

### 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, shall 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. The Faculty Member's workload shall consist of one hundred percent (100%) Research.

## Article 21 – Continuing Appointment

This article outlines the process for achieving a continuing appointment for Assistant Teaching Professors.

A Faculty Member normally shall have an initial three (3) year probationary appointment. The appointment may be renewed as a continuing appointment after a review of the performance of the Faculty Member. Continuing appointment is an indefinite term appointment.

### 21.01 Criteria for Granting of Continuing Appointment

- a) Faculty Members who are candidates for a continuing appointment are assessed on their Teaching, Service, and Other at UOIT and elsewhere. Candidates granted a continuing appointment must show clear promise of continued contribution through a record of satisfactory Teaching, Service, and Other.
- b) The candidate's workload as per Article 16 shall be taken into account when assessing Teaching, Service, and Other.

### 21.02 Timing of the Review

- a) The Dean shall contact the candidate to initiate the review process and arrange a meeting that shall take place by May 15 of the candidate's penultimate probationary year. The Dean shall review the requirements of this Article with the candidate at the meeting.
- b) Any Faculty Member who has taken maternity, adoption or parental leave, or a period of reduced responsibility to fulfill parental responsibilities following the birth or adoption of one (1) or more children, has the right to have the continuing

appointment process postponed for a period of one (1) year for each such leave or period.

- c) Any Faculty Member who has taken a leave of more than one (1) month because of short term disability or long term disability may request from the Dean to have the probationary appointment extended and the Continuing Appointment process postponed to a succeeding cycle. Reasonable requests shall not be denied.
- d) At the discretion of the Provost, a candidate may have their probationary appointment extended and the Continuing Appointment process postponed on condition of exceptional personal or professional circumstances. Reasonable requests shall not be denied.
- e) Faculty Members may elect to be considered for continuing appointment early, after one (1) year at the University. In such cases, the case coming forward early must meet the same standard and follow the same timetables *mutatis mutandis* as for cases brought forward on the usual schedule. Failure to attain continuing appointment early shall result in the Faculty Member being considered again at the normal time subject to any provision for delay as set out in this Article. For clarity, candidates for early continuing appointment consideration cannot appeal the early continuing appointment decision.

### 21.03 The Review Committee

- a) The Dean of the Faculty shall appoint a Review Committee, consisting of at least three (3) faculty members from the Faculty. At least one (1) of these faculty members must be either tenured or an Associate Teaching Professor or Senior Teaching Professor.
  - i. The Review Committee shall be chaired by a faculty member selected by and from the Committee.
  - ii. The Chair may participate in the deliberations of the Committee but shall only vote when required to break a tie.
- b) The Dean shall provide, in writing, a list of the names of the members proposed for the Review Committee for the candidate by January 15 with the request that the candidate communicate, in writing, to the Dean, any objection(s) concerning any member of the Committee within five (5) Days, stating the reason for the objection(s). The Dean, after considering the candidate's response to the proposed

membership of the Review Committee, shall take appropriate steps to resolve any objection(s).

- c) By January 31, the Dean shall provide the candidate with the names of the Review Committee membership.
- d) Committees shall undergo training workshops which cover employment equity. The program of such workshops shall be established by the Committee on Employment Equity.

#### 21.04 Documentation Supplied by the Candidate

- a) By February 1 of the candidate's final year of their probationary appointment, the candidate undergoing the review shall provide to the Dean:
  - i. an updated and complete curriculum vitae that includes relevant professional development information;
  - ii. a statement written by the candidate that addresses how the criteria for continuing appointment have been satisfied. This statement shall include three (3) main sections that address the criteria in Article 21.01. This statement may include, if applicable, availability of resources and the impact on Teaching, Service, and Other;
  - iii. a Teaching Dossier; and
  - iv. any other information the candidate believes shall be useful to the Review Committee.
- b) The Review Committee shall be supplied with, and shall carefully consider, all of the documentation listed in Article 21.04 a).
- c) The candidate's Official File, excluding any disciplinary letters, shall be made available to the Review Committee.

#### 21.05 The Continuing Appointment Assessment

- a) The Review Committee quorum is the full membership. Meetings shall be held in-camera. The deliberations of the Review Committee are confidential, and the votes of individual Review Committee members are confidential to the Review Committee. While the content of the Review Committee meetings is confidential, this shall not prohibit members of the Review Committee from raising concerns about the functioning of the Review Committee with the Office of the Provost and/or the Association.

- b) In addition to the documentation provided in Article 21.04 the members of the Review Committee must spend some time in the classroom (face-to-face and/or online) observing the candidate's Teaching activity as well as visiting the online components for courses and reviewing course materials.
- c) The Review Committee shall assess whether the candidate has satisfied the criteria for a continuing appointment in Article 21.01.
- d) The Review 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 required, the Chair shall make a request to the candidate in writing. The candidate shall have five (5) Days from the date of the request to provide the additional information to the Chair.
- e) All members of the Review Committee shall make a judgment in an unbiased manner and in conformity with the requirements of this Article. The vote shall be by signed private ballot, after which the Chair shall announce how each member voted. A recommendation to grant continuing appointment must be approved by a majority of the members. Abstentions are not permitted. The Chair is a non-voting member, except as noted in Article 21.03 a) ii).
- f) In the event of a proposed negative recommendation by the Review Committee, it 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 in writing, within ten (10) Days, and at the candidate's option, orally. This statement of reasons shall be clearly related to the criteria for the award of continuing appointment 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 their presentation. In preparing a response, candidates shall have access to the full contents of their continuing appointment file, including confidential letters with identities redacted. The Review Committee shall then have a final meeting to record its recommendation.
- g) The Review Committee shall produce a written recommendation. In the case of a negative recommendation, the Review Committee shall include its detailed reasons clearly related to the criteria for the award of continuing appointment in accordance with Article 21.01 in the written recommendation.

- h) The Chair of the Review Committee shall provide the written recommendation of the Review Committee to the candidate and to the Provost normally by March 15. A copy of this recommendation shall be provided to the Dean at the same time that it is forwarded to the Provost.
- i) By March 31 the Dean shall provide to the candidate and the Provost a letter of recommendation as to whether the candidate should be granted continuing appointment or denied continuing appointment, and this letter shall take into account the recommendation and report of the Review Committee as described in Article 21.05 h).
- j) By March 31 the Dean shall also provide the documentation from Article 21.04 a) and any additional information under Article 21.05 if applicable, to the Provost.
- k) The Provost shall consider the Review Committee's recommendation, the Dean's recommendation, and the documentation, and shall inform the candidate and the President of the Provost's recommendation within ten (10) Days of receiving the Dean's recommendation.
- l) The Provost's recommendation to the President shall be accompanied by all of the documentation before the Provost under Article 21.05 j).
- m) The President shall inform the candidate, the Association, and the Provost of the President's recommendation within one (1) month of receiving the recommendation. If the President's recommendation is different than that of the Provost, the President shall provide written reasons.
- n) In the case of a positive recommendation by the President, the President shall notify the Board of Governors that their recommendation shall be presented for the Board's approval at its next scheduled meeting.
- o) In the case of a negative recommendation by the President, the candidate can elect to appeal this recommendation within ten (10) Days to the Teaching Faculty Appeal Committee following the procedures set out in Article 21.06. The President shall delay conveying the President's recommendation to the Board until after any appeal through the Teaching Faculty Appeal Committee process or any grievance/arbitration process is completed.
- p) Subsequent to the Board's decision, the President shall convey the decision to the candidate and the Association within ten (10) Days.

- q) A decision to grant continuing appointment shall be effective July 1 and if the candidate is an Assistant Teaching Professor they shall be promoted to Associate Teaching Professor.

#### 21.06 Appeal Process

- a) An unsuccessful candidate for continuing appointment under Article 21.05 o) may appeal the decision by writing to the Chair of the Teaching Faculty Appeal Committee within ten (10) Days after being informed of the decision. The grounds of the appeal must be specific and must involve:
  - i. an alleged violation of the Article 21 procedures; and/or
  - ii. an allegation that one (1) or more of the candidate's Teaching, Service, or Other have not been evaluated fully and/or fairly.
- b) The University shall establish a standing Teaching Faculty Appeal Committee consisting of five (5) faculty members at the rank of at least Associate Teaching Professor, or Professor chosen broadly from across all disciplines in the University. No member of the Teaching Faculty Appeal Committee may also be a member of the Review Committee for the specific candidate. The faculty members on the Committee are chosen as follows:
  - i. Three (3) faculty members with the rank of at least Associate Teaching Professor or Professor, shall be elected by secret ballot in election(s) held by the Office of the Provost. No two (2) of these elected members can be from the same Faculty unless there are fewer than three (3) Faculties in which case Faculty representation shall be maximized. All teaching Faculty Members are eligible to vote in these elections. The two (2) elected faculty members with the largest number of votes from different Faculties shall be on the Teaching Faculty Appeal Committee with the remaining elected member serving as the alternate. These Committee members should be elected for up to three (3) years but their terms shall be staggered to encourage continuity.
  - ii. One (1) faculty member and at least one (1) alternate with the rank of at least Associate Teaching Professor or Professor shall be appointed by the Provost. These appointed members may either be teaching Faculty Members or faculty members with an administrative appointment.

- iii. The Chair of the Teaching Faculty Appeal Committee shall be elected from and by the members of the Committee. The Chair shall vote only to break a tie.
- c) The Chair of the Teaching Faculty Appeal Committee shall:
- i. receive all of the material provided to the President in Article 21.05 l);
  - 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 Review Committee 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 21.06 c) as it relates to the grounds of the appeal in Article 21.06 a).
- e) The Teaching Faculty Appeal Committee shall produce a written recommendation, including detailed reasons clearly related to the criteria for the award of continuing appointment in accordance with Article 21.01, normally within twenty (20) Days of its initial meeting for a particular case. A copy of the recommendation shall be provided to the candidate, the Provost, and the President.
- f) The President shall consider the Teaching Faculty Appeal Committee's recommendation and shall inform the candidate of their decision within ten (10) Days. If the President's decision is positive, the candidate shall be granted a continuing appointment, effective July 1, and the candidate's title shall change to Associate Teaching Professor.

#### 21.07 Termination Date

- a) If the decision under Article 21.05 o) and/or in the case of an appeal, Article 21.06 f) is negative then the candidate's appointment shall be terminated effective June 30.
- b) If the President's decision under Article 21.05 o) and/or in the case of an appeal, Article 21.06 f) has not been made by May 31, the termination date in Article 21.07 a) shall be extended to the last day of the month after the month in which the

Article 21.05 o) decision is made, and, in the case of an appeal, the Article 21.06 f) decision is made.

- c) A candidate who is denied a continuing appointment shall receive an amount equal to their regular salary, as at June 30, each month during the three (3) months immediately following their termination date.

#### 21.08 Grievance of Appeal Decision

- a) If a continuing appointment is ultimately denied after the processes of Article 21.06 have been exhausted, the Association may file a grievance on behalf of the candidate, commencing at Step 2 of Article 11.06 of the grievance process, within ten (10) Days of the President's decision under Article 21.06 f).
- b) The grounds of a grievance under Article 21.08 a) are limited to an allegation of a defect in the administration or processes of Article 21.06.
- c) Initiating a grievance does not extend the candidate's termination date. The continuing payment under Article 21.07 c) is not extended by the filing of a grievance under Article 21.08 a).
- d) A candidate who has submitted an appeal and/or a grievance under this Article shall be deemed to be a member of the Association during the time required for the 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 21.08 a) grievance shall either deny the grievance or uphold it. If the arbitrator upholds the grievance, the arbitrator shall be limited in remedy to quashing the decision of the President under Article 21.06 f) and a direction that a newly constituted Review Committee reconsider the recommendation.
- f) A newly constituted Review Committee shall follow the same steps set out in this Article mutatis mutandis. This Committee shall receive all documentation relative to the original application, including a copy of the arbitrator's award. This Committee shall 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.