

committee.

6.6.2.3 Search committees shall elect their own chairs.

6.6.3 Normally, initial appointments of Librarians are at the Beginning Librarian, Assistant Librarian, or Associate Librarian rank. The rank of initial appointment shall be based upon the established criteria and depend upon the experience and qualifications of the individual and the nature of the position being filled.

6.6.4 Assignment of a Librarian to a rank shall be based upon the tasks, responsibilities, and qualification requirements of the position held, and the experience, professional development, and scholarly and service achievements of the Librarian.

6.7 Changes in a Librarian's Job Description. When considering changes in a Librarian's job description, the Dean will continue the practice of consulting the incumbent in a position and all other appropriate supervisors. Consultation will address workload and additional compensation where appropriate. Consultation means participation at least 30 days prior to the decision being made and will include a meeting between the Librarian and the supervisor, and with the Dean if requested. Any change in the Librarian's job description must be in keeping with Librarian responsibilities as specified in the Librarians' RPT document, unless otherwise agreed between the Librarian and the Dean, and should take into account the Librarian's training and expertise.

ARTICLE 7

REAPPOINTMENT, PROMOTION, AND TENURE ("RPT")

7.1 Authority to Grant Reappointment, Promotion and Tenure

The granting of tenure or promotion to the rank of Professor shall be determined by the Board upon recommendation of the Provost after the recommendations set forth in this Agreement have been made. Except in the case of expedited reappointments as described in Article 7.5.16, all other promotions and reappointment decisions shall be made by the Provost after the recommendations set forth in this Agreement have been made.

Reappointment, promotion, or tenure cannot be awarded on the basis of a clerical error.

7.2 Levels of RPT Review

- 7.2.1** Recommendations for RPT and for the length of each reappointment shall be initiated by the Faculty Members of the Academic Unit based upon criteria and procedures developed by the Faculty Members of the Academic Unit (hereinafter referred to as “the RPT Criteria”).
- 7.2.2** The first level of review shall be the Academic Unit RPT Committee. Academic Unit RPT Committee recommendations shall be forwarded to the Academic Unit Head, from the Academic Unit Head to the College RPT Committee, from the College RPT Committee to the Dean, and from the Dean to the Provost. Where the Academic Unit is the College (College of Nursing, James L. Winkle College of Pharmacy, and College of Law), the pathway shall be from the Academic Unit RPT Committee to the Dean, and from the Dean to the Provost. In the unit of Experience-Based Learning and Career Education, the pathway shall be from the Academic Unit RPT Committee to the Academic Unit Head, from the Academic Unit Head to the Dean, and from the Dean to the Provost.
- 7.2.3** At each level, the reviewers shall assess the sufficiency of the dossier and the conformity of the review process to approved RPT Criteria and procedures. After consulting with the University Contract Administrator, if appropriate, or on its own initiative, any level of review may remand the dossier to a previous level of review (1) to correct procedural errors or (2) to correct an insufficiency in the dossier’s provision of materials required under the RPT Criteria, including asking the Faculty Member to add such missing required items. The University Contract Administrator may remand a dossier to a lower level of review at any time in the process for the same reasons. The Faculty Member will have ten (10) days to provide any missing items before the review proceeds.

7.3 Establishment, Approval and Application of Reappointment, Promotion and Tenure Criteria and Procedures

7.3.1 RPT recommendations shall be based upon criteria related to the responsibilities and functions of the candidate's Academic Unit or library jurisdiction. Unless otherwise stated in the appointment letter or the RPT Criteria, it is understood that candidates are evaluated on work produced during their time at the University.

7.3.2 RPT Criteria shall be established by each Academic Unit and library jurisdiction, subject to written approval by the Dean. Academic recommendations at all levels of evaluation shall be based on these approved RPT Criteria. The recommendations and decisions of the Provost, the President, and the Board, to the extent that they are concerned with academic performance, shall also be based on these approved RPT Criteria.

7.3.3 Review of RPT Criteria. Each Academic Unit shall review its RPT Criteria at least once every five years. When revisions are made or existing RPT Criteria are reaffirmed, as the result of a review, the Academic Unit's new or reaffirmed RPT Criteria shall be subject to the written approval of the Dean.

7.3.3.1 Upon initiating the review of its RPT Criteria, each Academic Unit shall notify the Dean and the AAUP of the date upon which it began its review. Each Academic Unit shall have ninety (90) days to complete its review. When it has completed its review, each Academic Unit shall provide notice to the Dean, Provost, and the AAUP as to whether it has decided to propose changes to its RPT Criteria, and if so, it shall provide the proposed changes to the Dean and the AAUP. The AAUP shall review the changes proposed by the Academic Unit solely to ensure that the proposed changes are in compliance with the Collective Bargaining Agreement. The AAUP shall have fourteen (14) days to notify the Academic Unit, Dean, and Provost of its conclusions.

7.3.3.2 The Academic Unit shall have twenty-one (21) days to review the AAUP's conclusions and to propose additional changes, if necessary, to the RPT Criteria. The Academic Unit shall then forward its proposed revision of the RPT Criteria to the Dean, with a copy to the AAUP.

7.3.3.3 The Dean shall have twenty-one (21) days from receipt of the final version of the Academic Unit's proposed changes to review and either approve the proposed revised RPT Criteria or to respond to the Academic Unit with suggested revisions. If the latter, the timelines in Article 7.3.3.2 apply.

7.3.3.4 When proposed revisions to the RPT Criteria receive final approval, a copy of the revised RPT Criteria shall be provided to the Dean, the Provost, the AAUP, and to all Faculty Members in the Academic Unit.

Failure to conduct this periodic review shall not be a grievable matter.

7.3.4 If a reasonable time has not elapsed since a change in RPT Criteria, due consideration shall be given to the former RPT Criteria. Any substantive changes to the RPT Criteria that are approved must also include a timeline of implementation.

7.4 Preparation of the Dossier

7.4.1 Each Academic Unit, college, or library jurisdiction shall publish its responsibilities and the responsibilities of the candidate for developing dossiers.

7.4.2 The candidate has primary responsibility for the development of the dossier submitted for review according to the procedures established by the RPT Criteria and this Collective Bargaining Agreement.

Although RPT reviewers are not investigative bodies, reviewers are permitted to verify matters of fact as set forth in the candidate's dossier.

The Academic Unit Head or Dean, as appropriate, shall be responsible for initiating and completing in sufficient time those parts of a candidate's dossier required by the RPT Criteria (e.g., external reviews, administrative summaries of teaching evaluation, etc.) for which the candidate is not responsible to ensure a timely and fair evaluation of the candidate. These tasks may be delegated, so long as such delegation does not result in a conflict of interest in the review process; however, the Academic Unit Head or Dean is ultimately responsible for completion of these tasks.

7.4.3 The dossier shall include evidence and evaluation of the candidate's qualifications as well as any other information or documentation deemed pertinent to the RPT Criteria. This dossier shall be provided to the Academic Unit RPT Committee or the Librarians' RPT Committee by the date specified in Article 7.5.14, unless an earlier date has been set by the Academic Unit in accordance with Article 7.5.15.

7.4.4 Any Faculty Member or Dean serving as a reviewer may advise a candidate in his or her preparation of a dossier up to the time that the candidate has submitted the dossier for review by the Academic Unit RPT Committee. After that time, such advising must cease, since the role of the reviewer becomes evaluative as part of the RPT review process.

7.5 Review Process

7.5.1 All material received and considered in making recommendations regarding reappointment, promotion, or tenure, at any level, including the recommendation letters of the various levels of review, becomes part of the candidate's dossier.

7.5.2 The candidate, Academic Unit Head or Dean may add to the dossier material bearing on the substance of a prospective decision until the Provost renders a recommendation.

7.5.3 The candidate shall be permitted to review the dossier throughout the process. The candidate shall be provided with a copy of any material added to the dossier at the time

the material is added to the dossier. The candidate shall have fourteen (14) days following receipt of material added to the dossier to review and respond in writing to the material. All written responses from the candidate shall become part of the dossier. Reviewer responses to the candidate's response are not permitted.

- 7.5.4** Reviewers shall read and consider the prior recommendations, but each review level shall make an independent determination based on the same RPT Criteria. Reviewers shall not consult on pending RPT cases with other levels of review, nor are levels of review permitted to file responses to other levels of review.
- 7.5.5** Reviewers are not permitted to serve on more than one level of review during the same academic year. Reviewers who are also candidates in the same academic year may not serve as a reviewer until all dossiers seeking the same RPT action have passed his/her level of review. Reviewers must recuse themselves from the consideration of a particular dossier or dossiers where a conflict of interest exists. Reviewers shall not communicate with a candidate during the pendency of his/her review process regarding anything relevant to the review.
- 7.5.6** The recommendation from the Academic Unit RPT Committee shall be given serious consideration, and no committee or administrator shall make a different recommendation except for substantial reasons stated in writing.
- 7.5.7** A copy of each review level's recommendation letter shall be transmitted to the candidate at the time the letter is added to the dossier. Any negative recommendation must be accompanied by a written statement of reasons, except for certain Dean recommendations as set forth in Article 7.6.7 and Article 7.6.9.3.
- 7.5.8** A candidate shall be guaranteed the right to reconsideration at the first level at which a negative recommendation occurs. Within fourteen (14) days after receiving notice of the negative recommendation, the candidate has the right to request reconsideration and may submit supporting

substantive or procedural information. The candidate shall be informed of the result of the reconsideration within twenty (20) days following submission of the request.

When a candidate exercises this right to reconsideration, the review process shall remain at the level at which reconsideration is being requested. No further evaluation of or recommendations concerning the individual's candidacy shall be made until the requested reconsideration process has been completed. This restriction shall not prevent administrative action to meet the appropriate notice requirements of Article 7.5.12 herein. In the event that the reviewer's reconsideration results in a second negative recommendation, or a subsequent reviewer also provides a negative recommendation, the candidate may request reconsideration, but the granting of the request is at the discretion of the reviewer and not subject to a grievance.

7.5.9 Candidates may withdraw their dossiers at any time prior to a recommendation by the Provost.

7.5.10 Procedure for Tenure-track Faculty in the College of Medicine. In the penultimate year of his/her probationary period, a Faculty Member in the College of Medicine may request tenure (with or without promotion). A Faculty Member in the College of Medicine also may request tenure, with or without promotion, prior to his/her penultimate year, as per Article 7.5.17. Reviewers considering the Faculty Member's request for tenure may (1) recommend in favor of tenure, utilizing the Academic Unit's RPT Criteria for tenure, (2) recommend against tenure but in favor of reappointment for two (2) years with an extension of the probationary period, utilizing the Academic Unit's RPT Criteria for reappointment, or (3) recommend against both tenure and reappointment with an extension of the probationary period.

Alternatively, in the penultimate year of his/her probationary period (and no sooner), a Faculty Member within the College of Medicine may request reappointment with an extension of the tenure probationary period for a term of two (2) years (no more or less). In such case, the Academic Unit's RPT Criteria for reappointment shall apply.

In either of the two pathways above, if the Faculty Member is reappointed for a two-year term, then he/she may apply for tenure in either the antepenultimate or penultimate year of his/her extended probationary period.

7.5.11 Request for Terminal Year Review. A Faculty Member may, in extraordinary circumstances, request to undergo a reappointment or tenure review, as appropriate, during the terminal year of his/her current appointment term. A request for terminal year review must be jointly approved by the AAUP and the University Contract Administrator. To initiate a request for terminal year review, the Faculty Member shall contact the office of the AAUP to obtain a Request for Terminal Year Review form and shall file the form with the AAUP not later than July 15 of the penultimate year of the Faculty Member's current appointment term. This deadline may be waived by mutual agreement of the AAUP and the University Contract Administrator. The AAUP shall forward the Request for Terminal Year Review to the University Contract Administrator. By requesting a terminal year review, the Faculty Member also requests that the AAUP waive the notice provisions of Article 7.5.12 and 7.5.14 of the Collective Bargaining Agreement.

7.5.12 Reappointment Review Schedules. Dossiers shall be prepared and ready for review according to the following schedule:

7.5.12.1 If the candidate has an initial one year appointment, the dossier is due no later than January 1 of that year (December 1 in the College of Medicine); notice of the recommendation of the Provost is due to the candidate by March 1 of that year (March 15 in the College of Medicine), or at least 3 months in advance of the appointment's end date if the appointment ends during an academic year.

7.5.12.2 If the candidate is in the second year of service and the appointment ends in that academic year, the dossier is due no later than September 15 of that year (September 15 in the College of

Medicine); notice of the recommendation of the Provost is due to the candidate by December 15 of the second year (January 1 in the College of Medicine), or at least 6 months in advance of the appointment's end date if the appointment ends during the academic year.

7.5.12.3 If the candidate is in the second year of a three year appointment or the penultimate year when the Faculty Member has consecutive Faculty service of more than two years, the dossier is due no later than February 15 (March 1 in the College of Medicine) of the appointment's penultimate year; notice of the recommendation of the Provost is due to the candidate by August 14 of the penultimate year, or at least 12 months in advance of the appointment's end date.

7.5.13 Reappointment and Promotion Review Schedules. In all cases, any candidate for reappointment who also wishes to submit a request for promotion will submit the dossier on the appropriate reappointment schedule, as defined in the review deadlines.

7.5.14 Review Deadlines. The following deadlines apply to all RPT reviews:

REVIEW DEADLINES (EXCLUDING COLLEGE OF MEDICINE)

Latest Date of Submission of Dossier to First Level of Review	Dossier Submitted to Office of the Provost	Candidate Notified of Decision of Provost or Recommendation of the Provost to the Board of Trustees
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REAPPOINTMENT

January 1 (7.5.12.1) (1 st year of initial 1-year appointment)	February 15	March 1
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September 15 (7.5.12.2) (2 nd year of initial 2-year appointment or second 1-year appointment)	November 15	December 15
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February 15 (7.5.12.3) (2 nd year of 3-year appointment, or the penultimate year when there are more than 2 years of service)	April 15	August 14
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PROMOTION

October 15	March 1	Normally by June 15
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TENURE

October 15	March 1	Minimum of 12 months in advance of expiration of probationary period
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REVIEW DEADLINES FOR COLLEGE OF MEDICINE

Latest Date of Submission of Dossier to First Level of Review	Dossier Submitted to Office of the Provost	Candidate Notified of Decision of Provost or Recommendation of the Provost to the Board of Trustees
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REAPPOINTMENT

December 1 (7.5.12.1)
(1st year of initial 1-year appointment)

February 15

March 15

September 15 (7.5.12.2)
(2nd year of initial 2-year appointment or second 1-year appointment)

December 1

January 1

March 1 (7.5.12.3)
(2nd year of 3-year appointment, or the penultimate year when there are more than 2 years of service)

July 20

Minimum of 12 months in advance of the appointment's end date

PROMOTION

November 1

May 1

Normally by June 15

TENURE

November 1

May 1

Minimum of 12 months in advance of expiration of probationary period

7.5.15 Early Review Deadlines. Any Academic Unit, college, or library jurisdiction may establish an earlier date for submission of dossiers to the first level by written notice to the Faculty Members from the Academic Unit Head or Dean. This written notice must be given six (6) months in advance of the earlier deadline date. In the case of Faculty Members in the first year of their initial appointment, this information shall be communicated in writing at the beginning of that appointment.

7.5.16 Expedited Reappointment for Non-Tenure Track Faculty Members. A non-tenure track Faculty Member who has been appointed or reappointed for at least seven (7) consecutive years as a Bargaining Unit member may request expedited reappointment by submitting a request in writing to the Academic Unit Head not later than September 15 of the penultimate year of his/her current appointment term. The request should include copies of the Faculty Member's annual performance reviews completed since his/her last appointment or reappointment. The Faculty Member may receive reappointment at the discretion of the Academic Unit Head, with the agreement of both the Academic Unit RPT Committee and the Dean, without submitting a dossier through the normal review process described in this Article. The Faculty Member and the Provost office shall be notified by the Dean of the final decision on expedited reappointment not later than twenty (20) months (normally December 15) before the end of the Faculty Member's current appointment. Expedited reappointments shall be for not less than two (2) years. Should the Faculty Member not receive reappointment through this expedited process, s/he may request reappointment by submitting a dossier through the regular RPT process. This expedited process may not be used for promotion. Denial of an expedited reappointment review, or denial of reappointment through this expedited process, is not grievable.

7.5.17 This Article shall not prevent Faculty Members from more rapid advancement toward promotion and/or tenure, as compared to the typical progress described in Article 6.

7.6 Levels of Review: Composition and Procedures

- 7.6.1** All RPT committees shall be standing committees.
- 7.6.2** Only full-time University Faculty Members, and those AAUP-represented Adjunct Faculty Members whose Academic Units' RPT Criteria permits, shall serve on the RPT committees. Every effort shall be made to ensure an odd number of committee members to avoid a tie. Deans, associate Deans, assistant Deans, assistants to the Dean, and Academic Unit Heads may not serve on RPT committees. The chairperson shall be selected by the committee from its members.
- 7.6.3** The quorum necessary for voting shall be two-thirds of the members of a RPT committee. Each member of a RPT committee shall have one vote. Voting shall be effected through a secret ballot. Unless approved in writing for good cause by the University Contract Administrator, abstentions are not permitted. Recommendations must be either in favor or against the requested RPT action. A tie vote counts as a negative recommendation. In such cases, the recommendation letter shall reflect opinions on both sides. Except to the extent that their recommendation letters include rationales for their decisions, all RPT committee deliberations otherwise must remain confidential among RPT committee members.
- 7.6.4 Academic Unit RPT Committee**
- 7.6.4.1 Composition.** If the committee membership has been supplemented with a Faculty Member or Members from outside the Academic Unit, as per the approved RPT Criteria, the chairperson must be a member of the Academic Unit. Faculty Members with joint appointments in more than one academic unit may serve only on the Academic Unit RPT Committee of their designated primary Academic Unit. Except for these requirements and those in Article 7.6.2 above, the Faculty of the Academic Unit shall decide by democratic means the Committee's

structure, size, and method of selection.

7.6.4.2 Committee Responsibilities. The Academic Unit RPT Committee shall submit a recommendation, including a numerical tally of votes (e.g., 3-2, 4-1, etc.) regarding reappointment, promotion, and/or tenure to the Academic Unit Head.

7.6.5 Academic Unit Head Responsibilities. The Academic Unit Head shall submit an independent recommendation regarding reappointment, promotion, and/or tenure to the College RPT Committee.

7.6.6 College RPT Committee

7.6.6.1 Composition. The College RPT Committee shall be composed of full-time Faculty of the college, with no more than two (2) from any single Academic Unit. Faculty Members with joint appointments in more than one college may only serve on the College RPT Committee of their designated primary Academic Unit. Except for these requirements and those in Article 7.6.2 above, colleges shall democratically determine the structure, size, and method of selection of the Committee.

7.6.6.2 In colleges without Academic Units, the College RPT Committee shall be composed of the Faculty of the college. Except for this requirement and those in Article 7.6.2 above, the College shall democratically determine its structure, size, and method of selection.

7.6.6.3 Committee Responsibilities. The College RPT Committee shall submit its recommendation, including a numerical tally of votes (e.g., 3-2, 4-1, etc.) regarding reappointment, promotion, and/or tenure, to the Dean.

7.6.7 Dean's Responsibilities. The Dean shall submit an independent written recommendation regarding reappointment, promotion, and/or tenure to the Provost. In

cases when the Dean is in agreement with the immediately preceding RPT Committee's recommendation, his/her recommendation may consist solely of a statement indicating such agreement.

7.6.8 Provost's Responsibilities. The Provost shall conduct an independent review of the candidate's file and the recommendations from the prior levels of review, and shall issue a recommendation to the Board concerning tenure or promotion to the rank of Professor, or a decision with respect to reappointment or promotion to a rank other than that of Professor, as appropriate.

7.6.9 Librarians' Reappointment, Promotion, and Tenure Committee

7.6.9.1 Composition. The Library Faculty shall have a RPT Committee composed of full-time Library Faculty in the Bargaining Unit from at least two (2) library jurisdictions. Except for this requirement and those in Article 7.6.2 above, the Library Faculty shall determine by democratic means the structure, size, and method of selection of the Committee.

7.6.9.2 Committee Responsibilities. The Committee shall make a recommendation about reappointment, promotion, or tenure based upon consideration of the candidate's dossier, the supervisor's recommendation, and other relevant documentation. It shall submit its recommendation, including a tally of votes (e.g., 3-2, 4-1, etc.) regarding reappointment, promotion, and/or tenure, to the Dean. When the Dean is also the candidate's immediate supervisor, the candidate's file shall not contain a recommendation by the immediate supervisor as to reappointment, promotion, or tenure. The candidate's file shall contain the written evaluation prepared by the supervisor along with the summary of the evaluation conference signed by both the candidate and the supervisor. The candidate may include a written statement in the

file about the evaluation and the summary.

7.6.9.3 Dean's Responsibilities. The Dean shall submit an independent recommendation regarding reappointment, promotion, and/or tenure to the Provost. In cases when the Dean is in agreement with the RPT Committee's recommendation, his/her recommendation may consist solely of a statement indicating such agreement.

7.7 Procedures in Cases of Program Need or Budget Restraint

- 7.7.1** Reappointment or tenure may be denied because of program needs or budget restraints.
- 7.7.2** Budget restraint or program need in an Academic Unit may, of necessity, have an adverse impact on an individual Faculty Member; however, the determination of a budget restraint or program need shall be independent of the review of the Faculty Member's request for reappointment or tenure.
- 7.7.3** If the Dean determines that a budget restraint or program need exists for an Academic Unit or college, the Dean shall notify the Academic Unit, the Provost, and the AAUP. The Dean and Academic Unit Head shall then work with the Provost to ascertain if the budget restraint or program need can be resolved without adverse impact on an individual Faculty Member. If the Provost, Dean, or Academic Unit Head believe that the budget restraint or program need may not be resolvable without adverse impact on an individual Faculty Member, the Dean shall provide the Academic Unit with the following: (1) a declaration that it is believed that the situation cannot be resolved without adversely affecting one or more Faculty Members, (2) documentation of the budget restraint or program need, (3) the total resources available to the Academic Unit, and (4) that the faculty of the Academic Unit have thirty (30) days to provide feedback before a final determination is made. During the thirty (30) day period, the Dean shall consult with the Academic Unit and give full consideration to its suggestions for resolution, including any alternatives that would not adversely affect any Faculty Member. At the conclusion of the thirty (30) day

period, the Dean will write to the Academic Unit acknowledging receipt of all faculty communications and suggestions and, with approval of the Provost, provide his/her final determination.

- 7.7.4** If the budget restraint or program need can only be resolved by adversely affecting a Faculty Member, the Dean shall notify the Faculty Member so affected no later than twelve (12) months prior to the effective date of the non-reappointment. The notice shall state explicitly that the reasons for non-reappointment are based on program need or budget restraint. In lieu of all or some portion of the notice period, the University, at its discretion, may offer separation incentive benefits at any time to any or all Faculty Members affected by non-reappointment decisions resulting from budget restraint or program need. These benefits will be granted only upon the written agreement of the Bargaining Unit member, the Academic Unit Head, the Dean, and the University Contract Administrator.
- 7.7.5** To continue the progress achieved, the University's affirmative action policies shall be considered in making a decision concerning non-reappointment or denial of tenure for reasons of program need or budget restraint.
- 7.7.6** When a Faculty Member is denied reappointment or tenure for reasons of budget restraint or program need, that position may not be filled on a full-time basis for two (2) years, unless it is first offered to the individual denied reappointment or tenure. However, the position may be filled on a part-time basis without regard to the two-year limit (1) if the position is first offered to the individual denied reappointment or tenure, and (2) if the part-time position accounts for no more than 50% of the full-time course load of the Faculty Member denied reappointment or tenure. The Faculty Member denied reappointment or tenure shall be given thirty (30) days to accept the full-time or part-time position. If accepted, prior service credit shall be allowed toward any applicable probationary period.

7.8 RPT Grievance

7.8.1 If a Faculty Member is denied reappointment, promotion or tenure, she/he may file a grievance only if she/he alleges that:

- (a) Academic freedom violations are significantly connected with the decision; or
- (b) Procedures used in reaching the decision leading to the grievance were applied in an improper or discriminatory manner, and had a substantive impact on the decision (the term “procedures” as used in this Section includes the requirements of Article 7, as they apply to the candidate); or
- (c) A negative recommendation by the Provost: (1) has followed positive recommendations by the Academic Unit RPT Committee, the Academic Unit Head, the college or library jurisdiction, and the Dean, and (2) is arbitrary and capricious.

The grievance must state which of these three grounds is being alleged and, for (a) and (b) above, the specific academic freedom or procedural violation(s) that constitutes the basis for the grievance.

A Faculty Member may not file a grievance solely challenging the merit or lack of merit, or the weight or substantiality of the reasons, judgments, or substantive determinations, made by administrators or committees involved with RPT recommendations.

In cases where a Faculty Member has been reappointed, the Faculty Member may not file a grievance challenging the length of the reappointment.

7.8.2 Filing an RPT Grievance

7.8.2.1 An RPT grievance must be filed within ten (10) days after the receipt of the Provost’s negative recommendation.

7.8.2.2 Filing Procedure. To file an RPT grievance, the Faculty Member must contact the office of the AAUP. Upon completion, the Grievance form will be distributed by the AAUP to the respondent(s), the Grievance Committee Co-Coordinators, the University Contract Administrator, and the Dean.

7.8.3 RPT Grievance Process. See Article 8.3 through 8.8, except that in tenure cases Panel members from the Faculty Pool must be tenured.

7.8.4 Authority of the Grievance Panel. Except as provided below (7.8.5), in RPT cases in which the Grievance Panel finds procedural error, violation of academic freedom, or arbitrary or capricious decision by the Provost, it may only remand to the appropriate level of review. The Panel may not award reappointment, promotion or tenure.

7.8.5 Ad Hoc Committee Review

7.8.5.1 Solely in tenure cases involving alleged error(s) by the Provost, if after a review of the evidence the Grievance Panel has substantial reasons to believe that a remand of the dossier to the Provost will not result in a correction of the (1) academic freedom violation, (2) substantive procedural error, or (3) the arbitrary and capricious decision, it may direct that an Ad Hoc Committee be appointed to conduct a substantive dossier review. In such rare cases, the Grievance Panel must notify all parties in writing of its findings and of the substantial reasons for invoking the Ad Hoc Committee procedure.

7.8.5.2 The Grievance Committee Co-Coordinators shall have thirty (30) days to appoint the Ad Hoc Committee. The Ad Hoc Committee should be composed of no fewer than three (3) experts in the same general discipline as the grievant. The Co-Coordinators may, at their discretion, consult persons inside or outside the University as to known and respected experts in the Grievant's discipline. Members of the Ad Hoc Committee

may be from inside or outside the University, but may not be members of the Grievant's Academic Unit. The Grievant and Respondent may provide the Co-Coordinators with recommendations for experts for inclusion on the Ad Hoc Committee no later than ten (10) days after the Grievance Panel has notified the parties of its findings and invocation of the Ad Hoc Committee procedure. The Co-Coordinators shall consider the Grievant's and Respondent's recommendations but are not required to include all or any of the Grievant's and Respondent's recommended experts on the Ad Hoc Committee. The composition of the Ad Hoc Committee is not grievable.

- 7.8.5.3** The Co-Coordinators shall provide the Ad Hoc Committee with the Grievant's dossier as presented to the Provost, inclusive of the recommendations of the Academic Unit RPT Committee, the Academic Unit Head, the College RPT Committee, the Dean, and the Provost, and any responses of the Grievant thereto, as well as the decision of the Grievance Panel. The Ad Hoc Committee shall not be provided with any other materials relative to the grievance process, including those submitted under Article 7.8, Article 8.4 and Article 8.6.
- 7.8.5.4** The Ad Hoc Committee may meet by telephone, teleconference, or videoconference. The AAUP and the Administration shall share equally in the reasonable costs for such meetings.
- 7.8.5.5** The Ad Hoc Committee shall review the Grievant's dossier and shall follow the RPT Criteria, the guidelines of the Grievant's Academic Unit, and this Agreement. The Ad Hoc Committee's final recommendation shall be by majority vote.
- 7.8.5.6** The Ad Hoc Committee, within forty-five (45) days of its formal appointment, shall recommend to the President whether the Grievant should be

awarded tenure. The President shall make a written decision regarding tenure within twenty-one (21) days of receipt of the Ad Hoc Committee's recommendation. The decision of the President is final.

ARTICLE 8

GRIEVANCE PROCEDURE

- 8.1 Grievances.** Whenever possible, disputes should be resolved informally at the lowest level. All Faculty Members and administrators are encouraged to engage in free and open communication to resolve differences.
- 8.1.1 Definition.** A "grievance" is a complaint or allegation by a Faculty Member(s), or by the AAUP, of a violation, misinterpretation or improper application of the provisions of this Agreement.
- 8.1.2** The time limits in this Article are maxima unless extended by written agreement by the AAUP and the University.

8.2 Filing a Grievance

- 8.2.1** All grievances shall be resolved through the following procedures, except for those relating to Reappointment, Promotion and Tenure (see Article 7) and Discipline and Dismissal (see Article 9).

8.2.2 Step 1: Informal Resolution

Within thirty (30) days of knowledge of the incident causing the complaint, the Faculty Member and/or AAUP must submit a written grievance to the University Contract Administrator, which shall include the following information:

- (a) The specific act(s) that constitute the basis for the grievance;
- (b) The Article(s) of the Agreement alleged to have been violated by the acts; and
- (c) The remedy requested.

The University Contract Administrator shall have fourteen