A. Denial at the Department Review

If both the Department APT Review Committee’s and the Chair’s recommendation are negative, the Chair must inform the candidate by certified mail within two weeks of the date of the decision. The letter should state the faculty decision and the administrator’s decision and summarize briefly in general terms the reason for the denial. This letter should include the APT vote. (APT Policy 1016-1023; see Appendix C for examples)

The Department forwards the case only to the Dean. The Dean will review the case to ensure that the candidate has received procedural and substantive due process. If not, the Dean will remand the case to the Department to reconsider. If no error has occurred, the dean must write a letter (a) stating that the case has been reviewed to ascertain that there was no violation of substantive or procedural due process, and (b) where appropriate, specifying the date of termination of employment. (APT Policy 851-856) The letter should be sent by certified mail. This concludes the review process of the case. The Office of Faculty Affairs is available for consultation or advice in matters pertaining to this process.

A copy of these letters and the dossier should be sent to the Associate Provost for Faculty Affairs. The Dean should retain the dossier in case there is an appeal.

B. Moving Through Higher Levels of Review

As long as there is one positive recommendation at the Department level (from either the APT Review Committee or the Chair) the case will proceed to all subsequent levels for review. (APT Policy 847-851) That is, the case will proceed through the College and University faculty committees and administrator reviews.

During higher levels of review, questions may arise regarding a recommendation from a lower level of review. In such cases, the College or University APT Review Committee shall meet with the APT Review Committee Chair(s) and Administrator(s) from the lower levels. A written list of questions will be provided to the lower level representatives in advance to serve as a basis for discussion. (APT Policy 930-939; 984-994)

Whenever either or both faculty and administrator recommendations are negative at higher levels of review, a letter must be sent to the candidate summarizing in general terms the nature of the considerations on which those decisions were based. (APT Policy 1023-1025) The College-level notification letter should be included in the dossier file appended to the Dean’s letter and should be sent by certified mail.

C. Awarding or Denial of Tenure and/or Promotion

Final authority for any appointment that confers tenure or promotion to Associate Professor, Professor, Senior Agent, or Principal Agent resides solely with the President. (APT Policy 1040-1044) The President will inform the candidate of the final disposition of
the case. If the decision is negative, the President will inform the candidate by certified mail. (APT Policy 1103-1106)

D. When Issues Arise During the Review Process

Administrators and faculty committees are responsible for ensuring that all candidates receive fair and impartial treatment. They should deal with perceived problems either within their committee or through the administrative structure as soon as the issue arises. It is recommended that the Chair of the APT Review Committee inform the voting faculty about these responsibilities whenever cases are reviewed. (University Senate Review of Appeals No. 99-00-13).

The faculty member who believes that a violation has occurred during the review process is responsible for objecting at that time and asking for a resolution of the problem. Individuals in that position must inform the Department Chair, the Dean, or the Associate Provost for Faculty Affairs of the perceived difficulty. (University Senate Review of Appeals No. 99-00-13)

E. Appeals Process for Denial of Promotion (APT Policy 1178-1347)

1. Grounds for Appeals (APT Policy 1222-1250)

The two bases for appeal are: violation of substantive due process or violation of procedural due process. Violation of substantive due process means that: (1) the decision was based upon an illegal or constitutionally impermissible consideration; e.g. upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected First Amendment freedoms (e.g., freedom of speech); or (2) the decision was based on erroneous information or misinterpretation of information, or the decision was clearly inconsistent with the supporting materials. (APT Policy 1242-1250)

Violation of procedural due process arises when the decision was negatively influenced by a failure during the APT review: (1) to take a procedural step or (2) to fulfill a procedural requirement established in APT Policy or review procedures of a department or college. Violations occurring prior to the review process are not a basis for an appeal. (APT Policy 1232-1241)

2. The Appeals Process (APT Policy 1200-1340)

A request for an appeal must be made in writing to the President within 60 calendar days of notification of the decision not to grant tenure, promotion, reappointment, or emeriti status. (APT Policy 1205-1209) The request must detail the basis for the appeal and evidence to support the claims. The grounds for the appeal must be within the purview of those identified in the University APT Policy. (APT Policy 1222-1250) Faculty members with questions regarding this process should contact the Office
of Faculty Affairs. The President will determine whether to grant the request for an appeal based on the criteria stated above.

If an appeal request is granted, an Appeals Committee is formed. (APT Policy 1179-1196) The appellant has an additional 60 days in which to submit materials related to the case to the Office of Faculty Affairs. The appellant should be aware that these materials will be shared with the Appeals Committee, and with parties against whom allegations are made and any other persons deemed necessary by the Committee. (APT Policy 1213-1221)

The Committee will meet with the Appellant, and other parties, and investigate the case, as it deems appropriate. (APT Policy 1258-1271) The Committee may not substitute its academic judgment for the judgment of those in the review.

The Committee makes a recommendation to the President who makes the final decision. (APT Policy 1272-1288) When the President supports the grounds for an appeal, the Provost has the responsibility for oversight of the implementation of the corrective action the president requires to be taken. (APT Policy 1290-1293)