

	Policy on the Appointment and Reappointment of Senior Administrators #10.5	
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SPONSOR: President		
CONTACT: Executive Director, People & Culture		
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1. PURPOSE

The purpose of this policy is to outline the manner by which the search, appointment and reappointment of senior administrators is undertaken at OCAD University (“OCAD U” or “the University”), to ensure appropriate rigour, consistency and transparency of process in keeping with the mission, strategic direction, and values of the University.

2. SCOPE

This policy applies to the appointment, reappointment, acting and interim appointment of Vice-President and Associate Vice-President, and positions of equivalent levels as defined by People & Culture.

In accordance with the *Ontario College of Art and Design University Act, 2002* (“OCAD U Act”), the authority for the appointment or reappointment of senior administrators resides with the Board of Governors, upon recommendation by the President. Such recommendations shall be made on the advice of search committees, where applicable, and shall be carried out in accordance with this policy. The Board of Governors may delegate authority to the President by resolution to make final decisions regarding appointments and reappointments.

3. POLICY

3.1 Basic principles

3.1.1 Equity, Diversity & Inclusion

3.1.1.1 OCAD U is committed to supporting equity, diversity, inclusion and 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 chair or a person designated by the 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 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 search, a person appointed to an academic senior administrator position shall be normally accorded a 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 may be considered for an academic senior administrator position.

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 is able 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 formed a minimum of 12 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 obligations under the Code with all members of the committee.

4.1.6 The President or designate shall decide whether a search consultant shall be retained for the search and may ask advice from the search committee on this matter.

4.1.6.1 The selection of a search consultant shall follow procedures in accordance with the *Broader Public Sector Accountability Act, 2010*.

4.1.6.2 Search consultants must have expertise in equitable hiring practices and advancing employment equity, and shall familiarize themselves with OCAD U's strategic equity priorities.

4.1.7 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.

4.1.8 Advertising may be undertaken internationally, within the limits of an approved budget, and demonstrate OCAD U's commitment to equity, diversity and inclusiveness.

4.1.9 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.

- 4.1.10 The committee shall elicit the University community's views on the selection criteria to be used for the search process.
 - 4.1.11 The selection criteria should be based on *bona fide* occupational requirements necessary to carry out the position, and not create unnecessary barriers to applicants.
 - 4.1.12 The University community shall then be invited to submit nominations. Consultation externally may also take place to generate candidates.
 - 4.1.13 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.
 - 4.1.14 It may decide to invite candidates to present to the University community and/or meet with faculty, students and/or other key stakeholders.
 - 4.1.15 Interviews and reference checks shall be conducted in a thorough and unbiased manner that is consistent with the *Ontario Human Rights Code*.
 - 4.1.16 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 President (if not serving as chair).
 - 4.1.17 The President shall review and make a recommendation to the Board of Governors for final approval of the appointment by majority vote.
 - 4.1.18 If the chair of the committee or the President does not agree with the recommendation made by the search committee, they shall return the matter, with an associated rationale, to the committee for further deliberation.
 - 4.1.19 If the committee makes a subsequent recommendation following further deliberation, such recommendation shall be made in accordance with sections 4.1.16 and 4.1.17.
 - 4.1.20 If the committee cannot make a recommendation, the search shall be deemed a failed search and a new one may be initiated. The President 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 other under-represented communities including LGBTQI2SA¹ communities.
 - 4.2.3 In accordance with the Memorandum of Agreement ("MoA") between the University and the OCAD Faculty Association ("OCADFA"), Article 2.2.2.3, in the case of the Vice-President, Academic & Provost, the committee shall be comprised of not less than 33% faculty.
 - 4.2.4 The membership for the search/review committee shall be composed as follows:
 - 4.2.4.1 Academic Vice-Presidents (i.e., those with faculty status)
 - i) The President, or designate, who shall be chair (non-voting, except in the case of a tie);
 - ii) One (1) Vice-President;
 - iii) One (1) Dean, Associate Dean or designate;
 - iv) Three (3) tenured faculty;
 - v) One (1) permanent manager or administrative staff member;
 - vi) One (1) graduate student;
 - vii) One (1) undergraduate student;
 - viii) One (1) external member of the Board of Governors;
 - ix) One (1) tenured faculty member who is an elected member of Senate;
 - x) One (1) additional member may be added for diversity and/or specific expertise;

¹ Lesbian, Gay, Bisexual, Transsexual, Transgender, Queer, Questioning, Intersex, 2-Spirited and Allies or Asexual

xi) One (1) People & Culture representative (non-voting).

4.2.4.2 Administrative Vice-Presidents

- i) The President, or designate, who shall be chair (non-voting, except in the case of a tie);
- ii) One (1) Vice-President;
- iii) One (1) Dean, Associate Dean or designate;
- iv) Three (3) tenured faculty;
- v) One (1) permanent manager or administrative staff member;
- vi) One (1) external member of the Board of Governors;
- vii) One (1) student
- viii) One (1) additional member may be added for diversity and/or specific expertise; and
- ix) One (1) People & Culture representative (non-voting).

4.2.4.3 Associate Vice-Presidents

- i) The appropriate Vice-President, or designate, who shall be chair (non-voting, except in the case of a tie);
- ii) One (1) Vice-President or Associate Vice-President;
- iii) One (1) Dean or Associate Dean;
- iv) One (1) or two (2) tenured faculty;
- v) One (1) permanent manager or administrative staff member;
- vi) One (1) or two (2) students;
- vii) One (1) external member of the Board of Governors;
- viii) One (1) additional member may be added for diversity and/or specific expertise; and
- ix) One (1) People & Culture representative (non-voting).

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 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 For those appointments with tenure, the maximum length of an initial appointment shall normally not exceed five (5) years.
- 4.4.2 Appointments with tenure shall normally be for a maximum period of two (2) terms, with the possibility of a third term subject to Board approval.
- 4.4.3 For senior administrators without tenure, the length of term of office is at the discretion of the Board.

5. ACTING APPOINTMENTS

5.1.1 In some circumstances, such as when the incumbent is on vacation or on a temporary leave of up to three (3) months, it is appropriate to appoint a person to serve as an acting senior administrator.

5.1.2 Where it is decided to appoint an acting senior administrator, the procedures set out under sections 4.1 *Search Process*, 4.2 *Search/Review Committee Composition*, 4.4 *Length of Term of Office*, 6 *Interim Appointments* and 7 *Review and Reappointment Process* will not be used. Rather the following shall apply:

5.1.2.1 Where it is decided to appoint an Acting Vice-President, the appointment shall be made by the President.

- 5.1.2.2 Where it is decided to appoint an Acting Associate Vice-President, the appointment shall be made by the appropriate Vice-President, who advises the President of the decision.
- 5.1.2.3 An acting senior administrator appointment shall normally be made for up to three (3) months.

6. INTERIM APPOINTMENTS

- 6.1.1 In some circumstances, it is appropriate to appoint a person to serve as an interim senior administrator. Where it is decided to appoint an interim senior administrator, the procedures set out under sections *4.1 Search Process*, *4.2 Search/Review Committee Composition*, *4.4 Length of Term of Office*, *5 Acting Appointments* and *7 Review and Reappointment Process* will not be used. Rather the following shall apply:
 - 6.1.1.1 In the event of an interim appointment, if at all possible, a search committee will be struck.
 - 6.1.1.2 Where it is decided to appoint an interim senior administrator, the appointment shall be made by the Board of Governors on the recommendation of the President.
 - 6.1.1.3 An interim senior 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) years. For clarity, an interim position shall not exceed two (2) years unless required on an exceptional basis only.

7. REVIEW AND REAPPOINTMENT PROCESS

- 7.1.1 Prior to the final year of the incumbent's term, the President 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.
- 7.1.2 The review committee is formed, comprised of members as outlined in section *4.2 Search/Review Committee Composition*.
- 7.1.3 The committee solicits feedback from constituency groups within the University community on the performance of the incumbent and their suitability for reappointment.
- 7.1.4 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.
- 7.1.5 The committee reviews the information collected from the constituency groups, and without identifying sources, invites the incumbent to respond to the feedback.
- 7.1.6 Following the review, the committee forms its recommendation and submits it in writing to the President, who makes their recommendation to the Board of Governors for final approval.
- 7.1.7 If the chair of the committee or the President 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.
- 7.1.8 The total length of the review process shall not normally exceed ten (10) weeks.