

JOURNAL OF THE FACULTY SENATE (Norman campus)
 The University of Oklahoma
 Regular session - November 10, 1986 - 3:30 p.m.
 Conoco Auditorium, Neustadt Wing, Bizzell Memorial Library

The Faculty Senate was called to order by Professor Penny Hopkins, Chair.

PRESENT: Aly, Bell, Bert, Brown, Caldwell, Canter, Childress, Cohen, Curtis, Dietrich, Economou, Eisenhart, Eliason, Emanuel, Faibisoff, Foster, Frech, Harris, Herstand, Hill, Hopkins, Horrell, Johnson, Knehans, Kudrna, Kuriger, Kutner, Lee, Lewis, Livesey, Madland, Magid, Magrath, Morgan, Mulholland, Palmer, Parker, Poland, Rogers, Shambaugh, B. Taylor, K. Taylor, Tepker, Tobias, Tompkins, Wallace, Wiggins

PSA representatives: Laquer, Weddle
 UOSA representative: Wesner
 Liaison, ABP: Butler

ABSENT: Crowley, Harper, Holmes, Mennig, Spaeth
 UOSA representatives: Johannes, Poynor

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APPROVAL OF MINUTES

The minutes of the regular session of October 13, 1986, were approved.

ANNOUNCEMENTS

The members of the Energy Center study group (see 10/86 Senate Journal, pages 6-7) are: Sherril Christian (Chemistry), Ryan Doezema (Physics & Astronomy), Michael Engel (Geology & Geophysics), Jeffrey Harwell (Chemical Engineering & Materials Science), Roy Knapp (Petroleum & Geological Engineering), and Kenneth Starling (Chemical Engineering & Materials Science) [chair].

Additional copies of the booklet from the President's office, listing the complete membership on University Councils/Committees/Boards, are available from the Faculty Senate office or from the President's office.

Professor Hopkins introduced Ms. Barbara Laquer, one of the Professional Staff Association representatives, and Mr. Scott Wesner, one of the UOSA representatives to the Faculty Senate.

ACTION TAKEN BY PRESIDENT HORTON ON SENATE RECOMMENDATIONS

Professor William Graves (Education) was selected to complete the 1985-89 term of Richard Reardon on the Class Schedule Committee. Professor Theodore Roberts (Law) was selected to complete the 1985-87 term of Harold Young on the University Judicial Tribunal. (See 10/86 Senate Journal, page 4.)

SENATE EXECUTIVE COMMITTEE REPORT

On October 31, the Faculty Senate held the second annual Committee A workshop in the Conoco Auditorium. Professor Hopkins reported there had been very good feedback on the effectiveness of the workshop, she thanked those who participated, and she recommended that the Faculty Senate continue offering this in the future.

At the November 3 meeting with President Horton, the upcoming Centennial fund-raising campaign was discussed. The Executive Committee expressed their pleasure about the proposed endowments for the library and for endowed chairs, but concern about the lack of specific endowments to support research on the Norman campus. President Horton replied that the Second Century Fund, which is an item on the endowment list and which was started by President Cross many years ago, would be the basis for supporting the research activity on this campus.

The Executive Committee sent the nominations for the Strategy for Excellence Task Force to Provost Wadlow. She will be making her selections from that list in the next couple of weeks, and she plans for that committee to be in place before the end of the semester.

The meetings with the Health Sciences Center Faculty Senate October 15 and Oklahoma State University Faculty Council October 30 were extremely helpful in identifying areas of mutual concern.

The Executive Committee was asked to submit four nominations to fill 2 positions on the search committee for the Affirmative Action Officer and 14 nominations to fill 7 positions on the search committee for the Vice Provost for Continuing Education & Public Service. The Senators were asked to call in nominations to the Senate office by November 14.

The overall theme of the Oklahoma Conference of Faculty Organizations (OCFO), held November 7, was the economic impact on education. Speakers included Larkin Warner, an economist from OSU; Frosty Troy, the editor of the Oklahoma Observer; and Bernice Shedrick, head of the State Senate committee on higher education. Professor Hopkins commented that all three speakers urged the faculties of Oklahoma universities to go out and help the young people of Oklahoma to take over the business economic reigns of the state, and that this kind of statement caused her to be concerned about the tendency across the state toward "creeping votechism." She said, "It seems to me that there is a hidden danger in this type of demand driven curriculum. The heart of the comprehensive university such as ours is scholarly endeavor, not simply vocational-technical training. If we are not careful, we very well could wake up one morning to find ourselves teaching in the largest vo-tech institute in Oklahoma."

FACULTY WELFARE COMMITTEE REPORT

Professor Beesley, Chair of the Faculty Senate Committee on Faculty Welfare, commented on the survey sent to faculty, which asked them to report any difficulties they had had in processing claim payments from employment insurance. The committee plans to make a recommendation based on the findings at a future meeting of the Faculty Senate.

FOCUS ON EXCELLENCE

Professor Canter reported on the Science and Public Policy, established in 1970 as a center for interdisciplinary, policy-oriented research on issues involving science and technology. The faculty hold joint appointments and teach in academic departments. The program is managed by Mike Devine, director, and Steve Ballard, assistant director. Since 1970 the program has undertaken 26 funded research projects totaling almost \$4.5 million. The faculty in the program have published over 45 journal articles and book chapters and almost fifty conference presentations and proceedings since 1978.

CHAIRS OF COUNCILS/COMMITTEES/BOARDS

The Senate approved the recommendation to stipulate in the charges of University Councils/Committees/Boards that the Chairs of these groups shall be elected and assume office at their last meeting in the Spring and that the name of the new Chair shall be forwarded to the President's office.

FACULTY APPEALS PROCESS

Professor Hopkins reminded the Senators that the revisions to the faculty appeals process, which specifies time frames for processing a faculty appeal, would be included in the Faculty Handbook and would guide the careers of all faculty. The following changes, which were suggested at the October 13 Senate meeting, were incorporated in the draft document:

Page 9, Section 3.9.2: add the words "without agreement by the respondent" after "through written notification"

Page 10, Section 3.10.1 (a) (3): change the word "complete" to "detailed and specific" before "statement"

Page 11, Section 3.10.2 (i): insert the words "by the complainant" in the last sentence after "Continuous or excessive delays"

Professor Bert moved to accept the document as amended. The motion carried. (The approved document incorporating the changes is attached as Appendix I and is available from the Senate office.)

PROVOST'S EVALUATION FORM

Professor Hopkins explained that an ad hoc committee had been formed last year to revise the summary form for reporting faculty performance evaluations to the Provost's office. Professor Economou, the chair of this committee, commented that the committee also plans to present a revised paragraph describing the function of the form, which would be included in the body of the Faculty Handbook (not just as a footnote). The other members of the committee are Jane Magrath (Music), S. Gollahalli (AMNE), and Alan Nicewander (Psychology). The proposed document (attached as Appendix II) is modeled upon one used in the College of Engineering.

Professor Economou reported that in a memo of September 19, 1985 to Deans/Directors/Chairs, J.R. Morris (then Provost) advised them that the summary form should have the following minimum requirements:

- "(1) A documented record of each year's performance evaluation for each faculty member, in a manner that is consistent from year to year so that the results of the evaluations can be understood by any reviewing authority legally entitled to consider them. [Professor Economou noted that the results could also be understood easier by those who fill in the form and by those being evaluated.]
- (2) A clear indication of how a faculty member is evaluated in each of the performance areas recognized by the University of Oklahoma Regents' policy: teaching, research and/or creative achievement, professional and University service, and special assignments.
- (3) A clear, composite conclusion of each individual's evaluation which can be compared with that of other faculty members in the same department. This must be in a form that facilitates the determination of whether the portion of an individual's raise that is given for merit correlates well with the performance evaluation. This does not mean that each faculty member in a department must be ranked separately. Ordinal rankings are not required by University policy. There can be groups or categories. [Professor Economou explained that this condition is met by the "evaluation of composite contributions" section, which has no ordinal ranking.]
- (4) Units must retain the right to use criteria applicable to their particular discipline and specialties within the general standards and limits enacted by the Regents.
- (5) Every faculty member must have the right to know how he or she is evaluated, if he or she wishes." [Professor Economou pointed out that the second side of the draft form would provide for this kind of faculty response and a place for his/her signature.]

Professor Curtis suggested that the words, "creative activity" should be added to the research section to describe the work of the fine arts faculty. Professor Economou said the committee had regarded "research" as a generic term including creative activity, but they would consider adding "creative activity" to the form. Professor Magid proposed adding a box to check if the faculty member does not wish to see the evaluation form. Professor Economou explained that the committee believed that everyone should have the opportunity to look at the evaluation and respond. The reasoning was that those who did not want to see how they were evaluated would simply sign the form, and thus eliminate the need for a second document. He noted that "weight during the year" should be removed from part "D." Responding to Professor Madland's question of whether all colleges would have to adopt this, Professor Economou said this revised form would only replace the summary form submitted to the Provost, not the faculty evaluation forms developed by each academic unit. Professor Lewis suggested finding a better term for "weight during year" and substituting the word "justification" for "rationale." Professor Eliason noted that this document would go a long way toward encouraging career development. Professor Lewis asked what sequence the form would follow. Professor Economou said the forms are turned in to the Dean, who then passes them on to the Provost. Professor Aly commented that he would like to see this kind of document included in the tenure dossier. Further suggestions for changes should be submitted to Professor Economou or the Faculty Senate office. The final document will be voted on at the December meeting.

POLICY CONCERNING CHANGES IN CRITERIA

Professor Hopkins pointed out that the emphasis of the proposed revisions is on the changing of the criteria for tenure, promotion, and evaluation of faculty (see Appendix III). Professor Ballard (Chair of the Campus Tenure Committee) explained that the reason for these changes is that departments periodically change their criteria for annual salary, promotion, and tenure. The issue is whether the faculty already appointed will come under the old or new criteria. The changes for all three areas are very similar and recommend that faculty would be judged by the criteria that were in existence when they were appointed. Any new criteria adopted by the department would only apply to people who are appointed after the effective date. The document provides some flexibility, in that an individual could request to be evaluated by the new criteria. The tenure process changes would apply to everyone. The Campus Tenure Committee presumed that the procedural changes could be retroactive. Suggestions for changes should be submitted to the Faculty Senate office by late November. A vote will be taken at the December 8 meeting, and the revisions will be incorporated in the Faculty Handbook, which, at this point, does not address this question.

ACADEMIC PROGRAM COUNCIL CHARGE

Professor Madland, Chair of the Academic Program Council, briefly discussed the proposed changes in the charge of the Council (see Appendix IV). She reminded the Senate that there had been a change in the structure of the Council, although the change had not been formally included in the charge yet. The Council agreed to form three subcommittees, one to handle instructional matters, instead of creating a new Council on Instruction. The vote will be taken at the next meeting.

RESOLUTION ON PROMOTION PROCESS

Professor Hill presented the following resolution on behalf of Professor David Morgan, one of his constituents:

WHEREAS a discrepancy exists among Departments within the University regarding the requirement for a faculty vote on those persons seeking promotion to the rank of professor; and

WHEREAS the Faculty Handbook (Section 3.12.2) is not clear as to the exact procedure to be followed within Departments in regard to promotions to professor;

THEREFORE be it resolved that the Faculty Senate investigate the merits of amending the Faculty Handbook to require a vote of all tenured faculty on any faculty member seeking promotion to professor within that Department.

Professor Herstand asked why the resolution read "all tenured faculty," regardless of rank, instead of "all tenured full professors." Professor Hill replied that there are two issues: (1) whether there should be some sort of vote of the faculty and (2) which faculty should vote. A survey of the Arts & Sciences chairs revealed tremendous variety as to whether only full professors, all tenured faculty, or no faculty other than Committee A or the chair are asked to vote. When this issue arose during the Committee A workshop, the Provost seemed to be ambivalent about whether it should be tenured faculty or full professors. According to Professor Hill there is a rationale for including all tenured faculty because, particularly in small departments, there may only be a few full professors. Furthermore, there may be a tradition of including all tenured faculty in this vote. Professor Magid pointed out that a third alternative would be tenured associate and full professors.

Professor Hopkins reminded the Senate that this resolution was simply asking to investigate the merits of changing the requirement, and that these different issues would be raised during the study. Professor Brown suggested replacing "to require a vote of all tenured faculty" with "to require a faculty vote," so that the issue of who should vote could be decided later. Professor Hill agreed to the change.

Professor Emanuel asked why there couldn't be a single procedure for promotion to full professor, for promotion to associate professor and for tenure. Professor Hill answered that the new guidelines that have been developed provide for this kind of procedure for the tenuring process, which now almost automatically involves promotion to associate professor. There are no such requirements for participation with regard to promotion to professor. Professor Aly asked how this would interact with the new policy which the Provost has initiated. Professor Hopkins responded that this would be in parallel with the Provost's suggestions and a reinforcement of her initiatives. Professor Lee noted that tenure and promotion are two different cases, because faculty can apply for promotion annually if there is a negative vote, whereas tenure is a one-time event. Professor Eliason commented that in the mathematics department only tenured associate and full professors vote, with the vote reported by rank. The Senate approved the resolution, with the last paragraph amended as follows:

THEREFORE be it resolved that the Faculty Senate investigate the merits of amending the Faculty Handbook to require a faculty vote on any faculty member seeking promotion to professor within that Department.

RESOLUTION ON MAINTENANCE AND QUALITY OF CLASSROOM FACILITIES

Professor Kudrna moved that the Senate approve the following resolution:

WHEREAS many of the classrooms on the Norman campus of the University of Oklahoma are poorly maintained and fail to receive timely repairs;

WHEREAS many classrooms lack adequate basic equipment such as properly located utility outlets, sufficient blackboards, film screens, lecterns, map hooks, and demonstration tables, or are equipped and furnished in ways inappropriate to the current use of those rooms;

WHEREAS the maintenance and equipment of rooms controlled by the Office of Classroom Scheduling do not fall under the direct responsibility of any single academic unit or department;

BE IT THEREFORE RESOLVED THAT THE FACULTY SENATE of the Norman Campus requests the Provost to undertake measures to assure a systematic, periodic review of the quality and maintenance of the teaching facilities and a reliable, continuing mechanism for meeting the needs for classroom repairs and equipment as they occur each year.

Professor Hopkins noted that this issue came up in the small group sessions. Professor Aly announced that the Campus Planning Council planned to take up this matter at a special meeting. The resolution carried.

RESOLUTION ON EARLY RETIREMENT

Professor Hopkins asked the Senate to consider a resolution passed by the Health Science Center Faculty Senate on October 16 concerning early retirement options (see Appendix V). She explained that the early retirement option was no longer available as of July 1, 1986. Professor Emanuel asked if this was to be a permanent change or for one year. Professor Hopkins answered that she thought the intention was to provide the benefit on a year to year basis while there were budgetary problems. Professor Emanuel made a friendly amendment to add "for the current year" in the third paragraph after "policy," in order to indicate that the change was not permanent. Professor Economou suggested adding "to be reviewed annually." After some discussion on whether the wording should be changed to indicate a time period, Professor Herstand suggested that the wording should be left as is, since it wasn't clear whether it was only for one year. Professor Bert said, "If it's such a good thing, why not make it permanent?" Professor Lee said he thought the vote should be postponed until the Norman Campus Senate could find out specifically what the Health Science Center intended. Professor Herstand asked whether there was a time frame. Professor Hopkins explained that the Health Sciences Center Faculty Senate had already sent this resolution to the administration, and they had asked the Norman Campus to add its support. Professor Emanuel agreed to withdraw his amendment. Professor Herstand moved that the Faculty Senate send it forward as written. The motion carried.

RESOLUTION REGARDING REGENT KEMP

Professor Cohen presented a resolution, drafted by the Executive Committee on behalf of several faculty, regarding Regent Kemp (see Appendix VI). Professor Emanuel asked for an explanation of what Regent Kemp had done specifically. Professor Cohen read excerpts from the July and October Regents' minutes on the issues of administrative searches and audits. Professor Herstand asked whether the newspapers had carried articles about this and whether their statements could be substantiated. Professor Cohen replied that the October 17 campus paper account was accurate.

With regard to the searches, Professor Cohen noted that Regent Kemp had supported the proposal raised at the July 23 Committee of the Whole meeting of the Regents, which would add the following amendment to the administrative search policy: "Any member of the Board of Regents can serve on any search committee, and the senior Regent serving on the committee will serve as Chair of the search committee." Professor Cohen read some of Regent Kemp's remarks which accused the search committees of eliminating all candidates except their own for administrative positions on campus.

Reading from the transcript of the October Regents meeting on the subject of the internal audit reports, Professor Cohen quoted Regent Kemp as saying: "We never hold anybody accountable. ... This thing [accounting discrepancies] makes that [the scandal at Rose State College] look like a kindergarten affair." Professor Cohen told the Senate, "Regent Kemp suggests that there are problems and abuses greater than those alleged at Rose State College, but in fact, the audit reports indicate that none of the items showed large-scale fraud or embezzlement, as Regent Kemp implies. There is every indication that the University is holding everyone accountable." Professor Tobias commented, "We don't want to make a blanket condemnation and some of it turns out to be correct; then we'll have egg on our face." Professor Curtis replied, "We are not saying that these things aren't possible, but the way of going about it is my concern." Professor Eliason said, "Since today is the first opportunity to see this, and it is such a strong statement, I would like to have more time to consider and perhaps give the individual a chance to rebut."

Professor Faibisoff questioned the wording of the last paragraph, in particular the words, "fulfill their duty" and "harms the ability." She asked, "Don't we just want a slap on the wrist?" Professor Cohen responded, "Regent Kemp has used his position to make accusations which attack our integrity and professionalism. To claim that there are financial irregularities at this institution of enormous magnitude, in the public arena, when there are not, does harm to the reputation of the institution, just as the claims about the searches does harm to our reputation with the public and their confidence in us. The effort to change the search process, which has been brought up by Mr. Kemp several times in the last months, has taken up much time at the meetings." Professor Bert said he would rather commend the other Regents for their good judgment. Professor Herstand commented, "There comes a time when faculty should stand up and be counted and take its chances, because otherwise we are encouraging the continuation of that kind of action." He went on to say that he didn't want to commend a Board of Regents that spends so much time with athletics and so little time with academic issues. Professor Economou noted that Regent Kemp had not only impugned the faculty in general, but also the members of the [Presidential] Search Committee. There was some discussion on whether to omit Regent Kemp's name from the resolution and whether the entire Board of Regents should be included.

Professor Frech said "there are two issues: (1) the substantive nature -- the transcripts are word for word the exchanges that went on, and (2) whether we as a university have been damaged, and the answer is yes." A few of the Senators voiced their concern that this had not been discussed with the Regents first and that they had not been given time to discuss this with their colleagues. Professor Eliason moved to postpone voting on the resolution. The vote to postpone failed 13 to 29.

Professor Horrell said he thought the last paragraph should be changed to "put more focus on the fact that we believe what Regent Kemp has said is not right." Professor Madland said she thought the phrase "the Regents have not fulfilled their duty" did not convey the sense that "we have been impugned." Professor Ken Taylor suggested removing "unilaterally" from the first paragraph, because unilaterally means by and in itself, when actually some other Regents had been involved. Professor Cohen accepted the change as a friendly amendment. In response to the concerns over the wording of the last paragraph, Professor Cohen proposed changing the wording to "condemns those actions and statements of Regent Kemp which unjustifiably impugn the integrity and responsibility of administrators, faculty, staff and students and which harm the ability of the University to meet the highest educational standards." The resolution, with "unilaterally" removed from the first paragraph and the last paragraph amended as suggested by Professor Cohen, carried 37 to 5 (deleted wording crossed out and new wording underlined in Appendix VI).

ADJOURNMENT

The meeting adjourned at 5:20 p.m. The next regular session of the Senate will be held at 3:30 p.m., on Monday, December 8, 1986, in the Conoco Auditorium (Bizzell Library).

Sonya Fallgatter
Sonya Fallgatter
Administrative Coordinator

Teree E. Foster
Teree E. Foster
Secretary

November 4, 1986

AD HOC COMMITTEE ON THE APPEALS PROCESS

Final Report

PURPOSE AND SCOPE

On April 21, 1986 President Horton asked the Faculty Senate to review the appeals process, with emphasis on the process for appeals of tenure cases. The President identified a "lack of specificity concerning time frame parameters for processing an appeal once it is initiated." Such lack of specificity can adversely affect individual faculty and staff by unduly delaying appeals or formal grievance procedures. It also increases the liability risks of the university and could create morale problems if the process is viewed to be unfair or inefficient.

On August 6, 1986 the Ad Hoc Committee on the Appeals Process was formed to evaluate the appeals process, to suggest whether or not revisions would be in order, and, if so, to recommend specific changes in the appeals process. To pursue this mission, the Ad Hoc Committee has had eight formal meetings between August 27 and October 6, and discussed the appeals process with numerous others in the university. This has included the University Legal Office and members of the Faculty Senate.

PROBLEMS WITH THE APPEALS PROCESS

Two key characteristics of university policy are germane to the activities of this committee. First, university policy on

appeals and grievances is intended to be collegial rather than adversarial (FHB, section 3.10,3, page 36). Specifically, the process is intended to avoid excessive legalism in deference to common sense, sound judgement, good character, and sense of fairness. The Ad Hoc Committee hopes that these values are preserved. At the same time, it is likely that this collegial framework creates opportunities for delays in the resolution of appeals and grievances. Many examples exist of cases which are unduly long simple because of efforts to preserve collegiality; the process can be made additionally long depending on the time of year when they are initiated, the behavior of the complainant and respondent, and the experience and skills of the chair of the appeals process and/or hearing committee.

The second key characteristic of university policy is that the issues associated with the appeals process (sections 3.9, 3.9.1, 3.7.5p, and 3.10.1 through 3.10.4) cannot be separated from those which influence abrogation of tenure and other severe sanctions (section 3.8.4), sexual harassment (section 12.3.1 through 12.3.8), and discrimination (sections 3.9.2 and 3.7.5p). Thus, our evaluation of the appeals process has also included this wider range of appeals, grievances, and sanctions. Each of these processes are shown in the flow charts in Appendix A.

The Ad Hoc Committee has identified five specific problems which can influence the time required to complete an appeal or a grievance:

- While some time limits are established, current policy does not specify the time frames within which each step of the appeals process should be conducted.
- The appeals process can be entered through multiple channels and with multiple charges; ambiguities exist in current policy regarding how such cases should be handled, which process is primary, and how many processes are required.
- Current policy does not require specification of charges at an early stage; many delays can be associated with the discovery of the specific charges.
- Current policy does not address what can happen after the appeals process is suspended by either the complainant or the respondent.
- Current policy contains ambiguous language regarding the awareness of the problem/grievance by the complainant.

CONCLUSIONS AND RECOMMENDATIONS

The Ad hoc Committee on the Appeals Process has concluded that several revisions should be made to university policy in order to improve the fairness and timeliness of the appeals process. The committee has tried to make recommendations which are consistent with the spirit of the current policy, especially regarding the collegiality of the process. Where possible, we have tried to simplify and clarify the process.

However, the committee recognizes two clear constraints to any revisions of the appeals process. First, the process is inherently complex; indeed it is likely that only a few people within the university have a full grasp of this process, in its entirety. Second, the committee recognizes that it is probably impossible to prevent all abuses of process. Indeed, some of the cases which have lead to the establishment of this committee

appear to represent extreme or worst case circumstances. Our hope is that the process not be made overly complex or legalistic in an attempt to prevent such extreme cases.

We have suggested several changes in university policy. A complete statement of these changes follows this overview. Perhaps the most important set of recommendations is to specify maximum time lines throughout the process. We have tried to allow sufficient time for the complainant or respondent to gather information, specify charges, and perform any other necessary task, while also preventing unreasonable delays. If these recommendations are accepted, appeals cases should be completed within 104 to 124 calendar days. A provision is included to allow the Chair of the Faculty Appeals Board to extend these time requirements under extraordinary circumstances. The Chair would also be given authority to dismiss the case if delays are continuous or excessive. Specific changes related to maximum time lines are:

- Each major step has been given a maximum time allotment;
- The process is more clearly tied to the discovery of an incident; and
- The process is consolidate.

Several proposed revisions are intended to clarify the expectations, requirements, and responsibilities of the complainant, respondent, and other formal participants of the process. For example, section 3.9.1 would become a general information section which establishes guidelines and responsibilities--including time limits and ground rules. Other

revisions attempt to specify the requirements for complaints and responses. Specific changes related to clarification of responsibilities:

- Specification of what must be included in the complaint (3.10.1a); and
- Clarification of the responsibilities of the Chair of the Faculty Appeals Board (3.10.1b).

Other proposed revisions directly address the remaining problems identified in the previous section to this report. Section 3.7.5.p clarifies the process when multiple charges are made and the implications of a suspension of the process (suspensions constitute withdrawal of the appeal which may not be reinstated). Section 3.9.1 has been revised to clarify when the process begins, based on when the complainant knows or should reasonably know when a violation has occurred.

Suggested Revisions to Faculty Appeals Board Procedures

Note: Suggested additions are underlined.

Suggested deletions [*are in bold italic type*].

3.7.5 (p) At any stage of the tenure review process, the concerned faculty member may appeal to the Faculty Appeals Board if it is believed that procedural violations have occurred in the case or that violations of academic freedom have occurred. If it is believed that there has been discrimination on the basis of race, sex, age, creed or ethnic or national origin, the faculty member may appeal to the Committee on Discrimination. If it is believed that both (1) discrimination and (2) procedural violations and/or violations of academic freedom have occurred and if the concerned faculty member wants to appeal, the faculty member shall direct all elements of the appeal to the Faculty Appeals Board, which shall hear all unresolved charges.

Complaints to the Committee on Discrimination shall be made by the concerned faculty member according to the provisions of Section 3.9.2, and such appeals must be made no later than 30 calendar days after the concerned faculty member knows or should reasonably know of the alleged discrimination, and the review process will be suspended until a resolution is effected. Such an appeal shall not have the effect of extending the faculty member's terminal year, should tenure be denied. Appeals to the Committee on Discrimination shall be governed by the procedures and requirements of Section 3.9.2.

Complaints to the Faculty Appeals Board shall be made by the concerned faculty member according to the requirements of Section 3.10.1 (a). Appeals to the Faculty Appeals Board [*Such appeals*] must be made no later than [*within*] 45 calendar days after the concerned faculty member knows or should reasonably know [the discovery] of the alleged violation, and the review process will be suspended until a resolution is effected. Such an appeal shall not have the effect of extending the faculty member's terminal year, should tenure be denied. Appeals to the Faculty Appeals Board shall be governed by the requirements and provisions of Section 3.10 through 3.10.5.

3.8.4 (b) If the Committee of Inquiry recommends formal proceedings, or if the President favors such proceedings despite a contrary recommendation from the Committee, the President or the President's delegate shall deliver to the Chair of the Faculty Appeals Board a formal complaint against the faculty member framed to meet the requirements of Section 3.10.1 (a). [frame with reasonable particularity a statement of charges.] The President or the President's delegate may ask the aid or advice of the Committee of Inquiry in framing the charges.

3.8.4 (c) The faculty member in question shall then respond to the complaint in the manner and in accordance with the requirements of Section 3.10.1 (b), [be informed in writing by the President of the commencement of] and the formal dismissal or sanction proceedings shall be governed by the requirements and provisions of Section 3.10 through 3.10.5. [and of the alleged grounds for the proposed action. The hearing shall take place before the FACULTY HEARING COMMITTEE, consisting of seven members chosen by lot from the Faculty Appeals Board. (For a description of the Faculty Appeals Board and its procedures and processes, see Sections 3.10 through 3.10.4).]

3.9.1 ALLEGED VIOLATION OF ACADEMIC FREEDOM OR ACADEMIC DUE PROCESS OR OTHER GREIVANCES*

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

(a) 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 who believes 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 knows or should reasonably know [becomes aware] of the alleged violation or incident giving rise to a grievance. The faculty member, unit or body must deliver to the Chair of the Faculty Appeals Board a formal complaint framed to meet the requirements of Section 3.10.1 (a), and the appeal shall be governed by the requirements and provisions of Section 3.10 through 3.10.5. [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.]

(b) Notwithstanding any other provisions of University policy, the above policy shall also apply when a case involves both allegations of discrimination and another ground or other cause for grievance, and all charges shall be heard through the Faculty Appeals Board process.

3.9.2 ALLEGED DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT)

>New fourth paragraph, to immediately precede paragraph (a)

If at any time the grievance process provided by this section is suspended by the complainant through written notification without agreement by the respondent, this will constitute a withdrawal of the grievance, which may not then be reinstated.

3.10.1 COMPLAINTS

(a) All complaints filed with the Faculty Appeals Board shall be addressed to the Chair of that Board, shall be in writing, and shall:

- (1) specify the charges or complaint in full particularity;
- (2) name the respondent or respondents;
- (3) provide a detailed and specific statement of the facts that provoked the complaint;
- (4) identify relevant legislation of the Faculty Senate and/or policy of the President's Office and Board of Regents that forms a basis for the alleged violation; and,
- (5) indicate the remedy or relief sought.

[The complainant is responsible for stating the grounds upon which the allegations are based and]

The complainant shall bear the burden of proof.

(b) The Chair of the Faculty Appeals Board shall transmit a copy of the complaint to the respondent or respondents with all deliberate speed. The respondent or respondents shall review the written complaint and present a written reply within 20 days of the receipt of the complaint by the respondent or respondents. The reply shall include a response to the facts that provoked the complaint and any modifications the respondent or respondents may wish to suggest regarding the complaint.

(c) If at any time the appeals process is suspended by the complainant through written notification to the Faculty Appeals Board Chair or the the Hearing Committee Chair without agreement by respondent, this will constitute a withdrawal of the appeal, which may not be reinstated by the complainant.

3.10.2 [3.10.1] FORMAL PROCEDURE*

(a) The Chair of the Faculty Appeals Board within fourteen days of [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. If the University calendar would preclude the selection process from occurring within two weeks of notification, the Chair will consult with the parties to arrange for the earliest possible selection date allowed by the University Calendar. Seven days 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.

(c) Within three days of the selection of the Hearing Committee, 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.

(g) Within fifteen days of the selection of the Hearing Committee, the Hearing Committee shall meet, elect its own Chair and set the date of its initial hearing, which shall be not less than twenty-five nor more than forty-five days after the organizational meeting of 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) Within three days after its organizational meeting, [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, and inform them of the date set for the initial hearing.

(i) It is expected that all parties to the hearing will abide by the time requirements specified in Sections 3.10 through 3.10.5. These time requirements may be extended, under extraordinary circumstances, by the Chair of the Faculty Appeals Board upon written request by either complainant or respondent. Continuous or excessive delays by the complainant, beyond the time allotments identified, constitute grounds for formal dismissal of the appeal.

3.10.3 [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) No later than ten days after receipt of the list of the Hearing Committee members selected for the particular case and the notification of the date set for the initial hearing, [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 a summary of the evidence upon which the charges or complaint is based and a first list of witnesses to be called.

- [(1) Relevant legislation of the Faculty Senate and the policies of the President's Office and Board of Regents.*
- (2) The charges or complaint in the case in full particularity.*
- (3) A summary of the evidence upon which the charges or complaint is based and a first list of witnesses to be called.]*

No later than ten days after receipt of the list of the Hearing Committee members selected for the particular case and the notification of the date set for the initial hearing, the respondent shall present to the complainant and the Chair of the Hearing Committee a written statement embodying a summary of the evidence that will be used to refute the charges or complaint and a first list of witnesses to be called.

[(e) 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 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.]*

NOTE:

3.10.2 (f) now becomes 3.10.3 (e).

3.10.2 (g) now becomes 3.10.3 (f).

3.10.3 HEARING REGULATIONS now becomes 3.10.4 HEARING REGULATIONS.

3.10.4 DISPOSITION OF CHARGES now becomes 3.10.5 DISPOSTION OF CHARGES.

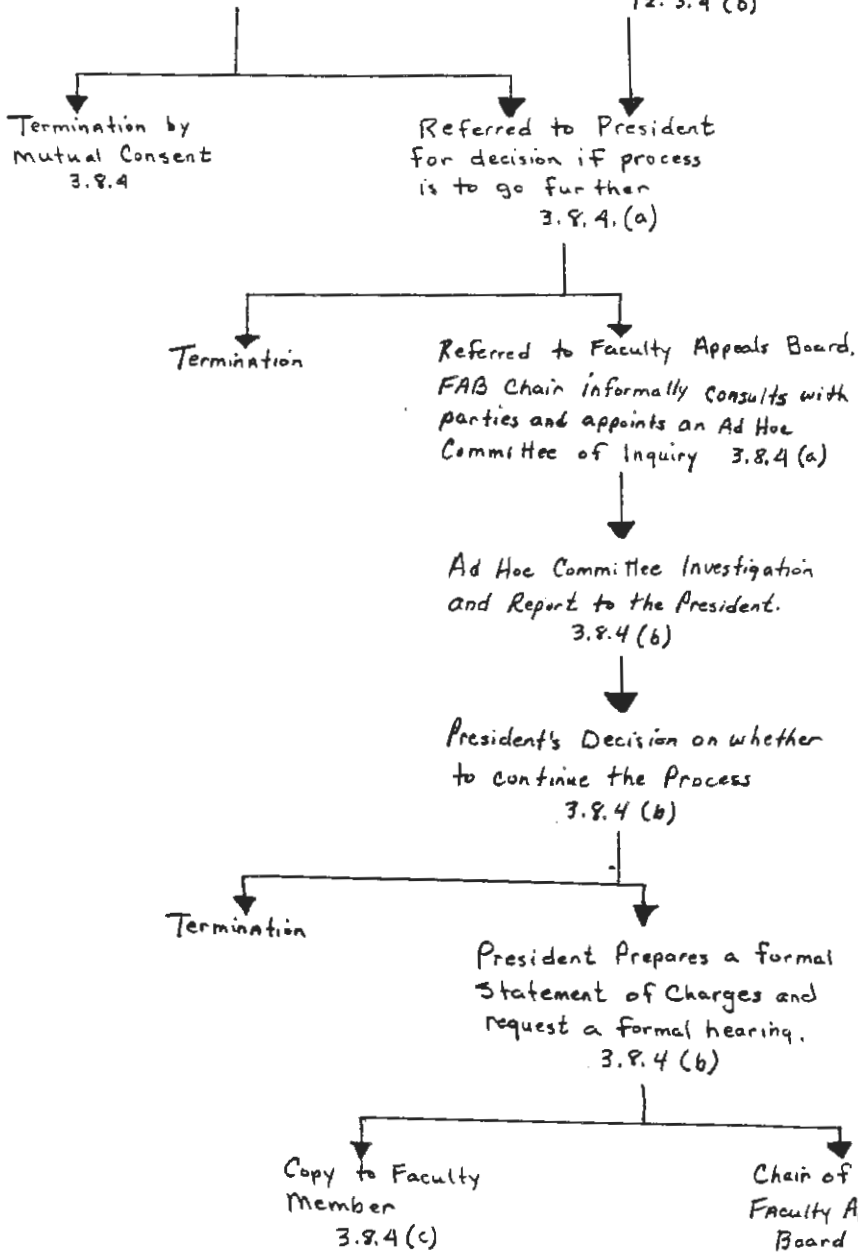
Appendix A

Processes for the Faculty Appeals Board, Discrimination
Allegation, and Sexual Harassment

Faculty Appeals Board Process

Abrogation of Tenure or other Severe Sanctions

Administrative Officer consults with Faculty Member 3.8.4(a)



Sexual Harassment Allegations

Case transferred From Council on Sexual Harassment 12.3.4 (b)

Faculty Appeals and other Administrative Action

- (1) Complaint filed with Chair of FAB by complaining party under sections 3.9 or 3.9.1 within 45 days. Minimal specificity of charges/allegations required. 3.9 ; 3.9.1
- (2) Faculty member believes that their tenure review process has been flawed by:
 - (a) procedural violations, or
 - (b) violations of academic freedom
 and files an appeal with FAB (w/n 45 days). Appeal limited to these issues, and the tenure review process is suspended until the appeal is decided. - 3.7.5(p)

Respondent notified by Chain of Faculty Appeals Board. 3.10.1(a)

FAB Chain Provides Both Parties with a current roster of Board Members 3.10.1(a)

Selection of a Hearing Panel for the Case 3.10.1(f)

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To Page 2

Faculty Appeals Board Process Page 2

From Page One

Hearing Panel meets, Elects a Chair, and sets a hearing date (20-45 days hence).

3.10.1 (g)

Names of Hearing Panel members sent to Both Parties by Chair

3.10.1 (h)

20 Days before hearing, Complainant furnishes Respondent with a detailed, formal Complaint.

3.10.2 (a)

Ten days later, Respondent replies, including any modifications Respondent may wish to suggest

3.10.2 (e)

Hearing Panel Chain meets with Complainant and Respondent to formulate procedures for hearing and issues/charges to be decided. An Agreement on Procedures is signed by all Parties.

3.10.2 (f)

If Respondent is Faculty, denies charges but waives a hearing, Hearing Panel will decide issue based on evidence in record (contained in Statement of Charges & Response).

3.10.2 (g)

Hearing Panel meets to decide case on basis of evidence Record

3.10.2 (g)

Formal Hearing

3.10.3 (a) - (f)

Transcript Kept and (when available) provided all parties. Decision can be made and forwarded without it.

3.10.3 (g)

3.10.3 (i)

Text of Findings and Conclusions sent to President and to Principals in Case

3.10.3 (h)

3.10.4

Chair forwards copy of Agreement on procedures (w/o ID) to Provost office for files

3.10.3 (k)

If President Concur, and Regents Action Not Required, Panel Recommendations shall be put in effect

3.10.4

If President does not concur and/or Regent Action is required, President forwards case to Regents

3.10.4

Regents Accept, Reject, or Modify Recommendations forwarded. Case may be remanded to Hearing Panel

3.10.4

Re-hearing by Hearing Panel

3.10.4

President Communicates final Decision to Parties and Hearing Panel. Panel is dissolved

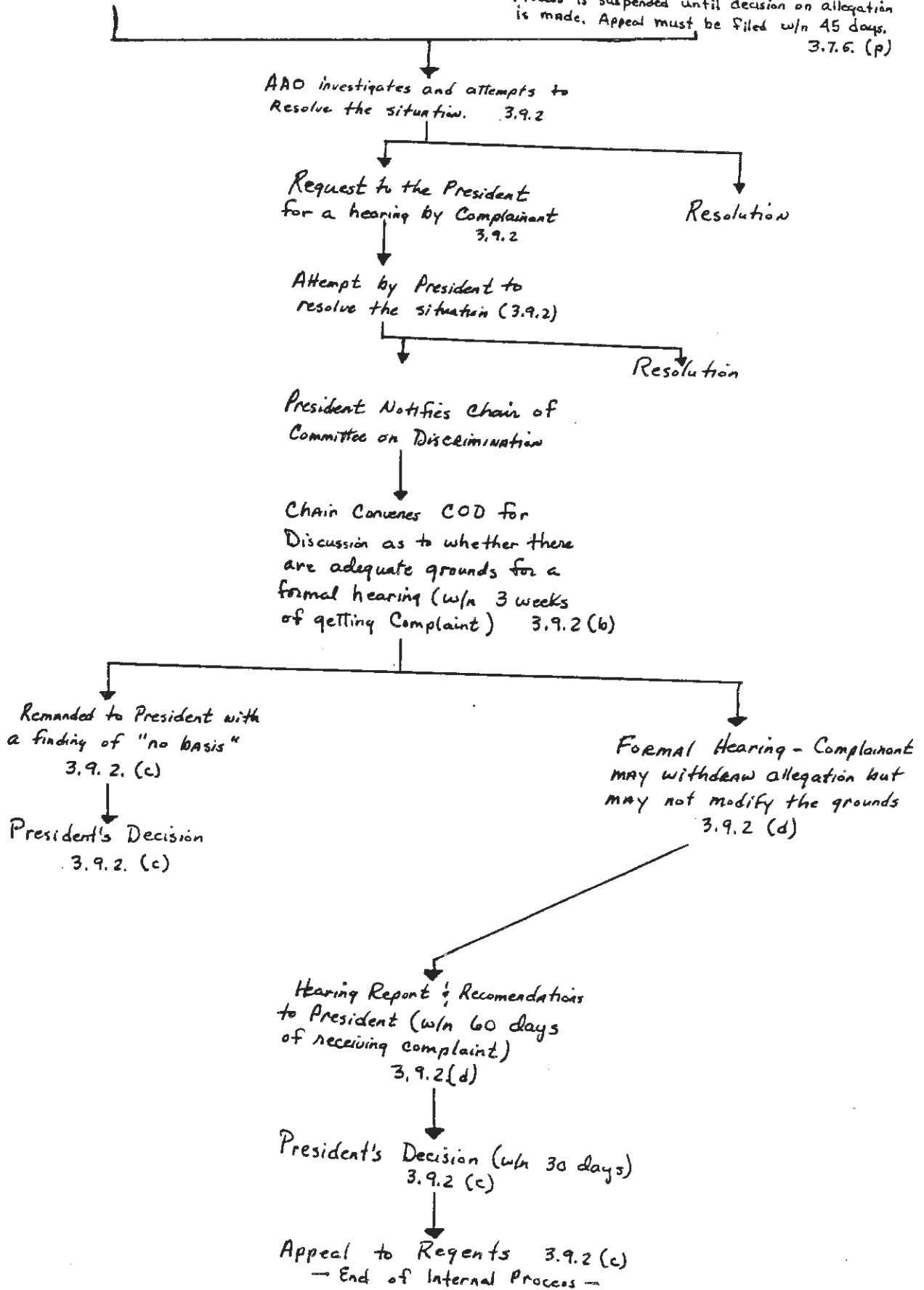
3.10.4

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Discrimination Allegation

Complainant Files Written Account
of Alleged discrimination with Affirmative
Action Officer w/in 30 days. 3.9.2

Complainant believes discrimination exists
in their tenure process and files an appeal.
Process is suspended until decision on allegation
is made. Appeal must be filed w/in 45 days.
3.7.6. (p)



9/11/86

Sexual Harassment

Precipitating Incident

Complainant proceeds through
Normal administrative channels - 12.3.1
Files complaint w/n 45 days - 12.3.2
Appropriate administrator investigates
and attempts an informal resolution - 12.3.3

Complainant contacts any member of Council
on Sexual Harassment and files a complaint - 12.3.1
within 45 days - 12.3.2. Council Chair appoints
an Investigative sub committee to investigate
and attempt an informal resolution - 12.3.3

Informal Process
rejected by either
party, A full
Council Hearing
is requested in
writing.
12.3.5

Finding of No
Sexual harassment,
Complaint dismissed.
Can be appealed to
a full Council
hearing w/n 15 days.
12.3.4.(a)

No resolution possible.
Either party can
request a full
Council hearing (w/n
15 days).
12.3.4.(c)

Complaint referred
to Faculty Appeals
Board (via President)
for abrogation of
tenure or other severe
sanctions. 12.3.4.(d)

Complaint Resolved
Process Stops
12.3.4.(b)

Formal Proceedings
12.3.5

Resolution prior
to End of Formal
Proceedings 12.3.5

Formal Hearing
12.3.5

Report to Proper Administrative
Officer (as designated by President)
12.3.6

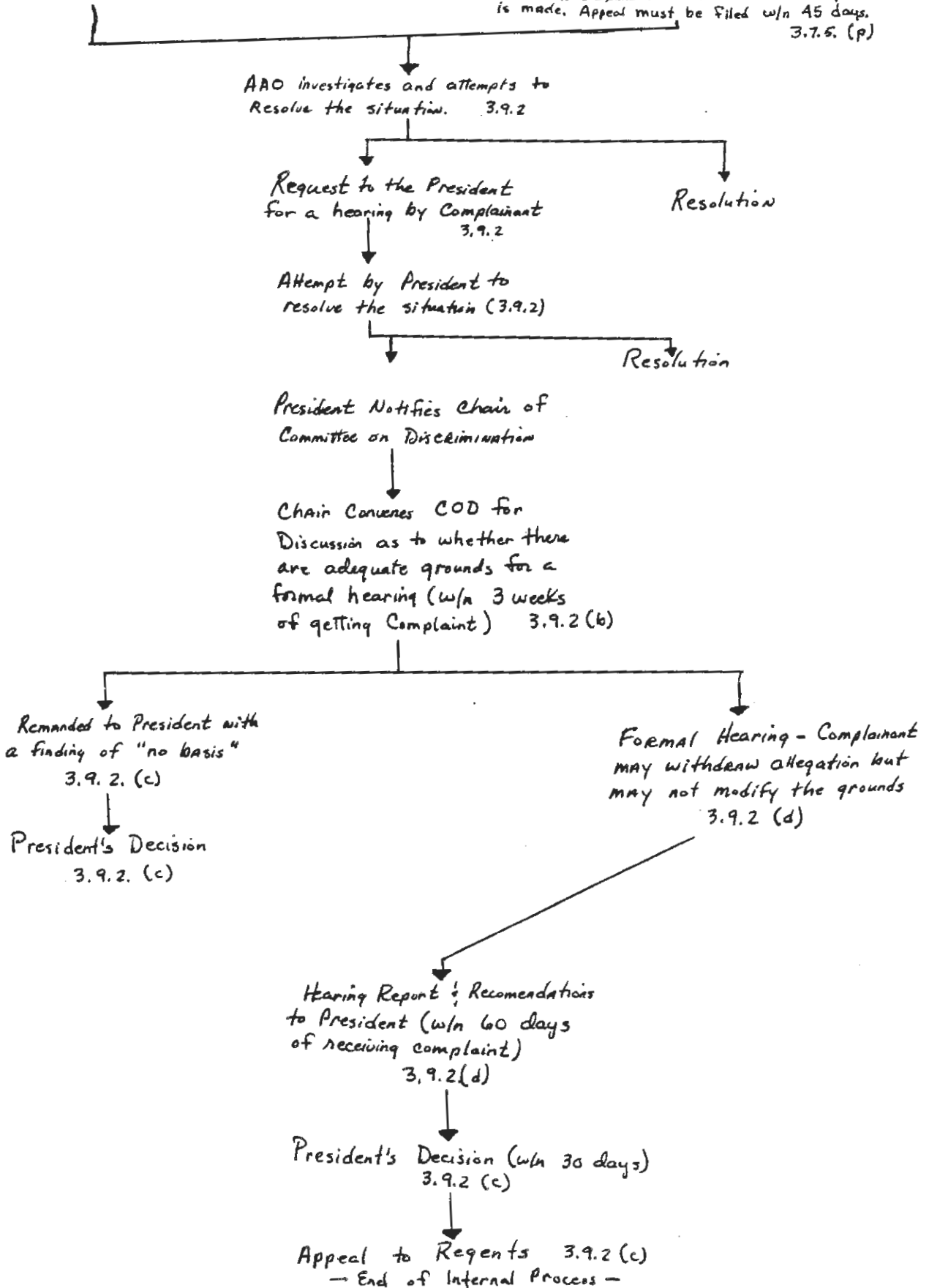
Sanctions Applied (if appropriate)
(w/n 10 days)
12.3.8

9/11/86

Discrimination Allegation

Complainant Files Written Account of Alleged discrimination with Affirmative Action officer w/n 30 days. 3.9.2

Complainant believes discrimination exists in their tenure process and files an appeal. Process is suspended until decision on allegation is made. Appeal must be filed w/n 45 days. 3.7.5. (p)



9/11/86

SUMMARY REPORT
OF
ANNUAL FACULTY EVALUATION

11/86 (APPENDIX II)

NAME _____ EVALUATING UNIT _____
 CALENDAR YEAR Ending December 31, _____ RANK _____ UNIT FTE _____

A. TEACHING Weight during year _____

	<u>Rationale</u>
Exceptional, clearly superior _____	
Excellent, well above average _____	
Good, desirable contributions _____	
Meets acceptable standards _____	
Needs improvement _____	

B. RESEARCH Weight during year _____

	<u>Rationale</u>
Exceptional, clearly superior _____	
Excellent, well above average _____	
Good, desirable contributions _____	
Meets acceptable standards _____	
Needs improvement _____	

D R A F T

**C. PROFESSIONAL/UNIVERSITY/
ADMINISTRATIVE SERVICE** Weight during year _____

	<u>Rationale</u>
Exceptional, clearly superior _____	
Excellent, well above average _____	
Good, desirable contributions _____	
Meets acceptable standards _____	
Needs improvement _____	

D. EVALUATION OF COMPOSITE CONTRIBUTIONS AND ACHIEVEMENTS OF FACULTY MEMBER DURING YEAR Weight during year _____

	<u>Rationale</u>
Exceptional _____	
Excellent _____	
Good _____	
Adequate _____	
Inadequate _____	

SIGNATURES OF COMMITTEE A _____ Date _____

FACULTY RESPONSE

- I have read and do not wish to respond to the evaluation summary of my performance.
 I have read and wish to respond to the evaluation summary of my performance.
-

Response

D R A F T

FACULTY MEMBER'S SIGNATURE

Date _____

Possible Revisions in Policy Concerning Changes in Criteria
for Evaluation, Promotion, and Tenure

EVALUATION - Reword paragraph (b) of Section 3.11.1 as follows
(additions are shown by underlining and deletions by strikeovers):

(b) Each academic unit, with the participation and approval of the dean and the Provost, shall establish and publish specific criteria for evaluating faculty performance in that unit, consistent with over-all University evaluation procedures, so that any ensuing disagreements on salary recommendations will arise only through differences of opinion concerning evaluation and application of the criteria rather than over the criteria themselves. These criteria may be changed by the faculty of the unit from time to time with the approval of the dean and the Provost. The Provost's approval of the revised criteria shall indicate a date on which they become effective. The revised criteria for salary evaluation shall apply to all faculty beginning with the academic year following the effective date.

PROMOTION - Reword the third paragraph of Section 3.12.1 as follows
(additions are shown by underlining and deletions by strikeovers):

Each academic unit, in concert with the dean and the Provost, shall establish and publish specific criteria for promotion in that unit. These criteria may be changed by the faculty of the unit from time to time with the approval of the dean and the Provost. The Provost's approval of the revised criteria shall indicate a date on which they become effective. The revised criteria for promotion shall apply to all faculty in the unit beginning with the academic year following the effective date. These statements of criteria determine the emphasis placed on the various areas of faculty activity, subject to the following conditions:

TENURE - Reword the fourth paragraph of Section 3.7.4 as follows
(additions are shown by underlining and deletions by strikeovers):

Each academic unit, with the participation and approval of the dean and the Provost, shall establish and publish specific criteria for evaluating faculty performance in that unit, so long as those criteria are in accord with this policy. These criteria may be changed by the faculty of the unit from time to time with the approval of the dean and the Provost. The Provost's approval of the revised criteria shall indicate a date on which they become effective. The revised criteria shall apply to all faculty in the unit appointed to the tenure-track after the effective date. Untenured faculty in the tenure-track on the effective date shall be subject to the revised criteria in instances where the changes affect only the process by which the unit ascertains the quality of individual faculty performance. When the revisions involve changes in the quality of faculty performance required for granting tenure, faculty already in the tenure-track shall remain subject to the previous criteria unless these faculty consent to the new criteria by written statement.



The
University of Oklahoma

OFFICE OF ADMISSIONS AND RECORDS
1000 Asp Avenue, Room 127
Norman, Oklahoma 73019

D R A F T

11/86 (APPENDIX IV)
OFFICE OF THE
SEP 23 1986
PRESIDENT

TO: Dr. Frank E. Horton, President
University of Oklahoma

FROM: Professor Helga Madland, Chair *HJM*
Academic Program Council, Norman Campus

DATE: September 23, 1986

SUBJECT: Proposed Changes in the Charge of the Academic Program Council

At the September 16, 1985, meeting of the Academic Program Council, changes in the charge of the Council were proposed and recommended for approval. These changes were later discussed during a meeting of the Faculty Senate, but no action was taken. Professor Penny Hopkins, Chair, Norman Campus Faculty Senate, has informed me that the proposed changes should be forwarded to you for your recommendation, which would then be sent to the Faculty Senate.

The proposed changes in the charge are as follows:

1. Change in the name from Academic Program Council to Academic Programs Council.
2. State that the Council will "Serve as advisor to the President, Provost, and Faculty Senate...." to conform with actual practice.
3. Delete the provision for an annual review of programs in Continuing Education, since another body of the Faculty Senate is now performing this function.
4. Add the Vice Provost for Instructional Services and the Editor of Academic Bulletins as ex officio members of the Council.
5. Change of "Administrative and Physical Resources Council" to "Campus Planning Council" to conform to the current name of the council.
6. Change of non-members being "co-opted" for subcommittees to being "appointed" for such subcommittees.
7. Change of student terms from 1 year to 2 years with 1/2 retiring each year.

The Council is currently operating under a subcommittee concept, with three subcommittees, (1) curricula, (2) courses, and (3) instruction. If further information is needed, we will be happy to provide it.

**Health Sciences Center Faculty Senate
Resolution 1
October 16, 1986**

- WHEREAS,** the three Early Retirement options available to University of Oklahoma faculty beginning July 1, 1983 and a fourth option approved May, 1986 have lapsed effective July 1, 1986; and
- WHEREAS,** these voluntary early retirement options are viewed by the faculty as important features of the University's faculty benefits program; and
- WHEREAS,** these options afford important potential benefits to the affected faculty member(s) and to the institution; and
- WHEREAS,** the continuation of these options does not involve additional costs to the University, and, to the contrary, may result in significant salary savings during a period of projected stringent budgets,
- RESOLVED:** that the four early retirement options in effect during the 1985-86 academic year be reinstated as an integral part of the University's retirement policy, and
- FURTHER RESOLVED:** that these retirement options be amended to provide for continuation of the University's early retirement supplement to the surviving spouse for a period not to exceed four years from the date of death or until he/she become eligible for direct payments from Social Security survivor benefits, whichever comes first.

RESOLUTION

The Faculty Senate, on behalf of and at the initiation of the faculty of the University of Oklahoma, Norman Campus, presents the following resolution. The faculty has been shocked and outraged by a number of actions and statements by Thomas Elwood Kemp, a member of the University's Board of Regents, in which he has unfairly attacked the integrity, responsibility, and professional standards of university administrators, faculty, and staff and has tried ~~unilaterally~~ to change established practices of the Board of Regents for the conduct of administrative searches. These actions and statements undermine public trust and confidence in the University; they falsely accuse and insult administrators, staff, and faculty; they threaten the ability of the University to operate according to nationally recognized professional educational standards; and they add needlessly to the difficulties of the administrators, faculty, and staff in fulfilling their duties, particularly during these times of fiscal hardship.

WHEREAS in the matter of searches for university administrators, Mr. Kemp has publicly impugned the responsibility, integrity, and professional standards of those faculty, staff, students, and friends of the university who have served on several recent committees without providing any evidence of any failure to observe proper procedures as established by the University of Oklahoma Regents and recognized as the norm for large comprehensive universities across the country;

WHEREAS he has unjustifiably asserted that the members of administrative search committees have manipulated the screening processes to eliminate well-qualified candidates and to foist on the Board of Regents their own choices for appointment;

WHEREAS his repeated efforts to inject the Regents into the initial screening phase of all important administrative searches would harm the University by discouraging some of the most highly qualified persons from being candidates; by interfering with the normal rights of governance of the faculty, staff, and students; and by disrupting the normal chain of administrative command at the University;

WHEREAS at the October 16, 1986 meeting of the University of Oklahoma Regents in Tulsa, Mr. Kemp made intemperate public statements implying large-scale misuse and misappropriation of public funds in a number of university accounts that showed deficits, despite the fact that accounting and auditing reports submitted to the Regents offered no grounds for such suspicion;

WHEREAS in contradiction of the facts, he has claimed publicly that the University fails to hold accountable individuals responsible for accounts in deficit in circumstances of alleged impropriety;

WHEREAS the Faculty Senate respects the responsibility of the Board of Regents appointed by the Governor to establish general policies for the University and to insure that all faculty, staff, and administrators serve the public interest in providing the best possible instruction and research;

WHEREAS the Faculty Senate believes that these actions by Regent Kemp have compromised the ability of the Board of Regents as a whole to discharge its responsibilities effectively;

WHEREAS the University of Oklahoma Regents' highest duty is to serve as the citizens' advocates for the highest standards of education, both inside the University and in the public sphere;

~~BE IT THEREFORE RESOLVED THAT THE FACULTY SENATE of the Norman Campus urges the Regents of the University to fulfill that duty and condemns those actions and statements of Regent Kemp that harm the ability of the University, its faculty, staff, and students to meet the highest educational standards.~~

BE IT THEREFORE RESOLVED THAT THE FACULTY SENATE of the Norman Campus condemns those actions and statements of Regent Kemp which unjustifiably impugn the integrity and responsibility of administrators, faculty, staff and students and which harm the ability of the University to meet the highest educational standards.