School of Communication Studies

Appeals Process

Approved: 2011
As per the JMU Faculty Handbook, the AUPAC is responsible for developing a faculty process for appealing faculty evaluations other than that of requests for promotion and tenure. The Faculty Handbook does not specify the nature of the process. What follows is set procedures and by-laws recommended by the AUPAC for faculty appeal as a formal process.

1. If a faculty member disagrees with the content of the written Annual Evaluation by the AUH, the concluding assessment for each of the areas of performance, or the overall evaluation of performance, they should first bring their concerns to the School Director during the Annual Evaluation meeting. The faculty member should describe the grounds for their concerns at the meeting as well as bring additional evidence that would support their case. The faculty member and School Director should then work cooperatively toward some resolution to the dispute.

2. If a satisfactory resolution is not reached at the Annual Evaluation Meeting and the Final Annual Evaluation letter is still under dispute by the faculty member, the faculty member has seven business days\(^1\) to file an appeal with the AUPAC. The written Letter of Appeal should include:
   a. A statement articulating those parts of the written evaluation that are being appealed and a description of those forms of evidence that are provided to support the appeal.
   b. A statement describing which path the faculty member would like to take in pursing the appeal.
      (See Appeals.4)
   c. Evidence in the form of documents that the faculty member intends to rely upon shall be attached to the request for a hearing, submitted to the AUPAC, and may include but is not limited to the faculty member's personnel records, recommendations from the AUPAC, AUH or dean, and any other records appropriate to provide substantiation of the faculty member's arguments.

2. Appeals Committee
   The AUPAC serves as the Appeals Committee to review the submitted Letter of Appeal and attending evidence to determine if pursuant action is warranted. The committee will decide by majority vote whether an appeal will be considered. The AUPAC will only consider documentation related to that which is being appealed. The primary criteria for determining the legitimacy of the appeal is (1) evidence that the faculty member and Director made a good faith effort to follow the informal procedures toward resolution; (2) the faculty member adhered to the guidelines for timely submission of the Letter of Appeal; (3) the faculty member included all relevant materials in their Letter of Appeal; and (4) a resolution was not previously agreed upon by the faculty member and the AUH. The AUPAC will not render judgment on whether the appeal is warranted based on their evaluation of the appeal as reasonable or on the likelihood that a pursuant committee will be able to

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\(^1\) A business day is considered any consecutive day during which the faculty member is under contract. No appeals will be heard during the period between May 20 and August 15. That period will be considered to be one business day for the purposes of an appeal. The Appeals Committee will only convene during the academic year during which faculty are contracted.
render assistance or a judgment. The chair of the AUPAC will notify the faculty member of their decision.

3. Options for Appealing
In the letter requesting an appeal, the faculty member should articulate which path he/she would like to follow in pursuing an appeal, (1) a facilitated conversation; or, (2) a hearing.

a. Facilitated Conversation
The faculty member can seek to have their appeal addressed through conversation facilitated by two trained facilitators supplied by the JMU Office of Human Resources. The conversation would occur between the faculty member, the School Director and the trained facilitators. The chair of the AUPAC is responsible for contacting the Office of Human Resources, requesting the participation of two trained facilitators, and arranging the time and location for the facilitated conversation. Members of AUPAC are prohibited from being present at the facilitated conversation.

i. A Facilitated Conversation typically includes four phases:
1. Introduction to the process, the ground rules and the role of the facilitators
2. Defining and clarifying the issues
3. Answering questions and solving problems
4. Implementing solutions

ii. The outcomes of the facilitated conversation could include: (1) better understanding of the two parties’ positions; (2) an oral agreement; and/or (3) a written agreement. Both parties, the AUH and the faculty member, must agree as to whether any written agreements are binding or non-binding.

iii. If the outcome of the facilitated conversation is deemed unsatisfactory for the faculty member, s/he may continue their appeal and request to present her/his case before a Hearing Committee.

b. Hearing
The faculty member can seek to have their appeal addressed through a hearing body at the outset of the appeal or after a facilitated conversation. The faculty member will be given an opportunity to present his/her case, including the presentation of relevant evidence, at the hearing and answer any questions by the Hearing Committee. The hearing is open, unless the appellant requests that it be closed. Deliberations of the hearing committee are closed and a decision to dismiss or uphold the appeal will be determined by majority vote. A letter describing the decision will be written to the appellant, the AUH, and the College dean. The College dean determines the resolution for the appeal informed by the recommendation of the hearing committee.

i. The Hearing Committee will be composed of five people via random selection of the entire faculty, with the exception of those members currently serving on the AUPAC. A hearing committee is not a standing committee and will be newly composed for each appeal under consideration.

ii. The appellant may ask the AUPAC that a member of the hearing committee be removed for conflicts of interest at the time the hearing committee is composed.

iii. Each Hearing Committee will elect a chair. The chair will be responsible for arranging the hearing, overseeing the hearing process, and communicating the outcomes of the hearing with the appellant, the AUH, and the College dean.

iv. In the case of conflict of interest, members appointed to the hearing committee may recuse themselves and ask that another member be appointed in the case of conflict of interest.
v. All members of the hearing committee must be present at the hearing. In the event that a member of the hearing committee cannot attend the scheduled hearing, another member of committee will be selected from the faculty. If a member of the hearing committee fails to attend the hearing, the hearing and deliberations will proceed without him/her unless the appellant objects.

3. Timeline for Appeals
   a. The AUH will forward preliminary Annual Evaluation letters to faculty between August 15 and October 1. If an Annual Evaluation Letter is delivered to a faculty member during the summer months when the faculty member is not under contract, that faculty member will have seven business days to appeal starting on August 15.
   b. The completed appeals process will take place anytime after August 15 and no later than October 20. A decision made by the hearing committee must be forwarded to the College dean prior to November 1 of a given academic year.