

Proposal to Revise the Operating Procedures of the Faculty Post-Tenure Review Appeals Committee

Rationale: The University Council approved a revision of the Operating Procedures of the University Council's Faculty Post-Tenure Review Appeals Committee on September 28, 2022. The current operating procedures are on pp. 2-3 of this document.

Professor Elizabeth Weeks, Associate Provost for Faculty Affairs, prepared a chart (see p. 4 of this document) that compares the FPTRAC's current operating procedures and the AAUP Standards on Academic Freedom, Tenure, and Dismissal Proceedings. Note that the 3 items listed below in the AAUP Standards are "not specified" in the current FPTRAC Operating Procedures:

1. Right to confront and cross-examine witnesses
2. Recording or transcription of the hearing
3. Decision based solely on the hearing.

In order for the FPTRAC Operating Procedures to align with the AAUP Standards, those 3 items have been added (marked in red) to the proposed revision of the FPTRAC Operating Procedures on pp. 5-6 of this document.

**Operating Procedures of the Faculty Post-Tenure Review Appeals Committee
Approved by University Council September 28, 2022**

- A. The Faculty Post-Tenure Review Appeals Committee, hereafter referred to as the Committee, shall prepare and review procedures for handling appeals, protect academic freedom and academic due process, and ensure compliance with the University's Policy for Review of Tenured Faculty.
- B. The Committee will only hear appeals following completed performance and unsatisfactory final assessment of a Performance Improvement Plan regarding:
 - i. the integrity and fairness of the post-tenure review unit's processes in the case;
 - ii. the assessment of unsatisfactory on the Performance Improvement Plan;
 - iii. the reasonableness and appropriateness of a Performance Remediation Plan;
 - iv. the reasonableness and appropriateness of the Performance Improvement Plan;
 - v. the recommended remedial action for the unsatisfactory final assessment of the Performance Improvement Plan.

The process of appeal is as follows:

1. All appeals submitted in writing to the Committee must state fully the grounds upon which the appeal is based. This written appeal must be filed with the Committee within 10 University working days after receipt of the unsatisfactory final assessment of the Performance Improvement Plan.
2. When considering appeals, the Committee will act as a committee of the whole. The Committee must render a decision on the appeal. A final decision requires a majority vote of the whole Committee. If only a simple majority of the Committee is present, the vote must be unanimous. The Chair shall be a voting member of the Committee. To avoid conflicts of interest, members of the Committee shall not serve on any other post-tenure review committee during their term. Although committee members may recuse themselves if appropriate, a majority of the whole Committee still will be required for a decision to be rendered. Electronic voting is not permitted after the meeting. Proxies and absentee votes are never allowed.
3. Once an appeal is filed, the Committee may conduct an oral hearing and must do so upon written request from an appellant. In addition to the written appeal and the full record, the Committee may hear and consider oral testimony from the appellant as well as other individuals called by the appellant and/or the Committee who may help clarify the case. The appellant has a right to be accompanied by an advisor, such as an attorney, of their own choosing during the hearing. The burden is on the appellant's school or college to demonstrate the integrity and fairness of the unit's processes and the reasonableness and

appropriateness of the Performance Improvement Plan, Performance Remediation plans, and/or remedial action.

4. If a majority of the Committee's members vote that the integrity and fairness of the post-tenure review unit's processes were compromised, the Performance Improvement Plan and/or remedial action was inappropriate or unreasonable, and/or the final assessment injudicious, the decision of the post-tenure review unit will be reversed. Otherwise, the decision of the post-tenure review unit is affirmed. The Chair of the Committee must communicate the decision (including all votes) electronically in writing to the appellant, the dean, and members of the post-tenure unit within 5 working days of the votes. The decision, including the votes, the appeal, and all associate documentation shall be placed in the appellant's permanent file. Copies of all materials and the decision will be shared with the Office of the Provost.
5. The Chair of the Committee must communicate the decision (including all votes) electronically in writing to the appellant, the dean, and members of the post-tenure unit within 5 working days of the votes. The decision, including the votes, the appeal, and all associate documentation shall be placed in the appellant's permanent file. Copies of all materials and the decision will be shared with the Office of the Provost.

AAUP Standards on Academic Freedom, Tenure, and Dismissal Proceedings*	UGA Post-tenure Review Policy, AAPM 1.06-4; FPTRAC Bylaws & Operating Policy**
Hearing before a faculty committee	Oral hearing before elected faculty committee
Statement of the grounds for the proposed dismissal	Statement of the grounds on which appeal is based
Committee elects chair	Committee elects chair
Testimony of witnesses and other evidence allowed	Oral testimony and other evidence allowed
Assistance of counsel or representative allowed	Right to be accompanied by advisor or attorney
Right to confront and cross-examine witnesses	[Not specified]
Recording or transcription of the hearing	[Not specified]
Decision based solely on the hearing record	[Not specified]
Burden of proof on the institution by clear and convincing evidence	Burden of proof on the institution regarding grounds for and recommended remedial actions
Faculty member and president notified of decision in writing	Faculty member, dean, provost, and PTU members notified of decision in writing
Applies to dismissal proceedings	Applies to any recommended remedial actions

* AAUP Recommended Institutional Regulations on Academic Freedom and Tenure, <https://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>; Statement on Procedural Standards in Faculty Dismissal Proceedings; <https://www.aaup.org/report/statement-procedural-standards-faculty-dismissal-proceedings>

** UGA University Council Motions, <https://apps.reg.uga.edu/UniversityCouncil/motion/showMotion/1406>; <https://apps.reg.uga.edu/UniversityCouncil/motion/showMotion/1407>; <https://apps.reg.uga.edu/UniversityCouncil/motion/showMotion/1409>; <https://apps.reg.uga.edu/UniversityCouncil/motion/showMotion/1410>.

Prepared by Professor Elizabeth Weeks, Associate Provost for Faculty Affairs

Proposed Revision
Faculty Post-Tenure Review Appeals Committee Operating Procedures

- C. The Faculty Post-Tenure Review Appeals Committee, hereafter referred to as the Committee, shall prepare and review procedures for handling appeals, protect academic freedom and academic due process, and ensure compliance with the University's Policy for Review of Tenured Faculty.
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reasonableness and appropriateness of the Performance Improvement Plan, Performance Remediation plans, and/or remedial action.

4. If a majority of the Committee's members vote that the integrity and fairness of the post-tenure review unit's processes were compromised, the Performance Improvement Plan and/or remedial action was inappropriate or unreasonable, and/or the final assessment injudicious, the decision of the post-tenure review unit will be reversed. Otherwise, the decision of the post-tenure review unit is affirmed.
5. The Chair of the Committee must communicate the decision (including all votes) electronically in writing to the appellant, the dean, and members of the post-tenure unit within 5 working days of the votes. The decision, including the votes, the appeal, and all associate documentation shall be placed in the appellant's permanent file. Copies of all materials and the decision will be shared with the Office of the Provost.