

**FOR ENDORSEMENT AND
FORWARDING****PUBLIC****CLOSED SESSION**

TO: Executive Committee

SPONSOR: Professor Cheryl Regehr, Vice-President & Provost
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PRESENTER: Professor Cheryl Regehr, Vice-President & Provost
CONTACT INFO: 416-978-2122, provost@utoronto.ca

DATE: June 2, 2015 for June 15, 2015

AGENDA ITEM: 3(b.)

ITEM IDENTIFICATION:

Proposed amendments to the *Policy and Procedures on Academic Appointments (PPAA)* incorporating the changes to the teaching stream faculty appointment category previously approved in principle as part of the Special Joint Advisory Committee (SJAC) agreement

JURISDICTIONAL INFORMATION:

The Academic Board “is concerned with matters affecting the teaching, learning, and research functions of the University.” In addition, “matters having significant impact on the University as a whole...will normally require the approval of the Governing Council.” (*Academic Board, Terms of Reference, Section 4*)

“Policies on the nature of academic employment are assigned to the Academic Board. These encompass policies on the appointment, promotion, tenure, suspension and removal of teaching staff, as well as policies on the conduct of academic work, such as the policies on research leave and on academic freedom and responsibilities.” (*Academic Board, Terms of Reference, Section 5.2.1 (a)*)

Section 31(b) of Governing Council By-Law Number 2 also specifies that issues pertaining to academic employment are reviewed by Academic Board.

GOVERNANCE PATH:

1. Academic Board [for recommendation] (June 1, 2015)
2. **Executive Committee [for endorsement and forwarding] (June 15, 2015)**
3. Governing Council [for approval] (June 25, 2015)

PREVIOUS ACTION TAKEN:

The Governing Council of the University of Toronto first approved a Memorandum of Agreement (MOA) between the University and the University of Toronto Faculty Association (UTFA) on June 28, 1977, as amended from time to time, last consolidated on December 31, 2006. Article 2 of the MOA states that the University will not change the policies and practices listed except by the mutual consent of the parties. The *Policy and Procedures on Academic Appointments* (PPAA) is listed in Article 2(a) of the MOA.

The agreement in principle on changes to the appointment category of teaching stream was brought forward to Academic Board on January 29, 2015 and approved by Governing Council February 26, 2015 as one of the elements of the agreement reached between the University of Toronto Administration and the University of Toronto Faculty Association in the Special Joint Advisory Committee (SJAC) process.¹

The proposed language of the amended PPAA has been agreed upon by the University Administration and UTFA.

HIGHLIGHTS:

The proposal being brought forward is for changes to the PPAA affecting the teaching stream faculty appointment category. These changes have already been approved in principle by the Governing Council, subject to agreement on the specific policy wording (February 26, 2015). The wording being brought forward now was agreed to by UTFA on April 22, 2015. The changes to the full time continuing teaching stream faculty appointment category that were previously approved in principle include:

- initial four-year teaching-stream appointments;
- provision for a mandatory interim review, with a term to focus on feedback from the review which may include teaching and service reductions following a successful renewal and a two year re-appointment;
- a review for promotion to continuing status in year six; and
- the introduction of professorial ranks and titles that will recognize accomplishments across a teaching-stream faculty member's scholarly career.

The changes are intended to enhance consistency across the institution relative to the teaching stream and establish rigorous, competitive appointment and evaluation systems for this faculty appointment category.

Subject to the approval of the proposed amendments to the PPAA by this Board and by Governing Council, the agreement in principle provided that current full-time Senior Lecturers and full-time Lecturers with continuing appointments will be given the opportunity to elect on a one-time only basis to become covered by the new terms of the amended PPAA; a timetable for those elections is included in the agreement in principle. Also subject to approval, all new full-time appointments to the teaching stream will be made under the amended PPAA from July 1, 2015 onward.

The agreement in principle achieved through the SJAC process also includes agreement that promotion from Associate Professor, Teaching Stream to Full Professor, Teaching Stream “shall be based on excellent teaching, educational leadership and/or achievement, and ongoing pedagogical/professional development, sustained over many years.” The parties agreed “to developing, on an expedited basis, a process for promotion to full professor.” The development of this process is contemplated to take place in the coming academic year.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION:

Be It Resolved

THAT the following recommendation be endorsed and forwarded to the Governing Council:

THAT amendments to *Policy and Procedures on Academic Appointments* concerning the faculty appointment category of teaching stream be approved, effective July 1, 2015

DOCUMENTATION PROVIDED:

- Track changes copy of the *Policy and Procedures on Academic Appointments* (PPAA) showing changes to the faculty appointment category of teaching stream
- Clean version of the amended *Policy and Procedures on Academic Appointments* (PPAA)

ⁱ The SJAC process was described in detail in an informational memo provided to Academic Board, January 29, 2015.

I. APPOINTMENTS POLICY AND PROCEDURES ¹

...

1. These principles and procedures apply to all full-time appointments to the rank of Assistant Professor (Conditional) and above, and to the rank of ~~Lecturer and Senior Lecturer~~ Assistant Professor, Teaching Stream (Conditional) and above. Appointments on a ~~sessional and~~ part-time basis should be made in accordance with the Policy and Procedures on Part-Time Appointments.

...

VII. TEACHING STREAM APPOINTMENTS

30. ~~Lecturers and Senior Lecturers~~

- i) a. The ranks of ~~Lecturer and Senior Lecturer~~ Assistant Professor, Teaching Stream (Conditional); Assistant Professor, Teaching Stream; Associate Professor, Teaching; and Professor, Teaching Stream are to be held by faculty members whose duties normally consist of teaching students who are in degree programs or the Transitional Year Programme, ~~and related~~ and other professional and administrative activities related to teaching. Lecturers Faculty members in the Teaching Stream may have ~~independent direct~~ responsibility for designing and teaching courses or significant components of courses within their departmental and divisional curricula the administration of one or more large undergraduate courses or for the co-ordination of undergraduate programs at both the department level and in College-based programs. The expectation of faculty members in the teaching stream is that they bring a dimension of teaching excellence and educational innovation that enhances undergraduate or graduate education and adds significantly to the quality of the student experience. Where the position requires graduate teaching, an appointment to a University graduate department will also be made. Other cross-appointments to departments on other campuses may also be made, with or without salary, where appropriate.
- b. Those current (as of 30 June 2003) UTM and UTSC ~~Lecturers and Senior Lecturers~~ Assistant Professor, Teaching Stream and above who are non-budgetary members of St. George campus departments may continue their membership in those departments, if they so choose, through non-budgetary cross-appointments. Such cross-appointments will not confer ~~promotions~~ continuing status committee rights and responsibilities upon the departments to which these cross-appointments are made. The same provision holds for any current St. George ~~Lecturers and Senior Lecturers~~ Assistant Professor Teaching Stream and above with non-budgetary cross-appointments to UTM and/or UTSC.
- ii) All teaching stream appointments require Provostial approval. The appointment procedures for ~~Lecturers and Senior Lecturers~~ members of the teaching stream should follow the policies and procedures set out in Section 5 above, except that the phrase at the end of Section 5.ii should be “scholarship as evidenced in teaching and related pedagogical/professional activities”.
- iii) To qualify for appointment to the rank of Assistant Professor, Teaching Stream, or above, the candidate should normally be required to show evidence as to the successful completion of a doctoral programme or other scholarly or creative professional work regarded by the division or department as equivalent. A candidate who does not so qualify should not be appointed to the rank of Assistant Professor, Teaching Stream or above, but should receive appointment as an Assistant Professor, Teaching Stream (Conditional).
Any member of the teaching stream enrolled in a doctoral programme at any university and appointed with the expectation that the Ph.D. degree or its equivalent will be conferred must

¹ This policy shall be applied to all academic staff members unless an individual specifically requests consideration under the policy in force at the time of his or her appointment. Previous appointment policies are accessible through the Provost's Office.

remain at the Assistant Professor, Teaching Stream (Conditional) rank until the degree is conferred or until he or she indicates that the formal doctoral programme has been abandoned and is able to show evidence of satisfactory scholarly work. Successful completion of a doctoral programme or other scholarly or professional work regarded by the division or department as equivalent would make the candidate eligible for an appointment at the rank of Assistant Professor, Teaching Stream. When a candidate enters the teaching stream, he or she should not serve more than four years, including a terminal year, at the Assistant Professor, Teaching Stream (Conditional) rank. Assistant Professor, Teaching Stream (Conditional) should receive annual contracts terminable on not less than six months written notice.

iv) All appointments to the teaching stream shall receive detailed letters of appointment which set out the responsibilities of the position and specifies whether the appointment is in the continuing status stream or is a Contractually Limited Term Appointment under section 30 (xviii) below.

iii) Initial appointments should be at the rank of ~~Lecturer~~ Assistant Professor, Teaching Stream except, in special circumstances, with the permission of the Vice-President and Provost on recommendation of the chair of the department or the head of the division concerned.

~~iv) Appointments at the rank of Lecturer are normally annual but may be up to three years. Appointments may be renewed, but no full time Lecturer may serve at this rank for more than five years without the approval of the Vice-President and Provost. Such approval would be given only in exceptional circumstances. Notice of non-renewal must be given at least six months before the end of the contract.~~

~~v) No later than October of the fifth year (or earlier at the request of the Lecturer and with the permission of the Vice-President and Provost), a Lecturer's performance shall be reviewed and a recommendation made with respect to promotion to Senior Lecturer as of the following July. A negative recommendation will result in no further contracts beyond the then current contract.~~

vi) Performance will be assessed on teaching effectiveness and pedagogical/professional development related to teaching duties, in accordance with approved divisional guidelines on the assessment of teaching. Administrative service will be considered, where such service is related to teaching duties or to curricular and professional development.

Probationary Review

vii) On initial appointment to a position in the continuing status stream, an Assistant Professor, Teaching Stream should receive a four year contract and it should be clearly understood that the University is under no obligation to renew the contract when it expires, unless the candidate has a successful interim review.

The performance of an Assistant Professor, Teaching Stream should be reviewed no earlier than May 1 of the third year of the contract, by a committee appointed by the division head or, in the multi-departmental divisions, by the department chair. Those raised from Assistant Professor, Teaching Stream (Conditional) rank to Assistant Professor, Teaching Stream after the beginning of the regular appointment year, and who are in the continuing status stream, shall be deemed to have received a four-year contract from the following July 1.

The review of such an initial appointment should be essentially different in purpose and procedures from a continuing status review. The committee should consider two questions:

- a) Has the appointee's performance been sufficiently satisfactory for a second probationary appointment to be recommended?
- b) If reappointment is recommended, what counselling should be given to the appointee to assist him or her to improve areas of weakness and maintain areas of strength?

The procedures of the review committee should be made known to the appointee, but they cannot be rigidly defined for the University as a whole. Rather, the procedures should be flexibly designed by each division or department with the aim of eliciting and considering all possible relevant information and should include a classroom visit or other teaching observation. Course evaluation should be considered and also signed opinions of individual students if these are available. Written comments from other department members, formally or informally acquainted with the appointee's teaching or pedagogical/professional activity, should be

solicited. Normally no later than the May 1, the appointee should be asked to submit their teaching dossier and an account of pedagogical/ professional activity which has been completed or undertaken since the time of initial appointment; however, lack of substantial achievement in this area since appointment should not, in itself, be cause for non-renewal of contract. The appointee will not normally be required to complete the submission prior to June 30. Notice that the contract will or will not be renewed on the following July 1 must be given in writing no later than December 31. If requested, a written statement of reasons for a decision to recommend that a contract not be renewed shall be supplied, within one week of such a request, by the chair of the review committee.

viii) A decision not to renew a contract may be appealed by a member of the continuing status stream holding an initial appointment as Assistant Professor, Teaching Stream only on one or more of the following grounds:

- a) A significant irregularity in the procedure followed by the review committee;
- b) An unreasonable inconsistency in the application of the current standards of the division or department; or
- c) Improper bias or motive on the part of a member of the review committee.

In the multi-departmental divisions, the appeal will be considered by the principal or dean. In other divisions, the appeal will be considered by a principal or dean designated for this purpose by the Vice-President and Provost. Where the appellant is cross-appointed, the person to hear the appeal will be determined according to the division in which the appellant holds his or her primary appointment. In a case where the person who would otherwise hear the appeal was a member of the review committee, the Provost should designate another principal or dean (not a member of that committee) to hear the appeal. Appeals must be made in writing within fifteen (15) working days of written notice of non-renewal and the appellant informed of the decision within twenty (2) working days of the appeal. A person appealing a non-renewal of contract shall have a right to a summary of any written evidence which must be described in enough detail to enable him or her to make a particular response to all the significant components, and to appear and present arguments on any of the three grounds listed above. The decision of the principal or dean may be appealed to the Vice-President and Provost within ten days. The Vice-President and Provost's decision will be final, and cannot be grieved.

If an Assistant Professor, Teaching Stream is granted a renewal of his or her contract, that renewal should be for a period of two years, and he or she must be considered for continuing status in the terminal year of this contract. Upon reappointment, the faculty member will be offered an academic term to focus on preparing for continuing status review and to address any advice from the interim review. Normally this term will not include assigned teaching above ½ of the normal teaching assignments or service, but with the candidate's agreement the term may include more than ½ of the normal teaching assignments or some assigned service, in order to reflect feedback from the interim review.

ix) Candidates may make a written request for a delay in the probationary review or consideration for continuing status based on pregnancy and/or parental or adoption leave or serious personal circumstances beyond their control such as illness or injury. Delays may be granted for one year but no more than 2 years with the approval in writing of the Vice-President and Provost. Written requests by a candidate for further delays based on the provisions of *Ontario Human Rights Code* as amended from time to time (the "Code") will be considered by the Vice-President and Provost on a case-by-case basis, it being understood and agreed that such requests must be made by the candidate in writing at the earliest opportunity in a probationary review or consideration for continuing status process (i.e. as soon as a candidate knows or reasonable ought to know that their interim review or consideration for continuing status may warrant a delay based on the provisions of the Code.)

Continuing Status Review

vii)x) ~~Promotion will be based on the performance criteria in vi) above.~~ A positive recommendation for

continuing status will require the judgment of excellence in teaching and evidence of demonstrated and continued-continuing future pedagogical/professional development.

- a) Excellence in teaching may be demonstrated through a combination of excellent teaching skills, creative educational leadership and/or achievement, and innovative teaching initiatives in accordance with appropriate divisional guidelines.
- b) Evidence of demonstrated and continuing future pedagogical/professional development may be demonstrated in a variety of ways e.g. discipline-based scholarship in relation to, or relevant to, the field in which the faculty member teaches; participation at, and contributions to, academic conferences where sessions on pedagogical research and technique are prominent; teaching-related activity by the faculty member outside of his or her classroom functions and responsibilities; professional work that allows the faculty member to maintain a mastery of his or her subject area in accordance with appropriate divisional guidelines.

The Lecturer's-candidate's performance will be assessed by a promotions-continuing status committee of faculty members struck for this purpose by the chair or division head; the committee will contain at least one Senior Lecturer-teaching stream member with continuing status from the department or a cognate area, the chair or representative of any academic unit (including graduate department), as appropriate-, to which the Lecturer-candidate is cross-appointed (other than the unit(s) defined in i(b) above), and a decanal representative or (in the case of a single- departmental faculty) a provostial representative. The chair shall formally notify the Lecturer-candidate as to the individuals whom he or she intends to ask to serve on the promotions-continuing status committee. If the Lecturer-candidate has reason to believe that any member of the committee cannot make his or her decision solely on the basis of the evidence available at the time of the promotions-continuing status committee meeting, he or she should indicate this to the division head or the appropriate Vice-Provost. The division head or chair shall then formally notify the Lecturer-candidate of the final composition of the promotions-continuing status committee and when the process of review, including assembling of documentation, is about to begin and when it will be completed.

The Lecturer-candidate, with appropriate assistance and advice from the division or department head, will prepare a dossier in accordance with divisional practice Divisional Guidelines for submission to the promotions-continuing status committee by June 30th.

Written specialist assessments of the candidate's teaching and pedagogical/professional activities should also be obtained from outside the University; the candidate should be invited to nominate several external referees, and the division head or chair should solicit letters of reference from at least one of them and from one or more additional specialists chosen by himself or herself. These referees should be invited to assess the candidate's work against the Divisional Guidelines for the granting of continuing status and advise whether or not the candidate's work demonstrates the achievement of excellence in teaching and evidence of demonstrated and continuing future pedagogical/professional development.

The division head or chair shall prepare and provide a written summary of the content of the external assessments and other evaluations, without identifying their source, to the candidate at the time of submission of the dossier to the continuing status committee normally at least one week prior to the first meeting of the committee. It is important that the summary be sufficiently detailed that the candidate knows the evidence before the committee and could, if desired, supplement the dossier with a written response, or by appearing before the committee to make a statement. The summary should include extracts of any significant information from all letters and reports while maintaining confidentiality.

Reasons for a proposed negative recommendation shall be given to the candidate who shall have an opportunity to respond to them, either orally or in writing, within fifteen days of notification. Thereafter, the committee shall make its final decision on the recommendation for communication by the Chair to the head of the division or the Vice-Provost in the case of a single department division and shall prepare and adopt a statement of the reasons for the decision, and, in the case of a negative decision, a summary of the evidence. The summary of

the evidence should be prepared in sufficient detail to enable the candidate to make a particular response to all of the significant components if he or she appeals under section # below.

Recommendation for ~~promotion~~ continuing status must be made by the chair to the dean in a multi-departmental division and requires the approval of the Vice-President and Provost.

The continuing status review should be completed and the candidate notified by December 31st.

An unsuccessful candidate will be provided with employment to December 31 of the following year for a total of twelve (12) months terminal contract employment in connection with the termination of contract and employment effective the following December 31.

xi) A negative recommendation may be appealed following the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3.

~~viii)~~xii) ~~Senior Lecturers hold continuing appointments in the University.~~ A continuing appointment provides a safeguard for free enquiry and discussion, the exercise of critical capacities, honest judgment, and independent criticism of matters both outside and within the University. It entails acceptance by a member of the University of the obligation to perform his or her functions as a member of the faculty. The performance of a ~~Senior Lecturer~~teaching stream member with continuing status shall be reviewed annually in accordance with normal divisional practice for all faculty.

Teaching Stream Contractually Limited Term Appointments

xiii) Full-time appointments at the rank of Assistant Professor, Teaching Stream, Associate Professor, Teaching Stream or Professor, Teaching Stream may also be made for contractually-limited terms normally of one, two or three years' duration.

xiv) Where circumstances justify and with the approval of the Vice-President and Provost, an extension may be granted. The option to extend may be exercised only once and then not to exceed a total maximum of five years.

xv) Individuals holding a CLTA teaching stream appointment may apply, in competition with other qualified candidates, for an appointment which carries continuing status or for an appointment leading to consideration of continuing status.

xvi) Individuals supported 75% or greater from designated outside grants shall be exempt. The specific grants so designated shall be determined by the Vice-President and Provost in consultation with the division head. In no case should the term of the appointment exceed the term of the grant.

xvii) In no case may the term specified together with any subsequent extension exceed five years.

xviii) Such a term appointment is for a specified period and does not involve a continuing commitment by the University beyond the term stated.

xix) Notice of termination must be given by December 31 of the final appointment year.

Termination

~~xxi)~~ At any time, the appointment of a ~~Lecturer or a Senior Lecturer~~teaching stream faculty member may be terminated for cause, including incompetence, persistent neglect of duty or gross misconduct. Such termination shall be made only on the recommendation of a committee of inquiry appointed by the appropriate academic administrator.

~~*)~~xxi) A decision to terminate a contract may be appealed only if it is for cause. Appeals shall follow the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3. Appeals must be made in writing by the ~~Lecturer or Senior Lecturer~~teaching stream faculty member within fifteen working days of receipt of a written statement of reasons for termination.

~~xi)~~xxii) The appointment of a ~~Senior Lecturer~~teaching stream faculty member may be

terminated without fault or cause by reason of curricular change as determined in a multi-year academic plan approved by the Vice- President and Provost, where such change removes an area or field of teaching.

~~xi~~xxiii) Termination under ~~xi~~xv) will take place only if the Vice-President and Provost determines that the University cannot offer equivalent alternative employment for the ~~Senior Lecturer~~teaching stream faculty member. In making a determination about alternative employment, the Provost will chair a committee of three faculty members, including the Provost, with the other members chosen in consultation with the Faculty Association. Termination under ~~xi~~iii) requires due notice or pay in lieu and severance payment upon a schedule agreed upon from time to time.

31. Athletics Instructor and Senior Athletics Instructor
(This section applies only to Athletics Instructors and Senior Athletics Instructors who commenced employment prior to [insert date of Governance approval])

- i) The ranks of Athletics Instructor and Senior Athletics Instructor are to be held by faculty members whose primary duties consist of teaching in co-curricular instructional programs in athletics, and/or coaching in intramural or inter-university athletics. Teaching in degree programs may be offered to qualified individuals, but such teaching will form a minority percentage of duties.
- ii) Appointment procedures for these ranks should follow the University's general principles for open and advertised searches as set out in Section 5 above, with a search committee advisory to the Dean of the Faculty of Physical Education and Health.
- iii) Initial appointments should be at the rank of Athletics Instructor except in special circumstances, with the permission of the Vice-President and Provost on the recommendation of the Dean.
- iv) Appointments at the rank of Athletics Instructor are annual. Notice of non-renewal must be given at least six months before the end of the contract.
- v) No later than October of the fifth year (or earlier at the request of the Athletics Instructor and with the permission of the Vice-President and Provost), an Athletics Instructor's performance shall be reviewed and a recommendation made with respect to promotion to Senior Athletics Instructor as of the following July. A negative recommendation will result in no further contracts beyond the then current contract.
- vi) Performance will be assessed on effectiveness in instruction and/or coaching. A positive recommendation for promotion will require the judgement of excellence in performance and evidence of continued professional development. A negative recommendation regarding promotion to Senior Athletics Instructor may be appealed following the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3.
- vii) Senior Athletics Instructors hold continuing appointments in the University. Their performance will be reviewed annually in accordance with normal divisional practice for all faculty.
- viii)
 - a) At any time, the appointment of an Athletics Instructor or Senior Athletics Instructor may be terminated for cause, including incompetence, persistent neglect of duty or gross misconduct. Such termination shall be made only on the recommendation of a committee of inquiry appointed by the appropriate academic administrator.
 - b) The appointment of a Senior Athletics Instructor may be terminated without fault or cause by reason of curricular or program change, in a multi-year plan recommended by the Dean and approved by the Provost. Such termination requires due notice or pay in lieu and severance payment upon a schedule agreed upon from time to time.
- ix) Appeals of a negative promotion recommendation or dismissal for cause shall follow the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3. Appeals must be made in writing by the Athletics Instructor or Senior Athletics Instructor within fifteen working days of receipt of a written denial of promotion or a written statement of reasons for termination.

- x) Notwithstanding Article 4, Sections a. through c., of the Memorandum of Agreement, after six continuous years of full-time service at any academic staff rank, Senior Athletics Instructors are eligible to apply for paid release time of up to six months at 100% salary and benefits, where the applicant wishes to engage in professional development related to duties normally undertaken. Approval should not be unreasonably denied, although the timing of leaves may be adjusted at the Dean's discretion, taking into account program needs.

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I. APPOINTMENTS POLICY AND PROCEDURES ¹

...

1. These principles and procedures apply to all full-time appointments to the rank of Assistant Professor (Conditional) and above, and to the rank of Assistant Professor, Teaching Stream (Conditional) and above. Appointments on a part-time basis should be made in accordance with the Policy and Procedures on Part-Time Appointments.

...

VII. TEACHING STREAM APPOINTMENTS

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- i) a. The ranks of Assistant Professor, Teaching Stream (Conditional); Assistant Professor, Teaching Stream; Associate Professor, Teaching; and Professor, Teaching Stream are to be held by faculty members whose duties normally consist of teaching students who are in degree programs or the Transitional Year Programme, and other professional and administrative activities related to teaching. Faculty members in the Teaching Stream may have direct responsibility for the administration of one or more large undergraduate courses or for the co-ordination of undergraduate programs at both the department level and in College-based programs. The expectation of faculty members in the teaching stream is that they bring a dimension of teaching excellence and educational innovation that enhances undergraduate or graduate education and adds significantly to the quality of the student experience. Where the position requires graduate teaching, an appointment to a University graduate department will also be made. Other cross-appointments to departments on other campuses may also be made, with or without salary, where appropriate.
- b. Those current (as of 30 June 2003) UTM and UTSC Assistant Professor, Teaching Stream and above who are non-budgetary members of St. George campus departments may continue their membership in those departments, if they so choose, through non-budgetary cross-appointments. Such cross-appointments will not confer continuing status committee rights and responsibilities upon the departments to which these cross-appointments are made. The same provision holds for any current St. George Assistant Professor Teaching Stream and above with non-budgetary cross-appointments to UTM and/or UTSC.
- ii) All teaching stream appointments require Provostial approval. The appointment procedures for members of the teaching stream should follow the policies and procedures set out in Section 5 above, except that the phrase at the end of Section 5.ii should be “scholarship as evidenced in teaching and related pedagogical/professional activities”.
- iii) To qualify for appointment to the rank of Assistant Professor, Teaching Stream, or above, the candidate should normally be required to show evidence as to the successful completion of a doctoral programme or other scholarly or creative professional work regarded by the division or department as equivalent. A candidate who does not so qualify should not be appointed to the rank of Assistant Professor, Teaching Stream or above, but should receive appointment as an Assistant Professor, Teaching Stream (Conditional).

Any member of the teaching stream enrolled in a doctoral programme at any university and appointed with the expectation that the Ph.D. degree or its equivalent will be conferred must remain at the Assistant Professor, Teaching Stream (Conditional) rank until the degree is conferred or until he or she indicates that the formal doctoral programme has been abandoned and is able to show evidence of satisfactory scholarly work. Successful completion of a doctoral

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programme or other scholarly or professional work regarded by the division or department as equivalent would make the candidate eligible for an appointment at the rank of Assistant Professor, Teaching Stream. When a candidate enters the teaching stream, he or she should not serve more than four years, including a terminal year, at the Assistant Professor, Teaching Stream (Conditional) rank. Assistant Professor, Teaching Stream (Conditional) should receive annual contracts terminable on not less than six months written notice.

- iv) All appointments to the teaching stream shall receive detailed letters of appointment which set out the responsibilities of the position and specifies whether the appointment is in the continuing status stream or is a Contractually Limited Term Appointment under section 30 (xviii) below.
- v) Initial appointments should be at the rank of Assistant Professor, Teaching Stream except, in special circumstances, with the permission of the Vice-President and Provost on recommendation of the chair of the department or the head of the division concerned.
- vi) Performance will be assessed on teaching effectiveness and pedagogical/professional development related to teaching duties, in accordance with approved divisional guidelines on the assessment of teaching. Administrative service will be considered, where such service is related to teaching duties or to curricular and professional development.

Probationary Review

- vii) On initial appointment to a position in the continuing status stream, an Assistant Professor, Teaching Stream should receive a four year contract and it should be clearly understood that the University is under no obligation to renew the contract when it expires, unless the candidate has a successful interim review.

The performance of an Assistant Professor, Teaching Stream should be reviewed no earlier than May 1 of the third year of the contract, by a committee appointed by the division head or, in the multi-departmental divisions, by the department chair. Those raised from Assistant Professor, Teaching Stream (Conditional) rank to Assistant Professor, Teaching Stream after the beginning of the regular appointment year, and who are in the continuing status stream, shall be deemed to have received a four-year contract from the following July 1.

The review of such an initial appointment should be essentially different in purpose and procedures from a continuing status review. The committee should consider two questions:

- a) Has the appointee's performance been sufficiently satisfactory for a second probationary appointment to be recommended?
- b) If reappointment is recommended, what counselling should be given to the appointee to assist him or her to improve areas of weakness and maintain areas of strength?

The procedures of the review committee should be made known to the appointee, but they cannot be rigidly defined for the University as a whole. Rather, the procedures should be flexibly designed by each division or department with the aim of eliciting and considering all possible relevant information and should include a classroom visit or other teaching observation. Course evaluation should be considered and also signed opinions of individual students if these are available. Written comments from other department members, formally or informally acquainted with the appointee's teaching or pedagogical/professional activity, should be solicited. Normally no later than the May 1, the appointee should be asked to submit their teaching dossier and an account of pedagogical/ professional activity which has been completed or undertaken since the time of initial appointment; however, lack of substantial achievement in this area since appointment should not, in itself, be cause for non-renewal of contract. The appointee will not normally be required to complete the submission prior to June 30. Notice that the contract will or will not be renewed on the following July 1 must be given in writing no later than December 31. If requested, a written statement of reasons for a decision to recommend that a contract not be renewed shall be supplied, within one week of such a request, by the chair of the review committee.

- viii) A decision not to renew a contract may be appealed by a member of the continuing status stream holding an initial appointment as Assistant Professor, Teaching Stream only on one or more of the following grounds:

- a) A significant irregularity in the procedure followed by the review committee;
- b) An unreasonable inconsistency in the application of the current standards of the division or department; or
- c) Improper bias or motive on the part of a member of the review committee.

In the multi-departmental divisions, the appeal will be considered by the principal or dean. In other divisions, the appeal will be considered by a principal or dean designated for this purpose by the Vice-President and Provost. Where the appellant is cross-appointed, the person to hear the appeal will be determined according to the division in which the appellant holds his or her primary appointment. In a case where the person who would otherwise hear the appeal was a member of the review committee, the Provost should designate another principal or dean (not a member of that committee) to hear the appeal. Appeals must be made in writing within fifteen (15) working days of written notice of non-renewal and the appellant informed of the decision within twenty (2) working days of the appeal. A person appealing a non-renewal of contract shall have a right to a summary of any written evidence which must be described in enough detail to enable him or her to make a particular response to all the significant components, and to appear and present arguments on any of the three grounds listed above. The decision of the principal or dean may be appealed to the Vice-President and Provost within ten days. The Vice-President and Provost's decision will be final, and cannot be grieved.

If an Assistant Professor, Teaching Stream is granted a renewal of his or her contract, that renewal should be for a period of two years, and he or she must be considered for continuing status in the terminal year of this contract. Upon reappointment, the faculty member will be offered an academic term to focus on preparing for continuing status review and to address any advice from the interim review. Normally this term will not include assigned teaching above ½ of the normal teaching assignments or service, but with the candidate's agreement the term may include more than ½ of the normal teaching assignments or some assigned service, in order to reflect feedback from the interim review.

- ix) Candidates may make a written request for a delay in the probationary review or consideration for continuing status based on pregnancy and/or parental or adoption leave or serious personal circumstances beyond their control such as illness or injury. Delays may be granted for one year but no more than 2 years with the approval in writing of the Vice-President and Provost. Written requests by a candidate for further delays based on the provisions of *Ontario Human Rights Code* as amended from time to time (the "Code") will be considered by the Vice-President and Provost on a case-by-case basis, it being understood and agreed that such requests must be made by the candidate in writing at the earliest opportunity in a probationary review or consideration for continuing status process (i.e. as soon as a candidate knows or reasonable ought to know that their interim review or consideration for continuing status may warrant a delay based on the provisions of the Code.)

Continuing Status Review

- x) A positive recommendation for continuing status will require the judgment of excellence in teaching and evidence of demonstrated and continuing future pedagogical/professional development.
 - a) Excellence in teaching may be demonstrated through a combination of excellent teaching skills, creative educational leadership and/or achievement, and innovative teaching initiatives in accordance with appropriate divisional guidelines.
 - b) Evidence of demonstrated and continuing future pedagogical/professional development may be demonstrated in a variety of ways e.g. discipline-based scholarship in relation to, or relevant to, the field in which the faculty member teaches; participation at, and contributions to, academic conferences where sessions on pedagogical research and technique are prominent; teaching-related activity by the faculty member outside of his or her classroom functions and responsibilities; professional work that allows the faculty member to maintain a mastery of his or her subject area in accordance with appropriate

divisional guidelines.

The candidate's performance will be assessed by a continuing status committee of faculty members struck for this purpose by the chair or division head; the committee will contain at least one teaching stream member with continuing status from the department or a cognate area, the chair or representative of any academic unit (including graduate department), as appropriate, to which the candidate is cross-appointed, and a decanal representative or (in the case of a single-departmental faculty) a provostial representative. The chair shall formally notify the candidate as to the individuals whom he or she intends to ask to serve on the continuing status committee. If the candidate has reason to believe that any member of the committee cannot make his or her decision solely on the basis of the evidence available at the time of the continuing status committee meeting, he or she should indicate this to the division head or the appropriate Vice-Provost. The division head or chair shall then formally notify the candidate of the final composition of the continuing status committee and when the process of review, including assembling of documentation, is about to begin and when it will be completed.

The candidate, with appropriate assistance and advice from the division or department head, will prepare a dossier in accordance with Divisional Guidelines for submission to the continuing status committee by June 30th.

Written specialist assessments of the candidate's teaching and pedagogical/professional activities should also be obtained from outside the University; the candidate should be invited to nominate several external referees, and the division head or chair should solicit letters of reference from at least one of them and from one or more additional specialists chosen by himself or herself.

These referees should be invited to assess the candidate's work against the Divisional Guidelines for the granting of continuing status and advise whether or not the candidate's work demonstrates the achievement of excellence in teaching and evidence of demonstrated and continuing future pedagogical/professional development.

The division head or chair shall prepare and provide a written summary of the content of the external assessments and other evaluations, without identifying their source, to the candidate at the time of submission of the dossier to the continuing status committee normally at least one week prior to the first meeting of the committee. It is important that the summary be sufficiently detailed that the candidate knows the evidence before the committee and could, if desired, supplement the dossier with a written response, or by appearing before the committee to make a statement. The summary should include extracts of any significant information from all letters and reports while maintaining confidentiality.

Reasons for a proposed negative recommendation shall be given to the candidate who shall have an opportunity to respond to them, either orally or in writing, within fifteen days of notification. Thereafter, the committee shall make its final decision on the recommendation for communication by the Chair to the head of the division or the Vice-Provost in the case of a single department division and shall prepare and adopt a statement of the reasons for the decision, and, in the case of a negative decision, a summary of the evidence. The summary of the evidence should be prepared in sufficient detail to enable the candidate to make a particular response to all of the significant components if he or she appeals under section # below.

Recommendation for continuing status must be made by the chair to the dean in a multi-departmental division and requires the approval of the Vice-President and Provost.

The continuing status review should be completed and the candidate notified by December 31st.

An unsuccessful candidate will be provided with employment to December 31 of the following year for a total of twelve (12) months terminal contract employment in connection with the termination of contract and employment effective the following December 31.

- xi) A negative recommendation may be appealed following the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3.
- xii) A continuing appointment provides a safeguard for free enquiry and discussion, the exercise of critical capacities, honest judgment, and independent criticism of matters both outside and within the University. It entails acceptance by a member of the University of the obligation to

perform his or her functions as a member of the faculty. The performance of a teaching stream member with continuing status shall be reviewed annually in accordance with normal divisional practice for all faculty.

Teaching Stream Contractually Limited Term Appointments

- xiii) Full-time appointments at the rank of Assistant Professor, Teaching Stream, Associate Professor, Teaching Stream or Professor, Teaching Stream may also be made for contractually-limited terms normally of one, two or three years' duration.
- xiv) Where circumstances justify and with the approval of the Vice-President and Provost, an extension may be granted. The option to extend may be exercised only once and then not to exceed a total maximum of five years.
- xv) Individuals holding a CLTA teaching stream appointment may apply, in competition with other qualified candidates, for an appointment which carries continuing status or for an appointment leading to consideration of continuing status.
- xvi) Individuals supported 75% or greater from designated outside grants shall be exempt. The specific grants so designated shall be determined by the Vice-President and Provost in consultation with the division head. In no case should the term of the appointment exceed the term of the grant.
- xvii) In no case may the term specified together with any subsequent extension exceed five years.
- xviii) Such a term appointment is for a specified period and does not involve a continuing commitment by the University beyond the term stated.
- xix) Notice of termination must be given by December 31 of the final appointment year.

Termination

- xx) At any time, the appointment of a teaching stream faculty member may be terminated for cause, including incompetence, persistent neglect of duty or gross misconduct. Such termination shall be made only on the recommendation of a committee of inquiry appointed by the appropriate academic administrator.
- xxi) A decision to terminate a contract may be appealed only if it is for cause. Appeals shall follow the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3. Appeals must be made in writing by the teaching stream faculty member within fifteen working days of receipt of a written statement of reasons for termination.
- xxii) The appointment of a teaching stream faculty member may be terminated without fault or cause by reason of curricular change as determined in a multi-year academic plan approved by the Vice- President and Provost, where such change removes an area or field of teaching.
- xxiii) Termination under xv) will take place only if the Vice-President and Provost determines that the University cannot offer equivalent alternative employment for the teaching stream faculty member. In making a determination about alternative employment, the Provost will chair a committee of three faculty members, including the Provost, with the other members chosen in consultation with the Faculty Association. Termination under iii) requires due notice or pay in lieu and severance payment upon a schedule agreed upon from time to time.

31. Athletics Instructor and Senior Athletics Instructor (This section applies only to Athletics Instructors and Senior Athletics Instructors who commenced employment prior to [insert date of Governance approval])

- i) The ranks of Athletics Instructor and Senior Athletics Instructor are to be held by faculty members whose primary duties consist of teaching in co-curricular instructional programs in athletics, and/or coaching in intramural or inter-university athletics. Teaching in degree programs may be offered to qualified individuals, but such teaching will form a minority

percentage of duties.

- ii) Appointment procedures for these ranks should follow the University's general principles for open and advertised searches as set out in Section 5 above, with a search committee advisory to the Dean of the Faculty of Physical Education and Health.
- iii) Initial appointments should be at the rank of Athletics Instructor except in special circumstances, with the permission of the Vice-President and Provost on the recommendation of the Dean.
- iv) Appointments at the rank of Athletics Instructor are annual. Notice of non-renewal must be given at least six months before the end of the contract.
- v) No later than October of the fifth year (or earlier at the request of the Athletics Instructor and with the permission of the Vice-President and Provost), an Athletics Instructor's performance shall be reviewed and a recommendation made with respect to promotion to Senior Athletics Instructor as of the following July. A negative recommendation will result in no further contracts beyond the then current contract.
- vi) Performance will be assessed on effectiveness in instruction and/or coaching. A positive recommendation for promotion will require the judgement of excellence in performance and evidence of continued professional development. A negative recommendation regarding promotion to Senior Athletics Instructor may be appealed following the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3.
- vii) Senior Athletics Instructors hold continuing appointments in the University. Their performance will be reviewed annually in accordance with normal divisional practice for all faculty.
- viii)
 - a) At any time, the appointment of an Athletics Instructor or Senior Athletics Instructor may be terminated for cause, including incompetence, persistent neglect of duty or gross misconduct. Such termination shall be made only on the recommendation of a committee of inquiry appointed by the appropriate academic administrator.
 - b) The appointment of a Senior Athletics Instructor may be terminated without fault or cause by reason of curricular or program change, in a multi-year plan recommended by the Dean and approved by the Provost. Such termination requires due notice or pay in lieu and severance payment upon a schedule agreed upon from time to time.
- ix) Appeals of a negative promotion recommendation or dismissal for cause shall follow the Grievance Procedure set out in Article 7 of the Memorandum of Agreement, commencing at Step 3. Appeals must be made in writing by the Athletics Instructor or Senior Athletics Instructor within fifteen working days of receipt of a written denial of promotion or a written statement of reasons for termination.
- x) Notwithstanding Article 4, Sections a. through c., of the Memorandum of Agreement, after six continuous years of full-time service at any academic staff rank, Senior Athletics Instructors are eligible to apply for paid release time of up to six months at 100% salary and benefits, where the applicant wishes to engage in professional development related to duties normally undertaken. Approval should not be unreasonably denied, although the timing of leaves may be adjusted at the Dean's discretion, taking into account program needs.

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