

## ARTICLE 9 - TENURE

### III.6.1 **Definition of a Tenure Decision**

A decision to award ~~or to deny~~ tenure constitutes a tenure 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 Tenure Committee and the Chair of the relevant Departmental/Program Tenure Committee.**

Tenure shall not be granted without a positive recommendation from the ~~department and/or program~~ **Departmental/Program Tenure Committee**, the Dean, and the President, provided that each carries out the duties assigned in the tenure process under this Agreement without determinative procedural or substantive error or bias.

**Decisions to grant tenure take effect the July 1 following the initiation of the tenure hearing.**

### **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 30<sup>th</sup> of each year of his/her probationary appointment to discuss his/her progress towards tenure.**

### **Eligibility to be Considered for Tenure**

III.6.2.2 Probationary appointments made at the Assistant Professor or Lecturer rank shall involve an initial probationary term of four (4) years and a probationary reappointment for a further two (2) year term subject to a recommendation for reappointment carried out under the provisions of III.6.3.2. Consideration for tenure occurs in the fifth (5<sup>th</sup>) year of probationary service.

III.6.2.1 Probationary appointments made at the Associate Professor and Professor ranks shall involve a maximum probationary term of four (4) years.

Tenure decisions shall be made in the third (3<sup>rd</sup>) year of the appointment following the regular tenure process described in III.6.4. In exceptional cases, when an appointment is made of a person with a record of outstanding scholarship, tenure may be awarded immediately upon appointment, but only after the relevant Departmental/Program Personnel Committee and COAP have been consulted.

### III.6.2.3 **Early Consideration for Tenure**

In exceptional cases, members may receive early consideration for tenure in the third (3<sup>rd</sup>) year of the initial four (4) year term provided they have demonstrated (i) outstanding scholarship; and (ii) teaching of high quality. The early tenure hearing process follows the regular tenure hearing process described in III.6.4 ~~with the addition of the use of external reviewers to assess outstanding scholarship. To obtain the external assessments, the Departmental/Program Tenure Committee shall contact, in writing, two (2) external assessors (i.e., from universities or institutions outside Trent), one (1) of whom shall be named by the candidate.~~ Evidence of outstanding scholarship may include publications, presentations, academic, professional or public recognition related to the member's scholarly work, and such evidence shall clearly demonstrate the significant superiority of such scholarship to that required in the regular tenure process. The early tenure hearing process **may** ~~can~~ be initiated by ~~either the member or~~ the Departmental/Program Personnel Committee as part of the probationary reappointment process (see III.6.3.2), **subject to the member's approval.**

In cases where early tenure is not granted, members will be subject to either Recommendations (i) or (iii) of III.6.3.2.

### III.6.2.4 **Previous Limited Term Appointment Towards Combined Limited Term/Probationary Service**

III.6.2.4.1 When a **member who previously held a limited term appointment within the bargaining unit receives** ~~is converted to~~ a probationary appointment, the maximum **combined** period of limited term and probationary service shall be nine (9) years.

#### **Eligibility to be considered for tenure for members with previous limited term service**

III.6.2.4.3 A member with previous combined limited term service within the bargaining unit of one (1) year or less, who is ~~converted to~~ **granted** a probationary appointment, shall follow the conditions as set out in III.6.2.2.

III.6.2.4.4 A member with previous combined limited term service within the bargaining unit of between one (1) and two (2) years, who is ~~converted to~~ **granted** a probationary appointment and who ~~chooses~~ **requests in writing to the Dean at the time he/she accepts the offer of the probationary appointment to retroactively** count his/her limited term service as probationary service, shall be referred to the Joint Committee to determine whether he/she is eligible to be treated as those members referred to in III.6.2.4.2 above. Joint Committee shall ensure that all requests are treated equitably and fairly.

III.6.2.4.2 A member with previous combined limited term service within the bargaining unit of two (2) or three (3) years who is ~~converted to~~ **granted** a probationary appointment is eligible to be considered for tenure in the second (2<sup>nd</sup>) year of the probationary appointment, if the member ~~chooses~~ **requests in writing to the Dean at the time he/she accepts the offer of the probationary appointment to retroactively** count his/her previous limited term service as probationary service. In these cases, reappointment and early consideration for tenure do not apply.

If a member chooses not to count previous limited term service within the bargaining unit as probationary, then III.6.2.2 applies.

III.6.2.4.5 If a member with a four (4) or five (5) year limited term appointment **within the bargaining unit** (see III.4.2.3.3) is ~~offered~~ **granted** a probationary appointment, that member shall be specifically reminded in the offer of appointment that consideration for tenure must take place not later than during the eighth (8<sup>th</sup>) year of the combined limited term and probationary service.

### Criteria for Tenure

III.6.4.2

In assessing a candidate for tenure, the Departmental/Program Tenure Committee, **COAP, the Dean, the President, and the Board** shall pay principal regard to **the candidate's** scholarship and scholarly promise. In order to qualify for tenure, the candidate must be judged to have demonstrated high quality in both teaching and research, including fulfilling the applicable duties and responsibilities referenced in Article IV.1.1. i) and ii).

Individual departments/programs will formally adopt written standards specific to the academic unit for the application of these criteria in the tenure process. These standards shall be binding upon the departments/~~al~~ programs **Tenure Committees** following approval by COAP and Faculty Board. The written specific standards will be made available to Joint Committee for information and discussion.

**Departments/programs shall review their written standards at least every seven years. When a department/program revises its written standards for the application of the tenure criteria, the Chair of the department/program Committee shall submit the proposed revisions to COAP for approval. Approved revised written standards will be made available to Joint Committee for information and discussion.**

III.6.4.2.1 When a department/program adopts or revises its written standards for the application of the tenure criteria (see III.6.4.2, above) during a **candidate's** probationary appointment, **the** candidates for tenure in that department/program shall be evaluated on the basis of the ~~criteria or~~ written standards in place at the time of ~~their~~ **his/her** initial probationary appointment,

unless the written standards have been in place for a minimum period of two (2) years since the **candidate's** initial probationary appointment and prior to **the candidate's** consideration for tenure.

In cases where the **candidate's** probationary period has been extended due to sick leave (see III.6.2.6) or maternity leave (see III.6.2.5), the minimum period noted above shall be three (3) years. Where the standards have been changed, specific notice of the change(s) will be given **by the Chair of the department/program** to the person(s) affected.

### **Tenure Procedures**

#### III.6.4.4

##### **Timing**

The **Chair of the** Departmental/Program Tenure Committee shall **submit a recommendation for or against tenure 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** ~~meet at a time that will enable the tenure decision of the Board~~ **President to be conveyed a decision regarding tenure** to the candidate by June 30<sup>th</sup> of the penultimate year of the probationary appointment or reappointment. Once a decision to grant tenure has been made by the Board, it shall take effect on **the following** July 1<sup>st</sup>. If a decision to grant tenure is delayed because of reconsideration or appeal beyond June 30<sup>th</sup> of the academic year in which tenure consideration was initiated, tenure shall take effect retroactively to July 1<sup>st</sup>. **If the candidate has submitted materials by October 31<sup>st</sup> of the year in which he/she is being considered for tenure and a decision to deny tenure is nonetheless** delayed beyond June 30<sup>th</sup> of the penultimate year of the probationary service, the candidate shall be granted a further one (1) year limited term appointment, notwithstanding the various provisions of Article III.6.2.4.

#### III.6.4.1

##### **The Departmental/Program Tenure Committee**

When a tenure decision is to be made, the department/program shall ~~establish~~ **elect** a Departmental/Program Tenure Committee composed of up to seven (7) persons, ~~with a majority of academic peers from the candidate's discipline and, when possible, of both tenured and probationary faculty members.~~ The committee shall consist of:

- i) the Chair of the department/program concerned, as **Chair of the Departmental/Program Tenure Committee** (who shall not vote), three (3) **tenured** faculty members elected by **and from** the Departmental/Program Committee, a faculty member from a cognate discipline appointed by the Dean in consultation with the Chair of the **Departmental/Program Tenure Committee** (where faculty members

elected by the Departmental/Program Committee are of the same ~~sex~~, **gender**, the Dean's appointee from a cognate discipline shall normally be of ~~the another gender sex~~); **and up to one (1) student where the Departmental/Program Committee chooses to make provision for it. Departmental/Program Committees should attempt to elect Departmental/Program Tenure Committees that include representation from designated groups and/or members trained in and sympathetic to the principles of employment equity.**

- ii) when a candidate holds an appointment in a department/program with fewer than ~~six (6) probationary~~ **and four (4) available** tenured faculty members, the Dean, in consultation with the Chair of the **Departmental/Program Committee** and the candidate, may appoint **the necessary number of tenured faculty members** ~~up to two (2) academic peers from cognate disciplines to make up a~~ **Departmental/Program Tenure Committee of three tenured faculty members, exclusive of the Chair of the Departmental/Program Tenure Committee; the tenured faculty member from a cognate discipline appointed by the Dean in consultation with the Chair of the Departmental/Program Tenure Committee (see sub-paragraph (i) above) shall be in addition to the member(s) appointed by the Dean in consultation with the Chair of the Department/Program Committee and the candidate; as** ~~substitutes for colleagues from within the department/program; here, as in sub-paragraph (i) above, the Committee members from cognate disciplines are regular members of the Committee, with no special responsibilities, and no special authority from or obligations to the Dean; and,~~
- ~~iii) — where the Departmental/Program Committee chooses to make provision for it, up to two (2) students.~~
- iii) **when a candidate holds an appointment in more than one department/program and where the member requests it, the Departmental/Program Tenure Committee will also include a representative from the non-home department/program, with full voting rights. This member will be appointed by the Dean, in consultation with the Chair of the Departmental/Program Tenure Committee and the candidate. In such cases the total number of faculty members on the Departmental/Program Tenure Committee will be four (4), exclusive of the Chair of the Departmental/Program Tenure Committee and the member appointed by the Dean.**

For academic departments/programs which wish to permit student participation on Tenure Committees (as per sub-paragraph (ii) above), any existing and/or proposed procedures shall be reviewed, in consultation with

the Dean, to ensure standardization of procedures and electoral regulations.

~~The Committee shall make a tenure recommendation, positive or negative, only if the majority of the Committee includes a faculty majority from within the academic unit.~~

### III.6.4.3

The Chair of the Departmental/Program Tenure Committee shall inform the candidate **by September 30<sup>th</sup> of the year in which he/she is being considered for tenure that when their his/her** tenure hearing has been initiated, and ~~they~~ **he/she** shall be afforded ~~at least four (4) weeks~~ **until October 31<sup>st</sup>** to submit **such evidence as required by the guidelines for submission of tenure recommendations as issued by the Dean's Office and other** such supporting evidence as ~~they~~ **he/she** sees fit. The **Departmental/Program Tenure Committee shall be bound by the guidelines for submission of tenure recommendations as issued by the Dean's Office, and revised from time to time in consultation with Joint Committee. The Departmental/Program Tenure Committee** shall follow a fair and reasonable plan to secure the views of faculty and students, and the ~~department/program~~ **Chair of the Departmental/Program Tenure Committee** shall include a report on this plan when **he/she** submits the ~~Committee's~~ **recommendation of the Departmental/Program Tenure Committee and his/her recommendation is forwarded** to the Dean. **The Chair of the Departmental/Program Tenure Committee shall provide by November 1<sup>st</sup> to the Dean the names and academic backgrounds of at least four (4) qualified assessors from universities or institutions outside of Trent, at least two (2) of whom shall be the choice of the Departmental/Program Tenure Committee and at least two (2) of whom shall be the choice of the candidate. The Chair of the Departmental/Program Tenure Committee shall provide the Dean with a brief c.v. and contact information for each of the assessors, as well as a rationale for the selection of assessors. Two assessors (one (1) named by the Departmental/Program Tenure Committee and one (1) named by the candidate) shall be requested by the Dean to furnish assessments of the candidate's research and scholarly promise in accordance with the tenure criteria as specified in III.6.4.2 and the relevant departmental/program approved written standards for the application of the criteria. On receipt of the assessors' reports, the Dean shall make them available to the Chair of the Departmental/Program Tenure Committee. 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. Also, COAP may similarly require the views of qualified assessors, as part of its request for reconsideration of a tenure recommendation under III.6.4.5 (below). In any event, 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.~~

### Recommendation of the Departmental/Program Tenure Committee

The Departmental/Program Tenure Committee shall be advisory to the Chair of the Departmental/Program Tenure Committee. The Chair of the Departmental/Program Tenure Committee shall not vote. After considering all the submissions and discussing the case in light of the criteria for the awarding of tenure as set out Article III.6.4.2 and the relevant departmental/program approved written standards for the application of the criteria, the Departmental/Program Tenure Committee shall, by formal vote, make one of the following recommendations to the Chair of the Departmental/Program Tenure Committee:

- i) grant tenure
- ii) not grant tenure

#### III.6.4.3

If the Departmental/Program Tenure Committee has serious reservations about the qualification of the candidate for tenure, **the Chair of the Departmental/Program Tenure Committee** shall so inform the candidate, and set out in writing the reasons for its reservations. The candidate shall have the right to request reconsideration by the Departmental/Program Tenure Committee before it makes its recommendation to the ~~department/program~~ **Chair of the Departmental/Program Tenure Committee**. **Should the candidate request reconsideration, the candidate shall submit a written response within two (2) weeks to the Chair of the Departmental/Program Tenure Committee**. The evidence to be considered by the Departmental/Program Tenure 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 Tenure Committee which the Chair of the Departmental/Program Tenure Committee intends to forward to the Dean, as well as the Chair of the Departmental/Program Tenure Committee's own recommendation.

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

~~The candidate shall also be informed of the recommendation which the department/program Chair intends to forward to the Dean.~~

**The Departmental/Program Tenure Committee may also recommend to**

**the Chair of the Departmental/Program Tenure Committee that the candidate be granted a merit award, conditional upon receipt of tenure, provided that the candidate has demonstrated exceptional performance in at least one of teaching, research, and university service, with at least satisfactory performance in the other category(ies). See III 9.2. In this case, the Chair of the Tenure Committee must make a case for the exceptional nature of the candidate's performance in one or more of teaching, research, and service, and entirely satisfactory performance in the other categories, bearing in mind the exemptions under IV.2.1.4.2.**

**The Departmental/Program Tenure Committee may also recommend to the Chair of the Departmental/Program Tenure Committee that the candidate be promoted to Associate Professor, conditional upon the receipt of tenure, provided the candidate is eligible for consideration for promotion to Associate Professor and is entirely satisfactory in the performance of the duties and responsibilities as set out in IV.1.1, bearing in mind the exemptions under IV.2.1.4.2.**

**Recommendation of the Departmental/Program Tenure Committee to the Dean**

**The Chair of the Departmental/Program Tenure Committee shall forward to the Dean, for consideration by COAP, the recommendation concerning tenure of the Departmental/Program Tenure Committee along with his/her recommendation concerning tenure, all supporting arguments and all correspondence and documentation considered by the Departmental/Program Tenure Committee, and a report on the procedures followed. Members of the Departmental/Program Tenure Committee who disagree with the Departmental/Program Tenure 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.**

**The recommendation shall address the candidate's research and teaching, bearing in mind the criteria for the granting of tenure as set out in Article III.6.4.2, and the relevant departmental/program approved written standards for the application of the criteria.**

**Where relevant, the Chair of the Departmental/Program Tenure Committee shall forward to the Dean, for consideration by COAP, a recommendation concerning merit of the Departmental/Program Tenure Committee along with his/her recommendation concerning merit, and all supporting arguments and all correspondence and documentation considered by the Departmental/Program Tenure Committee.**

**Where relevant, the Chair of the Departmental/Program Tenure**

**Committee shall forward to the Dean, for consideration by COAP, a recommendation concerning promotion to Associate Professor of the Departmental/Program Tenure Committee along with his/her recommendation concerning promotion to Associate Professor, and all supporting arguments and all correspondence and documentation considered by the Departmental/Program Tenure Committee.**

### **Recommendation of COAP**

#### III.6.4.5

#### **The Role of COAP**

**In its review of tenure files and recommendations received from Chairs of Departmental/Program Tenure Committees, COAP shall strive to ensure that members receive fair and equitable treatment under the procedures for granting tenure provided for in this Agreement. ~~The recommendation of the Departmental/Program Tenure Committee shall be forwarded to COAP together with supporting arguments and all correspondence and documentation considered by the Committee.~~**

**COAP shall review all the submissions and recommendations pertaining to tenure in the light of the criteria set out in III.6.4.2 above and the relevant departmental/program approved written standards for the application of the criteria, and shall have access to all materials tabled in the Departmental/Program Tenure 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) COAP may endorse a recommendation concerning tenure from the Departmental/Program Tenure Committee, in which case COAP recommends to the Dean that the recommendation from the Departmental/Program Tenure Committee be upheld; or**
- (ii) COAP may, giving reasons, instruct the Dean to request that the Departmental/Program Tenure Committee reconsider its recommendation concerning tenure; or**
- (iii) COAP may, giving reasons, instruct the Dean to request that the Departmental/Program Tenure Committee reconsider its recommendation concerning tenure 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 tenure** from the Departmental/Program Tenure Committee, but shall not do so without good reason based on the criteria for the granting of tenure as provided for in III.6.4.2 **and the relevant departmental/program approved written standards for the application of the criteria**, or a finding of determinative procedural or substantive error or bias.

**In the event that, after receiving the recommendation from COAP, the Dean upholds the recommendation for tenure made by the Departmental/Program Tenure Committee the Dean shall recommend to the President that the member be granted tenure.**

~~In cases where the event that the Dean accepts COAP's intends to refuse~~ **refusal** to endorse a positive recommendation **for tenure** from the Department/Program Tenure Committee ~~it~~, **the Dean** shall so inform the candidate and the **Chair of the Department/Program Tenure Committee**, setting out in writing the reasons, and the candidate ~~and/or the Committee~~ shall have the right to request **that the file be considered by the Reappointment, Tenure, and Permanency Appeals Committee.** ~~reconsideration by COAP before COAP's final determination in respect to its recommendation.~~ **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 tenure as defined in this Agreement.**

**In the event that the Departmental/Program Tenure Committee recommends against tenure, either after it has been asked to reconsider its recommendation under III.6.4.5 (ii) or (iii) above or not, the Dean shall so inform the candidate. The Dean shall request the Chair of the Department/Program Tenure Committee to set out in writing the reasons of the Department/Program Tenure Committee, and the Dean shall convey these to the candidate. 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 tenure as defined in this Agreement. The candidate shall have the right to request that the file be considered by the Reappointment, Tenure, and Permanency Appeals Committee.**

~~As part of its authorized role in monitoring tenure recommendations, COAP may require external assessments in individual cases.~~

#### **Appeal of Recommendation by the Dean or the Departmental/Program Tenure Committee against Tenure**

**In the event that the Dean, after receiving a recommendation from COAP**

and from the Departmental/Program Tenure Committee and the Chair of the Departmental/Program Tenure Committee, recommends against tenure, the member may appeal the recommendation under the provisions set out in Article 18.

In the event that, after review by the Dean and COAP, the Departmental/Program Tenure Committee recommends against tenure, the member may appeal the recommendation under the provisions set out in Article 18.

#### III.6.4.6

#### The Tenure Decision

~~Following receipt of the recommendation from COAP, the Dean shall make a recommendation on tenure to the President, who in turn shall make a recommendation to the Board. The decision to grant tenure to a member shall be made subsequent to the Dean making a positive recommendation to grant tenure to the President and the President making a positive recommendation to grant tenure to by the Board. A decision to grant tenure will be and made by the Board and communicated to the candidate by the President.~~

**The decision to grant a merit award simultaneous with the granting of tenure shall be made subsequent to the Dean making a positive recommendation to grant a merit award to the President and the President making a positive recommendation to grant a merit award to the Board. A decision to grant a merit award will be made by the Board and communicated to the candidate by the President.**

**The decision to promote to Associate Professor simultaneous with the granting of tenure shall be made subsequent to the Dean making a positive recommendation to promote to Associate Professor to the President and the President making a positive recommendation to promote to Associate Professor to the Board. A decision to promote to Associate Professor will be made by the Board and communicated to the candidate by the President.**

**Tenure decisions and merit decisions and/or decisions to promote to Associate Professor take effect the July 1 following the initiation of the tenure hearing.**

If the ~~decision by the President~~ decision is to deny tenure, the candidate shall be so informed and shall receive in writing a statement of reasons from the ~~Dean or the President~~. 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 award of tenure as defined in this Agreement.

