

Carleton University Academic Staff Association
Bargaining Proposal for
Tenure and Promotion Contract Language
with
the Employer

June 10, 2012

Article 9: Appointments**4.9.4 Faculty Appointments without Tenure**

- 4.A.a(e) An appointment without tenure shall be made as either stated to be a term appointment, ~~a probationary appointment,~~ or a preliminary ~~(tenure-track)~~ appointment.
- 4.A.I. (f) A term appointment is one made in accordance with Article 37 ~~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 tenure in accordance with Article 37.3.(c) ~~a preliminary (tenure-track) appointment~~; in any case successive term appointments must not exceed a period of six years.
- 1.A.II. (g) A ~~probationary preliminary (tenure-track)~~ appointment ~~(normally one at the rank of Lecturer)~~ is one made for three (3) years 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. Upon completion of the specified requirement(s), the rank shall become that of Assistant Professor. ~~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.~~
- 4.A.III. (h) A preliminary (tenure-track) appointment at the rank of Assistant Professor is one made for three (3) years with the expectation that, ~~subject to successful reviews,~~ it will be renewed subject to Article 6.2.(a) 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, duty to accommodate, and not counting periods of unpaid leave, from the date of the preliminary appointment.
- 4.A.IV. (i) 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 (3) years exclusive of extensions granted for other reasons, such as parental

leave, duty to accommodate, and not counting periods of unpaid leave, from the date of the preliminary appointment.

~~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.(j) Procedures for Tenure Track Appointments without Tenure

~~1.B.i.~~ The Dean will meet with each ~~Member on a probationary and preliminary appointment~~, within ~~her/his~~ ~~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 appointee~~ and placed in the ~~Member's appointee's~~ file.

9.4.1 The provisions of Article 9.64 (e) through Article 9.4 (h) shall only apply to faculty members who accept an offer of employment from the university from July 1, 2013 onwards.

Article 10: Tenure and Promotion of Faculty Employees

The provisions of Article 10.4 (e) through Article 10.4 (h) shall only apply to faculty members who accept an offer of employment from the university from July 1, 2013 onwards.

~~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. 10.1 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. (a) All faculty members who are preliminary appointees on probationary and preliminary appointments shall submit an annual report that includes:

(i) progress towards meeting the requirements of the appointment as stated in the letter of offer;

(ii) performance and progress toward meeting the criteria for tenure and promotion to Associate Professor; and,

(iii) an up-to-date CV and any additional materials the appointee may wish to submit.

This report will be reviewed 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. (b) The Chair/Director will submit a written report to the Dean which shall comment on the appointee's teaching, research and service. A copy of this report shall be provided to the appointee.; ~~who will review the report and add any comments, including any areas where the member needs to show improvement.~~ The Dean will review the report and may ask to meet with ~~the faculty member~~ the appointee to and discuss any issues arising from the report. ~~I~~ Also the ~~member~~ appointee may request a meeting with the Dean to discuss the report.

1.B.III.c. (c) A template shall be developed to facilitate these reviews and shall be approved by JCAA.

1.B.III.d. (d) The Dean will sign the report and a copy will be placed in the member's official file. ~~and~~ The appointee may include these reports included in the file used to assess the ~~appointee member~~ appointee for tenure and promotion.

1.B.IV. (e) Units shall keep a catalogue of successful research and teaching dossiers available to all members when the faculty member agrees.

45.10.2 Levels and Guidelines for Assessment Criteria Applicable to Both Tenure and Promotion

45.A. (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.

45.B. (b) As described in Articles ~~2.C.II and 3.B.III~~ 10.6.d, 10.7.c and 10.8.d, each academic unit at Carleton University ~~shall~~ will develop disciplinary specifications of how the general criteria in ~~2.C.I a-e and 3.B.II a-d~~ 10.2.e, 10.6.c.i-v, 10.7.b.i-iv, 10.8.b.ii.a-d are interpreted for their disciplines or fields of study.

45.C. (c) There are ~~three~~ two levels of assessment in the tenure and promotion process:

45.C.I. (i) The Departmental/Unit level assesses the criteria relative to the discipline and/or fields of the candidate.

45.C.II. (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.~~

(d) The procedures for tenure and promotion ~~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.

(e) Evidence of Teaching, Research/Scholarly Activity, and Service

In a University, the varied nature of teaching, research/scholarly or creative work, and service oriented to academic disciplines, fields of professional activity, and the community requires flexibility in the character, assessment and weighting of evidence for tenure and promotion.

(i) Evidence used to demonstrate the quality and effectiveness of teaching in support of an application for tenure or promotion may include, but is not limited to, the following items, with selection and weighting of the items as appropriate to the candidate's teaching activities:

(1) course work and all related activities;

(2) supervision of the work of graduate and undergraduate students at **Carleton** and other universities;

(3) contributions to seminars and colloquia relevant to teaching and learning;

(4) innovative methods in teaching and other contributions to the teaching activities of the University;

(v) written comments of colleagues who have observed the candidate's teaching first-hand and at the invitation of the candidate;

(5) written comments provided by colleagues regarding the candidate's reputation in the area of teaching and learning among peers and the basis for that reputation;

(6) written comments of students about the candidate's teaching;

(7) student requests to engage with the faculty member in undergraduate/graduate research or independent studies;

(8) additional material relevant to teaching and learning collected by the candidate on his/her own initiative including a statement of candidate's teaching philosophy, multimedia materials developed by the candidate, video recording of candidate's teaching or course activities, course notes, assignments, examinations, student workbooks and laboratory teaching materials (e.g. a teaching dossier); and,

(9) supervision of student practica and/or internships where specific professional credentials are required of the supervisor to allow students to obtain certification or licensure.

(ii) Evidence used to demonstrate the originality and quality of research/scholarly activity or creative work in support of an application for tenure or promotion may include, but is not limited to, the following items, with selection and weighting of the items as appropriate to the candidate's scholarship or creative work:

(1) the publication of books, case studies, monographs, and contributions to edited books;

(2) papers in peer refereed journals;

(3) the judgments of scholars through letters of reference, particularly of senior scholars in the same and cognate disciplines;

(4) papers delivered at professional meetings;

(5) contributions to panels, workshops, and clinics;

(6) consulting with government, related professionals, and agencies, or preparation of instructional, clinical, curriculum or policy materials for such agencies;

(7) editorial and refereeing duties;

(8) the creation, performance, direction, programming, design, and staging of creative works for the public, or curation of exhibitions, particularly when recognized by competent external peers;

(9) adjudicating festivals and competitions, master classes, consulting on curricula, workshops at the post-secondary level or with professional orchestras, choirs, theatres, galleries, or professional residencies;

(10) the development of software, hardware or equipment;

(11) scholarly contributions to pedagogy;

(12) scholarly contributions to agencies, communities, governments, or organizations and the extent to which the faculty member's professional services are in demand by such organizations outside the University;

(13) scholarship as evidenced by the candidate's depth and breadth of knowledge and general contributions to the research life of ~~the~~ University;

(14) attempting to secure funding for research/scholarly and creative activities as appropriate for a discipline or field;

(15) other publications demonstrating a high quality of scholarship with significant public impact;

(16) external grants, industrial research and development contracts; and,

(17) other evidence appropriate to the candidate's research/scholarship, creative work, and/or discipline.

(iii) Bibliometrics and publications metrics ~~have an important role in~~ may be used to assessing the quality ~~and quantity~~ of research but such metrics and other quantitative measures must be assessed within the context of judgment by peers inside and outside the university.

(iv) Although teaching and research/scholarly activities are the primary criteria for tenure and promotion decisions, evidence of other activities appropriate to the discipline or field, and service to the University and the CUASA may be used to strengthen a candidate's case. Such evidence may include, but is not limited to, the following items, with selection and weighting as appropriate to the candidate's chosen activities:

(1) participation in University, Faculty, Departmental, Centre, Program and CUASA committees;

(2) counselling students;

(3) service in and recognition by regional, national and international committees and other organizations, including professional organizations;

(4) general administrative duties and administrative duties unique to a candidate's Faculty;

(5) community service where the individual has made an essentially non-remunerative contribution by virtue of special academic competence; and,

(6) administrative and non-teaching/research responsibilities within the University and the CUASA.

56-10.3 Department/School Tenure and Promotion Committees

56-A. (a) By ~~September 30~~July 1 of each year, each department (including Schools) ~~shall establish~~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.

56-B. (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. Where the committee is considering a negative decision, the candidate shall be invited to meet with the committee to address its concerns with a CUASA representative present. The appropriate committee shall vote and make one of the following recommendations:

56-B.1. 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 either the first or the second year of the extension (this can only be granted to a candidate once with the exception of a duty to accommodate)-.
- Tenure not be granted. This determination can be used only when the member has exhausted all deferral(s).

6.B.I. For Promotion to Associate Professor:

- Promotion be granted.
- Promotion be denied.

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

- Promotion be granted.
- Promotion be denied. not be granted

56.C. (c) 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

(d) 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 relevant criteria for either tenure ~~and/or~~ promotion, and the department Tenure and Promotion Committee's vote and recommendation by ~~November 15~~October 31.

56.D.(e) 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/or promotion, the written communication will indicate to the candidate at least in which the area or areas of performance the committee would expect evidence of further development before recommending in favour of tenure and/or promotion. A candidate may at

this time submit additional information to the Dean(s) if ~~s/het~~he~~y~~ believes ~~his/her~~ the 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.~~

56-E.(f) In the case of cross-appointed faculty members the following procedures apply:

56-E.I.(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:

56-E.I.a.(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.~~

56-E.I.b.(b) Where the appointment is divided equally between two units in the same faculty, 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.~~

56-E.II.(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 ~~I~~tenure and ~~P~~romotion ~~C~~ommittee.

56-F.(g) Procedures for the Sprott School of Business

~~56.F.I.~~ Unless the Sprott School of Business establishes departments within the Faculty, tenure and/or promotion applications will be dealt with by an Area Group Tenure and Promotion Committee who shall consist of at least five (5) faculty members from the same area group as the applicant. The Area Group Tenure and Promotion Committee shall elect a chair from among its membership. This committee shall take on the role of the unit level committee. There shall also be 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 ranks and the areas of interest and diversity in the School, including non-tenured members. 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.~~

6.10.4 Faculty Tenure and Promotion Committees

6.A.(a) By ~~November 15~~July 1 of each year, each Dean shall establish a Faculty Tenure and Promotion Committee (FTPC) comprised as follows:

- The Dean who shall be the chairperson; and,
- The Chair/Director of each sub-unit; and,
 - One (1) faculty member selected by the tenure and promotion committee in each sub-unit.

The Committee shall be constituted with aAt 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.(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.(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:

56-B.(d) All voting shall ~~be be on a “yes” or “no” basis~~ by secret ballot. Abstentions, blank or spoiled ballots do not count for or against the candidate. Where the committee is considering a negative decision, the candidate shall be invited to meet with the committee to address its concerns with a CUASA representative present. The appropriate committee shall vote and make one of the following recommendations:

56-B.I. (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 either the first or the second year of the extension (this can only be granted to a candidate once with the exception of a duty to accommodate)~~).~~
- Tenure not be granted. This determination can be used only when the member has exhausted all deferral(s).

6-B.I. (ii) ~~For Promotion to Associate Professor:~~

. Promotion be granted.

. Promotion be denied.

56.B.II. (iii)—For Promotion to Full Professor:

- . Promotion be granted.
- . Promotion be denied. not be granted

6.C.I.a. (e) 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.

(f) ~~In the event of perceived deficiencies with respect to the criteria for tenure and promotion to Associate Professor, a~~ When the faculty committee has identified that a member did not meet the unit criteria for tenure, a candidate may not be denied tenure ~~or promotion or both~~ unless:

(a) unless there have been annual reviews of performance as detailed in Article 1.B.III.; and,

(b) deficiencies were discussed and a plan for rectification negotiated with the candidate as soon as the deficiencies were known and in any event early enough for the candidate to have had a reasonable opportunity to rectify them prior to application for tenure.

If (a) and (b) above ~~that has have~~ not been done, the candidate must be given an extension negotiated with the employer and CUASA through a Memorandum of Agreement. The extension shall be adequate to rectify the deficiencies before a final decision on tenure is taken.

6.C.I.b.(g) Once the committee has made its recommendation, the Dean shall 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/or promotion, the written communication will indicate to the candidate the area or areas of performance the committee would expect evidence of further development before recommending in favour of tenure and/or promotion. A candidate may at this time submit additional information to the President if they believe the case not to have been adequately represented.

~~6.C.II. For Promotion to Full Professor:~~~~—— Promotion be granted.~~~~—— Promotion not be granted~~

~~6.D.(h)~~ Recommendations for tenure and/or promotion ~~and promotion to Associate Professor~~ shall be submitted ~~to the Provost and Vice-President (Academic) as Chair of the University Tenure and Promotion Committee~~ to the President by ~~December 15~~ November 30.

~~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 to the President by January 31.

~~6.F.(i)~~ 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).~~ President. ~~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.(i)~~ 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. This shall be completed by December 15.

~~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 positive recommendation from the committee, majority of the “yes” and “no” votes of those present at the consideration of that candidate and such The 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. (l) The FJTPC shall recommend for tenure and/or 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 a positive recommendation from the committee. The such recommendation shall be made to the President by December 15 who shall normally accept the recommendations of the committees and advise each candidate in writing of the decision by January 15 May 4. Should the President not accept the recommendation of the committees the reasons shall be communicated in detail within the decision letter to the candidate. 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. (m) 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. (n) In the case of a denial of tenure, the candidate will be offered a one-year non-renewable term appointment at their appropriate rank-rank of Assistant Professor upon completion of the preliminary appointment.~~

~~10.5511.~~ **General Membership Rules and Other Regulations**

~~11.A.(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.(b) Members must not serve on any Tenure and Promotion committee in any year in which they have applied for tenure and/or promotion.~~

- 41.C.(c) Members of the Tenure and Promotion Committees at the Department ~~and~~; Faculty, ~~and University levels~~ cannot serve on the TPAC in the same academic year.
- ~~41.D. The President of the Association and members of the Association's Grievance Committee shall not sit on any DTPC, FTPC, UTPC or TPAC.~~
- ~~41.E. No officer of the Association or member of the Association's Steering Committee may serve as a member on the TPAC.~~
- 41.F.(d) Any person taking part in the assessment of a candidate will disclose any relationship or reasonable apprehension of bias 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. ~~– Appeals on the decision of conflict of interest or reasonable apprehension of bias shall be A person may request that a conflict of interest decision be made to the by~~ JCAA.
- 41.G.(e) 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.
- 41.H.(f) In any meeting between a candidate and any Tenure and Promotion Committee, Chairperson (or equivalent) or Dean, involving tenure or promotion, the member ~~may~~ shall have a representative of CUASA present.
- ~~41.I. A faculty member hired before the ratification of this language may choose which tenure and promotion procedures apply to them.~~
- 41.J.(g) All participants in the tenure and promotion review process, including members of review committees, academic administrators, and 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. ~~–~~
- 4.C.IV.(h) An observer nominated by the Carleton University Academic Staff Association ~~may~~ shall be invited to attend any meeting of any level Committee to which any candidate is invited if the Committee or the candidate so requests.
- 41.K.(i) 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.

2.10.6 **Tenure and Promotion to Associate Professor**

2.A. (a) Tenure and academic freedom are related to each other which is a right of all faculty members. The right to freedom is, generally, the right not to be interfered with. A faculty member's right to academic freedom is his right not to be interfered with in the discharge of his 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 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.

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.~~ To achieve tenure, the appointee must demonstrate competence in teaching, promise in research and participation in service.

2.B. (b) **Consideration for Tenure and Promotion to Associate Professor**

2.B.1.(i) The holder of a preliminary appointment shall be formally considered by departmental and Faculty committees for an appointment with tenure in the fall term of the fifth year of service if the original appointment was at the rank of Lecturer, of the fourth year of service if the original appointment was at the rank of Assistant Professor, of the third year of service if the original appointment was at the rank of Associate Professor or Professor; but may be considered for an appointment with tenure at an earlier time if those charged with recommending appointments with tenure are satisfied that such earlier consideration is warranted. Those hired at the rank of Associate or Full Professor may be hired with tenure.

- (ii) ~~All members shall have the right to two one-year deferrals beyond the fourth year of service, not including deferrals based on the duty to accommodate, by way of a Memorandum of Agreement between CUASA and the Employer.~~
- (iii) ~~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 preliminary appointee 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.(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:
- ai. 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.~~
- bij. Teaching Effectiveness – a ~~strong~~ record of ~~successful and effective~~ satisfactory 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).~~
- eiii. Research, Scholarly and/or Creative Work – a promise of continued 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.~~

- div. 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 ~~of the 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. If a candidate has had excessive administrative service in the years before tenure, tenure cannot be denied and a two (2) year extension with no service duties shall be given for the candidate to prepare for tenure.
- ey. 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.(d) 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.IV.(i) 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 1.B.III.a ~~and 1.B.III.b~~, teaching ~~evaluations dossier~~, copies of publications, and any additional materials submitted by the candidate 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.(ii) No anonymous material may be considered at any level, ~~and 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 or arbitration 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.-10.7 **Promotion to Associate Professor**

3.A.(a) **Consideration for Promotion to Associate Professor**

3.A.I. (i) Promotion to the rank of Associate Professor will usually be considered after the lesser of five (5) years in the rank of Assistant Professor or six (6) years from the doctorate (or its equivalent). Such consideration will normally take place in the fifth (5th) or sixth (6th) year as appropriate.

3.A.II.(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. (b) Criteria and procedures for Promotion to Associate Professor

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

(i)b. Teaching Effectiveness – a record of satisfactory 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.

e.(ii) Research, Scholarly and/or Creative Work – a record of research, scholarship, and/or creative achievement as appropriate for the field of expertise.

e.(iii) Service to the University– a 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 of the University.

e.(iv) Where there is a record of service to society, such as 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.(c) Unit Guidelines for the Application of the Criteria for 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 JCAA. Upon approval of peer reviewers and unit, the criteria shall be reviewed by the Dean 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.IV. (i)~~ 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 1.B.III.a, teaching dossier, copies of publications, and any additional materials submitted by the candidate. The candidate has the right to discuss their dossier with the chairperson (or equivalent) before submitting it to the committee.

~~2.C.III. (ii)~~ Each candidate for promotion to Associate Professor will submit the names and contact information for at least three external referees to the Dean by July 1 of the year of application. The Dean will request letters from at least two referees submitted by the candidate.

~~2.C.VI. (iii)~~ In the case of applications for promotion to Associate Professor, letters from external referees shall be available for consideration at the Faculty . 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 a minimum of three (3) referees. At least three (3) must be from the list provided by the candidate. The dossier must contain all letters received.

~~2.C.V. (iv)~~ No anonymous material may be considered at any level, and nothing may be added to the dossier at any time without the candidate's knowledge and consent except for refereed letters. At any appeal hearing or arbitration the appellant may introduce new material.

~~2.C.VI (v)~~ When a candidate applies for tenure and promotion at the same time the criteria should remain separate and distinct.

~~3-~~ **10.8 Promotion to Full Professor**

~~3.A-~~ **(a) Consideration for Promotion to Full Professor**

~~3.A.I. (i)~~ Promotion to the rank of Full Professor will usually be ~~ly not be~~ considered ~~in the before the lesser of~~ seventh (7th) years in the rank of Associate Professor or thirteenth (13th) 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. (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.A.III (iii)~~ Where a faculty employee requests not to be considered in accordance with 3.A.I above, the employee will not be automatically considered for promotion in a subsequent year, but must apply for consideration in accordance with 3.A.II.

~~3.B. (b)~~ Criteria and procedures for Promotion to Full Professor

~~3.B.I. (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. (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 sustained** 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 demonstrating a successful career as a professor and established scholar.~~ 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 operation of the University; ~~s 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.a. (iii)~~ Only in rare cases ~~and exceptional cases~~ would long years of valued service to teaching and to the University and the UnionCUASA be expected to constitute sufficient grounds on their own for promotion to Full Professor.

~~3.B.III. (c)~~ 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~~ at least the rank of Associate 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 decidesthey~~ decide 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.
- ~~2.C.III. (i)~~ Each candidate for promotion to Full Professor will submit the names and contact information for ~~three-four (4)~~ external referees to the Dean by July 1 of the year of application. The Dean will request letters from at least (4) referees submitted by the candidate.
- ~~2.C.IV. (ii)~~ 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 article 10.1.a, teaching evaluationsdossier, copies of publications, and any additional materials to support the assessment of the candidate in meeting the criteriasubmitted by the candidate. The candidate has the right to discuss their dossier with the chairperson (or equivalent) before submitting it to the committee.
- ~~3.B.VI. (iii)~~ 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 except for refereed letters. At any appeal hearing or arbitration 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).
- ~~34.B.VII. (iv)~~ In the case of applications for 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.

8-10.9 **Tenure and Promotions Appeals Committee**

8-A.(a) Candidates receiving a decision, communicated by the President, to deny tenure and/or promotion ~~may have the right to~~ appeal the decision by making a written submission to the Tenure and Promotion Appeal Committee (TPAC) within ~~fifteen-thirty (30-45)~~ working days after receipt of the letter from the President.

8-B.(b) Appeals may be based upon ~~any of the one or more of the~~ following grounds, ~~including but not limited to:~~

~~(a) Procedural irregularity;~~

~~(b) Discrimination;~~

~~(c) Duty to accommodate;~~

~~(d) Reasonable apprehension of bias;~~

~~(e) Violations of academic freedom; or,~~

~~(a)(f)~~ 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-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.(c) The TPAC is established by ~~the employer and CUASA who shall jointly appoint six (6) faculty employees-Senate~~ by ~~December 4~~July 1 each year ~~subject to the following:through existing procedures with the following amendments:~~

- ~~8.C.I.~~ (i) It shall be representative of the different Faculties
- ~~8.C.II.~~ (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.~~ (iii) It shall be comprised of tenured Associate and Full Professors.
- ~~8.D.~~ (d) The appellant ~~may request to~~shall have the right to make an oral and written 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 employer 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 (s) and the representative (s) of the university employer 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.~~ (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.~~ (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 employer 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.~~ (g) Both parties have a right to have an observer present throughout.
- ~~8.H.~~ (h) The TPAC shall reach a decision by majority vote.
- ~~8.I.~~ (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.(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.(ii) Reject the appeal and uphold the decision communicated by the President;
- 8.I.IV.(j) 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.(k) 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 beginning of hearings shall be no later than March 31 and the date for the completion of the report will shall be no later than March 31/April 30, 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.(l) If either party ~~invokes legal counsel~~raises a legal challenge to the process or substantive issues being considered by the TPAC then the ~~TPAC~~ hearing is adjourned and employment shall continue until ~~the all~~ legal issues are resolved.

9-10.10 **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.~~

10.11 **Grievance/Arbitration**

- 10.A.(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(b) Grievances may be based upon any of the one or more of the following grounds, including but not limited to:
- (a) Procedural irregularity;
(b) Discrimination;
(c) Duty to accommodate;
(d) Reasonable apprehension of bias;
(e) Violations of academic freedom; or,
(a)(f) 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.
- ~~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.(c) 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.C.I(i) The preliminary appointment shall continue without alteration until the legal process has reached its conclusion.
- 10.D.(d) The Arbitrator ~~will make one of the following decisions~~shall have discretion to make any and all decisions including awarding tenure and/or promotion.;
- ~~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.~~

[The current Articles 10.1 through 10.6 would be deleted. The current Article 10.7 would be renumbered Article 11.4 (with the remainder of Article 11 being renumbered appropriately). The current Articles 10.8 and 10.9 would be renumbered as Article 12.4 and Article 12.5 respectively (with the remainder of Article 12 being renumbered appropriately).]

~~6.2 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 2 (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 current 6.2 would be deleted.]~~

~~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 ~~Article 10A: PROCEDURES FOR THE DISMISSAL WITH CAUSE OF FACULTY MEMBERS~~

Preamble

~~[Delete all of the Preamble except for the following]~~

~~10A.1 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.

C1-10A.2 Dismissal: Review Chairperson

On the adoption of these procedures and from time to time thereafter, the President of the University and the President of the Academic Staff Association shall agree on the appointment of a person who is not a member of the faculty or Board of the University or employed in the administration of the University to act as Review chairperson. Such an appointment shall be for a term not exceeding five years and may be renewed from time to time. All reasonable efforts should be taken to ensure that the position does not remain vacant for any significant period of time after the expiration of a term appointment and before renewal of it or appointment of a successor. The duties of the Review chairperson shall be as described in the following paragraphs.

~~10A.3 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 10A.2 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.~~

[Delete Sections A and B, insert the above as C2 and renumber section C as 1 through 1516.]

C2-10A.4 Informal Proceedings

Where the President, after whatever investigation he may consider necessary and which may include resort to a committee of inquiry, is satisfied that adequate cause for the dismissal of a faculty member exists, he shall advise the faculty member that he/she intends to so recommend and invite the faculty member and, if the latter so wishes, an advisor to meet with him and with the Dean of the Faculty and the chairperson of the department concerned.

C310A.5 Initiation of Formal Proceedings

Where the faculty member declines an invitation extended under the preceding paragraph or the President, after reasonable efforts, is unable to arrange a meeting within a reasonable time after extending such an invitation, or if a meeting is held and no mutually agreeable settlement is reached, the President, if he intends to proceed with a recommendation of dismissal, shall so inform the faculty member in writing and shall set out his reasons for so doing. Such reasons shall be set out in sufficient particularity to allow the faculty member to prepare a reply.

C4-10A.6 The President shall at the same time advise the faculty member whether he/she intends to refer his intended recommendation to the Review chairperson. If the President indicates that he intends to refer the matter to the Review chairperson, he shall forward to the Review chairperson a copy of the information given to the faculty member.

C5-10A.7 If the President does not indicate to the faculty member that he/she intends to refer the matter to the Review chairperson, the faculty member may require the President to do so by notice given in writing to the President within fourteen days after the faculty member is notified under this provision of the President's intention to recommend his dismissal. Upon being required to refer the matter, the President shall do so in the manner specified in the preceding paragraph.

C6-10A.8 If the President does not indicate to the faculty member that he/she intends to refer the matter to the Review chairperson and the faculty member does not require him to do so in the manner and within the time specified in the preceding paragraph, the matter need not be referred to the Review chairperson.

C7-10A.9 Formal Proceedings

Where a matter is referred to the Review chairperson in accordance with the foregoing procedure, he/she, himself/herself shall proceed to determine whether adequate cause exists for the President to recommend dismissal of the faculty member, or he/she may in his/her discretion appoint two persons to sit with him/her as a Review Committee to make such determination. The Review chairperson shall act as chairperson of any Review Committee.

C8-10A.10 The Review chairperson or a Review Committee shall advise the President and the faculty member of the date and place fixed by it for a hearing in connection with the matter. Such date shall be not more than six weeks after the matter is referred to the Review chairperson. The faculty member may at any time before the hearing provide the Review chairperson or the Review Committee and the President with a written reply to the reasons given by the President in support of his intention to recommend dismissal; but where such a reply is given within seven days of the day fixed for the hearing the Review chairperson or Review Committee may, on its own initiative or at the request of the President, postpone the hearing for a period not exceeding seven days. Reasonable notice of any postponement shall be given to the faculty member and the President.

C9-10A.11 A hearing by the Review chairperson or a Review Committee shall be held in camera unless the faculty member requests otherwise by notice given to the Review chairperson or a Review Committee in writing at least one week in advance of the hearing.

C10-10A.12 Both the President (or his nominee) and the faculty member are entitled to appear at the hearing and, if they so desire, to be represented by counsel or other advisers. The Review chairperson or a Review Committee is entitled to fix its own rules as to the procedure before it, the examination and cross-examination of witnesses and the admissibility of evidence. A transcript of the proceedings at any hearing before a Review chairperson or Review Committee shall not be obligatory but the chairperson or a Committee, upon the application of either the President or his nominee or the affected faculty member, may direct that the testimony of a specified witness be recorded as the chairperson or a Committee may direct and a transcript thereof provided for its consideration if it so desires.

C11-10A.13 As soon as possible after completion of the hearing before it, the Review chairperson or a Review Committee shall provide the President and the faculty member with its decision, in writing, as to whether adequate cause exists for the President to recommend dismissal of the faculty member, supported by such reasons as the Review chairperson or the Review Committee considers appropriate. The Review chairperson or the Review Committee may also propose another remedy if it deems it

appropriate. A decision by the majority shall be the decision of the Review Committee.

C4210A.14 Where a Review chairperson or a Review Committee has reached a decision that adequate cause does not exist for a recommendation by the President to the Board of Governors that a faculty member be dismissed, the President shall not make such a recommendation to the Board and the procedure provided for in these provisions shall not again be instituted on the basis of substantially the same facts and considerations.

C43-10A.15 At any time after its decision is communicated to the President and the faculty member, the Review chairperson or a Review Committee, may if it considers it to be in the public interest to do so, make public its decision and any or all of its reasons. Except where a hearing before the Review chairperson or a Review Committee is held in public, and except to the extent that the Committee itself makes its decision and any of its reasons for it public, all information shall be treated as confidential information and the decision of the Review chairperson or a Review Committee and its reasons for it are confidential except that the decision and reasons may be submitted to the Board of Governors in support of a recommendation by the President for dismissal of the faculty member.

C44-10A.16 Suspension

The President may, by written notice and for stated cause, relieve a faculty member of some or all of his duties and withdraw some or all of his privileges, provided that dismissal or other proceedings to determine the propriety of such action have already been initiated or are initiated simultaneously. This is not to be construed as preventing the President from acting in an emergency where there is a clear and present danger to the faculty member or to the University, provided that written reasons are subsequently provided. A suspension shall terminate with the conclusion of the dismissal or other proceedings or at such earlier time as the President may deem appropriate. Salary and other benefits shall continue throughout the period of suspension.

C45-10A.17 Expenses

The fees and expenses of the Review chairperson and of the persons that may be appointed to sit with him as members of a Review Committee shall be borne by the University. Any additional expenses arising out of any hearings of the Review chairperson or a Review Committee including expenses connected with the recording and transcription of testimony when directed by the Review chairperson or a Review Committee and the fees and expenses of witnesses called at the direction of the Review chairperson or the Review Committee, but not otherwise, shall also be

borne by the University. Save as aforesaid the University and the affected faculty member shall each bear their own expenses including those connected with the calling by them of any witnesses or the preparation and presentation of documents and the fees and expenses of counsel or advisers as the case may be, provided that the Review chairperson or a Review Committee may direct that the fees and expenses of a counsel, if one is engaged by the affected faculty member, or some portion thereof shall be borne by the University where, in the Review chairperson or Review Committee's view of the circumstances, it considers it just and equitable that the University should pay them.

APPENDIX A: Procedures Concerning Tenure, Dismissal and Related Matters

[Delete entire appendix.]

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 for tenure and promotion 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 bBibliometrics and publications metrics have an important role inmay be used to assessing the quality and quantity of research but such 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.~~

~~Appendix L: Tenure Consideration in the Sprott School of Business~~

~~The parties agree as follows:~~

~~Effective September 1, 2006 for the period until the Sprott School of Business establishes departments within the Faculty or June 30, 2010 whichever comes first, the following the provisions shall replace the provisions of paragraphs B1-B4 and B6 of Appendix A of the collective agreement:~~

~~Tenure applications will be dealt with in the first instance by a Faculty wide committee that shall consist of the Dean, who shall act as chairperson, and at least six (6) other faculty members, and it shall be as representative as possible of the ranks and areas of interest in the department, including non-tenured members.~~

~~The Faculty Tenure 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. The Committee shall examine all relevant documents including the candidate's curriculum vitae; such published work of his as is available; a detailed written statement about the candidate's teaching which shall be presented by the Dean and shall be based upon all relevant sources; and the Dean's appraisal and recommendation on the award of tenure. A candidate for tenure shall be invited to present to the committee either orally or in writing any information which s/he considers relevant to the decision. An observer nominated by the Carleton University Academic Staff Association may be invited to attend any meeting of the Committee to which the candidate is invited if the Committee or the candidate so requests.~~

~~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. Each recommendation of a Faculty Tenure Committee to the President shall be accompanied by the written statement described above.~~

~~The remainder of Appendix A shall apply without change to the Sprott School of Business.~~