

Article 18: Tenure for Faculty Members

18.01 General Tenure Considerations

- a) Tenure as an academic status means continuing appointment in a full-time faculty position as Professor or Associate Professor until resignation, retirement, or termination under the provisions of this Collective Agreement.
- b) Tenure is granted as a means to ensure academic freedom, a principle to which the university community is dedicated.
- c) The granting of tenure is a confirmation of a person's competence and commitment to the creative task of higher education.
- d) The Board of Governors confers tenure only on the basis of a judgment made by the members' peers in accordance with the procedures set forth in this Article.
- e) Tenure shall not apply to administrative offices or to any other position outside the bargaining unit. However, a faculty member with tenure shall not relinquish tenure upon receiving such an appointment. When the administrative term of office of a faculty member with tenure is completed, or should that person resign prior to the end of the term of office, she or he shall revert to faculty status with uninterrupted tenure.
- f) A tenured faculty member who transfers from one (1) academic unit to another within the University shall retain her or his tenured status.
- g) A tenured faculty member on reduced-time appointment as per Article 25 shall retain status as a faculty member with uninterrupted tenure.
- h) Only members who hold a probationary appointment at the rank of Assistant Professor and above shall be eligible for tenure consideration.
- i) A faculty member holding a joint appointment shall be considered separately by the DTC for each of the academic units. The DTC of each secondary unit shall submit its reasoned report to the DTC of the primary unit which shall take it into consideration in preparing its own reasoned report for submission to the FPTC of the Faculty in which the primary unit is located.
- j) A faculty member holding a cross appointment shall be considered by the DTC of the primary unit which shall solicit a written submission from the secondary unit.

18.02 Tenure Criteria

- a) For tenure to be granted, candidates shall have demonstrated a level and quality of competence and promise in the areas of activity described in Article 16.01 a) and 16.01 b) consistent with the academic unit, Faculty and University expectations, including conditions prescribed at the time of initial appointment

or in the course of a reappointment exercise conducted in accordance with Article 14.

- b) Performance during the overall period of the probationary appointment shall be taken into account in applying the above criteria; when a candidate is considered under the provisions of Article 18.06 a) i), consideration shall be given to accomplishments prior to the probationary appointment.
- c) In addition to satisfying the criteria in Article 18.02 a), a candidate for tenure shall have given evidence of ability and willingness to fulfill the service expectations of the academic unit, Faculty, and University.

18.03 Mandatory Consideration for Tenure

- a) The following provisions shall apply in all cases with the exception of those where mandatory consideration for tenure has been deferred under the provisions of Article 18.05.
- b) The projected academic year of mandatory consideration for tenure shall be inserted in all contracts at the time of initial appointment.
- c) A faculty member holding the rank of Assistant Professor shall be considered for tenure during the academic year following the completion of four (4) years of service in a probationary appointment at the rank of Assistant Professor at Concordia University.
- d) A faculty member appointed without tenure at the rank of Associate Professor shall be considered for tenure in the academic year following completion of the following number of years of service in a probationary appointment:
 - i) two (2) years, in the case of members appointed primarily on the basis of prior tenured or probationary service at another university;
 - ii) four (4) years, in the case of members appointed primarily on the basis of prior professional or creative experience in a capacity other than tenured or probationary service at another university.
- e) A member who previously held a research appointment at the time of obtaining a probationary appointment may elect to reduce the number years of service to be completed prior to mandatory tenure consideration as follows:
 - i) in the case of members having taught ten (10) or more courses while holding the research appointment, by up to two (2) years;
 - ii) in the case of members having taught no fewer than five (5) and no more than nine (9) courses, by one (1) year.
- f) To be eligible for mandatory consideration for tenure a candidate may not have been on leave for any extended period during the residential teaching terms of the calendar year prior to consideration, except in the case of leave in accordance

with Article 35. However, a member may request early consideration for tenure as per Article 18.06.

18.04 Tenure on Appointment

- a) Notwithstanding Article 18.01 h), tenure may be conferred at the time of initial appointment to the University only at the rank of Associate Professor or Professor, and then only after a positive recommendation of the DTC. The academic unit head shall convene a meeting of the DTC in order to consider a candidate for tenure on appointment.
- b) An appointment at the rank of Associate Professor may be offered with or without tenure. An appointment at the rank of Professor shall be offered only with tenure.
- c) The DTC and the academic unit head shall each make a recommendation to the Dean concerning the conferral of tenure on appointment. The candidate for tenure on appointment shall not have the right to a hearing before the DTC but may be requested by the DTC to appear before it. The candidate shall not have the right to receive copies of the proceedings.
- d) The Dean shall review the DTC report, the candidate's dossier, and the academic unit head's report, and shall transmit them with her or his own comments, if any, to the Provost for consideration. If the DTC report recommends tenure on appointment, and if the Provost concurs with this recommendation, the President shall transmit the DTC report to the Board of Governors.

18.05 Deferral of Mandatory Tenure Consideration

- a) A member may request that consideration of tenure be deferred only once for a single period of one (1) or two (2) years for specific reasons, despite the fact that she or he has reached the stage defined in Article 18.03. In no case shall consideration for tenure be further delayed. The decision to grant or deny deferral shall be limited to a decision to grant or deny the deferral for the period requested by the member.
- b) The faculty member seeking deferral of mandatory tenure consideration has the burden of establishing her or his case in a letter outlining the reasons for the deferral request with supporting documentation, sent to the academic unit head, with copies to the Dean, the Provost and the Association by September 15, in the academic year in which consideration for tenure would otherwise be mandatory.
- c) The decision of the DTC that there are not sufficient grounds for deferral shall be final and binding. Such a decision shall not constitute a refusal of tenure, and the provisions for mandatory consideration of tenure as per Article 18.03 shall apply.
- d) Should the DTC agree to deferral, a reasoned recommendation shall be forwarded to the Dean by October 10. The Dean shall review the request for deferral and the reasoned report of the DTC and make a decision by October 20.

- e) Should the Dean agree to deferral, the member's tenure consideration shall be deferred. Should the Dean not agree to deferral, the matter shall be brought before the FPTC whose decision shall be final and binding.
- f) The granting of a deferral shall not prejudice a candidate's case for tenure in subsequent tenure consideration.
- g) The contract of a member granted a deferral of tenure shall be extended by a duration equal to the length of the deferral.
- h) Notwithstanding Article 18.05 c), a member who was on leave in accordance with Article 35 or on a leave of not less than forty-five (45) days granted in accordance with Article 33, may request a deferral of tenure consideration. This deferral shall be automatic and shall have a duration of at least one (1) year. In all cases, mandatory tenure consideration shall occur at the tenure exercise following the end of the deferral.

18.06 Early Consideration for Tenure

- a) Members who satisfy one (1) or more of the following criteria may be considered for tenure prior to the date of normal mandatory consideration.
 - i) two (2) or more years of service in a probationary position at another university before the date of their probationary appointment at Concordia University;
 - ii) a record of superior performance sufficient to justify invitation by the DPC or application by the member.
- b) Such consideration shall occur only following completion of the following numbers of years of service in a probationary appointment:
 - i) two (2) years, in the case of a member holding the rank of Assistant Professor;
 - ii) one (1) year, in the case of a member holding the rank of Associate Professor.
- c) Early consideration for tenure on the basis of superior performance may occur subject to the following:
 - i) In exceptional circumstances, a probationary member may be considered early for tenure on the basis of a record of superior performance. In such cases, tenure shall be granted only following a determination that the candidate's dossier is qualitatively and quantitatively consistent with expectations for mandatory consideration as set out in Article 18.03.
 - ii) Early consideration for tenure may occur only following either:
 - 1) an invitation by the DPC, subject to the approval of the Dean;
 - 2) an application by the member to the DPC for consideration, subject to the approval of the DPC.

- iii) A faculty member who intends to apply for early consideration shall so notify the DPC in writing by October 15, with a copy to the Dean, the Provost and the Association. The DPC shall respond by November 15.
- iv) Invitation by the DPC to be considered early for tenure shall follow only on an initial assessment by the DPC that the candidate's dossier appears to satisfy the criteria specified in Article 18.06 a) ii). The DPC shall issue this invitation by October 15.
- v) The consideration for tenure of a member under the provisions of Article 18.06 shall follow the procedures stipulated in the remainder of this Article.
- vi) Refusal of early consideration for tenure shall not constitute a denial of tenure.

18.07 Denial of Tenure

- a) A candidate denied tenure following consideration under the provisions of Article 18.03 shall be offered a one-year non-renewable terminal appointment which shall terminate May 31 of the academic year following the year of consideration for tenure.
- b) A candidate denied tenure following consideration under the provisions of Article 18.03 shall not be reconsidered for tenure.
- c) A candidate denied tenure following early consideration under the provisions of Article 18.06 shall be reconsidered as follows:
 - i) A member invited by the DPC to be considered for early tenure may be invited again in subsequent years;
 - ii) A member who applied for early consideration for tenure, whether on the basis of superior performance or prior experience, shall be considered for tenure a second and final time one (1) year later than normal mandatory consideration.

18.08 Procedure for Tenure Consideration

The academic unit head shall:

- a) constitute the DTC annually on or before September 15;
- b) convene the DTC to consider tenure on appointment (see Article 18.04) whenever necessary;
- c) make known to all tenured and probationary members of the academic unit by September 15 the membership of the DTC;
- d) provide the DTC with the list of tenure candidates for consideration under the provisions of Article 18.03 and 18.06 as well as the names of members who have requested deferral under the provisions of Article 18.05;

- e) by October 25, advise members to be considered under the provisions of Article 18.03 to prepare a complete dossier (see 14.01) for submission to the Chair of the DTC by January 5;
- f) convene the first meeting of the DTC by January 15, or earlier if there are requests for deferral. Notice of this first meeting shall be sent to all members of the DTC at least one (1) week prior to the date of that meeting;
- g) aid the DTC by providing all relevant documentation as requested.

18.09 Responsibilities of the tenure candidate

- a) The burden of establishing and documenting the case for tenure rests with the candidate. The candidate is responsible for the preparation of a complete dossier (see 14.01), setting out the case for tenure. The dossier shall be submitted to the Chair of the DTC by January 5 in the academic year in which the candidate is being considered. A faculty member who participates in the academic activity of academic units other than her or his primary unit is expected to include reference to such activity in the dossier which the candidate submits to the DTC(s) with supporting material.
- b) The dossier submitted by the candidate may be supplemented with relevant information by the Chair and the Dean at the DTC stage of the proceedings. The candidate shall be informed of the nature of this information and receive copies of all supplemental documentation and shall have five (5) days to provide any commentary relevant to this supplementary information.
- c) Evaluations of a candidate's performance shall not be solicited from external referees.
- d) The candidate shall appear in person before the DTC.

18.10 Responsibilities of the tenure candidate with respect to the meeting with the DTC

- a) if the candidate wishes she or he may be accompanied by another member acting as advisor;
- b) the candidate and/or advisor shall be prepared to answer relevant questions. The candidate shall have the right to table any additional documentation and/or bring any persons before the DTC in support of her or his candidacy.

18.11 Responsibilities of the DTC with respect to the meeting with the tenure candidate.

- a) Notification shall be given to the candidate at least one (1) week prior to the meeting;
- b) Any member of the DTC may introduce relevant information regarding a candidacy;

- c) It is the Chair's responsibility to obtain and provide to the DTC all necessary documentation, including the statistical information from all course evaluations conducted, and copies of such material shall be made available to the candidate;
- d) The DTC shall have the right to invite any persons before it regarding a candidacy, and to request additional information on any aspect of the candidate's documentation;
- e) After all material has been presented and questioning has taken place, the candidate shall withdraw;
- f) The advisor shall remain for the discussion, but shall not vote unless she or he is a member of the DTC. In any case, advisors shall respect the confidentiality of any ensuing discussion.

18.12 The DTC shall vote employing the procedure set out below:

- a) The quorum for a vote to occur shall be more than fifty percent (50%) of the available faculty members of the DTC.
- b) The DTC shall decide by majority vote of its members, by secret ballot, whether the granting of tenure should be recommended.
- c) Only those present during the discussions and the hearing referred to in Article 18.09 d) shall vote.
- d) Each member shall receive two (2) ballots: one (1) marked "grant" and one (1) marked "deny". Only one (1) ballot shall be submitted.
- e) The number of ballots submitted shall be determined before the ballots are examined.
 - i) If the total number of ballots submitted is not equal to the total number of voting members, the ballots shall be destroyed without being examined and the vote shall be repeated following the same procedure until such time as the total number of ballots submitted is equal to the total number of voting members.
 - ii) If the total number of ballots submitted is equal to the total number of voting members, the ballots shall be counted and the numerical result of the vote shall be recorded.

18.13 Responsibilities of the DTC

- a) The DTC recommendation on each candidate shall be made in the form of a reasoned report.
- b) The report, after approval, shall be transmitted by the Chair of the DTC to the Dean as Chair of the FPTC with copies provided to all members of the DTC and

to the candidate by March 1. The report shall be accompanied by the complete record, including the candidate's dossier.

- c) In the event of a tie, the academic unit head shall submit to the FPTC a report reflecting both sides and approved by the DTC, with copies provided to all members of the DTC and the candidate.

18.14 Consideration at the Faculty Level and beyond

- a) The candidate may submit to the FPTC, within the week following receipt of the documents set out above, a written response to the DTC report, with a copy for the DTC sent to its Chair, together with supplementary documentation of accomplishments too recent to have been considered by the DTC.
- b) On receipt of the DTC report, the Dean shall verify that the procedures as set out in this document have been followed.
- c) The Dean shall make available, as soon as possible, to the other members of the FPTC, the report and the dossier on each candidate from the DTC(s).
- d) The FPTC shall then meet to review each case.
- e) The FPTC or the Dean may require additional written or oral information or clarification from the candidate and/or the DTC. A request for such additional information or clarification to either party shall be accompanied by notification to the other party, and the latter shall be given the opportunity to respond to the additional material. The candidate and/or the DTC involved shall respond to requests for further information within five (5) days after they have been received.
- f) No other new material may be added at the level of the FPTC except as provided in Articles 18.14 a) and e).
- g) The FPTC shall review all tenure recommendations made by DTCs except for tenure on appointment (Article 18.04).
- h) The rules on the composition and operation of the FPTC as set out in Article 11 shall also apply to tenure cases, except the Dean shall serve as voting Chair.
- i) The FPTC shall vote employing the procedure set out in Article 18.12.
- j) The FPTC shall prepare a separate reasoned report in writing for each candidate. The Dean shall forward this report to the Provost by April 15, with copies to the candidate and the Chair of the DTC, who shall inform the other members of the DTC about the recommendations. This report shall recommend either that tenure be granted or that it be denied. It shall be accompanied by the DTC report(s) and the complete record, including the candidate's dossier.

- k) The Provost shall receive the reports of the FPTC and of the DTC, and shall notify the candidate and the Chair of the DTC by May 7 of the recommendation that tenure be granted or that it be denied. If the appeal provisions of Article 21 apply, the Provost shall notify both the candidate and the DTC of their appeal rights. If no appeal is possible, the Provost shall forward the FPTC report, the DTC report(s), and the complete record, including the candidate's dossier to the President. However, if the provisions of Article 21 allow an appeal, the Provost shall wait until May 21 before forwarding the file to the President, to allow for appeal either by the candidate or the DTC. If an appeal has been lodged, the Provost shall so inform the President.
- l) The President shall verify that the FPTC has complied with the provisions set out in these regulations.

18.15 Communicating the Tenure Decision to the Candidate

- a) Where the FPTC has decided to confirm the DTC recommendation to grant tenure or has reversed the DTC recommendation not to grant tenure and no appeal has been lodged by the DTC, the President shall transmit the recommendation to the Board of Governors.
- b) Where tenure is conferred by the Board of Governors, it shall be effective the June 1 following the consideration. The Secretary of the Board of Governors shall so inform the candidate.
- c) Where the FPTC has accepted a recommendation that tenure be denied, and no appeal is possible or has been lodged, the notification by the Provost to the candidate, referred to in Article 18.14 k) shall serve as formal University notification that tenure has been denied.

18.16 Special Provisions for an academic unit with Two (2) or Fewer Tenured Members

- a) The burden of establishing and documenting the case for tenure rests with the candidate. The candidate is responsible for the preparation of a complete dossier (see Article 14.01), setting out the case for tenure. The dossier shall be submitted to the academic unit head and to the Dean as Chair of the FPTC by January 5 for transmission to the FPTC by January 15 in the academic year in which the candidate is being considered. A faculty member who participates in the academic activity of academic units other than her or his academic unit is expected to include reference to such activity in the dossier which the candidate submits to the FPTC with supporting material. The academic unit head shall make the dossier available to the tenured members of the academic unit.
- b) If the candidate wishes external letters of support to be considered, she or he shall include in the dossier the names of those of whom such letters have been requested. Referees should be asked to send such letters directly to the Dean as Chair of the FPTC, for receipt by January 5.

- c) The FPTC shall provide an opportunity for the available tenured members of the academic unit to appear before it and/or to present written views with regard to a candidate from the academic unit. The academic unit head, whether tenured or not, shall submit a recommendation to the Dean as Chair of the FPTC by January 5.
- d) The candidate shall appear in person before the FPTC. If the candidate wishes she or he may be accompanied by a colleague from the full-time faculty acting as advisor.
- e) The candidate and/or advisor shall be prepared to answer relevant questions. The candidate shall have the right to table any additional documentation and/or bring any persons before the FPTC in support of candidacy. The FPTC shall have the right to invite any persons before it regarding a candidacy and to request additional information on any aspect of the candidate's documentation. After presentation of the case and any related questioning, the candidate shall withdraw. The advisor shall remain for the discussion, but shall not vote unless she or he is a member of the FPTC. In any case, advisors shall respect the confidentiality of any ensuing discussion.
- f) The FPTC shall recommend whether tenure be granted using the procedures in Article 18.12.
- g) The FPTC shall prepare a separate and reasoned report in writing. The Dean shall forward this report to the Provost by May 1, with copies to the tenured members of the academic unit and the candidate. This report shall conclude that tenure be recommended or that it be denied. It shall be accompanied by the candidate's dossier.
- h) The Provost shall notify the candidate and the tenured member(s) of the academic unit by May 7 of the recommendation for tenure or its denial. The Provost shall notify both the candidate and the tenured member(s) of their appeal rights under the provisions of Article 21. The Provost shall wait until May 21 before forwarding her or his recommendation to the President, to allow for the lodging of an appeal.