

Review Procedures Initiated by Faculty Members Concerning Decisions on Reappointment and Promotion

a. Purpose. The review procedures described below are intended for any faculty member¹¹ who believes (i) that a University policy has not been properly observed in the case of their reappointment or promotion; (ii) that their reappointment or promotion has not been adequately or fairly considered due to a procedural error that likely changed the outcome of the case; or (iii) that they have been discriminated against in matters of reappointment or promotion on the basis of race, color, religion, age, sex, sexual orientation, disability, national or ethnic origin, veteran status, or gender identity or expression. The review procedures shall not be used to reevaluate the merits of the candidate's case.

b. Process. Informal Consultation and Resolution. A faculty member is encouraged initially to seek an equitable solution to the problem through direct discussion with the responsible persons. The Dean of the School, the Dean of the FAS, or the Provost will, if requested, recommend a faculty member or administrator who may be consulted for advice in a confidential manner by any member of the faculty who believes that they may have cause for complaint.

Submission to the Provost. Where any informal consultation has not resolved the problem, the complainant shall submit a letter to the Provost explaining the complaint and the redress sought and requesting consideration of the complaint. If the Provost was significantly involved in the matter under dispute, the President will assume the Provost's role in these review procedures. The complainant's letter must be received by the Provost within 45 days of the final action giving rise to the complaint. The Provost will furnish a copy of this letter to the individual respondent(s) who are the subject of the complaint.

The Provost, or at the request of the Provost, the relevant dean or other designee, may conduct a preliminary review of the complaint and, if appropriate, attempt to resolve the matter informally. If the matter cannot be resolved informally, the Provost will consider whether the complaint falls within the purview of a review committee and merits review. For example, the Provost will reject any complaint based on a disagreement with the professional judgment of the department or the appointments committee. As soon as possible, but normally within 30 days after the Provost's receipt of the complaint, the Provost will forward to a review committee those issues raised by the complainant that have not been resolved, except for any that the Provost has concluded are not within the purview of the procedures or are clearly without merit.

Faculty Review Committee Procedures. A panel of the Faculty Review Committee ("Committee") will consider complaints referred to the Committee by the Provost. The Faculty Review Committee is a standing committee, appointed each year by the Provost in consultation with the University Cabinet and consisting of approximately thirty senior faculty members from the Faculty of Arts and Sciences and the faculties of the professional schools. Review Committee members must be tenured faculty, except that in the case of the School of Music and the School of Drama they may be professors of the practice or professors adjunct, and in the School of Medicine they may be professors in the clinician-scholar, clinician-educator, clinical or investigator tracks. For the review of any particular complaint, the Provost will select a panel of five faculty members from the Faculty Review Committee membership, with one of these individuals designated chair of the particular review.

When required by the number of reviews underway or by the inability of Faculty Review Committee

members to participate in a particular review, the Provost will supplement the Faculty Review Committee with additional tenured faculty members. In these circumstances, the panel hearing a case will consist of five members, including no fewer than two members of the Faculty Review Committee and no more than three supplemental members.

No faculty member who is directly involved in the complaint may serve as a member of the panel hearing the complaint. When a member is excused for this reason or is otherwise unable to participate, the Provost may designate a substitute. During its inquiry, the panel may review documents from any office of the University that are relevant to the underlying complaint and that were prepared prior to the decisions about which the faculty member is complaining. However, the panel may not review documents covered by a legal privilege (for example, psychiatric patient records and attorney-client communications). It is expected that all members of the Yale community will cooperate fully with the panel in its inquiry.

The proceedings are not intended to be adversarial. The complaining faculty member must meet with the panel and may be accompanied by an adviser when doing so. The complainant and the respondent(s) will have the opportunity to present information and to propose that the panel interview relevant witnesses. The complainant and the respondent(s) may be permitted to inspect documents or parts of documents that the panel deems directly relevant to the specific complaint and that were not written under a presumption of confidentiality. As its inquiry proceeds, the panel may interview the witnesses proposed by the complainant or the respondent(s) and any other person it deems relevant. The panel may at its discretion pursue its inquiry with or without the presence of the complainant and their adviser. The panel may consult separately with the adviser only with the consent of the complainant.

Where a complaint alleges sex discrimination or discrimination on the basis of disability in a matter of reappointment or promotion, the panel will also consult, respectively, with the Title IX Coordinator of the University or the Director of the Office for Equal Opportunity Programs.

The panel, having conducted its inquiry, will deliberate in closed session and will present to the Provost a written report stating its findings of fact and its conclusions as to whether University policy has been violated or the appointment or promotion was not adequately or fairly considered. In a separate section of the report, the panel will state its recommendations, if any, regarding redress and outline whatever other actions or changes in policies or procedures, if any, it recommends to the Provost in light of the information it has gathered in the course of its review. The report of the panel will be adopted only upon the majority vote of the members of the panel who participated in the inquiry.

Resolution. The panel will submit its report within a reasonable period of time, normally within 90 days of its receipt of a complaint. The Provost will furnish copies of the panel's findings of fact and conclusions, but not its recommendations, to the complainant and the respondent(s). If the complainant or the respondent(s) wish to provide a written response, this response must be submitted to the Provost within 14 days of receiving the findings of fact and conclusions. On the basis of their own concerns or concerns raised in response to the report, the Provost may ask the panel to re-examine or clarify findings of fact. If necessary, the panel may submit a revised report to the Provost. The Provost will then accept the panel's findings of fact. The Provost may accept, modify, or reject the conclusions of the panel and any of its recommendations. However, in any case where the Provost has reservations about the panel's conclusions or recommendations, the Provost will discuss the matter with the panel in advance of a final decision and explain their reasons for disagreement. The Provost will then decide the matter and convey their decision in writing to the complainant, the panel, the respondent(s)

and, where appropriate, the relevant appointments committee.

The Provost's decision ordinarily should be rendered within 14 days after receiving the responses of the complainant and the respondent(s).

A decision by the Provost to sustain a decision not to reappoint or promote a member of the faculty shall be final. Any other decision by the Provost will be implemented in accordance with rules or practices of the University. For example, an ad hoc appointments committee might be impaneled.

Time Periods. In instances where additional time may be required during the review process – for example, delays caused by the absence of faculty members over the summer months – the Provost may extend the time periods set out above. If a time period is extended, the complainant and respondent(s) will be informed.