

Procedure for noncontinuation appeal:

All appeals must be filed within two weeks of the letter of noncontinuation being received.

The Faculty Dismissal Review Committee (described in Faculty Handbook section 3.9.2) shall elect one of its members to serve as Chair for purposes of the noncontinuation appeal. The Chair (1) shall supply to the parties involved in the appeal a written statement of the appeal to be heard; and (2) shall then compile a list of seven members of the faculty who shall be available to serve on an Appeal Hearing Panel. Faculty members must be members of the Dismissal Hearing Committee and must have given assurance that there is no direct personal involvement in the case.

The Chair of the Dismissal Review Committee shall supply a copy of this list to each of the people involved in the appeal. Each of the opposing parties may strike two names from the list.

The Dismissal Review Committee shall select three persons from the remaining list (if more than three names remain) as the Appeal Hearing Panel and shall name one of them as Chair of the Appeal Hearing Panel. The Chair of the Appeal Hearing Panel shall designate the time and place of the meetings, which shall be private.

The Chair of the Dismissal Review Committee, upon the request of the Chair of the Appeal Hearing Panel, shall make available to the Appeal Hearing Panel a second- or third-year member of the present Dismissal Review Committee to serve in an advisory capacity on procedural matters. Observers shall be allowed only if agreeable to all parties, including the Appeal Hearing Panel. A University secretary designated by the chair of the Appeal Hearing Panel may be asked to assist the Panel in its clerical functions.

There shall be no formal rules of evidence. Questions of procedure shall be resolved by the Chair of the Appeal Hearing Panel. Personal contact concerning the appeal between the Appeal Hearing Panel and participants in the hearing prior to the formal meeting shall be limited to procedural matters only. All proceedings of the hearing shall be recorded.

Each party may present its own witnesses, and, if it so desires, the Panel may also call witnesses of its own. A list of witnesses to be heard shall be submitted to all parties ten days in advance of the hearing. With permission of the Chair of the Appeal Hearing Panel, this time may be reduced to five days. The presence of witnesses at the hearing is the responsibility of the party calling the witnesses. University employees shall be excused from their regular duties to participate in the hearing. Each witness may be questioned by the parties and by members of the Panel in accordance with procedures established by the Chair of the Appeal Hearing Panel prior to the beginning of the hearing.

The Appeal Hearing Panel shall have access to all information from University sources which it considers necessary to reach a decision in the case unless it is determined by the Provost that the information sought is confidential and not subject to release. For example, confidential letters in tenure and promotion records and records specified in the Family Educational Rights and Privacy Act shall be considered as confidential and not subject to release.

The decision of the Panel shall be based exclusively on evidence presented at the hearing. A majority vote of the Panel shall determine the decision. All participants in the hearing should keep matters of appeals confidential.

The close of the formal hearing shall take place no later than 30 days following its opening. If the Panel believes that adequate consideration was not given to the faculty member's qualifications, it will request that the Provost require reconsideration by the departmental tenured faculty, indicating the respects in which it believes the consideration may have been inadequate. The Panel will provide copies of its findings to the faculty member and the Provost. A recommendation to the Provost with copies sent to all parties to the appeal and to the Dismissal Review Committee shall be made in writing by the Chair of the Appeal Hearing Panel within 30 days of the close of the formal hearing. Extensions to these time limits shall be granted only upon mutual agreement by the Chair of the Dismissal Review Committee and the Chair of the Appeal Hearing Panel. The Provost's decision is final and no further appeal is possible. If the Provost recommends that the departmental tenured faculty is asked to reconsider the noncontinuation decision that body shall forward its recommendation to the Dean and no further appeal by the faculty member is permitted.

Approved Procedures