

MIDDLE TENNESSEE STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

POLICY NO: II:01:05C

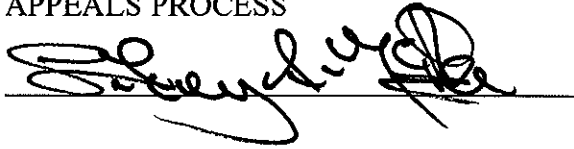
DATE: January 30, 2012

SUPERSEDES POLICY NO: II:01:05C

DATED: November 24, 2009

SUBJECT: TENURE AND PROMOTION APPEALS PROCESS

APPROVED: Sidney McPhee, President



I. PURPOSE

This procedure applies to candidates for tenure and/or promotion. It is available to those receiving negative recommendations if the appeal meets one of the criteria stipulated in section III-A of this policy.

The university's Employee Grievance/Complaint Procedure (IV:07:11) is available for some grievances not addressed in this policy. This policy is not to be used in instances of complaint about the non-renewal of tenure track contracts or the issuing of temporary contracts (University Policy II:01:05A).

II. DEFINITIONS

- A. An "appeal" is a request by a faculty member for investigation by the faculty appeals committee of an alleged error or errors made during the review process resulting in a negative recommendation for tenure and/or promotion by the provost.
- B. The term "Faculty Appeals Committee" refers to the committee established under MTSU Policy No. I:01:02, University Committees.
- C. The term "faculty member" includes any individual who holds academic rank (see University Policy No. II:01:05A, section II).
- D. The use of the word "days" in this policy refers specifically to normal business days.

III. NATURE AND PROCEDURES FOR AN APPEAL

- A. A faculty member who receives written notification from the provost that he/she has not been recommended to the president for tenure and/or promotion may appeal on one or more of the following grounds:

1. The recommendation was made in violation of the faculty member's right to academic freedom.
 2. The recommendation was made in violation of the Tennessee Board of Regents or university policies or procedures.
 3. The recommendation was made in violation of the faculty member's right to equal employment opportunity.
- B. The Faculty Appeals Committee ("committee") created and functioning pursuant to MTSU Policy No. I:01:02, University Committees, shall serve as an advisory body to the president on matters arising from an appeal filed by a faculty member.
- C. A faculty member with an appeal may discuss the case informally with any member of the faculty or the administration except a member of the faculty appeals committee. A committee member who discusses committee deliberations with the faculty member concerned shall be disqualified from any further proceedings in the case.
- D. The appeal, to be made on forms obtained from the office of the provost, must set forth in detail the nature of the alleged violation along with all factual data deemed pertinent. Ten (10) copies of the appeal forms must be supplied to the faculty appeals committee, through its chairperson, within ten (10) days of receipt of notification of the denial of tenure/promotion. At the same time, a copy of the appeal must be provided to each university official and/or committee whose decision is being challenged.
- E. In its initial review of the appeal, the faculty appeals committee shall determine whether the appeal appears to qualify for further consideration based on one or more of the alleged violations stated in section III A 1-3 above. If adjudged to have merit sufficient for further consideration by the committee, an inquiry shall be scheduled on the appeal to provide the faculty member an opportunity to present additional evidence in support of the appeal. The inquiry shall also provide any official of the university who wishes, an opportunity to submit written and/or oral statements to the committee regarding the allegations in the appeal. Such inquiry shall be investigatory rather than adjudicative in nature.
- F. The committee shall then report its findings and recommendations to the president, with copies of the report sent simultaneously to the faculty member. The committee's findings and recommendations shall be limited to the following:
1. The committee determined that there was neither a procedural nor a substantive error.
 2. The committee determined that a procedural or substantive error was made. In such case, the committee shall define the error(s) and make a

recommendation supported by its findings that the case be remanded to the appropriate level for reconsideration.

- G. If the faculty member is not satisfied following the president's recommendation for tenure and/or promotion, he/she may appeal, if permitted by Board policy, within twenty (20) days of receipt of the president's decision to the chancellor of the Tennessee Board of Regents for final disposition. Review by the chancellor and the Board will follow the criteria and process established in the policy, Appeals and Appearances Before the Board (I:02:02).

IV. MISCELLANEOUS

- A. The number of days indicated in section III shall be considered the maximum, but every effort shall be made to expedite the process. The stated time limits may be extended only by mutual consent.
- B. An appeal may be withdrawn without prejudice and may be re-filed subject to provisions related to timeliness, and other relevant procedural requirements.
- C. All matters pertaining to the processing of an appeal shall be kept as confidential as may be appropriate.
- D. The faculty member and the committee shall have access to all persons, places, and official records for information necessary to the determination and processing of an appeal.
- E. It shall be the general practice to process an appeal during the time which does not interfere with normal working duties.

Revisions: September 11, 1995; November 24, 2009, January 30, 2012

MIDDLE TENNESSEE STATE UNIVERSITY
FACULTY APPEAL FORM

1. NAME OF PERSON APPEALING: _____
2. DATE: _____
3. DEPARTMENT: _____
4. DATE OF RECEIPT OF NOTIFICATION CONCERNING TENURE AND/OR PROMOTION RECOMMENDATION FROM THE PROVOST:

5. REASON FOR THE APPEAL
 - A. Notification of a negative recommendation for tenure

 - B. Notification of a negative recommendation for promotion

6. GROUNDS FOR THE APPEAL. SEE POLICY II:01:05C. SECTION III-A.