

# PROCEDURES FOR FACULTY APPEALS

Effective August, 2001

These procedures were adopted by the Faculty Appeals Committee (as allowed by the Teaching and Research Faculty-Staff Handbook) and were endorsed by the Faculty Senate.

## Definitions:

**Appeal:** the formal procedure for addressing and resolving complaints related to evaluation, reappointment, tenure, promotion, or post-tenure review.

**Complainant(s):** member(s) of the teaching and research faculty filing an appeal.

**Respondent:** the agency whose recommendation is being appealed.

**Advocate:** a member of the Radford University Teaching and Research Faculty selected by the Complainant to provide assistance in the appeals process.

**Note:** Complainants should carefully read Sections 1.8 through 1.8.6 of the Radford University Teaching and Research Handbook prior to filing an appeal.

## A. Initiation of Action by Complainant

1. By October 1 of each year, the Faculty Appeals Committee shall inform all full-time teaching and research faculty of its Chair.
2. When a member of the teaching and research faculty decides to initiate an appeal, that faculty member should contact the chair of the Faculty Appeals Committee to determine the correct procedure for filing an appeal. (*Radford University Teaching and Research Faculty Handbook*, Section 1.8.5)
3. The Complainant has the right to choose an advocate, who must be a current member of the Radford University teaching and research faculty. The advocate may give the Complainant assistance in preparation of the appeal and may participate in hearings but may not speak for the complainant.

## B. Time Lines for an Appeal: (*Radford University Teaching and Research Faculty Handbook*, Section 1.8.5)

1. It is incumbent upon Complainants to ensure that they adhere to the "University's Time Schedule for Personnel Decisions" or request in writing, to the Vice for Academic Affairs, an adjustment to that schedule.
2. For matters that are not covered under the "University's Time Schedule for Personnel Decisions", it is the responsibility of the Complainant to initiate an appeal within thirty (30) calendar days of the time when he or she knows of the act or action that is the basis for the appeal.
3. Exceptions to the time schedule may be made if there is good cause for the exception. Exceptions must be requested in writing with a rationale provided. The Complainant, Respondent, or the Committee makes requests to the Vice President for Academic Affairs. The Vice President for Academic Affairs makes requests to the Committee. All four parties must be informed.
4. Failure to abide by these time lines may result in the loss of the right to appeal.

## C. Documentation of an Appeal

1. Bases for appeals are given in the *Radford University Teaching and Research Faculty Handbook*, Section 1.8.3. The Faculty Appeals Committee will not hear an appeal of its own decision.
2. The Complainant shall request a review in a letter to the Faculty Appeals Committee Chair. This letter should state clearly the reasons why the Complainant believes the review is justified. The Complainant may submit documents supporting only the points raised in the appeal. The Committee will not consider documents or evidence unrelated to the reasons asserted by the Complainant as the basis for the appeal. If the Complainant or Respondent provides documents or evidence to the Committee that had not been seen by the other party, the Committee will provide those documents or evidence to the other party.
3. When the Committee agrees to consider an appeal, the Chair of the Committee shall notify the Complainant, the Respondent, and the person in the Complainant's next higher level of the appeals process according to the "University's Time Schedule for Personnel Decisions".
4. Ten (10) copies of all relevant documentation must be submitted to the Chair of the Committee. Relevant documentation shall include those documents originally submitted by the Complainant related to the recommendation or decision being appealed, the written statement of recommendation or decision from the Respondent, the department or college guidelines related to the recommendation or decision being appealed, and other documentation available to the Respondent that is related to the appeal. The Committee may request from the Complainant or the Respondent additional documentation related to the appeal.
5. All documentation is confidential, becomes the property of the Committee and will not be returned to the Complainant or Respondent.

#### D. Committee Procedures

1. The Committee shall elect its own Chair, Vice-Chair, and Secretary. Robert's Rules of Order, Newly Revised, shall govern proceedings. A quorum shall consist of two-thirds of the membership except for a hearing when it shall be two (2) less than the total membership. All deliberations are confidential. All voting will be by secret ballot, with decisions determined by a majority vote.
2. The Committee will establish deadlines to ensure that the process meets the "University's Time Schedule for Personnel Decisions".
3. Upon receipt of the formal appeal and supporting documentation, the Committee Chair will convene the Committee to consider the appeal. If the Committee agrees that the evidence in the documentation is adequate, it may conclude its deliberations and forward its recommendation in accordance with Section F Reports (see below).
4. If the Committee agrees that the evidence in the documentation merits further consideration, the Chair of the Committee shall notify the Respondent, The Vice President for Academic Affairs, and the person in the Complainant's next higher level of the appeals process according to the "University's Time Schedule for Personnel Decisions" that the Complainant has filed an appeal.
5. The Chair of the Faculty Appeals Committee will provide the Respondent(s) with a copy of the Complainant's "Letter of Appeal". Upon receipt, the Respondent(s) will have 3 working days (72 hours), to contest/rebut points specified in the Complainant's letter. The Respondent(s), in their letter of rebuttal, must limit responses solely to points raised in the Complainant's letter of appeal. Information that does not specifically address points in the Complainant's letter will be disregarded by the Committee.
6. If the Chair of the Committee receives a letter of rebuttal from the Respondent(s) (within the timeline specified), the Chair shall make available to the Complainant, a copy of this letter to which the Complainant may respond. Upon receipt, the Complainant(s) will have 3 working days (72 hours) to contest/rebut points specified in the Respondent's letter. The Complainant(s) must limit responses solely to points raised in the Respondent's letter of rebuttal. Information that does not specifically address points in the Respondent's letter will be disregarded by the Committee.
7. When the Committee determines that questioning individuals is necessary to make a decision, it shall convene a hearing. The decision to convene a hearing rests solely with the Committee.

#### E. Faculty Appeals Committee Hearing

1. The Committee determines the nature and manner of the hearings. The Committee may call the following to participate in the hearing:
  - The Complainant
  - The Respondent
  - The Complainant's advocate
  - Witnesses to events referred to in the documents being reviewed during the appeal
2. The Committee shall determine who shall be present and who shall be excused during the course of the hearing.
3. When a majority of the Committee members present vote to adjourn the hearing, the Committee will proceed to close deliberations.
4. After deliberations, the Committee will forward its recommendation of support or non-support of the appeal as set forth in Section F Reports (see below).

#### F. Reports

1. The report of the Committee shall consist of its recommendation and a copy of the letter of appeal from the Complainant.
2. If the Respondent is a departmental agency or the Dean of the Complainant's college, the Faculty Appeals Committee's report is sent to the Vice President for Academic Affairs. When the Vice President for Academic Affairs is a Respondent, the report is sent to the President of the University. If the President is the Respondent, the report is sent to the Board of Visitors. Copies of the report are sent to the Complainant and the Respondent.