

WPI Faculty Handbook: Chapter Five - Faculty Grievance Procedures

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Chapter Five - Faculty Grievance Procedures

1. Procedure for Complaints of Academic Freedom Violations

(Approved by the Faculty, *March 13, 2024*)

(Approved by the Board of Trustees, *May 9, 2024*)

a. Context

All faculty members at WPI - whether tenured, non-tenured, full-time, or part-time - have academic freedom as described in Chapter One: Governance, Section Two, Part V of this Handbook. The guarantee of academic freedom requires that any faculty member who believes their academic freedom has been violated must be able to submit and have their complaint adjudicated by the Committee on Tenure and Academic Freedom (CTAF) without incurring any additional risk.

The procedures described below are designed to allow CTAF to ascertain the facts needed to reach a decision with respect to allegations of academic freedom violations, while protecting faculty members from harm during the process. This balance is achieved by having CTAF first reach a preliminary finding based on information provided only by those individuals chosen by the faculty member bringing the complaint. And only if a preliminary finding that an academic freedom violation was likely to have occurred, would the complaining faculty member be required to allow CTAF to contact all other relevant individuals if it were to make a final determination that an academic freedom violation had occurred. In this manner, no individual may be informed of the complaint without the permission of the faculty member raising the complaint, while all relevant individuals must be interviewed before a violation of academic freedom is finally established.

Any faculty member who believes their academic freedom has been violated may submit a complaint to the Committee on Tenure and Academic Freedom (CTAF), which has responsibility to follow the procedures described below to evaluate whether an individual's academic freedom has been violated. It is not CTAF's responsibility to assign intentionality or to sanction any individual. Instead, if CTAF determines that academic freedom has been violated, CTAF will send a detailed report on the finding with recommendations to the Provost. Based on the report, the Provost will take appropriate administrative actions as necessary.

b. Evaluation of Complaints of Academic Freedom Violation

A violation of academic freedom is any serious interference, restriction, or suppression of the rights and liberties that arise from the definition of academic freedom

(provided in Chapter One: Governance, Section Two, Part V). These rights enable faculty members as scholars, educators, and citizens of the University to pursue and disseminate knowledge and ideas without undue influence, censorship, or discrimination. Violations of academic freedom can limit these rights in a wide variety of ways, and in certain cases can result in decisions not to renew probationary, tenure-track appointments; decisions not to renew or terminate appointments; negative decisions on tenure; and negative decisions on promotions of tenured, tenure track, and non-tenure track faculty members.

CTAF shall endeavor to ascertain the facts of the academic freedom case using the procedures described below. At all times, case materials will be confidential, shared only among the members of the Academic Freedom Subcommittee (AFS) chosen to evaluate the case and the faculty governance coordinator. To ensure a fair and effective resolution process, cases should be filed in a timely manner. CTAF will endeavor to move through the process in a timely fashion.

If at any time during the process, the complainant or other relevant individuals leave WPI, the complainant can still proceed with the process.

i. Initial Phase

1. Optional Informal Consultation The Chair of CTAF is available for informal consultation with the complainant at any time before formal procedures are initiated (beginning with Step 2. Submission of a Formal Complaint, below). At this time, the Chair can review evidence provided, discuss the complaint with the complainant and answer questions about the complaint process. There is no investigation and no involvement of other individuals at this time. Instead, the intent is to provide a mechanism by which the complainant may receive information that may help them to decide whether or not to submit a formal complaint, although the complainant may submit a formal complaint without asking for this consultation. An oral or informal written inquiry from the complainant is not considered a formal complaint for the purposes of these rules. All information shared and discussed during this informal consultative phase must be held in confidence by the Chair of CTAF.

If the complaint involves the Chair of CTAF or if the complainant is in the same department as the Chair of CTAF, then the complainant should consult with the secretary of CTAF, who will serve in the role of the Chair throughout the process.

2. Submission of a Formal Complaint To initiate a formal complaint of academic freedom violation for consideration by CTAF, the complainant must notify the Chair of CTAF (or their replacement) in writing that they intend to submit a complaint. Within two weeks of that notification, the complainant must submit the following:

- a) a signed, written statement describing the substance and details of the com-

- plaint;
- b) any evidence they wish to have considered to support the allegation that their academic freedom has been violated;
- c) an initial list of people relevant to the case whom the complainant agrees may be interviewed by CTAF; and
- d) a statement of any potential conflicts of interest relevant to the case that may exist among current members of CTAF.

If the complaint involves the Provost, the Provost's role is replaced by the President everywhere in this procedure.

3. Selection of the Academic Freedom Subcommittee (AFS) The CTAF Chair (or their replacement) and the next longest serving CTAF member (who is not in the same department as the complainant and does not have a conflict of interest) will perform an initial review of the submission in order to select a five-member Academic Freedom Subcommittee (AFS) consisting of themselves and three additional CTAF members. These additional CTAF members must not have departmental overlap or conflict of interest with the complainant nor have conflicts of interest in the case. The five members of the AFS will elect their own Chair.

The AFS will investigate cases of alleged violations of academic freedom as soon as possible, constrained by CTAF's Fall tenure case workload and the availability of CTAF members to serve on the AFS.

4. No Conflict of Interest To the maximum extent practicable, steps should be taken to ensure an impartial and unbiased process, ensuring that members of AFS have no real or perceived unresolved personal, professional, or financial conflicts of interest with those involved in the investigation that could affect their ability to be objective.

5. Optional Mediation and Possible Informal Resolution The AFS will review the materials submitted and interview the complainant in order to determine if the case has merit in that: 1) the complaint pertains to academic freedom, 2) the impact of the alleged violation may be serious. If the AFS decides the case does not have merit, the complainant will be informed by the AFS Chair in writing of the decision, the case will be closed, and no further action will be required by CTAF.

If the AFS decides the case may have merit, the AFS will provide an option for the complainant to pursue an informal resolution through mediation between the complainant and any individual(s) identified as being potentially responsible for the alleged violation. Only if the complainant agrees, is/are these identified individual(s) notified of the complaint and invited to participate in the mediation process. Because mediation is voluntary, all individuals must agree to participate for mediation to occur with the expectation that an informal resolution will be practical to implement.

Mediation is a voluntary, confidential process through which a neutral mediator assists the complainant with expressing their concerns and helps all parties in developing solutions to the dispute in a safe and structured environment. The Secretary of the Faculty shall serve as the mediator or appoint an appropriate mediator (in consultation with the AFS Chair). The mediator shall be acceptable to the complainant and all individuals. Mediators do not make judgments, determine facts, or mandate resolutions; instead, they facilitate an appropriate exchange between the participants, who identify the solutions best suited to their situation. Mediators do not engage in evaluation of decisions.

If the individuals come to an informal resolution of the dispute through mediation, the mediator produces a document with details of the mediation process and the agreed-upon resolution. No agreement from the mediation process is reached unless and until it is acceptable to all individuals. The mediator, in consultation with the AFS Chair if necessary, decides whether the Provost needs to approve the mediated resolution. Only if the Provost determines that the mediated resolution is administratively infeasible, then the mediator and the Provost and the complainant and other individuals shall jointly devise an agreeable alternative resolution. The final, agreed-upon document is signed by the mediator and all individuals. The fact that a mediated resolution was agreed upon is conveyed to CTAF in writing, but without any other details. The case is closed, and no further action is required by CTAF. The individuals in the dispute are responsible to each other for ensuring that the provisions of the agreement are followed.

6. Proceeding in the Absence of a Mediated Resolution In the event that the individuals do not agree to mediation or are not able to reach a mutual resolution to the dispute through mediation, the AFS will, at the request of the complainant, proceed with the Investigation Phase (Section b.ii).

ii. Investigation Phase

1. Review of Submitted Materials The AFS shall evaluate the complainant's submitted materials (described in Section b.i.2) and interview the complainant. The complainant may ask for an advisor of their choice to be present during the interview and advisors are subject to the same confidentiality obligations applied to others in this process. The AFS may choose to interview some or all of the individuals identified by the complainant in the original materials.

2. Possible Request for and Review of Additional Materials The AFS may also request additional materials, including emails, annual reviews, or other documents from the complainant if such materials are necessary to verify the facts.

If at any point in the investigation the AFS decides that additional interviews and/or additional information from other individuals not initially provided by the com-

plainant **are necessary** to come to a determination (see Section b.iii.1), the AFS will provide the complainant with a list of the additional individuals and information that are necessary. The AFS cannot contact any individuals without the written approval of the complainant during this stage of the investigation.

If the complainant is not willing to expand the scope of the investigation in this manner, then the AFS will proceed to the preliminary finding part of the decision phase (Section b.iii.1) and make a decision that the available evidence in the case does not establish that an academic freedom violation occurred (Section b.iii.1, c. *Not Enough Evidence*).

If the complainant is willing to expand the scope of the investigation, the AFS conducts additional interviews, reviews the additional information requested, and continues to evaluate the full body of evidence. At all times, all individuals shall cooperate with the process, preserve (and not delete or destroy) evidence, and provide information and materials as requested.

3. Confidentiality The existence of the case must remain confidential to anyone outside the AFS and individuals being interviewed. Case materials must not be shared with any interviewees. Case materials are shared only among members of the AFS.

4. Option to Request Mediation and Informal Resolution The complainant has the option to request an informal resolution at any time during the investigation phase, following the process defined in Section b.i.5.

5. Option to Withdraw the Complaint The complainant has the option to withdraw their complaint at any time during the investigation phase. Should the complainant request to withdraw the case, the AFS will issue no finding and the complainant's case will remain confidential. The case is closed and no further CTAF action is required.

6. Sufficient Evidence Once the AFS has all available evidence or has enough evidence to reach a preliminary finding, the process enters the decision phase.

iii. Decision Phase

1. Preliminary Finding Based on all the evidence obtained in the order and manner described in Section b.i.2 and Section b.ii, the AFS deliberates and reaches a preliminary finding by majority vote regarding the academic freedom violation. The first vote is whether or not academic freedom was likely violated (preliminary finding "a" below). If not, the second vote is whether academic freedom has not been violated (preliminary finding "b" below). Otherwise, there is not enough evidence to

make a determination (preliminary finding "c" below). The committee reaches one of the three possible outcomes regarding the complainant's academic freedom:

- a. *Likely Was Violated*: If the initial finding is that academic freedom likely was violated, the complainant will be informed by the AFS Chair in writing of additional relevant individuals (as determined by the AFS) that need to be interviewed or additional information that needs to be confirmed. Some relevant individuals may not yet have been interviewed in order to protect the complainant. The complainant will have one calendar week to decide whether to withdraw the case or proceed and will inform the AFS Chair in writing of their decision:
 - i. Withdraw and Request Mediation and Informal Resolution: The complainant can decide to withdraw the case and request an informal resolution, following the process in Section b.i.5.
 - ii. Withdraw the Case: The complainant can decide to withdraw the case, and the case will be closed and will remain confidential; no further CTAF action will be taken.
 - iii. Proceed: If the complainant wishes to proceed, the case cannot be withdrawn after this point.
- b. *Has Not Been Violated*: If the initial finding is that academic freedom has not been violated, the complainant will be informed by the AFS Chair in writing of the decision and the rationale for the decision. The case is closed and will remain confidential, no additional reports will be filed, and this academic freedom case shall not be resubmitted in the future. The outcome is conveyed to all relevant interviewed individuals by the AFS Chair. No further CTAF action will be taken.
- c. *Not Enough Evidence*: If the initial finding is that there is not enough evidence to confirm the faculty member's academic freedom has been violated, the complainant will be informed by the AFS Chair in writing and the case will be closed and will remain confidential. This academic freedom case can only be resubmitted with new evidence of the alleged academic freedom violation that did not exist during the initial investigation. The outcome is conveyed to all interviewed relevant individuals by the AFS Chair. No further CTAF action will be taken.

2. Confirmation of Preliminary Finding If there are additional relevant individuals (as determined by the AFS, not the complainant) who have not yet been interviewed (e.g., so as to protect the complainant), the AFS will conduct those interviews and review any relevant materials that are identified through those interviews. The purpose of this additional step is intended for the AFS to help establish and confirm that an academic freedom violation occurred or to contradict an earlier

finding. The AFS will inform any new interviewees that the existence of the case and all case materials must remain confidential. If any identified relevant individuals choose not to be interviewed by AFS, the process continues to the next step. All relevant individuals will be offered the opportunity to be interviewed and to provide evidence prior to a final decision.

3. Final Decision When the AFS has completed interviewing all relevant individuals and reviewing any additional evidence, the AFS takes a final vote and based on a majority vote arrives at either a positive decision that an academic freedom violation occurred, or a negative decision that the evidence in the case does not establish that an academic freedom violation occurred.

- a. *Negative Decision*: If the final vote results in a negative decision that the evidence in the case does not establish that an academic freedom violation occurred, then the complainant will be informed by the AFS Chair in writing of the decision. The case is closed and will remain confidential. The AFS issues a detailed, confidential report providing information on the finding, the procedures followed, the materials considered, and the rationale behind the decision that is shared with the complainant. The outcome is conveyed to all relevant individuals by the AFS Chair. No further CTAF action will be taken.
- b. *Positive Decision*: If the final vote results in a positive decision that an academic freedom violation occurred, then the AFS Chair informs the complainant in writing of the decision, produces a detailed report of the finding, and advances the case to the resolution phase.

4. Confidentiality The existence of this academic freedom case - as well as the process followed and the outcome of the final decision - must remain confidential. This applies to the complainant, the members of the AFS, and all those interviewed during the process. Any breach in confidentiality by anyone involved in an alleged case of academic freedom violation will be considered a violation of the Faculty Conduct Policy and the AFS will follow the procedures laid out in that section (Chapter 10: Faculty Conduct Policies, Section I).

c. Resolution of Confirmed Violations of Academic Freedom

Upon confirmation of an academic freedom violation, the goal of the resolution is to protect the faculty member, provide information about the process and finding to all relevant individuals, and produce a plan that can help prevent academic freedom violations in the future. It is not CTAF's responsibility to assign intentionality or to sanction any individual.

i. Recommended Actions

Based on all information from the case, the AFS shall recommend possible corrective actions to rectify the academic freedom violation, if possible; protect the complainant against possible retaliation; and reduce the likelihood of similar academic freedom violations in the future, if possible. Such recommended actions may include but are not limited to changing the complainant's direct supervisor, extending the terms of a contract, and/or providing regular oversight of the complainant and supervisor, as appropriate.

ii. Complete Confidential Report with Recommendations

The AFS issues a detailed, confidential report with recommendations to the Provost. If the complaint involves the Provost, the Provost's role is replaced by the President here and for the remainder of this procedure. The report provides information on the finding, the procedures followed, the materials considered, the rationale behind the decision, and recommendations from Step i (Recommended Actions) of this Section c. As much as possible, the identities of all interviewees should be anonymized. Upon receiving the report, the Provost must meet with the AFS to discuss the case. All aspects of this discussion are confidential between the AFS and the Provost. If any of the AFS's recommendations are administratively infeasible, the Provost and AFS will jointly devise feasible alternatives that address the AFS's concerns about protective and corrective measures. After this meeting, the AFS may choose to revise the recommendations in the report.

iii. Provost Produces Management Plan

The Provost produces a management plan consistent with the report and recommendations that addresses the AFS's concerns about protective and corrective measures. The plan details protective actions taken for the complainant, corrective actions taken, if any, to any relevant individuals, and a timeline for implementation, as appropriate. In consultation with the AFS, the management plan will include appropriate oversight and safeguards to ensure non retaliation against the complainant.

iv. Delay When Provost Has Made Positive Tenure Recommendation for Probationary Faculty Members

The Provost shall pause the resolution phase until the Board of Trustees has voted on the Provost's positive tenure recommendations.

v. Share Part of Management Plan

The Provost sends the management plan first to the AFS, and then the report and pertinent parts of the plan to the complainant.

vi. Special Case for Probationary Tenure-track Faculty Members in Addition to Recommended Actions

If the complainant is a probationary faculty member consistent with the minimum time that must be served on a probationary appointment prior to the tenure review (described in Chapter Two: Academic Appointments, Section 3.a.i and in Chapter Three: Tenure, Section 1), the procedures in Section c.vi.1 of this policy are followed before proceeding with Section c.vii. The procedures are intended to help mitigate any damage that might have resulted from the academic freedom violation and to initiate appropriate interventions intended to address conditions that may have led to the violation.

1. Procedures for Probationary Tenure-track Faculty Members In cases in which the AFS finds that the academic freedom of a probationary faculty member has been violated, the complainant will be invited to apply for tenure to protect the faculty member from retaliation or ongoing harm from the initial violation. The AFS chair will review the tenure process and all possible outcomes and implications with the candidate before the candidate makes a decision whether or not to accept the invitation. In this tenure process, CTAF shall seek to include and evaluate as many of the components of a normal tenure case as possible, without undue jeopardy to the faculty member's confidentiality in the academic freedom case. CTAF shall recommend for tenure if there is good evidence that the nominee would eventually be tenured by the normal procedure and tenure criteria.

All those involved in the tenure case shall endeavor to maintain the strictest confidentiality regarding the existence of the case and to expedite their role in the case to the maximum extent possible. The procedures otherwise to be followed in the tenure review and the granting of tenure (and, in the cases of assistant professors and assistant professors of teaching, promotion to the corresponding associate rank) will be, to the extent possible without exposing the faculty member to further jeopardy, those followed in a normal tenure case, including promotion to the associate rank when the faculty member is at the assistant rank. The Appendix contains details about the revised process.

vii. Share All of Management Plan

The Provost sends the report and pertinent parts to all relevant individuals.

viii. Enact Plan and Provide Updates Until Plan Completed

The Provost takes appropriate action following the management plan and submits an annual statement to the Chair of CTAF affirming that the management plan's requirements are being met, until the completion of the plan. At that time, the case is closed, and no further action is required by CTAF. If the complainant finds the

management plan has not been effective in resolving the initial complaint, they can restart the complaint process (Step b.i). The Provost's office is required to maintain confidential records on management plans.

Appendix - Details of Revised Tenure Process for Probationary Tenure-track Faculty Members

If the candidate decides to accept the invitation to apply for tenure, a Joint Tenure Committee will be formed according to normal procedure as long as neither elected member of the Department Tenure Committee nor the Department Head is directly involved in the academic freedom complaint. Where one (or more) of the three members of the DTC has been on a complainant's AFS, a modified Joint Tenure Committee will be formed consisting of five members of CTAF and three departmental colleagues, with the most recent past DTC member substituting for the member that is recused because of involvement with the academic freedom case. Members of the JTC that were not members of the AFS that reviewed the initial academic freedom complaint must be informed of the special nature of the case but shall not be given any details of the academic freedom case. This includes members of the DTC but may also include CTAF members where the CTAF membership of the JTC is different than the AFS. All members of the JTC shall keep the existence of the academic freedom case and the resulting tenure case confidential.

A modified procedure will be used to seek external reviews. Members of the modified DTC will seek commitments from senior faculty members (at the rank of associate professor or above) from outside WPI who are able to evaluate the candidate's tenure dossier. The DTC will specifically seek external reviewers similar to those who would have been chosen in a standard tenure case. Reviewers will be given a general explanation of the unusual situation (without providing any details or naming any individuals involved in the academic freedom case), along with copies of WPI's tenure criteria and an explanation of how early tenure cases should be evaluated in cases of academic freedom violation. Details of the tenure case will only be sent to external reviewers who agree in advance to keep the case in complete confidentiality, including from all members of the WPI community other than the JTC and the faculty governance coordinator. External reviewers will not be given any details about the academic freedom case.

No departmental interviews will be conducted. The candidate may choose to request letters from some departmental colleagues, other than DTC members, as part of their professional associate letters.

The JTC will deliberate and reach a decision to either table the early tenure application or recommend for tenure. If the decision is to table the case, the candidate is notified in writing by the CTAF member who served as the Chair of the JTC and the candidate will be eligible in the future to apply for tenure under the normal tenure process. All details about the academic freedom case shall remain confidential.

If the JTC's decision is to recommend for early tenure, it will provide a unitary recommendation to the AFS, written by the CTAF member who served as the Chair of the JTC and signed by all members of the JTC. Each member of AFS will then sign the recommendation and send it to the Provost. While the Provost can consult with the appropriate Dean and the President, the details of the academic freedom case will remain confidential from the Board of Trustees.

The Provost may ask to meet with the JTC to discuss the recommendation and the Provost must meet with the JTC in the case of a disagreement about a tenure recommendation. Any such discussion between the Provost and the JTC is about the tenure case only, does not involve the AFS, does not include materials or issues regarding the academic freedom violation, and is confidential between the Provost and the JTC only.

2. Procedure for Faculty Grievances Not Related to Academic Freedom Violations

(Amended by the Faculty, *May 9, 2017*)

(Amended by the Faculty, *March 13, 2024*)

a. Grounds

Faculty members may submit specific grievances to the Faculty Review Committee (FRC). For these faculty grievances, the FRC has the power to review and to require reconsideration of:

- a. The Provost's decision not to renew a probationary, tenure-track appointment
- b. Decisions not to renew or to terminate appointments of secured nontenure-track faculty members on 3-year or 5 (or more)-year contracts;
- c. Negative decisions on tenure; and
- d. Negative decisions on promotions of tenured, tenure track, and non-tenure track faculty members.

where the action, decision, or recommendation is alleged by an aggrieved faculty member to result from:

- i. improper procedure; or
- ii. discrimination based on race, sex, age, color, national origin, religion, genetic identity, disability, gender identity or expression, marital or parental status, sexual orientation, transgender status, veteran status, or any other protected status.

b. Submission of Relevant Documentation and Dates for Filing a Grievance

When a grievance on any one or more of these grounds is submitted, the grievant shall present all factual or other data that they deem pertinent to the case, as well as all the relevant documentation available to them.

For grievances arising from non-renewal of a probationary appointment (see Chapter Two: Academic Appointments, Section 3.a.iii) or from nonrenewal or termination of appointments of secured nontenure-track faculty members on 3-year and 5-(or more)-year contracts (see Chapter Two: Academic Appointments, Section 4.a.vi, Section 4.a.vii, Section 4.a.viii, Section 4.b.iv, Section 4.b.v), the grievance must be filed within ten business days after the applicable latest non-renewal or termination notification date as stipulated in this Faculty Handbook.

For grievances arising from a negative tenure or promotion decision, the grievance must be filed within ten business days after that meeting of the Board of Trustees (usually February) at which the Provost and President present their tenure and promotion decisions for Board approval, or ten days after the tenure or promotion candidate is notified by the Provost of the negative decision, whichever is later.

c. Formation of an FRC Subcommittee and Recusals

When a matter regarding a faculty grievance comes before the FRC, a subcommittee of three elected and two appointed members of the FRC are selected by the Chair of FRC to review the grievance. The exercise of the functions of the FRC requires the presence and participation of all five members of the subcommittee as constituted for a particular grievance.

FRC members who have had a significant prior involvement with the matter in question, or who have a personal relationship with any of the parties directly involved in the matter, shall recuse themselves from participating in the proceedings. Recusals may be requested by FRC members, the grievant, or other parties in the action, such as the Provost or the Chair of CTAF or COAP. Additional recusals necessary to create the subcommittee with three elected and two appointed members will be arranged by the Chair of FRC such that recusals are distributed evenly over the FRC membership.

d. Investigation of the Grievance and Access to Relevant Documentation

When a grievance is submitted, the FRC subcommittee shall first decide whether the allegations and the evidence submitted by the grievant merit detailed consideration of the matter, and shall inform the grievant and the appropriate administrator(s) promptly of this decision.

If the FRC subcommittee decides that detailed consideration of a grievance is in order, it shall expeditiously investigate the matter in the manner that it deems

appropriate. If the subcommittee finds that there are grounds for formal interviews, it shall conduct such interviews under confidentiality safeguards identical to those practiced by the Faculty Committee on Tenure and Academic Freedom (CTAF) or the Committee on Appointments and Promotions (COAP). Only WPI personnel may participate in such interviews.

At all stages of considering the grievance, the FRC subcommittee shall have access to all the relevant documentation under the control of the University in the same manner and to the same extent as had the administrators and committees or other faculty bodies that participated in the decisions or recommendations to which the grievance refers, and with the same obligation of confidentiality that these administrators, committees or bodies were under with regard to any particular document. The body of documents and files available to the FRC must be identical, without addition, deletion, or embellishment, to that available to those participants.

In carrying out its investigation, the FRC subcommittee may appoint ad hoc committees of investigation, reporting to it, and consisting of faculty members with tenure who may, but need not, be members of the FRC. The FRC shall be free to discuss the grievance with the Provost and the President.

The FRC through its subcommittee for each case is charged with reviewing a grievance in a prompt and timely manner, with the intent that it will issue its report prior to the close of the academic year in which the filing was made. Should a grievance be pending at the close of the academic year, its resolution will continue to be the responsibility of the original reviewing subcommittee, notwithstanding the election of a new committee (see Chapter One: Governance, Bylaw Three, Section IX).

Allegations of Improper Procedure: In determining whether a decision or recommendation that is the subject of a grievance was affected by improper procedure, the FRC may examine whether the decision or recommendation by an administrator, committee, or other faculty body was the result of adequate consideration in terms of the relevant standards of the WPI. In no case shall the FRC substitute its judgment for that of the maker(s) of the original decision or recommendation.

e. Resolution of the Grievance, Required Actions, and Final Appeals

If the FRC subcommittee concludes, after detailed consideration of a grievance, that the allegations in it have been established in full or in part and that the aggrieved matters have affected the decision or recommendation at issue, then the subcommittee has the power to require of the maker(s) of the decision or the maker(s) of the recommendation that they reconsider this decision or recommendation to the extent that it is affected by the established allegations. The conclusion of the Committee, its recommendations, the basis for those recommendations, and, if appropriate, requests for reconsideration shall be recorded in a report, and this report shall be provided to the grievant, the maker(s) of the questioned decision or recommendation, and the

President. The outcome of a reconsideration required by the FRC subcommittee shall be promptly reported to the FRC subcommittee.

The filing of a grievance or the granting of a reconsideration as an outcome of that filing in no way extends the period of employment beyond that which would apply if no grievance were filed, nor do filing and reconsideration in any way entitle the grievant to automatic tenure through AAUP rules.

Reconsideration of Tenure or Promotion Cases: In the event that, for a tenure candidate, the Joint Tenure Committee, or, for a promotion candidate, the Joint Promotion Committee, conducts a reconsideration of a case, it shall use only the body of documents available during the first hearing of the case, without addition, deletion, or embellishment, except for the FRC subcommittee report on the case and any other information the Joint Tenure or Promotion Committee wishes to obtain using its normal procedures, provided such additional information pertains directly to issues raised in the FRC subcommittee report.

Final Appeals: If the reconsideration(s) required by the FRC subcommittee lead to the same negative decision as that which generated the grievance, the grievant may make a final appeal to the President, who may reverse or uphold the decision.