

TITLE: Faculty Appeals Committee
AUTHOR: Chief Academic Officer
APPROVAL DATE: November 5, 2018
EFFECTIVE DATE: November 5, 2018
PURPOSE: To establish and delineate the functions of the Faculty Appeals Committee
REVIEWER AND Chief Academic Officer
REVIEW DATE: Fall 2028 and every five years thereafter
OPERATING DETAILS:

1. The Faculty Appeals committee functions to review, upon request from an aggrieved faculty member or from the Faculty Research Committee, cases involving contractual disagreements and other grievances that may exist between faculty members and the university administration. Contractual agreements may include, but are not restricted to, cases of non-renewal of contracts, dismissal or termination of both tenured and non-tenured faculty, cases involving the denial of a salary raise, and cases involving the denial of tenure or promotion. Other grievances may include, but are not restricted to, alleged violations of academic freedom that lead to contractual disagreements or other forms of alleged discrimination. Academic employees should follow the procedures outlined in the Employment handbook for grievances other than termination appeals prior to requesting a meeting with the Faculty Appeals Committee.
2. An aggrieved faculty member may petition in writing for a hearing before the Committee through the Chief Academic Officer. The petition should state the nature of the case. The Faculty Research Committee may also refer a case to the Committee through the Chief Academic Officer. The Chief Academic Officer will call the Faculty Appeals Committee together within seven working days of the receipt of the petition or the referral, present the grievance or the case to the committee, and serve as temporary chair until a chair is elected from the membership of the committee. The chair will serve until the end of the hearing on the grievance or the case presented. A different chair will be elected for each new grievance or case presented to the Committee. Based on the nature of the case, the Faculty Appeals Committee will determine the proper course of action.
3. In cases of the non-renewal of contracts for non-tenured faculty or the dismissal prior to the expiration of a term contract, the Committee may investigate, if it feels investigation is needed, and may attempt to help the parties reach an agreement by recommending appropriate action to the President. This recommendation may include granting the faculty member a formal hearing of alleged violations of academic freedom, if the Faculty Appeals Committee is of the opinion that the reasons for dismissal violate academic freedom or contractual relationships. Such a recommendation must detail specific instances of the denial of academic freedom or contractual irregularities.

4. In cases of dismissal or termination of tenured faculty and cases of denial of tenure or promotion, the Committee may investigate, if it feels investigation is needed, and will recommend appropriate action to the President. In this capacity the Faculty Appeals Committee shall serve as the University Tenure committee. In cases involving dismissal or termination of tenured faculty, the Committee's recommendations may include the imposition of some lesser penalty than outright dismissal. If the recommendations of the committee are not accepted by the President, or the petitioner, further hearings, if necessary, will be conducted, including hearings of alleged violations of academic freedom.
5. Except in cases of alleged violations of academic freedom, the Committee will complete deliberations within twenty working days and will forward their recommendations to the President and the petitioner. Any requests for extensions of time by the petitioner or by the Committee must be approved by the Chief Academic Officer.
6. In cases of alleged violations of academic freedom, the Committee may hold hearings. It is the Committee's responsibility to determine whether the faculty member's academic freedom has been violated according to the university's academic freedom policy and whether the faculty member has fulfilled the responsibilities of his or her position. In cases of misconduct in research, it is the Committee's responsibility to determine whether a violation of MUW's policy statements has occurred and to recommend appropriate action, depending on the nature of the misconduct.
7. At least one month before the date set for the hearing of an alleged violation of academic freedom, the Chief Academic Officer will prepare a statement of charges and deliver it to the faculty member. At the hearing, faculty members shall have the opportunity to be heard in their own defense, and they shall be permitted to have an advisor of their own choosing who may act as counsel. The faculty member and chosen counsel shall have the right to question witnesses and to produce depositions from witnesses unable to be present. If the faculty member so desires, a full stenographic record of the hearing shall be made available without cost. If there are charges of incompetence or failure to maintain professional standards of conduct, the testimony shall include that of teachers and other scholars. Such hearings are not open to the public, but observers from professional organizations shall be allowed to be present at the request of any of the parties concerned.
8. Following the hearing of an alleged violation of academic freedom, the Faculty Appeals Committee will make its recommendation for action in the case to the Chief Academic Officer, basing the recommendation upon substantial evidence presented in the hearing, and will present to the Chief Academic Officer and the faculty member concerned a copy of its record of the hearing. The Chief Academic Officer shall forward the recommendation to the President.

9. If the President does not concur in the recommendation of the Faculty Appeals Committee, the Committee will be presented with a written explanation of the grounds for disagreement. The Committee shall respond to this explanation in the form of a new written recommendation. Additional hearings may be conducted at the discretion of the Committee or at the request of the President. A copy of this recommendation and a record of any additional hearings shall be forwarded to the faculty member concerned.
10. After a second review, the President will take action as deemed necessary in the best interests of the University. If this action includes termination or dismissal of the faculty member, this recommendation shall be forwarded to the Board of Trustees of Institutions of Higher Learning, together with the recommendation of the appropriate individual and/or committee, and such other documents as may be deemed pertinent, including the President's final statement to the Faculty Appeals Committee and its response.
11. Membership on the Faculty Appeals Committee shall consist of two faculty members from each College or School and one faculty member from the Library. Faculty members should be tenured. If an above-mentioned unit does not have the required number of tenured faculty members, the unit could lose representation. Representatives from a College must be from different departments within the College.