

ARTICLE 18 – REAPPOINTMENT, TENURE, AND PERMANENCY APPEALS
COMMITTEE

Grounds for Appeal

In the event that the Dean, after following the procedures in Article 8, recommends against the probationary reappointment of a member, that member may appeal to the Reappointment, Tenure, and Permanency Appeals Committee.

In the event that the Dean, after following the procedures in Article 9, recommends against the granting of tenure to a member, that member may appeal to the Reappointment, Tenure, and Permanency Appeals Committee.

A member whose Departmental/Program Tenure Committee has recommended against tenure may appeal to the Reappointment, Tenure, and Permanency Appeals Committee, subsequent to the recommendation being reviewed by the Dean and COAP, as per the procedures outlined in Article 9.

In the event that the University Librarian, after following the procedures in Article 14, recommends against the probationary reappointment of a member, that member may appeal to the Reappointment, Tenure, and Permanency Appeals Committee.

In the event that the University Librarian, after following the procedures in Article 15, recommends against the granting of permanency to a member, that member may appeal to the Reappointment, Tenure, and Permanency Appeals Committee.

A member whose Library Permanency Committee has recommended against permanency may appeal to the Reappointment, Tenure, and Permanency Appeals Committee, subsequent to the recommendation being reviewed by the Dean and COAP, as per the procedures outlined in Article 15.

No other personnel recommendations may be appealed to the Reappointment, Tenure, and Permanency Appeals Committee.

In all other cases of personnel recommendations, the Dean's or the President's decision cannot be grieved.

Requests to file an appeal must be made in writing to the Dean or the University Librarian, as appropriate, within two (2) weeks of the negative recommendation having been communicated to the member.

Appeals Committee Membership

There shall be a standing Reappointment, Tenure, and Permanency Appeals Committee appointed annually by the Faculty Board Nominating Committee. The

Reappointment, Tenure, and Permanency Appeals Committee shall be advisory to the President.

The Reappointment, Tenure, and Permanency Appeals Committee shall comprise ten members who have served on COAP in the last seven years, three from each division and one librarian member.

Appeals Hearing Committee

In the event that a member requests to file an appeal, an Appeals Hearing Committee shall be struck. The Association and the University will jointly agree on a membership of three, selected from the standing Reappointment, Tenure, and Permanency Appeals Committee.

The Appeals Hearing Committee will comprise, in the case where the appellant is a faculty member, two members from the division of the appellant and one member from another division, and in the case where the appellant is a professional librarian member, one librarian member and one member from each of two other divisions.

No member from the appellant's department/program shall be a member of the Appeals Hearing Committee. No member who has previously served on a committee that has reviewed the appellant's file for this personnel recommendation shall be a member of the Appeals Hearing Committee.

The members will appoint from amongst themselves a voting Chair.

In the event that the prescribed membership cannot be achieved, the Association and the University will agree amongst themselves on a different membership.

The membership of the Appeals Hearing Committee is to be confirmed within two (2) weeks of the Dean or University Librarian's receipt of a member's request to file an appeal.

Materials to be Made Available to the Appeals Hearing Committee

The Appeals Hearing Committee shall have made available to it all and only the materials tabled in the Department/Program Personnel Committee, the Department/Program Tenure Committee, the Library Personnel Committee, or the Library Permanency Committee, as relevant, and COAP.

The appellant shall state in writing the grounds for his/her appeal and shall forward this to the Chair of the Appeals Hearing Committee within one week of the Chair of the Appeals Hearing Committee having been identified.

Recommendation of the Appeals Hearing Committee

The Appeals Hearing Committee shall strive to ensure that members receive fair and equitable treatment under the procedures for hearing appeals provided for in this Agreement.

The Appeals Hearing Committee shall review all and only the submissions and recommendations pertaining to reappointment, tenure, or permanency, as relevant, in the light of the criteria set out above concerning reappointment, tenure, or permanency, as relevant, and the relevant written standards adopted by departments/programs and the library. If the Appeals Hearing Committee solicits further information, including assessments, the appellant shall be so informed.

The Appeals Hearing Committee shall strive to convey its recommendation to the President within four (4) weeks of the membership of the Appeals Hearing Committee having been confirmed.

The Appeals Hearing Committee by formal vote shall make its recommendation. The Appeals Committee may make one of three recommendations to the President:

- (i) to uphold the recommendation against reappointment, tenure, or permanency, as relevant. In this case the Chair of the Appeals Hearing Committee will forward supporting documentation and a recommendation not to award reappointment, tenure, or permanency, as relevant, to the President; or**
- (ii) not to uphold the recommendation against reappointment, tenure, or permanency, as relevant. The Appeals Hearing Committee may sustain an appeal only on the grounds of a finding of:
 - (a) procedural defects, including bias, of sufficient severity to undermine the legitimacy of the recommendation in one or more stages of the tenure or permanency process; or**
 - (b) incorrect evaluation of substantive material considered in the tenure or permanency process.****

The Appeals Hearing Committee will forward documentation and a recommendation to the President that the candidate be granted reappointment, or, notwithstanding III.6.1, tenure, or notwithstanding III.7.1, permanency, as relevant.

- (iii) that the candidate's probationary appointment be extended by one year, with explicit expectations being set by the Appeals Hearing Committee (in light of the relevant criteria and approved written standards) which must be met in a *de novo* reappointment, tenure, or permanency hearing by a newly constituted Departmental/Program Personnel Committee or a newly constituted Departmental/Program Tenure Committee or a newly constituted**

Library Personnel Committee or a newly constituted Library Permanency Committee, as relevant, the following year. The Association and the University will jointly agree on the composition, including the Chair, of the newly constituted Departmental/Program Personnel Committee, Departmental/Program Tenure Committee, Library Personnel Committee, or Library Permanency Committee, as relevant.

The Chair of the Appeals Hearing Committee recommends to the President.

The President's decision is final and cannot be appealed or grieved or taken to arbitration, except on grounds of alleged bias or discrimination or alleged procedural irregularities on the part of the Appeals Hearing Committee.