

[ON U OF T PROVOST LETTERHEAD]

[Date]

To Professor George Luste
President UTFA

I am writing to confirm the following with respect to UTAC under Part IV of the PPAA, it being understood and agreed that nothing herein expands the existing grounds of appeal in paragraph 23 of Part IV of the PPAA:

- (a) The Statutory Powers and Procedures Act, including its powers to order documentary production, applies to tenure appeal hearings before UTAC and UTAC decisions are subject to judicial review.
- (b) UTAC has the jurisdiction to consider allegations of discrimination as enumerated in Article 9 of the Memorandum of Agreement, relevant to the grounds set out in paragraph 23 of Part IV of the PPAA.
- (c) UTAC can consider all arguments relevant to any ground of appeal set out in paragraph 23 of the PPAA, including arguments relevant to any such ground of appeal based on the Memorandum of Agreement between the parties.
- (d) The panel of UTAC members will be increased from eight members to sixteen members including a chair and a vice-chair. The members, including the chair and vice-chair, shall be appointed by the President after consultation and agreement with the Association. If the parties are unable to agree on the internal chair or vice-chair then the Chair of the GRP shall be asked to appoint the internal individual(s) upon the application of either party and after consultation with both parties.
- (e) External legal counsel to UTAC shall be selected by UTAC, subject to mutual agreement of the University and the Association.

With respect to the provisions of the PPAA concerning the discretion of the Provost to grant a delay of consideration for tenure, such issues fall within the jurisdiction of the GRP. Where a grievance is filed in this regard and where there is a subsequent appeal to UTAC, the grievance before the GRP will be heard first. If a request for delay is made, and a grievance is filed challenging a decision by the Provost to deny the request, the Tenure Committee, if any, will suspend its proceedings under the PPAA until the grievance related to the request for delay is resolved or determined by the GRP.

Finally, I confirm that representatives of the University and UTFA and their respective counsel will meet with the Director, Appeals, Discipline and Faculty Grievances to discuss (a) procedural issues concerning grievances to the GRP and appeals to UTAC, including a process to help facilitate the expeditious scheduling of hearings and (b) the exchange and filing of submissions between the parties and before the GRP and UTAC, and issues related thereto. It is agreed that the Director, Appeals, Discipline and

Faculty Grievances is neutral as between the parties involved in proceedings before the GRP and UTAC and is responsible to the Chair of the GRP and the Chair of UTAC with respect to proceedings before the GRP and UTAC.

By the signature of authorized representatives hereunder the University and the Association agree to the form of letter above.

Yours truly,

Cheryl Misak
Provost

FOR THE UNIVERSITY

Per:

Date

FOR THE ASSOCIATION

Per:

Date