

Here is some draft language for articulating a process for appeal that would be added to the Faculty Handbook.

4.833 Procedure for Appeal of Non-reappointment of a Probationary Faculty Member

In the event of a recommendation not to reappoint a probationary faculty member, the chair of the departmental review committee shall convey to the faculty member the committee's reasons in either oral or written form depending on the preference of the probationary faculty member.¹

Upon the request of the faculty member, the departmental review committee shall reconsider its recommendation and the faculty member shall appear before the committee to provide his or her perspective on the judgment the committee reached. The faculty member should submit an appeal within fifteen working days of the departmental review committee's negative recommendation, and the departmental review committee should make a decision on this appeal within fifteen working days of receipt of the appeal.

Should the negative recommendation of the department stand, the faculty member may submit his or her appeal to the Dean of the College/School within fifteen working days of the review committee's recommendation. The Dean should make a decision on this appeal within fifteen working days of receipt of the appeal and convey to the faculty member the reasons for his or her decision in either oral or written form depending on the preference of the probationary faculty member.

Should the Dean's decision be negative, the faculty member may appeal to the Academic Freedom and Tenure Committee.

1. The allowance for "oral or written" is consonant with Appendix B of the Academic Charter which points out potential disadvantages of written reasons.

Non-Reappointment Policies on the Books

ACADEMIC CHARTER

VI. Recommendation for Academic Tenure

D. A faculty member receiving a negative tenure recommendation from the recommending committee within his/her academic unit shall have recourse to appeal procedures as defined in the academic unit's tenure guidelines. A faculty member may appeal a dean's

negative tenure decision to the provost. That appeal must be submitted within two (2) weeks of notification of the decision by the dean. The provost's review will focus on issues such as violation of stated procedures, inadequate consideration, and violation of fundamental fairness. The provost will not reevaluate the quality of the faculty member's work. In case of tenure denial at the university level the faculty member may pursue university appeals procedure as described in Section VIII. [Section VIII sets out procedures for AF&T.]

Appendix B:

Should the faculty member, after weighing the considerations cited above, decide to request the reasons for the decision against reappointment, the reasons should be given. The faculty member also should have the opportunity to request a reconsideration by the decision-making body.

Faculty Handbook

4.83 DISMISSAL

4.831 Dismissal of Tenured Faculty

See Academic Charter, Section VIII. Dismissal of Tenured Faculty Members. The Charter available at: <http://www.drake.edu/acad/policies/policystatements/>

4.832 Notice of Non-Reappointment of Non-Tenured Faculty

Notice of non-reappointment is normally given in writing in accordance with the following standards:

- a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- c. At least twelve months before the expiration of an appointment after two or more years in the institution.
- d. Acting and Visiting appointments terminate automatically at the end of one academic year, and the titles themselves are considered to be notice.

A&S FACULTY HANDBOOK 3.1.62:

In the event of a negative [tenure] recommendation, the chair of the departmental review committee shall write to the faculty member stating the committee's reasons. Upon the request of the faculty member, the departmental review committee shall reconsider its recommendation and the faculty member shall appear before the committee to provide his or her perspective on the judgment the committee reached. The faculty member should submit an appeal within fifteen working days of the departmental review committee's negative recommendation, and the departmental review committee should make a decision on this appeal within fifteen working days of receipt of the appeal. Should the negative recommendation of the department stand, the faculty member may submit his or her credentials to the Arts and Sciences Promotion and Tenure Committee for review. Such an appeal of the departmental review committee's recommendation must be made before the promotion and tenure committee completes its deliberations on the recommendations before it, which is typically December 10 or earlier. In the event of an appeal, the department shall submit to the promotion and tenure committee a detailed account of its proceedings, including a tally of the vote, and a statement of its reasons for the negative decision.