

**Policy Statement to Govern
Appointments, Tenure, Promotions,
and Related Matters of
the Faculty of
Oklahoma State University**

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Policy Statement To Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University

Preface

The Board of Regents for the Oklahoma State University and Agricultural and Mechanical Colleges adopts this comprehensive set of policies with the belief that a well-defined statement of rules is essential to support academic freedom and promote excellence at the Oklahoma State University. Well-designed academic personnel policies ensure that academic quality will be at the heart of academic personnel decisions and serve as the basis for enhancing academic excellence.

It is fundamental that institutions under the governance of the Board of Regents, such as Oklahoma State University, use various professional and administrative standards. Accordingly, it is the policy of this Board that the activities at these public institutions should be conducted in a manner that will attempt to balance the rights of the individual faculty member with the University's and the public's legitimate needs and interests. Policy statements of the Board are to be applied and interpreted in that spirit.

The Board of Regents strongly supports the concept of faculty counsel on matters which affect faculty. The Board of Regents acknowledges that principal stakeholder groups – the Board itself, administrators, faculty, staff and students – play differing and complementary roles in effective institutional governance. The Board determines its delegations of powers to stakeholders, starting with the delegated authority required by the president to provide strong and comprehensive leadership for the institution. It is the intention of the Board that those with the responsibility to act can exercise the legitimate authority to do so in a straightforward and timely way. To ensure this outcome, and in the spirit of clarifying and streamlining shared governance and reducing burdensome aspects for all parties, the Board's working guideline on consultation with the faculty delineates three areas of interest. They are: (a) those areas of predominate interest (within Board-approved institutional mission and strategic direction) where the expertise of the faculty means that in the absence of exceptional circumstances their counsel is sought; (b) those areas of secondary interest where faculty advice may be requested and considered; and (c) those areas where faculty need not to be consulted, but may receive information as important members of the campus community.

This broad policy statement is intended to be stable and a source of reliable information and guidance to faculty, administrators, and external groups. However, in approving this policy statement for Oklahoma State University, the Board is not waiving or restricting its lawful power, duty, and responsibility to act at any future time to establish policies, regulations, and procedures and to implement other decisions of the Board. As permanent changes to this policy statement are considered, it is recognized that there is substantial public benefit in consulting with Board staff, institutional administrators, appropriate faculty, and others before enacting revisions. The Board expects administrators recommending changes to discuss those proposed revisions to this policy statement with the Oklahoma State University Faculty Council, and others as may be appropriate, before the Board acts on the proposed revisions.

While the Board of Regents recognizes the value of appropriate participation of faculty, administrators, and others in the formulation of professional standards, policies, and procedures, it also recognizes that extraordinary circumstances may arise where the collective judgment of the Board requires the Board to act independently in discharging its responsibility. In such instances, the Board will make every reasonable effort through the official public record and the institutional administration to inform affected personnel of the Board's actions and invite their input for subsequent consideration by the Board.

It is intended that faculty and administrators shall adhere to the standards set forth in this policy statement. It is not intended that minor variances which are not substantially prejudicial to rights of individual faculty members or contrary to the intent of the policy should serve as the sole basis for complaints or claims of erroneous treatment or action. Additionally, it is not intended that these minor variances in circumstances and conditions or events be interpreted as establishing authority to disregard the standards set forth in this policy statement.

References to the entity of the governing Board of Regents in this policy statement may include participation or representation by the Board's staff so designated or authorized by the Board. Any use of grammatical gender references shall be interpreted as applying equally to males and females.

This policy statement shall become effective at the beginning of the academic year 1990-91 and shall continue in effect until amended by the governing Board of Regents. This policy statement shall not apply to any pending personnel actions commenced under earlier policies.

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Preface Approved by the OSU Board of Regents, April 13, 1990

Body Approved by the OSU Board of Regents, March 16, 1990

Modifications to Body Approved by the OSU Board of Regents, January 21, 2000

Modifications to Preface and Body Approved by the OSU Board of Regents, January 27, 2006

"Cumulative Review of Tenured Faculty" Approved by the OSU Board of Regents, June 23, 2006

"Extension of Probationary Period for Circumstances Covered Under the Family Medical Leave Act" Approved by the OSU Board of Regents, March 7, 2008.

Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University

Sound, clearly stated, and sufficiently flexible policies and procedures governing appointments, tenure, promotion, and related matters are vital to the effective performance of faculty members and administrators.¹ These standards are to be implemented in a reasonable manner.² In implementation of the standards in this policy statement, the President is authorized to decide procedural questions on uncertain points. Prior to making such decisions the President may consult with the chairperson of the Faculty Council, the Board of Regents Office of Legal Counsel, or others.

The opportunity for faculty members to participate in efforts to improve policies is critical. The Faculty Council shall be consulted in the process of reviewing suggestions for improvements in this policy statement. Recommendations for improvements made by the Faculty Council shall be transmitted to the President of the University. Any change(s) in this policy statement must be approved by the governing Board of Regents.

1. **Professional Standards and Matters of Academic Appointment Administration.**
 - 1.1 **Professional Standards.**
 - 1.1.1 **Qualifications.** The diversity of University activity requires that detailed academic qualification standards for each rank, function, or specialty be specified by the appropriate unit administrator.³ In those cases in which work assignments vary greatly within a given unit or are split between units it will be necessary to specify qualifications for individual positions. In establishing these qualification standards

¹ A copy of all present and future implementing University Policy and Procedure Letters which relate to matters dealt with in this policy statement shall be authorized by the President and be [on file and available to faculty members in the main library and in the office of every academic department or similar unit within the University on the Oklahoma State University website](#). Throughout this document, the phrase "this policy statement" refers to "Policy Statement to Govern Appointments, Tenure Promotions, and Related Matters of the Faculty of Oklahoma State University." All documents generated by the appropriate administrative staff to aid in the implementation of these policies should be consistent with the standards in this policy statement. If there are any inconsistencies between the documents generated by administrative staff and declarations in this policy statement, the standards in this policy statement shall be the controlling university policy. As in the past, the provisions of this policy statement do not apply to Oklahoma State University-Okmulgee. Additionally, the faculty of Oklahoma State University-Oklahoma City have approved a policy consistent with the practices of their campus. This document received approval by the governing Board of Regents on June 19, 1998.

² Whether implementation of standards is "reasonable" is inherently a judgment based on prevailing circumstances, known facts and rational conclusions. As used in this policy statement, the determination of whether a matter is "reasonable" is to be based on (a) an evaluation of known facts, (b) utilization of applicable procedures and professional standards, (c) consideration of prudent public institutional interests, and (d) the exercise of sound judgment.

³ The term "unit administrator", as used throughout this policy statement, refers to those individuals holding the title of department head, department chairperson, or any similar position in the University.

the unit administrator shall obtain appropriate faculty counsel.⁴ When approved by the relevant dean and the Vice President for Academic Affairs (hereafter "VPAA"), a copy of the standards shall be given to each faculty member and such standards shall be applied by all administrative units involved until duly amended.

1.1.2 Job Description and Terms and Conditions of Employment. It is the policy of Oklahoma State University that each faculty member's job description and the applicable standards, criteria, and procedures used in making decisions relating to renewal, tenure, and promotion should be available to the faculty member in written form. These items are provided to a faculty member in the form of the initial letter of offer, written policy and procedure statements of the unit, college and University, and formal appraisal and development statements.

1.1.3 Professional Ethics. Members of the faculty have the responsibility to follow the Board of Regents' approved policies on outside activities, to avoid conflicts of interest prohibited by Oklahoma statutes, and, particularly, to develop and maintain student/teacher relationships which are healthy, honorable, and beneficial to students in the pursuit of legitimate educational objectives. Members of the faculty must not exploit students for their private advantage.

The faculty of Oklahoma State University endorses the American Association of University Professors' 1987 Statement on Professional Ethics, found in Appendix A.

1.1.4 Academic Freedom. The University endorses the general statement on academic freedom, as it applies to state universities, which is embodied in "Academic Freedom and Tenure (1940 Statement of Principles)" as drafted by the Association of American Colleges and the American Association of University Professors. [An edited version of the This](#) statement is found in Appendix B of this policy [statement](#).

Commented [LPG2]: Faculty Committee recommends use of the statement as written by AAUP

1.1.5 Review of Faculty

1.1.5.1 Annual Review of Faculty. Review of faculty activities and accomplishments shall be conducted by the unit administrator every year for every faculty member, regardless of rank or tenure status. A written report of activities and accomplishments shall be submitted by the faculty member. This report shall include a work and professional development plan. Unit administrators are expected to encourage the professional development of each faculty member.

⁴Depending on the unit's organizational structure, "appropriate faculty counsel," "advice of the faculty," and "faculty consultation" referred to throughout this policy statement shall involve obtaining input from (a) the entire departmental faculty; or (b) members of a special or permanent committee selected by procedures which have been approved by a majority of the faculty of the administrative unit involved, submitted to the dean for review, and transmitted to the VPAA for retention in a permanent file; or where necessary (c) duly elected members of boards, senates, or councils at the departmental, division, college, or university levels. Whenever deemed necessary this counsel may seek external assistance to aid evaluation. In formulating input the faculty or its committees shall have the prerogative to meet in the absence of the unit administrator.

Unit administrators shall familiarize each faculty member with the performance standards established by the faculty members of the unit. The unit administrator shall endeavor to provide an environment conducive to the achievement of expected performance. The unit administrator shall submit a written evaluation that gives detailed descriptions of the faculty member's accomplishments or deficiencies. The faculty member's written report, together with the unit administrator's evaluation, shall serve as the supporting documentation for any merit pay raise or other salary adjustment. The completed annual review documentation shall be placed into the permanent record of the faculty member and shall be added to an accumulation of performance documents that shall be used in any further review. A complete set of annual review documents shall be available for any peer committee evaluation, particularly evaluations at the times of reappointment, tenure and promotion. If a major element of performance is judged to be unsatisfactory by the unit administrator, the following steps shall be taken:

- (a) A detailed written plan for corrective action shall be specified by the unit administrator.
- (b) If requested by the faculty member, the unit administrator shall obtain appropriate faculty counsel to determine whether the appraisal is justified, and if so, what measures to improve performance are warranted. If the judgment of unsatisfactory performance is not supported by the faculty group, the matter shall be forwarded to the dean for resolution.

1.1.5.2 Cumulative Review of Tenured Faculty. For each tenured faculty member a cumulative review shall take place every five years. A review conducted to grant promotion qualifies as a cumulative review. A cumulative review qualifies as the annual faculty appraisal and development requirement for the year the cumulative review occurs. The review shall be based on discussion and substantive documentation provided by the faculty member. Individuals designated to conduct the review shall be faculty in the discipline or department of the faculty member under review. Faculty serving on review committees shall be selected by procedures approved by the department or unit. The review process shall include written feedback to the faculty member as well as a provision for response. Written feedback shall be a detailed description of the faculty member's accomplishments or deficiencies. The cumulative review requires individual development plans for each faculty member. Faculty members are responsible for their own development consistent with unit, College and University goals. Any formal development plan should respect academic freedom and professional self-direction, and it should be flexible enough to allow for subsequent alteration.

The results of a Cumulative Review of Tenured Faculty may be used by appropriate administrators as a basis for providing support which will assist faculty members in carrying out their professional goals and responsibilities. Any disciplinary action that may follow the cumulative review must adhere to all prescribed procedures in force within this policy document. In the event that unsatisfactory performance has not improved within the timelines set in the

individual development plan, any dismissal action shall be based upon those grounds for dismissal specified in the January 2006 Board "Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University."

If a faculty member believes that the results from a cumulative review are based on unlawful discrimination, inadequate consideration, or legitimate exercise of academic freedom, he/she may request a review of the matter utilizing the Dispute Resolution Procedure in Appendix E of this policy document.

- 1.2 **Recommendations for Faculty Appointments, Reappointments, Nonreappointments, and Promotions.** A prerequisite of a strong faculty is an active involvement in decisions affecting its own membership. This is critical in appointments to and separations from the faculty.
 - 1.2.1 It shall be the personal responsibility of the faculty member to demonstrate that he or she meets the applicable qualifications for reappointment, tenure, or promotion. (See OSU Policy and Procedures 2-0902 and applicable college and departmental reappointment, promotion, and tenure policies.)
 - 1.2.2 Appropriate unit administrators are charged with the responsibility for recommending appointments, reappointments, non-reappointments, and promotions. They shall obtain appropriate faculty counsel by consulting the unit personnel committee before making recommendations.⁵
 - 1.2.3 Normally, the unit administrator shall act in conformity with the appropriate faculty counsel. When the unit administrator is unable to act in accord with the faculty recommendation, the reasons shall be communicated in writing to the faculty committee that provided the counsel.
 - 1.2.4 All recommendations generated by the unit personnel committee and by the unit administrator shall be available to the dean and VPAA for consideration and action. Final institutional review of personnel actions may be conducted by the President. Appointments, reappointments, promotions, and terminations must be approved by the governing Board of Regents except as authorized by Board of Regents policies.
- 1.3 **Process for Appointment and Assignment of Tenure-Track and Non-Tenure Track Faculty.**
 - 1.3.1 **Appointment to Faculty Positions.** The unit administrator has the principal responsibility for initiating all authorized faculty appointments (see Section 1.2.2). The unit administrator with the advice of faculty shall carry out this responsibility by:

⁵ At the unit level, the body designated by the faculty to provide appropriate faculty counsel on personnel matters shall be referred to in this policy statement as the Unit Personnel Committee.

- (a) filing a "Request to Staff Form;"
- (b) searching for and obtaining information about prospective candidates;
- (c) evaluating candidates; and
- (d) recommending suitable, qualified individuals for appointments, with supporting evidence concerning the candidate's qualifications.

1.3.2 Letter of Offer. A statement of the proposed basic terms and conditions of every appointment shall be available in writing and be in the possession of both Oklahoma State University and the prospective faculty member before the appointment is made. Where applicable, this statement will make reference to the substantive and procedural standards generally used in the decisions affecting renewal and tenure and any special standards adopted by the appropriate unit. Any other authorized agreements pertaining to conditions of appointment, reappointment, promotion, and tenure shall be part of this written statement.

No offer is binding on the University, however, until a formal recommendation has been presented to and officially approved by the governing Board of Regents in accord with the policies of the Board.

1.3.3 Amendments. If changes in assignment or conditions of appointment (other than revisions to fringe benefits, retirement plans, and this policy statement) become necessary during the period of appointment, the changes must be discussed in advance and communicated to the affected faculty member in writing by the unit administrator. Unresolved disputes regarding changes in assignments or conditions of appointment are resolved by the Dispute Resolution Procedure (see Section 2. and Appendix E).

1.4 Appointment and Tenure for Tenure-Track Faculty.

1.4.1 All tenure-track faculty positions shall be filled by appointments of qualified persons with the rank of ~~instructor, assistant professor~~ Assistant Professor, associate professor Associate Professor, or Professor. The initial appointment of any person to the rank of ~~instructor~~ Assistant Professor or above, shall be based on a search which is consistent with applicable state and federal equal employment opportunity standards and Board of Regents-approved University affirmative action guidelines. National searches will be conducted unless the appropriate dean receives an exemption from the VPAA. All initial appointments to the rank of ~~instructor~~ Assistant Professor or above are of two kinds:

- (a) tenure-track (appointments potentially leading to tenure); or

- (b) appointments with tenure (applicable only to appointments with the initial ranks of ~~associate professor~~ Associate Professor or Professor if specifically approved by the Board of Regents).

1.4.2 Tenure. Tenure is a continuous appointment granted following evaluation by the faculty member's academic department, review by appropriate administrators, and approval by the Board of Regents. Tenured appointments shall not be terminated except under extraordinary conditions stated in Section 1.14, Termination of Appointments.

Tenure is a means by which to insure academic freedom (see Section 1.1.4). Academic freedom is indispensable to the success of the University in fulfilling its obligations to its students, to the State of Oklahoma, and to society in general. The decision to grant tenure is a judgment made with appropriate faculty counsel. Except for prestigious scholars initially appointed as ~~associate professor~~ Associate Professor or Professor with tenure, the decision to grant tenure is normally made toward the end of a probationary period. Tenure is a major undertaking and shall not be granted unless the faculty member has demonstrated by consistent performance that the academic department will benefit from making a career-long commitment to the faculty member.

Academic appointments normally coincide with the beginning of the academic year. For faculty appointed after this date but before January 1, the period of probation for tenure consideration or for renewal of appointment will commence at the beginning of that academic year. The probation period for faculty appointed on or after January 1 will commence at the beginning of the following academic year. Except for extenuating circumstances (see Section ~~1.4.91.4.7~~ 1.4.7) the period of probation for tenure consideration shall never exceed a total of seven years of continuous appointment with the University.

Review for the granting of tenure shall occur only at the following times:

- (a) when a prestigious scholar is initially considered for appointment to the rank of ~~associate professor~~ Associate Professor or Professor;
- (b) when a tenure-track faculty member is reviewed for promotion to the rank of ~~associate professor~~ Associate Professor or Professor;
- (c) when a tenure-track faculty member is reviewed for a reappointment or promotion which, if awarded, will extend the number of years in a tenure-track faculty position at the University beyond a total of seven years; or
- (d) when a person has completed at least one year of satisfactory service at Oklahoma State University following an initial appointment as a tenure-track ~~associate professor~~ Associate Professor or Professor.

(Need to update with approved proposed changes in OSU titles)

Commented [PL3]: Not sure what is supposed to be updated here with regards to new non-tenure track titles...?

~~1.4.3~~ ~~Appointment to the rank of instructor shall normally be for one year at a time during the probationary period. Individuals who have been appointed as instructors for their sixth year of probationary service shall be evaluated for tenure and informed in writing by June 30 of the sixth year of either:~~

- ~~(a) reappointment at the rank of instructor with tenure effective at the beginning of the seventh year;~~
- ~~(b) promotion to assistant professor with tenure effective on July 1 of that year; or~~
- ~~(c) the expiration and nonrenewal of the appointment effective at the end of the seventh academic year.~~

~~If a tenure track instructor is promoted to a higher rank, the period of probation for tenure shall commence with the beginning of the initial appointment as an instructor, unless the faculty member requests and is granted an extension of the probationary period (see Section 1.4.8). The initial term of appointment as assistant professor will vary depending on the number of years served as an instructor:~~

- ~~(a) with five years as an instructor, promotion would result in a two-year appointment as assistant professor;~~
- ~~(b) with four years, the appointment to assistant professor would be for three years;~~
- ~~(c) with three years, the appointment would be for four years;~~
- ~~(d) and with two years as an instructor, the appointment to assistant professor would be for four years, and a second probationary term of one year is permitted.~~
- ~~(e) If an instructor is promoted to assistant professor after only one year, an initial four year appointment as assistant professor can be followed by a second probationary term of two years.~~

~~In all cases described above, decisions will be made in the sixth year and any non-reappointment decision would be effective at the end of the seventh year, thus providing the required one-year notice of termination.~~

1.4.43 ~~Initial appointment to the rank of assistant professor~~ **Assistant Professor** shall normally⁶ be for a period of four years. Reappointment for a three-year

Commented [PL4]: Faculty Committee recommends removal of this section since the Instructor title will not be used for new hires in future.

⁶ For faculty whose initial term of appointment begins at other than the beginning of the academic year, the period of appointment shall be adjusted to expire at the end of an academic year to be consistent with the provisions of Section 1.4.2 paragraph 3. Thus, the term of the first probationary appointment may vary from the stated period in Section ~~1.4.41, 1.4.3~~ and ~~1.4.51, 1.4.4~~.

period may be made. Promotion to ~~associate professor~~Associate Professor or reappointment as an ~~assistant professor~~Assistant Professor after seven years of probationary service as an ~~assistant professor~~Assistant Professor shall confer tenure.

1.4.54 Initial appointment to the rank of ~~associate professor~~Associate Professor shall normally⁶ be for a period of five years. Reappointment as ~~associate professor~~Associate Professor or promotion to ~~professor~~Professor shall confer tenure. A special tenure review may be made after one year of service at Oklahoma State University (see Section 1.4.2). In extraordinary circumstances tenure may be expressly granted at the time of initial appointment.

1.4.65 Initial appointment to the rank of ~~professor~~Professor shall confer tenure unless a probationary period, not to exceed three years, is specified at the time of appointment.

~~1.4.71.4.6~~ Academic tenure is not affected by change to administrative or other active status. Appointment to an administrative or other position shall not confer tenure in that position.

1.4.7 **Extension of Probationary Period.** A period of appointment and the probationary period of a faculty member may be extended up to three years for extenuating circumstances, e.g. a leave of absence without pay, an extended sick leave, significant changes in published criteria for tenure, or significant changes in job description associated with transfer or promotion. Upon written request by the faculty member and recommendation by the unit administrator and dean of the college, such an extension may be granted upon approval by the VPAA and the Board of Regents.

1.4.7.1 **Extension of Probationary Period for Circumstances Covered Under the Family Medical Leave Act (FMLA)** (See OSU Policy and Procedures 3-0708). Upon receipt of a written request, the unit administrator shall transmit to the dean of the college the request for an extension of the faculty member's period of appointment and probationary period for circumstances such as birth or adoption, elder care, dependent care, or other qualifying events covered under FMLA. Such an extension shall be granted upon approval by the VPAA and the Board of Regents.

1.4.7.1.1 The extension of the probationary period for a qualifying event covered under FMLA is not contingent upon use of an extended leave of absence.

1.4.7.1.2 The request for an FMLA probationary period extension shall be submitted by the faculty member within six months of the commencement of the qualifying event.

~~1.4.81.4.7.2~~ A FMLA probationary period extension is for one (1) year. A second FMLA extension shall be granted for a new qualifying event or for an unresolved or continuing qualifying event if requested during the probationary period. A faculty member may request a third one-year extension under Section ~~1.4.81.4.7~~.

Policy modification approved by the OSU Board of Regents on March 7, 2008.

1.5 **Appointment of Non-Tenure Track Faculty Appointments and Titles.**

1.5.1 **Adjunct Appointments and Titles.** Professional persons (e.g., leader and/or assistant leader of Cooperative Wildlife Research Unit) who are affiliated with Oklahoma State University may be granted appointments as Adjunct Instructor, Adjunct Assistant Professor, Adjunct Associate Professor, and Adjunct Professor~~adjunct professor, adjunct associate professor, adjunct assistant professor, or adjunct instructor.~~ Such appointments do not require a national search and are recommended by the unit administrator after obtaining appropriate faculty counsel. Adjunct appointments may be made to allow professionals to provide either paid service (e.g. teaching) or unpaid service (e.g. membership on graduate student advisory committees) to the University. Such persons~~Adjunct faculty~~ shall not be awarded tenure, but may be granted professional rights and privileges afforded to the faculty. A person appointed to an adjunct rank may be considered for promotion within the adjunct ranks upon the recommendation of the unit administrator after obtaining appropriate faculty counsel. When adjunct appointments are made, any rights and privileges granted shall be specified on the Employment Action Form and in the letter of offer (if applicable). If University-wide faculty voting privileges are to be granted, concurrence must be obtained from the Faculty Council. Unless specially authorized by the dean of the college concerned, these titles should not normally be used for persons funded by the resident instruction budget. ~~(Need to clarify adjunct appointments differentiating between adjunct faculty who are paid for assigned work and adjunct faculty who are appointed to participate as unpaid faculty on graduate committees or research projects.)~~

Commented [PL5]: This seems oddly specific... is it necessary?

Commented [PL6]: Added to address Ken Bartels' comment below

Commented [PL7]: Would people appointed as adjuncts to serve on committees have an EAF or letter of offer?

1.5.2 **Clinical Faculty.** Clinical faculty appointments are renewable term, non-tenure track appointments at the rank of Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor, and Clinical Professor. The positions will be used to support and enhance clinical training programs and clinical initiatives at Oklahoma State University. Clinical appointments are intended to offer a career pathway to individuals who have clinical experience and clinical qualifications. All clinical faculty will be expected to provide clinical supervision, teaching, and clinical care. The sources of funding are dependent on respective departmental resources. Notwithstanding the appointment periods, the existence of any clinical faculty position is contingent upon availability of funding.

Unless otherwise specified, all provisions of this Policy Statement shall apply to clinical faculty.

Procedures outlined in OSU Policy and Procedures 2-0903 shall govern the appointment, evaluation, promotion, and rights and privileges of clinical faculty.

1.5.3 **Extension Specialists.** Extension Specialist appointments are renewable term, non-tenure track appointments at the rank of Assistant Extension Specialist, Associate Extension Specialist, and Senior Extension Specialist. These positions

will be used to support extension activities and programs. The source of funding for these positions will normally be Oklahoma Cooperative Extension Service (OCES) funds. In some cases, Extension Specialists may have a blended assignment incorporating teaching and/or research, in which case funding for the position will be proportionally drawn from OCES, teaching, and/or agriculture research (OAES) sources. Notwithstanding the appointment period, the existence of any Extension Specialist position is contingent upon availability of funding.

Unless otherwise specified, all provisions of this Policy Statement shall apply to Extension Specialists.

Procedures outlined in OSU Policy and Procedures 2-0903 shall govern the appointment, evaluation, promotion, and rights and privileges of Extension Specialists.

- 1.5.4 Professional Practice Faculty.** Professional practice appointments are renewable term, non-tenure track appointments at the rank of Instructor of Professional Practice, Assistant Professor of Professional Practice, Associate Professor of Professional Practice, and Professor of Professional Practice. These positions will be used to support teaching, research, outreach, and/or service. These positions are intended to offer a career pathway to individuals who have substantial professional (i.e. non-academic) experience and professional credentials appropriate to the discipline. Notwithstanding the appointment period, the existence of any professional practice faculty position is contingent upon availability of funding.

Unless otherwise specified, all provisions of this Policy Statement shall apply to professional practice faculty.

Procedures outlined in OSU Policy and Procedures 2-0903 shall govern the appointment, evaluation, promotion, and rights and privileges of professional practice faculty.

- 1.5.5 Teaching Faculty.** Teaching appointments are renewable term, non-tenure track appointments at the rank of Teaching Instructor, Teaching Assistant Professor, Teaching Associate Professor, and Teaching Professor. These positions will primarily be used to support teaching activities, although the appointment may also include a research and/or service component at the discretion of the academic unit. Notwithstanding the appointment period, the existence of any teaching faculty position is contingent upon availability of funding.

Unless otherwise specified, all provisions of this Policy Statement shall apply to teaching faculty.

Procedures outlined in OSU Policy and Procedures 2-0903 shall govern the appointment, evaluation, promotion, and rights and privileges of teaching faculty.

1.5.63 Research Faculty. Research professorships are renewable term, non-tenure track appointments at the rank of Research Assistant Professor, Research Associate Professor, and Research Professor. These positions will be used to support and enhance research programs and initiatives, and creative activities at Oklahoma State University. ~~These positions of research professor~~ will supplement the Research Professional position as described in Sec. ~~1.5.4.1.5.4.7.3~~. These individuals ~~will be expected~~ are encouraged to develop independent research programs and serve as principal investigator on proposals to external agencies. In hiring into the research professor-faculty track, the University looks to attract high quality researchers who hold promise to become engaged in academic and scholarly activities including but not limited to performing collaborative research with academic faculty; supervising undergraduate or graduate research; serving on departmental or college committees; and organizing, attending, and presenting at professional conferences and seminars. The primary assignment will be research, and these individuals will not serve as primary instructors in regular course offerings of departments or degree programs. Instructional activities will be limited to offerings specific to their research expertise and supervision of graduate students as provided for by membership in the Graduate Faculty. The salaries and fringe benefits for research professors-faculty are to be paid from external grants and sponsored programs, but not from general (E&G or other appropriated base) funds. Notwithstanding the appointment period, the existence of any research professor-faculty position is contingent upon availability of funding.

Commented [PL8]: This would not be a typical "expectation" for a research track faculty member in STEM fields like biomedical sciences – usually these individuals are assisting with day to day operations of running a lab for a tenure track PI. People with their own extramural funding are competitive for tenure track positions.

Unless otherwise specified, all provisions of this Policy Statement shall apply to research faculty.

Procedures outlined in OSU Policy and Procedures 2-0904 shall govern the appointment, evaluation, promotion, and rights and privileges of research faculty.

1.5.74 Temporary Faculty Appointments and Titles. In response to short-term and/or emergency needs the University may make temporary appointments. When such appointments are made, the titles of Lecturer, Research Professional, Visiting ~~assistant professor~~ Assistant Professor, Visiting ~~associate professor~~ Associate Professor, Visiting Professor, Scholar, Artist, or "professional" in residence, etc. shall be used. Appropriate search procedures should be used prior to making such appointments but may vary depending upon the nature of the position. Unit administrators, after receiving appropriate faculty counsel, shall be responsible for recommending appointments to temporary positions.

When persons are appointed to temporary faculty positions, the period of appointment shall be clearly stated and should be designated as temporary on the Employment Action Form. The letter of offer will state that the appointment will not lead to tenure nor count as part of a probationary period potentially leading to tenure. Recommendations to the President shall be forwarded through the dean of the college and the VPAA.

In those few instances in which the University is confronted with an emergency situation in the areas of research, extension, or instruction, a person can be appointed on a temporary basis for a term not to exceed one year even though all of the recruitment procedures normally followed in making such an appointment may not have been met. In such cases, the administrative unit shall implement normal recruitment procedures to fill the position at the end of the initial temporary appointment. **When temporary appointments are made, the letter of offer should specify the term of appointment and state the conditions relating to reappointment.** Persons holding temporary positions may not be awarded tenure and do not have University-wide faculty voting privileges, but may be awarded other professional rights and privileges afforded the faculty. ~~The University is not required to provide notice of nonreappointment to persons holding temporary, clinical, or research positions but their appointments cannot be terminated before the end of the term of appointment except for those causes stated in Section 1.14, "Termination of Appointments" or Section 1.16.2, "Grounds for Dismissal." (Does this process need to be updated so adjunct or temporary assignments have notice of when their appointment is not renewed~~

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Commented [PL9]: This would include positions such as VAP, but not the new non-tenure track titles. Should this be moved to section 1.7.2? Confusing to address non-reappointment in two places.

The titles described in this section are important to the University in its management of the fluctuating demands of programs. Tenured and tenure-track faculty may be released from assigned duties as grants and contracts are obtained. To facilitate this process, the unit administrator may request authorization to establish and fill temporary positions with persons awarded one of the following titles. He/She may also request variations from the specific conditions and terms of appointment for persons appointed to one of the titles in this section. When determined to be in the best interest of the University, the VPAA may approve such variations in specific individual cases.

1.5.47.1 Scholar, Artist, Executive, and Other Professionals in Residence. Individuals who possess nationally recognized skills and talents may be appointed as a scholar, artist, writer, poet, executive, or other professional titles in residence. The terms of appointment shall normally be for one year and may be renewed after receiving appropriate faculty counsel.

1.5.47.2 Visiting Assistant Professor, Visiting Associate Professor, and Visiting Professor. These titles shall be used for persons employed to meet short-term teaching, research, or extension needs. They may also be used for scholars with a terminal degree who wish to affiliate with the University for professional development. Limited search procedures are usually adequate when appointment to any of these positions is made. The terms of appointment shall normally be for one year and may be renewed after receiving appropriate faculty counsel. Should such an individual be appointed to a tenure-track position following an appropriately approved search, the time spent in the temporary position shall not count as part of the probationary tenure consideration period, unless specified in the letter of offer for the permanent position.

- 1.5.47.3 Research Professional Positions.** Persons who hold an earned terminal degree in their discipline or possess particular research skills may receive temporary appointments as research "professionals" with titles of ~~A~~assistant ~~R~~research ~~P~~professional, ~~A~~associate ~~R~~research ~~P~~professional, or ~~R~~research ~~P~~professional; e.g., ~~A~~associate ~~R~~research ~~S~~scientist, ~~R~~research ~~S~~scientist, ~~A~~associate ~~R~~research ~~C~~chemist, ~~R~~research ~~C~~chemist. These ranks are considered parallel to professional titles. Research constitutes the primary activity, although limited teaching responsibilities may be assigned. Funds for compensation of researchers normally originate from federal or private grants or contracts. The terms of appointment shall normally be one year, but reappointment may be made to allow fulfillment of University research obligations.
- 1.5.47.4 Lecturer.** This title may be used for persons employed to meet short-term teaching needs. Appointment to the post of ~~L~~ecturer shall be for a term of one year or less and may be renewed after receiving appropriate faculty counsel. Time spent as a ~~L~~ecturer shall not count toward tenure should a person holding a lectureship be given a tenure-track appointment.
- 1.5.47.5 Research Associate and Teaching Associate.** Individuals who hold an earned terminal degree and/or who possess particular research or teaching skills related to the area of the work assignment may be appointed as research associates or teaching associates. Person holding one of these titles may be assigned some responsibilities in a function (teaching, research or extension) outside the function of their major responsibility. Appointments are to be made for a term of not more than one year and reappointments for a total of five years may be made.
- 1.5.47.6 Other Academic Positions and Titles.** When appointments to other academic positions are made, any rights, privileges and benefits granted shall be specified on the Employment Action Form and in the letter of offer. Persons holding these positions may not be awarded tenure and do not have University-wide faculty voting privileges, but may be awarded other professional rights and privileges afforded the faculty. ~~(Again, update with new descriptions of proposed and approved faculty titles).~~
- 1.5.47.6.1 Intern.** Appointment as an intern is for a veterinarian who wants additional experience and training in an academic environment. The terms of appointment shall normally be for one year and may be renewed after receiving appropriate faculty counsel.
- 1.5.47.6.2 Resident.** Initial appointment as a resident is for one year with expectation that there will normally be reappointments to permit completion of two or three years in a formal program of study, experience, and investigation in a specific area.
- 1.5.47.6.3 Post-Doctoral Fellow.** Individuals who hold an earned doctorate and temporarily affiliate with the University to pursue additional scholarly work may be appointed as post-doctoral fellows. Persons holding this title are normally compensated from funds made available through research grants or contracts. Post-doctoral fellows

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are not normally assigned to teach regularly scheduled classes although they may provide occasional instruction in subjects and techniques in which they have specialized expertise. Appointments are to be made for a term of one year or less. Reappointment for a total period of not more than three years may be made.

- 1.6 Promotions in Rank.** The process of review for promotion in rank shall be initiated by the unit administrator or by the unit personnel committee. To be considered for promotion, a member of the faculty must have been appointed as a result of an appropriate search consistent with Sections 1.3.1 and 1.4.17 unless a waiver is granted by the VPAA based on meritorious performance and the best interest of the University. Before granting such a waiver, the VPAA should receive appropriate faculty counsel from the Faculty Committee of the Faculty Council. Prior to the initiation of the review, the consent of the faculty member shall be obtained. Faculty members should be provided sufficient notice to enable them to assemble and submit materials believed helpful to a full review. Individual faculty members have the right to be reviewed for promotion at their own request provided they have not undergone such a review within the previous two academic years.

Following consideration of appropriate faculty counsel, the unit administrator will decide whether or not a faculty member is to be recommended for promotion by the unit. This decision should be in keeping with the established qualification guidelines of the unit. The faculty member shall be informed by the unit administrator if a recommendation for promotion is not being sent forward and shall be provided counsel by the unit administrator regarding how he/she might meet criteria for promotion in a subsequent consideration.

The dean and VPAA shall review each promotion recommended by the unit administrator. The dean's recommendation to the VPAA will be accompanied by the original recommendations of the unit administrator and the counsel of the unit's appropriate faculty personnel committee. In the process of review, the dean and VPAA may seek counsel from suitable college or University faculty committees and/or the VPRTT. Copies of any written counsel provided by faculty committees and/or the VPRTT will become part of the faculty member's documentation file. If the recommendation of the dean and/or VPAA differs from that of the unit administrator, the reasons shall be specified in writing and provided to the faculty member.

Changes in academic title or promotion of persons holding temporary titles (see Section 1.5.47) to tenure-track faculty positions (~~instructor or above~~) is permitted only under extraordinary circumstances. (Persons holding temporary titles may, however, apply for advertised tenure-track positions.) Before any such promotions are recommended by the VPAA, he/she should seek appropriate faculty counsel from the Faculty Committee of the Faculty Council.

⁷ Persons appointed prior to the original effective date of this policy statement (July 1, 1990) are exempt from this requirement.

Promotions must be recommended by the President and approved by the Board of Regents before becoming effective. The affected faculty member shall be informed by the appropriate dean that a recommendation for promotion will be presented by the President to the Board of Regents. Normally, recommendations for promotions are submitted to the Board of Regents for its consideration during its June meeting. When approved, the Board of Regents specifies the date on which the promotion shall become effective.

1.7 Reappointment and Nonreappointment.

1.7.1 Recommendations to reappoint or not to reappoint shall originate with the unit administrator after obtaining appropriate faculty counsel (see Section 1.2). Normally, such recommendation shall be in response to a routine notice from the office of the VPAA. A faculty member being considered for reappointment shall be provided sufficient notice to assemble and submit materials believed helpful to a full consideration of the question.

Recommendations for both reappointment and nonreappointment of faculty members are forwarded to the dean for review and action. Following review, all recommendations, accompanied by a statement of approval or disapproval, are forwarded to the VPAA for action. In the process of review, the dean and VPAA may seek counsel from suitable college or University faculty committees and/or the VPRTT. Copies of the written counsel provided by unit and college faculty committees should accompany recommendations from the dean to the VPAA.

The affected faculty member shall be informed by the appropriate dean that (a) a recommendation for reappointment will be presented by the President to the Board of Regents, or (b) the University does not intend to continue the appointment beyond a specified date.

1.7.2 Nonreappointment. Nonrenewal of a temporary or non-tenure ~~track~~ appointment shall not be regarded as a termination. If a decision is made not to recommend reappointment of a faculty member, the following schedule for notification should be observed:

- (a) ~~For temporary faculty, the University is not required to provide notice of nonreappointment, however, the letter of offer should state conditions relating to reappointment. These appointments cannot be terminated before the end of the term of appointment except for those causes stated in Section 1.14, "Termination of Appointments" or Section 1.16.2, "Grounds for Dismissal:"~~
- (~~ba~~) ~~Notice shall be given not later than March 1 of the first academic year of service, if the appointment expires at the end of the year; or, if an initial one-year appointment expires during an academic year, at least three months in advance of its expiration. For non-tenure track faculty with less~~

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than one year of service, notice shall be given at least three months before the expiration of the appointment;

- (b) For ~~instructors non-tenure track faculty~~ with more than one academic year of ~~continuous~~ service and ~~all tenure-track faculty assistant professors and above~~, notice shall be given at least twelve months before the expiration of an appointment.

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Non-reappointed individuals shall have the option to obtain the reasons for nonrenewal in a confidential form of their choosing. If the affected faculty member believes that the reasons for nonrenewal are based on unlawful discrimination or inadequate consideration, or legitimate exercise of academic freedom, he/she may request a limited review of the matter utilizing the Dispute Resolution Procedure (see Section 2. and Appendix E).

1.8 Honorary Appointments and Titles. The following list of titles and appointments, while complete as of the present time, may be expanded or altered from time to time as conditions require.

1.8.1 Regents Professor. This honorary title may be awarded to professors who have made outstanding contributions in their discipline through resident teaching, research or other scholarly activities, and extension or outreach activities at Oklahoma State University or while serving as a professorial faculty member at another comprehensive university. Persons appointed with this title should be recognized on campus and at the national level for past and continuing scholarly accomplishments. Evidence of accomplishments may be their record of publication in nationally recognized journals or as authors of monographs, scholarly books and/or textbooks, creative activities, or outstanding performance as classroom teachers. Teaching excellence must be documented by their unit administrators, peers and students or indicated by previous teaching awards granted by student or faculty groups. Outstanding performance in extension or outreach activities will also be considered.

A nomination for appointment as Regents Professor may be proposed by any tenured member of the OSU system faculty and the nomination seconded by another tenured member of the faculty. The nomination packet will be forwarded to the Office of Academic Affairs and, when it is determined that the packet is complete, the packet will be forwarded for evaluation to the academic unit in which the nominee holds tenure. Separate letters evaluating the nominee's qualifications for the rank of Regents Professor will be prepared by the unit's promotion and tenure committee, the unit administrator, and the dean of the college to which that unit belongs. The dean will forward the packet to the Vice President for Academic Affairs and the Regents Professor Selection Committee. After consideration by both the VPAA and the committee, a recommendation will be sent to the President for decision and action. The appointment will be effective July 1 following formal approval by the Board of Regents. Approved procedures for nomination and

recommendation for appointment to this title are stated in OSU Policy and Procedures 2-0905.

- 1.8.2 Regents Service Professor.** Appointment to this title may be made for administrators who have rendered distinguished service to the University and desire to be relieved of administrative duties and return to resident instruction, extension, or research positions. Recommendations shall be made by the dean of the appropriate college to the President. Appointment shall be for a period of four years and is not subject to renewal.
- 1.8.3 Endowed or Supported Chairs or Professorships.** After receiving appropriate faculty counsel, the unit administrator may recommend that a person be appointed to an endowed or supported position in recognition for past and continuing scholarly accomplishments in the appropriate discipline. Persons holding endowed positions will be subject to the rules and procedures governing other faculty members of the same rank.
- 1.8.4 Emeritus Faculty.** Upon retirement, faculty members shall carry as emeritus the rank and title they were holding when retired, retain all professional rights, and be accorded privileges specifically authorized by the Board of Regents.
- 1.9 Appointment to Administrative Positions.** An appropriate search and faculty consultation shall precede recommendation of appointment to administrative positions which entail supervision of faculty members or which have direct bearing on the work of the faculty.⁸ The scope of the search for an administrative position will be recommended by the appropriate administrator, after faculty consultation, with final approval by the VPAA. Faculty consultation shall apply to all permanent appointments and administrative vacancies expected to last more than one semester.
- 1.10 Faculty Leaves.**
- 1.10.1 Health Leave.** Faculty members will occasionally be unable to perform regular duties due to personal illness, disability, maternity, paternity, or illness in their immediate families, referred to as "qualified conditions." The faculty members or someone representing them is responsible for notifying the unit administrator of qualified conditions affecting their work commitment. In order to accommodate the faculty member's leave requirements, Oklahoma State University has instituted a flexible health leave policy.
- 1.10.2 Sabbatical Leave.** Upon recommendation of the President and approval by the Board of Regents, the University may periodically grant leave to faculty members

⁸ These positions include president and vice presidents, as well as associate/assistant vice presidents, deans, associate/assistant deans, directors of comparable rank, and unit administrators within the Division of Academic Affairs, Agricultural Sciences & Natural Resources, and Research & Technology Transfer.

for study, research, or other activities directed toward professional growth. The University faculty member is entitled to apply for sabbatical leave from regular, scheduled duties for the purpose of professional development. Members of the faculty may apply for a maximum leave of one academic appointment period, not to exceed 12 months, at a reduced salary or a maximum leave of one-half the academic appointment period, not to exceed six months, at full salary. Under exceptional circumstances, a sabbatical leave may be broken into segments separated by periods of regular, scheduled duty. Medical and life insurance benefits, contributions to TIAA/CREF, and other employee retirement system contributions will continue at the full employment rate. Faculty members on or returning from sabbatical leaves will participate in raise programs according to University and departmental criteria and shall not be penalized for being on sabbatical leave during the evaluation period.

Conditions of approval shall be consistent with appropriate budgetary and other faculty arrangements so as not to disrupt the teaching programs or other vital operations of the department, college, or University. Requests for sabbatical leave shall be submitted to the VPAA through the appropriate unit administrator and dean.

To qualify for leave, the candidate must have served as a faculty member for six academic years since initial appointment or since a previous sabbatical leave. Sabbatical leave obligates the recipient to follow a program consistent with the purpose and conditions for which the leave was granted. Acceptance by the faculty member of sabbatical leave entails an obligation to serve the University for one subsequent academic appointment period, or refund to the University the salary and benefits earned while on leave. A faculty member on sabbatical leave may accept a fellowship, personal grant-in-aid, or government-sponsored exchange lectureship for the period covered by the leave, if such acceptance promotes the accomplishment of the purpose of the leave.

- 1.10.3 Leave of Absence Without Pay.** Upon recommendation of the President and approval by the Board of Regents, a faculty member may be granted a leave of absence without pay for such period of time and conditions as stipulated. This is subject to applicable policies on participation in partisan political campaigns as well.

A request for leave without pay should be made as early as possible, preferably at least six months in advance, and shall normally not exceed one year in duration.

- 1.11 Resignations.** Resignations are initiated by the faculty member. It is expected that faculty resignations will be effective at the end of the academic year. Notice in writing is to be given at the earliest possible opportunity, but not later than May 15. Faculty members may request a waiver of this requirement of notice in case of hardship or in a situation in which they would otherwise be denied substantial professional advancement or other opportunity.

1.12 Administrative Suspensions. An administrative suspension is a temporary removal for a specific time period of all or any portion of a faculty member's assigned duties for purposes of protecting the best interests of the University and its components and/or the safety and well-being of the persons affiliated with it, including the individual suspended. When deemed appropriate, a suspension may include restrictions on use of University facilities or resources and may be imposed during the course of an authorized dismissal procedure or authorized sanction appeal. Suspensions shall normally not exceed one calendar year. During a suspension there shall be no reduction of salary or other benefits.

1.12.1 Procedures for Suspensions. Supervisory academic administrators⁹ may summarily suspend a faculty member for up to 72 hours when it is judged that the safety and well-being of the individual or others, or the best interests of the University are threatened.

A suspension may extend beyond 72 hours if approved by the President or designated representative. A recommendation for suspension of more than 72 hours shall be forwarded to the President by the appropriate dean and VPAA with justification regarding the need for the proposed action. The President, if concurring, will direct the extended suspension. The faculty member, appropriate dean, and unit administrator shall be informed in writing of the length, terms, and conditions of any implemented suspension.

Formal Dispute Resolution Procedures outlined in Section 2. and Appendix E do not apply to suspension actions unless the suspension lasts more than six months or the VPAA finds it would be in the best interest of the University to provide extraordinary administrative due process.

1.13 Disciplinary Actions. The faculty is subject to laws, policies, rules, regulations, and procedural requirements which safeguard its functions and which concurrently protect its rights and freedoms. Violations may result in actions by the University ranging from simple admonitions to permanent dismissal. Unit administrators are normally responsible for initiating and implementing appropriate disciplinary action. When deemed appropriate and necessary by the VPAA, other supervisory academic administrators may be authorized to conduct inquiries and implement appropriate disciplinary actions. Results of such inquiries should be submitted in writing with the signature of the investigating administrator and the date of submission to the VPAA.

1.13.1 General Procedures for Imposition of Disciplinary Actions. Normally, unit administrators will initiate a performance or conduct inquiry based on observation or an oral or written complaint. Other supervisory academic administrators may also be authorized by the VPAA to make appropriate conduct investigations and

⁹As used in this policy statement, "supervisory academic administrators" shall include school directors, unit administrators, college deans, and the VPAA.

initiate appropriate disciplinary action on oral or written complaints. The findings of such an inquiry may lead to authorized disciplinary actions.

Authorized disciplinary actions include admonitions, sanctions, and dismissals. Because these three types of disciplinary actions have significantly different impacts on the career of a faculty member, the procedures for providing adequate administrative due process necessarily differ.

- 1.13.2 **Admonitions.** Admonitions are intended to inform faculty members that others find their performance or professional conduct to be unsatisfactory and/or inappropriate. Admonitions ~~may be~~ are normally issued orally or in writing and ~~and may~~ include administrative advice, warnings, or reproofs. Written records of admonitions are not included in a faculty member's personnel file unless a pattern develops, in which case the individual involved will be notified in writing. Anecdotal notes of administrative actions may be maintained by administrators separate from individuals' personnel files. Faculty counsel is not required prior to issuing admonitions. Administrative appeal of admonitions is not provided.
- 1.13.3 **Sanctions.** Sanctions are formal actions taken to prevent damage to the legitimate interests of the University and its components and/or recurrence of unsatisfactory performance or unprofessional conduct. Sanctions include such measures as written reprimands, required participation in counseling and/or corrective programs, and restrictions on use of University privileges, resources, and services. Sanctions are to be imposed when, in the judgment of the unit administrator or other supervisory academic administrators, admonitions will not adequately serve to prevent damage to the University or recurrence of unsatisfactory or unprofessional performance or conduct.
- 1.13.3.1 **Procedures for Imposing Sanctions.** Sanctions are normally directed by unit administrators. When deemed appropriate by the VPAA, other supervisory academic administrators may be authorized to conduct investigations and direct sanctions. The investigating administrator shall first provide the faculty member with a detailed written statement of the complaint(s), reports, or deficiencies alleged against him or her. If practical, the faculty member should be given the opportunity to face and question those who have made the complaint(s). Following receipt of the written statement of the complaint(s), reports, or deficiencies, the faculty member shall have seven calendar days to respond in writing to the matters being investigated. The investigating administrator shall then seek appropriate faculty counsel during the process of conducting the inquiry and in considering appropriate sanctions. The investigating administrator shall provide the faculty member with written notice of any sanction(s) to be imposed. The written notice of sanction(s) should describe corrective actions on the part of the faculty member which could lead to removal of the sanction(s) and a statement of procedures for appeal, review, modification, and removal of the sanction(s).
- 1.13.3.2 **Appeal of Sanctions.** Upon receipt of the notice from the investigating administrator informing the faculty member of the sanction(s), the faculty member

shall have seven calendar days during which to file a written appeal of the decision with the VPAA. Appropriate bases for appeal are:

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- (a) lack of reasonable cause for the sanction;
- (b) substantial failure to follow proper procedures for imposing sanctions; and
- (c) inappropriateness of the sanction(s) imposed.

The appeal should clearly state the basis for the appeal and the relief sought, and should include all the information the faculty member believes is pertinent to the appeal. If the VPAA finds that there is an insufficient statement of the basis for the appeal, he/she shall inform the faculty member and his/her unit administrator that the appeal has been denied. If the VPAA finds there is a sufficient statement of the basis for the appeal, he/she will designate himself/herself or another senior supervisory academic administrator to serve as an appeal review administrator whose responsibility it shall be to thoroughly review the matter, confer with appropriate parties, and make a final recommendation regarding the sanction. The appeal review administrator may seek additional faculty counsel from the Faculty Committee of the Faculty Council. The appeal review administrator shall determine whether the sanction should be sustained, modified, or completely removed. Pending completion of an authorized appeal, a sanction shall not be enforced, but the VPAA may relieve the faculty member of all or part of his or her duties if such is deemed essential to the protection of the University or its components (see Section 1.12). Relieving a faculty member of his or her duties during an authorized appeal shall be without any reduction in pay or other benefits. The appeal review administrator will complete the review and reach his or her decision within fourteen calendar days of his or her appointment as the review administrator. He/She shall communicate his or her recommendation to the VPAA, who shall inform the faculty member and his/her unit administrator of the final decision. If the decision is to remove the sanction completely, the VPAA shall expunge the record of the sanction and notify the faculty member in writing. The faculty member may place the notice in his or her file.

Formal Dispute Resolution Procedures outlined in Section 2 and Appendix E do not apply to formal administrative sanction actions unless the VPAA (or the President if the sanction was initiated by the VPAA) finds it would be in the best interest of the University to provide extraordinary administrative due process.

1.13.3.3 Application for Transfer of Sanction Records (Tenured Faculty Only).

Records of sanction actions shall be retained in the faculty member's active personnel files unless transfer of such records is authorized. Tenured faculty members may request that such records be transferred from active personnel files to an inactive, privileged-access file to be sealed and retained by the Office of the VPAA. Action on such an application is discretionary with the unit administrator. If requested, the appropriate dean or VPAA may be involved in the decision for

transfer of files. If the request is granted, a record of the transfer should be retained in the personnel file.

All requests for access to the privileged-access file shall be adjudged by the VPAA. Prior to a decision, the VPAA shall inform the affected faculty member.

- 1.14 Termination of Appointments.** Terminations are revocations of tenured appointments or nontenured appointments before the end of the appointment period. Nonrenewal of a temporary or nontenured appointment shall not be regarded as a termination. Terminations may be effected by the University only for reasonable cause. The University recognizes those general fairness principles expressed by the American Association of University Professors¹⁰ provided the same are consistent with this policy statement. The President is authorized to decide procedural questions on uncertain points.
- 1.14.1 Medical Disability.** When a faculty member cannot continue to carry out essential duties in a satisfactory manner because of medically related disabilities, he/she shall normally apply for long-term salary continuation under the University's disability program. (See OSU Policy and Procedures 3-0750.) If a medically disabled faculty member is not eligible for long-term disability benefits or refuses or does not act after being requested in writing to apply for long-term salary continuation under the University's disability program, termination for apparent medical reasons may be recommended. In such a case, the procedures in Appendix C will be followed. (See also Section 1.15.)
- 1.14.2 Termination under Financial Exigency.** Termination of appointment may be based on genuine financial exigency. Policies and procedures to be used during a state of financial exigency are set forth in Appendix D.
- 1.14.3 Termination or Reassignment Associated with Department or Program Discontinuance Not Mandated by Financial Exigency.** At any time a program is discontinued [or transferred to another department, college, or OSU campus](#), adequate safeguards for faculty members shall be provided. Early and meaningful faculty involvement in decisions regarding program discontinuance shall be provided. Rights under academic tenure shall be protected in a manner consistent with the provisions of this policy statement.
- 1.14.3.1 Reassignment.** Every equitable effort shall be made to assist each faculty member to relocate to a suitable professional position within the University. In

¹⁰The relevant principles of the American Association of University Professors are stated in the following documents included in the [AAUP Policy Documents and Reports](#), 1990 edition.

"Academic Freedom and Tenure, 1940 Statement of Principles and Interpretive Comments," pages 3-10.

"Statement of Procedural Standards in Faculty Dismissal Proceedings," pages 11-14.

"Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments," pages 15-20.

"On Institutional Problems Resulting from Financial Exigency: Some Operating Guidelines," pages 128-129.

"1982 Recommended Institutional Regulations on Academic Freedom and Tenure," pages 21-30.

such relocation other employees will not be displaced. Reassignments should occur over an equitable period of time and with adequate notice. In most cases, at least six months notice shall be provided before any faculty member is reassigned. Nontenured faculty members should be given at least the notice that is specified in Section 1.14.4. If at all feasible, the individuals involved should be given even more liberal notice. All qualified, tenured faculty members to be reassigned may be offered opportunities to upgrade their expertise or change their specialties as they and the appropriate senior supervisory administrator(s) see fit. If faculty members do not wish to accept the provision of the reassignment, they may submit a dispute resolution petition as specified in Section 2. and Appendix E.

- 1.14.3.2 Termination.** Termination of appointments of tenured faculty members associated with the discontinuance of programs shall be recommended only after the procedures described above have failed to produce a reassignment. If the faculty member so requests, the proposed termination shall be reviewed by a Termination Hearing Committee (see Section 1.15) before a recommendation for termination is made by the President to the Board of Regents. When a recommendation to terminate is to be made to the Board of Regents, the recommendations of this committee shall be forwarded with the recommendation of the President. If terminated in association with program discontinuance, the faculty member should be given appropriate notice or paid severance salary (see Section 1.14.4).

Individuals who have received notice of termination shall have the option to obtain the reasons for termination in a confidential form of their choosing. If the affected faculty member believes the reasons for termination are based on unlawful discrimination, inadequate consideration, or legitimate exercise of academic freedom, he/she may request a limited review of the matter utilizing the Dispute Resolution Procedure (see Section 2. and Appendix E).

Faculty members who have been given such notice of termination shall be permitted to resign with notice to the University less than that specified in Section 1.11.

1.14.4 Terminal Notice or Salary.

- (a) If an appointment is terminated for departmental or program discontinuances or institutional financial exigency the faculty member shall receive notice in accordance with the following schedule:

- (i) at least three months, for the first year of service; or
- (ii) at least twelve months for all other faculty.

If notice falls short of these specified amounts, then the faculty member should receive salary such that the months of notice and salary total three months for faculty as described in (i) and twelve months for all other faculty (ii).

- (b) In terminations for other causes, salary shall not continue for more than one month after the termination becomes effective unless special recommendations to this effect are made by the hearing committee or the President and approved by the Board of Regents.

1.15 Termination Hearing Board.

1.15.1 Membership. The termination hearing board is a standing group consisting of no fewer than eighteen members, a third of whom shall be appointed each year for a three-year term by the Faculty Council from among full-time faculty members whose duties are primarily nonadministrative. Board members shall be eligible for reappointment. Terms of service shall begin September 1 and end August 31 except that, if a hearing is in progress at the time, any retiring member of the board who is on the hearing committee shall be continued on the committee until the case in progress is closed. Board members will attend orientation and training programs provided by the Office of the VPAA before beginning service on a hearing committee.

1.15.2 Formation of a Termination Hearing Committee. Upon receipt of notice that a formally recommended termination for causes other than financial exigency will be contested, the chairperson of the Faculty Council will form a hearing committee composed of five voting persons: four selected by lot from the termination hearing board and one appointed by the VPAA. The VPAA's appointee shall not be a dean of a college, shall have faculty rank and substantial experience performing administrative duties, and shall have attended the orientation and training provided board members. Members who believe they have a conflict of interest shall remove themselves from the case, and a replacement shall be selected. Normally a board member shall not serve on two hearing committees at the same time. Each hearing committee shall select its own chairperson from among the members. In the formation of a termination hearing committee the prospective members will be subject to challenges for cause by either side, and a maximum of two peremptory challenges may be used by each side. The chairperson of the Faculty Council shall exercise reasonable judgment in ruling on the validity of challenges for cause.

1.15.3 Duties of Membership. Once appointed, each member shall respect the integrity of the process of the hearing committee. Members shall give sufficient attention to the presentation of information so that both sides to the termination recommendation are accorded a fair opportunity to develop and express their positions under the procedures established for the University (see Appendix C, provisions 5 and 6).

1.15.4 Integrity of Process. Individuals who are not the subject of a specific termination consideration shall not directly or indirectly interfere with the termination hearing process.

1.16 Dismissals.

1.16.1 Dismissals are permanent terminations for disciplinary reasons by the University. Such action is the most severe form of discipline and is to be recommended only when other disciplinary action is administratively judged unlikely to:

- (a) restore the fitness of faculty members to perform their professional responsibilities; or
- (b) adequately protect the University or its components from serious harm.

Dismissal or threat of dismissal shall not be used to restrain faculty members in their legitimate exercise of academic freedom.

1.16.2 **Grounds for Dismissal.** Dismissals must be based upon reasonable cause related to either a serious lack of satisfactory performance or the lack of fitness and suitability to continue in the professional capacity of a faculty member. Dismissal proceedings may be initiated for reasons such as:

- (a) incompetence in performing or in meeting appropriately assigned responsibilities;
- (b) neglect of duty as indicated by failure or continued failure to sufficiently perform in accordance with applicable terms and conditions of employment;
- (c) serious and apparently intentional misuse of University property and resources;
- (d) academic dishonesty;

~~(e) acts of moral turpitude;~~

~~(e)~~ deliberate and grave violation of the rights or freedoms of fellow faculty members, administrators, or students;

~~(f)~~ willful obstruction or disruption or attempts to obstruct or disrupt the normal operation or functions of the University; or advising, or procuring, or actively encouraging others to do so; or

~~(g)~~ serious violations of law that are admitted or proved before a competent court, preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities; or violations of a court order, when such order relates to the faculty member's proper performance of professional responsibilities; or

(h) other improper conduct which is seriously injurious to the best interests of the University or its components.

1.16.3 **Dismissal Procedures.** Procedures to be followed in cases of dismissal are presented in Appendix C.

2. **Dispute Resolution Policy.**

2.1 **Policy Statement.** It is the policy of Oklahoma State University that all full-time and part-time members of the University faculty, including those holding non tenure-track appointments, may petition for review of certain personal employment concerns defined in this document.

Persons holding a joint appointment (i.e., faculty and staff or administration combination) shall use the dispute resolution procedure germane to the nature of the dispute; e.g., if the dispute is relevant to one's work assignment as a member of the faculty, the faculty dispute resolution procedure shall be utilized.

2.2 **Definition.** A qualified employment dispute is a faculty member's timely written objection to matters related to particular working conditions, but normally excluding suspensions, sanctions, terminations, or actions taken as a result of financial exigency.

2.3 **Grounds for Dispute:** A "petition for resolution of dispute" may be filed after informal consultation with appropriate administrators has failed to resolve a faculty member's concerns. Faculty members cannot file disputes against other faculty members. The dispute must address a failure to act or address a concern by an administrator. Some issues, including sexual discrimination or discrimination against a protected class, are illegal and should be immediately referred to the appropriate entity and not be part of a dispute hearing. With this exception, grounds for disputes should be initiated for cases where the faculty member is being treated in a manner different than their peers, and inconsistent with the terms and conditions of their employment. The issue must be tangible and the Faculty member must provide both evidence of the disputed issue and a potential resolution of the dispute. Examples include.

- a) disregard on the part of the unit administrator or other member(s) of the administration of complaints relating to the terms and conditions of the appointment;
- b) unreasonable compensation over a prolonged period of time (two years or more);
- c) unreasonable denial of leave;
- d) unreasonable denial of promotion;
- e) unreasonable denial of reappointment;
- f) unreasonable work load or physical working conditions;

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- g) unreasonable denial of access to University resources necessary for the faculty member's compliance with the basic terms and conditions of the appointment;
- h) unacceptable reassignment growing directly out of actions specified in Section 1.14.3;
- i) changes in assignment or conditions of employment if unrelated to sanctions or health leave;
- j) suspension for more than six months.

For a dispute that does not fit the specific examples above, the Faculty member should bring the dispute to the Chair of the Faculty Council. The Chair may seek counsel from the Faculty Council Executive Committee, the Vice President of Academic Affairs, and other University employees with knowledge of the issue. The Chair at his or her discretion will authorize the dispute, deny the dispute, or refer the dispute to resolution by procedures differing from Appendix E.

A "petition for resolution of dispute" may be filed after informal consultation with appropriate administrators has failed to resolve a faculty member's concerns. Faculty members cannot file disputes against other faculty members. The dispute must address a failure to act or address a concern by an administrator. Some issues, including sexual discrimination or discrimination against a protected class, are illegal and should be immediately referred to the appropriate entity and not be part of a dispute hearing. With this exception, grounds for disputes should be initiated for cases where the faculty member is being treated in a manner different than their peers, and inconsistent with the terms and conditions of their employment. The issue must be tangible and the Faculty member must provide a potential resolution before the dispute. Examples include:

- disregard on the part of the unit administrator or other member(s) of the administration of complaints relating to the terms and conditions of the appointment;
-
- unfair compensation over a prolonged period of time (two years or more);
-
- denial of leave without adequate consideration;
-
- denial of promotion;
-
- denial of reappointment without adequate consideration;
-
- unreasonable work load or physical working conditions;
-
- unreasonable denial of access to University resources necessary for the faculty member's compliance with the basic terms and conditions of the appointment;
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- unacceptable reassignment growing directly out of actions specified in Section 1.14.3;
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- changes in assignment or conditions of employment if unrelated to sanctions or health leave;

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~~— suspension for more than six months.~~

~~For a dispute that does not fit the examples above, the Faculty member should work with the Faculty Council Chair to address the issue. In authorizing the dispute, the Faculty Council Chair will seek counsel from the executive committee and the VPAA.~~

~~A "petition for resolution of dispute" may be filed after informal consultation with appropriate administrators has failed to resolve issues concerning implementation of terms and conditions of employment or any of the following:~~

~~-(X) — infringement of academic freedom~~

~~(a) disregard on the part of the unit administrator or other member(s) of the administration of complaints relating to the terms and conditions of the appointment;~~

~~(b) a pattern of unfair compensation discrimination over a prolonged period of time (two years or more);~~

~~(c) denial of promotion without adequate consideration;~~

~~(d) denial of leave without adequate consideration;~~

~~(e) denial of reappointment without adequate consideration;¹⁴~~

~~(f) unreasonable work load or physical working conditions;~~

~~(g) unreasonable denial of access to University resources necessary for the faculty member's compliance with the basic terms and conditions of the appointment;~~

~~(h) harassment or discrimination;~~

~~(i) unacceptable reassignment growing directly out of actions specified in Section 1.14.3;~~

~~(j) basic changes in assignment or conditions of employment if unrelated to sanctions or health leave;~~

~~(k) suspension for more than six months; and~~

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¹⁴Procedures recommended by the American Association of University Professors are recognized as general guidelines for conducting investigations in connection with renewal or nonrenewal of faculty appointments to the extent that they are in consonance with the procedures stated herein. Insofar as the affected faculty member asserts in writing that the decision against renewal by the appropriate administrator was based on inadequate consideration, the functions of the dispute resolution committee which reviews the faculty member's assertion should be the following: (a) to determine whether the decision of the appropriate faculty body and the decisions of the appropriate administrators were the result of adequate consideration in terms of the relevant standards of the institution, with the understanding that the review committee should not substitute its judgment on the merits for that of the academic department; (b) to request reconsideration by the faculty bodies and/or administrators when the committee believes that adequate consideration was not given to the faculty member's qualifications (in such instances, the committee should indicate the respects in which it believes the consideration may have been inadequate).

~~(f) other matters which the VPAA authorizes.~~

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2.4 Ombudsperson. Faculty members may, if they wish, seek informal, voluntary, confidential, early assistance in resolving work related issues, disputes, conflicts, concerns, problems, or points of friction ~~unfair, arbitrary, capricious, or illegal treatment related to their personal working conditions~~ by consulting the Ombudsperson for Oklahoma State University. The Ombudsperson is authorized to meet with faculty and academic administrators on an informal basis in an effort to find mutually satisfactory and agreeable resolutions to such issues ~~and may discuss with faculty and academic administrators their concerns regarding such work related issues.~~ (See OSU Policy and Procedures 2-0901 ~~(need to revise)~~ and Ombudsperson website for further details ~~—location?.~~) ~~Faculty may not be penalized in any way for using this service, nor can they be required to utilize this service.~~

Commented [PL13]: Web addresses are subject to frequent change, so it seems better not to include one.

2.5 Title IX/Affirmative Action. Title IX of the Education Amendments and Oklahoma State University policy prohibit discrimination in the provision of services or benefits offered by the University based on gender. Any person (student, faculty, or staff) who believes that discriminatory practices have been engaged in based on gender may discuss their concerns and file informal or formal complaints of possible violations of Title IX with the Director of Affirmative Action and/or the OSU Title IX Coordinator.

The Director of Affirmative Action is also specifically authorized to deal with complaints concerning sexual harassment or gender discrimination. (See OSU Policy and Procedures 1-0702 for details.) Complaints related to discrimination based on race, religion, ethnic origin, disability, age, or sexual orientation will also be handled by the Director of Affirmative Action.

2.6 Formal Dispute Resolution Procedures. Faculty members who believe they have a qualified employment dispute that warrants filing a petition will be expected to have thoroughly discussed their complaint with their unit administrator, dean, and other appropriate administrators. Policies and procedures for resolution of disputes are set forth in the Appendix E.

Appendix A Statement on Professional Ethics

The statement that follows was originally adopted in 1966. Revisions were made and approved by the American Association of University Professors' Council in 1987 and 2009. The following statement, drafted by the American Association of University Professors, was endorsed at the Seventy-third Annual Meeting held in June 1987 and appears in the AAUP Policy Documents and Reports, 1990 edition.

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and

Commented [LPG14]: Addition of this statement and removal of "In the exchange of criticism and ideas professors show due respect for the opinions of others" may be the only change from the previous version, based on a quick comparison

integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

1. — Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
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upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Appendix B

Academic Freedom ~~(update with AAUP suggested guidelines and definitins)~~

~~A University edited version of the The~~ 1940 Statement of Principles as drafted by the Association of American Colleges and the American Association of University Professors follows:

- ~~1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.~~
 - ~~2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.4 Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.~~
 - ~~3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.~~
-
- ~~1. All faculty members (teaching, research and extension) are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties and relevant legal requirements; but research funded by agencies external to the University should be based upon an understanding with the authorities of the institution.~~
 - ~~2. All faculty members are entitled to freedom in the classroom in discussing the subject of the course, but they should be careful not to introduce into their teaching either controversial matter that has no relation to the subject or actions that violate the rights of students.~~
 - ~~3. University faculty members are citizens, members of learned professions, and academic officers of educational institutions. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge their profession and institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the institution.~~

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Appendix C General Termination Procedures

1. **Initiation.** Termination of a faculty member shall be officially recommended only after an investigation has been conducted by an appropriately designated responsible administrative officer and appropriate faculty counsel has been received. The University recognizes the seriousness of such situations and, therefore, reserves for its administrative officers and faculty committees the prerogative to be assisted by the Board of Regents Office of Legal Counsel throughout the decisional process including any formal hearing. Groundless threats to terminate or demands to resign as an alternative to termination should not be made by the unit administrator or other official of the University.

Any person who has substantial concern that a faculty member could be subject to termination under Section 1.14.1 or termination under Section 1.14.3 or dismissal on the grounds stated in Section 1.16.2 may present those concerns, substantiating evidence, and related information to the VPAA¹² for evaluation and possible action. Although not mandatory, it is preferable that this communication be presented in writing and signed by the person submitting it. Following receipt of such communication, the VPAA may seek to obtain additional relevant information from other sources in evaluating same, and shall make a judgment as to whether further inquiry is appropriate.

Should the VPAA be inclined not to initiate an inquiry, the President shall be so informed. The President having received and reviewed all available, relevant evidence shall consider the complaint and make a judgment as to whether it is in the best interest of the University to initiate an inquiry.

If an inquiry is to be conducted, the VPAA shall designate, with the approval of the President of the University, an academic administrator (referred to as the investigating official) to serve as the administrator responsible for conducting an initial investigation to develop facts for evaluation and possible action. This effort should include interviewing the affected faculty member, examining other witnesses and evidence, seeking appropriate faculty counsel, and preparing reasoned recommendations for action. Normally the unit administrator of the affected faculty member shall be designated as the investigating official, but when that is not practical or appropriate, the VPAA or a dean or associate dean may be so designated.

The VPAA shall provide the investigating official with all of the written information and notes of oral statements which had been submitted with or were made in relation to the initial communication of concerns. The investigating official may request legal assistance for conducting the investigation from the Board of Regents Office of Legal Counsel. The investigating official may meet with the person(s) who communicated the original concerns and others to seek clarification and documentation. The investigating official should thereafter determine individuals to interview and evidence to examine. The investigating official should meet with the affected faculty member in personal conference to explore

¹²If the VPAA is unavailable, the President may designate another senior supervisory academic administrator to act for the VPAA.

relevant issues. In this conference, the faculty member shall be told of the reasons that the investigation is being conducted and the actions that are being considered. The faculty member shall be provided a copy of the published procedures which are followed in decisions to terminate. If a personal conference cannot be arranged, the investigating official will deliver to the affected faculty member in person or by mail to a current office or residential address a written explanation of the purpose of the investigation, the factual issues for resolution, a request for response from the faculty member within five working days, and a copy of the published termination procedures. The investigating official shall prepare a confidential written report of the conference, if conducted, and it shall be provided to the affected faculty member and related academic supervisors within five working days.

Following receipt of the investigating official's report of the initial conference, or letter of notification (no conference conducted), the faculty member shall have a fixed period of at least five working days to propose a suitable disposition to resolve concerns or present reasons that termination or other action(s) is unnecessary or unwarranted. Following receipt of the faculty member's written response, the investigating official may make a confidential interim report to the VPAA with interim recommendations which, if approved by the President, may resolve the current concerns. However, if a fully approved disposition is not achieved with this stage, appropriate departmental faculty counsel shall be sought (see Section 1.2).

The appropriate departmental faculty body should meet jointly with the investigating official and affected faculty member to discuss the reasons that termination is being considered. Following this meeting, the faculty body may make inquiry of its own and deliberate in the absence of both the investigating official and the affected faculty member. It shall prepare a written, non-binding evaluation of facts known to it and a reasoned recommendation, normally within ten working days, for the investigating official. A copy of this advisory report shall be sent to the affected faculty member.

2. **Initial Administrative Review.** After the initial investigation has been conducted and appropriate written faculty counsel at the departmental level has been received, the affected faculty member's unit administrator, dean, and the VPAA shall meet to review all the information which has been collected. If the unit administrator, dean, or VPAA is the faculty member being investigated, he/she shall not serve as part of this administrative review team. The investigating official shall provide the members of the review team with all information that has been introduced into the case including that provided by those requesting the investigation, any provided by the affected faculty member or others, documentary evidence, and the advisory report of the appropriate faculty counsel. In the review, the team may confer with the affected faculty member as well as others it may deem appropriate.

Following the review, the VPAA shall make a preliminary judgment whether there is reasonable and sufficient cause for termination and whether it would be in the best interest of the University to continue with the termination procedure. Should the VPAA find no reasonable and sufficient cause to recommend termination, the President shall be so informed. The President shall make a judgment whether reasonable and sufficient cause

exists for further evaluation and whether it would be in the best interest of the University to continue with the termination procedure. If in the judgment of the President reasonable and sufficient cause has not been established for further examination, or if it is judged not to be in the best interest of the University to continue with the termination procedure, the affected faculty member will be notified in writing by the VPAA that it is not the current intention of his or her office to make a recommendation of termination. If the final decision is that termination is not appropriate but that other action is warranted, the matter shall be referred to an appropriate academic supervisory administrator for consideration and action. If the President finds there is reasonable and sufficient cause to continue an examination of the case, the President shall notify the VPAA to implement the procedural steps as provided in the following paragraphs. If in the judgment of the VPAA or the President, reasonable and sufficient cause for termination appears to have been established and he/she believes that it is in the best interest of the University to continue with the termination procedure, the VPAA will notify the chairperson of the Faculty Council and the affected faculty member that the case will be explored further by an informal review committee composed of three past chairpersons of the Faculty Council before any hearings are conducted.

3. **Consideration by Informal Review Committee.** The VPAA shall request the chairperson of the Faculty Council to appoint the informal review committee. The committee shall conduct an informal inquiry into the grounds for termination and shall prepare a written, nonbinding evaluation of facts known to it and a reasoned recommendation to the VPAA within ten working days after appointment. In its inquiry the committee shall analyze whether the contemplated termination has been appropriately initiated. It shall recommend whether formal termination proceedings should be undertaken or whether actions other than termination are likely to restore the fitness or suitability of the faculty member to discharge normal professional responsibilities, and whether actions other than termination are likely to serve the best interests of the institution as well as those of the general public. The committee shall send a copy of the advisory report to the unit administrator, dean, VPAA, and the faculty member.
4. **Formal Recommendation by the VPAA.** If, after reviewing the informal review committee's advisory report, the VPAA decides to authorize commencement of formal termination action the VPAA shall designate an experienced academic administrator to conduct the procedural actions required. This administrator shall be referred to in these proceedings as the "standards officer."

The standards officer shall provide written notice to the faculty member, the unit administrator, the dean, the VPAA, the President, and the chairperson of the Faculty Council that a recommendation for termination is to be formally presented. In the notice the standards officer shall specify the grounds for termination and the recommended date of termination. The notice to the faculty member shall be sent by certified mail or by witnessed hand delivery. It shall inform the faculty member of the provisions for formal review of the recommendation and that he/she must provide to the standards officer within fifteen working days of the receipt of the notice a written statement declaring whether the termination recommendation will be disputed. The notice to the affected faculty member will inform him/her that he/she will be immediately relieved of all academic duties but will

not experience a reduction in pay or other benefits pending a recommendation by the termination hearing committee and the President and a final decision by the governing Board of Regents.¹³ If the faculty member chooses to dispute the standards officer's recommendation, the faculty member shall notify the standards officer, unit administrator, dean, VPAA, President, and chairperson of the Faculty Council.

5. **Consideration by Termination Hearing Committee.**¹⁴ Upon receipt of notice that a formally recommended termination will be disputed, the chairperson of the Faculty Council shall provide the principal parties (the faculty member and the standards officer) with a list of the individuals initially chosen to serve as members of the termination hearing committee. The chairperson of the Faculty Council shall also provide the members of the committee with a copy of the notice of the recommended termination which has been disputed.

The University shall provide appropriate facilities, assistance, equipment and support to the committee and shall assist the committee in obtaining the cooperation of witnesses and making available documentary and other evidence. The personnel records of the affected faculty member shall be accessible to the parties, the committee, and review authorities and their representatives.

The termination hearing committee shall begin the hearing within ~~thirty-20 working~~(work or calendar days???) calendar days, but no sooner than ~~twenty-15 working~~calendar (???) days, after the standards officer's notice of intent to recommend termination was delivered to the affected faculty member. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a full hearing, but denies the charges against him/her or asserts that the charges do not support a finding of reasonable cause, the hearing committee will evaluate all available evidence and rest its recommendation upon the evidence in the accumulated record of the matter and its reasonable inferences. The hearing committee shall hold a joint prehearing meeting(s) with the parties in order to: (a) simplify the issues, (b) effect stipulations of undisputed material facts or witness statements, (c) provide for the exchange of documentary evidence or other information, (d) exercise peremptory challenges and question prospective committee members to determine if disqualifying bias exists, and (e) achieve such other appropriate prehearing objectives as will make the formal hearing fair, effective, and expeditious.

6. **Hearing Procedures.** The following procedures and guidelines should be followed during the hearing:
 - (a) The standards officer will establish the history of the appointment and that there is reasonable cause to terminate the appointment based on a quality of proof that is clear and convincing.

¹³See Section 1.12, Administrative Suspensions.

¹⁴See Section 1.15, Termination Hearing Board.

- (b) In all presentations of evidence, the standards officer presents his or her case first, with the faculty member following.
- (c) The parties shall be permitted to utilize licensed legal counsel who shall be allowed to participate in all appropriate portions of the hearings (including prehearings), even including presentation of the faculty member's case to the committee. The committee shall consider such counsel's statements on procedural matters and may receive the opinion of its own counsel.
- (d) The hearing shall be attended only by those individuals having an official connection with the proceedings as determined by the President after consultation with the chair of the committee. Other individuals will be excluded from the hearing room.
- (e) Two confidential tape recordings of the hearing shall be made by a recorder designated for the proceedings by the chairperson of the committee and will be accessible to the principal parties involved, the committee, the President, the governing Board of Regents, and authorized representatives on a "need to know" basis.

Either party to the hearing may request that the committee endeavor to provide a typed transcript of the testimony. The cost of preparation of such a transcript shall be paid by the party making the request. The second party may obtain a duplicate copy by paying the current fees for copying.

- (f) A reasonable time limit should be established for opening and closing statements and shall be announced prior to or at the outset of the hearing.
- (g) Length of hearing sessions may be established in advance; every reasonable effort should be made to conduct the hearing(s) as expeditiously as possible, with equal fairness to both parties.
- (h) The termination hearing committee, through its chairperson, shall require from the parties involved that they submit to the committee and exchange with the other party within 72 hours of the conclusion of the prehearing meeting(s):
 - (i) a list of witnesses whom they wish to present;
 - (ii) a written exposition of all known relevant facts and/or opinions, as well as circumstantial evidence; and
 - (iii) documents which they deem pertinent to the case. In cooperation with the chair of the committee the respective parties are responsible for arranging the presence of their own witnesses and will schedule them for appearance as close to the time of call as possible. Both parties shall be permitted during the course of the hearing(s) to introduce additional

documents and present witnesses not on their original lists, subject to reasonable notice to the other party and the consent of the committee.

- (i) After primary witnesses for both parties have been heard, such witnesses may be recalled for additional questioning if requested by either party or the hearing committee. The committee may call new witnesses whose testimony it deems relevant or helpful as well as request documents not otherwise introduced by either of the parties.
- (j) All evidence and other information pertaining to the termination hearing shall be treated in a confidential manner, except for reporting authorized by this policy statement.
- (k) Only information relevant to the termination action should be admitted into evidence. For the purpose of the hearing committee, questions of relevance shall be decided by the chairperson (subject to later review as provided or referenced herein). Physical evidence and testimony that is excluded from evidence shall be appropriately described by the offering party and appended to the hearing report for review.
- (l) The hearing committee shall grant adjournments to enable either party to investigate evidence against which a valid claim of surprise is made.
- (m) The faculty member and the standards officer shall normally have the right to confront and cross-examine all witnesses at the hearing. When the prospective witnesses cannot or will not appear, but the committee determines that the interests of fairness require formal admission of their statements, the committee shall identify the witnesses, disclose their statements, and if reasonably possible arrange for answers to proposed interrogatories from such witnesses.
- (n) In the hearing of any allegations concerning incompetence, the evidence in support thereof shall include that of qualified faculty members from Oklahoma State University and/or other institutions of higher education.
- (o) The hearing committee shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in evaluating the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available.
- (p) The committee reports findings of fact and its recommendations shall be based solely on formally admitted evidence contained in the hearing record and reasonable inferences drawn therefrom. Members of the committee shall not converse with nor listen to any person outside the formally convened hearing committee pertaining to the facts, circumstances, or the subject person(s) related to the purpose(s) for which such hearing committee has been appointed or organized.

(q) Neither the participants nor their representatives should cause publicity or public statements about the case, except for such simple announcements as may be required covering the time of the hearing and similar matters.

7. **Committee Report.** The report of the committee shall specifically cite the information upon which its advisory conclusions were based. The written report shall contain:

- (a) a statement of the purpose of the hearing;
- (b) issues considered;
- (c) findings of fact; and
- (d) advisory recommendations.

The hearing committee shall conclude whether reasonable cause for termination has been sufficiently established by clear and convincing evidence in the record, and it shall so report to the President. If the hearing committee concludes that reasonable cause for termination has been established, but that an action other than termination should be considered, it shall so recommend, with supporting reasons. The hearing committee shall make its confidential report to the President of the University with complete copies to the principal parties, their representatives, and related administrators. Said report shall also include all information barred from admission into evidence by the chairperson of the hearing committee. The chairperson of the hearing committee shall inform the chairperson of the Faculty Council that the report of the hearing committee has been submitted to the President.

The affected faculty member and the standards officer shall each have five working days from the date the report is submitted to the President within which to present in writing any specific objections for consideration regarding the content of the report or the adequacy of the processes used by the committee in arriving at its advisory conclusions. The committee shall make available to the President the taped record of the hearing for discretionary reference.

8. **Review and Recommendation by the President.** The President shall exercise reasonable care in reviewing the report of the hearing committee. If the President is unable to concur in the findings or recommendations of the committee, the report shall be returned to the committee with specific concerns stated in writing. The committee will then reconsider, taking into account the stated concerns and, if necessary, review any new evidence or other matters with the parties, if practical. The final report of the committee shall be sent to the President and principal parties, with complete copies to their representatives and related administrators.

The written decision of the President shall be sent to the chairperson of the Faculty Council, the chairperson of the termination hearing committee, and the principal parties, with copies to their representatives and related administrators. If the decision of the President is to recommend termination to the governing Board of Regents, the President

shall inform the affected faculty member of the Board of Regents' published procedures for appeals to it. The President may submit a formal recommendation for termination to the Board of Regents no sooner than ten working days after the affected faculty member has been sent notice by the President that a recommendation for termination is to be made. A recommendation for termination to the Board of Regents shall include the full final report of the hearing committee and any other related allied papers, reports, or recommendations as the President may deem appropriate. At any point in the procedure, prior to the time that the recommendation is formally considered by the Board of Regents, the affected faculty member may withdraw the challenge to the dismissal recommendation.

9. **Review and Action by the Board of Regents.** If the governing body chooses to review the case or if the faculty member appeals the President's decision, the review should be conducted according to the published procedure which provides an opportunity for argument, oral or written or both, by the principal parties or their representatives. The Board of Regents has established procedures for perfecting an appeal to the Board and the conduct of the appeal. A copy of the procedures is available on request from the Office of Legal Counsel at the Board's Office located in the Student Union, Oklahoma State University. The appeal must be initiated by the filing of a petition by registered mail with the Board's Chief Executive Officer at the Board's office in the Student Union, Oklahoma State University, within fourteen regular calendar days of the President's decision.
10. **Announcements.** Except for such simple announcements as may be required, public statements about the proposed termination action by either the faculty member, standards officer, affected administrators, or other institutional personnel should be avoided until the proceedings have been completed. An announcement of the results of the completed proceedings shall be provided to the Chairperson of the Faculty Council who may share such information with the Faculty Council and it may be published in the minutes of the Faculty Council.

Appendix D Financial Exigency Policies and Procedures

1. **Rationale.** Financial exigency is defined as a state of financial crisis which affects the University as a whole, to the extent that it may become necessary to terminate tenured appointments or other appointments prior to their normal expiration, and a state in which the survival of programs deemed essential to the mission of the University is in doubt. In the event of financial exigency, it will be necessary for the University to examine its mission closely in order to determine those programs which are considered essential for maintaining a viable University. Considerations for retaining programs shall include compliance with affirmative action requirements, maintenance of academic excellence, and adherence to administrative due process and compensation and benefit program policies.

In the state of financial exigency, programs may be discontinued or allocated reduced resources. Comprehensive study will be used to determine how required reductions are to be accomplished, including termination of appointments of faculty members, administrative and professional personnel, classified staff, and others as well as maintenance and operations funding.

Because the faculty shares responsibility for educational programs and curriculum, appropriate faculty committees shall be established to provide timely advice on educational planning, budgeting, and allocation of resources.

The termination of tenured appointments or other appointments before the end of their terms is a painful and difficult matter. It affects not only those whose appointments are to be terminated, but everyone in the University. Any termination of faculty services must be done fairly and humanely and in accordance with the administrative due process defined in this policy statement. In a state of financial exigency, when reductions have to be made across the University, every equitable effort shall be made to reorient and reassign tenured faculty within the University so that as few as possible will be adversely affected. This does not imply any duty to artificially create employment for the displaced faculty. Special efforts also shall be made to assist nontenured faculty.

By granting tenure, the University has given recognition to the current and potential contributions of a faculty member to Oklahoma State University. In most cases, a tenured faculty member will have given numerous years of productive and faithful service to the University. Giving preferred status to tenured faculty during a state of financial exigency, therefore, is not merely providing protection of an individual's rights under academic tenure, it is practicing humaneness and responsible action within the University by those charged with its administration.

2. **Adjusting to the Condition of Financial Exigency.** The Faculty Council Budget Committee is the appropriate group to be informed and to be involved with the President and appropriate administrative counsel in monitoring the financial

condition of the University. In the event of imminent financial exigency as determined by the University administration with the advice and counsel of the Faculty Council Budget Committee and verified by the Faculty Council as a whole, the President of Oklahoma State University will announce to all University personnel that a state of financial exigency exists.

- 2.1 Faculty Participation.** The faculty, through its elected representative body--the Faculty Council--will be involved in reviewing and recommending adjustments to financial exigency.

Such involvement shall include participation in the decision-making process by both tenured and nontenured faculty as well as administrative and professional personnel and classified staff at the department, school, college, and institutional levels as provided for by the task force and committees described in the following sections.

- 2.1.1 University Task Force on Financial Exigency.** After announcing that a state of financial exigency exists at Oklahoma State University, the President will activate a University task force on financial exigency which will serve as an advisory body to the President. This task force will consist of the officers of the Faculty Council (chairperson, vice-chairperson, and secretary), chairpersons of the Faculty Council's budget, faculty, and academic standards committees, chairperson of the Staff Advisory Council, Vice President for Administration and Finance, two college deans selected by the President, two unit administrators selected by the President, the president of the Student Government Association, and the president of the Graduate and Professional Student Association with the VPAA serving as chairperson of the task force. Within a time limit specified by the President of the University, members of the task force will give priority above all other assignments to making recommendations to the President for adjustments to overcome the crisis situation. In the event that the task force is not prompt in meeting the assigned time limit, the President may develop an alternate plan of action to adopt and employ.

The University Task Force on Financial Exigency will be actively involved in determining the extent of the crisis and in the planning of response relative to reorientation, reorganization, and realignments necessary for returning the University to a stable financial state.

- 2.1.2 Academic Committees on Financial Exigency.** Each college and the library shall establish its own committee on financial exigency.

The library committee and each college committee on financial exigency should be composed primarily of faculty and staff representatives elected by their colleagues, and shall include its representative to the Faculty Council. The responsibilities of these committees shall include assessing the financial situation within their respective colleges and the library for alternative solutions to the problem within their respective units. The deans of the colleges (or librarian) shall chair these

- committees. The dean or librarian shall forward the college report to the University task force within a time limit specified by the President of the University.
- 2.1.3 Non-Academic Committees on Financial Exigency.** As directed by the President, the non-academic divisions of the University (athletics, physical plant, student services, central administrative services) shall also establish their own committees on financial exigency. The responsibility of these committees shall include assessing the financial situation within their respective areas for alternative solutions to problems associated with financial exigency. The President shall designate a chair for each committee who shall report to the University task force within a time limit specified by the President.
- 2.2 Guidelines for Adjustments.** The University Task Force on Financial Exigency shall review studies of the University's financial obligations and its existing and potential financial resources. This information will be for the use of the President to determine the extent of financial stress within the University and will provide a basis for recommending actions required to overcome the crisis condition. An effort shall be made to elicit ideas and suggestions from the general faculty relative to the action to be taken.
- 2.2.1 Reductions of Administrative and Other Support Services.** Curtailment and/or consolidation of administrative and other supportive services shall receive serious consideration and, generally, should precede dismissal of tenured faculty actively engaged in teaching, research, or extension.
- 2.2.2 Reduction in Instruction, Research, and Extension.** The University task force will review pertinent studies of the University's programs and activities in the areas of instruction, research, and extension. The Academic Program Review documents prepared in consonance with OSU Policy and Procedures 2-0215 may be used as a source of information. Each program's achievements, centrality to the University's mission, affirmative action goals, and income-generating ability will be considered. A recommendation will be made regarding programs in which decreased effort and financial support for instruction, research, or extension should be seriously considered. This may, in some cases, necessitate the retention of programs with low enrollments and services and activities which are not cost efficient but which are central to the concept of a university and to the mission of Oklahoma State University.
- 2.2.3 Termination of Programs and Services.** The task force shall make prompt recommendations to the University administration relative to programs and/or services which should be curtailed or discontinued, or positions which should be terminated. The following procedure shall be followed:
- (a) Each college and library committee and the non-academic committees on financial exigency will review and provide prompt advice to the task force on which programs and/or services should be curtailed or discontinued within their respective areas or which positions should be terminated.

- (b) The apparent and/or expected effect of the recommended curtailment, discontinuances, or terminations on the institution as a University shall be examined and documented.
- (c) Hearings will be held inviting statements from persons in programs and/or services directly affected by the recommendations made by the committees.

2.2.4 Report of the Task Force. On the basis of pertinent information, advice, and other considerations, the University task force will submit to the President a prompt report specifying recommendations for overcoming the crisis situation.

2.3 Administrative Due Process Concerning Faculty Affected by Financial Exigency. Recommendations to eliminate positions or programs or to curtail programs and services shall not include termination of the appointment of a tenured faculty member in favor of retaining one without tenure in the same department, except in extraordinary circumstances.

In some cases, an arrangement for early retirement of a tenured faculty member by adding appropriate institutional funds to the individual's retirement income may be worked out with the consent of the faculty member. In other cases, a change from full-time to part-time service may be a feature, though not a complete solution, of an acceptable settlement.

In those cases where there is no realistic choice other than terminating the services of a tenured faculty member, appropriate notice or severance compensation must be given. Provisions for terminal notice or salary are stated in Section 1.14.4 of this policy statement.

In all cases of termination of appointment because of financial exigency, the position of the faculty member concerned shall not be filled by a permanent replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

For every individual whose appointment is proposed to be terminated on the grounds of financial exigency the VPAA shall give that individual notice thereof and an explanation of the criteria used in developing the proposed action. If the affected faculty member makes a written request to the VPAA, he/she shall be entitled to a hearing by the committee described below. At the request of the faculty member involved, hearings on similar cases may be combined although every case shall be examined on its individual merits.

The committee shall consist of five members: three faculty members designated by the chairperson of the Faculty Council, with the advice and consent of the Faculty Council executive committee, and two members from the administration

designated by the President. The President will name the chair. The verified report from the University administration substantiating that a state of financial exigency exists shall be introduced and deemed conclusive as to the existence of financial exigency.

The committee shall hear statements from the affected faculty member(s), study evidence, and call witnesses to determine:

- (a) the reasonableness of the educational and administrative judgments exercised in determining reduction/termination of programs and criteria used to identify which appointments are to be terminated; and
- (b) whether criteria are being reasonably applied in the individual case.

The committee shall make a written report with advisory recommendations to the President. The President shall review the report and, if termination is deemed appropriate, make final recommendations on personnel actions to the governing Board of Regents for its consideration and decision.

2.4 Emergence from Financial Exigency. The University Task Force on Financial Exigency shall be active during the entire period in which the state of financial exigency exists and during the University's emergence therefrom.

The University task force shall continually review the financial state of the University and be actively involved in determining when the state of financial exigency no longer exists.

During the state of financial exigency and the University's emergence therefrom, the University task force shall be directly involved in decisions relative to the establishment of any new programs and positions, the reactivation or recognition of programs, and the reinstatement rights, if any, of individual faculty members whose appointments were terminated on the grounds of financial exigency.

When it has been determined that financial exigency no longer exists, the University shall decide which programs to reactivate and reorganize and endeavor to expeditiously honor the applicable reinstatement rights of faculty members released under financial exigency by offering them a position with a reasonable time to accept or decline it. The University Task Force on Financial Exigency will then be dismissed by the President of the University.

Appendix E Dispute Resolution Procedure

Faculty members who believe they have a qualified employment dispute that warrants filing a petition under provision 2.0 of this policy statement will be expected to have already discussed their objection with their unit administrator and other appropriate administrators.

1. **Filing of Dispute Resolution Petition.** Faculty members who feel that they have a qualified employment dispute may submit a petition to the chairperson of the Faculty Council for examination of their objection. The petition shall set forth in detail the nature of the objection and the specific remedial action or relief sought, and identify the specific administrator(s) who should respond to the petition (the respondent(s)). It shall contain all pertinent facts and/or opinions, any circumstantial evidence which the petitioner deems pertinent to the case, and a brief summary of the results of previous discussions on the issues involved.

Objections related to specific personnel action(s) must be presented to the chairperson of the Faculty Council within sixty calendar days of the date when the faculty member was formally notified of the action(s).

2. **Initial Review and Recommendations.** Upon receipt of a faculty member's petition for resolution of a dispute, the chairperson of the Faculty Council shall refer the petition to a review committee composed of a chair that is selected from three past chairpersons of the Faculty Council. ~~(Consider changing this to 1 past chair as chair of the committee of three but then elect/select 2 other members who are full professors—to be determined how to do this) only one of whom may be who does not formally assigned to have~~ administrative duties of more than 25% FTE and 2 other members. The chairperson of the Faculty Council shall choose select the remaining committee members from a pool of past chairpersons of the Faculty Council. If there is less than 6 past chairpersons available for the selection, past secretaries, Faculty Committee chairs, and Academic and Standards and Policies chairs of the Faculty Council that are currently on campus and also have no more than 25% FTE of an administrative appointment will be included in the selection pool. Only one of the committee members shall be allowed to have an administrative appointment by lot from among former chairpersons currently on campus. ~~(????—change???)~~ It is the responsibility of the current Faculty Council Chair to review potential committee members for relevant conflicts of interest. If it is determined a conflict exists, the potential committee member can be removed from the selection pool. The review committee shall study the dispute resolution petition and confer with the parties to the dispute. If a resolution is achieved, the review committee shall so report to the chairperson of the Faculty Council. After such inquiry the committee shall recommend to the chairperson of the Faculty Council whether or not a formal dispute resolution hearing is warranted. If so, it shall identify the appropriate administration respondent(s). Its recommendation shall be submitted to the chairperson of the Faculty Council, normally within ~~fifteen~~ 20 working days after the filing of the

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petition by the faculty member.

3. **Action by Chairperson of the Faculty Council.** Upon receipt of a recommendation from the review committee, the chairperson of the Faculty Council shall, within five working days, inform the parties involved in the dispute that either:

- (a) the review committee judges that a full hearing by a dispute resolution committee is not reasonably warranted; or
- (b) a dispute resolution committee will be formed to conduct a formal hearing.

In cases judged not warranting a formal hearing by a dispute resolution committee, the petitioner shall be provided written reasons for the ruling. The ruling may be appealed to the President, normally within five working days. If the petitioner is permitted to pursue the dispute, the ruling of the informal committee shall be included as evidence to come before the dispute resolution committee. For cases in which a dispute resolution committee is to be formed, the chairperson of the Faculty Council shall arrange a reasonable time and place for selection of the dispute resolution committee which will afford all parties the right and opportunity to be present during the selection. The dispute resolution committee shall normally be selected within twenty-eight calendar days of the original filing of the petition by the faculty member. The chairperson of the Faculty Council shall select faculty committee members randomly from panels of faculty members.

4. **Establishment of Panels for Selection of Dispute Resolution Committee.** Panels for selection of the dispute resolution committee shall include full-time faculty members as follows:

- (a) men;
- (b) women;
- (c) racial/ethnic minorities;
- (d) ~~P~~professors;
- (e) ~~associate professor~~Associate Professors;
- (f) ~~assistant professor~~Assistant Professors;
- ~~(g) — instructors;~~
- (~~h~~g) special positions equivalent to that of the petitioner, if not included above.

5. **Composition of Dispute Resolution Committee: Members of the Committee.** The dispute resolution committee shall consist of:

- (a) a non-voting chairperson who is a member of the termination hearing board (section 1.15.1) and is chosen by the chairperson of the Faculty Council;
- (b) a voting member who is a unit administrator and unaffiliated with the other committee members and who is appointed by the President from a list of three neutral candidates provided by the chairperson of the Faculty Council; and
- (c) four voting members, chosen by stratified random process (names provided by Institutional Research and Information Management) and consisting of one member from each of two panels to which the petitioner belongs and two additional members who must be tenured faculty members, one professor and one ~~associate professor~~ Associate Professor, chosen without regard to gender.

The petitioner who belongs to three panels shall be allowed to select the two panels from which one person from each panel is chosen. The petitioner and the respondent(s) shall each be allowed to submit relevant questions to panel members and may challenge one voting member selection for the committee without showing cause (peremptory challenge) and any other voting member selection for cause. Challenges may be made after a full potential committee has been selected. The chairperson of the Faculty Council shall exercise reasonable judgment in ruling on the validity of challenges for cause. Members of the unit (department or school) involved in the dispute shall not be eligible to serve on the committee.

6. **Dispute Resolution Committee Chairperson.** The chairperson shall provide committee members with a copy of the petition filed by the faculty member and schedule the first meeting of the committee at the earliest convenient time when all affected parties can be present.
7. **Dispute Resolution Consultant.** At any step in the dispute resolution procedures, the chairperson of the Faculty Council--and/or the Director of Affirmative Action, if discrimination is alleged--may be requested by any of the parties to the dispute or by the committee to serve as a consultant in an advisory capacity without the power of decision in the disputed matter. Additional consultation and advice on special issues or rules of procedure may be provided to the committee by an available attorney from the Board of Regents Office of Legal Counsel and/or a faculty member chosen by the chairperson of the Faculty Council from those with experience on past dispute resolution panels or some other specialized issue. Written functional guidelines for dispute resolution committees issued by the VPAA shall be followed.
8. **Responsibilities for Serving on Dispute Resolution Committee.** Members of the committee shall serve the best interests of the University and act as neutral

examiners of issues presented. Members shall avoid external discussions of the dispute with parties to the dispute resolution process and others.

All members selected shall be expected to serve on the committee except in cases of illness, necessary absence from the campus, service on a termination hearing committee or dispute resolution committee in the current or immediately preceding academic year, or other extreme hardship. The chairperson of the Faculty Council shall decide whether a selected committee member should be excused from service upon their request, and may replace such a member by the same procedure used for the original selection.

9. **Hearings Procedures.** The following procedures and guidelines should be followed during the hearings.
- 9.1 The dispute resolution committee shall normally hold its first session within ten working days after it has been formed by the action of the chairperson of the Faculty Council. The committee shall hold a joint prehearing meeting(s) with the parties in order to:
 - (a) simplify the issues;
 - (b) effect stipulations of undisputed material facts or witness statements;
 - (c) provide for the exchange of documentary evidence or other information;
 - (d) question committee members to determine if disqualifying bias exists; and
 - (e) achieve such other appropriate prehearing objectives as will make the formal hearing fair, effective, and expeditious.
- 9.2 The dispute resolution committee, through its chairperson, shall require from the parties involved that they submit to the committee and exchange with the other party(s) within seventy-two hours following the conclusion of the first session:
 - (a) a list of witnesses whom they wish to present;
 - (b) a written exposition of all relevant facts and/or opinions, as well as circumstantial evidence; and
 - (c) documents which they deem pertinent to the case.
- 9.3 Two confidential tape recordings of the dispute resolution hearing shall be made by a recorder designated for the proceedings by the chairperson of the committee. The copies of the taped recording will be accessible to the principal parties involved, the committee, the President, the Board of Regents, and authorized representatives on a "need to know" basis.

- Either party to the dispute may request that the committee endeavor to provide a complete or partial typed transcript of the testimony. The cost of preparation of such a transcript shall be paid by the party making the request. Other involved parties may obtain a duplicate copy by paying the current fees for copying.
- 9.4 Length of hearing sessions may be established in advance; every reasonable effort should be made to conduct the hearing(s) as expeditiously as possible, with equal fairness to both parties.
 - 9.5 The faculty member, having initiated the dispute resolution action, must establish by a quality of proof that is clear and convincing that the requested remedial action is justified and called for under the prevailing circumstances. The faculty member shall present his or her case first, with the affected administrator(s) following.
 - 9.6 Both parties shall be permitted during the course of the hearing(s) to introduce additional documents and present witnesses not on their original lists, subject to reasonable notice to the other party and the consent of the dispute resolution committee.
 - 9.7 The dispute resolution committee may call witnesses of its own to the hearing and request documents not otherwise introduced by either of the parties.
 - 9.8 In cooperation with the chair of the committee the respective parties are responsible for arranging the presence of their own witnesses and will schedule them for appearance as close to the time of call as possible.
 - 9.9 The University shall provide appropriate facilities, assistance, equipment, and support to the committee and shall assist the dispute resolution committee in obtaining the cooperation of witnesses and making available non-confidential documentary and other evidence. The personnel records of the petitioning faculty member shall be accessible to the parties, dispute resolution committee review authorities and their representatives.
 - 9.10 The parties shall be permitted to utilize legal counsel who shall be allowed to participate indirectly in all appropriate portions of the hearings. The dispute committee shall consider such counsel's statements on procedural matters and may receive the opinion of its own counsel. Counsel will not question witnesses or make opening or closing statements.
 - 9.11 The dispute resolution committee shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in evaluating the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available.
 - 9.12 The committee report's findings of fact and any recommendations shall be based solely on relevant evidence contained in the hearing record and reasonable inferences drawn therefrom.

- 9.13 Except for such simple announcements as may be required, covering the time of hearing and similar matters, public statements and publicity about the case by either the faculty member, affected administrators(s), or their representatives, shall be avoided so far as possible until the proceedings have been completed, including the submission of the advisory report of the dispute resolution committee to the chairperson of the Faculty Council, the petitioning faculty member, and the respondent administrator(s).
- 9.14 The hearings and the report of the dispute resolution committee shall normally be completed within forty-five working days (based on the academic calendar) of the formation of the dispute resolution committee. In any case in which the committee deems this time schedule to be inadequate the chairman of the dispute resolution committee shall notify the principal parties involved in writing of the amended time schedule.

10. The Report of the Dispute Resolution Committee.

- 10.1 In preparing its report the dispute resolution committee shall specifically cite the information upon which its advisory conclusions were based.

The written report shall contain:

- (a) a statement of the purpose of the hearing(s);
 - (b) issues considered;
 - (c) findings of fact; and
 - (d) relevant advisory recommendations.
- 10.2 The dispute resolution committee shall submit its report via the chairperson of the Faculty Council to the parties involved in the dispute, and
- (a) If the dispute is directed against a unit administrator¹⁵, the report of the dispute resolution committee shall be submitted to the dean of the petitioning faculty member's college. If the dean concurs with the report of the committee, the case will be resolved by the dean through the implementation of the committee's recommendations.

If the dean disagrees with the report of the committee, the dean shall return the report to the committee with the specific concerns stated in writing.

The committee will then reconsider the case, taking into account the

¹⁵ For purposes of the dispute resolution procedure a unit administrator is one who administers the affairs of a unit within a college.

dean's concerns and reviewing new evidence with the parties if necessary and practical. If the positions of both the dean and the dispute resolution committee cannot be reconciled, the report of the committee and the dean's written objections to the committee's report shall be forwarded to the VPAA for a decision and action.

- (b) If the dispute is directed against both a unit administrator and a dean, or against a dean only, the report of the dispute resolution committee shall be submitted to the VPAA.

If the VPAA concurs with the report of the dispute resolution committee, the case will be resolved by implementation of its recommendations. Otherwise the VPAA shall return the report to the committee with specific concerns stated in writing.

The committee will then reconsider the case, taking into account the VPAA's concerns and reviewing new evidence with the parties if necessary and practical. If the positions of both the VPAA and the dispute resolution committee cannot be reconciled, the report of the committee and the VPAA's written objections shall be forwarded to the President of the University for a decision and action.

- (c) If the faculty member's petition is directed against the VPAA or against the VPAA and another administrator, the dispute resolution committee report shall be submitted to the President of the University for decision and action.

If the President concurs with the report of the committee, the case will be resolved by implementation of its recommendations. If the President disagrees with the report of the committee, the President will return it to the committee with specific written concerns.

The committee will then reconsider the case, taking into account the President's concerns and reviewing new evidence with the parties if necessary and practical. If the positions of the President and the committee cannot be resolved, the President's decisions will stand, unless the faculty member appeals the decision to the Board of Regents, bearing in mind that access to the Board's appellate procedure is not automatically granted and that the procedure may be revised by action of the Board of Regents.

"Appeals are allowable only in cases involving tenured professors and disciplinary cases. Appeals arising from other categories may be allowable, at the discretion of the board."¹⁶

A copy of the procedures for appeal to the Board of Regents is available on request from

¹⁶ "Board Appellate Procedures," October 10-11, 1968.

the Board of Regents Chief Executive Officer or Legal Counsel at the Board's Office, located in the Student Union of Oklahoma State University in Stillwater.

At each step in this process the administrator or committee involved should normally complete its responsibility within ten working days (based on the academic calendar).

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