

Section II.4

FACULTY ADOPTED POLICIES

LAS FACULTY APPEALS PROCEDURAL GUIDELINES

Proposed by the Policy and Development Committee on April 27, 1988

Adopted by the Faculty on November 10, 1988

Revised by the Faculty on November 7, 2002

Revised May 4, 2021 and October 18, 2021

I. Eligible Appeals

LAS tenure-stream Faculty may request an appeal of personnel decisions made at the level of the Department or comparable unit, the School, or the College. The LAS Faculty Appeals Committee's role is not to decide the merits of the original case, but rather to determine whether due process was executed in hearing the case at the original level of decision (department or school).

For units within a School, decisions made at the Department or comparable level are first appealed at that level. The next level of appeal is the School, followed by appeal to the College. All appeal reviews after the first level consider only due process questions.

Appeals may include the following areas: rollbacks, sabbatical leaves, leaves of absence without pay, merit pay, and termination. Excluded are complaints based solely on discrimination on the basis of membership in a protected classification, as outlined in the [Non-Discrimination policy](#) (Policy HR 48) of the Campus Administrative Manual, which must be made to the Office for Access and Equity. A complaint to the Office for Access and Equity may be brought simultaneously or subsequently as an appeal to the LAS Faculty Appeals Committee and the Office for Access and Equity.

The process for hearing appeals regarding non-reappointment and promotion and tenure will follow the outline of processes stated in [Provost Communication 10](#).

Prior to bringing a case to the LAS Faculty Appeals Committee, the faculty member must work through their unit and/or school via the processes for appeals outlined in Section III, below.

II. LAS Faculty Appeals Committee

A. Committee Composition

The LAS Faculty Appeals Committee shall consist of eight members at the rank of Associate Professor or Full Professor, one elected from each of the eight electoral groups in the College. No executive officer of any unit or serving member of the LAS Executive Committee may serve on the Committee. Each spring semester the Committee will elect a chair from among its continuing members. The Officer of the College who serves as liaison to the Committee will convene the initial meeting for the purpose of electing a chair. Electoral groups and election procedures shall be as specified in the [LAS College Bylaws](#).

B. Committee Voting Procedures

A member shall be disqualified from participation in discussing and voting on a case involving an appellant from that member's department, program, center, or comparable unit. The full Committee or any of its members may also be disqualified from participation in a case in which previous knowledge or involvement might reasonably be thought to prejudice their opinions. A majority of members present at a meeting and qualified to consider a case are required to pass all motions pertaining to appeals. In the case of a tie vote, a motion fails.

The Chair, as an elected member, is entitled to vote on all motions, except in conflict of interest situations as noted above which would merit their disqualification from deliberations.

C. Committee Purview

In performing its functions, the LAS Faculty Appeals Committee shall make such investigations and hold such consultations as it deems necessary to arrive at responsible recommendations consistent with the academic policies of the College and of the University. The Committee shall deliberate on the process or processes that are the grounds for the appeal, rather than the original or specific content of the original decision itself.

III. Procedure for Appeals

A. Appeals of Decisions Made on the Department, School, or College Levels

A faculty member who decides to appeal a personnel decision made by a Department (or comparable unit) or a School should ordinarily first follow the grievance procedures provided for in the bylaws of the unit which made that decision. Unless specified otherwise in these bylaws, this appeal should be made within thirty days after the faculty member is notified of the decision.

The College expects that each department and school will have a standing appeals or grievance committee, with membership and processes for appointment outlined in its departmental or school bylaws. If a unit does not have such a committee or cannot form one (e.g., because all members of the original committee are ineligible to hear an appeal due to their prior involvement with the case), the unit executive officer may appoint an ad hoc committee (unless prohibited by the unit bylaws) of tenured faculty members to consider the appeal. If the executive officer cannot form an ad hoc committee, the College will appoint an ad hoc appeals committee to serve this purpose for that particular appeal. This ad hoc committee will consist of at least three (3) tenured faculty from departments or areas related to the unit (e.g., humanities faculty for an appeal from a humanities unit), but outside the unit in which the appeal has originated. A chair for this committee will be similarly appointed by the College.

If the faculty appeal is concerning the executive officer of their unit, the College will appoint an ad hoc appeals committee to hear the case, in accordance with the process and membership outlined above.

A faculty member who decides to appeal a personnel decision made by the College should first appeal to the Executive Committee of the College through the executive officer(s) of their unit(s) or School within thirty days after notification of the decision.

B. Appeals to the LAS Faculty Appeals Committee

1. Initial Review Process

A written appeal may be directed to any member of the Committee. The appeal should contain a summary of evidence justifying the appeal and should state what prior appeals procedures (if any) have been followed. The appellant will supply a copy of the appeal to the executive officer(s) of the unit(s) which made the decision being appealed.

Within 5 working days after receipt of an appeal, directly or forwarded by a Committee member, the Officer of the College who serves as liaison to the Committee will request a written summary of the reasons for the decision being appealed from the executive officer(s) of the unit(s) concerned. This summary must be sent to the liaison within 10 working days of the receipt of the request, and promptly provided by him or her, along with the appeal, to qualified committee members, as noted in Section II, above. A copy of this summary will be given to the appellant.

Within a reasonable period of time, the Committee will then meet to conduct an initial evaluation of the appeal. The appellant has the right to appear before the Committee at that meeting in order to make a statement and answer questions. If the Committee decides not to investigate the appeal further, it must thereafter communicate in writing the reasons for its decision to the appellant and the executive officer(s) concerned.

If after conducting the initial evaluation of the case, at least two members of the Committee eligible to consider the case believe that there is a basis for the appeal, the Committee will instruct the Chair either to (a) take up the matter with appropriate College authorities, or (b) appoint a case subcommittee from its membership which shall investigate the matter and report its findings and recommendations to the Committee.

2. Case Subcommittee Review Process

The case subcommittee will obtain all documents pertaining to the decision under appeal, and to all previous appeals of the decision from both the appellant and the executive officer(s) of the unit(s) involved. It may obtain whatever documentation it deems relevant from sources in the College as well as any additional documentation from other sources it deems necessary. It may also conduct whatever interviews it deems desirable. An appellant has the right to be fully apprised of evidence collected by the case subcommittee provided that anonymity of sources is preserved. When satisfied that enough information has been gathered and evaluated, the case subcommittee will report to the Committee with its recommendation(s), which may include minority reports.

The Committee shall review the case subcommittee report(s) and any other information it considers relevant, and may take one or more of the following actions:

- a. Uphold the decision of the unit(s) concerned.
- b. Recommend to the governing body of the unit concerned that the decision be reconsidered within that unit.
- c. Arrange meetings with the appellant and/or executive officer(s) concerned to explore the possibilities of carrying out the Committee's recommendation(s) in a way appropriate to the case and acceptable to the parties involved.
- d. Recommend other action(s) that may be in the best interest of the College and the University. Such actions may include specific recommendations about the case to the appropriate School, College, or University officers.

IV. Final Committee Recommendation(s)

Any final Committee recommendation(s) must be made in writing to the appellant and to the executive officer(s) of the unit(s) concerned and must supply the basis and rationale for the recommendation(s). Copies must be sent to the Dean.