

Office of Academic Affairs

Policies and Procedures Handbook: Volume 1

Chapter 3: Appeals and Complaints Procedures

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1.0 Promotion and tenure and probationary renewal appeals

Revised: 07/08/11; 07/17/19; 5/15/20

Only the candidate may appeal a negative tenure, promotion, or probationary renewal decision.

Unsolicited commentary by colleagues, students, or others on behalf of a candidate will not be considered at any time during the promotion and tenure or probationary renewal review process and will not influence the course of an appeal.

Tenure Initiating Unit (TIU) heads, deans, and the executive vice president and provost normally will not discuss a promotion and tenure or probationary renewal decision with individuals who are not a party to the decision-making process.

Members of faculty review bodies and administrators are required to exercise professional judgment in considering the evidence that is material to making a fair determination in a promotion or tenure case. Differences in or disagreements with professional judgments do not provide a valid basis for appealing a negative promotion and tenure or probationary renewal decision.

Favorable annual reviews are not a basis for appealing a negative promotion and tenure or probationary renewal decision. A favorable annual review during the probationary period serves as the basis for a positive annual reappointment decision but does not imply a commitment to granting promotion or tenure with promotion. The review for tenure for faculty on the tenure-track and the penultimate year review for clinical/teaching/practice or research faculty entails a much weightier decision than the annual review and entails assessment of both cumulative performance and promise of high-quality performance. Performance that is adequate for annual reappointment may not be adequate for the granting of promotion or tenure with promotion (see [Faculty Rule 3335-6-05](#)) or securing a reappointment.

1.1 Allegation of improper evaluation

Revised: 05/05/16; 07/20/17; 3/20/18, 8/15/21

The primary basis for an appeal of a negative promotion, promotion and tenure, or probationary renewal decision is improper evaluation. Faculty members who believe they have been evaluated improperly may appeal a negative decision. Improper evaluation includes violations of (1) written procedures that could reasonably have affected the outcome of a review and/or (2) failure to consider evidence material to a fair determination.

A formal appeal cannot begin until the executive vice president and provost has rendered a decision in a promotion or promotion and tenure case for tenure-track faculty, in a promotion case for clinical/teaching/practice and research faculty, or the dean has rendered a decision in a reappointment case. However, a candidate occasionally may raise issues about the review process during the review, through the comments process provided for in [Faculty Rule 3335-6-04](#). When appropriate, these issues should be addressed at the time they are raised. The TIU head may wish to consult with the dean and/or the Office of Academic Affairs (OAA) regarding the best ways to address a particular issue.

An appeal alleging improper evaluation is reviewed in accord with procedures described in [Faculty Rule 3335-5-05](#).

All appeals must occur within 30 days of the date of the letter from either the TIU head or dean informing the faculty member of the executive vice president and provost's negative decision in a promotion or promotion and tenure case for tenure-track faculty, in a promotion case for clinical/teaching/practice and research faculty, or the dean has rendered a decision in a reappointment case. The faculty member may appeal by sending a written complaint describing the alleged improper evaluation to the chair of the

Committee on Academic Freedom and Responsibilities (CAFR), copied to the executive vice president and provost in cases involving promotion or promotion and tenure, or the dean in the case of clinical/teaching/practice and research faculty reappointments, and shall meet with the chair of CAFR regarding the complaint and next steps.

The faculty member is to promptly inform the chair of CAFR and OAA if they decide not to pursue the appeal.

During the appeal process, the termination date for the faculty member remains the date provided in the letter informing the faculty member of the negative decision, unless changed by the executive vice president and provost.

1.2 Allegation of discrimination

Revised: 05/05/16; 07/20/17; 07/17/19; 8/15/21

An appeal also may be based on an allegation of discrimination. Such an appeal will focus on discrimination based on protected status (see [Affirmative Action and Equal Employment Opportunity Policy](#)). A complaint alleging discrimination is to be presented in writing to the [Office of Institutional Equity](#), with a copy to the executive vice president and provost, within 30 days of the date of the letter from either the TIU head or dean informing the faculty member of the executive vice president and provost's or dean's (in the case of reappointments without a promotion review) negative decision. The Office of Institutional Equity shall have the sole discretion for investigating complaints of discrimination. The executive vice president and provost shall take any steps as deemed necessary upon receiving a decision from the Office of Institutional Equity.

During the appeal process, the termination date for the faculty member remains the date provided in the letter informing the faculty member of the negative decision, unless changed by the executive vice president and provost.

1.3 Seventh-Year Reviews

Revised: 07/26/04

In rare instances, a TIU may petition the dean to conduct a Seventh-Year Review for an assistant professor who has been denied promotion and tenure (see [Faculty Rule 3335-6-05\(B\)](#)).

2.0 Faculty salary equity appeal process

Revised: 03/25/04

Funds for salaries are limited and in allocating those funds, decision-makers make choices that benefit some more than others. Decision-makers should strive to ensure that salary levels among individuals are consistent with differences in the factors that appropriately affect salary.

The faculty salary equity appeal process is intended to address only salary appeals that are based on the belief of the faculty member (appellant) that their salary is lower than comparable faculty within their academic unit and that the salary disparity cannot be explained by factors that appropriately affect salary levels.

Subject to OAA approval, department, school, college, and regional campus patterns of administration (POA) may contain additional policies pertinent to this process.

2.1 Eligibility

Revised: 03/25/04; 7/15/19

Faculty who meet all of the following criteria may use this appeal process if:

- they are tenure-track, clinical/teaching/practice, or research faculty members; and
- their salary is 5% or more below the average salary of all other faculty of the same rank in their academic unit or in a recognized discipline or subdiscipline with a distinct salary market within their academic unit (TIU for Columbus faculty; regional campus for regional campus faculty).

There must be at least two such faculty of the same rank within the TIU, in addition to the appellant, for these procedures to apply.

Further, faculty members must allege that the salary disparity cannot be accounted for by:

- differences in years of service and years in rank
- productivity in teaching, research and creative activity, and service
- centrality of the person's work to the academic unit
- past/present administrative duties
- market factors
- other factors set forth as legitimate bases for salary determination in the faculty member's academic unit APT document or POA or otherwise consistently communicated and applied in hiring and merit salary increase decisions

Three full academic years must have passed since a final decision was rendered on a faculty member's previous appeal under this process. For example, if a faculty member uses this process during academic year 2021–2022 and a final decision is rendered in that time period, they may not use the process again until the 2025–2026 academic year.

This process is not intended to address all bases of dissatisfaction with salary. Faculty with salary concerns who are not eligible for review under this process may seek information about, and resolution to, their concerns through discussion with the head of their academic unit.

2.2 Parties to the appeal process

Revised: 03/25/04

2.2.1 Academic unit head

Revised: 03/25/04

For purposes of this process, the academic unit head is the head of the TIU, be that a department, school, or college except in the case of regional campus faculty. The academic unit head for regional campus faculty is the regional campus dean/director.

2.2.2 Dean or dean/director

Revised: 03/25/04

For the purposes of this process, the dean or dean/director is the dean of a college or University Libraries, or the dean/director of a regional campus.

2.2.3 College faculty salary appeals committee

Revised: 08/01/07; 8/15/22

A faculty salary appeals committee shall be established at the college level ~~(whether or not the college is a TIU)~~. The committee may exist solely for the purpose of reviewing salary appeals under this process or may be an existing committee (*i.e.*, the promotion and tenure committee or college investigation committee).

Because a two-level review process (department and college) is not possible for the nine colleges (including the University Libraries) that serve as TIUs, and the academic unit head and dean are the same person in these units, a slight modification of the faculty salary appeals committee in these units is possible. In these units, the faculty member may select, if they wish, an additional faculty member to serve on the college-level committee. ~~This faculty member must be a full-time tenured faculty member~~ If the appellant is a tenure-track faculty member, the additional member must be a full-time tenured faculty member. For all other faculty categories, the additional member may either be a full-time tenured faculty member or a non-probationary associate professor or professor from the appellant's faculty category (*i.e.*, clinical/teaching/practice, research, associated). Any additional faculty member must be from the college of the appellant and may not be a member of the comparison group (see Section 2.6 of this chapter).

2.2.4 Regional campus faculty salary appeals committee

Revised: 06/26/18

The faculty salary appeals committee for the regional campuses shall consist of one faculty member from each regional campus appointed by the dean/director of that campus. Terms of members shall be four years and initially will be staggered. The chair of the committee shall rotate among the campuses in the order of Lima, Mansfield, Marion, and Newark. Reappointment to the committee is possible. Information about the regional campus faculty salary appeals process appears in Appendix B.

2.3 Time frame for appeal

Revised: 03/01/12

Appeals under these procedures must be initiated no later than September 30 to facilitate completion of the review before salary recommendations are made for the next academic year. Every reasonable effort must be made by the parties to the review process to complete consideration of a salary appeal by mid-April of the academic year.

In the event it is not possible to conclude a review of an appeal in this time frame, the administrator who makes salary recommendations for the appellant will carry out that role as usual. It usually will be necessary to update appeal materials following the annual raise process, given that both academic records and salaries included in the original appeal materials will no longer be current.

2.4 College and regional campus salary appeals policies

Revised: 03/25/04

A college (whether it has TIUs or not) or regional campus POA may establish college-wide or regional campus policies for the documentation of salary appeals under this process if the college or regional campus wishes to have such policies. College and regional campus salary-appeals policies must be approved by OAA before they are implemented. Colleges and regional campuses may amend these policies as needed subject to approval of OAA.

2.5 TIU salary appeals process

Revised: 03/25/04; 8/15/22

Except where college-wide standards for documentation of appeals are established, ~~individual~~ TIU POAs may establish written policies for the documentation of salary appeals under these procedures if TIUs wish

to have such policies. These policies must be approved by the college office and OAA before they can be implemented. Units may amend these policies as needed subject to the required approvals.

2.6 Appellant responsibilities

Revised: 03/25/04; 07/15/19

The appellant is to provide the recommended documentation for a salary appeal as detailed in Appendix A. Documentation also must be consistent with any TIU and college or regional campus written requirements as well as with the eligibility requirements set forth in Section 2.1 of this chapter.

Unless TIU, college, or regional campus POAs specify otherwise, the comparison group must include all other faculty of the same rank in the TIU (excluding the academic unit head). When a TIU contains distinct and recognized disciplines or subdisciplines that have different salary markets, the comparison group will be limited to all other faculty of the same rank in the appellant's discipline or subdiscipline within the academic unit (excluding the academic unit head).

As noted in Section 2.1 of this chapter, there must be at least two faculty members who meet these requirements for this process to be applicable.

The faculty member may, but is not required to, initially present their documentation to the chair of the college or regional campus faculty salary appeals committee for informal advice as to whether the appeal, as set forth, appears to meet the eligibility and documentation requirements set forth in this document and in any written TIU and college salary appeals documents.

The faculty member may then determine whether to proceed with a salary appeal. The salary appeals committee chair shall not express an opinion as to whether the appeal has merit, given that judgment cannot be made based only on the appellant's perspective.

The faculty member may appeal to the college or regional campus faculty salary appeals committee if the TIU head dismisses the appeal or proposes a resolution that is judged to be unsatisfactory by the faculty member (see Section 2.7 of this chapter).

2.7 Academic unit head responsibilities

Revised: 02/15/13; 07/17/19

On receipt of documentation alleging salary inequity from a faculty member, the TIU head shall review the documentation. The TIU head may request additional information from the faculty member and/or meet with the faculty member as appropriate.

The TIU head may dismiss the appeal or propose a salary adjustment (see Section 2.10 of this chapter for required approvals for salary adjustments). Salary adjustments should not be communicated to the affected faculty member until the required approvals have been obtained.

The TIU head will respond in writing to the appeal and will make every effort to do so within 30 days. The response may provide additional analysis, as deemed necessary, and must provide a rationale for the conclusions. The TIU head will ensure delivery of the final written notice of the disposition of the appeal by also sending an electronic copy to the appellant.

If the academic unit is a TIU within a college, the TIU head will forward to the college office a copy of all written material generated by the appeal for record keeping purposes.

2.8 College or regional campus faculty salary appeals committee responsibilities

Revised: 03/25/04; 8/15/22

On receipt of an appeal from a faculty member who is dissatisfied with the TIU head's disposition of that appeal, the college or regional campus faculty salary review committee will review the documentation submitted by the faculty member and the written conclusions of the academic unit head in light of the unit's salary criteria.

Although the committee may, on occasion, request additional information from either the TIU head or appellant, and/or meet with parties to the complaint, its review should be based primarily on the appellant's documentation and the TIU head's response to that documentation. The committee does not develop new documentation. An inadequately documented appeal ~~should~~ will be dismissed.

The college or regional campus faculty salary appeals committee shall make an explanation of its conclusions and provide a recommendation to the dean or dean/director regarding:

- whether a salary adjustment for the appellant is or is not warranted;
- if an adjustment is warranted, its approximate amount.

The committee's recommendation to the dean or dean/director is advisory.

2.9 Dean or dean/director responsibilities

Revised: 03/25/04; 5/15/20

On receipt of a recommendation from the college or regional campus faculty salary appeals committee, the dean or dean/director will accept, amend, or reject the faculty committee's recommendation. If the dean or dean/director determines that a salary adjustment shall be made, the dean or dean/director shall determine the amount and the timing of that increase (see Section 2.10 of this chapter).

The dean or dean/director will communicate the final decision to the appellant and to the appellant's academic unit head if that person is different from the dean or dean/director. The dean or dean/director also will communicate to the faculty salary appeals committee the final action taken on a complaint and, if the action differs from the faculty committee's recommendation, the reason for that action.

The dean or dean/director will maintain in the college or regional campus office a record of all appeals including those dismissed by the TIU head and not appealed to the college or regional campus faculty committee. Each record should include all written materials developed for and generated by the appeal.

2.10 Salary equity adjustments proposed under these procedures

Revised: 03/25/04

Salary equity adjustments proposed as a result of using these procedures should be funded from annual raise monies available during the annual raise cycle to the extent possible. A proposal to provide an equity salary increase from other academic unit funds, regardless of the proposed timing of the increase, requires the approval of the dean (in colleges with TIUs) and OAA.

2.11 Decisions that cannot be appealed

Revised: 03/25/04

A decision is final under these procedures and cannot be appealed when the TIU head's written conclusions regarding the matter are not appealed to the college or regional campus faculty salary appeals committee

within 30 days of the date of the TIU head's letter to the appellant reporting conclusions; when the dean or dean/director accepts a recommendation of the college or regional campus faculty salary committee to dismiss an appeal; or when the dean or dean/director accepts a recommendation of the college or regional campus faculty salary committee to provide a salary adjustment and offers an adjustment that is at least 75% of the amount recommended by the committee.

2.12 Decisions that can be appealed

Revised: 03/25/04; 07/17/19

If the dean or dean/director dismisses an appeal that was not dismissed by the faculty committee, or proposes a salary adjustment that is less than 75% of the amount recommended by the faculty committee, the appellant may appeal to the executive vice president and provost. The executive vice president and provost or designee will review the matter and render a final decision.

3.0 Complaints against faculty members

Revised: 08/01/07; 5/15/20; 8/15/21

[Faculty Rule 3335-5-04](#) establishes the procedures for formal complaints against all faculty, including tenure-track, clinical/teaching/practice, research, and associated faculty members. This rule also applies to administrators who hold faculty appointments.

All records of the proceeding, including all documents reviewed by the college investigation committee, are to be forwarded to the executive vice president and provost by the dean.

APPENDIX A

Recommended Salary Appeal Documentation

The appellant will need to provide a detailed analysis of their academic record and salary relative to faculty in the comparison group, taking into account years of service, years in rank, and other factors that affect salary as noted in Section 2.1 of this chapter. The TIU head or dean/director (or designee) will assist in accumulating this information.

By February 1, data for the cohort in the areas of research and creative activity, teaching, and service should be presented in a spreadsheet format (side-by-side columns) for easy comparison across the cohort within specific categories. In each table, the appellant is to be identified by name, but only a number (*e.g.*, faculty #1, faculty #2) is to be used to identify other members of the cohort.

Relevant data on research and creative activity are to be presented for all years since the terminal degree, and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, authored books, edited books, refereed journal articles, book chapters). To the extent possible, comparative data on rates of citation should also be presented, excluding self-citations, and other metrics as deemed appropriate by the TIU and college or regional campus written requirements.

Relevant data on teaching are to be presented for the past five years at The Ohio State University, and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, numbers of lower division, upper division, and graduate courses taught, and number of PhD and MA committees on which the faculty member has served). Reduction in teaching loads for those individuals holding administrative or research appointments is to be noted, and individuals who have not served at The Ohio State University for at least five years are to be excluded from this section of the comparative analysis.

Similarly, relevant data on service are to be presented for the past five years at The Ohio State University, and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, TIU or campus committee assignments, TIU or campus administrative assignments, university committee assignments, major community outreach and engagement, and major service to professional organizations). Individuals who have not been Ohio State faculty for at least five years are to be excluded from this section of the analysis, except that data on service to the profession may be included.

Based on these data, the appellant writes a brief statement (250 words) summarizing the research and creative activity, teaching, and service comparisons, highlighting their standing in relation to the cohort. The appellant ends the statement with their requested salary adjustment, based on their place within the cohort.

The appellant forwards the required comparative data and summary statement to the TIU head or dean/director for review. The TIU head or dean/director may request additional information, if needed.

APPENDIX B*(Final Draft 05.15.2020)*

Regional Campuses Faculty Salary Appeals Process

- 1) The regional campuses review faculty salary appeals in accordance with university policies and procedures as described in the *OAA Policies and Procedures Handbook* (Volume 1, Chapter 3: Appeals, Section 2.0: Faculty salary equity appeals process). The present “Regional Campuses Faculty Salary Appeals Process” document must be read in conjunction with the *OAA [Policies and Procedures Handbook](#)*.
- 2) All faculty members have the opportunity to discuss salary equity issues with their dean/director during the annual review process. When a faculty member perceives that inequities persist despite such discussions and the faculty member meets the eligibility criteria specified in the *OAA Policies and Procedures Handbook*, the faculty member may initiate an appeal by notifying the campus dean/director. This step must occur no later than September 30 to facilitate completion of the process before salary recommendations are made for the next academic year.
- 3) Once notified, the dean/director works with the head of the appellant’s TIU to determine an appropriate comparison cohort. The cohort will consist of Ohio State faculty holding the same rank as the appellant and matching as closely as possible the appellant’s discipline, years since terminal degree, years of service to the university, and campus affiliation. With the small size of many programs on the regional campuses, the dean/director and head of the appellant’s TIU often will need to approach the cohort-determining process with creativity and flexibility. They may wish to consult with the appellant and other regional deans. Principles for determining the cohort include the following:
 - The cohort must consist of faculty closest to the appellant in number of years since receiving a terminal degree and number of years of service to the university. The appellant should be in the middle of the cohort with plus-or-minus x years since the terminal degree or x years of service, as appropriate. The ideal cohort will be symmetrical and composed of five or six individuals; the minimum size is two individuals. If the appellant requests a particular individual to be included in the cohort, the cohort may be enlarged to include that person if that person is not already part of the comparison cohort. In such a case, the value of x is increased symmetrically to include the specified individual, as well as others who fall within the range of the new x. Current and former deans/directors are excluded; others who have had salary adjustments outside the merit system can be included only when such adjustments are noted and considered.
 - Ideally, the entire cohort should come from the same discipline as the appellant and from the regional campuses (*e.g.*, regional campus professors in Philosophy). When this is impossible, the field can be conceived more broadly to bring in related disciplines (*e.g.*, regional campus professors in the humanities) and/or the regional campus restriction can be loosened to include Columbus faculty in the discipline (*e.g.*, Columbus campus professors in Philosophy). In considering salary differences in relation to differences in productivity within the cohort, the dean/director will take into account market differences between disciplines and campuses as well as differences in faculty members’ years since terminal degree and years of service.

Once the dean/director notifies the appellant of the names and current salaries of the comparison cohort, the appellant takes over the process and develops the documentation for the appeal.

1. The appellant will need the CVs and the teaching records of the past five years for all members of the cohort. The dean/director (or a designee) will assist with providing CVs and teaching records from the campus and/or will assist in securing such information from other campuses and TIU’s as

needed. The appellant has until February 1 to compile the required tables and statement for the appeal.

2. Data for the cohort in the areas of research and creative activity, teaching, and service are to be presented in a spreadsheet format (side-by-side columns) for easy comparison across the cohort within specific categories. In each table, the appellant is to be identified by name, but only a number (*e.g.*, faculty #1, faculty #2) is to be used to identify other members of the cohort.
3. Relevant data on scholarship/creative activity are to be presented for all years since the terminal degree, and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, authored books, edited books, referred journal articles, book chapters). To the extent possible, comparative data on rates of citation should also be presented, excluding self-citations.
4. Relevant data on teaching are to be presented for the past five years at The Ohio State University, and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, numbers of lower division, upper division, and graduate courses taught, and number of Ph.D. and MA committees on which the faculty member has served). Reduction in teaching loads for those individuals holding administrative or research appointments is to be noted, and individuals who have not served at The Ohio State University for at least five years are to be excluded from this section of the comparative analysis.
5. Similarly, relevant data on service are to be presented for the past five years at The Ohio State University; and the standard major categories from the Promotion and Tenure dossier are to be used (*e.g.*, campus committee assignments, campus administrative assignments, university committee assignments, major community outreach and engagement, and major service to professional organizations). Individuals who have not been Ohio State faculty for at least five years are to be excluded from this section of the analysis, except that data on service to the profession may be included.
6. Based on the data, the appellant writes a brief statement summarizing the research and creative activity, teaching, and service comparisons, highlighting the appellant's standing in relation to the cohort. The appellant ends the statement with their requested salary adjustment, based on their place within the cohort.
7. The appellant forwards the required comparative data and summary statement to the dean/director for review. The dean/director may request additional information, if needed. Based on their review, the dean/director determines whether or not the appellant's salary is commensurate with their performance when compared with the cohort. If the dean/director finds that the appellant's salary is incommensurate with performance, the dean/director decides on a salary adjustment. The dean/director may accept or amend the appellant's request. The dean/director communicates their decision to the appellant in writing. This response may provide additional analysis, as deemed necessary, and must provide a rationale for the decision. In general, it is expected that approved salary adjustments will be funded 100% by the campus.
8. The appellant reviews the decision of the dean/director. If the appellant disagrees with the decision of the dean/director, the appeal is sent to the Regional Campus Faculty Salary Appeals Committee. The membership and responsibilities of the Regional Campus Faculty Salary Appeals Committee are stipulated in the OAA *Policies and Procedures Handbook* sections 2.2.4 and 2.8. A committee member may not serve on the committee for a particular appeal if a personal or professional relationship with the appellant makes impartial evaluation impossible.

9. The dean/director's responsibilities for responding to the committee's recommendation are specified in the *OAA Policies and Procedures Handbook* section 2.8. All subsequent steps in the review process are specified in the university appeals process (see *OAA Policies and Procedures Handbook* sections 2.11 and 2.12).