

**ARTICLE 26            DUTIES, CONDITIONS OF APPOINTMENT, AND  
APPOINTMENT OF CHAIRS/DIRECTORS****26.1    GENERAL**

- A.    For the purpose of this Article, Chair/Director shall refer to the Chair of Department or the Director of a School, and Department/School shall mean an academic Department or School. This Article does not apply to the Library, Students Services, Academic Chairs, or to University Centres.
- B.    The Chair/Director shall be a tenured faculty member.
- C.    Accountable to the Dean, the Chair/Director is responsible for providing academic and administrative leadership in respect of (but not limited to) teaching; the development and delivery of undergraduate and graduate curricula and programs; creating a fair, equitable, inclusive and supportive environment for student learning and engagement; supporting faculty involvement in scholarly, research and creative activity; stewardship of the human and financial resources of the Department/School; representing the Department/School in the University; and liaison with the profession and the community.

The Chair/Director is required to administer the affairs of the Department/School after appropriate consultation with its members, striving to ensure collegiality and collegial decision making within the Department/School.

- D.    In representing the Academic Unit in an official capacity, Chairs/Directors will, wherever possible, present the Department/School's position.

Although responsible for carrying out the duties and responsibilities outlined in this Article, the Chair/Director, as a member of the faculty, remains an academic for whom teaching and research are also fundamental career rights.

Chairs/Directors are primarily academic leaders.

It is further understood that Chairs/Directors will not administer discipline with respect to members and will not be requested to attend meetings with members where discipline is imposed. Furthermore, Chairs/Directors will assume occupational health and safety responsibilities consistent with University policy(ies) and prevailing legislation to the degree that they are competent to act in this capacity as defined in the Occupational Health and Safety Act.

- E.    The duties and responsibilities of Chairs/Directors may include the following:
  - 1.       provide leadership and initiative in the development of the Department/School's curricula, academic planning, programs, and SRC

Activity, including liaison with the broader academic community within their discipline where appropriate;

2. take an active role in the career development of members of the Department/School. The Chair/Director will encourage the tenure and promotion aspirations of members;
3. in keeping with the local norms of the Department/School, convene such regular meetings of the faculty within the Department/School as are required to facilitate collegiality and collegial decision-making. This includes, but is not necessarily restricted to, circulating agendas prior to meetings; arranging for notes (or formal minutes) of meetings to be taken and circulated in timely fashion; and allowing for the presentation of formal motions, discussions and votes as required;
4. annually, arrange a meeting of the faculty of each Department/School to discuss academic priorities, Department/School direction and operational requirements;
5. annually present the non-salary components of the Department/School budget to faculty members of the Department/School;
6. oversee the work of such committees as may be established by the Department/School from time to time;
7. represent the Department/School's interests in administrative and academic matters. In cases where the members of the Department/School are divided on a particular matter, the Chair/Director will, after appropriate discussion and attempts to reach consensus, represent the views within the Department/School, and where a vote has been taken the view of the majority;
8. administer Department/School budgets and staffing plans;
9. ensure that the DEC and DHC are constituted as provided for elsewhere in this agreement;
10. ensure that Department/School committees are constituted and operate transparently in consultation with Department/School faculty members;
11. ensure that meetings of the Department/School Council take place and are conducted in accordance with Senate Policy and the bylaw of the Council;
12. ensure that all Department/School policies are developed and approved by the faculty members of the Department/School or Department/School

Council in accordance with Senate Policy and the bylaws of the Department/School Council, as appropriate;

13. ensure that meetings of the Advisory Council, where one exists, take place and are conducted in accordance with Senate Policy;
14. take a leadership role in coordinating the efforts of other faculty appointed to positions of academic administration within the Department/School;
15. maintain authority over administrative and clerical functions and staff within the Department/School;
16. attend central administrative meetings and report to the Department/School significant discussions and actions relevant to the Department/School;
17. ensure that effective communication is maintained with students in the Department/School's courses and programs; involve them, where appropriate, in Department/School activities and discussions; address student complaints and concerns unresolved by faculty and/or staff; and liaise with the Course Union, where one exists;
18. ensure that Department/School proposals are discussed, voted upon, and moved toward the appropriate University bodies, ensuring that Senate and other applicable University regulations/policies are observed;
19. develop a transparent process for recommending course and teaching assignments (including limited contract assignments) to the Dean, such process to include consultation with individual members of the Department/School regarding their respective course and teaching assignments;
20. post all approved teaching assignments to faculty members within the Department/School;
21. oversee the implementation of University equity, diversity and inclusion initiatives within the unit;
22. perform such other duties as are specified in this Agreement;
23. Such other specific expectations as the Chair/Director and the Dean have agreed, provided that they are consistent with Article 26.1 A-D and are not inconsistent with this Agreement;

- F. A copy of the letter of appointment of each Chair/Director will be provided to the Association.

## **26.2 TERMS OF APPOINTMENT OF A CHAIR/DIRECTOR**

- A. The first term of office of a Chair/Director is three (3) or five (5) years in duration. Having served a five (5) year term, a Chair/Director may serve a second term of three (3) years or five (5) years. When there are six (6) months remaining in the third year of each term, the Chair/Director may indicate if they wish to serve the five (5) year period. If so, and subject to a majority vote of the tenure-stream faculty members in the Department/School, the term may be extended. Voting must be completed within four (4) or more months remaining in the third year.
- B. A Chair/Director shall not serve for more than three consecutive terms. However, one one-year extension may be permitted with the mutual consent of the parties to this Agreement. Such consent will not be unreasonably withheld. A Chair/Director may not serve for more than 10 years consecutively.
- C. On the recommendation of the Dean, after consultation with the members of the Academic Unit, to the extent possible, an interim appointment of not more than one year may be made. In unusual circumstances a member who was an unsuccessful candidate for the position may be appointed to the interim position, but only with the agreement of the search committee.
- D. Effective July 1, 2020 and in view of additional responsibilities including under Article 26.1.E.22, Chairs/Directors have increased responsibility and are required to commit a greater amount of their working time to their Chair/Director responsibilities and therefore a Member who is a Chair/Director shall receive an annual stipend at the commencement of their appointment to the position of Chair/Director in accordance with Article 13.3 – Salaries – Special Allowances. The minimum annual stipend shall be \$10,000.00, and individual chairs will receive stipends of either \$10,000.00, \$12,000.00, \$14,000.00 or \$16,000.00. The stipend a particular chair will receive will be negotiated between each Chair/Director and the Dean of their Faculty as described in f. below.
- E. In each academic year a Chair/Director shall receive a reduction in other workload duties commensurate with their administrative responsibilities. The workload reductions granted to each Chair/Director, by virtue of their appointment as Chair/Director will also be negotiated between Chair/Director and the Dean of their Faculty as provided for in F below. Notwithstanding the foregoing, each Chair/Director shall normally teach a minimum of two semester courses per year but shall teach fewer courses than is normative in their Department/School for members in the same Mode.

- F. The determination of the stipend referred in D above and the workload reduction referred to in E above will be based upon the duties and responsibilities outlined in A to D above and may include the variables mentioned below, as appropriate:
1. the number of undergraduate programs administered by the Academic Unit;
  2. the number of graduate programs in which the Academic Unit has a defined interest and/or responsibility;
  3. the number of students in each program for which the Academic Unit has total or shared responsibility;
  4. the scope and nature of external partnerships/consortia in which the Academic Unit has responsibilities;
  5. the scope and nature of practica, placements, internships, and exchanges managed by the Academic Unit;
  6. the scope and nature of physical facilities managed by the Academic Unit;
  7. the number and classification of academic administrators within the Academic Unit;
  8. the number of administrative staff for which the Academic Unit has total or shared responsibility;
  9. the number of faculty, including Limited Term Faculty (LTF) in the Academic Unit;
  10. the number of part-time and sessional instructors in the Academic Unit; and
  11. the number of Academic Assistants, Teaching Assistants and Graduate Assistants employed within the Academic Unit.
- G. Each Chair/Director who serves as the head of an Academic Unit is entitled to extra sabbatical credits as set out in Article 6.1.G of this Agreement.
- H. The Chair/Director's stipend will be suspended during periods of voluntary absence from the Chair/Director's duties except for leaves under Articles 6.3, 6.4, 6.5, 6.6, 6.7, 6.10, 6.11 and 6.12. At the conclusion of their appointment as Chair/Director, the Chair/Director's stipend shall lapse automatically without notice.

- I. In the event a Chair/Director is going to be absent from campus for a period of less than one (1) month, the Chair/Director shall appoint an Acting Chair/Director (without stipend) and advise the Dean and the members of the Department/School.
- J. In the event a Chair/Director is going to be absent from campus for a period of one (1) month or longer, but not more than six (6) months, the Dean will appoint an Acting Chair/Director who will be provided an administrative stipend for the period of the Acting appointment, on a pro-rata basis as per. d. through f. above. In the event a Chair/Director is going to undertake a voluntary leave of absence under Articles 6.1 and 6.2 for a period of more than six (6) months, the Dean will initiate a search for a new Chair/Director and appoint an Acting Chair/Director as necessary.

Notwithstanding the above, the Dean may, after consultation with the members of the academic unit, to the extent possible, appoint an interim Chair/Director in cases where the Chair/Director's voluntary leave of absence is more than six (6) months. In cases where the Dean decides not to exercise this option and initiates a search for a new Chair/Director, such a decision is not grievable.

- K. Where the University determines that it is in the best interests of the University, faculty, students and staff that an appointment as Chair/Director be terminated prior to the expiry date this will occur upon the following basis:
  - 1. at any time with mutual written consent;
  - 2. by the employee upon providing the University with three (3) months written notice. Normally, the University would expect that the notice period would coincide with the completion of an academic term;
  - 3. by the University at any time.

In all cases, the member will be expected to resume the normal duties and obligations of a tenure-stream faculty member.

In cases where the University terminates the appointment of a Chair/Director, the Chair/Director may grieve this decision or, the University shall pay the Chair/Director the stipend for the remaining length of the appointment or twelve (12) months stipend, whichever is lesser.

### **26.3 APPOINTMENT OF A CHAIR**

- A. Appointments to the position of Chair/Director are made by the Provost and Vice-President, Academic under the delegated authority of the President.

- B. At the time of a search for a Chair/Director, the Dean shall convene a Search Committee.
- C. Appointments to the position of Chair/Director shall be made on the advice of a search committee and a Dean.
- D. The committee structure and search process will reflect the values represented in the University's policies on Employment Equity, Harassment Prevention, and Access. The Committee shall consist of ten (10) persons as follows:
  - 1. Five tenured faculty members elected by and from the Academic Unit. In the case of an Academic Unit unable to provide enough faculty members, the Dean in consultation with the Vice-Provost, Faculty Affairs shall establish a search committee consistent with the principles of search and composition evident in this document. In this situation the most important principle is that a majority of the committee's voting members shall be elected faculty members. Therefore, if necessary, faculty members from other Academic Units may be elected to the search committee
  - 2. Two students elected by and from the students of the Academic Unit or currently taught by the Academic Unit in the case of a service Department/School if necessary, the chair of the search committee may appoint the students.
  - 3. Two appointees of the Dean, who must be tenured faculty members. In seeking qualified search committee members, the Dean shall take into account the University's equity, diversity and inclusion obligations, including those concerning equity-seeking groups.
  - 4. The Dean as Chair and non-voting member.
  - 5. Faculty members on the search committee will select/elect an Equity Advocate from among the faculty members on the committee.
- E. The search committee for the Chair/Director stays in existence until the position is filled or the search is declared failed.

## F. Procedures

1. Initiatives leading to the formation of a search committee shall be taken by the Dean commencing at least four (4) months before the end of a term of a Chair/Director, or as soon as is practicable should the position of Chair/Director become vacant.
  - a) The Dean is responsible for all nominations, election, and appointment procedures. Such procedures shall be consistent with standing practices at the University. Any unusual situations will be addressed in consultation with the Vice-Provost, Faculty Affairs.
  - b) With the exception of students, all elected members of search committees must be tenured faculty members.
  - c) The incumbent shall not be eligible to sit on the search committee for the position to be filled.
  - d) Pre-tenure faculty and Limited Term Faculty may vote in electing tenured faculty to search committees.
  - e) Procedures for nomination and election of elected committee members will follow those normally used by the University's Senate including secret ballot. Nominations should be open for at least three days.
  - f) In cases where more than one election must be held to determine the membership of a search committee, all the elections shall be held simultaneously or as close to each other as practically possible. In any event, none of the election results shall be announced until all elections have been held.
  - g) In the event that practical problems in these procedures result in failure to elect sufficient faculty or student members, the Dean, after consultation with representative faculty and/or students, may initiate ad hoc procedures for striking a properly composed committee; a written record of actions shall be provided to all relevant faculty and students before the start of committee work.
  - h) A member who leaves a search committee before the first interview may be replaced. No replacement will be made after interviews have begun.
2. If the current Chair/Director is eligible for reappointment and wishes to be reappointed, they shall inform the Dean at least six months before the end of their term of appointment. In this case, the committee shall



perform an assessment of the incumbent's performance, soliciting input from the incumbent and from members of the Department/School. After considering this review, the committee shall vote, according to the procedures in paragraph 26.3.F.6. below. In the event of a positive vote, the committee recommends to the Dean that the incumbent receive an additional term. In the event of a negative vote, the committee proceeds to search for a Chair/Director, according to the procedures outlined in this Article.

3. The names of the members of the Search Committee shall be announced to the members of the Academic Unit.
4. Staff members who report directly to a Chair/Director shall be given an opportunity to address the search committee at the stage of establishing criteria.
5. Once appointments to a search committee have been made and the committee has met once, no member of the committee may become a candidate.
6. The search committee shall first agree on its own procedures, including such matters as defining a quorum, such procedures to be consistent with applicable University policies and procedures.
7. The decision of the search committee shall require a double majority. The first is a simple majority of all voting members present and voting at a properly constituted meeting of the committee. The second is a majority of the following group: all elected members, plus appointed members who are members of the Department/School, voting at the same properly constituted meeting of the committee.
8. As a guiding principle the parties agree that it is usually in the interests of the community that the position of Chair/Director be filled by an internal search. "Internal" advertising of a vacancy means written notice throughout the University, and means eligibility for consideration of any candidate who is already a full-time career University employee, but precludes the eligibility of all other persons.
9. In exceptional circumstances, where an acceptable internal candidate cannot be found, the decision to advertise externally shall be made by the Provost and Vice-President, Academic after receiving the committee and Dean's recommendation. When approval is granted for an external search, the recruitment strategy of the search committee shall contain a diversity outreach component. When a position is advertised externally, both internal and external candidates are eligible to apply. The job advertisement will normally be placed at least in University Affairs and

the CAUT Bulletin, and it must be posted on the University website. The search committee is encouraged to place the advertisement in other outlets that are appropriate to the discipline and to its diversity outreach and recruitment strategy and equity goals. The vacancy notice will stipulate that the position falls under the jurisdiction of the Faculty Association, a link to the Faculty Association Collective Agreement, a link to the Faculty Association website, and a link to University's Faculty Association Benefits Summary.

10. Advice, actions, and recommendations of the committee may be developed through informal consensus or through formal motions and voting, at the discretion of the committee.
11. Candidates on the short list meet with the Committee and make a presentation to which people associated with the Department/School (faculty, instructors, staff, undergraduate and graduate students) are invited. They may also meet with groups or individual faculty members in the Department/School and with the Dean.
12. The committee makes available the curricula vitae, and any other information it deems relevant, to the faculty members in the Department/School.
13. The committee invites input from people who have attended the public presentation and/or who have read the material in clause 11 above.
14. Members of the search committee are bound by confidentiality in their deliberations about particular candidates. They may have confidential discussions with Association or Administration representatives on any matter of concern. Otherwise, only the Chair/Director of the committee is authorized to communicate, as specified in this Article, on behalf of the committee.
15. All other committee procedures should be established and agreed to in advance.
16. Once applications have been received, members of search committees must declare all possible conflicts of interest and shall respond to such conflicts according to the provisions of Article 21 (Conflict of Interest).
17. The search committee shall recommend to the Dean one person for an appointment. The recommendation report will include a section prepared by the search committee Chair/Director and the Equity Advocate regarding how the hiring was consistent with the equity, diversity and inclusion objectives. If the Dean disagrees with the recommendation of the committee, and the disagreement cannot be resolved, no

recommendation shall be made to the Provost and Vice-President, Academic. If the Dean agrees with the recommendation of the committee, they shall forward the recommendation to the Provost.

17. If the committee and the Dean are in agreement, the Provost may either accept the recommendation or return the matter to the committee, asking for a different recommendation. Should the Provost return the recommendation and the committee is unable to provide a further candidate, the Provost may either authorize an external search, or declare the search failed.
18. If there is no recommendation made to the Provost and Vice-President, Academic, the Provost may return the matter to the committee, authorize an external search, or declare the search failed.
19. If the search fails, a new search committee shall be struck.
20. In developing terms and conditions contained in the letter of appointment, in the case of an external applicant, the Dean shall consult with members of the search committee.

#### **26.4 EVALUATION OF CHAIR/DIRECTOR PERFORMANCE**

- A. The primary purpose of performance evaluation is to maintain and increase the effectiveness of academic leadership through providing feedback on performance and, where appropriate, recommendations for improvement. These evaluations only apply to the responsibilities of the Chair/Director's position.
- B. The evaluation of the performance of a Chair/Director is primarily the responsibility of the Dean; however, such evaluation must take into account the feedback of the faculty, staff, and students in respect of the Chair/Director's execution of their responsibilities.
- C. Nothing in these procedures is intended to preclude any informal communication or processes that can contribute constructively to the effectiveness of a Chair/Director.
- D. The Dean will request each faculty member of the Department/School to provide the Dean with a confidential written assessment of the Chair/Director's performance together with any suggestions for improvement. The Dean's letter to faculty members will include an outline of the responsibilities of the Chair/Director. In assessing the Chair/Director's performance, faculty members should be guided by the responsibilities in Article 26.1.
- E. The Dean will also invite the full-time staff and program students to make written submissions should they so desire.

- F. As part of the evaluation, the Dean will provide the Chair/Director with a summary of unattributed written submissions from faculty, staff and students. The Dean will meet with the Chair/Director to review the overall performance of the Chair/Director and to make any recommendations for improvement. This evaluation will be provided in written form and a copy placed in the Chair/Director's PCF. The Chair/Director will have three weeks to respond to the written evaluations and such responses, if any, will also be placed in the Chair/Director's PCF.
- G. The Dean will carry out the evaluation of a Chair/Director in October of the second year of an appointment, and in subsequent years only where there is a perceived need to provide further feedback and development of the Chair/Director.