

PART 4: CONDITIONS OF APPOINTMENT FOR FACULTY

The University of British Columbia and the Faculty Association of the University of British Columbia have agreed on the following conditions of appointment for faculty members at The University of British Columbia.

Article 1. Interpretation

1.01 For the purpose of Part 4: *Conditions of Appointment for Faculty*:

“Faculty Member” means all persons appointed by the Board of Governors of the University of British Columbia on a full or part-time basis as Assistant Professor of Teaching, Associate Professor of Teaching, Professor of Teaching, Lecturer, Acting Assistant Professor, Assistant Professor, Associate Professor, Professor or equivalent position; and

“Scholarly activity” means research of quality and significance, or, in appropriate fields, distinguished, creative or professional work of a scholarly nature; and the dissemination of the results of that scholarly activity.

1.02 Heads of Departments

- a) The terms and conditions of the Head’s appointment, including the functions and responsibilities delegated to the Head, shall be agreed in writing between the Dean and the Head at time of appointment or reappointment. As part of their appointment, Heads shall have access to training, time, and support to assist them in carrying out their responsibilities.
- b) Heads report to the Deans of their Faculties. They provide intellectual and administrative leadership for the unit, and are accountable for the operation of the unit, including the budget. In addition, they represent the views of their Departments to the Deans and the University at large.

1.03 Recognition for Service as Department Head

- a) The Head shall be entitled to receive an administrative stipend which shall not be added to base salary, and may also be granted a teaching release. The minimum annual stipend will continue to be \$5,000 per year.
- b) The amount of the stipend and any teaching release shall be agreed at the time of appointment/reappointment and shall be included in a written agreement between the Head and the Dean.

- c) Heads will be granted administrative leave with full salary and benefits for eight (8) months upon successful completion of a three-year term, or twelve (12) months upon completion of a five-year term. Time served as a Head and time taken on administrative leave will not be included in years of service for the purpose of calculating study leave.
- d) A bargaining unit member who takes an academic administrative position will not lose any service time accrued towards a study leave prior to the administrative position.

Article 2. Types of Appointments

Every appointment shall be one of the following types. The term of every appointment, and the termination date, shall be clearly stated on the appointment notice.

2.01 Salaried Term Appointments without Review

- a) Salaried term appointments without review are full-time or part-time appointments at the rank of Professor, Associate Professor, Assistant Professor, Professor of Teaching, Assistant Professor of Teaching, or Associate Professor of Teaching, for a specified limited term. There is no implication that the appointee will be considered for any further appointment of this or any other kind on the expiration of the specified term.
- b) Salaried term appointments without review are governed by regulations of the Board of Governors set forth in University Policy Number AP4.

2.02 Renewable Term Appointments – Lecturers

- a) A Lecturer is a faculty member holding a renewable term appointment, with responsibilities limited to teaching and related duties which may include administrative responsibilities and service as defined by Article 4.05 in Part 4, *Conditions of Appointment for Faculty*.
- b) Lecturer appointments are expected to be renewed for successive terms of one, two, three, four or five years each upon demonstration of excellence in teaching as defined in Article 4.02 in Part 4: *Conditions of Appointment for Faculty*.
- c) The first year of a Lecturer's initial appointment shall be probationary.
- d) The Head shall consult with eligible members of the department and Lecturers in order to ascertain their views and obtain their

recommendation concerning the appointments of all Lecturers.

- e) Lecturers shall participate fully in affairs and activities of the department except where prohibited by this agreement or University policy.
- f) Lecturers will have priority of course assignment over Sessional faculty.
- g) The assignment of workload to Lecturers shall be consistent with the unit's general approach to workload as required by Part 1, Article 13. Within that assignment, Lecturers shall not be assigned teaching responsibilities that exceed the teaching assignment at that time in the unit for full-time sessional lecturers. Lecturers shall be given appropriate course release for assigned administrative or service duties.
- h) Lecturer appointments are full-time. Appointments for Lecturers for a partial workload for all or part of a year shall be done in accordance with Articles 2.03, 3.01, 3.02, and 4.01 of Part 8: *Reduced Appointments*.
- i) Lecturer appointments may not be renewed or may be revoked during the term for reasons such as lack of funding, falling enrolment, or other operational reasons.

2.03 Pre-Tenure Appointments and Reappointments

- a) Pre-tenure appointments are full-time appointments for a specified term of at least twelve (12) months.
- b) For the purpose of calculating years of service, all appointments shall be deemed to have commenced on July 1 of the calendar year in which the appointment began.
- c) These appointments carry no implication of automatic renewal but imply that the appointee will be considered for further appointment. They are to be reviewed before expiration of the specified term in accordance with the criteria and procedures prescribed below.
- d) An appointment for an Acting Assistant Professor is for a maximum of two years. A person will not normally be reappointed as an Acting Assistant Professor. The pre-tenure period begins at the start of an appointment as Acting Assistant Professor.
- e) Pre-tenure appointments are for two three-year terms, except for Assistant Professors, who have two four-year terms.

- f) Faculty members shall be reappointed to a second term if they have demonstrated sufficient progress towards, and promise of, satisfying requirements for a tenured position.
- g) A faculty member holding a pre-tenure appointment shall be given at least twelve (12) months' written notice of a decision not to renew the appointment.
- h) In the penultimate year of a faculty member's second pre-tenure term, the faculty member shall undergo a mandatory review for promotion and/or tenure.
- i) A decision not to grant a tenured appointment on the expiry of the maximum period for a term tenure appointment with review will normally be followed by a one-year terminal appointment with an ending date of June 30.

If the decision not to grant a tenured appointment is received after December 1 of the academic year following the review year, the period of notice of termination will include one complete academic year in addition to any months remaining in the academic year in which the notice of termination is received. If, however, the current term appointment with review has one year or longer to run at the date of the decision not to grant a tenured appointment, notice of intention not to renew the appointment shall be given at least twelve (12) months prior to termination date of the current appointment, and this notice shall be sufficient to comply with Article 7.01 below.

- j) In the case of an Assistant Professor of Teaching:
 - i) if at any time an Assistant Professor of Teaching is promoted to the rank of Associate Professor of Teaching, a tenured appointment will also be granted; and
 - ii) if an appointee is not granted a tenured appointment pursuant to j(i) above, then in the fifth year of service a recommendation whether to promote to the rank of Associate Professor of Teaching must be made.
- k) In the case of an Assistant Professor:
 - i) if at any time an Assistant Professor is promoted to the rank of Associate Professor, a tenured appointment will also be granted; and

ii) if an appointee is not granted a tenured appointment pursuant to k(i) above, then in the seventh year of service a recommendation whether to promote to the rank of Associate Professor must be made.

l) No person will acquire a tenured appointment by reason only of holding a pre-tenure appointment that extends beyond the maximum period of such appointments.

2.04 Tenured Appointments

Tenured appointments are full-time appointments except when the University and a faculty member have agreed to change a full-time tenured appointment to a part-time tenured appointment. They cannot be terminated except in accordance with Article 10 below or for financial exigency or redundancy. Termination for financial exigency or redundancy shall be in accordance with any applicable criteria and procedures established under Article 12 below.

Article 3. Titles and Ranks

3.01 Every faculty member holds one of the following ranks: Lecturer, Assistant Professor of Teaching, Associate Professor of Teaching, Professor of Teaching, Acting Assistant Professor, Assistant Professor, Associate Professor, or Professor.

3.02 Lecturer

Appointment to this rank normally requires completion of relevant academic or professional qualifications, evidence of ability to teach, and promise to achieve excellence in teaching.

3.03 Assistant Professor of Teaching

Appointment to this rank normally requires completion of academic (or where appropriate, professional) qualifications, evidence of ability and commitment to teaching, and promise of educational leadership.

3.04 Associate Professor of Teaching

Appointment at or promotion to this rank requires evidence of excellence in teaching and, demonstrated educational leadership, involvement in curriculum development and innovation, and other teaching and learning initiatives. It is expected that Associate Professor of Teachings will keep abreast of current developments in their respective disciplines, and in the field of teaching and learning. An Associate Professor of Teaching may be promoted to

the rank of Professor of Teaching in the fifth or subsequent years in rank.

3.05 Professor of Teaching

Appointment at or promotion to this rank requires evidence of outstanding achievement in teaching and educational leadership, distinction in the field of teaching and learning, sustained and innovative contributions to curriculum development, course design and other initiatives that advance the University's ability to excel in its teaching and learning mandate. Initial appointments at this rank are normally tenured appointments. Promotion to this rank is neither automatic nor based on years of service and it is expected that some persons will not attain this rank.

3.06 Acting Assistant Professor

Appointment to this rank requires evidence of potential ability in teaching and research. Upon completion of a terminal degree, the person's rank shall be converted to Assistant Professor.

3.07 Assistant Professor

Appointment to this rank normally requires completion of academic qualifications, and evidence of ability in teaching and scholarly activity. Evidence will ordinarily be required to demonstrate that the candidate is involved in scholarly activity, is a successful teacher, and is capable of providing instruction at the various levels in their discipline, but it is sufficient to show potential to meet these criteria. The evidence may include the opinion of scholars familiar with the candidate's work and capability.

3.08 Associate Professor

Appointment at or promotion to this rank normally requires evidence of successful teaching and of scholarly activity beyond that expected of an Assistant Professor. The candidate will be judged on teaching as defined in Article 4.02, on sustained and productive scholarly activity, on ability to direct graduate students, and on willingness to participate and participation in the affairs of the Department and the University. Initial appointment at this rank may be based upon evidence of the candidate's potential to meet these criteria, including the opinion of scholars or other qualified persons familiar with the candidate's work and capability.

3.09 Professor

- a) Appointment at or promotion to this rank is reserved for those whose contributions (judged by the criteria as set out in Article 4) are considered outstanding.
- b) These persons will have met appropriate standards of excellence and have wide recognition in the field of their interest. They must have shown high quality in teaching and sustained and productive scholarly activity, have attained distinction in their discipline, and have participated significantly in academic and professional affairs. Promotion to this rank is neither automatic nor based on years of service and it is expected that some persons will not attain this rank.

Article 4. Criteria for Appointment, Reappointment, Tenure and Promotion

- 4.01
- a) Candidates for appointment, reappointment, tenure, or promotion, other than those dealt with in paragraph (b), are judged principally on performance in both teaching and in either scholarly activity or educational leadership. Service to the academic profession, to the University, and to the community will be taken into account but, while service to the University and the community is important, it cannot compensate for deficiencies in teaching, scholarly activity, or educational leadership. Tenured appointments are granted to individuals who have maintained a high standard of performance in meeting the criteria set forth below and show promise of continuing to do so.
 - b) Candidates for appointment or reappointment to the rank of Assistant Professor of Teaching are judged principally on performance in teaching. Service to the academic profession, to the University, and to the community may be taken into account. Assistant Professor of Teachings who are candidates for a tenured appointment are judged on the ground of excellence in teaching.
 - c) Judgments of an individual should be made objectively.
 - d) The decision to grant a tenured appointment shall take into account the interests of the Department and the University in maintaining academic strength and balance but no person holding a pre-tenure appointment shall be denied

reappointment or a tenured appointment on the ground that the University has established quotas in a Department or Faculty for those holding a tenured appointment.

- e) A person holding a pre-tenure appointment may be denied reappointment or a tenured appointment on the grounds of financial exigency or redundancy. This shall be done in accordance with any applicable criteria and procedures established under Article 12 below.

4.02 Teaching

Teaching includes all presentation whether through lectures, seminars and tutorials, individual and group discussion, supervision of individual students' work, or other means by which students, whether in degree or non-degree programs sponsored by the University, derive educational benefit. An individual's entire teaching contribution shall be assessed. Evaluation of teaching shall be based on the effectiveness rather than the popularity of the faculty member, as indicated by command over subject matter, familiarity with recent developments in the field, preparedness, presentation, accessibility to students and influence on the intellectual and scholarly development of students. The methods of teaching evaluation may vary; they may include student opinion, assessment by colleagues of performance in university lectures, outside references concerning teaching at other institutions, course material and examinations, the calibre of supervised essays and theses, and other relevant considerations. When the opinions of students or of colleagues are sought, this shall be done through formal procedures. Consideration shall be given to the ability and willingness of the candidate to teach a range of subject matter and at various levels of instruction.

4.03 Scholarly Activity

Judgment of scholarly activity is based mainly on the quality and significance of an individual's contribution. Evidence of scholarly activity varies among the disciplines. Published work is, where appropriate, the primary evidence. Such evidence as distinguished architectural, artistic or engineering design, distinguished performance in the arts or professional fields, shall be considered in appropriate cases.

When assessing scholarship for career decisions, consideration will

be given to different pathways to academic and scholarly excellence. Diverse substantive contributions to knowledge and methods of dissemination, as recognized within the field of inquiry, are valued.

- a) For the scholarship of teaching, scholarly activity may be evidenced by originality or innovation, demonstrable impact in a particular field or discipline, peer reviews, dissemination in the public domain, or substantial and sustained use by others. For example, textbooks and curriculum reform that changed academic understanding or made a significant contribution to the way in which a discipline or field is taught might constitute useful evidence of the scholarship of teaching whereas textbooks or curriculum revision of a routine nature would not.
- b) In professional or clinical studies scholarly activity may be evidenced by research on or the creation of:
 - i) significant applications of fundamental theory; or
 - ii) significant forms and applications of professional or clinical practice.

Work with professional, technical, scholarly or other organizations or with scholarly publications which falls within the definition of scholarly activity may also be considered.

4.04 Educational Leadership

- a) Educational leadership is activity taken at UBC and elsewhere to advance innovation in teaching and learning with impact beyond one's classroom. Educational leadership includes but is not limited to such things as:
 - application of and/or active engagement in the scholarship of teaching and learning;
 - significant contributions to curriculum development, curriculum renewal, course design, new assessment models, pedagogical innovation and other initiatives that extend beyond the member's classroom and advance the University's ability to excel in its teaching and learning mandates;
 - teaching, mentorship and inspiration of colleagues;

- formal educational leadership responsibility within Department/Program/Faculty;
 - organization of and contributions to conferences, programs, symposia, workshops and other educational events on teaching and learning locally, nationally and internationally;
 - contributions to the theory and practice of teaching and learning, including publications such as textbooks, print and electronic publications, book chapters, articles in peer-reviewed and professional journals, conference proceedings, software, training guidelines, instructional manuals or other resources; and
 - other activities that support evidence-based educational excellence, leadership and impact within and beyond the University.
- b) Judgment of educational leadership is based mainly on the quality and significance of the individual's contributions.

4.05 Service to the University and the Community

Service is a combination of assigned and self-directed tasks. This includes service performed for the benefit of Departments, Faculties, Extended Learning, or other parts of the University (including the Faculty Association), and for professional organizations and the community at large. Such service might include administrative or supervisory work, service on committees and university bodies, all continuing education activity in the community including professional education, special work with professional, technical, scholarly or other organizations or with scholarly publications not falling within the definition of scholarly activity, membership on or service to governmental or public councils and boards, mentoring activities including for members of Indigenous, racialized, or other historically marginalized groups, and other forms of academic, professional, and public service.

Service also includes professional, academic, and public service work done to advance the inclusion of all those who have been historically excluded based on gender, race, religion, sexuality, age, disability, or economic circumstance.

Article 5. Procedures for Appointment, Reappointment, Tenure and Promotion

5.01 General Provisions

- a) Appointments, reappointments, tenure decisions and promotions are made by the Board of Governors upon the recommendation of the President.
- b) The procedures in this section govern initial appointments at the ranks of Assistant Professor of Teaching, Associate Professor of Teaching, Professor of Teaching, Acting Assistant Professor, Assistant Professor, Associate Professor, and Professor; renewal or non-renewal of pre-tenure appointments; recommendations for or against the award of tenure; and promotions.
- c) Where there is a joint appointment, a designated home unit, designated home Faculty, and procedures and criteria for tenure and promotion evaluation will be clearly laid out at the time of appointment. These procedures and criteria can include flexible procedures such as forming joint committees for the departmental and/or Dean's Advisory Committee review, representatives attending other units' meetings, and the submission of joint recommendations.
- d) Standard norms for joint appointment procedures will be established. If a particular appointment requires procedures outside of the norm the parties will consult to ensure that the suggested procedure meets the principle that all collaborating units have reasonable opportunity to influence the appointment, promotion or tenure decision. This includes the opportunity to participate in the development of the candidate's dossier, gathering information on teaching performance, and on the selection of external referees.
- e) It is expected that confidentiality will be respected by all those participating in consultations.

5.02 Meetings with the Head

- a) The Head shall meet with pre-tenured faculty members during the first year of appointment to review the criteria and expectations for reappointment, tenure and promotion and provide the faculty member with an opportunity to ask questions about the reappointment, tenure and promotion processes.

After the first year, the Head shall meet with pre-tenured faculty members no later than June 30 of each year. It is the responsibility of the faculty member to provide an up-to-date curriculum vitae and other relevant information to the Head prior to the meeting.

- b) The purpose of the annual meetings specified in Article 5.02(a) is to identify any potential difficulties with the candidature, to assist the candidate with any concerns, and to discuss:
 - i) the timing of the next review;
 - ii) the criteria and expectations of the next review, including how teaching, scholarly activity, educational leadership and service will be assessed;
 - iii) the candidate's record including their successes, any potential difficulties and how concerns may be addressed; and
 - iv) where relevant, the information and documents required for the review to proceed.
- c) The candidate may bring a colleague to each of the above meetings.
- d) When the candidate has a joint appointment, the annual meetings can be held jointly or separately.
- e) At the conclusion of each annual meeting the matters discussed must be recorded in a memorandum prepared by the Head and agreed to by the candidate. Although the candidate and the Head must agree on what was discussed, they may or may not agree on the evaluations or advice provided. In the case of separate annual meetings, the memorandum will be shared with both Heads.

5.03 Candidate's File for Reappointment, Promotion, or Tenure

- a) Initial file

It is the responsibility of the candidate to provide the file that is to be reviewed no later than July 1, unless otherwise agreed by the Head.

- b) Supplementing Files

The candidate or the University has the right, up to the stage of the President's decision, to supplement the file by the addition of new, unsolicited information (such as a new set of student evaluations, the publication of an additional book or article, the receipt of a grant, a published review of the candidate's work, etc.) or a response to particular concerns that emerge in the relevant documentation.

5.04 Departmental Consultation: Committees

- a) The Department Head shall consult formally at meetings convened for that purpose with eligible members of the Department in order to ascertain their views and to obtain their recommendation concerning appointment, reappointment, tenure and promotion.
- b) Faculty members eligible to be consulted are:
 - i) In the case of initial appointments, all tenured and tenure-track members of the department.
 - ii) In the case of reappointments and promotions, those higher in rank than the candidate, except that in the case of reappointment of a Professor those holding the rank of Professor are eligible to be consulted.
 - iii) In the tenure cases, those who are tenured and of equal or higher rank.

For the duration of this Collective Agreement, Articles 5.04(b)(ii) and 5.04(b)(iii) do not apply as per Letter of Understanding 1 on pages 86 and 87.

- c) Consultation shall be achieved through standing committees. These committees shall be composed of all the eligible members of the Department, or of eligible members elected by the eligible members of the Department. Members of faculty from outside the Department may be added to the standing committee when the number of eligible members (not including the Head) is less than three (3). These additional members shall be chosen by the eligible members of the Department and approved by the Dean.

5.05 Departmental Consultation: Letters of Reference

- a) Letters of appraisal from external referees on the quality and significance of the scholarly (including professional, and/or

creative) achievements of the candidate shall be obtained when consideration is being given to:

- i) initial appointment at, or promotion to, the rank of Associate Professor or Professor;
- ii) tenure; or
- iii) reappointment when the departmental standing committee considers that it, or the Head considers that they, may recommend denial of reappointment, and a deficiency in scholarly work is a reason.

For purposes of clarification, in the case of promotion to Associate Professor of Teaching, letters of appraisal do not need to be from external referees.

- b) The Head shall solicit letters of appraisal from four referees, of whom at least two shall be taken from a list of names supplied by the candidate. If additional referees are required at any time, the number selected from the list supplied by the candidate shall never be less than the number otherwise selected. If additional referees are required the candidate shall, if need be, provide additional names so that there shall always be one more referee on the candidate's list than the number of referees to be selected from the list.
- c) Before selecting prospective referees for consideration, the Head shall consult with the departmental standing committee about these referees.

5.06 Departmental Committee: Meetings

- a) Consultation shall be conducted according to procedures agreed upon between the Head and the eligible members of the Department and approved by the Dean. The Head shall ensure that each faculty member in the Department is informed of the agreed procedures. The Dean shall collect and maintain an open file of all such procedures.
- b) Consultation shall include consideration of all relevant information, including any information submitted by the candidate as provided for in 5.02(a) or 5.03(b) above, at formal meetings.
- c) Members of the departmental standing committee who cannot participate in the consultations may submit opinions in writing to the committee.

- d) The Head shall chair the departmental standing committee but shall not vote.
- e) Normally, the only material which will be considered is material that has been obtained following required or other recognized procedures. Material which will not normally be considered includes material solicited by the candidate and unsolicited material such as letters from third parties, faculty members who are not official appraisers, or students. If any material that would normally not be taken into account is considered and it is not supportive of the candidate, the contents of the material shall be revealed to the candidate. The candidate shall be given a reasonable opportunity to rebut or explain the contents, and this rebuttal or explanation shall be added to the file.
- f) When serious concerns about the candidacy arise in the departmental standing committee, the Head shall inform the candidate of that fact and the reasons therefore with sufficient particularity to enable the candidate to have a meaningful opportunity to respond either orally or in writing at the option of the committee and to introduce further relevant evidence. The candidate shall be provided with a summary of the referees' opinions, the summary to be prepared by a member of the departmental committee selected by the committee. The summary shall be prepared in such a way that the identities of the referees are not disclosed.
- g) The recommendation of the departmental standing committee shall be that of a majority.

5.07 Head and the Department Recommendations

- a) When a Department has considered a reappointment, a tenure decision, or a promotion resulting from a review under Article 9 below, the Head shall forward the following to the Dean:
 - i) the Head's recommendation with the basis for it;
 - ii) the recommendation, a record of the vote and the full report of the departmental committee;
 - iii) letters of appraisal from external referees;
 - iv) unsolicited information from faculty members or students that qualifies for consideration under Article 5.06(e); and

- v) information submitted by the candidate pursuant to Article 5.02(b)(i) or 5.03.
- b) The Head shall prepare the report of the departmental committee. The report shall contain a full statement of the reasons of the committee including a full statement of the majority and any minority opinions. Before sending the report to the Dean the Head shall circulate a draft to the committee and shall invite comments on the draft.
- c) The Head may decide to stop the process of an optional review. In such cases, the Head will provide detailed and specific reasons to the candidate in writing including in which respects they are deemed to have failed to satisfy the applicable criteria. Such recommendation is not subject to Appeal as set out in Article 13.

5.08 Notification of Departmental Recommendations to Candidate

- a) In all cases other than an initial appointment, the Head shall, at the time the recommendations are forwarded to the Dean, inform the candidate in writing of the recommendations being forwarded.
- b) If the recommendation of either the Head or the standing committee is negative, the Head shall provide detailed and specific reasons in writing for any negative recommendation including respects in which the candidate is deemed to have failed to satisfy the applicable criteria. Where the Head's recommendation is negative but that of the standing committee is positive the Head shall also provide detailed and specific reasons for the positive recommendation.
- c) The Head may provide detailed and specific reasons by giving to the candidate a copy of the recommendation being forwarded to the Dean but if that is done the recommendations shall be modified to the extent necessary to protect the confidentiality required under Article 5.01(d) and to protect the identity of referees.
- d) The candidate shall be invited to make a timely response, which shall be added to the file pursuant to Article 5.03.

5.09 Procedures for Institutes, Schools and Faculties without Formal Departments

- a) Institutes and similar Academic Units shall follow the

procedures consistent with those for Departments.

- b) Schools and similar Academic Units shall follow the procedures consistent with those for Departments or Faculties, depending on what is appropriate in the circumstance.
- c) In a Faculty not having formal departmental organization, the Dean shall ensure that recommendations for appointments, reappointments, tenure decisions, and promotions are arrived at by procedures and arrangements consistent with those for Departments and Faculties.

5.10 Review by the Dean

- a) The Dean shall review the recommendations received from the Head to ensure that proper procedures have been followed, that all relevant material has been considered, and that recommendations made are consistent with the evidence presented.
- b) In the case of recommendations concerning tenure, promotion, or reappointment (when the Dean is considering not recommending in favour of reappointment) the Dean shall consult with an advisory committee. In the case of other recommendations, the Dean may consult with an advisory committee.
- c) The Dean's advisory committee (DAC) shall normally be composed of at least 6 (but not fewer than 4) tenured full professors and professors of teaching, one-half of whom shall be elected by secret ballot by the faculty, and one-half of whom shall be selected by the Dean. Heads who are tenured full professors or professors of teaching shall be eligible for selection by the Dean. In selecting members of the committee, the Dean, having regard to the members who have been elected, shall take into account the need for representation of disciplines within the Faculty, including emerging disciplines and multi-disciplinary activities, and the need to maintain gender balance. Members of DAC shall serve for specified and staggered terms.
- d) When serious concerns about the candidacy arise in the advisory committee, the Dean shall inform the candidate of that fact and the reasons therefore with sufficient particularity to enable the candidate to have a meaningful opportunity to respond and to introduce further relevant evidence. If the

candidate has not already been provided with a summary of the referees' opinions, they shall be provided by the Dean. The summary shall be prepared in such a way that the identities of the referees are not disclosed.

- e) The Dean, after considering the advice of the advisory committee, (i) may refer the case back to the Head and the departmental standing committee for reconsideration; or (ii) make a recommendation to the President pursuant to 5.11.

5.11 Dean: Recommendation to the President

- a) The Dean shall, except when their decision concerning an initial appointment or a promotion arising out of an optional review under Article 9 below is negative, forward their recommendation to the President together with the recommendations received from the Department.
- b) If the Dean's recommendation is different from either that of the Head or that of the departmental standing committee, the Dean shall inform the President of the reasons for this.
- c) The Dean may decide to stop the process of an optional review. In such cases, the Dean will provide detailed and specific reasons to the candidate in writing including in which respects they are deemed to have failed to satisfy the applicable criteria. Such a recommendation is not subject to Appeal as set out in Article 13.

5.12 Dean: Informing the Candidate

- a) In all cases other than initial appointments, the Dean shall, at the time the recommendations are being forwarded to the President, inform the candidate in writing of their recommendation.
- b) If the recommendation of the Dean is negative, in opposition to the recommendation of the Head or the departmental standing committee, or for reasons not raised by the Head or the departmental standing committee, the Dean shall provide detailed and specific reasons in writing to the candidate including the respect in which they are deemed to have failed to satisfy the applicable criteria.
- c) The Dean may provide detailed and specific reasons by giving the candidate a copy of the Dean's recommendation to the President but if that is done the recommendation shall be

modified to the extent necessary to protect the confidentiality under Article 5.01(d) and to protect the identity of referees.

- d) The candidate shall be asked to make a timely written response, which shall be added to the file pursuant to Article 5.03.

5.13 Dean: Informing the Head and Department

If the Dean's recommendation is not in accord with the recommendation of either the Head or the departmental standing committee, the Dean shall inform the Head of this fact and the reasons for it and the Head shall inform the members of the departmental standing committee.

5.14 Review by President

- a) All recommendations to the President concerning initial appointments at or promotions to the rank of Associate Professor of Teaching, Associate Professor, Professor, or Professor of Teaching, or concerning tenure decisions, shall be reviewed by the Senior Appointments Committee which is a standing advisory committee established by and making recommendations to the President. At least ten percent of the Senior Appointments Committee appointed by the President will hold appointments at UBC Okanagan. The Faculty Association shall nominate a member of the Committee. A Dean whose recommendations are being considered by the committee may participate in the deliberations of the committee but shall not vote on the recommendations.
- b) The President may request a further review of a case by the Dean.
- c) In their deliberations, the President may consult or request further information only from the Senior Appointments Committee as per Article 5.14(a), the Dean as per Article 5.14(b), the Provosts or the Deputy Vice Chancellor regarding the decision they propose to make. If the Provosts or Deputy Vice Chancellor raise any new negative information or serious concerns are introduced during the consultation, the candidate shall be informed in writing and given an opportunity to respond in writing prior to the President making their decision.
- d) Notwithstanding the procedures set out in Article 5 of Part 4: *Conditions of Appointment for Faculty*, the President may

make an initial appointment of Associate Professor with tenure, Professor with tenure, Associate Professor of Teaching with tenure or Professor of Teaching with tenure where (1) the Departmental Committee, including the Head, a representative of the Faculty Committee and a representative of the Senior Appointments Committee, and (2) the Dean have recommended in favour of the appointment.

- e) Given that the University strives to foster excellence in teaching, scholarly activity and service, the mandate of all involved in a reappointment, tenure and/or promotion review is to make recommendations which ultimately advise the President on individual cases, in accordance with:
 - i) the provisions of this agreement;
 - ii) concepts of procedural fairness in the university context;
 - iii) consideration of appropriate standards of excellence across and within faculties and discipline.

In addition to considering the merits of the candidate's teaching, scholarly activity and service, the President will also consider all relevant contextual factors.

5.15 President: Informing the Candidate

- a) Except in the case of initial appointments, the President shall, at the time a decision is made on whether or not a recommendation is to be forwarded to the Board of Governors respecting a candidate, inform the candidate in writing of that decision with a copy to the Faculty Association.
- b) If the consideration for reappointment, tenure or promotion results in a positive recommendation by the President, the reappointment, tenure or promotion shall take effect on July 1 following the calendar year in which the review was initiated.
- c) If the recommendation of the President is negative, the President shall provide detailed and specific reasons in writing to the candidate including the respects in which they are deemed to have failed to satisfy the applicable criteria and send a copy to the Association.

5.16 Arbitration

- a) The President's decision to deny reappointment, tenure, or

promotion may be subject to arbitration following the procedures as provided in Article 13 of Part 4: *Conditions of Appointment for Faculty*.

- b) Upon notice of appeal of a decision by the President to deny reappointment, tenure or promotion, the University will provide a copy to the Faculty Association of the candidate's file reviewed by the President. The file shall be modified to the extent necessary to protect the confidentiality required under Article 5.01(d) and to protect the identity of referees.

Article 6. Policy Respecting Faculty with Familial Ties

- 6.01 It is the policy of the University to treat all individuals equally with respect to appointment, salary, benefits, and rank. No bar to appointment or promotion will be offered because of familial ties. Before employing a member of the immediate family of the Head or any other member of the Department in any capacity, however, the Head shall bring the case to the attention of the Dean of the Faculty and the President in writing. Similarly, a Dean wishing to employ a member of their immediate family in any capacity shall inform the President in writing.
- 6.02 Administrators or faculty members must not take part in formal discussion or voting on the appointment, reappointment, tenure or promotion of persons related to them.

Article 7. Period of Notice

- 7.01
 - a) A faculty member holding a pre-tenure appointment for one year shall be notified by the Head of the Department by January 15 whether or not the appointment is likely to be renewed, and shall be notified of the final decision by March 15.
 - b) A faculty member holding a pre-tenure appointment for more than one year shall be given at least twelve (12) months' notice of a decision not to renew the appointment.
 - c) In all cases the notice shall be in writing.
- 7.02
 - a) Except with the agreement of the University, the resignation of a faculty member will take effect on June 30.
 - b) A faculty member shall give notice of resignation well in advance of the date on which the resignation is to take effect.
 - c) A faculty member who has accepted responsibilities for the

academic year is expected to continue with the University until these responsibilities have been discharged.

7.03 Lecturers

- a) A Lecturer who had previously held an appointment as a Sessional Lecturer and who is not to be re-appointed as a Lecturer for reasons other than those described in 2.02(a) shall be given at least one month's notice and immediately qualify for reappointment under provisions of Part 7: *Conditions of Appointment for Sessional Lecturer*, and shall maintain all their accumulated service and benefits.
- b) A Lecturer who had not previously held an appointment as a Sessional Lecturer and who is not to be re-appointed as a Lecturer, shall be given notice or pay in lieu of notice of one month per year of their service up to a maximum of six months.

Article 8. Appointments Involving Salaries from Non-University Funds

8.01 Persons on research appointments are normally appointed specifically as research workers with appropriate titles such as Research Associate. Such appointments do not lead to a tenured appointment. Persons who undertake teaching duties and who are supported by non-University funds may be given an honorary academic title.

- 8.02
 - a) Academic appointments other than those in Article 8.01 above may be funded jointly by the University and some other body such as an affiliated teaching hospital, or in some cases may be funded entirely from extra-mural sources such as a national granting agency. Persons holding such appointments shall be subject to the same procedures and criteria for initial appointment, reappointment, tenured appointment, and promotion that are applied to those holding appointments funded solely by the University. The award of a tenured appointment, however, shall be for the term of the grant or contract and shall be termed “tenure (grant).”
 - b) The appointment notices received by faculty members supported by non-university funds in whole or in part shall state clearly the terms of appointment, and that the source of the salary funds is other than the University budget.
 - c) A faculty member who has a tenured appointment (grant) may, with the agreement of the University, be given a full-

time or part-time appointment.

- d) A faculty member holding a pre-tenure appointment or a tenured appointment (grant) and supported by non-university funds in whole or in part shall, subject to funds being available, be given a minimum notice of one year if the appointment is to be terminated as a result of the termination of the non-university funds from which the member's salary is paid.
- e) If an appointment supported by non-university funds in whole or in part is not to be renewed or is to be terminated for any reason other than the termination of non-university funds, the criteria and procedures applicable to appointments funded solely by the University shall govern.

Article 9: Reviews for Promotion

9.01 Optional Reviews for Promotion and Tenure for Pre-tenured Faculty

- a) An optional review for promotion may be conducted in any year with the consent of the Head and the candidate, and may be stopped by the Head, Dean or Candidate at any time, except that only the Candidate may stop an optional review in the year after reappointment. A decision to stop the process by the Head or Dean is not subject to appeal as set out in Article 13.
- b) Assistant Professors and Assistant Professors of Teaching may be reviewed early for promotion. A positive decision for promotion in an optional review shall result in a tenured appointment being granted.
- c) A negative decision following an optional review for promotion shall not result in a terminal year.
- d) An optional review for tenure for Associate Professors, Professors, Associate Professors of Teaching, or Professors of Teaching may be conducted in any year with the consent of the Head and the candidate, and may be stopped by the Head, Dean or Candidate at any time. A decision to stop the process by the Head or Dean is not subject to appeal as set out in Article 13. If a negative decision is made on the awarding of tenure, the faculty member shall be entitled to a terminal year pursuant to Article 2.03(i).

9.02 Tenured Faculty

- a) A review for promotion may be conducted in any year upon request

by the candidate. If a promotion is denied, another optional review will not be conducted for three years.

- b) At any time, the Head may make a recommendation for a promotion review and if the candidate agrees a review shall take place.
- c) If an optional review is stopped by either the Head or the Dean, only the Candidate may stop the next optional review.
- d) If an optional review is conducted past the point of obtaining referee letters, a review will not be conducted in the following year.

Article 10. Disciplinary Measures

10.01 Definitions:

“Cause” for the purpose of dismissal means incompetence, gross misconduct, or refusal or unjustifiable failure to carry out one’s reasonable duties. “Cause”, for the purpose of suspension or disciplinary measures is understood to be less than is required to be shown for dismissal, but no dismissal, suspension or discipline shall be sustained unless the University can show just cause;

“Disciplinary measure” means the imposition of a penalty such as a warning or formal reprimand other than termination of appointment or suspension, but does not include an oral or written comment on performance unless that comment is accompanied by a warning or reprimand, and does not include a measure taken under regulations approved by the Board of Governors or the Senate covering such matters as parking or use of the library;

“Suspension” by way of discipline means the release of a faculty member from their duties for a specified period during which time rights and privileges as a faculty member are withdrawn and salary is reduced or discontinued, but does not include the reduction or discontinuance of the salary of a faculty member who is unable to discharge University duties for reasons such as emotional or physical incapacity or unavoidable absence from the University;

“Termination of appointment” means the release of a faculty member without their agreement before the term of the contract, but does not include a decision not to award a tenured appointment, or a decision not to renew an appointment which has a term of twelve (12) months or less, and shall not include the ending of an

appointment for financial exigency or redundancy; and

“Temporary paid leave” means a paid leave imposed by the President pending the outcome of an investigation into allegations against a faculty member.

10.02 Representational Rights

When the University requires Faculty Association members to attend a meeting where it is known in advance by the University that it may result in discipline, the University shall inform the faculty member in advance of their right to advice and representation from the Faculty Association. The Faculty Association will also be notified and can attend the meeting with consent of the member. The advance notice to the faculty member shall be reasonable in order that they may seek representation.

10.03 Temporary Paid Leave

- a) The President may impose a temporary paid leave on a faculty member pending the outcome of an investigation of allegations against the faculty member.
- b) During a temporary paid leave, a faculty member may be relieved from some or all of their duties and may be deprived of some of their rights and privileges; but their salary should not be reduced or discontinued during the period of a temporary paid leave.
- c) The period of a temporary paid leave shall not normally be longer than sixty (60) days.

10.04 Termination and Suspension for Cause: Decision of the President

Any recommendation to the President must be made by the Dean of the appropriate Faculty.

- a) When the President considers that appropriate grounds may exist for the termination of an appointment for cause or for the suspension of an appointment for cause, the President shall inform the faculty member concerned in writing.
- b) Within twenty-one (21) days of receiving written notification from the President, the President and the faculty member shall meet to discuss the matter in the presence of the Dean concerned and the Head of the faculty member’s Department.

The President shall be entitled to bring Faculty Relations advisors and the faculty member concerned shall be entitled to bring Faculty Association advisors to this meeting. The Chair of the Faculty Association's Member Services & Grievance Committee and/or the Chair's representative shall attend the meeting.

- c) If, following this meeting, the President decides to proceed with termination for cause or with the suspension for cause, the President shall inform the Association and the faculty member in writing of the termination or suspension.
- d) Within forty-two (42) days after receipt of this notice the Association may give written notice to the President that it wishes to proceed to arbitration.

10.05 Termination and Suspension: Arbitration

Articles 20.06 to 20.13 inclusive of Part 1: *Framework for Collective Bargaining* apply to the submission to arbitration of a decision of the President to terminate or suspend a faculty member.

10.06 Disciplinary Measures: Imposition

A Head or a Dean may impose a disciplinary measure on a faculty member; and shall at the time of the decision inform the faculty member in writing of the measure and the reasons for it.

10.07 Disciplinary Measures by a Head: Grievance

If the faculty member wishes to dispute the imposition of discipline imposed by a Head the grievance procedures in Articles 20 inclusive of Part 1: *Framework for Collective Bargaining* shall apply.

10.08 Disciplinary Measures by a Dean: Grievance

If a member of the bargaining unit wishes to dispute the imposition of a reprimand or other discipline initially imposed by a Dean they shall, within forty-two (42) days of being informed in writing by the Dean of the imposition of the discipline, notify the Dean in writing. The grievance shall be pursued in accordance with Articles 20 inclusive of Part 1: *Framework for Collective Bargaining*.

10.09 Disciplinary Measures: Arbitration

Articles 20.06 to 20.13 inclusive of Part 1: *Framework for Collective Bargaining* apply to the submission to arbitration of a dispute on the imposition of disciplinary measures.

Article 11. Procedures in Case of Emotional or Physical Incapacity

11.01 A faculty member suffering from emotional or physical incapacity may be granted leave in some form. Should there be disagreement between the University and the faculty member about this incapacity, the evidence shall be studied and recommendations made by a committee of medical personnel appointed in the following manner. The individual concerned and the President shall each nominate a medical practitioner to sit on the committee who shall then agree on a further medical practitioner as chair. If the two nominees are unable to agree, the chair shall be chosen by the President of the Council of the College of Physicians and Surgeons of British Columbia.

Article 12. Financial Exigency and Redundancy

12.01 Financial Exigency

Provided that Part 1: *Framework for Collective Bargaining* is in force, the criteria and procedures for any alteration in the conditions of appointment of any faculty member because of financial exigency in the University will be negotiated by collective bargaining between the Parties in accordance with the provisions of that agreement.

12.02 Redundancy

Provided that Part 1: *Framework for Collective Bargaining* is in force, the criteria and procedures for any alteration in the conditions of appointment of any faculty member because of redundancy in a Department, School, or Faculty will be negotiated by collective bargaining between the Parties in accordance with the provisions of that agreement.

Article 13. Appeal of Decisions on Reappointment, Tenure and Promotion

13.01 Interpretation

For the purpose of this Article:

“Arbitration” means arbitration proceeding in accordance with Articles 20.06 to 20.13 of Part 1: *Framework for Collective Bargaining* as modified by this Article;

“Decision” means a determination made by the President whether

or not to recommend reappointment, tenure, or promotion after a mandatory or optional review;

“Evidence” means the information that was, or should have been, considered at each stage of the process leading to a decision; and

“Procedural error” means a failure or failures to follow required procedures or a failure or failures to consider relevant evidence.

13.02 Informal Settlement

- a) Nothing shall prevent the use of informal means to settle disputes relating to reappointment, tenure, or promotions, such as ad hoc reviews of recommendations and decisions.
- b) The use of informal means to settle disputes shall not affect the right of the Association to appeal a decision.
- c) The right of the Association to refer any decision to arbitration is hereby recognized.

13.03 Time Limits

- a) If the Association wishes to refer a decision of the President to arbitration it shall notify the President in writing within twenty-one (21) days of receiving reasons under Article 5.15.
- b) Where an informal review of the decision has been commenced by the University in accordance with Article 13.02(a) above, the times referred to in paragraph (a) of this section shall run from the time the faculty member receives the written notice of the result of the review.
- c) The time limits set out in paragraphs (a) and (b) above may be extended by the Arbitration Board.

13.04 Arbitration

The Arbitration Board shall be constituted and shall conduct its proceedings pursuant to Articles 20.06 to 20.13 inclusive of Part 1: *Framework for Collective Bargaining*.

13.05 Order of Proceeding

The Party bearing the burden of proof shall present its case first.

13.06 Burden of Proof

In proceedings before the Board, the burden of proof shall be on the appellant.

13.07 Jurisdiction

- a) A decision may be appealed on the ground that it was arrived at through procedural error or on the ground that it was unreasonable.
- b) When procedural error is a ground of appeal and a Board decides that there was a procedural error, a Board may:
 - i) dismiss the appeal if it is satisfied the error has not resulted in a wrong decision;
 - ii) if the error may have resulted in a wrong decision:
 - a) direct that the matter in question be reconsidered commencing at the level of consideration at which the error occurred. In so ordering the Board shall specifically identify the error, shall give specific directions as to what is to be done on the reconsideration, and shall adjourn the hearing until reconsideration has taken place; or
 - b) if it decides that the error was of such a nature that it would not be possible for the matter to be fairly dealt with on a reconsideration, decide the appeal on the substantive merits.
 - c) When unreasonableness is a ground of the appeal the Board shall reverse the decision if it finds that on the evidence the decision is unreasonable; otherwise it shall dismiss the appeal.
 - d) When procedural error and reasonableness are grounds of appeal a Board may exercise any of the powers conferred by (b) and (c) above.

13.08 Decisions of the Arbitration Board

- a) The Board shall reach a decision within twenty-one (21) days of its final meeting at which evidence is presented.
- b) The decision of the Board shall be that of the majority.
- c) The Board shall forward its decision to the President and to the Association together with written reasons for the decision.

APPENDIX A

**LETTER OF UNDERSTANDING 1
BETWEEN
THE UNIVERSITY OF BRITISH COLUMBIA
AND
THE FACULTY ASSOCIATION OF
THE UNIVERSITY OF BRITISH COLUMBIA**

Re: Faculty Members Eligible to Vote on Reappointment, Tenure and, Promotion

For the duration of this Collective Agreement, Article 5.04(b)(ii) and (iii) do not apply and faculty members eligible to be consulted are set to the charts below:

(A) Eligible members for votes regarding reappointment

| Rank/Decision being considered | “Eligible Member” |
|---|--|
| Reappointment of Assistant Professor of Teaching | Associate Professor; Professor; Associate Professor of Teaching; Professor of Teaching |
| Reappointment of tenure track Associate Professor of Teaching | Associate Professor; Professor; Professor of Teaching |
| Reappointment of tenure track Professor of Teaching | Professor; Professor of Teaching |
| Reappointment of tenure track Assistant Professor | Associate Professor; Professor; Associate Professor of Teaching; Professor of Teaching |
| Reappointment of tenure track Associate Professor | Professor; Professor of Teaching |
| Reappointment of tenure track Professor | Professor; Professor of Teaching |

(B) Eligible members for votes regarding tenure and promotion

| Rank/Decision being considered | “Eligible Member” |
|--|--|
| Tenure and Promotion to Associate Professor of Teaching (from Assistant Professor of Teaching) | Tenured Associate Professor; Tenured Professor; Tenured Associate Professor of Teaching; Tenured Professor of Teaching |
| Promotion to Professor of Teaching (from Associate Professor of Teaching) | Professor; Professor of Teaching |
| Tenure – at rank of Assistant Professor | Tenured Assistant Professor; Tenured Associate Professor; Tenured Professor; Tenured Professor of Teaching |
| Tenure – at rank of Associate Professor of Teaching | Tenured Associate Professor; Tenured Professor; Tenured Associate Professor of Teaching; Tenured Professor of Teaching |
| Tenure – at rank of Associate Professor | Tenured Associate Professor; Tenured Professor; Tenured Professor of Teaching |
| Tenure - at rank of Professor and Professor of Teaching | Tenured Professor; Tenured Professor of Teaching |
| Tenure and Promotion to Associate Professor (from Assistant Professor) | Tenured Associate Professor; Tenured Professor; Tenured Professor of Teaching |
| Promotion to Full Professor (from Associate Professor) | Professor; Professor of Teaching |

APPENDIX B

LETTER OF UNDERSTANDING BETWEEN THE UNIVERSITY OF BRITISH COLUMBIA AND THE FACULTY ASSOCIATION OF THE UNIVERSITY OF BRITISH COLUMBIA

Re: Vantage College – Search Committees

For the duration of the Collective Agreement, UBC and the UBCFA agree that for the purpose of new appointments of faculty members who are anticipated to perform duties in Vantage College in their pre-tenure appointment, or the appointments of Lecturers who are anticipated to perform duties in Vantage College, the Academic Director of Vantage College (or delegate) will participate in any search committee processes for these appointments.

APPENDIX C

LETTER OF UNDERSTANDING BETWEEN THE UNIVERSITY OF BRITISH COLUMBIA AND THE FACULTY ASSOCIATION OF THE UNIVERSITY OF BRITISH COLUMBIA

Re: Vantage College – Departmental Standing Committees

For the duration of the Collective Agreement, UBC and the UBCFA agree that for the purpose of new appointments of faculty members who are anticipated to perform duties in Vantage College in their pre-tenure appointment or for reappointment, promotion or tenure reviews of faculty members who have performed duties within Vantage College in the period subject to review, the Academic Director of Vantage College:

1. Will be invited to participate in departmental standing committee meetings convened for the purpose pursuant to Article 5.04 and 5.06 in *Part 4: Conditions of Appointment for Faculty*; and
2. May be invited by the Head, with the agreement of the majority of the members of the standing committee, to vote as part of the departmental deliberations as set out in Article 5.06.

APPENDIX D

LETTER OF UNDERSTANDING BETWEEN THE UNIVERSITY OF BRITISH COLUMBIA AND THE FACULTY ASSOCIATION OF THE UNIVERSITY OF BRITISH COLUMBIA

Re: Joint Consultation Committee - Diverse Scholarship

The University of British Columbia (UBC) and the Faculty Association of the University of British Columbia (UBCFA) agree to form a Joint Consultation Committee comprised of an equal number of representatives of each party totaling not more than eight (8) persons.

The mandate of the Committee will be to provide recommendations to the parties for language changes to the collective agreement to provide guidance for assessing Indigenous scholarship and other diverse forms of scholarly activity for the merit, appointment, promotion, and tenure processes.

The Committee will begin its work by September 2020 and will report to the University and the Association with detailed recommendations by no later than September 2021.