

NORTHWESTERN OKLAHOMA STATE UNIVERSITY  
TENURE POLICY  
2018-2019

**Academic Tenure.**

(a) 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. The tenure decision shall be based on a thorough evaluation of the candidate's total contribution to the mission of the university. 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 at a minimum whether each candidate has achieved excellence in: (1) effective classroom teaching; (2) scholarly or creative achievement; (3) contributions to the institution and profession; and (4) performance of non-teaching or administrative duties. The university may formulate standards for this review and determine the appropriate weight to be accorded each criterion consistent with the mission of the academic unit.

(b) Tenure is granted by the Board of Regents of the Regional University System of Oklahoma upon recommendation of the university president. Determination of merit and recommendation for granting tenure shall comport with the minimum criteria and policies and procedures contained in this chapter.

(c) The terms and conditions of every appointment or reappointment shall be stated in writing and be in the possession of both the institution and faculty member before the appointment is consummated. Tenure shall be granted only by written notification after approval by the Board. Only full-time faculty members holding academic rank of assistant professor, associate professor, or professor may be granted tenure. Qualified professional librarians shall be considered faculty members if they are given academic rank.

(d) Tenure does not apply to administrative positions, but a tenured faculty member appointed to an administrative position retains tenured status previously granted as a member of the faculty.

(e) The Board intends that tenured personnel are reappointed to the faculties of the institutions under its control within existing positions that are continued the next academic year. The Board reserves the right to terminate tenured faculty at the end of any fiscal year if the Legislature fails to appropriate or the Oklahoma State Regents for Higher Education fails to allocate sufficient funds to meet obligations for compensation.

(f) The Board recommends that not more than sixty-five percent (65%) of the full-time faculty at the university receive tenure.

**Periods of Appointment and Tenure.**

(a) Faculty members holding academic rank above the level of instructor or lecturer (assistant professor, associate professor, or professor) shall be on probation for a minimum of five (5) years after date of first being employed by the university in a tenure track position. Years of experience in any position other than a tenure track position may be used for the probation only if approved by the university president. Seven (7) years shall be the maximum probationary period for the eligible faculty

member to become eligible for 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 recommendation for waiver of policy from the president to the contrary is approved by the Board each year.

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

#### **Procedure for Granting Tenure and Reviewing for Tenured Faculty.**

(a) When a faculty member is to be considered for tenure, the dean of faculty shall call meetings of the tenured faculty of each school for a discussion of the case. The faculty member's contributions to the mission of the university shall be reviewed and evaluated by the tenured members of his/her school and by the dean of faculty, and a poll by secret ballot will be taken to determine whether a recommendation for the granting of tenure will be made. The results of all balloting will be confidential and will not be included in the faculty member's personnel file. This review may be conducted in a manner that allows for input from non-tenured colleagues, students, alumni, and administrative information from the department and/or school. In the event that the number of tenured faculty members in a school is fewer than five (5), the tenured members in that school and/or department, plus additional tenured faculty members appointed by the vice president for academic affairs or his/her designee to form a group of at least five (5) tenured faculty members, shall act as an ad hoc committee for tenure recommendation. A simple majority rule shall prevail. The dean of faculty will then report the results of the vote and the department/division chair's recommendation, separate from his/her recommendation, to the vice president for academic affairs. The vice president for academic affairs will report these recommendations as well as his/her recommendation to the president.

The university may establish a process to have additional tenure committee(s) at the college and or university level. A recommendation for tenure may also come directly from the vice president for academic affairs or from the president of the university without prior recommendation from the school. If the president elects to recommend granting of tenure, s/he will make the recommendation to the Board.

(b) The academic and professional performances of each tenured faculty member must be reviewed at least every three (3) years. When the review results in a finding that a tenured faculty member's academic and professional performance is unsatisfactory, the faculty member shall be notified of the deficiencies in performance and must be reviewed again within one (1) year. The results of each review will be placed in the personnel record of the tenured faculty member. The tenured faculty member should be given a copy of the review and an opportunity to respond. Two consecutive unsatisfactory post-tenure performance evaluations will be grounds for dismissal or suspension.

(c) At the beginning of the academic year in which tenured positions are available, the vice president for academic affairs shall notify the individuals eligible for tenure and the number of positions available and request they provide their part of the information for evaluation. The vice president for academic affairs will also ensure that other evaluation data is collected from appropriate sources. Three weeks prior to the time at which the vice president for academic affairs will need the tenure recommendation, the evaluation information package will be forwarded to the school evaluation committee for their consideration.

The evaluation information consists of faculty member's portfolio, course and instructor evaluation scores, and overall composite ratings.

Note: The need to develop and retain the highest quality of faculty takes precedence over considerations of individual seniority.

### **Termination of Appointment and Dismissal.**

No tenured member of the faculty shall have his/her appointment terminated in violation of the principles of tenure adopted by the Board except for one or more causes which may include, but are not limited to, the following:

- a. Committing a felony or other serious violation of law that is admitted or proved before a court of competent jurisdiction, preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities, or violation of a court order which relates to the faculty member's proper performance of professional responsibilities.
- b. Moral turpitude.
- c. Insubordination.
- d. Professional incompetence or dishonesty.
- e. Substantial or repeated failure to fulfill professional duties or responsibilities or substantial or repeated failure to adhere to Board or university policies.
- f. Behavior preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities.
- g. An act or acts which demonstrate unfitness to be a member of the faculty.
- h. Falsification of academic credentials.
- i. Two consecutive unsatisfactory post-tenure performance evaluations.
- j. Bona fide lack of need for one's services in the university.
- k. Bona fide necessity for financial retrenchment.
- l. Discontinuance of a program or department.

### **Suspension of a Tenured Faculty Member.**

The president of the university shall have the authority to suspend any faculty member formally accused of causes a, b, c, d, e, f, g, h or i (listed in paragraph 3.3.6). The president shall notify the General Counsel of the Board in writing of the terms and conditions of the suspension within 30 days of notifying the faculty member. A faculty member should be suspended only if harm to the faculty or

students is possible or disruption of proper conditions for teaching and learning are threatened by the faculty member's continuance. During the suspension period, compensation for the suspended person should be continued. If during the suspension period the faculty member is convicted of or admits to the commission of a felony or a crime involving moral turpitude or other serious violation of law referenced above, the institution shall not continue compensation.

#### **Dismissal of a Tenured Faculty Member for Cause.**

Dismissal proceedings shall begin with a conference between the faculty member and the appropriate academic officer. 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 academic officer will submit a recommendation in writing with rationale to the faculty member and to the vice president for academic affairs. Within fourteen (14) days, the vice president for academic affairs should have a conference with the faculty member. At the conclusion of the conference the chief academic officer will make a written recommendation to the president with a copy to the faculty member.

#### **Dismissal of Tenured Faculty for Program Discontinuance or Financial Retrenchment.**

A faculty member with tenure whose position is terminated based on bona fide lack of need for one's services in the university, or necessity for financial retrenchment, discontinuance of a program or department will be given five (5) months written notice unless an emergency arises.

Before terminating an appointment because of discontinuance of a program or department, or because of other lack of need of services, the university will make reasonable efforts to place affected members in other suitable positions.

If an appointment is terminated because of financial retrenchment, or because of discontinuance of a program, the released faculty member's position will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment at the previous status.

#### **Appellate Committee on Dismissal of Tenured Faculty Members.**

A faculty member who receives notice of recommendation of dismissal by the Chief Academic Officer may request and shall be afforded a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members. Failure to make a request in writing to the president within fourteen (14) days after receipt of notification shall constitute a waiver by such faculty member of his/her right to a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members and the president shall then make a final determination. Each university shall institute an Appellate Committee on Dismissal of Tenured Faculty Members. The committee shall not exceed nine (9) tenured faculty members, eight (8) of whom shall be nominated or elected by the faculty governing body of the university and one member appointed by the president of the university. A quorum shall be five (5) members or a majority of qualified members of the committee. Initially, one-half (1/2) of the elected members shall be elected for twelve (12) months and one-half (1/2) shall be elected for twenty-four (24) months; thereafter, one-half (1/2) shall be elected each year. No member may serve more than (2) two consecutive terms. One (1) or more alternate members of the committee shall be elected to serve in

the event a regular member is unable to serve. If any member of the committee is an interested party in a case which comes before the Appellate Committee on Dismissal of Tenured Faculty Members, said committee member shall not serve on that case.

The incumbent committee shall serve until the completion of any case pending at the time their term of service expires.

The decision of the committee will be based on majority vote. Prior to any hearings the committee will hold an organizational meeting at which time the committee will at a minimum elect its own chair, who will have the right to vote.

### **Appeal Procedures for Tenured Faculty.**

(a) After a faculty member has requested a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members, service of notice of hearing with specific charges in writing will be made at least twenty (20) days prior to the hearing. The faculty member may respond by waiving the hearing and filing a written brief or the matter may 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 Appellate Committee on Dismissal of Tenured Faculty Members will evaluate all available evidence, including testimony and documentary evidence presented by the university, and make its recommendation upon the evidence in the record.

(b) If the faculty member requests a hearing, the Appellate Committee on Dismissal of Tenured Faculty Members shall, with due diligence, considering the interests of both the university and the faculty member affected, hold a hearing and report its findings and recommendations to the university president and to the involved faculty member.

(c) At hearings before the Appellate Committee on Dismissal of Tenured Faculty Members, faculty members and the university shall be permitted academic 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 committee will determine whether the hearing should be public or private.

(d) 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 institution, regardless of position, should be excluded or excused from appearing before the committee, if available.

(e) The hearing will begin with the Chief Academic Officer presenting the case for dismissal and continue with the faculty member presenting the case against dismissal. Each side may introduce evidence and/or call witnesses as desired. The faculty member and the university will have the right to cross-examine all witnesses present. Depositions are admissible whenever a witness cannot appear.

(f) The committee may conclude: a) that adequate cause for dismissal has been established by the evidence; b) that adequate cause for dismissal has not been established by the evidence; or c) that adequate cause for dismissal has been established, but an academic penalty less than dismissal, including removal of tenure, would be more appropriate. The committee may make any other

recommendations it determines are appropriate. The committee's findings and recommendations shall be made to the university president. The committee shall send a copy of its findings and recommendations to the affected faculty member.

(g) The president shall notify the affected faculty member of the president's recommendation to the Board. The faculty member shall have the right to request the Board to review adverse findings and recommendations of the president. The request must be in writing and filed within fifteen (15) days after final notification by the president of the university at the office of the Regional University System of Oklahoma. If the affected faculty member does not timely request that the Board review the president's findings and recommendations, the president's determinations become final and binding.

(h) 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 indicate whether he/she desires a hearing of all of the evidence of the case, otherwise the review will be a review of the record of the case. The Board has the discretion to determine whether the review will be a *de novo* hearing or a review of the record. The Board may retain a hearing officer to conduct the review and make recommendations to the Board.

(i) Public statements and publicity about the case by the university will be avoided until the proceedings, including consideration by the Regents, have been concluded.

#### **Disciplinary Action Other Than Dismissal or Suspension Process.**

Disciplinary action affecting the terms of employment taken by the university against a tenured faculty member must be based upon causes stated in this chapter, or any other adequate cause which related directly and substantially to the fitness of the tenured faculty member to perform professional duties. Disciplinary action shall begin with a conference between the tenured faculty member and the appropriate academic officer. If as a result of the conference, the academic officer finds that disciplinary action is warranted, a written recommendation for action should be forwarded to the dean of faculty. If, after review, the dean decides not to proceed with further disciplinary action, both parties should be notified in writing. If the dean determines that additional action is warranted, then a conference with the tenured faculty member should be arranged. The dean may determine that no further action is necessary. If, however, additional action is warranted, the faculty member and the vice president for academic affairs shall be notified in writing within fourteen (14) days. The vice president for academic affairs should arrange for a conference with the faculty member. The vice president for academic affairs may then determine that no additional action is necessary.

However, the vice president for academic affairs should notify the faculty member in writing if an additional plan of disciplinary action is made. A copy of the disciplinary action should be placed in the faculty member's personnel file.