

JOURNAL OF THE FACULTY SENATE

The University of Oklahoma (Norman campus)

Regular session – March 11, 2013 – 3:30 p.m. – Jacobson Faculty Hall, Room 102

office: Jacobson Faculty Hall, Room 206 phone: (405) 325-6789

e-mail: facsen@ou.edu website: <http://faculty senate.ou.edu/>facebook: <http://www.facebook.com/OUFacultySenate>

Note: The remarks of the Senators and others are summarized and not verbatim. The taped recording of this meeting is available in the Faculty Senate office.

The Faculty Senate was called to order by Professor Michael Bembem, Chair.

PRESENT: Apanasov, Ayres, Baer, Bembem, Bergey, Bisel, Burns, Chang, DePew, Devegowda, Fagg, Grady, Gramoll, Hahn, Hewes, Hofford, Keresztesi, Klein, Knapp, Kulemek, Kutner, Laubach, Loon, Lucas, Mackey, McPherson, Minter, Morvant, O’Rear, Palmer, Raman, Ransom, Riggs, Schwarzkopf, Smith, Strout, Vehik, Zhu

Provost's office representative: Mergler

ISA representatives: Cook

Also present: VP Droegemeier & Senior Vice Provost Kyle Harper

ABSENT: Duncan, Ellis, Grasse, Griffith, Kosmopoulou, Leseney, Nelson, Pigott, Refai, Snell, Stoltenberg, Zhang

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APPROVAL OF JOURNAL

The Faculty Senate Journal for the regular session of February 11, 2013 was approved.

ANNOUNCEMENTS

The following faculty member was elected to the Faculty Senate as of February 2013:

Owen Kulemeka (Public Relations) completing the 2010-13 term of Namkee Park (Journalism & Mass Communication), representing the College of Journalism & Mass Communication

The Faculty Senate is sad to report the death of faculty member Connie Van Fleet (Library & Information Studies) on February 5, 2013 and the death of retired faculty member James Murphy (Finance) on February 10, 2013.

The Faculty Senate is pleased to announce the recipients of the Ed Cline faculty development awards for 2012-13: Mohammed Atiquzzaman (Computer Science), David Boeck (Architecture), Marshall Cheney (Health and Exercise Science), H. Michael Crowson (Educational Psychology), Pamela Genova (Modern Languages, Literatures, & Linguistics), Judith Lewis (History), Michael Markham (Biology), Laurel Smith (Geography and Environmental Sustainability), Sepideh Stewart (Mathematics), Gwendolyn Walker (Musical Theatre), and Scott Bryan Williams (Landscape Architecture).

The deadline for faculty nominations for councils, committees, and boards has been extended to March 15. Please encourage your colleagues to contribute to the service needs of the University by volunteering.

The Tribute to the Faculty will be Thursday, April 18, at 3:00 p.m. in the Sandy Bell Gallery of the Fred Jones Jr. Museum of Art.

The Big Event, a student-run community service effort, will be held on April 13, 2013. For more information visit <http://bigevent.ou.edu/website/>.

The VPR's Office plans to establish an Arts and Humanities Faculty Fellowship program. A formal announcement and guidelines will be forthcoming. Mid-April has been set as a target date for submissions with selections by mid-May.

REVISIONS TO THE FACULTY APPEALS PROCESS PRESENTED BY ANIL GOLLAHALLI AND KURT OCKERSHAUSER

Prof. Bemben introduced Anil Gollahalli, Vice President and General Counsel for the University, and Kurt Ockershauser, Associate Legal Counsel. VP Gollahalli explained that the Faculty Appeals Board (FAB) process was being revised at this time due to the retirement of the previous Administrative Coordinator for the Senate, Sonya Fallgatter, coupled with the fact that there have been no major revisions to the procedures since 1996. He explained that there had been a series of meetings between the Legal Counsel's office and representatives from both the Faculty Senate and the FAB.

Mr. Gollahalli discussed the reasons for reviewing the procedures, including the "Dear Colleague letter" from the Office of Civil Rights, which requires changes. Some of those required changes were incorporated into the procedures last year, and while those changes were made it became apparent that the procedures needed a complete review.

Mr. Gollahalli explained the purpose and role of the Faculty Appeals Board and outlined the major changes made to the process. These include:

- Reorganization of the pre-hearing process.
- Addition of an administrative proactive intervention process.
- Reduction in the time to file a grievance to 60 days, while maintaining 180 days for cases related to the tenure process.
- Preparation of a simple "how-to" guide for both sides in the process.
- A variety of minor editing changes.

He stated that the goal was not simply to streamline the process, but also make sure there were no substantive changes in faculty rights. He asked the senators to review the draft document (attached) and submit any concerns to Mr. Ockershauser or him. His office will then provide a revised document several days prior to the next senate meeting, which the Faculty Senate office will distribute to the senators for review prior to the next senate meeting.

Prof Bisel asked about the 60-day limit in light of many faculty members not being available during the summer term. Mr. Gollahalli stated that those time limits are at the discretion of the FAB Chair. Prof. Bisel expressed concern that this reduced faculty rights and suggested that the summer term be excluded from the 60-day limit.

Prof. Kutner stated there have been instances where Title IX issues have been inappropriately conflated with the faculty discipline process and suggested that they be separate processes. Mr. Gollahalli said that the Title IX Office first investigates to determine if there has been impropriety and then the FAB determines sanctions. Prof. Kutner deemed it problematic to take rules designed to provide a remedy to a person being discriminated against into the FAB process. Mr. Gollahalli offered to discuss the issue with Prof. Kutner in depth outside this meeting.

Prof. Mackey expressed concern that if a Title IX investigation is done and no impropriety is found that there is still a file on the claim maintained. Mr. Gollahalli agreed that is the case; however the file is kept in the Title IX office and never reaches the FAB.

Prof. Burns recommended keeping academia as separate as possible from the political environment and is concerned that there seems to be a shifting of the burden of proof, which is not a trivial issue. He asked Mr. Gollahalli to demonstrate that as changes are made to the guidelines, that this burden of proof has not been changed.

Prof. Hofford verified with Mr. Gollahalli that he wants input on the procedures as soon as possible, so that it can be incorporated into a final version of the procedures that will be voted on at the April Senate Meeting. Prof. Bemben reiterated that the Senate will vote on the procedures at the next meeting on April 8, 2013

REMARKS BY DANNY HILLIARD, VICE PRESIDENT FOR GOVERNMENTAL RELATIONS

Prof. Bemben introduced VP Hilliard, who described his background in state politics and provided a hand-out about Oklahoma's legislators (attached). VP Hilliard stated that there is a supermajority of Republicans in both houses. All statewide elected officials are also from the Republican Party, which is an unprecedented situation.

VP Hilliard mentioned that both the President Pro Tempore of the Senate, Brian Bingman, and Scott Martin, Chair of the House Appropriations and Budget committee are OU graduates and are thus supportive of the University of Oklahoma.

VP Hilliard mentioned that Al Schwarzkopf and several other OU faculty members will be going to visit state legislators at the capital in a couple of weeks. Prof. Schwarzkopf suggested to those going that they focus on junior legislators and address with them the importance of what OU brings to the state.

The Legislature is currently working on the FY14 state budget that will start July 1, 2013. Pres. Boren visited the capital last week and met with several key legislators as well as with Gov. Fallin.

VP Hilliard said that there is a new state budget office head, Preston Doerflinger, who previously was the Tulsa City Auditor. In addition, the Office of State Finances is now named the Office of Management and Enterprise Services (OMES). Mr. Doerflinger is Director of OMES (<http://www.ok.gov/OSF/>).

Over 50 OU students visited the capital a few weeks ago during Higher Education Day, more than any other college or university in Oklahoma. VP Hilliard was impressed by their high level of preparation and initiative. He distributed the handout that the students prepared for those meetings (attached).

VP Hilliard mentioned several of the issues before the Legislature that are most significant to OU. These issues included guns on campus and the authority to set tuition. There is no legislation pending, and bills regarding these issues are either dormant or were killed in committee.

Prof. Bergey asked if there is concern about the bills related to K-12 education that promote creationism to the detriment of science. VP Hilliard said that there is because Oklahoma's K-12 system is what feeds students to OU.

Prof. Grady asked about the status of OHLAP (Oklahoma Higher Learning Access Program, <http://www.okhighered.org/okpromise/>). VP Hilliard stated that OU supports the program as it stands today, but that there is a bill going through the legislature to lower the maximum income level to qualify for the program. Prof. Grady suggested that if OHLAP were changed to allow fewer students to qualify, it would harm OU's enrollment levels. VP Hilliard agreed that a significant change in requirements could affect enrollment, perhaps not immediately, but in the future.

Prof. Schwarzkopf asked VP Hilliard to provide his contact information, including his cellular phone number. VP Hilliard provided that number, (405) 795-7897, so that faculty could contact him while visiting the legislature. Prof. Schwarzkopf suggested that it is important that when addressing legislators, we talk with a similar voice about the issues relevant to higher education. VP Hilliard stated that since issues are very fluid, if you contact him, he can brief you on the current status. Prof. Bemben suggested that if you do plan to visit legislators, that you contact Prof. Schwarzkopf first to coordinate your visit with those of other OU faculty.

Prof. Gramoll expressed concern that faculty are being asked to agree with the OU opinion on issues and that this infringes on his rights as a taxpayer and citizen. Prof. Schwarzkopf suggested that if you visit the legislature representing only yourself, then you can say whatever you would like. However, if you introduce yourself as a representative of OU, the opinions you express should be consistent with the university's view on issues.

Prof. Gramoll said that he thinks he knows the issues of importance to him well. Prof. Schwarzkopf suggested that he might know some issues well, but not all the issues that could affect OU. Prof. Gramoll said that he would not be visiting as a representative of OU.

REMARKS BY MARK MORVANT, EXECUTIVE DIRECTOR OF THE CENTER FOR TEACHING EXCELLENCE

Prof. Bemben introduced Prof. Morvant. He began by reading the OU mission statement and then focused on how the Center for Teaching Excellence (CTE) can support OU's mission.

*OU Mission Statement (see <http://www.ou.edu/publicaffairs/mediacenter/MissionStatement.html>):
The mission of the University of Oklahoma is to provide the best possible educational experience for our students through excellence in teaching, research and creative activity, and service to the state and society.*

Prof. Morvant advocated focusing on these words from the mission: Inspire – Enable – Facilitate. The CTE seeks to help faculty members inspire through use of evidence-based practices, innovative strategies, and emerging technologies. The CTE seeks to enable faculty by provide training and resources and researching best practices, and the CTE seeks to facilitate through collaboration with other units and university initiatives to enhance the OU educational experience.

Prof. Morvant described the CTE training programs available to the university community, which include:

- New Faculty Seminar
- Tenure & Promotion Workshop
- Teaching Assistant Orientation (TAO)
- Development for International Teaching Assistants (DITA)
- Graduate Teaching Academy (Graduate College and Academic Engagement)

The CTE is also developing several new programs including both cohort-based and topic based Faculty Learning Communities. The cohort-based communities include:

- How Learning Works: Seven Research-Based Principles for Smart Teaching (Session I and II)
- Digital Humanities
- Teaching in the CORE

The topic-based communities include:

- Diversity and Teaching in Higher Education
- Lighting Talks with Information Technology
- Educational Technology in partnership with OU Information Technology (there is no formal name for this series yet, the talks are held at the IT Store)
- Open Access with University Libraries
- Emerging Technologies in Education (coming Fall 2013)

Prof. Morvant recommended the training programs provided by CTE, which are cohort-based and focus on both pedagogy and technical topic including:

- Teaching in Technology Enhanced Active Learning Classrooms (Summer)
- New Faculty Boot camp (August) – still in planning process, will be an intense 2-3 days before classes start
- Spring iBook & iTunes U Training Program
- Summer iBook & iTunes U Training Program (May)
- Digital Curriculum Training (April - December)
- iTunes U Course Manager with Information Technology
- iBook Author
- Closed Captioning
- ADA Document Preparation (this will be a presentation that they can bring to the faculty in departmental meetings)
- iMovie
- Screen Capture
- Open Educational Resources

The CTE continues to support several OU initiatives including the One University - Digital Initiative, the Textbook Alternatives initiative, Technology-Enhanced Active Learning Classrooms, and the Course Innovation Project. In support of these, PHSC 224 & PHSC 228 will be renovated this summer to create technology-enhanced classrooms. Proposals for Course Innovation Projects are due by April 15, 2013 and for more information, contact Prof. Morvant directly.

The CTE can provide resources to OU faculty members to assist them. They provide consultations on course design and academic technology and will soon be offering online syllabus review. A repository of technology instruction videos for faculty is being developed along with an ADA-compliant syllabus template.

Prof. Morvant said that transitioning from the exam scanners housed in the CTE to use of software that would allow faculty member to use the local scanner on your computer or copier to scan exams and then send them in to have them graded is underway.

The staff of the CTE includes Mario Rosas (Academic Technology Consultant), Dr. Hong Lin (Instructional Designer), William Farrell (new Academic Multimedia Specialist) and office manager Shearon Wood. The center is in the process of hiring an additional Instructional Designer as well as a Director of Assessment for Learning Outcomes. They are doing this to help faculty meet the universities' mission.

Prof. Burns asked if it was within the purview of the CTE or the writing center to assist faculty in guiding students to become better writers. Many faculty members teach writing intensive classes, and he suggested special classes for students on improving their writing. Prof. Morvant said he would consult with the Writing Center to address this issue.

Prof. Hofford said that many faculty members are unfamiliar with newer instructional technologies and suggested using webinars or videos to make faculty aware of new technologies. Prof. Morvant said they are doing that, but feels it is also beneficial for faculty to attend meetings with other faculty.

RECOMMENDED APPORTIONMENT OF THE FACULTY SENATE FOR 2013-16

Prof. Bemben recapped the apportionment recommended by the Ad Hoc Reapportionment Committee (attached). There was no discussion and the recommendation was approved by a unanimous voice vote.

SENATE CHAIR'S REPORT, by Prof. Michael Bemben

“On Wednesday, February 13, the Faculty Senate Executive Committee met with President Boren. The first agenda item discussed was the possibility of implementing the concept of a ‘Green Dorm’. This idea is not really about the building, per se, but rather about a process to empower students to reduce housing costs by living in a more environmentally friendly way, i.e., lowering the thermostat in some areas of their dorms or during some times of the day. It was suggested that part of the savings could go back to the students and part could be reinvested in making housing infrastructure more energy-efficient. The ‘Green Dorm’ concept could also serve as a test site for strategies that could be exported to other housing or academic buildings. Ed O’Rear, Faculty Senate Chair-elect, who introduced this idea, has had an initial meeting with Dave Annis, Director of Housing and Food Services. President Boren was supportive of the idea and asked that the leadership from the SGA (formerly UOSA) be involved in the next meeting scheduled for March 7.

“President Boren reported that he had met with the Governor to discuss the flat-line budget proposed for Higher Education. The Governor was reminded that the cost of doing business at the university increases about 5-6 million dollars per year and that money to meet these costs would need to come from somewhere, such as increases in tuition. President Boren also indicated that he would continue to work with the Governor and others at the State Capitol for an increase in the state budget for higher education, and he encouraged faculty to contact representatives and let them know how important higher education is to the overall economy of the State.

“There was also discussion of how the projected financial picture might affect the President’s wishes to address issues of inversion and compression that have occurred in faculty salaries in many departments at OU. The President recognizes that this is a real issue and will do his best to begin to address this situation, but much depends on the availability of resources.

“The Dean’s Council met on February 20. Dean Landers proposed a name change for a portion of the research section from the College of Engineering that is working on the research campus, from ‘The Bioengineering Center’ to ‘The Biomedical Engineering Center’ to better reflect the type of research being conducted on the research campus. The motion was approved.

“Provost Mergler also led a discussion about credit hour production for the fall 2012 semester and preliminary enrollment patterns for spring 2013. Handouts were provided to look at retention rates of full-time first time degree seeking students, average student credit hours from fall 2012, and how international students are defined in official OU statistics.

“The Conference at the Embassy Suites on Thursday, February 28 and Friday, March 1, titled, ‘Open Conversations about Open Access’ was hosted by University Libraries and Dean Luce. Heather Joseph, Executive Director of Scholarly Publishing and Academic Resources Coalition (SPARC), discussed how Open Access journals and digital repositories are being established at universities and becoming part of national and international policies. Mark Morvant, Executive Director of the Center for Teaching Excellence at OU spoke about Open Access course materials and the cost of e-textbooks compared to traditional textbooks. Michael Carroll, Director of the Program on Information Justice & Intellectual Property at American University discussed the legal issues associated with publication copyrights that authors should consider, and Jennifer Lin, Product Manager of the Public Library of Science, talked about article-level metrics and research impact assessments with online publications.

“Friday’s sessions included Lorraine Haricombe, Dean of Libraries at the University of Kansas, who talked about how their campus adopted a university-wide Open Access policy in 2009 and Marc Greenberg, Chair of Germanic Languages & Literature at the University of Kansas added that the faculty agreed to this policy once discussions were initiated to address issues such as, ‘What do I have to lose?’ and ‘What do I have to gain?’. The final session involved a panel discussion with Kelvin Droegemeier, VP for Research at OU, and Jerry Malayer, Associate Dean for Research & Graduate Education in the Center for Veterinary Health Sciences at OSU.

“The Faculty Senate Executive Committee met on Monday, March 4. Representatives from the OU Legal Counsel, Anil Gollahalli and Kurt Ockershauser, and Shad Satterthwaite, from the University’s Equal Opportunity Office, attended. Anil summarized the draft of changes to the Faculty Appeals Board (FAB) procedures that have been evolving following a series of meetings beginning last semester between the Legal Counsel, and the current, past, and chair-elects of both the FAB and the Faculty Senate.

“Todd Fuller from the Center for Research Program Development and Enrichment (CRPDE) and the VPR’s office met with the Executive committee to brief them on a proposed the Arts & Humanities Faculty Fellowships Program. He asked for the support of the Faculty Senate and the Senate’s Committee on Committees to coordinate the process of selecting members for a review panel, similar to all other committee selections that are facilitated by the Committee on Committees, that would evaluate proposals for the new program and make their recommendations to the VPR. The Faculty Senate Executive Committee and the Committee on Committees agreed to coordinate this process.

“Danny Hilliard, VP for Governmental Relations provided an update on what was occurring at the State Capitol and issues that might directly or indirectly affect higher education in Oklahoma.

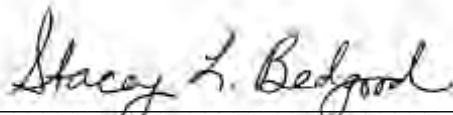
“Provost Mergler discussed the draft of a policy for allowing OU-NC and OUHSC to offer certificate programs at the undergraduate level. These certificates would involve either a minimum 12-hour certificate program for OUHSC, or a minimum 15-hour program for the Norman Campus. For a student admitted to OU to pursue an undergraduate certificate, the certificate would need to lead to positive employment outcomes in order for the student to qualify for most kinds of federally funded financial aid. While the proposed change in OU Regents’ policy would allow OU to offer transcribed credit undergraduate certificates, the process for proposing and approving any undergraduate certificate would be the same process as when an academic unit proposes an undergraduate degree, requiring faculty, Chair/Director, Dean, APC, Provost, President, OU Regents, and OSRHE approval.

“Finally, Mark Morvant, Executive Director of OU’s Center for Teaching Excellence, provided a summary of the services that the Center has been offering and some new programs that he hopes to initiate in the near future.

“The meeting between the Executive Committee and President Boren scheduled for Wednesday, March 6 had to be cancelled. The next scheduled meeting with the President is Thursday, April 4.”

ADJOURNMENT

The meeting adjourned at 4:50 p.m. The next regular session of the Faculty Senate will be held at 3:30 p.m. on Monday, April 8, 2013, in Jacobson Faculty Hall, Room102.



Stacey L. Bedgood, Administrative Coordinator



Randall S. Hewes, Faculty Secretary

3.8.3

INITIAL PROCEDURES FOR ABROGATION OF TENURE, DISMISSAL BEFORE EXPIRATION OF A TENURE-TRACK APPOINTMENT OR RANKED RENEWABLE TERM APPOINTMENT, AND OTHER SEVERE SANCTIONS

(A) **Initial Proceedings** Section 3.8.3 pertains to tenured, tenure-track or ranked, renewable term appointment faculty.

(1) **Administrative Review.** When reasons arise to question the fitness of a faculty member whose conduct may warrant the imposition of severe sanctions, the circumstances shall be brought to the attention of the appropriate administrative officer(s) (i.e., Department Chair, Director, Dean, or Senior Vice President and Provost or, as provided in **subsection (2)** below, an Institutional Equity Officer) who shall ordinarily investigate the matter to include, among other things, meeting with the faculty member in person to fully discuss the matter, unless reasonably prevented from doing so. If after investigation, the administrative officer determines the conduct warrants imposition of severe sanctions, he/she shall convey the matter and a recommendation to the President and Senior Vice President and Provost (Provost). However, if after investigation, he/she determines the conduct does not warrant severe sanctions, the matter may be resolved by mutual consent. The faculty member is encouraged to seek the assistance of the University Ombudsperson.

(2) **Institutional Equity Office Matters.** When such concerns involve Civil Rights matters (defined below), if the complaining party has not already reported the matter to the University's Institutional Equity Office (IEO), the appropriate administrative officer shall immediately refer the matter to the IEO for investigation. Upon conclusion of the investigation, the IEO officer shall refer his/her findings and conclusions to the appropriate administrative officer for action in accordance with subsection 3.8.3(A)(1), above.

When the term "civil rights" is referred to in this policy, it refers to matters falling under the Nondiscrimination Policy (e.g. discrimination or harassment based on race, ethnicity, national origin, sex, sexual orientation, genetic information discrimination, color, age, religion, disability, political beliefs, or status as a veteran <http://www.ou.edu/home/eoo.html>), the Sexual Misconduct, Discrimination and Harassment Policy (e.g. discrimination or harassment based on the interference with the enjoyment or the entitlement to an educational, institutional or employment benefit because of gender—<http://www.ou.edu/home/misc.html>), or the Consensual Sexual Relations Policy (e.g. prohibition on persons in positions of authority having intimate relationships with their subordinates or students—<http://www.ou.edu/home/misc.html> (collectively, "Civil Rights").

(3) **Faculty Appeals Board Referral.** If the President decides that there is reason to question the faculty member's fitness or professional behavior as set forth in **Section 3.8.3(A)(1) or (2)**, above, the President shall so inform the Chair of the Faculty Appeals Board, the faculty member and appropriate administrative officers.

(B) **Faculty Appeals Board Preliminary Review.**

(1) **FAB Inquiry.** Other than for Civil Rights matters, the Chair of the Faculty Appeals Board may then conduct or cause to be conducted, additional inquiry/investigation into the matter, as the Chair deems necessary.

(2) **FAB Prehearing.** For all severe sanctions matters coming to the Faculty Appeals Board (FAB), the Chair of the Faculty Appeals Board shall conduct a pre-hearing review (which shall include, other than for Civil Rights claims, the participation of other members of the FAB [selected by the Chair](#)) pursuant to informal procedures to be determined by the Chair. The pre-hearing review will, other than for Civil Rights claims, provide the faculty member(s) and a University representative(s) the opportunity to appear and relate their views of the matter. Other than these parties, no witnesses will be heard and although attorneys and/or advisors may be present in an advisory capacity to the parties, they may not otherwise participate in the prehearing. When completed, the FAB Chair shall advise the President whether, in his/her view as a result of the prehearing, formal proceedings for severe sanctions should be instituted.

(C) **Decision Whether to Proceed and Notice.** The President shall consider the FAB Chair recommendation, together with other relevant information, and determine whether or not to move forward with formal severe sanctions proceedings. The President, or the President's designee, shall inform the faculty member(s) in question, the FAB Chair and appropriate administrator of the decision, in writing. If the President's decision is to move forward with a hearing, appropriate administrative officials may assist in composing the complaint. A hearing shall take place as described below in **Section 3.9.1(B)(8)**.

(D) **The Complaint.**

The President or the President's designee shall set forth the complaint against the faculty member with reasonable particularity and shall file the formal written complaint with the FAB within 60 days of the FAB Chair's recommendation.

3.9

FACULTY APPEALS AND GRIEVANCES -- NORMAN CAMPUS

3.9.1

FACULTY APPEALS BOARD

The FAB is a standing body that responds to matters of tenure abrogation, dismissal, other severe sanctions, alleged violations of academic freedom or academic due process, and other grievances unresolved through administrative or informal procedures. Because of the extraordinary importance and the range of such issues, the FAB shall be empowered to appoint ad hoc hearing committees to assist in the conduct of its affairs. The Norman Campus FAB shall consist of 50 members, elected to four-year staggered terms by the Faculty Senate from among all full-time tenured faculty whose duties are primarily non-administrative. The FAB shall elect annually a chair-elect from among those who are in their third year of service. The chair-elect will serve as chair the following year. Membership on the

Board is not disqualification for service on University Councils. All members of the FAB are eligible for re-election. Terms of service shall begin September 1 and end August 31.

(A) WHO MAY USE PROCEDURE

(1) **Norman Campus Faculty Community.** The grievance procedures described herein shall be available to any aggrieved party who is a Norman campus faculty member; an academic or administrative unit; or any other duly constituted faculty body within the Norman Campus University community, when the respondent is also a Norman Campus faculty member, academic unit, administrative unit, or other duly constituted faculty body within the Norman Campus University community. Violations covered by this procedure include academic freedom, academic due process, unlawful discrimination, harassment, constitutional due process and other grievances that may occur in the course of performing professional duties or in the process of being considered or evaluated for salary increase, promotion, tenure, or other personnel decisions.

(2) Faculty Member Complaints Covered by Different Policies involving Staff Employees or Students. (i) Complaints ~~by or~~ against employees who are not faculty members ~~and or by or~~ against students, shall be addressed under applicable staff or student procedures. (ii) Faculty members serving as chairs, directors, deans, or in other administrative positions who are dismissed or relieved of administrative responsibilities before their terms expire and are not reappointed for another term may not utilize these FAB procedures in filing a grievance but they and/or affected faculty members must may appeal the decisions to the Senior Vice President and Provost and if still dissatisfied, to the President when the grievance is based upon actions related to their administrative performance. (iii) Faculty grievances against deans, directors and chairs shall follow procedures provided in Section 2.8 of the Norman Campus Faculty Handbook.

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(3) **Ombudsperson Services.** The University Ombudsperson serves as a resource on University grievance procedures/policies and provides an opportunity for neutral resolution and mediation. Persons having complaints are encouraged to seek informal resolution through regular administrative channels or through mediated resolution with the Ombudsperson. Complaints pursuant to **Section 3.9.1 (B)(1)(c)** unresolved administratively or through the Ombuds service shall be filed with the FAB Chair.

(B) COMPLAINT

The term “complaint,” as referred to in this policy, also includes where appropriate, written appeals to the FAB of adverse administrative actions; e.g., imposition of a minor sanction.

(1) **Initial Administrative Review.**

Individuals or units having complaints are encouraged to raise them with the appropriate administrative officer, provided:

(a) **Severe Sanctions Cases.** Complaints that may reasonably warrant the imposition of severe sanctions shall follow the initial processes set forth in **Section 3.8.3**, above. In severe sanction cases, the University is the complainant;

(b) **Institutional Equity Office Cases.** Civil Rights matters as defined in **Section 3.8.3(A)(2)** above shall be referred directly to the appropriate IEO officer for investigation, findings and recommended sanctions; i.e., the Sexual Misconduct Officer, Kathleen Smith at (405) 325-2215, or the Equal Opportunity Officer, Shad Satterthwaite at (405) 325-3546, or the Institutional Equity and Title IX Coordinator, Laura Palk at (405) 325-3549. For such claims, the University is the complainant and any hearing shall take place as referred to below in **Section 3.9.1(B)(8)**; and,

(c) **Other Cases.** Complaints that do not involve severe sanctions, Civil Rights matters, or grievances against deans, directors, chairs and similar academic supervisors, which remain unresolved by or not raised with the appropriate administrative officer, shall be filed with the FAB Chair and the complaining faculty member or unit is the complainant. For the procedures regarding faculty grievances against deans, directors, and chairs and similar academic supervisors, refer to **Sections 2.8.1(K)** and **2.8.2(I)** of the Faculty Handbook.

(2) Timing of Complaint.

(a) **General Filing Time.** Except in Civil Rights and severe sanctions cases or as otherwise specified in Regents policy ([e.g., Section 2.3.3, Procedure for the Tenure Decision, subsection \(g\)](#)), if a complaint cannot be resolved administratively or through the Ombuds service, generally it must be filed with the FAB within 60 calendar days from the date on which the faculty member, unit, or body knows or reasonably should know of the alleged violation or incident giving rise to a grievance. All other time periods may be extended as may be provided by applicable policy or for good cause as may be agreed to by the parties and approved by the FAB Chair, Hearing Chair, or University Institutional Equity Officers (as appropriate).

(b) **Civil Rights Complaints.** All Civil Rights complaints, as defined in **Section 3.8.3(A)(2)**, should be filed in accordance with the policies and procedures noted in <http://www.ou.edu/eoo.html>. Such complaints generally are considered “filed” when the allegations forming the complaint are provided to a proper institutional representative orally or in writing who, upon being so informed, shall immediately report the complaint to the IEO office.

(c) **Severe Sanctions.** Other than for Civil Rights complaints, if a complaint that may warrant severe sanctions cannot be resolved administratively, it must be filed with the FAB within 60 calendar days following the recommendation of the FAB prehearing described above in **Section 3.8.3(B)(2)**.

(3) Filing of Complaint

(a) The Written Complaint and Response.

(1) With the exception of complaints that may reasonably warrant severe sanctions or include Civil Rights claims, if after the initial investigation, the matter is not resolved with the appropriate administrative officer, the complainant is responsible for stating in writing, and in full particularity, the grounds upon which the alleged grievance is based, which then shall be filed with the FAB Chair. The grounds for the alleged grievance may not be changed after the filing of the complaint. The Ombudsperson may assist the parties in resolving the grievance.

Upon receipt of the written complaint, the FAB Chair shall provide the respondent a copy of the complaint and may conduct or cause to be conducted, additional investigation into the matter, as the Chair deems necessary and an informal pre-hearing as provided below. The respondent shall generally have 30 calendar days to provide the FAB Chair and complainant a written response to the complaint.

(2) Where more than one complaint is present (e.g., sexual harassment and violation of due process), the complainant must specify all the grounds of the grievance of which the complainant should have reasonably known at the time of filing the complaint. For mixed issues involving Civil Rights and non-Civil Rights matters, the IEO will forward its findings and recommendations to the appropriate academic administrative officer for consideration in his/her review, resolution, or recommendation. A grievance with multiple grounds shall be heard by one hearing committee, which shall hear all aspects of a particular grievance; provided, the Institutional Equity Office shall investigate the Civil Rights claims in all cases.

(b) Institutional Equity Office Complaints.

(1) The complaints may be either written or verbal and the faculty member shall follow IEO policies and procedures through completion of the investigation. See <http://www.ou.edu/eoo>. The respondent may appeal sanctions and findings to the FAB, in which cases, the hearing process noted in **Section 3.9.1(B)(8)(a)** shall be followed. If dissatisfied with the IEO outcome, the original complaining individual may request reconsideration by the IEO Officer.

(2) Where the appropriate IEO officer determines that a faculty member's fitness or professional behavior warrants initiation of severe sanctions proceedings, the IEO officer shall so inform the Senior Vice President and

Provost and the President who may file a complaint against the faculty member with the FAB and proceed as provided in **Section 3.8.3(C)**.

(4) Informal FAB Prehearing.

Cases involving severe sanctions shall follow procedures in **Section 3.8.3**, above. Otherwise, within a reasonable time, following receipt of the written Response, the FAB Chair shall conduct a pre-hearing pursuant to informal procedures to be determined by the Chair, which shall include the assistance or participation of other members of the FAB. The pre-hearing will provide the parties the opportunity to appear and relate their views of the matter. Other than the parties, no witnesses will be heard and although attorneys and/or advisors may be present in an advisory capacity to the parties at the prehearing, they may not directly address the prehearing panel. Provided however, in matters that involve Civil Rights claims, the investigating IEO officer will also present his/her findings. If the FAB prehearing panel determines no further hearing is warranted, the matter is administratively ended within the University; otherwise the matter shall proceed as set forth below. In either case, the FAB Chair shall promptly so inform the parties and appropriate administrative officers.

(5) Withdrawal of Complaint.

The complainant may withdraw the complaint at any point prior to the adjournment of the formal hearing by notifying in writing the party with whom the complaint was originally filed. Once withdrawn, the same complaint may not be resubmitted under any grievance procedure.

(6) Confidentiality of Proceedings and Records.

University employees who investigate or hear matters shall preserve confidentiality with respect to any matter investigated or heard under this policy. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

Except for those cases in which grievances go to a hearing and as otherwise required by law, all records of administrative investigation with regard to Civil Rights matters shall be transmitted to and maintained by the University Institutional Equity Office as confidential records. All records of administrative investigation for other grievances will be held by the administrator involved as confidential records except as otherwise required by law.

(7) Selection of Hearing Committee.

If, following the FAB prehearing, the decision is made to proceed with a hearing, normally the FAB Chair will immediately notify the parties and provide them with a current roster of the FAB members, less members who served on the prehearing panel in the matter. Provided however,

in severe sanctions cases, the FAB Chair shall provide the parties with the roster immediately after the formal written complaint is filed. In Civil Rights cases, the roster will include only those members of the FAB with special training in hearing Civil Rights matters. The Hearing Committee will be selected as follows:

(a) Unless modified by the FAB Chair, as provided by **Section 3.9.1(B)(8)(a)**, the complainant and respondent, or their authorized designees, shall each select three names from the FAB roster within 10 classroom days (any weekday on which regularly scheduled classes or regularly scheduled final examinations are held at the University) of receipt of the roster. If there are multiple respondents who cannot agree or if a party fails to respond, the FAB Chair may request the Faculty Senate Chair to select the remaining Hearing Committee members by lot.

(b) When the composition of the initial six panel members is finally set, those members shall select a seventh name from the previously referenced FAB roster within 10 classroom days to serve as chair of the Hearing Committee.

(c) Any member of the FAB selected to serve on a Hearing Committee who is a member of the same academic unit or related within the third degree of sanguinity or affinity to the respondent or the complainant or who is biased or has a personal interest in the outcome of the case shall be disqualified from serving on the Hearing Committee.

(d) The complainant and the respondent may each request of the FAB Chair that a member or members of the Hearing Committee be disqualified and removed from the Hearing Committee. The Chair, former Chair, and Chair-elect of the FAB shall decide by majority vote whether cause has been shown. The Chair of the Faculty Senate shall substitute if one of the above is unavailable.

(e) A member of the Hearing Committee may disqualify himself or herself on personal initiative or in response to such challenge for cause as is provided for in the immediately preceding paragraph.

(f) Prior to the commencement of the formal hearing, members of a Hearing Committee who have been disqualified, whose terms have expired, who have ceased to be full-time members of the faculty and any members who, by reason of illness or absence from campus, are unable to serve, shall be replaced immediately by the FAB Chair. The replacement shall be determined by the procedures herein, with replacements being selected by the party whose initial selection was eliminated, or by the Hearing Committee if the Hearing Committee Chair is the member being replaced.

(g) After the commencement of the hearing if cause arises to disqualify a member of the Hearing Committee or if a member otherwise becomes unable to serve, with the advice of University Legal Counsel the Hearing Committee Chair, or the FAB Chair if the absent member is the Chair of the Hearing Committee, will determine whether the

member should be replaced or if the hearing shall continue without a replacement. If replacement is deemed necessary, the replacement shall be determined by the procedures herein, with replacements being selected by the party whose initial selection was eliminated, or by the Hearing Committee if the Hearing Committee Chair is the member being replaced. No members of the FAB may be eligible for selection for a hearing committee if they currently are serving on another ongoing hearing.

(8) FAB Formal Hearing Process.

(a) **Civil Rights Complaints.** In Civil Rights cases appealed to the FAB, the policies and procedures governing Civil Rights complaints and any hearings or appeals hereunder shall be conducted in conformance with the requirements of federal and state law. The FAB Chair, with the assistance of Legal Counsel, shall have the authority to modify FAB proceedings and procedures where necessary to comply with applicable law and federal agency administrative guidance (e.g., accelerate the timing since by federal law the matter generally must be administratively concluded within the University no later than sixty (60) days following receipt of the original complaint). Appendix A may be used as a general guideline for modifying procedures in such cases with the understanding that any procedures required by applicable law shall be incorporated into the hearing process.

(b) **Non Civil Rights Complaints.** All complaints other than Civil Rights complaints brought to a formal hearing shall be handled according to the following procedures:

(1) Within 20 classroom days of receipt of respondent's written response to the complaint, the complainant shall provide the respondent and the Chair of the Hearing Committee:

(a) Relevant University rules or policies involved.

(b) A summary of the evidence upon which the charges or complaints are based and an initial list of complainant's witnesses.

(2) Respondent's Reply. The respondent shall review the materials submitted by the complainant and provide a written reply within 10 classroom days of delivery. The reply shall summarize the evidence to be used in refutation of the charges and shall include an initial list of respondent's witnesses.

(3) Set Hearing. The Hearing Committee shall set the date of the hearing within 30 calendar days after the deadline for the respondent's reply.

(c) **Adviser/Counsel.** At the party's expense, any party, whether complainant or respondent, may select a person to act as adviser or may select an attorney for advice

on legal matters. At his or her discretion, the party may be assisted by both an adviser and an attorney.

(1) Both the complainant and respondent shall inform the Chair of the Hearing Committee in writing of the identity of any adviser and/or attorney as soon as known but in no event later than 10 classroom days prior to the hearing.

(2) The following procedure assumes that a faculty member will use his or her own judgment in acting upon any advice or deciding when to be represented by an attorney.

(d) **University Legal Counsel.** University Legal Counsel will provide legal advice to the Hearing Committee and parties on matters of procedure and as otherwise requested and appropriate. In situations in which different attorneys within the Office of Legal Counsel are involved in advising the Hearing Committee and one or more parties, the attorneys shall not confer with respect to the advice given to their clients, separately discuss the matters at issue, share information about the case or collaborate with one another outside of the process prescribed herein for all parties and determinations. In conformance with the Oklahoma Governmental Tort Claims Act and contractual directives of existing policies of insurance, covered claims that arise against the Hearing Committee or any one or more of its members will be defended by the University.

(e) **Hearing Preparation.** The University maintains a guideline that contains supplemental procedures assisting the operation and administration of a FAB hearing (Book of Procedural Guidelines), a copy of which shall be available to each party. The Chair of the Hearing Committee and Legal Counsel shall confer regarding any modifications to the Guidelines reasonably necessary to account for special circumstances. The Hearing Committee Chair shall provide the parties with any such supplemental guidelines.

(f) **Hearing on the Record.** If the respondent fails to cooperate with the Hearing Committee or defaults at the hearing stage, the Hearing Committee will evaluate all available evidence provided by the parties and base its recommendation upon the evidence in the record.

(g) **Hearing Regulations.** The FAB process is a lay process relying on peer review. The intent of this process is to avoid excessive legalism in deference to the common sense, sound judgment, good character, and sense of fairness of each Hearing Panel. The process should strive to diminish formality and rigidity and avoid emulation of a trial in a courtroom. The purpose for a system of internal review is to effect a just and fair disposition of a grievance.

The following regulations shall apply to the hearing:

(1) Both complainant and respondent shall have the right to be present and be accompanied by their adviser, attorney, or both, throughout the hearing. The Hearing Committee also shall have the right to have its legal adviser present throughout the hearing. Attorneys may be present to advise witnesses; however, in no case will the attorney representing a witness participate in the case. Attorneys should facilitate and not control the process.

(2) The hearing shall be closed unless all parties in the case agree that it be open.

(3) The Hearing Committee shall proceed by considering the statement of grounds for grievances already formulated and the response written before the time of the hearing. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter shall be received.

(4) Both parties or their advisers or attorneys shall have the right to present, examine, and cross-examine witnesses. Provided, however, where the matter involves sexual misconduct or sexual harassment claims, no party may directly cross-examine the other. Rather, the party may submit questions to the panel for the panel to inquire or the advisors/attorneys may conduct the cross-examination.

(5) The President's Office shall make available to the Hearing Committee Chair such authority as it possesses to require the presence of witnesses, and it shall bear any reasonable cost attendant upon the appearance of participating witnesses at the hearing.

(6) The principle of confrontation shall apply throughout the hearing and the complainant shall bear the burden of proof, which shall be by a preponderance of the evidence, i.e. whether the claims of wrongdoing or impropriety are more likely true than not true. Provided, for purposes of clarity, in a Civil Rights case there is no burden on any party to have to prove its case but rather the process included in Appendix A contemplates the Hearing Committee shall provide a neutral review of all information presented at the hearing to determine whether the claims of wrongdoing or innocence are more likely true than not true.

(7) A recording of the hearing shall be made. The recording will normally be an audio recording arranged by the Hearing Committee Chair. The full cost of the recording shall be borne by the University. A transcript of the recording may be requested by a party, the cost of which will be charged to the requesting party.

(8) The full text of the findings and the conclusions of the Hearing Committee shall be made available in identical form and at the same time to the President's Office and the parties in the case.

(9) The Committee may proceed to its findings, conclusions and recommendations without having the record of the hearings transcribed, or it may request a transcript of the hearings if it feels its decision would be aided thereby.

(10) The President may attend the hearing or may designate a representative to attend in the President's place.

(h) **Disposition of Charges.** The Hearing Committee normally will communicate its findings, conclusions, and recommendations in writing to the parties involved and the President within 15 calendar days of the conclusion of the hearing.

(1) If action by the Board of Regents is not required by other policies or procedures and the President concurs in the recommendation, the President shall so indicate to the parties and the Hearing Committee's recommendation shall be put into effect. However, if the President does not concur, the President may modify, or reject the recommendations of the Hearing Committee or remand the matter to it for further consideration.

(2) If action by the Board of Regents is required by other policies or procedures, the President shall forward the full record of the hearing and the conclusions and recommendations of the Hearing Committee, together with his/her recommendation, to the Board of Regents within 15 calendar days of receiving the recommendation of the Hearing Committee. The Board of Regents may adopt, modify, or reject the recommendation of the President and/or Hearing Committee or remand the matter to the Hearing Committee for further consideration.

(3) If either the President or the Board of Regents chooses to remand the matter to the Hearing Committee, they will return the proceedings to the Hearing Committee and specify their concerns within 15 calendar days and 15 calendar days after the next regularly scheduled Board of Regents meeting, respectively. The Hearing Committee shall reconsider the case, take into account the stated concerns and receive new evidence as deemed necessary. As soon as reasonably possible, the Hearing Committee shall report its final conclusions to the President for the President's decision or for the President's transmittal to the Board of Regents as before. The work of the Hearing Committee is finished when the President communicates the final decision, whether duly made by the President or the Board of Regents, to the parties in the case, the Hearing Committee, and any necessary administrative officers.

(4) If the complaint under consideration has alleged the violation of academic freedom and/or academic due process and if the Hearing Committee finds that either or both have been violated, the Hearing Committee must recommend

that any professional or personnel decision affected by the violation shall be initiated anew from the point of the violation. The Hearing Committee also may recommend necessary remedies appropriate to the case.

(i) Disposition of Records. Upon conclusion of any hearing, the Chair of the Hearing Committee shall remove all identifying characteristics from the agreement on procedures, if any, and shall forward this document to the Office of the Senior Vice President and Provost. Agreements on said procedures will be maintained in a file in the Office of the Senior Vice President and Provost and will be available to panel members and participants in future cases upon request. All other text, transcripts, and documents of the procedures will be held in the Faculty Senate Office and released only with the consent of the Hearing Committee, in accordance with appropriate legal process, or as needed by the University in defense of any matter. Tapes of the hearing will be stored in the Office of the Legal Counsel for five years or as otherwise required by law. In the case of hearings involving discrimination, harassment, or retaliation, copies of all transcripts and documents will be filed with the University Institutional Equity Office.

(j) Policy Maintenance. A Rights Assurance Committee composed of the University Ombudsperson; University Institutional Equity Office; FAB Chair, Chair-elect, and former Chair; University Legal Counsel; Faculty Senate Chair, and Senior Vice President and Provost or their designated representatives will confer annually with respect to grievances that have transpired and to formulate recommendations to revise these procedures, as necessary. The FAB Chair will chair the committee and report recommended changes to the Faculty Senate for consideration.

(C) ADMINISTRATIVE TERMINATION

In the event the grievance/complaint, if prosecuted, would clearly violate prevailing law (e.g., violate the faculty member's 1st Amendment right to free speech or constitute retaliation), then the FAB Chair, with the advice of University Legal Counsel after due examination, shall administratively terminate the Hearing process.

Appendix “A”

Pre-Hearing and Hearing Procedures Guidelines for Faculty Appeals of the Institutional Equity Office’s Investigations and Findings

The Institutional Equity Office (IEO) is tasked with accepting and investigating complaints arising under:

(1) the Nondiscrimination Policy, which prohibits, in both the educational and employment context, discrimination or harassment based on race, ethnicity, sex, national origin, sexual orientation, genetic information, color, age, religion, disability, political beliefs, or status as a veteran (see <http://www.ou.edu/home/eoo.html>); and

(2) the Sexual Misconduct, Discrimination and Harassment Policy which prohibits discrimination or harassment based on the interference with the enjoyment or entitlement to educational or employment benefits because of a person’s gender (see <http://www.ou.edu/home/misc.html>); and

(3) the Consensual Sexual Relations Policy which prohibits persons in positions of authority from having intimate relationships with their subordinates or students (see <http://www.ou.edu/home/misc.html>).

(collectively referred to as “Civil Rights”). When issues involve Civil Rights matters, if the complaining party has not already reported the matter to the University’s Institutional Equity Office, the appropriate administrative officer shall immediately refer the matter to the appropriate Institutional Equity Officer (i.e., Shad Satterthwaite, Equal Opportunity and Associate Title IX Coordinator, 405-325-3546, Laura Palk, Institutional Equity and Title IX Coordinator, 405-325-3549, or Kathleen Smith, Sexual Misconduct Officer, 405-325-2215) for investigation and findings. When used in these guidelines, “Findings” shall be deemed to be read as “findings, conclusions and recommendations.” If the investigator determines that a faculty member has violated one of the above policies, the investigator shall refer his/her Findings to the proper administrative officer(s) for action.

I. Less than Severe Sanctions

A. No Violation – Reconsideration.

Where the investigator determines that no violation has occurred, the original complaining party may request that an Institutional Equity Officer reconsider the investigator’s Findings. If the Institutional Equity Officer agrees with the investigator’s Findings, the determination is final and the matter is ended within the University. If the Institutional Equity Officer determines reconsideration is warranted, the matter will be referred to the original investigator for further action consistent with the Institutional Equity Officer’s directions, or the Institutional Equity Officer (“IEO”) may modify the original Findings, as appropriate, and the charged faculty member may appeal the Findings as provided herein.

B. Violation Found – Adjusted Timelines.

Where the investigator/IEO determines that a violation has occurred, but less than severe sanctions are warranted, the charged faculty member may appeal the investigator's Findings through a modified grievance process referenced in Section 3.9.1(B)(8)(a), of the Faculty Handbook. When filing the appeal, to account for the compressed time restrictions established by the Office of Civil Rights, the following adjustments to the timelines for the appeal/hearing process will normally be required.

1. Within 3 business days (a "business day" being any day on which the principal chartered banks located in the City of Norman, Oklahoma, are open for business during normal banking hours) of the charged faculty member's receipt of the investigator's Findings, if the charged faculty member wishes to appeal the IEO Findings, he/she must file the written request for a hearing with the FAB Chair and also file a copy of the written request for a hearing with the IEO.

2. Within 3 business days of receipt of the charged faculty member's request for a hearing, the FAB Chair shall (i) schedule a prehearing to take place within 10 business days of said request, as described in § 3.9.1(B)(4) of the Faculty Handbook and notify the charged faculty member, the IEO officer, appropriate administrative officer and the original complainant of its date, time and place; (ii) select, at random, 3 FAB members of the Committee on Discrimination and Harassment to conduct the prehearing review; (iii) confirm whether the original complainant elects to be a party in the matter; and (iv) notify appropriate parties of the date, time and place for selection of the Hearing Committee should the prehearing panel determine that a hearing is warranted.

3. Within 1 business day of the conclusion of the prehearing, the prehearing panel will determine whether, in its opinion, a hearing is required. The basis for the decision shall be whether:

a. the evidence is deemed to be insufficient to support the investigator's Findings utilizing a preponderance of the evidence standard; or

b. evidence not previously available during the investigation exists that, if known, could have materially altered the investigator's Findings;

c. if either a or b are answered in the affirmative, the prehearing panel shall recommend that the charged faculty member be granted a hearing and the FAB Chair shall immediately notify the parties and IEO; otherwise, the charged faculty member shall not be entitled to a hearing and the FAB process is ended; provided however,

d. if requested within 3 business days of the prehearing ruling, and if a and b, above are answered in the negative, the charged faculty member may request that the appropriate administrative officer reconsider the disciplinary action. The officer may

review the matter, and, after consulting the IEO and/or Legal Counsel, render the final decision, at which point the matter is ended.

4. If a hearing is recommended by the prehearing panel, within 3 business days of the prehearing ruling, the appropriate administrative official, the IEO officer, the charged faculty member, and, if the original complainant has elected to be a party and participate in the hearing, the original complainant or their authorized designees, shall convene with the FAB Chair at the appointed time and place to select members of the FAB Committee on Discrimination and Harassment to serve on the Hearing Committee, as provided in Section 3.9.1(B)(7) of the Faculty Handbook.

5. Within 3 business days of being selected, members of the Hearing Committee shall convene to choose a chair of the Hearing Committee, set the date for the hearing to take place, and to inform all appropriate persons of the hearing date. Generally, the hearing shall be scheduled to take place no later than 30 calendar days from the convening of the Hearing Committee.

6. Within 3 business days of the conclusion of the hearing, the Hearing Committee shall forward the Committee's written Findings to the charged faculty member, appropriate administrative officer, IEO officer, and President.

7. Within 3 business days of receipt of the Hearing Committee's Findings, the President may adopt, overturn, or modify the Hearing Committee's Findings or remand the matter for further action; provided, if the President does not act on the recommendation within that time, the Hearing Committee's Findings shall become final and its recommendations put into effect.

8. If remanded, the Hearing Committee shall reconsider the matter as reasonably required in view of the President's stated concerns and report the matter back to the President for appropriate action, all as promptly as possible and as is consistent with applicable law.

9. All timelines may be shortened or lengthened if agreed to by all parties and they are consistent with the timeliness requirements of Title IX, as determined by the Office of Legal Counsel in conjunction with the appropriate IEO officer.

C. Hearing Regulations Adjustments.

The following adjustments to the hearing regulations will be required in non-severe sanction cases involving Civil Rights issues:

1. According to federal guidelines, the original complainant has the option to be both a witness and a party in a Civil Rights case. If the original complainant chooses to be a party, she/he will have rights similar to those accorded to the other parties and may actively

participate in the proceedings. The original complainant also has the option to attend the hearing or participate via Skype, video-conferencing, and the like. The FAB Chair shall confirm selection of those options as early as possible to afford the original complainant appropriate opportunities to participate.

2. The IEO officer may be a witness in a Civil Rights case, or may present the University's case to the Hearing Committee, as appropriate.

3. In its deliberations, the Hearing Committee shall apply a preponderance of the evidence standard, meaning that more likely than not, the charged faculty member committed a policy violation.

II. Severe Sanctions

A. No Severe Sanctions Violation Found.

Where the investigator/IEO officer determines that a violation has occurred but does not warrant imposition of severe sanctions or that no Civil Rights violation has occurred, the appellate provisions of Article I apply.

B. Severe Sanctions Violation.

Where the investigator/IEO officer determines that a violation has occurred, that severe sanctions are warranted and has forwarded the Findings to the appropriate administrative officer for action as referenced in Section 3.8.3 of the Faculty Handbook, the case against the charged faculty member shall follow a modified process referenced in Section 3.9.1(B)(8)(a), of the Faculty Handbook.

C. Severe Sanctions Violation Timelines.

To account for the compressed time restrictions established by the Office of Civil Rights, the following adjustments to the timelines prosecuting the internal Civil Rights complaint normally will be required.

1. Within 5 business days of receipt of the complaint, the charged faculty member shall file a written response to the President's complaint with the FAB Chair who shall immediately: (i) distribute copies thereof to the Provost, General Counsel, IEO Officer, and original complainant; (ii) notify said persons of the date, time, and place for selection of the Hearing Committee; and, (iii) confirm whether the original complainant elects to be a party in the matter.

2. Within 3 business days of receipt of the charged faculty member's written response, the President (complainant), the charged faculty member (respondent), and, if the original complainant has elected to be a party and participate in the hearing, the original complainant (original complainant) or their authorized designees, shall convene with the FAB Chair at the appointed time and place to select members of the FAB Committee on Discrimination and Harassment to serve on the Hearing Committee, as provided in Section 3.9.1(B)(7) of the Faculty Handbook.

3. Within 3 business days of being selected, members of the Hearing Committee shall convene to choose a chair of the Hearing Committee, set the date for the hearing to take place, and to inform all appropriate persons of the hearing date. Generally, the hearing shall be scheduled to take place no later than 30 calendar days from the convening of the Hearing Committee.

4. Within 3 business days of the conclusion of the hearing, the Hearing Committee shall forward the Committee's written Findings to the charged faculty member, appropriate administrative officer, IEO officer, and President.

5. As promptly as possible, after receipt of the Hearing Committee's Findings, the President or Board of Regents, as appropriate, may adopt, overturn, modify, or remand them to the Hearing Committee for additional action. If the Hearing Committee recommends severe sanctions, or despite a contrary finding the President recommends severe sanctions, the matter will be immediately referred to the Board of Regents for action in accordance with Section 3.9.1(B)(8)(h) of the Faculty Handbook.

a. The Board of Regents shall review the record and transcript of the proceedings and make a final determination in the matter as promptly as possible and as is consistent with applicable law.

b. The Board of Regents shall notify the President of its final determination who shall promptly notify the charged faculty member, University Counsel, the IEO officer, and original complainant of the Board's final determination, which shall end the matter within the University.

6. If remanded, the Hearing Committee shall reconsider the matter as reasonably required in view of the President's/Board's stated concerns and report the matter back to the President for appropriate action, all as promptly as possible and as is consistent with applicable law, .

7. If the President recommends less than severe sanctions, regardless of the Hearing Committee's Findings, no further appeal by the charged faculty member is available.

8. All timelines may be shortened or lengthened if agreed to by all parties and they are consistent with the timeliness requirements of Title IX, as determined by the Office of Legal Counsel in conjunction with the appropriate IEO officer.

D. Hearing Regulations Adjustments.

The following adjustments to the hearing regulations will be required in Civil Rights severe sanctions cases:

1. According to federal guidelines, the original complainant has the option to be both a witness and a party in a Civil Rights case. If the original complainant chooses to be a party, she/he will have rights similar to those accorded to the other parties and may actively participate in the proceedings. The original complainant also has the option whether to attend the hearing or participate via Skype, video-conferencing, and the like. The FAB Chair shall confirm the original complainant's selection of these options as early as possible to afford the original complainant appropriate opportunities to participate.
2. The IEO officer may be a witness in a Civil Rights case or may present the University's case to the Hearing Committee, as appropriate.
3. In its deliberations, the Hearing Committee shall apply a preponderance of the evidence standard, meaning that more likely than not, the charged faculty member committed a policy violation.

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OKLAHOMA'S 54TH LEGISLATURE
FIRST SESSION, 2013



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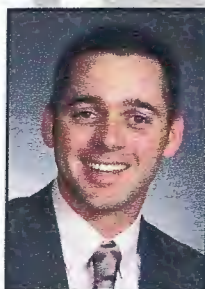
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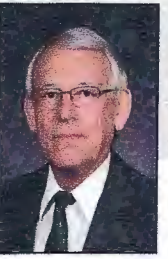
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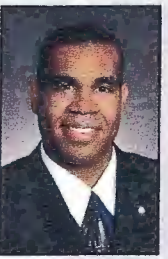
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OKLAHOMA'S 54TH LEGISLATURE
FIRST SESSION, 2013



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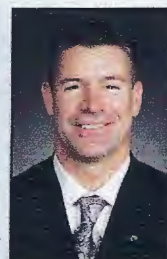
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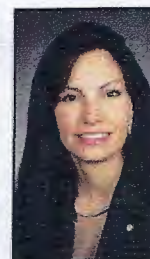
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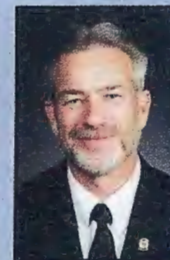
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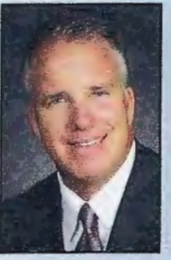
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FY2013 Legislative Policy Requests

1. Concealed Weapons Legislation- During the past five legislative sessions, efforts have been made to force campuses to allow carry of concealed weapons on college property. We continue to oppose any efforts to change current law.
2. Tuition Setting Authority- Despite record enrollments and budget challenges, Oklahoma is still nationally considered a low tuition state and is below the peer limits established by the Legislature in 2003. We continue to support maintaining tuition-setting authority.
3. College Degree Completion Initiative-We support legislative changes that may be needed to achieve this goal.

FY2014 Appropriations Request

FY'13 Appropriation	\$ 955,260,277
FY'14 Request	\$1,045,699,422

OSRHE FY'14 New State Funds Request: \$97,439,145

1. Performance and Degree Completion \$61,175,955
2. Mandatory Debt Service Payment (*for re-financing of 2005 higher education capital bond issue*) \$23,950,000
3. Intervention to Enhance Degree Completion and Student Success \$12,313,190

Report of the Ad Hoc Committee on Faculty Senate Reapportionment

Gary Copeland, Chair
Al Schwarzkopf
Cecelia Brown
February 2013

The Ad Hoc Committee on Faculty Senate Reapportionment met to recommend a reapportionment of the Faculty Senate. It first considered the policies found in the Faculty Handbook. The rules for apportioning the Senate are stated in section 10.2.1 of the Faculty Handbook:

"The Faculty Senate shall consist of 50 members of the Regular Faculty. The senators shall be elected to three-year terms in the degree recommending divisions of the University. The electors shall consist of members of the Regular Faculty. Full-time administrative personnel above the department level shall be excluded from elections of the Faculty Senate.

In the Faculty Senate, seats shall be allocated as follows: one seat to each degree-recommending division with at least one percent of the total faculty. Members of the Regular Faculty who are not members of a degree-recommending division of the University, or who are in a degree-recommending division with less than one percent of the total faculty, shall be treated as a separate division. The balance of the seats will be allocated among faculty members placed in this separate division according to a triennial apportionment proposed by the Faculty Senate and approved by the Regular Faculty. Degree-recommending divisions with no faculty members will be allowed to appoint a faculty member as an ex-officio member with all the rights and privileges of senate membership excluding the right to vote in official Faculty Senate actions."

Recommended Reapportionment

The Committee followed a number of past practices. Included in the faculty count are renewable term appointments at the Assistant Professor level and above and part-time faculty at the Assistant Professor level and above, term or tenured/tenure-track, according to their FTE. For faculty who are budgeted in non-degree organizations, we allocated as many of them as possible to their home departments (where they hold tenured or tenure-track appointments). They should, therefore, vote for their Senate representation with their academic department. The "Total" column in the table provides the total number of faculty in each unit when applying the above method of counting faculty.

There are 63.8 faculty in non-degree recommending divisions who do not have joint appointments. That number represents 6.13 percent of the total faculty and entitles them to about six percent of the total numbers of Senators, or three Senators. Following both tradition and being justified by their numbers we recommend allocating one seat, each, to the Library and ROTC faculties. Four faculty members in non-degree recommending divisions as well as the faculties of Liberal Studies, Honors, and Aviation are left. We recommend they share that last seat.

We recommend the remaining 47 seats be allocated using a proportional method. Rounding led to complications when trying to use a direct approach because it produced 49 seats (plus the three previously allocated for a total of 52). So the committee used the “Webster Method” of allocating seats. It basically gives each unit its whole number of seats and then allocates the remaining seats to the largest remaining fraction until all seats are allocated. The specific recommendation of the committee is found in the column labeled “Recommended Allocation” in the attached table.

The committee considered alternative allocation formulae. Specifically, we had a request to consider a formula that would be based on the rate of representation. That rate varies substantially due to the relatively small number of both faculty and seats. For example, International Studies has a rate of 8.42 percent (meaning that 8.42 percent of their faculty will serve in the Senate) while other colleges hover as low as about 3-4 percent.¹ If we had used this method, the colleges of Earth and Energy and Fine Arts would each lose a seat and Architecture and Business would each gain a seat.

The committee also considered a method that literally averages the two types of rankings. That method led, again, to the colleges of Earth and Energy and Fine Arts each losing a seat and Engineering and Architecture each gaining a seat.

¹ That disparity is due to the small number of faculty in International Studies but they do have a large enough number to cross the one percent threshold outlined in the Faculty Handbook, which entitles them to a seat.

All three methods considered by the committee are intellectually defensible. We opted for the Webster method, in part, because it is more commonly used and generally perceived to produce the least bias. For a discussion, see: <http://www.brookings.edu/research/papers/2001/08/politics-young>. But, most convincing to the committee is the argument that the Faculty Senate has been apportioned using this method for as long as anyone can remember and absent a policy decision made above the committee's level we felt we should follow tradition.

In conclusion, the Committee recommends the allocations in the table for the three years beginning with academic year 2013-2014.

**Ranked Instructional (Regular) Faculty by College
and Recommended Apportionment for Faculty Senate
For 2014-17**

College/Division	Total	% of FTE	% of 976.79 x 47	2010 alloc	Base		Rank Fraction	Recommended Allocation
					Alloc 2013	Over Base		
Architecture	33.00	3.17%	1.5879	2	1	0.5879	7	1
Arts and Sciences	482.71	46.39%	23.2265	23	23	0.2265	9	23
Atmospheric and Geographic Sciences	39.75	3.82%	1.9126	1	1	0.9126	2	2
Business	52.00	5.00%	2.5021	3	2	0.5021	8	2
Earth and Energy	36.45	3.50%	1.7539	2	1	0.7539	5	2
Education	59.50	5.72%	2.8629	3	2	0.8629	3	3
Engineering	103.50	9.95%	4.9801	5	4	0.9801	1	5
Fine Arts	97.00	9.32%	4.6673	5	4	0.6673	6	5
International Studies	11.88	1.14%	0.5716	1	1	-0.4284	11	1
Journalism & Mass Comm	24.00	2.31%	1.1548	1	1	0.1548	10	1
Law	37.00	3.56%	1.7803	1	1	0.7803	4	2
Graduate College				0	0			
TOTAL Non-Pool Faculty (FTE)	976.79	93.87%	46.9344					
TOTAL Non-Pool Seats	47.00			47	41			47
POOLED PROGRAMS								
Honors	11.30	11.30	1.09%	1	1			1 (Includes faculty in Liberal Studies, Aviation and without a home department)
Liberal Studies	6.50	6.50	0.62%	1				
CCE Aviation	1.00	1.00						
President	1.00	1.00						
Provost Direct		2.00						
Art Museum	1.00	1.00						
Blankenship Chair	1.00							
Carl Albert Center	3.00	0.00						
Okla. Mus. of Nat. Hist.	4.95	0.00						
World Literature Today	1.00	0.00						
Provost Office Admin.	2.40	1.00						
Writing Center		1.00						
Research Administration	0.93							
Library	27.00	27.00	2.59%	1	1			1
ROTC	14.00	14.00	1.35%	1	1			
TOTAL Pooled Faculty (FTE)	63.80	6.13%	3.0656					1
TOTAL Pooled Seats	3.00				3.00			
Total Full-Time-Equivalent Instructional Facu	1040.59		93.9344	98				