

Guidelines for Handling Appeals Made to the
University Faculty Reappointment, Promotion,
Tenure, and Dismissal Appeals Panel

2004

These guidelines govern appeals of a decision by a Northwestern University School or College not to recommend a faculty member for reappointment and/or promotion and/or tenure. These guidelines also apply to cases where the appeal relates to such actions at the department or Dean level or at the Provost/University level, subject to the modification that at each juncture, the Department chairperson's name or Provost's should be inserted alongside references to the Dean of the School in question. Nothing in these "Guidelines" is meant to supersede the provisions of the section on in the Northwestern University *Faculty Handbook* on "Appeal Procedures."

1. In order to ensure that they have been distributed as called for in *The Faculty Handbook*, upon receipt of an appeal to UFRPTDAP, the chairperson of the Executive Committee of UFRPTDAP will immediately send copies of the appeal to the appropriate School or College Dean and to the Provost. The chairperson will also provide to the faculty member a copy of these guidelines.
2. The School or College Dean may submit a written response to the appeal which should be delivered to the chairperson of UFRPTDAP according to the following schedule: If the appeal is received by the dean after June 1 but before September 1, the response should be delivered within three weeks of the receipt of the appeal or by September 15, whichever comes later. If the appeal is received at any other time, the response should be submitted within three weeks.
3. Upon receipt of the Dean's response, the chairperson of UFRPTDAP should distribute the appeal and the above-mentioned school/College response to the other two members of UFRPTDAP's Executive Committee. The chairperson should consult with the members of the Executive Committee as soon as possible to decide whether the appeal was timely filed and whether the appeal sufficiently alleges one or more grounds for an appeal that is within UFRPTDAP's jurisdiction, as described in the *Faculty Handbook*. If the Executive Committee of UFRPTDAP determines that the appeal is not timely filed or does not sufficiently allege grounds within UFRPTDAP's jurisdiction, it shall so indicate in writing to the faculty member, the Provost, and the Dean. For timely filed, but insufficiently alleged appeals, the Executive Committee may at its discretion pose specific questions to the appellant and allow the appellant an additional period of time (which should not exceed two weeks) in which to respond. If the Executive Committee of UFRPTDAP concludes that an appeal was timely filed and contains sufficient allegations, the chairperson of UFRPTDAP will promptly provide the appellant and the school/College dean with a list of the members of UFRPTDAP and invite each party to identify individuals who should be disqualified because of prior participation in the case or bias. Responses must be received within two

- weeks of the request. The chairperson and members of the Executive Committee may also disqualify individuals for reasons of possible bias or prior involvement in the case.
4. As quickly as possible, the chair in consultation with other members of the Executive Committee should appoint an *ad hoc* panel of five members.
 5. Insofar as possible, the Executive Committee of UFRPTDAP should attempt to appoint at least two members to the panel who have prior experience on appeal panels of UFRPTDAP, and should attempt to select the majority of the panel from Schools or Colleges other than the appellant's School or College. If possible, all members of the panel should be of higher professorial rank than the appellant.
 6. Once the *ad hoc* panel has been appointed, the panel should meet as it deems necessary with the appellant and with the School or College Dean to determine the areas of agreement and of dispute as to fact or policy, and to determine what documents or other evidence will be needed in order to resolve the issues presented by the appeal. The panel will be given access to all information and documents which are relevant to the appellant's allegations and have been used as a basis for the decision in the evaluative process. If there are relevant records not available in the office of the Dean, this should be determined and the materials requested from the appropriate office.
 7. The panel should determine the relevancy and materiality of documentary or other evidence offered and should meet with and receive testimony from appropriate witnesses. If the panel deems it necessary to call in individuals who have first-hand information, whether members of the faculty or administration, it should interview these individuals in meetings of the full panel. The panel should, insofar as possible, give each person against whom material adverse information has been received an opportunity to rebut this information. The panel may not base findings upon information given to it on condition that the source not be disclosed, without expressly stating that it is doing so. The panel will be bound by the same restraints of confidentiality that apply at the department and School or College levels. The members of the panel should not express opinions upon the matters under investigation, either confidentially or publicly. Their function is to render a report to the chairperson of UFRPTDAP, the Provost, and the appellant.
 8. In cases, alleging inadequate consideration the panel should determine whether the decision of the appropriate bodies was based upon full and fair review of the various aspects of the appellant's candidacy. In cases alleging denial of academic freedom, the panel should determine whether the review was violative of the principles of academic freedom, as set forth by the American Association of University Professors and included in the Northwestern University *Faculty Handbook*. In cases alleging discrimination, the panel will be guided by the University's non-discrimination statement.

9. The panel should make its written report and recommendations to the faculty member and the Provost, with copies to the Chairperson of UFRPTDAP and the Chairperson of the appellant's Department, as promptly as possible.
10. The *ad hoc* panel should make its own arrangements for the preparation of its report. The report should include a full statement of agreed facts, the panel's resolution of disputed facts, and the panel's judgment on the issues raised by the appeal. It will not substitute its judgment on the academic merits of the appellant for that of the appropriate review bodies. The report should include recommendations. If a finding of inadequate consideration is made, the report ought to recommend reconsideration of the case. It is the job of the Provost to determine the procedures for any reconsideration. In reconsiderations, only such material as was available at the time of the initial consideration will normally be considered. Additional evidence (e.g., work produced subsequent to the initial consideration) will not be considered. Additional material that was not included in the initial review and that the Provost deems appropriate may be weighed in the reconsideration; material that was considered in the initial review, and should not have been, will be excluded from any reconsideration. If the panel makes a finding of a substantive violation of academic freedom or of discrimination in violation of the University's non-discrimination statement, the report should cite the findings of fact and set forth the reasons for the finding and the recommendations. The remedy for the finding, if the Provost concurs with the finding of a substantive violation, is determined by the Provost, but the Panel may suggest that, insofar as possible, the Provost arrange for reconsideration which would not involve faculty members or administrators who participated in the earlier process if it had been found fatally flawed. The Provost can either reverse the adverse judgment which was appealed by the faculty member, or devise a fair and equitable procedure to determine the merits of the faculty member's candidacy.
11. Upon completing its report, the *ad hoc* panel will be discharged by the Provost. This does not preclude the *ad hoc* panel requesting a meeting with the Executive Committee of UFRPTDAP or with the Provost.
12. Once the Provost has acknowledged receipt of the report of the panel and reached a determination on the findings and recommendations of the panel, the Provost will inform the Chairperson of the Executive Committee of UFRPTDAP, the faculty member, and the Dean involved of his/her decision. If the Chairperson of the Executive Committee of UFRPTDAP requests written reasons in support of the Provost's decision, the Provost ought to provide them. The UFRPTDAP panel can request a meeting with the Provost if it thinks it advisable. Once a report has been accepted and findings made by the Provost, the only avenue of appeal for the appellant is by petition through the President to the Board of Trustees as outlined in the *Northwestern University Faculty Handbook*.