



**DALHOUSIE UNIVERSITY**

***Regulations  
Concerning  
Appointments,  
Tenure  
and Promotion  
1987***

***(as amended May 1988  
and April 1997)***

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## **1. APPOINTMENTS MADE BY THE BOARD**

### **Authorization of Appointments by Board of Governors**

- 1.1.1 The Board of Governors authorizes appointments and determines the duties, salaries and conditions of appointment of the President, the academic staff, senior research staff, professional librarians, and administrative officers of the University.

### **Recommendations for Appointments, made by the President**

- 1.2.1 The Board of Governors acts only on recommendations for appointments made by the President, except in the case of appointment of the President, when special regulations for bringing appointments before the Board apply.
- 1.2.2 As Chief Executive Officer of the University, the President has the exclusive responsibility to make all recommendations relating to appointments for consideration by the Board of Governors. In the exercise of this responsibility, the President will consider the advice of relevant advisory committees and of officers of the University, but the President has discretion to recommend or not to recommend a particular appointment, or to recommend special terms and conditions of any appointment, in the interests of the University as he or she assesses them.

### **No Offer of Appointment Without Board Approval**

- 1.3.1 Until the Board of Governors approves a recommendation concerning an appointment, no offer of any appointment is made, and any prior proposal by an officer of the University about an appointment or its conditions is made without authority and does not bind the University.

### **Appointments Concluded by Contracts**

- 1.4.1 Each appointment when approved by the Board is made by contract between the University and the appointee, normally by a letter from the President offering an appointment set out in a standard form contract, which for acceptance requires receipt by the President's Office of the contract form signed by the appointee, or of other writing signed by the appointee, indicating agreement to serve on the terms offered. The approval given by the Board of Governors and the letter of appointment shall specify whether the appointment is one that is expected to lead to consideration of tenure, and clearly indicate any special terms and conditions of employment and any limitations of the responsibilities applicable to the appointment.

### **The Academic Year**

- 1.5.1 The academic year at Dalhousie begins on September 1 and ends on the following August 31; however appointments normally commence on July 1, and those subject to termination in any year terminate on June 30, unless otherwise agreed. Power to make appointments of any duration remains with the Board of Governors.

### **Affirmative Action**

- 1.6.1 A goal of the University is to increase the proportion of women among those holding appointments, particularly on the full-time and regular part-time academic staff of the University. It is appropriate, therefore, that positive initiatives be taken to achieve this goal.
- 1.6.2 Where male candidates who are eligible for appointment have qualifications and experience judged not to be substantially better suited for appointment than those of a female candidate, the female candidate is to be selected, except in those departments, schools and similar units wherein the proportion of female staff members already exceeds one-half.

- 1.6.3 The Dean of the relevant Faculty or Henson College, or Vice-President where there is no relevant Faculty, is responsible for ensuring that appropriate steps are taken by departments, schools and similar units to encourage applications for available positions from qualified women candidates. These steps shall include the submission of a standard form to the President's Office in all cases when an appointment is recommended, and a copy of this form shall be provided to the Dalhousie Faculty Association on a confidential basis.
- 1.6.4 The President shall collect information and shall report annually to the Senate and to the Dalhousie Faculty Association the numbers and proportions of men and women candidates for academic appointments and the numbers and proportions of men and women appointed.

## **2. APPOINTMENTS OTHER THAN ACADEMIC STAFF**

### **Administrative Officers**

- 2.1.1 The appointment of an administrative officer, such as a Dean, department head, chair, director, University Librarian, Health Sciences Librarian, Law Librarian, or Associate University Librarian, is distinct from an academic staff appointment and may be made without regard to seniority or status on the university staff. It may be made for a term fixed or for an indefinite term and in either case is subject to review and is terminable at the pleasure of the Board of Governors. Administrative officers participate in pension, insurance and other fringe benefit programs, but the other conditions generally applicable to academic appointments (Section 4) do not apply to them as administrative officers, except as expressly provided in these regulations.

## **Senior Research Staff Appointments**

- 2.2.1 A senior research staff appointment approved by the Board of Governors on a full time basis is normally for a fixed term during which the appointee may participate in pension, insurance and other fringe benefit programs. Except as provided in these regulations other conditions of academic staff appointments do not apply to a senior research staff appointment unless the contract specifically incorporates them. Time served on a senior research staff appointment will count towards sabbatical leave privileges or as time for considering tenure in the University only to the extent agreed upon between the appointee and the University.

## **Professional Librarians**

### **Appointment, Reappointment, Promotion and Appointment without Term**

- 2.3.1 The appointment of a professional librarian shall be to one of the four librarian ranks and is normally for a period of three years. Rank definitions, committee structures and procedures to be followed in the appointment, reappointment, promotion and appointment without term of any professional librarian shall be those for professional librarians in the bargaining unit and as outlined in the current Collective Agreement between the Dalhousie Faculty Association and the Board of Governors of Dalhousie College and University. Similarly, eligibility for, and criteria applicable to, consideration for reappointment, promotion and appointment without term shall be those outlined for professional librarians in the current Collective Agreement.

### **Terms of Employment**

- 2.3.2 Assignment of duties and responsibilities, and scheduling of hours of work shall follow the practice for professional librarians as outlined in the current Collective Agreement.



- 2.3.3 Professional librarians participate in all pension, insurance, and other benefits, prorated as applicable for any fraction of full-time equivalent appointment, except where such benefits may not apply due to a part-time status of employment. Salary scales, salary maxima and minima, and administrative stipends shall be those outlined for professional librarians in the Collective Agreement.

### **Appointments without Term**

- 2.3.4 Professional librarians shall ordinarily be considered for an appointment without term in the university library system after four years of service in any units of the system, ie. in the fall term of their fifth year at the University. An appointment made without term is terminable only by resignation, retirement, or dismissal for cause.
- 2.3.5 For purposes of considering appointments without term, the university library system shall be considered as though it were a Faculty and the University Library, the Health Sciences Library, the Law Library and any other units shall be considered as though they were departments within that Faculty. Each department may establish a process for the consideration of candidates for appointment without term and the recommendations of the chief librarian concerned and from any departmental process shall be considered by a committee of five members representative of the university library system as a whole known as the Library System Appointments Committee. At least three of these members shall hold appointments without term.
- 2.3.6 Procedures followed by the chief librarian concerned, by departmental committees and by the Library System Appointments Committee shall follow as closely as practicable those established for considering academic staff for tenure. All those concerned with considering appointments without term shall have regard to the criteria established for considering academic staff for tenure, so far as those are applicable, and demonstrated professional competence in library service.

- 2.3.7 The Library System Appointments Committee shall report its recommendation to the administrative officer designated by the President to report for the library system, to the Dean of any Faculty served by the library unit in which the staff member holds an appointment, and to the individual staff member concerned.
- 2.3.8 The administrative officer designated to report for the library system and the Dean of any Faculty served by the library unit in which the staff member holds an appointment shall confer and seek to agree upon a recommendation to the President. If they do not agree or if either of them does not support the recommendation of the Library System Appointments Committee, each shall report with a recommendation to the President, indicating any dissent from this recommendation among those who have considered the case. The librarian concerned shall be informed of any recommendations to the President, normally by December 31 and in no case later than January 15, to be effective at the beginning of the following academic year.
- 2.3.9 Appeals in relation to decisions on appointments without term shall be considered by a University Tenure Committee as in the case of appeals in relation to decisions on tenure.

### **Administrative Librarians**

- 2.3.10 An appointment as a chief librarian within the university library system is distinct from an appointment as a professional librarian and, as such, is terminable at the pleasure of the Board of Governors. Administrative responsibilities of other professional librarians within libraries of the university library system are assigned and may be varied or terminated by the chief librarian responsible for the library unit concerned. Provision shall be made for consultation with the professional librarian concerned.

### **3. ACADEMIC APPOINTMENTS**

#### **Types of Academic Staff Appointments**

- 3.1.1 Academic staff appointments include Lecturers, Assistant Professors, Associate Professors and Professors, and appointments may be made on a full-time or part-time basis.

#### **Adjunct Appointments** *(as amended by the Senate February 1997 & the Board April 1997)*

- 3.1.2 Academic staff appointments may be made and described as adjunct appointments when the appointee is not paid by Dalhousie University but has a special qualification or opportunity to contribute to University programs in teaching or research. An adjunct appointment is part-time.

#### **Full-Time and Regular Part-Time Academic Staff**

- 3.2.1 Regular part-time staff are those appointed on a basis that is half-time or more. Regular part-time appointments may be changed to full-time on agreement by the staff member and the Board.

#### **Duration of Appointments**

- 3.2.2 The appointment of a full-time or regular part-time member of the academic staff continues for a term limited by the contract agreed upon the University and the appointee, normally for three academic years, or without term when tenure is approved and agreed upon by contract between the University and the appointee.

#### **Academic Staff on Joint Appointment with Other Institution**

- 3.2.3 When a member of the academic staff holds a joint appointment in the University and in another institution, continuation of the University appointment is normally conditional upon continuation of the appointment in the other institution.

### **Initial Appointments**

- 3.2.4 Normally every first appointment as a full-time or regular part-time member of the academic staff is made for a term of three academic years. In exceptional cases the Board of Governors, in accord with regulations for considering tenure, may make a first appointment with tenure at its commencement. An initial appointment for a fixed term involves no undertaking by the University to make a further or subsequent appointment of the member of staff concerned, or to continue the position filled by an appointee under a term contract. The selection of a person for appointment should be decided by the needs of the department or school at that time in the light, where relevant, of the criteria for tenure and promotion.

### **Notice of Nature of Appointment**

- 3.2.5 An offer for a term appointment shall be considered as one foreseen to serve the needs of a continuing program in the University unless notice to the contrary is given to a prospective appointee as a part of the offer. Whenever such notice is given, the tenure committee of the Faculty concerned (and the Dalhousie Faculty Association) shall be informed. When such notice has not been given, before an appointment for a fixed term expires, a member of the academic staff shall be considered for tenure if eligible under these regulations, and, if not eligible, shall have his or her record reviewed in accordance with procedures for considering reappointment taking into account the criteria to be used in considering tenure.

### **Consideration of Reappointment**

- 3.2.6 The department chair, head, director, or the Dean of the Faculty concerned, in consultation with the appropriate department, school or Faculty committee or in accordance with other procedures for considering appointments, shall make recommendation in writing whether or not the appointment should be renewed for an additional fixed term. This recommendation of the department chair, head, or director together with the advice of the committee concerned respecting the staff member's qualifications for a further appointment, shall be communicated to the Dean and with the recommendation of the Dean to higher administrative officers. A recommendation or decision by the committee, the chair, head, or director, the Dean, or higher administrative officer, even if contrary to other recommendation, advice or decision, shall not by itself constitute a claim or evidence of unfair treatment under Section 7.6.1 of these regulations for a submission to a hearing by a University Hearing Committee concerned with redress of grievances.
- 3.2.7 At the time that each academic staff member with an appointment that may lead to tenure is considered for reappointment, the progress of the candidate towards tenure should be evaluated and reported to him or her with specific references to each of the criteria for tenure but no report to the Dean is required. The chair, head or director of the department or school shall consult with the committee referred to in Section 3.2.6 before making the above-mentioned report to the candidate of the departmental assessment. When the Dean reminds departments that consideration for reappointment of persons holding appointments that may lead to tenure is due, he or she shall also remind chairs, heads or directors of the above advice requirements and request confirmation that the above actions have been taken.

### **Notice to Those Serving for a Fixed Term**

- 3.2.8 Those serving on a contract for a fixed term will be given notice before expiration of the term whether or not they will be offered a further appointment. The Dean of the Faculty concerned shall give notice as early as possible and will endeavour to give at least tentative notice by December 15 of the last year of the term provided in the contract.

### **Automatic Termination of Term Appointments**

- 3.2.9 When an appointment for a fixed term is neither renewed with a further term appointment (normally of three years duration) nor renewed with tenure, the appointment automatically expires at the end of the term.

### **Academic Staff Appointments Less than Half-Time**

- 3.3.1 The appointment of an academic staff member, on a basis which is less than half-time, is for the academic year and it may be renewed from year to year by the Dean of the Faculty concerned on the basis originally approved, without further authorization by the Board of Governors other than by regular budget approval. Unless the contract of appointment otherwise provides, none of the other regulations on appointments and conditions of appointment applies in the case of such part-time members, except that the regulations for redress of grievances (Section 7) shall apply to all claims of unfair treatment other than those concerned only with recommendations or decisions not to renew such a part-time appointment.

### **Special Contracts of Appointment**

- 3.4.1 Special contracts may be made between an academic staff member, either full time or part time, and the University; but every special contract shall set out in writing the terms for the appointment, and so far as is consistent with those terms these regulations concerning

academic appointments shall apply. The relevant Faculty Tenure Committee and the Dalhousie Faculty Association shall be advised of all special contracts.

### **Clinical Faculty Appointment Process, Faculty of Medicine**

- 3.5.1 The regulations that govern the appointment process for clinical faculty within the Faculty of Medicine are contained in the document "Appointment Process for Clinical Faculty" (revised January 26, 1998); a copy of the document is available at the Dean's Office, Faculty of Medicine, and at the Senate Office.

### **Professor Emeritus Appointment** *(as approved by the Senate February 24, 1997 and the Board April 15, 1997)*

- 3.6.1 It is understood that any retired faculty member may continue to use their academic rank title modified by the suffix "(Ret'd)", but the title of Professor Emeritus is an honour to be awarded only to a minority of retirees. The guiding principles regarding recommendations for appointment of "Professor Emeritus" shall be as follows:

Eligibility is normally confined to those who are retiring after having served Dalhousie as full-time Professors for at least 10 years, and whose post-retirement appointment, if any, is less than half time.

Recommendations shall be made only for individuals who have made outstanding academic contributions that were substantially above the norm for a Professor in their discipline at Dalhousie. Academic contributions include a superlative record of research or scholarship, a teaching performance that has been recognized as exceptional, a truly outstanding contribution to the academic administration of Dalhousie University, or some combination of these.

Appointment of Professor Emeritus is made by the Board of Governors on recommendation of the President. Before making such a recommendation, the President shall seek the advice of the Dean of the relevant Faculty. It shall be the Dean's responsibility to initiate the recommendation process. Thus, Deans shall advise all unit Chairs, Heads and Directors to discuss with the Dean potential candidates for this honour, and shall emphasize that the nomination process should be discreet; that is, it should proceed, whenever possible, without the knowledge of the prospective nominee and without formal consideration by the unit as a whole (although informal canvassing of colleagues' opinions may be undertaken).

Deans shall take steps to ensure that all potentially eligible faculty members are considered by seizing the initiative in discussing with pertinent Chairs, Heads and Directors, well in advance, the names of individuals known to be close to retirement.

Professors Emeriti shall be provided with facilities and services where possible, but not as of right.

#### **4. GENERAL CONDITIONS OF ACADEMIC APPOINTMENTS**

##### **Salary**

- 4.1.1 The University establishes minimum salaries for each academic rank and they are reviewed at periodic intervals by the Board on recommendation of the President after consultation with other appropriate officers of the University and with the Dalhousie Faculty Association. The current minima apply to all full-time academic staff members except those who are on special contract. The salary paid to an individual is not dependent wholly upon rank and there may be an overlap of salaries between ranks.



### **Service or Employment Outside the University**

- 4.2.1 The University recognizes the value of academic staff members engaging in outside employment, or community service, that enhances their professional scholarly and scientific competence. Full-time academic staff members may engage in activities of these sorts so far as they prove compatible with their University responsibilities and with the general educational goals of the University. Everyone substantially engaged in these activities shall discuss them from time to time with the department chair, head, director, or Dean, as may be appropriate, to ensure that it is mutually agreed that the activities are compatible with the University responsibilities of the full-time academic staff member.

### **Pension Plan and Insurance**

- 4.3.1 Every full-time academic staff member must participate in the University Pension Scheme, if eligible. Group Insurance and Long Term Disability Insurance become compulsory for all eligible full-time employees both academic and administrative. Membership in the University Pension Scheme, the Group Insurance and the Long Term Disability Insurance plans also become compulsory for eligible staff hired after July 1, 1983 on a regular part-time basis. Details of the Pension Scheme, Group Insurance, Long Term Disability Insurance, Dental, Group Medical and Hospital Plans are available from the Personnel Office.
- 4.3.2 Significant modification to these and other provisions for fringe benefits will be discussed with the Dalhousie Faculty Association and others before adoption by the University.

### **Vacation**

- 4.4.1 Every full-time and regular part-time academic staff member is entitled to a reasonable vacation annually. Normal annual vacation is

one month and, while a member of the academic staff may be away for a longer period, it is expected in any case that much or most of total recess time will be devoted to scholarly activities. The department chair, head, or director and the Dean should be advised of the appropriate address of a staff member absent from the University during recess in order to ensure appropriate arrangements for handling departmental and University business.

## **Sabbatical Leave**

### **General Principles**

- 4.5.1 The Board of Governors grants sabbatical leave as much in expectation of benefit during future teaching and research from the staff member's intellectual renewal during leave as in recognition of benefit during past teaching and research. In order to ensure that this expectation has a reasonable likelihood of being met, and in order to maintain University programs, an application for sabbatical leave by an eligible member of the academic staff is subject to approval by the Board of Governors on the recommendation of the department chair, head, or director, the Dean of the Faculty and the President.

### **Application**

- 4.5.2 Application for sabbatical leave should be made through the chair, head, director or chief librarian to the Dean or Vice-President in the month of October which precedes the academic year in which the requested leave begins. The application shall include an outline of the program to be followed during the leave and a statement of any salary or earnings from services expected to be rendered, or any external research grant or other support received in connection with the planned program.

### **Report**

- 4.5.3 Upon return to the University following sabbatical leave the staff member will submit a report through the chair, head, director or chief librarian to the Dean or Vice-President regarding the program or research, scholarly, artistic and/or professional work pursued during the leave.

### **Eligibility Initial Leave**

- 4.5.4 Sabbatical leave for study and research may be granted to full-time and regular part time members of the academic staff, senior research staff, professional librarians and administrative officers who also hold an appointment of one of the aforementioned types. Initial sabbatical leave requires six years of service for non-tenured members of staff and three years for those with tenure or appointment without term. Service may include up to three years of credit for staff members appointed with tenure or appointment without term (and up to two years of credit for others) for appointments to which sabbatical leave attached at another university just prior to coming to Dalhousie University. The rate of such credit shall be one year for each two years of service elsewhere, but a minimum of three years of service is required at Dalhousie University before initial sabbatical leave. Allowance for prior service elsewhere shall be set out in the person's letter of appointment at Dalhousie University.

### **Eligibility - Subsequent Leaves**

- 4.5.5 Sabbatical leaves subsequent to the initial leave may be granted to full-time and regular part-time members of the academic staff, senior research staff, professional librarians, and administrative officers who also hold an appointment of one of the aforementioned types. Subject to the rules about early, accumulated and postponed leave given in Sections 4.5.6, 4.5.7 (iv) and 4.5.8, the period of service required for sabbatical leaves subsequent to the first is the same as that required for an initial sabbatical leave, and beginning from the end of the academic year in which the preceding sabbatical leave was taken.

In assessing an application for a subsequent sabbatical leave, consideration will be given to the research, scholarly, artistic and/or professional work during and since the previous leaves.

### **Early Leave**

- 4.5.6 A staff member may request sabbatical leave after a period of service less than those stated in Sections 4.5.4 and 4.5.5 and this will be granted in special cases if it is not contrary to University interests and if the staff member agrees to postpone a future sabbatical leave by a period similar to the period reduced.

### **Duration and Salary**

- 4.5.7 Sabbatical leave is either (i) for a year on 75 per cent of salary after six years of service, or (ii) for six months on full salary after six years of service, or (iii) for six months on 75 per cent of salary after three years of service, or (iv) for six months on 75 per cent of salary after six years of service but with three of these years retained as accumulated years of service towards a subsequent sabbatical leave.

### **Deferral, Cancellation and Postponement**

- 4.5.8 A staff member may defer or cancel a leave previously granted only if the President approves. If a staff member agrees to postpone sabbatical leave at the request of the Dean or Vice-President then additional salary support for leave shall be provided at the rate of 5 per cent of salary for each year of postponement to a maximum of an additional 10 per cent of salary, but no more than one hundred per cent of salary shall be paid. Also the period of service required for leave subsequent to that postponed shall be reduced by the extent of that postponement. Except for the last mentioned provision and the arrangement given in Section 4.5.7(iv), service by staff members which exceeds the minimum condition for a sabbatical leave does not reduce the period of service required for a subsequent sabbatical leave.

### **Dalhousie Grants Leave**

- 4.5.9 Staff members granted sabbatical leave who are not in receipt of external grant support for leave in excess of 25 per cent of salary may apply for a supplemental leave grant. Application is made to the appropriate Committee on Research Development of the Faculty of Graduate Studies. In cases of doubt as to the appropriate committee, the Dean of Graduate Studies shall resolve the matter. Application should be made on the appropriate form and will include a statement of expenses the staff member expects to incur as a result of research and scholarly work during leave and a statement of anticipated external grants or earnings from services rendered during leave (unless such earnings would normally be classified as extra-professional income while at Dalhousie University). The committee concerned shall apply the same guidelines as are used for staff members through the Collective Agreement and will, therefore, give particular preference to staff members whose research and scholarly work necessitates travel to other libraries, laboratories, conferences, research or similar centres.

### **Salary as Research Grant**

- 4.5.10 When granted sabbatical leave a staff member may apply, on the prescribed form, through the chair, head, director or chief librarian to the appropriate Committee on Research Development of the Faculty of Graduate studies to have a portion of leave remuneration paid as a research grant. The research grant portion of leave remuneration may vary by month, if so requested by the staff member, and the amount or amounts allowed shall be paid as a research grant.

### **External Financing**

- 4.5.11 The University encourages members of staff who are applying for sabbatical leave to seek support from sources outside the University, to help cover expenses and loss of income associated with the leave. The form, nature and amount of

external support is expected to be compatible with the purposes of sabbatical leave. Where external funds from grants or for services rendered (unless the earnings for such services would normally be classified as extra-professional income while at Dalhousie University) exceed the equivalent of full salary and reasonable expenses incurred while on leave, salary during leave may be reduced by any excess up to 15 per cent of salary.

### **Fringe Benefits**

- 4.5.12 During sabbatical leave a staff member is expected to continue participation in the University Pension Scheme, Insurance and other fringe benefit programs on the same basis as though continuing in full-time or regular part-time service at the University on reduced salary, with both the member concerned and the University contributing at the usual rates.

### **Leave for Academic Administrators**

- 4.5.13 Academic administrators such as Deans, chairs, heads, directors and chief librarians who have served in the administrative post for at least five consecutive years are entitled to special leave to pursue research and scholarly work under the same conditions as sabbatical leave, and their five or more years of service in the administrative post shall be taken to satisfy the requirements of Section 4.5.7(i), (ii) and (iv). Staff members who have accumulated years of service towards a regular sabbatical leave at the time they take up an administrative appointment shall retain those accumulated years of service but years served in the administrative post shall not be counted as years of service towards a regular sabbatical leave unless the staff member waives consideration under this Section 4.5.13. The additional salary support for leave and the reduced period of service for a subsequent leave

which are stated in Section 4.5.8 shall not apply to staff members who postponed a regular sabbatical leave in order to accept an administrative appointment if those staff members take special leave under the term of this Section 4.5.13.

### **Leave of Absence**

- 4.6.1 Leave of absence without pay may be approved by the Board of Governors, normally for no longer than two university years. When granted, it shall not ordinarily be treated as though it were sabbatical leave and it shall not normally count as time gained in eligibility for sabbatical leave or for consideration of tenure.

### **Absence from University**

- 4.7.1 When, because of absence from the University or for some other reason, the regular work schedule of a member of the academic staff may be interrupted, he or she shall notify the department chair, head, or director beforehand and they shall make arrangements to ensure that the work of the University is effectively carried on.

## **5. ACADEMIC FREEDOM AND TENURE**

### **Academic Freedom**

- 5.1.1 Dalhousie University recognizes academic freedom as indispensable to its purposes. Freedom of an academic staff member to study, to teach and to pursue knowledge, according to his or her best professional judgment is a prerequisite for a university to fulfil its role

in society. Accordingly, academic freedom is the right of every academic staff member from the time of first appointment. The right to academic freedom carries with it the duty to use that freedom in a responsible way, with due regard to the rights of others and due concern for the duties appropriate to the appointment. The right to academic freedom also presupposes that an academic staff member will strive to preserve intellectual vitality, to play an effective part in the work of the department and Faculty, and to ensure that students have reasonable access to his or her attention. Professional librarians and senior research staff appointees have similar rights and duties.

### **Tenure**

- 5.2.1 An appointment with tenure is considered the ultimate safeguard of academic freedom for full-time and regular part-time academic staff appointees. It constitutes a mutual undertaking, on the part of the individual, that he or she will continue to perform conscientiously the functions of a teacher and a scholar, and on the part of the University that a member of the academic staff may continue to enjoy academic freedom with an appointment that shall be terminated only in accordance with regulations relating to resignation, to retirement, or to dismissal for cause.

### **Criteria for Considering Tenure**

- 5.3.1 The University expects and endeavours to improve its standard of academic performance year by year and to maintain sufficient flexibility in staffing to meet needs of continuing programs and evolving needs for change in programs. Merely spending a number of years on the academic staff of the University will not establish a right to tenure. The Board of Governors will make an appointment with tenure only when it can be firmly predicted that the person recommended will, in consequence of a demonstrated commitment to intellectual and professional activity throughout his or her career, attain and maintain a high degree of academic proficiency. However, except when a member of the academic staff has been appointed or



reappointed with notice that the appointment is not foreseen as one serving a continuing program for the reasonably foreseeable future, every full-time and regular part-time member of the academic staff serving on a term contract, after some specified period of service in the University, have a right to have his or her case for tenure considered with the opportunity of presenting it in the most favourable light. Procedures are established by these regulations to ensure this right to consideration.

- 5.3.2 In considering a member of the academic staff for appointment with tenure, general criteria assessed by the committees and administrative officers responsible include: academic and professional qualifications, teaching effectiveness, contributions to an academic discipline, ability and willingness to work with colleagues so that the academic units concerned function effectively, and personal integrity. The Report on Tenure (approved by Senate Council February 1971 and by the Board September 1971) shall be used for guidance respecting the criteria in considering tenure to the extent it does not conflict with these regulations.
- 5.3.3 In Faculties where other criteria are of significance, additional criteria must be established by Faculty regulations.
- 5.3.4 If the responsibilities of an academic staff member do not relate to all of the criteria for tenure, yet the appointment is expected to lead to consideration of tenure, tenure shall be considered in relation to those responsibilities specified in the letter of appointment of the staff member referred to in Section 1.4.1.
- 5.3.5 Interdisciplinary research, educational activities and community service such as are carried out in Centres and Institutes shall be considered in evaluating performance.

### **Standards in Considering Tenure**

- 5.4.1 Each Faculty is responsible for establishing, by Faculty regulations, the standards it considers appropriate in respect of criteria for tenure

within Dalhousie. The standards for part-time academic staff members may differ from those for full-time members.

- 5.4.2 Where part-time staff members holding appointments considered to be half-time or more are to be considered for tenure, all of the provisions of Section 5 shall apply, including criteria, standards, eligibility, time and procedures. All those who consider part-time staff members for tenure shall make due allowance for the fact that the amount one may contribute to an academic discipline by part-time service for four years is less than can be expected from full-time service. Standards for achievement in other tenure criteria, when appropriate, shall be adjusted similarly for part-time staff members.

#### **Eligibility Consideration for Tenure**

- 5.5.1 An appointment with tenure is granted only to those holding academic rank (Lecturer, Assistant Professor, Associate Professor, Professor) or the corresponding research ranks. Part-time staff members holding appointments considered to less than half-time are not eligible for tenure.

#### **Time for Decision on Tenure**

- 5.6.1 While staff members may, in exceptional circumstances, be given tenure on their appointment to Dalhousie, or be given early consideration for tenure, normally tenure is considered at the times given in Sections 5.6.2 and 5.6.3.
- 5.6.2 Assistant Professors with three years' full-time university teaching experience before joining Dalhousie staff, Associate Professors and Professors shall be considered for tenure after two years of service at Dalhousie, i.e., in the fall term of the third year, and the Dean's recommendation shall be communicated to the member of the academic staff concerned, normally by December 31 and in no case later than January 15, to be effective at the beginning of the following academic year.

- 5.6.3 Other members of the academic staff, not considered in accordance with Section 5.6.2, shall be considered for tenure after four years of service, i.e., in the fall term of the fifth year, and the Dean's recommendation shall be communicated to the member of the academic staff concerned, normally by December 31 and in no case later than January 15, to be effective at the beginning of the following academic year.
- 5.6.4 Before, or at any stage after, procedures for considering tenure in a given case have commenced, any member of the academic staff may request deferral of consideration. On recommendation of the Faculty Tenure Committee and the Dean, deferral for a period not exceeding two years may be approved by the President, who may then recommend to the Board a further term appointment.
- 5.6.5 By written notice to the chair, head or director of his or her academic unit, a staff member on parental leave may elect to defer for one year consideration of decisions relating to his or her tenure.
- 5.6.6. Otherwise a member of the academic staff shall be recommended for a term appointment to carry beyond the sixth year of service only on special grounds satisfactory to the chair, head, or director of the department, the Faculty Tenure Committee, the Dean and the President. Once given such an appointment, the academic staff member shall be considered as all other term appointees in accordance with Section 3.2.6 before expiry of the term.
- 5.6.7 If a member of the academic staff has been considered for tenure in accordance with procedures established by these regulations and the result is a decision that tenure is not recommended, the member shall not be reconsidered in a subsequent year unless either the Faculty Tenure Committee has originally recommended deferral or the member's department chair, head, or director recommends reconsideration in that subsequent year because of a relevant change in circumstances or grounds for consideration.

### **Procedures for Considering Tenure**

- 5.7.1 When the staff member concerned holds a dual appointment in more than one department, or has classes offered by more than one department, the chairs, heads or directors of the departments in which he or she serves shall discuss the situation before any recommendation is made by a tenure committee or department chair, head or director.
- 5.7.2 Before the chair, head, or director of a department formally considers a member of the academic staff for tenure, he or she shall inform the academic staff member concerned. In Faculties where departmental tenure committees are provided for, the academic staff member shall have the opportunity to be heard by, and to submit a written statement to, the appropriate departmental committee. The chair, head, or director of the department or school shall in due time make a recommendation to the Dean and in doing so shall indicate any dissent from his or her recommendation among members of the appropriate departmental committee, or, if there is no committee, among other members of the department. If the recommendation of the chair, head or director is that tenure not be granted, the academic staff member concerned shall be advised by the chair, head or director of the recommendation made to the Dean, and if the member so requests he or she shall be given the reasons.
- 5.7.3 The Dean shall lay before the appropriate tenure committee of the Faculty all information relevant to the case, including the recommendation of the chair, head or director of the department together with a brief statement of the procedures followed within the department in arriving at this recommendation, and any dissent from the recommendation as reported by the department chair, head or director. The tenure committee shall also consider any representations made by other members of the University community, including the academic staff member concerned if he or she requests the opportunity to appear before the committee.

- 5.7.4 The Faculty Tenure Committee shall consult with the department chair, head or director, and with others in the department as may seem useful to the Faculty Tenure Committee, before coming to a decision to make a recommendation to the Dean which varies from the recommendation of the department chair, head or director. If the department chair, head or director has recommended either that tenure not be granted or that (contrary to the member's wishes) consideration be deferred, or if a Faculty Tenure Committee apprehends some difficulty in reconciling a favourable departmental recommendation with standards prevailing generally in the Faculty, the Faculty Tenure Committee shall invite the member to appear before it or to submit a written statement, if he or she has not already done so.
- 5.7.5 The Dean and the Faculty Tenure Committee shall then seek to reach a decision with which both agree.
- 5.7.6 If the decision so reached by the Dean and the Faculty Tenure Committee is that tenure should not be recommended, or that consideration should be deferred, the committee shall inform the academic staff member, giving its reasons, in writing if requested to do so by that member. In giving its reasons the committee should indicate how the academic staff member stands, in its view, in respect to each of the normal criteria for considering tenure.
- 5.7.7 The Dean shall then make a recommendation to the President, indicating at the same time any dissent from this recommendation among members of the Faculty Tenure Committee and within the department concerned. The President may consult with the Faculty Tenure Committee before or after receiving this recommendation. The Dean shall also inform the academic staff member of the recommendation, and that of the Faculty Tenure Committee if it differs from that made by the Dean.
- 5.7.8 The Faculty Tenure Committee concerned, the Dean concerned, or the President acting in turn under these procedures, shall consider any allegation that improper procedures have been followed at earlier

stages of any case and shall have authority, if he, she or they believe it may affect disposition of the case, to send the case back for further consideration.

### **Appeals or Reference to University Tenure Committee**

- 5.8.1 If the Faculty Tenure Committee recommends tenure be granted or that the case be deferred and if the Dean recommends otherwise, the academic staff member shall have the right to initiate, by writing to the President, no earlier than 14 days after notice of the Dean's recommendation and no later than 21 days after the notice, reconsideration of the matter by a University Tenure Committee as established in Section 5.8.4.
- 5.8.2 The President shall seek further advice from a University Tenure Committee before rejecting a recommendation from the Dean for tenure or for deferral and making a recommendation less favourable to the academic staff member; and the President shall notify the member of the intention to resort to a University Tenure Committee within 14 days after notice to the academic staff member of the Dean's recommendation.
- 5.8.3 When a member of the academic staff or the President requests consideration of the member's case by a University Tenure Committee, each shall, within 14 days of notice given by one to the other, nominate in writing to the Secretary of Senate the member of the committee whom he or she selects.
- 5.8.4 A University Tenure Committee shall consist of three members, one named by the academic staff member concerned, one named by the President, and a chair agreed upon by the two so named, all three to be selected from a standing panel of at least 12 members appointed by Senate on the recommendation of its Committee on Committees after agreement on the names by the Committee, the President of the Dalhousie Faculty Association and the President. A University Tenure Committee, after considering all representations on the matter submitted to it, shall report its conclusion and any recommendations

to the President and to the academic staff member concerned. The President shall submit a copy of the report of a University Tenure Committee to the Board of Governors.

- 5.8.5 After considering the report of a University Tenure Committee the President may recommend to the Board of Governors a further appointment with tenure; an appointment without tenure, with the question of tenure deferred; an appointment without tenure, with no undertaking to consider tenure again; or none of these. The President shall notify the member of the academic staff or his or her recommendation within one month from the date of the report of the University Tenure Committee.

#### **Limitation of Appeals Concerning Tenure**

- 5.9.1 In view of the opportunities for appeal specially associated with the procedures for considering tenure, a timely decision not to recommend or to grant tenure shall not by itself constitute an injustice or a grievance to which the general procedures for redress or grievances established by Section 7 of these regulations apply.

#### **Procedure - Tenure on Initial Appointment**

- 5.10.1 Before recommending to the President that tenure should be granted on initial appointment, the Dean shall consult with the appropriate tenure committee and, in making a recommendation, shall advise the President of any dissent from this recommendation among members of the committee.

#### **Consideration of Tenure for Person with Duties in More than One Faculty**

- 5.11.1 Where a person has duties in more than one Faculty in the University, the Dean should normally consult any other Dean, whose information is likely to be of assistance in determining the question of tenure.

## **6. ACADEMIC PROMOTION**

### **Procedures Considering Promotion**

- 6.1.1 Consideration for promotion shall be by a committee within the staff member's department, school, library or similar unit, elected by the staff members of that unit, and by the chair, head or director, and for professional librarian members by the chief librarian. The recommendation of the committee, and of the chair, head, director or chief librarian, together with all documents and other evidence on which they are based, shall be passed to the Faculty level by November 15 of each year.
- 6.1.2 Consideration for promotion at the Faculty level shall be initially by a committee within the staff member's Faculty, elected by the members of that Faculty. Recommendations from such a committee shall be made by February 15. Consideration for promotion shall be then by the Dean or Vice-President, whose recommendation shall be made to the President by March 31. The recommendation from the Dean or Vice-President shall indicate any dissent from the recommendation at the level of the department or similar unit or by the Faculty committee. Whenever a person serving on the Faculty committee has participated in the current process for considering promotion of a staff member by (a) providing a written or oral submission to the committee referred to in Section 6.1.1 or (b) by serving on that committee that person shall not participate in the promotion proceedings for that staff member at the Faculty level.
- 6.1.3 Upon receipt of the recommendation of the Dean or Vice-President, the President may then recommend to the Board that the staff member be promoted. If promotion is not recommended or is denied, the President shall inform the staff member, in writing, and give the reasons with specific reference to how the member stands with respect to the criteria for promotion. In either case the staff member



shall be informed of the final decision, including reasons where appropriate, by May 31.

- 6.1.4 Before a staff member is formally considering for promotion, both at the departmental and Faculty level, he or she shall be informed and given the opportunity to be heard or to present a written statement. A staff member under consideration for promotion may elect to have further consideration terminated or deferred at any stage of consideration. By written notice to the Chair, head or director of his or her academic unit, a staff member on parental leave may elect to have consideration of promotion deferred for one year. Unless a staff member has elected termination or deferral of consideration, any committee, chair, head, director, chief librarian, Dean or Vice-President who makes a recommendation or decision against promotion or for deferral of consideration shall give the staff member the reasons for this action in writing with specific references to each of the criteria for promotion. A copy of these reasons shall be sent to the chair, head or director where the Faculty committee, Dean or Vice-President does not concur with a positive recommendation for promotion at the departmental level.
- 6.1.5 When promotion is granted it shall take effect from the beginning of the following academic year.
- 6.1.6 When a staff member holds a joint appointment in two or more Faculties, schools, departments or similar units, he or she may be considered for promotion in any of these units. During consideration for promotion in one unit, there shall be consultation with the other units in which the staff member holds appointments, but promotion shall not be denied in one unit merely because of failure to reach agreement. Promotion may be granted in one unit, even if not granted in others.
- 6.1.7 Where a Faculty is not organized into departments, schools or similar units, Section 6.1.1 shall not apply, the Dean shall seek the recommendations referred to in Section 6.2.5 or 6.2.6 and promotion procedures shall start at the Faculty level. For staff

members holding appointments in Henson College, the college shall be considered to be a Faculty without departments and its Dean shall be the Dean for the purposes of Section 6.1.2 and 6.1.7. Where the staff member's appointment is in a research centre or institute not forming part of a Faculty, Section 6.1.2 shall not apply and the Vice-President shall seek the recommendations referred to in Section 6.2.5 or 6.2.6.

### **Promotion, Criteria, Standards and Eligibility**

- 6.2.1 Except for Instructors, the criteria for promotion of members of the teaching and research staff shall be the same as those for tenure.
- 6.2.2 Faculties, schools, departments and similar units may add to or define these criteria more precisely in accordance with the provisions of these regulations and copies of the additions or definitions shall be made available to all members of the Faculty, school, department or similar unit concerned.
- 6.2.3 Interdisciplinary research, educational activities and community service such as are carried out in Centres and Institutes shall be considered in evaluating performance.
- 6.2.4 Lecturers shall be promoted automatically to the rank of Assistant Professor from the beginning of the academic year in which the formal qualifications appropriate for that rank are obtained. Consideration of promotion from Lecturer to Assistant Professor may be requested if the academic staff member claims to have acquired the equivalent of the formal qualifications indicated above.
- 6.2.5 On the initiative of the staff member or appropriate chair, head, director or Dean, a member may be considered for promotion from the rank of Assistant Professor to that of Associate Professor but, failing such an initiative the Dean shall inform the staff member by 15 August, in the fifth year of his or her appointment as Assistant Professor, that he or she is eligible to be considered for promotion to

the rank of Associate Professor. Where consideration for promotion to the rank of Associate Professor takes place in the same year as tenure is awarded, written recommendations in support of the latter shall count also as evidence for the promotion, and no other shall be required. In any other case, the chair, head, director or Dean may obtain written recommendations, normally two. In choosing the names of persons to be approached for recommendations, the chair, head, director or Dean shall consult the committee, referred to in Section 6.1.1, and the member; at least half of the persons approached shall be the choice of the staff member. The member and the chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached. The chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached.

- 6.2.6 On the initiative of the staff member or the appropriate chair, head, director or Dean, a member may be considered for promotion from the rank of Associate Professor to that of Professor, but failing such an initiative, the Dean shall inform the staff member, by 15 August, in the fifth year of his or her appointment as Associate Professor, that he or she is eligible to be considered for promotion to the rank of Professor. Promotion to the rank of Professor shall be recommended only when solid evidence is established that the staff member has attained a standard of competence in both teaching and scholarship appropriate to a new full Professor and that the member has attained and is likely to maintain a high level of effectiveness in both teaching and scholarship and that his or her teaching or scholarship represents a significant contribution to his or her discipline or to the University. The chair, head, director or Dean shall obtain written recommendations from persons outside Dalhousie University, normally four, unless the staff member and the Dean agree that such letters are inappropriate. In choosing the names of persons to be approached for recommendations, the chair, head or director shall consult the committee, referred to in Section 6.1.1, and the staff member, at least half of the persons approached for recommendations shall be the choice of the staff member. The staff

member and chair, head, director or Dean shall each be entitled to comment on the suitability of the persons approached.

6.2.7 There is no limit as to how often a staff member may request promotion or how often a member may be put forward by the committee mentioned in Section 6.1.1. When a member has been considered for promotion and promotion has not been recommended, requests for promotion by the member and recommendations that the member be promoted by the member's departmental committee must address the reasons mentioned in Sections 6.1.3 and 6.1.4, which were given in the last year in which the member was not recommended. Such requests must be made by October 1 of the year in which promotion is to be considered.

6.2.8 Full-time and part-time staff members are eligible for promotion. Promotion of part time Faculty members should be decided on the recommendations of their schools or departments using the usual promotion criteria and procedures. However, adjustments shall be made in what is expected from part-time staff members as are made for tenure pursuant to Section 5.4.2.

### **Promotion Appeals**

6.3.1 Subject to Section 6.3.2, a staff member who has been denied promotion may elect either to appeal the decision of denial or to grieve the denial in accordance with the provisions of Section 7. If the staff member elects to appeal and the appeal is dealt with in a way consistent with these regulations, then the grievance procedures in Section 7 shall not be used to grieve the decision to deny promotion, including the decision of the University Promotion Appeal Committee.

6.3.2 A staff member shall have no right to appeal the decision of denial of promotion where the department or similar unit committee, the chair, head or director, the Faculty committee and the Dean concur that promotion ought to be denied.

- 6.3.3 A staff member who elects to appeal the decision of denial of promotion may initiate the appeal by writing to the President no later than 30 calendar days after the written notice of denial. The President shall then submit the matter on appeal to a University Promotion Appeal Committee, composed of three members selected within the same time periods, in the same way and from the same panel as a University Tenure Committee, as set out in Sections 5.8.3 and 5.8.4.
- 6.3.4 The University Promotion Appeal Committee shall consider whether the staff member has met the appropriate criteria and standards for promotion to the rank in question and shall report its decision to the President and the staff member in writing. The committee shall determine its own procedures in accordance with the rules of natural justice. The committee need not conduct a hearing unless requested to do so by the staff member or the President and it may invite the staff member and other persons considered appropriate by the committee to make representations to it.
- 6.3.5 If the procedures followed in dealing with the appeal are consistent with these regulations, then the decision of the University Promotion Appeal Committee shall be binding on the staff member, the President and the Board. Where the decision of the committee is not unanimous, the decision of the majority of the members thereof shall be deemed to be the decision of the committee.

## **7. REDRESS OF GRIEVANCES**

### **Discussion of Grievance with Party or Parties Concerned**

- 7.1.1 When a member of staff, academic or not, believes that he or she has been given less than fair treatment in any matter relating to any of the roles assigned him or her by the University, and procedures for

settling the matter are not expressly provided by regulations of the University, he or she should discuss the matter directly with the party or parties concerned.

### **Grievance Related to Academic Policy or Practice**

- 7.2.1 If the matter of concern relates to academic policy or practice, a member of the academic staff who is not satisfied by discussions within the appropriate department or Faculty or with the Dean, may carry the matter before Senate. Senate shall determine the issue, with or without resort to a special committee of inquiry, or if Senate deems the matter essentially not one of academic policy or practice, it may refer the matter to a University Hearing Committee established in accordance with Section 7.6.1.

### **Appeal to Higher Administrative Officer**

- 7.3.1 If satisfaction is not obtained from direct discussion, and Section 7.2.1 does not apply, the person believing that he or she has a grievance may set out in writing an account of the matter and submit this to the next higher administrative officer, with a copy to the department chair, head, director or other party concerned with whom the matter has already been discussed.

### **Decision by Administrative Officer**

- 7.4.1 The administrative officer to whom the grievance is submitted shall meet with the aggrieved, if asked to do so, within 14 days and at any meeting the staff member concerned may be accompanied by any person of his or her choice. Thereafter, the administrative officer considering the grievance shall communicate a decision, in writing if asked to do so, to the staff member alleging grievance.

### **Appeal to the President**

- 7.5.1 If the staff member concerned is not satisfied with disposition of the matter, he or she may appeal the decision to the next higher administrative officer responsible and ultimately to the President. The President, or the President's delegate, shall meet with the staff member concerned without undue delay and shall, after considering the matter, communicate a decision in writing to the staff member alleging grievance.

### **Appeal to University Hearing Committee**

- 7.6.1 If the staff member alleging grievance is a member of the academic staff or a professional librarian or a senior research staff appointee, and if he or she is not satisfied with disposition of the matter by the President or the President's delegate, he or she may request the President to submit the matter to a University Hearing Committee.
- 7.6.2 The President, or the President's delegate, shall submit the matter to a committee of three members selected in the same way and from the same panel as a University Tenure Committee.
- 7.6.3 The Hearing Committee shall conduct hearings *in camera* in the presence of the parties concerned with the alleged grievance, unless both parties agree to open hearings. Any party concerned may elect to be represented or assisted at the hearing by counsel or other representative. The committee shall consider all representations on the matter, provide all reasonable opportunity for interested persons to appear and shall report its conclusions and recommendations to the staff member concerned, to the President, and to the Board of Governors.

### **Reconsideration by the President and Decision**

- 7.7.1 The President shall reconsider the matter in light of the report of the University Hearing Committee and shall then report on the issue, including recommendations where appropriate, to the Board of Governors and shall provide a copy of the recommendations if any, together with any decision of the Board, to the staff members as a final disposition of the matter.

### **Staff Other Than Academic - Appeal to the President**

- 7.8.1 Any staff member not holding an academic staff appointment who alleges a grievance for which no other procedures are agreed upon or provided, and who is not satisfied with disposition of an alleged grievance by other administrative officers may appeal ultimately to the President.

## **8. DISMISSAL FOR CAUSE**

### **Termination of Appointment for Cause**

- 8.1.1 The University may terminate the appointment of a member of the staff who has been appointed by the Board of Governors, with tenure or without term or for a term not yet expired, if cause has been found by arbitration proceedings as herein provided.

### **Cause**

- 8.2.1 Reasons for dismissal constituting cause include misrepresentation as to credentials, gross misconduct, persistent neglect of duty to students or to the University, refusal to carry out policies adopted by



the governing bodies of the University, failure to maintain an acceptable standard of competence in duties appropriate to the appointment, or other conduct incompatible with continued membership in the University.

### **Preliminary Procedures**

- 8.3.1 When reason arises to question the fitness to continue service of a member of the academic staff who is on an appointment with tenure, or whose term appointment has not expired, the Dean and the chair, head or director of the department should discuss the matter with the staff member in the presence of his or her advisor and a disinterested member of the academic staff having tenure chosen by the Dean.
- 8.3.2 If the matter is not then settled the President, the Dean and department chair, head or director should discuss the matter with the staff member in the presence of a disinterested member of the academic staff having tenure chosen by the Dean or the President and an advisor selected by the staff member whose fitness for continued service is in question.
- 8.3.3 If these attempts to settle the matter fail, the President, if proposing to recommend termination of the appointment, shall inform the staff member in writing of the intention to recommend dismissal and of the reasons for doing so in sufficient detail to enable the staff member to prepare his or her case.
- 8.3.4 Generally similar procedures shall be followed in the case of dismissal for cause of a professional librarian having an appointment without term or of a senior research appointee on an appointment not yet expired.

### **Arbitration Procedures**

- 8.4.1 If the staff member wishes to contest the President's decision to recommend dismissal within 14 days of the receipt of notice from the President, he or she shall notify the President in writing of this intention and request that the matter be submitted to arbitration under the Arbitration Act of Nova Scotia.
- 8.4.2 Without undue delay the President or the President's representative and the staff member shall meet to name jointly an arbitration committee.
- 8.4.3 The arbitration committee shall consist of one or of three persons, as the President and the staff member may agree, and no member of the committee shall be a fulltime employee of Dalhousie University.
- 8.4.4 If agreement upon membership of the arbitration committee is not reached within 21 days of receipt by the President of the request by the staff member that the matter be submitted to arbitration, the President and staff member shall each name one arbitrator to the committee. The two arbitrators thus named shall name a third; if they do not act the third shall be appointed in accordance with the Arbitration Act of Nova Scotia.
- 8.4.5 The arbitration committee shall convene within 30 days of being constituted and shall attempt to conclude proceedings and render a decision as expeditiously as possible.
- 8.4.6 The committee shall notify all persons concerned of the time and place arranged for hearings; it shall afford a representative of the University and the staff member the right to appear in person with or without counsel or other advisors, and to examine and cross-examine witnesses; it shall require each party to indicate the nature of evidence to be relied upon in order to enable the other party to make a fair and full answer; and it shall hold its hearing *in camera* unless both parties agree in writing that hearings be open and it shall

instruct all witnesses appearing before the committee in camera to treat all evidence and proceedings as confidential.

- 8.4.7 On all other matters, the arbitration committee may establish its own procedures, including arrangements to keep a logged audio tape of all or any part of the proceedings for its own use.
- 8.4.8 The President and the staff member may agree in writing to vary procedures or extend time limits provided for arbitration. In the absence of agreement, failure by one of them to observe the procedures outlined permits the other party to proceed in accordance with the provisions of the Arbitration Act of Nova Scotia.
- 8.4.9 The arbitration committee shall issue to the University and the staff member a written decision which contains findings of fact, reasons and its conclusions either that cause for dismissal has not been shown and that any suspension in effect shall be rescinded, or that cause for dismissal has been shown.
- 8.4.10 In the event the arbitration committee finds cause for dismissal, it may, in its decision, recommend arrangements that it considers appropriate in severance of employment of the staff member by the University.
- 8.4.11 The conclusion of the arbitration committee as to cause for dismissal shall be final and binding on the staff member and the University.
- 8.4.12 Either the staff member or the University may decide to make public the decision of the arbitration committee.

## **9. SUSPENSION**

- 9.1.1 The President, by written notice for stated cause involving an immediate threat to the functioning of the University, or a threat to any member of the University, or inability to carry out reasonable duties because of physical or emotional impairment (where the person concerned has refused to agree with leave arrangements proposed by the President), may relieve a member of the University staff of some or all university duties and may withdraw university privileges except salary and other fringe benefits. The President shall advise the Board of Governors of action to suspend any member of the academic staff and of reasons for the action.
- 9.1.2 If a member of the academic staff is suspended by the President, the written notice of suspension given the member shall specify the cause in accordance with Section 9.1.1 and shall indicate whether the President intends to recommend dismissal, and if that be the case the member may require in writing that the matter be submitted to arbitration.
- 9.1.3 If the President indicates the intention not to recommend dismissal of a suspended member of the academic staff, the latter may require that the matter be considered by a University Hearing Committee constituted in accordance with procedures for redress of grievances and the report of a committee in this case shall be provided to the staff member and the Board of Governors, in addition to the President, with the issue to be determined by the Board of Governors.
- 9.1.4 Once the procedures described in Section 9.1.3 have been invoked, they shall run their course. However, the President may initiate procedures established in Section 8 for dismissal for cause either before section 9.1.3 is invoked by the suspended staff member or at any time after procedures described in Section 9.1.3 have come to an end.

- 9.1.5 The same procedure shall apply in cases involving professional librarians and senior research staff appointees.

## **10. RESIGNATION AND TERMINATION OF EMPLOYMENT**

### **Academic Staff with Tenure**

- 10.1.1 To protect important University interests from injury, full-time and regular part-time members of the academic staff with tenure undertake, if they should intend to resign, to give as early notice of their intention as possible. They shall, in any event, communicate their resignation in writing, addressed to the President and transmitted through the department chair, head or director and the Dean, no later than February 28, or at least four months before the resignation is to be effective if that date is other than the end of the academic year.

### **Academic Staff on Term Appointment**

- 10.2.1 A full-time or regular part-time member of the academic staff who has been appointed for a fixed term may discontinue his or her employment with the University prior to the expiration of the term only by mutual consent, after giving at least four months notice.

### **Normal Termination Date**

- 10.3.1                    When a full-time or regular part-time member of the academic staff leaves the service of the University, normally employment and rights to salary and other benefits cease at the end of the academic year, i.e., June 30, unless otherwise agreed.

**Employment, Salary, Benefits Cease on Commencement of New Employment**

- 10.4.1                    Unless otherwise agreed in advance between the President and the staff member, when a full-time or regular part-time member of the academic staff who is leaving the service of the University becomes entitled to payment of salary from a new employer on a date before that when University employment and rights to salary and other benefits would normally cease, termination of employment and rights to salary and other benefits in the University shall be effective on the date of commencement of other employment, except to the extent earned holidays are due the staff member.

**11. RETIREMENT**

**Retirement at 65**

- 11.1.1                    All full-time members of the academic staff, professional librarians and administrative officers and staff on research appointments shall retire at the close of the academic year in which they have reached the age of 65 years.

**Possible Annual Reappointment of Academic Staff**

- 11.2.1 The Board of Governors may reappoint, on a special annual contract, any retired member of the full-time academic staff who has reached the age of 65 if, in its opinion, the interests of the University would be so served. Retention on the academic staff after the retirement date is subject to annual report and recommendation from the department chair, head or director, the Dean and the President.

## **12. APPOINTMENT OF ACADEMIC ADMINISTRATIVE OFFICERS**

### **Appointment after Consultation**

- 12.1.1 Academic administrative officers generally are appointed for a term after consultation with special advisory committees, Senate or Faculty Councils. Specific procedures have been approved by the Senate and the Board of Governors for the appointment of the President, and of Vice-Presidents, Deans, Associate or Assistant Deans and departmental chairs, heads or directors with academic responsibilities. Regulations approved by Senate and the Board of Governors specify the arrangements for consultation regarding appointment and reappointment of these officers. Similar practice of consultation exists in connection with appointments of academic administrative officers of similar standing.

### **Termination of Appointment**

- 12.2.1 The appointment of an academic administrative officer may be terminated at the pleasure of the Board before expiry of the term originally agreed upon.

### **Establishment of New Administrative Posts**

- 12.3.1 In the creation of any new academic administrative post there is consultation with Senate or the Faculty Council concerned.

## **13. NEW APPOINTEES — COMMENCEMENT OF EMPLOYMENT**

### **Travel Costs**

- 13.1.1 The University may agree in advance to provide transportation costs for a newly appointed member of the academic or administrative staff. Normally assistance will constitute one-way fare for a staff member and, if married, for the spouse and children from his or her place of residence when appointed, to Halifax, economy class air or less, by the most direct route and the most economical mode of transport. If the staff member travels by private car or by other than the most direct route, he or she may be assisted, to an amount equal to the lowest cost of the most direct commercial transportation.

### **Cost of Moving Effects**

- 13.2.1 For normal staff appointments the University may agree in advance to contribute a portion of the costs of moving by surface freight household goods and personal effects (not including automobiles) from the place of residence of a newly appointed member of the staff. Unless otherwise agreed the University's contribution to these costs will not exceed two thirds of the costs incurred or a maximum of \$2,250,



whichever is the lesser, and the contribution will be paid only on presentation of estimates or invoices of commercial movers or transportation companies. Ordinarily, new appointees should obtain commercial estimates in advance of any move as a basis for negotiating arrangements for contribution by the University.

- 13.2.2 Special consideration will be given to full payment for moving essential professional equipment and books, when such items have been adequately listed and described and the full costs of moving these estimated in a separate submission sent in advance for approval of the department chair, head or director and the Dean.

### **Recovery if Voluntary Failure to Carry Out Contract**

- 13.3.1 A staff member who voluntarily fails to carry out his or her contract of service with the University after the effective date of his or her first appointment is liable to repay a proportionate share of the amount expended by the University to assist transportation and moving costs to Halifax and that amount may be withheld from salary or other benefits payable before termination of employment.

### **Commencement of Salary**

- 13.4.1 A newly appointed member of the staff will normally be added to the University payroll on the date when the staff member assumes his or her duties at the University in Halifax, on or after the effective date of his or her contract.

### **Commencement of Other Benefits**

- 13.5.1 A newly appointed member of the staff will acquire the right to participate in the University Pension Scheme, insurance and other fringe benefit programs on the first date provided for in the respective programs after he or she has acquired the right to payment of salary.

## **14. AMENDMENTS**

- 14.1.1 On the recommendation of the Senate and approval by the Board of Governors, these regulations may be amended from time to time.
- 14.1.2 Before recommending any proposals for amendment to these regulations to the Board, the President will discuss them with the proposers; refer to the Deans; solicit the opinion of the Senate and, as appropriate, of any Faculties especially affected; and consult with the Dalhousie Faculty Association.
- 14.1.3 Within 90 days of signing of any Collective Agreement between the Board of Governors and the Dalhousie Faculty Association or of any change in that agreement, the Steering Committee of the Senate shall review these regulations for consistency with that Collective Agreement and shall report its findings. If appropriate, the committee will present changes it proposes for these regulations to the Senate for consideration.

## **15. EFFECT OF REGULATIONS**

15.1.1                    These regulations, as amended from time to time, are incorporated into and are effective as a part of the terms of appointment of all members of the academic staff, of professional librarians or senior research staff and of administrative officers employed by Dalhousie University, unless special contracts of appointment otherwise provide.

15.1.2                    Each member of the staff appointed by the Board of Governors shall be provided with a copy of these regulations and of any amendments.

