

Date: September 4, 2024

To: Melinda Smith
Chair, Faculty Council

From: Bharad Kannan
Chair, Committee on Responsibilities and Standing of Academic Faculty
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Vice Chair, Committee on Responsibilities and Standing of Academic Faculty

Subject: **Faculty Manual Section E.16 Appeal of Early Termination of Tenure-Track Faculty Appointments**

The Committee on Responsibilities and Standing of Academic Faculty submits the following:

MOVED, THAT SECTION E.16 OF THE ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL BE REVISED AS FOLLOWS:

E.16 Appeal of Early Termination of Tenure-Track Faculty Appointments *(New Section May 8, 2019)*

A tenure-track faculty member may appeal a recommendation to the President to terminate their appointment prior to the ending date of the contract. This section of the Manual sets forth the procedures for such an appeal. The University Grievance Officer (UGO) shall be charged with overseeing this appeal process. At the discretion of the UGO, any of the time limits in this section may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

E.16.1. Initiating the Process

When a Recommendation to the President to terminate a Tenure-Track Faculty Appointment prior to the ending date of the Appointment is sent to the Provost, a copy of this Recommendation shall be provided in writing to the faculty member by the person making the Recommendation (hereinafter referred to as the Recommender). At the same time, the recommender shall notify the faculty member of their right to appeal this recommendation and refer them to Section E.16 of the Manual. The faculty member then has ten (10) working days to submit to the UGO an Appeal in writing of this Recommendation, along with the Recommendation itself. If an Appeal is submitted within this time frame, then the UGO shall notify the Provost within three (3) working days, and the Recommendation shall not be sent to the President until the conclusion of the Section E.16 process.

If the faculty member fails to submit an Appeal within this time frame, then they shall forfeit the right to appeal the Recommendation for termination (unless the UGO decides that extenuating circumstances justify an extension of this deadline). If the Provost has not been notified by the UGO of an Appeal within twenty (20) working days of receiving the Recommendation from the Recommender, then the Provost may assume that no Appeal will be filed, and they may forward the Recommendation to the President for a final decision.

The Appeal should provide all of the information that the Appeal Committee (see Section E.16.2) will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Appeal. The Appeal Committee is not required to contact all of the persons listed in the Appeal. The UGO will review the Appeal to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Appeal to the Appellant for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Appeal from the Appellant, the UGO shall forward the Appeal to the Recommender and to the members of the Appeal Committee. The Recommender shall then have ten (10) working days to provide a Response. This Response should provide all of the information that the Appeal Committee will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Response. The Appeal Committee is not required to contact all of the persons listed in the Response. The UGO will review the Response to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Response to the Recommender for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Response from the Recommender, the UGO shall forward the Response to the Appellant and to the members of the Appeal Committee.

E.16.2 Appeal Committee

The Appeal Committee shall consist of the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the Chair of the Faculty Council Committee on Responsibilities and Standing of Academic Faculty. The Chair of Faculty Council shall serve as the Chair of the Appeal Committee. After receiving both the Appeal and the Response from the UGO, the members of the Appeals Committee shall begin their consideration of the Appeal. As part of this consideration, they shall meet with the Recommender, the Appellant, and any other persons that they consider relevant to their consideration of the Appeal. All three members of the Appeal Committee must be present at each of these meetings. At their discretion, the members of the Appeal Committee may request additional information from the Recommender and/or the Appellant, and they may choose to meet more than once with some persons.

During their interviews, the Recommender and the Appellant shall each be permitted to have an advisor present, which may be either an academic advisor or legal counsel. The Appeal Committee may also have someone from the Office of General Counsel present as an advisor. These advisors may provide advice and assistance, but they may not actively participate in the proceedings, such as making objections or attempting to argue the case. The advisor for any participant shall be free to advise the participant fully throughout the proceeding, including assisting the participant in formulating any required written documentation and helping the participant prepare for any interview.

E.16.3 Report of the Appeal Committee

After the completion of the process described in Section E.16.2, the three members of the Appeal Committee shall meet to discuss the case and to reach a final decision by majority vote whether to support or oppose the Recommendation for the termination of the Appellant.

After the conclusion of this meeting, the Chair of the Appeal Committee shall prepare a final Report. This Report shall include the overall vote of the Appeal Committee and the reasons supporting its decision. If the vote was not unanimous, then the Report shall also summarize the reasons given by the dissenting member. The Report shall be submitted to the UGO within twenty (20) working days of the receipt from the UGO of both the Appeal and the Response by the members of the Appeal Committee. Within three (3) working days of receiving the Report from the Chair of the Appeal Committee, the UGO shall send the Report to the Appellant, the Recommender, and the Provost.

E.16.4 Final Decision by the President

Within three (3) working days of receiving the Report from the Chair of the Appeal Committee, the UGO shall send the Report to the President, along with the initial Recommendation, the Appeal, and the Response. Within twenty (20) working days of receiving these materials from the UGO, the President shall make a final decision regarding the termination of the Appellant and send it in writing to the UGO. This written decision shall include the reasoning that supports the decision. The UGO shall forward this decision by the President to the Appellant, the Recommender, and the Provost. This decision by the President is final.

Rationale:

The proposed changes make it clear that advisors may be present during interviews. This is standard practice for such processes, but it is not stated explicitly in the current language.

The proposed changes also make it clear that the Report from the Appeal Committee will be sent to the Appellant, the Recommender, and the Provost.