206 Tenure and Promotion Appeals Process

Approved by Board of Trustees
Effective Date: _________________, 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

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.

IV. Nature of 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 (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. The Faculty Appeals Committee (Committee) shall serve as an advisory body to the President on matters arising from a faculty member’s appeal.

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 discussed Committee deliberations with the faculty member concerned shall immediately disqualify himself/herself 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 to the Chairperson of the Faculty Appeals Committee with an additional copy to the Provost.

B. Step Two, Initial Committee Review: Within ten (10) business days of receipt of the Faculty Appeal Form, the Chairperson of the Faculty Appeals Committee must distribute the Faculty Appeal Form 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, with copies of the report sent simultaneously 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 evidence to support his/her appeal.

2. The inquiry meeting also provides the Provost or designee the opportunity to submit oral 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, with copies of the report sent simultaneously to the faculty member and the Provost.

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

2. The Committees’ 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 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 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 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, he/she 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.

V. Miscellaneous

A. The number of days indicated in Section V. 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.

Forms:

Faculty Appeal Form

Revisions: 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.