

Agreement at the Table Merit Assessment Article

May 31, 2017

Amendment to Article 10 of the *Collective Agreement*:

10.10.1 The Governors and the Association shall jointly recommend to the General Faculties Council (GFC) the continuation of Faculty Association voting representation as well as a non-voting resource person on any committee established for review of GFC criteria documents or other matter affecting Articles 28 and/or YY (previously GFC's Appointment Promotion and Tenure Committee).

NEW Letter of Understanding

The Parties agree to review the assessment process after the completion of two assessment cycles (i.e. in 2020).

NEW Letter of Understanding

The Parties agree to review the assessment/merit process as it applies to the Cumming School of Medicine and report to the Joint Liaison Committee by September 30, 2018.

Article YY – Merit Assessment Process

The provisions of this Article apply to the assessments and merit increments 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.

YY.1 General Principles

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

- The recognition of achievement and high academic standards
- 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

YY.1.1 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.

YY.1.2 Any deviations from the provisions of this Article shall require the approval of the Provost and Vice-President (Academic) and the Faculty Association.

YY.1.3 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), and any others as agreed by the Provost and Vice-President (Academic) and the Faculty Association. It does not include members of the senior administration.

b) 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 him or her 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 s/he is acting in this capacity, an advisor has the authority to speak on behalf of, or along with, the appellant.

c) Dean means the Dean of the Faculty affected, the Vice-Provost (Libraries and Cultural Resources), 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 YY.7.2a) and Appendix A.

d) Faculties include Arts, the Cumming School of Medicine, Environmental Design, the Haskayne School of Business, Kinesiology, Law, Nursing, the Schulich School of Engineering, Science, Social

Work, Veterinary Medicine, the Werklund School of Education, and Libraries and Cultural Resources. Academic staff outside of these Faculties will be dealt with in accordance with Article YY.12 or by mutual agreement of the Parties.

e) Head: In Departmentalized Faculties, the Head shall be the Department Head of the unit. In non-departmentalized Faculties, the Head shall mean the position normally designated by the Dean to assign academic duties. The authority of the Head may not be delegated.

f) 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.

g) 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.

YY.2 Criteria

YY.2.1 The criteria for merit assessment shall be established by the General Faculties Council (GFC). GFC's authority shall be limited to issues of criteria only (i.e. the academic standards upon which merit assessment shall be based). GFC may delegate the creation of Faculty Guidelines to the Faculty Councils to ensure the distinctive aspects of various disciplines are address 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.

The Parties shall prepare a joint recommendation for the consideration of the Executive Committee of GFC regarding the criteria for assessment. As an initial step these discussions shall occur through the three-party ad hoc committee to review the APT and GPC Manuals.

YY.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. Merit shall be assessed on the full duties performed by the academic staff member.

YY.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.

YY.2.4 All Deans are required to make available to academic staff members in the Faculty the criteria for merit assessment.

YY.2.5 The criteria for the assessment of individual academic staff members in positions outside the professorial, instructor, librarian, curator, archivist, 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 supervisor over time, or as agreed to by the Provost and Faculty Association.

YY.2.6 As an individual progresses through a rank the normal expectation of performance rises.

YY.3 Increment Pool and Values

YY.3.1 For each Faculty there shall be a regular increment pool on the basis of 1.2 increment units per eligible FTE academic staff member, other than Academic Administrators to be assessed according to YY.6. The dollar value of increment units is established in Schedule A. The pool shall be provided to the Deans' Offices by August 1.

Y.3.2 Each Faculty may be allotted, in the discretion of the Chair of the General Merit Committee, up to one additional merit increment which may be awarded in whole or in part to academic staff member(s) at any rank.

YY.3.3 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 1.2 increment.

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 increment based on the average of the increment awarded in the previous two cycles.

YY.3.4 The merit increment unit assigned for academic staff members on unpaid leaves of absence for any part or all of the assessment period shall be prorated to reflect the period the individual is not on leave without pay. The adjustment shall be prorated to the nearest quarter.

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

Individuals on unpaid leaves of absence for the entire assessment period will not be required to prepare an academic performance report, and will not be subject to assessment nor eligible for merit increments. A notation will be placed on the individual's record to clearly show "no entitlement" to distinguish it from a zero increment for other reasons.

YY.3.5 Academic staff members who have been granted a Research and Scholarship Leave, an Administrative Leave, an Assisted Study Leave or any other form of paid leave under Article 18 are similarly required to submit a biennial report, unless the nature of that leave precludes them from doing so.

YY.3.6 Individuals on paid leaves of absence during the normal assessment period shall be evaluated 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 reported and evaluated.

YY.3.7 It is the intent that an individual who is on parenting leave or sick time 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.

Increments will be assigned notionally for the overall assessment and shall be prorated for the entire reporting period (taking into account the period of leave) according to the following example:

If a staff member's total contributions were assessed as 0.8 for the entire assessment period, but were actually accomplished in 18 months, the prorated increment would be 1.0 (0.8 divided by .75 = 1.07 rounded)

Individuals must be on parenting leave or sick time for a minimum of 60 days in order for this proration to be applicable.

For those individuals on Long Term Disability (LTD) at the time of the assessment, 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.

YY.3.8 It is expected that Deans will distribute the entire increment allocation for academic staff other than Academic Administrators in their respective faculty. In a departmentalized Faculty, or in a non-departmentalized Faculty where different Heads are assigned groups of academic staff members, the Dean shall distribute the regular increment pool on a *pro rata* basis by FTE academic staff member, subject to holding back a small amount of increments for the use of the FMC as follows:

In Faculties larger than 200 FTE academic staff members being assessed: 3.0 increments

In Faculties with 100 to 199 FTE academic staff members being assessed: 2.0 increments

In Faculties with less than 100 FTE academic staff members being assessed: 1.0 increments.

YY.3.9 Size of Increments

YY.3.9.1 Heads' and Deans' recommendations for the award of increments shall either be 0.0, or in multiples of one-fifth commencing at 0.4, e.g. 0.4, 0.6, 0.8, 1.0, etc., except when pro-ration occurs. The highest possible merit increment shall be 2.4.

YY.3.9.2 The award of increments shall be interpreted in the context of the following:

Increment Unit	Performance Assessment
0.0	Unsatisfactory (see also YY.11)
0.4 to 0.6	Satisfactory
0.8 to 1.4	Meritorious
1.6 to 2.4	Outstanding

It should be noted that the awarding of increments of any amount may not be indicative of success in tenure and promotion applications or contract renewals. It should be particularly noted that those receiving "satisfactory" increments of 0.4 or 0.6 may have difficulties in future career advancement.

The dollar value of increments shall be calculated by multiplying the points by the dollar figure listed in Schedule A.

YY.4 Assessment Cycle

YY.4.1 The performance and status 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 increment 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.

- YY.4.2 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 in the intervening year to discuss their career progress. The Head and/or Dean shall invite all such members to individual meetings during the period between July 1 and September 30 in the intervening 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.
- YY.4.3 Where the first merit increment for an academic staff member is in the intervening year, s/he will receive a default increment equivalent to the average increment provided to the Faculty per full time equivalent member. On any future report, this shall be identified as a default increment rather than an assessed value.
- YY.4.4 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, shall be considered in the first merit assessment.
- YY.4.5 The biennial academic performance report shall be in a form agreed to by the Provost and Faculty Association and be consistent with the criteria as established by the General Faculties Council. This report shall be central to the merit assessment process.
- YY.4.6 In the absence of a report submitted by the academic staff member, the assessment process will normally be based on the portions of the report filled automatically. It is the responsibility of the academic staff member to submit the biennial report if they wish to have additional accomplishments considered as part of the merit assessment process.

YY.5 Head's Written Assessment

- YY.5.1 The written assessment of each academic staff member shall be prepared by the Head. The Head shall act in this area with prudence and after seeking advice from a variety of relevant sources.
- YY.5.2 By September 8, the Head shall prepare a draft assessment and merit increment recommendation based on his/her review of the academic performance report and input received.

A copy including both the draft assessment and merit increment recommendation shall be presented to the staff member concerned and an opportunity shall be provided for discussion by September 15.

By September 22, following this discussion, the Head may revise the document and provide a final assessment and merit increment recommendation in writing to the academic staff member and the Dean.

- YY.5.3 Assessments should reflect consideration of the performance of the academic staff member in relation to the criteria and descriptions for the appropriate rank as well as the carrying out of the responsibilities for teaching, research, and service, as appropriate. Assessments should be written so that recommendations presented can be understood without reference to other information or documentation beyond that specifically referenced in this Article or established in the GFC criteria.
- YY.5.4 Standardized and concise assessment forms that best reflect the nature of activities in the Faculty or

unit may be developed by the Faculty or unit consistent with the criteria established by GFC and this Article.

While each Faculty may use an assessment form which best reflects the nature of its activities, the following minimum requirements shall be included:

- name of academic staff member;
- Department (or equivalent);
- reporting period;
- date of first appointment to the non-sessional academic staff;
- current rank / position;
- increment recommendation submitted to FMC by the Head;
- increment recommendation approved by the FMC;
- increment recommendation submitted to the GMC by the Dean (and if different from the FMC's recommendation, a brief statement of the reasons);

YY.5.5 In every case where the performance during the assessment period is deemed to be "unsatisfactory" the Head shall clearly state this in writing, and shall outline the performance deficiencies and the improvements expected.

The Dean's office shall notify the Provost's Office and the Faculty Association of any "unsatisfactory" recommendations before the meeting of the FMC.

YY.5.6 Prior to the preparation of the draft assessment and merit increment, a Head may formally seek the advice of a departmental advisory committee, only if a majority of the department members vote in favour of establishing such a committee. The Provost's Office and the Faculty Association shall be informed of any departmental decisions to establish or terminate a departmental advisory committee. The committee membership shall be elected by and from all Continuing, Contingent Term, Limited Term, Special Limited Term and Pre-Tenure Track Appointment members in the department.

Discussion by the departmental advisory committee shall be limited to the information provided by the academic staff member. Any information identified as confidential by the academic staff member shall not be shared with the Committee.

The Head shall make the biennial report and any additional materials submitted by the academic staff member available to the committee on a confidential basis for no less than five work days prior to the meeting of the departmental advisory committee. No other materials shall be circulated to the committee without the consent of the academic staff member.

YY.5.7 Where a departmental advisory committee is established, the advice of the committee shall be limited to advice on the quality and quantity of the academic staff members work as per the GFC criteria. The committee shall not compare academic staff members, nor shall they provide advice on the merit point value. The advice of the committee shall not be binding on the Head. The Head is solely responsible for the recommendation to the FMC.

YY.6 Assessment of Academic Administrators

- YY.6.1 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.
- YY.6.2 The following individuals shall not be assessed as Academic Administrators, but shall be assessed as regular academic staff and included in the pool in YY.3.1:
- 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 not longer in that role.
- YY.6.3 The regular assessment of Academic Administrators as defined by YY.6.1, shall be prepared by the Dean.
- YY.6.4 The review of the performance of an Academic Administrator shall be based on the criteria established in accordance with Article YY.2 with expectations adjusted to take into account the special duties and the fractional time commitment to administration associated with these positions.
- YY.6.5 GMC shall review all recommendations of the Dean regarding Academic Administrators.
- YY.6.6 Appeals by Academic Administrators shall be heard by the GMC in the first instance.
- YY.6.7 Where appeals are denied by GMC, or in any situation where GMC lowers a recommendation of a Dean, the Academic Administrator may appeal this decision to the Academic Administrators Appeal Committee (AAAC) within 10 working days following the receipt of the written decision of the GMC.
- YY.6.8 The AAAC shall be composed of the following members:
- a) three (3) academic staff members holding appointments with tenure, jointly appointed by the Vice-President (Research) and the Faculty Association, including both genders. The Vice-President (Research) and the Faculty Association shall jointly designate one of these members as Chair; and
 - b) one (1) non-voting member appointed by the Faculty Association (required for quorum).
- None of the persons on the committee shall be from the applicant's Faculty or Unit.
- YY.6.9 The AAAC shall review the letter of appeal, the Academic Administrator's academic performance report, all documentation considered by the GMC, the decision of the GMC, plus any additional material submitted by the appellant with the letter of appeal. The Committee may also request that the Provost's office produce comparative information regarding other Academic Administrators and/or other academic staff members in the same Faculty or rank. The AAAC may request any additional information it deems appropriate.

- YY.6.10 The AAAC shall interview the appellant together with the Provost. Where the case is an appeal to the GMC that was denied, the Provost may delegate this role to the appropriate Dean.
- YY.6.11 At any meeting where the appellant is in attendance, the appellant may be accompanied by an Advisor.
- YY.6.12 The decision of the AAAC shall be final and binding.

YY.7 Faculty Merit Committees (FMC)

- YY.7.1 The Head's assessment and merit recommendations shall be reviewed by an FMC that shall meet between October 7 and 31.
- YY.7.2 The FMC 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) or an academic staff member in the Faculty for some or all the cases to be considered. When the Vice-Dean (Large Faculty) is assigned the Chair, she or he shall be considered the Dean for all purposes related to those case(s) and the FMC shall be advisory to him/her. However, when the Chair is any person other than the Vice-Dean (Large Faculty), the committee shall not be advisory to the Dean or the Chair; the recommendations of the FMC shall go directly to the GMC unchanged.

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 may elect four (4) members). The members shall only be eligible for immediate reappointment to the FMC once, to allow for variation in the committee membership over time. In departmentalized Faculties, there shall normally not be more than one member from any department.

- c) One or two academic staff members appointed by the Dean (specifically, to ensure rank, gender, disciplinary, professorial/instructor stream, 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 Faculty of Environmental Design where the student shall be appointed by the Graduate Students' Association).

- 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.

Both genders 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 FMC under b) or c) above.

No member of the FMC other than the Dean may send a substitute representative to any meeting.

Quorum – the FMC may not meet unless the following members are present:

- i) the Chair
- ii) More than half of the academic staff members elected or appointed under YY.7.2 b) or c).
- iii) one member appointed by the Faculty Association.

YY.7.3 In the case of Departmentalized Faculties, the Faculty Council may choose to utilize the FMC composition as indicated in Article YY.7.2 as written, or they may choose to replace the elected members in YY.7.2b) 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 YY.7.2 Committee structure.

YY.7.4 In the case of the Cumming School of Medicine only, the Faculty Council may elect either of the versions listed above (in YY.7.2 or YY.7.3), or may elect to utilize the composition listed in Appendix A, with the related deviations to the process as noted. The Dean shall inform the Provost's Office and the Faculty Association of the Faculty Council's decision in this regard, and any subsequent changes made to that decision.

YY.7.5 Each Faculty Council shall choose between one of the following two options:

- a) that every academic staff member in the Faculty shall be considered by the FMC; or
- b) that only those cases where the Head has recommended an increment of 0.6 or less, or 1.6 or greater shall be considered by the FMC. Unless appealed, the recommendation of the Head shall be forwarded directly to the Dean who may increase but not lower the recommended increment.

In either case above, the FMC shall hear all appeals.

The Dean shall inform the Provost's Office and the Faculty Association of the Faculty Council's decision in this regard, and any subsequent changes made to that decision.

YY.7.6 Consistent with the alternative selected in YY.7.5, the process for a Faculty Merit Committee include the following:

- a) individual consideration of each academic staff member's case;
- b) comparative consideration of the assessments;
- c) normally increasing expectation of performance as an academic staff member progresses through any rank, and from rank to rank; and
- d) particular attention to a recommendation for the award of a zero increment.

YY.7.7 When the FMC and/or a Dean is seriously considering lowering an increment to zero the FMC and/or the Dean must notify the academic staff member in writing and give reasons. The FMC and the Dean must give the academic staff member the opportunity to respond in writing, or by appearing before the FMC, or both, at the academic staff member's discretion. The academic staff member must be

given at least five work days to respond. If the academic staff member appears before the FMC, the FMC shall provide the academic staff member with the opportunity to make a presentation, and may ask the academic staff member questions. The academic staff member may be accompanied by an Advisor. The Head shall also be invited to the meeting to defend his/her original recommendation.

YY.7.8 Except as noted in Articles YY.7.2a), YY.7.5.b), and Appendix A the Dean or equivalent may modify the recommendation of the FMC before submitting it to the GMC. The Dean may not lower a recommendation to an increment of zero unless the provisions of YY.7.7 have been met.

YY.7.9 If the Dean modifies the recommendation of the Faculty Merit Committee, the Dean shall so advise the General Merit Committee, the Faculty Merit Committee, the Head, and the academic staff member in writing, specifying the change and giving the reasons for such action.

YY.7.10 By November 7, the Chair of the Faculty Merit Committee shall provide written notice to each academic staff member of the recommendation being forwarded to the General Merit Committee.

YY.8 General Merit Committee (GMC)

YY.8.1 The GMC is composed of the following members:

a) The Provost and Vice-President (Academic) (Chair)

b) six (6) voting academic staff members including both genders, jointly appointed by the Provost and Vice-President (Academic) and the Faculty Association (the Provost and the Faculty Association shall keep in mind equity considerations and the need for a diversity of perspectives when making these appointments);

c) two (2) non-voting academic staff members, selected by the Faculty Association from different faculties.

Quorum – GMC may not meet unless the following members are present:

- i) the Provost and Vice-President (Academic) (Chair)
- ii) three of the voting members, including both genders; and
- iii) one non-voting member from the Faculty Association

No member of the GMC may send a substitute representative to any meeting.

The membership of the GMC will be made public.

YY.8.2 The Chair shall not cast a vote except to break a tie; however, the Chair shall participate fully in the discussion.

YY.8.3 The GMC shall normally conduct its business in December. However, individual cases may be held over to January when the committee is unable to conclude its business in December. Merit increments shall be applied retroactively to July 1, and shall be applied again the following July 1.

YY.8.4 The Faculty Association may make a submission regarding any merit assessment process or dealing with a case before the Committee, which must be considered by the GMC.

YY.8.5 Cases not expressly covered by existing guidelines or procedures may be determined by the GMC so as to ensure fair and equitable treatment consistent with this Article.

YY.8.6 The GMC shall restrict its specific consideration of individual recommendations to appeals,

recommendations of 0-U, and Academic Administrators as per YY.6.5.

YY.8.7 The GMC may require a Dean to reconvene a Faculty Merit Committee to reconsider some or all of a set of recommendations. Normally the GMC will only send back a case to the FMC to deal with procedural deficiencies related to consideration of the case. The GMC may only send a case back to the FMC once.

YY.8.8 In every case where the General Merit Committee determines that an increment recommended for an academic staff member be increased from zero, and there is no appeal, the General Merit Committee shall invite the Dean or equivalent to defend the original recommendation submitted to the General Merit Committee by providing only clarification of factual information which members of the General Merit Committee may request.

YY.9 Appeals

YY.9.1 Appeals against the recommendation of a Head must be directed to the Faculty Merit Committee in the first instance. The Chair of the GMC shall not accept for consideration any appeals against the Head's recommendation which have not already been heard by a Faculty Merit Committee.

YY.9.2 An appeal may be directed to the GMC in the first instance only if a Dean's recommendation lowers the recommendation of the Head, or in the case of appeals by Academic Administrators.

YY.9.3 Appeals to a Faculty Merit Committee

YY.9.3.1 Appeals regarding a Head's assessment to a Faculty Merit Committee must be received on or before September 30.

YY.9.3.2 An academic staff member may appeal an assessment or an increment recommendation. Such an appeal and the grounds thereof shall be in writing to the Chair of the Faculty Merit Committee, who shall circulate it to all committee members and to the Head.

YY.9.3.3 In order to avoid conflicts of interest, a member of FMC who is appealing his/her own assessment or merit increment must submit the appeal prior to accessing any FMC files.

YY.9.3.4 When an appeal is being considered, the Chair of the FMC shall invite the appellant and the appellant's Head to be present together to provide any clarification of factual information which members of the FMC may request. The appellant and the appellant's Head shall not be present when the Committee deliberates and votes on the appeal.

YY.9.3.5 If an appellant wishes to appear before the FMC but is unable to do so, the Chair of the FMC may make whatever accommodations he or she 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 his or her behalf; teleconferencing; or scheduling a different time. If no reasonable accommodation is possible, the FMC may convene based on the written appeal; however the Head shall not be present.

YY.9.3.6 Where an appellant declines an invitation to appear before a FMC, 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 teleconference.

YY.9.3.7 By November 7, the Dean shall inform all academic staff members of the recommendations being carried forward to the GMC, along with the deadline for appeals.

- YY.9.3.8 If the Dean's recommendation to the GMC is less favourable to the candidate than the Head's recommendation, specific reasons shall be given in writing.
- YY.9.3.9 In cases where an appeal to the Faculty Merit Committee is denied, the Dean shall advise the academic staff member in writing by November 7, giving substantive reasons for the denial of the appeal along with the vote division.
- YY.9.3.10 When an appeal of an assessment is upheld by a Faculty Merit Committee, the Committee may direct that the assessment be modified before it is entered into the personnel file of the academic staff member concerned.
- YY.9.3.11 At any Faculty Merit Committee meeting where the appellant is in attendance, the appellant may be accompanied by an Advisor.

YY.9.4 Appeals to the General Merit Committee (GMC)

- YY.9.4.1 Appeals regarding a Dean's recommendation to the GMC must be received on or before November 23.
- YY.9.4.2 Appeals shall be submitted by letter from the appellant to the Chair of the GMC. In considering the appeal, the GMC shall also review the appellant's Academic Performance Report, the Head's assessment, the Dean's recommendation (as provided to the academic staff member), and such other documentation as was considered by the FMC in making its decision.
- YY.9.4.3 The GMC will not adjust any increment recommendation by less than 0.4, except to bring it to the earlier recommendation of the Head or the FMC. However, in the case of the review of Academic Administrators as per YY.6.5, the GMC may make changes of 0.2.
- YY.9.4.4 The Dean and the appellant will be invited to attend the GMC meeting where an appeal is being considered, The appellant and the appellant's Dean shall be invited to be present together to provide factual information as members of the GMC may request; the appellant and the appellant's Dean shall not be present when the Committee deliberates and votes on the appeal. Where the Dean was not chairing the FMC during consideration of the case, the Chair shall be invited rather than the Dean.
- YY.9.4.5 If the appellant is invited to appear before the GMC but is unable to do so, the appellant may name a representative from among the Continuing, Contingent Term, Limited Term, Special Limited Term, or Pre-Tenure Track Appointment academic staff to act on his or her behalf. Alternatively, the appellant may appear before the GMC through teleconferencing or other reasonable accommodation. If no reasonable accommodation is possible, or if the appellant declines the invitation, the GMC may convene based on the written appeal and the Dean shall not be present.
- YY.9.4.6 At any GMC meeting, where the appellant is in attendance, the appellant may be accompanied by an Advisor.
- YY.9.4.7 When an appeal of an assessment is upheld by the GMC, the GMC may direct that the assessment be modified before it is entered into the personnel file of the academic staff member concerned.

YY.10 GMC Decisions

- YY.10.1 By January 31, the GMC shall provide a final decision regarding merit increment awarded in writing to every academic staff member. The decisions of the GMC are final and binding (except in the case of

Academic Administrator appeals to the AAAC).

YY.10.2 In the case of appeals, the Chair of GMC shall advise each appellant in writing (with a copy provided to the appellant's Dean and Head and the Faculty Association) of the GMC's decision. In every case where an appeal is denied the appellant shall be advised in writing of the basis for the decision.

YY.11 Zero Recommendations

YY.11.1 If the FMC recommends an award of a zero increment for unsatisfactory performance and the Dean agrees, or if the Dean changes the FMC recommendation to a zero increment for unsatisfactory performance, the Dean shall consider whether the unsatisfactory performance was substantially caused by non-culpable or mitigating circumstances.

YY.11.2 Prior to determining whether the unsatisfactory performance was substantially caused by non-culpable or mitigating circumstances, the Dean shall offer in writing to meet with the academic staff member at least five (5) work days prior to the deadline for submitting his/her recommendation to the General Merit Committee (the "Dean's Zero Increment Meeting").

YY.11.3 The academic staff member may be accompanied by an advisor from the Faculty Association at the Dean's Zero Increment Meeting.

YY.11.4 In determining whether the unsatisfactory performance was substantially caused by non-culpable or mitigating circumstances, the Dean may reasonably request documentation related to the nature of the non-culpable or mitigating circumstances and the academic staff member shall reasonably supply such information.

YY.11.5 If the Dean determines that the unsatisfactory performance was substantially caused by non-culpable or mitigating circumstances, the Dean shall recommend a Zero – Mitigating Circumstances Increment ("0-M").

YY.11.6 If the Dean determines that the unsatisfactory performance was not substantially caused by non-culpable or mitigating circumstances, or the Dean cannot make a determination, the Dean shall recommend a Zero-Unsatisfactory Performance Increment ("0-U").

YY.11.7 If the Dean recommends a 0-U, the academic staff member's file will proceed to the GMC.

a) The academic staff member may appeal the 0-U to the GMC on the merits of the zero increment, through the normal process, on the grounds that the performance was not unsatisfactory. If successful, the academic staff member will receive a higher merit increment.

b) If the academic staff member does not appeal the 0-U to GMC on the merits of the zero increment, or if the academic staff member appeals to GMC but is not successful, the academic staff member may grieve the failure of the Dean to give a 0-M through the Collective Agreement process (Article 24). If successful in the grievance, the academic staff member will receive a 0-M, not a higher merit increment.

YY.11.8 If the Dean records a 0-M, the file will not proceed to GMC for review unless the academic staff member appeals the zero increment on the merits to GMC as per Article YY.11.7a) above. The Dean will, however, submit a report to GMC of all 0-Ms given, for information purposes only.

YY.11.9 If the final recommendation approved is a 0-U, the Dean shall meet with the academic staff member regarding his/her performance. A Faculty Association representative shall be invited to attend. Following this meeting, the Dean may issue a counselling letter or such other discipline appropriate

as per Article 20, which is grievable by the member as per Article 24.

- YY.11.10 If the final recommendation is a 0-M, the Dean shall send a Support Letter to the academic staff member, describing possible support and assistance available to the academic staff member to address the non-culpable or mitigating circumstances that substantially caused the unsatisfactory performance. The Support Letter shall be copied to the Faculty Association and may be used by the Dean in subsequent assessment cycles.
- YY.11.11 In any case where an academic staff member is awarded two (2) 0-U increments in two (2) consecutive merit cycles, or in two (2) of three (3) consecutive merit cycles, the Dean may or may not choose to take disciplinary action in accordance with Article 20 including any of the following:
- a) Counselling letter,
 - b) Written warning/reprimand
 - c) Suspension with (or without) pay,
 - d) Prepare a Recommendation to the Provost to commence dismissal proceedings.

YY.12 Process Outside of Faculties

- YY.12.1 For all academic staff outside of Faculties (as defined in YY.1.3d)), this section shall apply.
- YY.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.
- YY.12.3 While the base pool assigned to each Head shall be based on 1.2 increments per academic staff member, given the small number of members, the Deputy Provost shall have the authority to authorize increases in the pool of up to 0.4 increments per academic staff member.
- YY.12.4 There shall be a Committee to review any cases where the merit recommendation is 0.6 or lower, or 1.6 and above, and hear any appeals to the assessment or merit increment recommendations. The Committee shall be composed of:
- a) The Deputy Provost (as chair, voting in the case of a tie)
 - b) Three academic staff members elected by and from among the members being assessed. The three elected members shall all be from different units.
 - c) A member appointed by the Faculty Association (non-voting)

The decisions of the committee shall be final, subject only to appeal to the GMC, consistent with the rules regarding GMC appeals.

For quorum, the following members must be present: a) the chair; b) two of the elected members; c) the member appointed by the Faculty Association.

Members shall be excluded from the Committee during consideration of cases from their own unit.

- YY.12.5 The recommendations of Heads that are not appealed shall be final, unless the recommendation is zero, in which case the case shall be considered by the GMC, consistent with the rules regarding the review of zero recommendations.

YY.13 Reporting

- YY.13.1 At the conclusion of the FMC/GMC cycle, the Provost's office shall prepare a summary of FMC and

GMC appeals – total number of appeals with the number granted, number denied, and analyzed by gender. This report shall be provided to the Faculty Association and be available to any academic staff member upon request.

- YY.13.2 Following each FMC/GMC cycle, the Provost's office shall prepare a statistical summary of all merit increments awarded indicating the average merit increments awarded in each Faculty by rank and gender, Any category with three or fewer members will not be reported. This report shall be provided to the Faculty Association and be available to any academic staff member upon request.
- YY.13.3 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.

Appendix A

The Cumming School of Medicine Faculty Council may elect to enact the provisions of this Appendix in its entirety rather than utilizing the committee structures noted in YY.7.2 and YY.7.3. The provisions in this Appendix would replace the provisions in Article YY as indicated, but all other provisions of Article YY would continue to remain in effect.

1. Medicine Merit Review Committee

The Medicine Merit Review Committee shall review all recommendations of Department Heads regarding assessment and merit recommendations. Except as noted in a) the MMRC is a Dean's advisory committee. The Committee shall not consider any case that has been appealed.

The Committee shall consist of:

- a) the Dean as Chair (voting only to break a tie). The Chair may be delegated to the Vice-Dean or a voting member of the MMRC by the Dean. When the Vice-Dean is chair, the committee shall be advisory to her/him. When the Chair is a voting member of the MMRC, the decision of the MMRC shall be forwarded without review by the Dean or Vice-Dean.
- b) all Department Heads, (voting)
- c) two members appointment by the Faculty Association (non-voting)
- d) three academic staff members designated by the Dean (non-voting)
- e) three academic staff members elected by the academic staff members of the Faculty (voting)
- f) one student member designated by the Students' Union (non-voting)
- g) one student member designated by the Graduate Students Association (non-voting)

Where all of the voting members are of the same gender, the Dean may appoint two additional members of the other gender.

2. Medicine Merit Appeal Committee

There shall be established a Medicine Merit Appeal Committee which shall hear any Faculty-level appeals related to assessment or merit recommendations of the Heads or Dean. The Committee shall be a Dean's

Advisory Committee except as noted in a).

The Committee shall consist of:

- a) the Dean as Chair (voting only to break a tie). The Chair may be delegated to the Vice-Dean or a voting member of the MMAC by the Dean. When the Vice-Dean is chair, the committee shall be advisory to her/him. When the Chair is a voting member of the MMAC, the decision of the MMAC shall be forwarded without review by the Dean or Vice-Dean.
- b) Four academic staff members, from different departments, elected by the academic staff in the Faculty.
- c) Up to three academic staff members appointed by the Dean (specifically to ensure rank, gender, disciplinary or other representation, when necessary)
- d) A member appointed by the Faculty Association (non-voting)

No person who acted in the role of Head or who served on the MMRC shall be elected or appointed to the MMAC under items b) or c).

3. Quorum

For both committees (the MMRC and MMAC), quorum shall be a majority of the voting members of the committee, including the Chair. The Committees may not meet unless the Faculty Association representative is present.