

	<p>Extensions to the above timeline beyond January 31 or approvals not made in advance of associated deadlines are not covered under this provision.</p> <p>It is understood that any changes to dates between June 15 and January 31 will result in a corresponding increase to other timelines between June 15 and January 31 directly impacting the applicant.</p>
no later than February 7	Dean's recommendations to be provided to the Provost, copied to the applicant.
March 1	Deadline for applicant to appeal Dean's recommendation
March 15	Deadline for Provost decisions on tenure or renewal cases
April 1	Deadline to appeal Provost's decision on tenure or renewal
April	Promotion Review Committee meets
April/May	Tenure Appeal Committee meets
May 7	Deadline for a final decision by the Promotion Review Committee
June 1	Deadline for a final decision by the Tenure Appeal Committee
July 1	Decisions come into effect

Article 29: Academic Performance Assessment and Progression Through the Ranks and Outstanding Achievement Awards

This Article applies to the provision of Progression Through the Ranks (PTR) assessments and Outstanding Achievement Awards (OAA) to be awarded to Continuing, Limited Term, Contingent Term, Special Limited Term, or Pre-Tenure Track Appointment members of the academic staff. The assessment of Sessional Instructors is addressed in Article 23.

29.1 General Principles

29.1.1 The procedures in this Article are intended to be consistent with the following *general principles*:

- The recognition of achievement and high academic standards
- Equity – in addition to the equity commitment in the Preamble to the Collective Agreement and in Article 7, equity means that individuals in similar standing in different areas of the University are treated similarly
- Fairness – means that the principles of natural justice and human rights in the treatment of individuals are observed
- Observance of due process
- Balance between interests of individuals and of the institution
- Balance between procedural transparency and protection of individual rights to privacy
- Allowance of flexibility in procedures without prejudice to the basic rights of fairness and equity for individuals
- Respect for diversity among Faculties
- Appropriate accommodation for disability or illness

29.1.2 Anyone evaluating research and teaching, and service activities integral to them, has a duty not to infringe academic freedom and, in particular, not to infringe academic freedom through the use of criteria unrelated to scholarly research and teaching.

29.1.3 Any deviations from the provisions of this Article shall require the approval of the Provost and the Faculty Association

29.1.4 For the purposes of this Article, the following shall apply:

a) Academic Administrator: An academic administrator is a Head, Assistant Dean, Associate Dean, Vice Dean (not senior leadership), Associate University Librarian, Associate Vice Provost (Libraries and Cultural Resources), Associate Director (Student and Enrollment Services), the Executive Director (Taylor Institute for Teaching and Learning), and any others as agreed by the Provost and the Faculty Association. It does not include members of the senior administration.

b) Academic Performance Report (APR): The biennial academic performance report shall be provided in a form at the discretion of the academic staff member. The APR should provide a summary of the academic staff member's academic work over the assessment period, outlining how the academic staff member has met the criteria in the GFC Handbook and Faculty Guidelines, and identifying any particular achievements they would like to be recognized in the following areas: (1) teaching; (2) research; (3) service, and/or 4) other academic work.

The report must be between 2 and 5 pages in length. This report shall be central to the PTR and OAA review processes. An academic staff member who does not submit an APR will not receive a PTR. It is understood that academic staff members are responsible for submitting their APR, however where an academic staff member has demonstrated to the Head that there exists an exceptional circumstance that leaves them unable to submit an APR, and the Head has sufficient knowledge of the academic staff member's achievements in the absence of the APR to determine they meet the expected standards of performance, the Head in consultation with the Dean may recommend a PTR, and the Dean may provide a PTR.

c) Advisor: An advisor is a Continuing, Contingent Term, Limited Term, Special Limited Term, or Pre-Tenure Track Appointment member of the academic staff or a Faculty Association staff member who is selected by an appellant to accompany them in these processes. The appellant shall inform the committee chair or Provost, as appropriate, of the name of the advisor at least one day prior to the meeting. In any forum where they are acting in this capacity, an advisor has the authority to speak on behalf of, or along with, the appellant.

d) Dean means the Dean of the Faculty affected, the Vice-Provost (Libraries and Cultural Resources), the Vice-Provost (Teaching and Learning), the Vice-Provost (Student Experience) or another individual as mutually agreed by the Provost and Faculty Association. The authority of the Dean may not be delegated except in accordance with Article 29.9.1a).

e) Faculties include Arts, the Cumming School of Medicine, the Haskayne School of Business, Kinesiology, Law, Nursing, the School of Architecture, Planning and Landscape, the Schulich School of Engineering, Science, Social Work, Veterinary Medicine, the Werklund School of Education, Student and Enrollment Services, the Taylor Institute for Teaching and Learning, and Libraries and Cultural Resources. Academic staff outside of these Faculties will be dealt with in accordance with Article 29.12 or by mutual agreement of the Parties.

- f) Head: In Departmentalized Faculties, the Head shall be the Department Head of the unit. In non-departmentalized Faculties, the Head shall mean the position(s) normally designated by the Dean to assign academic duties. The authority of the Head may not be delegated.
- g) Home Faculty: Where academic staff members have joint appointments across multiple Faculties, the Home Faculty shall be the Faculty where the majority of the appointment is held or, where there is an equal proportion between two or more Faculties, the Faculty shall be whichever the letter of appointment designates as the Home Faculty. Where the matter is unclear, the Provost and the Faculty Association shall agree on a Home Faculty. In the case of internal university secondments, the Home Faculty shall not be altered. In all cases of joint appointment and secondments, the Head in the Home Faculty shall solicit feedback from the other Faculties/units prior to drafting an assessment and merit recommendation. The decisions/recommendations of the Home Faculty shall apply to the entire appointment of the academic staff member.
- h) Majority vote: A majority vote shall be said to exist where the number of positive votes exceeds the number of negative votes. Where the number of positive votes is the same as the number of negative votes, the Chair must vote to break the tie. The Chair shall not cast a vote, except to break a tie.
- i) Outstanding Achievement Awards (OAAs): OAAs are increases to Rank Salary awarded to a limited number of academic staff. They are intended to recognize excellence and an academic staff member's exceptional and outstanding performance. The value of these Awards is established in Schedule A. Academic staff shall not be eligible for an OAA if they have received an OAA in the immediately preceding review cycle.

Should an academic staff member apply for an OAA, in addition to the regular APR material, the academic staff member shall be required to provide additional information supporting their application, which demonstrates their excellence and exceptional and outstanding performance. The academic staff member shall use their discretion to determine the appropriate substance and volume of material they wish to be considered for an OAA. However, the supplementary OAA material must be limited to 5 pages in length; any information beyond the fifth page will not be considered by the committee. The supplementary OAA material must include: the academic staff member's current rank, year of hire, year of tenure (if applicable), and a brief description of their distribution of teaching, service and research as applicable over the assessment period, and other academic work. Incomplete OAA applications will not be considered by the Faculty Assessment Committee.

- j) Progression Through the Ranks (PTR) Increases: PTR Increases are the annual increases to Rank Salary for academic staff members who meet the expected standards of performance for academic staff members at the University of Calgary. The value of these increases is established in Schedule A.

29.2 **Criteria**

- 29.2.1 The performance standards for each rank and the criteria for assessing outstanding achievement shall be established by the General Faculties Council (GFC). GFC's authority shall be limited to issues of criteria only. GFC may delegate the creation of Faculty Guidelines to the Faculty Councils to ensure the distinctive aspects of various disciplines are addressed

in the application of the criteria. While the Faculty Guidelines may refine and interpret GFC's criteria, they may not add, contradict, or create new criteria unless specifically authorized to do so by GFC. Neither the GFC criteria nor the Faculty Guidelines shall add to or embellish on any of the processes established in this Article.

- 29.2.2 The criteria for the assessment of individual academic staff members shall be applied in a manner consistent with the range and proportion of duties assigned to the academic staff member under Article 12. PTR increases and OAAs shall be assessed on the full duties performed by the academic staff member.
- 29.2.3 Notwithstanding the payment of administrative honoraria, the administrative role and the quality of academic administration and leadership provided shall be taken into account when considering the overall performance of academic administrators and others who perform administrative tasks.
- 29.2.4 All Deans are required to make available to academic staff members in the Faculty the criteria for assessment.
- 29.2.5 The criteria for the assessment of individual academic staff members in positions outside the Teaching and Research, Teaching-Focused, librarian, curator, archivist, educational developer, senior educational developer, and counsellor streams shall be based on the duties assigned at the time of hiring, and as mutually amended by the academic staff member and Dean over time, or as agreed to by the Provost and Faculty Association.

29.3 **Application of the Review Process**

- 29.3.1 Academic staff members who commence in the period January 1 through June 30, during an assessment year shall not be required to submit an academic performance report nor be assessed, but shall be provided with a default PTR. If they wish to be considered for an OAA, they may provide an APR with appropriate supplementary information as per Article 29.1.4.b).

Academic staff members who have announced their resignation or retirement from the University to commence by December 31 in an assessment year shall not be required to submit an academic performance report nor be assessed but shall be provided with a default PTR. If they wish to be considered for an OAA, they may provide an APR with appropriate supplementary information as per Article 29.1.4.b).

- 29.3.2 Where the first PTR for an academic staff member is in the year between assessment cycles, they will receive the full PTR despite the lack of a formal review.
- 29.3.3 In the case of a new academic staff member, any academic accomplishments which were not reflected in the Curriculum Vitae, or otherwise considered at the time of hiring, may be reported and considered in the first APR review.
- 29.3.4 Where an academic staff member has been on an unpaid leave of absence for a period greater than 6 months of the reporting period, the PTR shall be prorated to the nearest quarter. This shall include individuals who are on part-time unpaid leave where the cumulative amount of leave equates to greater than 6 months of full-time service in the reporting period.

Individuals on unpaid leaves of absence at the time of the review but did not complete a biennial report prior to the leave shall not be assessed until they return from the leave – all deadlines to be adjusted by agreement of the Provost and the Faculty Association.

Individuals on unpaid leaves of absence for the entire report period will not be required to prepare an academic performance report, and will not be subject to assessment nor eligible for a PTR or OAA. A notation will be placed on the individual's record to clearly show "no entitlement" to distinguish it from a decision to withhold a PTR.

29.3.5 Academic staff members who have been granted a Research and Scholarship Leave, an Administrative Leave, an Assisted Study Leave or similar paid leaves shall submit an APR, unless the nature of that leave precludes them from doing so. Such individuals shall be reviewed with respect to the period of leave, on the basis of the activities set out in the approved leave application; and with respect to periods before or after the leave, on the normal criteria. For example, if teaching activities are not expected as part of the leave, the individual should not be penalized for not teaching. Nonetheless, if teaching or other relevant activities occur in addition to the proposed leave activities, then these activities should be considered.

29.3.6 Individuals who are on parenting leave, sick time, LTD or paid leaves of a similar nature shall not be penalized for interruption in academic productivity during the period of absence. Productivity while on leave is to be included in the staff member's assessment. Individuals on parenting leaves or sick time shall not be expected to complete an academic performance report until they return from such leaves – timelines to be adjusted by agreement of the Provost and Faculty Association.

For those individuals on Long Term Disability (LTD) at the time of the review, the Provost and the Faculty Association shall discuss how to proceed given the circumstances of the case. For those who have returned to work but were on LTD for part of the assessment period, the LTD period shall be treated as sick time.

29.3.7 Individuals who are on a part-time appointment, not due to a leave, shall be entitled to the full PTR amount applied to the full-time equivalent salary.

29.4 **Assessment Cycle**

29.4.1 The performance of every Continuing, Contingent Term, Limited Term, Special Limited Term and Pre-Tenure Track Appointment academic staff member shall be formally reviewed on a biennial basis. The biennial period will be two academic years commencing on July 1 and ending on June 30. The assessment will be based on the biennial academic performance report. The PTR and OAA awarded in the assessment process will apply to each of the current and succeeding years. The deadline for the submission of biennial academic performance reports shall be established by each Faculty. The deadline established shall be no earlier than June 1, nor later than September 1.

29.5 **PTR Assessment**

29.5.1 Following receipt of the APR, the Head shall determine whether the academic staff member meets the standard for a PTR increase. The Head shall exercise good judgment and after seeking advice from relevant sources, recognizing the confidentiality requirements of Article 30.

29.5.2 If the Head determines that the academic staff meets the standard for a PTR increase, they shall inform the Dean of such a recommendation, copied to the academic staff member, by September 8. No further analysis is required unless the applicant has requested consideration for an OAA or if the Head wishes to recommend consideration for an OAA. A Head's recommendation in favour of a PTR increase shall be considered final.

- 29.5.3 If the Head is considering not recommending a PTR increase, they shall advise the academic staff member by September 8 that they are considering such a recommendation and invite the member to provide additional information which may aid them in their consideration. The Head shall provide an opportunity for the academic staff member to meet with them by September 22 to discuss this further before finalizing the recommendation to the Dean which shall be submitted by September 30.
- 29.5.4 Following the provisions of 29.5.3, the Head may make a recommendation to the Dean that a PTR increase be awarded and the provisions of 29.5.2 shall apply. Alternatively, where the Head believes that the academic staff member is not meeting the standards for a PTR increase, they shall provide a recommendation to the Dean that describes how the academic staff member is deficient in meeting the standards outlined under the GFC Handbook and Faculty Guidelines. This recommendation to the Dean shall be copied to the academic staff member at the same time as it is submitted to the Dean, no later than September 30.
- 29.5.5 The Dean's office shall notify the Provost's Office and the Faculty Association of any recommendations from Heads to not award PTR increases as soon as reasonably possible after they have been received and in no case longer than 3 Work Days after receipt.
- 29.5.6 An academic staff member who disagrees with the recommendation to deny a PTR increase may appeal this to the Faculty Assessment Committee through the Dean's office by October 10. The appeal shall include the reasons the appellant believes they meet the criteria.

Should an academic staff member not appeal the recommendation of the Head to deny the PTR increase, the Head's recommendation shall be considered final.

29.6 **OAA Consideration**

- 29.6.1 During the PTR Assessment, the Head may identify individuals to be nominated for an OAA. The Head may nominate worthy candidates to the Faculty Assessment Committee for review by submitting the APR along with a brief letter indicating reasons by September 30 through the Dean. The letter shall be copied to the academic staff member at the same time as it is submitted to the Dean.
- 29.6.2 Individual academic staff members may nominate themselves for an OAA by indicating such on their APR. The Head may make comments or a recommendation based on this nomination if they choose. In either event, the APR will be forwarded to the FAC through the Dean by September 30. Any comments or recommendation made by the Head shall be copied to the applicant at the same time as it is relayed to the FAC.
- 29.6.3 Where an academic staff member has received comments or a recommendation from the Head under Article 29.6.1 or 29.6.2, they may submit a response to the FAC through the Dean by October 10. Where they had not requested consideration for an OAA, but the Head has recommended such consideration, the academic staff member may submit supplementary information in support of this recommendation, consistent with the provisions in Article 29.1.4.b).
- 29.6.4 Where a Head has nominated an academic staff member for an OAA and the member subsequently declines, the nomination shall not proceed

29.7 **Formative Review**

- 29.7.1 It is recognized that the PTR and OAA reviews may not provide comprehensive formative feedback. To receive formative feedback, all Tenure Track, Contingent Term, Limited Term, Special Limited Term or Pre-Tenure Track Appointment academic staff who have held such positions for five years or less are encouraged to meet with the Department Head and/or Dean to discuss their career progress. Similarly, those who are considering applying for promotion to a higher rank, or those at any stage in their academic career, may wish to meet with the Department Head and/or Dean. The Head and/or Dean shall invite all such members to individual meetings at appropriate times during the year. Academic staff are strongly advised to avail themselves of these meetings as the advice received could be important for future success in tenure, promotion, or contract renewal.
- 29.7.2 Subsequent to a final decision where an academic staff member has had a PTR withheld, the Dean may arrange for a meeting with the academic staff member to discuss the circumstances that gave rise to the decision and how to proceed. In any such meeting, the academic staff member may be accompanied by an Advisor.

29.8 **Assessment of Academic Administrators**

- 29.8.1 The following Academic Administrators shall be assessed in accordance with this Article:
- a) Academic Administrators who had any period of service as Academic Administrators during the reporting period and remain in an Academic Administrator position.
 - b) Academic Administrators who served for more than 12 months during the reporting period, but are no longer in that role.
- 29.8.2 The following individuals shall not be assessed as Academic Administrators, but shall be assessed as regular academic staff:
- a) Academic Administrators who had no period of service during the reporting period, but have since been appointed as an Academic Administrator. In this situation, the Provost and the Faculty Association shall agree on the appointment of an individual to serve as "Head".
 - b) Academic Administrators who served for 12 months or less during the reporting period, but are no longer in that role.
- 29.8.3 The assessment of Academic Administrators as defined by 29.8.1, shall be in accordance with Article 29.5, with the role of the Head replaced by the Dean, and the role of the Dean replaced by the Provost (or delegate from the senior leadership team). Should an academic administrator appeal a PTR increase recommendation of the Dean (acting as Head), the FAC will be chaired by the Provost (or delegate) who would act with all the authority of the Dean. If the Provost acts as Dean and subsequent appeals are required, the authority of the Provost would be held by the Vice-President (Research).
- 29.8.4 If, on the recommendation of the Dean, an academic administrator is considered for an OAA, the FAC, as it relates to the consideration of the relevant academic administrator only, will be chaired by the Provost (or delegate) who would act with all the authority of the Dean. If the Provost acts as Dean and subsequent appeals are required, the authority of the Provost would be held by the Vice-President (Research).

29.8.5 Academic administrators will be assessed separate and apart from regular academic staff. Academic administrator OAA awards will be provided in addition to the total number allocated in Schedule 'A', Article 1.2.2.

29.9 Faculty Assessment Committees (FAC)

29.9.1 The FAC is a Dean's Advisory Committee composed of the following members:

- a) The Dean shall be the Chair, voting only in the case of a tie. The Dean may delegate the Chair position to a Vice-Dean (Large Faculty). When the Vice-Dean (Large Faculty) is assigned the Chair, they shall be considered the Dean for all purposes related to those case(s) and the FAC shall be advisory to them. In any cases of conflict of interest, the issue of the FAC Chair shall be resolved by mutual agreement of the Provost and Faculty Association.

Voting members:

- b) Three (3) academic staff members, elected by academic staff in the Faculty (except in large Faculties of more than 200 Continuing, Contingent Term, Limited Term, Special Limited Term or Pre-Tenure Track Appointment members, which shall elect four (4) members). The members shall only be eligible for immediate reappointment to the FAC once, to allow for variation in the committee membership over time. In departmentalized Faculties, there shall not be more than one member from any department. (Note that Faculties may alternatively elect the option provided for in Article 29.9.3.)
- c) One or two academic staff members appointed by the Dean (specifically, to ensure rank, gender, disciplinary, Teaching and Research stream/Teaching-Focused stream, equity, or other representation, when necessary). In Faculties where the number of Continuing, Contingent Term, Limited Term, Special Limited Term, and Pre-Tenure Track Appointment members exceeds 200, the Dean may appoint a third member.

Participating / Non-voting members:

- d) One student appointed by the Students' Union (except in the School of Architecture, Planning and Landscape where the student shall be appointed by the Graduate Students' Association, where available).
- e) One member appointed by the Faculty Association. Where the number of Continuing, Contingent Term, Limited Term, Special Limited Term, and Pre-Tenure Track Appointment members exceeds 200, the Faculty Association may appoint an additional member.

More than one gender shall be represented among the voting academic staff members elected or appointed under items b) or c) above. However, this is not a quorum requirement.

Any person who acted in the role of Head shall not be elected or appointed to the FAC under b) or c) above.

No member of the FAC other than the Dean in accordance with Article 29.9.1a) may send a substitute representative to any meeting.

- 29.9.2 No later than one week prior to the FAC meeting, academic staff members shall be informed of the members of the FAC by the Dean. The applicant may request an individual on FAC not be present for their case due to a conflict of interest, or perception of a conflict of interest. The request shall be directed to the Dean unless the Dean is the subject of the request. If the Dean is the subject of the request, the request shall be directed to the Provost or the Faculty Association, who jointly shall decide on a course of action. The Provost and the Faculty Association shall jointly decide on a course of action when this provision impacts quorum.
- 29.9.3 Quorum – the FAC may not meet unless the following members are present:
- a) the Chair
 - b) More than half of the academic staff members elected or appointed under 29.9.1 b) or c) (or 29.9.3).
 - c) one member appointed by the Faculty Association.
- 29.9.4 In the case of Departmentalized Faculties, the Faculty Council may choose to utilize the FAC composition as indicated in Article 29.9.1 as written, or they may choose to replace the elected members in 29.9.1b) with one member elected from each Department (the person who acts as Head would be ineligible to be elected). The Provost's Office and the Faculty Association shall be notified by the Dean of any Faculty Council decision to use this alternative committee membership, and once the alternative form is established, the Dean shall inform the Provost's Office and the Faculty Association of any subsequent Faculty Council decision to return to the 29.9.1 Committee structure.
- 29.9.5 No voting member of the FAC may be considered for an OAA.
- 29.9.6 The FAC shall meet between October 15 and November 7 to consider:
- a) Any appeals received related to the PTR increases; and
 - b) All recommendations or applications for the OAA.
- 29.9.7 Decisions of the FAC regarding PTR increases shall be considered advisory to the Dean (subject to appeal under 29.10).

Should the FAC not expend the full allotment of OAAs, the Dean may add individuals to the decisions of the FAC to fully expend the allotment. The Dean may also reject the decision of the FAC to provide an OAA to an academic staff member. Only the Dean's decision to reject the FAC recommendation to provide an OAA shall be subject to appeal to the OAA Appeal Committee. All accepted recommendations from the FAC, by the Dean, are considered final. Any changes (including additions) from the FAC's recommendations that affect academic administrators as defined in Article 29.8.1 or 29.8.2 shall require the additional approval of the Provost.

29.10 **Appeals to a Faculty Assessment Committee regarding PTR**

- 29.10.1 When an appeal of a Head's negative recommendation for a PTR increase is being considered, the Chair of the FAC shall invite the appellant and the appellant's Head to be present together. The appellant may make a brief presentation as to how they meet the criteria before the appellant and the Head respond to any questions from the FAC. The appellant and the appellant's Head shall not be present when the Committee deliberates and

votes on the appeal.

29.10.2 If an appellant wishes to appear before the FAC but is unable to do so, the Chair of the FAC may make whatever accommodations the Chair believes to be reasonable to allow this to happen. This may include: the appellant naming a representative from among the Continuing, Contingent Term, Limited Term, Special Limited Term or Pre-Tenure Track Appointment academic staff to act on their behalf; video conferencing; or scheduling a different time. If no reasonable accommodation is possible, the FAC may convene based on the written appeal; however, the Head shall not be present.

29.10.3 Where an appellant declines an invitation to appear before a FAC, the Head shall not be present during any discussion of the appeal. In such a situation, if the FMC determines that it requires clarification of factual information, it shall be solicited from both the appellant and the Head simultaneously in written form or by video conference.

29.10.4 At any FAC meeting where the appellant is in attendance, the appellant may be accompanied by an Advisor.

29.10.5 The academic staff member shall be notified of the FAC's recommendation regarding the PTR increase as well as the decision of the Dean by November 14. With respect to PTR appeals, the FAC only has the authority to recommend the following:

- a) Award the PTR increase;
- b) Deny the appeal and withhold the PTR increase (as per Schedule A, 1.2.1); or
- c) Where sufficient mitigating factors apply, deny the appeal, but provide a full or partial PTR increase.

In considering the recommendations, the Dean is similarly constrained to these options.

29.10.6 The Dean's decision may be appealed to the PTR Tribunal (see Article 29.13) through the Provost's Office by November 30.

29.11 **Outstanding Achievement Awards**

29.11.1 The value and number of Outstanding Achievement Awards shall be established in Schedule A.

29.11.2 Decisions regarding the disbursement of the OAAs shall be made by the FAC by a majority vote based on the criteria established in the GFC Handbook and Faculty Guidelines and based on the requirements of this Article 29.

29.11.3 The distribution of the OAAs shall take into account the diversity of the faculty, including rank, status, stream, and matters of equity, diversity, inclusion, and accessibility.

29.11.4 The FAC shall base their decisions on the information provided by the academic staff member and the Head. No other information shall be considered.

29.11.5 The Dean shall inform applicants and those nominated by the Head as to whether they will be receiving an OAA by November 22. Where the Dean has changed the recommendation of the FAC, the Dean shall include such information in this letter. Where the Dean has

overturned a positive recommendation of the FAC, the individual may appeal this to the OAA Appeal Committee through the Provost's office by December 7.

29.11.6 A Faculty may choose to opt out of the OAA system and instead have the equivalent value of the OAA applied equally to all academic staff members who would be assessed through the PTR/OAA process. To make this election requires:

- a) achieving a quorum of 68% of the limited term, contingent term and continuing academic staff in the Faculty eligible for OAA casting a vote; and
- b) 75% or more of these votes cast in favour of opting out; and
- c) concurrence of the Dean

This decision by the Faculty must be made before the deadline for APRs to be submitted in a given review cycle.

29.12 **Process Outside of Faculties**

29.12.1 For all academic staff outside of Faculties (as defined in 29.1.4e)), this section shall apply.

29.12.2 The "Head" shall be the individual designated in the hiring letter as being responsible for the assignment of duties. Where this is unclear, the Head shall be agreed upon by the Provost and Faculty Association.

29.12.3 Any recommendation by the Head to withhold a PTR increment may be appealed directly to the PTR Tribunal.

29.12.4 Any recommendation from the Head, or application by the academic staff member, for an OAA will be determined by the Provost (subject to Article 29.1.4.i).

29.12.5 The timelines provided for elsewhere in Article 29 shall apply to the cases covered by Article 29.12 *mutatis mutandis*.

29.13 **PTR Tribunal**

29.13.1 A PTR Tribunal shall be established separately for each PTR appeal. It shall be composed of the following members:

- a) three (3) academic staff members holding Continuing, Contingent Term, or Limited Term appointments, jointly appointed by the Provost and the Faculty Association, including more than one gender and with appropriate equity considerations as relevant to the appellant. The Provost and Faculty Association shall designate one of these members as the Chair.
- b) one (1) non-voting member appointed by the Faculty Association

None of the members of the committee shall be from the appellant's Faculty or Unit.

29.13.2 The PTR Tribunal shall review the letter of appeal, the academic staff member's original APR, the Head's recommendation, any materials provided to the FAC, the Dean's decision, and any other material submitted by the appellant with the appeal. The PTR Tribunal may request any additional information it deems appropriate.

- 29.13.3 The Faculty Association may make a submission regarding process, which must be considered by the PTR Tribunal.
- 29.13.4 The PTR Tribunal shall interview the appellant together with the Dean. The processes enumerated in Articles 29.10.1 through 29.10.3 shall apply for the PTR Tribunal.
- 29.13.5 At any PTR Tribunal meeting where the appellant is in attendance, the appellant may be accompanied by an Advisor.
- 29.13.6 The PTR Tribunal may:
- a) uphold the appeal and grant the PTR increase;
 - b) deny the appeal and withhold the PTR increase (as per Schedule A, 1.2.1)
 - c) where non-culpable or mitigating factors apply, deny the appeal, but recommend the Provost provide the full or partial PTR increase.
- 29.13.7 The PTR Tribunal shall report their decision to the appellant, copied to the Dean, Provost, and Faculty Association, preferably by December 21, but in any event no later than January 31.
- 29.13.8 The decision of the PTR tribunal shall be considered advisory to the Provost.
- 29.14 **OAA Appeal Committee**
- 29.14.1 Once any appeals regarding OAAs have been received, an OAA Appeal Committee shall be established.
- 29.14.2 The composition of the Appeal Committee shall be established by the joint decision of the Provost and Faculty Association, consistent with the composition of the PTR Tribunal as listed in 29.13.1. However, by decision of the Provost and Faculty Association, the Appeal Committee may deal with multiple cases. Alternatively, the Provost and Faculty Association may choose to establish two or more Appeal Committees to deal with the Appeal cases or groups of cases. The Committees shall be established by December 21st.
- 29.14.3 The Appeal Committee shall review the letter of appeal, the academic staff member's original APR, any supplemental material related to their OAA application, the Head's recommendation, any materials provided to the FAC, the Dean's decision, and any other material submitted by the appellant with the appeal. The Appeal Committee may request any additional information it deems appropriate, especially as it relates to comparable cases.
- 29.14.4 The Faculty Association may make a submission regarding process, which must be considered by the Appeal Committee
- 29.14.5 The Appeal Committee shall interview the appellant together with the Dean. The processes enumerated in Articles 29.10.1 through 29.10.3 shall apply for the Appeal Committee, *mutatis mutandis*.
- 29.14.6 At any Appeal Committee meeting where the appellant is in attendance, the appellant may be accompanied by an Advisor.

29.14.7 The Appeal Committee may:

- a) uphold the appeal and grant the OAA increase; or
- b) deny the appeal.

The Appeal Committee shall not be constrained by the limits in number of OAAs as provided in Schedule A.

29.14.8 The Appeal Committee shall report their decision to the appellant, copied to the Dean, Provost, and Faculty Association by January 31.

29.14.9 The decision of the Appeal Committee shall be final.

29.15 **Performance Guidance**

29.15.1 The assessment of academic performance and Progression Through the Ranks processes do not restrict the Governors from providing guidance to academic staff members and academic administrators.

29.15.2 Where the performance of academic staff members warrant, disciplinary action may be taken in accordance with Article 20.

29.15.3 Although separate processes, the Governors are permitted to rely on information arising out of the academic assessment process to provide guidance to academic staff members, or in the case where academic performance is the subject of any disciplinary action.

29.16 **Reporting/Review**

29.16.1 At the conclusion of the assessment cycle, the Provost's office shall prepare a summary of all cases where the Head recommended the withholding of a PTR and their ultimate disposition. This report shall be provided to the Faculty Association.

29.14.2 The Provost's office shall also provide a summary of all cases where the Dean changed a recommendation as made by the FAC or added to the recommendations of the FAC. This report shall be provided to the Faculty Association.

29.16.3 Following each FAC cycle, the Provost's office shall prepare a statistical summary of all OAAs including the number distributed in each Faculty by rank and gender. This report shall be provided to the Faculty Association.

29.16.4 Copies of all academic performance reports, Heads' assessments, Deans' recommendations and final communications from the Provost's office shall be made available to the Faculty Association upon request.

29.16.5 Following each assessment cycle, representatives of the Provost's office and the Faculty Association shall meet to review the reports listed above, any concerns raised through the processes, and matters of equity of distribution of OAAs (including equity, diversity, inclusion, accessibility concerns as well as rank, status, stream, and discipline).