

ARTICLE 7 – FACULTY APPOINTMENTS

7.1.~~III.1~~ Formalities of Appointments

~~III.1.1~~ All appointments of members shall be made by the Board after receiving a recommendation from the President. The President's recommendation to the Board shall follow receipt of a recommendation from the Dean. The Dean's recommendation to the President shall follow receipt of a recommendation from the **Chair(s) of the department(s) and/or program(s) Personnel Committee in whose department(s)/program(s) to which** the appointment is being made. No appointments of members shall be made without a positive recommendation from the departmental/ and/or program **Personnel Committee**, the Dean, and the President.

~~In the case of librarian members, the place of the Dean shall be taken by the University Librarian, and the place of the department and/or program shall be taken by the Librarians' Committee.~~

(moved to Article 13 – Professional Librarians Appointments)

7.2~~III.1.2~~ Letters of Appointment

Letters of appointment of members shall be issued by the President or designate. Such letters of appointment shall be consistent with the articles of this Agreement, and shall include:

- (a) rank;
- (b) department or program ~~or library~~ affiliation;
- (c) category of appointment;
- (d) date of commencement of appointment;
- (e) salary;
- (f) term of the appointment in the case of a probationary appointment or limited term appointment;
- (g) a general statement of the regular duties and responsibilities pertaining to the position to which appointment is made;
- (h) if the appointment is of a part-time member, the specified proportion of full-time employment required by the regular duties and responsibilities of the appointee; **and**
- (i) in the case of probationary appointments, a copy of the written specific standards for the application of the tenure criteria (when these have been adopted - see III.6.4.2); ~~and~~;

(j) ~~— a copy of this Agreement.~~

7.3 TYPES OF FACULTY APPOINTMENTS

III.4.2 Appointments shall include tenured, probationary, limited term, **teaching-stream, and externally funded, non-competitive academic appointments.**

III.4.2.1 A tenured appointment is an appointment which may be terminated only through resignation, retirement, dismissal for cause, or the procedures set out in Chapter VII.

III.4.2.2 A probationary appointment is one which is made initially for a four-year term, and which may be extended for a further two-year term. A probationary appointment entitles a faculty member to be considered for reappointment and/or tenure in accordance with the provisions of this Agreement.

III.4.2.3 Limited term appointments shall be of one of the following types:

- i) a fixed term of one (1) year or less;
- ii) a fixed term of two (2) or three (3) years; or,
- iii) in special cases, a fixed term of four (4) or five (5) years.

~~Term appointments of less than one year would normally be for six (6) months, except where warranted by exceptional or unusual circumstances. Such circumstances include, but are not limited to, maternity leave and sick leave replacement, and consolidations of previously approved part time stipendiary positions.~~

III.4.2.3.3 No limited term appointment shall carry any presumption of an additional appointment, and the sum of terms under limited term appointments shall not (save as expressly noted below) exceed a total of **thirty-six (36) months** ~~three (3) years~~. A limited term appointment of four (4) or five (5) years may be authorized in unique cases, such as to replace academic administrators for the duration of their term of service outside the scope of the bargaining unit, or to assist in the staffing of specific academic programs, where directed program funding is in place for a specified and finite period of time. In each instance of a four (4) or five (5) year limited term appointment, the member shall be specifically advised in the appointment letter of the nine-year maximum period of combined limited term/probationary service (see III.6.2.4) and that, if a probationary appointment should follow the limited term appointment, consideration for tenure must take place not later than during the eighth (8th) year of combined limited term and probationary service.

Duties and responsibilities expected of all limited term appointees shall be as set out in ~~Chapter IV~~ **Article 11**, **except in cases where the department/program has requested to the Dean that one or more limited term appointments in their department/program be advertised to specify that duties are to include a higher than normal proportion of teaching duties.**

Teaching-Stream Faculty

A teaching-stream appointment is one made for a fixed term. At the end of that period, the University may, after review of the member, extend the period of appointment, or allow the appointment to lapse. These appointments shall be made only to the ranks of Lecturer, Assistant Professor, or Associate Professor. The positions create opportunities for individuals who are prepared to devote themselves primarily to teaching within an academic environment.

Teaching-track appointments may be terminated without fault or cause by reason of curricular change or removal of an area or field.

Duties and responsibilities expected of all teaching-stream appointees shall be as set out in Article 11.

III.3.5 Externally-Funded, Non-Competitive Academic Appointments

Externally-funded, non-competitive academic appointments are subject to the following conditions:

III.3.5.1 The appointee will be a member of the bargaining unit.

III.3.5.2 The appointment procedures under III.5.3 and III.5.4 are waived.

III.3.5.3 Because candidates for such positions are not subject to the usual competitive **appointment** ~~comparison~~ procedures, COAP must be satisfied that the candidates are competitive. Such competitiveness shall be based on usual evidence of qualifications plus the selection procedure used to determine the candidate to be appointed.

III.3.5.4 The appointment may be with tenure, subject to the provisions of III.6.2.1.

III.3.5.5 The appointee shall be placed at a salary step determined by the Dean and consistent with the provisions of this Agreement.

III.3.5.6 The duties of the appointee may be modified by the Dean in accordance with the requirements of the funding agency. Any such modifications will be reported to the Joint Committee.

III.3.5.7 Where an appointment involves special commitments in relation to capital costs and/or special support for teaching, research or administration, the University will notify the Association of such commitments.

7.4 Rank of Appointment

III.2.1 Faculty Ranks

All appointments of faculty members shall be at one of the following ranks:

Professor;
Associate Professor;
Assistant Professor;
Lecturer.

These ranks may be qualified by the following categories:

tenured;
probationary;
limited term;
teaching-stream;
full-time;
part-time;
reduced-time;
~~partially retired (see Appendix D);~~
visiting (see III.3.2.5).

7.5 Status of Appointment (see III.3)

III.3.1 Definitions

III.3.2.1 A full-time appointment is one in which the member's regular duties and responsibilities require full-time employment on a year-round basis ~~as these are defined by the varying practice and procedures used by the departments and programs or the library.~~

III.3.2.2 A part-time appointment is one in which the member's regular duties and responsibilities require some specified proportion of full-time employment.

- III.3.2.3 A reduced-time appointment is one held by a tenured/~~permanent~~ member, in accordance with the terms of III.3.4.
- III.3.2.4 A ~~partially retired~~ appointment is one held by a tenured/~~permanent~~ member, in accordance with the terms of Appendix D to this Agreement.
- III.3.2.5 A visiting appointment is one held on a defined, limited-term basis by an individual who is on leave from another employer and who is committed to return to a position of regular employment outside Trent. Where the visiting appointment is for one (1) year or less, the appointment shall be regarded as being outside the scope of the bargaining unit, although formal faculty/~~librarian~~ rank shall be assigned in accordance with the appointee's status with their primary employer, and salary shall be assigned in accordance with Schedule A, based on academic rank and years of experience under the usual practices in that regard. In addition, the Personnel Committee of the appropriate unit shall approve any such appointment.

Where the visiting appointment is for more than one (1) year, the appointment shall be regarded as being within the bargaining unit, and all articles of this Collective Agreement shall apply. Association dues shall be deducted in the normal fashion, and the Association and the individual appointee are responsible for making check-off/dues arrangements, as appropriate, with the primary employer.

TUFA shall receive copies of all offers of Visiting Appointments.

III.3.4 Revision from Full-time to Part-time

- III.3.4.1 Members may apply in writing to the Dean of Arts and Science, on a wholly voluntary basis, to revise their category of employment from full-time to reduced-time, or from part-time or reduced-time to a smaller proportion of full-time which shall not in any case be less than one-half (1/2). Such revision shall require the consent of the departmental/**program** committee, of the Dean or the University Librarian, and of the President. Application for such reduction must be made by January 1 of the preceding academic year
- III.3.4.2 Members holding reduced-time appointments shall have the right to resume their previous status provided that not more than thirty-six (36) months have elapsed since the change of status. Members intending to resume their previous status may do so only on July 1, and shall give notice of intention to do so not later than the preceding January 1. Those who do not exercise the right under this section to resume previous status shall be deemed to hold a part-time appointment.
- III.3.4.3 Each application for reduced-time employment shall be in writing with a copy to the Association.
- III.3.4.4 Reduced-time appointments remain subject to IV.1.1 and IV.1.2. While it is normally expected in the allocation of those responsibilities that duties will be spread uniformly over the academic year, a member may request an alternative allocation, in

writing, to the Dean/~~University Librarian~~ with a copy to the Association. Unless the Association objects **with reasons in writing to the Dean**, within twenty (20) working days of receipt of the copy of the written request, the Dean/~~University Librarian~~ may approve the alternative workload allocation. ~~Where the Association objects, the reasons shall be clearly set out, in writing, to the Dean/University Librarian.~~ If the application (III.3.4.1) for a reduced-time position is approved, the letter from the President (or designate) authorizing the appointment shall state clearly the nominal salary of the appointee, the reduction in regular duties and responsibilities, the actual salary, the date of commencement of the appointment, the office and research facilities, and any special terms and conditions of the appointment which differ significantly from the general statement of regular duties contemplated in III.1.2.(g).

- III.3.4.5 No reduced-time appointment shall take effect until and unless the appointee accepts it and all its terms and conditions in writing.
- III.3.4.6 A copy of each letter of appointment and each letter of acceptance of a reduced-time position shall be sent to the Association.
- III.3.4.7 A member with a reduced-time appointment shall receive EYS credits and sabbatical salary in accordance with IV.5.2.2.
- III.3.4.8 A member opting for a reduced-time status shall be entitled to full benefits based upon the proportion of nominal salary prior to commencing the reduced-time appointment for the first three (3) years of the reduced-time appointment. The Board shall in each of these three (3) years in addition pay, with respect to all benefits, the difference between the member's contributions, based upon actual salary, and the contribution required by the proportion of nominal salary prior to commencing the reduced-time appointment. Thereafter such members shall receive benefits in accordance with III.3.3.2.

7.6 APPOINTMENT PROCEDURES

III.5 Appointment Procedures

III.5.1 Departmental/Program Committees moved to ARTICLE 11 TERMS AND CONDITIONS OF EMPLOYMENT FOR FACULTY and ARTICLE 17 TERMS AND CONDITIONS OF EMPLOYMENT FOR LIBARIANS

- III.5.1.2 There shall be a Departmental/Program Personnel Committee **elected annually** ~~established~~ in each department/program, chaired by the department/program Chair or designate. This committee shall consist of the Chair and at least two (2) members in the department/program, where possible of more than one rank and gender, elected by the Departmental/Program Committee, and it may include students up to a number smaller than the number of faculty members, other than the Chair. Where there are

not enough faculty members to satisfy the above, the Dean and the Chair shall mutually agree upon an appropriate **membership replacement**.

In cases of recommendations regarding TUFA and CUPE course instructor appointments, the Chair of the Departmental/Program Personnel Committee is a voting member of the Committee. The Departmental/Program Personnel Committee shall consider applications and make recommendations ~~to the Chair~~ concerning all **TUFA and CUPE course instructor** appointments to the department/program. **The Chair of the Departmental/Program Personnel Committee shall send to the Dean the recommendation of the Departmental/Program Personnel Committee.** All qualified applicants will be entitled to due and fair consideration in accordance with the provisions of this Agreement.

With respect to all other personnel recommendations, the Chair of the Departmental/Program Personnel Committee is a non-voting member of the Departmental/Program Personnel Committee. The Departmental/Program Personnel Committee and it shall consider and make recommendations concerning all questions of reappointment, renewal of probationary appointments, promotion, merit awards, and requests for unpaid leaves, as defined by this Agreement. The Chair of the Departmental/Program Personnel Committee shall send to the Dean the recommendation of the Departmental/Program Personnel Committee along with his/her recommendation.

~~III.5.1.3 Applications for positions shall be considered in accordance with departmental/program practices, and The Departmental/Program Personnel Committee in each Department/Program is responsible for making recommendations to the Chair concerning all appointments to the Department/Program. All qualified applicants will be entitled to due and fair consideration in accordance with the provisions of this Agreement.~~

~~III.5.0~~ Authorization

~~III.5.0.1 All new or replacement faculty positions require authorization by the President or designate. Such authorization shall follow consultation with the Dean who shall consult the department or program. New or replacement faculty positions are recommended by the Dean to the President or designate after decanal review of departmental/staffing plans in the context of anticipated faculty complement and available financial resources. All new or replacement faculty positions require final authorization by the President or designate.~~

IV.2.1.3 When an academic department or program suffers the sudden, unexpected loss of a member, the Dean may authorize full or partial replacement paying particular attention to the teaching requirements of the department or program

III.4.2.3.1 Consolidation

At the discretion of the department/program **and with the approval of the Dean**, course stipendiary allocations may be consolidated into limited term appointments according to the schedule below. ~~The University will encourage departments/programs in the making of such consolidations.~~

<u>Number of Stipendiary Allocations</u>	<u>Length of Consolidated Limited Term</u>
4.0 5.0	8 month
4.5 5.5	9 month
5.0 6.0	10 month
5.5 6.5	11 month
6.0 7.0	12 month

see MOA Dec 1992 **The teaching of two sections of the same course in both Peterborough and Oshawa by a part-time member is acknowledged as a mutually acceptable variation of the provision of III.4.2.3 and VIII.1 and does not constitute grounds for consolidation into a limited term position.**

III.5.0.2, 1 and 2 moved to LIBRARY APPOINTMENTS

III.5.3 Advertisement

~~III.5.3.1~~ Following authorization of new or replacement faculty positions by the President, the Dean shall authorize advertising in appropriate **electronic and print media**, ~~Canadian publications~~ which may include some or all of **Trent websites**, the CAUT Bulletin, University Affairs, and electronic distribution media relevant to the particular discipline as established by the Dean in consultation with the particular department/program. These shall be placed so as to allow sufficient time for applications to receive due consideration, **normally a minimum of four (4) weeks**. The advertisement shall include a description of the position and the necessary qualifications, as well as the starting date, rank, salary range, category of appointment, and a statement that Trent University is committed to Employment Equity, and shall be approved by the Dean before it is placed for publication.

III.5.3.2 When unavoidable circumstances require that a replacement appointment be authorized at such short notice that it is not possible to advertise in the manner indicated above, the Dean, ~~with the consent of the Association~~, may waive this requirement **If the Dean waives this requirement, the Dean shall so advise the**

Association. ~~TUFA shall respond to any such request for consent within five (5) days of receipt, and such consent may not be unreasonably withheld.~~

III.5.4 Recruitment Procedures

Recruitment procedures shall be designed so as to ensure due and fair consideration to all qualified applicants. This shall not be construed to require personal interviews of all qualified applicants. ~~Where a Personnel Committee does not contain at least one (1) member of each sex, the Dean shall be notified.~~ **Personnel Committees should attempt to elect members that include representation from designated groups and/or members trained in and sympathetic to the principles of employment equity.**

I.2.6.2

For all individual faculty ~~and professional librarian~~ competitions for advertised positions, the **Chair of the Personnel Committee** shall prepare a statistical report to the Dean ~~or University Librarian (as appropriate),~~ specifying the total number of applicants, and where the information is voluntarily disclosed by the applicants **the number and percentage of applicants from designated groups as included in the definition of “designated groups” in the *Employment Equity Act* (S.C. 1995, c.46 as amended from time to time).** ~~those who were women, aboriginal people, people with disabilities, and members of racial minorities.~~ The Dean's Office shall then compile these statistical reports, with copies to the Association. Departments/programs may also choose to consolidate this reporting process, by submitting one (1) annual statistical report to the Dean's (Librarian's) Office (copy to the Association). ~~In such cases, the report shall be submitted by no later than June 30th of each year.~~

I.2.6.3

Where there are no **female applicants from the designated groups** for a faculty position, or where the Personnel Committee determines a short-list which does not contain at least forty (40) per cent (minimum of two (2)) ~~female candidates~~ **at least one applicant from the designated groups**, the Dean shall be immediately advised. In such cases, the Dean may require an extension of the competition deadline, additional advertising, and/or such other measures as are deemed appropriate. In addition and where possible, the Dean may require that at least one ~~(1) female~~ applicant **from the designated groups** be placed on the short-list.

I.2.6.4

Where ~~male and female candidates apply for a faculty position and a male candidate is recommended for appointment~~ **one or more candidates from the designated groups applies for a faculty position and is not determined to be the successful candidate**, the Personnel Committee shall prepare a report to the Dean which shall set out the details of the selection process, including the number of applicants who are short-listed, and the number and percentage of those ~~who are women~~. In addition, the report shall formally and specifically address the candidacy of each

female applicant **from the designated groups** who has been short-listed, and shall be submitted to the Dean for review prior to any formal offer of appointment being made.

III.5.5 Criteria

III.5.5.1 The principal criterion for appointment shall be academic and professional excellence as generally understood in university practice. The credentials of applicants shall be judged primarily in relation to the qualifications identified in the advertisement for the position. Among candidates who are judged substantially equal in qualification for appointment, Canadian citizens and permanent residents shall be given preference.

III.5.5.2 The Dean shall ensure, through the Chair of each department/program, that all Personnel Committees have a copy of the University's Employment Equity policy. ~~The University Librarian shall ensure through the Chair of the Library Personnel Committee that the Committee has a copy of the policy.~~ In addition, steps will be taken to ensure that each Personnel Committee has available to it the prevailing policy statements and guidelines available from the Ontario Human Rights Commission to assist in ensuring compliance with relevant provisions of the Ontario Human Rights Code. The Chair of any Personnel Committee will be expected to review these materials with other Committee members, **and ensure that training is provided as required**, before a short-list of candidates is determined.

7.7 **III-5-3-3 Academic Component of Academic/Administrative Appointments**

When an appointee who does not hold an academic appointment within the University has been selected by established search procedures for the position of President, Vice-President, Dean or University Librarian, and it is proposed to offer such a candidate an academic appointment within a department or program, the proposed academic appointment need not be advertised or be subject to the normal departmental/program recruitment procedures. For all such appointments, the **departmental/program affiliation academic component** of the proposed appointment shall be made conditional upon the academic unit's acceptance of the candidate's qualifications, based upon prevailing criteria and standards

Article III.5.6 New Appointments moved to article 5