

ARTICLE 8 – PROBATIONARY REAPPOINTMENT OF FACULTY

Definition of a Probationary Reappointment Decision

A decision to reappoint constitutes a probationary reappointment decision, and shall be made by the Board only on the recommendation of the President, who shall first receive a recommendation from the Dean, following the Dean’s receipt of a recommendation from COAP and from the relevant Departmental/Program Personnel Committee and the Chair of the relevant Departmental/Program Personnel Committee.

Probationary reappointment shall not be granted without a positive recommendation from the Dean and the President, provided that each carries out the duties assigned in the probationary reappointment process under this Agreement without determinative procedural or substantive error or bias.

Probationary reappointments are for a two-year period with effect from the end of the initial probationary appointment.

Annual Meeting with the Dean for Members on Probationary Appointments

A member on a probationary appointment shall arrange to meet with the Dean by April 30th of each year of his/her probationary appointment to discuss his/her progress towards reappointment.

Eligibility to be Considered for Probationary Reappointment

III.6.3.1 A member holding an initial probationary appointment at the rank of Lecturer or Assistant Professor who ~~is elects not to be~~ considered for early tenure (as described in III.6.2.3) during the third (3rd) year of the initial four-year appointment shall instead be considered for a probationary reappointment during the third (3rd) year.

III.6.2.5 Extension of Probationary Period

Maternity Leave

Notwithstanding the various provisions (~~above~~) which define a maximum period of probationary service, a member who has had an approved maternity leave during her probationary period may, upon written request to the Dean ~~or University Librarian (as appropriate)~~ **no later than** at the time of her return to duties after maternity leave, have her maximum probationary period increased

by one (1) year. In the case of two (2) or more approved maternity leaves during her probationary period, the maximum probationary period for the member may be increased by a maximum of two (2) years.

III.6.2.6 **Sick Leave**

Similarly, in cases of authorized absence due to illness or injury of more than four (4) months **and less than one (1) year**, a probationary appointment shall be extended by up to one (1) year, upon written request by the member to the ~~Dean or University Librarian (as appropriate)~~ **by no later than** at the time of return to duties after authorized absence. Where the absence is for one (1) year or more, the maximum probationary period for the member shall be increased by ~~a maximum up to of~~ **two (2) years upon written request by the member to the Dean no later than the time of return to duties after authorized absence.**

Criteria for Probationary Reappointment

III.6.3 **Probationary Reappointments**

III.6.3.2 A candidate for probationary reappointment shall be considered by the Departmental/Program Personnel Committee on the basis of satisfactory progression towards tenure.

Probationary Reappointment Procedures

The Chair of the Departmental/Program Personnel Committee shall submit a recommendation for or against reappointment to the Dean by the deadline specified annually in the Chair's calendar as issued by the Dean's Office. COAP, the Dean, and the President will endeavour to work within a timeline which will permit the President to convey a decision regarding reappointment to the candidate by June 30th of the penultimate year of the probationary appointment.

The Chair of the Departmental/Program Personnel Committee shall inform the candidate by October 15th of the year in which he/she is being considered for probationary reappointment that his/her probationary reappointment hearing has been initiated, and he/she shall be afforded until November 15th to submit such evidence as required by the guidelines for submission of probationary reappointment recommendations as issued by the Dean's Office and other such supporting evidence as he/she sees fit. The Departmental/Program Personnel Committee shall be bound by the guidelines for submission of probationary reappointment recommendations as issued by the Dean's Office and revised from time to time in consultation with Joint Committee.

Recommendation of the Departmental/Program Personnel Committee

III.6.3.2

The Departmental/Program Personnel Committee shall be advisory to the Chair of the Departmental/Program Personnel Committee. The Chair of the Departmental/Program Personnel Committee shall not vote. After considering all the submissions and discussing the case in light of the criteria for probationary reappointment set out in Article III.6.3.2, the Departmental/Program Personnel Committee shall, by formal vote, ~~The Departmental/Program Personnel Committee must~~ make one of the following three (3) recommendations to the ~~departmental/program~~ Chair of the Departmental/Program Personnel Committee:

- i) a two-year probationary reappointment with consideration for tenure occurring in the fifth (5th) year of probationary service;
- ii) an early tenure hearing as described in III.6.2.3; or,
- iii) non-renewal at the end of the initial four-year probationary appointment.

In the event that the Departmental/Program Personnel Committee intends to recommend non-renewal of the probationary appointment, the candidate shall be informed by the Chair of the Departmental/Program Personnel Committee with the reasons set out in writing. The candidate shall have the right to request reconsideration by the Departmental/Program Personnel Committee before it makes its recommendation to the Chair of the Departmental/Program Personnel Committee. Should the candidate request reconsideration, the candidate shall submit a written response within two (2) weeks to the Chair of the Departmental/Program Personnel Committee. The evidence to be considered by the Departmental/Program Personnel Committee in its reconsideration is to be confined to the original evidence submitted, the candidate's written response, and whatever additional relevant information the candidate provides. Following the reconsideration, the candidate shall be informed of the final recommendation of the Departmental/Program Personnel Committee which the Chair of the Departmental/Program Personnel Committee intends to forward to the Dean, as well as the Chair of the Departmental/Program Personnel Committee's own recommendation.

In the event that the Chair of the Departmental/Program Personnel Committee is conveying a recommendation against granting probationary reappointment to the Dean, the member shall receive full information from the Chair of the Departmental/Program Personnel Committee on the procedures followed.

Recommendation of the Departmental/Program Personnel Committee to the Dean

III.6.3.2

The Chair of the Departmental/Program Personnel Committee shall forward to the Dean, for consideration by COAP, the recommendation concerning probationary reappointment of the Departmental/Program Personnel Committee along with his/her recommendation concerning probationary reappointment, all supporting arguments and all correspondence and documentation considered by the Departmental/Program Personnel Committee, and a report on the procedures followed. Members of the Departmental/Program Personnel Committee who disagree with the Departmental/Program Personnel Committee's recommendation shall have the right to submit, together or singly, a dissenting report to the Dean, who shall include the dissenting report(s) in the materials reviewed by COAP.

~~A recommendation from the Chair to reappoint the candidate shall be forwarded, to COAP and the Dean for action. Such a~~ **The** recommendation shall address the candidate's scholarship **research** and teaching, bearing in mind the provisions of Article ~~IV.2.1.4.2.~~ **III.6.3.2.**

~~A recommendation from the Departmental/Program Personnel Committee to initiate an early tenure hearing shall be forwarded to the Dean for information and shall set in motion the early tenure hearing procedure as defined in III.6.2.3. In the case of a recommendation of non-renewal, the candidate shall be informed with the reasons set out in writing. The candidate shall have the right to request reconsideration (Article III.6.3.3) by the Departmental/Program Personnel Committee before it makes its recommendation to the department/program Chair. The candidate shall also be informed of the recommendation which the department/program Chair intends to forward to the Dean. In the event of a negative recommendation, the member shall receive full information on the procedures followed.~~

Recommendation of COAP

In its review of reappointment files and recommendations received from Chairs of Departmental/Program Personnel Committees, COAP shall strive to ensure that members receive fair and equitable treatment under the procedures for granting probationary reappointment provided for in this Agreement

COAP shall review all the submissions and recommendations pertaining to probationary reappointment in the light of the criteria set out in III.6.3.2 above, and shall have access to all materials tabled in the Departmental/Program Personnel Committee.

COAP by formal vote shall make its recommendation to the Dean. The Dean shall not vote.

COAP may do one of the following:

- (i) endorse a recommendation concerning reappointment from the Departmental/Program Personnel Committee, in which case COAP recommends to the Dean that the recommendation concerning reappointment from the Departmental/Program Personnel Committee be upheld; or**
- (ii) COAP may, giving reasons, instruct the Dean to request that the Departmental/Program Personnel Committee reconsider its recommendation concerning reappointment; or**
- (iii) COAP may, giving reasons, instruct the Dean to request that the Departmental/Program Personnel Committee reconsider its recommendation concerning reappointment after seeking further evidence and/or supporting documentation, including but not limited to assessments from qualified external assessors. If further external assessments are being sought, the procedures outlined in III.6.4.3 will be followed; or**
- (iv) COAP may refuse to endorse a recommendation concerning reappointment from the Departmental/Program Personnel Committee, but shall not do so without good reason based on the criteria for the granting of probationary reappointment as provided for in III.6.4.2, or a finding of determinative procedural or substantive error or bias.**

In the event that the Dean accepts COAP's refusal to endorse a positive recommendation for probationary reappointment from the Department/Program Personnel Committee, and in cases where the Dean accepts COAP's endorsement of a recommendation of non-renewal by the Department/Program Personnel Committee, the Dean shall so inform the candidate and the Chair of the Department/Program Personnel Committee, setting out in writing the reasons, and the candidate shall have the right to request that the file be considered by the Reappointment, Tenure, and Permanency Appeals Committee. This statement of reasons shall reflect the actual grounds for the decision, be substantive in nature, and be clearly related to the criteria for the granting of reappointment as defined in this Agreement.

III.6.3.4

In the event that, after receiving the recommendation from COAP and the Dean upholds the recommendation for probationary reappointment made by the Departmental/Program Personnel Committee or does not uphold the recommendation of non-renewal made by the Departmental/Program

Personnel Committee, **the Dean shall recommend to the President that** a further two-year probationary appointment shall be granted to the candidate, and consideration for tenure must come in or before the fifth (5th) year of probationary service.

~~The process of consideration for probationary reappointment or for non-renewal of probationary appointment shall in no way prejudice the outcome of any subsequent tenure hearing.~~

Note: inconsistent with III.3.6.3.5

III.6.3.5 If the Departmental/Program Personnel Committee **recommends a candidate** ~~has reservations about a candidate recommended~~ for a probationary reappointment, **but nonetheless has reservations about the candidate's teaching and/or research**, these reservations shall be **included in the letter from the Chair of the Departmental/Program Personnel Committee to the Dean recommending reappointment. If COAP or the Dean recommends a candidate for a probationary reappointment, but nonetheless has reservations about the candidate's teaching and/or research, these reservations shall be communicated in writing by the Dean to the candidate, copied to the Chair of the Departmental/Program Personnel Committee** ~~communicated in writing to the candidate and COAP at the time of reappointment~~ and shall be addressed by the Departmental/Program Tenure Committee in any subsequent tenure hearing.

III.6.3.6 Except as provided in III.6.3.5, a deferral of consideration for tenure owing to **an approved sick and/or maternity leave** a probationary reappointment shall in no way prejudice the outcome of any subsequent tenure hearing.

Appeal of Recommendation by the Dean against Reappointment

In the event that the Dean, after receiving a recommendation from COAP and from the Departmental/Program Personnel Committee and the Chair of the Departmental/Program Personnel Committee, recommends against reappointment, the member may appeal the recommendation under the provisions set out in Article 18.

~~III.6.3.3 Reconsideration Procedure for Non-Renewal of Probationary Appointments~~

~~The Department/Program Personnel Committee will add to its number a faculty member from a cognate discipline, appointed by the Dean in consultation with the Chair of the Committee. The Chair of the Departmental/Program Personnel Committee shall inform the candidate that the reconsideration procedure for a non-renewal of a probationary appointment has been initiated, and the candidate shall be afforded at least four (4) weeks to~~

~~submit any additional supporting evidence as the candidate sees fit. The Committee shall follow a fair and reasonable plan to secure the views of faculty and students, and the department/program Chair shall include a report on this plan when the Committee's recommendation is forwarded to the Dean.~~

~~The Committee may secure the views of qualified assessors from outside the department/program or the University. If the department/program chooses not to do so, the candidate may nevertheless require that the views of qualified assessors be sought. If this is undertaken, the candidate shall be notified and given the opportunity to select one (1) of the assessors whose views are being sought. The views of such assessors shall be confined to the candidate's scholarship or scholarly promise.~~

Probationary Reappointment Decision

The decision to grant a probationary reappointment to a member shall be made subsequent to the Dean making a positive recommendation to grant probationary reappointment to the President and the President making a positive recommendation to grant probationary reappointment to the Board. Probationary reappointments are for two years, commencing upon the end of the initial probationary appointment. The decision to grant probationary reappointment shall be made by the Board and communicated to the candidate by the President.

If the recommendation by the President is against probationary reappointment, the candidate shall be so informed and shall receive in writing a statement of reasons from the President.