

FACULTY APPOINTMENT AND PROMOTION APPEALS POLICY AND PROCEDURES

This Policy applies to appeals of actions on appointment or promotion by the Committee on Appointments and Promotions, subject to CCLCM Policy and Procedures for Faculty Appointment and Promotion.

I. Policy and General Guidelines for Appeals

- A. This Policy establishes procedures available to an unsuccessful candidate for appointment or promotion to the faculty of the CCLCM who believes that he/she has been wrongfully denied by the CCLCM Committee on Appointments and Promotions.
- B. Grounds for an appeal are:
 - 1) Unlawful discrimination on the basis of sex, age, race, religion, national origin, disability or other grounds protected by State or Federal law;
 - 2) Error based on personal prejudice against the candidate, the sexual orientation of the candidate or any other factor not appropriate under CCLCM policies;
 - 3) Mistaken review of a dossier resulting in failure to identify a credential satisfying a requirement for appointment or promotion; or,
 - 4) Failure to follow established CCLCM procedures in appointment or promotion matters.
- C. An appeal may not rely upon recent accomplishments or other changes in a candidate's curriculum vitae that occurred after the established deadline for submission of materials for review. A candidate who appeals may not submit materials which were available at the time of application but were not included in the curriculum vitae due to failure of the candidate to maintain an up-to-date curriculum vitae.
- D. For any appeal, the candidate must provide written documentation stating why he/she believes that proper procedures were not followed and/or his/her credentials were not properly evaluated. The documentation should include supporting materials as available. For example, if bias is alleged, evidence of bias should be outlined. Reasons for appeals should be specific and well-documented. The candidate's Department or Institute chair also shall be permitted to provide written documentation pertaining to the appeal.
- E. If an appeal of an appointment or promotion decision is made to the Executive Dean, as described below, and appointment or promotion is subsequently denied at any level of review allowed by this Policy the candidate may choose to self-initiate their application and request it be forwarded to CWRU for higher review.

II. Appeal of Recommendations of the CCLCM CAP

- A. A request for review of the decision denying appointment or promotion of the CAP must be communicated in writing to the Executive Dean within twenty (20) working days after the individual nominating the candidate was informed, in writing, of the CAP's decision against appointment or promotion.
- B. The Executive Dean and Chairman of the CAP will review the candidate's appeal, gather information and investigate allegations made in the appeal. Additional relevant information concerning evaluation procedures and the candidate's allegations may be requested of the candidate and other sources. After reviewing the file, the Executive Dean will determine

whether to refer the candidate's appeal to the Appeals Committee. By forwarding the credentials to the Appeals Committee, the Executive Dean is not endorsing the candidate's request for appointment or promotion or indicating support for the candidate's allegations.

- C. If the Dean determines that forwarding the candidate's credentials to the Appeals Committee is unwarranted, the appeal is denied and the Executive Dean will so notify the candidate. The candidate may then choose to self-initiate their application and request it be forwarded to CWRU for higher review.

III. Appeals Committee

- A. If an appeal is deemed warranted, the Executive Dean will forward the candidate's appeal letter, dossier, and other relevant information to the Appeals Committee.
- B. The Appeals Committee will be appointed, as provided below, within 10 business days of the decision to allow the appeal to go forward.
- C. The Appeals Committee will consist of five members (all full professors), including a chairperson appointed by the Executive Dean and four other members of the CCLCM faculty, two of whom are current members of the CCLCM CAP but were not the primary or secondary reviewers of the candidate's failed application. The candidate may submit a written request to the Dean, with full explanation, requesting replacement of one or more members of the Committee due to perceived bias. The Executive Dean will decide whether to replace these members and has the final say on the composition of the Committee.
- D. The first meeting of the Appeals Committee normally will be held within 10 business days after it is constituted. Hearings will be closed and the proceedings will be informal. The Appeals Committee shall review the candidate's credentials, may elect to interview the candidate, and may seek its own internal and extramural evaluations of the candidate's credentials. If desired, the candidate will have the opportunity to plead his/her case in person to the Committee and may represent himself/herself, or be represented by another member of the CCLCM faculty or Department or Institute Chair. If the basis of the appeal is a "mistaken review", then the Appeals Committee must make the decision to appoint or promote based only on the material available to the CCLCM CAP at the time of its review. The deliberations and formulation of the final recommendation of the Appeals Committee are closed to the candidate and the candidate's representative.
- E. The Appeals Committee will report to the Executive Dean with a written and documented recommendation as to whether the candidate should be appointed or promoted, normally within 10 business days of the final Committee meeting. All notes, correspondence, and other records of members of the Appeals Committee shall be collected by the Appeals Committee Chairperson and retained by the Executive Dean's Office.
- F. The time limitations specified for actions of the Appeals Committee may be waived by joint agreement of the candidate and the Executive Dean or by the Executive Dean, acting alone, in the interest of giving full and complete consideration to the issues.

IV. Recommendation of the Appeals Committee.

- A. The Executive Dean will review the recommendation of the Appeals Committee and may review all files and records considered by the Appeals Committee.
- B. If the Executive Dean determines that appointment or promotion is not warranted, the candidate will be notified in writing, which shall constitute the CCLCM's final action. The candidate may then choose to self-initiate their application and request it be forwarded to CWRU for higher review.

- C. A positive recommendation by the Appeals Committee does not obligate the Executive Dean to recommend appointment or promotion. If the recommendation of the Appeals Committee is favorable to the candidate, and the Executive Dean determines that appointment or promotion may be warranted, the Executive Dean will forward the candidate's dossier to the Chairman of the CAP for forwarding to the Committee on Appointments, Promotion and Tenure of Case Western Reserve University School of Medicine.