



POLICY TITLE	Faculty Appeals for Retention, Tenure and Promotion	Policy Number	646
Section	Academics	Approval Date	April 15, 2010
Subsection	Faculty	Effective Date	June 10, 2010
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 This policy provides a unified and exclusive appeals procedure for faculty members who disagree with a mid-term tenure review that results in non-renewal of a tenure-track appointment or a final decision involving the denial of tenure or promotion in rank.

2.0 REFERENCES

2.1 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

3.0 DEFINITIONS

3.1 Appeals committee: A committee of faculty members chosen from either the University Tenure Board of Review or the rank and promotion committee to hear appeals for decisions related to tenure or promotion in rank.

3.2 Department: A group of salaried, benefits-eligible faculty members from the same or related disciplines that are authorized by the Senior Vice President of Academic Affairs to act as an academic unit in evaluating faculty peers for retention, tenure, and promotion.

3.3 Faculty portfolio: A collection of documents prepared by a faculty member as evidence of his or her contributions in teaching, scholarly and creative works, and service to his or her profession and the University.

3.4 Reevaluation committee: A committee of three tenured faculty members from UVU and/or other regionally accredited institutions of higher education appointed to evaluate a faculty member for renewal of appointment, tenure, or promotion after his or her appeal is granted.

3.5 RTP committee: A committee of tenured faculty members from a single or multiple related disciplines that evaluates peers for retention, tenure, or promotion.



3.6 Tenure or promotion file: The collection of documents consisting of a faculty member's faculty portfolio submitted for evaluation for midterm review, tenure review, or promotion, a copy of the relevant tenure or promotion criteria, peer evaluations solicited by the RTP committee during the review process, along with all applicable recommendations from the RTP committee, department chair, dean, Senior Vice President of Academic Affairs (SVPAA), President, and Board of Trustees, as applicable, as well as a written response obtained from the faculty member during the review process.

3.7 University rank and promotion committee: A standing committee of the Faculty Senate that encourages equity and rigor in department rank and promotion criteria, promotes adherence to the policies of the University, considers appeals of rank and promotion decisions, and advises on matters of rank and promotion policy.

3.8 University Tenure Board of Review: A standing committee of the Faculty Senate that encourages equity and rigor in department tenure criteria, promotes adherence to the policies of the University, considers appeals of tenure decisions, and advises on matters of tenure policy.

4.0 POLICY

4.1 A faculty member may appeal a decision of non-renewal of a tenure-track appointment resulting from a mid-term tenure review, a denial of tenure, or a denial of promotion in rank, citing one or more grounds for appeal as follows:

- 1) The process leading to the adverse decision failed to follow university policies and procedures with respect to the application for tenure or promotion, or with respect to the mid-term review, and the alleged failure to follow policies and procedures adversely influenced the outcome of the person's application or mid-term review;
- 2) The decision was arbitrary or capricious;
- 3) The decision was based upon something other than professional qualifications and professional conduct;
- 4) The decision resulted from discriminatory or prejudicial treatment during the review process in violation of specific constitutional or statutory rights;
- 5) The decision was primarily a response to the faculty member's legitimate exercise of academic freedom.

4.2 The appellant shall have the burden of proof to establish the grounds for the appeal by clear and convincing evidence.

5.0 PROCEDURES



5.1 Filing an Appeal

5.1.1 A faculty member considering appeal of a decision of mid-term tenure review, tenure, or rank/promotion should consult first with the Faculty Senate president to discuss the matter. If the faculty member decides to proceed with the appeal, he or she shall submit a written request for appeal to the Faculty Senate president within 21 calendar days from the date the written notification of non-renewal of appointment or denial of tenure or promotion was received by the candidate by certified mail.

5.1.2 The written request for appeal shall set forth the name of the person making the appeal, the date of the decision being appealed, and, with reasonable clarity the basis for the appeal, citing one or more grounds for appeal as found in section 4.1 of this policy. A copy of the decision being appealed shall be attached.

5.2 Composition and Organization of the Appeals Committee

5.2.1 Upon receipt of a written appeal, the appropriate standing committee of the Faculty Senate shall form an appeals committee of an odd number of at least five of its members to hear the appeal. The appropriate standing committee is:

- 1) The University Tenure Board of Review, if the appeal is for an unfavorable mid-term tenure review or a denial of tenure, or
- 2) The rank and promotion committee, if the appeal is for a denial of promotion in rank.

5.2.2 The appeals committee shall select a chairperson from among its members to receive the written appeal from the Faculty Senate president and to chair the appeals proceedings.

5.2.3 In the case where at least five impartial members of the appropriate standing committee of the Faculty Senate are not available, substitute members from among the tenured faculty of the University may be jointly appointed by the Faculty Senate president and the appropriate standing committee.

5.2.4 The chair of the appeals committee may schedule organizational meetings as necessary to plan and conduct the appeal.

5.3 Conflict of Interest

5.3.1 All members of the appeals committee shall be impartial in appeals brought to the committee. Any potential committee member who was in any way involved with the proceedings that led to the decision being appealed, or who has another conflict of interest, is not eligible to



serve on the appeals committee for that appeal. Potential members of the appeals committee shall recuse themselves if they feel they cannot be impartial in reviewing the case.

5.3.2 If the appellant or anyone involved in the tenure or rank/promotion decision-making chain questions the impartiality of any appeals committee member, the member of the appeals committee shall consider recusing himself or herself. If the appeals committee member refuses to recuse him or herself, then any party raising a conflict-of-interest issue may appeal the matter of recusal to the Faculty Senate president, who shall, with the SVPAA, decide the matter. In the event of recusal, another faculty member shall be appointed, as specified in section 5.2.

5.4 Hearings

5.4.1 The chair of the appeals committee shall schedule one or more hearings to consider evidence pertaining to the appeal.

5.4.2 The appeals committee shall determine the relevancy and appropriateness of all evidence.

5.4.3 The parties to the appeal (typically the appellant and the SVPAA or his or her designee) shall each submit a list of witnesses and any pertinent documentation to the appeals committee 14 days prior to any hearings. All documents and names of witnesses shall be mutually disclosed by both parties.

5.4.4 The appeals committee may also request documents from the appellant or the administration that it deems relevant to the case at any time during the appeals proceedings.

5.4.5 The appellant or anyone involved in the tenure or rank/promotion decision-making chain pertaining to the appeal shall have the right to assistance in presenting evidence, which may include members of the faculty, staff, or legal representation. In the case that the appellant is represented by legal counsel, legal counsel representing the administration shall also be present during any hearings. The appellant is responsible for the cost of his or her legal counsel or other representation.

5.4.6 Hearing proceedings shall be recorded.

5.4.7 The appeals committee shall complete its review of the appeal in a timely manner (see section 5.5.2).

5.5 Decision

5.5.1 By majority vote, the appeals committee shall reach one of the following decisions:



1) Deny the appeal. There was not sufficient evidence to establish any of the grounds of the appeal. In this case, the original decision of non-renewal of appointment at midterm review, or denial of tenure or promotion stands.

2) Grant the appeal. One or more issues raised by the appellant were found by a clear and convincing evidence to have merit sufficient for a reevaluation of the candidate's tenure or promotion file (see section 5.6). The appeals committee shall prepare a report addressing each of the grounds of the appeal, stating which points it found in favor of the appellant and which points it did not.

5.5.2 The chair of the appeals committee shall deliver its report to the candidate, the chair of the RTP committee, department chair, dean, and SVPAA within 14 calendar days of completing its review of the case.

5.6 Reevaluation

5.6.1 If the appeal is granted, a reevaluation committee consisting of three tenured faculty members from UVU and/or other regionally accredited institutions of higher education shall be formed by the Faculty Senate president and SVPAA within 14 calendar days. At least one member of the reevaluation committee shall be from the same or a similar discipline as the appellant. If the appeal is for promotion to full professor, at least one member of the reevaluation committee shall be a full professor in the same or a related discipline as the candidate. The administration shall arrange for the reevaluation committee to review the appellant's tenure or promotion file relative to the appropriate departmental criteria. A copy of the report of the appeals committee shall also be given to the reevaluation committee. Such review shall recommend for or against 1) retention of the appellant in the case of midterm tenure review, 2) granting tenure of the appellant, or 3) promotion in rank of the appellant, as applicable.

5.6.2 The recommendation of the reevaluation committee shall be forwarded to the President of the University, with copies to the appellant, department chair, dean, and SVPAA, all of whom may submit written responses to the President within 14 calendar days of the date of the letter of notification of the reevaluation committee to the appellant. The President shall make a determination concerning the case within 28 calendar days of the date of the letter of notification of the reevaluation committee to the appellant.

5.6.3 In the case of non-renewal of a tenure-track appointment pursuant to a midterm review, the President's determination is final.

5.6.4 In the case of appeal of a denial of tenure or promotion, if the President recommends that tenure or promotion be granted, he or she shall forward such recommendation to the Board of Trustees, who shall consider the President's recommendation and award or deny tenure or promotion.



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5.6.5 In the case of appeal of a denial of tenure or promotion, if the President does not recommend that tenure or promotion be granted, the President's decision is final.

5.6.6 There shall be no further appeal once the final decision is rendered.

5.7 The President shall communicate the final decision to the parties of the appeal within 14 days of when the decision was made.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity