SECTION 7: DISMISSAL

Academic appointments may be terminated by dismissal (by reasons for cause, of financial exigency, or of redundancy), resignation, or retirement. Only procedures for termination by way of dismissal are within the jurisdiction of the General Faculties Council. Procedures for resignation and retirement have been included for information in Appendix B: Terminations Other Than Dismissal.

7.1 Academic Appointees: Dismissal for Cause – Definitions

7.1.1 For purposes of dismissal, academic appointee is defined in the Post Secondary Learning Act, Section 1(c) as:

“…an employee of the board of a public college, technical institute or university who, as a member of a category of employees or individually, is designated as an academic staff member under this Act.”

7.1.2 For purposes of 7.1.1, academic work refers to that work for which the defence of academic freedom would be appropriate by reason of the terms of employment.

7.2 Academic Appointees: Dismissal for Cause – Procedures

7.2.1 Where the Provost & Vice-President (Academic) has reason to believe that an academic appointee should be dismissed for good and sufficient cause and the academic appointee, within 21 days of being so notified in writing by the Provost & Vice-President (Academic), requests the matter to be submitted to a hearing, the procedure to be followed in cases of dismissal for cause is the arbitration process that may be set out in the articles of the Collective Agreement Between the Governors and the Faculty Association, and includes those articles as they may be amended from time to time.

7.3 Dismissal for Sustained Unsatisfactory Performance (Successive Zero Increments)

7.3.1 In any case where a member of the academic staff who, though entitled to receive increments, is awarded two zero increments in succession by the President on the advice of the General Promotions Committee, the Dean of the Faculty concerned (if the second zero increment was initially recommended by a Faculty Promotions Committee) or the Provost & Vice-President (Academic) (if the second zero increment was initially recommended by the General Promotions Committee) shall, unless cause can be shown to the President why such action should not be pursued, formulate in writing grounds for dismissal for good and sufficient reason.

7.4 Senior Administrative Staff: Dismissal for Cause

7.4.1 Senior Administrative Staff shall include at a minimum Vice-Presidents, Associate Vice-Presidents, and Assistant Vice-Presidents, if any. Other persons, such as Deans, may be so designated by the Board of Governors pursuant to S.83 of the Post Secondary Learning Act.

7.4.2 Such members may be dismissed from office for gross misconduct or incompetence in relation to their reasonably assigned duties as the President may find with absolute discretion and
without reference to academic freedom.

7.4.3 The President may follow a formal or informal procedure, provided that such procedures shall comply with the requirements of a full and fair hearing before an impartial trier of fact, which may include a hearing before the President only.

7.4.4 This section shall not apply if the allegations against the senior administrative staff member relate to the staff member's other appointment as a member of the Academic Staff (Research and Teaching) or of the Academic Staff (Administrative and Professional).

7.5 Dismissal for Reasons of Financial Exigency

7.5.1 The first duty of the University is to ensure that academic priorities remain paramount particularly in regard to the quality of instruction and research. The General Faculties Council will therefore, when faced with budgetary restrictions, recommend to the Board of Governors that the Board will ensure the primacy of the University's educational functions by considering cuts in academic programs or resultant cuts of Board appointments only after all practicable cuts have been made in all other budgetary areas of the University.

7.5.2 If, in the course of the normal budget procedures, it becomes apparent to the University Budget Committee that there is a major financial problem that cannot be accommodated by reductions in expenditures within budget units without dismissal of academic staff, the University Budget Committee will so inform the General Faculties Council and the Board of Governors.

7.5.3 If the Board declares a state of financial exigency, the University Planning Committee will be asked to review the academic priorities of the University to establish whether or not any programs or services are to be terminated. After conducting this review, the University Planning Committee shall present its recommendations to General Faculties Council for approval and transmission to the Board of Governors for decision. The General Faculties Council recommends that the Board of Governors consult with the Faculty Association before declaring a state of financial exigency.

7.5.4 After the Board of Governors has dealt with the General Faculties Council recommendations, the University Budget Committee together with the University Planning Committee shall proceed to re-allocate funds to the budget units. If it appears that dismissal of academic staff due to reasons of financial exigency is necessary, the Faculty Association shall be informed of the situation in writing.

7.5.5 The General Faculties Council will urge the Faculty Association to make proposals to the Board of Governors relating to salary savings which will become the subject of immediate negotiations. These proposals will not include dismissals but will relate to alternative measures designed to preclude dismissals.

7.5.6 If these negotiations do not resolve the problem and savings are still required, the University Planning Committee in conjunction with the University Budget Committee will allocate the required budget cuts to budget units with the instruction to effect the necessary savings in a way which best preserves the University's ability to meet its fundamental teaching, research and service functions.

7.5.7 Faculty budget savings will be accomplished by the Deans on the advice of Faculty Promotions Committees. If dismissals are judged to be necessary, Faculty Promotions Committees and Deans will be guided in their deliberations by the same criteria of quality as in promotions.
Seniority will be considered other factors being equal.

7.5.8 Deans’ recommendations must be submitted to General Promotions Committee for approval before being passed to the President for referral to the Board of Governors.

7.5.9 Any individual may appeal a Dean's recommendation to the General Promotions Committee utilizing a parallel procedure to that used for promotions as per Section 6.6.6.

7.5.10 The terms of dismissal for reasons of financial exigency (e.g., severance pay, grievance procedures, period of notice, retraining opportunities, fringe benefits during layoffs, access to laboratories, and other research facilities etc.) are negotiable between the Board of Governors and the Faculty Association.

7.5.11 In the event that a position becomes available through retirement, resignation, death, or the cessation of the state of financial exigency, individuals on Continuing appointments dismissed due to financial exigency shall be informed of the vacancy in writing. If they choose to apply for such a position, they shall have the right of first refusal for positions for which they are qualified or for which they can be reasonably retrained. The order of recall within each budget unit shall be opposite the order of dismissal. Prior consideration shall be given for a period of five years.

7.6 Dismissal for Reasons of Redundancy

7.6.1 The procedures to be followed in cases of dismissal for reasons of redundancy are the procedures set out in the articles of the Collective Agreement Between the Governors and the Faculty Association that relate to redundancy, and includes those articles as they may be amended from time to time.