

CHAPTER 5. APPEALS AND GRIEVANCES

5.1 Appeals	2
5.1.1 Appeals Committee and General Process	2
5.1.1.1 Faculty Committee on Appeals	2
5.1.1.2 Notification of Intent	2
5.1.1.3 Preliminary Review	3
5.1.1.4 Investigation and Determination	3
5.1.1.5 Modified Procedures When Academic Freedom Violation is Alleged (Term Faculty)	3
5.1.1.6 Modified Procedures When Academic Freedom Violation is Alleged (Tenure-Line Faculty)	4
5.1.2 Tenure-Line Faculty Appeals	6
5.1.2.1 Nonrenewal of Untenured Tenure-Line Faculty Prior to the Tenure Decision	6
5.1.2.2 Dismissal of Untenured Tenure-Line Faculty During the Term of a Probationary Period Contract for Reasons Other than Misconduct	7
5.1.2.3 Denial of Promotion or Tenure	8
5.1.2.4 Termination of Tenured Faculty Due to Medical Leave Exceeding Thirty-Six Months	9
5.1.2.5 Termination of Tenured Faculty Due to Financial Exigency	10
5.1.2.6 Termination of Tenured Faculty Due to Discontinuance or Substantial Reduction of an Academic Unit	11
5.1.3 Term Faculty Appeals	12
5.1.3.1 Major Sanctions within the Contract Period	13
5.1.3.2 Non-Reappointment of Term Faculty	14
5.1.4 Adjunct Faculty Appeals	14
5.1.4.1 Suspension or Dismissal During the Contract Period	15
5.1.5 Other Faculty	146
5.2 Grievances	16
5.2.1 Definition	16
5.2.2 Procedures for Faculty Grievances	17
5.2.2.1 Administrative Grievance Process	17
5.2.2.2 Grievance Board Procedures	18
5.3. Right to Review Personnel Records	19

CHAPTER 5. APPEALS AND GRIEVANCES

Appeal procedures are limited to: dismissal or nonrenewal of contract for tenure-line faculty; denial of tenure and promotion for tenure-line faculty; dismissal during the contract term for term faculty, and non-reappointment of term faculty.

Grievance procedures are available to all faculty for issues other than denial of promotion and tenure, dismissal, nonrenewal and non-reappointment. A grievance is a written complaint concerning a decision made by a person with authority in the University. The grievance must be filed by the individual adversely affected by the decision.

5.1 Appeals

Appeals are to be conducted in accordance with the procedures specified below. Each procedure is specific to the type of appeal.

5.1.1 Appeals Committee and General Process

The faculty member bears the burden of proof. Failure by the faculty member to submit requested materials within designated deadlines shall constitute a failure to meet the burden of proof. The standard of proof is preponderance of the evidence.

5.1.1.1 Faculty Committee on Appeals

The Faculty Committee on Appeals is a standing committee of the Faculty Council. It comprises fourteen tenured faculty members selected by the Faculty Council through the usual committee selection process. If the committee finds that, in a given case, a member has either a conflict of interest or the appearance of one, the committee will exclude the member from participation. Grounds for recusal include serving in the appellant's local academic unit, participating in evaluation of the appellant, or having a significant personal relationship with the appellant.

The Faculty Committee on Appeals will assign three of its members to serve as an Appeals Board to hear a case.

If the appellant raises an allegation of discrimination, the Appeals Board must refer the discrimination allegation to University EEO Resources which, in coordination with the Appeals Board, will conduct an investigation and submit a report to the Appeals Board in a timely manner.

5.1.1.2 Notification of Intent

A faculty member begins an appeal by filing a written notice of intent to appeal with the president of Faculty Council who will forward the notice to the chair of the Faculty Committee on Appeals. The notice must specify the grounds for appeal. The appellant may not add or change appeal grounds after submitting the notice of intent to appeal.

5.1.1.3 Preliminary Review

When a faculty member appeals, the Appeals Board will conduct a preliminary review to determine whether the allegations as stated in the appeal, if fully substantiated after investigation, could reasonably be found to establish one or more of the grounds for appeal. If one of the grounds is discrimination, the Appeals Board must consult with the Office of Employee Engagement and Equal Employment Opportunity or the Title IX Coordinator, as appropriate (“University EEO Resources”) before making a determination on that ground. Each ground appealed requires a separate determination as to whether the appeal will go forward on that ground. If, after the preliminary review, the Appeals Board determines that an appeal should go forward on one or more grounds, it will then investigate the faculty member’s allegations.

If the Appeals Board decides by a majority that an appeal does not satisfy the criteria, the Appeals Board will forward its recommendation to the appropriate academic officer (either the provost or the president), with a copy to the faculty member and the lower-level academic officers. The recommendation must state the reasons for not considering the appeal. The appropriate academic officer (either the provost or the president) may affirm the Appeals Board’s recommendation or remand the case to the Faculty Committee on Appeals. If the case is remanded, the Faculty Committee on Appeals will assemble an alternate Appeals Board from the remaining members to investigate the faculty member’s allegations.

The Appeals Board transactions are confidential and not open to persons other than those explicitly invited to participate. Written minutes shall be kept of its meetings which shall be available only to the appropriate academic officer (either the provost or the president).

5.1.1.4 Investigation and Determination

If an appeal moves forward, the Appeals Board may request interviews with, and materials from, the faculty member, the dean, and any evaluating committee. The Appeals Board may take any reasonable action that it deems appropriate or helpful to its deliberations. In every case the Appeals Board must interview the author of any report that recommended against renewal or promotion and tenure and any academic officer who recommended dismissal. The Appeals Board is charged only with reviewing the basis of the appeal; it does not perform an independent evaluation of the faculty member’s qualifications. Each ground appealed requires a separate determination.

5.1.1.5 Modified Procedures When Academic Freedom Violation is Alleged (Term Faculty)

A term faculty member’s allegation of an academic freedom violation is serious, not to be made or received lightly.

The university has no obligation to reappoint term faculty members beyond the terms of their contracts.

If a term faculty member alleges a violation of academic freedom, the Appeals Board will conduct a preliminary review as described in Section 5.1.1.3. If the Appeals Board concludes that the appeal does not satisfy the criteria for a violation of academic freedom, the faculty member will have the option to submit a written response to the report which must be provided to the provost and the Appeals Board for inclusion in the appeal record. The provost may affirm the Appeals Board’s recommendation or remand the case to the Faculty Committee on Appeals. If the case is remanded, the Faculty Committee on Appeals will assemble an alternate Appeals Board from the remaining members to investigate the faculty member’s allegations.

If an appeal moves forward on this ground, the Appeals Board shall receive from the complaining term faculty member a written statement indicating the basis for the academic freedom allegation. The Appeals Board shall receive from the faculty member's dean a written statement of the reason(s) for the challenged decision and/or a statement of the procedures followed in reaching the challenged decision. The dean must submit these items to the Appeals Board within ten business days after the chair of the Appeals Board requests them. The Appeals Board will afford the term faculty member and the dean the opportunity to respond in writing and may also request further information.

For the Appeals Board to conclude that the challenged decision violated the faculty member's academic freedom, a majority of the Board must find that the violation was the causal basis for non-reappointment or termination.

The Appeals Board will prepare a written analysis and conclusion regarding the allegation of an academic freedom violation. This written analysis and conclusion and all relevant documentation will be sent to the provost for final decision, with copies to the faculty member and dean.

5.1.1.6 Modified Procedures When Academic Freedom Violation is Alleged (Tenure-Line Faculty)

A tenure-line faculty member's allegation of an academic freedom violation is serious, not to be made or received lightly.

The university has no obligation to renew the contracts of untenured tenure-line faculty members. Tenured faculty have the right to a continuous appointment except as provided in Chapter 4 of the Faculty Handbook.

If a tenure-line faculty member alleges a violation of academic freedom, the Appeals Board will conduct a preliminary review on this ground. If the Appeals Board decides by a majority that an appeal does not satisfy the criteria for a violation of academic freedom, the Appeals Board will forward its recommendation to the appropriate academic officer (either the provost or the president), with a copy to the faculty member and the lower-level academic officers. The recommendation must state the reasons for not considering the appeal. The faculty member will have the option to submit a written response to the report which must be provided to the appropriate academic officer (either the provost or the president) and the Appeals Board for inclusion in the appeal record.

The appropriate academic officer (either the provost or the president) may affirm the Appeals Board's recommendation or remand the case to the Faculty Committee on Appeals. If the case is remanded, the Faculty Committee on Appeals will assemble an alternate Appeals Board from the remaining members to investigate the faculty member's allegations.

If an appeal moves forward on this ground, the Appeals Board shall receive from the complaining faculty member a written statement indicating the basis for the allegation of an academic freedom violation. The Appeals Board shall receive from the faculty member's dean or provost, where applicable, a written statement of the reason(s) for the challenged decision and/or a statement of the procedures followed in reaching and reviewing the challenged decision. The dean or provost must submit these items to the Appeals Board within ten business days after the request by the chair of the Appeals Board.

Upon receipt of the written statements, the Appeals Board will conduct a formal hearing in order to make a recommendation on the alleged academic freedom violation.

The two parties have the following prerogatives in the formal hearing:

- 1
- 2 1. To obtain in advance of the hearing a list of witnesses the other party intends to call;
- 3
- 4 2. Upon written request, to inspect before the formal hearing all documents that the Appeals
- 5 Board in its prehearing meetings has collected and deemed relevant to its deliberations, in
- 6 a manner determined by the Appeals Board (provided that the Appeals Board shall
- 7 require both parties to keep the contents in strict confidence);
- 8
- 9 3. To select an academic advisor or counsel of their own choosing, provided that advisor or
- 10 counsel may not participate in the hearing but may be present;
- 11
- 12 4. To cross examine witnesses;
- 13
- 14 5. To have sufficient time to prepare evidence and to have adjournments upon the valid
- 15 claim of unforeseen occurrences during the hearing.
- 16

17 The faculty member has the following additional prerogatives in the formal hearing:

- 18
- 19 1. To decline to testify, without prejudice, at the hearing without restricting the prerogative
- 20 of supporting evidence;
- 21
- 22 2. To invite a representative of a responsible educational association as an observer to the
- 23 hearing.
- 24

25 The responsibilities and prerogatives of the hearing Appeals Board in conducting its procedures are:

- 26
- 27 1. It has the right to all the information and documents it needs, without being obligated by
- 28 strict rules of legal evidence and legal procedures, exercising due precaution not to
- 29 divulge the contents of documents normally considered confidential;
- 30
- 31 2. It may conduct prehearing meetings to clarify issues and otherwise provide for an
- 32 effective and efficient hearing;
- 33 3. It may take whatever time is required for a fair and complete hearing, while avoiding
- 34 unnecessary delays;
- 35
- 36 4. It may formulate its own additional rules of procedure not contrary to the procedures of
- 37 this document;
- 38
- 39 5. It shall keep a verbatim record of the hearings, which shall be available to the parties
- 40 without cost.
- 41

42 The university will assume all costs directly incurred by the hearing Appeals Board. If the faculty

43 member employs an attorney for the hearing, and the appeal is upheld, the university will reimburse the

44 faculty member for at least one-half of the reasonable legal expenses incurred during the formal hearing,

45 the precise proportion to be decided by the Appeals Board.

46

47 During the process of the hearing, neither party may make public statements about the proceedings. The

48 Appeals Board may make public statements regarding the status of the proceedings.

49

In order for the Appeals Board to come to the conclusion that the challenged decision violated the faculty member's academic freedom, a majority of the Appeals Board must find that the violation was the causal basis for the challenged decision.

The Appeals Board will prepare a written analysis and conclusion regarding the alleged academic freedom violation. This written analysis and conclusion and all relevant documentation will be sent to the provost or president, as appropriate, for final decision, with copies to the faculty member and dean.

5.1.2 Tenure-Line Faculty Appeals

Untenured tenure-line faculty may appeal:

1. Nonrenewal prior to the tenure decision (Section 5.1.2.1)
2. Dismissal during the contract period prior to tenure (Section 5.1.2.2)
3. Denial of promotion or tenure (Section 5.1.2.3)

Appeals Board recommendations on appeals for denials of promotion and tenure go to the president for final decision. Appeals Board recommendations on other types of appeals for untenured tenure line faculty go to the provost for final decision.

Tenured faculty may appeal:

1. Termination due to Medical Disability or for Medical Reasons (Section 5.1.2.4)
2. Termination due to Financial Exigency (Section 5.1.2.5)
3. Termination due to Discontinuance or Substantial Reduction of an Academic Unit (Section 5.1.2.6)
4. Denial of Promotion (Section 5.1.2.3)

Tenured faculty may not appeal suspension or termination for misconduct but have the right to pre-dismissal and pre-suspension hearings as described in Chapter 4.

Appeals Board recommendations on appeals go to the provost or president, as specified in the applicable section, for final decision.

5.1.2.1 Nonrenewal of Untenured Tenure-Line Faculty Prior to the Tenure Decision

Grounds for Appeal

An untenured tenure-line faculty member may appeal the decision not to renew his or her probationary period contract. The appeal must be based on one or more of the following grounds:

1. The nonrenewal violated the faculty member's academic freedom.
2. The evaluation of the candidate deviated from procedures in the Faculty

Handbook or in college or local academic unit guidelines, and the deviation was material to the final decision.

3. The nonrenewal was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and submit its findings in a report to the faculty member, the dean, and the provost that includes the majority and any minority views. The faculty member will have the option to submit to the provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the provost. The provost must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the provost affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal, including but not limited to renewing the faculty member's contract. The provost's decision is final.

Calendar for the Appeals Process

By June 30, the faculty member must state his or her intent to appeal in writing to the provost and the president of Faculty Council. By the first day of fall term of the following academic year, the faculty member must submit the written appeal and all supporting documentation to the Faculty Council President who will then forward it to the Appeals Board.

By September 30, the Appeals Board must establish a clear timeline for each case, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The Appeals Board must send its final written recommendation to the provost no later than January 15. The provost must issue a final decision by January 31.

All review procedures are to be carried out as expeditiously as is reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters— and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.2.2 Dismissal of Untenured Tenure-Line Faculty During the Term of a Probationary Period Contract for Reasons Other than Misconduct

Untenured tenure line faculty have no right of appeal under this section in cases in which they have had a hearing under section 4.4

Grounds for Appeal

An untenured tenure-line faculty member may appeal dismissal during the term of a probationary period contract. The appeal must be based on one or more of the following grounds:

1. The dismissal violated the faculty member's academic freedom.

2. The process by which the decision to dismiss was made applied inappropriate standards, applied appropriate standards unfairly, or failed to meet reasonable standards of thoroughness.

3. The dismissal was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and submit its findings in a report to the faculty member, the dean, and the provost that includes the majority and any minority views. The faculty member will have the option to submit to the provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the provost. The provost must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the provost affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal, including but not limited to reinstating the faculty member for the remainder of the contract term. The provost's decision is final.

Calendar for the Appeals Process

Within 10 business days of being informed in writing of the dismissal, the faculty member must state his or her intent to appeal in writing to the provost, and the president of Faculty Council. Within 20 business days of submitting the written notice of intent to appeal, the candidate will submit their supporting documentation. Within 10 business days upon receipt of this documentation, the chair will convene the preliminary review by the Appeals Board.

At this preliminary review, the Appeals Board must establish a clear timeline for this appeal, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The written recommendation from the Appeals Board must be sent to the provost within 30 business days of the preliminary review. The provost must issue a final decision no later than 10 business days after receipt of the Appeals Board's written recommendation.

All review procedures are to be carried out as expeditiously as reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters — and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.2.3 Denial of Promotion or Tenure

Grounds for Appeal

A faculty member may appeal the decision to deny an application for tenure or promotion. The appeal must be based on one or more of the following grounds:

1. The decision violated the faculty member's academic freedom.

2. The evaluation of the candidate deviated from procedures in the Faculty Handbook or in college or local academic unit guidelines, and the deviation was material to the final decision.

3. The decision was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and submit its findings in a report to the president. The faculty member will have the option to submit to the president a written response to the report.

Final Decision

The final decision on the appeal rests with the president. The president must state the grounds for his or her decision in writing to the faculty member, the provost, and the relevant lower-level academic officers. If the president affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal, including but not limited to awarding tenure or promotion. The president's decision is final.

Calendar for the Appeals Process

By June 30, the faculty member must state his or her intent to appeal in writing to the president and the president of Faculty Council. By the first day of fall term of the following academic year, the faculty member must submit the written appeal and all supporting documentation to the Faculty Council President who will then forward it to the Appeals Board.

By September 30, the Appeals Board must establish a clear timeline for each case, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the president, the Faculty Council president, and when appropriate, University EEO Resources.

The Appeals Board must send its final written recommendation to the president no later than January 15. The president must issue a final decision by January 31.

All review procedures are to be carried out as expeditiously as is reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters— and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.2.4 Termination of Tenured Faculty Due to Medical Leave Exceeding Thirty-Six Months

Grounds for Appeal

A tenured faculty member may appeal termination under Chapter 4, Section 4.8. The appeal must be based on one or more of the following grounds:

1. The termination violated the faculty member's academic freedom.
2. The process by which the decision to terminate was made applied inappropriate standards, applied appropriate standards unfairly, or failed to meet reasonable standards

of thoroughness.

3. The termination was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and will submit its findings in a report to the faculty member, the provost, and the president that includes the majority and any minority views. The faculty member will have the option to submit to the president, provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the president. The president must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the president affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal. The president's decision is final.

Calendar for the Appeals Process

Within 10 business days of being informed in writing of the dismissal, the faculty member must state his or her intent to appeal in writing to the provost, and the president of Faculty Council. Within 20 business days of submitting the written notice of intent to appeal, the candidate will submit their supporting documentation. Within 10 business days upon receipt of this documentation, the chair will commence the preliminary review by the Appeals Board.

At the preliminary review, the Appeals Board must establish a clear timeline for the appeal and distribute it to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The written recommendation from the Appeals Board must be sent to the president within 30 business days of the preliminary review. The president must issue a final decision no later than 10 business days after receipt of the Appeals Board's written recommendation.

All review procedures are to be carried out as expeditiously as is reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters — and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.2.5 Termination of Tenured Faculty Due to Financial Exigency

Grounds for Appeal

A tenured faculty member notified of termination because of financial exigency has a right to appeal. The appeal must be based on one or more of the following grounds:

1. The selection of the area and type of retrenchment was not in accordance with the procedures set out in Chapter 4, Section 4.6.
2. The selection of specific faculty appointments to be terminated was not in accordance with the procedures set out in Chapter 4, Section 4.6.

3. The dismissal was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

4. The university failed to meet its obligations as specified in Section 4.6.6 of the Faculty Handbook. A unit's vote not to accept the faculty member may be appealed only for failure to satisfy one or more of the criteria listed in section 4.6.6 (1)(a-d).

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and will submit its findings in a report to the faculty member, the provost, and the president that includes the majority and any minority views. The faculty member will have the option to submit to the president, provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the president. The president must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the president affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal. The president's decision is final.

Calendar for the Appeals Process

Within 10 business days of being informed in writing of the dismissal, the faculty member must state his or her intent to appeal in writing to the provost, and the president of Faculty Council. Within 20 business days of submitting the written notice of intent to appeal, the candidate will submit his or her supporting documentation. Within 10 business days upon receipt of this documentation, the chair will commence the preliminary review by the Appeals Board.

At this preliminary review, the Appeals Board must establish a clear timeline for the appeal, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The written recommendation from the Appeals Board must be sent to the president within 30 business days of the preliminary review. The president must issue a final decision no later than 10 business days after receipt of the Appeals Board's written recommendation.

All review procedures are to be carried out as expeditiously as reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters — and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.2.6 Termination of Tenured Faculty Due to Discontinuance or Substantial Reduction of an Academic Unit

Grounds for Appeal

A tenured faculty member notified of termination because of discontinuance or substantial reduction of an academic unit or program has the right to appeal the selection of his or her specific faculty appointment for termination. The appeal must be based on one or more of the following grounds:

1. The selection of specific faculty appointments to be terminated was not in accordance with the procedures set out in Chapter 4, Section 4.7.
2. The dismissal was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.
3. The university failed to meet its obligations as specified in Section 4.7.6 of the Faculty Handbook. A unit's vote not to accept the faculty member may be appealed only for failure to satisfy one or more of the criteria listed in Section 4.7.6 (1)(a-d).
4. The termination decision violated the faculty member's academic freedom.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and will submit its findings in a report to the faculty member, the provost, and the president that includes the majority and any minority views. The faculty member will have the option to submit to the president, provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the president. The president must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the president affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal. The president's decision is final.

Calendar for the Appeals Process

Within 10 business days of being informed in writing of the termination, the faculty member must state his or her intent to appeal in writing to the provost, and the president of Faculty Council. Within 20 business days of submitting the written notice of intent to appeal, the candidate will submit supporting documentation. Within 10 business days upon receipt of this documentation, the chair will commence the preliminary review by the Appeals Board.

At this preliminary review, the Appeals Board must establish a clear timeline for the appeal, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

All review procedures are to be carried out as expeditiously as is reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters — and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.3 Term Faculty Appeals

Term faculty are limited to appeals of: (1) major sanctions during the contract term, and (2) non-reappointment on the grounds of a violation of academic freedom or discrimination in violation of university policies or federal, state, and local laws.

5.1.3.1 Major Sanctions within the Contract Period

Grounds for Appeal

The appeal must be based on one or more of the following grounds:

1. The major sanction violated the faculty member's academic freedom.
2. The process by which the major sanction was imposed applied inappropriate standards, applied appropriate standards unfairly, or failed to meet reasonable standards of thoroughness.
3. The imposition of the major sanction was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and submit its findings in a report to the faculty member, the dean, and the provost that includes the majority and any minority views. The faculty member will have the option to submit to the provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the provost. The provost must state the grounds for his or her decision in writing to the term faculty member and the dean. If the provost affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal, including but not limited to reinstating the term faculty member for the remainder of the contract term. The provost's decision is final.

Calendar for the Appeals Process

Within 10 business days of being informed in writing of the dismissal, the faculty member must state his or her intent to appeal in writing to the provost, and the president of Faculty Council. Within 20 business days of submitting the written notice of intent to appeal, the candidate will submit their supporting documentation. Within 10 business days upon receipt of this documentation, the chair will convene the preliminary review by the Appeals Board.

At this preliminary review, the Appeals Board must establish a clear timeline for the appeal, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The written recommendation from the Appeals Board must be sent to the provost within 30 business days of the preliminary review. The provost must issue a final decision no later than 10 business days after receipt of the Appeals Board's written recommendation.

All review procedures are to be carried out as expeditiously as reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters — and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.3.2 Non-Reappointment of Term Faculty

Grounds for Appeal

A term faculty member may appeal the decision not to reappoint him or her. The appeal must be based on one or both of the following grounds:

1. The non-reappointment violated the faculty member's academic freedom.
2. The non-reappointment was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation and submit its findings in a report to the faculty member, the dean, and the provost that includes the majority and any minority views. The faculty member will have the option to submit to the provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the provost. The provost must state the grounds for his or her decision in writing to the faculty member and the relevant lower-level academic officers. If the provost affirms the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal, including but not limited to renewing the faculty member's contract. The provost's decision is final.

Calendar for the Appeals Process

By June 30, the faculty member must state his or her intent to appeal in writing to the provost and the president of Faculty Council. By the first day of fall term in the following academic year, the faculty member must submit the written appeal and all supporting documentation to the Faculty Council President who will then forward it to the Appeals Board.

By September 30, the Appeals Board must establish a clear timeline for the case, which it will distribute to the faculty member, the local academic unit officer, the dean, the provost, the Faculty Council president, and when appropriate, University EEO Resources.

The Appeals Board must send its final written recommendation to the provost no later than January 15. The provost must issue a final decision by January 31.

All review procedures are to be carried out as expeditiously as reasonably possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above refer only to calendar or business days within regular academic terms — Fall, Winter, Spring quarters or Fall and Spring semesters— and are to be construed as recommended maximums. However, a failure by the affected faculty member to adhere to any time guidelines, except under extraordinary circumstances, shall result in forfeiture of all review rights.

5.1.4 Adjunct Faculty Appeals

Adjunct faculty are limited to appeals of suspension or dismissal during the contract period. The contract period is defined in the adjunct faculty's letter of appointment and is defined on a course by course basis.

5.1.4.1 Suspension or Dismissal During the Contract Period

Grounds for Appeal

The appeal must be based on one or more of the following grounds:

1. The suspension or dismissal violated the faculty member's academic freedom.
2. The process by which the suspension or dismissal was imposed applied inappropriate standards, applied appropriate standards unfairly, or failed to meet reasonable standards of thoroughness.
3. The imposition of the suspension or dismissal was the result of discriminatory practices prohibited by university policies or applicable federal, state, or local laws.

As outlined in Section 5.1.1.1, the Appeals Board will include three tenured faculty members. For an adjunct faculty appeal, the Faculty Committee on Appeals will select an adjunct faculty member who will act as a non-voting consultant to the Appeals Board. The role of the consultant will be to provide expertise on issues that uniquely affect adjunct faculty.

The Appeals Board will conduct a preliminary review, and if appropriate, an investigation. The Appeals Board shall submit its findings in a report to the faculty member, the dean, and the provost that includes the majority and any minority views. The preliminary review will follow the process described in the Faculty Handbook Section 5.1.1.3. The faculty member will have the option to submit to the provost and dean a written response to the report.

Final Decision

The final decision on the appeal rests with the provost. The provost must state the grounds for his or her decision in writing to the adjunct faculty member and the dean. If the provost grants the appeal, he or she may determine the appropriate remedy for the matter based on the facts and circumstances presented by the appeal. If the appeal is granted, the adjunct faculty member will be paid the amount due under the original contract appointment. The provost's decision is final.

Calendar for the Appeals Process

Due to the timing of adjunct faculty appointments, which frequently occur on a term-by-term basis, an expedited appeals process is necessary.

Within 5 business days of being informed of the suspension or dismissal, the adjunct faculty member must write to the provost and the president of Faculty Council, stating the adjunct's intent to appeal. Within 10 business days of submitting the written notice of intent to appeal, the adjunct faculty member will submit his or her supporting documentation. Within 5 business days of receipt of this documentation, the chair of the Faculty Committee on Appeals will convene the preliminary review by the Appeals Board.

The written recommendation from the Appeals Board must be completed and sent to the provost within 10 business days of the preliminary review. An allegation of discrimination will follow the timeline used in University EEO Resources. The provost must issue a final decision no later than 5 business days after receipt of the Appeals Board's written recommendation.

All review procedures are to be carried out as expeditiously and reasonably as possible, consistent with obtaining sound judgments and qualified, balanced review panels. All time guidelines set forth above are to be construed as maximums.

A failure by the affected adjunct faculty member to adhere to any time guidelines, except under extraordinary circumstance, shall result in forfeiture of all review rights. A failure by the Appeals Board or provost to adhere to any time guidelines, except under extraordinary circumstances, shall result in the adjunct faculty member being paid the amount due under the original contract appointment.

5.1.5 Other Faculty

Faculty with special appointments (as defined in 2.3.3) may not appeal reappointment or dismissal during their contract terms.

5.2 Grievances

Grievance procedures are available to all faculty (including all full-time and adjunct faculty) for issues other than denial of promotion and tenure, dismissal, nonrenewal, and non-reappointment. The grievance must be filed by the individual adversely affected by the decision.

Grievances are to be conducted in accordance with the procedures specified below.

5.2.1 Definition

A grievance is a written complaint concerning a decision made by a person with authority in the university. Grievances are limited strictly to the questioned decision and are open only to the persons directly and adversely affected by that decision. Grievances may not be used to question or change policy. A decision being grieved remains in effect unless the decision is suspended.

A decision is grievable if it meets all of the three following criteria:

1. It adversely affects the interests of an individual;
2. The affected individual is being treated differently from other persons of similar circumstances or the decision violates any policy of the university or the relevant academic unit; and
3. There is insufficient justification for the different treatment or the failure to comply with policy.

Specifically outside the scope of the grievance process are:

1. University policies.
2. Policy crafted by a deliberative faculty body.
3. Allegations of violations of the university's Anti-discrimination and Anti-harassment policy, which are handled by University EEO Resources.

Persons involved in the grievance process may share information concerning the process and substance of a grievance with other persons having a legitimate need for the information. Wider distribution creates potential risks to fairness and privacy. The grievance process is a key element of the university's shared governance. Deterioration of fairness and privacy, or even the perception of deterioration, would undermine the effectiveness of the university's faculty grievance process.

1 A tenured faculty member has the right to a formal grievance hearing after the fact if suspended by the
2 provost without a prior hearing (Chapter 4, Section 4.4).
3

4 **5.2.2 Procedures for Faculty Grievances**

5
6 Prior to initiating a formal grievance, a faculty member should seek to resolve complaints with the
7 individual who made the decision in question.
8

9 A formal grievance must be filed in writing with the faculty member's dean within 60 days after
10 communication of the decision.
11

12 The grievance procedure has two steps:
13

- 14 1. Formal administrative grievance process
- 15
- 16 2. Faculty Grievance Board process
17

18 Faculty grievances begin with formal administrative process. This must be completed before the faculty
19 member proceeds to the Faculty Grievance Board.
20

21 If a faculty member alleges discrimination at any point in a grievance, the dean or the Grievance Board
22 must refer the grievance to University EEO Resources which, in consultation with the dean (if raised
23 during the formal administrative process) or Grievance Board (if raised during the Grievance Board), will
24 conduct an investigation and submit a report to the dean or Grievance Board in a timely manner.
25

26 **5.2.2.1 Administrative Grievance Process**

27
28 The dean of a college conducts the formal administrative grievance process. If the grievance challenges a
29 decision of the faculty member's dean, the grievance will be heard by another dean selected by the
30 provost with approval of the aggrieved faculty member.
31

32 Throughout the formal administrative grievance process, the burden of proof rests on the faculty member.
33

34 The faculty member must submit to the dean hearing the grievance a written statement explaining:
35

- 36 1. the precise nature of the grievance
37
- 38 2. information and evidence supporting the faculty member's position
39
- 40 3. a description of all informal attempts to resolve the complaint and the reasons why any
41 proposed resolutions identified during the informal procedures were unsatisfactory to the
42 faculty member, and
43
- 44 4. the remedies that the faculty member would consider satisfactory.
45

46 At the same time, the faculty member will provide a copy to the individual whose decision is being
47 challenged. That individual may submit a written statement to the dean within ten business days of
48 receipt of the faculty member's statement, with a copy to the faculty member.
49

The dean hearing the grievance provides a written report to the faculty member and the individual whose decision is being challenged within thirty calendar days after receiving their written statements. In the written report, the dean shall state the decision and what action, if any, is required to implement the decision.

Either party may appeal the dean's decision to the provost within ten business days of receiving the decision. The appeal must be in writing and supported by reasons for not accepting the dean's decision. The appealing party must provide the other party with a copy of the appeal to the provost. The provost may conduct another review and will enter a written decision, within thirty calendar days after receipt of the appeal. The provost must send the written decision to both parties.

5.2.2.2 Grievance Board Procedures

If the faculty member who filed the grievance is unsatisfied with the provost's decision, he or she may, within ten business days of receiving the provost's decision, refer that decision to the judgment of faculty peers. The faculty member must submit a written request to the president of the Faculty Council to direct the Faculty Council Committee on Committees to select three tenured faculty members to serve as a Grievance Board. For a term or adjunct faculty grievance, the Committee on Committees will select a corresponding term or adjunct faculty member who will act as a non-voting consultant to the Grievance Board. The role of the consultant will be to provide expertise on issues that uniquely affect adjunct or term faculty. Faculty chosen for the Grievance Board may not serve in a grievant's local academic unit or have a significant personal relationship with the grievant. In cases brought to a Grievance Board, the burden of proof rests on the faculty member to establish that the administrative decision was unfair.

Within five business days of the establishment of the Grievance Board, the faculty member must submit to the Grievance Board and the provost a statement indicating the reasons why the decision of the provost is unfair. The provost may submit a response to the faculty member's statement within an additional five business days. The Grievance Board must request, and the provost must provide, the written record of the formal administrative process. New complaints, new evidence, and other new matters not addressed during the formal administrative process may not be introduced for the first time to the Grievance Board.

Preliminary Review

Upon receipt of the faculty member's grievance submission, the chair of the Grievance Board shall schedule the grievance for a preliminary review by the Grievance Board as soon as practicable. The Grievance Board has sole and unreviewable discretion whether to schedule the preliminary review meeting during the spring or summer break or wait until the university is back in regular session.

At the preliminary review meeting, the Grievance Board will determine:

1. whether the grievance is timely;
2. whether the matter grieved about is grievable under the procedures;
3. whether the formal administrative grievance process has been followed; and
4. whether the grievance materials submitted to the Grievance Board, if fully substantiated after investigation, could reasonably be found to satisfy the criteria set forth in this chapter.

1 If the Grievance Board decides by a simple majority that the grievance is not timely, is not grievable, did
2 not follow the formal administrative grievance process, or could not reasonably be found to satisfy the
3 criteria, the Grievance Board will forward its written decision to the provost, with a copy to the faculty
4 member. The decision must state the reasons for not considering the grievance.

5 *Investigation and Review*

6 If, after the preliminary review, the Grievance Board determines that the grievance warrants further
7 consideration, the Grievance Board will conduct a review. If, in the opinion of the Grievance Board, the
8 materials already submitted are not sufficient to make a determination, the Grievance Board may request
9 interviews with, or materials from, the faculty member or other individuals named in the grievance. The
10 Grievance Board may take any other reasonable actions that it deems appropriate or helpful to its
11 deliberations.

12
13
14 The Grievance Board will prepare a written report of its findings and recommendation, including the
15 majority and any minority views. The Grievance Board will forward the report to the president, with
16 copies provided to the faculty member and the provost.

17
18 If a tenured faculty member has grieved over a sanction imposed on him or her and if the Grievance
19 Board declines to affirm the grievance, the faculty member may ask the president to make a final
20 determination. Otherwise, the decision of the Grievance Board is final.

21
22 If implementing the decision of the Grievance Board requires financial resources beyond what is usually
23 and customarily allocated to similarly situated faculty, the Grievance Board shall seek the approval of the
24 provost. If the provost does not approve the expenditure on the ground that sufficient resources are not
25 immediately available, the provost must provide in writing a reasonable timeline for implementing the
26 Grievance Board's decision or seek mutually agreed upon alternative ways to address the inequity or
27 remedy the unfair decision against the grievant.
28

29 **5.3. Right to Review Personnel Records**

30
31 Illinois law governs the right of employees to review their own personnel records. University policy
32 establishes the process for requesting such records.