



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

1 to make a personal presentation. The appellant has the right to Union representation at all
2 hearings and throughout the appeals process.

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4 **Section 5.** The appellant can review that part of the appellant's file which is open and will
5 receive a substantive abstract of any closed part of the file. A proper abstract of the file is
6 interpreted to mean document-by-document, not a general summary, with the condition
7 that editing and abstracting will maintain the confidentiality of sources who submitted
8 their evaluations with assurance of confidentiality in accordance with any earlier waiver
9 of the appellant's right to have the Administration use no confidential sources.

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11 **Section 6.** Should the Promotion/Tenure/Retention Appeal Committee conclude that
12 prejudicially erroneous facts were utilized or that relevant evidence capable of reversing
13 the appraisal was rejected, overlooked, or previously unavailable, or that the original
14 judgment was arbitrary and capricious, or prohibited by law, or that the decision was
15 otherwise unwarranted for lack of any significant factual foundation, it shall so advise the
16 Provost, Dean, and Department Head to reconsider the original recommendations with
17 respect to the case.

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19 **Section 7.** An appeal of a Promotion/Tenure/Retention Appeal Committee decision may
20 be made to the President. An appeal to the President shall be directed by the appellant in
21 writing to the President within ten (10) days of the receipt of Promotion/Tenure/Retention
22 Appeal Committee's decision.

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24 The President shall notify the appellant of the President's final decision within twenty
25 (20) days of the receipt of the appellant's written appeal.

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27 There shall be no further appeal within the institution of the President's decision.

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29 **Section 8.** Non-terminal denial of promotion or tenure may be challenged. Given that the
30 grievant in such situations has not received a terminal notice, the question of whether the
31 grievant deserves promotion or tenure will be decided in the following academic year by
32 the Faculty Personnel Committee, if the candidate requests that the case be resubmitted.
33 Requests for such consideration shall be made in writing addressed to the Provost.

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35 The procedures and process for considering this appeal will be the same as Sections 3-7
36 of this Article.

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