# JOURNAL OF THE FACULTY SENATE (Norman campus) The University of Oklahoma

Special Session -- June 29, 1981 -- 3:30 p.m., Adams Hall 104

The Faculty Senate was called to order by Professor Gary Thompson, Chair.

## Present:

| Brown     | Eick       | Graves | Lehr   | Patten   |
|-----------|------------|--------|--------|----------|
| Christian | El-Ibiary  | Hardy  | Levy   | Self     |
| Christy   | Flowers    | Hayes  | Lis    | Thompson |
| Conner    | Foster, J. | Hebert | Locke  | West     |
| Covich    | Foster, T. | Hibdon | Murphy | Whitmore |
| Cozad     |            |        |        |          |

Provost's office representative:

PSA representatives: Guyer Clinkenbeard Eichenfield

Ray

Absent:

| Baker | Gollahalli | Lanning                 | Ragan      | Smith   |
|-------|------------|-------------------------|------------|---------|
| Bentz | Gross      | <b>M</b> en <b>z</b> ie | Rinear     | Unguru  |
| Biro  | Howard     | Moriarity               | Scharnberg | Wainner |
| Davis | Karriker   | Perkins                 | Seaberg    | Ward    |
| Dunn  | Kiacz      | Pfiester                | Shapiro    | Wispe   |
| Ford  |            |                         |            |         |

PSA representatives: Cowen Little Edwards

(Secretary's note: In accordance with precedent, absences from special meetings of the Senate are not counted in the attendance records of Senators. However, Senate members have the privilege of utilizing their attendance at the special meeting on June 29 to offset an absence from a regular meeting during the 1981-32 academic year.)

| TABLE OF CONTENTS  |
|--|
| Action taken by President Banowsky: Senate proposal  |
| for optional, early retirement of faculty  |
| revision, Athletics Council  |
| Report of Senate Executive Committee:  "Get-acquainted" meeting of Senate officers   |
| with new Regent John Imel on June 3  |
| June 12 meeting of Senate officers with Provost Morris 3 -June 15 meeting of Senate Executive Committee 3  |
| - June 18 meeting of Senate Executive Committee  |
| with Regent Dan Little   |
| Selection of faculty replacements  |
| Report of Senate Committee on Faculty Compensation   |
| Report of Senate Committee on Faculty Welfare  |
| Proposed revision: Faculty Appeals Board section, Faculty Handbook . 9   |
| Proposed OSU/OU faculty study: Foreign-language requirement 17 Election of replacement: Senate Committee on Faculty Welfare 17   |
| DICCOLOR OF TOPICCOMORDS AND ADDRESS AND A |

# ACTION TAKEN BY PRESIDENT BANOWSKY: Senate proposal for optional, early retirement of faculty

On May 14, President William S. Banowsky addressed the following memorandum to the Senate Secretary concerning the Senate proposal of April 13 for faculty retirement: (Please see pages 3-4 of the Senate Journal for April 13, 1981.)

"This memo is to acknowledge receipt of the proposal for optional early retirement of faculty members recently submitted to me by the Faculty Senate Committee on Faculty Welfare. This proposal will take some time to consider since there are many financial implications involved.

"I am asking Provost J. R. Morris and Vice President Art Elbert to investigate the implications of this proposal and report back to me within a reasonable period of time."

ACTION TAKEN BY SENATE EXECUTIVE COMMITTEE: Proposed revision,
Athletics Council

On May 6, Dr. R. Gerald Turner, Executive Assistant to the President, informed the Senate Chair that the following changes in the composition of the Athletics Council would be recommended to the University Regents on June 18:

During the past academic year, recommendations concerning changes in the composition of the Athletics Council have bee received from the Norman and HSC Faculty Senates, the EEC, the UOSA, the HSC combined Student Government Association, and the Athletics Council. Needless to say, many of these recommendations were mutually exclusive. The current Council has 9 voting members: 5 faculty members with no alternates, 2 alumni members with alternates, 2 Norman campus student members with alternates, 1 non-voting Norman campus staff member, and 1 non-voting student member from the Oklahoma City campus.

To address these requests as equitably as possible while remaining within the NCAA requirement that the Council's majority consist of faculty members, it has been proposed that the composition of the Athletics Council consist of the following:

6 faculty 3 alternates (1 from OKC campus)

2 alumni l alternate 1 staff (Norman campus) l alternate 2 students\* l alternate

\*One Oklahoma City campus student would hold one of the student positions but would have a vote on even-numbered years and serve as the alternate on odd-numbered years. All students will serve

two-year terms instead of one.

This is the only council or committee with a history of a high proportion of alternate positions. Therefore, an effort has been made, when possible, to have half the number of alternates as there are voting members to keep the total number of council participants at a workable level.

(Please see page 2 of the Senate Journal for February 9, 1981.)

On June 15, the Senate Executive Committee approved the above proposal. The Senate Secretary reported this action to the President's Office on June 16.

#### REPORT OF SENATE EXECUTIVE COMMITTEE

Professor Gary Thompson, Senate Chair, reported on the following items:

- (1) "Get-acquainted" meeting of Senate officers with new Regent John Imel on June 3: Professors Thompson and Foster met with Regent John Imel on June 3 at his request. Most of the time was spent in a discussion of the faculty governance system on this campus. Other general topics included the core curriculum and faculty compensation. As a new Regent, Mr. Imel was interested in learning about the University and its faculty.
- (2) June 12 meeting of Senate officers with Provost J. R. Morris: The following items were discussed at that meeting:

June 12 status of the 1981-82 Norman campus budget Reconstitution of the Athletics Council Fee structure for the Huffman Physical Fitness Center Status of the Geosciences College Status of the Honors College proposal Revision of the faculty appeals process

(3) June 15 meeting of the Senate Executive Committee: At this meeting, the Executive Committee approved the administration's proposal for revising the membership of the University Athletics Council. (Please see page 2 of this Journal.)

The Committee also discussed the following items:

Reactions of Provost Morris to Senate request to modify the fee structure for the Huffman Physical Fitness Center

Status of the 1981-82 Norman campus budget

- Selection of site for the new Geosciences College: Site choices have been narrowed down to the areas south of Gould Hall and the northeast corner opposite the Engineering Center. Reporting on his attendance at the June 22 meeting of the Physical Resources and Campus Planning Council, Professor Thompson stated that there was no clear choice at that time. A decision must be made within the next few weeks even though there are a large number of unanswered questions. The State Regents are expected to approve the Geosciences College at their July meeting.
- Status of proposed Honors College: Provost Morris has recently received a report from his special Advisory Committee. No decision in this matter is expected for the next few months. According to the Provost, "There are still many questions to be answered regarding the proposed College."
- Evaluation of teaching, Norman campus: After some discussion, the Senate Executive Committee decided to embark on a year-long project to gather data about (a) the various college

programs for evaluating teaching on this campus and (b) the use of such evaluation results in connection with merit increases.

A Senate ad hoc Committee will be selected with the goal of trying to ascertain desirable objectives rather than interferring with any college evaluation procedures. Student evaluation was begun on this campus by the Faculty Senate. In Professor Thompson's words, "The faculty considers this matter as a legitimate faculty interest. There have been numerous questions raised in various colleges on this campus and we want to investigate the current status of the evaluation procedures."

Senate Executive Committee on June 18 with Regent Dan Little:
The Senate Executive Committee met with Regent Little on June 18
at the initiative of Regent Little and in line with his policy
of meeting with a campus group each month in connection with
regular meetings of the Regents. Regent Little has recently
been appointed a "Committee of One" to help formulate a University policy on administrative search committees. The Regents
have deferred final action on the Senate proposal (see page 4 of
the Journal for the special meeting for March 30, 1981) pending their consideration of some questions on their minds. Regent Little has requested
another meeting with the Executive Committee in the future.

Faculty governance and other items were also discussed.

(5) Faculty Senate "Get-acquainted" Social: For years, the Senate has held a "get-acquainted" social in advance of the first meeting in the fall. Professor Thompson reported that Senate officers had decided to forego the traditional "soiree" this year but to retain the practice of scheduling four "small group" sessions of Senate members during September.

#### SELECTION OF FACULTY REPLACEMENTS

Voting by written ballot, the Senate selected the following individuals for the vacancies designated below:

## Elections

## Faculty Appeals Board

Robert G. Spector (Law) (1981-82)

) replacing Heidi Karriker

# Investigative Council on Sexual Harassment (new)

Stanley Eliason (Mathematics) (1981-84)
Jean McDonald (Political Science) (1981-84)
Joe Rarick (Law) (1981-84)
Margaret Fitch-Hauser (EAP) (1981-83)
Dortha Killian (Home Economics) (1981-83)
Hillel Kumin (Industrial Engineering) (1981-83)
Sherril Christian (Chemistry) (1981-82)
James Mouser (EAP) (1981-82)

nominated May 4

## Nominations

## Athletics Council Gail de Stwolinski (Music) (1981-84) ) new position Laura Folsom (Education) (1981-84) Jim Estes (Botany) (1981-84) Alan Nicewander (Psychology) (1981-84) : new, non-voting Sidney Brown (History) (1981-83) Jack Catlin (Classics) (1981-83) positions Parking Violation Appeals Committee Michael P. Cox (Law) (1981-83) ) replacing Arnulf P. Hagen (Chemistry) (1981-83) Bobbie Foote Ronald Hess (Architecture) (1981-83) Eden Yu Akhtar Khan (AMNE) (1981-83) ) Don Udell Chong Liew (Economics) (1981-83) Jeffrey Pennell (Law) (1981-83) Student Activity Fee Committee Stuart A. Merriken (Naval Science) (1981-83) replacing Ted Roberts (Law) (1981-83) Roger Babich University Judicial Tribunal ) replacing Nancy Murgler (Psychology) (1981-83) Peggy Smith (Library Science) (1981-83) George Cozad,

#### REPORT OF SENATE COMMITTEE ON FACULTY COMPENSATION

Professor William Eick, Committee Chair, commented on the following topics:

1981-82 Norman campus budget: At his June 12 meeting with the Senate Executive Committee, Provost J. R. Morris dispelled some of the campus rumors about the nature of the final budget for 1981-82. The anticipated budget included \$13.7 million of new funds for salaries. When the Legislature decided to provide only \$55 million of new money, the administration had to readjust the Norman campus budget accordingly. In Professor Eick's words, "The commitment of 12 percent for faculty salary increases was met in the budget approved by the Regents." Internal adjustments included a reduction from \$300,000 to \$200,000 for the Library. The College of Engineering and the Geosciences College gave up \$100,000 each. Research funding was reduced by \$50,000.

He cautioned those looking at the 12 percent figure not to forget the word "average." Everyone did get the six percent across-the-board, cost-of-living increase. The six percent "merit" segment covered merit increases, promotions, and special adjustments. Actually, the salary increases came to about 11 percent. There were a number of increases above 12 percent, as well as others below that figure.

Tax sheltering, OTRS contributions: The University Counsel is still trying to get an official ruling from federal authorities. The State Teacher Retirement Office has no objections. Lawyers in Washington, D. C., as well as some members of the University law faculty, see no reason for not proceeding with the implementation of the proposal. According to the Chair of the University Employment Benefits Committee, that Committee has recommended that an outside tax lawyer be hired to

give the University Legal Counsel "the word to proceed." If final action is taken in July or August, the plan will be implemented retroactively.

Fee structure, Huston Huffman Physical Fitness Center: The Huston Huffman Advisory Committee (including Professors Trent Gabert, Larry Michaelson, and Lois Pfeister) submitted its final report to Vice Provost Jack Stout on April 27, 1981. The group recommended a "quite reasonable" fee structure based on its survey of the fees at nearby institutions and the financial situation at this University. In forwarding that report, in turn, to Provost Morris, Mr. Stout increased all fees considerably.

At the June 12 meeting with the Senate Executive Committee, Provost Morris promised to consider the Committee's appeal that the semester fee, on an individual basis, be set at \$25.00. Associate Provost Ray reported that Provost Morris did have both fee proposals under consideration and volunteered to follow up on this matter.

#### REPORT OF SENATE COMMITTEE ON FACULTY WELFARE

Professor Stephen Whitmore, Committee Chair, reported on his recent telephone conversations with Professor Dan Cox of the Health Sciences Center who was preparing a proposal to be submitted to the Provost, HSC, for providing health services (including periodic health examinations) to HSC employees.

Professor Whitmore indicated to Professor Cox that the Norman campus faculty and staff would be very much interested in being included in such a proposal. The final report to the HSC Provost did, in fact, include Norman faculty and staff in its recommendations.

# 1981 FACULTY POSITION PAPER: Faculty Career Development

Background information: At its May 4 session, the Faculty Senate accepted the final reports of four of the five ad hoc Committees preparing the 1981 Faculty Position Papers. (Please see pages 9-19 of the Senate Journal for May 4, 1981.) The report of the remaining Committee on Faculty Career Development was scheduled for Senate consideration at this (June 29) meeting. Copies of that report were submitted to Senate members in advance of the meeting.

Senate action: Professor Alan Covich, Chair of the <u>ad hoc</u> Committee, formally presented the Committee report for Senate consideration. He solicited faculty reactions both at this meeting and during the next few weeks so that the report can be revised if necessary and included in the annual booklet containing all five <u>ad hoc</u> Committee reports. He stressed the desirability of incorporating into career development the annual review of faculty performance.

In Professor Covich's words, "We are pushing for greater flexibility regarding recommendations from the academic units rather than using any type of pat formula." In his opinion, the faculty should be able to communicate with those who determine their professional development.

No formal action was taken in this matter pending receipt of the requested faculty input to the <u>ad hoc</u> Committee.

#### BACKGROUND:

In 1972, the University of Oklahoma Regents requested that the Faculty Senate study how faculty career development could be stimulated to improve the quality of teaching and research. The Senate proposed a comprehensive plan in 1973, and several suggested improvements were implemented prior to 1976 when budget reductions caused elimination of the program. Last year, the Senate ad hoc Committee on Faculty Career Development reviewed the wide variety of programs that currently exists (see Faculty Senate Journal, 11/80, pp. 11-14). This report noted that only a few of the original proposals have been funded and for only a short period with relatively low budgets. Thus, although an array of new sources has become available to assist both tenured and untenured faculty, no comprehensive program coordinates plans for faculty development, and several needs remain. of these needs were also evident in other Senate reports (Budgetary Priorities, Educational Priorities, Faculty Evaluation, etc.). Last summer, the Committee on Faculty Salaries and Fringe Benefits reported that 81 percent of the faculty leaving the University between 1978 and 1980 "found better career opportunities" and 49 percent "found better facilities." A well-planned program for optimal career development will increase faculty productivity within each academic unit.

#### CURRENT NEEDS:

In administering any program for faculty development, the first priority is a clearly established set of procedures that the individual department or academic unit can follow to evaluate and to stimulate professional progress. Although most units have formulated their own specific criteria for promotion, tenure, and merit salary increases and have them periodically reviewed by their deans and budget directors, these criteria frequently fail to outline processes used for evaluation and consultation with both tenured and pre-tenured faculty. Because the development and implementation of comprehensive programs to enhance faculty effectiveness generally occur within an academic unit, the chairs, directors, and elected members of "Committee A" have the primary functional responsibility to develop procedures to review each faculty member's career development on an annual basis. Once each unit's needs are determined, a specific budgetary request could then be forwarded to the deans and the Provost for funds to increase particular activities. Many of the current requests for funds from various sources within the University are now reviewed by chairs and members of "Committee A," but these considerations occur throughout the academic year and are usually not incorporated into any review of faculty career development.

The need for establishing procedures to integrate career development in many academic units is evident from responses (Table I) by 14 of the 32 departmental chairs and budget unit directors to a survey conducted this spring. Forty-four percent indicated they have not established mechanism for directly and personally consulting with their tenured faculty regarding career goals. The annual review does not always lead to specific recommendation or direct consultation with faculty regarding their professional advancement. In some cases, advice may be needed on how and when to request internal and external funding. In other cases, some short-term revision of administrative

or teaching responsibilities may be needed to improve effective use of time in research and other creative activities. Although sabbatical leaves will remain a major mechanism for professional growth of tenured faculty, some units may be able to foster more flexible and productive use of shorter periods of time for both tenured and non-tenured faculty. Of those units responding to our recent survey, 72 percent already incorporate options to allow faculty to redefine proportions of professional efforts in the areas of teaching, research and creative activities, and service (Table I).

|    | FACULTY CAREER DEVELOPMENT PROCEDURES  (32 total responses out of 48, by May 29, 1981)  (a) In your unit or department, do you have an established mechanism for consulting directly and personally with tenured faculty regarding their career goals?  Yes - 18 No - 14  (b) If occurring regularly, this consultation is carried out by:  (1) Chair 16 |
|----|--|
|    | consulting directly and personally with tenured faculty regarding their career goals?  Yes - 18 No - 14  (b) If occurring regularly, this consultation is carried out by:  |
| ,  | (b) If occurring regularly, this consultation is carried out by:   |
| 1  | ·  |
|    | •  |
|    | (1) (101)  |
|    | (2) "Committee A" 6  |
|    | (3) Designated faculty member 0  |
|    | How frequently come a faculty member in your uniteredefine the percentage of his/her professional effort in the areas of teaching, research and creative activities, and service?  |
|    | (1) Rarely 8   |
|    | (2) Annually 23<br>(3) Every 3-5 years 0   |
|    | (1) Never 1  |
| 3. | In your opinion, which area of career development is most productive?  |
|    | (1) Teaching 12  |
|    | (2) Research and creative activities 21 (3) Service and administration 1   |
|    | (3) Service and administration 1   |
|    | In your experience, which faculty group is the most difficult one to help in the area of career development?   |
|    | (1) Untenured <u>assistant</u> professors 3  |
|    | (2) Tenured <u>associate</u> professors 1 (3) Tenured <u>professors</u> 23   |
|    | (4) Tenured <u>assistant</u> professors 1  |
|    | (5) Untenured instructors 1  |

Once procedures for reviewing career development are established by each academic unit, the corresponding sources for support must be coordinated. An increased number of and level of support for existing programs, such as the Junior Faculty Summer Research Fellowships, will be needed. New programs, such as funding for Senior Faculty Summer Research Fellowships, are also needed to maintain on-going research projects and to initiate new projects that can attract external support. More effective use of faculty time during summer months will greatly enhance career development throughout the academic year. Continued and increased levels of support for the new programs in Instructional Services and the Research/Creative Activity Funds sponsored by the OU Associates will provide exceptional opportunities for faculty development.

Thus, we recommend that: (1) procedures for review of faculty career development be incorporated into existing mechanisms of each unit's annual review; (2) procedures for applying for internal support be coordinated so that requests for funding can be integrated and reviewed at the departmental or acadmic unit level as part of a comprehensive career development program; (3) an on-going review of needs

for new programs and success of existing programs consider the means of setting priorities and communicating career development goals to the administration.

Respectfully submitted,

Alan Covich (Zoology), Chair William Graves (Education) Donald Menzie (Petroleum/Geological Engineering) David Rinear (Drama) Patricia Self (Psychology)

PROPOSED REVISION: Faculty Appeals Board section, Faculty Handbook

Background information: On March 30, the Senate approved the recommendations of an <u>ad hoc</u> Committee to revise the Faculty Appeals Board section of the <u>Faculty Handbook</u>. (Please see pages 6-11 of the Senate Journal for the <u>special session</u> on March 30, 1981.)

Subsequently, Provost J. R. Morris proposed several revisions in the Senate proposal. After consulting with members of the Senate <u>ad hoc</u> Committee, the Senate Executive Committee agreed to include this matter in the Agenda for this meeting. Copies were distributed to Senate members in advance of this session.

Senate action: Professor Thompson, Senate Chair, presented a brief review of this matter and reported that the Senate Executive Committee had some reservations about Section 3.10.4 (Disposition of Charges).

A <u>substitute</u> version of Section 3.10.4 (dated June 23, 1981) was distributed by Associate Provost Joseph C. Ray at this meeting. He noted the following "substantive" changes proposed by the Provost's Office in the March 30 Senate proposal:

- (1) 3.9.1 (3.9.2, Senate version of March 30): The period of "60" calendar days is changed to "45" calendar days for submitting the written complaint to the Faculty Appeals Board.
- (2) 3.10.4 (3.8.9, Senate version of March 31): This section discusses the role of the President's concurrence (or nonconcurrence) with the findings of the Hearings Committee.

Professor Teree Foster reported that the Senate Executive Committee had approved the proposed changes—which are primarily organizational in nature and are not substantive—except for this section. She urged the Senate to defer final action on Section 3.10.4 until next fall after further discussion. In her opinion, the proposed revision deals with the allocation of functions among the Hearings Committee, the President's Office, and the Board of Regents. The disagreement concerns the four words, "and the President concurs."

According to Associate Provost Ray, the Provost's Office feels that the concurrence of the President and the Regents is now, in fact, already required and that this change is not a significant one.

Professor John Foster subsequently moved that the proposed revision, with the exception of Section 3.10.4, be approved. The Senate approved the motion without dissent.

Professor Cozad next moved that further consideration of Section 3.10.4 be tabled until the Senate meeting on September 14. With one dissenting vote, the Senate approved the tabling motion.

The full text of both the approved revision and the tabled Section 3.10.4 follows.

PROVOST'S OFFICE REVISION: Faculty Appeals section, Faculty Handbook

## EXISTING OUTLINE

# 3.7 Faculty Tenure

- 3.7.1 Definitions
- 3.7.2 Eligibility for Tenure
- 3.7.3 Probationary Periods
- 3.7.4 Criteria for the Tenure Decision
- 3.7.5 Procedures for the Tenure Decision

# 3.8 Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions

- Termination of Continuous Appointment on Grounds. 3.8.1 of Financial Exigency
- 3.8.2 Grounds for Abrogation of Tenure, Dismissal, and Severe Sanctions
- 3.8.3 Grounds for Summary Suspension
- 3.8.4 Initial Procedures 3.8.5 The Faculty Appeals The Faculty Appeals Board
- 3.8.6 Formal Procedure
- 3.8.7 Handling of Charges
- 3.8.8 Hearing Regulations
- Disposition of Charges 3.8.9

# 3.9 Appeals and Grievances

- 3.9.1 Alleged Discrimination
- 3.9.2 Alleged Violation of Academic Freedom or Academic Due Process or Other Grievances

### PROPOSED REORDERING

- 3.7 Faculty Tenure
  - 3.7.1 Definitions
  - 3.7.2 Eligibility for Tenure
  - 3.7.3 Probationary Periods
  - 3.7.4 Criteria for the Tenure Decision
  - 3.7.5 Procedures for the Tenure Decision
- 3.8 Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions
  - 3.8.1 Termination of Continuous Appointment on Grounds of Financial Exigency
  - 3.8.2 Grounds for Abrogation of Tenure, Dismissal, and Severe Sanctions
  - 3.8.3 Grounds for Summary Suspension
  - 3.8.4 Initial Procedures
- 3.9 Appeals and Grievances
  - 3.9.1 Alleged Violation of Academic Freedom or Academic Due Process or Other Grievances
  - 3.9.2 Alleged Discrimination (Other than Sexual Harassment)
  - 3.9.3 Sexual Harassment
- 3.10 The Faculty Appeals Board
  - 3.10.1 Formal Procedures
  - 3.10.2 Handling of Charges
  - 3.10.3 Hearing Regulations
  - 3.10.4 Disposition of Charges

(Renumber the remainder of Chapter 3 so that old Section 3.10 becomes 3.11, old 3.10.1 becomes 3.11.1, etc.)

PROPOSED REVISIONS: "The Faculty Appeals Board,"
Faculty Handbook (March 1979)

(approved by the Faculty Senate, Norman campus, on June 29, 1981)

- 3.7.5(p) Change "30 calendar days" to "forty-five calendar days" in order to conform to the change in old 3.9.2 (new 3.9.1).
- 3.8.4 INITIAL PROCEDURES

This section remains unchanged except that (1) the section reference at the end of the first paragraph of paragraph 3.8.4(a) changes from "3.8.5" to "3.10" and the following reference is added at the end of paragraph 3.8.4(c) as a part of that paragraph:

(For a description of the Faculty Appeals Board and its procedures and processes, see Sections 3.10 through 3.10.4.)

3.9 APPEALS AND GRIEVANCES

There is no change in Section 3.9.

3.9.1 ALLEGED VIOLATION OF ACADEMIC FREEDOM OR ACADEMIC DUE PROCESS OR OTHER GRIEVANCES

All faculty, whether tenured or not, are entitled to academic freedom as set forth in Section 3.2.1 and academic due process.

Except in the case of alleged discrimination or alleged sexual harassment, the following policy shall apply. Any faculty member, academic unit, administrative unit, or other duly constituted body within the University community believing that either academic freedom or academic due process has been violated or alleges other grievances should first seek prompt redress through regular administrative channels. If this fails to produce a satisfactory result, the faculty member, unit, or body may submit a written complaint to the Chair of the Faculty Appeals Board. The complaint to the Faculty Appeals Board must be made within forty-five calendar days of the date on which the faculty member, unit, or body becomes aware of the alleged violation or incident giving rise to a grievance. The Chair of the Faculty Appeals Board shall form an ad hoc Hearing Committee to hear the case in the manner prescribed in Sections 3.10 through 3.10.4. The complainant is responsible for stating the grounds upon which the allegations are based and the complainant shall bear the burden of proof.

3.9.2 ALLEGED DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT)

No change in this section other than the section number.

3.9.3 SEXUAL HARASSMENT

The recently approved policy on sexual harassment to be inserted here.

## 3.10 THE FACULTY APPEALS BOARD

There is no change in this section other than the section number.

# 3.10.1 FORMAL PROCEDURE\*

- (a) The Chair of the Faculty Appeals Board, upon notification of impending proceedings, shall select seven members of the Board to constitute the Hearing Committee for these proceedings. These shall be selected from the entire membership of the Board, unless another hearing is in progress, in which case the selection may be made from the members not involved in that hearing. Prior to the selection of the Hearing Committee, the Chair of the Faculty Appeals Board will provide the parties with a current roster of the Faculty Appeals Board members. The selection of the Hearing Committee shall be by lot, and it shall be made in the presence of the Chair of the Senate or a designated representative. The complainant and the respondent in the hearing shall also be invited to be present or to send a representative.
- (b) Any member of the Faculty Appeals Board selected to serve on a Hearing Committee who is a member of the same academic unit or related by consanguinity or affinity to the respondent or the complainant shall be disqualified from serving on the Committee.
- (c) The complainant and the respondent in the case may each, by written request to the Chair of the Faculty Appeals Board, ask that a member or members of the Hearing Committee be disqualified on grounds of bias or personal interest in the case. If, however, a challenge for cause is disputed, by either party, the whole Faculty Appeals Board (including the members selected for the Hearing Committee, except for those challenged) shall decide by majority vote whether cause has been shown.
- (d) A member of the Hearing Committee may disqualify himself or herself on personal initiative or in response to such challenge for cause as is provided for in the immediately preceding paragraph.
- (e) The complainant and the respondent, additionally, shall each have a maximum of two peremptory challenges of members selected for the Hearing Committee.
- (f) Members of a Hearing Committee who have been disqualified and any members who, by reason of illness or absence from campus, are unable to serve, shall be replaced immediately by the Chair of the Faculty Appeals Board, and the replacement shall be determined by lot in the manner prescribed for the original selection.
- (g) The Hearing Committee shall elect its own chair and set the date of its initial hearing, which shall be not less than twenty nor more than forty-five days after the organizational meeting of

<sup>\*</sup>See footnote, p. 36.

the Hearing Committee. In setting the hearing date, the Hearing Committee shall take into account the time limit for delivery to the respondent of the materials discussed in Section 3.10.2, Handling of Charges.

(h) At least twenty days before the hearing, the Chair of the Hearing Committee will present to the complainant and respondent a list of the Hearing Committee selected for the particular case.

## 3.10.2 HANDLING OF CHARGES

- All matters brought to the Faculty Appeals Board shall be handled according to the following procedures, which are designed to ensure fairness and academic due process:
- (a) At least twenty days before the hearing, the complainant shall present to the respondent and the Chair of the Hearing Committee a written statement embodying:
  - (1) Relevant legislation of the Faculty Senate and policies of the President's Office and the Board of Regents.
  - (2) The charges or complaint in the case in full particularity.
  - (3) A summary of the evidence upon which the complaint or charges are based and a first list of witnesses to be called.
- (b) The faculty member, whether complainant or respondent, may select from among his or her colleagues a person to act as adviser, or he or she may select counsel for advice on legal matters. At his or her discretion, the faculty member may be assisted by both an adviser and a legal counselor.
  - (1) Both the complainant and the respondent shall inform the Chair of the Hearing Committee in writing of the identity of any adviser and/or counsel.
  - (2) The following procedure assumes that a faculty member will use his or her own judgment in acting upon any advice or deciding when to be represented by counsel.
- (c) Faculty members who serve on the Faculty Appeals Board may call on the Office of the Chief Legal Counsel for procedural advice concerning the case in question, but the University's Legal Counsel, depending on the involvement of that office in the proceedings, must determine the most appropriate manner of providing the requested legal advice.
- (d) The respondent shall review the statement tendered by the complainant and present a written reply within ten days of delivery of the statement.
  - (1) The reply shall include any modifications the respondent may wish to suggest regarding either the charges or the procedures.

- (2) The reply shall also summarize the evidence to be used in refutation of the charges and shall include a first list of witnesses to be called.
- (e) At this point, the complainant and the respondent, working with the Chair of the Hearing Committee, shall, as completely as possible, arrive at agreement on procedures and the formulation of charges. Communications shall be in writing with copies sent to the Chair of the Hearing Committee. Oral discussion shall be followed by an exchange of memoranda indicating the understanding that each party has of the conversation.
- (f) If the respondent is a faculty member and waives a hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

### 3.10.3 HEARING REGULATIONS

The following regulations shall apply to the hearing before the Hearing Committee.

- (a) Both complainant and respondent shall have the right to be present and be accompanied by a personal adviser or counsel, or by both, throughout the hearing. The Faculty Appeals Board shall also have the right to have its counsel present throughout the hearing.
- (b) The hearing shall be closed unless the faculty member who is a principal in the case requests it be open. If the hearing is closed, such information and facts as are made public shall be released only by the Hearing Committee or by permission of the Hearing Committee.
- (c) The Committee shall proceed by considering the statement of grounds for grievances already formulated and the response written before the time of the hearing. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter shall be received.
- (d) Both parties to the contention shall have the right to present, examine, and cross-examine witnesses.
- (e) The President's Office shall make available to the principals in the case such authority as it possesses to require the presence of witnesses, and it shall bear any reasonable cost attendant upon the appearance of witnesses at the hearing.
- (f) The principle of confrontation shall apply throughout the hearing.
- (g) A full transcript shall be taken at the hearing; it shall be made available in identical form and at the same time to the Hearing Committee, the President's Office, and the principals in the case.

- (h) The full text of the findings and the conclusions of the Hearing Committee shall be made available in identical form and at the same time to the President's Office and the principals in the case. The full cost shall be borne by the University.
- (i) The Committee may proceed to its findings, conclusions, and recommendations without having the record of the hearings transcribed; or it may await the availability of a transcript of the hearings if it feels its decision would be aided thereby.
- (j) The President may attend the hearing and may designate a representative to assist in developing the case.
- 3.10.4 DISPOSITION OF CHARGES (awaiting final action by the Faculty Senate on September 14, 1981)

(Renumber the remainder of Chapter 3 so that old Section 3.10 becomes 3.11, old 3.10 become 3.11, etc.)

# PROVOST'S OFFICE SUBSTITUTE: (June 23, 1981)

3.10.4 (OLD 3.8.9)

DISPOSITION OF CHARGES

THIS FIRST par. was the last par. in 3.9.2

The HEARING Committee shall communicate its decision FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS in writing to the parties involved and to the President.

IF THE PRESIDENT CONCURS AND ACTION BY THE BOARD OF REGENTS IS NOT OTHERWISE REQUIRED BY OTHER POLICIES OR PROCEDURES, THE RECOMMENDATION SHALL BE PUT INTO EFFECT.

If THE CASE UNDER CONSIDERATION INVOLVES ALLEGED VIOLATION OF ACADEMIC FREEDOM OR DUE PROCESS (AS DISCUSSED IN SECTION 3.9.2 3.9.1) AND IF the Committee finds that academic freedom or academic due process has, in/fact been violated AND THE PRESIDENT CONCURS, any professional or personnel decision affected by the violation must be initiated anew, FROM THE POINT OF VIOLATION. The Committee may also recommend necessary remedies appropriate to the case.

IF THE PRESIDENT DOES NOT CONCUR AND/OR IF ACTION BY THE BOARD OF REGENTS IS OTHERWISE REQUIRED BY OTHER POLICIES AND PROCEDURES, the President shall transmit to the Board of Regents the full record of the hearing and the conclusions and recommendations of the Hearing Committee, together with presidential recommendations. THE BOARD MAY ADOPT, MODIFY, OR REJECT THE RECOMMENDATIONS OF THE HEARING COMMITTEE OR REMAND THE MATTER.

If the Board of Regents is-disinclined-to-sustain CHOOSES TO REMAND the decisions of-the-Hearing-Committee MATTER, it may return the proceedings to the latter HEARING COMMITTEE, specifying its objections. In this event, the Hearing Committee shall reconsider, taking account of the stated objections, receiving new evidence and testimony if necessary, and reporting its final conclusions to the President for transmittal to the Board of Regents as before. The work of the Hearing Committee is finished when the President communicates the final decision of the Regents to the <code>feffondefats</code> principals in the case and to the chairs of the faculty groups involved.

In the eyent the Board of Regents chooses to review the case itself, its review shall be based on the record of the formal hearings, plus additional information which they wish to consider, accompanied by the opportunity for written argument by the principals in the case or their representatives. Oral arguments will be presented only upon request by the Regents.

The full transcript of the hearing shall finally be deposited in the office of the Executive Secretary of the Board of Regents. Any copies or excerpts made from it after the completion of the Committee's work shall be done at the expense of the party in the case so desiring.

PROPOSED OSU/OU FACULTY STUDY: Foreign-language requirement

Professor Thompson, Senate Chair, called attention to the Senate approval last May of a proposed joint OSU/OU faculty task force to study the appropriateness of reinstituting a foreign-language requirement at both institutions. (Please see page 28 of the Senate Journal for May 4, 1981.)

Apparently, the proposed joint study may well be pre-empted at this institution by an overall study of the Norman campus curricula now underway at the request of the Board of Regents. The Committee, appointed by Provost J. R. Morris, consists of Deans Burwell, Weber, and Jischke and Professors Kunesh and Thompson.

The Senate Chair indicated that he will, however, implement Senate action of May 4 by appointing three liaison faculty members to work with the committee already selected by the OSU Faculty Council.

In Professor Thompson's view, the proposed re-evaluation of the offerings on the Norman campus is an 'extraordinary and far-reaching proposal." He added that the Faculty Senate would be involved from the beginning in any such campus-wide endeavor.

ELECTION OF REPLACEMENT: Senate Committee on Faculty Welfare

Professor Stephen Whitmore moved that the scheduled election of a replacement for Professor Teree Foster on the Senate Committee on Faculty Welfare be postponed until the September 14 Senate meeting. Without dissent, the Senate approved the motion.

#### ADJOURNMENT

The Senate adjourned at 5:10 p.m. The Faculty Senate will meet in regular session at 3:30 p.m., on Monday, September 14, 1981, in Dale Hall 218.

Respectfully submitted,

Anthony S. Lis Professor of

hones 5

Business Administration Secretary, Faculty Senate