



UNIVERSITY OF MANITOBA POLICY

Policy:	TERM OF APPOINTMENT AND TENURE
Effective Date:	October 22, 1991
Revised Date:	
Review Date:	
Approving Body:	Board of Governors
Authority:	
Responsible Executive Officer:	
Delegate: (If applicable)	
Contact:	Vice-President (Academic) and Provost
Application:	Excluded Academic Staff

General Policy

The following shall be the general policy of the University with respect to term of appointment and tenure.

1. Term of Appointment of Officers and Employees Other Than as Full-Time Faculty Members

1.1. The contract of employment or the document evidencing the appointment, as the case may be, of all officers and employees of the University, other than in the capacity of full-time faculty members, shall contain a provision defining the term of employment or appointment of such officers and employees.

1.2. The term of appointment of deans of faculties, directors of schools, heads of departments, and administrative associates or assistants to any of those holding any such offices, shall be terminable at the discretion of the Board notwithstanding the provisions of subsection 1.1.

1.3. Notwithstanding that the employment or appointment may be expressed to be for a fixed term or that the salary is expressed to be on a per annum basis, the employment or appointment shall, subject always to the laws of the Province of Manitoba, be terminable before a fixed term expires.

1.4. The termination of the term of employment or appointment of the President, vice-presidents, deans of faculties, directors of schools, heads of departments, and administrative associates or assistants to any of those holding any of such offices, shall not affect the term of appointment or tenure, if any, of those persons as faculty members.

2. Term of Appointment or Tenure of Full-Time Faculty Members

- a) Appointments of faculty members engaged on a full-time basis; and
- b) Appointments as full-time faculty members of the President, vice-presidents, deans of faculties, directors of schools, heads of departments, or of administrative associates or assistants to any of those holding any of such offices;

shall be of the following types:

2.1. Appointments with Tenure

Such appointments continue until resignation or retirement, or until terminated earlier by the University for cause, or as a result of a declaration by the Board of an extraordinary financial exigency or redundancy.

2.2. Probationary Appointments

Such appointments continue for a specified maximum duration unless terminated earlier by resignation or retirement, or by the University for cause, or as a result of a declaration by the Board of an extraordinary financial exigency or redundancy. Faculty members holding probationary appointments, other than as instructors, shall have the right to apply for consideration for an appointment with tenure.

2.3. Term Appointments

Such appointments continue for the contractually limited term unless terminated earlier by resignation, or by the University for cause.

2.4. Contingent Appointments

Such appointments are contingent upon the continuing availability of specified funds and, subject to such availability, continue either (a) for any contractually specified limited term unless terminated earlier by resignation, or by the University for cause, or (b) where no limited term has been contractually specified, until terminated by resignation or retirement, or by the University.

Policies and Procedures Governing Appointments of Full-Time Faculty Members

The policies and procedures governing the appointments of full-time faculty members as such, may be established by resolution of the Board, or where appropriate, by collective

agreement approved by the Board. Without restricting the generality of the foregoing, such policies and procedures may include: definitions of words and phrases used in this by-law, conditions of appointment, assignment of duties, discipline (including reprimand, suspension and dismissal), and consideration of persons eligible for appointment with tenure.

Policies and Procedures Governing Appointments of Full-Time Faculty Members Not Subject to a Collective Agreement

1. Appointments With Tenure

1.1. A faculty member of the rank of assistant professor, associate professor or professor may be granted tenure by the Board of Governors after consideration of a recommendation from the President either at the time of initial appointment or pursuant to the policies and procedures set forth in sections 5 and 6 hereunder, provided the faculty member holds a probationary appointment and is eligible for tenure consideration as provided for in section 2 hereunder.

1.2. Nothing in this policy shall prevent the Board of Governors, upon recommendation of the President, from giving an appointment with tenure to a faculty member who has a contingent appointment or in cases where special circumstances seem to them to justify it.

2. Probationary Appointments

2.1. A faculty member of the rank of assistant professor, associate professor or professor may receive a probationary appointment if the Board of Governors, after considering a recommendation from the President, makes such an appointment.

2.2. A faculty member who holds a probationary appointment shall have the right to apply for tenure consideration in any year prior to the completion of his/her maximum untenured period.

2.3. No faculty member shall hold probationary or a combination of probationary and full-time term appointments at the rank of assistant professor, associate professor or professor, for a period in total longer than his/her maximum untenured period. Subject to section 2.4, the maximum untenured period for full-time faculty members at the rank of assistant professor, associate professor or professor shall be six (6) years of full-time service, exclusive of any time spent on a contingent appointment.

2.4. The probationary appointment of a faculty member who having been considered for tenure according to the procedures of this article shall, where tenure is granted, automatically convert to a tenured appointment on the next anniversary of the first full-time appointment unless an earlier date is specified by the University or shall, where tenure is not granted, automatically expire on the next anniversary of the first full-time appointment of the faculty member unless a later date is specified by the University

3. Term Appointments

3.1. A faculty member may receive a term appointment if the Board of Governors, after considering a recommendation from the President, makes such an appointment. At the time of appointment the University shall indicate the term or interval of the appointment.

4. Contingent Appointments

4.1. A faculty member may receive a contingent appointment if the Board of Governors, after considering a recommendation from the President, makes such an appointment. At the time of appointment the University shall specify the funds upon which the appointment is contingent and, where possible, the term or interval of the appointment.

5. Tenure Committees and Tenure Criteria

5.1. The dean/director, after receiving the advice of his/her faculty council and in consultation with the academic vice-president, shall be responsible for choosing the tenure committee structure, for establishing the criteria which must be met in order for a positive recommendation on tenure to be made and for establishing any procedures at the faculty level for the making of a tenure recommendation, provided that no such criteria or procedures are inconsistent with the tenure policies and procedures stated herein. The dean/director shall make known his/her decisions with respect to committee structure, criteria and faculty-level procedures. Committee structure, criteria and procedures shall remain in effect from year to year, until changed by the dean/director, after receiving advice.

5.2. Tenure committees may be structured by deans and directors in the following ways as seems most appropriate to the faculty or school concerned:

faculty-based; or

departmentally-based, in which case there will also be a faculty-level committee;
or

faculty-based nucleus committee to which would be added representatives of departments in which each tenure case is located.

5.3 Each tenure committee shall be chaired by the dean/director or his/her designate who shall be non-voting.

5.4. Tenure committee meetings shall be closed and deliberations shall be confidential.

6. Tenure Recommendation Procedures

6.1. In all cases the procedures shall be implemented in such a way as to ensure that the recommendation arrived at is made in light of all of the following:

- a) the academic needs of the University;
- b) the established criteria for tenure, including the weighting, if any, of the duties assigned to faculty members. Such assigned duties shall normally include research and teaching as primary responsibilities, and, secondarily, various types of service, insofar as this arises from the research and teaching functions of the University;
- c) the assessment of the faculty member's performance of his/her duties or other obligations, as assigned during the period under consideration.

6.2. Deans/directors shall make known the names of those faculty members to be considered by a tenure committee and shall invite submissions to the tenure committees by both faculty members and students. In addition, evaluation of the research and scholarship of candidates may be sought from outside the department or faculty from recognized scholars in the discipline or field of the candidate.

6.3. The faculty member being considered is to be assured of an opportunity to meet at least once with each tenure committee.

6.4. The faculty member shall supply the appropriate tenure committee with whatever material and information he/she or the committee deems necessary to justify his/her being granted tenure. It is the faculty member's responsibility to establish his/her worthiness for the granting of tenure.

6.5. If a tenure committee cannot make a positive recommendation as a result of its deliberations, the chairperson of the committee shall so inform the faculty member in writing, indicate the nature of the concerns or reservations that the committee will wish to discuss, and invite the candidate to meet with the committee in order to speak to these concerns. A reasonable time will be allowed the faculty member to provide further documentation and to prepare for such a meeting.

6.6. The committee will make its recommendation to the administrative officer at that level, and that administrative officer will transmit the committee's recommendation and his/her own to the next administrative level.

6.7. The recommendation of a tenure committee will be communicated to the candidate by the chairperson of the committee.

6.8. The chairperson of a tenure committee shall report in writing all recommendations, together with the reasons therefor related to the criteria used, to the dean/director. The dean/director shall transmit the committee's

recommendation, his/her own, and that of the department head, if any, to the academic vice-president. The academic vice-president shall transmit these recommendations and his/her own to the President. If the recommendation of the department head, dean/director, or academic vice-president is different from that of a tenure committee, he/she shall so advise the tenure committee and the faculty member.

6.9. If the President intends to forward a recommendation to the Board that a faculty member not be granted tenure, he/she shall, prior to forwarding his/her recommendation, send by registered mail, or cause to be hand delivered, a written notice to the faculty member to this effect, together with the reasons for his/her recommendation with a reminder to the faculty member that he/she may appeal the recommendation as is provided for in section 7.

6.10. When it has considered the President's recommendation, the Board will communicate its decision to the faculty member in writing.

6.11. In the case of a faculty member who does not belong to a faculty or school or department, procedures which approach as nearly as possible those outlined in sections 5 and 6 shall apply.

7. Appeal Procedures

7.1. A faculty member who is an applicant for tenure may appeal the recommendation which the President is to forward to the Board in his/her case by sending a written notice of intention to appeal to the President's office within ten working days of the date on which written notice of that recommendation was placed in the registered mail, or hand delivered, to him or her.

7.2. Within twenty working days of the President's receipt of the notice of appeal, an appeal committee shall be established. The appeal committee shall consist of three (3) members, one (1) person chosen by the candidate, one (1) person chosen by the University and a third person, a voting chairperson. The chairperson shall be chosen from outside the University community by the mutual agreement of the two appointees to the appeal committee, but failing such agreement within fourteen days, the chairperson shall be selected by the Senate Nominating Committee.

7.3. Within twenty working days of sending the notice of intention to appeal to the President, the faculty member shall send to the appeal committee, through its chairperson, and simultaneously to the President, a written statement of appeal which shall state both the particular ground for the appeal and the evidence supporting it.

7.4. An appeal shall be limited to claims of material procedural defect in the recommendation for tenure procedures.

7.5. In reviewing the evidence presented and in determining whether the appeal shall be allowed or dismissed, the appeal committee shall:

- a) restrict the hearing to a review of the manner in which the University has dealt with matters which bear only upon the alleged procedural defect and shall not conduct the hearing as a rehearing of the member's case. Any rules of procedure or evidence established for the hearing by the appeal committee shall not be inconsistent with anything provided in this article.
- b) consider only whether procedural defect(s) occurred which materially and adversely affected the decision made. Procedural defect includes bias and the denial of natural justice.
- c) dismiss the appeal where the appeal committee is satisfied that any procedural defect as defined in section 7.5.(b) hereof was rectified, neutralized, obviated or otherwise satisfactorily dealt with at or by virtue of a subsequent level of consideration of the member's case.
- d) be limited, if the appeal is allowed, to directing that the matter be reconsidered in accordance with the procedures specified in this article, commencing at the level of consideration where the defect occurred. Only in a finding of bias may the appeal committee require a change in personnel.

7.6. The decision of the appeal committee shall be binding on the faculty member and the University.

7.7. Any subsequent appeal filed pursuant to a subsequent recommendation of the President that tenure not be granted shall be dealt with in the same manner as prescribed in this section 7 and, as far as possible, the appeal committee shall consist of the same persons as were on the first appeal committee.

7.8. Because of the right to appeal, there shall be no right to file a grievance under the grievance by-law as a result of a recommendation of the President that tenure not be granted.

8. Termination of Appointments by the Faculty Member

8.1. An academic appointment may be terminated by the faculty member only if he/she gives the University written notice at least six (6) months prior to the end of an academic year, or such shorter notice as the President agrees to accept.

8.2. All academic appointments, other than post-retirement appointments, shall terminate automatically upon retirement. A faculty member shall give the University at least six (6) months written notice of his/her intention to retire.

9. Termination of Appointment by the University

9.1. All academic appointments may be terminated by the University for cause including, but without limiting the generality of the foregoing, for persistent neglect of duty, incompetence or gross misconduct by a faculty member.

9.2. Discontinuance of an appointment means the termination of a probationary appointment or an appointment with tenure as a result of a declaration of an extraordinary financial exigency or redundancy. The expressions "redundancy" and "extraordinary financial exigency" shall have the same meanings as set out in a collective agreement to which full-time faculty members are subject.

9.3. Those faculty members (other than those holding term or contingent appointments) whose appointments are to be discontinued because of a declaration of an extraordinary financial exigency or redundancy shall receive from the Board twelve (12) months written notice. Subject to section 9.4., these faculty members shall receive a discontinuance allowance equal to a year's current salary payable over a period of twelve (12) months.

9.4. Faculty members who engage in retraining pursuant to an offer by the Board shall not be eligible for the discontinuance allowance referred to in section 9.3.

10. Discipline

10.1. A faculty member may be reprimanded or suspended with or without loss of pay, for failure, inability, or refusal to carry out, responsibilities and obligations.

10.2. Failure or inability to carry out assigned duties because of medical disability shall not be a cause for disciplinary action unless the faculty member has unreasonably refused medical attention or advice.