

Non-Tenure Stream Appointments Process

Contractually Limited Appointments (CLA)

For contractually limited positions, Deans/Principal/University Librarian may request as many contractually limited positions as they have the funds to support, subject to the limitations of the YUFA Collective Agreement. Deans/Principal/University Librarian must, however, seek the approval of the Vice-President Academic & Provost about such plans in advance. Wide advertising of the sort that is normally employed for tenure-track positions is required, except in certain exceptional circumstances, such as where shortness of notice of the vacancy (as in a sudden resignation) renders normal advertising impossible. Contractually-limited appointments are subject to the same search and selection considerations as tenure-track appointments, including immigration and affirmative action requirements. The requirement to consult with the relevant graduate program is only applicable to CLA positions if during the limited term of appointment the candidate is expected to be involved with graduate studies. The recommendation memo must also include funding information and commentary on the research interests and agenda of the recommendation candidate.

Deans wishing to extend or renew contractually limited appointments may do so provided that the Collective Agreement is not violated. Contractually limited appointments are normally limited to a consecutive three year term, except in exceptional circumstances in order to address the specific short term academic needs of a unit, or its requirements for an individual with specialized skills on a short term basis. Approval for renewals or extensions must be obtained from the Vice-President Academic & Provost and requests should include an explanation of the circumstances, the candidate's updated CV, and details regarding proposed term in the form of a draft letter of offer.

Article 12.29 of the YUFA Collective Agreement stipulates that Deans are required to send a notice of termination by February 1 to all CLAs with contracts ending the following June 30th other than those holding appointments of less than one year. The deadline of February 1 should be used regardless of when the appointment started; in any event, a minimum of 5 months' notice of the end of the CLA contract should be provided. For appointments of less than one year, notice is provided no later than 12 weeks prior to the expiry of the appointment. Such notices shall be effective the following 30 June or on the expiry date of the appointment, whichever date is earlier. These stipulations do not preclude a renewal of the appointment after it has been formally terminated. Failure to observe the deadlines above shall automatically entitle the appointee to an additional year of appointment.

Recommendations to the Vice-President Academic & Provost for Approval

All Contractually Limited Appointments (CLAs) recommendations must be approved by the Vice-President Academic & Provost and the Joint Affirmative Action Committee. Once approval has been obtained, the Dean/Principal/University Librarian makes the formal offer,

using the draft letter included in the file. The formal offer of appointment must not be made until approval has been received. On occasion, a candidate will want something in writing, and it may be appropriate to send a letter saying that the Dean/Principal/University Librarian has made a recommendation that the candidate be appointed. Once a candidate has accepted or declined an offer, the Dean/Principal/University should immediately notify the Vice-President Academic & Provost. In the case of a candidate declining an offer, the reason for the decline should be reported to the Vice-President Academic & Provost, i.e. accepted offer elsewhere, spouse unable to relocate, other obligations, etc.

CLA Process According to YUFA Collective Agreement

The expectation for contractually-limited appointments is that the unit's normal hiring processes are used. However, the collective agreement allows more latitude for contractually limited searches than for tenure stream.

YUFA Collective Agreement, Article 12.18:

“(a) Where practicable, Chairpersons and Deans/Principals shall utilize the unit's collegial procedures in making contractually limited appointments.”

Note: There may be circumstances where an expedited CLA search is necessary; for example, a situation where a tenure stream search failed at the last minute. Under these circumstances, the unit may be permitted to use an expedited search process. Deans should contact the Office of the Vice-President Academic & Provost for approval and details.

In the event that unexpected budgetary considerations force the withdrawal of a tenure-stream position after a candidate has been recommended, it is possible to offer the candidate a CLA position without posting or searching for the CLA position. For further information see Article 12.16 (b) of the YUFA Collective Agreement.

CLA Appropriate Titles

Titles will have a rank and a preface, as similarly described in Article 12.07 of the YUFA Collective Agreement. The choice of preface should, as best possible, match the reasons for the limited-term appointment. Article 12.06 of the YUFA collective agreement cites four reasons for limited-term appointments. The following examples illustrate how these titles may be assigned to a Contractually Limited Appointment in conjunction with the appropriate rank of *Lecturer/Assistant Professor/Associate Professor/Professor* of the candidate:

Special: Applies to those appointments made under Article 12.06 (d) -- “to appoint individuals with specialized skills for whom neither the Employer nor the individual intends a long-term association with the University;”

Sessional: Applies to those appointments made under Article 12.06 (b) – “to provide replacements for employees on leave;” or, (c) – “to respond to specific teaching/professional/research/creative needs which the Employer, for academic and/or budgetary reasons, does not wish to result in an appointment in the probationary or tenured/continuing appointment classifications;”

Visiting: Applies to those appointments made under Article 12.06 (a) – “to bring distinguished visitors to the University.”

Contractually Limited Appointments in the Alternate Stream will carry the title (as appropriate, given the candidate’s qualifications, experience and seniority): *Assistant Lecturer, Associate Lecturer, or Senior Lecturer*. The title will then be prefaced with one of the following: *Special, Sessional or Visiting*; using the same criteria as above. Contractually Limited Appointments for Librarians will carry the title: *Adjunct Librarian*.

Model Letter of Offer for New Contractually Limited Appointments

Dear < >:

On the recommendation of the Chair of the <Department/School/Area>, I am writing to offer you a full-time appointment as a <title> [see Section 3.1.4. for titles utilized in contractually limited appointments] in the <Department/School/Area>of the <Faculty>. [Where applicable, insert:] “This offer is contingent on your <resignation/leave of absence without pay> from your current institution effective that date.”] This appointment is to the <professorial/alternate> stream of faculty and is classified as Contractually Limited. The term of the appointment is to be for <length of term> commencing <start date> and terminating <end date>.

Your salary rate commencing <date> will be <salary amount> per annum. This salary is expressed in May 1, <year> to April 30, <year> terms and will not be increased by any increments in the period May 1, <year> to April 30, <year> which have been or may be negotiated between the York University Faculty Association and the York Administration. [See Appendix H of the Collective Agreement for alternative wording]

The general terms and conditions of your appointment are as set out in the enclosed copy of the current Collective Agreement between York's Board of Governors and the York University Faculty Association. Your professional obligations and responsibilities encompass teaching, <research> and service to the University. For contractually-limited appointments in the <professorial/alternate> stream, the normal teaching load for faculty members in the <Department/School/Area> is <xxx> courses per year. In accordance with Article 12.06 of the Agreement, your Contractually Limited Appointment is categorized under 12.06 <(a), (b), (c) or (d)> and carries no implication of renewal or continuation beyond the stated term, and no implication of consideration for tenure. In <appointment year>, your specific teaching responsibilities will be assigned to you by the Chair of the <Department/School/Area>.

The Vice-Provost Academic and the Associate Vice-President, Teaching and Learning will be hosting a New Faculty Orientation in Summer <year>. Details about this event will be forthcoming. Please note that attendance is mandatory.

[Please use the following for U.S.A. and Mexican citizens as per the North American

Free Trade Agreement (NAFTA) and for Chilean citizens as per the Canada Chile Free Trade Agreement (CCFTA): Pursuant to the North American Free Trade Agreement (NAFTA), citizens of the U.S.A. and Mexico are exempt from the requirement for Employment and Social Development Canada (ESDC) job confirmation. **[OR]** Pursuant to the Canada Chile Free Trade Agreement (CCFTA), citizens of Chile are exempt from the requirement for Employment and Social Development Canada (ESDC) job confirmation. In order to obtain a temporary work permit from Citizenship and Immigration Canada (CIC), a copy of this letter of offer and proof of citizenship will be required. Depending on citizenship, a Temporary Resident Visa may also be required. For further information, please contact the Immigration & Relocation Office at 416-736-2100 x33434. Upon commencement of your appointment, please forward a copy of your current work permit to Human Resources.

[Please use the following for non-Canadians who are not U.S.A., Mexican or Chilean citizens]: This offer is subject to compliance with the immigration laws of Canada (as contained in the *Immigration and Refugee Protection Act*), and contingent upon any approvals, authorizations, visas or permits required by Employment and Social Development Canada (ESDC) and approval by Citizenship and Immigration Canada (CIC). Please note that in order to retain this position, you will be responsible for obtaining a temporary work permit (or series of permits) which you will require in order to enter the country to legally begin and retain the position. If you are from a country whose citizens require a visa in order to enter Canada, you may also need to apply for a temporary resident visa. Please visit the Citizenship and Immigration Canada website for more information. For further information, please contact the Immigration & Relocation Office at 416-736-2100 x33434. Upon commencement of your appointment, please forward a copy of your current work permit to Human Resources.

[Where applicable, insert:] To assist in your teaching and research, this offer includes a computer of the University's standard quality. Computing equipment remains the property of York University.

If these terms are acceptable to you, I would ask you to sign the attached copy of this letter and return it to me. Upon acceptance of this appointment you are advised to contact the Benefits Office at 416-736-5005 in order to provide the information necessary for input into York's payroll system. This offer will expire 15 days from the date of this letter.

Yours sincerely,

Dean

cc: Vice-President Academic & Provost, Director of Faculty Relations, Executive Officer

No liability or responsibility is accepted by York University for any special conditions, undertakings or representations given or made concerning this appointment other than as set out above. I hereby accept the terms and conditions of the appointment as set out above.

Checklist for NEW Contractually Limited Appointment

Date Received: _____

RECOMMENDATION FOR NEW CONTRACTUALLY LIMITED APPOINTMENT

NAME OF CANDIDATE _____ M _____ F _____

FACULTY _____

HIRING UNIT _____

RANK _____ STREAM: _____

CATEGORY 12.06 A ___ B ___ C ___ D ___ TERM/START DATE: _____

PREVIOUS STATUS: York CLA _____ York PT _____ Adjunct _____ External _____ York TV _____

Human Resources Development Canada and/or Citizenship and Immigration Canada clearance required? _____

If yes, has the appropriate action been taken and Immigration & Relocation Officer contacted? _____

Self-Identification Information : _____

DOCUMENTATION TO BE INCLUDED : Received Outstanding

- | | | |
|---|--------------------------|--------------------------|
| 1. Indication of approved position | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Dean/Principal/Librarian's views of compliance with YUFA contract | | |
| - rationale in support of candidate, research interests | <input type="checkbox"/> | <input type="checkbox"/> |
| - rationale if recommending a York graduate | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Draft letter of offer including salary, rank, other | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Signed report from initiating unit research procedures and rationale for selection | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If appointment under 12.06(c), statement of specific needs to be met by this appointment | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Appointment advertisement and list of publications in which it appeared | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. A list of other initiatives taken to identify possible applicants | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Copy of Affirmative Action Plan for Hiring Unit | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Signed report from Affirmative Action Officer | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Candidate's C.V. and cover letter (including AA & Citizenship forms if applicable) | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. 3 current signed letters from external referees (and where appropriate some identification of the qualifications of the referees) | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Abbreviated files of other candidates on the short list | <input type="checkbox"/> | <input type="checkbox"/> |
| - curriculum vitae, cover letter, 3 signed letters of reference
(including AA & Citizenship forms if applicable) | | |
| 13. Letter of support/GPD report (if applicable) | <input type="checkbox"/> | <input type="checkbox"/> |

AVP Academic Signature of Approval: _____ Date: _____

Date of Affirmative Action Approval : _____ Date Candidate Accepts : _____

Checklist for Contractually Limited Appointment Renewals

RECOMMENDATION FOR RENEWAL OF CONTRACTUALLY LIMITED APPOINTMENT

NAME OF CANDIDATE _____ M _____ F _____

FACULTY _____

HIRING UNIT _____

RANK _____

CATEGORY 12.06 (a) _____ (b) _____ (c) _____ or (d) _____

RENEWAL TERM _____ EARLIER TERMS _____

DOCUMENTATION	<u>Received</u>	<u>Outstanding</u>
1. Dean/Principal/Librarian’s views	<input type="checkbox"/>	<input type="checkbox"/>
2. Updated C.V.	<input type="checkbox"/>	<input type="checkbox"/>
3. Assurance of compliance with YUFA Contract: (If the extension combined with the original term of the appointment, exceeds the three-year limit, documentation setting out the exceptional circumstances as required in Article 12.07(d) of the YUFA Collective Agreement must be provided to the individual and the Faculty Association).	<input type="checkbox"/>	<input type="checkbox"/>
4. Recommendations re salary range, rank, other	<input type="checkbox"/>	<input type="checkbox"/>
5. Source of Funding	<input type="checkbox"/>	<input type="checkbox"/>
6. Draft letter of offer	<input type="checkbox"/>	<input type="checkbox"/>

Approval Communicated to Dean/Principal: _____ Date: _____

Letter of Offer Copy _____ Date: _____

Confirmation of Appointment _____ Effective Date: _____