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FACULTY APPEALS

An appeal is a written request for review of a decision made by a person (or group of persons) acting in an official University capacity. The decision must have directly affected the academic activities of the appellant as an individual. Dissatisfaction with a departmental, or University policy or practice is not grounds for appeal.

The purpose of the appeal process is to determine whether appropriate procedures were followed in making certain kinds of academic decisions, rather than to reevaluate the merits of the decisions themselves. The standard for deciding the appeal shall be limited to determining whether there were procedural errors (such as the failure to bring proper facts and criteria to bear on a decision, or the introduction of improper facts and criteria, or the existence of other procedural defects) that substantially affected the outcome to the detriment of the appellant. In rare cases, the reviewer may also overturn the decision if it was not one which a person (or persons) in the position of the decision-maker might reasonably have made.

Because these appeal procedures are not those of a court of law, it is important that they be carried out with flexibility and in an atmosphere of collegiality, and that the participants avoid an excessively legalistic approach. Efforts should be made to resolve the dispute informally before beginning the appeal process, and those efforts may continue even after the process is underway.

The appellant should file his or her appeal within 60 days of being notified of the decision. An unreasonable delay in filing an appeal may constitute grounds for rejection of the appeal.

Procedure

A faculty member may file a written appeal with the President.

- a) After making a preliminary review of the matter, which may include consultations with whomever the President deems appropriate (including the Ethics and Compliance Committee), the President may grant the appeal, or remand the matter to a lower administrative level, or refer the matter directly to the Ethics and Compliance Committee. Before acting on the case, the President may appoint a Fact-Finder to investigate the matter and report back to the President, who may then grant the appeal, remand the matter to a lower level, or refer it to the Ethics and Compliance Committee. The President will inform the appellant of his or her decision.
- b) When the Ethics and Compliance Committee has received the appeal from the President, it will make a preliminary review and can then reject the appeal if it is found to be without merit. In this preliminary review and/or in any further deliberations, the Ethics and

Compliance Committee may make any inquiries that it deems appropriate. The Committee may also make use of the Fact-Finder appointed by the President or, if necessary, appoint its own Fact-Finder.

- c) If, after its preliminary review, the Committee decides to consider the case, it will inform the appellant that he or she has the right to a hearing. If the appellant does not request a hearing, the Ethics and Compliance Committee will consider the matter without a hearing and make a recommendation to the President.
- d) If the appellant requests a hearing, the appellant and the decision-maker (or the decision-maker's representative) each has the right to appear before the Ethics and Compliance Committee and to make an oral and/or written presentation. The Committee can set time limits (usually not more than 30 minutes for each side) for these oral presentations. The Committee may also decide to call witnesses, who will be questioned only by members of the Committee. A record of the hearing will be kept.
- e) Upon completion of its deliberations, the Ethics and Compliance Committee will make a recommendation to the President, who will then take one of the following actions: refer the matter to a Fact-Finder for further inquiry, further consult with or remand the matter to the Ethics and Compliance Committee for additional consideration, grant or deny the appeal or take such other action as the President deems appropriate. The President's decision will be conveyed to the appellant and is final.

Time Guidelines

Because it is important for all concerned that appeals be resolved expeditiously, the President and the Ethics and Compliance Committee should attempt to follow these guidelines: within 30 days from the receipt of the appeal, the President should inform the appellant about the procedures to be used in the particular case. The President should seek to decide the case within 30 days from receipt of the appeal, the Ethics and Compliance Committee should seek to reach its decision within 30 days of receiving the case from the President, and the President should seek to make his or her final determination within 10 days from receipt of the Ethics and Compliance Committee's recommendation. The application of these guidelines to a particular case may be modified by the President, or the Ethics and Compliance Committee at their discretion. If such modifications become necessary, the appellant will be informed of the delay.

Confidentiality

- a) Any material that has been solicited or received with the understanding that it would be kept in confidence must not be revealed in the appeal process to any person, including the appellant, who was not a party to the confidential material. The material may, however, be examined by individuals who have been consulted by the President or the Ethics and Compliance Committee as part of the appeal process, and who will in turn maintain its confidentiality.
- b) Because it concerns individual personnel matters, the appeal process is not a public proceeding.

Advisors

The appellant, the persons(s) whose decision is being appealed, and anyone else called to provide information on the appeal, may be accompanied by an advisor to any discussion with the administrative officer or with his or her delegate, as well as to any appearance before the Ethics and Compliance Committee. The advisor's role is to advise the relevant party; therefore, may not directly address those considering the appeal or question witnesses at a hearing of the Ethics and Compliance Committee.

Fact-Finders

The President may appoint persons (from the faculty, or senior staff) to serve as Fact-Finders. Taking into account the particular circumstances of the case, The President and/or the Ethics and Compliance Committee may select an individual to gather information about the appeal. The Fact-Finder is not an advocate for either the decision-maker or the appellant. The Fact-Finder's role is to answer clearly defined questions and to report on unexpected aspects of the case. The Fact-Finder is not to make formal recommendations about how the case should be resolved.

The Ethics and Compliance Committee

The Ethics and Compliance Committee may act on an appeal through a subcommittee of its members. Members who have participated in the decision under consideration will recuse themselves from participating in the Committee's deliberations. The Committee may, but need not, replace its recused member or members.

Inquiries

Inquiries about these procedures should be directed to the office of the Chief Academic Officer.

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