

**A. FACULTY OF LAW: APPOINTMENT AND EVALUATION**

**1. Article 4.1: Law Faculty Appointment Process**

**PROPOSAL**

1. The TFA proposes the creation of a Chair-Designate in the School of Law for the purpose of convening certain collegial committees in the same manner as Chairs/Directors in other Departments/Schools at TMU. With the creation of the Chair-Designate Faculty of Law, the Dean would no longer participate in the Department Hiring Committee (DHC) consistent with other TMU Departments/Schools.
2. The TFA additionally proposes to increase, from one to two, the number of pre-tenure colleagues that can participate in the DHC, for the life of this agreement.
3. This proposal should be read together with the TFA's proposal regarding collegial procedures for evaluation in the School of Law under Articles 5.1 and 5.2 below.

**4.1 Department Hiring Committee**

A. Each Chair/Director of a Department/School, **or the Chair-Designate-Faculty of Law**, shall establish annually, no later than May 15, for the following academic year, a Department Hiring Committee (DHC), for the recruitment and recommendation for hire of all limited-term and tenure-stream faculty.

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C. The DHC normally consists of five members. The Chair/Director of the Department/School, **or the Chair-Designate-Faculty of Law**, is ex-officio voting member of the DHC, although they may designate a Faculty member from within the Department/School to act as an agent for the Chair/Director. Two Faculty members of the Department/School shall be elected by the tenure-stream Faculty members of the Department/School, and the Chair/Director, **or the Chair- Designate-Faculty of Law**, shall appoint one Faculty member. Following the required Department/School consultation upon approval of a faculty appointment pursuant to 4.2.D., these four members shall appoint an additional tenured Faculty member. If the four members cannot appoint a fifth member, because they are evenly split, the choice between the final nominees shall be made in an election, among the tenure-stream members of the Department/School.

D. The size of the DHC can be reduced to three or increased to seven as noted below. In small Departments/Schools the DHC may have only three members, composed of the Chair/Director or designate, **or the Chair-Designate-Faculty of Law**,

plus one elected and one appointed member. Where a seven member DHC is deemed appropriate, it will consist of the Chair/Director or designate, **or the Chair-Designate-Faculty of Law**, four elected members, one member appointed by the Chair/Director, **or the Chair-Designate-Faculty of Law**, and a seventh member selected by the first six. Normally, any Department/School with 10 or more tenure-stream faculty will have at least five members on the DHC, and any Department/School with more than 25 tenure-stream faculty will have seven members on the DHC.

E. The Chair/Director, **or the Chair-Designate-Faculty of Law**, in making their appointment to the DHC shall consider the University's equity, diversity and inclusion obligations including those concerning equity-seeking groups, and the fields of expertise of the DHC. In a brief written report to the Dean, the Chair/Director, **or the Chair-Designate-Faculty of Law**, shall explain how the appointments to the committee will serve these goals, including the Equity Advocate selected/elected by the Committee. This report will be completed and sent to the Dean no later than June 15 of every year. The Dean will forward a copy of this report to the Department/School, the Office of Equity and Community Inclusion, the Association and to the Vice-Provost, Faculty Affairs.

F. Normally, the member appointed by the Chair/Director, **or the Chair-Designate-Faculty of Law**, and the member chosen by the elected and appointed members of the DHC will be members of the Department/School. In exceptional circumstances, where necessary for equity or expertise reasons or interdisciplinary hiring, one member of the DHC may come from outside the Department/School.

G. Elections to the DHC are always by and from the tenure-stream Faculty members of the Department/School and shall be completed before the Chair/Director, **or the Chair-Designate-Faculty of Law**, makes their appointment.

H. No more than one pre-tenure Faculty member may serve on the DHC, and only when elected, not appointed. **In the Faculty of Law for the years 2023-2026, no more than two pre-tenure Faculty members may serve on the DHC, and only when elected, not appointed.** Probationers in their first year of service are not eligible. If the Committee has only three members, the only elected member shall not be a pre-tenure Faculty member. A member may not be appointed to the DHC for more than two successive terms. Those terms may, however, be preceded or followed by election to the DHC.

I. No later than May 31 of every year, the Chair/Director, **or the Chair-Designate-Faculty of Law**, shall arrange a meeting of the newly constituted DHC at which the members of the new DHC shall elect from amongst themselves a member to serve as Chair of the DHC. Members of the fully constituted DHC will also select/elect an Equity Advocate from among the members on the DHC. As set out in 4.1.E, the newly elected Chair of DHC shall report the names of the members of the DHC, and the name of the person elected as Chair of the DHC, and the name of the Equity Advocate,

to the Dean, to the Vice-Provost, Faculty Affairs, and to the President of the Association, no later than June 15.

J. The University shall arrange a training workshop to be held each year in September or October for all DHC members. The workshop shall be conducted jointly by the Association and the University and shall include instruction by the University with regard to the DHC's legal obligations and duties under the Agreement and University policies, including the values of equity, diversity and inclusion. Any DHC member who does not attend the workshop(s) shall not be eligible to be a member of a DHC, except when a member who missed the workshop provides a reasonable explanation for their absence to their Chair/Director, **or the Chair-Designate-Faculty of Law**, (or where it is the Chair/Director of the Department/School, **or the Chair-Designate-Faculty of Law**, who is concerned, to the Dean) in which case the training will be provided. In addition, the University will deliver training workshops for Equity Advocates and for any DHC members who also wish to attend.

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**M. Appointment of Chair-Designate-Faculty of Law**

- a) **Before May 1 of each year the Dean of the Faculty of Law will arrange for a meeting to be held of all tenure-stream members of the Faculty of Law for the purposes of electing a Chair- Designate-Faculty of Law.**
- b) **The Chair-Designate-Faculty of Law must be a tenure Faculty member.**
- c) **The term of office of the Chair-Designate-Faculty of Law is from May 1 to April 30 of each calendar year.**
- d) **The duties and responsibilities of the Chair-Designate-Faculty of Law are prescribed in Articles 4, 5 & 6.**

**RATIONALE**

- 4. The TFA acknowledges that the School of Law is distinct at TMU because it is the first and only single-department Faculty at the University. Nevertheless, the normal rules of collegial governance that have always applied to key employment processes—including hiring, evaluation, tenure, and promotion—must apply in the School of Law. The TFA's proposals are focused on four elements: voting, chairing, the committee's recommendation, and collegial oversight mechanisms. They are intended to increase collegiality and enhance transparency and accountability of the appointment and tenure and promotion processes at the School of Law.
- 5. Paragraph 1.25 under Article 1: Definitions, provides, *inter alia*, both that Departmental Hiring Committee (DHC) and Departmental Evaluation Committee (DEC) procedures apply to the School of Law, and that the normative

responsibilities of a Chair/Director under the agreement will be performed by the Dean or designate of the School of Law, with the necessary modifications.

6. The definition under paragraph 1.25 of Article 1 undermines the collegial nature of decision-making in respect of appointment and evaluation processes at the University. In all other Departments/Schools across the University, the Chair/Director establishes the DHC, whose majority membership is comprised of tenured faculty members, and is responsible for bringing forward the recommendation(s) of the DHC to the Dean. As an administrator, the Dean neither participates in, nor is privy to, the collegial deliberations of the DHC. At the School of Law however, the Dean chairs the DHC. In effect, the Dean (as Chair of the DHC) is tasked with bringing forward the hiring recommendation to themselves. This is clearly not how the collegial process is intended to function.
7. In order to maintain the collegial nature of the DHC, and to ensure procedural fairness, the TFA proposes establishing a Chair-Designate in the School of Law to perform the same duties and responsibilities of a Chair/Director in other Departments/Schools at TMU for the sole purpose of convening certain collegial committees, including making appointments of committee members. For example, the Chair-Designate would convene appointment committees, which will make their recommendations to the Dean, consistent with the practice in any other Faculty. Once constituted, members of the DHC shall elect from themselves a member to serve as Chair of the DHC.
8. The proposal for the Chair-Designate in the School of Law is designed to provide a greater collegial voice to the Faculty members – a voice that is distinct from that of the Dean. Notably, TFA members within the School of Law have reported concerns about the overwhelming presence of the Dean in the collegial process, including:
  - The Dean is necessarily concerned with institutional funding challenges, and the need to fundraise is seen to affect hiring decisions, including based the Dean's view as to which candidates may be more attractive to donors, as opposed to the educational priorities of the School as shaped by the colleagues.
  - The power imbalance between the Dean and Faculty members affects colleagues' ability to express dissenting views (in accordance with 4.2.P.6, pertaining to disagreement within the DHC, and 4.2.Q, pertaining to circumstances in which the Dean rejects the DHC's recommended candidate).
  - The Dean already appoints a Faculty member to the DHC pursuant to 4.1.C; as such the Dean is effectively allocated two votes on a committee of five.
  - Outside of the DHC, where broad, general meetings of colleagues in the unit have been held to consult Faculty members about hiring, Faculty members have not felt comfortable expressing their views in front of the

Dean. On two such occasions, colleagues have asked that the Dean not be present for discussions.

9. In the Association's view, therefore, it is critical to preserving the collegial nature of academic decision-making – in keeping with processes in all other Faculties and the fundamental and underlying values of collegial governance of the university – that the Dean's role on the DHC be restricted as proposed.
10. Further, while the representation of pre-tenure faculty members on the DHC is generally limited to one individual under the current agreement, the Association proposes – in recognition of the current size and composition of the faculty complement in the School of Law – that the representation of pre-tenure faculty members on any DHC in the School of Law be increased to two for the period of 2023-2026. This proposal will ensure a greater presence of School of Law colleagues on hiring committees, despite the fact that – at this early stage of the School's development – there remain very few tenured colleagues in the Law School who have not been cross-appointed from other departments. Notably, while there are a few colleagues who have been cross-appointed to the School of Law (from the Ted Rogers School of Management and the Faculty of Arts) and who have tenure, this is not the same as having colleagues whose home unit is the School of Law, and whose disciplinary focus is law. In the Association's view, it is appropriate, for a limited period, to ensure a greater engagement of Law faculty in academic decision-making that directly affects the future of the School – such as hiring decisions – by temporarily loosening the restriction on pre-tenure faculty on hiring committees.

## COMPARATORS

11. There are two prevailing models for decision-making at law schools in Ontario: one, where the Dean does not sit on the appointment committee at all (e.g. Queen's, Osgoode Hall), and the other (e.g. Windsor, University of Ottawa), where the Dean participates, but their authority is far more fettered, and the process features significant, collegial oversight. The current process followed by TMU School of Law process does not fit squarely into either model and is not consistent with the underlying values of collegial governance which inform these models.
12. At Queen's University, Osgoode Hall, the University of Ottawa, and the University of Toronto, the Dean is not a member of the Appointments Committee. The appointment processes at these institutions respectively is as follows:
  - Queen's University<sup>1</sup>
    - Appointments Committee consults members of the unit regarding requisite qualifications and experience for position to be filled.

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<sup>1</sup> **Tab 91A** - Articles 25.5-25.6 of the Queen's University Faculty Association [Collective Agreement](#).

- Appointments Committee reviews and assesses applications and prepares a short-list. The short-list and the file for each short-listed applicant is made available to all members of the unit for review. Unit members may submit written opinions to the Appointments Committee regarding the strength of the candidates.
  - All short-listed candidates are given the opportunity to meet members of the unit. Unit members may submit written opinions to the Appointments Committee when candidates visit the unit for interviews and presentations.
  - The Appointments Committee makes a recommendation to the Dean, who is not a member of the Appointments Committee.
  - The Dean provides the Provost with their recommendation and the recommendation of the Appointments Committee.
- Osgoode Hall<sup>2</sup>
    - The Recruitment Committee is chaired by a full-time, tenure-stream faculty member. The Recruitment Committee makes its recommendation for appointment to the Appointments Committee, which is comprised, *inter alia*, of all tenure-stream faculty members in the unit.
    - The Chair of the Appointments Committee is the Associate Dean (Academic) or another faculty member designated by the Dean. The Appointments Committee makes its recommendation, based on an affirmative motion made by no less than two-thirds of the members of the Appointments Committee present and voting, to the Dean.
    - The Dean provides the recommendation for appointment to the President, and provides notice of the recommendation to the Chair of the Appointments Committee and the Faculty Association.
- University of Ottawa<sup>3</sup>
    - The curriculum vitae of applicants made available to all members of the Law School.
    - Appointments are made based on the recommendation of the Dean and the Law School.
    - The Law School's recommendation is made by an Appointments Committee, comprised by all regular faculty members (limited-term and tenured).
    - All faculty appointed to the Law School determine the method of the Appointments Committee.

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<sup>2</sup> **Tab 91A** - Article 13.11 of the Osgoode Hall Faculty Association [Collective Agreement](#); **Tab 91B** - Subsections G – Faculty Appointments Committee and H – Faculty Recruitment Committee, Section VII: Governance of York University and Osgoode Hall Law School, Osgoode Hall Faculty [Handbook](#) [excerpted].

<sup>3</sup> **Tab 91A** - Article 17.1.3 of the Association of Professors of the University of Ottawa [Collective Agreement](#).

- All short-listed candidates are given the opportunity to meet with all members of the Law School, not just the Appointments Committee.
  - University of Toronto<sup>4</sup>
    - A Search Committee assesses applications and assists the Dean with producing a short list of three candidates.
    - The Search Committee makes a recommendation with reasons to the Dean.
    - The Dean, if satisfied that an effective search has been conducted, seeks approval for the appointment from the Provost.
13. While the Dean remains a member of the appointment committee at the Faculties of Law noted below, in each case the Dean's authority is far more fettered than at TMU, and the committee procedures feature enhanced collegiality, transparency, and accountability to members of the unit:
- University of Windsor<sup>5</sup>
    - The Appointments Committee, of which the Dean is a voting member, provides their recommendation for hire to the Faculty Council.
    - The Faculty Council considers and votes on the recommendation. A simple majority is required to endorse the candidate recommended by the Appointments Committee.
    - The Faculty Council provides its recommendation to the Dean, who provides the Faculty Council's recommendation to the Provost.
  - University of Western Ontario<sup>6</sup>
    - An Appointments Committee is elected annually. The Dean chairs the Appointments Committee.
    - The Appointments Committee considered input from all members in the unit.
    - The Appointments Committee recommends the academic rank and term of appointment for successful candidates.
    - The Dean forwards the recommendation of the Appointments Committee to the Board of Governors.
14. As these comparisons make clear, while the specific model at every law school varies somewhat, they generally include structures to ensure broad collegial participation in the hiring process and to ensure that the Dean's voice does not predominate or have undue influence over these important academic decision-making processes.

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<sup>4</sup> **Tab 91C** - Paragraph 5 (1-4) of the Policy and Procedures on Academic Appointments, [University of Toronto](#).

<sup>5</sup> **Tab 91D** - Senate [Bylaw](#) 20, University of Windsor.

<sup>6</sup> **Tab 91A** - Paragraph 5 – Appointments Committee, Appointments, University of Western Ontario Faculty Association [Collective Agreement](#).

## 2. Articles 5.1 and 5.2: Law Faculty Tenure Process

### PROPOSAL

1. Consistent with the Association's proposal regarding Article 4.1 regarding the hiring process and composition of the DHC in the School of the Law, the TFA proposes that the normative function of the Chair/Director of a Department/School on the Departmental Evaluation Committee (DEC) be fulfilled by the Chair-Designate-Faculty of Law, only to the extent of convening the DEC and making the necessary appointments to committee. The DEC will then make recommendations to the FTC (and not to the Dean as is currently provided).

#### 5.1 DEPARTMENT EVALUATION COMMITTEE

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B. By no later than February 15 of each year the Chair/Director of a Department/School **or the Chair-Designate-Faculty of Law**, shall establish a Department Evaluation Committee (DEC). The term of office for members of a DEC shall commence on September 1 and terminate on the following August 31.

C. The DEC normally consists of five members. The Chair/Director of the Department/School **or the Chair-Designate-Faculty of Law**, shall be an *ex officio* voting member of the DEC although they may designate a tenured Faculty member from within the Department/School to act for the Chair/Director. Three tenured Faculty members from the Department/School shall be elected by the tenure-stream Faculty members. The Chair/Director **or the Chair-Designate-Faculty of Law**, shall appoint a Faculty member from the Department/School. All members of the DEC must be tenured.

D. The size of the DEC can be reduced to three or increased to seven members, as noted below. In small Departments/Schools the DEC may have only three members, composed of the Chair/Director or designate, **or the Chair-Designate-Faculty of Law**, plus one elected and one appointed member. Where a seven-member DEC is deemed appropriate, it will consist of five members elected by and from the Department/School faculty, the Chair/Director **or the Chair-Designate-Faculty of Law**, and one appointed by the Chair/Director **or the Chair-Designate-Faculty of Law**. Normally, any Department/School with 8 or more tenured faculty will have at least five members on the DEC, and any Department/School with more than 20 tenured members will have seven members on the DEC.

E. Elections to the DEC are always by and from the tenure-stream Faculty members of the Department/School and shall be completed before the Chair/Director **or the Chair-Designate-Faculty of Law**, makes their appointment. Individuals may not be appointed for more than two consecutive terms; those terms may, however, be preceded or followed by election to the DEC.



F. When making an appointment to the DEC, the Chair/Director **or the Chair-Designate-Faculty of Law**, shall take into account the University's equity, diversity and inclusion obligations, including those concerning equity-seeking groups, and/or the need to broaden the areas of expertise represented within the committee. The Chair/Director **or the Chair-Designate-Faculty of Law**, shall, no later than March 15, send a written report to the Department/School, Dean, the Vice-Provost, Faculty Affairs and the Association, explaining the rationale for the appointment including the membership of the committee as provided for in Article 5A.1.G below.

G. No later than February 28 of each year, the Chair/Director **or the Chair-Designate-Faculty of Law**, shall convene a meeting of the members of the newly chosen DEC to elect from amongst themselves a Chair of the DEC. Members of the new DEC will also select/elect an Equity Advocate from among the members of the DEC. The newly elected Chair shall report the names of the members of the DEC, and the name of the person elected as Chair of the DEC and the name of the person selected/elected as the Equity Advocate, to the Chair/Director who will incorporate the names into the report referenced in Article 5A.1.F.

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## 5.2 FACULTY TENURE COMMITTEE

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~~I. For members in the School of Law, the recommendation of the FTC will be replaced with a recommendation by the Dean (using the same timelines as the FTC). The Dean will consider the School Evaluation Committee's recommendations, assess that the process was fair and that due process was followed and make the applicable recommendations to the Vice Provost, Faculty Affairs.~~

~~J. With any necessary modifications, within the School of Law any other functions assigned in this agreement to the FTC shall be assumed by the Dean or designate, respectively.~~

**I. In the Faculty of Law, the Tenure Committee will be called the Law Faculty Tenure Committee (LFTC).**

**a) The LFTC will consist of five (5) elected tenured members from outside the academic unit and one (1) member from within the Law Faculty.**

**b) The Dean of Law will sit on the LFTC as the Chair and as the seventh, non-voting member, unless breaking a tie.**

**c) The Law Faculty Tenure Committee will assemble and operate as identified in Article 5.A.2. and it will follow the tenure guidelines and timelines established in the tenure review process identified in Article 5.**

**d) No member of the DEC can sit on the LFTC.**

## RATIONALE

2. As noted above, collegial governance extends to the evaluation, tenure, and promotion processes in the School of Law. Similar to Article 4.1, the Association's proposals regarding Articles 5.1 and 5.2 are focused on enhancing collegiality, transparency, and accountability of the tenure and promotion processes and address voting, chairing, the committee's recommendation, and collegial oversight mechanisms
3. The combination of Article 1.25 (the definition of the "School of Law") and of Article 5.2 provides that all functions assigned to a Chair/Director in respect of the Departmental Evaluation Committee (DEC) and the Faculty Tenure Committee (FTC) shall be assumed by the Dean of the Faculty of Law or their designate.
4. In all other Departments/Schools at TMU, the Chair/Director convenes the DEC and makes appointments to the committee. Further, each Department/School establishes a Faculty Tenure Committee (FTC) that considers tenure recommendations received from the DEC, and that then makes its own recommendation to the Vice-Provost Faculty Affairs (VPFA).
5. At the School of Law, the Dean is currently responsible for convening the DEC and they can make appointments to the committee. In addition, currently, the recommendation of the FTC has been supplanted with the recommendation of the Dean. Accordingly, the DEC, having the Dean or the Dean's designate as a voting member (and possibly as its Chair), makes tenure recommendations to the Dean themselves, and the Dean then makes a recommendation to the VPFA. There is no further collegial oversight over this process. This process is contrary to the fundamental norms of collegial governance throughout the rest of the University.
6. The Association therefore proposes that the normative functions of the Chair/Director on the DEC, including convening the DEC and making appointments to the committee be fulfilled by the Chair-Designate-Faculty of Law who is a tenured faculty member and member of the School – consistent with the procedures at every other Department/School across TMU. Not only does this increase collegiality, but it supports procedural fairness.
7. The Association also proposes that the collegial decision-making on FTCs should be reinstated in the School of Law with necessary modifications. Specifically, the TFA proposes that a Law Faculty Tenure Committee (LFTC) be established consisting of six elected tenured Faculty members with the Dean as a seventh non-voting member who chairs the Committee. Given the current size and composition of the faculty complement in the School of Law, five of the elected tenured members will be cross-appointments from outside of the School and one will be from within the School. The DEC will then make its tenure recommendations to the LFTC (and not to the Dean as is currently provided),

and the LTFC will make its tenure recommendations to the VPFA, consistent with the principle of collegial governance and the normal process for FTCs under the Collective Agreement.

8. The TFA's proposals arise in part of out of the concerns, outlined above in respect of hiring, expressed by faculty within the School of Law regarding the dominant presence of the Dean in the collegial process related to evaluation:
  - Colleagues are concerned with the structural composition of the DEC and the Dean's role in the tenure review process.
  - There is a concern that giving the Dean an outsized voice in tenure processes could result in a culture of compliance, resulting in decisions being shaped by the Dean's agenda.
  - Some faculty members have expressed a lack of trust of the Dean/the Administration. Faculty members who have expressed differing views from the Dean at the DHC feel vulnerable about going up for review by the DEC given the Dean's presence and role on the DHC and DEC.
  - In addition, in a number of cases the Dean has suggested to Faculty members that they should engage in *less* service; this has been interpreted as a signal that faculty ought to refrain from speaking up and objecting.

## COMPARATORS

9. Similar to appointments, there are two prevailing models for decision-making in respect of tenure and promotion at Ontario law schools: one, where the Dean does not sit on the tenure committee (e.g., Queen's, Osgoode Hall), and the other, where the Dean participates, but their authority is far more fettered, and the committee procedures feature enhanced collegiality, transparency, and accountability to members of the unit (e.g. University of Ottawa, Bora Laskin, Windsor).
10. At Queen's and Osgoode Hall, where the Dean is not a member of the Tenure Committee, the tenure and promotion processes are as follows:
  - Queen's<sup>7</sup>
    - Each unit elects a Renewal/Tenure/Promotion Committee. The Tenure Committee elects its own Chair who is a voting member of the Committee. The Committee provides its recommendation to the Dean.
    - The Dean is not a member of the Committee.
    - If the Dean disagrees with the recommendation of the Committee, the Dean is required to discuss their concerns with the Committee.

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<sup>7</sup> **Tab 92A** - Article 30.2.1, 30.14.6, 30.14.8-30.15.4, of the Queen's University Faculty Association [Collective Agreement](#).

- The Dean makes a written recommendation to the Principal and includes the recommendation of the Committee.
  - The Principal makes the final decision.
- Osgoode Hall/York University<sup>8</sup>:
    - The Tenure and Promotions Adjudicating Committee assesses a candidate file in the first instance and provides it to the Dean. The Committee is comprised of the Associate Dean (Academic) who is normally the Chair, five members of the tenured faculty, and two students.
    - The Dean provides the candidate file to the Senate Committee on Tenure and Promotion for a review in the second instance.
    - The Senate Committee on Tenure and Promotion provides the file to the President.
    - The President then provides their recommendation to the Board of Governors.
11. While the Dean sits as a member of the Tenure Committee at the remaining Faculties of Law noted below, there is far greater oversight by colleagues, enhancing collegiality, transparency, and accountability to members of the Faculty than at the TMU School of Law:
- University of Ottawa<sup>9</sup>
    - The Faculty Teaching Personnel Committee (FTPC), composed of five tenured faculty members elected by a vote of the tenured faculty members in the Faculty. The FTPC assesses the candidate's teaching materials, evaluates the candidate's teaching performance, and provides a recommendation to the Dean.
    - The Dean is a non-voting Chair of the FTPC.
    - The FTPC selects the Outside Evaluators who conduct the assessment of the candidate's scholarly activities.
    - The Dean, after preliminary consultation with the FTPC, makes a recommendation to the Joint Committee of Senate and the Board of Governors.
    - The Joint Committee makes the final decision.
  - Bora Laskin/Lakehead University<sup>10</sup>
    - There are two Promotion, Tenure, and Renewal Committees – one for Arts and Science and one for Professional Faculties.

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<sup>8</sup> **Tab 92A** - Article 14 of the Osgoode Hall Faculty Association [Collective Agreement](#); **Tab 91B** - Subsection R – Tenure and Promotions Adjudicating Committee, Section VII: Governance of York University and Osgoode Hall Law School, Osgoode Hall Faculty [Handbook](#) [excerpted].

<sup>9</sup> **Tab 92A** - Articles 14, 23.2.4, 23.3.1, 23.3.2, 24.1.1, 24.2.1, 25.1.7, 25.4, of the Association of Professors of the University of Ottawa [Collective Agreement](#).

<sup>10</sup> **Tab 92A** - Article 22 and 25 of the Lakehead University Faculty Association [Collective Agreement](#).

- The Professional Faculties Committee is chaired by the Provost (non-voting), and includes faculty members elected from the Faculties concerned, one Faculty Dean from the Professional Faculties concerned, two faculty members from the Arts and Science Committee, and the Faculty Dean from the Arts and Science Committee. Only one committee member can be from the Faculty of Law.
  - Applications for candidates in the Faculty of Law are circulated to all full-time faculty members of the Faculty, who then vote on whether a candidate should be granted tenure.
  - The Professional Faculties Committee, in considering whether a candidate meets the criteria for tenure, takes into account (i) the vote held in the candidate's Faculty, (ii) the recommendation of the candidate's immediate supervisor, and (iii) the recommendation of the Dean, if the Dean is not the candidate's immediate supervisor.
  - The Professional Faculty Committee provides its recommendation to the President.
- University of Windsor<sup>11</sup>:
    - The Renewal, Tenure and Promotion Committee, of which the Dean is a non-voting member, submits its recommendations to a University Committee on Academic Promotion and Tenure (the University Committee).
    - The University Committee is chaired by the Provost (who is a non-voting member), and features representatives from each Faculty, such that half of the committee's Faculty representatives are Deans and half are elected faculty member representatives.
    - The University Committee's recommendation is submitted by the committee to the President.
- University of Toronto<sup>12</sup>
    - The Tenure Committee consists of the Dean of the Faculty of Law, the Dean of Graduate Studies, and five tenured faculty members, at least two of whom are from the Faculty of Law.
    - The Tenure Committee votes on a recommendation for or denying tenure.
    - The Dean forwards the recommendation of the Committee to the Provost.
    - The Provost forwards the recommendation to the President.

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<sup>11</sup> **Tab 92C** - Senate [Bylaw](#) 22, University of Western.

<sup>12</sup> **Tab 91C** - Paragraphs 14-16 of the Policy and Procedures on Academic Appointments, [University of Toronto](#).

- University of Western<sup>13</sup>
  - The Faculty's Committee on Promotion, Tenure and Continuing Status is comprised of the Dean as Chair (non-voting, except where there is a tie), and elected members from the Faculty.
  - The Committee and the Dean each provide a recommendation to the Provost.
  - The Committee's recommendation is written by a member of the Committee other than the Dean.
  - The Provost reviews both recommendations.
  - The Provost may consult the Vice-Provost (Academic Planning, Policy and Faculty) or the Vice-Provost (Research) regarding a file. If so, such consultation is documented.
  - The Provost approves or denies each recommendation of the Committee and the separate recommendation of the Dean.

12. These comparisons demonstrate, once again, that TMU is an outlier by giving the Dean such a prominent role in the tenure review process – a role which is inconsistent with the principles of collegial governance which are so fundamental to academic decision-making at other universities.

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<sup>13</sup> **Tab 92A** - Articles 9, 19.2, 20, 20.1, 20.4 – Promotion, Tenure and Continuing Status, University of Western Ontario Faculty Association [Collective Agreement](#).