

ROGERS STATE UNIVERSITY

ACADEMIC POLICIES AND PROCEDURES MANUAL

3.4 ACADEMIC TENURE

Tenure is a privilege and a distinctive honor. Tenure is defined as continuous reappointment, which may be granted to a faculty member in a tenure-track position, subject to the terms and conditions of appointment. Tenure is granted by the Board of Regents of the University of Oklahoma upon recommendation of the President. Determination of merit and recommendation for granting tenure shall be in accordance with the tenure policies and procedures of the University as detailed in this manual.

3.4.1 Concepts and Understandings Regarding Tenure Policies

- Only full-time faculty members holding academic rank of assistant professor, associate professor, or professor may be granted tenure. In those exceptional cases when it is recommended that a faculty member be permitted to reduce his or her employment to less than full-time and maintain a tenured status, specific Regents' approval must be granted. Qualified professional librarians shall be considered faculty members if they are accorded academic rank. The highest interests of the University will best be served through collegiality, a spirit of cooperation and a sense of mutual confidence among the faculty, the department heads, the academic deans, the VPAA, and the President of the University. The procedure for recommending tenure is designed to systematize as well as to encourage such cooperation and mutual confidence.
- Tenure implies a mutual responsibility on the part of the University and the tenured faculty member. In granting tenure to a faculty member, the University makes a commitment to the faculty member's continued employment, subject to certain qualifications. The University expects that tenured faculty members will maintain the level of performance by which they initially earned tenure.
- Faculty members accorded tenure will normally commence their tenure appointments in the academic year immediately following the Board of Regents' action.
- Tenure shall be granted only by written notification after approval by the Board. Since only the Board of Regents of the University of Oklahoma may grant tenure based upon a recommendation from the University President, de facto tenure is nonexistent at Rogers State University.
- In each case where tenure is awarded, there must be assurance that continuing financial support can reasonably be anticipated. The President

shall determine whether funds are sufficiently secure to support the awarding of tenure.

- A maximum of seventy (70) percent of the full-time faculty at the University may hold tenure at any one time. In the event the seventy (70) percent limit is reached, there will be no additions to the tenured faculty at Rogers State University. However, the tenure process on campus will continue. Faculty members recommended for tenure will be placed in a priority-hold status by year pending vacancies and the standard seven (7) year probationary period listed in 3.4.2 will be suspended. As tenured positions become available, faculty members will be removed from priority-hold status and granted tenure according to the following criteria in descending order of importance: longest time on priority-hold status, longest service to the University, highest rank, and longest tenure-eligible service.
- Any exception to the policy on tenure may be granted by the President of the University consistent with policies of the Board of Regents of the University of Oklahoma.

3.4.2 Probationary Period

Faculty members shall be on probation for a minimum of four (4) years after date of first being employed by Rogers State University in a tenure track position. Years of experience in a non-tenure track position may be used towards years of the probationary period only if approved by the VPAA. After the four-year probationary period, faculty members holding the rank of assistant professor, associate professor, or professor may request tenure. Faculty members will remain on probation until either tenure is granted or seven years have elapsed. Seven (7) years shall be the maximum probationary period for the eligible faculty member to receive tenure. If, at the end of seven (7) years any faculty member has not attained tenure, there will be no renewal of appointment for the faculty member unless a specific request for a waiver of policy is approved by the President.

For the purpose of determining probationary employment of faculty members for tenure consideration, sabbatical leave is included as a part of the period of probationary employment, and a leave of absence is not included as part of the probationary period.

3.4.3 Criteria for Tenure

Providing that candidates meet the academic rank eligibility requirements for tenure, the tenure decision shall be based on a thorough evaluation of the candidate's total contribution to the mission of the University, including the maintenance of collegial relations with other faculty, staff, students, administration and the community. While specific responsibilities of faculty members may vary because of special assignments or because of the particular

mission of an academic unit, all evaluations for tenure shall address the areas of professional activities, as outlined in Section 3.2 (teaching; research and creative/scholarly activity; and professional and University service and community engagement).

3.4.4 Tenure Process

It is the responsibility of the individual faculty member to initiate the request for tenure and to prepare the portfolio of materials. If the faculty member is requesting promotion as well as tenure, the portfolio of materials may be used for both processes. Tenure track faculty may apply for tenure two times, during their fifth, sixth, or seventh year of the probationary period. If, however, application is made during the seventh year and not granted, that is still the terminal year. The department head and the dean will advise the faculty member in preparation of this request. The following steps outline the procedures in the tenure process. A *Portfolio Transmittal Form* to certify the receipt dates and transmittal dates at each step of the tenure process must accompany the request and is available from the department head. In the event that one of the deadlines in the tenure process falls on a weekend or holiday, the deadline becomes the next working date at the University. It is the right of the individual faculty member to monitor the flow of materials through the process. At any step in the process, the faculty member may withdraw a request for tenure, but it will count as one of the two opportunities to apply for tenure following the decision of the tenure review committee.

Step 1 – By November 15, the faculty member files a written request for tenure with the department head. The request must be accompanied by a portfolio exhibiting documentation of excellence in teaching; research and creative/scholarly activity; and professional and University service and community engagement. Professional and University service include contributions to the institution and to the profession. The portfolio must include all available signed annual faculty development and evaluation documents.

A Tenure Review Committee is then formed. All tenured faculty members within the department serve as the Tenure Review Committee. In the event that the number of tenured faculty members in the department is fewer than five (5), the tenured faculty within the department plus additional tenured faculty members appointed by the dean of the school to form a group of five (5) tenured faculty members serves as the Tenure Review Committee.

The department head calls a meeting of the Tenure Review Committee to initiate discussion of the request. After each member of the Tenure Review Committee critiques the portfolio and each performance criterion, the faculty member's performance is reviewed, discussed, and evaluated by the Tenure Review Committee. This review shall be conducted in a manner that allows for input from non-tenured colleagues, tenured colleagues from outside the department, students, alumni, and administrative information from the department head or

dean. This will be accomplished in the following manner: By November 16th, each Department Head will forward through their respective Dean to the VPAA, a list of applicants for tenure. The office of the VPAA will disseminate the list to the university community, soliciting comments. All comments, if any, must be received by the Tenure Review Committee prior to November 21st. After completion of the review, a poll by secret ballot of the Tenure Review Committee is taken to determine whether a recommendation for the granting of tenure will be made. A simple majority rule prevails. The Tenure Review Committee then sends the portfolio, the tenure evaluation form, the committee's vote, and their recommendation to grant or to deny to the department head. The committee will also provide a statement in writing of their action to the candidate. All ballots are retained by the chair of the Tenure Review Committee until a final decision is reached concerning the tenure request. The ballots are then destroyed.

Step 2 – By December 15, the department head reviews the Tenure Review Committee's vote and recommendation, reviews the portfolio, and evaluates each performance criterion. The department head will consult with the Tenure Review Committee regarding their recommendation. Once this consultation is completed s/he provides the Tenure Review Committee and the faculty member a written notification of his/her recommendation (approval/disapproval). The department head then forwards all documents to the dean of the school.

Step 3 – By January 15, the dean of the school reviews the portfolio and attached recommendations, and evaluates each performance criterion. The dean must consult with the department head and/or Tenure Review Committee regarding their recommendation. Once this consultation is completed, s/he provides the department head, the Tenure Review Committee, and the faculty member a written notification of his/her recommendation (approval/disapproval). The dean then forwards all documents to the VPAA.

Step 4 – By February 15, the VPAA reviews the portfolio and attached recommendations, and evaluates each performance criterion. The VPAA must consult with the dean and/or department head and/or the Tenure Review Committee regarding their recommendation. Once this process is completed s/he provides the dean of the school, the department head, the Tenure Review Committee, and the faculty member a written notification of either his/her decision of denial of tenure with reasons or his/her recommendation of approval.

If the VPAA recommends approval of the request, he/she forwards all documents to the President.

If the VPAA denies the tenure request and the faculty member believes that tenure review procedures were not followed, he/she may appeal the action to the Faculty Appellate Committee. The appeal request must pertain solely to tenure review procedures.

Step 5 – By March 1, the faculty member must provide written notification to the

VPAA that the right of appeal is being exercised, along with the specific grounds for the appeal.

Step 6 – By March 7, upon receiving notification of appeal, the VPAA will provide this notification and the grounds for the appeal to the chair of the Faculty Appellate Committee. Pertinent testimony from all parties involved may be heard, but must be limited to tenure review procedures only. The Faculty Appellate Committee will consider all documentation and testimony, vote by secret ballot, and provide the VPAA a written notification of their decision.

The Faculty Appellate Committee must complete its action by March 20.

Step 7 - By April 1, if the Faculty Appellate Committee rules that tenure review procedures were not followed, the process will resume at the point where the violation occurred. The VPAA shall be responsible for monitoring the subsequent process to ensure that correct review procedures are followed, and that the process is completed by April 20.

If the Faculty Appellate Committee rules that the tenure review procedures were followed, then appeal is denied. The process will resume at the point where the appeal occurred

Step 8 – By May 1, upon receiving a recommendation from the VPAA, the President either approves or disapproves the request for tenure.

If the President approves the request for tenure, he/she recommends the granting of tenure to the Board of Regents of the University of Oklahoma, normally at the May meeting. The President then reports the Regents' action to the VPAA, who then provides written notification to the dean of the school, the department head, and the faculty member.

If the President disapproves the request for tenure, he/she provides written notification to the VPAA. The VPAA will then provide written notification to the dean of the school, the department head, and the faculty member.

Step 9 - The process is completed by the following actions:

- All recommendations will be placed in the personnel file of the candidate.
- The portfolio and a copy of all recommendations will be returned to the candidate.
- All confidential, relevant records leading to tenure will be kept in the VPAA's office for a period of five (5) years and then destroyed unless further recordkeeping of the same is required by either the State of Oklahoma's "General Records Disposition Schedule for State Universities and Colleges," or other legal requirements.

3.4.5 Post-Tenure Review

Post-tenure review at the University is a periodic peer-based evaluation of tenured faculty for the purpose of guiding career development and, when judged necessary, improving faculty performance. The post-tenure review process is based on and extends the annual evaluation of faculty through two processes:

- 1) A retrospective review of faculty performance in teaching; research and creative/scholarly activity; and professional and University service and community engagement over the three years preceding the review, and
- 2) A formative evaluation for future professional growth.

For all faculty, post-tenure review provides a formal opportunity for self-assessment and discussion with peers about professional development. For those faculty whose performance is judged to be below expectations, the evaluation leads to the formulation of a professional development plan, the purpose of which is to assist the faculty member to raise his or her level of performance to meet or exceed the expectations for tenured faculty.

Post-tenure review is mandatory for all tenured faculty.

Bearing in mind the value and importance of academic freedom and procedural due process to the well-being and success of the academic community, the University acknowledges and supports in principle the policies and procedures set forth in the AAUP's *Standards for Good Practice in Post-Tenure Review*. Post-tenure review is not a re-evaluation of a faculty member's tenure status, nor is it intended as means to effect programmatic change. The post-tenure review process will be carried out in a manner that is consistent with the University's policies on academic freedom and responsibility and on faculty evaluation. Post-tenure review will be based on the criteria for annual review established by the faculty of the unit and approved by the administration. Specific provisions prescribing post tenure reviews are set forth in Section 3.8.2 of this Manual.

3.4.6 Non-Tenured Regular Faculty Non-Reappointment

Action on the reappointment of non-tenure track or tenure-track regular faculty is initiated by the academic department head through the respective dean to the VPAA, President and Board of Regents. Any final decision not to reappoint a faculty member shall be determined by the Board of Regents. The VPAA will provide written notification of non-reappointment to the faculty member no later than March 1. Failure to reappoint may be without specific or stated cause.

3.5 SEVERE SANCTIONS

The University strives to exercise great care in selecting faculty appointees and to confer tenure upon only those faculty members who have demonstrated their merit for tenured appointment. For that reason, severe sanctions such as dismissal of a tenured faculty member (abrogation of tenure) or of a regular faculty member during a non-tenure track or tenure-track appointment should be an exceptional event. It is also recognized, however, that a few faculty members may from time to time engage in improper conduct which requires severe sanctions short of dismissal. Such sanctions may include but are not limited to loss of prospective privileges for a stated period; restitution; a fine; a reduction in salary; or suspension from service for a stated period, without other prejudice. As in the case of dismissal, the imposition of severe sanctions short of dismissal should be viewed as a serious and infrequent step usually undertaken only after administrative remedies and minor sanctions have failed.

While extreme action will be required infrequently, the University must be prepared for such an eventuality, so that both the integrity of the University and the rights of the faculty member may be preserved. Toward this end, the faculty must be willing to recommend severe sanctions upon, or dismissal of, a colleague when necessary. By the same token, the President and the Board of Regents shall give all reasonable consideration to faculty recommendations.

Only the Board of Regents has the power to impose severe sanctions. The Board of Regents shall exercise this power only in cases where it determines that there exists sufficient cause for such action.

3.5.1 Grounds for Abrogation of Tenure, Dismissal, and Other Severe Sanctions

A faculty member against whom the imposition of a severe sanction is to be brought or whose dismissal is to be requested must have given such cause for the action as relates directly and substantially to his or her professional capabilities or performance. It is not possible to specify all proper grounds for these drastic measures. Proper reasons for dismissal of a regular faculty member who has tenure or whose tenure-track appointment has not expired include, but are not necessarily limited to, the following:

- a) Professional incompetence or dishonesty, including but not limited to, academic dishonesty, or misuse of University property or resources;
- b) Substantial, manifest, or repeated failure to fulfill professional duties or responsibilities;
- c) Personal behavior preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities, including but not limited to, deliberate and grave violations of the rights and freedoms of fellow faculty members, administrators, or students;

- d) Serious violations of law which are admitted or proved before a court of competent jurisdiction or the administrative body established to hear such matters, preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities, or violations of a court order, when such order relates to the faculty member's proper performance of professional responsibilities;
- e) Action(s) involving moral turpitude.
- f) Changes in the University's educational function through action of the Board of Regents and/or the Oklahoma State Regents for Higher Education, which result in the elimination of an academic unit. In such instances the University will make every reasonable effort to reassign affected faculty members to positions for which they are properly qualified before dismissal results from such elimination;*
- g) Financial emergency;*

*Although not considered severe sanctions, (f) and (g) are proper reasons for dismissal of a faculty member who has tenure or whose tenure-track or non-tenure track term has not expired.

3.5.2 Grounds for Summary Suspension

Suspension of a faculty member or assignment to other duties in lieu of suspension is justified only if immediate harm to the faculty member or to others is threatened by that person's continued performance of regular duties. The faculty member may, on request and at the convenience of the department, be relieved of some professional duties if this is necessary to provide time for the preparation of a defense. Summary suspension does not remove from the University the obligation to provide due process within a reasonable period of time following action.

3.5.3 Process for Dismissal of a Faculty Member for Cause

Dismissal proceedings will begin with a conference between the faculty member and the dean of the school. The conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the University would be served by the faculty member's resignation. If this conference does not result in mutual agreement, the dean will submit a recommendation in writing with rationale to the faculty member and to the VPAA.

Within seven (7) days, the VPAA will have a conference with the faculty member. This conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the

University would be served by the faculty member's resignation. If this conference does not result in mutual agreement, the VPAA will submit a recommendation of dismissal in writing with rationale to the faculty member and to the President.

A faculty member who receives a recommendation of dismissal from the VPAA may request, and will be afforded, a hearing before the Faculty Appellate Committee. Failure to make a request in writing to the VPAA within seven (7) days after receipt of recommendation of dismissal from the VPAA will constitute a waiver by such faculty member of his/her right to a hearing before the Faculty Appellate Committee

If the faculty member waives his/her right to appeal, the President will recommend dismissal of the faculty member to the Board of Regents at the next board meeting. The President will notify the faculty member of the action of the Board by registered mail with a return receipt requested. Every reasonable effort must be made by the President to ensure that the communication is delivered to the faculty member without delay.

3.5.4 Process for Other Severe Sanctions

Disciplinary action will begin with a conference between the tenured faculty member, the department head, and the dean of the appropriate school. If, as a result of the conference, the dean finds that disciplinary action is warranted, a written recommendation for action and the rationale for the action will be forwarded to the faculty member and the VPAA.

If the faculty member does not agree that the recommended disciplinary action is warranted, he/she may request, and will be afforded, a conference with the VPAA. Failure to make a request in writing to the VPAA within fourteen (14) calendar days after receipt of recommendation of disciplinary action will constitute a waiver by such faculty member of his/her right to further appeal. The VPAA will forward the recommended disciplinary action and the rationale for the action to the President.

If the faculty member does timely request a conference with the VPAA, the conference will be arranged within fourteen (14) calendar days. The VPAA may then determine that the recommended disciplinary action is not necessary, or should be modified. If the VPAA approves and/or modifies the recommended disciplinary action, he/she will provide the President, dean, department head and the faculty member a recommendation of the disciplinary action.

A faculty member who receives a recommendation of disciplinary action from the VPAA may request and will be afforded a hearing before the Faculty Appellate Committee. Failure to make a request in writing to the VPAA within fourteen (14) days after receipt of recommendation of disciplinary action from the VPAA will

constitute a waiver by such faculty member of his/her right to a hearing before the Faculty Appellate Committee

If the faculty member waives his/her right to appeal, the President will recommend the plan of disciplinary action of the faculty member to the Board of Regents at the next board meeting. Upon approval of the disciplinary action by the Board of Regents, the VPAA will provide written notification to the dean, the department head, and the faculty member that the plan of disciplinary action has been approved and a copy of the disciplinary action will be placed in the faculty member's personnel file.

3.5.5 Appeal Procedures for Recommendations Regarding Severe Sanctions

After a faculty member has requested a hearing before the Faculty Appellate Committee, service of notice of hearing with specific charges in writing will be made by the VPAA to the Faculty Appellate Committee and the faculty member at least twenty (20) days prior to the hearing. The faculty member may respond by waiving the hearing and filing a written brief, and if not then the matter will proceed to a hearing. If the faculty member waives hearing, but denies the charge or asserts that the charges do not support a finding of adequate cause, the Faculty Appellate Committee will evaluate all available evidence, including testimony and documentary evidence presented by the University, and make its recommendation upon the evidence in the record.

- a) If the faculty member requests a hearing, the Faculty Appellate Committee will, with due diligence considering the interests of both the University and the faculty member, hold a hearing and report its findings and recommendations to the University President and to the faculty member.
- b) At hearings before the Faculty Appellate Committee, faculty members and the University will be permitted advisors and/or counsel. A court reporter will be retained by the University to record the proceedings. Parties will pay the cost of a copy of the transcript. The hearing will be conducted in a closed session.
- c) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will attempt to secure the cooperation of such witnesses and will make available necessary documents and other evidence within its control. No employee of the University, regardless of position, will be excluded or excused from appearing before the committee, if available.
- d) The faculty member and the University will have the right to cross

examine all witnesses present, except in matters involving student alleged gender-misconduct. Depositions are admissible whenever a witness cannot appear.

- e) The committee may conclude by secret ballot: a) that adequate cause for dismissal/disciplinary action has not been established by the evidence, or; b) that adequate cause for dismissal/disciplinary action has been established, but an academic penalty less than dismissal and/or the recommended disciplinary action, including removal of tenure, would be more appropriate, or; c) that adequate cause for dismissal/disciplinary action has been established by the evidence. The committee may make any other recommendations it determines are appropriate. The committee's findings and recommendations will be made to the University President. The committee will send a copy of its findings and recommendations to the faculty member.
- f) The President will review the recommendations of the Faculty Appellate Committee and the VPAA and notify the faculty member of his/her recommendation to the Board of Regents. The faculty member will have the right to request the Board of Regents to review adverse findings and recommendations of the President. The request must be in writing and filed within fifteen (15) days after the President of the University mailed the notification to the faculty member.
- g) In the event the faculty member submits a timely request to the Board to review adverse findings and recommendations of the President, the faculty member must request a hearing of all of the evidence of the case, if desired. The Board of Regents has the discretion to determine whether the review will be a *de novo* hearing or a review of the record.
- h) Public statements and publicity about the case by the University will be avoided until the proceedings, including consideration by the Board of Regents, have concluded.

3.5.6 Dismissal of Tenured Faculty for Academic Unit Elimination or Financial Emergency

A faculty member with tenure whose position is terminated based upon the elimination of an academic unit will be given five (5) months written notice if possible. The University will make every reasonable effort to reassign affected faculty members to positions for which they are properly qualified before dismissal results from such elimination.

If an appointment is terminated based upon academic unit elimination or financial emergency, the dismissed faculty member's position will not be filled by a replacement within a period of two years, unless the dismissed faculty member

has been offered reappointment at the previous status.