



DALHOUSIE UNIVERSITY

***Regulations
Concerning
Appointments,
Tenure
and Promotion
1987***

***(as amended May 1988
and April 1997)***

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1. APPOINTMENTS MADE BY THE BOARD

Authorization of Appointments by Board of Governors

- 1.1.1 The Board of Governors authorizes appointments and determines the duties, salaries and conditions of appointment of the President, the academic staff, senior research staff, professional librarians, and administrative officers of the University.

Recommendations for Appointments, made by the President

- 1.2.1 The Board of Governors acts only on recommendations for appointments made by the President, except in the case of appointment of the President, when special regulations for bringing appointmacadem799ur-0.in t-f Ex7Ee President, whenc-8*0.000os of the Universit,f
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Senior Research Staff Appointments

- 2.2.1 A senior research staff appointment approved by the Board of Governors on a full time basis is normally for a fixed term during which the appointee may participate in pension, insurance and other fringe benefit programs. Except as provided in these regulations other conditions of academic staff appointments do not apply to a senior research staff appointment unless the contract specifically incorporates them. Time served on a senior research staff appointment will count towards sabbatical leave privileges or as time for considering tenure in the University only to the extent agreed upon between the appointee and the University.

Professional Librarians

Appointment, Reappointment, Promotion and Appointment without Term

- 2.3.1 The appointment of a professional librarian shall be to one of the four librarian ranks and is normally for a period of three years. Rank definitions, committee structures and procedures to be followed in the appointment, reappointment, promotion and appointment without term of any professional librarian shall be those for professional librarians in the bargaining unit and as outlined in the current Collective Agreement between the Dalhousie Faculty Association and the Board of Governors of Dalhousie College and University. Similarly, eligibility for, and criteria applicable to, consideration for reappointment, promotion and appointment without term shall be those outlined for professional librarians in the current Collective Agreement.

Terms of Employment

- 2.3.2 Assignment of duties and responsibilities, and scheduling of hours of work shall follow the practice for professional librarians as outlined in the current Collective Agreement.

- 2.3.3 Professional librarians participate in all pension, insurance, and other benefits, prorated as applicable for any fraction of full-time equivalent appointment, except where such benefits may not apply due to a part-time status of employment. Salary scales, salary maxima and minima, and administrative stipends shall be those outlined for professional librarians in the Collective Agreement.

Appointments without Term

- 2.3.4 Professional librarians shall ordinarily be considered for an

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3. ACADEMIC APPOINTMENTS

Types of Academic Staff Appointments

- 3.1.1 Academic staff appointments include Lecturers, Assistant Professors, Associate Professors and Professors, and appointments may be made on a full-time or part-time basis.

Adjunct Appointments *(as amended by the Senate February 1997 & the Board April 1997)*

- 3.1.2 Academic staff appointments may be made and described as adjunct appointments when the appointee is not paid by Dalhousie University but has a special qualification or opportunity to contribute to University programs in teaching or research. An adjunct appointment is part-time.

Full-Time and Regular Part-Time Academic Staff

- 3.2.1 Regular part-time staff are those appointed on a basis that is half-time or more. Regular part-time appointments may be changed to full-time on agreement by the staff member and the Board.

Duration of Appointments

- 3.2.2 The appointment of a full-time or regular part-time member of the academic staff continues for a term limited by the contract agreed upon the University and the appointee, normally for three academic years, or without term when tenure is approved and agreed upon by contract between the University and the appointee.

Academic Staff on Joint Appointment with Other Institution

- 3.2.3 When a member of the academic staff holds a joint appointment in the University and in another institution, continuation of the University appointment is normally conditional upon continuation of the appointment in the other institution.

Initial Appointments

- 3.2.4 Normally every first appointment as a full-time or regular part-time member of the academic staff is made for a term of three academic years. In exceptional cases the Board of Governors, in accord with regulations for considering tenure, may make a first appointment with tenure at its commencement. An initial appointment for a fixed term involves no undertaking by the University to make a further or

Consideration of Reappointment

- 3.2.6 The department chair, head, director, or the Dean of the Faculty concerned, in consultation with the appropriate department, school or Faculty committee or in accordance with other procedures for considering appointments, shall make recommendation in writing

- 3.2.8 Those serving on a contract for a fixed term will be given notice before expiration of the term whether or not they will be offered a further appointment. The Dean of the Faculty concerned shall give notice as early as possible and will endeavour to give at least tentative notice by December 15 of the last year of the term provided in the contract.

Automatic Termination of Term Appointments

- 3.2.9 When an appointment for a fixed term is neither renewed with a further term appointment (normally of three years duration) nor renewed with tenure, the appointment automatically expires at the end of the term.

Academic Staff Appointments Less than Half-Time

- 3.3.1 The appointment of an academic staff member, on a basis which is less than half-time, is for the academic year and it may be renewed from year to year by the Dean of the Faculty concerned on the basis originally approved, without further authorization by the Board of Governors other than by regular budget approval. Unless the contract of appointment otherwise provides, none of the other regulations on appointments and conditions of appointment applies in the case of such part-time members, except that the regulations for redress of grievances (Section 7) shall apply to all claims of unfair treatment other than those concerned only with recommendations or decisions not to renew such a part-time appointment.

Special Contracts of Appointment

- 3.4.1 Special contracts may be made between an academic staff member, either full time or part time, and the University; but every special contract shall set out in writing the terms for the appointment, and so far as is consistent with those terms these regulations concerning

academic appointments shall apply. The relevant Faculty Tenure Committee and the Dalhousie Faculty Association shall be advised of all special contracts.

Clinical Faculty Appointment Process, Faculty of Medicine

- 3.5.1 The regulations that govern the appointment process for clinical faculty within the Faculty of Medicine are contained in the document "Appointment Process for Clinical Faculty" (revised January 26, 1998); a copy of the document is available at the Dean's Office, Faculty of Medicine, and at the Senate Office.

Professor Emeritus Appointment *(as approved by the Senate February 24, 1997 and the Board April 15, 1997)*

- 3.6.1 It is understood that any retired faculty member may continue to use their academic rank title modified by the suffix "(Ret'd)", but the title of Professor Emeritus is an honour to be awarded only to a minority of retirees. The guiding principles regarding recommendations for appointment of "Professor Emeritus" shall be as follows:

Eligibility is normally confined to those who are retiring after having served Dalhousie as full-time Professors for at least 10 years, and whose post-retirement appointment, if any, is less than half time.

Recommendations shall be made only for individuals who have made outstanding academic contributions that were substantially above the norm for a Professor in their discipline at Dalhousie. Academic

Appointment of Professor Emeritus is made by the Board of Governors on recommendation of the President. Before making such a recommendation, the President shall seek the advice of the Dean of the relevant Faculty. It shall be the Dean's responsibility to initiate the recommendation process. Thus, Deans shall advise all unit Chairs, Heads and Directors to discuss with the Dean potential candidates for this honour, and shall emphasize that the nomination process should be discreet; that is, it should proceed, whenever possible, without the knowledge of the prospective nominee and without formal consideration by the unit as a whole (although informal canvassing of colleagues' opinions may be undertaken).

Deans shall take steps to ensure that all potentially eligible faculty members are considered by seizing the initiative in discussing with pertinent Chairs, Heads and Directors, well in advance, the names of individuals known to be close to retirement.

Professors Emeriti shall be provided with facilities and services where possible, but not as of right.

4. GENERAL CONDITIONS OF ACADEMIC APPOINTMENTS

Salary

- 4.1.1 The University establishes minimum salaries for each academic rank and they are reviewed at periodic intervals by the Board on recommendation of the President after consultation with other appropriate officers of the University and with the Dalhousie Faculty Association. The current minima apply to all full-time academic staff members except those who are on special contract. The salary paid to an individual is not dependent wholly upon rank and there may be an overlap of salaries between ranks.

one month and, while a member of the academic staff may be away for a longer period, it is expected in any case that much or most of total recess time will be devoted to scholarly activities. The department chair, head, or director and the Dean should be advised of the appropriate address of a staff member absent from the University during recess in order to ensure appropriate arrangements for handling departmental and University business.

Sabbatical Leave

General Principles

- 4.5.1 The Board of Governors grants sabbatical leave as much in expectation of benefit during future teaching and research from the staff member's intellectual renewal during leave as in recognition of benefit during past teaching and research. In order to ensure that this expectation has a reasonable likelihood of being met, and in order to maintain University programs, an application for sabbatical leave by an eligible member of the academic staff is subject to approval by the Board of Governors on the recommendation of the department chair, head, or director, the Dean of the Faculty and the President.

Application

- 4.5.2 Application for sabbatical leave should be made through the chair, head, director or chief librarian to the Dean or Vice-President in the month of October which precedes the academic year in which the requested leave begins. The application shall include an outline of the program to be followed during the leave and a statement of any salary or earnings from services expected to be rendered, or any external research grant or other support received in connection with the planned program.

Report

- 4.5.3 Upon return to the University following sabbatical leave the staff member will submit a report through the chair, head, director or chief librarian to the Dean or Vice-President regarding the program or research, scholarly, artistic and/or professional work pursued during the leave.

Eligibility Initial Leave

- 4.5.4 Sabbatical leave for study and research may be granted to full-time and regular part time members of the academic staff, senior research staff, professional librarians and administrative officers who also hold an appointment of one of the aforementioned types. Initial sabbatical leave requires six years of service for non-tenured members of staff and three years for those with tenure or appointment without term. Service may include up to three years of credit for staff members appointed with tenure or appointment without term (and up to two years of credit for others) for appointments to which sabbatical leave attached at another university just prior to coming to Dalhousie University. The rate of such credit shall be one year for each two years of service elsewhere, but a minimum of three years of service is required at Dalhousie University before initial sabbatical leave. Allowance for prior service elsewhere shall be set out in the person's letter of appointment at Dalhousie University.

Eligibility - Subsequent Leaves

- 4.5.5 Sabbatical leaves subsequent to the initial leave may be granted to full-time and regular part-time members of the academic staff, senior research staff, professional librarians, and administrative officers who also hold an appointment of one of the aforementioned types. Subject to the rules about early, accumulated and postponed leave given in Sections 4.5.6, 4.5.7 (iv) and 4.5.8, the period of service required for sabbatical leaves subsequent to the first is the same as that required for an initial sabbatical leave, and beginning from the end of the academic year in which the preceding sabbatical leave was taken.

In assessing an application for a subsequent sabbatical leave, consideration will be given to the research, scholarly, artistic and/or professional work during and since the previous leaves.

Early Leave

- 4.5.6 A staff member may request sabbatical leave after a period of service less than those stated in Sections 4.5.4 and 4.5.5 and this will be granted in special cases if it is not contrary to University interests and if the staff member agrees to postpone a future sabbatical leave by a period similar to the period reduced.

Duration and Salary

- 4.5.7 Sabbatical leave is either (i) for a year on 75 per cent of salary after six years of service, or (ii) for six months on full salary after six years of service, or (iii) for six months on 75 per cent of salary after three years of service, or (iv) for six months on 75 per cent of salary after six years of service but with three of these years retained as accumulated years of service towards a subsequent sabbatical leave.

Deferral, Cancellation and Postponement

- 4.5.8 A staff member may defer or cancel a leave previously granted only if the President approves. If a staff member agrees to postpone sabbatical leave at the request of the Dean or Vice-President then additional salary support for leave shall be provided at the rate of 5 per cent of salary for each year of postponement to a maximum of an additional 10 per cent of salary, but no more than one hundred per cent of salary shall be paid. Also the period of service required for leave subsequent to that postponed shall be reduced by the extent of that postponement. Except for the last mentioned provision and the arrangement given in Section 4.5.7(iv), service by staff members which exceeds the minimum condition for a sabbatical leave does not reduce the period of service required for a subsequent sabbatical leave.

Dalhousie Grants Leave

- 4.5.9 Staff members granted sabbatical leave who are not in receipt of external grant support for leave in excess of 25 per cent of salary may apply for a supplemental leave grant. Application is made to the

external support is expected to be compatible with the purposes of sabbatical leave. Where external funds from grants or for services rendered (unless the earnings for such services would normally be classified as extra-professional income while at Dalhousie University) exceed the equivalent of full salary and reasonable expenses incurred while on leave, salary during leave may be reduced by any excess up to 15 per cent of salary.

Fringe Benefits

- 4.5.12 During sabbatical leave a staff member is expected to continue participation in the University Pension Scheme, Insurance and other fringe benefit programs on the same basis as though continuing in full-time or regular part-time service at the University on reduced salary, with both the member concerned and the University contributing at the usual rates.

Leave for Academic Administrators

- 4.5.13 Academic administrators such as Deans, chairs, heads, directors and chief librarians who have served in the administrative post for at least five consecutive years are entitled to special leave to pursue research and scholarly work under the same conditions as sabbatical leave, and their five or more years of service in the administrative post shall be taken to satisfy the requirements of Section 4.5.7(i), (ii) and (iv). Staff members who have accumulated years of service towards a regular sabbatical leave at the time they take up an administrative appointment shall retain those accumulated years of service but years served in the administrative post shall not be counted as years of service towards a regular sabbatical leave unless the staff member waives consideration under this Section 4.5.13. The additional salary support for leave and the reduced period of service for a subsequent leave

which are stated in Section 4.5.8 shall not apply to staff members who postponed a regular sabbatical leave in order to accept an administrative appointment if those staff members take special leave under the term of this Section 4.5.13.

Leave of Absence

- 4.6.1 Leave of absence without pay may be approved by the Board of Governors, normally for no longer than two university years. When granted, it shall not ordinarily be treated as though it were sabbatical leave and it shall not normally count as time gained in eligibility for sabbatical leave or for consideration of tenure.

Absence from University

- 4.7.1 When, because of absence from the University or for some other reason, the regular work schedule of a member of the academic staff may be interrupted, he or she shall notify the department chair, head, or director beforehand and they shall make arrangements to ensure that the work of the University is effectively carried on.

5. ACADEMIC FREEDOM AND TENURE

Academic Freedom

- 5.1.1 Dalhousie University recognizes academic freedom as indispensable to its purposes. Freedom of an academic staff member to study, to teach and to pursue knowledge, according to his or her best professional judgment is a prerequisite for a university to fulfil its role

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reappointed with notice that the appointment is not foreseen as one serving a continuing program for the reasonably foreseeable future, every full-time and regular part-time member of the academic staff serving on a term contract, after some specified period of service in the University, have a right to have his or her case for tenure considered with the opportunity of presenting it in the most favourable light. Procedures are established by these regulations to ensure this right to consideration.

- 5.3.2 In considering a member of the academic staff for appointment with tenure, general criteria assessed by the committees and administrative officers responsible include: academic and professional qualifications, teaching effectiveness, contributions to an academic discipline, ability and willingness to work with colleagues so that the academic units concerned function effectively, and personal integrity. The Report on Tenure (approved by Senate Council February 1971 and by the Board September 1971) shall be used for guidance respecting the criteria in considering tenure to the extent it does not conflict with these regulations.
- 5.3.3 In Faculties where other criteria are of significance, additional criteria must be established by Faculty regulations.
- 5.3.4 If the responsibilities of an academic staff member do not relate to all of the criteria for tenure, yet the appointment is expected to lead to consideration of tenure, tenure shall be considered in relation to those responsibilities specified in the letter of appointment of the staff member referred to in Section 1.4.1.
- 5.3.5 Interdisciplinary research, educational activities and community service such as are carried out in Centres and Institutes shall be considered in evaluating performance.

Standards in Considering Tenure

- 5.4.1 Each Faculty is responsible for establishing, by Faculty regulations, the standards it considers appropriate in respect of criteria for tenure

within Dalhousie. The standards for part-time academic staff members may differ from those for full-time members.

- 5.4.2 Where part-time staff members holding appointments considered to be half-time or more are to be considered for tenure, all of the provisions of Section 5 shall apply, including criteria, standards, eligibility, time and procedures. All those who consider part-time staff members for tenure shall make due allowance for the fact that the amount one may contribute to an academic discipline by part-time service for four years is less than can be expected from full-time service. Standards for achievement in other tenure criteria, when appropriate, shall be adjusted similarly for part-time staff members.

Eligibility Consideration for Tenure

- 5.5.1 An appointment with tenure is granted only to those holding academic rank (Lecturer, Assistant Professor, Associate Professor, Professor) or the corresponding research ranks. Part-time staff members holding appointments considered to less than half-time are not eligible for tenure.

Time for Decision on Tenure

- 5.6.1 While staff members may, in exceptional circumstances, be given tenure on their appointment to Dalhousie, or be given early consideration for tenure, normally tenure is considered at the times given in Sections 5.6.2 and 5.6.3.
- 5.6.2 Assistant Professors with three years' full-time university teaching experience before joining Dalhousie staff, Associate Professors and Professors shall be considered for tenure after two years of service at Dalhousie, i.e., in the fall term of the third year, and the Dean's recommendation shall be communicated to the member of the academic staff concerned, normally by December 31 and in no case later than January 15, to be effective at the beginning of the following academic year.

- 5.6.3 Other members of the academic staff, not considered in accordance with Section 5.6.2, shall be considered for tenure after four years of service, i.e., in the fall term of the fifth year, and the Dean's recommendation shall be communicated to the member of the academic staff concerned, normally by December 31 and in no case later than January 15, to be effective at the beginning of the following academic year.
- 5.6.4 Before, or at any stage after, procedures for considering tenure in a given case have commenced, any member of the academic staff may request deferral of consideration. On recommendation of the Faculty Tenure Committee and the Dean, deferral for a period not exceeding two years may be approved by the President, who may then recommend to the Board a further term appointment.
- 5.6.5 By written notice to the chair, head or director of his or her academic unit, a staff member on parental leave may elect to defer for one year consideration of decisions relating to his or her tenure.
- 5.6.6. Otherwise a member of the academic staff shall be recommended for a term appointment to carry beyond the sixth year of service only on special grounds satisfactory to the chair, head, or director of the department, the Faculty Tenure Committee, the Dean and the President. Once given such an appointment, the academic staff member shall be considered as all other term appointees in accordance with Section 3.2.6 before expiry of the term.
- 5.6.7 If a member of the academic staff has been considered for tenure in accordance with procedures established by these regulations and the result is a decision that tenure is not recommended, the member shall not be reconsidered in a subsequent year unless either the Faculty Tenure Committee has originally recommended deferral or the member's department chair, head, or director recommends reconsideration in that subsequent year because of a relevant change in circumstances or grounds for consideration.

Procedures for Considering Tenure

- 5.7.1 When the staff member concerned holds a dual appointment in more than one department, or has classes offered by more than one department, the chairs, heads or directors of the departments in

- 5.7.4** **The Faculty Tenure Committee shall consult with the department chair, head or director, and with others in the department as may seem useful to the Faculty Tenure Committee, before coming to a decision to make a recommendation to the Dean which varies from the recommendation of the department chair, head or director. If the**

stages of any case and shall have authority, if he, she or they believe it may affect disposition of the case, to send the case back for further consideration.

Appeals or Reference to University Tenure Committee

- 5.8.1 If the Faculty Tenure Committee recommends tenure be granted or that the case be deferred and if the Dean recommends otherwise, the academic staff member shall have the right to initiate, by writing to the President, no earlier than 14 days after notice of the Dean's recommendation and no later than 21 days after the notice, reconsideration of the matter by a University Tenure Committee as established in Section 5.8.4.
- 5.8.2 The President shall seek further advice from a University Tenure Committee before rejecting a recommendation from the Dean for tenure or for deferral and making a recommendation less favourable. The President may otherwise, at the discretion of the President, refer the matter to a University Tenure Committee for consideration.

to the President and to the academic staff member concerned. The President shall submit a copy of the report of a University Tenure Committee to the Board of Governors.

- 5.8.5 After considering the report of a University Tenure Committee the President may recommend to the Board of Governors a further appointment with tenure; an appointment without tenure, with the question of tenure deferred; an appointment without tenure, with no undertaking to consider tenure again; or none of these. The President shall notify the member of the academic staff or his or her recommendation within one month from the date of the report of the University Tenure Committee.

Limitation of Appeals Concerning Tenure

- 5.9.1 In view of the opportunities for appeal specially associated with the procedures for considering tenure, a timely decision not to recommend or to grant tenure shall not by itself constitute an injustice or a grievance to which the general procedures for redress or grievances established by Section 7 of these regulations apply.

Procedure - Tenure on Initial Appointment

- 5.10.1 Before recommending to the President that tenure should be granted on initial appointment, the Dean shall consult with the appropriate tenure committee and, in making a recommendation, shall advise the President of any dissent from this recommendation among members of the committee.

Consideration of Tenure for Person with Duties in More than One Faculty

- 5.11.1 Where a person has duties in more than one Faculty in the University, the Dean should normally consult any other Dean, whose information is likely to be of assistance in determining the question of tenure.

6. ACADEMIC PROMOTION

Procedures Considering Promotion

- 6.1.1 Consideration for promotion shall be by a committee within the staff member's department, school, library or similar unit, elected by the staff members of that unit, and by the chair, head or director, and for professional librarian members by the chief librarian. The recommendation of the committee, and of the chair, head, director or chief librarian, together with all documents and other evidence on which they are based, shall be passed to the Faculty level by November 15 of each year.
- 6.1.2 Consideration for promotion at the Faculty level shall be initially by a committee within the staff member's Faculty, elected by the members of that Faculty. Recommendations from such a committee shall be made by February 15. Consideration for promotion shall be then by the Dean or Vice-President, whose recommendation shall be made to the President by March 31. The recommendation from the Dean or Vice-President shall indicate any dissent from the recommendation at the level of the department or similar unit or by the Faculty committee. Whenever a person serving on the Faculty committee has participated in the current process for considering promotion of a staff member by (a) providing a written or oral submission to the committee referred to in Section 6.1.1 or (b) by serving on that committee that person shall not participate in the promotion proceedings for that staff member at the Faculty level.
- 6.1.3 Upon receipt of the recommendation of the Dean or Vice-President, the President may then recommend to the Board that the staff member be promoted. If promotion is not recommended or is denied, the President shall inform the staff member, in writing, and give the reasons with specific reference to how the member stands with respect to the criteria for promotion. In either case the staff member

shall be informed of the final decision, including reasons where appropriate, by May 31.

- 6.1.4 Before a staff member is formally considering for promotion, both at the departmental and Faculty level, he or she shall be informed and given the opportunity to be heard or to present a written statement. A staff member under consideration for promotion may elect to have further consideration terminated or deferred at any stage of consideration. By written notice to the Chair, head or director of his or her academic unit, a staff member on parental leave may elect to have consideration of promotion deferred for one year. Unless a staff member has elected termination or deferral of consideration, any committee, chair, head, director, chief librarian, Dean or Vice-President who makes a recommendation or decision against promotion or for deferral of consideration shall given the staff member the reasons for this action in writing with specific references to each of the criteria for promotion. A copy of these reasons shall be sent to the chair, head or director where the Faculty committee, Dean or Vice-President does not concur with a positive recommendation for promotion at the departmental level.
- 6.1.5 When promotion is granted it shall take effect from the beginning of the following academic year.
- 6.1.6 When a staff member holds a joint appointment in two or more Faculties, schools, departments or similar units, he or she may be considered for promotion in any of these units. During consideration for promotion in one unit, there shall be consultation with the other units in which the staff member holds appointments, but promotion shall not be denied in one unit merely because of failure to reach agreement. Promotion may be granted in one unit, even if not granted in others.
- 6.1.7 Where a Faculty is not organized into departments, schools or similar units, Section 6.1.1 shall not apply, the Dean shall seek the recommendations referred to in Section 6.2.5 or 6.2.6 and promotion procedures shall start at the Faculty level. For staff

members holding appointments in Henson College, the college shall be considered to be a Faculty without departments and its Dean shall be the Dean for the purposes of Section 6.1.2 and 6.1.7. Where the staff member's appointment is in a research centre or institute not

the rank of Associate Professor. Where consideration for promotion to the rank of Associate Professor takes place in the same year as tenure is awarded, written recommendations in support of the latter shall count also as evidence for the promotion, and no other shall be required. In any other case, the chair, head, director or Dean may obtain written recommendations, normally two. In choosing the names of persons to be approached for recommendations, the chair, head, director or Dean shall consult the committee, referred to in Section 6.1.1, and the member; at least half of the persons approached shall be the choice of the staff member. The member and the chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached. The chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached.

- 6.2.6 On the initiative of the staff member or the appropriate chair, head, director or Dean, a member may be considered for promotion from the rank of Associate Professor to that of Professor, but failing such an initiative, the Dean shall inform the staff member, by 15 August, in the fifth year of his or her appointment as Associate Professor, that he or she is eligible to be considered for promotion to the rank of Professor. Promotion to the rank of Professor shall be recommended only when solid evidence is established that the staff member has attained a standard of competence in both teaching and scholarship appropriate to a new full Professor and that the member has attained and is likely to maintain a high level of effectiveness in both teaching and scholarship and that his or her teaching or scholarship represents a significant contribution to his or her discipline or to the University. The chair, head, director or Dean shall obtain written recommendations from persons outside Dalhousie University, normally four, unless the staff member and the Dean agree that such letters are inappropriate. In choosing the names of persons to be approached for recommendations, the chair, head or director shall consult the committee, referred to in Section 6.1.1, and the staff member, at least half of the persons approached for recommendations shall be the choice of the staff member. The staff

member and chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached.

6.2.7 There is no limit as to how often a staff member may request promotion or how often a member may be put forward by the committee mentioned in Section 6.1.1. When a member has been considered for promotion and promotion has not been recommended, requests for promotion by the member and recommendations that the member be promoted by the member's departmental committee must address the reasons mentioned in Sections 6.1.3 and 6.1.4, which were given in the last year in which the member was not recommended. Such requests must be made by October 1 of the year in which promotion is to be considered.

6.2.8 Full-time and part-time staff members are eligible for promotion. Promotion of part time Faculty members should be decided on the recommendations of their schools or departments using the usual promotion criteria and procedures. However, adjustments shall be made in what is expected from part-time staff members as are made for tenure pursuant to Section 5.4.2.

Promotion Appeals

6 3.1 Subject to Section 6.3.2, a staff member who has been denied promotion may elect either to appeal the decision of denial or to grieve the denial in accordance with the provisions of Section 7. If the staff member elects to appeal and the appeal is dealt with in a way consistent with these regulations, then the grievance procedures in Section 7 shall not be used to grieve the decision to deny promotion, including the decision of the University Promotion Appeal Committee.

6.3.2 A staff member shall have no right to appeal the decision of denial of promotion where the department or similar unit committee, the chair, head or director, the Faculty committee and the Dean concur that promotion ought to be denied.

- 6.3.3 A staff member who elects to appeal the decision of denial of promotion may initiate the appeal by writing to the President no later than 30 calendar days after the written notice of denial. The President shall then submit the matter on appeal to a University Promotion Appeal Committee, composed of three members selected within the same time periods, in the same way and from the same panel as a University Tenure Committee, as set out in Sections 5.8.3 and 5.8.4.
- 6.3.4 The University Promotion Appeal Committee shall consider whether the staff member has met the appropriate criteria and standards for promotion to the rank in question and shall report its decision to the President and the staff member in writing. The committee shall determine its own procedures in accordance with the rules of natural justice. The committee need not conduct a hearing unless requested to do so by the staff member or the President and it may invite the staff member and other persons considered appropriate by the committee to make representations to it.
- 6.3.5 If the procedures followed in dealing with the appeal are consistent with these regulations, then the decision of the University Promotion Appeal Committee shall be binding on the staff member, the President and the Board. Where the decision of the committee is not unanimous, the decision of the majority of the members thereof shall be deemed to be the decision of the committee.

7. REDRESS OF GRIEVANCES

Discussion of Grievance with Party or Parties Concerned

- 7.1.1 When a member of staff, academic or not, believes that he or she has been given less than fair treatment in any matter relating to any of the roles assigned him or her by the University, and procedures for

Appeal to the President

- 7.5.1 If the staff member concerned is not satisfied with disposition of the matter, he or she may appeal the decision to the next higher administrative officer responsible and ultimately to the President. The President, or the President's delegate, shall meet with the staff member concerned without undue delay and shall, after considering the matter, communicate a decision in writing to the staff member alleging grievance.

Appeal to University Hearing Committee

- 7.6.1 If the staff member alleging grievance is a member of the academic staff or a professional librarian or a senior research staff appointee, and if he or she is not satisfied with disposition of the matter by the President or the President's delegate, he or she may request the President to submit the matter to a University Hearing Committee.
- 7.6.2 The President, or the President's delegate, shall submit the matter to a committee of three members selected in the same way and from the same panel as a University Tenure Committee.
- 7.6.3 The Hearing Committee shall conduct hearings *in camera* in the presence of the parties concerned with the alleged grievance, unless both parties agree to open hearings. Any party concerned may elect to be represented or assisted at the hearing by counsel or other representative. The committee shall consider all representations on the matter, provide all reasonable opportunity for interested persons to appear and shall report its conclusions and recommendations to the staff member concerned, to the President, and to the Board of Governors.

the governing bodies of the University, failure to maintain an acceptable standard of competence in duties appropriate to the appointment, or other conduct incompatible with continued membership in the University.

Preliminary Procedures

- 8.3.1 When reason arises to question the fitness to continue service of a member of the academic staff who is on an appointment with tenure, or whose term appointment has not expired, the Dean and the chair, head or director of the department should discuss the matter with the staff member in the presence of his or her advisor and a disinterested member of the academic staff having tenure chosen by the Dean.
- 8.3.2 If the matter is not then settled the President, the Dean and department chair, head or director should discuss the matter with the staff member in the presence of a disinterested member of the academic staff having tenure chosen by the Dean or the President and an advisor selected by the staff member whose fitness for continued service is in question.
- 8.3.3 If these attempts to settle the matter fail, the President, if proposing to recommend termination of the appointment, shall inform the staff member in writing of the intention to recommend dismissal and of the reasons for doing so in sufficient detail to enable the staff member to prepare his or her case.
- 8.3.4 Generally similar procedures shall be followed in the case of dismissal for cause of a professional librarian having an appointment without term or of a senior research appointee on an appointment not yet expired.

Arbitration Procedures

- 8.4.1 If the staff member wishes to contest the President's decision to recommend dismissal within 14 days of the receipt of notice from the President, he or she shall notify the President in writing of this intention and request that the matter be submitted to arbitration under the Arbitration Act of Nova Scotia.
- 8.4.2 Without undue delay the President or the President's representative and the staff member shall meet to name jointly an arbitration committee.
- 8.4.3 The arbitration committee shall consist of one or of three persons, as the President and the staff member may agree, and no member of the committee shall be a fulltime employee of Dalhousie University.
- 8.4.4 If agreement upon membership of the arbitration committee is not reached within 21 days of receipt by the President of the request by the staff member that the matter be submitted to arbitration, the President and staff member shall each name one arbitrator to the committee. The two arbitrators thus named shall name a third; if they do not act the third shall be appointed in accordance with the Arbitration Act of Nova Scotia.
- 8.4.5 The arbitration committee shall convene within 30 days of being constituted and shall attempt to conclude proceedings and render a decision as expeditiously as possible.
- 8.4.6 The committee shall notify all persons concerned of the time and place arranged for hearings; it shall afford a representative of the University and the staff member the right to appear in person with or without counsel or other advisors, and to examine and cross-examine witnesses; it shall require each party to indicate the nature of evidence to be relied upon in order to enable the other party to make a fair and full answer; and it shall hold its hearing *in camera* unless both parties agree in writing that hearings be open and it shall

instruct all witnesses appearing before the committee in camera to treat all evidence and proceedings as confidential.

- 8.4.7** On all other matters, the arbitration committee may establish its own procedures, including arrangements to keep a logged audio tape of all or any part of the proceedings for its own use.
- 8.4.8** The President and the staff member may agree in writing to vary procedures or extend time limits provided for arbitration. In the absence of agreement, failure by one of them to observe the procedures outlined permits the other party to proceed in accordance with the provisions of the Arbitration Act of Nova Scotia.
- 8.4.9** The arbitration committee shall issue to the University and the staff member a written decision which contains findings of fact, reasons and its conclusions either that cause for dismissal has not been shown and that any suspension in effect shall be rescinded, or that cause for dismissal has been shown.
- 8.4.10** In the event the arbitration committee finds cause for dismissal, it may, in its decision, recommend arrangements that it considers appropriate in severance of employment of the staff member by the University.
- 8.4.11** The conclusion of the arbitration committee as to cause for dismissal shall be final and binding on the staff member and the University.
- 8.4.12** Either the staff member or the University may decide to make public the decision of the arbitration committee.

9. SUSPENSION

9.1.1 The President, by written notice for stated cause involving an immediate threat to the functioning of the University, or a threat to any member of the University, or inability to carry out reasonable duties because of physical or emotional impairment (where the person concerned has refused to agree with leave arrangements proposed by the President), may relieve a member of the University staff of some or all university duties and may withdraw university privileges except salary and other fringe benefits. The President shall advise the Board of Governors of action to suspend any member of the academic staff and of reasons for the action.

9.1.2 If a member of the academic staff is suspended by the President, the written notice of suspension given the member shall specify the cause in accordance with Section 9.1.1 and shall indicate whether the President intends to recommend dismissal, and if that be the case the member may require in writing that the matter be submitted to arbitration.

9.1.3 If the President indicates the intention not to recommend dismissal of a suspended member of the academic staff, the latter may require that the matter be considered by a University Hearing Committee

- 9.1.5 The same procedure shall apply in cases involving professional librarians and senior research staff appointees.

10. RESIGNATION AND TERMINATION OF EMPLOYMENT

Academic Staff with Tenure

- 10.1.1 To protect important University interests from injury, full-time and regular part-time members of the academic staff with tenure undertake, if they should intend to resign, to give as early notice of their intention as possible. They shall, in any event, communicate their resignation in writing, addressed to the President and transmitted through the department chair, head or director and the Dean, no later than February 28, or at least four months before the resignation is to be effective if that date is other than the end of the academic year.

Academic Staff on Term Appointment

- 10.2.1 A full-time or regular part-time member of the academic staff who has been appointed for a fixed term may discontinue his or her employment with the University prior to the expiration of the term only by mutual consent, after giving at least four months notice.

Normal Termination Date

- 11.2.1 The Board of Governors may reappoint, on a special annual contract, any retired member of the full-time academic staff who has reached the age of 65 if, in its opinion, the interests of the University would be so served. Retention on the academic staff after the retirement date is subject to annual report and recommendation from the department chair, head or director, the Dean and the President.

12. APPOINTMENT OF ACADEMIC ADMINISTRATIVE OFFICERS

Appointment after Consultation

- 12.1.1 Academic administrative officers generally are appointed for a term after consultation with special advisory committees, Senate or Faculty Councils. Specific procedures have been approved by the Senate and the Board of Governors for the appointment of the President, and of Vice-Presidents, Deans, Associate or Assistant Deans and departmental chairs, heads or directors with academic responsibilities. Regulations approved by Senate and the Board of Governors specify the arrangements for consultation regarding appointment and reappointment of these officers. Similar practice of consultation exists in connection with appointments of academic administrative officers of similar standing.

Termination of Appointment

- 12.2.1 The appointment of an academic administrative officer may be terminated at the pleasure of the Board before expiry of the term originally agreed upon.

Establishment of New Administrative Posts

- 12.3.1 In the creation of any new academic administrative post there is consultation with Senate or the Faculty Council concerned.

13. NEW APPOINTEES — COMMENCEMENT OF EMPLOYMENT

Travel Costs

- 13.1.1 The University may agree in advance to provide transportation costs for a newly appointed member of the academic or administrative staff. Normally assistance will constitute one-way fare for a staff member and, if married, for the spouse and children from his or her place of residence when appointed, to Halifax, economy class air or less, by the most direct route and the most economical mode of transport. If the staff member travels by private car or by other than the most direct route, he or she may be assisted, to an amount equal to the lowest cost of the most direct commercial transportation.

Cost of Moving Effects

- 13.2.1 For normal staff appointments the University may agree in advance to contribute a portion of the costs of moving by surface freight household goods and personal effects (not including automobiles) from the place of residence of a newly appointed member of the staff. Unless otherwise agreed the University's contribution to these costs will not exceed two thirds of the costs incurred or a maximum of \$2,250,

whichever is the lesser, and the contribution will be paid only on presentation of estimates or invoices of commercial movers or transportation companies. Ordinarily, new appointees should obtain commercial estimates in advance of any move as a basis for negotiating arrangements for contribution by the University.

- 13.2.2 Special consideration will be given to full payment for moving essential professional equipment and books, when such items have been adequately listed and described and the full costs of moving these estimated in a separate submission sent in advance for approval of the department chair, head or director and the Dean.

Recovery if Voluntary Failure to Carry Out Contract

- 13.3.1 A staff member who voluntarily fails to carry out his or her contract of service with the University after the effective date of his or her first appointment is liable to repay a proportionate share of the amount expended by the University to assist transportation and moving costs to Halifax and that amount may be withheld from salary or other benefits payable before termination of employment.

Commencement of Salary

- 13.4.1 A newly appointed member of the staff will normally be added to the University payroll on the date when the staff member assumes his or her duties at the University in Halifax, on or after the effective date of his or her contract.

Commencement of Other Benefits

- 13.5.1 A newly appointed member of the staff will acquire the right to participate in the University Pension Scheme, insurance and other fringe benefit programs on the first date provided for in the respective programs after he or she has acquired the right to payment of salary.

14. AMENDMENTS

- 14.1.1 On the recommendation of the Senate and approval by the Board of Governors, these regulations may be amended from time to time.

- 15.1.1 **These regulations, as amended from time to time, are incorporated into and are effective as a part of the terms of appointment of all members of the academic staff, of professional librarians or senior research staff and of administrative officers employed by Dalhousie University,**

