

Date: September 4, 2024

To: Melinda Smith
Chair, Faculty Council

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

Subject: **Faculty Manual Section E.17 Renewal of Tenure-Track Faculty Appointments**

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

MOVED, THAT SECTION E.17 OF THE ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL BE REVISED AS FOLLOWS:

E.17 Renewal of Tenure-Track Faculty Appointments (*new section added August 9, 2019*)

Tenure-track faculty appointments are for a specified period of time and must be renewed periodically. Prior to the expiration of such an appointment, the Tenure and Promotion Committee within the Department shall meet and discuss the performance of the faculty member. This committee shall then prepare a report regarding the progress of the faculty member toward tenure and promotion. This report shall be submitted to the Department Head along with a recommendation whether or not to renew the tenure-track appointment. The Department Head shall then decide whether or not to renew the appointment.

If the Tenure and Promotion Committee within the Department recommends the renewal of a tenure-track faculty appointment, but the Department Head decides not to renew the appointment, then the Department Head shall notify the Tenure and Promotion Committee of this decision. The Tenure and Promotion Committee shall then reconsider their recommendation for renewal. If the Committee still believes that renewal is appropriate, then it shall prepare a document (hereinafter referred to as the Recommendation) explaining the reasons for recommending renewal, and this Recommendation shall be sent to the Department Head. If the Department Head still decides not to renew the appointment, then the Department Head shall prepare a document (hereinafter referred to as the Decision) explaining their reasons for this decision. The Recommendation and the Decision shall then be provided to the faculty member.

In this case, the faculty member may appeal the nonrenewal decision by the Department Head. 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.17.1 Initiating the Appeal Process

When the faculty member is provided with a copy of the Recommendation and the Decision, the Department Head shall notify the faculty member of their right to appeal the nonrenewal decision and refer them to Section E.17 of the Manual. The faculty member then has ten (10) working days to submit to the UGO an Appeal in writing of the nonrenewal decision, along with the Recommendation and the Decision. If an Appeal is submitted within this time frame, then the UGO shall notify the Provost within three (3) working days.

If the faculty member fails to submit an Appeal within this time frame, then they shall forfeit the right to appeal the nonrenewal decision (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.

The Appeal should provide all of the information that the Appeal Committee (see Section E.17.2) will need in order to make its decision whether to support or oppose the nonrenewal decision. 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 nonrenewal. 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 Department Head and to the members of the Appeal Committee. The Department Head 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 nonrenewal decision. 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 nonrenewal. 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.17.2 Appeal Committee

The Appeal Committee shall consist of the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the College Dean. 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 Department Head, the Appellant, the Chair of the Tenure and Promotion Committee, 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 Department Head and/or the Appellant, and they may choose to meet more than once with some persons.

During their interviews, the Department Head, the Appellant, and the Chair of the Tenure and Promotion Committee 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.17.3 Report of the Appeal Committee

After the completion of the process described in Section E.17.2, 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 nonrenewal 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 Department Head, and the Provost.

E.17.4 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 Recommendation, the Decision, 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 Department Head, 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 Department Head, and the Provost.