

## **Tenure/Promotion Appeal Process**

### **A. Tenure and Promotion**

1. Neither the tenure nor the promotion decision itself is grievable (see Faculty Grievance Procedure – II-10 in the Table of Contents of the *Handbook*). However, any teaching faculty member who believes that a decision has been made in his/her case which violates university tenure or promotion procedures may submit a letter expressing his or her intent to appeal the decision (hereafter referred to as the Notice of Appeal) to the chair of Academic Council and the president within thirty calendar days of notification of the decision.
2. Formation of a Tenure/Promotion Appeal Hearing Board
  - a. The chair of Academic Council shall serve as the chair of the Tenure/Promotion Appeal Hearing Board unless he/she is not a teaching faculty member or he/she has participated in any way in the tenure or promotion process being appealed (this includes, but is not limited to, writing a Unit III for the faculty member in question or contributing a letter of reference to that person's tenure/promotion file). In the event that either of these conditions applies to the chair of Academic Council, the Academic Council shall elect a teaching faculty member of Council who has not participated in any way in the tenure or promotion process being appealed to serve as chair of the hearing board.
  - b. Upon receipt of the Notice of Appeal, the chair of the Tenure/Promotion Hearing Board shall choose three tenure/promotion appeal representatives to serve on this hearing board for the appeal (see Section II-12, B 16), making certain that none of the three has participated in any way in the tenure or promotion process being appealed (this includes, but is not limited to, writing a Unit III for the faculty member in question or contributing a letter of reference to that person's tenure/promotion file). Representatives will recuse themselves from the hearing board if they believe they have a conflict of interest.
  - c. The Provost shall choose an academic dean from the College of Arts and Sciences, the Martha and Spencer Love School of Business, the School of Communications, or the School of Education to serve on the Tenure/Promotion Appeal Hearing Board, provided that he/she is not the academic dean of the faculty member making the appeal and that he/she has not participated in any way in the tenure/promotion process being appealed.

- d. All five members of the Tenure/Promotion Appeal Hearing Board have a vote and decisions are made by simple majority.
  - e. Once the Tenure/Promotion Appeal Hearing Board has been created, the members of that board will serve until the president notifies them that a final decision has been rendered.
3. Within 21 calendar days of submission of the Notice of Appeal, the faculty member making the appeal will submit to the chair of Academic Council and the president a written document summarizing the alleged procedural violations on which the appeal is based, including evidence substantiating the alleged violations. This will serve as the Tenure/Promotion Appeal Hearing Board's principal resource in its deliberations.
  4. Once the faculty member's documentation has been received, the Tenure/Promotion Appeal Hearing Board shall conduct its review according to the following guidelines:
    - a. The initial meeting of the Tenure/Promotion Appeal Hearing Board will be convened by the chair for the purpose of reviewing the appeal procedures. Additionally, the chair of the hearing board will maintain a log of the board's activities.
    - b. The Tenure/Promotion Appeal Hearing Board is empowered to investigate and substantiate the details included in the appealing faculty member's written documentation.
    - c. In addition to the letter of appeal, the board will have access to the faculty member's tenure/promotion file and any other of the petitioning faculty member's records that are relevant.
  5. Once the members of the Tenure/Promotion Appeal Hearing Board are satisfied that they have adequately investigated the faculty member's allegations, the hearing board will meet in closed session to formally adjudicate the appeal.
  6. Within ninety days of receipt of the Notice of Appeal, the Tenure/Promotion Appeal Hearing Board will submit its recommendation on the appeal to the president for final decision. The appealing faculty member will receive a copy of the recommendation. The president will notify the chair of the hearing board that a final decision has been rendered.

## **Continuance Decision Appeal Process**

- A. This process applies to faculty on continuing track or lecturer track who are denied a continuing contract following the continuance review.
- B. The decision to deny a continuing contract for continuing track and lecturer track faculty following the continuance review is not grievable (see Faculty Grievance Procedure – II-10 in the Table of Contents of the *Handbook*). However, any teaching faculty member who believes that a decision has been made in his/her case which violates university review procedures for continuing track or lecturer track faculty may submit a letter expressing his or her intent to appeal the decision (hereafter referred to as the Notice of Appeal) to the chair of Academic Council and the president within thirty calendar days of notification of the decision.
- C. Formation of a Continuance Appeal Hearing Board
  1. The chair of Academic Council shall serve as the chair of the Continuance Appeal Hearing Board unless he/she is not a teaching faculty member or he/she has participated in any way in the review process being appealed (this includes, but is not limited to, being in the same department as the member in question, writing a Unit III for the faculty member in question or contributing a letter of reference to that person's file). In the event that either of these conditions applies to the chair of Academic Council, the Academic Council shall elect a teaching faculty member of Council who has not participated in any way in the process being appealed to serve as chair of the hearing board.
  2. Upon receipt of the Notice of Appeal, the chair of the Continuance Appeal Hearing Board shall choose two tenure/promotion appeal representatives and one continued Senior Lecturer, continued Associate Professor or continued Full Professor to serve on this hearing board for the appeal (see Section II-12, B 16), making certain that none of the three has participated in any way in the process being appealed (this includes, but is not limited to, being in the same department as the member in question, writing a Unit III for the faculty member in question or contributing a letter of reference to that person's file). Representatives will recuse themselves from the hearing board if they believe they have a conflict of interest.
  3. The Provost shall choose an academic dean from the College of Arts and Sciences, the Martha and Spencer Love School of Business, the School of Communications, or the School of Education to serve on the Continuance Appeal Hearing Board, provided that he/she is not the academic dean of the faculty member making the appeal and that he/she has not participated in any way in the process being appealed.

4. All five members of the Continuance Appeal Hearing Board have a vote and decisions are made by simple majority.
  5. Once the Continuance Appeal Hearing Board has been created, the members of that board will serve until the president notifies them that a final decision has been rendered.
- D. Within 21 calendar day of submission of the Notice of Appeal, the faculty member making the appeal will submit to the chair of Academic Council and the president a written document summarizing the alleged procedural violations on which the appeal is based, including evidence substantiating the alleged violations. This will serve as the Continuance Appeal Hearing Board's principal resource in its deliberations.
- E. Once the faculty member's documentation has been received, the Continuance Appeal Hearing Board shall conduct its review according to the following guidelines:
1. The initial meeting of the Continuance Appeal Hearing Board will be convened by the chair for the purpose of reviewing the appeal procedures. Additionally, the chair of the hearing board will maintain a log of the board's activities.
  2. The Continuance Appeal Hearing Board is empowered to investigate and substantiate the details included in the appealing faculty member's written documentation.
  3. In addition to the letter of appeal, the board will have access to the faculty member's personnel file and any other of the petitioning faculty member's records that are relevant.
- F. Once the members of the Continuance Appeal Hearing Board are satisfied that they have adequately investigated the faculty member's allegations, the hearing board will meet in closed session to formally adjudicate the appeal.
- G. Within ninety days of receipt of the Notice of Appeal, the Continuance Appeal Hearing Board will submit its recommendation on the appeal to the president for final decision. The appealing faculty member will receive a copy of the recommendation. The president will notify the chair of the hearing board that a final decision has been rendered.

(07/10)