

PROMOTION AND CONTINUING APPOINTMENT

General Clauses

1. Unless otherwise provided for in this Collective Agreement, this Article applies only to Members with Probationary or Continuing Appointments, as defined in the Article *Appointments*.
2. The Employer shall promote Members only in accordance with the provisions of this Article.
3. Promotion and the granting of Continuing Appointment by the Employer shall be on the basis of performance in Professional Practice, Academic Activity, and Service in relation to relevant criteria outlined in this Article. The range of duties encompassed by each of Professional Practice, Academic Activity, and Service is defined in the Article *Responsibilities of Members*. Performance in each area of Responsibility shall meet the expectations for the Associate Rank if the Member is considered for Continuing Appointment, and shall meet the expectations for the desired Rank if the Member is considered for Promotion. Successful performance in Professional Practice will be considered the primary criterion for Promotion and Continuing Appointment. Contributions to Service shall be recognized as a criterion in Promotion and Continuing Appointment.
- 3.1 In the application of the provisions of this Article, the relative significance accorded to Professional Practice, Academic Activity, and Service shall be subject to any arrangements described in the Letter of Appointment and any other arrangements made under the provisions of the Collective Agreement.

Committee on Promotion and Continuing Appointment

4. With the exception of the chair position, Members shall elect a Committee on Promotion and Continuing Appointment annually by July 1.
- 4.1 The Committee on Promotion and Continuing Appointment shall include:
 - a) either the Chief Librarian or designate from Western Libraries who shall chair the Committee for Western Libraries Members, or the appropriate Dean or designate who shall chair the Committee for non-Western Libraries Members, but shall not vote except to break a tie;
 - b) four (4) voting Members at large, elected by the Members, who shall serve for the consideration of all Members' Files;
 - c) one (1) voting Archivist Member, elected by the Members, who shall serve only for the consideration of Archivist Members' Files; and
 - d) one (1) Member, elected by the Members as an alternate, who shall replace a Member who is temporarily unable to serve.

Promotion and Continuing Appointment

- 4.1.1 One member of the Committee on Promotion and Continuing Appointment shall be designated the Committee's Equity Representative as identified in Clause 9 of the Article *Employment Equity*.
- 4.2 All voting members of the Committee on Promotion and Continuing Appointment shall hold Continuing Appointments.
- 4.3 The term of all elected members shall be two (2) years, with the terms of the four (4) voting Members at large staggered to ensure continuity.
- 4.3.1 Should a Committee on Promotion and Continuing Appointment have carriage of a Continuing Appointment file, it shall complete its work notwithstanding the election of a new Committee on Promotion and Continuing Appointment.
- 4.4 If an elected member on the Committee on Promotion and Continuing Appointment resigns from the Committee, the Members shall elect a replacement for the balance of the elected member's term.
- 4.5 The Committee shall consider all Promotion and Continuing Appointment applications.
- 4.6 Meetings of the Committee on Promotion and Continuing Appointment shall have quorum; quorum here is defined as two-thirds of the Committee plus the chair.
- 4.7 The Committee on Promotion and Continuing Appointment shall be convened by the chair.
- 4.8 If an elected member of the Committee on Promotion and Continuing Appointment is to be considered for Promotion, they shall retire from the Committee during that Academic Year and the alternate shall serve.
- 4.9 In consideration of any application for Promotion or Continuing Appointment, should any voting member of the Committee on Promotion and Continuing Appointment have a conflict of interest as described in the Article *Conflict of Interest and Conflict of Commitment*, or where there is bias or a reasonable apprehension of bias, that member shall withdraw from consideration of the relevant case or cases and shall be replaced by the alternate member. Should the chair have a conflict of interest, the Provost shall appoint a replacement.
- 4.10 Subject to the provisions of Clauses 4.7 and 4.8 above, all voting members of the Committee on Promotion and Continuing Appointment present at the Committee's deliberations shall vote on the Committee's recommendations. While all members shall endeavour to participate in all meetings of the Committee, members who have missed meetings shall not be excluded from future meetings. No voting member present may abstain from voting, even if such a Member has not been present at all previous meetings to consider a given File.
- 4.11 The Committee may call on the relevant expertise of persons not on the Committee.

- 4.12 All deliberations of the Committee on Promotion and Continuing Appointment shall be confidential.
- 4.12.1 The provisions of Clause 4.12 of this Article shall not override the provisions of the Articles *Employment Equity* and *Discrimination and Harassment*.
- 4.13 Any stenographic or other notes, including originals, taken during meetings of the Committee on Promotion and Continuing Appointment by someone who is not a member of the Committee shall be placed in the Promotion and Continuing Appointment File and shall be considered part of the File. This provision applies to such notes taken during any meetings of the Committee, including meetings before the Provost receives the File and meetings that may occur if the Provost returns the File to the Committee under the provisions in Clauses 22.2 and 22.3 of this Article. Such notes shall be treated in the same manner as letters under Clause 6.4 of this Article; i.e., information enabling identification shall be removed.
- 4.14 The Employer shall report the membership of the Committee on Promotion and Continuing Appointment to the Association by no later than July 30.

Promotion and Continuing Appointment File

5. A Promotion and Continuing Appointment File shall be opened and maintained for each Member eligible for Promotion or Continuing Appointment. The File shall include:
- a) an updated *curriculum vitae*, submitted by the Member;
 - b) a copy of the Letter of Appointment provided to the Member at the time of initial Appointment.
 - c) a copy of the Member's job description;
 - d) a copy of any document concerning arrangements made under any of the provisions of this Collective Agreement that alters the balance between the Member's Responsibilities.
- 5.1 At least one week before the Committee on Promotion and Continuing Appointment meets to begin its consideration and evaluation of the Promotion and Continuing Appointment File, the following shall be added to the Promotion and Continuing Appointment File:
- a) an updated *curriculum vitae*, submitted by the Member;
 - b) a letter of recommendation from the Member's immediate supervisor;
 - c) for a Member with a Probationary Appointment under consideration for Promotion and/or Continuing Appointment, copies of all documents related to the Article *Annual Report and Review* for the current year and previous four years from the Member's Official File;

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- d) for a Member with a Continuing Appointment under consideration for Promotion, a chart of all performance categorizations, as assessed under Clause 11 of the Article *Annual Report and Review*, for each of Professional Practice, Academic Activity and Service;
- e) any letters of recommendation solicited by the Member, which shall be sent directly to the Chief Librarian or Dean;
- f) letters received by the Chief Librarian or Dean following a public solicitation for comments on the Member's performance;
- g) letters from arm's-length referees as required by Clauses 13.1 and 13.1.1 of this Article;
 - (i) the letters from referees shall be solicited by the Chief Librarian or the Dean;
 - (ii) the referees shall be chosen by the Chief Librarian or Dean from a list supplied by the Member. Where possible, the number of referees listed by the Member shall be three (3) times the number of referees to be chosen. The Chief Librarian or Dean may add names to this list, but if they do so, the Member shall be allowed the opportunity to object in writing to the names added by the Chief Librarian or Dean on the ground of the referee's lack of expertise or because of some direct academic or personal dispute. Any such objection shall be placed in the Member's Promotion and Continuing Appointment File;
 - (iii) the list of names supplied by the Member shall include a description of the qualifications of each referee, the areas of the Member's Responsibilities on which the referee might be expected to comment, and any previous interactions with the referee that might lead to a perception of bias in the referee's assessment of the Member's performance;
 - (iv) each referee shall be asked to comment on the candidate's performance in the areas of Professional Practice, Academic Activity, and Service on the basis of the referee's knowledge of the candidate's work and/or the dossier submitted to the referee; and
 - (v) each referee shall be provided with the relevant criteria for Promotion and/or Continuing Appointment as they are set out in Clauses 11 through 16.1.
- h) a written submission from the Member, articulating their case for Promotion and/or Continuing Appointment and summarizing their relevant contributions, activities, and accomplishments; and

- i) a table of contents listing all documents in the package, and signed by the Member and the Chief Librarian or Dean.
6. The Member shall be given advance notice of when the File will be ready for review, and shall have at least two (2) working days to complete the review and sign the table of contents.
- 6.1 Once the Member has signed the table of contents referred to in Clause 5.1 i) above, no further documentation shall be added to the Promotion and Continuing Appointment File, except as provided for subsequently in this Article, or by mutual agreement of the Member and the Chief Librarian or Dean.
- 6.2 Any letters referred to in Clause 5.1 above that arrive after the table of contents has been signed by the Member and before the Committee on Promotion and Continuing Appointment meets to begin its consideration and evaluation of the File shall be added to the File. In such circumstances, the Member shall be given the opportunity to examine and copy the letter(s) (subject to Clause 6.4 below) at least three (3) working days before the Committee on Promotion and Continuing Appointment meets to begin its consideration and evaluation of the File. During this time the Member may add to the Promotion and Continuing Appointment File under the provisions of Clause 5.1 h) above.
- 6.3 It is the Member's responsibility to provide the items described in Clauses 5.1 a), 5.1 g) (iii) and 5.1 h) above within four (4) weeks of any request by the Chief Librarian or Dean that the Member do so. The Chief Librarian or Dean may extend this period in the event that circumstances beyond a Member's control make it impossible to respond within the four (4) week period.
- 6.4 A Member shall have the right to a copy of any document in their File, including letters. However, in accord with the University's policy of maintaining confidentiality, before the Member receives a copy of such a letter, all information that would reveal the identity of the author(s) shall be removed.
- 6.5 Subject to Clause 6.6 below, a Member may withdraw their File from consideration by the Committee on Promotion and Continuing Appointment at any time prior to the Committee's formulation of its recommendation. Such withdrawal must be in writing and submitted to the chair. In such a case, the Member's File shall continue, except that the Member may choose either to include all letters or to exclude all letters obtained in accord with Clause 5.1e) above.
- 6.6 If a Member who holds a Probationary Appointment, and who is being considered for a Continuing Appointment in the last year of their probationary period, withdraws their File from consideration by the Committee on Promotion and Continuing Appointment under the provisions of Clause 6.5 above, the Member's employment at the University shall cease at the end of the Member's Probationary Appointment.

Consideration for Promotion and/or Continuing Appointment

7. For a Member holding a Probationary Appointment at the General Rank, the Chief Librarian or Dean or designate shall initiate consideration for Promotion to a Probationary Appointment at the Assistant Rank, within the first month of the last year of the Member's probationary period at the General Rank and shall, at the same time, initiate the public solicitation for comments on the Member's performance as specified in 5.1 f) above. The Chief Librarian or Dean or designate shall inform the Member, in writing, of the initiation for consideration for Promotion and the documents required in Clauses 5.1 a), and 5.1 h) above. The Member shall supply the items within four (4) weeks of the invitation. The Chief Librarian or Dean may extend this period in the event that circumstances beyond a Member's control make it impossible to respond within the four (4) week period.
- 7.1 For a Member holding a Probationary Appointment at the Assistant Rank or higher, the Chief Librarian or Dean or designate shall initiate consideration for Promotion and/or Continuing Appointment within the first month of the last year of the Member's probationary period and shall, at the same time, initiate the public solicitation for comments on the Member's performance as specified in 5.1 f) above. The Chief Librarian or Dean or designate shall inform the Member, in writing, of the initiation for consideration for Promotion and/or Continuing Appointment and the documents required as specified in Clause 5.1 above.
- 7.2 A Member at Associate Rank may request that consideration for Promotion be started. Such a request must be made in writing to the Chief Librarian or Dean by March 1st, and must be accompanied by the items referred to in Clauses 5.1 a), 5.1 g) (iii) and 5.1 h) above. The Member shall, at the same time, inform their immediate supervisor that they have applied for Promotion. The Chief Librarian or Dean or designate shall acknowledge in writing receipt of the request within four (4) weeks of receipt and shall, at the appropriate time, initiate the public solicitation for comments on the Member's performance as specified in Clause 5.1 f) above. The acknowledgement shall indicate that the Member's File shall be considered by the Committee in the next Academic Year.
- 7.3 A Member may request the Employer consider granting an extension to the Member's Probationary Appointment where the Member has experienced extenuating circumstances which require accommodation under the *Ontario Human Rights Code*, and which limited the Member's ability to fully perform the duties of their position for a prolonged period such that progress toward Continuing Appointment is materially jeopardized. The Member shall bring evidence of extenuating circumstances to the attention of the Employer at the time of occurrence, or as soon as possible where health reasons precluded bringing the circumstances to the Employer's attention immediately.

Early Consideration for Promotion and/or Continuing Appointment

8. A Member holding a Probationary Appointment at Assistant Rank or higher, who believes they have met the relevant criteria, may request early consideration for Promotion and/or Continuing Appointment, to be started no earlier than one (1) year from the beginning of Probationary Appointment or promotion to current Rank. The Member requesting consideration for Promotion and/or Continuing Appointment must submit the items specified in Clauses 5.1 a), 5.1 g) (iii) and 5.1 h) above, along with the request.
- 8.1 The Chief Librarian or Dean or designate shall acknowledge, in writing, receipt of the required items within four (4) weeks of receipt and, at the same time, shall initiate the public solicitation for comments on the Member's performance as specified in Clause 5.1 f) above.
- 8.1.1 The Member who is contemplating requesting that consideration for Promotion and/or Continuing Appointment be started early, in accordance with 7.2 above, may consult with their supervisor and/or the Chief Librarian or Dean before requesting such consideration.
- 8.1.2 In the case of early consideration for Promotion and/or Continuing Appointment, if the Promotion and Continuing Appointment Committee does not recommend Promotion and/or Continuing Appointment, the Member's Promotion and Continuing Appointment File shall continue, except that the Member may choose either to include all letters or to exclude all letters from external referees obtained in accord with Clause 5.1 g) of this Article and applicable to this initial consideration for Continuing Appointment. The Committee's recommendation shall be placed in the File and the Member shall be considered again by the Committee once only, in the final year of the Probationary Appointment.

Criteria for Promotion and Continuing Appointment

9. Criteria for Promotion and Continuing Appointment shall be applied in a consistent and uniform manner in accordance with the Appointment and with the Rank.
10. The Committee shall pay particular attention to the record of the Member's performance as evidenced by the documents listed in Clauses 5.1 c) or d) (as applicable) of this Article.
11. When a candidate is considered for Promotion, evidence relevant to the criteria listed in Clauses 14, 15, or 16 below shall be provided to the Committee. The Committee shall determine, based on the evidence, whether or not the candidate has established a record of performance within each area of the Member's Responsibilities, consistent with the candidate's Workload that meets the criteria for the desired Rank.
12. Promotion through the Ranks shall be on the basis of performance in Professional Practice, Academic Activity, and Service, as specified in the Article *Responsibilities of Members*.

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13. Continuing Appointment shall be granted to a Member holding the Rank of Associate or Senior upon their successful completion of the probationary period as specified in the Member's Letter of Appointment or upon the successful completion of an early consideration for Continuing Appointment as specified in Clause 7.2 while also exhibiting a commitment to professional excellence and growth. The Member shall also have met the criteria, as specified in Clauses 15 or 16 below, established for achievement of the Rank of Associate or Senior, as appropriate.
 - 13.1 For Promotion and/or Continuing Appointment at the Rank of Associate Librarian or Associate Archivist, there shall be four (4) referees, at least two (2) of whom shall be external to the Bargaining Unit or the University.
 - 13.1.1 For Promotion and/or Continuing Appointment at the Rank of Senior Librarian or Senior Archivist, there shall be five (5) referees, at least three (3) of whom shall be external to the Bargaining Unit or the University.
14. A Member appointed or promoted to the Rank of Assistant Librarian or Assistant Archivist shall demonstrate a sustained record of achievement in Professional Practice, provide evidence of a proven ability to effectively use their professional education and demonstrate a capacity to develop and extend their expertise in Professional Practice and Academic Activity, as appropriate to their Responsibilities. The Member shall also demonstrate a satisfactory record of performance in the area of Service.
15. A Member appointed or promoted to the Rank of Associate Librarian or Associate Archivist shall demonstrate a sustained record of achievement in Professional Practice which demonstrates initiative, leadership and creativity. The Member shall demonstrate the ability to apply skill and critical thinking to problem-solving and shall provide evidence of continued growth in their expertise in Professional Practice. As appropriate to their Responsibilities, the Member shall provide evidence of Academic Activity and the dissemination of the results as defined in the Article *Responsibilities of Members*. The Member shall also demonstrate a satisfactory record of performance in Service.
 - 15.1 For Promotion and/or Continuing Appointment at Associate rank, such Promotion and/or the granting of Continuing Appointment by the Employer is on the basis of a record of Academic Activity and not on the basis of potential to establish such a record. The evaluation of the record of performance in Academic Activity shall take into account quality, creativity and significance for librarianship or archival practice, as well as productivity. The Academic Activity record normally includes invited or refereed journal publications, invited or refereed papers or conference presentations, published monographs, or other vehicles or media, as are appropriate to the Member's area of Academic Activity, as described in the Article *Responsibilities of Members*. The Academic Activity record may also include any material deemed by the Member to be relevant including non-refereed articles, unpublished documents, works in progress and creative works as described in the Articles *Responsibilities of Members* and *Annual Report and Review*. Howe

However, in evaluating the record of performance, unpublished documents, work in progress, and results of Academic Activity that have not undergone evaluation by peers shall be weighted accordingly. The written opinion of at least one arm's length expert who is external to the University shall be included in the referees specified in Clause 13.1.

16. A Member appointed or promoted to the Rank of Senior Librarian or Senior Archivist shall demonstrate a sustained record of high accomplishment in the performance of Professional Practice and a record of sustained Academic Activity recognized by peers and colleagues both within and outside of the University. The Member shall provide evidence of the dissemination of the results of Academic Activity as defined in the Article *Responsibilities of Members*. The Member shall also demonstrate a satisfactory record of performance in the area of Service.
- 16.1 For Promotion and/or Continuing Appointment at Senior rank such Promotion and/or the granting of Continuing Appointment by the Employer is on the basis of an established record of Academic Activity and not on the basis of potential to establish such a record. The evaluation of the record of performance in Academic Activity shall take into account quality, creativity and significance for librarianship or archival practice, as well as productivity. The Academic Activity record normally includes invited or refereed journal publications, invited or refereed papers or conference presentations, published monographs, or other vehicles or media, as are appropriate to the Member's area of Academic Activity, as described in the Article *Responsibilities of Members*. The Academic Activity record may also include any material deemed by the Member to be relevant including non-refereed articles, unpublished documents, works in progress and creative works as described in the Articles *Responsibilities of Members* and *Annual Report and Review*. However, in evaluating the record of performance, unpublished documents, work in progress, and results of Academic Activity that have not undergone evaluation by peers shall be weighted accordingly. The written opinion of at least one arm's-length expert who is external to the University shall be included in the referees specified in Clause 13.1.1.

Consideration and Recommendations

17. The Chief Librarian or Dean or designate shall inform all members of the Committee on Promotion and Continuing Appointment that the Member's Promotion and Continuing Appointment File is available for review within ten (10) working days of the Member signing the table of contents under Clause 5.1 i) of this Article. The Committee shall meet within thirty (30) working days of the notice of the availability of the File to consider the Member's application.
- 17.1 Recommendations by the Committee on Promotion and Continuing Appointment shall be based on the evidence in the Promotion and Continuing Appointment File and as otherwise set out in Clauses 18 and 18.4 below. In reaching its recommendation, the Committee shall evaluate whether or not the Member has established a sufficiently strong record of performance to meet the criteria for granting of promotion and/or Continuing Appointment in accordance with this Article

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18. Should the Committee or the Chief Librarian or Dean or designate have questions about the candidate's record of performance, the Committee Chair may request, in writing, additional information from the candidate. The chair shall forward this request to the candidate, and both the request and any information received shall be added to the Promotion and Continuing Appointment File. The Member shall respond to a request for additional information within 2 (two) weeks of receipt of the request. The Committee may extend this period in the event that circumstances beyond a Member's control make it impossible to respond to the Committee within the two-week period.
- 18.1 If, after receiving additional information, the Committee is considering a negative recommendation, the Committee must request, in writing, a consultation with the candidate. Before such consultation with the Member, the Committee shall, through its chair, provide the Member with a written statement describing the Committee's reasons for considering a negative recommendation. This statement shall be added to the Promotion and Continuing Appointment File.
- 18.2 Should the Member fail to meet with the Committee within four (4) weeks of a request for a consultation, the Member shall be deemed to have declined to meet with the Committee.
- 18.2.1 The Committee may extend this period in the event that circumstances beyond a Member's control make it impossible to meet with the Committee within the four-week period.
- 18.3 Should the Member so wish, they may be accompanied at the consultation by an Academic Colleague from their Unit, or by a person appointed by the Association.
- 18.4 The Member may provide additional documentation at this consultation, and any documentation provided by the Member shall be added to the Promotion and Continuing Appointment File.
19. Following deliberation, the Committee shall issue its recommendation, including reasons, in a document that shall be written by a member of the Committee other than the chair, who has been elected by the members of the Committee to undertake this task. All members of the Committee shall be provided with an opportunity to sign the Committee's recommendation to acknowledge that it is an accurate rendering of the Committee's decision.
- 19.1 A copy of the recommendation of the Committee shall be sent to the Member and the Member's immediate supervisor by the chair of the Committee.
20. In the case of a Member from a Unit other than Western Libraries, the Promotion and Continuing Appointment File shall also include a recommendation from the Dean of the Member's Unit. The chair shall request such recommendation from the Dean.

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21. Not later than ten (10) working days following receipt of the Committee's recommendation, the chair of the Committee on Promotion and Continuing Appointment shall place the Committee's recommendation, and the recommendation from the Chief Librarian or Dean, as applicable, with written reasons, in the Promotion and Continuing Appointment File and forward the File to the Provost.
- 21.1 These recommendations shall not be grievable, except as part of a Grievance initiated according to Clause 23 below.
22. The Provost shall review the Promotion and Continuing Appointment File and consider the recommendations of the Committee on Promotion and Continuing Appointment and of the Chief Librarian or Dean, as applicable.
- 22.1 The Provost may consult the Vice-Provost (Academic Planning, Policy and Faculty) and/or the Vice-President (Research) regarding the File. Any such consultation shall be documented in writing and this record shall be forwarded to the Member and to the Committee, and shall be included in the Promotion and Continuing Appointment File.
- 22.2 If the Provost determines that the File is incomplete, or requires additional information in order to arrive at a decision, or has other concerns about the recommendation of the Committee on Promotion and Continuing Appointment and/or the Chief Librarian or Dean, they may return the File to the Committee with a written statement describing matters of concern. A copy of this written statement shall be provided to the Member and shall be added to the File. The Member shall have four (4) weeks from receipt of the written statement to provide the Committee on Promotion and Continuing Appointment with any information that may be required to respond to the Provost's concerns. Any information received from the Member shall be in writing and shall be placed in their File. The Committee shall consider the Provost's concerns and any additional information that has been placed in the File in accordance with the provisions of this Clause.
- 22.3 If the Provost is considering denial of a recommendation from the Committee on Promotion and Continuing Appointment, they shall return the File to the Committee with a written statement describing matters of concern. A copy of this written statement shall be provided to the Member and shall be added to the File. The Member shall have four (4) weeks from receipt of the written statement to provide the Committee on Promotion and Continuing Appointment with any information that may be required to respond to the Provost's concerns. Any information received from the Member shall be in writing and shall be placed in the File. The Committee shall consider the Provost's concerns and any additional information that has been placed in the File in accordance with the provisions of this Clause. Following this consideration, the Committee Chair shall forward the Committee's response to the Provost within two (2) weeks.

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- 22.4 The Provost shall either approve or deny each recommendation for Promotion and/or Continuing Appointment made by the Committee on Promotion and Continuing Appointment and shall notify the Member, the Chair of the Committee on Promotion and Continuing Appointment, and the Member's immediate supervisor, in writing of their decision, within six (4 6) weeks of receipt of the Committee's recommendation or subsequent response.
- 22.4.1 The effective date of a Promotion and/or Continuing Appointment for someone considered early pursuant to Clause 8 or 8.1 shall be the first day of the month following the month in which the Provost made the decision.
- 22.4.2 The effective date of a Promotion to Assistant rank shall be the first day following the end of the two-year probationary period specified in Clause 4.1.1 of the Article *Appointments*.
- 22.4.3 The effective date of a Promotion to Senior rank shall be the first day of the month following the month in which the Provost made the decision.
- 22.4.4 In the case of a denial, the Provost shall provide reasons for their decision.
- 22.5 In the case of Probationary Appointments considered pursuant to Clauses 7 and 7.1 above, if the Provost approves a recommendation that Promotion and/or Continuing Appointment be denied, or if the Provost denies a recommendation that Promotion and/or Continuing Appointment be approved, the Member's employment at the University shall cease at the end of the Member's Probationary Appointment.
- 22.6 In the case of Probationary Appointments considered pursuant to Clause 7 above, if the Provost approves a recommendation that Promotion be denied, or if the Provost denies a recommendation that Promotion be approved, the Member's employment at the University shall cease at the end of the Member's Probationary Appointment.
- 22.7 Decisions regarding Promotion from the General rank to the Assistant rank; and decisions regarding Continuing Appointment shall be communicated to the Member no less than three (3) months prior to the end date of the Member's probationary period.
- 22.8 Decisions regarding Promotion at Senior rank shall be communicated to the Member within six (6) months of sign-off on the submission of the Member's Promotion and Continuing Appointment file.

Grievance

23. Any Grievance of a denial of Continuing Appointment and/or Promotion shall be commenced at Step 2, according to the provisions of the Article *Grievance and Arbitration*.

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- 23.1 Where the grounds for a Grievance of this decision are based in whole or in part on allegations of discrimination, as defined in the Article *Discrimination and Harassment*, the procedures of this Article and the Article *Grievance and Arbitration* shall apply in place of those in the Article *Discrimination and Harassment*.
24. Without in any way limiting the powers of an arbitrator under the Ontario *Labour Relations Act*, 1995, S.O 1995, c.1 Sched. A with respect to any matter covered by this Collective Agreement, in arbitrations pursuant to this Article, the arbitrator shall have the jurisdiction to examine and grant a remedy on any aspect of the process or decision leading to the Grievance, including but not limited to substantive or procedural errors, and/or bias or reasonable apprehension of bias.
- 24.1 In arbitrations pursuant to this Article an arbitrator shall not have the power to award Promotion or Continuing Appointment, but may prescribe other remedies, including but not limited to extension of the probationary period and/or remitting the case for reconsideration, possibly with different material and/or different assessors.
- 24.2 The provisions in Clause 22.5 of this Article are subject to the outcome of any Grievance referred to in Clause 23 of this Article.
- 24.3 If a Member on a Probationary Appointment has a Grievance arising from Clause 23 of this Article and pending beyond the end of the final year of the Member's Probationary Appointment, the Member's Appointment shall be extended for an additional four (4) months.
- 24.4 Where a Member chooses not to grieve the denial of Continuing Appointment, and their Probationary Appointment will end, they shall be entitled to a one (1) year Term Appointment with no change in terms and conditions except by mutual agreement, or a payment of fifty percent (50%) of their annual salary in lieu of the one (1) year Term Appointment.

Disposition of the Promotion and Continuing Appointment File

25. Following the Employer's notification described in Clause 22.4 above, the disposition of the Promotion and Continuing Appointment File shall be as follows:
- a) in the case of a Member at General Rank who has been considered for Promotion to the Rank of Assistant:
 - (i) if the Member has been promoted, the Promotion and Continuing Appointment File shall be returned to the Chief Librarian or Dean, as appropriate, and retained for future consideration for Continuing Appointment and/or Promotion; or

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- (ii) if the Member has not been promoted, the File shall be returned to the Chief Librarian or Dean and retained for a period of seven (7) years and shall then be disposed of by confidential destruction. The File shall be available for the purposes of any Grievance referred to in Clause 23 above.
- b) in the case of a Member who has been considered for Promotion to the Rank of Senior:
 - (i) if the Member has been promoted, the Promotion and Continuing Appointment File shall be retained by the Chief Librarian or Dean for consideration for Continuing Appointment, if applicable, or for a period of seven (7) years once the Member has obtained Continuing Appointment and shall then be disposed of by confidential destruction; or
 - (ii) if the Member has not been promoted, the Promotion and Continuing Appointment File shall be returned to the Chief Librarian or Dean for future consideration for Promotion and/or Continuing Appointment. The curriculum vitae present in the File at this point shall remain in the File, along with a copy of any future updated *curriculum vitae*.
- c) in the case of a Member on a Probationary Appointment at a Rank below Senior, who has been granted a Continuing Appointment, the File shall be returned to the Chief Librarian or Dean for the purposes of Promotion;
- d) in the case of a Member on a Probationary Appointment at the Rank of Senior, who has been granted a Continuing Appointment, the File shall be returned to the Chief Librarian or Dean and retained for a period of seven (7) years and shall then be disposed of by confidential destruction; and
- e) in the case of a Member on a Probationary Appointment, who has been denied a Continuing Appointment, the File shall be retained by the Chief Librarian or Dean for a period of seven (7) years and shall then be disposed of by confidential destruction. The File shall be available for the purposes of any Grievance referred to in Clause 23 above.

Data to be Sent to Senate

26. Before the conclusion of each Academic Year the Employer shall report to Senate, the Board and the Association both on an annual and a cumulative basis, sorted by gender and by such other designated groups for which data are available: the number of Members considered for Promotion and/or Continuing Appointment for each of Clauses 7, 7.1, 7.2, 8 and 8.1.

Promotion and Continuing Appointment

- 26.1 For each set of data, also sorted in the same fashion, the Committee's recommendation made under Clause 19 of this Article shall also be summarized, along with the Employer's decisions under Clause 22.4 of this Article.

Transition Provisions

27. Notwithstanding Clause 13 of this Article, a Member with a Probationary Appointment at the rank of General or Assistant Librarian or Archivist at the time of ratification of this Collective Agreement shall be eligible to be considered for Continuing Appointment at the rank of Assistant.
- 27.1 A Member with a Continuing Appointment at the rank of Assistant Librarian or Archivist, at the time of ratification of this Collective Agreement will not be required to achieve the rank of Associate to retain their Continuing Appointment.