ARTICLE 5 EVALUATION

5.1 DEPARTMENT EVALUATION COMMITTEE

A. A Department Evaluation Committee (DEC) will be established within each Department/School for the evaluation of pre-tenure faculty members. This will include the coordination and conduct of teaching assessments, annual assessments**,** intermediate tenure reviews and recommendations with respect to tenure. In the School of Law this committee is referred to as the School Evaluation Committee (SEC), and the Chair/Director shall be read as "Dean or designate" and the duties and responsibilities of the Chair/Director in this article shall be carried out by the Dean or their designate.

B. By no later than February 15 of each year the Chair/Director of a Department/School shall establish a Department Evaluation Committee (DEC). The term of office for members of a DEC shall commence on September 1 and terminate on the following August 31.

C. The DEC normally consists of five members**.** The Chair/Director of the Department/School shall be an *ex officio* voting member of the DEC although they may designate a tenured faculty member from within the Department/School to act for the Chair/Director. Three tenured faculty members from the Department/School shall be elected by the tenure-stream faculty members. The Chair/Director shall appoint a faculty member from the Department/School. All members of the DEC must be tenured.

D. The size of the DEC can be reduced to three or increased to seven members, as noted below. In small Departments/Schools the DEC may have only three members**,** composed of the Chair/Director or designate, plus one elected and one appointed member**.** Where a seven member DEC is deemed appropriate, it will consist of five members elected by and from the Department/School faculty, the Chair/Director and one appointed by the Chair/Director. Normally, any Department/School with 8 or more tenured faculty will have at least five members on the DEC, and any Department/School with more than 20 tenured members will have seven members on the DEC.

E. Elections to the DEC are always by and from the tenure-stream faculty members of the Department/School and shall be completed before the Chair/Director makes their appointment. Individuals may not be appointed for more than two consecutive terms; those terms may, however, be preceded or followed by election to the DEC.

F. When making an appointment to the DEC, the Chair/Director shall take into account the University's equity, diversity and inclusion obligations, including those concerning equity-deserving groups, and/or the need to broaden the areas of expertise represented within the committee. The Chair/Director shall, no later than

March 15, send a written report to the Department/School, Dean, the Vice-Provost, Faculty Affairs and the Association, explaining the rationale for the appointment including the membership of the committee as provided for in Article 5.1.G below.

G. No later than February 28 of each year, the Chair/Director shall convene a meeting of the members of the newly chosen DEC to elect from amongst themselves a Chair of the DEC. Members of the new DEC will also select/elect an Equity Advocate from among the members of the DEC. The newly elected Chair shall report the names of the members of the DEC, and the name of the person elected as Chair of the DEC and the name of the person selected/elected as the Equity Advocate, to the Chair/Director who will incorporate the names into the report referenced in Article 5.1.F.

H. In any Department/School in which there are pre-tenure faculty members and/or Limited Term faculty members whose teaching must be assessed, the DEC shall meet no later than the end of the second week of each term, in order to determine the schedule for such teaching assessments.

I. The Chair of the DEC shall provide a copy of this schedule of teaching assessments to the Dean, Vice-Provost, Faculty Affairs and to the President of the Association, within one week of the meeting of the DEC.

J. Until there are sufficient tenured faculty members within the School of Law, tenured faculty members from other Faculties with disciplinary expertise may sit on the School Evaluation Committee.

5.2 FACULTY TENURE COMMITTEE

A. A Faculty Tenure Committee (FTC) is established within each Faculty to consider recommendations with respect to tenure received from the Department Evaluation Committees to assess that the process was fair and that due process was followed, and to make tenure recommendations to the Vice-Provost, Faculty Affairs.

B. The FTC normally consists of six tenured members from the Faculty, plus the Dean who chairs the committee. The Dean votes only in the case of a tie. Normally, the members of the FTC cannot be members of a DEC, unless no other tenured faculty members are available from a Department/School. The members are elected by the tenure-stream members of the Faculty as indicated in 5.2 D or E below.

C. Normally, members serve for a two year term on the FTC, the terms to be overlapping.

D. In Faculties with six or more Departments/Schools, no more than one member of the FTC may be from a single Department/School. In Faculties with more than six

Departments/Schools, to ensure that every Department/School has representation over time on the committee, elections to the committee will be from the Departments/Schools next on the Faculty ordering established in 5.4.F, in rotating order. When a Department/School has a member on the committee, they will be elected by and from that Department/School.

E. In Faculties with fewer than six Departments/Schools, there must be at least one member of the FTC from each Department/School. No more than two members of the FTC may be from a single Department/School. In such a Faculty, the Faculty may decide by majority vote to establish an FTC with fewer than six elected members but with at least one position for each Department/School in the Faculty. The decision as to which Departments/Schools shall have one or two representatives shall be made according to the ordering established in 5.4.F. When a Department/School has a member on the committee, they will be elected by and from that Department/School.

F. By no later than May 31 of each year, the Dean shall have established the membership of the FTC for the following September 1 to August 31. Members of the FTC will also select/elect an Equity Advocate from among the faculty members on the FTC. By June 15 the Dean shall forward the names of the members of the FTC to the Vice-Provost, Faculty Affairs and the Association.

G. Normally, a member may not serve on the FTC for more than two successive terms.

H. When a member of their own Department/School is being considered for tenure, an FTC member may participate in the discussion but may not vote.

I. For members in the School of Law, the recommendation of the FTC will be replaced with a recommendation by the Dean (using the same timelines as the FTC). The Dean will consider the School Evaluation Committee's recommendations, assess that the process was fair and that due process was followed and make the applicable recommendations to the Vice-Provost, Faculty Affairs.

J. With any necessary modifications, within the School of Law any other functions assigned in this agreement to the FTC shall be assumed by the Dean or designate, respectively.

5.3 FACULTY PROMOTION COMMITTEE

A. Faculty Promotion Committee (FPC) is established within each Faculty, to make recommendations to the Dean with respect to applications for promotion to Professor and for salary transfer.

B. All standing members of the FPC shall hold the rank of Professor save that up to one member may be an Associate Professor (where to do so provides enhanced representation on the FPC in either an unrepresented discipline or an unrepresented equity-deserving group), and all shall be members of the Faculty for which the FPC is established. There shall be six elected standing members of the FPC.

C. Normally members serve for two years on the FPC, the terms to be overlapping.

D. In Faculties with six or more Department/School, no more than one member of the FPC may be from a single Department/School. In Faculties with more than six Departments/Schools, to ensure that every Department/School has representation over time on the committee, elections to the committee will be from the Departments/Schools next on the Faculty ordering established in 5.4.F, in rotating order. When a Department/School has a member on the committee they will be elected by and from that Department/School.

E. In Faculties with fewer than six Departments/Schools, there must be at least one member of the FPC from each Department/School and no more than two members of the FPC may be from a single Department/School. In such a Faculty, the Faculty may decide by majority vote to establish an FPC with fewer than six elected members, but with at least one position for each Department/School in the Faculty. The decision as to which Departments/Schools shall have one or two representatives shall be made according to the ordering established in 5.4 F.

F. For each separate case of promotion or salary transfer, the applicant may name one additional member of the committee by September 30, that member to have rights equal to the rights of the standing members, in the consideration of that case. The applicant's appointee must hold the rank of Professor at the University, be an active member of the bargaining unit, and will participate in all FPC discussions regarding the assessment of the candidate against the criteria for promotion and voting on the FPC recommendation.

G. By no later than May 31 of each year, the Dean shall establish the standing membership of the FPC. Terms shall start on September 1 and end on August 31. By June 15, the committee shall meet to elect a chair. Members of the FPC will also select/elect an Equity Advocate from among the faculty members on the FPC. The chair shall identify themself to the Dean, and shall forward the composition of the committee, including the name of the Equity Advocate, to the Vice-Provost, Faculty Affairs and the Association.

H. Until there are sufficient faculty members at the rank of Professor within the School of Law, faculty members from other Faculties with disciplinary expertise who hold the rank of Professor may sit on the School Promotion Committee.

I. An FPC member may participate in the discussion, but may not vote, when a member of their own Department/School is being considered for promotion. This does not apply to the applicant's appointee to the FPC under Article 5.3.F.

5.4 PROVISIONS APPLYING TO THE DEC, TO THE FTC AND TO THE FPC

A. Each DEC, FTC and FPC will have assigned to it a member of the University's Human Resources Department who can be called upon by the committee to provide guidance and training to the committee members in complying with the terms of this Agreement, with other University policies and with applicable laws and regulations. The Human Resources Department representative will not participate in the deliberations of the committees and will not attend committee meetings unless requested by the committee.

B. The University will arrange training workshops for members of the DEC, the FTC and the FPC, to be held each year. The workshops will be conducted jointly by the Association and the Administration and shall include instruction by the Administration with regard to legal obligations and applicable duties under the Agreement and University policies including the values of equity, diversity and inclusion. The Equity Advocate will complete additional EDI training delivered by the University. A member who does not attend a workshop will not be eligible, for the period until the next annual workshop, to be a member of the DEC, the FTC or the FPC unless the member who missed the workshop provides a reasonable explanation for their absence to their Chair/Director (or where it is the Chair/Director of the Department/School who is concerned, to the Dean) in which case training will be provided.

C. Members of the DEC, the FTC and the FPC are responsible for declaring any conflicts of interest and shall respond to such conflicts according to the provisions of Article 21.

D. Members of the DEC, the FTC and the FPC are bound by confidentiality in their deliberations about individual applicants. They may have confidential discussions with Association or Administration representatives on any matter of concern. Otherwise, only the Chair of the committee is authorized to communicate, as specified in this Article, on behalf of the committee.

E. Should a member of a DEC, an FTC or an FPC need to be replaced for any reason, the replacement shall be chosen in the same manner as the person being replaced. Where necessary, the new member shall attend a special workshop, under the conditions outlined in this Article.

F. In determining the makeup of the FTC and FPC within a Faculty, an ordering of the Departments/Schools within the Faculty is to be used to ensure Department/School representation over time. A copy of the ordering for each Faculty shall be forwarded to the Association. The ordering shall attempt to balance the interests, disciplines and the sizes of Departments/Schools within the

Faculty. This is a permanent ordering which cannot be altered except by mutual agreement of the parties.

G. Where there are insufficient elected tenured faculty members of the necessary rank to constitute a committee as described above, the Vice-Provost, Faculty Affairs, in consultation with the Association's President, will determine an appropriate composition.

H. It is understood that the timelines in this Article may extend into the summer period. In such cases, the timelines will be extended into the fall academic term. Nonetheless, when such decisions are delayed past September 1, any resulting CDI payments shall be made retroactively.

I. All members of these committees are required to adhere to the values of equity, diversity, and inclusion (EDI).

5.5 TEACHING ASSESSMENTS

A. For pre-tenure faculty members, in each of the first two semesters of the probationary period, the faculty member shall be assessed for teaching competence by two different members of the DEC, at least one of whom is an elected member.

B. If the faculty member does not teach in the first and/or second semesters of their appointment, the requirement of the two assessments shall be delayed to the earliest semesters in which the member does teach. Members who have had a period as Acting Assistant Professor may have any assessments in this period counted towards their total for the number of assessments required for tenure.

C. After the first two semesters in which assessments occur, assessments may be carried out by any tenured faculty member designated by the Chair of the DEC. In the assignment of teaching assessments, the Chair of the DEC will use their best efforts to ensure a broad selection of assessors.

D. In the following eight semesters of the probationary period, the faculty member shall be assessed once per semester, for an overall total of 12 assessments. If the faculty member's teaching is deemed to be overall good performance (with no areas of concerns) based on relevant evidence, including the previous year's teaching assessment(s), the DEC may, at its discretion, reduce the teaching assessments for the following year by one assessment. In such cases, the Chair of the DEC will advise the faculty member, in writing, with a copy to the Association. This written communication will be placed in the faculty member's Performance and Conduct File. The total number of assessments would thus range from 8 to 12, subject to Article 4.5.E.7 for those who commenced their employment as an Acting Assistant Professor.

E. A pre-tenure faculty member shall have the right to one additional teaching assessment in any given semester. This decision to exercise this right shall be indicated in writing to the Chair of the DEC, at least 2 weeks before the last date on which teaching assessments are allowed for that semester under the provisions of this Article.

F. In circumstances where the pre-tenure faculty member's probationary period has been reduced, the total number of teaching assessments will also be reduced in accordance with paragraph D. above.

G. Where possible, at least 6 of these assessments will be made by tenured faculty members in the pre-tenure faculty member's field of expertise.

H. Notwithstanding the above, should the probationary period for a faculty member be extended for any reason with regard to teaching competence, 2 assessments per semester will be permitted for the extended period of probation.

I. Each faculty member who assesses the teaching competence of a faculty member will submit to the Chair/Director a letter of assessment or a completed evaluation form within 3 weeks of the date of the assessment. The Chair/Director will provide copies of this letter or completed form to the faculty member, to the Dean, to the Chair of the DEC, to the Office of the Vice-Provost, Faculty of Affairs and to the Association within one week of receipt. Except in cases where there are extenuating circumstances, any letter which is not so submitted within 4 weeks of the assessment shall not be included for consideration by the DEC and no extra teaching assessment shall be conducted to replace the one(s) not so included.

J. Assessments may not be conducted within either the first 2 or the last 2 weeks of the teaching semester. Pre-tenure faculty members must receive at least one week's prior notice for any in-class assessment of their teaching.

K. If through no fault of a pre-tenure faculty member an assessment of their teaching competence is not done in a given teaching semester, a letter must be written by the Chair of the DEC stating that an assessment was not done of the pre-tenure faculty member's teaching performance and stating the reasons why. The Chair/Director of the Department/School shall place a copy of that letter in the member's Performance and Conduct File (PCF) and copies are to be sent to the member, the Dean, the Chair/Director and the Association. In the case of one or more such letters in the pre-tenure faculty member's PCF, the absence of those teaching assessments may not be used as grounds for extension of the probationary period, or the denial of tenure. No assessments above the number stated in A – D above may be conducted in subsequent terms to compensate for such missed assessments.

L. By the end of the third week of every semester, the Chair of the DEC must inform each pre-tenure faculty member of the total number of assessments to be carried out that semester and the names of those faculty members conducting them.

5.6 YEAR END ASSESSMENT REPORT

A. By June 15 of each of the first, second, fourth, and fifth years of probation of pre-tenure faculty members, the DEC shall have met to assess and have prepared a report of the overall progress towards fulfilling the criteria for transfer to the tenured faculty.

Off step hires will receive an additional year-end review in June of their first year of employment despite not having been employed for a full year.

B. In order to prepare this report, the DEC shall have access, from the Performance and Conduct File of the pre-tenure faculty member, to the letter of appointment, all teaching assessments, earlier year-end assessments, the applicant's annual reports and updated curriculum vitae in an approved University format, the applicant's response (if any) to teaching and/or year-end assessments, to any letters giving reasons for non-assessments and to any material (including record of disciplinary action against the member) placed in the PCF that bears on their progress towards fulfilling the criteria for transfer to the tenured faculty. In addition, the DEC shall have access to any matters of discipline arising out of the applicant's teaching, service and/or SRC performance.

C. Where an applicant requests, the Vice-Provost, Faculty Affairs shall notify the Chair of the DEC, who shall in turn notify the members of the DEC, if the applicant and/or the Association has/have filed a complaint and/or grievance with regard to any disciplinary action that has also been reported to the DEC under the terms of this Article.

D. The year-end assessment shall be submitted by June 15 of each respective year by the Chair of the DEC, through the Chair/Director, to the pre-tenure faculty member with copies to the PCF, the Dean, the Chair/Director and the Association.

E. Within a further six weeks the pre-tenure faculty member, if they wish, may respond to the DEC in writing to any of their assessments.

5.7 TRANSFER TO THE TENURED FACULTY

A. Criteria for Tenure

1. Pre-tenure faculty members will be assessed for transfer to the tenured faculty in terms of their demonstrated capacity for, achievements in and commitment to the Teaching, SRC and Service components of the duties and

responsibilities of faculty members described respectively in Articles 10.12 A, 10.13 and 10.14. They may also be assessed in terms of

a) their obligations as faculty members under Article 7.3;

b) their satisfaction of such conditions of probation as were specified in their letter of appointment; and,

c) their progress in overcoming weaknesses identified in their year-end assessments, if any.

Assessment shall be based upon the criteria for tenure stated in clause A above. Any deficiencies shall be identified and explained in specific terms, supported by concrete examples, and conveyed in writing in such a way that the pre-tenure faculty member can formulate a response or rebuttal if they desire.

2. The assessment of a pre-tenure faculty member's SRC and teaching will take into account the principles of equity, and the diversity of the academic and professional disciplines, including the diverse career paths, ways of knowing and forms of communicating knowledge.

B. Deferral of Process

1. If disciplinary proceedings are in progress at the same time as the pre-tenure faculty member is being considered for tenure or intermediate review, the employer or employee may request that the Vice-Provost, Faculty Affairs defer the process until a decision has been taken whether to impose discipline. In cases of tenure consideration, the Vice-Provost, Faculty Affairs may extend the employee's contract by the length of the deferral where necessary to allow for completion of the tenure process.

2. Should a faculty member, during their probationary period be absent for an extended period due to pregnancy, parental, sick leave or unpaid leave the member shall have the right to defer the normal or final tenure review process and any teaching assessments that would have been carried out during the leave will be carried out during the extended probationary period. Regardless of the duration of the pre-tenure faculty member's leave, the member shall have the right to defer the normal or final tenure review process for a period of twelve months (one year). Any such extension agreements must be put in writing and signed by the administration, the faculty member and the Association.

Upon the pre-tenure faculty member's return from leave, they will be offered the option of a one-year extension to their probationary period to give them more time to satisfy the criteria for tenure. The pre-tenure

faculty member will be provided with a specific date by which they must respond to this option, which will be two months from the date of the initial communication offering the option to extend their probationary period.

If the pre-tenure faculty member declines to extend their probationary period, a Memorandum of Agreement will be prepared for their signature reflecting this decision. Further, if the pre-tenure faculty member's decision is to extend their probationary period, a Memorandum of Agreement will be prepared for the signature of the parties modifying the pre-tenure faculty member's Letter of Appointment and provide a detailed schedule of the new assessment and tenure review timelines. The decision made by the pre-tenure faculty member will be irrevocable.

3. Before the final tenure review process has taken place, the faculty member may request of the University through the Dean that the process be deferred for health or compassionate reasons which may have arisen during the probationary period**.** The reasons must be verified by the applicant and approved by the Vice-Provost, Faculty Affairs, for the deferral to be granted.

5.8 TENURE DOSSIER

A. The dossier has four principal parts: Overview, Teaching Dossier, SRC Dossier, Service Dossier as outlined below. In addition, where appropriate, the Chair/Director will submit to the DEC any other material (including record of disciplinary action taken against the applicant) placed in the PCF that bears on the applicant's progress towards tenure.

B. The Overview must include, but is not restricted to, the following documents:

1. Table of Contents of the dossier;

2. Curriculum vitae, covering the applicant's entire professional career, in an approved University format;

3. Letter of appointment (the starting salary can be blacked out);

4. The applicant's annual reports;

5. Earlier year-end assessments;

6. The applicant's response(s), if any, to the year-end assessments;

7. Any letters giving reasons for non-assessments

C. The Teaching Dossier is intended to provide a description and record of an applicant's major teaching accomplishments and strengths in a manner that conveys the scope and quality of the applicant's teaching. The Teaching Dossier should include, but is not restricted to, such items as the following:

1. A statement of the applicant's philosophy, objectives and methods of teaching;

2. A list of undergraduate and graduate courses, including directed studies and thesis supervisions, taught by the applicant;

3. An explanation of the ways in which the applicant has maintained currency in their teaching field(s) and, where appropriate, professional field;

4. Examples of course revision, curriculum development, and teaching methods as evidenced by course outlines, assignments, final examinations and other materials the applicant deems appropriate;

5. A record of the applicant's role in curriculum and instructional developments such as administrative and committee service for the Department/School, Faculty, and/or University related to pedagogy, and including directing and coordinating programs, guest lectures, and other presentations;

6. The results of the Course Operations Survey (COS) where faculty members choose to include them, and any letters and testimonials and an indication whether solicited or not solicited. No student surveys other than the COS can be included.

7. A record of the applicant's special contribution to any teaching, including teaching awards, publications and presentations, instructional development grants, participation in conferences and seminars on education/pedagogy;

8. All teaching assessments (where available) as well as any responses to those assessments and any letters giving reasons for non-assessments;

9. An applicant may submit any other material that they deem relevant to their teaching role.

D. Evidence of SRC activities, which may include, but is not limited to the following:

1. A statement of the applicant's philosophy, objectives and methods of SRC;

2. Single copies of the SRC works the applicant wishes to have considered in the examination of the application, it being understood that the applicant may attach a clear and detailed description of these works when the works are such that their physical submission is not practical;

3. Examples of published reviews of the applicant's published work;

4. Letters of testimonial and an indication of whether solicited or unsolicited;

5. A list of relevant awards and/or grants from University or external sources.

6. An applicant may submit any other material that they deem relevant to their SRC role, including evidence relating to the quality and influence of the applicant's SRC.

E. Description of contributions of Service to the University and outside professional activities.

5.9 INTERMEDIATE REVIEW

For pre-tenure faculty members with a six-year, five-year or four-year probationary period there will be an intermediate review by June 15 of the third probationary year. At the end of the third probationary year the DEC will conduct an intermediate review by performing a substantive review of the pre-tenure faculty member's overall performance throughout all the years of their probationary appointment for the principal purpose of providing constructive feedback to the member in terms of their overall performance toward satisfying the criteria for tenure. The terms of Article 5.6.B., C., D., and E. shall apply in carrying out this intermediate review.

5.10 NORMAL TENURE REVIEW

A. A pre-tenure faculty member will be reviewed for tenure commencing on May 1st of the fifth (5th) probationary year. Notwithstanding this, a member can elect to be reviewed for tenure commencing May 1st of the fourth (4th) probationary year. Such request shall be in writing to the Dean by no later than March 31st of the fourth probationary year. This review shall be the Normal Tenure Review and as such reversion as per B. and J. below is not an option.

B. A pre-tenure faculty member with a reduced probationary period (i.e. three (3), or four (4) years) may request for reversion to the normal six year probationary period. This request will be made by the member in writing to the Dean. Such a request must be made by March 31st of the term that the normal tenure review would normally commence. No requests for reversion will be considered after

March 31st. Reversion requests will not be unreasonably denied. This reversion will not prejudice any future reviews or assessments of that member.

C. The pre-tenure faculty member will submit to the DEC the SRC portion of their tenure application dossier containing the materials outlined in section 5.8, including the names of five potential external referees, as specified in Article 5.10.C., by May 17th. All other portions of the pre-tenure faculty member's tenure dossier, as specified in Article 5.8, including the year-end assessment for the year just completed, as well as any responses to that assessment, shall be submitted by the pre-tenure faculty member by August 1st. Such dossier may be submitted in an approved electronic format.

No later than May 1st the pre-tenure faculty member should consult with their Chair/Director, or the Chair/Director's designate, who must be a member of the DEC, to ensure the dossier is as complete as possible.

The pre-tenure faculty member shall, included in their tenure dossier, provide the names of five potential external referees who are tenured faculty members and/or experts in the pre-tenure faculty member's discipline, from which the Dean shall choose at least two after consultation with members of the DEC. The Dean's consultations regarding referees will be with the DEC that is completing their term, not the DEC that will be conducting the tenure review in the upcoming academic year. The Dean will solicit evaluative letters from three (3) external referees. If the third referee is not from the applicant's list, the Dean will, in consultation with the DEC, provide the applicant with an additional list of potential referees from which the Dean will select the third referee. The applicant will have an opportunity to review the pool of potential referees identified by the Dean and make an objection, in writing, regarding any of the potential referees on the basis of a lack of expertise or because of some direct academic or personal dispute, and the Dean will consider the applicant's concerns.

In certain circumstances, where the list of potential external referees is so small that providing the applicant with an opportunity to review the pool of potential referees would jeopardize the anonymity of the external referees chosen, the Dean shall meet with the applicant, and the Association if the applicant wishes, to discuss how to review the referees for lack of expertise or because of some direct academic or personal dispute without breaching the anonymity.
The Dean solicits the evaluative letters from the external referees. The letter of request shall state the tenure action under consideration and the deadline by which a response is needed.

The Dean's letter soliciting referees' judgments shall be added to the applicant's tenure file and that letter will attach Article 10.13 and a copy of the applicant's Curriculum Vitae and the SRC component of the dossier. External referees shall be asked to assess only the applicant's performance in SRC; it will make clear that they are not being asked to assess teaching and service.

No individual may act as an external referee where there is a real or perceived conflict of interest, or where they have been a research partner or collaborator with the pre-tenure faculty member within the past five (5) years, or a supervisor of the pre-tenure faculty member's work at any time.

The Dean will provide these evaluative letters to the DEC for consideration as they become available. Any external assessment that is not available by the time the DEC meets to consider the applicant's file shall not be considered by the DEC or any subsequent level.

D. The tenure decision is to be based only on material in the tenure file. The applicant will be given an opportunity to respond to any material placed in the file as set out below. All communications set out below between the DEC, FTC, VPFA, and the applicant shall be added to the applicant's tenure file, together with the applicant's written response. Solicitation of information or requests for clarification shall be made in writing with a copy to the pre-tenure faculty member.

E. A pre-tenure faculty member undergoing this review shall have the right to address the DEC concerning their record of employment prior to the DEC's recommendation.

F. The DEC shall meet in October to deliberate on the file. On the basis of the criteria listed in 5.7.A above, the DEC will make a tentative recommendation and will draft a letter containing a detailed written rationale for this recommendation by October 31st. The DEC recommendation letter will be prepared by DEC members and signed by all members confirming their views are reflected. If there is disagreement within the DEC, instead of a single letter, they may elect to provide a cover letter recording the vote (without names), signed by all members of the DEC and attach majority and minority recommendation letters.

G. The letter will be sent to the applicant for their comments, including the external referee reports (with the names and any identifying information redacted). If the pre-tenure faculty member wishes to respond, they shall provide their comments in writing to the DEC within two weeks of receipt of the DEC's recommendation. Requests for extension will not be unreasonably denied.

H. At its discretion, the DEC may modify its letter, after taking into account the comments of the applicant. The DEC may change its comments on matters contained in its draft letter, and it may respond to issues raised in the pre-tenure faculty member's letter, but it may not introduce completely new issues. Within two weeks of receiving the comments of the applicant, the DEC provides a letter, containing its final recommendation (which may or may not be a revised version of the draft recommendation letter) to the Dean and the Faculty Tenure Committee, with a copy to the applicant. The DEC recommendation letter will be prepared by the DEC and signed by all members confirming their views are

reflected. With its final recommendation the DEC sends to the FTC the full file, including the dossier, the external referee reports, and any other relevant material, excluding the DEC's initial draft recommendation and the pre-tenure faculty member's response to that draft recommendation.

I. The applicant has two weeks to comment, in writing, on the DEC's final recommendation to the Dean, who will forward a copy to the FTC. Requests for extensions will not be unreasonably denied.

J. In the case where a pre-tenure faculty member is being considered before the normal six- year term, because the applicant's letter of appointment specified a shorter probationary period, and the DEC concludes that the pre-tenure faculty member does not presently meet the criteria for transfer to the tenured faculty, the DEC may recommend to the Dean (not the FTC) that the pre-tenure faculty member revert to a regular six (6) year tenure period. The Dean will consider the file, including the dossier, the DEC's recommendation and the response of the pre-tenure faculty member (if any) and make a final decision within two weeks. If the decision is to revert to the normal probationary period, the next review for tenure will be considered a "normal" tenure review under the terms of this Article. In recommending reversion, the DEC letter to the pre-tenure faculty member shall be written knowing it may become the pre-tenure faculty member's Intermediate Review as provided in 5.9, i.e. in circumstances where the pre-tenure faculty member has not had an intermediate review. If the decision of the Dean is to not revert, the DEC will make a recommendation to the FTC as per the terms of this Article.

K. If the DEC believes that the applicant does not presently meet the criteria for transfer to the tenured faculty, but that there is a good expectation that with additional time they would do so, it may recommend two additional year**s** of probation.

L. The FTC shall meet within three (3) weeks of receipt the pre-tenure faculty member's response or the lapsing of the interval in which the applicant can respond as outlined in 5.10.I., whichever is applicable, to review the tenure file, including the dossier, the DEC's written recommendation, the pre-tenure faculty member's response(s), if any, to that recommendation, and the external referee reports. Should the FTC have no questions, the FTC will have a further week to issue their written recommendation, including the rationale for the recommendation, to the VPFA, with a copy to the applicant and the DEC.

Should the FTC have any questions of the DEC, the FTC will provide such questions, in writing, within the three weeks mentioned immediately above. The DEC will respond, in writing, within two weeks of receipt of such questions. These communications are added to the tenure file, and will be copied to the applicant, who will be provided with an opportunity to respond within two weeks of the DEC's response. The FTC will issue its written recommendation, including

the rationale for the recommendation, within two (2) weeks of receipt of the DEC's response or the pre-tenure faculty member's response, whichever is later, to the VPFA, with a copy to the applicant and the DEC.

The FTC recommendation letter will be prepared by the FTC and signed by all members confirming their views are reflected. The FTC will forward to the VPFA their recommendation letter, the tenure file, including the dossier, the recommendation of the DEC, the external referees' reports and any response(s) of the applicant.

M. In cases where the DEC is recommending termination or an extension of two years, the pre-tenure faculty member undergoing this review shall have the right to address the FTC concerning their record of employment.

N. The FTC has the following options for its recommendation:

1. If the DEC has recommended either immediate transfer to tenure or an extension, the FTC may recommend:

   a) that an extension of two years be granted; or,

   b) that the applicant be transferred to the tenured faculty.

2. If the DEC has recommended that tenure be denied and that the applicant's employment be terminated, the FTC may recommend:

   a) that the applicant be transferred to the tenured faculty;

   b) that an extension of two years be granted; or,

   c) that employment be terminated.

O. The FTC's letter will be provided to the pre-tenure faculty member and the DEC and each will be provided an opportunity to provide comments. If the pre-tenure faculty member or the DEC wishes to respond, the pre-tenure faculty member and/or the DEC shall provide their comments in writing to the Vice-Provost, Faculty Affairs within two weeks of receipt of the FTC's recommendation. Requests for extensions will not be unreasonably denied.

P. In cases where the VPFA does not require additional information before making a decision, they shall make a final decision and shall advise the applicant in writing of their decision within four (4) weeks of the receipt of the pre-tenure faculty member's response or the lapsing of the interval in which the applicant can respond as outlined in 5.10.O. above, whichever is applicable.

In cases where the VPFA requires additional information before making a decision, they shall write to the DEC, the FTC or to the applicant, within the four

(4) weeks mentioned immediately above, copying the other parties and the Association, and the DEC and/or the FTC and the applicant shall have two weeks to provide a response. The response from the DEC and/or the FTC shall be copied to the applicant and the Association. The applicant shall have two (2) weeks to respond to the VPFA with respect to the letters of the FTC and/or the DEC. The VPFA shall make a final decision within two (2) weeks of receipt of the last written response from the DEC, the FTC, or the applicant. The decision of the VPFA shall be based solely on the information contained in the pre-tenure faculty member's tenure file and additional information, if any, as set out in this section.

The decision of the VPFA shall be one of the following:

a) Transfer to the tenured faculty;

b) Extension of two years of probation; or

c) That employment be terminated.

The Vice-Provost's decision, including the rationale, will be forwarded to the applicant with copies to the DEC, the FTC, and the Association.

Q. If both the DEC and the FTC have recommended termination, the VPFA may terminate the employment of the pre-tenure faculty member, transfer the pre-tenure faculty member to the tenured faculty, or extend the probationary period for two years. In every other case, the VPFA may transfer the pre-tenure faculty member to the tenured faculty, or may extend the probationary period for two years, but may not terminate the employment of the pre-tenure faculty member.

R. In the case of termination, the applicant's employment will cease at the end (July 31) of the academic year in which the decision to refuse to transfer to tenure is taken. Notice shall be not less than six months, or six months' pay in lieu thereof, or a combination of the two.

5.11 FINAL TENURE REVIEW

A. When an applicant has not been transferred to the tenured faculty as a consequence of the process outlined in Article 5.10, and has had their probationary period extended, they shall submit a tenure dossier to the DEC not later than two and a half months before the end of the extended probationary period.

B. When the Vice-Provost, Faculty Affairs, on the recommendation of the DEC, has determined that the teaching record is satisfactory, and that problems in teaching were not the cause of the extension, the requirement for additional teaching assessments may be waived and teaching performance will be deemed satisfactory

in any subsequent review. Otherwise, the DEC will conduct at least one teaching assessment in each semester of the extended period.

C. The DEC shall, not later than two months before the end of the extended probationary period, but after the completion of the teaching assessments of that semester if such were required, reassess the overall performance of the pre-tenure faculty member.

D. The process of consideration by the DEC, the FTC and the Vice-Provost, Faculty Affairs is as outlined in Article 5.10, except as noted below:

1. The DEC and the FTC may not recommend an extension of employment, and the Vice-Provost, Faculty Affairs may not grant an extension.

2. The DEC and the FTC may recommend either transfer to tenure or termination of employment, and the Vice-Provost may decide upon either.

5.12 PROMOTION TO ASSOCIATE PROFESSOR

A. When an Assistant Professor is transferred to the tenured faculty, they are promoted at the same time to the rank of Associate Professor. For clarity, the criteria to be applied during the tenure review and assessment are the tenure criteria outlined in Article 5.7.

B. When a salary increment is associated with promotion to Associate Professor, the salary increment will be awarded as of September 1 of the academic year following the pre-tenure faculty member successfully completing their probationary period, even if the decision is rendered at a later date. However, the use of the designation of Associate Professor is effective on the date that the promotion decision is communicated to them.

5.13 PROMOTION TO PROFESSOR

A. Definitions

For Article 5.12 the term “promotion” applies to advancement from the rank of Associate Professor to the rank of Professor. For the purposes of this Article, “Salary Transfer” refers to transfer from the Associate Professor pay scale to the Professor pay scale of those members hired before January 1, 1992 (See Article 13.1.F.), who at time of application under this Article hold the rank of Professor. An application for “Salary Transfer”, whether successful or unsuccessful, shall have no effect on the rank of the applicant.

B. Eligibility

For promotion to the rank of Professor, a faculty member will be eligible to apply only after five (5) or more years of service as an Associate Professor. If successful, the salary increments associated with promotion will be retroactive to September 1st, of the academic year of the application, however use of the designation of Professor is effective on the date the promotion decision is communicated to them. This experience requirement is not applicable to applicants for Salary Transfer.

C. Criteria

1. A Professor is a member of the University who is recognized for the combined quality of their scholarship, research and creative activity, teaching, commitment to relevance, accessibility, the success of students, lifelong learning and engagement in the University and broader community.

   Eligibility for promotion should be considered holistically, taking into consideration an applicant's total contribution to the University, the academic community and/or discipline and considering the diversity of academic roles, responsibilities, and contributions within a University.

   The rank of Professor should be within the expectancy of all Associate Professors.

   Promotion or salary transfer of faculty members should be based on their performance in the three broad areas of Teaching, SRC, and Service and Other Professional Activities.

   Promotion to the rank of Professor recognizes a significant record of sustained and productive achievement in SRC and teaching, together with satisfactory performance in service.

   Emphasis at promotion is normally placed on SRC activities, including evidence of significant contribution of SRC activities, at the national or international level, acknowledging the often inextricable relationship between SRC and teaching activities.

   In certain cases, an outstanding teaching and/or service record may be given greater emphasis, accompanied by a continuing and long-standing record of satisfactory or better performance in the other areas. An applicant may request external assessors address this aspect of their record pursuant to the process under 5.13.E.1.d.

2. Notwithstanding paragraph 1 above, in cases of Salary Transfer, it is understood that the salary transfer decision may be based primarily on outstanding teaching contributions.

3. There are a variety of different forms of SRC activities at the University, and different disciplines may have differing criteria for how these activities are to be evaluated with respect to promotion. In such evaluations, where the evidence does not rest on publications alone (broadly defined), other evidence of SRC activity as presented must be considered, but the burden of proof must rest upon the applicant**.**

4. Service includes service to the University and the Association, service to the profession and the community, and outside professional activities.

5. An applicant's career-to-date contributions shall be considered, and activities since promotion to the rank of Associate Professor will normally be given greater weight.

D. The assessment of an applicant's teaching performance shall be based on:

1. The teaching-related portions of the applicant's annual reports;

2. The applicant's teaching dossier;

Reports, if any, of in-class teaching evaluations. These are not required, but the applicant may, if they so wish, ask the chair of the FPC to arrange for one or two such evaluations, conducted under the same terms as those of pre-tenure faculty members.

E. The members of the FPC must consider the assessment of the applicant's SRC activity as judged by three external referees.

1. a) The applicant shall provide the names of three potential referees who must be at the rank of Professor. From the applicant's three potential referees the Dean shall choose two, after consultation with members of the applicant's Department/School. The final referee is appointed by the Dean after consultation with members of the applicant's Department/School. No individual may act as an external referee where there is a real or perceived conflict of interest, including where they have been a research partner or collaborator with the applicant within the past five years, or a supervisor of the applicant's work at any time.

b) In certain circumstances, where there is a limited availability of potential referees at the rank of Professor, it is understood that the applicant may provide up to two names of nationally or internationally recognized authorities in the applicant's SRC field

and will explain their inclusion and ability to judge the scholarly merits at a Professor level.

c) It is understood that in providing potential referees in relation to teaching or service, the applicant may provide the names of Professors with recognized accomplishments in teaching and/or service under a. above or, in certain circumstances, recognized authorities as outlined in b. above.

d) The Dean solicits the evaluative letters from the outside referees. The letter of request states the promotion action under consideration and the deadline by which a response is needed. It asks the referee to assess only the SRC contributions of the applicant and the impact of those contributions; it will make clear that assessment of teaching and service is not asked for. Should an applicant wish, the letter of request will also ask the referees to assess on the basis of outstanding teaching and/or service.

F. Application

1. Faculty members shall apply for their own promotion or for Salary Transfer. Applications shall be made on the prescribed application forms, which shall be consistent with the terms of this Agreement, and forwarded to the office of the applicant's Dean, together with copies of all necessary and relevant documentation. It shall be the responsibility of the Dean to produce copies of this material for members of the FPC. Applicants are, however, expected to provide sufficient copies of the materials described in Article 5.13.F.2. below, which are to be sent to their external evaluators.

2. By September 30, the applicant shall provide to the Dean a promotion dossier, which contains a teaching, SRC and service dossier, as described in Article 5.8 C, D and E respectively, except teaching assessments, unless the applicant has elected to include evaluations carried out under Article 5.13.D . The applicant shall include an additional three copies of SRC works they wish to have sent to external reviewers. The applicant shall also provide the names of their nominee to the committee pursuant to Article 5.3.F and the names of three external referees pursuant to Article 5.13.E.1. The applicant may also include a list of people they do not want considered as referees. In addition the applicant should include an overview including, but not limited to, the following documents:

a) Table of Contents of the dossier;

b) Curriculum vitae, covering the applicant’s entire professional career, in an approved University format;

c) The applicant's annual reports for the last five years.

3. An applicant for promotion has the right to address the FPC before their case is considered.

4. The FPC, through its Chair, may make a written request to the applicant for clarification of any aspect of their application, such reply to be made in writing within five working days of the receipt of the request to do so.

G. Procedure

1. Members of the FPC shall be provided the application package by October 1. A copy of the external assessments will be provided to members of the FPC committee as they become available. Any external assessment that is not available by March 1 shall be deemed invalid. Furthermore, such late reference shall not be held against the applicant.

2. The FPC shall meet by March 15 to decide if the applicant has met the criteria for promotion. This decision shall be based solely on the material submitted by and for the applicant. It then makes a written recommendation to the Dean. The letter shall contain the reasons for the recommendation. If the FPC is not unanimous, the letter states the vote (without names) and the reasons for the disagreement.

3. The FPC shall provide a copy of the letter to the applicant, as well as copies of any in-class assessment and of the external referee reports with the names and any identifying information redacted. If the applicant wishes to respond, they shall provide their comments in writing to the Dean within two weeks of receipt of the FPC recommendation.

4. The Dean will review the assessment and recommendation of the FPC, the faculty member's response, if any, along with the Performance and Conduct File (PCF), for each faculty member who has applied for promotion or for "Salary Transfer". After this review, the Dean will, not later than April 15 or two weeks following receipt of the applicant's response or the lapsing of the interval in which the applicant can respond as per 5.13.G.3. above, whichever is later, forward to the Vice-Provost, Faculty Affairs the promotion dossier, the summary of assessments and recommendation of the FPC, including any response by the applicant, in-class teaching assessments, and a copy of the evaluations by the external referees, along with their own recommendation. The Dean's recommendation letter will also be provided to the applicant and the FPC and each will be provided an opportunity to provide comments. If the applicant or the FPC wishes to respond, they shall provide their comments in writing to the Vice-Provost, Faculty Affairs within two weeks of receipt

of the Dean's recommendation. Requests for extensions will not be unreasonably denied.

5. In cases where the VPFA requires additional information before making a decision, they shall write to the FPC, the Dean or to the applicant, within the two (2) weeks mentioned immediately above, copying the other parties and the Association, and the FPC and/or the Dean and the applicant shall have two weeks to provide a response. The response from the FPC and/or the Dean shall be copied to the applicant and the Association. The applicant shall have two (2) weeks to respond to the VPFA with respect to the letters of the FPC and/or the Dean. The VPFA shall make a final decision within two (2) weeks of receipt of the last written response from the FPC, the Dean, or the applicant.

6. The Vice-Provost, Faculty Affairs will examine all recommendations and documentation to ensure that a reasonable and equitable standard for promotion is applied across the University, taking into account the differing patterns of activity which characterize each Faculty. The Vice-Provost, Faculty Affairs will inform the applicant and the FPC, in writing, of the decision and, if the decision is negative, of the reasons for the decision.