Tenure and Promotion: A Policy Perspective

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Secretariat
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The key document is Policy 77 – Tenure and Promotion of Faculty Members: https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-77

This presentation is a summary and doesn’t replace Policy 77

In this presentation, label such as this one relates to section 5, paragraph 1 of Policy 77

Policy 76 – Faculty Appointments

UTPC webpage (extension clause, external referees, memos)

UTPAC webpage

Forms & Templates (faculty appointment; tenure and promotion)

For information, contact araynard@uwaterloo.ca
Role of Chairs / Directors/ Deans

- To ensure that meticulous records are kept
- To ensure that there is no bias or reasonable apprehension of bias at the Department or Faculty levels
- To inform the FTPC, especially in cases of possible negative recommendations
- To testify, should there be an appeal
- To call the Secretariat with any questions or concerns – we are happy to help!
Deadlines in Policy 77

May 1
- Chair reports DTPC membership to the Dean and to the department’s tenured and probationary faculty
- Chair invites those who wish to be considered for tenure or promotion to apply by June 1

June 1
- Candidate applies to the Chair in writing
- Then meets with the Chair to discuss the procedures to be followed

July 1
- Candidate shall submit:
  - A brief supporting the application for tenure or promotion
  - The names of at least three arms-length external referees who can assess her/his published work

Fall term: applications considered by the DTPC and FTPC
COMMITTEES
The Committees at a Glance

S/DTPC
Makes + or - recommendations to FTPC

FTPC
Makes + or - recommendations to UTPC and President

UTPC
Makes + or - recommendations to President

President
Makes either + or - decisions/recommendations

Board of Governors approves tenure

Tribunal (candidate can decide to appeal a negative decision/recom. of the President)

UTPAC
A representative of each Faculty is assigned onto a FTPC other than the one of their Faculty. UTPAC Chair appoints tribunal members and names the tribunal’s Chair.
### Comparing DTPC and FTPC

<table>
<thead>
<tr>
<th>DTPC</th>
<th>FTPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chaired by the department Chair / school Director</td>
<td>Chaired by the Dean</td>
</tr>
<tr>
<td>4 to 6 tenured faculty members</td>
<td>At least 5 tenured faculty members broadly representative of faculty program areas</td>
</tr>
<tr>
<td>Members are elected by the tenured and probationary faculty of the department</td>
<td>Members are elected by the tenured and probationary members of the faculty</td>
</tr>
<tr>
<td>Majority of members should be full professors</td>
<td>Majority of elected members shall be full professors</td>
</tr>
<tr>
<td>Dean may appoint a non-voting advisor</td>
<td>UTPAC member (advisory member)</td>
</tr>
<tr>
<td>FTPC members may not serve simultaneously on a DTPC in the same faculty</td>
<td>VPA&amp;P appoints an additional voting member from outside the faculty</td>
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TIMING
Tenure

- Application normally occurs during the second year of the second probationary term
- Candidate may choose to postpone consideration until the third year of the second probationary term
- Early consideration for tenure: apply in exceptional circumstances
- Extension of tenure clock due to pandemic Provostial Memo (March 2020) and Intention Form
Tenure Clock

Candidate informs Chair if he intends to apply for tenure in Year 6 (Year 3 of second term) by 1 June of Year 5 (Year 2 of second term)

Candidate informs Chair if he intends to apply for tenure in Year 5 (Year 2 of second term) by 1 June of Year 4 (Year 1 of second term)

Notification to candidate of impending end of first probationary term by 1 June of Year 2

Consideration for second probationary term.

All faculty hired in this window follow this tenure clock.
Promotion

- A tenured associate professor may apply in any year for promotion
- Unusual for promotion to occur prior to five years of full-time service in the rank of associate professor
Leaves and Tenure Clock

- Candidates can prevail themselves of leaves that:
  - Pause the tenure clock: Policy 14 – Pregnancy and Parental Leaves (including Adoption)
  - Impact the tenure clock: Medical leaves – contact Occupational Health
  - Help with building their file (no pause on the tenure clock): Early sabbaticals: Policy 3 – Sabbatical and Other Leaves for Faculty Members

- Leaves must be requested and be recorded to benefit candidates
- See also the FAUW/Provost Joint Memo on Leaves and Related Matters
Reapply?

Only two situations when one can reapply:

• Early tenure application ends: wait until final year of appointment (6th year) – only possibility

• Promotion application unsuccessful: can reapply two years later
PROCEDURES
Initial Contents

- Candidate’s brief must include:
  - Curriculum vitae
  - Copies of relevant scholarly work
  - Summary of the candidate’s contributions in scholarship, teaching and service
  - Any other relevant information the candidate feels may be useful to the DTPC and FTPC
  - Names of at least three arms-length external referees who can assess her/his published work

- Annual Performance Reviews [or Biennial]: Chair provides all written assessments made of candidate within department

- If a candidate’s work intersects significantly with work in another academic unit, the Chair will normally ask an appropriate member or members of that unit for comment and gives those to the DTPC
External Referees

- External opinions of a candidate’s scholarly contributions are sought in all tenure and promotion cases
- DTPC considers the candidate’s list of referees and normally will suggest additional names
- Chair consults with the Dean and informs candidate of pool of potential referees
- Candidate may challenge, in writing to the DTPC, a potential referee for bias, apprehension of bias, perceived conflict of interest or unsuitability
- At least half of the referees are those proposed by candidate if there is disagreement
- Letters to external referees are sent by the Dean (copy of Policy 77 and scholarly work)
- Informal contacts are inappropriate
- Reference documents
Tenure & Promotion File

- All evidence considered by the DTPC, the FTPC or the President
- The DTPC assessment of the candidate’s performance in teaching, scholarship and service
- The outcome of deliberations by the DTPC, the FTPC and the President
- The numerical record of votes taken, plus any written statements, including reasons, by DTPC or FTPC members who do not agree with the majority recommendation
- When there are significant reservations, the file is provided to the candidate and it includes all internal or external letters of assessment with the names of the authors and other identifying references deleted, unless the authors have expressly consented to being identified.
Conflict of Interest

- A committee member who has a conflict of interest in a particular case is to declare the conflict.

- E.g., sharing a grant, co-author within past 5 years – may be a conflict.

- Must be absent from the portion of committee meetings dealing with that case, not just the voting.

- If the Chair has a conflict of interest, the committee elects a member to serve as Chair pro tem during the absence of the Chair.

- As a general guideline, see Provostial Memo (January 2017).
Challenges

- A candidate may challenge in writing any member of a DTPC or FTPC for bias, apprehension of bias or perceived conflict of interest.
- The committee, excluding the member challenged, shall decide whether the challenge is well-founded.
- If so, the challenged member shall not attend those portions of committee meetings dealing with the specific case.
- If the committee decides that a challenge is not well-founded, the challenged member shall participate, but the challenge becomes part of the record for any subsequent consideration or appeal.
Reservations

- If members of the DTPC express significant reservations that could result in a negative recommendation

- Chair provides candidate with a complete copy of the tenure or promotion file, with a written explanation of the nature of the reservations in sufficient detail to allow the candidate to respond

- Candidate has 10 working days to provide their written response (including any relevant new evidence) to the Chair for distribution to the DTPC

- Candidate may also choose to appear before the DTPC, with a UW academic colleague

- After that, the vote by show of hands or secret ballot as decided by the committee (Deans’ Council Instruction, June 2013)
Reservations (continued)

- When the DTPC has completed its deliberations, the Chair does a letter to the candidate to advise of the outcome, but not of the numerical record of the votes.

If the outcome is negative:

- The letter includes a brief explanation of the reasons.
- The Chair gives the candidate an opportunity to withdraw the file.
- The Chair should let the candidate know that the result of withdrawal is that the candidate will not be pursuing tenure at UW [cannot apply again], unless this was a matter of early application (can reapply in 6th year).
- The file is forwarded to the Dean for consideration by the FTPC unless the candidate withdraws.
Outcome

- Committee Chair provides a copy to members. To acknowledge that they have received a copy, each member signs one master copy or emails the committee Chair within two working days of distribution of the memo.

- See “Handling DTPC and FTPC memos”
Procedure at the FTPC

- FTPC considers all positive and negative recommendations (except if file is withdrawn)
- FTPC ensures procedure was followed, outcome is sound and departments apply comparable standards
- DTPC Chair (or delegate) normally will present the DTPC recommendations to the FTPC and will be available to answer questions, but shall not otherwise participate in the proceedings
- In exceptional circumstances, the FTPC may decide to contact additional arms-length, external referees; if such additional referees were not in the original pool of potential referees developed by the DTPC, the candidate has a right to challenge, which must be respected
Procedure at FTPC (continued)

- Same procedure if there are reservations
- When done, the file is forwarded to the President for consideration, unless candidate withdraws
President

- Considers all T&P recommendations, together with UTPC’s advice:

1) If the President decides in favour of promotion, he/she informs the candidate and reports the promotion to Senate (~ September) and the Board of Governors (~ October) for information

2) If the President supports the granting of tenure, he/she informs the candidate (~ early March), recommends approval to the Board of Governors (early April, confirmation letter by University Secretary) and subsequently reports the granting of tenure to Senate for information (~ September)

3) If the President decides against tenure or promotion, he/she informs the candidate in writing with reasons. In the event of a negative tenure decision, the candidate’s appointment is extended as necessary to provide 12 months’ notice from the date the candidate is informed
Initiating an Appeal

- A negative tenure or promotion decision by the President may be appealed.
- Within 10 working days of being informed of the negative decision, the candidate must submit a written notice of intent to appeal to the UTPAC Chair (through the Secretariat).
Natural Justice

- Entire process conducted in accordance with the principles of natural justice:
  - Simply put, rules of “fair play” long established by the common law
  - Evidence/no bias or apprehension of bias/ right of full and fair hearing

- The Secretariat’s role is to:
  - Facilitate the hearing
  - Ensure that the hearing is held in accordance with natural justice
  - Ensure that all participants are treated fairly
Tribunal

- Members of the Tribunal are usually tenured Associate Professors or Professors in the candidate’s discipline or a related discipline, with no prior connection to the case, and with no close personal OR professional connection to the candidate
- Sometimes a Tribunal member external to the University must be considered (rare)
- Three persons sit on the tribunal, appointed by the UTPAC Chair
Appeal Procedure

• Both the candidate and the President may present arguments and submissions, and may call, examine and question witnesses
• The candidate may be accompanied by a UW colleague
• The department Chair and the Dean always testify
• Burden of proof that criteria for T&P have been met is on candidate
• The whole procedure is confidential

Anyone may be called as a witness

Including any new evidence
Decision

- The Tribunal decides the matter by majority vote, and a written decision is sent by the Tribunal Chair to the parties (the Chair and the Dean get a copy)

- Decision is final and binding – although allegations of procedural error may be grieved
Official Records

- T&P files forwarded to the FTPC or to President/UTPC:
  - The forwarded file (paper) is the official record

- T&P files not forwarded (i.e., the candidate withdraws):
  - The official file is the DTPC file (paper) (or FTPC file if stops there)
  - To be retained as part of the candidate’s official employment file in the department
  - To be stored separately
  - To be redacted if the faculty member wants to see it

- The list of potential referees shall be included in the file (Policy 75 – Official Employment Files of Regular Faculty Members) – Dean’s office should ensure the list is put in the candidate’s file
Copies

- The copy of the forwarded file is retained by the DTPC/FTPC Chair/secretary: confidentially destroy once the final decision (including any appeal) has been rendered.

- Copies distributed to DTPC/FTPC members: confidentially destroy once the committee decision has been rendered—includes both paper and electronic copies. Best practice is to collect paper copies at the end of the final committee meeting.

- Privacy and Remote Meetings guideline

- If using electronic copies of files, use a secure site such as SharePoint rather than distributing by email and delete once the committee’s decisions have been made. Ensure that any copies printed from the SharePoint site are also destroyed.

- Ask that members confirm destruction of both paper and electronic copies (by return of email to Chair/secretary).

- For more information, see the HR38 – Tenure and Promotion retention schedule and the webpage on Records Disposal and Destruction or contact chris.halonen@uwaterloo.ca, Records Manager.

- Also of use: HR22: Employment Files and HR52: Employment Files (Financial).