

## Rationale

The proposed changes are requested to clarify the rationale for an appeal and reduce the number of administrative appeals that do not meet the intent of the appeal process, are better handled by the university ombuds office, related to a previous decision that has already been appealed without significant new evidence, or would be more appropriate filed under a Chapter 7 conduct complaint. This allows for a check at the provost's office to ensure that an appeal is appropriately filed and meets the criteria to be considered. Faculty due process is protected by ensuring that two elected faculty senate officers, the president of the faculty senate and the chair of the FSCA, are consulted and are part of the decision process in determining if a case should not be considered.

### 9.1 Who May File Appeals

Faculty members who believe they have been treated unfairly with respect to salary, promotion, tenure, academic concerns, reduction in force, or other matters related to employment may have their cases reviewed formally through the procedures which have been developed by the Faculty Senate and approved by the administration. For purposes of definition, such a call for a review shall hereafter be called an appeal. It is brought by an appellant(s) and is directed at the appellee(s). Appeals of administrative actions or actions to deny reappointment, promotion or tenure ~~should~~ must be based on one of the following four grounds: that 1) improper procedures were followed, 2) academic freedoms or constitutional rights were violated, 3) policy was interpreted improperly, or 4) arbitrary and capricious criteria were employed in recommending the action being appealed. The burden of proof for documenting the grounds for the appeal is the responsibility of the appellant. The Faculty Handbook (FH Section 5.2.4.4.5) determines-describes when an appeal of a promotion or tenure decision may occur and the information to be considered in such an appeal.

All faculty are eligible to appeal. See ~~(FH Section 3.3)~~ Types of Appointments (FH Section 3.3), for further information on types of faculty appointments. Appeals must be initiated no more than 30 working days (i.e., days the university is officially open) following the occurrence of the last event or events that are being appealed. The filing of an appeal should not alter any schedule, time limitation, or deadline to which the parties to the appeal would otherwise have been subject in the absence of the filing (e.g., date of termination or date for which tenure is obtained). However, changes in schedules or deadlines may be among the remedies sought by the appellant(s).

There are two independent channels for the consideration of appeals:

- ~~administrative~~ Administrative
- Faculty Senate Committee on Appeals (FSCA)

Faculty members may use either channel or both consecutively but not simultaneously.

## 9.2 Appeal through Administrative Channels

An appeal through administrative channels is initiated when a written appeal, stating that states the case with the supporting evidence documenting how that the appeal is based on one or more of the four possible grounds stated in—see FH Section 9.1, naming that names the appellee(s), and requesting that requests specific remedies is presented to the administrator or administrative body whose sphere of responsibility includes the events grieved: e.g., a departmental chair, a dean, the senior vice president and provost, the president, or the Board of Regents. Administrative offices may require the appeal to follow a specific structure or form to ensure that all relevant information is provided. Appeals may be initiated at any calendar time within 30 working days -of the action or decision being contested. Appeals to the Board of Regents must be initiated within 10 calendar days of the final institutional decision. If, in the judgment of the senior vice president and provost, the grounds for the appeal are unclear, the provost shall consult with the president of the faculty senate and the chairperson of the FSCA on whether or not the provost will consider the case. Consensus is required for a case not to be considered. Appeals presented initially to the senior vice president and provost or president may be referred to the FSCAs, where they will be treated as described below. (See FH Section 9.3.6.3 regarding appeals to the Board of Regents.)

The administrator or administrative body that receives the appeal shall investigate it and present the appellant(s) and the appellee(s) with a written response within 25 working days from the date the appeal was received. The written response shall describe the evidence considered, state the decisions made, and review the reasoning that led to the decisions. If the appeal is denied, the appellant(s) has 15 working days to appeal the decision to the next administrative level or the FSCA, as described in (FH Section 9.3).

The response time for appeals filed near extended periods when classes are not in session or summer session may be modified accordingly to accommodate the availability of the principals and witnesses appropriate to the appeal. Other adjustments may be made in the appeal procedure's time schedule, provided the appellant(s), appellee(s), and the party investigating the appeal agree to them, or, failing that, the approval of the senior vice president and provost is obtained. An appeal through administrative channels may be withdrawn by the appellant(s) any time before the response is received.