

**JOURNAL OF THE FACULTY SENATE**

The University of Oklahoma (Norman campus)  
 Regular session - February 12, 1990 - 3:30 p.m.  
 Conoco Auditorium, Neustadt Wing, Bizzell Memorial Library

The Faculty Senate was called to order by Professor Andy R. Magid, Chair.

**PRESENT:** Baker, Bergey, Blick, Christian, Fife, Flowers, Foote, Gabert, Gilje, Goodey, Gudmundson, Harm, Harper, Herstand, Hinson, Hopkins, Jaffe, James, Kenderdine, Kiacz, Knapp, Kutner, Levy, Magid, McManus, Minnis, Mouser, Nelson, Nicewander, Paolino, Petry, Rideout, Ryan, Salisbury, Sankowski, Schnell, Smith, Stoltenberg, Striz, Swoyer, Vestal, Ward, Weaver-Meyers, Wedel, White, Zaman, Zonana

Provost's office representatives: Wadlow, Nelson

PSA representatives: Bloomgarden, Boehme, Spigner-Littles

UOSA representatives: Allred, Tillman

**ABSENT:** Ahern, Farmer, Hill, Moore, Zelby

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**APPROVAL OF JOURNAL**

The Senate Journal for the regular session of January 15, 1990, was approved.

**ANNOUNCEMENT**

The Spring General Faculty meeting will be held Thursday, April 26, 1990, at 3:30 p.m. in room 108 of the Physical Sciences Center.

Dr. Manning Marable, a Professor of Political Science and Sociology at the University of Colorado at Boulder, is scheduled to speak on campus Thursday, February 15, 1990. He will be giving a faculty workshop on "Creating a Multicultural Environment in the Classroom" from 1:30 to 2:45 p.m. in Dale Hall 108.

**DISPOSITION BY THE ADMINISTRATION OF SENATE ACTION**

Regarding the Senate's proposal to change the method of selection to councils, committees, and boards (see 10/89 Journal, page 7), President Van Horn suggested, in a memo dated December 12, 1989, that a steering group be formed to review ways in which the overall University committee/council structure, including the appointment of committee members, can be improved. [See also Chair's report for this meeting and January 15 meeting.]

Starting with the January 1990 Journal, the summary record of Senate actions since September 1989 will be attached to the Journal (Appendix I).

Provost Wadlow's response to the question raised at last month's meeting about the assistant provost position is attached as Appendix II.

**INAUGURAL PRESENTATION OF REGENTS' PLAQUE RECOGNIZING PAST FACULTY SENATE CHAIRS, IN THE PRESENCE OF FORMER SENATE CHAIRS**

OU Regents' executive secretary Barbara Tuttle presented a plaque inscribed with the names of the past Senate Chairs and the following statement: "To recognize the dedication and commitment of those who have chaired the Faculty Senate in behalf of the faculty of the Norman Campus, the plaque is presented by the University of Oklahoma Board of Regents." Prof. Magid explained that the OU Board of Regents approved the formation of a University Senate on January 14, 1942. The Senate, which met for the first time on April 13, 1942, was composed of 43 members elected on a representative basis from the colleges. The Senate was chaired by the President until 1952, when President Cross suggested that a faculty member be elected chair. That first faculty chair was Olin Browder (Law). Prof. Magid said all of the past Chairs were invited to attend the presentation or send greetings. Greetings were sent by nine of the former chairs who live out of town (see Appendix III), including one from Prof. Browder, which reads in part, "We had a good year, that first year, and I remember more of it than you might think. I suspect by now an honored tradition is being celebrated, and I am honored by having come on at the beginning. My best wishes to the Senate for continued distinction and progress." The former Chairs who were present (listed below with their terms); Professor Anthony Lis, the Senate's Secretary from 1969 to 1984; and Ms. Tuttle assembled for an historic photograph.

The plaque will be permanently placed on the wall on the main floor of Bizzell Library near the area currently being used to exhibit the Regents' Awards.

Andy Magid, 1989-90  
 Gary Cohen, 1988-89  
 Larry Canter, 1987-88  
 Penny Hopkins, 1986-87  
 David Levy, 1985-86  
 Tom Love, 1984-85  
 Robert Ford, 1983-84

Teree Foster, 1982-83  
 Gary Thompson, 1981-82  
 Alex Kondonassis, 1976-77  
 Cluff Hopla, 1970-71  
 Duane Roller, 1969-70  
 Sherril Christian, 1968-69  
 George Cross, 1944-51

#### SENATE CHAIR'S REPORT

**Meeting with President on Committee Restructuring.** On January 31, Senate Chair-Elect Roger Rideout met with President Van Horn to discuss, on behalf of the Senate, implementation of the Senate's proposal to simplify committee structures and nominating procedures. Professor Rideout reports that while it will take several weeks to finalize the changes and put recommendations in writing, it now appears that:

1. Two-for-one nominations will cease. The Senate will nominate its representatives without any administrative review.
2. As a concomitant to 1., some Vice Presidents may be given the right to make a faculty nomination to a committee without Senate review.
3. Several existing committees will be combined into a single committee with multiple charges; this could reduce nomination needs by up to 30%.
4. Faculty Senate representation will be extended to some new councils and to some existing ones currently lacking faculty members (the Alumni Board and the OU Development Committee are examples of the latter).
5. Some committees may be reduced in size.

Let's remember that this entire development, which will have important implications for faculty governance at our University for many years, had its origin in Senate action taken on a report prepared by Professor Rideout, which in turn was inspired by an analysis of committee service that Professor Rideout conducted using the Senate's database on service.

**Large Executive Committee.** The Senate Large Executive Committee met on January 22, 1990. Among the reports received was that of the Campus Planning Council, chaired by Professor Keith Bystrom of the College of Law. Professor Bystrom reported that the Council had been presented at its Thursday, January 18 meeting with revisions to the Campus Master Plan. The Council noted that there were "major differences in the ranking of the projects on this list and the previous capital projects list dated September 30, 1988, which the Council had worked on conscientiously." Mr. Arthur Tuttle, of A & E Services, who presented the list to the Council, requested that they review the list and make any comments or recommendations that they wished within the next two working days so that they might have been considered by the President before the February Regents' meeting. The Council responded to this ridiculously short time frame by passing a motion acknowledging receipt of the revised list but pointing out that "due to insufficient time and information about the proposed changes in priorities from the September 1988 list, the Council is unable to form a judgement about the proposed priority list." The Council also suggested that the previous priority numbers be added beside the new numbers so that the Regents and other interested persons can easily see what priority changes are proposed. In fact, the Regents' Agenda contained only the new priority

numbers, although Dr. Van Horn did comment in passing, after the Regents approved the new priorities, that they were not necessarily final either. I think this episode is worth reflecting on. The Campus Planning Council, by refusing to take part in a travesty of participatory governance, has set a standard that others may want to emulate, and Professor Bystrom and his fellow Councilors deserve our respect for their conscientious inaction.

**Small Executive Committee.** The Senate Small Executive Committee met on February 5. Provost Wadlow, who usually participates in these sessions, was on vacation and unable to attend. She had previously provided the Executive Committee with some documents which the Committee considered. One such was a memo from the Provost to the Registrar, who chairs the Class Schedule Committee, regarding a Student Congress proposal to guarantee that students will not be required to take more than two finals in any given day. The Executive Committee views this favorably, but believes that it must be implemented by scheduling. In particular, we hold that no faculty member should be required by this system to give individual make-up or late finals, and we so informed the Provost by memorandum. We also considered a memorandum of the Provost regarding the assessment of the mid-term grade system, and memorialized the Provost to the effect that a study of the time, effort, and impact on faculty of the system should be made.

**Meeting with the President.** On February 9 the Executive Committee held its regular monthly meeting with President Van Horn. Much of the time was devoted to discussion of the internal allocation formula that the President is going to use to decide on the division of funds among Colleges. All of us understand that the University functions for the creation, transmission, storage, and retrieval of knowledge. The Executive Committee tried to articulate the generally expressed faculty concern that the measures of success in performing those functions that the President has selected to determine funding allocation may generate efforts to maximize the measures rather than perform the functions. (The measures are numbers of student credit hours, numbers of majors, numbers of degrees, dollars of external funds, and possibly numbers of publications.) The President argues that faculty integrity will enable us to resist pressure from Deans or Department Chairs to bend standards to up the measures and to continue to do those aspects of our work, such as public and professional service, which are not considered in the allocation formula. On one technical aspect of the implementation of the formula, the President agreed with the committee that credit hours should be counted from enrollment and not from completion of the course, so that the student's right to drop courses would not run counter to Colleges' efforts to maintain their credit hour production.

We further questioned Dr. Van Horn about his plans to rationalize similarly non-academic administrative funding. Such areas, of course, do not have the same measures of productive outputs that we do. Here Dr. Van Horn apparently plans to set standards by peer comparison; he said, and I quote, that we "should be below average in most areas of administration." I don't know how close we are to that goal or how far below average our targets should be, but I think it fits most faculty perceptions of how non-academic administration should be funded here.

On a related matter, we shared with Dr. Van Horn the faculty's general concern that expanding administrative use of the University's mainframe computer will interfere with faculty research use of the machine, a concern that has been heightened this academic year by the discussion of the purchase of a new accounting software system. Dr. Van Horn told us that "No change [in accounting software] is contemplated," which at least addresses this particular concern.

**Senate Leadership.** It's possible that the imposing array of Faculty Governance expertise that stood before you for the inaugural presentation of the Regents' plaque may inspire some Senators to contemplate offering their services as Executive Committee members or Senate Officers for the upcoming academic year. At our May meeting, for example, we will be electing the faculty member who will be in the chair for the semi-centennial of this Senate. I hope that those who are wondering the exact extent of the time commitments or other aspects such service entails will feel free to talk to me or other Executive Committee members about it. Your Executive Committee will, as usual, see to it that there is at least one candidate for every office but will also, as usual, be delighted to encourage all who feel the call to lead this body.

**FOCUS ON EXCELLENCE: Leo Whinery**

Professor Leo Whinery joined the University of Oklahoma College of Law faculty in 1959, after receiving his LL.D. degree from the University of Missouri-Kansas City Law School and the LL.M. degree from Columbia University School of Law. In his more than 30 years of service here he has made substantial contributions to legal scholarship in the areas of evidence and judicial administration and taught in the fields of evidence, taxation, and juvenile law. He is currently completing Volume II of his Guide to the Oklahoma Evidence Code. Volume I was completed in 1985 and has been cited as the authority in over 40 appellate decisions in Oklahoma. From 1974 to 1978 Professor Whinery served as the reporter for the Oklahoma Bar Association's subcommittee on evidence, which drafted the current Oklahoma Evidence Code. His work on this code and his subsequent scholarship has brought significant changes to the Oklahoma law of evidence. He has also written a manual on Evidence for the Oklahoma Traffic Courts in 1973 and a reference book on that subject in 1983 for the National Judicial College. He was a principal investigator in a research project that led to the publication of Predictive Sentencing and Empirical Evaluation in 1976--a research project that brought a grant of over \$500,000 to the University of Oklahoma. In addition to his responsibilities at the University, Professor Whinery served as a judge in the Norman Municipal Court from 1961 until 1978. Since 1973 he has been on the faculty of the National Judicial College and was recognized by them in 1988 as a charter member of their Hall of Fame. Professor Whinery has also been recognized by the Oklahoma Bar Association for his contributions to the administration of justice and has been elected by his colleagues to the American Law Institute, a policy-making organization consisting of outstanding legal educators and practitioners in the country. Professor Whinery has provided exemplary service to the College of Law, to the University of Oklahoma, and to the state, and he is well deserving of our recognition today.

**ELECTION, COUNCILS, COMMITTEES, AND BOARDS**

The Senate approved the following Committee on Committees nominations to fill vacancies on University and Campus Councils, Committees and Boards:

Academic Programs Council (1:1), to complete the 1988-91 term of Jon Nussbaum (Communication): Wayland Bowser (Architecture)

Athletics Council (2:1), to complete the 1988-91 term of Henry Eisenhart (HPER): Charles Butler (Instructional Leadership) and Alan Nicewander (Psychology)

Continuing Education and Public Service Council (1:1), to complete the 1988-91 term of Phillip Harsha (Accounting): Curtis McKnight (Mathematics)  
Faculty Advisory Committee to the President (1:1), to complete the 1989-91 term of Ted Herstand (Drama): Maurice Rasmussen (AME)  
Faculty Appeals Board (1:1), to complete the 1989-93 term of Virginia Milhouse (Human Relations): Lawrence Larsen (Modern Languages)  
Graduate Assistants Appeals Board (2:1), to complete the 1988-90 term of David Etheridge (Music): Carl Rath (Music) and X. Wei Zhu (Mathematics)  
Patent Advisory Committee (2:1), to complete the 1987-90 term of Erle Donaldson (PGE): Roy Knapp (PGE) and Peter Kutner (Law)  
Research Council (1:1) ["other" category], to complete the 1989-90 term of Richard Marshment (Regional and City Planning): Russell Usnick (Regional and City Planning)

#### **PROGRAM REVIEW PANEL**

The Senate approved the following Executive Committee nominations for the 1990-91 academic program review panel:

Keith Busby (Modern Languages) [carryover]  
 Frank Durso (Psychology)  
 Helmut Fischbeck (Physics and Astronomy)  
 Marilyn Flowers (Economics)  
 Andy Magid (Mathematics)  
 Jody Newman (Educational Psychology)  
 Robert Swisher (Library and Information Studies)

#### **REMARKS BY DR. MILFORD MESSER, REGISTRAR, ON DETERMINING COURSE SCHEDULES IN ACCORDANCE WITH REGENTS' REQUIREMENTS AND ON CLOSED COURSE PROBLEMS**

Dr. Messer was asked to comment on the number of class days in the academic calendar in order to clear up some questions raised at last month's Senate meeting during a discussion about a permanent OU-Texas holiday. Dr. Messer explained that for approximately the last ten years the Class Schedule Committee has operated under the State Regents' guidelines for academic calendars. State Regents' policy states that one semester credit hour normally is equal to 50 minutes of instruction per week for 16 weeks, excluding enrollment, orientation, and vacations, but final exams may be included. He said the calendar is usually set up for 17 weeks to allow for a week of vacation. Prof. Striz pointed out that most of the fall holidays are taken out of the MWF classes. Prof. Magid, after calculating that a three-hour class should meet 45 days, asked whose responsibility it was to make up any lost time. Dr. Messer said it is left up to the instructor. Prof. Petry noted that there used to be 45 class days for three-hour courses but now there are 43 in the Fall and 44 in the Spring. He asked whether the missing days were due to Stop (Help) Day. Dr. Messer said that Stop Day required the University to add Saturday as an exam day. Prof. Nicewander suggested that the break over Christmas be extended. Dr. Messer replied that such a recommendation could be made to the Class Schedule Committee. The State Regents' regulation states only that classes must be dismissed before the Christmas holiday and must start again in mid-January. The University must provide approximately three weeks in late May for intersession and not begin the summer session too late in June.

Turning to the issue of closed courses, Mr. Jeffrey Stark, Manager of Registration and Classroom Scheduling, distributed a handout showing the number of filled sections as of January 26 (see Appendix IV). He explained that the large freshman class of 1987 was now causing the junior level courses to have the highest percentage of closed sections. Dr. Messer pointed out that OU has 1000 fewer freshmen now than two years ago, which will alleviate the problem somewhat. Mr. Stark explained that other reasons for closed courses are budget constraints and restrictions on admission into certain colleges, such as Business Administration, which causes a greater demand for courses in other areas, such as Arts and Sciences.

Prof. Ryan commented that it would be useful to know the number of closed sections by courses. Mr. Stark reported that problems are caused by the small number of sections offered in a given course, conflicts in when core courses are offered, which in turn is a result of offering a few large sections instead of several small ones, and students' preference for morning classes.

**REPORT BY PROF. CRAIG ST. JOHN, CHAIR OF THE ACADEMIC ADVISORY SUBCOMMITTEE OF THE ATHLETICS COUNCIL, ON ACADEMIC ELIGIBILITY FOR ATHLETES**

Prof. St. John (Sociology) explained the NCAA and Big 8 regulations that govern eligibility of athletes. He commented that the Athletics Council has been interested in the academic progress of student-athletes but postponed any action to give Dr. Tom Hill, the new assistant athletic director for academics, time to implement his procedures and operations. Upon examining the schedules and grades of the men's basketball and football teams, Prof. St. John found that for Fall 1989 there was a big improvement in the type of courses taken by student-athletes; that is, the courses were more typical of what the general student body takes. However, there were no major improvements in academic performance. Of those who were men's football lettermen in Fall 1989, 46% had less than a 2.0 g.p.a. Of the 13 individuals on the men's basketball team in Fall 1989, 69% were below a 2.0; five were 1.0 and below but still were academically eligible to compete. Prof. St. John explained that the NCAA and Big 8 regulations require incoming students--freshmen or transfer students--to pass eight hours in the fall semester to be eligible in the spring. Students who have completed fewer than 60 hours but are not new students must earn a 1.6 in 24 hours the previous year, and those with 60 or more hours must earn a 1.8 in 24 hours. Consequently, it is possible for a student-athlete to do nothing during the last year and still maintain his/her eligibility. He reported that Dr. Hill had indicated that he would prevent individuals who were performing poorly academically from competing or practicing; however, individuals who made g.p.a.'s significantly less than 1.0 in the fall semester continued to play and practice. Prof. St. John asked the Senate to consider whether the University should set higher standards than NCAA. He pointed out that one of the OU coaches had imposed his own eligibility rules on his team by requiring them to maintain a certain grade point average or else miss important tournaments. The Faculty Senate at the University of North Carolina has urged its conference to adopt stricter standards than what the NCAA requires and, in particular, eliminate freshman eligibility.

Prof. Foote said he did not believe student-athletes should have to meet any more stringent requirements than the regular student body. Prof. Nicewander pointed out that he had studied the number of hours toward majors for the members of the men's basketball team. Seniors on average had 12.75 hours

with an average grade point of 1.12, and the same trend appeared in the juniors. Prof. St. John said his personal feeling was if a student-athlete is not making a good-faith effort to be a student, then he/she should not have the opportunity to represent the University on the playing field. Prof. Smith, who is also on the academic advisory subcommittee of the Athletics Council, said he was more concerned about exploiting student-athletes by causing them to believe they will get a degree. Prof. Gary Cohen (past Senate Chair) urged the Senate to take Prof. St. John's suggestion seriously. He agreed with Prof. Smith that a student admitted on any basis should have an opportunity to get an education. Prof. Ward cautioned that there is a difference between putting the responsibility on the student and on the systemic supports that those students receive or fail to receive. She said she would like to see data on the performance of student-athletes relative to the regular student body and to peers. Prof. Ryan asked whether the Senate should consider what a reasonable g.p.a. is for the various classifications.

Prof. Levy suggested that the faculty senates of the other Big 8 schools be polled to see if they would be interested in instituting higher standards than the NCAA. Prof. Magid agreed to do that. Prof. St. John said he did not attribute this problem to the student-athlete and said he believed part of the problem was the direction they get from their peers and coaches. He noted that it is difficult for coaches to institute stricter standards unless their competitors do likewise. Prof. Magid asked Prof. Smith to coordinate efforts to propose legislation for the Senate to consider. [Note: Professors Petry, Ryan, and St. John will assist in this effort.]

#### **ITEM FOR DISCUSSION: PROPOSED REVISION OF SEXUAL HARASSMENT POLICY**

Prof. Magid explained that the Senate's recommendations concerning the proposed revision of the sexual harassment policy (Appendix V) would be transmitted to the Provost to consider in preparing the final policy. The final policy will then come to the Senate for review and a vote.

Prof. Kenderdine noted that a fundamental alteration was being proposed in the procedure in division 3 from peer review to an administrative process. He said it was not clear when a complaint is filed because the accused may not be informed during the informal complaint stage. He said he believed that lodging the process in the Affirmative Action office would dilute the focus of that office.

Prof. Flowers objected to the third party aspect of filing a complaint in section 9. She said allowing a complaint to be filed by anyone is too broad. Prof. Levy pointed out that the policy should allow for complaints by students in a class who resent an affair between another student and the instructor or by parents of a child who object to their child having an affair with an instructor.

Most of the discussion concerned division 2, consensual relationships. Professor Petry said he thought the sexual harassment policy was intended to apply to the entire University community; if so, then the section on consensual relationships should not be directed just to faculty. Prof. Wedel pointed out that under this provision, his wife would be denied the opportunity to obtain a degree in his department because he teaches a required course in the program. Prof. Baker agreed that sexual harassment is a valid concern, but argued that division 2 was demeaning to the faculty.



He said he personally believes amorous relationships between faculty members and students enrolled in their courses are undesirable; however it should be handled at the departmental level. Prof. Salisbury noted that in most instances the woman suffers because she must transfer somewhere else to complete her degree. He said what is at risk is that the relationship will be driven underground. Also, he is concerned about the evidence required to establish an amorous relationship. Prof. Magid said he assumed this policy would be like the nepotism policy in that the Regents could grant an exception. Mr. Bloomgarden commented that staff should be governed by these rules, yet amorous relationships between staff in different departments could be construed as exploitative. Prof. Zonana pointed out that the rationale is the power dimension of a relationship between faculty and students. Prof. Kenderdine explained that the division had been included because of student complaints. Prof. Ryan reiterated that division 2 should cover not just faculty and students, but any supervisor/supervisee relationship where power is involved.

Prof. Petry said his colleagues were not critical of the need for a sexual harassment policy; their only commentary was about "staring" (example of sexual harassment). Prof. Rideout speculated that parts of the document were written to satisfy legal requirements rather than to meet the needs of the University. Prof. Kutner said that would explain the inclusion of the new section on consensual relations but not some of the other differences, such as the definition of sexual harassment. Another is the composition of the panel, which would have as many students as faculty and might result in a panel with more students than faculty. Prof. Flowers suggested that the Senate seek an independent legal opinion of whether the proposed policy was consistent with the law. She said she was concerned about the role of Legal Counsel, representation for faculty and who would pay for that, and frivolous complaints. Prof. Baker said that perhaps the benefits committee should look into providing a legal package for faculty. Prof. Kenderdine pointed out that Legal Counsel had remained neutral in recent sexual harassment cases. Prof. Magid said he would ask appropriate people to look into whether the proposed policy was required by law.

Prof. Kutner said he believed the revised proposal should be carefully compared with the current one, rather than merely transmitting miscellaneous comments. Provost Wadlow pointed out that Prof. Donna Nelson, Faculty Administrative Fellow in the Provost's Office, had prepared such a comparison, and it was transmitted to the Executive Committee February 5.

Prof. Levy said he would like some assurance that the Senate would have the opportunity to review the final policy before it is approved by the Regents. Prof. Magid said he had written to Provost Wadlow on that point and had received a memorandum from her to the effect that that is her intention, but that the Executive Committee should discuss this with the President also. Prof. Flowers asked about the relationship between the sexual harassment procedure and the procedure governed by "Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions" (see Faculty Handbook) contained in the latter part of section 12. Prof. Levy questioned whether the accused could be governed by proceedings under the normal mechanism if the Abrogation of Tenure board finds that the crime is not serious enough to abrogate tenure. Prof. Zonana noted that it is not clear what sanctions less than the extreme ones would be available.

**NEW BUSINESS**


Prof. Nicewander mentioned that there recently had been at least one mid-year raise for an administrator. About five years ago he and Professors Sherril Christian and Art Johnson had prepared a report on double pay raises for non-academic administrators and had received assurances from then President Banowsky that that would not happen again. Prof. Nicewander asked the Executive Committee to ask President Van Horn what his policy is on mid-year raises.

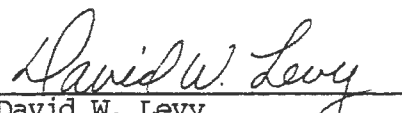
Prof. Christian remarked that several faculty were interested in publishing a faculty newsletter on an irregular basis on various topics, such as the changes in TIAA-CREF. He asked the Executive Committee to consider whether the Senate office could be used to make copies and distribute the newsletter.

Prof. Kenderdine noted that a flyer was distributed to faculty which depicted a woman being slain. He said he realized it was part of a promotion of a mystery game being held on campus, but objected nonetheless to using violence against women as a sales device. He asked the Executive Committee to look into what could be done to make people more sensitive about this issue.

**ADJOURNMENT**

The meeting adjourned at 5:40 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, March 5, 1990, in the Conoco Auditorium of Bizzell Library.

  
 Sonya Fallgatter  
 Administrative Coordinator

  
 David W. Levy  
 Secretary

Norman Campus Faculty Senate  
 Oklahoma Memorial Union, Room 406  
 325-6789  
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2/90 (Appendix I)

RECORD OF DISPOSITION BY ADMINISTRATION OF FACULTY SENATE ACTIONS

(September, 1989 - )

Date of Senate mtg.	Item*	Origin	Disposition, Date
1 9-11-89	Faculty replacements, councils/committees	Senate	Appointed, 10/3/89
2 10-16-89	Method of selection to councils/committees	Senate	Overall council/committee structure being examined, 12/13/89
3 12-11-89	Faculty replacements, councils/committees	Senate	No action necessary
4 12-11-89	Program re-approval procedures	Senate	Disagreed with proposal but will work with faculty to assure appropriate decisions, 2/16/90
5 1-15-90	Off-site teaching assignments	Senate	Declined to approve resolution; sufficient appeals procedures, 2/22/90
6 1-15-90	Class time lost due to holidays	Senate	Pending
7 2-12-90	1990-91 Program Review Panel	Provost	No action necessary
8 2-12-90	Faculty replacements, councils/committees	Senate	Pending

\*Full text of recommendation can be found in Senate Journal for date indicated at left



2/90 (Appendix II)

*The*  
**University of Oklahoma**

**OFFICE OF THE PROVOST**  
660 Parrington Oval, Room 104  
Norman, Oklahoma 73019-0390  
(405) 325-3221

To: Professor Andy Magid  
From: Joan Wadlow, Provost  
Date: February 9, 1990  
Subject: Assistant Provost

I am responding to the question asked by Professor Pat Weaver-Meyers at the January Senate meeting about the Assistant Provost position. This is not a new position; I upgraded a position formerly called Assistant to the Provost. In my judgement, the title, Assistant Provost, gives academic affairs better representation in the current organization of the University of Oklahoma.

This position does not have responsibilities with regard to academic faculty personnel matters, and it is not a faculty position. The normal teaching and research responsibilities of a faculty appointment are not required in this position. I think this addresses the three specific questions that Professor Weaver-Meyers raised. I am pleased to have the opportunity to clarify.

JW/cvs

# UNIVERSITY of LOUISVILLE

February 1, 1990

**FORMER CHAIRS (WITH THEIR TERMS)  
WHO SENT GREETINGS ON THE OCCASION  
OF THE PRESENTATION OF THE REGENTS' PLAQUE  
RECOGNIZING PAST FACULTY SENATE CHAIRS**

Barbara Lewis, 1979-80  
Bernard McDonald, 1978-79  
Donald Cox, 1977-78  
Martin Jischke, 1974-75  
William Maehl, 1973-74 and 1966-67  
Geoffrey Marshall, 1972-73  
Gilbert Fite, 1967-68  
John Eriksen, 1961-62  
Olin Browder, 1952-53

Professor Andy Magid  
Chair, Faculty Senate  
Norman Campus  
900 Asp Avenue, Room 406  
Norman, OK 73019

Dear Andy:

I regret that I will not be able to attend the inauguration of the plaque on February 12, 1990; however, I wish to extend my greetings to the current and past members of the Faculty Senate. I am very pleased that the Board of Regents has chosen to recognize the chairs of the Faculty Senate and their contribution to the University of Oklahoma.

If I can be of any assistance to you at any time, please do not hesitate to call on me.

Cordially yours,



Barbara B. Lewis  
Dean

BBL:res

cc: Sonya Fallgatter  
Senate's Administrative Coordinator

NATIONAL SCIENCE FOUNDATION  
1800 G STREET, N.W.  
WASHINGTON, D.C. 20550



MIAMI UNIVERSITY

Department of Microbiology  
32 Biological Sciences Building  
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513 529-5422

February 20, 1990

Professor Andy Magid, Chair  
Norman Campus Faculty Senate  
Faculty Senate  
900 Asp Avenue, Room 406  
Norman, Oklahoma 73019

Dear Andy,

Thank you for your letter of January 25. I am sorry that I could not attend the unveiling of the plaque in the Bizzell Library with the names of all the Faculty Senate Chairs. I am certain that the event was a success. On my next visit to the University of Oklahoma, I will make a special visit to the library to see the plaque and the names of all the past Faculty Senate Chairs.

I note that a group picture was to be taken at the unveiling. I hope that I can obtain a copy of the picture.

Among my activities at the University of Oklahoma, I value my service to the faculty of the Department of Mathematics and to the faculty of the Norman Campus through its Faculty Senate as my most rewarding and enriching university experiences. It was a special pleasure to serve a Senate Chair, to work with many other fine chairs of the Faculty Senate, faculty, administration, and Regents of the University. Indeed, I was always impressed with the talent, maturity, and dedication to the University and to its faculty by those Faculty Senate Chairs that I knew.

It is very kind gesture of the Oklahoma Board of Regents to recognize these individuals and their contributions. Certainly, I appreciate and applaud this thoughtfulness of the Regents.

With best wishes for the coming year,

Sincerely yours,

Bernard R. McDonald  
Deputy Director,  
Division of Mathematical Sciences  
Head,  
Office of Special Projects

January 31, 1990

Dr. Andy Magid, Chair  
The University of Oklahoma  
Faculty Senate  
900 Asp Ave, Room 406  
Norman, Oklahoma 73019

Dear Andy,

Thank you for your letter inviting me to the dedication of the plaque for the Senate Chairs. I would very much like to attend, but unfortunately I have classes that I just can't miss. The opportunity to visit Norman again and see many of the colleagues who worked so hard to make the Senate a viable and effective governance body is almost irresistible. Having experienced other less effective and less representative university governance bodies in recent years, I have come to appreciate on a daily basis the structure which was developed and evolved so constructively at OU. When you feel your influence is dwindling and the participation of your members less than what you had hoped for, give me a call and I will tell you stories guaranteed to bolster your spirits. My years on the Senate, its executive committee and as Chair were among the most stimulating, interesting, sometimes frustrating and certainly educational periods of my life in academe. Please give my very best to all those old Senate comrades who attend the dedication, tell them I think of and miss them and thank them for all the fun we had and the support they provided.

My sincere best wishes to you all.

Sincerely,

Donald C. Cox, Ph.D.  
Professor



UNIVERSITY OF MISSOURI-ROLLA

Office of the Chancellor

206 Parker Hall  
Rolla, MO 65401-0249  
Telephone (314) 341-4114  
Fax No 314-341-6306



February 7, 1990

Professor Andy Magid  
Chair, Faculty Senate  
900 Asp Avenue  
Room 406  
Norman, OK 73019


Dear Andy,

I regret that I will not be able to be with you and the other Chairs of the Faculty Senate for the unveiling of the plaque with the names of all of the University of Oklahoma Faculty Senate Chairs. Unfortunately, my responsibilities here at the University of Missouri-Rolla preclude a trip to Norman on February 12. I hope you will pass on my good wishes to the former Chairs and to the Faculty Senate. The Faculty Senate is an extremely important organization for the University of Oklahoma and I am confident that it continues to contribute to the University and its progress under your leadership.

I remember my service as a Faculty Senate Chair with great satisfaction. The Senate provided a faculty voice in the governance of the University and thereby contributed to its academic progress. In addition, I made a number of lifelong friendships through my work with the Faculty Senate. For the opportunity to serve and for those friendships, I will always be grateful.

Please convey my warm wishes to the faculty of the University of Oklahoma.

Very truly yours,

  
Martin C. Jischke  
Chancellor

MCJ/cal

January 29, 1990

Dr. Andy Magid, Chair  
Norman Campus Faculty Senate  
The University of Oklahoma  
900 Asp Avenue, Room 406  
Norman OK 73019

Dear Andy:

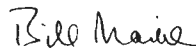
I regret that I cannot be with you for the dedication of the plaque in Bizzell Library, recognizing chairs of the Faculty Senate. I am glad the Board of Regents are extending that honor, and by implication, honoring the role of the Faculty Senate in the University.

My two and a half years as chair of the Faculty Senate, at a time when the Senate represented both the Norman and the Oklahoma City faculties, was one of my most enjoyable experiences while I was at the University. It not only brought me into contact with a much wider range of the faculty than I otherwise would have known. It also gave me a breadth of experience of the institution and an opportunity to make contributions to its development that would not have been possible in my departmental role.

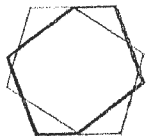
I have always believed that the Norman Faculty Senate was an excellent model for other universities to emulate. Over the years the Senate has been fortunate in a series of statesmanlike chairs who have provided leadership and a responsible link between the faculty as a whole and the administration. If anything, that significance has grown in recent years, and I am glad that you are carrying on that good work.

Please give my regards to those who will attend the ceremony. Many of them are valued old friends, and I will regret not seeing them.

Yours sincerely,

  
William H. Maehl  
President

WHM/rp



The Graduate School and University Center  
of The City University of New York

Office of the Associate Provost and Dean for Academic Affairs / Box 545  
Graduate Center, 33 West 42 Street, New York, N.Y. 10036-8099  
212 642-2101

January 30, 1990

Professor Andy Magid, Chair  
Norman Campus Faculty Senate  
The University of Oklahoma  
900 Asp Avenue, Room 406  
Norman, Oklahoma 73019

Dear Andy,

I am delighted to learn of the plaque commemorating the Chairs of the University's Faculty Senate. I regret that I cannot be present on February 12 at the inaugural event, but I would like to extend my best wishes to you and to all of former Chairs who are able to attend.

I have had the opportunity to visit a large number of campuses since my years at the University of Oklahoma, and I have rarely encountered a college or university with so extensive and substantial a structure of faculty involvement as is true at OU. Institutions often speak as though they have such a structure, but the reality is often much fainter than the claim. I am personally grateful that I came to know and work within the OU pattern first.

Again, congratulations to you and your colleagues and thanks to the Board of Regents for making this memorial plaque possible.

Cordially,

Geoffrey Marshall  
Associate Provost and Dean for Academic Affairs

Gilbert C. Fite

4 Fite Circle  
Bella Vista, Arkansas 72714  
501-855-4224

February 7, 1990

Ms. Sonya Fallgatter  
Faculty Senate  
University of Oklahoma  
900 Asp Ave, Room 406  
Norman, OK. 73019

Dear Ms. Fallgatter:

I have delayed answering Professor Magid's letter of January 25, hoping that I might be able to attend the gathering of former Faculty Senate Chairs on February 12. A return visit to the University where I spent 26 happy years would be most pleasant. As it turns out, however, I will be unable to make that occasion. I want to add, however, that I am proud to have been chairman of the Faculty Senate in the distant past, and am pleased that my name, with other chairs, will be engraved on the plaque.

Professor Magid's letter prompted me to think a little of my days in the Senate a generation ago. We had some interesting issues to deal with, and I'm sure as a Senate we made some positive contributions to the quality of the University. At least I hope so. However, as I think back, it seems like some of the hottest discussions dealt with rather inconsequential matters. Questions that seemed so vital at the time, in perspective of passing years take on a singular triviality. Upon reflection, I believe the Senate in my time failed to deal seriously with some of the most vital issues in higher education. We did not, for example, give any attention to the improvement of teaching. We pretty well neglected the matter of how the faculty could contribute to the University's impact in the larger community. We did a better job supporting, encouraging and promoting research. In short, much of my time as a senator was absorbed with minor problems, and to some extent issues of self-interest, at the expense of major matters that would improve the University's performance in teaching, research and public service. Moreover, as I reflect, it seems to me that the Senate was unduly antagonistic to an administration headed by President Cross who was one of the most faculty-oriented presidents I have ever known.

So much for the reminiscences of a has been who is on his way to the golf course, and who is happy that the younger generation is now running things.

Cordially,

George Lynn Cross Research  
Professor, Emeritus





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THE UNIVERSITY OF MICHIGAN  
 LAW SCHOOL  
 Hutchins Hall  
 Ann Arbor, Michigan 48109

OLIN L. BROWDER  
 James V. Campbell Professor of Law

January 29, 1990

*January 30, 1990*

Professor Andy Magid, Chair  
 Faculty Senate - The University of Oklahoma  
 900 Asp Avenue, Room 406  
 Norman, Oklahoma 73069  
 U.S.A.

*Sonya Fallgatter  
 Administrative Coordinator  
 Faculty Senate  
 University of Oklahoma  
 Norman*

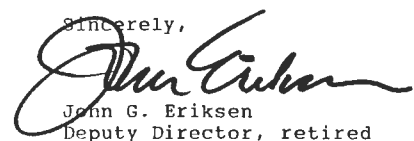
Dear Andy:

Thank you for the invitation to attend the presentation of the Faculty Senate Centennial Plaque on February 12. Unfortunately, I am scheduled to be in Budapest, Hungary that day at our newly opened Radio Free Europe - Liberty News Bureau.

I am pleased nevertheless, to extend greetings for this occasion. During the 17 years that I was at the University of Oklahoma I felt that the Faculty Senate was a very positive voice in representing the concerns of faculty and the campus at large. Many of us were greatly indebted to a number of courageous faculty who in fighting some memorable battles in behalf of faculty established early the value and credibility of the Faculty Senate at the University.

I also believe that much credit for the unique role the Senate was able to play during the years must be given to Dr. George Cross, whose wise leadership of the University and supportive role in working with the Senate remains a model in the encouragement of administrative-faculty cooperation.

Please accept my best wishes for the occasion.

Sincerely,  


Dean Emeritus, College of Arts and Sciences, and former University Provost. Trustee Professor Emeritus of Political Science Bowling Green State University.

Home address: Kenwood Isles 114  
 1425 West 28th Street  
 Minneapolis, MN, 55408-1928

*Dear Mrs Fallgatter:*  
 The enclosed picture of me was taken not long after I had left Oklahoma. I hope it is of a size and quality that can be used. I regret that I cannot come to the meeting on February 12. I do not know how many successors I have had since my term in office was near to the end of my tenure at Oklahoma, I suspect that I do not know most of them. We had a good year, that first year, I thought and I remember more of it than you might think. I suspect by now our honored tradition is being celebrated, and I am honored by being come on at the beginning. My best wishes to the Senate for continued distinction and progress.

*Sincerely yours,  
 Olin L. Browder*

address: 1520 Edinborough  
 Ann Arbor, MI 48104

	<u>1000</u>	<u>2000</u>	<u>3000</u>	<u>4000</u>
EDUCATION	0 - 0	6 - 3	32 - 14	40 - 9
TOTAL	0 - 0	6 - 3 (50%)	32 - 14 (44%)	40 - 9 (22%)
ENGINEERING				
AME	0 - 0	2 - 2	8 - 2	16 - 6
Chemical Engr.	0 - 0	0 - 0	4 - 2	2 - 0
Civil Engr	0 - 0	0 - 0	5 - 0	1 - 0
Computer Science	5 - 5	5 - 1	4 - 0	4 - 2
Electrical Engr.	0 - 0	8 - 3	11 - 5	9 - 4
Engineering	6 - 2	10 - 1	11 - 1	1 - 0
Environmental Sci.	0 - 0	0 - 0	1 - 0	0 - 0
Geological Engr.	0 - 0	0 - 0	2 - 0	2 - 0
Industrial Engr.	0 - 0	1 - 0	2 - 0	6 - 1
Metallurgical Engr.	0 - 0	0 - 0	1 - 0	1 - 0
Petroleum Engr.	0 - 0	0 - 0	2 - 0	6 - 0
TOTAL	11 - 7 (64%)	26 - 7 (27%)	51 - 10 (20%)	48 - 13 (27%)
FINE ARTS				
Art	1 - 0	21 - 5	23 - 12	7 - 3
Art History	1 - 1	1 - 0	3 - 2	7 - 3
Dance	5 - 1	6 - 0	7 - 0	5 - 1
Drama	17 - 8	6 - 0	7 - 0	9 - 0
Music	42 - 12	34 - 10	17 - 0	18 - 3
TOTAL	66 - 22 (33%)	68 - 15 (22%)	57 - 14 (24%)	46 - 10 (22%)
ARCHITECTURE				
Environ. Design	0 - 0	14 - 5	0 - 0	0 - 0
Architecture	0 - 0	4 - 4	3 - 3	12 - 5
Construction Sci.	0 - 0	0 - 0	0 - 0	4 - 0
Interior Design	0 - 0	2 - 0	2 - 1	2 - 1
Landscape Arch.	0 - 0	0 - 0	0 - 0	3 - 0
TOTAL	0 - 0	20 - 9 (45%)	5 - 4 (80%)	21 - 6 (28%)
GEOSCIENCES				
Geography	3 - 2	3 - 2	7 - 3	7 - 2
Geology	5 - 0	0 - 0	3 - 0	6 - 1
Geophysics	0 - 0	0 - 0	1 - 0	0 - 0
Meteorology	2 - 0	1 - 0	2 - 0	2 - 0
TOTAL	10 - 2 (20%)	4 - 2 (50%)	13 - 3 (23%)	15 - 3 (20%)
UNIVERSITY TOTALS	472 - 238 (50%)	307 - 103 (33%)	484 - 182 (37%)	401 - 112 (30%)
COMPOSITE UNDERGRADUATE TOTAL		1,664 - 635 (38%)		

## UNIVERSITY OF OKLAHOMA INTEROFFICE COMMUNICATION

To Dr. Messer, University Registrar Date January 29, 1990

From Jeff Stark, Registration Subject Open/Closed Undergraduate Sections,  
Spring 1990

The following table shows the status of Undergraduate credit-hour sections offered by the degree-granting colleges as of Friday, January 26, 1990. The table breaks down the undergraduate offerings by level (1000, 2000, 3000 and 4000). For each department within each college, a set of numbers is shown for each level. The first number in each set shows the total number of credit-hour sections offered; the second number shows the total number of sections that were filled, or closed. Thus, for Anthropology, at the 1000 level, seven sections were offered and six of these sections filled.

	<u>1000</u>	<u>2000</u>	<u>3000</u>	<u>4000</u>
ARTS & SCIENCES				
Anthropology	7 - 6	2 - 0	11 - 8	2 - 0
Astronomy	2 - 1	0 - 0	1 - 0	1 - 0
Botany	8 - 8	1 - 0	3 - 0	0 - 0
Chemistry	4 - 0	0 - 0	25 - 4	4 - 0
Classics	6 - 4	3 - 2	8 - 5	2 - 0
Communication	24 - 16	22 - 8	24 - 14	3 - 2
English	99 - 72	19 - 1	18 - 6	16 - 6
HPER	28 - 13	5 - 2	10 - 4	3 - 1
History	18 - 6	2 - 2	26 - 19	5 - 2
History of Science	0 - 0	2 - 0	8 - 1	2 - 0
Human Development	4 - 2	1 - 1	6 - 2	10 - 1
Human Relations	0 - 0	0 - 0	0 - 0	6 - 0
Journalism	2 - 1	11 - 7	30 - 8	18 - 5
Library & Info. Study.	3 - 2	0 - 0	0 - 0	2 - 2
Mathematics	45 - 9	26 - 9	17 - 7	16 - 4
Microbiology	1 - 0	1 - 0	3 - 1	4 - 0
Modern Languages	39 - 19	26 - 4	3 - 1	6 - 0
Philosophy	16 - 10	2 - 0	4 - 4	1 - 1
Physics	9 - 3	10 - 0	5 - 0	3 - 0
Political Science	27 - 15	7 - 7	14 - 8	15 - 9
Psychology	7 - 4	4 - 3	6 - 5	9 - 4
Social Work	0 - 0	1 - 1	7 - 5	12 - 3
Sociology	16 - 11	1 - 1	6 - 5	4 - 3
Zoology	15 - 2	4 - 1	5 - 3	7 - 3
TOTAL	380 - 204 (53%)	150 - 59 (39%)	249 - 111 (44%)	151 - 46 (30%)
BUSINESS ADMIN.				
Accounting	0 - 0	21 - 4	15 - 5	14 - 2
Bus. Admin.	0 - 0	0 - 0	3 - 3	15 - 11
Economics	5 - 3	12 - 4	8 - 3	7 - 2
Bus Comm & Bus Law	0 - 0	0 - 0	14 - 7	6 - 0
Finance	0 - 0	0 - 0	10 - 2	12 - 5
Management	0 - 0	0 - 0	17 - 2	18 - 1
Marketing	0 - 0	0 - 0	10 - 4	9 - 4
TOTAL	5 - 3 (60%)	33 - 8 (24%)	77 - 26 (34%)	80 - 25 (31%)

(OVER)

DRAFT - 10/27/89

For Comment

Proposed Revisions

Faculty

notebook

idea D

UNIVERSITY OF OKLAHOMA  
POLICY ON SEXUAL HARASSMENT AND CONSENSUAL RELATIONSHIPS

DIVISION 1. SEXUAL HARASSMENT

SECTION 1. RATIONALE.

(a) The University explicitly condemns sexual harassment of students, staff, and faculty. Sexual harassment is unlawful and may subject those who engage in it to University sanctions as well as civil and criminal penalties. Sexual harassment is destructive to individual students, faculty, staff, and the academic community.

(b) Sexual harassment is especially serious when it threatens relationships between professor and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's position. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a professor or supervisor can have a decisive influence on a student's, staff member's, or faculty member's career at the University and beyond.

(c) While sexual harassment most often takes place in situations of a power differential between the persons involved, the University also recognizes that the sexual harassment may occur between persons of the same University status. The University will not tolerate behavior between or among members of the University community which creates an unacceptable working or educational environment. Conduct such as repeated advances, demeaning verbal behavior or offensive physical contact interferes with an

individual's ability to work and study productively and will be actionable.

Section 2. PROHIBITED ACTS.

No member of the University community shall engage in sexual harassment. For the purposes of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;

(b) Submission to or rejection of such conduct is used as a basis for an employment or academic decision affecting an individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Section 3. EXAMPLES OF SEXUAL HARASSMENT.

Sexual harassment encompasses any sexual attention that is unwanted. Examples of the verbal or physical conduct prohibited



The University of Oklahoma

OFFICE OF THE PROVOST
660 Parrington Oval, Room 104
Norman, Oklahoma 73019-0390
(405) 325-3221

Page Two

To: Faculty Senate Executive Committee
Professor Andy Magid, Chair
Professor Roger Rideout
Professor David Levy
Professor Robert Knox
Professor Cal Stoltenberg
Professor Bedford Vestal
Professor Susan Vehik
Professor Ryan Doezema

From: Joan Wadlow, Provost

Date: December 13, 1989

Subject: Proposed Revision of Sexual Harassment Policy

We have said for some time that revisions are being proposed to the Norman Campus Sexual Harassment Grievance Procedure which now appears in Section 13, Appendix D in the 1988 Faculty Handbook. Will you review the draft which is attached. I draw attention to the following:

- 1. Division 2 - Consensual Relationships. Mr. Fred Gipson states: "This is almost verbatim from the University of Iowa policy and something which I feel is absolutely essential to an effective sexual harassment policy. There have been a couple of court decisions which have relied upon the ethics provisions of the AAUP in abrogating tenure of a faculty member with regard to a situation involving a relationship with a student in the instructional context. I think we are better served to address the issue head on rather than rely upon the AAUP provisions."
2. Division 3, Section 10. There is a provision for resolution of an informal complaint, a provision also found in the University of Iowa policy.
3. Division 3, Section 11. The filing time has been extended to 180 days. You will recall from seminars/workshops that our current 45-day limit is inconsistent with federal regulations and also has been unsatisfactory in practice.

- 4. Division 4 - Educational Programs. This is a new section relating to education and training which is basically the same as the University of Iowa's policy. Other institutions now include educational provisions in sexual harassment policies. We have made a good start on the Norman campus regarding education and training. Chief Legal Counsel Fred Gipson will have conducted seven seminars for chairs/directors and faculty; a two-hour workshop for chairs/directors and met with several departments and colleges at their request. Dr. Sue Rosser conducted a two-day workshop for one department. We have distributed literature, and shortly will have available a special video tape prepared by the University of Minnesota.

For your reference, I am enclosing a copy of portions of the University of Iowa policy. I look forward to discussing this with you in January.

JW/cvs
Attachments
cc: President Richard L. Van Horn
Chief Legal Counsel Fred Gipson

relationships between faculty members and students are wrong when the faculty member has professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his or her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and faculty may be affected by such unprofessional behavior because it places the faculty member in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the University will view it as unethical if faculty members engage in amorous relations with students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

#### Section 7. CONSENSUAL RELATIONSHIPS IN THE INSTRUCTIONAL CONTEXT.

No faculty member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is being supervised by the faculty member.

#### Section 8. CONSENSUAL RELATIONSHIPS OUTSIDE THE INSTRUCTIONAL CONTEXT.

Amorous relationships between faculty members and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations (and others that cannot be anticipated), the faculty member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved. A faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the faculty member has or has had an amorous relationship will be deemed to have violated his or her ethical obligation to the student, to other students, to colleagues, and to the University.

#### Section 9. FILING OF COMPLAINT

A complaint alleging violations of Division 2 may be filed by any person, or the process may be initiated by the Provost on the applicable campus.

### DIVISION 3. PROCEDURES

#### Section 10. INFORMAL COMPLAINT.

by Section 2 above include, but are not limited to:

- (a) Physical assault;
- (b) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- (c) Direct propositions of a sexual nature;
- (d) Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring;
- (e) A pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to discomfort or humiliate, or both, that includes one or more of the following:
  - (i) comments of a sexual nature; or (ii) sexually explicit statements, questions, jokes, or anecdotes;
- (f) A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body; or (iii) remarks about sexual activity or speculations about previous sexual experience.

(1)

DIVISION 2. CONSENSUAL RELATIONSHIPS

Section 5. DEFINITION.

As used in this Division, the terms "faculty" or "faculty member" mean all those who teach at the University, and include graduate students with teaching responsibilities and other instructional personnel.

Section 6. RATIONALE.

(a) The University's educational mission is promoted by professionalism in faculty-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's educational mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the University community.

(b) Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. Amorous

(d) Upon a clear showing at any stage in the investigation that immediate harm to either party is threatened by the continued performance of either party's regular duties or University responsibilities, the proper executive officer may suspend or reassign said duties or responsibilities pending the completion of the grievance procedure. All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways will suffer no retaliation as to the result of their activities in regard to the process. Steps to avoid retaliation might include lateral transfers or arrangement or that academic or employment evaluation be made by an appropriate individual other than the accused.

(e) The investigation shall be completed within 30 calendar days of receipt of the complaint unless for good cause shown the Office of Legal Counsel extends the period by written notice to the complainant and the accused.

(f) Upon completion of the investigation, the Affirmative Action Officer, the administrative officer and the Office of Legal Counsel are authorized to take the following actions:

(i) Satisfactory Resolution

Resolve the matter to the satisfaction of the University

and both the complainant and the party accused of sexual harassment. If a resolution satisfactory to the University and both parties is reached through the efforts of the Affirmative Action Officer or other administrator, a written statement, a copy of which shall be attached to the administrator's investigation report, shall indicate the agreement reached by the parties and shall be signed and dated by each party, the administrator and approved by the Office of Legal Counsel. At that time the investigation and the record thereof shall be closed.

(ii) No Resolution

Find that the parties are unable to resolve the matter informally. Written notice of such finding shall be given each party involved, except as noted in paragraph d.(2). Any party has the right to request in writing within 15 calendar days of the date of that notice a formal hearing before the Committee on Sexual Harassment, according to the provisions of the section on Formal Hearing. The request should be addressed to the Affirmative Action Officer. If no such request is made within the 15 calendar day period, the opportunity for such hearing shall be forfeited and the case shall be closed.



(a) At the complainant's option, a complaint that one or more provisions of this policy have been violated may be brought to any appropriate member of the University community, including any academic or administrative officer of the University such as the Affirmative Action Officer, the Vice President for Student Affairs, the Director of Personnel, any collegiate dean, director, supervisor, department head, ombudsperson, or executive officer.

(b) The person to whom the complaint is brought will counsel the complainant as to the options available under this Policy and, at the complainant's request, (i) may help the complainant resolve the complaint informally and/or ii) help the complainant draft a formal complaint if the complainant decides to follow that route.

(c) The person to whom the informal complaint is brought will not inform the accused of the complainant's action without the consent of the complainant.

#### Section 11. TIMING OF COMPLAINT.

Any complaint (either verbal or written) made in accordance with Section 10 must be made within 180 calendar days of the act of alleged sexual harassment.

#### Section 12. INVESTIGATION PRIOR TO FORMAL ACTION.

(a) A complainant wishing to make a formal complaint and have it pursued should file it with the Office of Affirmative Action, which will consult with the appropriate administrative officer and the Office of Legal Counsel to determine the method by which the investigation will be conducted. For this purpose, "administrative officer" shall be a Provost, executive officer, or director, or their designee.

(b) The purpose of the investigation is to establish whether there is a reasonable basis for believing that the alleged violation of this Policy has occurred. In conducting the investigation, the person chosen to conduct the investigation may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. At all times, the person conducting the investigation will take steps to ensure confidentiality.

(c) The investigation will afford the accused a full opportunity to respond to the allegations. At the time the investigation commences, the accused will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations. In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the accused. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to University discipline.

facts upon which the sexual harassment claim, or other reasons for the hearing, is based as well as the identify of the appropriate respondents. A copy of the request shall be given to the proper respondents with an invitation to respond.

- (iii) Any written response to the request for a formal hearing must be sent to the Affirmative Action Officer within 15 calendar days of receiving notice that a formal hearing has been requested. A copy of the response shall be given to the party requesting the hearing.

(b.) Selection of a Formal Hearing Panel

Within 10 calendar days, following receipt of the written request for a hearing, the Affirmative Action Officer shall preside at a meeting with both parties to determine the members of the Hearing Panel who are to conduct a hearing.

A five member hearing panel will be chosen from the twenty-four (24) member committee as a whole by the parties to the complaint. The Hearing Committee on Sexual Harassment shall be composed of eight (8) staff members elected by the Employee Executive Council (Norman) or Employee Liaison Council (HSC), eight (8) students elected by the Student Government Association and eight (8) faculty members elected by the

Faculty Senate. The terms of appointment shall be for three (3) years with initial terms of 1, 2, and 3 years in each category to provide the staggered membership. The selection process shall be in the following manner: the complainant shall select two panel members, and the respondent shall select two panel members with the fifth person being chosen by the other four panelists. The fifth person shall chair the panel. If the four panelists cannot agree on the fifth, the names of five additional Committee members will be drawn by lottery. Each panelist will strike one name off the list of five names. The remaining person shall be the fifth panelist. Either party of the complaint may request the Affirmative Action Officer to disqualify any member of the hearing panel upon a showing of cause. Furthermore, no panelist shall be expected to serve if he/she feels that a conflict of interest exists. Replacements shall be selected in the same manner as the original panel.

The panel shall be convened for an orientation meeting prior to the formal hearing. Panel members shall be given a copy of the written complaint and written response prior to the hearing.

(c.) Hearing

The hearing panel procedures in conducting formal proceedings

(iii) Dismissal

Find that no sexual harassment occurred and dismiss the complaint, giving written notice of said dismissal to each party involved. The complainant has the right to appeal said dismissal in writing within 15 calendar days of the date of the notice of dismissal to the Affirmative Action Officer by requesting a formal hearing according to the provisions of the Formal Hearing. If no appeal is filed within the 15 calendar day period the case is considered closed.

(iv) Determination of Impropriety

(1) Make finding of impropriety and notify parties of action to be taken. Either party has the right to appeal said determination in writing within 15 calendar days of the date of notice of determination to the Affirmative Action Officer by requesting a formal hearing according to the provisions of the Formal Hearing. If no appeal is filed within the 15 calendar day period the case is considered closed.

(2) In the case of a complaint against a faculty member,

the Affirmative Action Officer, the Provost and the Office of Legal Counsel may determine that the evidence of sexual harassment or other impropriety is sufficiently clear and serious so as to warrant the immediate commencement of formal proceedings as provided in the Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions section of the *Faculty Handbook*. If the President concurs with the finding, the case shall be removed from the grievance proceedings contained herein and further action in the case shall be governed by the Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions section in the *Faculty Handbook*. Otherwise, this policy and procedure shall apply.

Section 13. FORMAL HEARING

(a.) Request For a Formal Hearing

(i) Appeals and complaints unresolved following an investigation may result in a formal hearing before the Committee on Sexual Harassment as stated in paragraphs b., c. and d. above.

(ii) The request for a hearing must contain the particular

deviation.

(g.) Appeal To The President

The Executive Officer's or Director's decision may be appealed to the President within 15 calendar days of being notified of prospective action or of action taken, whichever is earlier. If the president does not act to change the decision of the Executive Officer or Director within 15 calendar days of receiving the appeal, the decision of the Executive Officer or Director shall become final under the executive authority of the President. (4)

DIVISION 4. EDUCATIONAL PROGRAMS (5)

Section 14. EDUCATION AS A KEY ELEMENT OF UNIVERSITY POLICY

Educational efforts are essential to the establishment of a campus milieu that is as free as possible of sexual harassment (Division 1) and in which high standards of conduct in consensual relationships (Division 2) are observed. There are at least four goals to be achieved through education: (1) ensuring that all victims (and potential victims) are aware of their rights; (2) notifying individuals of conduct that is proscribed; (3) informing administrators about the proper way to address complaints of violations of this Policy; and (4) helping educate the insensitive about the problems this Policy addresses.

Section 15. PREPARATION AND DISSEMINATION OF INFORMATION

- (a) The Office of Affirmative Action is charged with distributing copies of this Policy to all current members of the University community and to all those who join the community in the future. An annual letter from the Office of Affirmative Action will be sent to all faculty and staff to remind them of the contents of this Policy. A copy of the Policy will be included in student orientation materials, including those distributed to students in professional schools. In addition, copies of the Policy will be made continually available at appropriate campus centers and offices.
- (b) The Office of Affirmative Action will develop a series of training sessions for persons who are likely to receive complaints that this policy has been violated, including, but not being limited to, such persons as residence hall resident advisors, academic advisors, supervisors, and University and collegiate ombudspersons. Academic departments are encouraged to provide training sessions for graduate assistants and other instructional personnel.
- (c) The Office of Affirmative Action will develop a course designed to inform those who inadvertently violate this policy of the problems they create by their insensitive conduct.

To contact the Affirmative Action Office:

Norman Campus

Room 102, Evans Hall

325-3546

Health Sciences Center Campus

Room 111, Library Bldg.

271-2110

shall be established with reference to the Hearing Guidelines and shall provide that the parties to a proceeding may be represented by legal counsel and that the parties may present all of the evidence that they consider germane to the investigation. Further, the parties may call witnesses to testify and may cross-examine witnesses called by the other party. The formal proceeding shall be closed to the public unless both the complainant and respondent agree otherwise. Audio tape recordings of the proceedings will be arranged by the hearing panel.

Any party who wishes to have legal counsel present at the hearing must notify the hearing panel chair and other party that legal counsel has been retained at least 15 calendar days in advance of the scheduled hearing.

(d.) Satisfactory Resolution Prior To Hearing Completion

In the event the matter is resolved to the satisfaction of all parties prior to completion of the formal proceedings of the hearing panel, a written statement shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the Chair of the Hearing Panel. The case shall then be closed.

(e.) Panel's Findings and Recommendations

In the event that no solution satisfactory to the parties is reached prior to the completion of the formal proceedings of the hearing panel, the panel shall make its findings and recommendations known to the proper executive officer, with copies to the President of the University of Oklahoma and the Affirmative Action Officer. The Panel's report, with its findings and recommendations, shall be prepared and properly transmitted within seven (7) calendar days after conclusion of the proceedings.

(f.) Executive Officer's or Director's Decision

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Within 15 calendar days of receipt of the Hearing Panel's findings and recommendations, the proper executive officer or director shall inform the complainant and the respondent of the findings of the hearing panel and the officer's or director's decision regarding the sexual harassment complaint. A copy of the officer's or director's decision shall be transmitted to the Chair of the Hearing Panel, with copies to the President of the University and the Affirmative Action Officer. In a case investigated initially by an administrator, the administrator also shall be informed of the officer's or director's decision. If the recommendations of the Hearing Panel are rejected or modified, the executive officer or director shall state the reasons for such