

### 3.7 FACULTY TENURE

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. 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 approval must be granted by the Board of Regents.

Faculty members accorded tenure will normally commence their tenure appointments in the academic year immediately following the action of the Board of Regents.

#### 3.7.1 Academic Tenure - Norman Campus

##### (A) Definitions

The term "tenure" means continuous reappointment to an achieved academic rank in accordance with the 1947 action of the Board of Regents. It is hereinafter understood that tenure must be granted or denied by specific action of the Board of Regents.

Tenure is designed as a means to protect the academic freedom of faculty members. This is to say, tenure is a means to assure unfettered, unbiased, unencumbered search, verification, and communication of truth by professional scholars and teachers. Tenure is designed to provide faculty members with freedom from political, doctrinaire, and other pressures, restraints, and reprisals which would otherwise inhibit the independent thought and actions in their professional responsibility of search, verification, and communication of truth.

(B) The term "probationary period" refers to the period of employment in an academic rank prior to the time tenure is granted for those faculty hired as tenure track faculty. Notwithstanding different uses of the term elsewhere (as in some statements of the American Association of University Professors), the probationary period does not include any period of employment following the awarding of tenure.

(C) The term "prior service" means academic employment at an institution of higher education (including the University) before the first appointment in the effective probationary period as a tenure track faculty member at the University.

### 3.7.2 ELIGIBILITY FOR TENURE

(A) All tenure-track faculty of the University of assistant professor or above are eligible for tenure.

(B) It is understood that a faculty member who has been granted tenure by the University, and thereafter accepts an administrative post within the University, retains tenured status as a member of the faculty.

(C) When an initial appointment is made to a position which is primarily administrative but carries with it academic rank of assistant professor or above, specific understanding should be reached at the time of offer with the individual concerned and agreed to in writing by the Senior Vice President and Provost, the dean, chair/director, and the faculty of the appropriate academic unit as to whether the individual will be reviewed for tenure at the proper time and what conditions must be met before there is tenure eligibility.\* Whenever a tenure-track faculty member during the probationary period assumes primary administrative responsibilities, agreement should be reached in the same manner. Likewise, whenever an administrator is given academic rank at any time following the initial appointment, the same would apply.

(D) It is understood that a faculty member who has been granted tenure by the University and thereafter changes from a full-time appointment to a volunteer or part-time faculty appointment forfeits tenured status unless the change is temporary or results from the faculty member's being in phased retirement.  
(Regents, 12-15-83)

\*Academic titles of administrators or professionals are for the same period as the administrative appointment and do not continue beyond it unless the individual is awarded tenure at the time of appointment or is given full-time employment as a faculty person after the administrative duties cease. (Presidential Approval, 8-15-77)

### 3.7.3 PROBATIONARY PERIODS

(A) The "Contract of Employment" furnished to a candidate for appointment to a tenure-track faculty position shall specify, in addition to the rank and salary, the length of the probationary period entailed in the appointment and any special conditions pertaining to the appointment. All such conditions must be set forth in writing by the Senior Vice President and Provost whenever any faculty appointment is offered.

(B) The probationary period for a faculty member whose effective date of appointment is later than the start of the academic year but no later than the first day of the second semester will be considered as dating from the beginning of the first semester, provided that the department or division in question and the Senior Vice President and Provost agree. If the effective date of appointment is later than the first day of the second semester, the probationary period shall begin with the first semester of the next academic year. (Note 1)

(Regents, 3-8-84)

Note 1: The beginning of academic year appointments on the Norman Campus is August 16 with the beginning of the second semester January 1.

(C) For a faculty member being appointed to a tenure-track position, whose initial appointment is at the rank of assistant professor or associate professor, the probationary period shall be six academic years or twelve regular semesters, except in cases noted below.

(D) Included in the probationary period is prior full-time service (up to a maximum of three years) in professorial ranks at other institutions of higher education unless the faculty member requests in writing at the time of the first regular appointment that such service should not be included and the academic unit, the dean, and the Senior Vice President and Provost approve. Included also is prior regular full-time service (up to a maximum of three years) which the appointee may have performed in the past at the University in the rank of assistant professor or above unless the faculty member requests in writing at the time the faculty member is most recently appointed to a tenure-track position that such service should not be included and the academic unit, the dean, and the Senior Vice President and Provost approve.

Prior full-time service as assistant professor or in a comparable non-professorial rank at other institutions of higher education and prior full-time service on temporary appointments at the rank of assistant professor at the University may be counted as part of the probationary period if this arrangement is agreed upon in writing at the time of the first regular appointment. The parties to such an agreement are the appointee, the faculty and the chair/director of the appropriate academic unit, the dean, and the Senior Vice President and Provost.

(Regents, 2-16-78)

(E) In certain extraordinary cases, tenure may be awarded to faculty members of exceptionally high merit prior to the end of the sixth probationary year. The chair/director of the academic unit must obtain approval from the dean and Senior Vice President and Provost prior to having a faculty member submit a dossier for review. Any academic unit's recommendation to award tenure before the end of the usual probationary period should be accompanied by an accounting of compelling reasons for this action. (Note 2) If the University's decision at that time is not to confer tenure, however, the faculty member in question may, subject to continuation or renewal of contract, continue to serve in the probationary period and be considered for tenure again without prejudice.

Note 2: Early consideration for tenure ought not to be an expected reward for outstanding performance. There should be other "compelling reasons" for any exception to the normal probationary period, and any unit considering such a recommendation should confer with the dean prior to proceeding with the tenure consideration. Early tenure cannot be initiated without prior written approval of the Senior Vice President and Provost.

(Senior Vice President and Provost, 7-8-81)

(F) A new faculty member appointed at the rank of professor or associate professor may be given tenure from the date of appointment, or the probationary period may be set at two, three, or four years, when prior service in a professorial rank at another institution is less than three years. Persons with three or more years of such prior service may have a probationary period of no more than three years. The probationary period's length shall be set by the tenured members of the appointee's academic unit, subject to agreement by the dean and Senior Vice President and Provost at the time of the formal offer of appointment. If a majority of the unit's tenured faculty members favor tenure upon appointment, the determination of tenure shall be made based on the candidate's application, letters of recommendation, and summary of the search committee recommendations and shall include a vote of the tenured faculty, a recommendation from Committee A, a recommendation from the chair/director, a recommendation from the Dean, and a recommendation from the Senior Vice President and Provost to the President, and a final recommendation from the President to the Board of Regents.

(Regents 10-25-04)

(G) Whenever a non-regular or renewable term faculty member is hired into a tenure-track position following a faculty search, with the rank of assistant professor or above, specific written understanding must be approved by the Senior Vice President and Provost as to if and how the period of non-regular service or renewable term service will be counted toward satisfying the probationary period for tenure.

(H) A maximum of one year of leave of absence without pay may be counted as part of the probationary period, provided the department chair or school director in question records in writing its prior agreement and secures administrative approval from the dean and Senior Vice President and Provost. Leaves of absence without pay counted as part of the probationary period must entail appropriate evaluation of professional activities carried out during the leave. At the written request of the faculty member and with the approval of the academic unit, dean, and Senior Vice President and Provost, a tenure-track faculty member may be granted an extension of the probationary period because of circumstances such as family or personal crises or pregnancy.

(I) During the probationary period, a faculty member will be provided by the chair/director of the academic unit with both an annual, written evaluation of performance during the past calendar year and a progress towards tenure letter that reviews the faculty member's entire probationary period at the University. Such annual evaluation from the most recent spring evaluation cycle shall be provided prior to the applicable notification deadline for reappointment, with a copy sent to the dean.

(J) A faculty member at any rank who submits a tenure dossier and is denied tenure shall be retained on the faculty until the end of the academic year following that in which there was notification of the denial, unless there are reasons to the contrary.

(K) Faculty members accorded tenure will normally commence their tenured appointments in the academic year immediately following the action of the Board of Regents.

#### 3.7.4 CRITERIA FOR THE TENURE DECISION

The choices that the University makes in granting tenure are crucial to its endeavors toward academic excellence. A decision to grant tenure must reflect an assessment of high professional competence and performance measured against national standards. Tenure should never be regarded as a routine award.

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 the manner in which each candidate has performed in:

(A) Teaching

(B) Research or Creative/Scholarly Activity

(C) Professional and University Service and Public Outreach

Above all else, it is essential to any recommendation that tenure be granted that the faculty member has clearly demonstrated scholarly attainment, primarily but not exclusively through teaching and research or creative/scholarly activity. Each academic unit, with the participation and approval of the dean and the Senior Vice President and Provost, shall establish and publish specific criteria for evaluating faculty performance in that unit, so long as those criteria are in accord with this policy. These criteria may be changed by the faculty of the unit from time to time with the approval of the dean and the Senior Vice President and Provost. The Senior Vice President and Provost's approval of the revised criteria shall indicate a date on which they become effective. The revised criteria shall apply to all faculty in the unit appointed to the tenure-track after the effective date. Untenured faculty in the tenure-track on the effective date shall be subject to the revised criteria in instances where the changes affect only the process by which the unit ascertains the quality of individual faculty performance. When the revisions involve changes in the quality of faculty performance required for granting tenure, faculty already in the tenure-track shall remain subject to the previous criteria unless these faculty consent to the new criteria in writing.

In those cases in which specific assignments might limit the faculty member's involvement in any area of faculty responsibility, a written understanding to this effect

should be filed in the Office of the Senior Vice President and Provost and approved by the dean and the chair of the academic unit at the time the assignment is made.

The award of tenure carries with it the expectation that the University shall continue to need the services the faculty member is capable of performing and that the financial resources are expected to be available for tenured employment. It also carries the expectation that the faculty member will maintain or improve upon the level of achievement which characterized the qualifications for tenure.

### 3.7.5 PROCEDURES FOR THE TENURE DECISION

(A) A faculty member who is eligible for tenure consideration should be notified by the chair of the academic unit by May 15 before the initial vote by the faculty member's colleagues. (See (f) below.)

(B) At the time of notification, the candidate for tenure shall be requested to submit material which will be helpful to an adequate consideration of the faculty member's performance or professional activities in relationship to the tenure criteria. The candidate should be advised to consult with the chair or any other senior colleagues concerning the materials to include. It should be made clear, however, that responsibility for the contents resides with the candidate.

Note 1: All the materials assembled in accord with Section 3.7.5(b), (c), and (d) constitute the tenure dossier. Once the dossier is presented to the tenured faculty members for their vote in the process, it should not be changed either to increase it or decrease it. That way, it is clear what has been seen by all parties in the review process. Should any other items arise later that should be taken into account in the tenure process, those can be sent to any person in the tenure review process with the request that that person also take that information into account in making his or her recommendation. Technically, though, that information would not become a part of the tenure dossier itself. For example, (1) an outside letter of evaluation is received after the tenure dossier has been assembled and the tenured faculty have taken their vote, (2) someone volunteers a letter about the candidate during the process, or (3) an administrator in accord with 3.7.5(n) solicits advice from others.

(Senior Vice President and Provost, 11-22-82)

(C) The department chair/director is responsible for overseeing the preparation and uploading of the candidate's material to the online system (as described in the Senior Vice President and Provost's "Call for Tenure Recommendations") and making the material available for review online by the voting members of the academic unit at least two weeks prior to the vote. Following the vote, the academic unit's recommendation and all appropriate documentation shall be uploaded and the appropriate dean's office notified.

(D) Preceding the vote, all tenured faculty voters who are available shall meet for a discussion of the candidate's qualifications for tenure. It is assumed that the eligible voters will have studied the candidate's materials prior to the meeting. (See Note 1 above)

(E) The candidate should not be present during the discussion of his or her qualifications. The candidate should be available, however, to enter the meeting on invitation to answer questions or clarify circumstances relevant to the qualifications.

(F) Formal consideration for tenure shall originate with the polling by secret ballot of all tenured members of the candidate's academic unit, including, when practical, those who are on leave of absence. If it is proposed to consider a tenure recommendation prior to the candidate's tenure decision year after obtaining the dean's and Senior Vice President and Provost's preliminary approval to consider an early tenure decision, the tenured members of the unit shall hold a preliminary vote on whether to do so, and consideration of early tenure will proceed only if a majority of tenured faculty members favor such consideration. Subsequently, in any formal poll of tenured faculty taken prior to the candidate's designated tenure decision year, no tenure recommendation will be forwarded unless a majority of those polled favor granting tenure. Whatever the result of the faculty poll taken during the designated tenure decision year, it will be forwarded. In all cases, the result of the vote must accompany the recommendation. The numerical result of the formal secret ballot polling shall be provided to the candidate at the candidate's request.

(G) The chair and Committee A shall submit separate recommendations with supporting reasons.

(H) While primary responsibility for gathering complete information on professional activity rests with the individual faculty member, the chair or designated committee or mentor should assume a share of this responsibility to be certain that all tenure recommendations are initiated on the basis of full documentation, which must be considered by any person or group making a recommendation.

(I) All recommendations shall be in writing and, with the exception of the faculty recommendation resulting from the secret poll, reasons for the recommendations must be stated. At the time recommendations are made at any stage of the review process, notification of such recommendations must be provided to the chair and the individual candidate. It shall be the responsibility of the chair to inform the faculty of the unit about recommendations made at the various stages of the review process.

(J) Copies of the academic unit recommendations and all appropriate documentation upon which recommendations were based will be forwarded to the appropriate dean. The dean will attach a recommendation to the tenure materials and forward all materials to the Campus Tenure Committee with supporting reasons and will notify the candidate and the chair of the unit of the recommendation.

(K) The main purpose of the Campus Tenure Committee is to provide faculty advice on whether the academic unit's recommendation with regard to both substance and process is

sustained by the accompanying documentation and is consistent with the approved tenure criteria of the academic unit and the University. If it determines that the documentation is inadequate, the Campus Tenure Committee may request more information from the academic unit.

(L) The Campus Tenure Committee will attach its recommendations to the tenure materials and forward all materials to the Senior Vice President and Provost with supporting reasons and will notify the candidate, the chair of the unit, and the college dean of its recommendations. The numerical result of the Campus Tenure Committee recommendation shall be provided to the candidate at the candidate's request.

(M) The Campus Tenure Committee will be composed of nine tenured faculty members on staggered three-year terms. The Faculty Senate appoints two new members each year, and the President appoints one new member each year.

(N) In determining its recommendation, the Campus Tenure Committee may request information or advice from any person. Committee members from the originating academic unit of a case under consideration will absent themselves from discussions regarding that case.

(O) The existence of the Campus Tenure Committee in no way limits the right of administrative officers to solicit advice from faculty members in determining their recommendations.

(P) In any tenure case where the Senior Vice President and Provost plans to submit to the President a recommendation contrary to that of the Campus Tenure Committee, the Senior Vice President and Provost shall so notify the Campus Tenure Committee, allowing sufficient time and opportunity for the Senior Vice President and Provost and the Campus Tenure Committee jointly to conduct a thorough discussion of the case before the Senior Vice President and Provost presents a final recommendation to the President. If after such a discussion the Senior Vice President and Provost and the Campus Tenure Committee are in disagreement, the President or the Committee may request a meeting between the President and the Campus Tenure Committee before the President makes a final recommendation to the Board of Regents.

(Q) At any stage of the tenure review process, the concerned faculty member may appeal in writing to the Faculty Appeals Board if it is believed that procedural violations have occurred in the case or that violations of academic freedom have occurred. If it is believed that there has been discrimination on the basis of race, color, national origin, sex, age, religion, disability, political beliefs, or status as a veteran, the faculty member may file a written appeal with the University Equal Opportunity Officer. Such appeals must be made within 180 calendar days after discovery of the alleged violation, and the review process will be suspended until a resolution is effected. Such an appeal shall not have the effect of extending the faculty member's terminal year should tenure be denied.

(R) The President will notify each faculty member by May 31 whether tenure has been granted, except when appeals make this impossible.

(Regents, 6-15-78, 12-14-78, 7-22-81, 12-12-85, 1-15-87, 7-23-87, 6-27-95, 1-26-99, 1-27-04, 10-25-04)

### 3.7.6 POST-TENURE REVIEW POLICY – NORMAN CAMPUS

Post-tenure review at the Norman Campus 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 described in the Norman Campus Faculty Handbook through two processes: (1) a retrospective review of faculty performance in teaching; research and creative/scholarly activity; and professional and University service and public outreach over the five 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 who are reviewed under the applicable section of the Norman Campus Faculty Handbook, unless they have signed an agreement to retire within the two years following the year of the scheduled review or have entered into a formal phased retirement agreement with the University. 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 evaluations (see the Norman Campus Faculty Handbook). Post-tenure review will be based on the criteria for annual review established by the faculty of the unit and approved by the administration.

The text below is approved Regents Policy for the Norman Campus but is printed in its entirety only in the Norman Campus Faculty Handbook

Post-tenure reviews shall be initiated immediately following the completion of the annual faculty evaluation process.

#### (A) TIMING

### (1) Normal Review

Each faculty member shall undergo post-tenure review in the fifth year after the year in which the faculty member is awarded tenure or promotion, whichever is later, and every fifth year thereafter. Annually, the Office of the Senior Vice President and Provost will identify those faculty to undergo a normal post-tenure review, and establish and publish a time schedule for completing the required steps in the post-tenure review process.

### (2) Early Review

A post-tenure review shall be initiated earlier than the normal review cycle under the following circumstances:

(a) If the composite or overall rating of a tenured faculty member's performance on the annual evaluation is below expectations (i.e., 2.0 or less on a 5.0 scale) for two consecutive years, an early post-tenure review will be initiated immediately as an extension of the annual evaluation. Candidates for early post-tenure review will be identified by Committee A as part of the annual faculty evaluation process and reported to the unit's budget dean. However, Committee A may request from the dean permission to postpone initiation of an early review for one year if, in their opinion, the early review is not justified due to circumstances that Committee A enumerates in its request to the dean. With the approval of the dean, the initiation of an early review shall be postponed one year. If the review is postponed and the faculty member is judged to have performed to expectations in this third year, no early review will be required. If performance continues below expectations, the early review will be conducted immediately following the third year annual evaluation.

(b) A tenured faculty member may request an early review for the purpose of professional development. Such reviews are not subject to the mandatory professional development plan nor to the sanctions provisions of this policy.

### (B) LEVEL OF THE REVIEW

The review will be conducted by a Post-tenure Review Committee composed of the members of Committee A, the chair or director of the unit or units in which the faculty member holds an appointment, unless another arrangement has been approved in writing by the budget dean(s) and the Senior Vice President and Provost. Provided, in exceptional cases, as determined by the Senior Vice President and Provost, a senior faculty member outside such unit but within the college shall be added to the Post-tenure Review Committee, such member being chosen by the tenured faculty member under review from a list of three candidates selected by the Senior Vice President and Provost.

The results of the review will be forwarded simultaneously to the budget dean(s) and the Senior Vice President and Provost. All recommendations for actions must be forwarded to the dean(s) for approval.

### (C) COMPONENTS OF THE REVIEW

Post-tenure review dossiers shall consist of the following elements:

(1) Annual evaluations and mini-vitae for the previous five years. The annual evaluations and the accompanying mini-vitae from the five years prior to the review will constitute the primary sources of information about the faculty member's performance. The post-tenure review will take into account the numerical evaluations (on a scale of 0-5) for: teaching; research, scholarship and creative activity; professional, university and administrative service; and the composite evaluation reflecting the relative weights of the three categories.

(2) A self-appraisal by the faculty member being reviewed. A written statement prepared by the faculty member will constitute a central element of the post-tenure review dossier. This statement is intended to serve two purposes: provide a formal opportunity for the faculty member to reflect on his or her professional career and contributions to the University; and serve as a source of information to Post-tenure Review Committee to assist in helping the faculty member develop professionally. In this statement, the faculty member should describe his or her past contributions to the unit(s) to which he/she is appointed and to the University, assess the current state and direction of his or her career, and discuss what he or she has planned professionally for the next five years. This self-appraisal should include an evaluation of his or her past performance in the areas of teaching, research, and creative/scholarly activity and professional and University service and public outreach; a statement of professional goals for the next five years; and an explicit discussion of how achieving those goals will advance his or her professional career and contribute to achieving the goals of the unit(s) to which he or she is appointed and the University as a whole. This document is not intended to be a contract but only a source of information to the Post-tenure Review Committee to assist it in helping the faculty member to develop professionally.

(3) The faculty member's current complete curriculum vitae.

(4) Sabbatical leave reports. The report of activities and accomplishments of any sabbatical or other leaves that occurred during the interval being reviewed should also be included.

(5) Post-tenure Review Evaluations. A copy of the evaluations by the Post-tenure Review Committee from the faculty member's previous post-tenure review(s), if any.

(6) Final Reports. A copy of previous professional development plans, if any.

#### (D) EXPECTATIONS

Faculty are expected to perform in all categories of the annual evaluation and achieve a composite evaluation of 2.01 or higher on a criterion-referenced scale of 0-5. The criteria should be specified in the approved evaluation criteria of the unit(s) to which the faculty member is appointed. As required under Section 3.3 of the Faculty Handbook, academic units should communicate carefully and clearly to their faculty the specific criteria for evaluation of the unit that are used for the basis of the annual evaluation.

When and only when a faculty member's five-year average composite evaluation is lower than 2.01, the faculty member shall be required to develop and participate in a professional development plan as described herein.

#### (E) FEEDBACK

All faculty members undergoing post-tenure review will be provided with written and verbal feedback about how they are developing as professionals and how the Post-tenure Review Committee evaluates the professional goals of the faculty member in relation to the goals and mission of the unit and the University. Within thirty days of completing its review of the faculty member's dossier, the Post-tenure Review Committee will provide the faculty member with a written evaluation of his or her past performance, current status, and future professional goals. In addition, within thirty days of providing the faculty member its written evaluation, the Post-tenure Review Committee will meet with the faculty member to discuss the findings of the review.

#### (F) PROFESSIONAL DEVELOPMENT PLAN

A professional development plan is intended to assist a faculty member whose performance is not meeting expectations to bring his or her performance up to the expected level. Participation in a professional development plan is mandatory for faculty members who, during post-tenure review, are found not to meet the expectations for faculty performance, as described in Section 3.7.6(D). Other faculty members may request, from Committee A, permission to participate in a professional development plan on a voluntary basis to assist in their professional development. Voluntary professional development plans are not subject to the sanctions described in Section 3.7.6(G) and shall not alter the cycles of the normal and/or early review or otherwise affect those processes.

##### (1) Process

The professional development plan should be prepared cooperatively between the faculty member and the Post-tenure Review Committee. The faculty member should prepare a draft of the plan and submit it to the Post-tenure Review Committee within 30 calendar days after his or her initial meeting with the Post-tenure Review Committee to discuss the results of the post-tenure review. The

Post-Tenure Review Committee must prepare a final plan, in negotiation with the faculty member, and submit it to the budget dean(s) for approval within 60 calendar days after the initial meeting between the Post-tenure Review Committee and the faculty member to discuss the results of the post-tenure review, and within 30 calendar days of its initial receipt of the draft plan from the faculty member. Should the faculty member disagree with the final plan prepared by the Post-tenure Review Committee, he or she may write an appeal to be submitted to the budget dean(s) along with the plan, setting forth the reasons for disagreement.

The dean(s) must notify the faculty member and the Post-tenure Review Committee, in writing, as to whether or not the final plan is approved. If the plan is not approved, the faculty member and the Post-tenure Review Committee must be notified in writing of the reasons for non-approval and the process described in the previous paragraph should be repeated until approval is obtained.

Following approval of the plan, the Post-tenure Review Committee must meet with the faculty member and explain both the contents of the plan, including the expected time-line, and the consequences to the faculty member of failure to attain the goals of the plan. Reasonable University resources to support implementation of professional development plans will be provided by the Senior Vice President and Provost and the dean of the College. A faculty member shall have the two full annual evaluation cycles following the date the plan is approved to accomplish the goals of the plan and to bring his or her performance up to expected standards.

## (2) Content of the Plan

The professional development plan should include the following components:

- (a) Goals and expectations.
- (b) Proposed activities.
- (c) A timeline for the plan.
- (d) Resources that will be made available to the faculty member to assist with completion of the plan.
- (e) An explanation of the consequences of failure to attain the goals of the plan. This provision is not applicable for a voluntary professional development plan.
- (f) Signatures of the faculty member, the member's Post-tenure Review Committee and the budget dean(s) verifying an understanding of the plan.

## (3) Monitoring, Follow-up, and Final Report

Formal written evaluation of the faculty member's progress towards meeting the goals of the professional development plan will take place as part of the annual evaluations of the faculty member following the beginning of the plan. Since less than a year will have elapsed between the implementation of the plan and the next annual faculty evaluation, that evaluation and the subsequent annual evaluation shall be used by the Post-tenure Evaluation Committee as an opportunity to

provide written feedback to the faculty member on his or her progress in meeting the goals of the plan. The final assessment of the faculty member's progress in meeting the goals of the plan shall occur during the third annual faculty evaluation after implementation of the plan. Following this third annual evaluation, a written report will be issued by the Post-tenure Review Committee to the faculty member, with copies to the dean(s), explaining the outcome of the plan.

#### (G) SANCTIONS

Failure of the faculty member to meet the goals specified in the plan and to bring his or her performance up to the level expected may lead to the initiation of the Severe Sanctions process of the Faculty Handbook. The results of the professional development plan, including without limitation, the final report, shall be relevant evidence in such a proceeding. In tenure abrogation proceedings, the University retains the burden of persuasion to show cause, as defined by the Faculty Handbook. Provided, nothing in this policy shall be construed to limit or restrict the University's authority to undertake the Severe Sanctions process set forth in the Faculty Handbook.

Alternative actions, such as resignation or retirement from the University, may be negotiated and implemented with approval of the budget dean(s) and the Senior Vice President and Provost.

(Regents, 5-7-99, 10-25-04)

#### 3.8 ABROGATION OF TENURE, DISMISSAL BEFORE EXPIRATION OF A TENURE-TRACK APPOINTMENT, OR RENEWABLE TERM APPOINTMENT, AND OTHER SEVERE SANCTIONS – NORMAN CAMPUS

The University strives to exercise great care in selecting its faculty appointees and to confer tenure only upon those faculty members who have demonstrated their merit for tenured appointment. For that reason, severe sanctions such as a dismissal proceeding involving a tenured faculty member (abrogation of tenure) or of a faculty member during a tenure-track appointment or a renewable term faculty member should be an exceptional event. It also is 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 (for instance, loss of eligibility for a sabbatical leave of absence, loss of remunerated consultative privileges, loss of remunerated private practice privileges); restitution (payment of damages due to individuals or to the University); 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 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.

### 3.8.1 GROUNDS FOR ABROGATION OF TENURE, DISMISSAL, AND 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 faculty member who has tenure or whose tenure-track or renewable/consecutive term appointment has not expired include the following:

(A) Professional incompetence or dishonesty;

(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;

(D) Substantial, manifest, or repeated failure to adhere to University policies; including, for example, the University's Compliance Program;

(E) Serious violations of law which are admitted or proved before a court of competent jurisdiction or the administrative hearing body established to hear such matters, which prevent 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; Subparagraphs (f) and (g), below, are not severe sanctions but nevertheless are valid reasons for terminating employment of a faculty member who has tenure or whose tenure-track or renewable term appointment has not expired.

(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. (Copies of the Program

Discontinuance Policy, approved April 8, 1993, are available in the Senior Vice President and Provost's Office and the University of Oklahoma Regents' Office. The Financial Emergency Policy is in the Faculty Handbook, Section 5.43.)

(G) Financial Emergency as set forth hereinafter in the Financial Emergency Policy in section 4.21 of the Regents' Policy Manual.

(Regents 10-25-04)

### 3.8.2 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 or if the faculty member has failed to adhere to the University's Compliance Program. The faculty member may, on written request and at the convenience and discretion 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.

The text below is approved Regents Policy for the Norman Campus but is printed in its entirety only in the Norman Campus Faculty Handbook

### 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.