

Modification of Section 9.1 Who May File Appeals

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Rationale

Section 9.1 lists four grounds for an appeal:

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.

When this was written constitutional rights were related to due process according to university policies or issues such as harassment or discrimination. However, over time the university has developed robust harassment and discrimination policies. Today, violation of a faculty members' constitutional rights would be policy violations where either improper procedures were followed or policy was interpreted improperly. This has made the constitutional rights violations language redundant. Furthermore, faculty serving on the ad hoc investigative committees as part of the appeal process have been reluctant to address claims of constitutional rights violations that are separated from ISU policies because these are legal questions outside of the scope of faculty senate. Thus, we are recommending removal of "constitutional rights" from being an explicit grounds for an appeal.

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 must be based on one of the following four grounds: 1) improper procedures were followed, 2) academic freedoms 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](#)) describes when an appeal of a promotion or tenure decision may occur and the information to be considered in such an appeal.

Deleted: or constitutional rights