

**CARLETON UNIVERSITY'S
PROPOSALS
FOR COLLECTIVE BARGAINING
WITH
THE CARLETON UNIVERSITY ACADEMIC STAFF ASSOCIATION
(CUASA)
JULY 16, 2010**

EMPLOYER PROPOSALS JULY 16, 2010

This package sets out the Employer's bargaining position on the articles included in this package as of this date. The Employer reserves the right to amend its position, including the right to add, modify or delete any proposals if not accepted in its entirety.

Delete the following portions of the Collective Agreement:

- **Articles 6.2(a) and (b);**
- **Article 10;**
- **Appendix A;**
- **Appendix B;**

Include the dismissal portions of Appendix A, specifically paragraphs C1 to C15, in the body of the Collective Agreement in Article 6.2.

Amend any other articles in the Collective Agreement that refer to tenure or promotion and adjust accordingly to comply with the following Article 10.

Article 10: Tenure and Promotion

10.1 Consideration of Faculty Appointments without Tenure

- (a) An appointment without tenure shall be stated to be either a term appointment, a probationary (tenure-track) appointment, or a preliminary (tenure-track) appointment.
- (i) A term appointment is one made without expectation of renewal. The length of a term appointment shall be from one (1) to a maximum of three (3) years. The maximum duration of a term appointment is three (3) consecutive years of full-time employment, exclusive of extensions granted for other reasons, such as parental leave, and not counting periods of unpaid leave, from the date of the term appointment.
- (ii) A probationary appointment 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 shall 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 achieved, subject to satisfactory performance, a probationary appointment will be converted to a preliminary appointment.
- (iii) A preliminary appointment, is an appointment made for a stated period, normally three (3) years. A preliminary appointment is one made in expectation that, subject to satisfactory performance, it will be renewed and at some time be succeeded by an appointment with tenure if such an appointment is merited. Normally, for those initially appointed at the rank of Lecturer, Assistant,

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Associate or Full Professor, renewal of preliminary appointment shall not be for more than a total of six (6) years, including any years served on a probationary appointment.

- (b) The Dean will meet with each faculty employee on a probationary and preliminary appointment, within the faculty employee's first six (6) months of appointment and will discuss the approved criteria with respect to renewal, the granting of tenure and promotion. A written statement indicating that the meeting has taken place will be signed by the Dean and the faculty employee and placed in the faculty employee's file.
- (c) The holder of a probationary appointment shall be formally considered for renewal in the final year of the probationary appointment, unless the requirement(s) as stated in the letter of offer have been met prior to the end of the probationary period. Normally a probationary appointment shall not be renewed 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.
- (d) The maximum duration of a combination of preliminary and probationary appointments is six (6) consecutive years of full-time employment, exclusive of extensions granted for other reasons, such as parental leave, and not counting periods of unpaid leave, from the date of the initial tenure-track appointment.
- (e) The holder of a preliminary appointment at the rank of Assistant Professor will normally be considered for tenure and promotion to Associate Professor in the sixth year of a tenure-track appointment. However, the holder of a preliminary appointment at the rank of Assistant Professor may apply to be considered for tenure and promotion to Associate Professor in their fourth or fifth years of service. If a faculty employee applies for tenure and promotion in their fourth or fifth year of service and at the Department/School Tenure and Promotion Committee (DTPC) there is a negative decision, the candidate may withdraw his or her application without prejudice, but must wait until the final year of their preliminary appointment before applying again. If the candidate proceeds to the Faculty Tenure and Promotion Committee (FTPC), then the full process will continue until a final decision is made by the President.
- (f) Faculty employees initially appointed in a tenure-track position at the rank of Associate or Full Professor without tenure shall have the term of preliminary appointment and the schedule for tenure consideration specified in the letter of appointment.
- (g) In all cases letters from external referees shall be available for consideration at the Faculty and University levels.

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- (h) For faculty employees appointed at the rank of Lecturer or Assistant without tenure, tenure and promotion to Associate Professor are normally considered together. In exceptional circumstances, a faculty employee may apply to the Dean to be considered for tenure or promotion separately. In recommending such a consideration to the Provost, the Dean must explain why the circumstances are exceptional and what standards for the application of the criteria should be used that would differ from those established for consideration for tenure and promotion to Associate Professor. The differences will be based upon the distinction that for tenure more emphasis is placed upon the performance of the candidate while at Carleton University and, therefore, the prospects of the candidate as an employee of Carleton University, than is the case for promotion, where more emphasis is placed upon the career achievements of the candidate regardless of where those achievements were accomplished. If the Provost approves the recommendation of the Dean, such approval means that the faculty employee may apply for tenure or promotion only, but in no way implies that the faculty employee meets the criteria.

10.2 Annual Review of Probationary and Preliminary Faculty Employees

- (a) All faculty employees on probationary and preliminary appointments shall submit an annual report, including an up-to-date CV and any additional materials the faculty employee may wish to submit, for review by their Chair/Director and Dean on performance and progress towards meeting the criteria for tenure and promotion. In the case of a faculty employee 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.
- (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 faculty employee needs to show improvement. The Dean may ask to meet with the faculty employee and discuss any issues arising from the report. Also the faculty employee may request a meeting with the Dean to discuss the report.
- (c) The Dean will sign off on the report and a copy will be delivered to the faculty employee at the same time as it is placed in the faculty employee's official file and be included in the file used to assess the faculty employee for tenure and promotion.

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10.3 Criteria for Tenure and Promotion to Associate Professor

Possession of the normal credentials as defined for the position of Assistant Professor is required; usually an earned Ph.D. (or equivalent) or the degree that is determined as the terminal degree for the discipline; and any additional credentials required for the specific position that were stated in the letter of appointment. This requirement is assessed at the time of the renewal of the probationary appointment.

(a) Consideration for the awarding of tenure and promotion to Associate Professor shall be based on the following criteria:

(i) 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;

(ii) 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, and where appropriate, external grants and industrial research and development contracts, demonstrating a successful career as a professor and established scholar.

(iii) Service to the University

A successful record of service to Carleton University, such as administrative and committee duties and other professional activities which contribute to the operations or the public stature of Carleton University.

(iv) Service to Society

Service to society includes 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.

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- (b) Consideration of the criteria for tenure and promotion to Associate Professor will include both the career achievements of the candidate and the performance of the candidate while at Carleton University. Career achievements are particularly important for promotion and performance as a faculty employee at Carleton is particularly important for tenure.
- (c) Each candidate for tenure and/or promotion will submit the names and contact information for three external referees to the Dean by October 15 of the year of application.
- (d) Each candidate will submit one (1) electronic copy and one (1) hard copy of their dossier to the Chair of the DTPC by October 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. If the candidate does not submit an electronic copy of the dossier, the candidate must provide enough hard copies for each member of the DTPC and FTPC and the external referees.
- (e) 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.
- (f) 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 (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 candidate and at least two (2) must be academics.

10.4 Promotion to Full Professor

- (a) Consideration for Promotion to Full Professor
 - (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.

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- (ii) Faculty employees will only be considered for promotion if they signify to the DTPC in writing that they wish to be considered for promotion in a particular year. The DTPC shall ensure that the deadline for application for promotion is communicated in writing to all faculty employees in the department/school each year.
 - (iii) Each candidate will submit one (1) electronic copy and one (1) hard copy of their dossier to the Chair of the DTPC by October 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. If the candidate does not submit an electronic copy of the dossier, the candidate must provide enough hard copies for each member of the DTPC and FTPC and the external referees. Each candidate for tenure and/or promotion will submit the names and contact information for three (3) external referees to the appropriate Dean by October 15 of the year of application.
 - (iv) 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 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. 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.
- (b) Criteria for Consideration of Promotion to Full Professor
- Promotion to the rank of Professor is based primarily on:
- (i) intellectual maturity;
 - (ii) outside recognition of the candidate as an authority in his/her chosen field;

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- (iii) significant contributions to research, scholarship and the profession and to Carleton University.

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

- (c) The categories for assessing promotion to the rank of Full Professor are:

- (i) 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;

- (ii) 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, and where appropriate external grants and industrial research and development contracts, that have resulted in at least national and preferably international recognition and high standing in the discipline or field of expertise.

- (iii) Service to the University

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.

- (iv) Service to society

Service to society includes: extension activities; industrial research and development contracts; 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 Carleton University's mission of service to society.

Only in rare 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.

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10.5 Levels and Guidelines for Assessment

- (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.
- (b) Each academic unit at Carleton University will develop Disciplinary Guidelines for Tenure and Promotion that will be used by the respective Department or School Tenure and Promotion Committees in assessing candidates. These Guidelines serve as guides to evaluators of what is to be expected of candidates for tenure and promotion; but they are not a rigid set of rules to be applied mechanically. The aim of the Guidelines is to establish the standards that are needed to meet the criteria for tenure and promotion from the disciplinary perspective. The Guidelines will take into account the workload allocations within the department/unit. The Guidelines shall be reviewed by the Dean and, if considered acceptable, shall be signed off by the Dean and the Provost and Vice-President (Academic). 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.
- (c) There are three levels of assessment in the tenure and promotion process:
 - (i) The departmental/unit level assesses the criteria relative to the discipline and/or fields of the candidate and is also influenced by the collegial nature of departments and academic units.
 - (ii) The Faculty level is more arm's length and stresses assessment from a broader academic perspective, bringing into play the views of faculty employees from the range of disciplines within the Faculty, external assessment through references, and the perspective of the Dean in assessing the candidate as a member of the Faculty at large.
 - (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 university's reputation and status, and with a view to ensuring that unreasonable disparities do not develop across the university.

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10.6 Committee Membership Rules

- (a) Faculty employees will recuse themselves from voting on any file in which they served as a voting member at a lower level of review, with the exception of Chairs who voted in the case of a tie.
- (b) Faculty employees shall not serve on Tenure and Promotion committees in any year in which they have applied for tenure and/or promotion.
- (c) Faculty employee members of the DTPC, FTPC, or UTPC shall not serve on the TPAC in the same academic year.
- (d) The President of the Association and the Association's Grievance Officers must not sit on any DTPC, FTPC, UTPC or TPAC.
- (e) Officers of the Association or members of the Association's Grievance Committee shall not serve as a member of the TPAC.
- (f) Faculty employees shall not take part in the assessment of a candidate with whom they have a professional and/or personal relationship that would be cause for a conflict of interest. Any such relationship shall be declared by the faculty employee, and 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. In the case of DTPCs, a faculty employee may request that a conflict of interest decision be made by the Provost and Vice-President (Academic). In the case of the UTPC, a faculty employee may request that the decision on conflict of interest be made by the President of the University. In the case of the TPAC, the decision on conflict of interest shall be made jointly by the President of the University and the President of the Association.
- (g) All committees established as part of the tenure and promotion review process shall have at least one male and one female member.

10.7 Department/School Tenure and Promotion Committees (DTPC)

- (a) By September 30 of each year, each department and school shall establish a Department/School Tenure and Promotion Committee (DTPC) comprised as follows:
 - (i) The chair/director of the department/school and at least four other faculty employees.

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- (ii) The DTPC shall be as representative as possible of the ranks and areas of interest in the department/school, including non-tenured faculty employees, but a majority shall be tenured faculty employees at the rank of Associate Professor or above.
 - (iii) The chair of the DTPC shall be chosen through a procedure specified by the department/school and shall only vote in the case of a tie.
 - (iv) The DTPC may include faculty employees from other departments/schools.
 - (v) Quorum for the DTPC shall be two-thirds of the membership of the committee.
- (b) All voting shall be on a “yes” or “no” basis by secret ballot. A positive recommendation, is one in which a candidate receives a majority of votes of those eligible voters present at the consideration of that candidate. The appropriate committee shall vote and make one of the following recommendations:
- (i) For Tenure and Promotion to Associate Professor:
 - 1. Tenure and promotion be granted.
 - 2. Tenure and promotion be denied.
 - 3. 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).
 - (ii) For Tenure:
 - 1. Tenure be granted.
 - 2. Tenure be denied.
 - 3. Tenure 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).
 - (iii) For Promotion to Associate:
 - 1. Promotion be granted.

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2. Promotion be denied.
- (iv) For Promotion to Full Professor:
1. Promotion be granted.
 2. Promotion be denied.
- (c) Once the DTPC has made its recommendation, the chair of the DTPC shall so advise the candidate in writing by November 30. In the case of a recommendation against tenure and/or promotion, the written communication will indicate to the candidate in which criterion or criteria he or she did not meet the expected standards. 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.
- (d) The Chair of the DTPC will submit the list of candidates to the appropriate dean together with a *curriculum vitae* and the complete dossier for each candidate and an evaluation of each of the categories identified in the criteria for tenure and promotion by November 30.
- (e) In the case of cross-appointed faculty employees the following procedures apply:
- (i) Where the appointment is between two departments in the same Faculty, a joint departmental DTPC shall be constituted in accordance with the following. The joint DTPC shall have membership proportional to the weighting of the cross-appointment, and shall be chaired by a member of the majority department. Where the appointment is divided equally between two (2) departments, and there is no majority department, the dean shall designate a chairperson who shall be responsible for forwarding a written recommendation together with supporting evidence to the next level of consideration. The Committee shall make its recommendation to the FTPC, which shall make its recommendation to the University Tenure and Promotion Committee (UTPC).
 - (ii) Where the appointment is divided equally between two Faculties, the DTPC shall be representative of each of the pertinent departments (or equivalent) and shall be comprised of the Chair/Director of each of the appropriate Departments/Schools and at least one (1) other representative from each of the Departments/Schools at the invitation of the appropriate deans. The appropriate deans shall designate a chairperson who shall be responsible for forwarding a written recommendation

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together with supporting evidence to the next level of consideration. The joint DTPC shall make a single recommendation to the FTPC of the 'home faculty', selected in accordance with Article 10.8(e), which shall make a single recommendation to the UTPC.

- (iii) Where the appointment is more than 50% in one faculty, (the 'majority faculty'), 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 FTPC of the majority Faculty, which shall make its recommendation to the UTPC.
- (f) A candidate may at this time submit additional information to the appropriate dean if he/she believes his/her case not to have been adequately represented. This is the final time at which any new information can be added to the file during the entirety of the review process.
- (g) Procedures for the Sprott School of Business

For procedures in the Sprott School of Business, see Article 10.8(h) below.

10.8 Faculty Tenure and Promotion Committees (FTPC)

- (a) By November 15 of each year, each Dean shall establish a Faculty Tenure and Promotion Committee (FTPC) comprised as follows:
 - (i) The Dean shall be the chairperson;
 - (ii) At least eight (8) other faculty employees, and it shall be as representative as possible of the ranks and areas of interest in the Faculty.
- (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 FTPC.
- (c) All voting shall be on a "yes" or "no" basis by secret ballot. A positive recommendation, is one in which a candidate receives a majority of votes of those eligible voters present at the consideration of that candidate. The appropriate committee shall vote and make one of the following recommendations:
 - (i) For Tenure and Promotion to Associate Professor:
 - 1. Tenure and promotion be granted.

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2. Tenure and promotion be denied.
 3. 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).
- (ii) For Tenure:
1. Tenure be granted.
 2. Tenure be denied.
 3. Tenure 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).
- (iii) For Promotion to Associate:
1. Promotion be granted.
 2. Promotion be denied.
- (iv) For Promotion to Full Professor:
1. Promotion be granted.
 2. Promotion be denied.
- (d) Recommendations shall be submitted to the Provost and Vice-President (Academic) as Chair of the UTPC by March 15.
- (e) In cases of formal cross-appointments where the appointment is divided equally between two Faculties, the faculty employee seeking tenure and/or promotion shall designate his/her 'home Faculty'. Such faculty employees shall be considered only in the designated Faculty in accordance with the procedures set out above. Following consideration by the FTFC, the Dean shall advise each candidate in writing whether the FTFC agrees or disagrees with the DTFC recommendation.

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- (f) The findings of the FTPC along with the complete dossier, including the letters from the referees, of each candidate are submitted to the Provost and Vice-President (Academic). If the FTPC rejects a positive recommendation from the DTPC, the written communication shall indicate to the candidate the reasons for the decision.
- (g) The Dean shall indicate whether or not he or she agrees with the recommendation of the FTPC. In the event the Dean does not agree with the recommendation of the FTPC, he or she may write his or her own assessment and provide a copy to the Provost and Vice-President (Academic) as chairperson of the UTPC. A copy of the Dean's assessment, if any, will be provided to the candidate.
- (h) Procedures for the Sprott School of Business
 - (i) Until such time as the Sprott School of Business establishes departments or formal streams within the Faculty, tenure and promotion applications will be dealt with in the first instance by a School-wide, Faculty Tenure and Promotion Committee that shall consist of the Dean, who shall act as chairperson, and at least six (6) other faculty employees, and it shall be as representative as possible of the ranks, areas of interest and diversity in the School, including non-tenured members.
 - (ii) The Faculty Tenure and Promotion Committee is charged with full responsibility for making a thorough attempt to obtain and consider all information which is necessary to make an informed decision on a candidate's position regarding tenure and/or promotion. In considering applications for tenure and/or promotion, the FTPC shall follow the procedures for FTPCs set out in Articles 10.8(b), (c), (d), (e) and (g).
 - (iii) 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.
 - (iv) A candidate may at this time submit additional information to the Dean if he/she believes his/her case not to have been adequately represented. This is the final time at which any new information can be added to the file during the entirety of the review process.

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10.9 University Tenure and Promotions Committee

- (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 is entitled to be present as an observer during the meetings of this Committee.
- (b) The Dean of each Faculty shall present the cases of all the candidates from that faculty to the UTPC.
- (c) All voting shall be on a “yes” or “no” basis by secret ballot. A positive recommendation, is one in which a candidate receives a majority of votes of those eligible voters present at the consideration of that 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:
 - (i) For Tenure and Promotion to Associate Professor:
 - 1. Tenure and promotion be granted.
 - 2. Tenure and promotion be denied.
 - 3. 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).
 - (ii) For Tenure:
 - 1. Tenure be granted.
 - 2. Tenure be denied.
 - 3. Tenure 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).
 - (iii) For Promotion to Associate:
 - 1. Promotion be granted.

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2. Promotion be denied.
- (iv) For Promotion to Full Professor:
1. Promotion be granted.
 2. Promotion be denied.
- (d) Recommendations shall be submitted to the President by May 1.
- (e) In a case where the UTPC's recommendation dissents from that of the FTPC, the members of the latter committee shall be notified, in confidence, of the reasons for the change in recommendation.
- (f) Each recommendation of the UTPC to the President shall be accompanied by a written statement prepared by the Provost and Vice-President (Academic) presenting the reasons for the recommendation. A copy of the report will be provided to the candidate.

10.10 President's Decision (after UTPC)

- (a) In the case of tenure and promotion to Associate Professor or, tenure not linked to promotion, the President shall receive the recommendations of the UTPC and communicate his/her decision to the candidate by May 30 of each year. If the decision is to deny or defer tenure, the President shall provide the candidate with written reasons. If the decision differs from that of the UTPC, the President shall explain the reasons for not accepting the recommendation.
- (b) Where the President does not accept the recommendation of the UTPC, a decision to deny tenure and promotion to Associate Professor shall be subject to appeal. A decision to defer tenure and promotion to Associate Professor shall be final and binding on the parties and not subject to appeal or grievance.
- (c) In the case of promotion only when not linked with tenure, the President shall review the recommendations of the UTPC and will inform the candidates of his/her decision.
- (d) Where a candidate is denied promotion, a period of at least twelve (12) months from the date of the decision must pass before the candidate can re-apply for promotion.
- (e) In the case of a deferral of tenure, the candidate, the Chair/Director, and the Dean will meet to identify and review the areas that require improvement.

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- (f) Where a candidate is denied tenure in their final year of appointment, the candidate shall be offered a further one-year, non-renewable term appointment.

10.11 Tenure and Promotions Appeal Committee

- (a) Candidates receiving a decision by the President to deny tenure and/or promotion following a positive decision at one or more of the UTPC, FTPC and DTPC may appeal the decision by making a written submission to the Tenure and Promotion Appeal Committee (TPAC) within fifteen (15) calendar days after receipt of the decision of the President. In these cases, appeals will be considered where they are based upon one or more of the following grounds:
 - (i) procedural irregularity or defect in the application of, or failure to apply, the tenure and promotion procedures;
 - (ii) discrimination within the meaning of Article 5 (No Discrimination);
 - (iii) a violation or violations of academic freedom within the meaning of Article 4 (Academic Freedom);
 - (iv) substantive grounds based on the application and/or interpretation of any of the criteria for teaching, research, and service.
- (b) Candidates receiving a decision by the President to deny tenure and/or promotion following negative decisions at all of the UTPC, FTPC and DTPC levels may appeal the decision by making a written submission to the Tenure and Promotion Appeal Committee (TPAC) within fifteen (15) calendar days after receipt of the decision of the President. In these cases, appeals based upon only the following grounds will be considered:
 - (i) procedural irregularity or defect in the application of, or failure to apply, the tenure and promotion procedures;
 - (ii) discrimination within the meaning of Article 5 (No Discrimination);
 - (iii) a violation or violations of academic freedom within the meaning of Article 4 (Academic Freedom).
- (c) The TPAC is established by Senate by May 1 each year with the following requirements:
 - (i) It shall be representative of the Faculties.

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- (ii) It must have at least one male and one female member.
 - (iii) It shall be comprised of Full Professors only.
 - (iv) Deans, Directors and Departmental Chairs are not eligible to be appointed to or to serve on the TPAC.
- (d) The appellant may request to make an oral presentation to the TPAC in addition to the written submission. No new information shall be added to the file or introduced at the appeal.
- (e) Where the appeal is based upon substantive grounds, as determined in accordance with Article 10.11(a), the TPAC will establish an external review committee comprised of at least two external experts from another university 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.
- (f) The TPAC shall reach a decision by majority vote.
- (g) The TPAC will select one of the following decisions:
- (i) Uphold the appeal on substantive grounds and determine that the President grant tenure and/or promotion;
 - (ii) Uphold the appeal on procedural grounds and determine that the UTPC reconsider the case and address the procedural error or problem;
 - (iii) Reject the appeal and uphold the decision of the President;
 - (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.
- (h) The report of the TPAC to the President shall be accompanied by a written statement prepared by the Chair presenting the reasons for the decision. A copy of the report will be provided to the candidate. Normally the date for the completion of the report will be October 15.

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10.12 President's Decision (after TPAC)

- (a) Upon receipt of the decision of the TPAC, the President shall accept the decision unless the President determines that the TPAC has made an error of procedure or process. In such a case, the President will state in writing the reasons for rejecting the decision of the TPAC. In all cases, the President will inform the candidate of his/her decision within fifteen (15) calendar days of receiving the written report of the TPAC.
- (b) Where the President accepts a determination of the TPAC to refer the matter back to the UTPC, the Chairperson of the UTPC shall call a meeting of the UTPC within one (1) calendar month from receipt of a reconsideration decision, and the decision of the UTPC will be binding. The UTPC will then report to the President on the final determination of the appeal.

10.13 Grievance/Arbitration

- (a) In the case of a decision of the President to deny tenure and/or promotion following a positive decision of the TPAC, the candidate may consult with CUASA on whether or not the Association will grieve the decision of the President. A decision by the President to defer consideration for tenure is not subject to grievance.
- (b) A grievance against the President's decision may be filed by the Association on the following grounds only:
 - (i) procedural irregularity or defect in the application of, or failure to apply, the tenure and promotion procedures;
 - (ii) discrimination within the meaning of Article 5 (No Discrimination); or
 - (iii) a violation or violations of academic freedom within the meaning of Article 4 (Academic Freedom).

A grievance cannot be filed on the basis of substantive grounds involving the application or interpretation of the criteria for tenure and promotion.

- (c) If CUASA decides to grieve the President's 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.

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- (d) The Arbitrator will review the appeal and make one of the following decisions:
- (i) Dismiss the grievance and uphold the decision of the President;
 - (ii) Determine that the grievance has merit but that the final decision was not affected by the matter, and uphold the decision of the President;
 - (iii) Uphold the grievance, in which case the only remedy available will be to 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.

10.14 Dates and Deadlines

- (a) Every effort will be made to meet the dates and deadlines established in this Article, however, it is understood that circumstances may arise that will require reasonable extensions to be permitted where necessary. The administration will inform the Association of any extension(s) to the dates and deadlines prescribed within this Article and the reasons for the extension(s). Any concerns with the extensions may be raised at the JCAA.

NOTE:

Current Articles 10.7 (Professional Librarian Promotions), 10.8 (Instructor Rank Promotion Procedures), and 10.9 (Criteria for Promotion of Instructor Employees) shall be renumbered 10.15, 10.16 and 10.17 accordingly.

Amend Article 30.9(a) to add that Article 10 be exempt from the grievance process.

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