



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy and Procedures on Academic Appointments

Effective January 1, 2021

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Policy and Procedures on Academic Appointments

All regulations pertaining to appointments and tenure shall be given in writing to newly-appointed members of the academic staff of the University of Toronto.

I. APPOINTMENTS POLICY AND PROCEDURES¹

There should be a continuous planning process in each academic unit with the objective of delineating future plans and developments. Against such plans, requests for new appointments can be judged and the nature of candidates to be sought determined.

For the purposes of this document academic unit is defined by Section 1(1)(a) of the University of Toronto Act 1971, amended in 1978. Division head shall mean the Principal, Dean or Director of the corresponding College, Faculty or School, which shall be referred to as division. The following faculties are deemed to be multi-departmental divisions with departmental chairs:

Faculty of Arts and Science

Faculty of Medicine

Faculty of Applied Science and Engineering

Erindale College (University of Toronto at Mississauga)

The School of Graduate Studies

The Ontario Institute for Studies in Education of the University of Toronto

Scarborough College (University of Toronto at Scarborough)

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 Employment Conditions of Part-Time Faculty.
2. All divisions must seek the approval of the Vice-President and Provost for an increase in staff, or for the filling of a vacant position in the tenure stream, or for a position with tenure. Approval must be obtained for contractually-limited term appointments as specified in Section 29 below.
3. There should be close co-operation between the Faculty of Arts and Science (St. George) and relevant Divisions, the School of Graduate Studies, Scarborough College (University of Toronto at Scarborough) and Erindale College (University of Toronto at Mississauga) in all aspects of appointments policies. Each campus should retain, however, a significant degree of initiative in determining the patterns of faculty recruitment.
4. Where appropriate, academic units should explore the possibility of using staff resources in other universities as an alternative to new or replacement appointments. Except under unusual circumstances and with the explicit approval of the Office of the Vice-President and Provost, appointment of University of Toronto teaching staff to other universities or the appointment of staff members from other universities to this University should not be on an overload basis. A released time agreement with shared responsibility and payment of reasonable out-of-pocket expenses should be the normal arrangement.

¹This 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.

5. Procedures should be adopted to ensure that an adequate list of possible candidates of quality is obtained and that the selection from this list has been properly and effectively carried out. The Vice-President and Provost with the appropriate consultation should be permitted to waive some or all of the procedural requirements of this recommendation in exceptional cases. Cases where the procedural requirements are waived should be reported to the Academic Board. The procedures should include the following:
 - i) The position should be advertised widely in such journals as University Affairs and the CAUT Bulletin as well as in national and international journals in the discipline concerned and other appropriate periodicals. Advertisements must also be sent to all the corresponding divisions or departments in other Canadian universities. The objective of wide advertisement is to ensure that the position is drawn to the attention of as many potential candidates as possible in order to increase the chances that the names of the best possible candidates will appear on the list of those to be considered.
 - ii) All documentation for candidates must be obtained in writing. The documentation for each candidate should include a current curriculum vitae and several letters of recommendation indicating the candidate's capacity for scholarship as evidenced by teaching and research.
 - iii) These applications should be assessed and judged by a committee of the division or department which would assist the dean or chair in producing a "short list" of approximately three candidates.
 - iv) In all divisions the division head should be notified of the Search Committee's recommendation and the reasons for the Committee's selection of the individual over other candidates on the "short list". The division head, if satisfied that an effective search has been made, shall then seek the Provost's approval to authorize the departmental chair in multi-departmental divisions to proceed with the making of a formal offer to the selected candidate. In other faculties, the formal offer to the selected candidate will be made by the head of the division or designate after receiving the Provost's approval. In the case of the appointment of a full professor with tenure, this section is modified by Section II below.
 - v) Where a cross-appointment, as for example to University, New, Innis, or Woodsworth College or to another division, institute, centre or department, is to be made at the time of initial appointment, the heads of the academic units concerned should be involved in the preparation of the "short list" mentioned in iii); moreover, each of these academic units should be represented on the committee which assists in the preparation of that list. Similarly the final choice mentioned in iv) should have the approval of the heads of the academic unit concerned. The authorizations mentioned in iv) and v) shall be given by both or all of the division heads concerned after receiving the Provost's approval.
 - vi) Visiting appointments normally are those where the individual appointed retains a continuing appointment in another institution. Such appointments will be approved by the division head and normally will be for no longer than one year. Appointments for longer than one year require the approval of the Vice-President and Provost. Visiting appointments are exempt from all other procedures in this document.

II. THE PROBATION PERIOD

6. The Assistant Professor rank should be the normal starting point for a person beginning a University career of research and teaching. Evidence of candidates' teaching ability or potential and assessments of their promise of future intellectual and professional development, should be sought and considered when making such appointments.

To qualify for appointment to the rank of Assistant Professor or above, the candidate should be required to show evidence of his or her ability to undertake independent scholarly activity, such as the successful completion of a doctoral programme or other scholarly or 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 or above, but should receive appointment as an Assistant Professor (Conditional).

7. Any member of the teaching staff 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 (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 member of the teaching staff eligible for an appointment at the rank of Assistant Professor. Where a member of the teaching staff is expected to enter the tenure stream, he or she should not serve more than six years, including a terminal year, at the Assistant Professor (Conditional) rank. Assistant Professors (Conditional) should receive annual contracts terminable on not less than six months written notice.
8. On initial appointment to a position in the tenure stream an Assistant Professor 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. The performance of a member of the teaching staff holding such a contract 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. For compelling academic reasons such as the need to set up new research facilities, and with the approval of the Vice-President and Provost, an Assistant Professor may be given an initial appointment of up to five years, with a performance review no earlier than May 1 of the penultimate year. Those raised from the Assistant Professor (Conditional) rank to Assistant Professor after the beginning of the regular appointment year, and who are in the tenure stream, shall be deemed to have received a four-year contract from the following July 1.

In the case of staff members appointed to graduate departments covering more than one campus, the review committee shall be appointed by the relevant campus department chair, in consultation with the graduate chair where the graduate chair is not also the relevant campus department chair. For faculty cross-appointed to other departments or divisions and where such cross-appointments carry a commitment to at least one quarter of the candidate's salary, the review committee shall be appointed jointly by the respective division heads or department chairs. In the case of staff members who are cross-appointed to New College, Innis College, Woodsworth College or University College, the College principal does not participate in the appointment of the review committee. In these cases the review committee must obtain from the College principal an appraisal of the candidate's College contribution to be considered along with other relevant evidence of the candidate's scholarly ability.

The review of such an initial appointment should be essentially different in purpose and procedures from a tenure 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. 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 scholarship, should be solicited. Normally no later than 30th June, the appointee should be asked to submit an account of research or creative 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 a cause for non-renewal of contract. The appointee will not normally be

required to complete the submission prior to August 31. Notice that the contract will or will not be renewed on the following July 1 must be given in writing no later than November 30. 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.

9. A decision not to renew a contract may be appealed by a member of the teaching staff holding an initial appointment as Assistant Professor in the tenure 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 (20) 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 in the tenure stream is granted a renewal of his or her contract, that renewal should be for a period of up to two years, and he or she must be considered for tenure in the terminal year of this contract. Appointees who have been granted a renewal of their initial contract are entitled to request an adjustment to their workload assignment for one academic term in order to allow them to focus on preparing for their tenure consideration and to address any advice from the review of their initial appointment. Normally this term will not include assigned teaching, or service; but the term may include assigned teaching, with the candidate's agreement, in order to address advice from their review. The candidate should be notified of the result of the tenure consideration not later than April 15 of that year. The length of the contract may vary from case to case, particularly if previous service at the rank of Assistant Professor (Conditional) at this University or at an equivalent rank at another university is to be taken into account in establishing an earlier date for consideration of tenure. At the time of making an appointment to the Assistant Professor rank, it is the responsibility of the division head, or of the department chair in the multi-departmental divisions to reach an explicit understanding with the member of the teaching staff as to the time at which tenure will be considered; where the initial appointment involves a cross-appointment, the responsibility for reaching this understanding will rest with the head, or chair, as the case may be, of the division or department of the primary appointment.

10. In exceptional circumstances, with the approval of the division head and the Vice-President and Provost, a candidate may be considered for tenure earlier than provided for in (9) above but only if the consent of the candidate is obtained in writing. However, no Assistant Professor should be granted tenure until he or she has served a minimum of three years at this University at the Assistant Professor rank except in extraordinary circumstances upon the approval of the Vice-President and Provost. No later than April 15 of the final year of the probationary period, the candidate should be considered for tenure and notified of the result.

Candidates may make a written request for a delay in the interim review or consideration for tenure based on pregnancy and/or parental or adoption leave or serious personal

circumstances beyond their control such as illness or injury or damage to their research facilities. Delays may be granted for one year but not 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 the interim review or consideration for tenure process (i.e. as soon as a candidate knows or reasonably ought to know that their interim year review or consideration for tenure may warrant a delay based on the provisions of the Code.)

11. A member of the teaching staff appointed initially at the rank of Associate Professor, with the exception of those appointed under Section 29, either should be considered for tenure at the time of appointment or should receive a three-year contract. In the latter case, he or she should be considered for tenure in the third year of the contract and should be notified of the result not later than April 15 of that year. If the candidate's consent is obtained in writing, he or she may be considered for tenure earlier. In any case, the regular procedures and composition of committees for consideration of tenure shall be followed.

If the initial appointment is at the rank of Professor, that appointment should be with tenure, with the exception of those appointed under Section 29. Before the offer of such an appointment is made, the proposal must be approved by the division head, the Dean of the School of Graduate Studies and the Office of the Vice-President and Provost.

When an academic administrator is recommended for appointment from outside this University under the “Policy on Appointment of Academic Administrators”, he or she must also be recommended for tenure in the appropriate department or division, by a duly constituted tenure committee if at the rank of Associate Professor or by the provisions of the preceding paragraph if at the rank of Professor.

In the case of a member of the teaching staff of a clinical department in the Faculty of Medicine who is also a licensed clinician on the staff of a teaching hospital, the term of the University contract of appointment during the probationary period should normally be made concurrent with his or her corresponding contractual arrangement with the teaching hospital. However, the term of the University appointment during the probationary period should in no case exceed the term of the contract which the member of the teaching staff would otherwise have received under this section or in 8, 9, or 10 above.

Note: The Academic Affairs Committee approved the following on May 1, 1975

"That, pending the receipt of further advice from the Faculty of Medicine, the implementation of (6) to (11) of the academic appointments policy be delayed for clinical staff. For the purposes of this recommendation, clinical staff are staff in the following departments of the Faculty of Medicine who also hold active staff appointments in an affiliated teaching hospital:

- Anaesthesia
- Clinical Biochemistry
- Family and Community Medicine
- Medicine
- Medical Microbiology
- Obstetrics and Gynaecology
- Ophthalmology
- Otolaryngology
- Paediatrics
- Pathology

Psychiatry
Radiology
Rehabilitation Medicine, and
Surgery

Full-time staff in these departments who do not hold active staff appointments in the affiliated teaching hospitals should remain subject to the same tenure procedures as other full-time University staff members.

This delay in implementation also applies to any subsequent policy statements arising out of the Appointment Task Force Report, concerning tenured appointments."

III. CRITERIA FOR GRANTING TENURED APPOINTMENTS

The Nature of Tenure

Tenure, as understood herein, is the holding by a member of the professorial staff of the University of a continuing full-time appointment which the University has relinquished the freedom to terminate before the normal age of retirement except for cause and under the conditions specified in Sections 27 and 28 below.

Tenure provides a necessary safeguard for free enquiry and discussion, the exercise of critical capacities, honest judgment, and independent criticism of matters both outside and within the University.

Tenure entails acceptance by a member of the University of the obligation to perform conscientiously his or her functions as a teacher and a scholar.

Tenure shall be granted only by a definite act, under stipulated conditions on the basis of merit.

12. The set of general criteria outlined below should be used as the basis for a decision on the granting of tenure. It is, however, recognized that significant differences among divisions and disciplines in the University will lead to some differences in the detailed application of these criteria. Nevertheless there should be a high degree of uniformity across the University, in standards and procedures for granting tenure. It is also recognized that the tenure committee's recommendation should be made on the evidence that is available to the committee at the time of their recommendation and should be reasonable in light of the standards that were generally applied in the division in recent years.
13. Tenured appointments should be granted on the basis of three essential criteria: achievement in research and creative professional work, effectiveness in teaching, and clear promise of future intellectual and professional development. Contributions in the area of university service may constitute a fourth factor in the tenure decision but should not, in general, receive a particularly significant weighting.
 - a) Achievement in research or creative professional work is evidenced primarily, but not exclusively, by published work in the candidate's discipline; in this context, published work may include books, monographs, articles and reviews and, where appropriate, significant works of art or scholarly research expressed in media other than print. It may also be evidenced by various other types of creative or professional work, including community service, where such work is comparable in level and intellectual calibre with scholarly production and relates directly to the candidate's academic discipline. Research also encompasses unpublished writings and work in progress. Scholarly achievement may be demonstrated by consideration of theses or other material prepared or written under the candidate's direct supervision. In some exceptional cases, weight should be given to "unwritten scholarship" of the type displayed in public lectures, formal colloquia and informal academic discussions with colleagues.

- b) Effectiveness in teaching is demonstrated in lectures, seminars, laboratories and tutorials as well as in more informal teaching situations such as counselling students and directing graduate students in the preparation of theses. It is, however, recognized that scholarship must be manifested in the teaching function and that a dogmatic attempt to separate "scholarship" and "teaching" is somewhat artificial. Three major elements should be considered in assessing the effectiveness of a candidate's teaching: the degree to which he or she is able to stimulate and challenge the intellectual capacity of students; the degree to which the candidate has an ability to communicate well; and the degree to which the candidate has a mastery of his or her subject area.
- c) An assessment of promise of future intellectual and professional development will inevitably be based on the vitality and progress the candidate has demonstrated as a teacher and scholar during his or her probationary years at this University. A positive judgment on this criterion means that the members of the tenure committee are reasonably convinced that, following the granting of tenure and the long-term commitment that it implies, the candidate will continue to make a valuable contribution to his or her discipline.
- d) University service primarily means university, divisional or departmental committee or administrative work.

Clear promise of future intellectual and professional development must be affirmed for tenure to be awarded. Demonstrated excellence in one of research (including equivalent and creative or professional work) and teaching, and clearly established competence in the other, form the second essential requirement for a positive judgment by the tenure committee. Only outstanding performance with respect to University service should be given any significant weight and, even then, only if there are no substantial reservations relating to the research, teaching and future promise criteria.

14. Detailed Procedures for Tenure Consideration

Each division head or chair of the department in the multi-departmental divisions shall have the responsibility:

- i) to ensure that those members of the teaching staff who must be considered for tenure in the spring term of an academic year are identified in the previous May;
- ii) to notify the candidate, normally no later than June 30th, that he or she will be considered for tenure in the following spring and when the process of review, including assembling of documentation, is about to begin and when it will be completed. Candidates should normally be provided with a period of at least 6 weeks in which to assemble and prepare the documentation required from them as set out below and will not normally be asked to submit their research dossier prior to July 1.
- iii) to notify formally the candidate as to the individuals whom he or she intends to ask to serve on the tenure committee. This notification will normally happen in the fall. If the staff member has reason to believe that any member of the committee, including the division head or chair, cannot make his or her decision solely on the basis of the evidence available at the time of the tenure 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 staff member of the final composition of the tenure committee;
- iv) in consultation with the graduate chair, to complete and to present the documents to the tenure committee, and to ensure that the fullest possible documentation is made available. Each member of the teaching staff being considered for tenure shall prepare a curriculum vitae as indicated in Section 15 below and shall make available to the division head or chair all papers and documents as indicated below. The division head or chair shall obtain the necessary appraisals of the candidate's work and the evaluation of the internal reading committee with respect to the documentation provided for the tenure committee. The division head or chair shall prepare and provide a written summary of the content of the

above appraisals and evaluation, without identifying their source, to the candidate at the time of submission of the dossier to the tenure committee normally at least one week prior to the first meeting of the tenure 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.

The tenure committee shall have the following composition:

- i) For the multi-departmental divisions, the chair of the tenure committee shall be the chair of the department, except in exceptional circumstances and with the approval of the division head and the Vice-President and Provost. The committee shall, in addition to the chair, consist of the head of the division or his or her representative, the Dean of the School of Graduate Studies or his or her representative, as well as four members of the professorial staff having tenure, at least two of who should be from the department involved and the graduate department chair where the department chair and the graduate department chair are not the same person. Any members of the tenure committee who are not members of the department involved should come from cognate departments or divisions.
- ii) For non-departmental divisions, the chair of the tenure committee shall be the division head or his or her representative. The committee shall, in addition to the chair, consist of the Dean of the School of Graduate Studies or his or her representative, as well as five members of the professorial staff having tenure, at least two of whom should be from the division involved. Any members of the tenure committee who are not members of the division involved should come from cognate departments or divisions.
- iii) The provisions below in Sections 17 and 18 must also be followed.
- iv) In unusual circumstances, and with the approval of the division head and the Vice-President and Provost, a tenured professor from another university whose discipline is similar to that of the individual under review may be substituted for one of the members representing the departmental professorial staff or the cognate university unit.

15. Documentation for Tenure Consideration

The documentation to be made available to the tenure committee shall include the following:

i) The Candidate's Curriculum Vitae

The preparation of the curriculum vitae shall be the responsibility of the candidate with appropriate assistance and advice from the division or department head.

The curriculum vitae should be in four parts:

- a) The academic history of the candidate giving name, date of birth, institution at which each degree was obtained together with the date obtained, titles of graduate theses and supervisors' names (where applicable), list of all teaching and research appointments held and other relevant experience quoting dates and institutions, any honours, prizes, etc., received since the first degree was obtained, the present appointment, and all other activities related to the candidate's work at the University. In addition, there should be a list of all research or other grants obtained, together with the name of the granting agency, the date, the duration, the amount of award and any research contracts entered into.
- b) A list of the candidate's scholarly and professional work including work published, completed but not yet published, in press, submitted for publication, and in progress. This would include books, chapters in books, articles, and review articles written by the candidate and also any work in non-print media as well as the presentation of papers at meetings and symposia. In the case of work which has not yet been published, the candidate should give a brief account of the stage of progress reached at the time the list is prepared.

- c) A list of all courses, graduate and undergraduate, taught by the candidate. If the candidate has had major responsibility for the design of a course, this should be stated; a course outline and reading list and set of essay topics should be supplied, where these give evidence as to the candidate's ability in designing the course. A list of senior undergraduate students and graduate students supervised, indicating whether primary or sole supervision or else secondary or joint supervision, together with their thesis topics and the dates indicating the period of supervision for each candidate should also be included.
- d) A list of committees and organizations within the University on which the candidate has served. The candidate may also include a similar list of committees and organizations outside the University together with the period of service and the candidate's function on them, where those committees or organizations closely relate to the candidate's academic discipline or scholarly activities.

ii) Assessment of the Candidate's Scholarly & Professional Accomplishments

Copies of the work that the candidate has completed, or has nearly completed, should be given or in the case of non-written work, made known in appropriate form, to the division head or chair who should arrange for its assessment by specialists in the candidate's field. These referees should be invited to assess the candidate's work against the published criteria for the granting of tenure. However, the candidate's permission is required before unpublished work may be communicated outside the tenure committee. An internal assessment should be provided by the reading committee specified in iv) below, and additional internal assessments may be obtained from individual specialists.

Normally, written specialist assessments of the candidate's work 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 published criteria for the granting of tenure and advise whether or not the candidate's work demonstrates the achievement of excellence in research (including equivalent and creative or professional work); or if not, whether or not it clearly establishes competence. In addition members of the department, including students, may be invited to submit written opinions of the candidate's qualifications. All referees' letters should be submitted in confidence to the tenure committee with, if appropriate, the chair's comments on the status and competence of the referees.

iii) Assessments of the Candidate's Teaching Ability

Written assessments of the candidate's teaching ability shall be prepared in accordance with guidelines approved for the relevant department or division. These guidelines specify the manner in which the division will provide the committee with evidence from the individual's peers and from students and will offer the candidate the opportunity to supplement his or her files. Changes to divisional guidelines must be approved by the Vice-President and Provost and reviewed by the Academic Board.

When a member of the teaching staff is or has been cross-appointed, assessments should be sought from all of the divisions in which he or she has taught, and should be taken fully into account by the tenure committee.

iv) Evaluations by Internal Departmental or Divisional Committees

Divisions and departments shall establish internal reading and evaluation committees to assess and prepare written evaluations of material presented by candidates with respect to their scholarly and professional accomplishments. Such committees may also gather and provide information concerning a candidate's qualifications with respect to any of the published criteria for the granting of tenure. Such committees should state their evaluation of the candidate's work against the published criteria and advise whether or

not the candidate's work demonstrates the achievement of excellence in research (including equivalent and creative or professional work), or if not, whether or not it clearly establishes competence. However, there should be no formal recommendation, in favour of tenure or opposed to tenure, from the department or division or from any group in the department or division, to the tenure committee.

16. Approval Procedures for Tenure Decisions

The tenure committee shall meet and consider all the evidence put before it. The quorum of the committee shall be the full membership. The candidate shall be given an opportunity to make a written statement and/or to appear before and make an oral statement to the tenure committee, but is not entitled to be present throughout or otherwise participate in the tenure consideration. In cases where the committee finds it difficult to reach a clear-cut recommendation on the basis of the evidence available, it may recess for a short period, normally no longer than a month, to obtain additional or supplementary information from the candidate or other sources.

The meetings of the tenure committee shall be held in camera, and each person accepting appointment to the committee shall agree to treat as confidential all information given to the committee, and all matters pertaining to and deliberations of the committee.

The tenure committee shall have the power to take only one of two possible decisions: to recommend that tenure be granted or that tenure be denied. A recommendation to grant tenure must be approved by at least five of the seven members of the committee, or six of eight members of the committee in cases where the department chair and the graduate chair are not the same person. Voting is to be by private ballot. When the voting is concluded, the chair of the tenure committee will announce to the committee how each member of the committee voted, and the total number of votes for and against the granting of tenure. If there are more than two negative votes or abstentions, this constitutes a decision to recommend that tenure not be granted. The decision must be taken on the basis of the evidence available at the time of the meeting and should be reasonable in light of the standards that were generally applied in the division in recent years. Where the committee is unable to reach a decision promptly, a new committee shall be established immediately to take one of the two decisions required unless the Office of the Vice-President and Provost is convinced that the circumstances are unusual enough to justify delaying the appointment of a new committee for a period of up to one year. For the purposes of this section, a new committee is one in which all of the members, except the ex officio members, are new.

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 to the head of the 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 to the Tenure Appeal Committee in Section 23 below.

As soon as practicable after the tenure committee's decision, the head of the division should inform the candidate whether or not tenure has been recommended and so inform the President through the Office of the Vice-President and Provost. At this point, in the event of a negative recommendation the candidate should be furnished with the statement of reasons for the decision and the summary of evidence.

After the President has made his or her decision on the recommendation of the tenure committee he or she shall notify the head of the division and the candidate. Where tenure has been denied, the division head or the chair of the department in consultation with the division head should recommend the duration of the candidate's terminal contract which should be for either one or two years followed by automatic termination with no further review.

Approved awards of tenured appointments shall be reported to the Academic Board of the

Governing Council for information.

17. Cross-Appointments from Externally Controlled Institutions

Members of the teaching staff may hold cross-appointments to externally controlled institutions and to other academic units in the University according to the following regulations set out below and in Section 18.

Members of the teaching staff who are cross-appointed from externally controlled institutions, including other universities, the Royal Ontario Museum, and the Ontario College of Art and Design, shall be deemed to hold part-time appointments making them ineligible for tenured status in the University. Those members of staff now cross-appointed from these institutions, and already holding tenured appointments, shall continue to do so.

18. Cross-Appointments within the University

- i) Members of the teaching staff may hold cross-appointments to University College, New College, Innis College, the School of Continuing Studies, and Woodsworth College, but such appointments should not be designated as the primary or secondary appointment unit for the purposes of this document, no matter what share of the salary may be carried by the budget of any of these colleges. Such units shall not be entitled to representation on the tenure committee, or to participate in deciding on committee membership or in the preparation of documentation. Where a candidate is under consideration for tenure and holds such a cross-appointment the chair of the tenure committee must secure from the college principal an evaluation of the candidate's contribution to the college and such evidence shall be considered by the tenure committee.
- ii) In the case of a member of the teaching staff who holds a cross-appointment within the University, duties and salary should be divided in such a way that there is always a primary appointment, carrying more than fifty per cent of salary and a secondary appointment carrying the salary balance. If a faculty member is appointed to more than two academic divisions or departments within the University, that unit which carries the largest salary share should be designated as the primary appointment unit. For purposes of tenure consideration the operative division of salary leading to the definition of the primary appointment should be that in effect in the month of September immediately preceding the spring in which the tenure decision is to be made. The division in which the primary appointment is held will take responsibility for endeavouring, as far as it is within its power and control, to see that the appointee's rights are protected.

The head of the division in which the primary appointment is held shall through such officers (e.g., departmental chairs) as are appropriate, be responsible for notifying the candidate and for the preparation of the documentation for the candidate's tenure consideration.

The preparation of documentation must be done in collaboration with the appropriate officers of other divisions in which the candidate holds or has held cross-appointments, and the evidence of this collaboration must be placed before the tenure committee; its absence shall be grounds for a request for a review of the decision. The officer of the division or department of primary appointment and the officer of the division or department of secondary appointment should submit recommendations for members of the teaching staff to be appointed to the tenure committee to the head of the primary division, who should appoint the teaching staff members. The tenure committee shall then be enlarged by one member, the chair of the department or other academic officer of the division in which the secondary appointment is held. Six votes shall then be required to recommend tenure. If there are more than two negative votes or abstentions this constitutes a decision to recommend that tenure not be granted. The quorum of the committee shall still be the total membership.

Where the candidate holds or has held more than one cross-appointment, the head of the division of primary appointment shall appoint the additional member from one of the

departments or divisions of secondary appointment after consultation with the heads of divisions and chairs concerned. Other divisions where secondary appointments are held shall be asked for their evaluation of the candidate, but shall not be entitled to representation on the committee, or to participate in deciding on committee membership, or in the preparation of documentation. In no case, regardless of the number of cross-appointments, should more than eight people serve on the tenure committee.

- iii) All faculty appointed to a tenure-stream position shall hold a non-budgetary cross-appointment to an appropriate graduate department. Decisions regarding such cross-appointments shall be made jointly by the appointing unit and the graduate department.
- iv) Members of the teaching staff may hold cross-appointments even without salary in undergraduate or graduate departments other than the principal graduate department appointment under para (iii), as appropriate, regardless of campus. Such cross-appointments must have the consent of all departments and divisions involved, and will not confer primary or secondary appointment unit status, or any review or tenure committee rights and responsibilities, upon the departments to which these other cross-appointments are made.
- v) Those current (as of 30 June 2003) UTM and UTSC faculty 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 have the status, for the purposes of this document, of those described in (iv) above. The same provision holds for any current St. George faculty with non-budgetary cross-appointments to UTM and/or UTSC.

19. Appointments Authority of Centres and Institutes of the University

The following multi-disciplinary centres and institutes of the University, which have both master's and doctoral programmes, shall be granted authority to initiate appointments and to recommend tenure and promotion:

Centre for Medieval Studies

Centre for the Study of Drama

Centre for Comparative Literature

Institute for the History and Philosophy of Science and Technology

Centre of Criminology

Canadian Institute for Theoretical Astrophysics

Such appointments, although initiated by a multi-disciplinary unit, should still be cross-appointments since they should always include a divisional or departmental component. The multi-disciplinary centre or institute should, however, be the unit of primary appointment.

Other centres and institutes which develop both master's and doctoral programmes may be granted similar authority but only with the written agreement of the Dean of the School of Graduate Studies and the Vice-President and Provost, and on the recommendation of the Academic Board to the Governing Council. All such applications should be dealt with on an individual basis. Unless approval is granted as outlined above, such units shall not be regarded as the primary appointment unit for the purposes of this document.

The University's policies and procedures for academic appointments shall be followed for primary appointments by multi-disciplinary centres and institutes. However, before approving such appointments, the Vice-President and Provost and the Dean of the School of Graduate Studies should ensure that there is an academic need in terms of teaching and research, and also that a suitable cross-appointment cannot be arranged from within the University. The Dean should also ascertain that a prospective appointee will meet the appointment standards of the unit of secondary appointment.

[COMMENT: Section 20 and 21 have been deleted. They dealt with cross-appointments and tenure specifically for Erindale and Scarborough teaching staff as differing from St. George teaching staff. They have now been included in sections 8, 14, 16 and 18.]

IV. APPEALS AGAINST DENIAL OF TENURE

22. Tenure Appeal Committee

The Tenure Appeal Committee shall consist of a chair and four other members drawn from a Panel of up to eight members. The members shall be appointed by the President after consultation with the University of Toronto Faculty Association. The chair of the committee shall be appointed by the President. Members of the Tenure Appeal Committee shall have two-year terms with half of the membership completing their terms each year. The chair shall have a two-year term.

Future vacancies, including that of the chair, shall be filled by the President after consultation with the Association.

23. Grounds for Appeal

A person who has been denied tenure shall have the right to appeal on one or more of the following grounds.

- a) A significant irregularity or unfairness in the procedure, followed by the tenure committee, or in the selection of its members;
- b) Improper bias or motive on the part of any member of the tenure committee;
- c) Improper bias or motive on the part of any person whose opinion may have materially influenced the decision of the committee;
- d) The decision is unreasonable in the light of the evidence which was available or should have been available to the committee and in light of the standards that were generally applied in the division in recent years.

24. Review Procedures for Appeals

A candidate must give notice of appeal against a denial of tenure within thirty working days of being informed of the President's decision. The Tenure Appeal Committee shall have the power, under circumstances which it considers exceptional, to extend this time limit. The notice of appeal should be addressed to the chair of the Tenure Appeal Committee and should specify the grounds on which the appeal is based.

The candidate and the chair of the department or head of the division concerned shall both be given an opportunity to appear and present evidence and argument to the Tenure Appeal Committee. If it is thought necessary, the Tenure Appeal Committee may request that an investigator be appointed to assist it.

The Tenure Appeal Committee shall have the following two options open to it, and its decision concerning these two options shall be final. It may:

- a) dismiss the appeal; or
- b) if it finds that any grounds in Section 23 above are substantiated, remit the case to a second tenure committee to be set up by the President for consideration of the question of tenure. In circumstances which it considers exceptional, the Tenure Appeal Committee shall have the power to direct, in general terms, the composition of the second tenure committee. The recommendation of the second tenure committee shall not be subject to further review. In cases where only technical or procedural matters are at issue, the Tenure Appeal Committee may recall the original tenure committee to reconsider its decision. Such action would require prior agreement from the appellant.

25. Procedures for Second Tenure Committees

Subject to directions as to membership of a second tenure committee noted in Section 24(b), the composition of the second tenure committee shall resemble that of the original tenure committee, but shall not include any member of the original committee. The only exception to the composition of the second tenure committee resembling that of a regular tenure committee shall be the requirement that the second tenure committee include at least one tenured professor from another university whose discipline is similar to that of the individual under review.

In the selection of members of the second tenure committee, the candidate and the chair of the department in multi-departmental divisions, or the head of the academic division, shall identify to the President the names of any individuals who are clearly unacceptable as members of the second tenure committee. The President, in consultation with the division head, shall then select the chair and the other persons for the second tenure committee and advise the appellant and the head of the academic division of the individuals selected. If either the candidate or the chair of the academic department or head of the academic division then wishes to protest the inclusion of any member on the committee, it shall be his or her responsibility to present to the President evidence of previous involvement of that individual in the decision of the original tenure committee which would justify disqualification.

The second tenure committee shall be empowered to obtain such information and to interview such persons as it may judge to be useful to its reaching a judgment of the case. The appellant and the departmental chair or head of the academic division of which the appellant is a member shall have the right to make representation to the committee (either orally or in writing as the committee may direct). Information about the appellant to be considered shall include that which relates to the performance of the individual for the period up to the time of review by the original tenure committee. No contributions to teaching and research made subsequent to the decision of the original tenure committee shall be admissible for consideration.

The quorum of the second tenure committee shall be the full membership. All members of the second tenure committee including the chair shall have a vote. A motion of the second tenure committee to recommend the granting of tenure shall require at least five votes in favour to be carried. If there are more than two negative votes or abstentions, this constitutes a decision to recommend that tenure not be granted.

Meetings of the second tenure committee shall be held in camera, and each person accepting appointment to the committee shall agree to treat as confidential all information given to the committee, and all matters pertaining to and deliberations of the committee.

The chair of the second tenure committee shall report the committee's recommendation to the President. The President will inform the candidate of the tenure decision with a statement of reasons supporting that decision.

In matters of procedure not provided for in this section, the procedures prescribed for the original tenure committee shall apply.

26. Rights of Faculty Members Granted Tenure upon Appeal

In the event that a faculty member is granted tenure by the second tenure committee, that person shall immediately be considered for any promotion and be eligible for any merit salary increases that may have been denied him or her by reason of the tenure denial. In the event of undue delay or similar circumstances, a faculty member who has been granted tenure by the second tenure committee may apply to the President of the University for reimbursement of expenses responsibly incurred in his or her tenure appeal.

V. TERMINATION OF TENURED APPOINTMENTS

27. Grounds for Termination

The appointment of a member of the teaching staff holding tenure may be terminated by the University prior to the normal age of retirement either:

- a) for cause, which means:
 - 1) persistent neglect of, or repeated refusal without sufficient cause to carry out, reasonable duties assigned by the appropriate academic authority;
 - 2) inability to carry out reasonable duties, except for reasons falling within B) below;
 - 3) failure to maintain reasonable competence in his or her discipline, including, without limitation, competence in teaching and research;
 - 4) gross misconduct; or
- b) where, without fault on his or her part, the member is prevented by a cause or matter beyond his or her control from carrying out reasonable duties, including, without limitation, physical or mental illness or injury, except where and so long as the member (or his or her legal representative) makes no claim against the University for salary or other remuneration.

28. Procedure Relating to Termination

- a) Where a division head has or is presented with reason to believe that a ground may exist for termination of the appointment of a member of the teaching staff holding tenure and either:
 - i) the ground does not constitute an offence under the University of Toronto Code of Behaviour on Academic Matters, or
 - ii) the ground may constitute such an offence but a decision is made by the appropriate person not to proceed with a charge against the member under the Rules of Procedure governing the proceedings of the University Tribunal,

the division head shall immediately notify the Vice-President and Provost and the President of the University and request the President to appoint a Hearing Committee for the purposes hereinafter set out. If the President accepts the request, he or she shall initiate the procedures outlined in the following sections.
- b) An attempt shall be made to settle the matter informally at a meeting involving the President, the Vice-President and Provost, the division head, the member of the teaching staff and a disinterested senior academic administrator or senior professor acceptable to the member and to the division head.
- c) If the attempt to settle the matter informally fails, the President shall inform the member of the teaching staff, in writing, of his or her intention to institute proceedings for termination of appointment and shall give reasonable information as to the alleged ground for termination.
- d) Within three weeks the President and the member shall jointly name a Hearing Committee of three university faculty members from this University or elsewhere. If agreement cannot be reached on the composition of the Hearing Committee within the three-week period, the most senior judge of the Supreme Court of Ontario who is willing to act and who is not a member of the Governing Council shall be asked to name the Hearing Committee.
- e) The Hearing Committee shall inform the President and the member of the time and place designated for the hearing. The hearing shall commence within three weeks of the appointment of the committee.
- f) The Hearing Committee shall proceed to determine, in accordance with the Statutory

Powers Procedure Act, 1971 whether a ground for termination of appointment exists.

- g) The President and the member shall be the parties to the proceedings.
- h) If the Hearing Committee decides that a ground for termination of appointment exists, the President may carry a recommendation for termination to the Governing Council or impose some other sanction. If the Hearing Committee decides that a ground for termination does not exist but that misconduct has taken place (whether or not the nature of which may constitute an offence under the University of Toronto Code of Behaviour on Academic Matters, as amended from time to time), it may impose one or more of the other sanctions for offences committed by members of the teaching staff set out in that Code. No further or other action shall be taken against the member.
- i) Where a member of the teaching staff declines to participate in naming a Hearing Committee it may be done jointly by the President and the President of the University of Toronto Faculty Association and in the case of disagreement as to the composition of the Committee, the procedure under Section d) applies.
- j) The decision of a Hearing Committee shall be final and not subject to appeal.

A member of the faculty who desires to terminate his or her appointment shall give reasonable notice in writing.

VI. CONTRACTUALLY LIMITED TERM APPOINTMENTS

- 29. i) Full-time appointments at the rank of Assistant Professor (Conditional), Assistant Professor, Associate Professor or Professor may also be made for contractually limited terms normally of one, two or three years' duration.
- ii) 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.
- iii) In those instances where the somewhat unusual circumstances of the positions warrant, an initial appointment may be made for a period of up to five years. For any initial appointment of more than three years, the approval of the Vice-President and Provost is required.
- iv) In no case may the term specified together with any subsequent extension exceed five years.
- v) Such a term appointment is for a specified period and does not involve a continuing commitment by the University beyond the term stated.
- vi) Notice of termination must be given by December 31 of the final appointment year.
- vii) The procedures of Sections 1 to 7 should be followed when making term appointments except that the provision for annual appointment of Assistant Professors (Conditional) for up to six years is inapplicable. Sections 8 to 28 do not apply.
- viii) A faculty member holding a contractually-limited term appointment may apply, in competition with other qualified candidates, for an appointment which carries tenure or for an appointment leading to consideration of tenure. The time spent by the faculty member holding a contractually-limited term appointment will be taken into account in establishing the date for consideration of tenure, if the faculty member is given an appointment leading to the consideration of tenure. In such instances the faculty member and the appropriate division will agree to the manner of converting years of contractually-limited service to probationary years for tenure consideration.
- ix) Necessary statistical data will be compiled annually and the provisions of this section will be reviewed annually by the Joint Committee of the Faculty Association and the University.

- x) A copy of this policy will be given to each appointee at the time of initial appointment.
- xi) Full-time clinical staff members in the Faculty of Medicine are exempt from the provisions of this section.
- xii) 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.

VII. TEACHING STREAM APPOINTMENTS

30.

- i) a. The ranks of Assistant Professor, Teaching Stream (Conditional); Assistant Professor, Teaching Stream; Associate Professor, Teaching Stream; 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 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 **xi** 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 xxii) 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 xxii) 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 June 26, 2015)**

- 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.

VIII. Reduction of Full-time Equivalent to Part-time FTE

32. Tenured Faculty

A part-time appointment is one that does not exceed 75 percent of full-time employment.

Individuals holding a tenured full-time appointment may, with the agreement of the unit head and the appropriate division head, and with the approval of the Vice-President & Provost, reduce their appointment to part-time. Requests for such a reduction in percentage of appointment shall not be unreasonably denied by the University.

Appointments shall not normally be reduced to less than 20% FTE. Reductions in percentage of appointment shall not normally exceed three (3) consecutive years, unless the basis for the reduction is an accommodation under the Ontario Human Rights Code.

Unless the basis for a reduction in percentage of appointment is an accommodation under the Ontario Human Rights Code, a reduction in percentage of appointment shall not exceed three (3) consecutive years, and the faculty member must return to a full-time appointment at the expiry of the term of reduction in percentage appointment unless the reduction is extended in writing with the agreement of the faculty member, and the agreement of the unit head and the appropriate division head, and with the approval of the Vice-President & Provost.

33. Continuing Status Teaching Stream Faculty

A part-time appointment is one that does not exceed 75 percent of full-time employment.

Individuals holding a continuing status teaching stream appointment may, with the agreement of the unit head and the appropriate division head, and with the approval of the Vice-President & Provost, reduce their appointment to part-time. Requests for such a reduction in percentage of appointment shall not be unreasonably denied by the University.

Appointments shall not normally be reduced to less than 20% FTE. Reductions in percentage of appointment shall not normally exceed three (3) consecutive years, unless the basis for the reduction is an accommodation under the Ontario Human Rights Code.

Unless the basis for a reduction in percentage of appointment is an accommodation under the Ontario Human Rights Code, a reduction in percentage of appointment shall not exceed three (3) consecutive years, and the faculty member must return to a full-time appointment at the expiry of the term of reduction in percentage appointment unless the reduction is extended in writing with the agreement of the faculty member, and the agreement of the unit head and the appropriate division head, and with the approval of the Vice-President & Provost.

IX. OTHER CATEGORIES OF APPOINTMENT

34. University Professors

- i) Senior scholars of the University may be appointed to the rank of University Professor in recognition of unusual scholarly achievement and preeminence in a particular field of knowledge. The number of such appointments should be approximately 15 but should not in any case exceed 2% of the tenured faculty. This number would not include persons

holding Emeritus appointments. A University Professor would, upon reaching age 65, retain the title of University Professor Emeritus or Emerita.

- ii) A selection committee appointed by the President shall be composed of six senior members of the teaching staff and two senior members of the teaching staff from other universities. The Vice-President and Provost shall chair the selection committee. The selection committee's membership shall be reported for information to the Academic Board. The nomination of individuals to be considered University Professors should be an open one.
- iii) The selection committee shall recommend, by consensus, the nominees to the President. The Provost, on behalf of the President, shall recommend appointments as University Professors to the Academic Board in closed session. Such recommendations shall be accompanied by written statement outlining the accomplishments of each nominee.

Part VIII, Sections 32 and 33 added as a result of facilitated negotiations with UTFA approved by Governing Council, October 29, 2020

RELATED DOCUMENTS

[University of Toronto Act, 1971](#)

[Ontario Human Rights Code](#)

END OF POLICY AND PROCEDURES ON ACADEMIC APPOINTMENTS