

## *Allard School of Law – RPT Guidelines*

### *Policies and Procedures*

#### **1.0 Appointment Process**

##### **1.1 Appointments Committee**

Under Articles 5.04(c) and 5.09(c) of the Collective Agreement on Conditions of Appointment for Faculty, 2022-2025 (the “Collective Agreement”), the Dean formally consults with the Faculty regarding appointments through an ad hoc committee comprised of faculty members voted onto this committee by the standing committee of all faculty members eligible to participate in appointments. In the Allard School of Law, this ad hoc committee is called the “Appointments Committee.” The procedures regulating its convening and operation are as follows:

- a) The Dean will present a proposed slate of committee members for vote by all tenured or tenure track faculty members. The slate will consist of between 5 and 7 members. Although representation at every tenured/tenure-track rank is highly desirable, the Appointments Committee need not have any set number or ratio of members at any given rank.
- b) All tenured and tenure track faculty members are eligible to serve on the Appointments Committee and will be responsible for participating in the recruitment and appointments process if they are voted onto the Committee by the Faculty and when their assistance is requested by the Committee.
- c) The Appointments Committee is led by a secretary or co-secretaries who are members of the Committee.
- d) The Dean serves as the non-voting Chair of the Appointments Committee (under the Collective Agreement 5.06[d]) and will receive the Committee’s recommendations at the end of the process.
- e) The major responsibilities of the elected Appointments Committee are to:
  - i. consider and establish its procedures;
  - ii. advise on the drafting of a job advertisements
  - iii. review applications;
  - iv. develop a “long list” of candidates for possible interview;
  - v. solicit feedback on that long list from faculty members;
  - vi. decide on candidates to be interviewed;
  - vii. manage the interview process;
  - viii. review the candidates’ scholarly works or arrange to have those works reviewed by other faculty members;

- ix. contact candidates' references;
  - x. solicit feedback from faculty members about the strengths/weaknesses and advisability of appointment for each candidate in writing and/or via a faculty discussion;
  - xi. deliberate and develop draft recommendations that the Committee may discuss with faculty via e-mail or at a meeting; and
  - xii. make recommendations to the Dean regarding the candidates.
- f) The elected Appointments Committee will decide whether and how to involve other faculty members in the recruitment process (e.g., by identifying potential applicants and encouraging their application). It will also meet with student representatives to plan for student involvement in the recruitment process consistent with recent practice.
- g) The Dean and/or the Committee should report on the results of the process, including whether the Dean's decision(s) diverged from the recommendation(s) of the Committee.

## 1.2 Recommendations and Rank

Under the Collective Agreement, all tenured and tenure-track faculty members on the appointments committee can recommend in the case of an initial appointment, but for a tenured appointment faculty members can only provide a formal recommendation if they are tenured and of equal or higher rank to the recommended appointment (see Articles 5.04[b][i] and 5.04[b][iii]). In other words, each member of the Appointments Committee will be able to make a recommendation for a given appointment, but in the case of appointment at the rank of Assistant Professor or Assistant Professor of Teaching or higher, where tenure is a condition of appointment the Dean must receive a separate recommendation specifically on tenure from members of the Committee who are equal to or greater than the rank being recommended.

- a) The entire Appointments Committee will make a recommendation to the Dean with regard to appointment and may make some suggestions about the likely rank of the candidate. After reviewing these recommendations, the Dean can make an offer to a person for appointment at the rank of Assistant Professor, subject to the approval of the President and Board of Governors. The Dean can make an offer of appointment at a higher rank (e.g., at the rank of Associate Professor or above), but the offer must be made subject to the recommendation of the eligible members of the Appointments Committee and consistent with the University's procedures for senior appointments.
- b) The Faculty's current appointments process does not require a minimum number of committee members at any rank (as stated in 1.1[a] above). However, recommendations regarding appointment at the rank of Associate Professor / Senior Instructor or above should be based on the views of at least two faculty members at the required rank. In the unlikely event that there are fewer than two members of the Appointments Committee eligible to vote on the rank and tenured status of a faculty candidate, the Dean will call a meeting of eligible faculty members from the Faculty as a whole to consider the file and to make a recommendation.

## 2.1 Reappointment Process

The process for reappointment is the same as the process for promotion and/or tenure, with the following exceptions:

- a) pursuant to Article 5.05(a)(iii) of the Collective Agreement on Conditions of Appointment for Faculty, 2016-2019, letters of appraisal from external reviewers (3.1[d] below) are not required for reappointment unless the faculty standing committee considers that it, or the Dean considers that he or she, “may recommend denial of reappointment, and a deficiency in scholarly work is a reason.”
- b) the file is not reviewed by the University’s Senior Appointments Committee following the Dean’s recommendation to the President.

## 3.0 Promotion and Tenure Process

The process in the Allard School of Law for promotion and/or tenure is based on, and consistent with, Articles 3, 4, 5, and 9 of the Collective Agreement on Conditions of Appointment for Faculty, 2022-2025 (the “Collective Agreement”).

### 3.1 Preparation of the Candidate’s File

- a) All pre-tenure faculty members will meet with the Dean annually, prior to June 30 of each academic year, as required by the Collective Agreement, Article 5.02. Pre-tenure and tenured faculty members wishing to request an optional review for promotion during the upcoming academic year under Article 9 of the Collective Agreement must make this request well in advance of June 30.

The C.V. is the key document in the promotion and tenure process. It must be accurate, complete and sufficiently detailed to allow external reviewers, other faculty members, the Dean and SAC to assess adequately the nature and significance of the candidate’s work.

The candidate’s C.V. must be kept up to date at all times, and, further to Article 5.03(b) of the Collective Agreement, candidates are permitted to submit addenda to their promotion file in order to update their C.V. throughout the process up to the point of the President’s decision.

Further details regarding the preparation of the C.V. can be found in the *SAC Guide to Reappointment, Promotion and Tenure Procedures at UBC* (“SAC Guide”) available at the Faculty Relations website (<https://hr.ubc.ca/sites/default/files/documents/SAC%20Guide.pdf>).

- b) Letters from four (4) external reviewers are required for consideration of an application for promotion or promotion with tenure. The candidate will provide the Reappointment, Promotion and Tenure Co-Chair or Co-Chairs (“P&T Co-Chair(s)”) with a list of at least four

possible external reviewers from which the P&T Co-Chair(s) must choose at least two (2). Pursuant to Article 5.05(c) of the Collective Agreement, before selecting prospective referees for consideration the P&T Co-Chair(s) will consult with eligible faculty (see 3.2 below) regarding the referees, including those on the candidates' list. External referees should normally hold an appointment at an institution whose general ranking and reputation is equal to or greater than the University of British Columbia's and must be of a professorial rank equal to or greater than the rank to which the candidate is applying for promotion.

- c) In the event that there is a potential external reviewer in regard to whom the candidate has specific reasons to consider that a review would not be impartially conducted, the candidate may alert the P&T Co-Chair(s) to this concern.
- d) In consultation with the Dean or P&T Co-Chair(s), candidates must choose two (2) advisors, also called "shepherds." The shepherds will advise the candidate on the preparation of their C.V. and any other matters related to this process. Additional responsibilities of the shepherds include:
  - i. visiting the candidates classes to observe their teaching and providing peer review of teaching reports; and
  - ii. preparing a neutral and descriptive report (the "Report") based on their classroom observations and a review of the candidate's C.V. The Report will include a summary of student evaluation of teaching scores for the candidate (prepared by the Dean's Office), along with the complete set of student evaluation of teaching appended (as provided by the Dean's Office).

### 3.2 The Promotion and Tenure Committee

- a) The committee for reappointment, promotion and tenure files ("the Committee") is made up of all eligible faculty members in a given case. Under Article 5.04(b)(ii) of the Collective Agreement, in cases of promotion faculty members are eligible if they are higher in rank than the candidate. In cases of tenure, faculty members are eligible if they are tenured and of equal or higher rank than the candidate.
- b) The Dean will appoint one or more faculty members (depending on the volume of files to be considered in a given year) at the rank of full professor, known as P&T Co-Chair(s), to conduct the following duties as required in the reappointment, promotion and tenure process by the Collective Agreement:
  - i. soliciting external review letters (CA 5.02[b])
  - ii. consulting with faculty re potential external reviewers (CA 5.02[c])
  - iii. chairing the faculty standing committee meeting (non-voting) (CA 5.2[d])
  - iv. handling the procedures around "serious concerns" (CA 5.06[f])
  - v. preparing the report of the standing committee, circulating for comment and sending to the Dean (CA 5.07[b])
  - vi. notifying the candidate of the recommendation being forwarded to the Dean and related processes (CA 5.08)

A faculty member appointed as P&T Co-Chair will not serve as chair for more than three (3) files per year.

The list of faculty members appointed as P&T Co-Chair(s) by the Dean will be ratified annually by a vote of all eligible members of faculty (including tenured and pre-tenure faculty members)

- c) The Report is presented, along with the candidate's C.V., the external reviewers' letters, and, if required, teaching and educational leadership dossiers, to the Committee. All materials are provided for review in advance of the meeting.
- d) After the presentation of the Report by the candidate's shepherds, a motion will be made for approval of the candidate's promotion and tenure application, after which there will be opportunity for the Committee to discuss the file.
- e) Pursuant to Article 5.06(f) of the Collective Agreement, in cases where serious concerns are raised about the file by the Committee, the Dean will inform the candidate of that fact and let him or her know the nature of the concerns in a manner that will enable the candidate to respond meaningfully and to introduce further relevant evidence. In this case, the candidate will also be provided with either a summary or redacted versions of the external reviewers' letters, with their names and identities sufficiently protected from disclosure, prepared by a member of the Committee who has been selected by the Committee. The candidate's response and any further relevant evidence will be added to the candidate's file, pursuant to Article 5.03(b) of the Collective Agreement. The Committee will then meet to consider the file and, where appropriate, to vote on the application.
- f) If no serious concerns are raised by the Committee, the Committee will be called by the Chair to vote by a show of hands on the candidate's application for promotion or application for promotion with tenure. Under Article 5.06(g) of the Collective Agreement, the decision of the Committee will be that of the majority.
- g) Consistent with Article 5.07(b) of the Collective Agreement, the P&T Co-Chair(s), shall prepare a report of the Committee. The report will contain a full statement of the reasons of the Committee, including a full statement of the majority and any minority opinions. Before sending the report to the Dean and before notifying the candidate of the results of the Committee's vote as per Article 5.08, the P&T Co-Chair(s) will circulate a draft to the Committee and invite comments on the draft.
- h) Consistent with Article 5.08(a), the P&T Co-Chairs shall, at the time the recommendation is forwarded to the Dean, inform the candidate in writing of the recommendation being forwarded. Consistent with Articles 5.08(b) and (d), in cases where the vote of the Committee is negative, the P&T Co-Chair(s) will provide the candidate with specific and detailed reasons for the decision in writing and invite the candidate to respond in writing. The candidate's response will be added to the file, pursuant to Article 5.03(b) of the Collective Agreement.

### 3.3 The Recommendation of the Dean

- a) Consistent with Article 5.10 of the Collective Agreement, “[t]he Dean shall review the recommendations” of the Committee “to ensure that proper procedures have been followed, that all relevant material has been considered, and that recommendations made are consistent with the evidence presented.” If after reviewing the complete file, the Dean has significant concerns about whether the candidate has met the standards for promotion or promotion with tenure under the Collective Agreement that have not already been brought to the candidate’s attention and addressed by the candidate, the Dean may provide the candidate with a letter of additional concerns and an opportunity to respond to those concerns.
- b) The Dean will prepare a recommendation for the President following the procedures set out in Articles 5.11, 5.12 and 5.13 of the Collective Agreement, which, modified pursuant to Article 5.09(c), are as follows:
  - i. The Dean shall, except when his/her decision concerning an initial appointment or a promotion not arising out of a mandatory review under Article 9 [...] is negative, forward his or her recommendation to the President together with the recommendations received from the [Committee] (Article 5.11[a]).
  - ii. If the Dean's recommendation is different from [...] that of the [Committee], the Dean shall inform the President of the reasons for this (Article 5.11[b]).
  - iii. [T]he Dean shall, at the time the recommendations are being forwarded to the President, inform the candidate in writing of his or her recommendation (Article 5.12[a]).
  - iv. If the recommendation of the Dean is negative, in opposition to the recommendation of [the Committee], or for reasons not raised by [the Committee], the Dean shall provide detailed and specific reasons in writing to the candidate, including the respect in which he or she is deemed to have failed to satisfy the applicable criteria (Article 5.12[b]).
  - v. The Dean may provide detailed and specific reasons by giving the candidate a copy of the Dean's recommendation to the President but if that is done the recommendation shall be modified to the extent necessary to protect the confidentiality under Article 5.01(d) and to protect the identity of referees (Article 5.12[c]).
  - vi. The candidate shall be offered the opportunity to make a timely written response, which shall be added to the file pursuant to Article 5.03 (Article 5.12[d]).
  - vii. If the Dean's recommendation is not in accord with the recommendation of [the Committee], the Dean shall inform the [Committee] of this fact and the reasons for it (Article 5.13).