

Office of Academic Affairs

Policies and Procedures Handbook

Chapter 4: Appeals and Complaint Procedures

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## **1.0 Appeals of negative tenure, promotion, or reappointment decisions**

A reevaluation of a negative tenure, promotion, or reappointment decision may occur if the Committee on Academic Freedom and Responsibility (CAFR) determines an improper evaluation occurred (see Section 1.1: Allegation of improper evaluation), or if the Office of Institutional Equity (OIE) determines that discrimination has occurred (see Section 1.2: Allegation of discrimination). For probationary tenure track faculty, a new review in the seventh year may occur if the head of the tenure initiating unit (TIU) determines there is significant new information (see Section 1.3: Seventh-year review).

In any of the appeal proceedings, 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.

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.

TIU heads, deans, and the executive vice president and provost will not discuss a promotion and tenure or reappointment decision with individuals who are not a party to the decision-making process.

### **1.1 Allegation of improper evaluation**

Faculty members who believe they have been evaluated improperly for tenure, promotion, or reappointment 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 candidate 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 vice provost for academic policy and faculty resources regarding the best way(s) to address a particular issue.

#### **1.1.0 Issues not considered improper evaluation**

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

Favorable annual reviews are not a basis for appealing a negative tenure, promotion, or reappointment. 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 includes 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 tenure, promotion (see [Faculty Rule 3335-6-05](#)), or reappointment.

### **1.1.1 Formal appeal process**

Only the candidate may make an appeal of a negative tenure, promotion, or reappointment decision regarding allegations of improper evaluation. A formal appeal cannot begin until the executive vice president and provost has rendered a 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. An appeal alleging improper evaluation is reviewed in accordance 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 negative decision in a reappointment case. The faculty member may appeal by sending a written complaint describing the alleged improper evaluation to the chair of CAFR, copied to the executive vice president and provost and vice provost for academic policy and faculty resources 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 once it has been filed.

### **1.2 Allegation of discrimination**

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 [OIE](#), with a copy to the executive vice president and provost and vice provost for academic policy and faculty resources, 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. OIE 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 OIE.

### **1.3 Reviews in the final year of probation**

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\(B\)](#)). Although the term "seventh-year review" is used in the University Faculty Rules, these review procedures are to be used for probationary tenure track faculty who have been given a negative tenure or tenure with promotion decision. For example, assistant professors who have used one or more tenure clock extensions to move their mandatory review year, assistant professors with significant clinical duties in the College of Medicine in their last probationary

year, and associate professors who have been denied tenure during their mandatory tenure review may also be considered for a final-year review following these same procedures.

The committee of eligible faculty and the TIU head must approve proceeding with a petition for a seventh-year review. The petition must provide documentation of substantial new information regarding the candidate's performance that is germane to the reasons for the original negative decision. Petitions must be initiated before the beginning of the last year of employment so the review can be completed before the candidate's last day of employment.

If the dean concurs with the TIU's petition, the petition will be forwarded to OAA for review. If the executive vice president and provost approves the request, a new review will be conducted equivalent to the one that resulted in the nonrenewal of the appointment and does not presume a positive outcome. Should the new review result in a negative decision, the faculty member's last day of employment is that stated in the letter of nonrenewal issued following the original negative decision.

The candidate may not request a seventh-year review (the TIU head must make the request), appeal the denial of a seventh-year review petition, or appeal a negative decision following a seventh-year review, as the candidate has already been notified that tenure has been denied at the conclusion of the sixth-year review.

## **2.0 Faculty salary equity appeal process**

All faculty members have the opportunity to discuss salary equity issues with their TIU head or dean/director during the annual review process. When a faculty member perceives that inequities persist despite such discussions, and they meet the eligibility criteria specified below, they may initiate an appeal by notifying the TIU head or regional campus dean/director. Regional campus faculty must initiate their appeal with the regional campus dean/director.

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 (POAs) may contain additional policies pertinent to this process.

### **2.1 Eligibility**

All of the following criteria must be met for the faculty salary appeal process to proceed.

- The appellant is a tenure-track, clinical/teaching/practice, research, or associated faculty member;
- The appellant's salary is 5% or more below the average salary of all other faculty of the same rank and faculty category 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).

- In addition to the appellant, there must be at least two such faculty of the same rank and category within the TIU or regional campus comparison group for these procedures to apply.

Further, the appellant 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
- past/present administrative duties
- market factors
- other factors set forth as legitimate bases for salary determination in the appellant's academic unit or regional campus 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 an appellant's previous appeal under this process. For example, if an appellant uses this process during academic year 2024–2025 and a final decision is rendered in that time period, they may not use the process again until the 2028–2029 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 Salary reporting considerations**

When a unit has faculty within a comparison group who have different appointments (e.g., 9/12 vs 12/12 faculty contracts), OAA strongly recommends that TIU heads or regional campus deans/directors provide the FTE Equivalent Base Salary (rather than 12/12 equivalent or simple base salary). Although 9-month faculty may earn additional compensation in the summer, this additional salary is not guaranteed. Comparisons made on 'potential salary' introduce inequity in the evaluation process by using the maximal potential earning for one group versus actual university pay in another. Using the FTE Equivalent Base Salary provides equivalency across different appointments.

## **2.3 Parties to the appeal process**

Individuals involved in the appeal process include the appellant, the academic unit head, the dean or dean/director, the college faculty salary appeals committee and the regional campus faculty salary appeals committee.

### **2.3.1 Academic unit head**

For the purposes of this process, the academic unit head on the Columbus campus is the head of the TIU (i.e., department, school, college). The academic unit head for regional campus faculty is the regional campus dean/director.

### **2.3.2 Dean or dean/director**

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. The academic unit head and dean are the same person for the nine colleges (including the University Libraries) that serve as TIUs.

### **2.3.3 College faculty salary appeals committee**

A faculty salary appeals committee shall be established at the college level. The committee may exist solely for the purpose of reviewing salary appeals under this process or may be an existing committee (e.g., the promotion and tenure committee or college investigation committee).

A two-level review process (department and college) is not possible for the nine colleges (including the University Libraries) that serve as TIUs. In these cases, the appellant may select, if they wish, an additional faculty member to serve on the college-level committee. 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 appellant's college and may not be a member of the comparison group.

### **2.3.4 Regional campus faculty salary appeals committee**

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. This committee shall be constituted upon the appellant's appeal to the dean/director.

### **2.4 Time frame for appeal**

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. Following the annual raise process, the appellant's salary appeal materials will need to be updated to reflect the new salaries of the appellant and the comparison group.

### **2.5 College and regional campus salary appeals policies**

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 and may amend these policies as needed subject to approval of OAA.

## **2.6 TIU salary appeals policies**

Except where college-wide standards for documentation of appeals are established, 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.

## **2.7 Appellant responsibilities**

The appellant is to provide the recommended documentation for a salary appeal as detailed in Appendix A: Directions for Faculty Making a Salary Appeal by February 1. Documentation also must be consistent with any TIU and/or college or regional campus written requirements as well as with the eligibility requirements set forth in Section 2.1: Eligibility.

Unless TIU, college, or regional campus POAs specify otherwise, the comparison group must include all other faculty of the same rank and appointment type 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).

For an appellant on a regional campus, once the dean/director notifies the appellant of the names and current salaries of the comparison cohort (see Section 2.8 Academic unit head responsibilities), the appellant takes over the process and develops the documentation for the appeal.

As noted in Section 2.1: Eligibility, there must be at least two faculty members, in addition to the appellant, who meet the requirements for this process to be applicable.

Although not required, an appellant on the Columbus campus initially may present their documentation to the chair of the college faculty salary appeals committee for informal advice as to whether the appeal appears to meet the eligibility and documentation requirements set forth in this document and in any written TIU and college salary appeals policies. An appellant on a regional campus may communicate with their campus dean/director or the faculty ombudsperson if they have questions. Following such a discussion, the appellant 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 academic unit head dismisses the appeal or proposes a resolution that is judged to be unsatisfactory by the appellant (see Section 2.8: Academic unit head responsibilities).

For a regional campus appellant, 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, in addition to the appellant. 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 disciplinary field can be conceived more broadly to bring in related disciplines (e.g., regional campus professors in the humanities). In rare circumstances 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.

## **2.8 Academic unit head responsibilities**

On receipt of documentation alleging salary inequity from an appellant, the academic unit head shall review the documentation. They may request additional information from the appellant and/or meet with them as appropriate.

The academic unit head will respond in writing (by email) 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 academic unit head may dismiss the appeal or propose a salary adjustment (see Section 2.11: Salary equity adjustments proposed under these procedures). Salary adjustments should not be communicated to the appellant until the required approvals have been obtained.

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.



## **2.9 College or regional campus faculty salary appeals committee responsibilities**

On receipt of an appeal from a faculty member who is dissatisfied with the academic unit head's or regional dean/director'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 or regional dean/director in light of the unit's salary criteria.

Although the committee may, on occasion, request additional information from either the academic unit head or regional dean/director or appellant, its review should be based primarily on the appellant's documentation and the academic unit head's or regional dean/director's response to that documentation. The committee does not develop new documentation. An inadequately documented appeal will be dismissed.

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

- whether a salary adjustment for the appellant is or is not warranted;
- whether their recommendation aligns with that of the academic unit head or regional dean/director;
- the approximate adjustment amount if an adjustment is warranted that is different from the adjustment proposed by the academic unit head or regional dean/director.

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

## **2.10 Dean or dean/director responsibilities**

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, they shall determine the amount and timing of that increase (see Section 2.11: Salary equity adjustments proposed under these procedures).

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 an appeal 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 academic unit head and not appealed to the college or regional campus faculty committee. Each record will include all written materials developed for and generated by the appeal.

## **2.11 Salary equity adjustments proposed under these procedures**

To the extent possible, salary equity adjustments proposed from using these procedures should be funded from annual raise monies available during the annual raise cycle . 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.

### **2.12 Decisions that can be appealed**

If the dean or dean/director dismisses an appeal that was not dismissed by the faculty salary appeals committee, or if they propose a salary adjustment that is less than 75% of the amount recommended by the faculty salary appeals 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.

### **2.13 Decisions that cannot be appealed**

A decision is final under these procedures and cannot be appealed when the academic unit head's or regional dean/director'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 academic unit head's or regional dean/director'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 appeals committee to provide a salary adjustment and offers an adjustment that is at least 75% of the amount recommended by the committee.

## **3.0 Complaints against faculty members**

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 when the complaint is related to their faculty duties.

Under this rule, complaints may be filed against faculty in four categories. Under track one (Faculty Rule 3335-5-04.1), complaints can be made alleging failure to meet faculty obligations. Under track two (Faculty Rule 3335-5-04.2), complaints can be made alleging research misconduct. Under track three (Faculty Rule 3335-5-04.3), complaints can be made alleging sexual misconduct, workplace violence, whistleblower retaliation, discrimination, harassment, and retaliation based on protected status. Under track four (Faculty Rule 3335-5-04.4) complaints can be made alleging violations of applicable law, university policies or rules, or unit governance documents.

All records of the proceedings are to be maintained by the Office of Academic Affairs as described in Faculty Rule 3335-5-04.

## APPENDIX A

### Directions for Faculty Making a Salary Appeal

1. Affirm the following statements are true:
  - a. You are a tenure-track, clinical/teaching/practice, research, or associated faculty member;
  - b. Your salary is 5% or more below the average salary of all other faculty of the same rank and faculty category in your academic unit or in a recognized discipline or subdiscipline with a distinct salary market within your academic unit (TIU for Columbus faculty, regional campus dean/director for regional campus faculty); and
  - c. There are at least two faculty, in addition to you, who can be included for comparison.
2. Inform your TIU head or dean/director of your intent to appeal your salary by September 30.
3. Review your TIU, college, and regional campus (if applicable) POA document to determine if there are any additional requirements for a faculty salary appeal.
4. Work with your TIU head or dean/director (or designee) to gather data for your analysis. Together, you will need to identify your comparison group—there must be at least two faculty, in addition to you, included for comparison. You will need the CVs and the teaching records of the past five years for all members of the comparison cohort. The TIU head and/or dean/director (or designee) will assist with providing CVs and teaching records from the campus and/or will assist in securing such information from other campuses and TIUs as needed.
5. Unless your TIU, college, or regional campus (if applicable) POAs specify otherwise, the comparison cohort must include all other faculty of the same rank and category 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 your discipline or subdiscipline within the academic unit (excluding the academic unit head).

Additional guidance around comparison cohorts for regional campus faculty is provided in section 2.7 in Chapter 4: Appeals and Complaint Procedures of the *OAA Policies and Procedures Handbook*.

6. Organize the collected data in a spreadsheet format (side-by-side columns) for easy comparison across the cohort within specific categories. In this spreadsheet, identify yourself by name, but use only a number (e.g., faculty #1, faculty #2) to identify comparison faculty. Use the following guidelines and any additional guidelines from your unit's POA as you generate the spreadsheet.
  - a. In the first five columns, include title, rank, salary, years of service, and years in rank. If you are a faculty member on a regional campus, add department/school and campus as sixth and seventh columns.

- b. In the next set of columns, present relevant data on research and creative activity for all years since the terminal degree using the standard major categories from the Promotion and Tenure dossier (*e.g.*, authored books, edited books, refereed journal articles, book chapters). To the extent possible, present comparative data on rates of citation, excluding self-citations, and other metrics as deemed appropriate by the TIU and college or regional campus from the unit APT and POA documents.
  - c. In the next set of columns, present relevant data on teaching for the past five years at The Ohio State University using the standard major categories from the Promotion and Tenure dossier (*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). Note, reduction in teaching loads for individuals holding administrative or research appointments, 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.
  - d. In the next set of columns, present relevant data on service for the past five years at The Ohio State University using the standard major categories from the Promotion and Tenure dossier (*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.
7. Based on the data gathered into the spreadsheet, write a brief statement (no more than 250 words) summarizing the research and creative activity, teaching, and service comparisons, highlighting your standing in relation to the cohort. End the statement with your requested salary adjustment, based on your place within the cohort.
  8. The analysis must confirm that the salary disparity cannot be accounted for by any of the following:
    - differences in years of service and years in rank
    - productivity in teaching, research and creative activity, and service
    - 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
  9. Submit the required comparative data and summary statement to your TIU head or dean/director by February 1. The TIU head or dean/director may request additional information, if needed.