



## Ohio Administrative Code

### Rule 3339-7-09 Rights of a candidate who has received a negative recommendation or been denied tenure or promotion.

Effective: November 3, 2016

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#### (A) Reconsideration

Within ten working days of receipt of the written statement of reasons, the candidate may request, in writing, reconsideration from the person or committee that rendered the negative recommendation.

Reconsideration is on the merits of the case.

The candidate may respond, in writing, to the written statement of reasons prior to reconsideration.

The candidate's response to the written statement of reasons must be submitted no later than ten working days from the date of the request for reconsideration. Reconsideration shall be completed within ten working days of the receipt of the candidate's response or, if no written response is given, within twenty working days for the request for reconsideration.

A candidate who is given a positive recommendation upon reconsideration is notified as soon as possible. A candidate who is given a negative recommendation upon reconsideration is notified, in writing, with a statement of reasons for the negative recommendation. This written statement of reasons must be given no later than ten working days from the date the negative recommendation was made.

The original application, written statement of reasons for the negative recommendation, request for reconsideration, candidate's response to the written statement of reasons, and recommendation upon reconsideration, including the written statement of reasons, if any, become part of the record.

#### (B) Appeal of denials

Any candidate whose application for tenure or promotion has been denied has the right to appeal to the committee on faculty rights and responsibilities and, subsequently, to the president under paragraphs (E) and (H) of rule 3339-8-01 of the Administrative Code. The basis for the appeal must be an alleged procedural error or inequitable treatment.



The candidate must appeal, in writing, to the committee on faculty rights and responsibilities within fifteen working days of the last date of the consideration or reconsideration that resulted in the denial of the candidates application for tenure or promotion. The written notice of appeal shall state the basis for the appeal and shall be addressed to the committee on faculty rights and responsibilities and delivered to the office of the provost.

Appeals will be heard by the committee on faculty rights and responsibilities under one of the options described in the paragraph (E) of rule 3339-8-01 of the Administrative Code. The decision of the committee on faculty rights and responsibilities may be appealed to the president under paragraph (H) of rule 3339-8-01 of the Administrative Code. The provisions of paragraphs (F), (G), and (J) of rule 3339-8-01 of the Administrative Code apply to all appeals of tenure or promotion denials.

The committee on faculty rights and responsibilities does not make a judgment on the merits of a candidates performance, except insofar as a judgment may be implied in a finding of inequitable treatment. Thus, the committee will not make any findings about the ultimate viability of a candidates application for tenure or promotion.

Appeals may also be based on allegations of discrimination, in which case they are covered by the universitys policy prohibiting harassment and discrimination, rule 3339-3-06 of the Administrative Code. The basis for such an appeal would be discrimination based on sex (including sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence, or stalking), race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, or veteran status. Appeals alleging discrimination should be presented, in writing, to the office of equity and equal opportunity. Candidates are urged to file such appeals within fifteen working days of the last date of the consideration or reconsideration that resulted in the denial of the candidates application for tenure or promotion; such appeals must be filed with the office of equity and equal opportunity within three hundred calendar days.

When appeals based on discrimination in the tenure or promotion process are filed, there shall be coordination, as appropriate, among the office of equity and equal opportunity, the committee on faculty rights and responsibilities, and the office of the provost.



(C) Presidential directive that tenure be considered the following year

In unusual circumstances, the president may direct that a candidate who has failed to achieve tenure be considered during the following academic year. In the event such consideration is directed, a previous positive recommendation for tenure by a committee or person can be reversed by the committee or individual only on the basis of a deteriorating performance or the discovery of evidence not previously available as it relates to the criteria applicable at the time the original tenure recommendation was made.

(D) Deadlines

The deadlines specified in paragraphs (A) and (B) of this rule may be extended by the provost. The running of any time period specified in these procedures will be suspended during thanksgiving recess, winter recess, spring recess, and the interval between the end of final examinations for spring semester and the date on which faculty are required to report for the ensuing fall semester.