

ARTICLE [x]. APPEALS

Purpose.

This article provides a procedure under which disputes involving substantive academic judgments affecting a bargaining unit faculty member's employment status in the areas of granting or denial of tenure, appointment/non-reappointment, or promotion.

Section 1. Definitions.

The term "grievance" shall mean an allegation that there has been a violation, misrepresentation, or improper application of the express terms of this Agreement. The term "grievance" shall not include complaints related to matters of "academic judgment", nor are matters of academic judgment subject to Article [x] on Grievances.

"Academic judgment" shall mean the judgment of faculty and administrators concerning determinations, recommendations, decisions and criteria with respect to appointment, reappointment, promotion, tenure status, and merit salary increases of members, and with respect to matters of curricula and educational policy. A substantiated allegation that an academic judgment was based on incomplete or false information will compel reconsideration of the judgment, as defined in this Article.

In this article, the term "days" refers to business days.

Section 2. Appeals Procedure.

A bargaining unit faculty member shall submit written notice, either in electronic form or in paper form, to the Office of the Provost and the OT-AAUP Grievance Officer within forty-five (45) days of the date a decision based on academic judgment is received by the bargaining member. The written notice shall summarize the decision being appealed and the reasons why the appellant disagrees with the decision, and shall specifically cite any errors or omissions alleged to have influenced the decision-making process.

The Office of the Provost may, in its sole discretion, resubmit the appealed decision to the administrative level where the judgmental decision being appealed occurred, to permit the correction of alleged errors or omissions and to resubmit the appealed judgmental decision for reconsideration. Within fifteen (15) days of the completed reconsideration, the Office of the Provost will communicate the results to the bargaining unit faculty member and the OT-AAUP Grievance Officer.

If the Office of the Provost declines to resubmit the appealed decision, within fifteen (15) days they will communicate the rationale for declining the request to the bargaining unit faculty member and OT-AAUP's Grievance Officer.

*OT-AAUP reserves the right to add to, modify, or amend proposals during the course of negotiations.