206 Tenure and Promotion Appeals Process

Approved by Board of Trustees
Effective Date: June 5, 2017, 2020

Responsible Division: Academic Affairs
Responsible Office: University Provost
Responsible Officer: University Provost

I. Purpose

This policy 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 IV.A. of this policy.

II. Scope

This policy is to be used only to appeal a negative tenure and/or promotion recommendation by the Provost. Policy 852 Administrative, Professional, and Faculty Grievance or Complaint 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.

III. Definitions

A. Appeal. 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. Faculty Appeals Committee. The committee established under Policy 32 University Committees.

C. Faculty Member. Includes any individual who holds academic rank. See Policy 204 Tenure.

D. Days. Refers to business days.

E. Days. In this policy refers specifically to normal business days.
IV. Nature and Procedures for an Appeal

A. A faculty member who receives written notification from the Provost that they have not been recommended to the President for tenure and/or promotion may appeal on one (1) 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 University policies or procedures.

3. The recommendation was made in violation of the faculty member’s right to equal employment opportunity. Appeals on this basis shall be referred to the Office of Institutional Equity and Compliance (IE&C) as claims of discriminatory acts prohibited by law or MTSU policy are considered by IE&C. This office shall investigate the complaint and produce a report to include a determination as to whether discrimination adversely affected the tenure and/or promotion recommendation. The Committee shall accept this determination as conclusive.

B. 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 will have ten (10) business days from the date that appears on the Provost’s written notification to file an appeal.

The appeal, to be made on the Faculty Appeal Form, must set forth in detail the nature of the alleged violation along with all factual data deemed pertinent. Ten (10) copies of the appeal form must be supplied to the Committee, through its chairperson. At the same time, a copy of the appeal must be provided to the Provost.

B. The Faculty Appeals Committee (Committee) shall serve as an advisory body to the President on matters arising from a faculty member’s 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 Committee. A Committee member, who discusses Committee deliberations with the faculty member concerned shall automatically disqualify themselves or, failing to do so, be disqualified from any further proceedings in the case.

V. Procedure for an Appeal

A. Step One - Filing: Within ten (10) business days of receipt of the Provost’s denial of tenure and/or promotion, the faculty member may file an appeal.
1. The appeal must be made on the Faculty Appeal Form and explain in detail the nature of the violation with all factual data deemed pertinent. (See Section IV. A. above.)

2. The candidate must supply ten (10) copies of the Faculty Appeal Form and email the PDF to the Chairperson of the Faculty Appeals Committee with an additional copy to the Provost.

B. Step Two - Initial Committee Review Meeting: Within ten (10) business days of the date of the email containing receipt of the Faculty Appeal Form, the Chairperson of the Faculty Appeals Committee must email distribute the Faculty Appeal Form to Committee members and hold the initial Committee meeting.

1. The Committee will determine whether the appeal was timely filed and whether it qualifies for further consideration based on one (1) or more of the alleged violations stated in Section IV.A.

2. If the Committee determines that the appeal was not timely filed, or that it does not qualify for further consideration, the Committee Chairperson, within ten (10) business days of the date of the initial committee meeting, will so inform the President in writing via email, with copies of the report sent simultaneously copying to the faculty member and the Provost.

C. Step Three - Committee Inquiry Meeting: If the Committee finds grounds for the appeal, it will hold an inquiry meeting within ten (10) business days of the initial Committee meeting.

1. The inquiry meeting provides the faculty member an opportunity to present oral and/or written statements regarding their evidence to support his/her appeal.

2. The inquiry meeting also provides the Provost or designee the opportunity to present oral and/or written statements regarding the appeal.

3. The meeting shall be investigatory, rather than adjudicative, in nature.

D. Step Four - Committee Decision: Within ten (10) business days of the date of the Committee inquiry meeting, the Committee Chairperson shall report the Committee’s findings and recommendations to the President via email, with copies of the report sent simultaneously copying to the faculty member and the Provost.

1. A simple majority of Committee members present constitutes a quorum for purposes of reaching a decision.

2. The Committee’s findings and recommendations shall be limited to the following:
a. By the weight of the evidence, the Committee determines that the grounds for
the appeal were valid, and the Committee determines that this adversely
affected the Provost’s ultimate recommendation.

b. By the weight of the evidence, the Committee determines that the grounds for
the appeal were valid, but the Committee believes that this did not adversely
affect the Provost’s ultimate recommendation.

c. By the weight of the evidence, the Committee determines that no grounds exist
for the appeal.

d. If the decision of the Committee is not unanimous, the Committee may
reference dissenting opinions in the report submitted also submit to the
President a minority report with the rationale for dissenting opinions.

E. Step Five - President’s Recommendation: Within ten (10) business days of the date on
the report of the Committee inquiry meeting, the President will render a decision either
to deny the appeal or to grant the appeal, thus either recommending or not
recommending tenure and/or promotion.

F. If the faculty member is not satisfied following the President's recommendation for
tenure and/or promotion, they may appeal to the Academic Affairs, Student Life
and Athletics Committee of the Board of Trustees -for final disposition. The appeal shall
be filed within twenty (20) business days from the date that appears on the President’s
decision notification. The criteria and process established in Policy 60 Appeals and
Appearances before the Board will apply. The decision of the Committee/Board shall be
the final deposition of the matter.

F. In its initial review of the appeal, the Committee shall determine whether the appeal
appears to qualify for further consideration based on one (1) or more of the alleged
violations stated in Section IV.A. If found to have merit sufficient for further
consideration by the Committee, an inquiry shall be scheduled on the appeal within
fifteen (15) business days of the appeal submission deadline to provide the faculty
member an opportunity to present additional evidence in support of the appeal. The
inquiry shall also provide an opportunity for the Provost or designee 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.

G. A simple majority of members present constitutes a quorum for purposes of reaching a
decision.

H. The Committee shall, within ten (10) business days from the start of the inquiry, report
its findings and recommendations to the President, with copies of the report sent
simultaneously to the faculty member and the Provost. The Committee's findings and recommendations shall be limited to the following:

1. By the weight of the evidence, the Committee determines that the ground(s) of the appeal was/were valid, and the committee believes that this adversely affected the ultimate recommendation;

2. By the weight of the evidence, the Committee determines that the ground(s) of the appeal was/were valid, but the committee believes that this did not adversely affect the ultimate recommendation; or

3. No ground(s) was/were found to exist.

I. If the decision of the Committee is not unanimous, the Committee may also submit to the President a minority report with the rationale for dissenting opinions.

J. If the faculty member is not satisfied following the President's recommendation for tenure and/or promotion, he/she may appeal, if permitted by policy, to the Board of Trustees or its designated subcommittee for final disposition. The appeal shall be filed within twenty (20) business days from the date that appears on the President’s decision notification. The Board or its designated subcommittee will follow the criteria and process established in Policy 60 Appeals and Appearances before the Board.

V. Miscellaneous

A. The number of days indicated in Section IV. 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 of the faculty member, Committee, Academic Affairs, Student Life and Athletics Committee of the Board of Trustees, or President, depending on the step in the appeal process.

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.

Forms:
Faculty Appeal Form

Revisions: none June 5, 2017 (original); ____, 2020.

References: Policies 32 University Committees; 60 Appeals and Appearances before the Board; 204 Tenure; 852 Administrative, Professional, and Faculty Grievance or Complaint.