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# WHAT TO DO IN THE EVENT OF A NEGATIVE TENURE DECISION

## KEY RESOURCES

- *Policy and Procedures on Academic Appointments*, Section IV - (<http://www.governingcouncil.utoronto.ca/policies/phoct302003i.htm>).
- The University of Toronto Faculty Association (UTFA) – [www.utfa.org](http://www.utfa.org)

You can appeal a negative tenure decision. **Contact the University of Toronto Faculty Association** – they will provide you with assistance and support throughout the process.

Within thirty working days of being informed of the President's decision you must give notice of appeal.

## GROUNDINGS FOR APPEAL

If you are denied tenure, the *Policy and Procedures on Academic Appointments* gives the following grounds for appeal:-

1. A significant irregularity or unfairness in the procedure followed by the tenure committee, or in the selection of its members;
2. Improper bias or motive on the part of any member of the tenure committee;
3. Improper bias or motive on the part of any person whose opinion may have materially influenced the decision of the committee;
4. The decision is unreasonable in the light of the evidence which was available or should have been available to the committee and in light of the standards that were generally applied in the division in recent years.

## TENURE APPEAL COMMITTEE

The Tenure Appeal Committee (TAC) consists of a Chair and four members drawn from a panel of up to 16 members. At a tenure appeal hearing you and the Chair/Dean will have the opportunity to appear and present evidence and argument to TAC.

TAC has two options, and its decision is final. It may:-

1. dismiss the appeal, or
2. if it finds evidence for any of the grounds listed above, it can call for a second tenure committee to be set up.

In the case of a second tenure committee, TAC may direct, in general terms, the composition of the second committee. Alternatively, in cases where only technical or procedural matters are at issue, TAC may recall the original tenure committee to reconsider its decision.

## PROCEDURES FOR SECOND TENURE COMMITTEES

Depending on the instructions provided by TAC, the second tenure committee may not include any members of the original committee but will have the same composition as a regular tenure committee. The only exception is that a second tenure committee will include at least one tenured professor from another university whose discipline is similar to yours.

As with the first tenure committee, you will be given a list of proposed second tenure committee members. You and your Chair will have the opportunity to protest the inclusion of any members of the committee but will need to present evidence to the President of their involvement in the original decision which would justify their exclusion.

Unless directed otherwise by TAC, the second tenure committee will consider your performance for the same period as the original committee (e.g. they won't consider any work published after the date of your original tenure committee meeting). No contributions to teaching and research made subsequent to the decision of the original committee will be admitted for consideration.

The second tenure committee may gather further evidence (e.g. letters from external referees) – in this case you will receive a new summary of evidence. You will be informed of the date and time of the meeting and have the opportunity to address the committee either orally or in writing.

Like with the original tenure committee, the meeting is held *in camera*, all discussions are confidential and quorum is full membership. A recommendation to grant tenure requires at least a 5 to 2 or 6 to 2 vote in favour. The Chair of the committee reports the committee's recommendation to the President who will inform you and provide you with a Statement of Reasons. Decisions of second tenure committees cannot be appealed.