



# Memorandum

**Office of the Provost**

James Administration Bldg., Room 504  
Tel.: 514-398-4177 / Fax: 514-398-4768

**TO:** Senate

**FROM:** Lydia White, Associate Provost (Policies, Procedures & Equity)

**SUBJECT:** Revisions to Regulations Relating to the Employment of Librarian Staff

**DATE:** September 4, 2013

**DOCUMENT #:** D13-03

**ACTION REQUIRED:**  INFORMATION     APPROVAL/DECISION

**ISSUE:** The *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* were approved by Senate and the Board of Governors in May 2012. Related changes need to be made to the *Regulations Relating to the Employment of Librarian Staff*, so that time constraints are consistent for all academic staff. Changes involving certain dates are proposed.

**BACKGROUND & RATIONALE:**

1. The *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* specify that staff members must make requests for a delay of reappointment consideration because of an authorized leave within 3 months prior to the beginning of the year of reappointment consideration. In the *Regulations Relating to the Employment of Librarian Staff*, staff members must make such requests within 30 days of returning to work. It is proposed to change the requirement for librarians, so that they also make the request within 3 months prior to the year of reappointment consideration.
  
2. The *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* specify that the Provost's decision regarding delay of reappointment consideration shall be confirmed no later than 2 months prior to the beginning of the staff member's year of reappointment consideration. In the *Regulations Relating to the Employment of Librarian Staff*, the Provost's decision regarding the delay of reappointment consideration shall be confirmed no later than 45 days following receipt of the librarian's request. It is proposed to change the requirement for librarians, so that they receive a response from the Provost no later than 2 months prior to the year of reappointment consideration.
  
3. The *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* specify that June 1<sup>st</sup> of the year of tenure consideration is the date by which tenure track academic staff must inform the Provost if they elect to defer tenure consideration because of an authorized leave. In the *Regulations Relating to the Employment of Librarian Staff*, this date is still August 31<sup>st</sup>. It is proposed to change this date to June 1<sup>st</sup>.
  
4. The *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* specify that August 15<sup>th</sup> of the year of tenure consideration is the date by which the chair of the UTC shall forward a copy of the ranked list of external evaluators to the Secretary-General, with a copy to the candidate and the Chair of the department. In the *Regulations Relating to the Employment of*

*Librarian Staff*, this date is September 1<sup>st</sup>. It is proposed to change this date to August 15<sup>th</sup>.

5. Section 2.1.4 of the *Regulations Relating to the Employment of Librarian Staff* states: ‘All definite term tenure track appointments and reappointments of staff members shall be made to expire on May 31’. It is proposed to delete this provision, which is inflexible, and leads to inequities in the length of the initial appointment and in the year of reappointment consideration. There is no such provision in the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff*.

6. Section 6 of the *Regulations Relating to the Employment of Librarian Staff* relates to Emeritus and Retired status. This section has been replaced by the recently approved *Regulations on Retirement of Academic Staff*. Consequently, it should be removed.

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**MOTION:**

*Be it resolved that:*

1. Section 2.3.5.2 shall read: The staff member shall request such consideration in writing to the Provost within 3 months prior to the beginning of the staff member’s year of reappointment consideration. The Provost shall confirm approval of such an extension no later than 2 months prior to the beginning of the staff member’s year of reappointment consideration.
2. Section 3.4.3. The words ‘no later than August 31 of the year of consideration’ be replaced by ‘no later than June 1 of the year of consideration’.
3. Section 3.32.10. The words ‘by September 1 of the year of consideration’ shall be replaced by ‘by August 15 of the year of consideration’.
4. Section 2.1.4 shall be deleted.
5. Section 6 shall be deleted.

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**PRIOR  
CONSULTATION:**

Libraries; MAUT-LS

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**NEXT STEPS:**

Board of Governors

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**APPENDICES:**

**Appendix A.** *REGULATIONS RELATING TO THE EMPLOYMENT OF LIBRARIAN STAFF*

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## Regulations Relating to the Employment of Librarian Staff

*Last revised by:*

Senate

September 20, 2012

Minute IIB7

Board of Governors

September 27, 2012

Minute 10

*Full history appears at the end of this Policy.*

### SECTION 1: GENERAL

#### Preamble & Scope

- 1.1 The regulations herein set out the general terms of employment by the University of the librarian academic staff of the McGill University Libraries, in particular as they relate to their appointment, reappointment, tenure, and dismissal.

#### Definitions

- 1.2.1 “Academic year” denotes the period from the 1st of September to the 31st of August next following.
- 1.2.2 “Academic duties” of a staff member include:
- (i) position responsibilities, which require the exercise of professional expertise or practice;
  - (ii) professional and scholarly activities, which may include research; and
  - (iii) other contributions to the University and scholarly communities.
- 1.2.3 “Advisor” means a member of the University community who has agreed to act in an advisory capacity to a staff member. Such individuals act in accordance with these regulations and are deemed, in so doing, to perform part of their duties. They do so without receiving additional remuneration. An advisor shall be accorded full respect by the University’s administrative officers.
- 1.2.4 “Definite term appointment” means a term of limited duration as indicated in the official letter of appointment.
- 1.2.5 “Indefinite term appointment” means a term of unlimited duration as indicated in the official letter of appointment.
- 1.2.6 “Non-tenure track appointment” means an appointment for a definite or indefinite term that does not lead to tenure.
- 1.2.7 “Official letter of appointment” means the letter of appointment or reappointment issued in accordance with the *Regulations Relating to the Approval of Contracts and Signing Authority* (Academic Contracts of Employment and Academic Administrative Appointments).
- 1.2.8 “Staff member” means a member of the librarian academic staff appointed to the McGill University Libraries.

- 1.2.9** “Statutory Selection Committee” means the committee established in accordance with article 3.4.3 of the *Statutes*.
- 1.2.10** “Tenure” means the right of a staff member to hold her or his appointment and not to be removed therefrom except for just cause.
- 1.2.11** “Tenure track appointment” means an appointment for a definite term that may lead to tenure.
- 1.2.12** “The Principal” means the Principal of McGill University, appointed under the *Charter* and *Statutes* thereof, or the officer validly designated from time to time to discharge the Principal's duties.
- 1.2.13** “University Tenure Committee” means the committee of Senate referred to in Section 3.11.

### **Notices**

- 1.3.1** Any notice required to be communicated under these regulations shall be communicated either by delivery to the staff member in person at her or his office within the University, or by registered mail or courier with acknowledgment of receipt card to her or his last address recorded with the University administration.
- 1.3.2** Any notice sent in accordance with Section 1.3.1 shall be deemed to be received by the staff member on the earlier of:
- (i) the day it was delivered; or
  - (ii) the fourth day after mailing.

### **Duties of Librarian Staff**

- 1.4.1** A staff member is expected to be engaged throughout the academic year primarily in the staff member's academic duties.
- 1.4.2** The allocation of academic duties is the responsibility of the Director or Dean of Libraries or delegate who shall take into account:
- (i) the requirement for staff members to meet the criteria for reappointment (Section 2.3.1), tenure (Sections 3.10 or 3.59) or promotion (section 4.2); and
  - (ii) the pattern of such allocation within the McGill University Libraries.

## **CATEGORIES AND RANKS OF LIBRARIAN STAFF**

### **Categories**

- 1.5.1** A staff member shall be appointed:
- (i) on tenure track or non-tenure track;
  - (ii) for a definite term or indefinite term; and
  - (iii) as full time or part time;
- as designated in her or his official letter of appointment.

### **Ranks**

- 1.5.2** A staff member shall be appointed to one of the following ranks:
- (i) assistant librarian;
  - (ii) associate librarian;
  - (iii) full librarian;
- as designated in her or his official letter of appointment.

## **SECTION 2: APPOINTMENT AND REAPPOINTMENT OF TENURE TRACK LIBRARIAN STAFF**

### **General**

- 2.1.1** Staff members on definite or indefinite term tenure track appointments in the McGill University Libraries shall be only those who are so designated in their official letter of appointment.
- 2.1.2.1** Subject to Section 2.1.2.2, all definite term tenure track appointments shall be made by the Provost upon the recommendation of the Director or Dean of Libraries who, prior to making such recommendation, shall have consulted a selection committee.
- 2.1.2.2** All tenure track appointments of staff members
- (i) to indefinite term appointments; or
  - (ii) to the rank of full librarian whether to a definite term or an indefinite term;
- shall be made by the Board of Governors upon the recommendation of the Principal who, prior to making the recommendation, shall have consulted the University Tenure Committee for Recruitment in accordance with the provisions of Sections 3.53 through 3.57.
- 2.1.3** Where a tenure track staff member is to be appointed in her or his official letter of appointment to a faculty or department as well as to the McGill University Libraries, the Director or Dean of Libraries and the respective dean and, if appropriate, departmental chair, shall jointly recommend the appointment to the Provost.
- 2.1.4** All definite term tenure track appointments and reappointments of staff members shall be made to expire on May 31.
- 2.1.5** A staff member who has been granted tenure pursuant to Section 3 shall be appointed on indefinite term.
- 2.1.6** A staff member who has been denied tenure upon mandatory consideration for tenure may be reappointed for a terminal year.

### **TERMS OF APPOINTMENT AND REAPPOINTMENT**

#### **Assistant Librarian**

- 2.2.1** An assistant librarian appointed on tenure track shall be initially appointed on a definite term appointment of at least three (3) years but less than four (4) years.
- 2.2.1.1** An assistant librarian appointed on tenure track may be reappointed at this rank for additional definite term appointments of not less than one (1) year and not more than four (4) years provided that, subject to Sections 2.3.5.1 through 2.3.5.4, 5.4.1 and 5.4.2, the appointment and reappointments shall not exceed in aggregate seven (7) years.
- 2.2.1.2** No later than the sixth (6<sup>th</sup>) year as an assistant librarian on tenure track, the staff member shall be considered for tenure and promotion to associate librarian in accordance with the provisions of Section 3.

## **Associate Librarian**

- 2.2.2** An associate librarian appointed on tenure track shall be initially appointed
- (i) on a definite term appointment of at least three (3) years but less than four (4) years; or
  - (ii) on indefinite term with tenure.
- 2.2.2.1** An associate librarian appointed on tenure track may be reappointed at this rank for additional definite term appointments of not less than one (1) year and not more than three (3) years provided that, subject to Sections 2.3.5.1 through 2.3.5.4, 3.4.1 and 3.4.2, the appointment and reappointments shall not exceed in aggregate six (6) years.
- 2.2.2.2** No later than the fifth (5<sup>th</sup>) year as an associate librarian on tenure track, the staff member shall be considered for tenure in accordance with the provisions of Section 3.

## **Full Librarian**

- 2.2.3** A full librarian appointed on tenure track shall be initially appointed
- (i) on a definite term appointment of at least five (5) years but less than six (6) years; or
  - (ii) with tenure.
- 2.2.3.1** Subject to Sections 2.3.5.1 through 2.3.5.4, 3.4.1 and 3.4.2, no later than the fourth (4<sup>th</sup>) year as tenure track full librarian the staff member shall be considered for tenure in accordance with the provisions of Section 3.

## **REAPPOINTMENT OF TENURE TRACK LIBRARIAN STAFF**

### **Criteria for Reappointment**

- 2.3.1** The McGill University Libraries shall establish written criteria for the reappointment of assistant librarians and associate librarians appointed to definite term tenure track appointments. The criteria shall provide staff members with guidance in anticipation of meeting the requirements for reappointment and tenure.
- 2.3.1.1** The criteria for reappointment shall be approved by the Director or Dean of Libraries who shall, prior to their approval, consult with an appropriate committee of the McGill University Libraries.
- 2.3.1.2** The Director or Dean of Libraries or delegate shall communicate the criteria for reappointment in writing to the staff member no later than sixty (60) days after the staff member's appointment.

### **Performance Reviews**

- 2.3.2** The Director or Dean of Libraries or delegate shall in each year provide a staff member appointed to a definite term tenure track appointment with a written performance review.

### **Reappointment Dossier**

- 2.3.3** At the time of consideration for reappointment the staff member shall provide the chair of the committee referred to in Section 2.3.6 with the necessary information and documentation ("dossier") to support her or his case for reappointment.
- 2.3.3.1** A staff member shall be guided in the preparation of her or his dossier by the requirements for a tenure dossier as set out in Section 3.33.

## **Due Diligence**

**2.3.4** It is the responsibility of the staff member to use diligence in pursuing her or his claim to reappointment.

## **Stopping the “Reappointment Clock”**

**2.3.5.1** Where a staff member has been on authorized leave for a period of three (3) months or more the Provost may extend the staff member’s definite term appointment.

**2.3.5.2** The staff member shall request such consideration in writing, no later than thirty (30) days following the staff member’s return to work. The Provost shall confirm approval of such an extension no later than forty-five (45) days following receipt of the staff member’s request.

**2.3.5.3** Where approved, the staff member’s appointment shall be extended for a maximum of one (1) year per authorized leave. The staff member shall not be entitled to more than two such extensions.

**2.3.5.4** A staff member who has been granted such an extension of her or his definite term appointment under this Section shall not be entitled to make an election under Sections 3.4.1 and 3.4.2 with respect to the same leave or leaves.

## **Reappointment Consideration**

**2.3.6** A staff member’s case for reappointment shall be considered by:

- (i) a reappointments committee of the McGill University Libraries which, in the case of a joint appointment, shall have representation from any relevant department or faculty;
- (ii) the Director or Dean of Libraries who, in the case of a joint appointment, shall consult the dean of any relevant faculty; and
- (iii) the Provost.

**2.3.6.1** The reappointments committee and the Director or Dean of Libraries shall base their recommendations, and the Provost or delegate shall base her or his decision, on the staff member’s performance of her or his academic duties and whether the staff member’s dossier discloses satisfactory promise of and progress towards meeting the tenure criteria as set out in Section 3.10.

**2.3.6.2** Subject to Section 2.6.5.3, the reappointments committee shall submit a written report containing substantive reasons to the Director or Dean of Libraries and to the staff member recommending either the reappointment of the staff member for a further definite term in accordance with Sections 2.2.1.1 or 2.2.2.1 or the non-renewal of the staff member’s appointment.

**2.3.6.3** Where the reappointments committee, on consideration of the staff member’s case for reappointment, is tending towards recommending non-renewal of the appointment, the committee, prior to reaching its recommendation, shall provide the staff member with written reasons and an opportunity to appear before it accompanied by an advisor, if she or he so wishes.

**2.3.6.4** Where the Director or Dean of Libraries is tending towards disagreeing with a positive recommendation of the reappointments committee, she or he, prior to reaching her or his recommendation, shall:

- (i) notify the staff member and the chair of the reappointments committee in writing that she or he is so tending;
- (ii) provide the staff member and the chair of the reappointments committee with written reasons; and
- (iii) provide the staff member with an opportunity to appear before her or him accompanied by an advisor, if she or he so wishes.

- 2.3.6.5** Where the Director or Dean of Libraries is tending towards agreeing with a negative recommendation of the reappointments committee, she or he, prior to reaching her or his recommendation, shall:
- (i) notify the staff member in writing that she or he is so tending;
  - (ii) provide the staff member with written reasons; and
  - (iii) provide the staff member with an opportunity to appear before her or him accompanied by an advisor if she or he so wishes.
- 2.3.6.6** Where the Provost is tending towards disagreeing with a positive recommendation of the Director or Dean of Libraries, the Provost, prior to reaching her or his decision, shall:
- (i) notify the staff member and Director or Dean of Libraries in writing that she or he is so tending;
  - (ii) provide the staff member and the Director or Dean of Libraries with written reasons; and
  - (iii) provide the staff member with an opportunity to appear before her or him accompanied by an advisor if she or he so wishes.

### **Non-Reappointment for University Priorities**

- 2.3.7** Notwithstanding a determination that a staff member, appointed to a definite term tenure track appointment, meets the requirements for reappointment, University priorities, as determined by Senate, which prevent the reappointment of the staff member, established and published before the staff member is considered for reappointment, shall be sufficient reason to refuse the reappointment.

In such cases, the staff member shall be reappointed for an additional year without the possibility of renewal and shall receive from the Provost or delegate a written statement of appreciation and recognition that the staff member would have been reappointed but for established University priorities.

### **Notice of Reappointment or Termination**

- 2.3.8** Subject to Section 2.3.8.2, notification of reappointment or termination of appointment of a staff member appointed to a definite term tenure track appointment shall be given at least 37 weeks before the termination date of the staff member's current appointment.
- 2.3.8.1** Subject to Section 8.15, in the event that notification has not been given to the staff member as prescribed in Section 2.3.8 the appointment shall be extended for one (1) year.
- 2.3.8.2** Section 2.3.8 does not apply to a staff member appointed to a definite term tenure track appointment whose term of reappointment is one (1) year and whose letter of reappointment specifies that her or his reappointment is not subject to renewal.

## **SECTION 3: TENURE OF LIBRARIAN STAFF**

### **Preamble**

- 3** Staff members on definite term tenure track appointments at McGill University, and persons being appointed to indefinite term tenure track appointments who already hold librarian appointments at their universities or scholarly institutions, are eligible for consideration for tenure in accordance with Section 3.



## **Consideration for Tenure**

- 3.1** Every assistant librarian on a definite term tenure track appointment shall be considered for tenure and promotion to the rank of associate librarian no later than during the sixth (6<sup>th</sup>) academic year of her or his appointment to that rank.
- 3.1.1** An assistant librarian on a definite term tenure track appointment who is granted tenure shall be promoted to the rank of associate librarian with tenure.
- 3.1.2** An assistant librarian on a definite term tenure track appointment may request one early consideration for tenure and promotion no earlier than the third (3<sup>rd</sup>) year of her or his appointment to that rank. The Director or Dean of Libraries, on the other hand, may, with the consent of the staff member, initiate such early consideration at any time. Such consideration shall take place in the ordinary course commencing in May following the request.
- 3.2** Every associate librarian on a definite term tenure track appointment shall be considered for tenure during the fifth (5<sup>th</sup>) academic year of appointment to that rank.
- 3.2.1** Every associate librarian on a definite term tenure track appointment is entitled to one early consideration for tenure at any time at her or his own request. The McGill University Libraries, on the other hand, may, with the consent of the staff member, also initiate such early consideration at any time. Such consideration shall take place in the ordinary course commencing in May following the request.
- 3.3** Every full librarian on a definite term tenure track appointment shall be considered for tenure during the fourth (4<sup>th</sup>) academic year of appointment to that rank.
- 3.3.1** Every full librarian on a definite term tenure track appointment is entitled to early consideration for tenure at any time at her or his own request. The McGill University Libraries, on the other hand, may, with the consent of the staff member, also initiate such early consideration at any time. Such consideration shall take place in the ordinary course commencing in May following the request.
- 3.4** Subject to Sections 3.4.1 and 3.4.2, the calculation of years of service for tenure consideration under Sections 3.1, 3.2(i) and 3.3 shall begin June 1 of the calendar year of first appointment to tenure track.
- 3.4.1** The staff member shall elect, as provided in the regulations, policies, and guidelines on leaves, whether to include or exclude as periods of service for tenure consideration, periods of authorized leave for which such election is provided from time to time in applicable University regulations, policies and guidelines on leaves.
- 3.4.2** The staff member shall elect whether to include or exclude, as periods of service for tenure consideration, periods of authorized short-term disability, long-term disability leaves, or other leaves provided for by applicable legislation, where such leave or leaves are longer than three (3) consecutive months.
- 3.4.3** A staff member's election under Sections 3.4.1 and 3.4.2 shall be communicated in writing to the Provost with a copy to the Director or Dean of Libraries and the Secretary-General, no later than August 31 of the year of consideration in which the staff member would normally be subject to mandatory tenure consideration.
- 3.5** For the purposes of Section 3 the "year of consideration" shall be defined as the thirteen month period from May 1 to May 31 of the following calendar year.

- 3.6** Any staff member on a definite term tenure track appointment who wishes to initiate early consideration for tenure under Sections 3.1.2, 3.2.1 or 3.3.1 shall so notify the chair of the Library Tenure Committee and the Director or Dean of Libraries in writing no later than April 15 immediately preceding the commencement of the year of consideration in which he or she wishes to be considered.
- 3.6.1** Where the staff member has been appointed by the Board of Governors in one or more academic units as well as the McGill University Libraries, the written notification shall also be submitted to all relevant chairs and deans.
- 3.7** The Director or Dean of Libraries shall notify the Secretary-General in writing by May 1 of the year of consideration of the names of all staff members who, under Sections 3.1, 3.2(i) and 3.3, shall be considered for tenure during that year of consideration. The Director or Dean of Libraries shall include in the list the names of staff members who have requested early consideration for tenure under Sections 3.1.2, 3.2.1 and 3.3.1.
- 3.7.1** It is the responsibility of the Director or Dean of Libraries to ensure that the deadline stipulated in Section 3.7 is respected.
- 3.8** The effective date of a grant of tenure shall be June 1 of the calendar year in which the grant of tenure is approved by the Board of Governors.

#### **Due Diligence**

- 3.9** It is the responsibility of the staff member being considered for tenure (herein, “the candidate”) to prepare and pursue her or his case for tenure.

#### **Tenure Criteria**

- 3.10** The Library Tenure Committee and the University Tenure Committee, hereinafter provided for, and the Principal or delegate shall base their recommendations on the candidate’s performance of academic duties as defined in Section 1.2.2. Superior performance in position responsibilities, the first category set out in Section 1.2.2, which is the most important of the academic duties, is required and a superior performance in one of the remaining two categories and a reasonable performance in the other shall be the minimum requirement for the granting of tenure.

#### **Tenure Committees**

- 3.11** Except as provided in Section 3.53 the case of each candidate shall be considered by a Library Tenure Committee and subsequently by a committee of Senate, called the University Tenure Committee for the Libraries (herein “University Tenure Committee”).
- 3.12.1** The Library Tenure Committee shall make a recommendation to the University Tenure Committee regarding the granting of tenure to the candidate based on the criteria in Section 3.10 and, in doing so, shall represent the judgment of the McGill University Libraries and any academic units in which the candidate has been appointed as designated in her or his official letter of appointment.
- 3.12.2** The University Tenure Committee shall make a recommendation to the Principal regarding the granting of tenure to the candidate based on the criteria set out in Section 3.10.
- 3.13** No committee member shall serve at two or more levels of the tenure consideration process of any one candidate in the same year of consideration.
- 3.14** Except as provided for in the regulations neither members of the Library Tenure Committee, nor members of the University Tenure Committee, nor the Principal or delegate shall make outside consultations concerning any candidate’s consideration for tenure.

**3.15** No later than September 1 of the year of consideration, candidates shall be informed of the composition of the Library Tenure Committee and the University Tenure Committee by the chair of each committee.

**3.15.1** Reasonable efforts shall be made by the McGill University Libraries to give due consideration to the gender representation of the tenured librarian staff when selecting members for the Library Tenure Committee and the University Tenure Committee.

#### **Library Tenure Committee: Chair**

**3.16** Subject to Section 3.17, the chair of the Library Tenure Committee shall be chosen from amongst members of the tenured librarian staff, excluding the Director or Dean of Libraries, deans, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, by an established documented collegial process appropriate to the Libraries and approved by the Director or Dean of Libraries.

**3.17** Where a candidate has been appointed by the Board of Governors in one or more departments and/or faculties without departments, as well as the McGill University Libraries, the Director or Dean of Libraries shall consult with the chair(s) of the relevant department(s) and/or the persons chosen under Section 3.16 and decide who shall chair the Library Tenure Committee.

**3.18** If no agreement is reached under Section 3.17, the chair of the Library Tenure Committee shall be chosen by the Director or Dean of Libraries and the dean or deans of the faculty or faculties in which the candidate holds appointment.

**3.18.1** If no agreement is reached under Section 3.18, the chair of the Library Tenure Committee shall be chosen by the Provost.

**3.19** The chair of the Library Tenure Committee shall have both voice and vote.

#### **Library Tenure Committee: Membership**

**3.20** Subject to Sections 3.22.1 and 3.22.2, the Library Tenure Committee for a candidate who is appointed only in the McGill University Libraries shall be composed of the chair and at least four other members of the Libraries, who shall be chosen from amongst tenured librarian staff members through an established documented collegial process appropriate to the Libraries and approved by the Director or Dean of Libraries. Two alternate committee members shall also be chosen in accordance with the same procedures.

**3.20.1** The documented collegial processes referred to in Section 3.20 shall be publicly available at the commencement of the tenure consideration process in each year of consideration, and candidates shall be made aware of the location of this documentation.

**3.21** Where a candidate has been appointed by the Board of Governors in one or more departments and/or faculties without departments, as well as the McGill University Libraries, the composition of the Library Tenure Committee shall be determined by the Director or Dean of Libraries and chairs of the departments and the deans of the faculties without departments, as appropriate.

**3.21.1** If no agreement is reached under Section 3.21, the composition of the Library Tenure Committee shall be determined by the Director or Dean of Libraries and the dean or deans.

**3.21.2** If no agreement is reached under Section 3.21.1, the composition of the Library Tenure Committee shall be determined by the Provost.

- 3.22.1** In the event that a member of the Library Tenure Committee is unable to consider the case of a candidate, or is disqualified for cause or for conflict of interest, an alternate member of the committee shall fill the vacancy, but only in cases where there has been no meeting at which consideration of the merit of the candidate's case for tenure has taken place.
- 3.22.2** In the event that a member of the Library Tenure Committee is absent from a meeting at which the merit of a candidate's case for tenure is considered, that member shall not participate in further consideration of that candidate's case for tenure.
- 3.22.3** Notwithstanding Section 3.20, where there has been a meeting at which consideration of the merit of a candidate's case for tenure has already commenced, a vacancy shall remain unfilled, and the Library Tenure Committee shall continue its consideration of the candidate's case for tenure with the remaining members.
- 3.23** Insofar as it is otherwise permissible under these regulations, the Library Tenure Committee hearing the cases of candidates in a given year of consideration shall be composed of the same persons.

#### **University Tenure Committee: Chair**

- 3.24** Subject to Sections 3.25.1 and 3.26, the University Tenure Committee shall normally be presided over by the Director or Dean of Libraries.
- 3.24.1** At the commencement of each year of consideration, the Director or Dean of Libraries shall propose from amongst the tenured members of the librarian staff of the University Tenure Committee, an alternate chair to serve in the event that the Director or Dean of Libraries is unable to chair the University Tenure Committee, or is disqualified for cause or conflict of interest. Alternate chairs shall be approved by the Nominating Committee.
- 3.25.1** Subject to Section 3.25.2, where a candidate has been appointed by the Board of Governors in one or more departments and/or faculties without departments, as well as the McGill University Libraries, the Director or Dean of Libraries and the dean(s) of the relevant faculty(ies) shall consult and decide who shall chair the University Tenure Committee.
- 3.25.2** If no agreement is reached under Section 3.25.1, the chair of the University Tenure Committee shall be chosen by the Provost.
- 3.26** Under exceptional circumstances a vice-principal or Deputy Provost with tenure may preside over the University Tenure Committee if Senate so orders.
- 3.27** The chair of the University Tenure Committee shall have both vote and voice.

#### **University Tenure Committee: Membership**

- 3.28** The University Tenure Committee shall, in addition to the Director or Dean of Libraries, consist of five members.

- 3.28.1** The Director or Dean of Libraries shall appoint two members to the University Tenure Committee from a list of three tenured members of the McGill University Libraries (the “library list”). The Libraries shall determine the manner in which the members of the library list are selected. Membership of the library list shall be for a two (2) year renewable term.
- 3.28.2** The Secretary-General or delegate shall appoint the other three members to the University Tenure Committee from the list approved by Senate (the “Senate list”). The Senate list shall be composed of four tenured members of the academic staff who do not hold appointments in the McGill University Libraries.
- Membership of the Senate list shall be for a two (2) year renewable term.
- 3.28.3** Appointments to the University Tenure Committee from the Senate list shall be based on a system of regular rotation and take into account the availability of the members of the academic staff on the list.
- 3.29** Where a candidate holds appointments in one or more faculties, as well as the McGill University Libraries, the Director or Dean of Libraries and the dean(s) of the faculty(ies) shall consult and, by June 15 of the year of consideration, agree on the composition of the University Tenure Committee which shall consider her or his case, in accordance with Sections 3.28.1, 3.28.2 and 3.30.1.
- 3.29.1** If no agreement is reached by the Director or Dean of Libraries and the dean(s) under Section 3.29, the Provost shall decide upon the composition of the University Tenure Committee from the library list, the faculty lists and the Senate lists.
- 3.30.1** No two members of the University Tenure Committee appointed by the Secretary-General under Section 3.28.2 shall hold appointments in the same faculty.
- 3.30.2** In the event that a member of the University Tenure Committee is unable to consider the case of a candidate, or is disqualified for cause or for conflict of interest, the vacancy shall be filled by a member selected from the library list or the Senate list, as appropriate, but only in cases where there has been no meeting at which consideration of the merit of a candidate’s case for tenure has taken place.
- 3.30.3** In the event that a member of the University Tenure Committee is absent from a meeting at which the merit of a candidate’s case for tenure is considered, that member shall not participate in further consideration of that candidate’s case for tenure and the University Tenure Committee shall continue its consideration.
- 3.30.4** Notwithstanding Section 3.28, where there has been a meeting at which consideration of the merit of a candidate’s case for tenure has already commenced, a vacancy shall remain unfilled, and the University Tenure Committee shall continue its consideration of the candidate’s case for tenure with the remaining members.
- 3.31** Senate, itself or through a committee, shall determine any challenge by a candidate for cause and any other question with regard to the composition and the procedures of the University Tenure Committee.

### **External Evaluators**

- 3.32** In addition to evaluation by the members of the Library Tenure Committee and the University Tenure Committee, the professional and scholarly activities, which may include research, and the contributions to scholarly communities of each candidate for tenure, other than those being considered under Section 3.53, shall be evaluated by three persons not in the employ of the University, of recognized standing and accomplishment who are qualified to provide an evaluation, herein referred to as “external evaluators”.

- 3.32.1** Prior to June 15 of the year of consideration, the chair of the Library Tenure Committee and the candidate shall mutually agree upon a list of eight external evaluators, which list shall be approved by the University Tenure Committee.
- 3.32.2** Where the candidate holds appointment in one or more departments, and/or faculties without departments, as well as the McGill University Libraries, the eight proposed external evaluators shall be mutually agreed upon by the candidate, the Director or Dean of Libraries or the chair of the Library Tenure Committee, and the chair(s) of the relevant department(s) and/or the dean(s) of the relevant faculty(ies) without departments.
- 3.32.3** If no agreement is reached under Sections 3.32.1 and 3.32.2 as to the proposed list of external evaluators, the University Tenure Committee shall make up the list from the names submitted by the candidate, the Director or Dean of Libraries or chair of the Library Tenure Committee, and the chair(s) of the relevant department(s) and/or dean(s) of faculty(ies) without departments.
- 3.32.4.1** The chair of the Library Tenure Committee and the candidate shall provide a written justification for the choice of each proposed external evaluator and this document shall form part of the candidate's tenure dossier.
- 3.32.4.2** In the case of a candidate who holds appointments in one or more departments, and/or faculties without departments, as well as the McGill University Libraries, the written justifications shall be provided by the chair of the Library Tenure Committee and the chairs of the relevant departments and/or the deans of the relevant faculties without departments, and the candidate.
- 3.32.5** Proposed external evaluators shall not be current or former thesis or research supervisors, students, or individuals with whom the candidate has or has had a close personal or professional relationship, nor individuals who, in the past six (6) years, have been librarian colleagues in the McGill University Libraries or collaborators of the candidate.
- 3.32.6** If the chair of the Library Tenure Committee or the Director or Dean of Libraries has requested recommendations for the candidate from a proposed external evaluator during the two (2) years immediately preceding the year of consideration, this fact shall be noted on the list. The candidate shall signify on the list that she or he was aware of this fact when agreeing to the list.
- 3.32.7** No later than June 15 of the year of consideration, the chair of the Library Tenure Committee shall forward to the chair of the University Tenure Committee and the Secretary-General the following documents which shall form part of the candidate's tenure dossier:
- (i) a list of eight proposed external evaluators;
  - (ii) the written justification for the choice of each proposed external evaluator as provided in Sections 3.32.4.1 and 3.32.4.2.
- 3.32.8** No later than June 15 of the year of consideration the candidate shall provide a current curriculum vitae to the chair of the Library Tenure Committee and the chair shall forward the curriculum vitae to the chair of the University Tenure Committee and the Secretary-General.
- 3.32.9** External evaluations shall not be sought or received from any other evaluators.
- 3.32.10** The University Tenure Committee shall rank the eight proposed external evaluators in order of preference and the chair of the University Tenure Committee shall forward a copy of the ranked list to the Secretary-General by September 1 of the year of consideration, with a copy to the candidate and chair of the Library Tenure Committee.
- 3.32.10.1** It is the responsibility of the chair of the University Tenure Committee to ensure that the deadline stipulated in Section 3.32.10 is respected.

- 3.32.11** The Secretary-General or delegate shall attempt to contact the first three external evaluators on the ranked list to invite them to serve.
- 3.32.11.1** If the first three external evaluators contacted are prepared to serve, no further external evaluators shall be contacted.
- 3.32.11.2** If one or more of the external evaluators is unable to serve, or if the Secretary-General or delegate is unable to contact an external evaluator, she or he shall contact replacements in descending order on the ranked list until three external evaluators have agreed to serve.
- 3.32.12** The Secretary-General or delegate shall ask each external evaluator to provide an evaluation of the candidate's professional and scholarly activities, which may include research, and the candidate's contributions to scholarly communities and to submit the evaluation by November 20 of the year of consideration. External evaluations received after this date shall be submitted:
- (i) to the Library Tenure Committee but only if it has not commenced its consideration of the merit of the candidate's case; and
  - (ii) to the University Tenure Committee pursuant to Section 3.46.2.
- 3.32.13** Subject to Section 3.46.2, no member of the University community other than the Secretary-General or delegate shall contact any external evaluator in regard to the candidate.
- 3.32.14** If the Library Tenure Committee or the University Tenure Committee is tending to a negative recommendation, the candidate shall be given a copy of the external evaluations with nominative information removed as prescribed by applicable legislation.

### **Tenure Dossier**

- 3.33** The "tenure dossier" shall consist of the following documents:
- (i) the "internal package", which shall be compiled by the candidate and includes the candidate's curriculum vitae, the candidate's personal statement in support of her or his candidature, a record of the candidate's position responsibilities and performance reviews, professional and scholarly activities, which may include research, and other contributions to the University and scholarly communities as well as any other materials the candidate may wish to submit (including a portfolio on the candidate's teaching activities, if any);
  - (ii) all reports received from external evaluators, by the deadline set out in Section 3.32.12;
  - (iii) the written justification for the choice of each of the external evaluators described in Section 3.32.4.1 and 3.32.4.2;
  - (iv) additional items submitted in accordance with Sections 3.38, 3.39.1 and 3.46.1.
- 3.34** The "external package" consists of the same documents as the internal package, with the exception of the candidate's performance reviews and teaching portfolio, if any.
- 3.35** By September 1 of the year of consideration, the candidate shall submit five copies of the internal package and four copies of the external package to the Secretary-General who shall forthwith transmit:
- (i) the internal packages to the chairs of the Library Tenure Committee and the University Tenure Committee; and
  - (ii) the external packages to the external evaluators.
- 3.35.1** A candidate may not add material to the external package after September 1.
- 3.36** On receipt of the internal packages the chairs of the Library Tenure Committee and the University Tenure Committee shall forthwith make the internal packages available to the committee members.

- 3.37** By November 25 of the year of consideration the Secretary-General or delegate shall transmit the external evaluator reports to the chairs of the Library Tenure Committee and University Tenure Committee. The chairs of the Library Tenure Committee and University Tenure Committee shall forthwith transmit the reports to the committee members.

### **Adding Items to the Tenure Dossier**

- 3.38** Until November 15 of the year of consideration, and provided the Library Tenure Committee has not finalized its recommendation, the chair of the Library Tenure Committee may add items to complete the candidate's tenure dossier. The candidate shall be given a copy of any item that has been added, and shall be allowed to prepare a written response which shall be included in the tenure dossier.
- 3.38.1** The chair of the Library Tenure Committee shall also provide the Secretariat with a copy of any items added to the candidate's tenure dossier under Section 3.38.
- 3.39.1** Until November 15 of the year of consideration the candidate may submit additional material on professional and scholarly activities, which may include research with written explanation, to the chair of the Library Tenure Committee.
- 3.39.2** After November 15 of the year of consideration, at the request of the Library Tenure Committee, the University Tenure Committee or the Principal or her or his delegate, new evidence relating to any category of academic duties may be submitted by the candidate, but only to clarify an issue that arises during the course of the deliberations.
- 3.39.3** The candidate shall file with the Secretariat a copy of all additional material submitted pursuant to Sections 3.39.1 and 3.39.2 and this material shall become part of the candidate's tenure dossier.

### **Deliberations: Library Tenure Committee**

- 3.40** If, after considering the candidate's tenure dossier, the Library Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 3.10, have been met by the candidate, it shall recommend to the University Tenure Committee that the candidate be granted tenure, giving its reasons in writing.
- 3.41** If, after considering the candidate's tenure dossier, the Library Tenure Committee is tending towards making a negative recommendation, it shall notify the candidate in writing of its reasons therefore, and provide the candidate, accompanied by an advisor if she or he wishes, with the opportunity to address the Committee, prior to its arriving at its final recommendation.
- 3.41.1** If, after having provided the candidate with the opportunity to address it, the Library Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 3.10, have been met by the candidate, it shall recommend to the University Tenure Committee that the candidate be granted tenure, giving its reasons in writing.
- 3.41.2** If, after having provided the candidate with the opportunity to address it, the Library Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 3.10, have not been met by the candidate, it shall recommend to the University Tenure Committee that the candidate not be granted tenure, giving its reasons in writing.
- 3.42** The Library Tenure Committee shall communicate its report and recommendation concerning the candidate's tenure to the Secretary-General as soon as possible but no later than January 25 of the year of consideration, on forms provided by the University Secretariat. The report and recommendations shall include the Library Tenure Committee's reasons.



The Secretary-General or delegate shall forthwith transmit copies of the report and recommendation to the candidate and to the University Tenure Committee.

- 3.43** It is the responsibility of the chair of the Library Tenure Committee to ensure that the deadline stipulated in Section 3.42 is respected; nevertheless should the Library Tenure Committee fail to meet the delay specified in Section 3.42 it shall remain seized of the matter before it.

#### **Deliberations: University Tenure Committee**

- 3.44** The University Tenure Committee shall start its consideration of the candidate's case as soon as it receives the Library Tenure Committee report and recommendations from the Secretary-General or delegate.
- 3.45** If, after considering the candidate's tenure dossier and the Library Tenure Committee report, the University Tenure Committee concludes that the criteria for grant of tenure set out in Section 3.10 have been met, it shall recommend to the Principal that the candidate be granted tenure, giving its reasons in writing to the Principal.
- 3.46.1** If, after considering the candidate's tenure dossier and the Library Tenure Committee report, the University Tenure Committee is unable to recommend tenure because of lack of information on the candidate's position responsibilities, professional and scholarly activities, which may include research, or other contributions to the University and scholarly communities, it may, at its discretion, seek further information from the chair of the Library Tenure Committee.
- 3.46.2** If, after considering the candidate's tenure dossier and the Library Tenure Committee report, the University Tenure Committee is unable to recommend tenure because of lack of information on the candidate's professional and scholarly activities, which may include research or contributions to scholarly communities, it may, at its discretion, seek the opinion of one or more additional external evaluators from the agreed-to list.
- 3.46.3** The information received under Section 3.46.1 and 3.46.2 shall be added to the candidate's tenure dossier and the chair of the University Tenure Committee shall transmit a copy of the information to the chair of the Library Tenure Committee and the candidate. The candidate may prepare a written response which shall be included in her or his tenure dossier.
- 3.47** If, after considering the candidate's tenure dossier and the Library Tenure Committee report, the University Tenure Committee is tending towards making a recommendation that differs from the recommendation of the Library Tenure Committee or that is negative to the candidate, or both, it shall notify in writing, both the candidate and the chair of the Library Tenure Committee of its proposed recommendation and the reasons therefore, and each of them, accompanied by an advisor if they wish, shall be given the opportunity to address the University Tenure Committee in the presence of each other prior to its arriving at its final recommendation to the Principal. Any new document to be submitted at such a meeting shall be distributed to all those who will be present at the meeting, at least two (2) days prior to the meeting, by the party submitting it.
- 3.47.1** When the chair of the Library Tenure Committee addresses the University Tenure Committee, under the provisions of Section 3.47, under circumstances where the chair is of the same opinion as that expressed in a minority report of the Library Tenure Committee, the chair shall be accompanied by another member of the Library Tenure Committee representing the majority opinion who may also address the University Tenure Committee.
- 3.47.2** If, after having provided the candidate and the Library Tenure Committee with the opportunity to address it in accordance with Sections 3.47 and 3.47.1, the University Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 3.10, have been met by the candidate, it shall recommend to the Principal that the candidate be granted tenure, giving its reasons in writing.

**3.47.3** If, after having provided the candidate and the Library Tenure Committee with the opportunity to address it in accordance with Sections 3.47 and 3.47.1, the University Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 3.10, have not been met by the candidate, it shall recommend to the Principal that the candidate not be granted tenure, giving its reasons in writing.

**3.48** In respect of each candidate, the University Tenure Committee shall communicate its final report and recommendations in writing to the Secretary-General as soon as possible but no later than April 30 of the year of consideration on forms provided by the University Secretariat. The final report and recommendations shall include the University Tenure Committee's reasons.

The Secretary-General, or delegate, shall forthwith transmit copies of the report and recommendation to the Principal, the candidate, and the chair of the Library Tenure Committee.

**3.48.1** It is the responsibility of the chair of the University Tenure Committee to ensure that the deadline stipulated in Section 3.48 is respected; nevertheless should the University Tenure Committee fail to meet the delay specified in Section 3.48 it shall remain seized of the matter before it.

### **Discharge of Tenure Committees**

**3.49** The Library Tenure Committee and the University Tenure Committee shall be discharged in regard to a candidate's case when the Principal or delegate communicates her or his final recommendation thereon to the candidate, unless there has been recourse to an appeal under Section 8, in which case the Library Tenure Committee and the University Tenure Committee shall be discharged only upon the Appeals Committee rendering its final decision.

### **Deliberations: The Principal**

**3.50** The Principal or delegate shall decide each candidate's case for tenure solely on the basis of the candidate's tenure dossier, the report of the Library Tenure Committee and the report of the University Tenure Committee.

**3.50.1** If the Principal or delegate decides to recommend a candidate for tenure, she or he shall present the recommendation, together with the recommendation of the University Tenure Committee, forthwith to the Board of Governors for final decision. The Board is not required to hear further evidence or representations.

**3.50.2** If the Principal or delegate is tending towards accepting the negative recommendation of the University Tenure Committee, the Principal or delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is also tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the University Tenure Committee report. Under these circumstances, the two week delay provided for in Section 8.7 shall be extended to twenty-five (25) working days.

**3.50.3** In a case in which the Library Tenure Committee has recommended that the candidate be granted tenure and the University Tenure Committee's final recommendation is against the grant of tenure to that candidate and the Principal or delegate is tending towards a negative decision, the Principal or delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the concerns identified and to submit information to clarify the issues raised. Under these circumstances, the two week delay provided for in Section 8.7 shall be extended to twenty-five (25) working days.

- 3.50.4** If the Principal or delegate is tending to disagree with the positive recommendation of the University Tenure Committee, the Principal or delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the concerns identified and to submit information to clarify the issues raised. Under these circumstances, the two week delay provided for in Section 8.7 shall be extended to twenty-five (25) working days.
- 3.50.5** If the Principal or delegate is tending to disagree with the University Tenure Committee's final recommendation against the grant of tenure, the Principal or delegate shall notify in writing both the candidate and the chair of the University Tenure Committee of her or his proposed recommendation and the reasons therefore, and each of them, accompanied by an advisor if they wish, shall be given the opportunity to appear before her or him to address the concerns identified. Under these circumstances, the two week delay provided for in Section 8.7 shall be extended to twenty-five (25) working days.
- 3.50.6** Should the Principal or delegate fail to meet the delays specified in Sections 3.50.2, 3.50.3, 3.50.4 or 3.50.5 she or he shall remain seised of the matter before her or him.

#### **Retention of Tenure Dossier**

- 3.51** The tenure dossier of each candidate shall be kept complete and intact until such time as the Board of Governors has granted tenure, or the delays for appeal in Section 8 have elapsed, or the Appeals Committee has arrived at a decision.

#### **Refusal of Tenure for University Priorities**

- 3.52** Notwithstanding an assessment that a candidate meets the requirements for tenure under Section 3.10, University priorities, as determined by Senate, which prevent the granting of tenure to the candidate, established and published before the candidate is considered for tenure, shall be sufficient reason to refuse the grant of tenure. In such cases, the candidate shall be automatically reappointed for an additional year without the possibility of renewal and shall receive from the Principal or delegate a written statement of appreciation and recognition that the candidate would have received tenure but for established University priorities.

#### **Appointments with Tenure**

- 3.53** A person holding a librarian appointment at another university or scholarly institution may be appointed as associate librarian or full librarian with tenure if so approved by the Board of Governors on the recommendation of the Principal or delegate. A recommendation for appointment with tenure shall originate from the Director or Dean of Libraries following a recommendation from an appropriate committee.
- 3.54.1** The University Tenure Committee for Recruitment shall be a committee of Senate, chaired by the Provost or delegate, and shall consist of one tenured member from each faculty of the University and one tenured member from the McGill University Libraries, appointed by Senate for a period of three (3) years.
- 3.54.2** Quorum for the University Tenure Committee for Recruitment shall be three members in addition to the chair, and shall include one member from the McGill University Libraries and one member from each of the faculties in which the candidate would hold appointment, if any.
- 3.55** The University Tenure Committee for Recruitment shall consider only those candidates for tenure described in Section 3.53.

- 3.56** The University Tenure Committee for Recruitment shall make its recommendation to the Principal based on a dossier, submitted by the Director or Dean of Libraries, similar to that described in Section 3.33(i) and evaluated on the basis of the criteria described in Section 3.10. The Committee's recommendation shall be accompanied by reasons.
- 3.57** If the Principal or delegate decides to recommend the appointment as associate or full librarian with tenure, she or he shall present the recommendation, together with the recommendation of the University Tenure Committee for Recruitment, forthwith to the Board of Governors for approval. The decision of the Principal or delegate shall not be subject to appeal.

### **Tenure for Retention**

- 3.58** A staff member appointed to a tenure track position at McGill University who has an offer of a tenured or permanent position at another university (herein "candidate for retention") may be granted tenure and, if an assistant librarian, promoted to the rank of associate librarian, if so approved by the Board of Governors on the recommendation of the Principal in accordance with the provisions of Sections 3.58.1 and 3.58.2.
- 3.58.1** A recommendation for the grant of tenure to a candidate for retention shall originate from the Library Tenure Committee and University Tenure Committee for the Libraries and shall be on the forms provided by the University Secretariat.
- 3.58.2** The consideration of the case of a candidate for retention shall be conducted in accordance with the provisions of these regulations. However:
- (i) notwithstanding Section 3.35, the internal packages prepared by the candidate for retention shall be submitted by her or him directly to the chairs of the Library Tenure Committee and the University Tenure Committee for the Libraries;
  - (ii) notwithstanding Sections 3.32.10, 3.32.11 to 3.32.13, 3.35 and 3.37, the external packages prepared by the candidate for retention shall be submitted by her or him directly to the chair of the University Tenure Committee who shall be responsible for soliciting the reports from the external evaluators and distributing a copy of the reports when received to the chair of the Library Tenure Committee;
  - (iii) notwithstanding Section 3.42, the chair of the Library Tenure Committee shall communicate its report and recommendation concerning the candidate for retention to the chair of the University Tenure Committee;
  - (iv) notwithstanding Section 3.44, the University Tenure Committee shall start its consideration of the case of the candidate for retention as soon as it receives the Library Tenure Committee report;
  - (v) notwithstanding any provision to the contrary, the delays in these regulations do not apply to the consideration of the case of a candidate for retention.

### **Obligation of Tenured Staff**

- 3.59** A member of the librarian staff who is granted tenure shall maintain the high standards for which it was granted.

### **Annual Tenure Meeting**

- 3.60** During the Fall term of each academic year, the members of the Library Tenure Committee, the Departmental Tenure Committees, the University Tenure Committees and the University Tenure Committee for Recruitment, the tenure candidates, the MAUT President, and other interested parties shall be invited to an openly advertised meeting to discuss general criteria and the operation of the tenure system. The Secretary-General shall report in writing to Senate and the Board of Governors on the deliberations of the meeting. These meetings shall be chaired by the Principal or delegate.

## **Transition Provision**

- 3.61** Notwithstanding the provisions of Sections 3.32.7, 3.33 and 3.37 a candidate for tenure who held the rank of assistant, associate, or full librarian on the day preceding the adoption by the Board of Governors of these regulations approved by Senate on May 24, 2006 shall have the option of requesting that the list of external evaluators, the written justifications for their choice, and external evaluators reports be withheld from the tenure dossier to be considered by the Library Tenure Committee. By the exercise of this option, a candidate waives her or his right under Section 3.32.14 to receive a copy of the external evaluations in the event the Library Tenure Committee is tending to a negative recommendation but it does not prejudice any other rights a candidate may have under these regulations. This option shall be exercised in writing and is available to a candidate only on her or his first consideration for tenure and once exercised cannot be revoked.

## **SECTION 4: PROMOTION TO FULL LIBRARIAN**

### **General**

- 4.1** The case of each staff member for promotion to the rank of full librarian shall, unless hereafter otherwise provided, be considered by
- (i) a standing committee of the McGill University Libraries for the consideration of the promotion of staff members to full librarian (“the promotions committee”) whose members shall be chosen following an established documented process appropriate to the McGill University Libraries which shall be advisory to the Director or Dean of Libraries;
  - (ii) the Director or Dean of Libraries; and
  - (iii) a Statutory Selection Committee which is advisory to the Principal.
- 4.1.1** Where a staff member holds an appointment in both the McGill University Libraries and a faculty the promotions committee shall have representation from both the McGill University Libraries and the relevant faculty.
- 4.1.2** All members of the promotions committee shall hold the rank of full librarian with tenure or, where appropriate, full professor with tenure.
- 4.1.3** Membership of the promotions committee shall be for a two (2) year renewable term.
- 4.1.4** The promotions committee shall select its chair from amongst its members.

### **Criteria for Promotion**

- 4.2** A recommendation for promotion to full librarian shall be based on the staff member’s performance of her or his academic duties as defined in Section 1.2.2. A record of excellence in the performance of position responsibilities and significant contributions in the other academic duties is expected.

### **Promotion Dossier**

- 4.3** A staff member’s dossier for promotion to full librarian shall be prepared in accordance with the guidelines established from time to time by the Provost.

A staff member may supplement her or his dossier for promotion at any stage of the review process prior to the completion of the relevant stage.

### **Due Diligence**

- 4.4** It is the responsibility of the staff member being considered for promotion to prepare and pursue her or his case for promotion to full librarian.

## **Entitlement to Consideration for Promotion**

- 4.5.1** The Director or Dean of Libraries may, at any time, recommend an associate librarian with a definite term tenure track appointment, with her or his consent, for consideration for promotion to the rank of full librarian in accordance with Sections 4.6.1 to 4.6.15.
- 4.5.2** An associate librarian with tenure who has held that rank for a minimum of three (3) years may apply at any time to the promotions committee for consideration for promotion to the rank of full librarian in accordance with Sections 4.7.1 to 4.7.2.
- 4.5.3** An associate librarian with tenure who has held the rank of associate librarian with tenure at the University for a minimum of ten (10) years may apply for consideration for promotion to the rank of full librarian in accordance with Sections 4.8.1 to 4.8.9.

## **PROCESS INITIATED BY DIRECTOR OR DEAN OF LIBRARIES WITH CONSENT OF STAFF MEMBER**

### **Review by the Promotions Committee**

- 4.6.1** Where the Director or Dean of Libraries wishes to propose a staff member for consideration for promotion to full librarian in accordance with Section 4.5.1 she or he shall so notify the chair of the promotions committee in writing.
- 4.6.2** Within two (2) weeks of receipt of the notification from the Director or Dean of Libraries, the chair of the promotions committee shall request the staff member so proposed to submit her or his dossier for promotion.
- 4.6.3** Within four (4) weeks of receipt of the promotions committee's request the staff member shall submit her or his dossier for promotion.
- 4.6.4** Where, on consideration of the staff member's dossier for promotion, the promotions committee is tending towards a negative recommendation it shall provide the staff member with written reasons and an opportunity to meet with it accompanied by an advisor, if she or he so wishes, to elaborate on her or his case for promotion.
- 4.6.5** The promotions committee shall submit a written report to the Director or Dean of Libraries containing:
- (i) the committee's recommendation;
  - (ii) the reasons supporting the committee's recommendation;
  - (iii) a statement of the membership of the committee including any changes in membership that may have occurred during the consideration of the staff member's case.
- The report shall be copied to the staff member.
- 4.6.5.1** The promotions committee's report shall be submitted to the Director or Dean of Libraries no later than eight (8) weeks of the receipt of the staff member's dossier for promotion.

### **Review by Director or Dean of Libraries**

- 4.6.6** The Director or Dean of Libraries shall consider the report and recommendation of the promotions committee and may recommend to the Principal the establishment of a Statutory Selection Committee.
- 4.6.6.1** Where, on consideration of the promotions committee's report, the Director or Dean of Libraries is tending towards disagreeing with the positive recommendation of the committee, she or he shall provide the staff member with written reasons and an opportunity to meet with the Director or Dean of Libraries accompanied by an advisor, if she or he so wishes, to elaborate on her or his case for promotion.

**4.6.7** Where the Director or Dean of Libraries is of the view that a Statutory Selection Committee should be established to consider the staff member's case for promotion, she or he shall so recommend in writing to the Principal, accompanied by written reasons and a copy of the promotions committee's report.

The Director or Dean of Libraries recommendation, her or his reasons, and the promotions committee's report shall be copied to the staff member and the Secretary-General.

**4.6.8** Where the Director or Dean of Libraries is of the view that a Statutory Selection Committee should not be established to consider the staff member's case for promotion, she or he shall so advise the staff member in writing accompanied by her or his written reasons.

**4.6.9** The Director or Dean of Libraries' recommendation under Section 4.6.7 or decision under Section 4.6.8 shall be communicated to the Principal and/or staff member, as appropriate, by no later than eight (8) weeks from the receipt of promotions committee report and recommendation accompanied by the staff member's dossier for promotion.

#### **Review by Statutory Selection Committee**

**4.6.10** Within four (4) weeks of receipt of the Director or Dean of Libraries' recommendation that a Statutory Selection Committee be established the Principal shall so notify the Secretary-General in writing with a copy to the Director or Dean of Libraries and the staff member.

**4.6.11** The Director or Dean of Libraries shall deposit with the Secretary-General:

- (i) the requisite number of copies of the promotions committee report and recommendation as set out in the guidelines referred to in Section 4.3;
- (ii) the requisite number of copies of the Director or Dean of Libraries' recommendation and reasons as set out in the guidelines referred to in Section 4.3; and
- (iii) a list of at least six (6) recognized authorities, some of whom shall be external to the University, who are qualified to comment on the staff member's professional and scholarly activities, which may include research and other contributions to the University and scholarly communities and who meet the requirements of Sections 3.32 and 3.32.5.

**4.6.11.1** The Director or Dean of Libraries shall consult with the staff member before establishing the list of recognized authorities.

**4.6.11.2** If the Director or Dean of Libraries and the staff member cannot agree on the list of recognized authorities, the Provost shall make up the list after consulting with both the Director or Dean of Libraries and the staff member.

The Provost shall provide the Director or Dean of Libraries and the staff member with a copy of the list.

**4.6.12** The staff member shall deposit with the Secretary-General:

- (i) the requisite number of copies of her or his dossier for promotion as set out in the guidelines referred to in Section 4.3; and
- (ii) any further written statement she or he may wish to make in further support of her or his case for promotion.

**4.6.13** All documents referred to in Sections 4.6.11 and 4.6.12 shall be deposited with the Secretary-General within two (2) weeks of receipt by the Director or Dean of Libraries and the staff member of the copy of the notification in Section 4.6.10.

**4.6.14** The Secretary-General shall promptly solicit a minimum of three (3) letters of reference in the order indicated by the Director or Dean of Libraries.

Should less than three of the recognized authorities on the list be able or willing to provide letters of reference the Secretary-General shall so notify the Director or Dean of Libraries who shall, after consulting the staff member, provide additional names to the Secretary-General.

**4.6.15** The Statutory Selection Committee shall meet to consider the staff member's case for promotion and shall communicate its recommendation to the staff member within twelve (12) weeks of the receipt of the third letter of reference.

If the recommendation of the Statutory Selection Committee is negative it shall provide written reasons to the staff member.

#### **PROCESS INITIATED BY STAFF MEMBER AFTER THREE (3) YEARS AS TENURED ASSOCIATE LIBRARIAN**

**4.7.1** Where an associate librarian who meets the requirements of Section 4.5.2 wishes to be considered for promotion to full librarian she or he shall:

- (i) so notify the chair of the promotions committee and the Director or Dean of Libraries in writing; and
- (ii) submit to it her or his dossier for promotion.

**4.7.2** The consideration of the staff member's case for promotion shall then be in accordance with Sections 4.6.4 through 4.6.15.

#### **PROCESS INITIATED BY STAFF MEMBER AFTER TEN (10) YEARS AS TENURED ASSOCIATE LIBRARIAN**

**4.8.1** A staff member who meets the requirements of Section 4.5.3 shall have the right to request the Principal directly to establish a Statutory Selection Committee to consider her or his case for promotion to full librarian.

**4.8.2** The staff member's request shall be in writing, copied to the Secretary-General, and accompanied by:

- (i) a copy of her or his dossier for promotion; and
- (ii) a statement of the reasons for which the staff member believes she or he is deserving of promotion.

**4.8.3** Within four (4) weeks of receipt of the staff member's request the Principal shall notify the staff member in writing as to whether she or he meets the requirements of Section 4.5.3.

**4.8.4** If the staff member meets the requirements of Section 4.5.3, the Principal shall promptly:

- (i) forward the staff member's request and supporting documentation to the chair of the promotions committee requesting the committee's recommendation with respect to the staff member's case for promotion within eight (8) weeks of receipt of the Principal's communication; and
- (ii) request the Secretary-General in writing to establish a Statutory Selection Committee, which request shall be copied to the staff member and the Director or Dean of Libraries.

**4.8.5** Within eight (8) weeks of receipt of the Principal's request, the promotions committee shall submit a written report to the Principal containing:

- (i) the committee's recommendation;
- (ii) the reasons supporting the committee's recommendation;
- (iii) a statement of the membership of the committee including any changes in membership that may have occurred during the consideration of the staff member's case.

The report shall be copied to the staff member, the Director or Dean of Libraries and the Secretary-General by the promotions committee.



**4.8.5.1** In the event that no report is received by the Principal from the promotions committee within the delay stipulated in Section 4.6.5, the Principal shall in writing promptly request the recommendation of the Director or Dean of Libraries.

**4.8.6** Within four (4) weeks of receipt of the copy of the promotions committee's recommendation under Section 4.8.5, or of the Principal's request under Section 4.8.5.1, the Director or Dean of Libraries shall submit to the Secretary-General, with a copy to the staff member:

- (i) the Director or Dean of Libraries' written recommendation and reasons with respect to the staff member's case for promotion; and
- (ii) a list established in accordance with the provisions of Sections 4.6.11 and 4.6.11.1 of at least six (6) recognized authorities, some of whom shall be external to the University.

**4.8.7.1** If the Director or Dean of Libraries and the staff member cannot agree on the list of recognized authorities, Section 4.6.11.2 shall apply.

**4.8.7.2** The Secretary-General shall promptly solicit a minimum of three (3) letters of reference in accordance with the provisions of Section 4.6.14.

**4.8.8** Within four (4) weeks of receipt of the Principal's notification pursuant to Section 4.8.3 the staff member shall deposit with the Secretary-General:

- (i) the requisite number of copies of her or his dossier for promotion as set out in the guidelines referred to in Section 4.3; and
- (ii) any further written statement she or he wishes to make in further support of her or his case for promotion.

**4.8.9** The Statutory Selection Committee shall meet to consider the staff member's case for promotion and shall communicate its recommendation to the staff member within twelve (12) weeks of the receipt of the third letter of reference.

If the recommendation of the Statutory Selection Committee is negative it shall provide written reasons to the staff member.

## **Delays**

**4.9** The months of July and August shall not be taken into account in calculating the delays specified in Section 4.

## **SECTION 5: NON-TENURE TRACK LIBRARIAN STAFF**

### **Preamble**

**5.1** Non-tenure track appointments to the McGill University Libraries shall normally be used for the following:

- (i) positions supported by soft funds;
- (ii) replacement of staff members appointed to definite or indefinite term tenure track appointments who are on professional development or other authorized leave;
- (iv) special projects consistent with the plans and priorities of the McGill University Libraries.

### **Appointment and Reappointment**

**5.2.1** Staff members on non-tenure track appointments in the McGill University Libraries shall be only those who are so designated in their official letter of appointment.

- 5.2.2** A staff member appointed to a non-tenure track appointment shall be appointed to the rank of:
- (i) assistant librarian;
  - (ii) associate librarian; or
  - (iii) full librarian;
- as designated in her or his official letter of appointment.
- 5.2.3.1** A staff member appointed to a non-tenure track appointment shall normally be appointed for an initial definite term of not more than six (6) months.
- 5.2.3.2** A staff member appointed to a definite term non-tenure track appointment may be reappointed but the initial appointment and reappointments shall not normally exceed a maximum of two (2) years.
- 5.2.3.3** In the exceptional case that a staff member appointed to a definite term non-tenure track appointment has been appointed and reappointed to the same position for a continuous period of five (5) years, she or he shall be appointed to an indefinite term non-tenure track appointment.
- 5.2.4** The appointment and reappointment of a staff member to a definite term non-tenure track appointment shall be made by the Provost or delegate on the recommendation of the Director or Dean of Libraries following consultation with an appropriate committee.

### **Terms and Conditions of Employment**

- 5.3** A staff member appointed to a definite or indefinite term non-tenure track appointment shall not be eligible for consideration for tenure.
- 5.4** The Provost or delegate shall ensure that the official letter of appointment or reappointment of a staff member appointed to a definite or indefinite term non-tenure track appointment specifies the terms and conditions of her or his appointment.
- 5.5** The academic duties of a staff member appointed to a definite or indefinite term non-tenure track appointment shall be determined by the Director or Dean of Libraries or delegate and shall be specified in the staff member's official letter of appointment or reappointment, as the case may be.
- 5.5.1** Notwithstanding Section 5.5, the Director or Dean of Libraries or delegate may, from time to time, vary the academic duties of a staff member appointed to a definite or indefinite term non-tenure track appointment.

### **Performance Reviews**

- 5.6.1** The Director or Dean of Libraries or delegate shall provide a staff member appointed to a definite term non-tenure track appointment with a written performance review at the time of each reappointment.
- 5.6.2** The Director or Dean of Libraries or delegate shall annually provide a staff member appointed to an indefinite term non-tenure track appointment with a written performance review.

## **Termination of Non-Tenure Track Staff**

**5.7.1** The appointment of a staff member appointed to an indefinite term non-tenure track appointment may be terminated by the Provost, or by the Secretary-General on behalf of the Board of Governors, by giving the staff member at least thirty seven (37) weeks written notice of termination prior to the nominal termination date of the staff member's appointment.

The nominal termination date of the appointment of a staff member appointed to a indefinite term non-tenure track appointment shall be the calendar day in each year preceding the anniversary of the commencement of her or his appointment to the indefinite term non-tenure track appointment.

**5.7.2** The appointment of a staff member appointed to a definite term non-tenure track appointment of more than one (1) year but less than for an indefinite term may be terminated by the Provost, or by the Secretary-General on behalf of the Board of Governors, by giving the staff member at least thirty seven (37) weeks written notice of termination prior to the termination date of the staff member's appointment.

**5.7.3** In the event that notice of termination is not given as prescribed in Sections 5.7.1 or 5.7.2 the staff member's appointment shall be extended for one (1) year.

**5.7.4** Sections 5.7.1 and 5.7.2 do not apply to a staff member appointed to a definite term non-tenure track appointment whose term of appointment or reappointment is one (1) year or less and whose official letter of appointment or reappointment states that this appointment is not subject to renewal.

## **Severance Payments for Non-Tenure Track Staff**

**5.8.1** A staff member:

- (i) appointed to an indefinite term non-tenure track appointment in accordance with Section 5.2.3.3; or
- (ii) who has held definite term non-tenure track appointments for a continuous period of five (5) years or more; and
- (iii) who has been paid exclusively or partially from base (hard) University funding; and
- (iv) who is terminated other than for disciplinary reasons;

shall be entitled to a severance payment equal to one month's salary for each year of service, based on her or his average annual salary from academic employment at McGill earned in the past three (3) years, to a maximum payment of twenty-four (24) months.

**5.8.2** A staff member:

- (i) appointed to an indefinite term non-tenure track appointment in accordance with Section 5.2.3.3; or
- (ii) who has held definite term non-tenure track appointments for a continuous period of five (5) years or more; and
- (iii) who has been paid exclusively from soft funds; and
- (iv) who is terminated other than for disciplinary reasons;

shall be entitled to a severance payment equal to one month's salary for each year of service based on her or his average annual salary from academic employment at McGill earned in the past three (3) years, to a maximum payment of twelve (12) months.

**5.8.3** A non-tenure track staff member who, under the Regulations Relating to the Employment of Librarian Staff in force at the time of the adoption of these Regulations, qualified as a member of the ranked part time librarian staff, employed on or before May 31, 1994 and who thereafter becomes entitled to severance pay shall be entitled to one month's salary for each year of service.

## **Transitional Provisions**

- 5.9** A non-tenure track staff member who, under the Regulations Relating to the Employment of Librarian Staff in force at the time of the adoption of these Regulations, held appointment as a Library Professional shall, within six (6) months of the coming into force of these Regulations, in writing elect either:
- (i) to be appointed to an initial definite term tenure track appointment in accordance with Section 2.2.1 ; or
  - (ii) to be appointed to a non-tenure track appointment in accordance with Section 5.9.1.
- Such election once made shall be final and irrevocable.
- 5.9.1** A staff member who elects pursuant to Section 5.9 to be appointed to a non-tenure track appointment shall be appointed to:
- (i) a definite term non-tenure track appointment if at the time of election she or he is appointed to a limited term appointment; or
  - (ii) an indefinite term non-tenure track appointment if at the time of election she or he is appointed to an unlimited term appointment.
- 5.9.2** In the event that a staff member fails to make an election pursuant to Section 5.9, then she or he shall be appointed to:
- (i) a definite term non-tenure track appointment if she or he is appointed to a limited term appointment at the time of the adoption of these Regulations; or
  - (ii) an indefinite term non-tenure track appointment if she or he is appointed to a unlimited term appointment at the time of the adoption of these Regulations.
- Such appointment shall be final and irrevocable.
- 5.9.3** Notwithstanding section 5.2.3.3, where a staff member is appointed to a definite term non-tenure track appointment pursuant to sections 5.9.1 or 5.9.2, such appointment may lead to an indefinite term non-tenure track appointment.
- 5.9.4** Notwithstanding section 3.1.2, a staff member who has held a limited term appointment of at least three (3) years, prior to her or his appointment to a definite term tenure track appointment pursuant to section 5.9, shall be entitled to one early consideration for tenure and promotion at any time at her or his own request.

## **SECTION 6: EMERITUS LIBRARIAN STAFF**

- 6.1** Upon retirement members of the ranked librarian staff of the University shall be designated either “Emeritus” or “Retired” members.
- 6.1.1** Bearing in mind the different paths which the careers of senior librarians may take, the honorific “Emeritus” designation is accorded by the Provost, on the recommendation of the Director or Dean of Libraries, to all full librarians who have:
- (i) held the rank of full Librarians at the University normally for a minimum of five (5) years;
  - (ii) retired from the University; and
  - (iii) satisfactorily maintained the standards for which they were appointed to that rank.
- 6.1.2** The “Retired” designation shall be accorded to all other members of the ranked librarian staff who have retired from the University. They shall be so designated by the addition of the term “(Retired)” following their rank.
- 6.1.3** The University retains the discretion to withhold or withdraw the “Emeritus” designations from a retiring or retired member of the ranked librarian staff in exceptional circumstances.

## **Incidents of Designations**

- 6.2** “Emeritus” and “Retired” members of the ranked librarian staff:
- (i) may, at the request of the Director or Dean of Libraries, assume official duties or responsibilities within the McGill Library;
  - (ii) shall retain as part of their designation the name of any special non-administrative designation held at any time prior to their retirement;
  - (iii) shall be eligible for consideration for post-retirement appointments in accordance with University policies and practices; and
  - (iv) shall enjoy such other basic benefits associated with such designations as maybe determined from time to time.

## **Application of Policies and Regulations**

- 6.3** “Emeritus” and “Retired” members of the ranked librarian staff shall be subject to applicable University policies and regulations.

## **SECTION 7: VISITING LIBRARIAN STAFF**

- 7.1** The visiting librarian staff members of the McGill University Libraries consist of those persons who are so designated in their official letter of appointment.
- 7.2** A visiting librarian staff member shall be a librarian visiting the University who holds a librarian rank or the equivalent at her or his own university or institution.
- 7.3** A visiting librarian staff member shall be appointed by the Provost or delegate on the recommendation of the Director or Dean of Libraries for an initial definite term not exceeding one (1) year.
- 7.4** A visiting librarian staff member may be reappointed by the Provost or delegate on the recommendation of the Director or Dean of Libraries for further periods provided that the initial appointment and reappointments do not exceed in aggregate three (3) years.
- 7.5** A visiting librarian staff member shall not be eligible for consideration for tenure and is not entitled to the rights conferred on tenure track or non-tenure track staff members under these Regulations or other regulations applicable from time to time to staff members.
- 7.6** The terms and conditions of appointment of a visiting librarian staff member shall be specified in her or his official letter of appointment.

## **SECTION 8: APPEALS ON TENURE AND REAPPOINTMENT**

- 8.1** There shall be an Appeals Committee for hearing appeals from final decisions of:
- (i) the Provost refusing to recommend a staff member with a definite term tenure track appointment for reappointment; or
  - (ii) the Principal refusing to recommend a staff member with a definite term tenure track appointment for tenure on mandatory consideration for tenure.
- 8.2** The Appeals Committee, consisting of six members with a term of office of three (3) years, commencing on the 1st April, shall be appointed by the Board of Governors from a panel constituted as provided in Sections 8.2.1 through 8.2.4.
- 8.2.1** Prior to the 1st of March in each year, the President of the McGill Association of University Teachers, or her or his designate, and the Principal shall jointly submit to the Senate Nominating Committee a slate of names of academic staff appointed with tenure of a number at least one and a half times the number of vacancies on the Appeals Committee to be filled that year.

- 8.2.2** The Senate Nominating Committee shall then strike a panel of nominees by reducing the slate to the number of vacancies to be filled.
- 8.2.3** The panel thus struck shall be submitted to Senate for approval prior to its submission to the Board of Governors.
- 8.2.4** In the event of rejection, in whole or in part, by Senate or the Board of Governors, the procedure set out in Section 8.2.1 and following shall recommence.
- 8.3** Notwithstanding Section 8.2, the Appeals Committee, when first constituted, shall consist of two members appointed for a term of three (3) years, two for a term of two (2) years, and two for a term of one (1) year.
- 8.4.1** The Appeals Committee shall elect a chair and a vice-chair from amongst its members annually. The office of the Secretary-General shall provide a secretary for the Appeals Committee.
- 8.4.2** Appeals shall be heard by a subcommittee of three which shall be chaired by the chair or, when he or she is not available, by the vice-chair. The other two members of the subcommittee shall be appointed as hereinafter provided.
- 8.5** The Appeals Committee shall have jurisdiction to consider only appeals based on one or more of the following grounds:
- (i) a failure to follow proper procedures;
  - (ii) evidence of bias;
  - (iii) inconsistency of the decision with the existing record of the case;
  - (iv) inconsistency of the decision with established University practice.
- It is intended that the Appeals Committee should not proceed to a hearing *de novo* but should determine whether the appellant's case has received fair and reasonable consideration.
- 8.6** A staff member appointed to a tenure track appointment may appeal a final decision specified in Section 8.1.
- 8.7** A final decision specified in Section 8.1 shall be notified in writing by the Provost or the Principal, as appropriate, to the staff member concerned within two (2) weeks of:
- (i) the Provost receiving a recommendation from the Director or Dean of Libraries in a matter concerning reappointment; or
  - ii) the Principal receiving a recommendation from the University Tenure Committee in a matter concerning tenure.
- 8.8.1** Within one (1) week of the notification provided by Section 8.7, the appellant shall request in writing from the Provost or the Principal, as appropriate, complete and substantive written reasons for the decision which must be furnished to the appellant by the Principal promptly.
- 8.8.2** Within thirty (30) days of receipt of the reasons for the decision under Section 8.8.1, the appellant shall submit in writing to the Secretary-General a notice of appeal setting out succinctly complete and substantive reasons for the appeal and stating on which of the grounds listed in Section 8.5 the appeal is based.
- 8.8.3** Together with the notice of appeal provided in Section 8.8.2, the appellant shall file with the Secretary-General, in a sealed envelope labeled "Appellant's Confidential Nomination," the name of a member of the Appeals Committee (other than the chair of the subcommittee referred to in Section 8.8.4) that the appellant selects to form part of the subcommittee to hear the appeal.

**8.8.4** Upon the filing of a notice of appeal with the Secretary-General, the Principal shall file with the Secretary-General the Principal's confidential nomination giving the name of a member of the Appeals Committee that the Principal selects to form part of the subcommittee to hear the appeal.

**8.8.5** The Secretary-General shall promptly transmit the notice of appeal and the confidential nominations of the Principal and the appellant to the chair of the Appeals Committee.

If the Principal and the appellant have submitted the same name, the chair shall choose that person and one other from the membership of the Appeals Committee to form the subcommittee to hear the appeal; otherwise, the subcommittee shall consist of the two members nominated by the Principal and the appellant respectively and the chair of the Appeals Committee, or the vice-chair thereof if the chair is not available.

**8.8.6.1** In the event that a vacancy occurs in the subcommittee, the party who nominated the member in respect of whom such vacancy occurred shall forthwith nominate a replacement.

In the event that the vacancy occurs in respect of the chair or vice-chair, the one shall replace the other, if available; if not available, the replacement shall be chosen by lot from amongst the remaining members of the Appeals Committee.

**8.8.6.2** The whole appeals process shall be deemed to comprise three distinct instances:

First: The preliminary determination made under Section 8.10;

Second: The steps leading to a decision to refer the case back or to consider the case anew on its merits under Section 8.13.1 or to the finding that the decision appealed from is tainted with bias or inconsistent with the existing record of the case or established University practice under Section 8.13.2;

Third: The consideration of the case anew on its merits or the steps leading to a final decision after referral back under Section 8.13.1 or the consideration of the case on its merits leading to a final decision under Section 8.13.2.

Should a member of the subcommittee be replaced during the course of a particular instance, the committee shall recommence its consideration *de novo* of that particular instance but shall not be required to reconsider any proceeding had in any prior instance or instances in that appeal.

**8.9** The appeal is held to be abandoned if the delays prescribed in Sections 8.6 and 8.8.2 are not observed by the appellant.

**8.10** As soon as the subcommittee is formed, it shall make a preliminary determination as to whether:

- (i) the appellant has the necessary qualifications under Section 8.7 to formulate an appeal;
- (ii) the notice of appeal conforms formally with Section 8.8.2; and
- (iii) the appellant has observed the delays prescribed in Sections 8.6 and 8.8.2.

If the subcommittee makes a determination adverse to the appellant under (i), (ii), or (iii) above, it shall declare the appeal abandoned.

**8.11.1** The subcommittee having determined that the appeal has not been abandoned, the chair shall invite, by written notice, the appellant and the Principal to file an agreement, signed by the appellant and by the Principal on behalf of the University, to the effect that the decision of the subcommittee shall be final and binding on the appellant and on the University.

**8.11.2** If such agreement, duly signed as prescribed in Section 8.11.1, is not filed with the Secretary-General within two (2) weeks of the invitation aforesaid, no further proceedings in the appeal shall be taken and the subcommittee is discharged.

**8.12.1** If such agreement is filed, as hereinbefore prescribed, the subcommittee shall proceed to consider the appeal on its merits.

**8.12.2** Such consideration will basically consist of a review of all documentation bearing on earlier considerations of the case; the subcommittee shall have authority to request statements, orally before the subcommittee in the presence of the parties or in writing, from University committees or officers who played a part in formulating the decision under appeal.

All documentation considered by the subcommittee shall be made available to the appellant and the Principal with the exception of confidential letters which shall be transmitted to the parties in the form of an unattributed summary verified by the subcommittee.

**8.12.3** The subcommittee may permit new evidence to be adduced before it in the presence of parties, but only to clarify some new issue that arises during the course of its review or to establish a failure to follow proper procedures, bias, or inconsistency of the decision with the existing record of the case or with the established University practice.

**8.12.4** The appellant has the right to be assisted by an advisor at any stage in this appeal procedure.

**8.12.5** The parties shall be invited by ten (10) days' written notice to meet with the subcommittee to state their case. If either party fails to attend, the subcommittee will proceed in her or his absence.

**8.12.6** At such meeting, either party may put questions to the other and to any witnesses heard by the subcommittee.

**8.12.7** The hearings and deliberations of the subcommittee are confidential.

**8.12.8** No stenographic record or tape recording of the subcommittee's proceedings shall be kept.

**8.13.1** If the subcommittee finds that there has been a failure at one of the previous levels to follow proper procedures, it shall return the case to the appropriate committee or University officer with instructions as to the proper procedures to be followed unless the subcommittee decides itself to consider the case anew on its merits.

Should the subcommittee refer the case back to the appropriate committee or officer, it shall remain seized of the appeal and the appropriate committee or officer, after having implemented the instructions, shall report back to the subcommittee which shall render thereon a final decision.

**8.13.2** If the subcommittee finds that the decision appealed from is tainted with bias or inconsistent with the existing record of the case or established practice, the subcommittee shall proceed to consider the case on its merits and shall render a final decision.

**8.13.3** In the case of an appeal on reappointment the subcommittee shall not have power to reappoint the appellant for a longer period of time than that of the full term of the appellant's current appointment.

**8.14** The subcommittee shall report its decision on the appeal in matters:

- (i) falling under Section 8.13.2 or its decision to refer the case back in matters falling under Section 8.13.1, as soon as reasonably possible and at the latest, three (3) months after the filing of the notice of appeal under Section 8.8.2;
- (ii) in matters falling under Section 8.13.1, the reference shall be completed and the subcommittee's final decision rendered within two (2) months of its decision to refer; and
- (iii) in matters falling under Section 8.13.2, the new consideration shall be completed and the subcommittee's final decision rendered within two (2) months of its decision on the appeal.



- 8.14.1** The subcommittee shall complete:
- (i) the first instance of the appeal, as defined in Section 8.8.6.2, within three (3) weeks of the subcommittee's formation;
  - (ii) the second instance, as so defined, within two (2) months of the filing of the agreement as provided in Section 8.12.1; and
  - (iii) the third instance, as so defined, within two (2) months of the completion of the second instance.

The months of July and August shall not be taken into account in calculating the above delays.

- 8.14.2** Should a member or members of the subcommittee be replaced during the course of the second or third instances of an appeal, as defined in Section 8.8.6.2, necessitating the reconsideration insofar as that instance is concerned, the subcommittee shall complete that instance within the delays provided in Section 8.14.1 or within six (6) weeks of the last such replacement, whichever is later.
- 8.15** If the final decision of the subcommittee is not rendered at least 37 weeks before the termination date of the appellant's current appointment, the appointment shall be extended to provide for an interval of thirty seven (37) weeks between the date of the final decision and the date of termination.
- 8.16** The final decision of the subcommittee and the reasons stated therefore shall be notified in writing to the Principal and the appellant.
- 8.17** If the final decision of the subcommittee is for a grant of tenure or a reappointment, a copy of the decision and the reasons stated therefore shall be forwarded through the Principal to the Board of Governors for implementation.

## **SECTION 9: DISCIPLINE: REPRIMAND, SUSPENSION, AND DISMISSAL OF STAFF MEMBER FOR CAUSE**

- 9.1** If the Director or Dean of Libraries considers that there is cause, she or he may send a letter of reprimand to a staff member, recommend other disciplinary measures such as suspension, or recommend dismissal.
- 9.2** Nothing in the present Section shall in any way derogate from the residual powers of the Principal to initiate disciplinary action against a staff member for cause, as set out in the *Statutes* or regulations as adopted and modified by the University from time to time.
- If the Principal initiates disciplinary action, such action shall follow the procedures prescribed by Section 9, with the necessary procedural adjustments.
- 9.3** No disciplinary measure shall be imposed without just and sufficient cause, and the burden of proving such cause shall fall upon the University.
- 9.4** "Cause" shall include:
- (i) neglect of academic duties, including failure to meet the requirements of Section 1.4.1;
  - (ii) misconduct sufficient to justify the disciplinary measures taken;
  - (iii) persistent failure to maintain reasonable performance of the overall academic duties as set out in Sections 1.2.2, 4.1, and 3.59, including: (i) position responsibilities; (ii) professional and scholarly activities, which may include research; and (iii) other contributions to the University and scholarly communities, taking into account the pattern of such activities obtained within the McGill University Libraries and the stage of the staff member's academic career.

- 9.5** No disciplinary proceedings may be initiated against a staff member for failure in the performance of duties under Sections 9.8.1 or 9.9 by reason of a physical or emotional disability, if such a staff member has been accepted under the Long Term Disability Plan in respect of such disability.

#### **DIRECTOR OR DEAN OF LIBRARIES' RECOMMENDATION OF REPRIMAND OR DISCIPLINARY MEASURE**

- 9.6** If the Director or Dean of Libraries believes that a reprimand or a disciplinary measure may be warranted, she or he shall so notify the staff member in writing, giving substantive written reasons deemed to warrant the measure

Before proceeding to recommend reprimand or the imposition of a disciplinary measure, the Director or Dean of Libraries shall provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.

#### **Director or Dean of Libraries' Reprimand**

- 9.7** If the Director or Dean of Libraries considers there is cause, she or he may send a letter of reprimand to a staff member.

A letter of reprimand shall be so designated and shall be expunged from the record at a date stated in the letter, not more than (5) five years after the date of the letter.

- 9.7.1** A staff member who receives a letter of reprimand from the Director or Dean of Libraries may file a request for a hearing before the Committee on Staff Grievances and Disciplinary Procedures as described in Section 11.

#### **Director or Dean of Libraries' Disciplinary Measure**

- 9.8.1** If the Director or Dean of Libraries decides to recommend a disciplinary measure other than reprimand, she or he shall notify the Principal in writing, with a copy to the staff member, stating the substantive reasons for the decision.

- 9.8.2** The Principal shall respond to the Director or Dean of Libraries' recommendation without undue delay in one of the following ways:
- (i) If the Principal does not agree with the recommendation, the parties shall be so informed and the complete record of the case shall be expunged; or
  - (ii) If the Principal tends to agree with the Director or Dean of Libraries' recommendation, the Principal shall notify the staff member to this effect in writing, stating substantive reasons, and provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.

- 9.8.3** When the procedure described in Section 9.8.2 has been completed and has resulted in a decision by the Principal to recommend a disciplinary measure as is deemed appropriate in the case, the Principal shall notify the Director or Dean of Libraries and the staff member, in writing, without undue delay.

The measure may include one of the following: a letter of reprimand, suspension with or without pay of not more than six (6) months' duration, or any other measure deemed appropriate.

A letter of reprimand imposed under this Section shall be so designated and shall be expunged from the record at a date specified in the letter, not more than five (5) years after the date of the letter.

- 9.8.3.1** If upon receiving written notification of a recommendation of discipline from the Principal, the staff member does not request a disciplinary hearing under Section 12 within ten (10) working days, the Principal shall confirm the decision to discipline, giving complete and substantive reasons.

- 9.8.4** Within ten (10) working days of receipt of the confirmation to discipline, the staff member may request arbitration under Section 13.

#### **Director or Dean of Libraries' Recommendation of Dismissal**

- 9.9** If the Director or Dean of Libraries believes that dismissal may be warranted, she or he shall notify the staff member in writing, with a copy to the Principal, stating the substantive reasons considered to warrant dismissal.

Before proceeding to recommend that dismissal be imposed, the Director or Dean of Libraries shall provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.

- 9.9.1** If the Director or Dean of Libraries decides to recommend dismissal, she or he shall notify the Principal in writing, with a copy to the staff member, stating the full reasons for the decision.

- 9.9.2** The Principal shall investigate the matter and provide the staff member with the opportunity for a meeting, at which both parties may be accompanied by an advisor.

Before the meeting takes place, each party must inform the other of the name of any advisor who will be present.

- 9.9.3** When the Principal's investigation has been completed, the Principal shall either:
- (i) Disregard the Director or Dean of Libraries' recommendation of dismissal and decide against the imposition of other disciplinary measures. The Principal shall notify the Director or Dean of Libraries and the staff member to this effect and expunge the record of the case; or
  - (ii) Recommend reprimand or suspension or other disciplinary measures and notify the staff member and the Director or Dean of Libraries to this effect and return the process to Section 9.8.3; or
  - (iii) Notify the staff member and the Director or Dean of Libraries in writing that the staff member is dismissed, stating complete and substantive reasons. The dismissal shall take effect on a date specified in the letter and the staff member's salary and benefits will terminate ten (10) working days from the date specified for dismissal.

- 9.10** Within ten (10) working days of receipt of notification of dismissal, the staff member may request arbitration under Section 13.

#### **Cases of Emergency**

- 9.11** Notwithstanding the procedure prescribed by Section 9, where the staff member is judged by the Principal or delegate to be a serious threat to the security of the University or the safety of its community, the staff member shall immediately be suspended from the University and its premises pending the completion of disciplinary procedures and arbitration.

### **SECTION 10: COMPOSITION AND OPERATION OF THE COMMITTEE ON STAFF GRIEVANCES AND DISCIPLINARY PROCEDURES**

- 10.1** There shall be a Committee on Staff Grievances and Disciplinary Procedures to hear grievances and hold hearings on disciplinary measures at the request of staff members.

Said committee shall consist of eight members with a term of office of three (3) years commencing on the 1st day of September.

**10.2** Notwithstanding Section 10.1, the Committee on Staff Grievances and Disciplinary Procedures shall, when first constituted, consist of two members appointed for a term of three (3) years, two for a term of two (2) years, and two for a term of one (1) year.

**10.3** The Committee on Staff Grievances and Disciplinary Procedures shall be appointed by the Board of Governors from a panel drawn established in accordance with Sections 10.3.1 through 10.3.4.

**10.3.1** Prior to the 1st day of April each year, the President of the McGill Association of University Teachers or the President's designate and the Principal or the Principal's designate shall submit to the Senate Nominating Committee a jointly approved slate of names of tenured staff members.

This slate shall include at least one and a half times as many names as there are vacancies on the Committee on Staff Grievances and Disciplinary Procedures to be filled that year.

**10.3.2** From this slate, the Senate Nominating Committee shall strike a panel of nominees equal to the number of vacancies to be filled and shall also designate the chair and vice-chair of the Committee on Staff Grievances and Disciplinary Procedures.

**10.3.3** The panel thus struck shall be submitted to Senate and to the Board of Governors for approval.

**10.3.4** In the event of rejection of the panel in whole or in part by Senate or the Board of Governors, the procedure set out in Section 10.3.1 through 10.3.4 shall recommence.

**10.4** The hearing committee shall be composed entirely of members of the Committee on Staff Grievances and Disciplinary Procedures and shall include:

- (i) the chair or vice-chair;
- (ii) one member selected by the Principal; and
- (iii) one member selected by the staff member who has brought a grievance before, or requested a disciplinary hearing from, the committee.

**10.4.1** Notwithstanding Section 10.4, where the hearing committee is struck pursuant to a recommendation of discipline concerning a complaint of harassment, sexual harassment or discrimination prohibited by law, if the complainant is a student the member selected by the Principal pursuant to Section 10.4 (ii) shall be a student.

The student shall be selected from a list jointly agreed upon by the Principal and the President of McGill Association of University Teachers.

**10.5.1** If the Principal and the staff member submit the same name, the chair shall choose that person and one other member of the Committee on Staff Grievances and Disciplinary Procedures to form the hearing committee.

**10.5.2** The committee members so nominated shall not be entitled to determine the identity of the party who nominated them.

**10.5.3** In the event that a vacancy occurs in the hearing committee, the party who nominated the member in respect of whom such vacancy occurred shall forthwith nominate a replacement.

In the event that the vacancy occurs in respect of the chair or vice-chair, the one shall replace the other, if available; if not available, the replacement shall be chosen by lot from the four remaining members of the Committee on Staff Grievances and Disciplinary Procedures.

**10.6** Should a member of the hearing committee be replaced during the course of a particular grievance or request, the committee shall recommence anew its consideration of that instance but shall not be required to reconsider any proceeding held in any prior instance or instances concerning that grievance or request.

- 10.7** No member of the committee shall sit in a particular instance if that person:
- (i) is a staff member reporting to the same supervisor as the staff member who is bringing a grievance or requesting a hearing; or
  - (ii) is in a position of conflict of interest as specified in applicable University policies governing conflict of interest.
- 10.8** The office of the Secretary-General shall provide a secretary for the Committee on Staff Grievances and Disciplinary Procedures.
- 10.9** The Committee on Staff Grievances and Disciplinary Procedures shall report annually to Senate and to the Board on the administration of the procedures described here.
- 10.10** The members of the committee, prior to hearing their first case, shall undergo sensitivity training on harassment and discrimination issues relating but not limited to racial, religious, gender, sexual, and sexual orientation related matters.

## **SECTION 11: STAFF GRIEVANCES**

- 11.1** The following are specifically excluded from the purview of Section 11:
- (i) Any matter relating to tenure, non-renewal of appointment, dismissal or suspensions, or a letter of reprimand from the Principal;
  - (ii) Any complaint against an action or a policy of the Board of Governors or Senate, or of any committee of either or both;
  - (iii) Any complaint against the composition, proceedings, or recommendations of a Statutory Selection Committee constituted under Section 3.4.3 of the *Statutes* or any recommendation made by the Principal pursuant to the said Section 3.4.3; and
  - (iv) The granting of a Retiring Allowance as described in the Regulations Concerning the Retirement of Academic Staff and of Librarian Staff.
- 11.2** For the purposes of Section 11, the staff member's supervisor is deemed to be the immediate superior and the next superior is the Director or Dean of Libraries.
- 11.3** If a staff member believes that he or she:
- (i) has been unfairly treated by the University in regard to the interpretation or application of University policy insofar as it relates to her or his academic career and working conditions; or
  - (ii) has been subjected to arbitrary, discriminatory, or unreasonable actions taken against her or him by the University, either by act or omission, the staff member may make a formal complaint, either orally or in writing, to her or his immediate superior (as defined in Section 11.2), who shall meet with the complainant without undue delay and both shall use their best efforts to settle the complaint.

This initial complaint must be made within twenty (20) working days from the date when the cause of the complaint occurs or becomes known to the complainant and is referred to hereinafter as Stage 1.

- 11.4** If no settlement is arrived at in Stage 1 within ten (10) working days of the making of the complaint, the complainant may, within a further ten (10) working days, submit the complaint in writing to her or his next superior as defined in Section 11.2, referred to hereinafter as Stage 2.

The next superior shall meet with the complainant and both shall use their best efforts to settle the complaint.

- 11.5** If in Stage 2 no settlement is arrived at within ten (10) working days of the presentation of the complaint, the complaint shall be deemed a grievance, and the complainant shall file with the Secretary-General a written statement of grievance within the ten (10) working days next following, referred to hereinafter as Stage 3.
- 11.6** The burden of proof shall fall upon the grievor.
- 11.7** If the delays prescribed in Stages 1 through 3 are not observed, the complaint or grievance, as the case may be, shall not be entitled to any further consideration. However, at any stage, the parties may agree in writing to extend the delays for proceeding.
- 11.8** The months of July and August shall not be taken into account in calculating the delays provided for in this Section 11.
- 11.9** Upon receipt of a statement of grievance under Section 11.5, the Secretary-General shall immediately transmit the statement of grievance to the chair of the Committee on Staff Grievances and Disciplinary Procedures, who shall convene a hearing committee as expeditiously as possible pursuant to Section 10.4 in order to consider the grievance and make recommendations as to its solution.
- 11.10** The committee shall make a preliminary determination as to whether:
- (i) Stages 1 and 2 have been duly followed within the time prescribed, or as otherwise agreed to by the parties in writing; and
  - (ii) the subject of the grievance is not excluded from the jurisdiction of the committee by Section 11.1.
- 11.11** If the above two conditions have been fulfilled, the hearing committee shall determine whether the matter is to be considered a librarian evaluation grievance or an administrative grievance.
- 11.11.1** Librarian evaluation grievances shall be those in which the salient issues involve a substantial element of judgment of academic performance.
- 11.11.2** Administrative grievances shall be those in which there is no substantial element of evaluation of academic performance.

### **Librarian Evaluation Grievances**

- 11.12** If the case is determined to fall under the provisions of Section 11.11.1, librarian evaluation grievances, the committee shall without undue delay hold a hearing or hearings after having given ten (10) working days' notice in writing to the parties, who shall be the grievor and the person grieved against, and to such other persons whose presence the committee deems necessary for a proper consideration of the matter.

If any of those so notified fail to attend, the committee may proceed in their absence.

- 11.13** The consideration of the case by the committee shall consist basically of a review of all documentation bearing on earlier considerations of the case; the committee shall receive statements orally in the presence of the parties or in writing.

All documentation considered by the committee shall be made available to both parties, and to the Principal on her or his request, with the exception of confidential letters, which shall be transmitted in the form of an unattributed copy, with nominative information removed.

- 11.14** The committee may permit either party to adduce new evidence before it in the presence of the parties, but only in order to clarify some new issue that arises during the course of its review or to establish:
- (i) failure to follow proper procedures;
  - (ii) bias; or
  - (iii) inconsistency of the decision with the existing record of the case or with established University practice.
- 11.15** Each party shall have the right to call witnesses, subject to the provisions of Section 11.14.
- 11.16** The parties shall have the right to be assisted by an advisor.
- 11.17** At the meeting of the hearing committee, either party may put questions to the other and to any witnesses heard by the committee.
- 11.18** The hearings and deliberations of the committee are confidential.
- 11.19.1** If the committee finds that there has been a failure at one of the previous stages to follow proper procedures, it shall return the case to the appropriate committee or University officer with instructions as to the proper procedures to be followed, unless the committee itself decides to consider the case anew on its merits.

Should the committee refer the case back to the appropriate committee or University officer, it shall remain seised of the grievance, and the appropriate committee or officer shall, after having implemented the instructions, report back to the committee, which shall render a final decision.

- 11.19.2** If the committee finds that the decision grieved is tainted with bias or inconsistent with the existing record of the case or established practice, the committee shall proceed to consider the case on its merits.
- 11.20** Subject to Section 11.24, the findings of fact and the decision of the committee shall be sent to the Principal for implementation according to the Principal's best judgment. A copy of the findings of fact and decision shall be sent to both parties. The Principal may decline to implement the decision only if the Principal is of the opinion that the decision is not capable of implementation or is not in accordance with the rules of evidence. If the Principal declines to implement the decision, the Principal shall provide written reasons to the parties to the grievance and to the Committee on Staff Grievances and Disciplinary Procedures within thirty (30) working days.

### **Administrative Grievances**

- 11.21** If the case is determined to fall under the provisions of Section 11.11.2, administrative grievances, the committee shall without undue delay hold a hearing or hearings after having given ten (10) working days' notice in writing to the parties, who shall be the grievor and the person grieved against, and to such other persons whose presence the committee shall deem necessary for a proper consideration of the matter. If any of the parties or other persons deemed necessary fails to attend, the committee may proceed in their absence.
- 11.22** The Committee on Staff Grievances and Disciplinary Procedures shall establish its own procedures for grievances that fall under the provisions of Section 11.11.2 and shall conduct its proceedings in accordance with the rules of natural justice.

At any stage in this grievance procedure, the parties have the right to be assisted by an advisor.

- 11.23** Subject to Section 11.24, the hearing committee shall report its findings of fact, conclusions, and recommendations to the Principal for such actions as may be considered appropriate, with a copy to both parties. The Principal is not required to hold a further hearing, and the Principal's decision on reception of the report shall be final, subject only to the provisions of the University Charter. The Principal's decision shall be communicated in writing to the parties, with a copy to the committee, within thirty (30) days of receiving the report. If the Principal's decision differs from the recommendations of the committee, the Principal is obliged to give complete and substantive written reasons to all parties.

### **Recusal of Principal**

- 11.24** In either a librarian evaluation or administrative grievance, if the Principal recuses herself or himself, or is the party grieved against, the committee shall submit its findings of fact, conclusions, decisions and recommendations to the Executive Committee of the Board of Governors instead of to the Principal. The Executive Committee shall then deal with the same in lieu of the Principal and under the same conditions.

## **SECTION 12: DISCIPLINARY HEARINGS**

- 12.1** If a staff member has filed a request for disciplinary hearing under Section 9.8.3.1 the Secretary-General shall promptly submit the request to the chair of the Committee on Staff Grievances and Disciplinary Procedures, who shall, as expeditiously as possible, convene the hearing committee pursuant to Section 10.4.
- 12.2** As soon as the hearing committee is formed, it shall make a preliminary determination as to whether:
- (i) the notice of request for hearing conforms formally with Section 9.8.3.1 and
  - (ii) the staff member has observed the delays prescribed.
- 12.2.1** If under (i) or (ii) above, the hearing committee makes a determination adverse to the staff member who has requested a hearing, it shall declare the request abandoned.
- 12.3** The staff member has ten (10) working days from notification that the request for hearing has been abandoned under Section 12.2.1 to exercise the right to arbitration by submitting to the Principal, in writing, a notice of intent to pursue arbitration under Section 13.
- 12.4** If the hearing committee determines that the request is not abandoned, the committee shall proceed to consider the request.
- 12.4.1** Such consideration will basically consist of a review of all documentation bearing on earlier considerations of the case. The committee shall receive statements orally before the committee, in the presence of the staff member and the delegates of the Principal herein collectively referred to as "the parties," or in writing, from all relevant persons. All documentation considered by the committee shall be made available to the parties.
- 12.4.2** The committee may permit new evidence to be adduced before it in the presence of the parties, if the committee judges it to be relevant to the merits of the case.
- 12.4.3** Each party shall have the right to call witnesses, subject to the provisions of Section 12.4.2.
- 12.4.3.1** At the meeting of the hearing committee, either party may put relevant and legally admissible questions to the other, through the chair.
- 12.4.4** The parties have the right to be assisted by an advisor at any stage of the hearing procedure.
- 12.4.5** The original complainant, or delegate, has a right to observe the hearing.



- 12.4.6** The parties shall be invited, by five (5) working days' written notice, to meet with the committee to state their cases. If either party fails to attend, the committee will proceed in her or his absence.
- 12.4.7** At such meeting, questions may be put by the members of the committee.
- 12.4.8** The hearings and deliberations of the committee are confidential.
- 12.4.9** No stenographic record or tape recording of the committee's proceedings shall be kept.
- 12.4.10** The number of hearing days shall not exceed five (5) and may not be extended by agreement of the parties. The committee shall report its decision as soon as reasonably possible, at the latest one month after the filing of the notice of request for hearing under Section 9.8.3.1.
- 12.4.11** Proceedings of the committee shall be suspended during the months of July and August, except for cases of urgency. In cases of urgency, the Secretary-General shall constitute a hearing committee from among any of the eight members of the Committee on Grievances and Disciplinary Procedures.
- 12.5** The hearing committee shall make one of the following recommendations:
- (i) that the disciplinary measures proposed by the Principal be upheld;
  - (ii) that alternative measures be imposed; or
  - (iii) that no disciplinary measures be imposed.
- 12.6** The final recommendation of the committee and the reasons stated therefore shall be communicated in writing to the Principal and the staff member within ten (10) working days of completion of the procedures. The recommendation of the committee is not binding on the Principal.
- 12.7** Upon receiving the committee's recommendation under Section 12.6 the Principal shall either:
- (i) Decide not to impose any disciplinary measure and so notify the staff member and the Director or Dean of Libraries in writing, all written documents pertaining to the case to be expunged from the record; or
  - (ii) Confirm the disciplinary measure or measures described under Section 9.8.3, or any other measure recommended by the committee.
- 12.8** The Principal shall inform the staff member, the committee, and the Director or Dean of Libraries of the decision, in writing, giving complete and substantive reasons.
- 12.9** Within ten (10) working days of receipt of the letter provided for in Section 12.8, the staff member may respond to the Principal, giving notice that the staff member will refer the matter to arbitration under Section 13.

### **The Principal's Power to Delegate**

- 12.10** The Principal may, by written notice to the record of the case with a copy to the staff member, delegate any or all of the Principal's duties under Section 9 to a vice-principal, except for cases of dismissal under Section 9.9.

### **Review of the Present Regulations**

- 12.11** The present regulations shall be reviewed at the same time as the equivalent review of the Regulations Relating to the Employment of Academic Staff; all grievances and requests for disciplinary hearings made within that period shall be fully dealt with in accordance with the provisions of this chapter.

## **SECTION 13: ARBITRATION**

- 13.1** The Principal and the President of the McGill Association of University Teachers shall jointly appoint a person of unquestioned integrity and independence to perform the functions required in Section 13.5 and may at the same time provide for an alternate to act in the former's absence for an agreed term (and until their successors are appointed) within thirty (30) working days of the adoption of these regulations, or of the resignation or incapability of the person or persons previously appointed.
- 13.1.1** In the event of a suspension without pay, and upon receipt of the written notification from the staff member to use arbitration as provided under Sections 9.8.4, 9.10, 12.3, and 12.9 of this regulation, the staff member's salary and benefits will be maintained pending the final decision of the arbitrator. University privileges will normally be maintained pending the final decision of the arbitrator, unless the Principal has reasonable grounds not to maintain the same.
- 13.1.2** In the event of dismissal, the staff member's salary, benefits, and University privileges shall be discontinued subject to the provisions of Section 9.9.3.3. The staff member may apply to the arbitrator for an interim ruling restoring her or his salary and other financial benefits. Such an interim ruling shall be without prejudice to the final decision of the arbitrator under Section 13.14.
- 13.2** Within fifteen (15) working days of the notification by the staff member to use arbitration as provided under Sections 9.8.4, 9.10, 12.3, and 12.9, the Principal and the staff member or their representatives shall meet to name an arbitrator.
- 13.3** The Principal and the staff member shall sign a formal submission to arbitration, setting out in summary the matters at issue. Such a submission to arbitration shall conform to Articles 940 and following of the Code of Civil Procedure.
- 13.4** The arbitrator shall be a qualified person not employed by the University who is acceptable to the Principal and to the staff member. The qualified arbitrator is a person whose name appears on the most recent annotated list of arbitrators published by the Quebec government from time to time, and who has at any time held an academic appointment at a university.
- 13.5** If the Principal and the staff member are unable to name an arbitrator within fifteen (15) working days from the notification by the staff member to submit the matter to arbitration, the arbitrator shall be chosen by the following method: the person of unquestioned integrity and independence appointed under Section 13.1 shall at the earliest possible moment name one qualified arbitrator, not in the employ of the University, to arbitrate the case.
- 13.6** The maximum duration of arbitration hearings shall be ten (10) days, the fees and expenses of the arbitrator being assumed by the University for that period. If either party or both wish to go beyond the ten (10) days, the arbitrator will have jurisdiction to extend the number of hearing days to a maximum of ten (10) additional days. The party requesting the extension shall pay the fee and expenses of the arbitrator for the period of the extension.
- 13.7** The parties shall be entitled to representation. Each party shall bear its own cost of presentation.
- 13.8** The arbitrator shall review the question with due diligence and conclude the proceedings and render a decision as expeditiously as possible.

- 13.9** The arbitrator shall establish and conduct proceedings in accordance with rules of natural justice; and shall require the University and the staff member, herein collectively referred to as "the parties", to make full disclosure of evidence which the arbitrator deems relevant. In any event the arbitrator shall:
- (i) Notify the parties in writing of the time and place at which the arbitrator intends to hear the parties;
  - (ii) Afford the parties the right to appear in person with or without counsel or advisor, not to exceed two in number, adduce evidence at their diligence, examine and cross-examine witnesses, and state their case;
  - (iii) Hold hearings *in camera* unless both parties agree in writing that the hearings shall be open, and instruct all persons appearing before her or him *in camera* to treat all evidence and proceedings as confidential;
  - (iv) Require each party to indicate in advance the nature of the evidence upon which that party intends to rely, in order to enable the other party to make a fair and full answer; and
  - (v) Have the power to proceed in the absence of a party who should without reasonable excuse fail to appear before her or him.

- 13.10** The arbitrator shall convene the hearing as soon as possible and shall conclude the proceedings and render a decision as expeditiously as possible, but in any event within 15 weeks of being appointed.

If the term of the arbitrator's mandate is extended beyond the initial ten (10) days, one week shall be added to the fifteen (15) week decision deadline for each additional day of hearing.

- 13.11** A formal stenographic record of the proceedings may be kept at the expense of the University and made available to both parties and to the arbitrator.

- 13.12** The parties shall use utmost diligence in preparing for the hearing and shall see to it by way of exchange of all pertinent documents, as well as disclosure of the identity of all witnesses, that the restrictions on the time allocated for hearing are respected.

- 13.13** Preliminary objections shall be made to the arbitrator by way of correspondence sent at least ten (10) working days prior to the hearing.

The decision of the arbitrator as to the objections will be rendered at the latest at the opening of the hearing.

- 13.14** At the opening of the hearing, the parties shall submit admissions as to all relevant facts and shall endeavour to reduce the number of contested facts.

- 13.15** The arbitrator shall issue a final written decision that contains findings of fact, reasons, and conclusions. The conclusions are limited to deciding whether adequate cause for discipline of the staff member has been established. The written decision shall be forwarded by the arbitrator to the Principal and to the staff member. In the case of open hearings, the written decision may be published. Where the proceedings are held *in camera*, the written decision shall not be made public; but publication of any portion of the written decision shall permit either party to publish the entire decision.

- 13.16** The decision of the arbitrator shall be final and binding on the staff member and on the University.

**SECTION 14: AMENDMENT AND REPEAL**

**14.1** It is recognized that unforeseen circumstances may arise which will necessitate the amendment or repeal of these regulations and the Board of Governors accordingly reserves its right to amend or repeal the same after the Principal has sought the advice of Senate at a special meeting of Senate.

**SECTION 15: EFFECTIVE DATE**

**15.1** The effective date of these regulations shall be the day following their adoption by the Board of Governors.

<i>History:</i>		
Senate	January 25, 1989	Minute 55
Board of Governors	February 20, 1989	Minutes 6554, 6555
<i>Amendments:</i>		
Senate	May 9, 1990	Minute 117
Board of Governors	May 28, 1990	Minute 7718
Executive Committee	October 24, 1994	Minute 8357
Senate	February 1, 1995	Minute 73
Executive Committee	March 6, 1995	Minute 8407
Senate	March 8, 1995	Minute 86
Board of Governors	March 27, 1995	Minute 8228
Senate	March 19, 1997	Minute 6
Board of Governors	April 23, 1997	Minute 7
Senate	May 21, 1997	Minute 7
Board of Governors	May 26, 1997	Minute 8
Senate	November 5, 1997	Minute 6
Executive Committee	November 20, 1997	Minute 11
Senate	December 6, 2000	Minute 12
Board of Governors	January 29, 2001	Minute 7
Senate	March 21, 2001	Minute 7
Board of Governors	April 17, 2001	Minute 12
Senate	January 30, 2002	Minute 6
Board of Governors	April 15, 2002	Minute 9
Senate	April 3, 2002	Minute 8
Executive Committee	April 29, 2002	Minute 3
Senate	May 15, 2002	Minute 8
Board of Governors	May 27, 2002	Minute 4
Senate	September 18, 2002	Minute 9
Executive Committee	October 7, 2002	Minute 3
Senate	October 16, 2002	Minute 6
Board of Governors	November 25, 2002	Minute 7
Senate	February 12, 2003	Minute 11
Board of Governors	March 17, 2003	Minute 6
Senate	October 6, 2004	Minute 10
Executive Committee	November 22, 2004	Minute 8
Senate	January 12, 2005	Minute 10
Board of Governors	February 7, 2005	Minute 10
Senate	May 25, 2005	Minute 11
Executive Committee	June 20, 2005	Minute 6
Senate	May 25, 2005	Minute 12
Executive Committee	June 20, 2005	Minute 5
Senate	December 7, 2005	Minute 9
Board of Governors	March 6, 2006	Minute 6
Senate	May 24, 2006	Minute 11
Executive Committee	July 10, 2006	Minute 6
Senate	May 9, 2007	Minute 8
Board of Governors	June 5, 2007	Minute 12
Senate	March 5, 2008	Minute 3
Executive Committee	March 17, 2008	Minute 5.1.1
Senate	February 11, 2009	Minute 3
Executive Committee	May 19, 2009	Minute 4.1
Senate	September 22, 2011	Minute IIB7
Board of Governors	September 27, 2011	Minute 6
Senate	September 20, 2012	Minute IIB7
Board of Governors	September 27, 2012	Minute 10

## Appendix A

### GUIDELINES FOR DEVELOPING A TEACHING PORTFOLIO FOR LIBRARIAN STAFF

Teaching portfolios have been initiated at McGill because they are useful in:

- focusing librarians' reflection on the quality of teaching;
- providing a framework for documenting teaching effectiveness;
- expanding the ways in which good teaching and the complexity of teaching can be documented;
- fostering ongoing dialogue about teaching and teaching improvement;
- emphasizing McGill's commitment to teaching as a highly regarded, valued, and rewarded scholarly activity that is an integral part of the reappointment, tenure, and promotion process and one that receives its due weight in the tenure and promotion process.

The Regulations Relating to the Employment of Librarian Staff do not explicitly mention teaching as one of the activities contributing to fulfilling the academic duties of librarian staff. Nevertheless librarians may engage in teaching as one of their professional or scholarly activities. Where such is the case, along with documentation pertaining to position responsibilities, professional and scholarly activities and service, in dossiers for reappointment, tenure, and promotion to full librarian it is appropriate for a librarian to include a teaching portfolio prepared in accordance with the applicable provisions in these guidelines.

A teaching portfolio is a concise compilation of selected information that systematically documents the effectiveness as well as the scope, complexity, and individuality of an instructor's teaching. Three main categories are to be addressed: teaching responsibilities, evidence of teaching effectiveness, and teaching development activities.

#### Formatting a Teaching Portfolio

A Teaching Portfolio should reflect the progression of one's teaching over the period during which the librarian has been engaged in such activities (though no more than the last five to eight years). It should be formatted and organized so that this progression is obvious to the reader. A recommended organization is to use a teaching statement as the overall organization to which supporting documents and materials can be referenced and appended.

As such, your teaching statement might be organized using the three main categories:

- teaching responsibilities;
- evidence of teaching effectiveness; and
- teaching development activities.

Included under these would be a discussion of why you teach the way you do, the nature of your subject matter/profession and how that is reflected in the way your courses are planned, the learning goals you have for your students, why you evaluate student learning as you do, an evaluation of your teaching to date (including a self evaluation), what directions you would like your teaching to take and how you plan to go about it. The clarity with which you elaborate on these issues is critical in communicating your perspective to the reader.

In order not to overwhelm yourself or the reader, append to your teaching statement only those documents which support the discussion you have presented;

- The teaching statement itself should not exceed five pages. In general, the complete Teaching Portfolio (including appendices) should not exceed 40-50 pages.
- Label all appendices clearly and reference them in your teaching statement.
- The suggested format for presenting course ratings is a table showing, for each course taught, your average rating and the average rating for the department or faculty for each question.
- If you decide to include course materials, choose only selected samples which support your discussion of your teaching.

## Items for Inclusion in a Teaching Portfolio

### 1. Teaching Responsibilities

#### *Information required*

- Courses taught, course level, enrolment, and format
- Graduate students supervised (theses, internships)
- Undergraduate supervision (projects, theses)

#### *Optional*

- New courses developed
- Involvement in curriculum development
- Mentoring TAs and other instructors
- Training graduate students to teach
- Teaching-related administrative or committee work

### 2. Evidence of Teaching Effectiveness

#### *Information required*

- Summary and interpretation of course evaluation numerical ratings with department or faculty norms
- Measures taken in response to feedback on teaching

#### *Optional*

- A complete set of students' written comments on course evaluations
- Teaching awards received
- Other formal recognition of accomplishment
- Comments from peer observers
- Letters from students, alumni, colleagues, administrators, employers (consider what kinds of letters are representative)
- Students accepted/proceeding to advanced study in the field
- Professional success of students
- Awards/scholarships granted to students
- Invitations to teach due to reputation
- Products of good teaching (materials/products generated by students)
- Course materials created by instructor (e.g., course outlines)
- Performance by students on standardized examinations

### 3. Teaching Development Activities

#### *Information required*

- Description of teaching development and improvement efforts
- Evaluation of their effectiveness (e.g., collaboration with colleagues on improving teaching, attendance at conferences or workshops on teaching)

#### *Optional*

- Self-evaluation of the effectiveness of instructional approaches
- Contribution to journals on teaching
- Obtaining funds for innovative teaching activities
- Research on teaching and learning (possibly discipline-specific)
- Steps taken and rationale given for course development or modification