

Procedure to File an Appeal Concerning Denial of Reappointment, Promotion or Tenure and Terminal Year Review Consideration

The University offers more than one appeal process under the Administrative Regulations (AR), Governing Regulation (GR) and University Senate Rules (SR). The following will briefly describe these processes and provide the appropriate regulation(s) and/or rule(s) to assist you in filing your appeal.

Appeal Routes:

You *have the right* to either an *academic appeal* or an *administrative appeal*. The ‘academic’ appeal is through the University Senate Advisory Committee on Privilege and Tenure¹ (SACPT) and the ‘administrative’ appeal is through the Provost.²

Academic Route (SACPT):

These cases are appealed to SACPT and are based on violations of: (1) procedures, (2) privilege and/or (3) academic freedom. For example, “the dossier was missing required document X, so let’s add document X and go through the process again”. This committee is composed of tenured faculty and makes a recommendation on the case to the President. The committee CANNOT be involved in an appeal that is based on the academic merit of your dossier. This committee ONLY hears appeals based on errors involving procedure/privilege/academic freedom. If you elect this route, you may file your case directly to SACPT. [SR 1.4.4.2]

Administrative Route:

These cases are appealed directly to the Provost [AR 2:1-1 XI A-C or AR 2:1-2 VIII A-C] and under certain conditions it may go to the President, and/or Board of Trustees Executive Committee. [GR I.I]³ You can make the appeal be based on procedural/privilege/academic freedom or on the substantive merit of the decision itself. For example, “on the basis of the merit of my record, the administration made a substantive error in judgment that I ask be reversed”.

You are entitled to pursue either or both of these two different routes of formal appeal. NOTE: these two routes of appeal are not mutually exclusive. You can exercise one and not the other, or you can exercise both, and each process independently.

Note: any appeal shall be initiated in writing within 60 days after being notified in writing of the negative decision.

Discussion Meetings -- Administrative Regulations and Senate Rules [AR 2:1-1 XI A-C or AR 2:1-2 VIII A-C SR 1.4.4.2]: When a Dean makes a decision to disapprove a proposal to promote/tenure, the Dean must notify the preceding level(s) so as to enable an opportunity for the parties to discuss the reasons for the disapproval.

You can request a meeting with the Dean to discuss the reasons for a negative decision. The decision on whether there will be a meeting is at the discretion of the Dean, usually college deans grant such a request. After the meeting with the Dean, you can request a meeting with the Provost to discuss the reasons for the negative decision. Again, it is at the discretion of the Provost to have such a meeting, typically this requested is granted.

Note that neither of the above meetings is considered by the regulations to be an exercise of “appeal” but rather they are an occasion for “discussion.” Hence, these meetings can be used to gather additional information if needed.

Preparing Your Appeal (Information Gathering):

There is some information that you should collect to better prepare and help you decide on the above alternatives.

First, you have the right to obtain access to your complete dossier including all letters written by internal and external evaluators, by the college and university level administrators and committees. If you are Special Title Series, please also access (if not in your dossier) the original position description and associated promotion/tenure criteria that were approved for the position by an Academic Area Advisory Committee. [AR 2:4 Section III]

Second, read, examine and review everything within your dossier. You may access your dossier from your Dean's office. It is wise to read the entire dossier before any discussion meetings listed above.

Note: the university places full responsibility with the faculty member to assess the facts and circumstances of their case and to prepare any appeals that the faculty member might decide to exercise.

Tenure Consideration in the Terminal Contract Year: You can request that your unit administrator (i.e., department chair or director) make a request to the Dean and that the Dean approve a 7th (or final year) promotion/tenure dossier review. After consulting with the unit faculty, the unit administrator may initiate a request to the Dean for tenure consideration of the faculty employee. If the Dean finds insufficient evidence to warrant a new tenure consideration, the Dean shall deny the request and notify the unit administrator that a terminal year review of tenure shall not be initiated. If the Dean determines that the evidence in support of a favorable tenure decision has substantially strengthened, the Dean may grant the request and authorize the educational unit administrator to initiate the review.

¹ SACPT established by University Senate in 1964

² Procedure established in 1972 in the promulgation of the first UK Administrative Regulations on tenure

³ Faculty access to Board of Trustees under certain conditions dating to first promulgation of Governing Regulations in 1882