

3.4A.1.2 Applications for Reappointment of Lecturers

Reappointment is contingent on superior performance, persistent programmatic need, and the availability of funds. The presence of persistent programmatic need and the anticipated availability of funds must be confirmed before an application for reappointment is submitted. A Lecturer in the final year of a term is notified in writing by the dean whether there is persistent programmatic need and anticipated availability of funds for the position.

If there is persistent programmatic need and anticipated availability of funds, then the Lecturer may submit to the department an application for reappointment that follows University guidelines available from the dean.

Decisions about the presence of persistent programmatic need and the availability of funds are not subject to reconsideration.

~~A Lecturer eligible to apply for reappointment shall submit an application that follows University guidelines available from the dean.~~

3.4A.1.3 Procedures for Review of Applications for Reappointment of Lecturers

Each department shall review applications for reappointment of Lecturers in accordance with procedures set by the dean. All tenured faculty and Senior Lecturers shall be eligible to participate in the review of applications. With the approval of the dean, faculty in a large department who are eligible to participate may elect a committee of eligible faculty to conduct the review on behalf of the whole department.

The chair shall convey the recommendation of the department, along with a report explaining that recommendation, to the dean. ~~After consulting with the Provost~~ reviewing the departmental recommendation, the dean shall make the final decision and inform the candidate of that decision in writing ~~; the faculty member will be advised upon request of the reasons that contributed to the decision. A negative decision is not subject to appeal.~~

3.4A.1.4 Reconsideration of a Decision Not to Reappoint a Lecturer

A Lecturer who has been denied reappointment by the dean will be informed of that decision in writing; the faculty member will be advised upon request of the reasons that contributed to the dean's decision.

Whenever a Lecturer, who is in his or her second term or any subsequent term as a Lecturer, receives in writing a negative decision by the dean concerning his or her application for reappointment, the Lecturer has 30 calendar days to file with the dean a petition for reconsideration by the dean. The petition shall be submitted in writing and list the reasons for the request for reconsideration. The dean shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of reappointment are restricted to the following grounds:

1. the existence of significant and relevant new material that has become available since the Lecturer's application for reappointment was considered.
2. significant inconsistency in the application of standards or procedures between the Lecturer's evaluation and others within the same college or school and during the same year.

Upon receiving a valid request for reconsideration of a decision not to reappoint, the dean shall ask for recommendations on whether to reverse or to reaffirm the decision from the appropriate department or program and the Lecturer's chair or program director.

The department and chair shall make their recommendations directly to the dean, who, at his or her discretion, may discuss the case with any or all of them or with anyone else, including the Lecturer. The dean shall then form and communicate his or her decision, which shall be final, in writing to the Lecturer.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the Lecturer.

3.4A.2.2 Applications for Promotion to Senior Lecturer

Promotion to Senior Lecturer is contingent on an exemplary record of achievement, persistent programmatic need, and the availability of funds. The presence of persistent programmatic need and the anticipated availability of funds must be confirmed before an application for promotion to Senior Lecturer is submitted. A Lecturer is notified in writing by the dean whether there is persistent programmatic need and anticipated availability of funds for the position.

If there is persistent programmatic need and anticipated availability of funds, then the Lecturer who is eligible to apply may submit to the department an application for promotion that follows University guidelines available from the dean.

Decisions about the presence of persistent programmatic need and the availability of funds are not subject to reconsideration.

~~A Lecturer eligible to apply for promotion to Senior Lecturer shall submit an application that follows University guidelines available from the dean.~~

3.4A.2.3 Procedures for Review of Applications for Promotion to Senior Lecturer

Each department shall review applications for promotion to Senior Lecturer in accordance with procedures set by the dean. All tenured faculty and Senior Lecturers shall be eligible to participate in the review of applications. With the approval of the dean, faculty in a large department who are eligible to participate may elect a committee of eligible faculty to conduct the review on behalf of the whole department.

If the recommendation of the department is negative, the chair shall convey that recommendation along with a report explaining it to the dean. The dean shall notify the candidate of the negative decision in writing; the faculty member will be advised upon

request of the reasons that contributed to the decision. This decision is not subject to appeal.

If the recommendation of the department is positive, the chair shall convey that recommendation along with a report explaining it to a Committee on Promotion to Senior Lecturer which has been elected by eligible faculty in the college or school. This committee shall be different from the college or school Rank and Tenure Committee. It shall consist of three tenured faculty members and two Senior Lecturers. If fewer than two Senior Lecturers in the college or school are eligible to serve, the committee shall consist of the three tenured faculty members and either one or no Senior Lecturer. The college or school Committee on Promotion to Senior Lecturer shall thoroughly review all aspects of the candidate's application and the report of the department. Informed by this review, its members shall cast secret ballots indicating their judgment of the strength of the application. Committee members from a candidate's department who have voted on the application at the department level may participate in the committee's discussion but may not cast a ballot in the committee.

The committee shall prepare a report of its evaluation and recommendation that reflects and includes the results of the balloting. It shall submit this report to the dean, who shall make a recommendation to the Provost. The Provost shall make the final decision after consideration of the recommendations made and of the needs of the University.

3.4A.2.4 Reconsideration of a Decision Not to Promote to Senior Lecturer

A Lecturer who has been denied promotion to Senior Lecturer by the Provost will be informed of that decision in writing; the faculty member will be advised upon request of the reasons that contributed to the decision.

Whenever a Lecturer receives in writing a negative decision by the Provost concerning his or her application for promotion to Senior Lecturer, the Lecturer has 30 calendar days to file with the ~~Provost~~ ~~President~~ a petition for reconsideration by the ~~Provost~~ ~~President~~. The petition shall be submitted in writing and list the reasons for the request for reconsideration. The ~~Provost~~ ~~President~~ shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of promotion are restricted to the following grounds:

1. the existence of significant and relevant new material that has become available since the ~~appellant's~~ ~~Lecturer's~~ ~~petition~~ ~~application~~ for promotion was considered.
2. significant inconsistency in the application of standards or procedures between the ~~appellant's~~ ~~Lecturer's~~ evaluation and others of the same year within the same college or school and during the same year.

Upon receiving a valid request to reconsider a denial of promotion, the ~~Provost~~ ~~President~~ shall ask for recommendations on whether to reverse or to reaffirm the decision from the

appropriate college or school committee and, ~~the appellant's Lecturer's dean, and the Provost.~~

The committee and, ~~dean, and Provost~~ shall make their recommendations directly to the Provost ~~President~~, who, at his or her discretion, may discuss the case with any or all of them or with anyone else, including the appellant. The Provost ~~President~~ shall then form and communicate his or her decision, which shall be final, in writing to the ~~appellant~~ Lecturer.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the appellant.

3.10.2.2 Jurisdiction

The Faculty Judicial Board has jurisdiction:

1. Upon the request or a tie vote of a college or school Grievance Committee in any case involving a faculty grievance;
2. In cases where a faculty member alleges violation of academic freedom in any denial of tenure or promotion, ~~or~~ where a probationary faculty member alleges that a decision not to reappoint is based substantially upon a violation of academic freedom, or where a Lecturer alleges that a negative decision regarding an application for reappointment or promotion is based substantially upon a violation of academic freedom;
3. In cases of sanctions for misconduct, as provided in 3.9;
4. In cases of dismissal for cause, as provided in 3.9.1;
5. In cases designated in the Policy on Unlawful Harassment and Unlawful Discrimination;
6. In cases in which a faculty member claims unlawful discrimination in the denial of promotion in rank or in the denial of tenure;
7. In cases of alleged misconduct in research, as provided in the Policy on Misconduct in Research.
8. In cases of termination based on financial exigency or change in educational program, as provided in 3.5.5;
9. In cases of non-reappointment of a Senior Lecturer, as provided in 3.5.3.2.
10. In such other extraordinary cases as the Provost may refer.

3.10.1.4 Procedures

A faculty member shall initiate a grievance by petitioning the appropriate Grievance Committee. The petition shall set forth clearly and in specific detail the nature of the grievance, shall state the name or the office of each person against whom the grievance is being lodged, and shall summarize supporting evidence and other pertinent information. Petitions shall be submitted directly to any member or members of the Grievance Committee, who shall then convene the committee. A petition must be submitted to a member of the appropriate Grievance Committee within 30 days of the petitioner's learning of the incident leading to the grievance, except in cases of chronic or long standing conditions, in which case a petition must be submitted in a timely fashion. In this latter instance, the Grievance Committee will be the sole judge of whether or not a petition is timely. The Grievance Committee shall promptly deliver a copy of the petition to both the Provost and the party charged in the grievance.

The Grievance Committee shall establish whatever procedures it deems appropriate for the consideration of particular petitions. The procedures shall be concluded in a reasonable period usually not beyond 90 working days following receipt of the grievance.