



# Procedures Governing Decisions on Advancement to Candidacy

Approved by Senate as amended 27 November 2003; 24 May 2007 and 28 June 2007

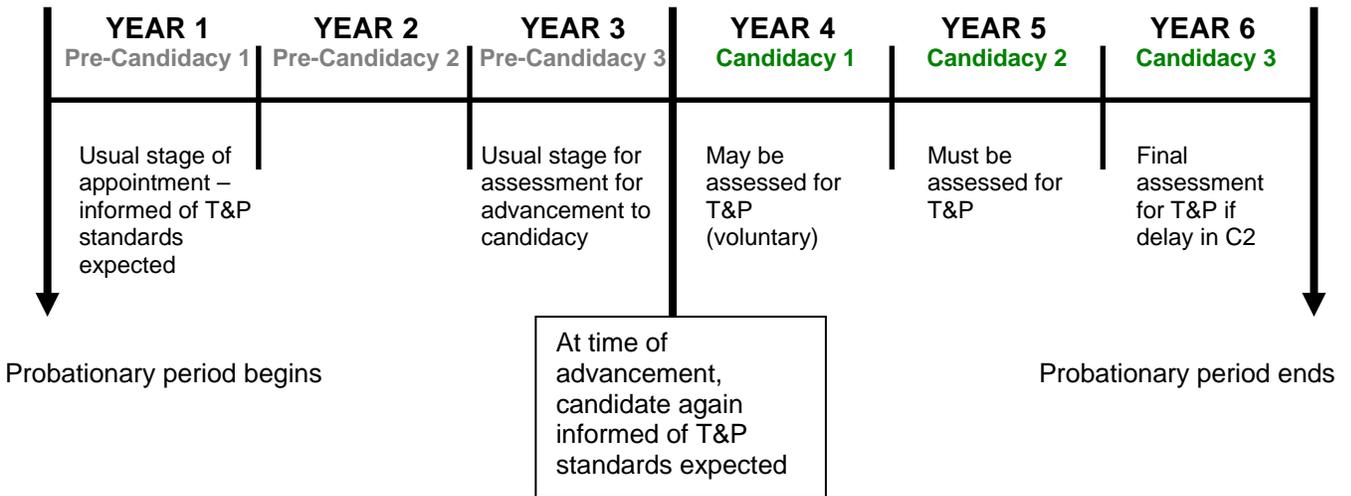
## Background

### Probationary Appointments

Most initial appointments at York are probationary. The purpose of the probationary appointment is to provide the University and the candidate an opportunity for mutual appraisal. Probation does not imply that tenure and promotion will be granted, but it does imply that the University gives serious consideration to such appointments during that period.

Normally, Assistant Professors and Lecturers become pre-candidates upon appointment. The period of Pre-Candidacy will not normally exceed three years. The purpose of Pre-Candidacy is to allow the adjudicating unit time to determine whether it wishes the individual's appointment to be continued into Candidacy. Normally, an individual will successfully move from Pre-Candidacy to Candidacy. This transition allows the unit to assess and advise the candidate on progress in the three criterion areas of teaching, professional contribution and standing, and service.

### Normal Progress through Pre-Candidacy and Candidacy



## Procedures

1. The faculty member is normally appointed to the probationary/tenure stream as a pre-candidate, and normally in Pre-Candidacy 1. At the time of appointment, the Dean's letter of appointment shall specify the year of Pre-Candidacy or Candidacy to which the faculty member has been appointed. The initiating unit shall advise faculty members in writing of the standards for tenure and promotion expected of members of their initiating unit at the time of their appointment and again when they are advanced to Candidacy for tenure.

2. The home unit<sup>1</sup> shall make a decision on whether to advance a pre-candidate to Candidacy, although the process of advancement to Candidacy may be initiated by the Chair or Dean of the home unit (as applicable). Normally the decision on advancement to Candidacy shall be made in the third year of Pre-Candidacy, or earlier with the consent of the pre-candidate. The decision shall be made by the Adjudicating Committee of the home unit.
3. The decision to advance a pre-candidate to Candidacy shall be based on an assessment of the pre-candidate's progress in teaching, professional contribution and standing and service. The evidence to be assessed by the Adjudicating Committee shall include as a minimum:
  - a *curriculum vitae* which documents clearly the candidate's current record in each of the three areas noted above;
  - available course evaluations (from York and/or previous institution);
  - a candidate's statement (if provided by the candidate).
4. The chief academic-administrative officer of the home unit (Chair or Dean, as applicable) may make a recommendation to the Adjudicating Committee on whether the individual should be advanced to Candidacy. This recommendation shall be based on a review of the material on which the Adjudicating Committee is basing its decision. The Chair's or Dean's recommendation shall be considered by the Adjudicating Committee before it renders its decision. In the event of a negative recommendation by the Chair or Dean to the Adjudicating Committee, the pre-candidate shall be advised of this in writing and afforded the opportunity to answer any or all of the reasons for the negative recommendation before the Adjudicating Committee makes its decision.
5. *Extensions of Pre-Candidacy*: If the home unit has not made a decision on whether to advance an individual to Candidacy by the end of the third year of Pre-Candidacy, this shall result in an extension of Pre-Candidacy for one year. Nevertheless, the Pre-Candidacy and Candidacy periods together shall not exceed six years.<sup>2</sup>
6. The Adjudicating Committee shall make a decision by considering the probability that the pre-candidate will satisfy, or fail to satisfy, the University tenure and promotion criteria and the unit standards. The decision shall include an assessment of the candidate's progress in the three criterion areas, a copy of the home unit's standards for tenure and promotion, and clear guidance to the candidate on meeting the standards for tenure and promotion.
7. The Chair of the Adjudicating Committee shall forward the decision to the Dean of the Faculty. The Dean shall ensure that the decision is adequately documented; decisions lacking required information shall be referred back to the Chair of the Adjudicating Committee

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<sup>1</sup> Department, Division or School in departmentalised Faculties, or Faculty in non-departmentalised Faculties.

<sup>2</sup> The *Tenure and Promotions Policy, Criteria and Procedures* (Section D.2.3.) notes that in *exceptional* cases a fourth year of Pre-Candidacy may be allowed, which is followed by Candidacy 1 (may be considered for tenure – voluntary) and Candidacy 3 (must be considered for tenure) so that the total probationary period does not exceed six years.

for revision. Once finalized, the decision shall be referred to the Dean for communication to the pre-candidate by 1 November, with a copy to the University Secretary.<sup>3</sup>

8. The Dean of the Faculty shall inform the Secretary of the University of the final decision in each case.

### ***Substantive Appeal***

9. If the decision is not to advance a pre-candidate to Candidacy, the faculty member, Chair or Dean may appeal the Adjudicating Committee's decision to an appeal committee constituted as follows:
- (a) In departmentalised Faculties, the appeal committee will be the Faculty Tenure and Promotions Committee.
  - (b) In non-departmentalised Faculties, the Faculty shall determine (via its usual governance mechanisms) whether all such appeals shall be made to a Faculty level committee or to the Senate Committee on Tenure and Promotions.
    - (i) If the Faculty elects to constitute a standing committee to hear all such appeals, that committee shall consist of no fewer than three tenured faculty members (and normally, nominees for election to the committee will have served on the Faculty Tenure and Promotions Committee). Service on the committee is for three years and normally a third of the membership retires annually. Members are not eligible for successive re-election to the committee.
    - (ii) If no standing process is put in place to handle such appeals, substantive appeals against decisions not to advance a pre-candidate to Candidacy shall automatically be to the Senate Committee on Tenure and Promotions.
10. No member of a committee considering appeals against decisions not to advance to candidacy may also be (or have been) a member of the Adjudicating Committee which considered the candidate for advancement.<sup>4</sup>
11. The request for appeal shall be given to the appeal committee within one month of the notification of the decision not to advance to Candidacy. When material is added to the file after a decision of the Adjudicating Committee, the appeal committee shall determine whether the additional information constitutes *substantive new evidence* which might have affected the Adjudicating Committee's assessment and decision. In which case, the appeal committee shall forward the additional material to the Adjudicating Committee for comment prior to the appeal committee making its final decision.

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<sup>3</sup> See the YUFA Collective Agreement clause 12.29 which states, in essence, that letters of reappointment, termination or non-renewal shall be sent to probationary faculty in the pre-candidacy period by 1 November, and that failure to observe the deadline shall automatically entitle the appointee to an additional year of appointment.

<sup>4</sup> The *Tenure and Promotion Policy, Criteria and Procedures* state that no person shall serve simultaneously on tenure and promotions committees (including the Senate Tenure and Promotion Appeals Committee) at different levels [Section F.2.6.].

The appeal committee should inform the appellant of its decision as soon as possible after it has reached a decision.

***Procedural Appeal***

12. If the decision of the appeal committee is not to advance the individual to Candidacy, he/she may appeal, on procedural grounds **only**, to the Senate Tenure and Promotion Appeals Committee (STAPAC) within one month of notification of the Review Committee decision.

13. STAPAC shall expeditiously meet and consider the material and shall make a decision as to the disposition of the appeal on or before 30 June.

STAPAC shall find either:

(a) that proper procedures were followed by the initiating unit in making the decision, in which case the appeal will be denied; **or**

(b) that proper procedures were not followed by the initiating unit in making the decision, in which case the appeal will be upheld and the matter returned to the Adjudicating Committee for reconsideration using proper procedures. A decision by STAPAC to uphold an appeal on procedural grounds does not constitute a positive evaluation of the appellant, but is a ruling that proper procedures were not followed.

14. Where the appeal is upheld, the pre-candidate shall have one further year of Pre-Candidacy during which time the appropriate Adjudicating Committee will reassess the case according to approved procedures.

15. Appeal procedures shall be completed by 30 June. A faculty member should consider himself or herself dismissed as of 30 June, regardless of appeal procedures, once he or she has been informed by the chief academic-administrative officer of the initiating unit of a decision to terminate the individual's appointment, with reasons specified, by 1 November of the Pre-Candidacy 3 year. If the appeal of a decision to terminate succeeds between 1 November and 30 June, the termination decision is automatically repealed.

**Note:** Decisions to terminate appointments are always subject to the authority of the President and the Board of Governors under the *The York University Act*.