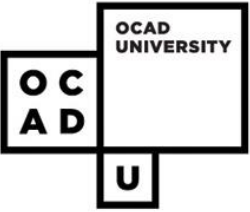


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|  | Policy on the Appointment and Reappointment of Chairs, Graduate Program Directors and Positions of Equivalent Levels #10.7 | |
| CATEGORY: Human Resources/Diversity & Equity | APPROVAL DATE: MAY 22, 2024 (SENATE) JUNE 17, 2024 (BOARD OF GOVERNORS) | |
| EFFECTIVE DATE: JUNE 17, 2024 | REVIEW DATE: (five years from approval date) | |
| APPROVAL: Senate, Board of Governors | | |
| SPONSOR: Vice-President, Academic and Provost | | |
| CONTACT: Executive Director, People & Culture | | |
| PREVIOUS VERSIONS: June 13, 2016 | | |

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1. PURPOSE

The purpose of this policy is to outline the manner by which the search, appointment and reappointment of Program Chairs, Graduate Program Directors and positions of equivalent levels is undertaken at OCAD University (“OCAD U” or “the University”), to ensure appropriate rigour, consistency and transparency of process and reflecting the mission, strategic direction, and values of the University. This policy and its related procedures have been developed in accordance with the *Ontario College of Art and Design University Act, 2002* (“OCAD U Act”) and the Memorandum of Agreement (“the MoA”) with the OCAD Faculty Association (OCADFA).

2. SCOPE

This policy applies to the appointment, reappointment, acting and interim appointment of academic administrators, which includes Program Chairs, Graduate Program Directors, and positions of equivalent levels.

In accordance with the OCAD U Act, the authority for the appointment or reappointment of academic administrators resides with the Senate, and the Board of Governors with respect to the expenditure of funds, upon recommendation by

the President, where applicable. Such recommendations shall be made on the advice of the duly constituted search committees, where applicable, and shall be carried out in accordance with this policy.

3. POLICY

3.1 Basic principles

3.1.1 Equity, Diversity & Inclusion

3.1.1.1 OCAD U is committed to achieving equity, diversity, and critical inclusion, including Indigenous positioning, and supporting the dignity of all people and promotes a working and learning environment that is accessible to all persons who work, study or visit the University. The search, appointment, and reappointment procedures within this policy shall reflect OCAD U's values and commitments and shall comply with the University's *Respectful Working & Learning Environment Policy*, *Accommodation in Employment for Persons with Disabilities Policy* and *AODA Customer Service Policy*. It is the policy of the University to provide barrier-free accessibility for persons with disabilities as defined by the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA") and that its working and learning environments will be free from discrimination and harassment as defined by the *Ontario Human Rights Code, 1990* ("the Code").

3.1.1.2 Advancing equity in hiring is key to enriching the academic and intellectual environment as OCAD U fosters a rich engagement with multiple perspectives and practices and ensures that students are informed by a wide spectrum of knowledge and experience.

3.1.2 Legislation

3.1.2.1 OCAD U is committed to providing equal employment opportunities to all individuals regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sexual orientation, sex, or record of offences as stipulated in the Code.

3.1.2.2 OCAD U is committed to achieving accessibility as stipulated in the AODA and its related standards on goods, services, facilities, employment, accommodation and buildings.

3.1.2.3 Documentation received by the committee during the process is confidential. Handling of personal information is governed by Ontario's *Freedom of Information and Protection of Privacy Act, 1990* ("FIPPA").

3.1.3 Confidentiality

- 3.1.3.1 All members of the search committee shall be required to sign a confidentiality agreement consistent with section 3.1.3 of this policy as a condition of their membership. Confidentiality extends beyond the duration of the search process and shall be viewed as an ongoing requirement.
 - 3.1.3.2 All meetings and deliberations throughout the search process are strictly confidential and any breach of confidentiality shall be grounds for dismissal from the search committee.
 - 3.1.3.3 Only the committee chair or a person designated by the committee chair may issue statements concerning the activities of the committee where appropriate.
 - 3.1.3.4 Following the conclusion of the search process, all records pertaining to the search shall be returned to People & Culture for retention.
- 3.1.4 Conflict of Interest and Bias
- 3.1.4.1 Members of the search committee cannot submit their candidacy to the position being appointed once they agree to sit on the search committee.
 - 3.1.4.1.1 In the event of a failed search and a new search committee is struck, members of the previous committee would be eligible to submit their candidacy to the position being appointed.
 - 3.1.4.2 Members must disclose any conflict of interest and/or bias to the committee chair as soon as it arises.
 - 3.1.4.3 A conflict of interest and/or bias exists when a current or former relationship with a candidate or some other matter could improperly influence their judgement, and/or could reasonably create a perception of bias.
 - 3.1.4.4 Throughout the search or review process, all activities must be conducted in a manner that avoids real or perceived conflict of interest.
- 3.1.5 Academic Planning & Community Input
- 3.1.5.1 The University recognizes the importance of alignment of academic planning and strategic priorities with the appointment or reappointment of positions covered under this policy, and the importance of input from faculty, staff, students and other members of the University community in this regard.
- 3.1.6 Academic Tenure
- 3.1.6.1 In the event of a general search¹, a person appointed to an academic administrator position shall be normally accorded a

¹ A general search refers to a position that is posted internally as well as nationally and internationally.

tenured faculty appointment. The search committee shall recommend the appointment and faculty rank.

- 3.1.6.2 In the event of an internal search, normally only tenured faculty and permanent teaching stream faculty may be considered for a Program Chair, Graduate Program Director appointment, and appointments of equivalent levels. In exceptional circumstances, tenure-track faculty may be considered.

4. PROCEDURES

4.1 Search Process

- 4.1.1 The search process begins when there is a vacancy or when it is determined that the incumbent will not stand for another term. If the incumbent can and wishes to stand for another term, the steps in section 7 *Review and Reappointment Process* outlined below shall follow.
- 4.1.2 The search committee is normally formed a minimum of 9 months prior to the end of the incumbent's term, or if the incumbent leaves prior to the end of their term, where applicable, the committee shall be formed as soon as possible.
- 4.1.3 Persons selected to serve on a search committee may only carry out such functions after successfully completing hiring training.
- 4.1.4 The chair of the committee shall have explicit responsibility for the committee's adherence to the *Ontario Human Rights Code* and to University employment equity practices, as well as related reporting on such measures as required.
- 4.1.5 The chair of the committee shall review the University's *Respectful Work & Learning Environment Policy*, *AODA Customer Service Policy*, and the obligations under the Code with all members of the committee, and processes and procedures in the Memorandum of Agreement as applicable.
- 4.1.6 The committee chair, in consultation with the committee shall decide whether to conduct an internal or general search, where general includes both an internal and external search. A general search requires approval from the Dean in consultation with the Vice-President, Academic and Provost.
- 4.1.7 The Vice-President, Academic and Provost shall decide whether a search consultant shall be retained for the general search and may ask advice from the search committee on this matter.
 - 4.1.7.1 The selection of a search consultant shall follow procedures in accordance with the *Broader Public Sector Accountability Act, 2010*.
 - 4.1.7.2 Search consultants must have expertise in equitable hiring practices and advancing employment equity, and shall familiarize themselves with OCAD U's strategic equity priorities.

- 4.1.8 If a search consultant is deemed warranted, services provided may include but are not limited to the following:
- i) supporting the pre-search stage of the process;
 - ii) drafting, formatting and placement of the advertisement;
 - iii) developing or updating the responsibilities, expectations and selection criteria of the position;
 - iv) preparing materials for the committee;
 - v) assisting in the drafting of interview questions;
 - vi) suggesting presentation topics and candidate presentations to various constituent groups of the University;
 - vii) assisting in conducting the interviews;
 - viii) providing advice on negotiating the terms and conditions of employment for the recommended candidate;
 - ix) conducting post-search follow-up with the successful candidate; and
 - x) conducting thorough and unbiased reference checks.
- 4.1.9 In the case of general searches, advertising may be undertaken internationally, within the limits of an approved budget and demonstrate OCAD U's commitment to equity, diversity and inclusiveness.
- 4.1.10 Applicants shall be informed by People & Culture of OCAD U's *Accommodation in Employment for Persons with Disabilities* policy and the process for requesting accommodations throughout the hiring process.
- 4.1.11 The committee elicits faculty views on the selection criteria to be used for the search process.
- 4.1.12 The selection criteria should be based on *bona fide* occupational requirements necessary to carry out the position, and not create unnecessary barriers to applicants.
- 4.1.13 The University community shall then be invited to submit nominations. Consultation externally may also be undertaken to generate candidates.
- 4.1.14 The committee shall review the submissions and draw up a shortlist of candidates to be interviewed. Should a review of the applicant pool reveal a significant underrepresentation of one or more designated groups, the committee may undertake further efforts to recruit candidates from the designated group(s) prior to shortlisting candidates.
- 4.1.15 It may decide to invite candidates to present to the University community and/or meet with faculty, students and/or other key stakeholders.
- 4.1.16 Interviews and reference checks shall be conducted in a thorough and unbiased manner that is consistent with the *Ontario Human Rights Code*.
- 4.1.17 The committee shall strive for consensus. A final candidate, agreed upon through a majority vote, shall then be put forward by the chair of the committee to the Dean (if the Dean is not serving as Chair), who in turn makes a recommendation to the Vice-President, Academic and Provost who in turn makes a recommendation to the President.

- 4.1.18 The President reviews and makes a recommendation to Senate for approval, where a majority vote of the regular composition of Senate² by secret ballot is required.
- 4.1.19 Upon Senate's approval, and in the case of a new position only, the recommendation is then referred by the President to the Board of Governors for approval. Both the President and the Chair of Senate may speak to the recommendation for Board approval at the Board meeting at which the motion comes forward. In all other cases, the appointment is included in the regular Senate reports to the Board of Governors for information.
- 4.1.20 As necessary, the Chair of Senate shall direct an appointee or reappointee under this policy to absent themselves from any discussions related to their appointment or reappointment.
- 4.1.21 If the committee chair does not agree with the recommendation made by the committee, they shall return the matter, with an associated rationale, to the committee for further deliberation. If the Vice-President, Academic and Provost does not agree with the recommendation made by the Dean and/or the committee chair, they shall return the matter, with an associated rationale, for further review by the Dean and/or committee chair and the committee. If the President does not agree with the recommendation made by the Vice-President, Academic and Provost, they shall return the matter, with an associated rationale, to the Vice-President, Academic and Provost, for further review with the Dean and/or committee chair and the committee. If Senate does not agree with the recommendation made by the President, the Chair of Senate shall return the matter for further review, with associated rationale, to the President, for further review with the Vice-President, Academic and Provost, the Dean and/or the committee chair and the Committee. Failing approval of a candidate at any stage in the approval process, the Vice-President, Academic and Provost may declare a failed search.
- 4.1.22 If the committee cannot make a recommendation, the search shall be deemed a failed search and a new one may be initiated. The Vice-President, Academic and Provost shall determine whether a new committee will be formed or whether the same committee will be used.

4.2 Search/Review Committee Composition

- 4.2.1 The search/review committee shall be representative of the various constituencies over which the position has control or oversight.
- 4.2.2 Every effort should be made to ensure representation of equity-deserving groups on the committee, including Indigenous and racialized peoples, persons with disabilities, and women, as well as

² See Article #4, Article #10.3.2., and Article #10.3.4. of OCAD University Senate Bylaws for a description of the required membership and quorum for a regular business meeting of Senate.

other under-represented communities including LGBTTTQQI2SA³ communities.

4.2.3 The membership for the search/review committees shall be composed as follows:

- i) The Dean or designate, who shall be committee chair (non-voting, except in the case of a tie);
- ii) One (1) tenured faculty member from a relevant program, selected in accordance with Article 22.1 of the MoA;
- iii) One (1) tenured or tenure-track faculty member from a relevant program, selected in accordance with Article 22.1 of the MoA;
- iv) One (1) Associate Dean or designate;
- v) One (1) student from the appropriate program;
- vi) One (1) additional member may be added for diversity and/or specific expertise;
- vii) One (1) People & Culture representative (non-voting).

4.2.4 Where appropriate and in accordance with section 4.2, a single committee may be established to consider and make recommendations for multiple appointments or reappointments, with membership expanded as necessary to ensure appropriate representation from the relevant programs.

4.2.5 If a committee member cannot complete the search process, a replacement may be found only up until the point when interviewing has commenced, in order to ensure fairness and consistency within the process.

4.3 Negotiation of compensation and terms of contract

4.3.1 The President or designate (normally the Dean) is responsible for negotiating the compensation and terms of contract in accordance with the *Broader Public Sector Executive Compensation Act, 2014* (“the *BPSECA*”) and the *Broader Public Sector Accountability Act, 2010* (“the *BPSAA*”).

4.4 Length of Term of Office

4.4.1 Program Chairs and Graduate Program Directors shall normally have an initial appointment of three (3) years, and appointments shall be for a maximum period of two (2) terms.

4.4.2 A third term may be possible for any of the above appointments subject to Senate and Board approval in accordance with sections 4.1.17, 4.1.18, and 4.1.19 of this policy.

5. ACTING APPOINTMENTS

³ Lesbian, Gay, Bisexual, Transsexual, Transgender, Queer, Questioning, Intersex, 2-Spirited and Allies or Asexual

- 5.1 In some circumstances, such as when the incumbent is on vacation, or sabbatical, or on a temporary leave of up to six (6) months, it is appropriate for the Dean to appoint a person to serve as an acting academic administrator.⁴
- 5.2 Where it is decided to appoint an acting academic administrator, the procedures set out under sections 4.1 and 4.2 will normally not be used. Rather, the following shall apply:
- 5.2.1 The Dean shall engage in consultation with relevant stakeholders to identify an interested and qualified person and submit a recommendation to the Vice-President, Academic and Provost for approval.
 - 5.2.2 An acting academic administrator appointment shall normally be made for up to six (6) months.
 - 5.2.3 With acting appointments, Senate or Board approval is not required.
 - 5.2.4 If required, the search for an acting appointment is normally an internal search only.

6. INTERIM APPOINTMENTS

- 6.1 In some circumstances, it is appropriate for the Dean to appoint a person to serve as an interim academic administrator. Where it is decided to appoint an interim academic administrator, the procedures set out under sections 4.1 and 4.2 will normally not be used. Rather, the following shall apply:
- 6.1.1 The Dean shall engage in consultation with relevant stakeholders to identify an interested and qualified person and submit a recommendation to the Vice-President, Academic and Provost for approval.
 - 6.1.2 An interim academic administrator appointment shall normally be made for up to one (1) year. To serve longer would be considered unusual and on an exceptional basis only, with the total interim appointment not to exceed two (2) years⁵. For clarity, an interim position shall not exceed two (2) years unless required on an exceptional basis only.
 - 6.1.3 If required, the search for an interim appointment is normally an internal search only.
 - 6.1.4 With interim appointments, Board approval is not required; however, they shall be brought to Senate for approval, upon recommendation by the President.

⁴ In the event that an acting appointment is replacing an academic administrator on a full sabbatical, that acting appointment should be for 12 months.

⁵ An example of “exceptional basis” may be if the search process for a Program Chair or Graduate Program Director is not resolved and is ongoing.

7. REVIEW AND REAPPOINTMENT PROCESS

- 7.1 Prior to the final year of the incumbent's term, the Dean ascertains whether the incumbent is interested in standing for reappointment. If so, the review and reappointment process is initiated, and if not, the search process as outlined in Section 4 above is initiated.
- 7.2 The review committee is formed, comprised of members as outlined in section 4.2 *Search/Review Committee Composition*.
- 7.3 The committee reviews the expectations, responsibilities and selection criteria established for the position.
- 7.4 The committee solicits feedback from constituency groups within the University community on the performance of the incumbent and their suitability for reappointment.
- 7.5 The committee invites the incumbent to submit a self-assessment which shall reflect on past and projected leadership in the context of the selection criteria established for the position, as well as the University's strategic and academic goals and objectives.
- 7.6 The committee reviews the information collected from the constituency groups, and without identifying sources, invites the incumbent to respond to the feedback.
- 7.7 Following the review, the committee forms its recommendation and submits it in writing to the committee chair, who then makes their recommendation to the Dean (if not the committee chair), who then makes their recommendation to the Vice-President, Academic and Provost (if not the committee chair). The Vice-President, Academic and Provost then makes their recommendation to the President who then makes their recommendation to Senate for final approval.
- 7.8 If the committee chair does not agree with the recommendation made by the review committee, they shall return the matter, with an associated rationale, to the committee for further deliberation. If the Vice-President, Academic and Provost does not agree with the recommendation made by the Dean or committee chair, they shall return the matter, with an associated rationale, for further review by the Dean or committee chair and the committee. If the President does not agree with the recommendation made by the Vice-President, Academic and Provost, they shall return the matter, with an associated rationale, to the Vice-President, Academic and Provost, for further review with the Dean and/or committee chair and the committee. If Senate does not agree with the recommendation made by the President, the Chair of Senate shall return the matter for further review, with associated rationale, to the President, for further review with the Vice-President, Academic and Provost, the Dean, and the committee. Failing approval of a candidate at any stage in the approval process, the Vice-President, Academic and Provost may declare a failed search.
- 7.9 The total length of the review process shall not normally exceed ten (10) weeks.