

purposes of the appeal and/or the grievance/arbitration process, despite the(se) process(es) extending beyond the candidate's termination date.

- e) An arbitrator appointed pursuant to an Article 19.08 a) grievance shall either deny the grievance or uphold it. If the arbitrator upholds the grievance, the arbitrator will be limited in remedy to quashing the decision of the President under Article 19.06 f) and a direction that a newly constituted Review Committee reconsider the recommendation.
- f) A newly consitiuted Review Committee will follow the same steps set out in this Article mutatis mutandis. This Committee will receive all documentation relative to the original application, including a copy of the arbitrator's award. This Committee will make a final and binding decision, to either award or deny a Continuing Appointment to the candidate, and report this decision in writing to the candidate, the Association, the Provost, and the President.

## Article 20 – Promotion to Senior Teaching Professor

### 20.01 Promotion Criteria

- a) The focus of a promotion decision to Senior Teaching Professor is on career accomplishments. To become a Senior Teaching Professor at UOIT, the candidate must combine
  - i. an established record of excellent Teaching
  - ii. with a record of high quality Service and Other.
- b) In assessing Teaching, the Promotion Review Committee (PRC) shall take into account the amount of Service and Other undertaken.

### 20.02 Timing of Promotion to Senior Teaching Professor

- a) Normally, a candidate for promotion must have spent at least five (5) years as an Associate Teaching Professor, at least ten (10) years as a full-time faculty member, and have been a faculty member at UOIT for a minimum of three (3) years. The Provost may consider equivalencies for any of the above criteria before a candidate begins consideration for promotion. Reasonable requests shall not be denied.

- b) Candidates who are denied promotion must wait one (1) Academic Year after a negative decision before reapplying.
- c) A Teaching Faculty Member who has begun the process of candidacy for promotion may withdraw their candidacy before the PRC recommendation has been made. Withdrawal can be done only once without prejudice to a later application.
- d) The Dean shall forward to the Provost the names and updated curriculum vitae of all candidates who wish to be considered for promotion no later than May 1 of the year prior to the review.

#### 20.03 The Promotion Review Committee

- a) The Provost shall appoint a Promotion Review Committee (PRC), which they shall chair, consisting of five (5) faculty members. All of these faculty members must be at the rank of Senior Teaching Professor or, if a tenured faculty member, at the rank of Professor. At least two (2) of these faculty members shall be Senior Teaching Professors (if available).
- b) The Provost shall chair the PRC in a non-voting capacity.
- c) Faculty members who have acted as a referee on the candidate's application must absent themselves from the PRC. Members of the PRC must absent themselves from cases where they may have a conflict of interest. A Teaching Faculty Member's Dean cannot be a member of the PRC for the Teaching Faculty Member's case.
- d) The names of the members of the PRC shall be communicated to the candidate by December 1, with the request that the candidate communicate, in writing, to the Provost, any objection(s) concerning any member of the PRC within ten (10) Days, stating the reason for the objection(s). The Provost, after considering the candidate's response to the proposed membership of the PRC and taking appropriate steps to resolve any objections, shall determine a date and time for the meeting and notify members of the PRC.

#### 20.04 Procedures of the Promotion Review Committee

- a) The PRC quorum is the full membership. Meetings shall be held in-camera. The deliberations of the PRC are confidential, and the votes of individual PRC members are confidential to the committee. While the content of the PRC meetings

is confidential, this shall not prohibit members of the PRC from raising concerns about the functioning of the PRC with the Office of the Provost and/or the Association.

- b) All members of the PRC shall make a judgment in an unbiased manner and in conformity with the requirements of this Article.
- c) Prior to the consideration of candidates, the PRC shall meet to review the provisions of this Article. This review shall include discussion of the criteria and evidence upon which recommendations are made, and the diverse forms of Teaching, Service and Other that exist across the University.
- d) The PRC shall make its recommendation solely on the evidence before it and may recess to consider the evidence and whether additional information is required.
- e) If additional information is required, the Chair shall make a request to the candidate, in writing. The candidate shall have five (5) Days to provide the additional information.
- f) The PRC recommends only that promotion be granted or be denied. The vote shall be by signed private ballot, after which the Chair shall announce how each member voted. A recommendation to grant promotion must be approved by a majority of the members. Abstentions are not permitted.
- g) In the event of a proposed negative recommendation, the PRC shall recess and provide the candidate with a written statement of detailed reasons for the proposed recommendation, and an invitation to respond to the statement, within ten (10) Days, in writing, and at the candidate's option, orally. This statement of reasons shall be clearly related to the criteria for the award of promotion in accordance with Article 20.01. In the case of an oral response, the candidate shall have the right to have an Association representative present when making their presentation. In preparing a response, candidates shall have access to the full contents of their promotion file, including confidential letters with identities redacted. The PRC must then have a final meeting to record its recommendation.
- h) The PRC shall make recommendations for promotion to the President.

#### 20.05 Referees

- a) Normally, all referees shall be senior academics with the rank of Professor, Senior Teaching Professor, or equivalent, and at arm's length from the candidate. At least

one (1) of the referees shall be external.

- b) The candidate shall provide the Dean with a list of at least three (3) possible referees by August 31. The Dean shall obtain letters of appraisal from at least one (1) referee from this list of nominees.
- c) In addition, the Dean shall secure letters of appraisal from at least one (1) referee knowledgeable in the candidate's discipline but no more than the number of referees secured under Article 20.05 b).
- d) The documentation provided to the PRC shall identify which referees were nominated by the candidate and by the Dean, and shall include a statement describing the qualifications of each referee.
- e) When inviting prospective referees, the Dean shall include a copy of the criteria for promotion from Article 20.01 as well as Article 16 that outlines the way that Teaching, Service, and Other are defined for Teaching Faculty Members at UOIT.
- f) All referees shall be provided with the documentation as set out in Article 20.08. All referees shall assess the candidate's Teaching using the criteria as set out in Article 20.01 a) i) and assess the candidate's Service and Other as set out in Article 20.01 a) ii). Referees shall assess all aspects of a candidate's Teaching and shall do so based on the materials in the Teaching Dossier and must spend some time observing the candidate's Teaching (either face-to-face or online).
- g) Referees shall not be asked to make a recommendation either for or against promotion.
- h) Referees shall be asked to submit their letters of appraisal by December 1.

#### 20.06 Other Written Evaluations

- a) The Dean shall seek written evaluations from members of the relevant Faculty(ies). The Dean shall write to all members of the relevant Faculty(ies) inviting them to write to the Dean with comments on the candidate's performance in Teaching and/or Service and/or Other. These signed letters shall all be compiled in the promotion file by December 1.
- b) The Dean may communicate with former students of the candidate requesting letters evaluating the Teaching Faculty Member's Teaching. These signed letters

shall all be compiled in the promotion file.

- c) The candidate may also ask colleagues and former students for written reviews and include these letters in the promotion documentation. These signed letters shall all be compiled in the promotion file and identified as solicited reviews in the dossier.

#### 20.07 Documentation

The candidate's Official File, excluding any disciplinary letters, shall be made available to the members of the PRC. In addition to the Official File, the candidate and the Dean are responsible for other promotion documentation as specified in Article 20.08 and Article 20.10.

#### 20.08 Documentation Provided by the Candidate

- a) A Teaching Faculty Member who has been determined to be an eligible candidate for promotion under Article 20.02 shall provide to the Dean by August 31:
  - i. an updated and complete curriculum vitae;
  - ii. a written statement by the candidate that addresses how the candidate has satisfied the criteria for promotion. This statement shall include three (3) main sections that address the Teaching, Service, and Other criteria as outlined in Article 20.01.
  - iii. a Teaching Dossier; and
  - iv. any other documentation including letters collected by the candidate. These signed letters will all be compiled in the promotion file and identified as solicited reviews in the dossier.

#### 20.09 Opportunity to Respond

- a) By December 15, the Dean shall provide the candidate with:
  - i. a copy of each referee's letter of appraisal, with identifying information removed;
  - ii. copies of letters from colleagues and students collected by the Dean;

- iii. the Dean(s) assessment(s) of whether the candidate has met the criteria for promotion as set out in Article 20.01.
- b) The candidate shall have until the first Day of January to provide a written response on the assessments of the referees, colleagues, students, and the Dean(s), which shall be included in the promotion documentation for the PRC.

#### 20.10 Documentation Provided by the Dean

By January 15 the Dean shall provide to the PRC:

- a) the Dean(s)' assessment of whether the candidate has met the criteria for promotion set out in Article 20.01;
- b) letters from the referees;
- c) letters from faculty members and former students collected by the Dean; and
- d) the candidate's documentation as provided in Article 20.08 and Article 20.09 b) if applicable.

#### 20.11 The Recommendation

- a) The Chair of the PRC shall, not later than March 31, convey the PRC's recommendation to the candidate and the President.
- b) The PRC's recommendation to the President shall be accompanied by all of the documentation before the PRC. The recommendation shall include a summary of the evidence before the PRC and shall indicate clearly why the recommendation is for or against promotion.
- c) The President shall inform the candidate and the Chair of the PRC of the President's recommendation within one (1) month of receiving the recommendation. If the President's recommendation is different than that of the PRC, the President will supply written reasons.
- d) The President shall notify the Board of Governors that the President's recommendation will be presented for the Board's approval at its next scheduled meeting.

- e) Subsequent to the Board deliberation, the President shall convey the decision to the candidate within ten (10) Days with a written statement of reasons and, in the event of a negative decision, a summary of the evidence.
- f) A promotion shall be effective on the following July 1.
- g) On being granted promotion, the candidate's title shall be changed to Senior Teaching Professor.

#### 20.12 Appeals Against Denial of Promotion

- a) The Teaching Faculty Appeal Committee is established under Article 19.06 b).
- b) An unsuccessful candidate for promotion may appeal a negative recommendation in writing to the Teaching Faculty Appeal Committee within ten (10) Days of notification. Appeals may be launched on either or both of two (2) grounds:
  - i. that the procedures described in this Article have not been properly followed, or
  - ii. that any or all of the Teaching, Service, or Other of the candidate were not evaluated fully and/or fairly.
- c) The Chair of the Teaching Faculty Appeal Committee shall:
  - i. receive all of the material provided to the Promotion Review Committee in Article 20.10 and the recommendation of the Promotion Review Committee;
  - ii. arrange a meeting with the Teaching Faculty Appeal Committee to occur as soon as possible, normally within twenty (20) Days; and
  - iii. invite the candidate and the Chair of the PRC to appear before it. The candidate may invite a representative of the Association to attend.
- d) The Teaching Faculty Appeal Committee shall carefully consider the documentation assembled under Article 20.11 c) as it relates to the grounds of the appeal in Article 20.11 b).
- e) The Chair of the Teaching Faculty Appeal Committee will report the Committee's recommendation, which includes a summary of the evidence before the Committee and a statement which indicates clearly the Committee's detailed reasons for its recommendation, to the President and the candidate within fifteen (15) Days of the meeting in Article 20.11 c).

- f) The President shall convey the President's decision to the candidate within ten (10) Days of receiving the report from the Chair of the Teaching Faculty Appeal Committee.
- g) In the case of a positive recommendation by the President, the President shall notify the Board of Governors that their recommendation will be presented for the Board's approval at its next scheduled meeting.
- h) Subsequent to Board deliberation, the President will convey the decision to the candidate within ten (10) Days with a written statement of reasons and, in the event of a negative recommendation, a written summary of the evidence.

#### 20.13 Grievance of Appeal Decision

- a) If promotion is ultimately denied after the processes of Article 20.12 have been exhausted, the Association may file a grievance on behalf of the Teaching Faculty Member commencing at Step 2 of Article 11.06 of the grievance process.
- b) An arbitrator appointed pursuant to an Article 20.13 a) grievance shall either deny the grievance or uphold it. If the arbitrator upholds the grievance, the arbitrator will be limited in remedy to a quashing of the ultimate decision and a direction that a newly constituted Promotion Review Committee reconsider the recommendation.
- c) A newly constituted Promotion Review Committee will follow the same steps set out in this Article mutatis mutandis. This Committee will receive all documentation relative to the original application, including a copy of the arbitrator's award. This Committee will make a final and binding decision and report this decision to the President who will advise the Board of Governors and the candidate.

## Article 21 – Intellectual Property

- 21.01 Intellectual property will be administered according to the Intellectual Property policy as appended as Appendix "D" to this Agreement. For clarity, the appended version of the policy will apply for this Agreement until an amended Intellectual Property policy is developed and incorporated into this Agreement under the terms of the Letter of Understanding re Intellectual Property dated March 16, 2016, a copy of which is appended to this Agreement.
- 21.02 Notwithstanding the provisions 6.3(a) of the Intellectual Property policy, the University retains the right to negotiate with an intellectual property creator,