

**Guidelines for Handling Appeals Made to the
University Faculty Appeals Panel
June 8, 2016**

These guidelines govern faculty appeals of a denial of tenure, promotion, or reappointment by a Northwestern University School (Appeal) as set forth in the “Appeal Procedures” section of the *Northwestern University Faculty Handbook*. Nothing in these “guidelines” supersedes the provisions of the *Faculty Handbook*.

The Associate Provost for Faculty oversees the processes related to the Faculty Appeals Panel. Each year, the Associate Provost is in contact with the Associate Deans for Faculty of each school to learn about elections and/or appointments of faculty representatives to the Faculty Appeals Panel. Pritzker, Kellogg, and Feinberg all appoint their representatives. All other schools hold elections.

Faculty Appeals Panel Membership

The Faculty Appeals Panel (FAP) shall consist of 25 tenured faculty members and 11 non-tenure eligible faculty members. All members of the FAP serve staggered, two-year terms, so that during a particular academic year half of the FAP’s members are veterans of one year’s service on the FAP.

Each October, as necessary, these 10 schools must select the tenured faculty members of the FAP so that each school has representation as follows:

Weinberg College of Arts and Sciences: 10 members.

School of Communication: 1 member.

School of Education and Social Policy: 1 member.

McCormick School of Engineering and Applied Science: 2 members.

Medill School of Journalism, Media, and Integrated Marketing Communication: 2 members.

Pritzker School of Law: 1 member.

Kellogg School of Management: 2 members.

Feinberg School of Medicine: 4 members.

Bienen School of Music: 1 member.

School of Professional Studies: 1 member.

At the same time each October, as necessary, each of the 10 schools plus Northwestern University at Qatar must select one member of that school’s non-tenure eligible faculty to serve as an instructional and clinical member of the FAP.

The Associate Provost for Faculty ensures that the terms of office are recorded, and that membership is staggered across terms.

The Associate Provost also works with the President of the Faculty Senate to appoint the FAP Executive Committee each year. The Faculty Senate President makes the final decisions regarding the membership of the Executive Committee (EC) of the FAP and issues the invitations. The goal is to have representation on the EC across schools. Currently, the EC is comprised of a chair and 2 other members of the FAP. When necessary the EC shall create a five-member Ad Hoc Committee that will hear, upon request, a particular matter. When the matter involves a non-tenure eligible faculty member's request for a hearing before the Ad Hoc Committee, at least three members of the Ad Hoc Committee shall be non-tenure eligible faculty members.

The Associate Provost for Faculty handles all communications regarding appeals. Faculty members appeal to the Office of the Provost, and the Associate Provost conveys these appeals to the Chair of the Executive Committee of the FAP. The Associate Provost also communicates the findings of the appeals to the relevant parties. The Associate Provost for Faculty oversees the processes and communications regarding the appeals process and does not participate in any aspect of the substance of the appeals.

Appeals Process

1. Appeals should be submitted to the Office of the Provost and the Associate Provost for Faculty shall convey these appeals to the Chair of the EC of the FAP. The Executive Committee works closely with Associate Provost for Faculty, who facilitates the processes but is not involved in the substance of the reviews or decisions. The Associate Provost for Faculty will ensure that the Appeal is sent to the appropriate Dean (and Department Chair) and to the members of the EC of FAP. The Ad Hoc Committee will be bound by the same requirements of confidentiality that apply at the Department and School levels (for tenure, promotion, or reappointment). Deliberations of the Ad Hoc Committee are confidential.
2. The School (and Department) submits a written response (Response) to the Appeal which should be delivered to the Chair of the Executive Committee of FAP and to the Associate Provost for Faculty according to the following schedule: (a) If the appeal is received by the School (and Department) 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. (b) If the Appeal is received at any other time, the response should be submitted within three weeks. Upon receipt of the School's (and Department's) response, the Associate Provost for Faculty will distribute the School (and Department) response to the FAP EC.
3. Within thirty days of receipt of the Response, the Chair should consult with the other members of the FAP Executive Committee to determine whether the Appeal was timely filed and whether the Appeal sufficiently alleges one or more grounds for an appeal that is within FAP's jurisdiction, as described in the *Faculty Handbook*. If the Executive Committee of FAP determines that the appeal was not timely filed or does not sufficiently allege grounds within FAP's jurisdiction, it shall notify the faculty member, the Associate Provost for Faculty, and the Dean (and Department Chair). For timely filed, but insufficiently alleged Appeals, the Executive Committee may at its discretion pose specific questions to the faculty member and allow the

faculty member an additional period of time (which should not exceed two weeks) in which to respond. If the Executive Committee of FAP concludes that an Appeal was timely filed and contains sufficient allegations, the Chair of the Executive Committee of FAP will promptly provide the faculty member and the School (and Department) with a list of the members of FAP and invite each party to identify individuals who should be disqualified because of prior participation in the case or possible bias. Responses must be received within one week of the request. The Chair and other members of the Executive Committee of FAP may also disqualify individuals for reasons of possible bias or prior involvement in the case.

4. Within ten days of the end of the disqualification period, the Chair of the Executive Committee of FAP, in consultation with other members of the Executive Committee, should appoint an Ad Hoc Committee of five members.

5. Insofar as possible, the FAP Executive Committee should attempt to select the majority of the Ad Hoc Committee from Schools other than the appellant's School. In addition, the FAP Executive Committee should attempt to appoint two members who have had prior experience on appeal committees of FAP. If possible, all members of the Ad Hoc Committee should be of higher professorial rank than the appellant.

6. Once the Ad Hoc Committee has been appointed, the committee should meet as it deems necessary with the appellant and with the School Dean (and Department Chair) 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. If the Ad Hoc Committee meets with one party, however, it must meet with the other party as well. If the Ad Hoc Committee deems it necessary to consult with individuals who have first-hand information, whether members of the faculty or administration, it should interview these individuals in meetings of the full Ad Hoc Committee. The Ad Hoc Committee will be given access by the Associate Provost for Faculty 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.

7. The Ad Hoc Committee should, insofar as possible, give each person against whom adverse information has been received an opportunity to rebut this information. The Ad Hoc Committee 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.

8. In cases alleging inadequate consideration, the Ad Hoc Committee should determine whether the decision of the appropriate bodies was based upon a full and fair review of the various aspects of the appellant's candidacy. In cases alleging denial of academic freedom, the Ad Hoc Committee 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 Ad Hoc Committee will be guided by the University's non-discrimination policy.

9. The Ad Hoc Committee should make its own arrangements for the preparation of its report. The report should include a full statement of agreed facts, the committee's resolution of disputed facts, and the committee'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 prior review. The report should include recommendations. If a finding of inadequate consideration is made, the report may 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 review will be considered. Work produced subsequent to the initial review will not be considered. Additional material that existed at the time of the initial review 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 Ad Hoc Committee makes a finding of a substantive violation of academic freedom or of discrimination in violation of the University's non-discrimination policy, the report should cite the findings of fact and set forth the reasons for the findings and the recommendations. The report may include a recommendation that the Provost arrange for reconsideration which would not involve faculty members or administrators who participated in the earlier process.

10. The Ad Hoc Committee report should be sent to the Associate Provost for Faculty who will provide the report to the Provost, the Appellant, the Dean of the School (and Department Chair). The work of the Ad Hoc Committee should generally be completed within a sixty-day time frame from the date the committee was appointed to review the appeal. Upon completing the report, the Ad Hoc Committee will be discharged by the Provost. This does not preclude the Ad Hoc Committee attending a meeting with the Executive Committee of the FAP and/or with the Provost.

11. Based on the Ad Hoc Committee report, the Provost can uphold the decision that was appealed by the faculty member, reverse the decision that was appealed by the faculty member, or determine procedures for reconsidering the merits of the faculty member's candidacy. Once the Provost has reached a determination on the findings and recommendations of the Ad Hoc Committee, the Provost will inform the Associate Provost for Faculty, who will then notify the Chair of the Executive Committee of FAP, the appellant, the Dean (and Department Chair) and the members of the Ad Hoc Committee of the Provost's decision. If the Chair of the Executive Committee of FAP requests written reasons for the Provost's decision, the Provost will provide them. The Chair of the Executive Committee of the FAP can arrange a meeting of the Executive Committee with the Provost if desired. 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*.