ARTICLE 18 - CAREER-PROGRESS DECISIONS

18.1 Career-progress decisions concern increments, merit, promotions, renewal of tenure-track appointments, and granting of appointments with tenure. Career-progress decisions shall be based solely on performance reviews carried out according to applicable provisions in Article 17. All career-progress decisions are made by Deans. Deans’ decisions on renewal of tenure-track appointments or granting of tenure, however, require the approval of the Board of Governors or its delegate.

18.2 For academic staff members in the faculty, librarian, instructor and laboratory instructor categories, increments shall be awarded to those whose performance has met the standards for their level of appointment, subject to the limitations of the salary range for the category and rank and to the provisions of this agreement.

18.3 Academic staff members may, in any year, apply for merit on the grounds of exceptional performance as defined in the relevant Criteria Document for the corresponding rank and category.

Academic staff members may apply for merit on grounds of sustained, well-above-average performance only in years in which they are being reviewed by the Review Committee of the relevant Faculty or equivalent unit or, in the case of members in the Career Planning process defined in Article 17.2.4, when they are in the final year of their latest three-year career plan. Decisions to grant merit for sustained, well-above-average performance shall be based on the academic staff member’s performance in the previous three (3) years. Members may apply for merit on grounds of sustained, well-above-average performance only if it has been at least three (3) years since they were last awarded merit. In the case of members who have never received merit, they may only apply if it has been at least three (3) years since appointment.

Decisions on merit shall be based primarily on members’ performance of their duties as listed in Article 16 for their present category and rank and as defined through the relevant Criteria Documents. Contributions in the areas of scholarship and administration shall be given due consideration even if these are not among the duties listed for that category of member.

Applications for merit shall be submitted to the Review Committee of the relevant Faculty or equivalent unit and shall take the form of a letter, maximum two pages, outlining how the member has met the criteria for merit as specified in the relevant Criteria Document. The member may also include up two (2) letters of support. All applications will be accompanied by a current CV. Merit applications are due in the office of the relevant Dean or equivalent by January 31st of the year immediately following the period for which merit is being requested; no late applications will be accepted.

For individuals in the regular review process, the initial reviewer may nominate an academic staff member for consideration for merit, whether or not the member has applied.

Review Committees will review all applications, and any nominations from the initial reviewer, and decide whether or not to recommend the granting of merit to the Campus Merit Committee. The Review Committee may itself nominate an academic staff member for consideration for merit.

The Review Committee will provide the member with a written rationale outlining how the criteria for merit have or have not been met, with a copy to the Dean.

The Dean may nominate an academic staff member for consideration for merit.

In cases where members have not applied, but have been nominated, the nominator(s) will supply a written rationale, maximum two (2) pages, outlining how the criteria for merit have been met.

The Dean will forward to the Campus Merit Committee all merit applications and nominations along with the accompanying CVs and written rationales.
The Campus Merit Committee shall consist of seven members who now hold, or have held, academic rank with tenure. The University and the Faculty Association shall each appoint three members. The Chair shall be selected by agreement between the University and the Faculty Association. If a Chair cannot be agreed upon, the parties shall choose the Chair in alternating years. Members of the Committee shall be provided an orientation by the University and the Faculty Association before beginning their work.

The Campus Merit Committee will consider all applications and nominations for merit and decide whether or not to grant merit. The Committee will inform applicants and nominees of its decisions in writing. In cases where it decides not to support an application or a nomination, the Committee will provide the member with a written rationale for its decision.

The value of a merit is equal to one increment for the category and rank.

18.4 Academic staff members with appointments in faculty, librarian, or laboratory-instructor categories who meet the criteria in the relevant Criteria Document shall be promoted.

18.4.1 Any academic staff member appointed to the rank of Instructor upon application shall be reclassified to the appropriate rank after providing official documentation of the necessary qualifications as outlined in Article 13.5.

18.5 Tenure-track appointments shall be renewed when academic staff members have performed their duties in a satisfactory manner and it is deemed that they should be given a further opportunity to progress towards a tenured appointment.

18.6 Academic staff members with appointments in the faculty, librarian, instructor, or laboratory-instructor categories shall be granted an appointment with tenure when there is evidence of consistent performance that has met the standards for their category and rank of appointment through the probationary period (including, in the case of faculty members and librarians, professional growth and development demonstrated by contributions to their discipline and to the University) and where there is promise of future contributions that will enhance the academic reputation of the University.

18.7 Criteria Documents may elaborate upon, but shall not prescribe outside, the provisions of Articles 18.1 through 18.6 pertaining to the grounds for awarding merit, promotions and tenure.

18.8 Process for Appealing Career-Progress Decisions

18.8.1 Academic staff members may appeal career-progress decisions using the process described in this Article (18.8). For appeals of merit decisions, the appeal will be addressed and responded to by the Chair of the Campus Merit Committee. In unusual circumstances and with the agreement of the member, the University and the Faculty Association, the Appeal Process may be bypassed and the case handled instead through the Arbitration Process described in Article 18.8.8.

Career-progress decisions cannot be grieved. Nor can an Arbitration Board convened for other reasons rule on related career-progress decisions. An Arbitration Board shall however have the power to require that the University and the member follow the procedures set out in this agreement pertaining to career-progress decisions.

18.8.2 An appeal is initiated by the academic staff member filing a notice of appeal with the Chair of the Faculty Association. (Hereinafter the member initiating the appeal shall be known as the appellant.) The notice of appeal must be filed on or before July 31st. In cases of non-renewal of a tenure-track appointment or denial of an appointment with tenure (regardless of whether it is the final year of probation), appeals must be filed within 30 days of receipt of notification of non-renewal or denial and not later than April 30th.
18.8.3 Notice of Appeal
The notice of appeal shall be signed by the appellant and shall specify:

- the decision being appealed
- the name, category, rank, and academic unit of the appellant
- the name of the Dean whose decision or recommendation is being appealed
- the grounds on which the appeal is based
- the remedy or remedies being requested

The Faculty Association shall forward to Human Resources all notices of appeal that it intends to bring to the Appeals Committee, together with a list of the appeals, signed by the Chair of the Faculty Association. The notices of appeal and the accompanying list shall be forwarded in a timely manner and with copies to the appropriate Dean.

18.8.4 Appeals Committee
When an Appeals Committee is required, it shall be struck no more than fifteen days after the deadlines specified in Article 18.8.2 for submitting a notice of appeal. Appeals arising out of career-progress decisions that take effect on July 1st normally shall be heard by an Appeals Committee convened as soon as possible after September 1st. Appeals arising out of a decision denying tenure (regardless of whether it is the final year of probation) or renewal of a tenure-track appointment normally shall be heard by an Appeals Committee that is convened and reports its recommendations before June 30th.

The Appeals Committee shall consist of three members who now hold, or have held, academic rank with tenure. The University and the Faculty Association shall each appoint one member. The Chair shall be selected by agreement between the University and the Faculty Association. If a Chair cannot be selected in this manner, the Vice-President (Academic) shall name the Chair.

On behalf of the Appeals Committee Chair, Human Resources shall inform each appellant in writing of the names of the Committee members. The appellant shall have five days from receipt of notice to identify any Committee members having a conflict of interest. The appellant may request substitutes for any Committee members identified as being in a conflict of interest. Substitutions shall be made only upon the member’s written request and only for that appellant’s hearing. In its letter describing the composition of the Appeals Committee, Human Resources shall inform the appellant of the conditions and deadline for requesting substitutes. Any substitutes shall be named by the party that named the original Committee member, except if the member in question is the Committee Chair, in which case the University and the Faculty Association shall agree on a substitute Chair.

18.8.5 Appeal Hearing
As soon as possible after the Appeals Committee is formed, the Chair, in coordination with Human Resources and the Faculty Association, shall schedule an Appeal Hearing for each appeal.

The appellant and the Dean may each have a support person present at the Appeal Hearing.

The administrative details of scheduling and conducting an Appeal Hearing are specified in Article 18.9.

Documentation for the Appeal Hearing
The Dean shall provide Human Resources with copies of all the evidence and documentation from the performance review that was available to the Dean at the time the decision under appeal was made. The Dean may submit only evidence and documentation from the review period that is relevant to the decision under appeal. The Dean shall supply this material to Human Resources at least one week before the Appeal Hearing. After the Dean has supplied the material to Human Resources, the appellant may peruse them there and make copies as desired (at the appellant’s expense). The appellant may provide any additional material that the appellant deems relevant, as
long as it concerns the relevant review period and is submitted to Human Resources at least three
days before the Appeal Hearing. The Dean shall be notified whenever the appellant submits
additional material and shall be entitled to peruse this material and make copies as desired. Copies
of all of the materials submitted shall be provided by Human Resources to each member of the
Appeals Committee.

If the appeal concerns a decision that required letters of reference to be submitted, the letters shall
be edited, using the procedures outlined in Article 17.9, to delete all identification of source.

At least twenty-four hours before the Appeal Hearing, both the appellant and the Dean shall provide
the Chair of the Appeals Committee with three copies of a written submission making their
respective cases. A copy of the appellant’s submission shall be supplied to the Dean and a copy of
the Dean’s submission shall be supplied to the appellant at the beginning of the Hearing.

**Appellant’s Presentation**

Appellants shall be entitled to provide any evidence that they deem relevant and that was available
to the Dean when the decision under appeal was made.

The appellant must show that the grounds cited in the notice of appeal are well-founded and that the
decision or recommendation made by the Dean was contrary to the evidence presented or manifestly
unfair to the appellant, making specific reference to the collective agreement and the relevant
Criteria Document.

The appellant may have a support person present at the Hearing. This support person may act as an
advocate and present the case on behalf of the appellant and the Faculty Association. If the appellant
presents his or her own case, the appellant’s support person shall participate verbally in the hearing
only with the prior approval of the Chair.

**Dean’s Presentation**

The Dean shall indicate the reasons for the decision under appeal, making specific reference to the
collective agreement and the relevant Criteria Document. The Dean shall also outline the specific
improvements that would in future result in a positive career-progress decision.

The Dean may have a support person present at the Hearing. The Dean’s support person shall not
participate verbally at the Hearing.

**18.8.6 Appeals Committee Report**

The Appeals Committee shall review the decision under appeal and report to the appropriate
University officer. Normally its report shall go to the Vice-President (Academic), except where the
appeal concerns non-renewal of a tenure-track appointment or denial of an appointment with tenure,
in which case, it shall go to the Chair of the Board of Governors.

The report of the Appeals Committee shall include a clear recommendation to uphold or deny the
appeal. The recommendation shall be based on fair and uniform application of the terms and
conditions of Articles 17 and 18 of the Collective Agreement. The report shall also state the reasons
for the recommendation, making specific reference to the collective agreement and the appropriate
Criteria Document.

The report shall be in writing, with copies provided to the Faculty Association and to Human
Resources.

**18.8.7 Decision**

The Vice-President (Academic) or the Chair of the Board of Governors, as appropriate, shall receive
the report of the Appeals Committee and decide whether to accept or reject its recommendation.
The decision shall be based solely on the documentary evidence collected in the performance review
process and presented in oral or written form at the Appeal Hearing. In rendering their decision,
neither the Vice-President (Academic) nor members of the Board of Governors shall confer privately with, or receive additional evidence or arguments from, the appellant or the Dean. If the Appeals Committee’s recommendation is rejected, the Vice-President (Academic) or the Chair of the Board of Governors shall give reasons for overturning the recommendation. The Vice-President (Academic) or the Chair of the Board of Governors shall convey in writing all decisions (and reasons where appropriate) to the appellant (with copies to Human Resources, the Dean, and the Faculty Association), together with a copy of the report of the Appeals Committee.

18.8.8 Taking a Career-Progress Decision to Arbitration
Following the Appeal Process, the appellant and the Faculty Association may submit any decision of the Vice-President (Academic) or the Board of Governors to arbitration. The arbitration process shall be the same as that outlined in 21.6, with two exceptions: the members of the Arbitration Board shall hold or have held academic rank with tenure; and the chair shall be selected by agreement between the University and the Faculty Association.

18.9 APPEALS HEARING PROCEDURES AND PROTOCOL

18.9.1 Scheduling and Preliminary Activities
On behalf of the Chair of the Appeals Committee, Human Resources shall provide the appellant with a written notice, with copies to the Dean and the Faculty Association, of the date, time, and location of the Appeal Hearing. This communication shall draw to the appellant’s attention the appropriate sections of the Collective Agreement pertaining to appeals (Articles 18.8 and 18.9).

For purposes of scheduling and preparing the Appeal Hearing, the appellant, the Dean, and the Faculty Association shall communicate through Human Resources, not directly with one another. Human Resources shall be responsible for scheduling the Appeal Hearing.

A pre-hearing meeting of the Appeals Committee shall be arranged by Human Resources and attended by representatives of the University and the Faculty Association. The purpose of this meeting is to discuss the Appeal Process and ensure that no member of the Committee is in conflict of interest.

18.9.2 Recordings and Documentation
An audio recording shall be made of each Appeal Hearing. Human Resources is responsible for arranging, making and storing the recording. If a decision that has been appealed subsequently goes to arbitration, the University or the Faculty Association may require a transcription of part or all of the recording. The party requesting the transcript shall pay the cost of its preparation; if both parties request a transcript, the cost shall be shared evenly.

After the Appeals Committee issues its report, Human Resources shall provide the Vice-President (Academic) or the Chair of the Board of Governors with copies of all the documentation presented at the Appeal Hearing.

After the hearing is concluded and a recommendation is made, the Appeals Committee shall return all documentation to Human Resources. Following the decision, the Vice-President (Academic) or the Chair of the Board of Governors shall return all documentation to Human Resources. After the deadline for filing for arbitration has passed, or after any arbitration is complete, Human Resources shall retain only a single copy of all documentation, and shall destroy all other copies.

18.9.3 Hearing Attendees
- The Appeals Committee (including any support staff required for duties such as recording)
- The appellant or a person designated in writing by the appellant to represent the appellant in his or her absence
- The appellant’s support person
- The Dean
18.9.4 Hearing Protocol

18.9.4.1 At the beginning of the Appeal Hearing all persons present shall introduce themselves and briefly explain the reason for their presence.

18.9.4.2 The Hearing is first addressed by the appellant or the appellant’s advocate.

18.9.4.3 The Hearing is then addressed by the Dean.

18.9.4.4 After the Dean or the Dean’s advocate has responded to the appellant’s case, the appellant shall have the right of rebuttal. Rebuttal must be confined to the Dean’s presentation; it cannot be used to introduce new material, verbal or written.

18.9.4.5 Next, members of the Appeals Committee may direct questions to the appellant, the appellant’s support person, or the Dean.

18.9.4.6 After the Appeals Committee has finished with its questions, the Dean and then the appellant shall each be given an opportunity to make a brief closing statement.

18.9.4.7 At the end of the Hearing, the Chair shall advise the appellant and the Dean that the Appeals Committee shall report its recommendations to the Vice-President (Academic) or the Chair of the Board of Governors, as required by Article 18.8.6.

18.9.5 Time Allotments

Appeal Hearings shall last approximately ninety minutes, allocated as follows:

- Appellant’s initial presentation – 20 minutes
- Dean’s presentation and rebuttal – 20 minutes
- Appellant’s rebuttal – 10 minutes
- Questions from the Committee – 20 minutes
- Dean’s closing summary – 5 minutes
- Appellant’s closing summary – 5 minutes

Following the Appeal Hearing, the Appeals Committee shall meet in camera for as long as required.

18.9.6 Appeals Committee Report

The Appeals Committee shall provide its report, in a timely manner, in accordance with the provisions of Article 18.8.6.

18.10 Witnesses

In the unusual case where the appellant and/or the Dean wishes to have witnesses present at the Appeal Hearing, the following provisions shall apply:

18.10.1 At least one week before the scheduled date of the hearing, any party wishing to have witnesses present at the Appeal Hearing shall submit to the Chair of the Appeals Committee the name(s) of any intended witness(es) who have agreed to attend, together with a summary of the testimony to be given by each of those witnesses. If the Chair deems that a given witness will contribute testimony that is relevant and bears only upon information that was available to the Dean at the time the decision under appeal was made, the Chair shall approve the witness(es) and notify the other party of the name(s).
18.10.2 Witnesses shall be called into the hearing one at a time. Once the testimony has been given, the other party and then the members of the Appeals Committee may ask questions of the witness. The witness shall then leave the hearing.

18.10.3 If witnesses are used, the Chair of the Appeals Committee may increase the time allotted for the initial presentations, with the proviso that the appellant and the Dean shall each have the same amount of time for their initial presentations.