

**UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE**  
**FACULTY PROMOTION AND TENURE APPEALS POLICY AND PROCEDURES**

Effective: 07/01/99

Supersedes Appeals Policy in APT Policies and Procedures Dated: September 1990

**NOTICE**

This Policy and Procedures ("Policy") will take effect upon its approval by the Chancellor, University System of Maryland. This Policy applies to appeals of actions on promotion and tenure of all faculty subject to the University of Maryland School of Medicine Policy and Procedures for Faculty Appointment, Promotion and Tenure effective July 1, 1998. Also, this Policy applies to appeals of actions on promotion and tenure of all faculty subject to the former University of Maryland School of Medicine Policy and Procedures for Faculty Appointment, Promotion and Tenure, effective September 30, 1990. This Policy will not apply to appeals filed prior to the approval of this Policy.

I. Policy and General Guidelines for Appeals

- A. This Policy establishes procedures available to an unsuccessful candidate for promotion to the rank of associate professor or professor (full-time), or for tenure, who believes that promotion or tenure has been denied wrongfully.
- 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 School of Medicine policies; 3) mistake in review of a dossier resulting in failure to identify a credential satisfying a requirement for promotion or tenure; or 4) failure to follow established School of Medicine procedures in promotion or tenure matters.
- C. An appeal may not rely upon recent accomplishments or other changes in a candidate's curriculum vitae that occurred after the established annual deadline for submission of materials for review. A faculty candidate who appeals may not submit materials which were available at the annual deadline but were not included in the curriculum vitae due to failure of the faculty member to maintain an up-to-date curriculum vitae.
- D. For any appeal, the faculty 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 proffered. Appeals should be as specific and well-documented as possible.
- E. The candidate's department chair also shall be permitted to provide written documentation pertaining to the appeal.
- F. If an appeal of a promotion or tenure decision is made to the Dean, as described below, and promotion or tenure is subsequently denied at any level of review allowed by this

Policy (School of Medicine Appointment, Promotion and Tenure Committee, Executive Committee, Faculty Council, or Dean), that denial will be the School's final action and the candidate will have no right to further review of the matter.

II. First Stage of Appeal: Reconsideration of Departmental Recommendations at the Department Level.

- A. Each academic department within the SOM has developed its own procedures to consider faculty applications for promotion and tenure. These procedures include establishing a department Appointment, Promotion and Tenure Committee to evaluate and recommend candidates to the SOM Appointment, Promotion and Tenure Committee ("APT Committee"). If promotion or tenure is not recommended at the department level, the candidate must be provided with a written statement that explains the reason(s) why the promotion or tenure was not recommended. The candidate may appeal by requesting reconsideration of this negative recommendation. The request must be stated in writing to the department Chairperson within twenty (20) working days of the candidate's receipt of the department's statement. The candidate's written request should satisfy the requirements of Section I.D. of this policy.
- B. The Chairperson will review the request and determine if a re-review of the candidate's credentials is warranted. If the Chairperson determines that a second review is unwarranted, the candidate must be so notified in writing, within ten (10) working days of the Chairperson's receipt of the request.
- C. If the Chairperson determines that a second review is warranted, the Chairperson will review the candidate's credentials personally or appoint a small committee to re-review the credentials and advise the Chairperson.
- D. The second review should be completed, and a written decision provided to the candidate, within twenty (20) working days of the Chairperson's receipt of the candidate's request for a re-review of his/her credentials.
- E. If recommendation against promotion or tenure is re-affirmed at the department level, the candidate may continue the appeal by requesting review at the School level. This request must be made in writing to the Dean as stated in Section III.A. below. Prior to requesting reconsideration of a departmental promotion or tenure recommendation at the School of Medicine level, a candidate is encouraged to discuss the department recommendation with the Department Chairperson.

III. Second Stage of Appeal: Reconsideration of Departmental Recommendations at the School of Medicine Level.

- A. A request for review at the School of Medicine level must be communicated in writing to the Dean within twenty (20) working days after the candidate was informed, in writing, of the department's recommendation upon re-review of the candidate.
- B. The Dean (or the Dean's designee) will review the candidate's appeal. The Dean may appoint one or more faculty members or officials of the School of Medicine to 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, the Chairperson, and other School sources. After reviewing the file, the Dean will determine whether to refer the candidate's credentials to the APT Committee, or to deny the appeal. By forwarding the credentials to the APT Committee, the Dean is not

endorsing the candidate's request for promotion or tenure or indicating support for the candidate's allegations.

- C. If the Dean decides to forward the candidate's credentials to the APT Committee, the Chairperson must complete the candidate's dossier by adding to it department APT committee's recommendation and the Chairperson's recommendation, as well as all letters of recommendation, as described in the *University of Maryland School of Medicine Policy and Procedures for Faculty Appointment, Promotion and Tenure* document dated July 1, 1998, or, as applicable, the earlier policy dated September, 1990.
- D. If the Dean determines that forwarding the applicant's credentials to the APT Committee is unwarranted, the appeal is denied and the Dean will so notify the Chairperson. The Dean's decision is the School's final action, and the candidate has no right to further review of the matter.

IV. Appeals of APT Committee Recommendations on Promotion and Tenure.

- A. If promotion or tenure is not recommended by the APT Committee, the faculty member may appeal the decision unless Section I.F. provides otherwise.
- B. The appeal must be stated in writing to the Dean within twenty (20) working days after the candidate was informed, in writing, of the APT Committee's action.
- C. The Dean will forward the candidate's appeal and the candidate's dossier to the SOM Promotion and Tenure Appeals Committee, as described below.
- D. The written appeal must satisfy the requirements of Section I.D. of this Policy.

V. School of Medicine Promotion and Tenure Appeals Committee

A Promotion and Tenure Appeals Committee (the "Appeals Committee") will be appointed, as provided below, within 10 business days of receipt by the Dean of the request for an appeal from an APT Committee action. Alternatively, the Dean may appoint a single Appeals Committee to hear all appeals during an academic year.

A. Appeals Committee Composition

- 1. The Appeals Committee will consist of four (4) members. It will include a Chairperson, appointed by the Dean of the School of Medicine, and three (3) other members. Two (2) of the four (4) members shall be Tenured Professors in basic science departments and two (2) of the members shall be Tenured Professors in clinical science departments. 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 bias. The Dean will decide whether to replace these members.
- 2. Each Appeals Committee should include School of Medicine faculty of both genders and of more than one ethnic origin.

B. Appeals Committee Procedures

1. The first meeting normally will be held within 10 business days after the Appeals Committee is appointed.
2. Hearings will be closed. The proceedings will be informal.
3. A candidate may represent himself, or herself, or may choose to be represented by another member of the faculty of the SOM.
4. The candidate (and the candidate's representative) may be present at meetings of the Appeals Committee.
5. The deliberations of the Appeals Committee are closed to the candidate (and the candidate's representative).
6. Letters of recommendation in the candidate's promotion or tenure file will be available to the Appeals Committee, but not to the candidate or to the candidate's representative. Summary statements of evaluations submitted by department heads along with promotion documents are not "letters of recommendation" and are included in the personnel file of the candidate. The Appeals Committee will have access to the entire promotion and tenure dossier and recommendations resulting from reviews at other levels.
7. Student input can be considered and evaluated to the extent that it is relevant as provided in the applicable promotions and tenure policy. However, students may not be members of the Appeals Committee.
8. The Appeals Committee shall review the candidate's credentials, interview the candidate and the candidate's Chairperson, and may seek its own extramural evaluations of the candidate's credentials.
9. Voting on matters of substance will be by secret ballot.
10. The Appeals Committee will report to the Dean with a written and documented recommendation as to whether the candidate should be promoted or awarded tenure. This recommendation should be sent to the Dean no later than fifteen (15) working days from the initial meeting date.
11. The time limitations specified for actions of the Appeals Committee may be waived by joint agreement of the candidate and the Dean or by the Dean, acting alone, in the interest of giving full and complete consideration to the issues.

C. Recommendation of the Appeals Committee.

1. The Dean will review the recommendation of the Appeals Committee and may review all files and records considered by the Appeals Committee.
2. If the Dean determines that promotion or tenure is not warranted, the Dean will notify the candidate of the Dean's decision, which is the School's final action. The candidate will have no further right of appeal.
3. A positive recommendation by the Appeals Committee does not obligate the Dean to forward the candidate's dossier to the School of Medicine Executive Committee.

If the recommendation of the Appeals Committee is favorable to the candidate, and the Dean determines that promotion or tenure may be warranted, the Dean will forward the candidate's dossier to the SOM Executive Committee. A final decision to promote a faculty member or award tenure to a faculty member can only be made upon favorable recommendation of the SOM Executive Committee and SOM Faculty Council.

D. Records of the Appeals Committee.

All notes, correspondence, and other records of members of the Appeals Committee shall be collected by the Appeals Committee Chairperson and retained by the Dean's Office for four (4) years as records of the Office of the Dean.

VI. Reconsideration of School of Medicine Executive Committee or School of Medicine Faculty Council Decisions on Promotion and Tenure

- A. Decisions to deny promotion or tenure made by the SOM Executive Committee or Faculty Council are final, and are not subject to appeal. A candidate who believes that such a decision was based on lack of adequate information may bring such information to the Dean within ten (10) working days of the date the candidate was informed of the action of the Executive Committee or Faculty Council.
- B. The Dean (or Dean's designee) will evaluate the information and decide whether such information warrants reconsideration of the candidate's credentials by the body (SOM Executive Committee or Faculty Council) that made the decision to deny promotion or tenure.

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