

Date: 30 June 2022  
To: University Council Executive Committee  
From: Janette R. Hill, Ph.D., Chair, Faculty Affairs Committee ✱  
Re: Proposed Policy on Due Process (to be added to revised Policy for Review of Tenure Faculty and codified at AAPM 1.06-4)

On behalf of the Faculty Affairs Committee (FAC), I am sending a proposed policy on Due Process (to be added to revised Policy for Review of Tenure Faculty and codified at AAPM 1.06-4) for your consideration and hopefully to send to the University Council for consideration during the September meeting. The proposed revisions were fully approved by the FAC last spring, but not in time for the Executive Committee's agenda deadline for its last meeting of the 2021-2022 Academic Year on 30 March 2022.

I discuss the development of the proposed new Due Process policy below.

Proposed Policy on Due Process (to be added to revised Policy for Review of Tenure Faculty and codified at AAPM 1.06-4)

The FAC unanimously approved this new policy on 15 April. The FAC met throughout fall and spring semesters to discuss the implications on current UGA policies of the BOR policy and USG Handbook revisions for due process, and to augment existing due process protections for faculty performance reviews, in particular 1.06-4 Post-Tenure Review. The new due process policy, Due Process Following an Unsuccessful Post-Tenure Review or an Unsuccessful Corrective Post-Tenure Review (Due Process Policy), is proposed to be included in the Academic Affairs Policy Manual for reference in other University and unit-specific faculty review guidelines and criteria, as appropriate.

The committee met on 1 April 2022 to discuss a draft of the new Due Process Policy that was passed unanimously by the Working Group on Faculty Evaluation Policies and Practices (FEPP) and sent to the FAC for consideration. Feedback on the draft of the new Due Process Policy, gathered by a survey open to the entire university community, was shared with the FAC to inform the discussion. FAC members also were encouraged to share the document for any additional feedback prior to the meeting on 1 April.

During the 1 April meeting, the FAC made several updates and suggestions to the draft policy, with further action pending the distribution of the updated document to the FAC. The FAC met again on 15 April to discuss the draft Due Process Policy. After discussion, including additional revisions, the FAC unanimously approved the new Due Process Policy.

As the Due Process Policy is a new policy, there is not a marked-up document for comparison. That said, the following indicates the sources of the information included in the new policy:

- Red text: Incorporation of new language into the proposed revisions to the Due Process Policy based on USG policy and guidelines.
- Blue text: Updates by the FEPP and FAC into the proposed revisions to the Due Process Policy to further clarify the revisions based on the updated USG policy and guidelines.

Please let me know if you have any questions or need additional information.

## Due Process Following an Unsuccessful Post-Tenure Review or an Unsuccessful Corrective Post-Tenure Review

(note: black text=current UGA policy, red text=USG policy update, blue text=FEPP subgroup and FEPP updates)

If, after conducting a final review of appropriate materials and allowing the faculty member an opportunity to be heard at the conclusion of the Performance Improvement Plan, the unit or department head and dean determine that the faculty member has failed to make sufficient progress in performance as outlined in the performance improvement plan (or has refused to engage reasonably in the process), the unit or department head and dean will propose appropriate remedial action corresponding to the seriousness and nature of the faculty member's deficiencies.

1. The faculty member may appeal the Unsuccessful Post-Tenure Review or the unit or department head and dean's assessment that the faculty member has failed to make sufficient progress as outlined in the Performance Improvement Plan (PIP) to the Faculty Post-Tenure Review Appeals Committee (see below and [Policy for Review of Tenured Faculty](#)).
2. Within 5 business days of receiving the recommendation(s) from the Faculty Post-Tenure Review Appeals Committee, the Provost shall send an official letter to the faculty member notifying them of the decision.
3. The faculty member may appeal to the President of the institution within 5 business days of receiving the decision from the Provost. The President's final decision shall be made within 10 business days and should notify the faculty member of their decision and the process for discretionary review application as provided for in Board of Regents' Policy.
4. If the remedial action taken is dismissal by the President, the faculty member may complete their faculty assignment for the current semester at the discretion of the institution; however, the semester during which a final decision is issued will be the last semester of employment in their current role.
5. An aggrieved faculty member may seek discretionary review of the institution's final decision pursuant to [Board policy on Applications for Discretionary Review \(6.26\)](#).

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University Council Policy

### Post-Tenure Review Appeals Committee Operating Policy

- A. The Post-Tenure Review Appeals Committee (PTRAC) shall hear only appeals from a post-tenure review in which the faculty member has received an evaluation of "unsatisfactory" by the post-tenure review unit. Before an appeal may be filed with the PTRAC, the faculty member must have exhausted all appropriate administrative remedies within the school or college. If the faculty member then wishes to file an appeal with the PTRAC, he/she must submit a written request for appeal to the PTRAC

stating fully the grounds on which the appeal is based. This written request must be filed with the PTRAC within 15 days after a final decision has been rendered by the school or college under the appropriate administrative appeals procedure.

- B. In extraordinary cases, the PTRAC, in its sole discretion, may grant a variance from the exhaustion requirement if the appellant petitions the PTRAC for such a variance in writing and shows good cause why the exhaustion requirement should not apply. The written request for variance must be filed with the PTRAC within 15 days of receiving the unsatisfactory post-tenure evaluation.
- C. In considering appeals, the PTRAC will act as a committee of the whole. The Chair shall be a voting member of the committee. A final decision requires a simple majority of the whole committee (4/7). To avoid conflicts of interest, members of the PTRAC shall not serve on any other post-tenure review committee during their term as a PTRAC member.
- D. Once an appeal is filed, the PTRAC may consider the fairness of the evaluation process within the post-tenure review unit, the reasonableness of the determination, as well as the appropriateness of the COURSE OF ACTION suggested by the post-tenure review unit THAT MIGHT STRENGTHEN THE FACULTY MEMBER'S PERFORMANCE. In addition to the written appeal, the committee, in its sole discretion, may hear and consider oral testimony.
- E. If the PTRAC decides that the decision of the post-tenure review unit is fair and valid, and that the suggested COURSE OF ACTION FOR improvement IS appropriate, the decision of the post-tenure review unit will then be final and binding on the appellant. If, instead, the PTRAC decides that the evaluation process was flawed or that the determination of unsatisfactory is invalid, the PTRAC may ( 1) order that the matter be reheard by the post-tenure committee as if the matter had not previously been heard before and as if no decision had been previously rendered, or (2) it may ORDER that the decision of the post-tenure review unit be reversed outright. IF THE PTRAC DECIDES THAT ONLY PART OF THE REVIEW WAS INAPPROPRIATE FOR WHATEVER REASON, THE PTRAC MAY REMAND THE MATTER TO THE LOWER COMMITTEE FOR FURTHER ACTION AS DIRECTED BY THE COMMITTEE.
- F. If the PTRAC decides that the evaluation itself is fair and valid, but the suggested COURSE OF ACTION FOR improvement IS not appropriate, the PTRAC may 1) hold MEETINGS with the POST-TENURE REVIEW COMMITTEE, THE appellant and the PROMOTION/TENURE UNIT head in order to reach a satisfactory solution, 2) remand to the post-tenure review COMMITTEE with recommendations, or 3) recommend outside mediation.
- G. The decision of the PTRAC is final and binding. The prior decision of any other committee is not binding on the PTRAC, although the PTRAC may take such a decision into consideration. If issues before the PTRAC are being considered simultaneously by the Faculty Grievance Committee, the Faculty Grievance proceeding shall be stayed until the PTRAC renders its decision.

- H. THE PTRAC SHALL NOT HEAR APPEALS CONCERNING THE FORMAL PLAN OF FACULTY DEVELOPMENT. THIS FORMAL PLAN IS ESTABLISHED BY THE PROMOTION/TENURE UNIT HEAD, THE FACULTY MEMBER, AND THE CHAIR OF THE POST-TENURE REVIEW COMMITTEE AFTER ALL REQUESTS FOR RECONSIDERATION AND APPEALS HAVE BEEN EXHAUSTED.
- I. A RECORD OF ANY ACTION TAKEN AS A RESULT OF AN APPEAL, INCLUDING ALL DOCUMENTS RELATED TO THE APPEAL, WILL BE MAINTAINED BY THE OFFICE OF FACULTY AFFAIRS IN THE OFFICE OF THE VICE PRESIDENT FOR INSTRUCTION.

Approved 2001

DRAFT

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