

Recommendation:

That the University Senate approve the following amendment to Senate Rule 1.4.4.2

Background:

In its 2010-2011 annual report to the University Senate, the Senate Advisory Committee on Privilege and Tenure described that situations have arisen in which the affected faculty employee did submit partial appeal documentation by the deadline of 60 days to “initiate” an appeal, but then did not submit the remainder of the appeal documentation until sometimes months later. When there is such a delay in finally submitting all materials it can frustrate the achievement of what would have been the most commensurate remedy to the situation. The University Senate has the discretion to prescribe a final deadline for submission of all appeal materials to the SACPT. The SACPT recommended that this 75th day deadline be incorporated into the Senate Rules.

As prescribed by GR X.B.1.e.ii, the SACPT shall make an informal investigation. The petitioner an opportunity to be heard by the SACPT, for the purpose of attempting to effect a resolution mutually agreeable to the President and the faculty employee. In the case that such a resolution is not obtained, the SACPT shall recommend to the President whether, in its opinion, dismissal proceedings should be undertaken. The subsequent disposition of the matter by the President shall be as prescribed in GR X.B.1.e.

(b) Considerations of certain cases of allegation of violation of academic freedom or insufficient notice of non-renewal that involve:

- i. cases of allegation by a faculty member on a non-tenure appointment that a decision for non-reappointment violates his or her academic freedom as a faculty member (GR X.B.1.f);
- ii. cases of allegation by a University administrator holding academic rank, or by a student employee that a decision to terminate his or her appointment to his or her administrative post, or not to reappoint him or her, violates his or her academic freedom (GR X.B.1.h; GR X.D);
- iii. cases of non-renewal of a faculty employee's probationary appointment with less advance notice than specified by the *Governing Regulations* (GR X.B.1.d);

As prescribed by GR X.B.1.e, when the petitioner lodges his/her complaint in writing to the Chair of the SACPT, the SACPT shall make an informal investigation, including affording the petitioner an opportunity to be heard by the SACPT, for the purpose of attempting to effect a resolution mutually agreeable to the President and the petitioner. In the case that such a resolution is not obtained, the SACPT shall recommend to the President whether, in its opinion, the termination or nonreappointment decision should be sustained. The subsequent disposition of the matter by the President shall be as prescribed in GR X.B.1.e.

(c) Consideration of allegations of violation of established procedure, academic privilege and/or academic freedom that involve:

- i. a faculty employee's terminal reappointment, promotion and/or tenure (AR II-1.0-1.IV.A; AR II-1.0-1.III.I)
- ii. cases of allegation by a faculty member on a non-tenured appointment that a decision for non-reappointment violates either GR I.D.2.a or GR X.A.1 dealing with certain discriminatory practices.

The petitioner shall submit the complaint in writing to the Chair of the SACPT. [An initiated appeal to the SACPT shall be completely submitted within 75 days after the faculty employee has been notified in writing by the dean of a final decision of nonrenewal, terminal reappointment, or disapproval of promotion and/or tenure.](#) The function of the committee in all such cases is to first exercise informal vetting processes to attempt to effect a resolution that makes a formal recommendation to the President for action unnecessary. In cases where such an informal resolution is not obtained, the committee will exercise formal processes of investigation, including affording to the petitioner an opportunity to appear before the SACPT. With copy to the petitioner, the SACPT will submit to the President its analysis of the alleged violations and will recommend to the President what commensurate remedial action, if any, ought to be taken. The President, or upon the President's delegation the Provost, shall notify the petitioning faculty employee and the SACPT in writing of the decision.