

Complete Policy Title:
Faculty Association Observers at Removal Proceedings

Policy Number (if applicable):
SPS D3

Approved by:
**Senate
Board of Governors**

Date of Most Recent Approval:
**December 14, 2011
December 15, 2011**

Date of Original Approval(s):
Spring, 1990

Supersedes/Amends Policy dated:
April 22, 1996 (SPS 22)

Responsible Executive:
Provost and Vice-President (Academic)

Enquiries:
[University Secretariat](#)

***DISCLAIMER:** If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

1. As described in Section VI, clause 5, of the *McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion* (henceforth Tenure and Promotion Policy), the Faculty Association is permitted, subject to the consent of the faculty member against whom removal proceedings have been instituted, to send an Observer to any meetings between the two parties to the proceedings, including the meetings described in Section VI, clauses 4 and 6 and the hearing described in Section VI, clauses 12 and 13, of the Tenure and Promotion Policy.
2. The function of the Observer is to allow the Association to monitor the workings of the removal procedures of which it is joint author.
3. At the time of sending the faculty member under consideration the written notification described in Section VI, clause 4, of the Tenure and Promotion Policy, the President of the University shall ask the faculty member in writing (with a copy to the McMaster University Faculty Association) whether the faculty member consents (a) to the presence of a Faculty Association Observer, and (b) if so, to all the documentation being provided to the Observer. The President of the University shall notify the Faculty Association and the University Secretary of the faculty member's response. If the faculty member consents to the presence of an Observer, the Association shall inform the faculty member and the University Secretary who the Observer will be.
4. The Observer does not attend on behalf of the faculty member against whom removal proceedings have been instituted. Nor does the Observer attend on behalf of the

President of the University. The Observer nominated by the Faculty Association should be an active or retired member of the Association and should be at “arm’s length” from the case. The Observer should avoid interacting with either of the parties. At no time should the Observer engage the parties in any discussions regarding the matter(s) at issue.

5. The Observer must be familiar with the most recent edition of the Tenure and Promotion Policy and particularly with Section VI on Removal Procedures and with these guidelines. The Observer should carry a copy of these documents to the Hearing, if one is to be held according to Section VI, clause 9 of the Tenure and Promotion Policy.
6. Seating arrangements at the Hearing are at the discretion of the Chair of the Hearing Committee (see Section VI, clauses 9 and 10 of the Tenure and Promotion Policy). The Observer may not speak without an invitation from the Chair.
7. The Observer is to be provided with all the documentation available to the faculty member whose case is being observed, subject to his or her consent. This documentation shall be considered confidential and must be surrendered to the Chair at the close of the removal hearings.
8. The Observer is not entitled to be present when the Hearing Committee members recess for discussion among themselves.
9. The Observer will receive a confidential copy of the document in which the Hearing Committee reports its decision to Senate.
10. After the hearing is over the Observer should ask the parties separately, and outside of the presence of the Hearing Committee, if they were satisfied with the procedures followed and whether they wish to make any comment on them.
11. The Observer shall then write a report of the removal proceedings for the President of the Faculty Association using this [form](#) (available from the University Secretariat). The Observer should limit comment to **procedural matters** and take care not to quote either from confidential documents or from confidential utterances, unless it is necessary to do so in order to make a point concerning procedural issues. The Observer's report should include a statement of what proportion of the Hearing the Observer attended and a description of any comments on, or expressions of dissatisfaction with, the procedures by either party. The Observer's report should not be confidential, except that any quotations from confidential documents or confidential utterances should be confined to a confidential appendix to which only the Presidents of the University and of the Association should have access. If major procedural irregularities are noted by the Observer, the President of the Faculty Association should send a copy of the report to the President of the University.