the President shall be accompanied by a written statement prepared by the Chair presenting the reasons for the determinations. A copy of the report will be provided to the candidate. Normally the date for the completion of the report will be March 31 for cases involving tenure and May 31 for cases not involving tenure. However, where external reviews are required for appeals based upon substantive grounds, these dates shall be extended as reasonably required for the external reviews to be completed and the TPAC to review those recommendations.
- 8.K. If either party invokes legal counsel then the TPAC hearing is adjourned until the legal issues are resolved.

9. President's Communication of the TPAC decision

- 9.A. Upon receipt of the determination of the TPAC, the President shall accept the determination and inform the candidate within fifteen (15) calendar days of receiving the written report of the TPAC.
- 9.B. Where the TPAC refers the matter back to the UTPC, the Chairperson of the UTPC shall call a meeting of the committee within one (1) calendar month from receipt of a reconsideration decision. The subsequent recommendation of the UTPC shall be submitted to the TPAC, which shall determine if the referral has addressed the problem identified in the appeal. The TPAC will then report to the President on the final determination of the appeal.

10 Grievance/Arbitration

- 10.A. In the case of a decision to deny tenure and/or promotion, the candidate may consult with CUASA on whether or not the Association will grieve the decision.
- 10.B. A grievance may be filed by the employee or the Association only on one or more of the following alleged grounds:
 - 10.B.I. Procedural irregularity or failure to apply the tenure and promotion procedures;
 - 10.B.II. Discrimination within the meaning of Article 5 (No Discrimination); or
 - 10.B.III. A violation or violations of academic freedom within the meaning of Article 4 (Academic Freedom).
- 10.C. A grievance cannot be filed on the basis of substantive grounds involving the application or interpretation of the criteria for tenure and promotion.
 - 10.C.I. If CUASA decides to grieve the decision the grievance shall proceed directly to Arbitration. Expedited arbitration shall not be an option in the case of a grievance on tenure and/or promotion, and the choice of the arbitrator must be acceptable to both parties.
- 10.D. The Arbitrator will make one of the following decisions:
 - 10.D.I. Dismiss the grievance and uphold the decision.;
 - 10.D.II. Determine that the grievance has merit but that the final decision was not affected by the matter, and uphold the decision.
 - 10.D.III. Determine that the grievance has merit and the final decision was affected, in which case the arbitrator will identify the error or errors, give specific directions as to what is to be done on the reconsideration, and direct that the matter in question be reconsidered commencing at the level of consideration at which the error or errors occurred. In so ordering, the arbitrator will provide specific instructions to ensure that the circumstances which led to the grievance will be appropriately addressed.
- 10.E. In the case of 10.D.III above, the Arbitrator will remain seized of the case and will review the reconsideration of the case to ensure that it has

been carried out appropriately. If the arbitrator does not agree that the reconsideration was completed appropriately in accordance with the directions given, s/he may make a final decision that will be binding upon the parties.

11. General Membership Rules and Other Regulations

- 11.A. Faculty members will recuse themselves from voting on any file in which they served as a voting member at a lower level of review.
- 11.B. Members must not serve on any Tenure and Promotion committee in any year in which they have applied for tenure and/or promotion.
- 11.C. Members of the Tenure and Promotion Committees at the Department, Faculty, and University levels cannot serve on the TPAC in the same academic year.
- 11.D. The President of the Association and members of the Association's Grievance Committee shall not sit on any DTPC, FTPC, UTPC or TPAC.
- 11.E. No officer of the Association or member of the Association's Steering Committee may serve as a member on the TPAC.
- 11.F. Any person taking part in the assessment of a candidate will disclose any relationship which could be a cause for a conflict of interest. The Committee shall determine whether or not the relationship constitutes a conflict of interest. In such decisions, the Committee will err on the side of caution. A person may request that a conflict of interest decision be made by JCAA.
- 11.G. All committees established as part of the tenure and promotion review process must have at least one male and one female member and reasonable efforts shall be made to seek diversity on the committees to reflect the academic community they are representing.
- 11.H. In any meeting between a candidate and any Tenure and Promotion Committee, Chairperson (or equivalent) or Dean, involving tenure or promotion, the member may have a representative of CUASA present.
- 11.I. A faculty member hired before the ratification of this language may choose which tenure and promotion procedures apply to them.
- 11.J. All participants in the tenure and promotion review process, including members of review committees, academic administrators, candidates, and observers and representatives of CUASA, shall be bound by the

strict confidentiality of the proceedings and procedures of the tenure and promotion review process..

- 11.K. Other than described herein, there shall be no restriction on the operation of established tenure policies and procedures. Establishment of a fixed proportion of tenured to non-tenured faculty shall be considered such a restriction.

6.3 Dismissal for Cause of Faculty Employees

The procedures for dismissal for cause of faculty employees are described in the Dismissal Document (Appendix A) except as modified in Article 6.3 (i) and (ii) below:

6.3 (i) The parties agree that the practices and procedures laid down in for faculty employees for the granting of tenure, promotion, and dismissal for cause shall not be subject to the grievance procedure described in Article 30, except where the faculty employee or the Association alleges violation of Article 4 (Academic Freedom) or Article 5 (No Discrimination) of this Collective Agreement or where the faculty employee or the Association alleges that the procedures established under Article 6.2, were not applied;

and,

6.3 (ii) The parties agree that there shall be provision for an Alternate Review Chairperson, with the same powers and duties as those of the Review Chairperson specified in the *Dismissal Document*. The Alternate Review Chairperson shall, by agreement between the two parties, be called upon to act in place of the Review Chairperson when the latter's unavailability to begin a new case may be thought to prejudice the outcome or to impose undue hardship on the individual concerned or on the University. Agreement by one side to a request from the other to invite the Alternate Review Chairperson to act shall not be unreasonably withheld.

[The remaining sections of Article 6 (currently 6.3 and 6.4) shall be renumbered as 6.4 and 6.5 respectively]

[Article 10 Promotions shall be revised as follows]

Article 10: Promotion of Professional Librarians and Instructor Employees

Delete 10.1 to 10.6 inclusive.

Renumber 10.7 to 10.9 to be 10.1 to 10.3 respectively.

APPENDIX A: PROCEDURES FOR THE DISMISSAL WITH CAUSE OF FACULTY MEMBERS

Preamble

[Delete all of the Preamble except for the following]

This Appendix is referred to as the "Dismissal Document". "Dismissal" means the termination of an appointment by the University without the consent of the appointee before the end of a stated period or, in the case of appointments with tenure, before retirement. It follows that the failure to renew a contract of limited term does not constitute dismissal; that the decision not to grant tenure at the end of a probationary period does not constitute dismissal; that the termination, without consent, of a non-tenure appointment during the course of its term does constitute dismissal; and that the termination, without consent, of a tenured appointment at any time before retirement does constitute dismissal. This understanding of "dismissal" shall be subject to the following qualification: where an appointment is thus terminated because the University had decided that the post in question has become redundant, the faculty member so affected shall not be considered to have been dismissed.

[Delete Sections A and B, and renumber section C as 1 through 15.]

APPENDIX B: GUIDELINES FOR TENURE AND PROMOTION

The right to freedom is, generally, the right not to be interfered with. A faculty member's right to academic freedom is his/her right not to be interfered with in the discharge of his/her academic role. That role includes the acquisition of knowledge and skills and the guidance of others in the acquisition of these. The right to academic freedom includes, accordingly, the right of a faculty member to criticize the university in any respect in which it is an environment unfavourable to these ends to advocate changes which will make it a more favourable one, and to oppose changes which will make it a less favourable one. It also includes the right of a faculty member to investigate, to teach and to publish as well as to criticize any aspect of learning or society insofar as doing so is compatible with his/her academic obligation to discharge the academic role in a responsible way. The principle of appointments with tenure is an important safeguard of the right to academic freedom, thus understood.

It can be anticipated that from time to time cases will occur involving disputes between the university and the faculty member. Nor is it possible to formulate a set of rules or of criteria the mechanical operation of which will guarantee a simple and correct decision in every case. The procedures set out in this document are designed to ensure that the decision will be rendered by an impartial body which has no interest either in the silencing of unwelcome opinions or in the protection of incompetence or neglect.

For the purposes of this document, a faculty member is understood to be a person who holds a full-time teaching post under a letter of appointment from the President or Provost of the University.

For the purposes of this document, the term "tenure" means permanency of appointment including the right to fair consideration for increases of responsibility and salary, and for promotions in rank, and the right of a faculty member to continue as such subject only to dismissal for just cause except as described under the conditions of Article 17.

The work of an academic member of a modern university falls into a number of categories - teaching, scholarly studies or research, professional activities, the corporate work of the department, faculty and university, and activities related to the community. It is generally accepted that contributions to teaching and scholarly studies should receive paramount consideration in any promotion but that recognition must also be given for valuable contributions to the university, for professional achievement, and for contributions to the community.

It is assumed that all members of faculty are scholars and will communicate their knowledge, and that advancement in this University must be based on a person's intellectual development and maturity. As a teacher a faculty member has a vital function to play in the proper preparation and stimulation of students, and as a research worker a responsibility for extending the frontiers of knowledge of his/her

subject. In addition, individuals may make contributions to the administration and development of the University and its programs of study, to the community, and to their professions. These contributions should be considered when evaluating individuals for promotion at all levels.

It is recognized that the evaluation of teaching performance is not easy. Effectiveness as a teacher should imply a concentrated and successful effort to create the best possible learning situation for students. It should involve continuing attention to course design and to alternative modes of presentation. A variety of means may be used to assess a candidate's development as a teacher. In addition to student evaluations at the course level, evaluation by established colleagues possibly using the agency of a departmental committee may also be used.

It is recognized that bibliometrics and publications metrics have an important role in assessing the quality and quantity of research but metrics and other quantitative measures must be assessed within the context of judgment by peers inside and outside the university.

Evidence of professional achievement can be evaluated in a manner similar to that for scholarship. Professional achievement may include contributions to professional or learned societies through service on the executive or other senior committees, and editorship of a journal. Of great importance and worth emphasizing are publications which may not result from original research but which advance the development of the profession or constitute valuable or creditable additions to the literature, service on government or other commissions in a professional capacity or consulting work which involves more than the routine application of the existing body of knowledge.

Contributions to the administration and development of his/her department or to the University must of necessity be based upon evaluation by peers and more senior members of faculty.