



## UNITED ACADEMICS PROPOSAL

### ARTICLE 14 TENURE DENIAL GRIEVANCE

**Section 1.** A decision to deny a faculty member's application for promotion or tenure must be made based upon the faculty member's failure to meet the standards of performance or other conditions set forth in this Agreement or departmental policies. All letters of denial must clearly state the reasons for the denial and address themselves to how the applicant has been judged to have failed to satisfy the terms of this Agreement or departmental policies.

**Section 2.** For purposes of this Article, denial shall be considered to have occurred when the Provost or appropriate Vice President denies the promotion or award of tenure, or supports such denial from an earlier review and recommendation level. Grievances of procedural violations in the evaluation process, however, must be filed at the appropriate Step in the grievance procedure (Step 1, 2, or 3) as provided in Article 15, Grievance Procedure subject to the time limits provided therein.

**Section 3.** Appeal of the decision to deny promotion or tenure for non-procedural reasons which results in terminal notice shall be directed by the appellant in writing to the Provost or appropriate Vice President within ninety (90) days of actual receipt of terminal notice. If the candidate is outside of the United States at the date of receipt, the period for filing an appeal shall be extended to sixty (60) days after the candidate first returns to Oregon.

The Provost or appropriate Vice President shall refer the appeal to the Promotion/Tenure/Retention Appeal Committee for its recommendation. The purpose of the reconsideration shall be to make an evaluation of the fairness and reliability of the decision-making process.

This reconsideration involves:

- (a) Determination of whether errors of fact existed;
- (b) Determination of whether relevant evidence was unavailable, disregarded or overlooked; and/or
- (c) Determination of whether the decision was in any way arbitrary or capricious or whether it had a significant foundation in fact on which to justify the original evaluative judgments and recommendations.

**Section 4.** Prior to the reconsideration, the appellant shall be given at least ten (10) days notice and the opportunity to introduce information which is new or hitherto unavailable or overlooked, to review the open portion of the file and the abstracts and summaries, and