



Technical Revisions to the University of Maryland, College Park Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00[B])

Table with 2 columns: Category and Value. Categories include PRESENTED BY, REVIEW DATES, VOTING METHOD, RELEVANT POLICY/DOCUMENT, and NECESSARY APPROVALS.

ISSUE

In spring 2018, the University Senate and the President approved revisions to the University of Maryland, College Park Policy on Appointment, Promotion, and Permanent Status of Library Faculty (see Senate Document #16-17-28 for more information).

RECOMMENDATION(S)

The technical revisions are provided for informational purposes.

COMMITTEE WORK

N/A

ALTERNATIVES

N/A

RISKS

N/A

FINANCIAL IMPLICATIONS

N/A



**II-1.00(B) UNIVERSITY OF MARYLAND POLICY ON APPOINTMENT, PROMOTION, AND PERMANENT STATUS OF LIBRARY FACULTY**  
(Revised by the Library Faculty Assembly on November 30, 2006; Approved by the President on March 15, 2007; Technical Amendments on August 1, 2008; Technical Amendment Section V.B July 1, 2009; Amended May 2, 2018; **Technical Amendment October 22, 2019**)

**PURPOSE OF THIS POLICY**

Librarians at the University of Maryland (UMD) hold faculty status and as such are colleagues of the academic teaching faculty in fulfilling the educational mission of the University: by providing academic support for research and teaching, by helping to move the university forward in the digital age, by making their own professional and scholarly contributions, and by providing public service to the state and the nation in ways embodying the best traditions of outstanding land-grant universities.

University of Maryland library faculty apply professional, scholarly, and disciplinary knowledge in a series of related functions: selecting, acquiring, and organizing scholarly information; teaching in both formal and informal settings; and providing organization and management of the staff and resources that facilitate access to scholarly information and library services for our users according to the mission of the University Libraries.

The faculty have an obligation to remain professionally informed, to pursue the discovery of new knowledge related to their field of expertise, to disseminate the results of their scholarly work, and to seek opportunities for service to the Libraries, the University, the state, the nation, and the profession.

The **Policy on Appointment, Promotion, and Permanent Status of Library Faculty** exists to set the standards and procedures for appointment and promotion to the various librarian faculty ranks and to recognize and encourage the achievement of excellence on the part of the library faculty members through the awarding of permanent status and through promotion within the library faculty ranks. This policy is derived from the “University of Maryland Policy and Procedures on Appointment, Promotion, and Tenure of Faculty” (II-1.00 [A]) but is adapted for library faculty. The **Guidelines for Appointment, Promotion, and Permanent Status of Library Faculty** (hereafter *Guidelines*) contain the procedures governing the preparation of dossiers and specific details of the review process.

**I. LIBRARY FACULTY RANKS**

Each librarian within the UMD Libraries' organizational structure holds a functional position title based on the librarian's core assignment. In addition, each librarian holds a faculty rank commensurate with the librarian's level of professional experience and achievement. Each rank requires a master's degree from an American Library Association accredited program or a graduate degree in another field where appropriate. The master's degree is considered the

terminal degree. Appointments to these ranks are for 12 months with leave and other benefits provided to twelve-month tenured/tenure track faculty members with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

Permanent status is an institutional commitment to permanent and continuous employment to be terminated only for adequate cause (for example, professional or scholarly misconduct, incompetence, moral turpitude, or willful neglect of duty), affording due process, and in accordance with relevant USM and campus policies (see II-1.00 University System Policy on Appointment, Rank and Tenure of Faculty at II.A.1 and II.C.5, and II-1.00[A] University of Maryland Policy and Procedures on Appointment, Promotion, and Tenure of Faculty at I.E, I.F.10, and I.F.12). Librarians at the rank of Librarian I and Librarian II are not eligible for permanent status. Permanent status is available for library faculty holding the rank of Librarian III and Librarian IV. Those candidates from within the University without permanent status applying for the rank of Librarian III and Librarian IV shall be considered concurrently for permanent status. Permanent status decisions will be based on the candidate's entire career. The candidate's record must demonstrate consistency of job performance, continuing development, significance of contributions, and potential for continued excellence and professional growth.

The following shall be the minimum qualifications for appointment or promotion to the library faculty ranks in use by the University of Maryland Libraries.

### **Librarian I**

This is an entry-level rank, assigned to librarians with little or no professional library experience, but who have been judged to have demonstrated an understanding of the basic tenets of librarianship and a potential for professional growth. This rank does not confer permanent status.

### **Librarian II**

Librarians at this rank have demonstrated professional development evidenced by achievement of a specialization in a subject, service, technical, administrative, or other area of value to the library. Normally, this rank requires a minimum of three years of professional experience, plus achievements in service, research, scholarship, and/or creativity befitting the rank. This rank does not confer permanent status<sup>1</sup>. Librarian II is equated with the rank of Assistant Professor.

### **Librarian III**

Librarians at this rank have demonstrated a high level of competence in performing professional duties requiring specialized knowledge or experience. Normally, this rank requires a minimum of six years of professional experience, three of which must be at a level comparable to the rank of Librarian II, plus achievements in service and research, scholarship, and/or creativity befitting the rank. Librarians at this rank shall have been involved in mentoring and providing developmental opportunities for their colleagues and shall have shown promise of continued productivity in librarianship, service, and research, scholarship, and/or creativity. Promotion to this rank from within the Libraries confers permanent status; appointment to this rank from outside the Libraries may confer permanent status. Librarian III is equated with the rank of Associate Professor.

## **Librarian IV**

Librarians at this rank have demonstrated superior performance at the highest levels of specialized work and professional responsibility. Normally, this rank requires a minimum of nine years of professional experience, at least three of which must be at a level comparable to the rank of Librarian III, plus achievements in librarianship, service, and research, scholarship, and/or creativity befitting the rank. Librarians at this rank have shown evidence of and demonstrate promise for continued contribution in valuable service and significant creative and/or scholarly contribution. Such achievement must include leadership roles and have resulted in the attainment of recognition in the Libraries and at the campus, state, regional, national, or international level. This rank confers permanent status. Librarian IV is equated with the rank of Professor.

## **Affiliate Librarian II, Affiliate Librarian III, and Affiliate Librarian IV**

These titles shall be used to recognize the affiliation with the Libraries of a university staff or faculty member from an academic or administrative unit to which the staff or faculty member's appointment and salary are formally linked. The nature of the affiliation shall be specified in writing, and the appointment shall be made upon the recommendation of the Appointment, Promotion, and Permanent Status Committee (APPSC). The rank of affiliation shall be commensurate with the appointee's qualifications or academic rank within the primary unit.

## **Emerita, Emeritus**

The word emerita or emeritus after an academic title Librarian III or Librarian IV shall designate a library faculty member who has retired from full-time employment in the University of Maryland at the rank of Librarian III or Librarian IV after meritorious service to the University in the areas of librarianship, service, and research, scholarship, and/or creativity. The equivalent of at least ten years full-time employment as a member of the faculty at the University of Maryland is required for this rank. Only in exceptional circumstances may faculty with fewer than the equivalent of ten years of full-time service to the institution be recommended for emerita/emeritus status.

## **II. CRITERIA FOR APPOINTMENT, PROMOTION AND PERMANENT STATUS**

The criteria for appointment, promotion, and permanent status of library faculty reflect the University of Maryland Libraries' mission to provide access to and assistance in the use of scholarly information resources. These activities support the Libraries' primary role in serving the instructional, research, and public constituencies of the University. The factors to be considered in appointments, promotions, and permanent status decisions fall into three categories: (a) librarianship; (b) service; and (c) research, scholarship, and/or creativity. Candidates are expected first and foremost to demonstrate excellence in librarianship in their area of assigned responsibility. Each factor shall be considered in every decision.

### **A. Librarianship**

Librarianship at the University of Maryland is defined as selecting, acquiring, and

organizing-scholarly information; teaching in both formal and informal settings; and providing organization and management of the staff and resources that facilitate access to scholarly information and library services for our users. The candidate for appointment, promotion, or permanent status must demonstrate superior performance in the area of assigned responsibility and participation in the collaborative endeavors of librarianship.

## **B. Service**

Librarians shall demonstrate committed service, beyond their assigned area of responsibility, to the Libraries and the University, and within the library profession or an academic discipline. A strong service profile at the local, regional, national, and international levels is highly valued among library faculty but service shall not substitute for librarianship or for achievement in research, scholarship, and/or creativity. Service activity shall not be expected or required of library faculty who have not attained permanent status to the point that it interferes with the development of their librarianship.

## **C. Research, Scholarship, and/or Creativity**

Librarians shall demonstrate sustained and effective engagement in research, scholarship, or, in appropriate areas, creative activities. Research, scholarship, and/or creative activities include the discovery, integration, transmission, and engagement of knowledge through systematic inquiry that advances the field/discipline and contributes to the public good. Scholarship includes original contributions to relevant disciplines, and may include newer forms such as engaged scholarship, public scholarship, entrepreneurial projects, and interdisciplinary research, regardless of the medium of publication or execution. Scholarship may also include work in fields that are not yet fully formed, such as attention to populations that have not been previously investigated or previously unexplored phenomena. For all research, scholarship, and/or creative activities, the work must call upon the faculty member's academic and/or professional expertise, and will be evaluated based on the Libraries' criteria for excellence, including: peer review, impact, significance, innovation, and/or contribution to the effectiveness of libraries.

## **III. APPOINTMENT, PROMOTION AND PERMANENT STATUS COMMITTEE**

The Appointment, Promotion, and Permanent Status Committee (APPSC) is a standing committee of the Library Assembly, members of which are elected by the library faculty. The number of committee members and representation are detailed in **A Plan of Organization for the University of Maryland Libraries**. The APPSC has two major responsibilities. It is the sole faculty body to make recommendations on rank for new faculty appointed to the Libraries at the rank of Librarian I, II, and III without permanent status and on the promotion of Librarian I to Librarian II. In addition, the APPSC is the body that coordinates all activities related to promotion and permanent status for Librarian III and Librarian IV.

## **IV. PROCEDURES FOR THE APPOINTMENT OF LIBRARY FACULTY**

All announcements for library faculty vacancies shall state that applicants are expected to demonstrate potential for and/or proof of accomplishments in the areas of librarianship, service, and scholarly/creative activities.

New full-time appointments to the rank of Librarian IV carry permanent status. New full-time appointments to the rank of Librarian III may carry permanent status. If immediate permanent status is not offered, such appointments shall be for an initial period of up to four years and shall terminate at the end of that period unless the appointee is notified in writing that permanent status has been granted. A Librarian III who is appointed without permanent status shall receive a formal review for permanent status. The formal review must be completed no later than one year prior to the expiration of the appointment, and written notice must be given that permanent status has been granted or denied. Appointments carrying permanent status may be terminated at any time as described under II-1.00(A), paragraphs III.C.5-10. A candidate who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances such as a successful appeal (Section VII), shall receive no further consideration for permanent status.

APPSC serves as the faculty review committee (defined as the Advisory Subcommittee) for new appointments at the rank of Librarian III with permanent status; the Librarian IV members of APPSC coordinate the creation of the Advisory Subcommittee (ASC) for new appointments at the rank of Librarian IV. The ASC evaluates the applicants' records and writes an evaluative report recommending a rank. Seventy-five percent of the eligible faculty (Librarians III with permanent status and/or Librarians IV) shall constitute a quorum for the meeting to recommend rank at appointment. A positive recommendation requires a two-thirds majority of those voting. The ASC will write a report summarizing the vote and the recommendation and submit the report to the Dean of Libraries. The Dean shall submit a recommendation to the Provost through the Office of Faculty Affairs. Appointments to Librarian III and IV will be reviewed and approved by the Provost. The Provost shall annually appoint a body for university-level review of these faculty appointments to ensure fair and equitable processes. The Provost shall in turn submit a recommendation to the President. The evaluative report recommendations made at each level and other elements of the dossier such as external letters shall be forwarded for consideration by those at the next level, but otherwise shall remain confidential from the applicant and others in order to best elicit candor and aid the University in making a fair and impartial assessment.

## **V. PROCEDURES FOR PROMOTION AND PERMANENT STATUS REVIEW**

Reviews for promotion and permanent status shall be conducted according to the duly adopted written policies and procedures of the University. These procedures shall be published in the *Guidelines*.

Faculty review committees (defined as Advisory Subcommittees or ASCs) are a part of the review process. Review committees and administrators at all levels shall impose the highest standards of quality, ensure that all candidates receive fair and impartial treatment, and be responsible for maintaining the integrity and confidentiality of the review and recommendation process. The APPSC shall assign an Advisory Subcommittee for each application for permanent status and/or promotion to Librarian III or Librarian IV. Normally, each Advisory Subcommittee will have three members consisting of one librarian who is familiar with the work of the candidate, one librarian in a related field, and one librarian from anywhere in the Libraries. Each Advisory Subcommittee should reflect sufficient seniority in membership to ensure familiarity with the procedures and knowledge of the Libraries' goals and standards. The

APPSC may appoint additional outside members to an Advisory Subcommittee (i.e., academic faculty in a relevant department) where appropriate. If there are fewer than three eligible faculty members, the Dean shall appoint eligible faculty members from related departments to ensure that the review committee contains three persons.

Members of an Advisory Subcommittee must maintain absolute confidentiality in their consideration of cases. Outside of the committee meetings, members of the subcommittee shall not discuss specific cases with anyone who is not a member of the subcommittee. The membership of the subcommittee shall be made public at the time of the subcommittee's appointment. Every member of the campus community must respect the integrity of the appointment, permanent status, and promotion process and must refrain from attempting to discuss cases with subcommittee members or to lobby them in any way.

In decisions on permanent status and/or promotion to Librarian III and Librarian IV, library faculty eligible to vote are those librarians with permanent status at or above the rank for which the candidate has applied. Eligible faculty members are bound by the same requirements for confidentiality required of Advisory Subcommittees and the APPSC, and will also adhere to equity guidelines as prescribed in the University APT Manual (see "Equity and Fairness in the Review Process").

The following procedures and sequence of operations are to be followed by all candidates and by all committees. The procedures have been established to promote consistency from one year to the next and to guarantee full and fair hearings for all candidates.

#### **A. Applications for Promotion to Librarian II**

A library faculty member holding a full or part-time, non-temporary, non-contractual appointment at the University of Maryland Libraries at the rank of Librarian I must apply for promotion no less than three months prior to the third year anniversary of initial appointment. The timing of this mandatory review depends on the date of initial appointment and does not follow the fixed calendar for promotion to higher ranks. The letter of appointment for each Librarian I will state the date of the mandatory review. A candidate may request a delay of a promotion application for personal or professional circumstances or for the birth or adoption of a child, in accordance with University policy II-1.00(D). Requests to delay the promotion review must be submitted in writing to the APPSC and the Dean of Libraries by the deadline for the mandatory review. Extensions will be determined by the APPSC in consultation with the Dean of Libraries. Librarians who choose not to apply will have their appointments terminated at the end of their contract period. Review for promotion to Librarian II, like review of initial appointments to the ranks of Librarian I and Librarian II, is conducted by APPSC. Promotion to the rank of Librarian II becomes effective on July 1 of the next fiscal year following the completion of the review. Applications shall consist of the elements described in the *Guidelines*.

The application will be shepherded through the review process by a committee member assigned by the chair of the APPSC. The APPSC's recommendation is added to the dossier and forwarded to the Dean for the final decision on the application.

Before the beginning of the next fiscal year, the Dean will review the material in the dossier and send written notification to the candidate indicating the Dean's final decision. An appointee who has been notified that promotion to Librarian II has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section VII), shall receive no further consideration for promotion or permanent status. Copies of the Dean's written notification to the candidate regarding the final decision will be provided to the APPSC and the Libraries Human Resources. Following the decision, the dossier and all documentation related to the review shall be forwarded to the Dean's Office; all evaluative reports and recommendations shall remain confidential from the candidate and others.

**B. Applications for Promotion to Librarian III, for Promotion to Librarian IV, and for Permanent Status at the Rank of Librarian III**

The deadline for the initiation of the review for promotion to Librarian III is mandatory. Review for promotion to Librarian IV is neither mandatory nor automatic. Promotion to Librarian III from within confers permanent status. In accordance with the University System Policy on Appointment, Rank, and Tenure of Faculty (II-1.00), the review process leading to the granting of promotion to Librarian III and granting of permanent status shall be completed no later than the sixth year of continuous full-time employment. Permanent status can be awarded only by an affirmative decision based upon a formal review. Libraries Human Resources will communicate the mandatory promotion review date via the letter of appointment or promotion, as established in the Office of Faculty Affairs guidelines on tenure review dates. Candidates for promotion to Librarian III and candidates for permanent status at the rank of Librarian III must submit their materials or inform the APPSC and the Dean of Libraries in writing of their intent to resign by the beginning of the fiscal year in which the review is mandated. For information related to delaying the promotion review process, see Section E.

To be considered for promotion and/or permanent status, the library faculty member ordinarily will have the required minimum years of professional experience, plus a corresponding record of service and research, scholarship, and/or creativity, and must initiate the review process by submission of an application to the chair of the APPSC by the announced deadline. Credit for years of professional experience (defined as post-masters or equivalent professional employment) is counted as of the start of and is calculated back from the fiscal year in which promotion and/or permanent status would be granted, and can include relevant experience at other institutions. If granted, promotion becomes effective on July 1. Applications should consist of the elements described in the *Guidelines*.

In April, the chair of the APPSC will announce the deadline for submission of applications. APPSC will notify all candidates with mandatory review dates in the upcoming fiscal year, and will call for non-mandatory candidates to declare their intention to apply.

The Advisory Subcommittee appointed for a candidate will request letters of reference, other supporting documentation, and where appropriate, verify the authenticity of



documentation supplied by the candidate. There must be a minimum of six letters **requested** from external referees (outside the University of Maryland), three and at most one-half of the letters from referees chosen by the candidate and at least three from referees chosen by the Advisory Subcommittee.

The Advisory Subcommittee will review the documentation collected and prepare a Summary Statement of Professional Achievements, a factual and objective, not evaluative, summary of the candidate's accomplishments in relation to the factors. The purpose of the Summary Statement is to set forth the candidate's work in the context of the field. The APPSC will send a copy of the Summary Statement to the candidate for review and comment. The candidate must certify receipt of the Summary Statement by signing and returning the Summary Statement. The candidate has the option of submitting a response that corrects or amends the Summary Statement. The candidate's response is due to the APPSC two weeks after receipt of the Summary Statement. The Summary Statement of Professional Achievements and optional candidate's response both become part of the candidate's dossier.

The Advisory Subcommittee will decide on its recommendation and prepare an evaluative report that addresses each factor and discusses whether the candidate meets the requirements for promotion. If a member of the Advisory Subcommittee disagrees with the majority opinion expressed in the evaluative report, the member may prepare a minority report. The evaluative report(s) become part of the dossier.

The APPSC will call a meeting of eligible library faculty, allowing sufficient time for the faculty members to review the documentation. A quorum consisting of seventy-five percent of the eligible faculty must be in attendance. A candidate may not attend a meeting where the candidate's own application is under consideration. The Dean of Libraries may attend the meeting but does not vote. The faculty must maintain absolute confidentiality in their consideration of the cases.

The APPSC will call for a vote of eligible faculty. A two-thirds majority of those voting is required for a positive recommendation for permanent status and/or promotion. If the vote of the eligible faculty is not unanimous, dissenting faculty members may prepare a minority report, which will be forwarded to the Dean.

A member of the APPSC will prepare a written report stating the faculty's vote and recommendation on whether or not to grant permanent status or promotion and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussion. The report(s) will be forwarded to the Dean along with the Advisory Subcommittee summary statements, evaluative reports, and candidate's dossier.

The Dean will review the documentation and recommendation of the faculty and forward a recommendation to the Provost. Promotions to Librarian III and IV will be reviewed and approved by the Provost. The Provost shall annually appoint a body for university-level review of these faculty promotions to ensure fair and equitable processes. The Provost and the President shall confer about the case, and the Provost shall transmit a recommendation and a written justification to the President. The President will send written notification to the candidate and provide a copy of the notice to the Dean, the

APPSC, and the Libraries Human Resources. An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section VII), shall receive no further consideration for permanent status. Following the decision, the dossier and all documentation related to the review shall be forwarded to the Office of the Provost; all evaluative reports and recommendations shall remain confidential from the candidate and others.

### **C. Reappointment Review**

A Librarian II who does not apply for promotion by the third year of full-time employment shall apply for reappointment. Each year, the Appointment, Promotion, and Permanent Status Committee (APPSC) will notify the Librarians II without permanent status in a permanent status track position of their obligation to submit an application for reappointment to the APPSC.

### **D. Withdrawal**

Candidates for promotion and/or permanent status may voluntarily withdraw from the review process at any time. When a library faculty member without permanent status withdraws at the time of mandatory review, the faculty member is entitled to an additional terminal six-month appointment at the individual's current rank. This terminal appointment does not apply when a candidate withdraws an application for early permanent status or promotion to Librarian IV. Depending on where the application is in the process, a candidate who seeks to withdraw from the review process should promptly notify the chair of the APPSC, the Dean, or the Office of the Associate Provost for Faculty Affairs.

### **E. Extension of Time for Permanent Status Review Due to Personal and Professional Circumstances**

Any library faculty member may request an extension of time for promotion and/or permanent status consideration based on personal or professional circumstances. Extension requests shall be governed by the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]).

### **F. Notification to Candidates for Promotion and/or Permanent Status**

Within two weeks of the date of forwarding the decision to the Provost, the Dean will inform the candidate whether the recommendations made by the eligible faculty and the Dean were positive or negative (including specific information on the number of faculty who voted for promotion and/or permanent status and the number who voted against) and prepare a letter that will summarize in general terms the nature of the considerations on which those decisions were based. The APPSC shall review the summary letter prepared by the Dean in order to ensure that it accurately summarizes the considerations regarded as relevant by the eligible faculty. The APPSC shall be provided access to the Dean's letter to the candidate in order to ensure that the summary accurately reflects the recommendation and rationale provided to higher levels of review. In addition, the letter

shall be made available in the Office of the Dean for review by any member of the eligible faculty. In the event that the APPSC and the Dean are unable to agree on the appropriate language and contents of the summary letter, each shall write a summary letter to the candidate. A copy of all materials provided to the candidate shall be added to the promotion or permanent status file as the case proceeds through higher levels of review.

## **VI. NEGATIVE DECISIONS**

In cases where both the eligible faculty and the Dean of the Libraries make negative recommendations, the case will be forwarded to the Provost for a review to ensure that there was no violation of substantive or procedural due process.

In cases where there is disagreement between the eligible faculty and the Dean of the Libraries, the case will proceed to the next level of review.

## **VII. APPEALS PROCEDURE**

The appeal process described in this section is derived from the “University of Maryland Policy and Procedures on Appointment, Promotion, and Tenure of Faculty” (II-1.00[A], Section V. The Appeals Process) and adapted for library faculty.

### **A. Appeals Committees**

When appropriate, the Provost shall appoint a special three-member Appeals Committee. This committee shall consist of three non-library faculty, one of whom shall be a member of the University Library Council and shall serve as chair. The non-librarian faculty members represented must be tenured and at or above the relevant rank of the appellant, and they should not have participated in the original review of the appellant.

### **B. Guidelines and Procedures for Appeals**

#### *1. Mandatory and Non-Mandatory Reviews*

When a candidate for promotion and/or permanent status receives notification from the President or Dean of Libraries that promotion or permanent status was not awarded, the candidate may appeal the decision by requesting that the President submit the matter to a specially appointed Appeals Committee for consideration. The request shall be in writing and be made within sixty (60) days of notification of the negative decision. If the request is granted, all documentation to be filed in support of the appeal must be submitted to the Appeals Committee not later than one hundred and twenty (120) days after notification unless otherwise extended by the President because of circumstances reasonably beyond control of the candidate. In writing the letter requesting appeal, the appellant should be aware that this letter and any other documentation submitted to support the appeal serve as the evidentiary basis for the investigation of the validity of the appeal and should the President determine that the appeal is properly made in accordance with this section and refer the appeal to the Appeals

Committee appointed by the Provost, these materials shall be shared by the Appeals Committee with the parties against whom allegations are made and any other persons deemed necessary by the Committee for a determination of the issues.

## 2. *Grounds for Appeal*

The grounds for appeal of negative promotion and permanent status decisions shall be limited to: (1) violation of procedural due process and/or (2) violation of substantive due process. A decision may not be appealed on the ground that a different review committee, Dean or Provost exercising sound academic judgment might, or would, have come to a different conclusion. An appeals committee will not substitute its academic judgment for the judgment of those in the review process.

Violation of procedural due process means that the decision was negatively influenced by a failure by those in the review process to take a procedural step or to fulfill a procedural requirement established in relevant promotion and permanent status review procedures of the Libraries and the Board of Regents. There must be a reasonable basis for believing that the procedural error affected the outcome of the decision.

Violation of substantive due process means that: (1) the decision was based upon an illegal or constitutionally impermissible consideration; e.g., upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected first amendment freedoms (e.g., freedom of speech) or (2) the decision was arbitrary or capricious, i.e., it was based on erroneous information or misinterpretation of information or the decision was clearly inconsistent with the supporting materials.

## 3. *Standard of Proof*

An appeal shall not be granted unless the alleged grounds for appeal are demonstrated by a preponderance of the evidence that the procedural error affected the outcome of the decision.

## 4. *Responsibilities and Powers of the Appeals Committee*

The Appeals Committee shall notify the relevant administrators and APPSC chair in writing of the grounds for the appeal and meet with them to discuss the issues. The Appeals Committee shall meet with the appellant to discuss and clarify the issues raised in the appeal.

The Appeals Committee has investigative powers. The appeals committee may interview persons in the review process whom it believes to have information relevant to the appeal. Additionally, the Appeals Committee shall examine all documents related to the appellant's promotion or permanent status review and may have access to such other Libraries' materials as it deems relevant to the

case. Whenever the committee believes that a meeting could lead to a better understanding of the issues in the appeal, it shall meet with the appropriate party (with the appellant or with the relevant academic administrator and APPSC Chair).

The Appeals Committee shall prepare a written report for the President. The report shall be based upon the weight of evidence before it. It shall include findings with respect to the grounds alleged on appeal and, where appropriate, recommendations for corrective action. Such remedy may include the return of the matter back to the stage of the review process at which the error was made and action to eliminate any harmful effects it may have had on the full and fair consideration of the case. No recommended remedy, however, may abrogate the principle of peer review.

The President shall attach great weight to the findings and recommendations of the committee. The decision of the President shall be final. The decision and the rationale shall be transmitted to the appellant, the Dean, the chair of the APPSC and the Provost in writing.

### **C. Implementation of the President's Decision**

1. When the President supports the grounds for an appeal, the Provost has the responsibility for oversight of the implementation of the corrective actions the President requires to be taken. Within 30 days of receipt of the President's letter, the Provost shall request the Dean of Libraries to formulate a plan and a timeline for implementing and monitoring the corrective actions. Within 30 days after receipt of this letter, the Dean of Libraries must supply a written reply. The Provost may require modification of the plan before approving it.
2. The Provost shall appoint a Provost's Representative to participate in all stages of the implementation of the corrective actions specified in the approved plan for the re-review, including participation in the meeting or meetings at which the eligible library faculty members discuss, review, or vote on its recommendation for permanent status and/or promotion for the appellant. The Provost's Representative shall be a senior member of the faculty with no previous or potential involvement at any level of review or appeal pertaining to the consideration of the appellant for permanent status and/or promotion except for the participation as Provost's Representative as defined in this paragraph. The Provost's Representative shall participate in all corrective action activities but shall not have a vote. After the review is completed by the Libraries, the Provost's Representative shall prepare a report on all of the elements of corrective action specified in the approved plan, and this report will be included with the complete dossier to be reviewed at higher levels within the University.
3. The Provost's request and the Dean of Libraries' approved plan of implementation must be included in the dossier from the inception of the re-review. Re-reviews begin at the level of review at which the violation(s) of due process occurred and evaluate the person's record at the time the initial review occurred unless

otherwise specified by the President. The Dean of Libraries, in addition to evaluating the candidate for promotion, must certify that each of the corrective actions has been taken and describe how the actions have been implemented. Re-reviews must proceed through all levels of evaluation including Presidential review. The Provost's review of the dossier will include an evaluation of compliance with the requirements imposed in the President's decision to grant the appeal. If the Provost discovers a serious failure by the Libraries to comply with the corrective actions required, the Provost shall formulate and implement a new plan for corrective action with respect to the appellant. In addition, the Provost shall inform the Dean of Libraries in writing and shall take appropriate disciplinary action.

#### **D. Extension of Contract**

In the event that the appellant's contract of employment will have terminated before reconsideration can be completed, the appellant may request the President to extend the contract for one additional year beyond the date of its normal termination, with the understanding that the extension does not in itself produce a claim to permanent status through length of service.

#### **NOTES:**

1. Individuals who were granted permanent status under BOR VII-2.15, "Policy on Librarians," which was superseded by the "University System Policy on Appointment, Rank, and Tenure of Faculty" (BOR II-1.00), shall retain permanent status. See Section II. Faculty Ranks, Promotion, Tenure, and Permanent Status, A. General Principles, 1.