

The COVID Faculty Assignments Appeal Committee: A Quick Guide to Filing an Appeal

Note: The Committee has not yet formally elected its Chair and Vice Chair. At least on an interim basis, the Chair of the Committee is Prof. Cyndia Clegg, cyndia.clegg@pepperdine.edu, the Vice Chair of the Committee is Prof. Shelley Saxer, shelley.saxer@pepperdine.edu, and the Secretary of the Committee is Professor Dennis Lowe, dennis.lowe@pepperdine.edu. Until further notice, appeals should be sent to Professors Clegg and Saxer as Chair and Vice Chair.

This quick guide is provided by the COVID Faculty Assignments Appeal Committee (the “Committee”). The Committee was created by the University Faculty Council (“UFC”) pursuant to the authority of the President and Provost. The Committee is made up of the current members of the UFC, who are tenured faculty from all five of Pepperdine’s schools. The Committee’s purpose is to hear appeals by faculty with regard to work assignments that they are given during the COVID-19 pandemic. A decision made on your appeal will be in the form of a **recommendation to the Provost whose decision will be final.**

Grounds for Appeal

When the faculty member and school administration cannot agree on a mutual resolution of the terms on which the faculty member will carry out the usual faculty duties of teaching, research, and service (or cannot agree on the form and terms of a leave), the faculty member may file an appeal. The appeals will be heard within the context of the University’s “COVID-19 LEAVE POLICY FOR FACULTY” (the “Policy”).¹ The Policy deals with more than leaves. It also deals with the possibility that the faculty member may be able to carry out faculty duties remotely or in other ways without face-to-face teaching. In short, the question often will be whether the faculty member can or cannot work “remotely,” so that the faculty member’s needs may be accommodated in some way other than by offering the faculty member a leave (which often would be unpaid).

Process for Filing an Appeal:

- Send the appeal to the Chair and Vice Chair of the Committee with a copy to the dean of the faculty member’s school (and to any other person designated by the dean to receive appeals).
- Upon receipt of the appeal, the Chair of the Committee will send the faculty member a list of six Committee members; the faculty member may choose three of them to be the Appeal Panel. The Appeal Panel will then contact the faculty member and school administration to set a date for an appeal hearing, which should be no more than a few days later.

¹ The policy is posted on the Provost’s webpage at <https://www.pepperdine.edu/about/administration/provost/content/policies/covid-19-leave-faculty.pdf>.

The appeal must be filed no later than midnight on the second business day after the faculty member receives a final decision from the school's administration.² A faculty member who cannot meet that deadline should contact the Committee Chair or Vice Chair immediately.

The Appeal Must Include:

- The "School's Final Decision." That is the final decision the school's administration made about what the faculty member will be required to do. For example, the administration may have finally decided – after all discussions are over – that the faculty member must teach two classes face-to-face, or else take an unpaid leave. The final decision (for example, an email from the administration) should be attached to the appeal. If the final decision was given orally, then the faculty member should explain what it was.
- A short explanation of why the faculty member believes that the School's Final Decision does not appropriately deal with the faculty member's particular circumstances.
- A short description of the efforts made by the faculty member and the school administration to reach agreement.
- A statement of the outcome sought by the faculty member. This may include different alternatives that the faculty member thinks are appropriate or at least preferable to the School's Final Decision.

Where possible, **please include** any documents or records, including written statements from others who have important information, to assist the Appeal Panel in making a recommendation to the Provost.

² For example, if the faculty member receives the final decision on a Tuesday, the appeal would need to be filed no later than Thursday midnight. If the faculty member receives the final decision on a Thursday, the appeal would need to be filed no later than midnight on the following Monday.