

UNIVERSITY OF PITTSBURGH PROCEDURE 02-02-10

CATEGORY: ACADEMIC AFFAIRS
SECTION: Faculty Appointment and Tenure
SUBJECT: Faculty Reviews and Appeals
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PAGE(S): 13

I. PURPOSE

To establish the procedure for reviews of faculty appointments and appeals from appointment decisions. This includes provisions for both informal and formal mechanisms through which individuals may work together to seek resolution of their differences.

II. SCOPE

Examples include academic freedom, nonrenewal of contract, denial of tenure, or failure of promotion.

III. ADMINISTRATIVE RESPONSIBILITIES

A. Administrative Review Process

The Bylaws of the University and traditions of higher education affirm the general principle of self-governance for the faculty. In the University system of self-governance, the role of the departmental chairman (or divisional or program chairman) is critical. For a description of the role of chairman refer to Policy 01-03-08, School and Regional Campus Governance.

B. Chairman

The function of the chairman is at various times that of faculty leader, administrator, liaison between faculty and other groups, and formal convener of faculty gatherings. Where such positions do not exist, the dean performs comparable roles. It follows from this that informing the departmental chairman of all grievances, problems, and difficulties and meeting with him, in as formal or informal a manner as is agreed to be desirable and productive, are the essential first steps to the resolution of any grievance.

C. Dean

Should discussion with the chairman fail to resolve the problem, bringing the matter to the attention of the dean is the next step in the process. Some deans have formed committees to assist them in these matters.

D. Provost or the Senior Vice Chancellor for the Health Sciences

When a dean does not or cannot resolve an appeal or dispute, the Provost or the Senior Vice Chancellor for the Health Sciences remain available to discuss and attempt to resolve the concerns of the faculty members involved. On serious matters, the Provost or the Senior Vice Chancellor for the Health Sciences, may at his discretion, establish an Appeals Panel or other faculty panel to assist him in resolving a dispute. If advice of a panel is sought, the appellant must specify in writing the grounds of the dispute and the relief sought.

E. The University Senate Committee on Tenure and Academic Freedom

Consultation with the Senate Committee is separate from, and may be collateral to, the established administrative appeal procedures established herein.

A faculty member may at any time seek counsel from the University Senate Committee on Tenure and Academic Freedom (T AFC) concerning a grievance. In addition, the University administration may request the opinion or the advice of the Committee. Typically, a faculty grievance will involve some matter directly pertaining to, and adversely affecting the conditions of employment including academic freedom. A faculty member thus may seek the opinion of the Senate Committee on procedures applied in reference to matters such as the faculty member's nonrenewal of contract, denial of tenure, or failure of promotion.

The T AFC role complements formal appeals channels. It may contribute informally to the constructive resolution of faculty grievances regarding tenure and academic freedom, making a formal appeal unnecessary.

Additional information on other T AFC functions may be obtained from the Office of the University Senate.

IV. PROCEDURE

A. Evaluation for Faculty Contract Renewal or Promotion

1. Standards and Criteria

Every faculty member should become familiar with substantive and procedural standards generally employed in decisions affecting renewal and tenure, as published in the Policy Manual (Category 02, Section 02 - Faculty Appointment and Tenure). Any special standards adopted by the department, school, or other academic unit shall be brought to the faculty member's attention.

The minimum criteria for appointment and promotion to the various academic ranks are described in the Policy Manual (Category 02, Section 02 - Faculty Appointment and Tenure). Most schools and some departments have developed additional criteria for appointment, promotion, and tenure appropriate to their discipline. Copies of these are available in the office of the dean or department.

The work of the University requires a wide variety of talents, balanced among specialized fields. Because these needs change over time, the University must be capable of responding to these changes. Therefore, all recommendations of appointment and promotion not only must be evaluated in terms of the individual merits of the candidate but also must take into account the current standards of the relevant discipline or profession at large and the requirements of the candidate's department or school at the time of the recommendation and for the foreseeable future. Because it is necessary to retain flexibility within the anticipated resources of the University, the proportion of tenured to nontenured faculty must not rise to a level that would impair the University's or school's capacity to respond to changing demands for its services. When a faculty member becomes eligible for promotion with tenure, this factor may be important to those who participate in the decision on whether or not tenure will be awarded.

2. Evaluation Process

There will be periodic review by the chairman or dean (at least annually) of the faculty member's situation during the probationary service. There should be a record of that review, and the substance of that review should be provided in

writing to the faculty member. The faculty member will be advised of the time when decisions concerning renewal and tenure are to be made, and have the privilege of submitting material in order to ensure adequate consideration of questions of renewal and tenure.

The nontenured faculty member should seek advice and assistance from senior colleagues. The ability of senior colleagues to advise, assist, and ultimately to make a sound decision on renewal or tenure will be enhanced by an open opportunity for regular review of the qualifications of nontenured faculty members. A total separation of the senior faculty roles in counseling and evaluation will not likely be possible, but review of a faculty member can be presented by a colleague and received by the subject faculty member in such a manner as to assist the subject faculty member's professional development. The initial locus of consideration for faculty appointment is at the department or school level, by peers. However, concurrence by the dean and the Provost is required. In addition, only the Chancellor can award tenure.

A department or school may establish a promotion review committee in order to assist the chairman or dean in evaluating candidates for tenure, promotion, or renewal.

3. Notice of Nonrenewal

The notice of nonrenewal must be given to the faculty member in writing prior to the date specified by the statement on Appointment and Tenure policies (see Policy Manual, Category 02, Section 02 - Faculty Appointment and Tenure). The dean or departmental chairman should keep the faculty member informed of the status of the approval process.

In each case of renewal or nonrenewal of an appointment, the appropriate authority (i.e., departmental chairman or committee) will make a recommendation to the dean, which recommendation will be accompanied by a statement of factors supportive of the recommendation, together with any written material which the faculty member may have submitted. If it is the decision of the dean that the appointment should not be renewed, he will notify the faculty member of this decision in writing. Upon request, the faculty member will be advised orally of the reasons for that decision. The dean or the departmental chairman will, if the faculty member requests, provide the faculty member with a written statement of the reasons which formed the basis of the nonrenewal decision, as set forth below.

If the recommendation to the dean proposes that the faculty member should be reappointed and the dean decides that the faculty member should not be reappointed, all documentation must be forwarded to the Provost or the Senior Vice Chancellor for the Health Sciences for information or review. The Provost or the Senior Vice Chancellor for the Health Sciences will then instruct the dean as to the steps he should take.

4. Written Statement of Reasons

Upon request, the faculty member will receive written confirmation from the dean of the reasons given in explanation of nonrenewal.

The statement will be sufficiently specific to identify pertinent matters, such as school or departmental size and balance, or standards of performance which the faculty member has failed to achieve.

A faculty member's request for a written statement of reasons must be presented

to the dean within 30 days after receiving written notice of the decision not to reappoint. At the regional campuses, the campus president will discharge such functions as are here described to be those of deans.

5. Action by Senior Administrator

A dean may recommend to the Provost, the Senior Vice Chancellor for the Health Sciences, and through them, the Chancellor, that a faculty member be reappointed. Their consideration of that recommendation will conform to the aforementioned standards and criteria.

A dean has the authority to deny a faculty member's reappointment, but may only recommend reappointment. The Provost has authority for reappointment not involving the granting of tenure. The Chancellor has authority for reappointments which confer tenure. Thus, the Senior Vice Chancellor for the Health Sciences, for example, would review and recommend nontenured reappointments of faculty in the Health Sciences area to the Provost, and appointments with tenure to the Chancellor. If, in a school of the Health Sciences, the decision of the Senior Vice Chancellor for the Health Sciences is not to renew, promote, or recommend tenure, such decisions may only be appealed to the Chancellor, and not the Provost. However, concurrence of the Provost is required to renew, promote, and recommend tenure. The evaluation made by the Provost and the Chancellor in the respective cases will be based upon the same University-wide standards referenced above. Their evaluations will also be concerned with questions of overall policy, including changes in University mission. Should the Provost or Chancellor, as the case may be, decide not to reappoint, the faculty member will be provided with written notice of that decision, with the right to a written statement of the senior administrator's reasons, as described above, upon written request.

The faculty member will be afforded the opportunity to request that the senior administrator reconsider the nonrenewal decision. Any such request for reconsideration should describe the basis therefore. Other appeals are described in III.B., which follows.

B. Appeals from Decision of Nonrenewal or Denial of Promotion or Tenure

1. Appeals Within Academic Units

Any school or regional campus may adopt internal procedures for reviewing its nonrenewal decisions, so long as such procedures are consistent with University-wide procedures.

Any school that chooses to establish an appeals panel to hear cases involving decisions not to promote, reappoint, or grant tenure may do so, if the practices established conform to the underlying principles of the procedures described herein. In such cases, the school should submit its proposed procedures in writing to the Provost for his approval.

Appeals Panels must be established in a responsible manner to ensure that a fair panel without prejudice or prior involvement in that faculty case is selected.

To be effective, any such internal review procedures must not have the effect of unreasonably postponing the final resolution of a faculty member's appointment; nonrenewal may be unpleasant, but indecision serves neither the faculty member nor the University.

If a school believes that it has too few tenured faculty who were not already involved in a tenure case to establish a fair and objective pool of persons to constitute a properly disinterested panel to hear that case, that school should so notify the Provost. For such schools, an Appeals Panel drawn from faculty of other schools will be established by the Provost.

2. Matters for Review by an Appeals Panel

The purpose of the hearing by the Appeals Panel is to decide on the basis of evidence put before it whether the decisions by the department, the review committee, and the dean were reasonable. The Appeals Panel shall also seek to determine whether there were any inadequacies or improprieties in the treatment of the aggrieved faculty member's case, and, if there were such inadequacies or improprieties, whether these were of such moment as to have prejudiced the outcome of the case.

On many issues, an Appeals Panel can operate initially on an informal, fact finding and mediating basis, as follows:

a. Allegations of Academic Freedom Violations or Discrimination

If a faculty member who has requested and received a written statement of reasons for nonrenewal alleges a violation of academic freedom or discrimination on the basis of race, national origin, or sex, he may institute proceedings for an Appeals Panel. The Panel's functions may first be:

- (1) to determine whether or not the notice of nonreappointment constitutes on its face a violation of academic freedom or an act of discrimination
- (2) to seek to settle the matter by informal methods, and if no accord is reached, then
- (3) to decide whether the evidence submitted in support of the petition warrants their decision that a formal proceeding should be conducted, with the burden of proof resting upon the complaining faculty member

b. Allegations of Inadequate Consideration

A faculty member who requests and receives a written statement of reasons may institute proceedings for review of nonreappointment by alleging that the appropriate faculty body gave inadequate consideration to the case. The Panel's functions may be:

- (1) to determine whether the decision was preceded by adequate consideration by the appropriate faculty body, in terms of the relevant standards (but the Panel will refrain from substituting its judgment on the merits for that of the faculty body), and if it finds that inadequate consideration was given to the faculty member's qualifications, then
- (2) to request reconsideration by the faculty body (the Panel will indicate the respects in which it believes the consideration may have been inadequate), and in all cases
- (3) to decide whether the evidence submitted in support of the petition warrants their decision that a formal proceeding should be conducted, with the burden of proof resting with the complaining faculty member

If the above preliminary steps do not resolve the case in academic freedom or discrimination charges, and for appeals based on allegations not covered by 2.b., the Appeals Panel will move into its formal proceedings.

3. Establishment of Appeals Pools and Appeals Panels

- a. Establishment of the Appeals Pool in each school shall be by a means that ensures election of persons who are tenured to be available to serve on Appeals Panels. They will be elected by their departments (or on a school-wide basis) by all tenure-stream faculty.
- b. If a school elects to not establish its own Appeals Pool, a central Appeals Pool will be available so that faculty from one school may serve on individual Appeals Panels for faculty in other schools. These central Appeals Panels will function as surrogate school-level Appeals Panels, and make it possible for smaller schools to allow their faculty to appeal to a panel of tenured faculty who have not been involved in earlier deliberations.
- c. All schools of the University that do not establish their own school-level Appeals Panels as approved by the Provost will be considered to be subject to the central Appeals Pool, from which individual Appeals Panels will be drawn.
- d. The central Appeals Pool will be composed of all full-time tenured faculty of the schools that do not have an approved school-level Appeals Pool. As a general practice, faculty who are considered primarily administrators, with the rank of chairperson or higher, will not be included in the central Appeals Pool. Faculty on leave of absence or sabbatical also will be excluded.
- e. Faculty who serve on appeals or grievance panels will be excluded from the central Appeals Pool for a period of three years following the date of filing the Panel report. Faculty in the school where an appeal originates are not eligible to be part of the Pool for the selection of that panel.
- f. To select members of the central Appeals Pool to serve on any individual Appeals Panel, the Secretary of the University will advise the faculty member and the dean involved of the date, hour, and place at which the secretary will draw eleven names by lot (deleting any names drawn from the Appellant's school) from the names of the central Appeals Pool. Both parties or their representatives may witness this drawing. Each party may choose to challenge up to two names so drawn until seven remain. If four names are not challenged, the Secretary of the University will draw seven names from the names remaining, and the first five will constitute the Appeals Panel, and the remaining two will serve as alternates.

Appeals Panels chosen as described above will be considered as surrogate school-level Appeals Panels, even though drawing upon faculty outside the school involved and even though the process is facilitated by the Provost.

- g. Procedure for faculty appeals to address cases in which discrimination is alleged and the appeals panel drawn by lot in accordance with 3.f. does not include a member of that class which is the basis of the discrimination charge. The procedure will apply only:

when an appellant alleges discrimination as one of the basis of appeal and the appellant is a member of one of the following three protected classes: women, minorities, and handicapped persons. "Minorities" include four subclasses: Blacks, Hispanics, Asian/

Pacific Islanders, and American Indian/Alaskans

when no one of the normally chosen members of the panel is a member of the class which serves as the basis of the allegation of discrimination

- (1) When requested by an appellant, two additional tenured nonvoting members will be added to the appeals panel. These two additional members will be selected from a University-wide pool of persons who are members of the class which serve as the basis of discrimination and who did not have previous involvement in this case.
 - (a) Such pools will be constructed by the University Affirmative Action Office from the names of people who declare themselves to the Affirmative Action Office to be members of one or more of those classes, and agree to have their names in such a pool to serve as panel members.
 - (b) Four separate pools of minorities will be constructed by the University Affirmative Action Office; that is, pools of Blacks, Hispanics, Asian/Pacific Islanders, and American Indian/Alaskans. If an appellant is a member of a minority subclass which does not contain at least four persons in the specially constructed pool, the appellant will have the option of having members of other minority subclasses as nonvoting members of the Appeals Panel.
- (2) The additional nonvoting members of the appeals panel will be chosen by lot from the specially constructed pools. Six names will be drawn. The appellant and administrative officer involved will each have the right of one challenge as follows: If no challenge, or one challenge occurs, the first two nonchallenged names will be the regular members, and the next two names chosen will be the alternates.
- (3) The two additional nonvoting members will participate in all deliberations of the panel, and will provide a written report to the Provost or the Senior Vice Chancellor for the Health Sciences on issues relating to the allegation for discrimination.

4. Procedures for Appeals Panels

a. Calling the Hearing

- (1) When a faculty member has received written notice of nonrenewal or nonpromotion, and wishes to appeal that decision, he may elect either of two courses of action:
 - (a) He may ask for a reconsideration of his case by the Dean of his school. Such a request must be made within 30 days of receipt of the notice of nonrenewal or nonpromotion; and the faculty member may accompany his request with any additional materials in support of his case he may wish to submit. This consideration must be completed within 90 days of its request. If, upon reconsideration of the faculty member's case, the dean reaffirms the original decision, he shall so notify the faculty member and, on the request of the faculty member, he shall furnish the faculty member with a written statement of reasons for nonrenewal or nonpromotion within 90 days of the original request for reconsideration. If the faculty

member has reason to believe he has been treated unjustly, he may request a formal hearing by an Appeals Panel.

- (b) He may elect not to ask for reconsideration but may, instead, immediately request that the Dean of his school provide him with a written statement of reasons for nonrenewal or nonpromotion. Such a request must be made within 30 days of receipt of the notice of nonrenewal or nonpromotion; and the written statement or reasons for nonrenewal or nonpromotion must be furnished to the faculty member within 14 days of his request. If the statement is not provided within 14 days, the faculty member may then request that an Appeals Panel be constituted.
- (2) Upon receiving a written statement of reasons for nonrenewal or nonpromotion, the faculty member has 30 days in which to submit to the Dean of his school for a hearing, stating the grounds for the appeal.
 - (3) The Dean of his school shall inform the Secretary of the Appeals Pool (group of tenured faculty selected and available to serve as members of Appeals Panels for that school) or the Provost that a hearing has been requested. The Secretary of the Appeals Pool (or the Secretary of the University, if that school does not have an Appeals Pool), in the presence of the aggrieved faculty member and the dean, shall choose members (see 3.f. above) of the school Appeals Pool (or the central Appeals Pool) to serve as an Appeals Panel in the case. No member of the aggrieved faculty member's department, nor of any review committee that has previously considered the faculty member's case, shall serve on the Appeals Panel. A member of an Appeals Pool who has served on an Appeals Panel in a given year may not normally serve again in the same year until all other members have served. This Appeals Panel shall normally be convened within 30 days of the faculty member's request, and in no case later than 60 days following such request.
 - (4) These hearing procedures shall not be used to handle grievances concerning salary, teaching, assignments, or other aspects of work load unless they are related to allegations of inadequate consideration, academic freedom violations, or discrimination affecting tenure or appointment.
 - (5) These hearing procedures may be used to review an actual decision not to promote a tenured associate professor but may not be invoked if there had not been a prior evaluation at the departmental level.

b. Panel Procedures

- (1) Each Appeals Panel shall elect a chairman and keep an account of its proceedings. This shall be stored in the Office of the Provost for as long a period of time as the University Counsel may specify.
- (2) The Appeals Panel may request the department chairman concerned and the dean to give testimony. If the case has been previously considered by a review committee, a copy of the review committee's report shall be furnished to the Appeals Panel, and the Appeals Panel may ask the chairman of the review committee to give testimony.
- (3) The appellant has the right to present documents, evidence, supporting

testimony, and advocates in his behalf. The aggrieved party shall also have the right to receive a summary of the substance of other materials presented as evidence or testimony in the case, but the source of such materials shall remain confidential.

- (4) The Panel will meet in closed session. When appearing before the Panel, the appellant may be accompanied by one advocate or observer of his choice.
- (5) All witnesses will appear individually and in closed session.
- (6) During those sessions in which they appear, witnesses will be allowed to make an oral presentation and members of the Panel may question the witnesses.
- (7) The Panel reserves the right to limit the length of the oral presentation made to the Panel by each witness. Witnesses may present additional testimony in writing.
- (8) The Panel requests the appellant to submit a list of witnesses he would like the Panel to hear, together with a brief statement of the topic(s) each witness will wish to discuss. The Panel has the right to limit the number of witnesses who, in their judgment, would give similar testimony.
- (9) It is University policy that deliberations concerning personnel actions remain confidential. In order to conform to this policy the Panel will not admit media or tape recorders to any sessions of the proceedings. Any evidence for the record should be submitted in writing. Further, members of the Panel will make no public statement regarding this appeal prior to submission of the final report of the Panel.

5. Action by the Appeals Panel

The Chairman of the Appeals Panel shall submit the findings of the Appeals Panel in writing to the Provost, together with the written record of the Panel's proceedings. The findings shall be in the form of a summary of determination of the facts, accompanied by one of the following recommendations:

- a. that the dean's decision be allowed to stand
- b. that the case be reconsidered at the departmental or school level
- c. that the Provost ask the dean to reconsider his decision
- d. that the Provost reconsider the dean's decision

A copy of the findings shall be provided by the chairman of the Appeals Panel to the dean, the chairman of the department concerned, and the aggrieved faculty member.

The timeliness of nonrenewal shall be considered to be adequate if the original notification was sent within the required period even if requests for consideration, for written reasons, or for a hearing are made after the required period for notification.

C. Appeals from Decisions of Nonrenewal for Non-Tenure-Stream Faculty

1. Notice of Nonrenewal

The notice of nonrenewal must be given to the faculty member in writing prior to the date specified in the Policy Manual (Category 02, Section 02 - Faculty Appointment and Tenure).

2. Written Statement of Reasons

A faculty member may request from the dean a written statement of reasons for nonrenewal within two weeks of receipt of the written notice of nonrenewal.

3. Grounds for Appeal

The two grounds for appeal of a decision not to renew a faculty member's contract are:

- a. a violation of academic freedom or discrimination
- b. inadequate consideration

The second ground may be invoked only by those who have had two full years of continuous service.

4. Appeals Procedure

A faculty member wishing to appeal must apply to the Provost within two weeks of receiving a written statement of the reasons for nonrenewal.

Upon examining the evidence presented by the appellant, the Provost will either convene an Appeals Panel to make a full investigation of the charges or may report to the appellant that he or she has produced insufficient evidence of an improper ground for nonrenewal to warrant further investigation of the charges.

The Appeals Panel shall follow the same procedure in these cases as it would if a tenure stream, nonrenewal decision were being reviewed. The Appeals Panel shall make as expeditious a review of the charges as is practicable under the circumstances, recognizing the shortened time available for review.

D. University Hearing Board

Upon completion of review by an Appeals Panel and final action by the Provost (or Senior Vice Chancellor for Health Sciences), a faculty member may submit to the Chancellor a request that formal review proceedings be initiated under the By-Laws of the Board of Trustees of the University.

A request for such a review must be submitted in writing to the Chancellor who will make the determination whether the request for a formal hearing should be granted or denied. The nature of the issues involved (and particularly their relation to academic freedom and nondiscrimination) and the nature of the report and findings of an Appeal Panel are among the factors that may be considered in acting upon the request. If the faculty member's request for formal review is granted, hearings will be held before a committee selected in accordance with procedures set forth below. Such hearings will be conducted in accordance with principles applicable to hearings involving termination of appointments for cause, provided, however, that the burden of persuasion will be upon the complaining faculty member.

1. A Hearing Board hears the faculty member's appeal, and reports to the Chancellor and the Chairman of the Board of Trustees.
2. Such a hearing board must be convened in cases of a tenured member of the faculty, but is discretionary with the Chancellor in cases of nonrenewal of appointment. Such application may be made only upon completion of all prior proceedings, and within 30 days of receipt by the member of the faculty of written notification of the decisions following the prior proceedings. It must set out with specificity compelling reasons to believe that there has been an unfair practice with regard to failure to reappoint. The faculty member may withdraw his appeal at any time in this process.
3. Termination of any appointment or other action short of termination may be made for cause. The University recognizes the right of the individual concerned to be informed in writing of the reasons his dean or other administrators request the termination of his appointment; the right of the individual to respond to that statement in writing; and the duty of the University to sustain the burden of establishing cause as stated. Prior to taking final action to terminate the faculty member's appointment, the Chancellor will request advice from a Hearing Board.
4. The procedure for selecting the membership of the Hearing Board is as follows:
 - a. The Hearing Board will be composed of five members of the faculty, selected from the elected faculty on the Senate Council, and a chairman appointed by the Chancellor who may, but need not be a member of the faculty. The chairman may not vote on the outcome, but otherwise may participate fully in the proceedings
 - b. When a Hearing Board is needed, the Chancellor shall ask the President of the Senate to select twelve nominees from among the elected faculty on the Senate Council. The faculty member and the senior administrator involved shall each have three preemptory challenges against any of the twelve persons selected, and the Clerk of the Senate shall reduce the list by lot to five names
5. The Hearing Board shall transmit its findings to the Chancellor and to the Chairman of the Board of Trustees for consideration and action by the Chancellor after review of the process by an appropriate committee of the Board of Trustees.
6. The burden of proof before such Hearing Board in a case of nonrenewal shall be upon the individual faculty member to prove that such unfair practice as claimed has taken place.
7. In a case of nonrenewal where charges are brought by the individual faculty member, normally the dean (rather than the department, the chairman or any individual faculty member) shall be considered the responding party.
8. The Hearing Board shall be conducted with due regard for procedural rights, including but not limited to counsel and cross-examination, adherence to reasonable rules of evidence, a written record of testimony, and a written opinion by the Board. In addition, it should be noted that observers may be present only if individually agreed to by both sides. Further rules and interpretations may be made by the Hearing Board.
9. Upon receipt of a final written report from the Hearing Board, with its findings and recommendations for disposition of the case, the Chancellor shall determine what further action is required.

10. If the Hearing Board recommends that the University not reappoint an individual; on receipt of the written findings of the Hearing Board by the Chairman of the Board of Trustees, the Chairman will appoint a special committee of the Board of Trustees to review the written record to determine whether due process has been afforded the faculty member, determine whether the conclusions of the Hearing Board are consistent with the testimony, and whether the action recommended is in keeping with the conclusions of the Hearing Board. The Trustee Committee receives no new testimony, nor are witnesses heard, and its meetings are closed. Its report will be provided to the Chairman of the Board, the Chancellor, the dean, and the faculty member.

11. The Chancellor shall act in each case in accordance with the provisions in the By-Laws that, "The power of appointment and correlative power of dismissal of any member of the faculty are committed to the Board of Trustees. However, it is the policy of the Board to delegate those powers to the Chancellor and Chief Executive Officer as head of the University Faculty, who may redelegate these powers except in the case of tenured faculty." The Chancellor shall take into account the recommendation of the Provost or Senior Vice Chancellor concerned and, when the appointment is to any school, the dean of that school. The dean, in turn, shall take into account the recommendation of the chairman of the departments and the faculty concerned.

The Chancellor shall take such action as is appropriate with due consideration of the findings and recommendations of the Hearing Board, and consistent with the information provided by the Committee of the Board of Trustees. Such action constitutes exhaustion of the University appeals procedures.

V. REFERENCES

[Policy 01-03-08, School and Regional Campus Governance](#)

Faculty Appointment and Tenure Policies, Category 02, Section 02

[Policy 02-02-10, Faculty Reviews and Appeals](#)

University of Pittsburgh of the Commonwealth System of Higher Education - BYLAWS, Chapter II, Article II, Section III, Paragraph D, "Termination of Appointment for Cause," adopted by the Board of Trustees, January 14, 1969 as amended