

20.16 Grievance of Appeal Decision

- a) If tenure is ultimately denied after the processes of Article 20.15 have been exhausted, the Association may file a grievance on behalf of the Faculty Member, commencing at Step 2 of Article 11.06 of the grievance procedure.
- b) An arbitrator appointed pursuant to an Article 20.16 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 Tenure and Promotion Committee reconsider the recommendation.
- c) A newly constituted Tenure and Promotion 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.

20.17 Denial of Tenure or Extended Process

Unless their tenure consideration was early, a Faculty Member who is denied tenure, or for whom the processes of this Article have extended past the terminal date of their normal probationary appointment, will have their employment extended at the Faculty Member's current salary and benefits with a twelve (12) month limited term contract for the Academic Year following the Faculty Member's last probationary year. A candidate for tenure who is still undergoing appeals and/or arbitration under this Article past the terminal date of their normal probationary appointment will be deemed to be a Faculty Member of the Association during this time for the purposes of these appeals and/or arbitration.

Article 21 – Promotion to Professor

21.01 Promotion Criteria

- a) The focus of a promotion decision to Professor is on career accomplishments. To become a Professor at UOIT the candidate must either:
 - i. combine an established record of excellent Research with an established record of continuing high quality Teaching and satisfactory Service or;
 - ii. combine an established record of continuing high quality Research with an established record of excellent Teaching and satisfactory Service.

- b) In assessing Research and Teaching, the Tenure and Promotion Committee will take into account the amount of Service.
- c) Evidence of Teaching and Research varies among the disciplines. Committees shall recognize this variation when assessing the evidence required by this Agreement and shall give consideration to both quantitative, qualitative and/or mixed methodologies as appropriate to the discipline.

21.02 Timing of Promotion to Professor

- a) Normally, a candidate for promotion must have spent at least five (5) years as an Associate 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 their 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 Faculty Member who has begun the process of candidacy for promotion may withdraw his/her candidacy before the Tenure and Promotion Committee 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.
- e) By May 15 the Provost shall determine according to Article 21.02 a) the eligibility of the candidate(s) brought forward under Article 21.02 d).

21.03 The Tenure and Promotion Committee

- a) The Tenure and Promotion Committee is established under Article 20.05 a).
- b) The Tenure and Promotion Committee shall be chaired by the Provost, in a non-voting capacity, to consider promotion applications and to make recommendations for promotion to the President.
- c) Faculty members who have acted as a referee on the candidate's application must absent themselves from the Tenure and Promotion Committee. Members of the Tenure and Promotion Committee must absent themselves from cases where they may have a conflict of interest. A Faculty Member's Dean cannot be a member of the Tenure and Promotion Committee for the Faculty Member's case. In these

cases an alternate from the corresponding elected or appointed group will replace the Tenure and Promotion Committee member.

- d) The Tenure and Promotion Committee which reviews any given case shall consist of seven (7) members, at least four (4) of whom shall be elected members. The selection of the Committee shall be made to ensure broad Faculty and disciplinary representation.
- e) The Tenure and Promotion Committee shall prepare its written 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. This statement of reasons shall clearly relate to the criteria for the award of promotion as per Article 21.01. The final text of the written recommendation shall be reviewed by all the Committee members who served on the case in question.

21.04 Referees and Written Evaluations

- a) All referees will normally be senior academics with the rank of Professor and at arm's length from the candidate.
- b) The Dean will obtain letters of appraisal from a minimum of two (2) internal referees. Whenever possible, these internal referees should be drawn from the Faculty in which the candidate holds an appointment, or from related disciplines. External referees can be substituted in consultation with the candidate if there is a shortage of qualified internal referees.
- c) The candidate shall provide the Dean with a list of at least four (4) possible external referees. The Dean shall obtain letters of appraisal from at least two (2) external referees from this list of nominees.
- d) In addition, the Dean will obtain letters of appraisal from at least two (2) external referees knowledgeable in the candidate's discipline.
- e) The documentation provided to the Tenure and Promotion Committee will make it clear which referees were nominated by the candidate or by the Dean, and will include a statement describing the qualifications of each referee.
- f) Supervisors and collaborators cannot act as referees.
- g) When inviting prospective referees, the Dean shall include a copy of the criteria for promotion from Article 21.01, as well as Article 16, that outlines the way that Research, Teaching, and Service are defined for Faculty Members at UOIT.

- h) All referees will be provided with the documentation as set out in Article 21.06 a), b) c) and d). All referees shall be asked to evaluate the candidate's Research. Referees shall also be asked to assess the candidate's Teaching. External Referees will evaluate Teaching based on the materials in the Teaching Dossier. Internal Referees shall also spend some time in the classroom (face-to-face and/or online) of the candidate whose Teaching is being assessed as well as examining the candidate's Teaching Dossier.
- i) The referees will be directed to evaluate separately the candidate's Research and Teaching with respect to whether the candidate has attained an established record of excellence, or whether the candidate has attained an established record of continuing high quality, or whether the candidate has fallen short of establishing a record of continuing high quality. Referees will not be asked to make a recommendation either for or against promotion.
- j) Referees will be asked to submit their letters of appraisal by November 15.
- k) The Dean will 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 suitability for promotion as it relates to Research, Teaching, and Service, and based on the criteria in Article 21.01.
- l) The Dean may communicate with former students of the candidate requesting letters evaluating the Faculty Member's Teaching.
- m) 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.

21.05 Documentation

The candidate's Official File, excluding any disciplinary letters, shall be made available to the members of the Tenure and Promotion Committee. In addition to the Official File, the candidate and the Dean are responsible for other promotion documentation as specified in Article 21.06, Article 21.07 b) and Article 21.08.

21.06 Documentation Provided by the Candidate

A Faculty Member who has been determined to be an eligible candidate for promotion under Article 21.02 e) shall provide to the Dean by August 31:

- a) An updated and complete curriculum vitae;

- b) A written statement by the candidate that addresses how the candidate has satisfied the criteria for promotion.
 - Candidates shall indicate in the statement whether they wish to be assessed under the criteria in Article 21.01 a) i, or under the criteria in Article 21.01 a) ii;
 - This statement will also include three (3) main sections that address the Research, Teaching, and Service criteria as outlined in Article 21.01;
- c) A selection of the candidate's work that best represents the candidate's Research. This selection will be considered by the Tenure and Promotion Committee and the referees. The candidate will include a rationale for this selection of works. Material not included in the selection will be available to the referees and the Tenure and Promotion Committee on request;
- d) A Teaching Dossier; and
- e) 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.

21.07 Opportunity to Respond

- a) By December 1 the Dean will 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 with identifying information of students removed; and
 - iii. the Dean's(s') assessment(s) of whether the candidate has met the criteria for promotion as set out in Article 21.01.
- b) The candidate will 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 will be included in the promotion documentation for the Tenure and Promotion Committee.
- c) The names of the members of the Tenure and Promotion Committee 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 Committee 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 Tenure and Promotion Committee and taking appropriate steps to resolve any

objections, shall determine a date and time for the meeting and notify members of the Tenure and Promotion Committee.

21.08 Documentation provided by the Dean

By the first Day in January the Dean shall provide to the Tenure and Promotion Committee:

- a) The Dean's assessment of whether the candidate has met the criteria for promotion set out in Article 21.01;
- b) Letters from the referees;
- c) Letters from faculty members and former students collected by the Dean;
- d) If relevant an assessment of whether the candidate has met the criteria for promotion as set out in Article 21.01 from the Dean of the Faculty in which the candidate is cross-appointed; and
- e) The candidate's documentation as provided in Article 21.06.

21.09 Promotion Procedures of the Tenure and Promotion Committee

- a) The Provost shall chair the Tenure and Promotion Committee.
- b) The Tenure and Promotion Committee quorum is the full membership. Meetings shall be held in camera. The deliberations of the Tenure and Promotion Committee are confidential, and the votes of individual Committee members are confidential to the Tenure and Promotion Committee. While the content of the Committee meetings is confidential, this shall not prohibit members of the Committee from raising concerns about the functioning of the Committee with the Office of the Provost and/or the Association.
- c) All members of the Tenure and Promotion Committee must make a judgment in an unbiased manner and in conformity with the requirements of this Article.
- d) The Tenure and Promotion Committee shall make its recommendation solely on the evidence before it and may recess to consider the evidence and whether additional information is required. If additional information is obtained, the Chair of the Tenure and Promotion Committee will provide the candidate a copy of this evidence consistent with the requirements and processes of Article 21.07 a). The candidate will have five (5) Days to respond.

- e) The Tenure and Promotion Committee may recommend only that promotion be granted or be denied. The vote shall be by signed private ballot, after which the Chair will announce to the Tenure and Promotion Committee how each member voted. A recommendation to grant promotion must be approved by a majority of the members of the Tenure and Promotion Committee. Abstentions are not permitted. The Chair is a non-voting member.
- f) In the event of a proposed negative recommendation, the Tenure and Promotion Committee shall recess and provide the candidate with a written statement of detailed reasons for the proposed recommendation, and a notification of the opportunity 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 21.01. In the case of an oral response, the candidate shall have the right to have an Association representative present when making the presentation. In preparing a response, candidates shall have access to the full contents of their promotion file, including confidential letters with identities redacted. The Tenure and Promotion Committee must then have a final meeting to record its recommendation.
- g) The Tenure and Promotion Committee shall draft a detailed statement of the reasons for its final recommendation and a summary of the evidence. The final text of the document communicating the Tenure and Promotion Committee's recommendation shall be reviewed by all the Tenure and Promotion Committee members. The final document then shall be forwarded to the President.

21.10 The Recommendation

- a) The Chair of the Tenure and Promotion Committee shall, not later than March 31, convey the Tenure and Promotion Committee's recommendation to the candidate and the President.
- b) The Tenure and Promotion Committee's recommendation to the President shall be accompanied by all of the documentation before the Committee. The recommendation shall include a summary of the evidence before the Tenure and Promotion Committee and shall indicate clearly why the recommendation is for or against promotion.
- c) The President shall inform the candidate and the Chair of the Tenure and Promotion Committee of the President's recommendation within one (1) month of receiving the recommendation. If the President's recommendation is different than that of the Tenure and Promotion Committee, the President will supply written reasons.

- d) The President, shall notify the Board of Governors that his/her recommendation will be presented for the Board's approval at its next scheduled meeting.
- e) Subsequent to 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 will be effective on the following July 1.

21.11 Appeals Against Denial of Promotion

- a) The Tenure and Promotion Appeal Committee is established under Article 20.15 a).
- b) An unsuccessful candidate for promotion may appeal a negative recommendation in writing to the Tenure and Promotion 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 the Research, Teaching, or Service of the candidate were not evaluated fully and/or fairly.
- c) The Chair of the Tenure and Promotion Appeal Committee shall;
 - i. receive all of the material provided to the Tenure and Promotion Committee in Article 21.06, Article 21.07 b) and Article 21.08 and the recommendation of the Tenure and Promotion Committee;
 - ii. arrange a meeting with the Committee to occur as soon as possible, normally within twenty (20) Days; and
 - iii. invite the candidate and the Chair of the Tenure and Promotion Committee to appear before it. The candidate may invite a representative of the Association to attend.
- d) The Tenure and Promotion Appeal Committee shall carefully consider the documentation assembled under Article 21.11 c) as it relates to the grounds of the appeal in Article 21.11 b).
- e) The Chair of the Tenure and Promotion 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 21.11 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 Tenure and Promotion 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.

21.12 Grievance of Appeal Decision

- a) If promotion is ultimately denied after the processes of Article 21.11 have been exhausted, the Association may file a grievance on behalf of the Faculty Member, commencing at Step 2 of Article 11.06 of the grievance procedure.
- b) An arbitrator appointed pursuant to an Article 21.12 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 Tenure and Promotion Committee reconsider the recommendation.
- c) A newly constituted Tenure and Promotion 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 22 – Intellectual Property

- 22.01 Intellectual property will be administered according to the Intellectual Property policy as appended as Appendix "D" to this Agreement. For clarity, only the appended version of the policy will apply for this Agreement, even if the Employer changes the policy for other employee groups except as under the terms of the Letter of Understanding re Intellectual Property dated March 16, 2016 as mutually agreed to by the Parties.
- 22.02 Notwithstanding the provisions 6.3(a) of the Intellectual Property policy, the University retains the right to negotiate with an intellectual property creator, dependent on factors pertinent to the particular fact situation, a percentage share of commercialization that is of lesser value for the University.