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### 3.1 Employment Conditions

The employment of all faculty personnel is for a period of nine (9) months, with the exception of certain professional positions (twelve [12] months) and summer contracts (two [2] months). The Director of Human Resources is responsible for coordinating and monitoring the employment process.

#### 3.11 Affirmative Action/EEO Policy Statement

The Administration of Northeastern State University strongly supports the fundamental belief and commitment to the principles of equality and opportunity for all people.

This institution. . . . in compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education

Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Americans with Disabilities Act, and to the extent required by these and other federal laws and regulations, does not discriminate on the basis of race, color, ethnicity, national origin, sex, age, religion, disability, political affiliation, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and educational services.

To stimulate efforts toward increasing involvement of persons whose minority status might have denied them previous opportunity in this academic community, the University has developed and revises periodically an Affirmative Action Plan. Northeastern's Affirmative Action Plan governs efforts related to selection, placement, training, and promotion of all employees with respect to personnel actions, such as compensation, reassignments, in-service training, tuition, or other professional growth subsidies and termination. The continual thrust of the University's plan is to employ and retain individuals who are members of a minority group which may be or may become under-utilized in the total employment force. However, the primary criterion for employment shall be the ability of the employees to perform the work. Every member of management is responsible for insuring his/her department's compliance with the University's commitments and policies. Overall monitoring responsibility for Northeastern's Affirmative Action Program and 504 Compliance has been assigned to the Affirmative Action Officer. Employees should contact the Office of Human Resources immediately if they believe that any of these policies have been violated.

### **3.12 Faculty Recruitment**

College deans justify the need for replacement or additional personnel by providing a detailed description of the position(s) to the Provost/Vice President for Academic Affairs for approval. The Faculty Search Guide from the Office of Human Resources is available on the NSU website or by calling Extension 2230.

### **3.13 Advertising**

#### **3.131**

Once the Provost/Vice President for Academic Affairs has granted authorization, the Dean may advertise in appropriate publications. Faculty positions will be advertised and paid for by the appropriate college.

#### **3.132**

Upon notification of authorization to advertise the vacancy and receipt of the position description, the Office of Human Resources will place an advertisement on the NSU webpage and on HigherEdJobs.com (where applicable). There is no cost to the college/department for these ads.

#### **3.133**

All advertisements are placed with a sincere commitment to employment of a diverse workforce. All appropriate types of media are utilized to gain the attention of applicants regardless of race, color, religion, gender, national origin, disability, or age. At the conclusion of all advertisements, the phrase, "An Equal Opportunity/Affirmative Action Employer," will be included.

#### **3.134**

The advertisement will list the minimum degree requirement for the position. If a doctorate is preferred, but a master's or a master's plus is acceptable, the advertisement should read "doctorate preferred, master's required." If the position requires a doctorate, and a lesser degree will not be accepted, the advertisement should read "doctorate required." The scope of the advertising reflects the degree requirements of the position: doctorates are recruited nationally, master's regionally, and those requiring less than a master's are recruited from within the state.

#### **3.135**

Advertising should state that all responses to advertising are to be sent to the Office of Human Resources. Applications/resumes received directly by the college/department must be forwarded to the Office of Human Resources for processing. In order to comply with the University's Affirmative Action Program, All applicant materials must be processed by the Office of Human Resources before review by the selection committee.

### **3.14 Screening Committee**

The Provost/Vice President for Academic Affairs will provide authorization for the dean to recommend a screening committee and a committee chairperson. Once approved by the Vice President, all names of committee members will be sent to the Office of Human Resources. The committee chair should then notify each member of the screening committee to review the Faculty Hiring Guide (available through the Office of Human Resources) and ensure that each member's role in the hiring process is understood.

Upon selection and notification of committee composition, the Director of Human Resources will release employment application materials to the appropriate committee representative for the initial screening. The screening committee will review all applicants and make recommendations to the dean regarding candidates to be interviewed. A screening committee may be reconstituted by the Vice President if a search is not fruitful.

### **3.15 Interview**

The Dean shall consult with the Provost/Vice President for Academic Affairs before scheduling an interview in order to select a day and time convenient to the Vice President. This date shall be determined prior to finalizing arrangements for a candidate's visit to the campus.

Reasonable travel expenses for interviewees may be reimbursed by the University upon approval by the appropriate Dean. (Per state law 74 OS § 500.2: "travel expenses incurred by persons during the course of seeking employment with a state agency may be reimbursed provided that the travel was performed at the explicit request of the employing agency and such travel is approved by said agency.")

All Screening Committee members should review the Interview Guidelines provided in the Faculty Hiring Guide, available through the Office of Human Resources. The Affirmative Action Officer is available to meet with the committee members to instruct them concerning legal interviews, Affirmative Action commitments, and procedural requirements.

### **3.16 Offering a Position**

All negotiations with prospective faculty members are subject to confirmation by the Provost/Vice President for Academic Affairs and, ultimately, by the President. When it has been determined that a candidate will be recommended for employment, a "Personnel Action Form" (PAF) must be completed and signed by the dean and the Provost/Vice President for Academic Affairs. The completed PAF shall then be sent for all appropriate signatures and approvals, accompanied by the following documentation:

- A completed employment application, I-9 (filled out by both the employee and the department), curriculum vitae, official transcripts of all college work, W-4, a signed Loyalty Oath, and Statement of Employment Form. (Upon reporting to work, Medical Enrollment forms will also be required. A new faculty member cannot be added to payroll until these documents have been received.)
- A completed Recruitment Report for Applicant Selection and Non-Selection Summary.
- A copy of all advertisements.

The Provost/Vice President for Academic Affairs will send a letter to the recommended faculty member, outlining the responsibilities of the position and conditions of employment, along with a Faculty Employment Agreement, to be returned to the Office of Academic Affairs. The President of the University will give the final campus approval for each recommended new faculty employment. The President, in turn, will present recommendations for employment to the RUSO for approval. After the Board's approval, the successful candidate will be notified by the appropriate Dean and invited to sign a contract.

Upon receipt of the completed Affirmative Action Report, the Office of Human Resources will provide written notification to unsuccessful candidates.

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## **3.2 Employment Policies**

### **3.21 Ethical Conduct**

#### **3.211 Loyalty Oath**

Every employee of the State of Oklahoma, or of a county, school district, municipality, public agency, public authority, or public district thereof, who on or after July 1, 1953, is appointed or elected to office, or who after said date is employed for a continuous period of thirty (30) days or more, in order to qualify and enter upon the duties of the office or employment and/or receive compensation, if any, therefore, shall first take and subscribe to the loyalty oath. Provided, that a public employee who is employed or whose employment is extended on a fiscal-year basis and who has duly taken and filed the oath required by this Act in order to qualify and enter upon, or continue in, the duties of employment, need not again take and file such an oath so long as said employment or re-employment is continuous or consecutive.

#### **3.212 Nepotism**

Except as prohibited by the laws of the State of Oklahoma, relationship by consanguinity or by affinity shall not, in itself, be a bar to appointment, employment or advancement in Universities governed by the Board nor (in the case of faculty members) to eligibility for tenure of persons so related.

But, no two persons who are related by affinity or consanguinity within the third degree shall be given positions in which either one is responsible for making recommendations regarding appointment, employment, promotion, salary, or tenure for the other; nor shall either of two persons so related who hold positions in the same internal budgetary unit be appointed to an executive or administrative position for said internal unit. Waivers may be granted by the university president, but

performance evaluations and recommendations for compensation and promotion will be made by one not related to the individual being evaluated. The Board shall be notified of any such waivers at its next meeting.

Relatives that are within the third degree of relationship to an employee by blood or marriage are as follows: spouse; parent; grandparent; great-grandparent; parent, grandparent, or great-grandparent of spouse; uncle or aunt; uncle or aunt of spouse; brother or sister; son or daughter; son-in-law or daughter-in-law; grandson or granddaughter or their spouse; and great-grandson or granddaughter or their spouse.

### **3.22 Sexual Harassment Policy**

The University...affirms its commitment to ensuring an environment for all employees and students which is fair, humane, and respectful -- an environment which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. Sexual harassment by any member of the University community, including students, faculty, and staff, is a violation of both law and the RUSO Board policy, and will not be tolerated. Sexual harassment is a particularly sensitive issue which may affect any member of the University community and as such will be dealt with promptly and confidentially by the University administration. The RUSO Board reserves the right to deal administratively with sexual harassment issues whenever it deems circumstances appropriate to do so.

#### **Definition of Sexual Harassment**

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
- when submission to or rejection of such conduct by an individual is used as the basis for employment or of academic decisions affecting such individual, or
- when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

#### **Examples of Prohibited Conduct**

Conduct prohibited by this policy may include, but is not limited to:

- unwelcome sexual flirtation; advances or propositions for sexual activity
- continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes
- sexually degrading language to describe an individual
- remarks of a sexual nature to describe a person's body or clothing
- display of sexually demeaning objects and pictures
- offensive physical contact, such as unwelcome touching, pinching, brushing the body
- coerced sexual intercourse
- sexual assault
- actions indicating that benefits will be gained or lost based on response to sexual advances.

#### **Retaliation**

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of sexual harassment will be treated as a separate and distinct violation of the Board policy.

#### **Sanctions**

Appropriate disciplinary action may include a range of actions up to and including dismissal.

#### **Complaint Process**

This policy is in addition to current Board and University policies concerning discrimination and applies to all students, faculty, staff, guests, and visitors. Complaints alleging violation of the sexual harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings, as follows:

- complaints against students or student organizations shall be filed with the designated official for review and investigation. The designated official (Dean of Student Affairs), may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures.
- complaints against faculty or staff shall be filed with the designated official. The designated official (Affirmative Action Officer in the Office of Human Resources) may assist in the informal resolution of the complaint or in processing a formal complaint through the applicable campus procedures for faculty and staff.
- complaints against visitors, guests, vendors, contractors, or any other person should be directed to the university department of public safety; or
- the other appropriate process as established by University policy.

### **3.23 Racial and Ethnic Harassment Policy**

#### **Introduction**

The University...is committed to a multicultural, multiethnic, and multiracial environment at each of the six regional universities. Diversity is one of the hallmarks of a great University. Promoting dignity and respect among all members of the University community is a responsibility each of us must share. Acts of racial and ethnic harassment are repugnant to the University's commitments and will not be tolerated. While the Board embraces the principles of free speech guaranteed by the First Amendment to the United States Constitution, it abhors the abuse of this freedom by those who would provoke hatred and violence based on race and ethnicity. Racial and ethnic harassment is a growing concern across American college campuses. It has taken various forms, from criminal acts (assault and battery, vandalism, destruction of property) to anonymous, malicious intimidation, and is most often directed toward persons whose race or ethnicity is readily identifiable. While principles of academic freedom and freedom of speech require tolerance of ideas and opinions, racial and ethnic harassment cannot and will not be permitted at the regional Universities. The RUSO Board reserves the right to deal administratively with racial and ethnic harassment issues whenever it deems it appropriate to do so.

#### **Statement of Policy**

It is the policy of the RUSO Board that racial and ethnic harassment is prohibited and be subject to disciplinary action as set forth in this policy. Racial and ethnic harassment is defined as: behavior or conduct addressed directly to individual(s) related to the victim's race, religion, ethnicity, or national origin that threatens violence, or property damage, or that incites or is likely to incite imminent lawless action.

#### **Sanctions**

Violations of this policy may result in disciplinary action taken by the appropriate authority. Sanctions may range from reprimands to suspension, expulsion, or termination. Sanctions shall be based upon the facts and circumstances of each case and shall be in accordance with the terms and guidelines of the applicable campus complaint procedures.

#### **Retaliation**

Threats or other forms of intimidation or retaliation against complaining witnesses, other witnesses, any reviewing officer, or any review panel shall constitute a separate violation of this policy which may be subject to direct administrative action.

#### **Complaint Process**

This policy is in addition to current Board and University policies concerning discrimination, and applies to all students, faculty, staff, guests, and visitors. Complaints alleging violation of the racial and ethnic harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

- Complaints against students or student organizations shall be filed with the Affirmative Action Office (AAO) for review and investigation. The AAO, or its designee (Office of Student Affairs), may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures.
- Complaints against faculty or staff shall be filed with the Affirmative Action Office. The AAO, or its designee (Office of Human Resources), may assist in the informal resolution of the complaint or in processing a formal complaint through the applicable campus procedures for faculty and staff.
- Complaints against visitors or guests should be directed to the university police office on the campus where the incident occurred.

### **3.24 Sexual Assault Policy**

The following policy and grievance procedure has been developed to ensure compliance with the Higher Education Reauthorization Act of 1982. Northeastern State University affirms its commitment to ensuring an environment for all employees and students that is fair, humane, and respectful. This commitment demands implementation of programs and services that facilitate that effort.

Northeastern State University will not tolerate nor condone any form of sexual misconduct, physical, mental, or emotional in nature. This includes, but is not limited to, rape (including "date or acquaintance" rape), sexual assault, or sexual harassment. In instances where there is reason to believe University policy prohibiting sexual misconduct has been violated, the University will pursue disciplinary action. Students may elect to pursue the concern through the state criminal justice system as well as the University's student conduct system. Sexual assault is defined as having sexual contact or sexual intercourse with another person without consent of that person.

Consent is defined as positive cooperation due to an exercise of free will. Persons consenting must act freely and voluntarily, and must have knowledge of the act or transaction involved. Consent will not be implied from silence, passivity, nor from a state of intoxication or unconsciousness. Lack of consent is implied if the victim is incapable of giving consent because of mental, developmental, or physical disability,

or lack of legal age. Lack of consent is implied if the threat of violence is used, or if there is an imbalance of power held by the perpetrator over the victim.

#### **Procedure for Reporting Sexual Assaults**

In the event of a sexual assault, the victim is encouraged to report the crime to the NSU Department of University Police-Parking Service if the act occurred on one of the Northeastern campuses, or to the appropriate authority if the crime occurred off campus. Victims should take care to preserve the evidence of a sexual assault. Prosecution of the perpetrator is a matter for the victim to consider apart from reporting the crime.

Persons who have complaints alleging sexual assault are encouraged to report the incident. Complaints may be filed in the following manner:

- Complaints against students or student organizations should be reported to the Office of the Dean of Student Affairs.
- Complaints against faculty or staff should be filed with the University's Affirmative Action Officer in the Office of Human Resources.
- Complaints against visitors or guests should be directed to the NSU Department of University Police-Parking Service.

Students may also report an incident to any University staff or faculty member, who will in turn inform the appropriate authorities. False reporting of a crime is a misdemeanor and will be treated seriously.

#### **Disciplinary Procedures in Alleged Cases of Sexual Misconduct**

Students who wish to file a student misconduct report should contact the Office of the Dean of Student Affairs. If the matter cannot be resolved by the Dean of Student Affairs or the Dean's representative in an informal manner acceptable to the person bringing the complaint, it will be the option of the complainant to appeal in accordance with University regulations as published under "Student Disciplinary Regulations" in the NSU Catalog.

Should the complaining student name a member of the faculty or staff as the alleged perpetrator, the complaint will be handled in accordance with the University's Sexual/Racial and Ethnic Harassment and Sexual Assault Grievance Procedure as published in the Faculty Handbook/Staff Handbook. To initiate this action, contact the University's Affirmative Action Officer, Office of Human Resources.

#### **Services to Victims**

Medical treatment is available at local hospitals or through local physicians where evidence may be collected to preserve the option of prosecution if the victim so chooses. Students are encouraged to see the University nurse who will make an appropriate referral to local medical facilities, physicians, or Bill Willis Community Mental Health Center. The University Student Development Center in the office of Student Affairs will provide initial counseling and referral to those students requesting assistance.

Reasonable accommodations will be made for a victim requesting a change of campus room assignment or an adjustment in academic schedule.

The University will foster an environment of safety for the entire student body and will support a climate of acceptance and concern for victims of sexual assault.

### **3.25 Sexual/Racial/Ethnic Harassment and Sexual Assault Grievance Procedure**

Persons who have complaints alleging sexual/racial and ethnic harassment or sexual assault involving a faculty or staff member are encouraged to raise them with the University's Affirmative Action Compliance Officer. Complaints involving students are handled under the Student Disciplinary Regulations.

#### **Withdrawal of Complaint**

The complainant may withdraw the complaint at any point during the investigation or prior to the completion of a formal hearing. A written withdrawal request signed by the complainant is required.

#### **Confidentiality of Records**

All records made or maintained as part of the grievance procedure shall be kept confidential.

#### **Timing of Complaint**

Complaints must be filed with the Affirmative Action Officer within 300 calendar days of the act of alleged harassment.

#### **Proceedings**

Investigation and Informal Resolution -- Upon receipt of a complaint, the Affirmative Action Officer is empowered to conduct an investigation. The investigation may involve interviewing the persons involved and gathering evidence. The investigation shall be completed as soon as possible after receipt of the

complaint.

Upon a clear showing at any stage of the investigation that immediate harm to any person is threatened by the continued performance of either party's regular duties or University responsibilities, the proper executive officer may suspend or reassign said duties or responsibilities pending the completion of the investigation.

Upon completion of the investigation, the Affirmative Action Officer is authorized to take the following responses: actions:

- Satisfactory Resolution -- Resolve the matter to the satisfaction of the University and the complainant and the respondent. If a resolution satisfactory to the University and the complainant and respondent is reached through the efforts of the Affirmative Action Officer, a written agreement shall be prepared and shall be signed and dated by the complainant and respondent. At that time, the investigation and the record thereof shall be closed.
- No Resolution -- Render a "no resolution" decision which automatically refers the complaint to a Formal Ad Hoc Grievance Committee. Written notice of such finding shall be given to the complainant(s) and respondent(s) involved.
- Dismissal -- Find that no violation of the University's policy has occurred and dismiss the complaint, giving written notice of said dismissal to the complainant as well as the respondent. The complainant may appeal the dismissal. The appeal is a written request for a Formal Hearing made to the Vice President for Administration and must be made within fifteen (15) calendar days of the date of the notice of dismissal. If no appeal is filed within the fifteen (15) calendar days, the matter is considered closed.
- Determination of Possible Violation of University Policy -- Make a finding of possible impropriety and notify the parties that a formal hearing will be required.

### **Formal Hearing**

A hearing will be conducted when investigation of the complaint results in the determination of a possible violation of the University's Sexual/Ethnic and Racial Harassment or Sexual Assault Policy

- Selection of an Ad Hoc Complaint Resolution Committee --The Vice President for Administration shall appoint a committee comprised of five (5) members. The committee shall be composed of two (2) members of the Affirmative Action Committee, of which one will serve as chairperson; one (1) member appointed from the administrative or professional rank; one (1) member appointed from classified personnel; and one (1) member selected at the discretion of the Vice President for Administration.
- Hearing Guidelines -- It shall be the function of the Committee to conduct a complete, fair, and impartial hearing that will bring to light all the facts of the case, then, to present their recommendation for adjudication of the case including findings of fact and conclusions of law to the appropriate Vice President. The Committee will not have the power to make a decision or agreement that is binding upon the University. The hearing shall be closed to the public. The Vice President for Administration shall notify the parties of the date, time, and location of the hearing.
- Satisfactory Resolution Prior to Hearing Completion -- In the event that the matter is resolved to the satisfaction of all parties at any time prior to completion of the formal proceedings of the committee, a written statement shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the chair of the Committee. The matter shall then be closed.
- Committee's Findings and Recommendations -- At the conclusion of the hearing, the committee shall deliberate in executive session to make a recommendation to a Vice President designated by the Vice President for Administration. The committee's recommendation shall be prepared and transmitted to the Vice President within ten (10) calendar days after conclusion of the hearing. The decision of the Committee is not binding upon the University.

Any disciplinary action recommendation shall be in accordance with established policy as written in the Faculty Handbook/Staff Handbook.

- Vice President's Decision -- As soon as possible after receipt of the committee's findings and recommendations, the Vice President shall render a decision and inform the complainant and accused party.

A copy of the decision shall be transmitted to the respondent, to the chairperson of the committee, and to the Affirmative Action Officer.

### **Appeal**

Either party has the right to appeal this determination. The appeal is made by a written request to the President of the University for review of the Vice President's decision and must be made within ten (10) calendar days of the date of the decision. If no appeal is delivered to the President within the ten (10) day calendar day period, the case is considered closed. The decision of the President shall be considered final and binding.

### **3.26 Drug-Free Workplace Policy**

The federal Drug-free Workplace Act enacted into law in 1988 requires that any entity seeking to be considered to receive a grant from any federal agency, and any entity seeking to be awarded a contract for the procurement of any property or services of a value of \$25,000 or more from any federal agency, certify to the Federal granting or contracting agency that it will provide a drug-free workplace.

In accordance with this law, NSU has adopted the following policy:

- The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in all University areas.
- Any employee convicted under State or Federal criminal drug statutes for misconduct in the workplace, must report that conviction, within five (5) days, to the Office of Human Resources.
- Penalties, ranging from formal counseling to termination, will result from such convictions. The particular action taken will depend upon the circumstances in each case. Also, as necessary, satisfactory participation in a drug abuse assistance or rehabilitation program will be required of any employee so convicted.
- As a condition of employment, employees must abide by the terms of this policy.
- Information on assistance with drug counseling is available through the Human Resources Director.
- A substance abuse education program exists for the benefit of all employees and students. These efforts include printed material, posters, articles in The Northeastern, and substance abuse programming throughout the year.

The ultimate goal of Northeastern State University is to maintain a drug-free work place for its faculty, staff, and students. The University encourages employees to seek voluntary treatment for drug- and alcohol-related issues. Employees should contact Human Resources for more information on available options for treatment. Neither random nor pre-employment drug testing will be conducted by the University. University officials reserve the right to require testing when there is reasonable cause to believe that an employee is under the influence of drugs.

### **3.27 NSU Tobacco Free Campus Policy**

The Oklahoma Smoking in Public Places and Indoor Workplaces Act, 63 O.S. 2003, SS 1247; 1-1523; 1-1523; 1-1525, et. seq., requires Northeastern State University to adopt policies regulating smoking in facilities owned, leased, or under the control of the University. The Act prohibits the possession of lighted tobacco in any indoor place used by or open to public, public transportation, or any indoor workplace, except where specifically allowed by law and allowed educational facilities to adopt more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the ground of the facilities. These Policy and Procedures are adopted to implement that requirement.

It is intent of Northeastern State University to promote the health, well-being and safety of all students, faculty, staff and visitors. As such, effective January 1, 2011, Northeastern State University is designated as a tobacco- free environment. Smoking and the use of all tobacco products are prohibited.

This policy applies to all non-leased buildings and grounds owned or under the control of Northeastern State University on the Tahlequah, Muskogee, and Broken Arrow campuses, including any housing or residential facility owned, operated, or managed by the University.

Tobacco "use" is prohibited in personal vehicles and all vehicles owned, leased, or under the control of Northeastern State University, the State of Oklahoma and all its agencies and instrumentalities including those that provide public transportation. Possession of tobacco products does not constitute "use".

#### **3.271 Definitions**

Tobacco use includes, but is not limited to, the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device or the use of smokeless tobacco including snuff, chewing tobacco, smokeless pouches, or any other form of loose-leaf, smokeless tobacco and electronic nicotine delivery devices.

#### **3.272 Procedures**

Northeastern State University will not accept donations, gifts, money, or materials intended to promote the use of tobacco nor participate in any type of services that promote the use of tobacco.

Appropriate signage will be posted by the NSU Physical Plant as necessary to inform employees, students and visitors of policy provisions.

- "Breathe Easy" signs will be placed on all campus buildings.
- "Tobacco Free Campus" will be clearly posted at all main campus entrances.

It is prohibited to sell tobacco products or advertise the sale of tobacco products on University property.

Littering the campus with the remains of tobacco products or other disposable products is prohibited.

Organizers and attendees at events (meetings, conferences, lectures, cultural events and sporting events) using NSU facilities are required to abide by the policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.

Courtesy and consideration will be exercised when informing others unaware of and/or in disregard of



this policy. No retaliation will occur to any person for doing so.

### **3.273 Compliance**

Compliance with this policy by all students, faculty and staff is expected based on NSU's commitment to a healthy culture, free of tobacco, and should be a cooperative effort, encouraged by all students, faculty and staff. A complaint against an offender, who fails to respond to a request by another, as noted in Section 3.06, may be referred to a dean, director, or other manager. Appropriate disciplinary action will be taken for an offender against whom multiple complaints have been received.

- Students – NSU students shall be directed to and handled by the Office of Student Rights and Responsibilities. Violations occurring within University Housing shall be directed to and handled by the Housing Office. University Housing may refer complaints to the Office of Student Rights and Responsibilities.
- Faculty – NSU faculty shall be directed to and handled by the department chair and/or college dean, as deemed appropriate by Academic Affairs and Human Resources policies.
- Staff – NSU staff shall be directed to and handled by immediate supervisor or director, as deemed appropriate by Human Resources policies.
- Visitors – Visitors shall be directed to and handled by the University Police department. The visitor may be asked to leave university premises for failure to comply.
- Fines – University Police may issue a misdemeanor citation to violators. Upon conviction, the fine range is \$10 to \$100. (Oklahoma Statute Title 21, Chapter 50, Section 1247)

### **3.274 Tobacco Cessation Programs**

Employees wishing to participate in tobacco cessation are referred to the Student Health Center, the Oklahoma Tobacco Quit Line (1.800.QUIT.NOW or 1.800.784.8669), the American Cancer Society, the American Lung Association, and the American Heart Association.

### **3.28 Faculty with Disabilities**

The University is committed to providing access to all individuals with disabilities in accordance with State and Federal law and Regents' regulations. Persons with disabilities are encouraged to request services and accommodations to meet their individual needs. Requests for accommodations are made to the Office of Human Resources.

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## **3.3 Academic Rank and Promotion**

### **3.31 Faculty Classifications**

The faculty is composed of two groups, the regular and the supplemental faculty. In most cases, these individuals have an instructional or research relationship to the University, either direct or supervisory. The faculty includes permanent and temporary, full-time and part-time personnel.

**Regular Faculty:** The regular faculty includes members of the faculty who are full-time employees of the university and who hold the rank of professor, associate professor, assistant professor, instructor, or special instructor.

**Supplemental Faculty:** The supplemental faculty consists of:

- Members of the Department of Military Science. Members of the Department of Military Science include the commissioned and non-commissioned officers assigned to the University by the Department of the Army.
- Adjunct Faculty. Adjunct faculty hold part-time appointments that may be made for one academic year or less. The rank of such faculty may be instructor or lecturer.
- Visiting Faculty. Visiting faculty are employed by the University to teach or perform research for a limited time and are on leave of absence from another institution of higher education or from professional practice. Visiting faculty may be appointed at any rank.
- Volunteer Faculty. A person who has special talents or expertise and whose time and services are donated, may be appointed to the University volunteer faculty. Volunteer faculty enjoy all the privileges of the academic community except those, such as tenure, which are applicable specifically to regular faculty. Volunteer faculty who meet the educational qualifications may hold academic rank.
- Clinical Supervisors. Clinical supervisors are not employees of the University. They are practitioners who are assigned regular and continuing responsibilities in the clinical setting.

### **3.32 Academic Rank**

Authority to grant academic rank or promotion in academic rank is delegated to the University's presidents. Determination of merit and granting promotion in rank shall be in accordance with the promotion policies and procedures of the University as well as the minimum criteria contained in this policy. The principal academic ranks of the university shall be Professor, Associate Professor, Assistant Professor, and Instructor. Educational qualifications for these ranks shall be as follows:

### **3.321 Professor**

An earned doctorate degree awarded by a regionally accredited or internationally recognized institution.

### **3.322 Associate Professor**

An earned doctorate degree awarded by a regionally accredited or internationally recognized institution.

### **3.323 Assistant Professor**

An earned doctorate degree awarded by a regionally accredited or internationally recognized institution. Institutions may elect to award the rank of assistant professor to individuals who have completed all requirements in a doctoral program except the dissertation (or equivalent requirement) or have completed a non-doctoral degree program requiring a minimum of 60 graduate hours.

### **3.324 Instructor**

An earned masters degree awarded by a regionally accredited or internationally recognized institution.

### **3.325 Others**

Institutions may classify instructional personnel who are not subject to assignment of rank by such titles as special instructors, lecturers, graduate assistants, adjunct instructors, part-time instructors, or other titles. All title classifications must be approved by the Provost/Vice President for Academic Affairs and the Director of Human Resources.

### **3.326 Graduate Faculty Status**

In order to insure and continually improve the quality of NSU's graduate programs, only approved graduate faculty may teach graduate courses, serve as graduate advisors, serve on graduate committees, monitor capstone experiences, and serve on the Graduate Council. Graduate faculty status is conferred upon faculty following a review by the Graduate Dean and Graduate Council of an individual's application, current resume reflecting scholarly activity, and recommendations from the appropriate department chair and college dean. Three types of graduate faculty status may be conferred: regular (3 years), temporary (1 year), or adjunct. The application for graduate faculty status may be found at <http://arapaho.nusok.edu/~graduatecollege/gradfacultyapp.pdf>.

### **3.327 Emeritus Status**

The RUSO at its discretion may honor recommendations of University presidents to grant retired faculty members emeritus status and title after retirement. When members of the faculty retire under honorable conditions, they may be entitled to emeritus status and to the use of their last title "emeritus" (e.g., Professor of History Emeritus, etc.). Retired faculty members' emeritus status and title shall be wholly honorary and does not entitle them to compensation of any kind. Emeritus status shall apply only in cases where the faculty member has been in the service of Northeastern for at least ten years.

## **3.33 Education Requirements**

The doctoral granting institution must meet the standards of the Carnegie Classification System. The earned degrees or graduate work should be in a field related to the individual's assignment at Northeastern.

## **3.34 Types of Appointments**

The regular faculty holds one of six types of appointments:

- **Tenured.** A tenured appointment is reserved for those regular faculty members who have been granted tenure by the Board. Tenured faculty members are on continuous appointment and, therefore, are not notified of their appointment status for the following year unless their appointment is being terminated. The procedures for dismissal of tenured faculty are covered in section 3.6 of this handbook.
- **Non-Tenured.** A non-tenured appointment refers to any appointment which is not tenured. This includes, but is not limited to, tenure-track, non-tenure-track, temporary, and administrative appointments.
- **Tenure-Track.** A tenure-track appointment is one in which the faculty member may become eligible to receive tenure in accordance with policy. Tenure-track appointments are for one (1) year, renewable annually at the option of the University.
- **Non-Tenure-Track.** A non-tenure-track appointment is one in which the faculty member is appointed to the regular faculty but is not eligible to receive tenure and is classified as being on a non-tenure track. A faculty member on non-tenure appointment may be continued annually, at the option of the University. A non-tenure-track appointment may be changed to a tenure-track appointment upon written agreement between the University president and the faculty member.
- **Temporary.** A temporary appointment is one in which the faculty member is appointed to the regular faculty

for a period of one year or less. Upon termination of the temporary appointment, the position, if continued, will be opened and advertised. Faculty with a temporary appointment are not eligible for advancement in rank. Years in temporary status do not apply toward the probationary period for promotion in rank.

- Administrative. An administrative appointment is one in which the faculty member is assigned to perform executive duties and function as part of the administration of the University.

Normally, new faculty will be hired in a non-tenure-earning appointment for 1-3 years. The time served in this category does not normally apply to the probationary period required before being granted tenure. The dean may submit a letter of recommendation and documentation to the Provost/Vice President for Academic Affairs by February 15 to change the faculty member to a tenure-earning position effective the next contract year.

### **3.35 Time in Rank**

Faculty members at the rank of Assistant Professor remain at the same rank for a minimum of five (5) years before applying for promotion to Associate Professor. Faculty members at the rank of Associate Professor must complete a minimum of six (6) years in the rank of Associate Professor, before applying for promotion to Professor. Faculty hired at the Instructor rank may apply for promotion to Assistant Professor once they have achieved the minimum criteria for the rank of Assistant Professor. Faculty apply for promotion in rank during the fall semester of the year following completion of the minimum years in rank. The minimum service years mentioned above must be served at NSU. Applications are due to the dean by September 30. The educational and experience requirements delineated above do not imply that attainment of given educational qualifications and/or experience requirements shall be the sole criteria for granting rank or promotion in rank. Exceptions to criteria for promotion in rank may be recommended by the President.

### **3.36 Promotion in Faculty Rank**

#### **3.361 Criteria**

Providing that candidates possess the required educational and experience qualifications, the following are considered minimum criteria upon which promotion in rank is based:

- effective classroom teaching,
- scholarly or creative achievement,
- contributions to the institution and profession, and
- performance of non-teaching semi-administrative or administrative duties.

The Professional Portfolio of the faculty member who is applying for advancement in rank must provide tangible evidence of superior performance in the criteria listed above. Each advancement in rank requires increased levels of performance/achievement in each of these criteria, particularly evidence of involvement in professional and scholarly activities.

While each academic unit may develop (with approval by the Provost/Vice President for Academic Affairs) its own examples of acceptable scholarly performance, the following general principles shall apply:

#### **Promotion to Associate Professor**

Probationary faculty in the rank of Assistant Professor or equivalent rank for Librarians shall normally be considered for promotion at the same time as they are considered for tenure. As a general rule, probationary faculty members shall not be promoted during their probation period. Faculty may request consideration for promotion to Associate Professor before the time for normal consideration. If such a request is made, the faculty member shall demonstrate that s/he has achieved, in a shorter period of time, a record of accomplishments which meets the standards and level of performance that would be expected during the normal five years in rank as an Assistant Professor and has the support of the department, the college dean, the Provost, and the University President.

To qualify for promotion to the rank of Associate Professor, a faculty member shall demonstrate that s/he is an effective educator who contributes to the instructional mission of the university and shall receive performance ratings that reflect that s/he meets or exceeds the department's set criteria in the areas of Teaching, Scholarship and Professional/University Service. Length of time in rank is not a sufficient reason for promotion.

Candidates who declare their preliminary intent to be considered for promotion but fail to submit a file by the deadline established for submission of such materials shall be considered as having withdrawn voluntarily from promotion consideration. At any time prior to the final decision of the President, candidates for promotion may withdraw without prejudice from consideration.

#### **Promotion to Professor**

Tenured faculty in the rank of Associate Professor shall normally be considered for promotion to Professor during their fifth year in rank. Probationary Non-Tenured Associate Professors shall not be

promoted to Full Professor unless they are selected for the simultaneous award of tenure. Faculty may request consideration for promotion to Full Professor before the time for normal consideration, but in those instances the faculty member shall demonstrate that s/he has achieved, in a shorter period of time, a record of accomplishments which meets the standards and level of performance that would be expected during the normal five year period of time in rank as an Associate Professor.

To be recommended for promotion to the rank of Full Professor, candidates shall receive performance ratings that meet or exceed the criteria for Teaching, Scholarship and Professional/University Service. Length of time in rank is not a sufficient reason for promotion.

Each academic unit shall offer its faculty members a system of evaluation consistent with that used throughout the University. To meet the minimum RUSO criteria, evaluation of promotion applications shall address the extent to which each candidate has achieved excellence in the categories above.

It is the responsibility of departments to establish clearly the expectations for promotion consistent with university expectations. Departments are also responsible for establishing clear requirements for documenting the quality and significance of faculty achievements. In the event that there are no existing department promotion criteria and standards, college or university standards will be applied.

Department standards shall remain sufficiently flexible to allow for and recognize individual uniqueness and creativity in performance. Department standards shall not attempt to make all faculty members perform alike, though commensurate quality shall be expected for equivalent promotions and for tenure considerations.

For the purposes of this policy, "department" refers to an academic unit in which faculty participate as their main assignment. In most cases, "department" refers to a degree-granting academic unit, but in certain cases a more flexible definition is necessary.

For formatting details, refer to the full policy, contained in The Professional Portfolio, which is Appendix C of this Handbook, and is available in college offices.

### **3.362 Procedure**

Faculty members requesting a change in rank shall submit a professional portfolio to their Department chair for review by September 30. The department chair shall forward the professional portfolio, along with a letter of recommendation, to the college dean by October 31. The professional portfolio must be consistent with the format contained within "The Professional Portfolio: Tenure and Promotion Review" in Appendix C1, and with the criteria noted in Section 3.361.

Applications for promotion shall first be evaluated at the department and college level. The result of each level of retention/tenure/promotion (RTP) Committee review shall be a written recommendation that summarizes strengths and areas needing development, gives ratings of activity in all areas, and makes a formal recommendation regarding retention, tenure, and promotion as applicable. All review recommendations shall be added to an RTP file and forwarded to the next level of review, with a copy of the recommendation to the candidate. Committee recommendations may include dissenting recommendations, or a minority report may also be prepared and included with the majority recommendation. In accordance with these guidelines, performance ratings of does not meet criteria or meets criteria or exceeds criteria will be specified for each reviewed area, and only a single rating may be used for a given reviewed area. However, a minority report, representing a minimum of 25% of the Committee's membership, with different ratings may be attached to the majority recommendation. All recommendations shall be signed by the reviewers.

The dean shall make an evaluation of the request based on the documentation provided, and shall forward the documentation and a written assessment to the Provost/Vice President for Academic Affairs by December 1. The Vice President will take the following actions:

- Determine if the applicant's professional training and/or experience meets the educational requirements for rank advancement.
- Independently evaluate the application.
- Confer with the dean about data in the professional portfolio.
- Make a recommendation to the President.

The President shall consider the application, including attached comments from the dean and Vice President, and will decide if the applicant will be recommended to the RUSO for rank advancement.

### **3.363 Reduction in Rank**

No person currently employed shall suffer reduction in rank as a result of the operation of these policies

## **3.37 Appeal Rights**

Individuals who are not satisfied with action taken as a result of the review process for change in rank may follow the established university appeal procedure. They should first seek information from their dean and then from the Provost/Vice President for Academic Affairs. If still dissatisfied, they may utilize the University grievance procedures. (See 3.7).

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## 3.4 Academic Freedom and Responsibility

### 3.41 Statement on Academic Freedom

- Faculty members are entitled to freedom regarding research and in the publication of the results, subject to the adequate performance of instructional and non-instructional duties. Patent and copyright ownership will vest consistent with Board policy.
- Faculty members are entitled to freedom in the classroom in discussing their subject, but faculty should be objective in teaching of a controversial matter which has relation to that subject and of controversial topics introduced by students. The faculty member should not introduce controversial matters which have little or no relation to the subject of instruction.
- University faculty members are individuals of a learned profession and representatives of a University. When faculty members speak or write as individuals, they should be free from institutional censorship or discipline, but faculty position in the community imposes special obligations. As persons of learning and education representatives, the faculty members should remember that the public may judge the profession and the University by extramural utterances. Hence, each faculty member should, at all times, be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that faculty do not speak on behalf of the University.
- Academic freedom should be distinguished clearly from constitutional freedoms, which all citizens enjoy equally under the law. Academic freedom is an additional assurance to those who teach and pursue knowledge and, thus, pertains to rights of expression regarding teaching and research within specific areas of recognized professional competencies.

### 3.42 Academic Responsibility

- The concept of academic freedom must be accompanied by an equally demanding concept of academic responsibility. The concern of the University and its members for academic freedom safeguards must extend equally to requiring responsible service, consistent with the objectives of the University.
- Faculty members have responsibilities to their discipline and to the advancement of knowledge generally. Their primary obligation in this respect is to seek and to state the truth as they see it. To this end, they shall devote their energies to developing and improving their scholarly competence. They shall exercise critical self-discipline and judgment in using, extending, and transmitting knowledge, and they shall practice intellectual honesty.
- Faculty members have responsibilities to their students. They shall encourage in students the free pursuit of learning and independence of mind, while holding before them the highest scholarly and professional standards. Faculty members shall show respect for the student as an individual and adhere to their proper role as intellectual guides and counselors. They shall endeavor to define the objectives of their courses and to devote their teaching to the realization of those objectives. A proper academic climate can be maintained only when faculty members meet their fundamental responsibilities regularly, such as preparing for and meeting their assignments, conferring with and advising students, evaluating fairly, and participating in group deliberations which contribute to the growth and development of students and the University. All faculty members also have the responsibility to accept those reasonable duties assigned to them within their fields of competency, whether curricular, co-curricular, or extra-curricular. Faculty members make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect students' true merit. Faculty members do not exploit students for private advantage and do acknowledge significant assistance from them. Faculty members protect students' academic freedom.
- Faculty members have responsibilities to their colleagues, deriving from common membership in a community of scholars. They shall respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they should show due respect for the opinions of others. They shall acknowledge their academic debts and strive to be objective in the professional judgment of their colleagues. Faculty members accept a reasonable share of faculty responsibilities for the governance of the University.
- Institutions of higher education are committed to open and rational discussion as a principal means for the clarification of issues and the solution of problems. In the solution of certain difficult problems, all members of the academic community must take note of their responsibility to society, to the institution, and to each other, and must recognize that at times the interests of each may vary and will have to be reconciled. The use of physical force, harassment of any kind, or other disruptive acts which interfere with ordinary institutional activities, with freedom of movement from place to place on the campus, or with freedom of all members of the academic community to pursue their rightful goals, are the antithesis of academic freedom and responsibility. So, also, are acts which, in effect, deny freedom to speak, to be heard, to study, to teach, to administer, and to pursue research. It is incumbent upon all members of the academic community to be acquainted with their individual responsibilities, as delineated by appropriate institutional statements found in the faculty handbook.
- Faculty members have responsibilities to the educational institution in which they work. While maintaining their right to criticize and to seek revisions, they shall observe the stated regulations of the institution. Faculty members shall determine the amount and character of the work they do outside their institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of his or her service, the faculty member recognizes the effect of such a decision upon the program of the institution and gives due notice of the decision.
- Faculty members have responsibilities to their community. As people engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

### **3.43 Administrative Responsibility**

Administrators must protect, defend, and promote academic freedom as well as academic responsibility.

### **3.44 Non-Tenured Faculty**

#### **3.441 Academic Freedom**

Non-tenured faculty members shall be afforded the same rights of academic freedom as tenured faculty.

#### **3.442 Annual Evaluation**

The purpose of the probationary period is to allow time for a faculty member to address performance in the areas of Teaching, Scholarship and Professional/University Service and to develop her/his scholarship in a way that is consistent with the department goals and the university mission. Probationary faculty members are appointed on an annual basis. To be recommended for retention, candidates shall demonstrate evidence of making progress towards tenure commensurate with departmental expectations. The performance of non-tenured faculty members shall be evaluated by March 1, each year, by the retention/mentoring committee, the department chair, and the college dean, and the results of the evaluation shall be placed in the personnel file of the non-tenured faculty member. The non-tenured faculty member shall be given a copy of the evaluation.

The Retention/Mentoring Committee shall consist of at least 2-3 tenured faculty members selected by the faculty member/candidate in consultation with the department chair. One committee member may be selected from outside the department. In departments which have an insufficient number of tenured faculty, this committee number may be lowered to one tenured faculty member from within the department, and the department chair, and a third tenured faculty member from outside the department or program. With approval of the chair, the mentoring committee can be modified during the probationary period.

Beginning in Fall 2011, all new probationary faculty will be guided by a mentoring committee. The policy will be optional for non-tenured faculty who joined NSU earlier (departmental procedures or bylaws may state a different process, however, a mentoring committee that meets the spirit and intent of this policy is required for all probationary faculty). The mentoring committee carefully scrutinizes whether the progress of the candidate toward tenure meets expectations based upon the applicable criteria established by the department. The mentoring committee's finding will be in writing, along with the other components of the annual review. If the finding is does not meet criteria, recommendations in writing will be given the candidate concerning ways to meet expectations.

The retention review occurs during the spring semester each year. The faculty member will submit his/her retention file to the mentoring committee for annual review by January 2nd during spring semester each year of the probationary period. The mentoring committee will meet with the faculty member a minimum of two times per academic year. In the spring semester of each year of the probationary period, the committee will meet with the faculty member to discuss fall goals and to review the submitted file. The committee will meet with the new faculty member each fall semester to discuss the faculty member's goals/plans for the upcoming academic year.

To be recommended for retention, candidates shall demonstrate evidence of making progress towards tenure commensurate with departmental expectations. It is essential that retention decisions be made with due recognition that they lead toward a tenure decision. Accordingly, a recommendation for retention shall be made only when the candidate has responded appropriately to previous retention reviews and is clearly on track towards tenure. By February 1st of the spring semester of each year of the probationary period, the retention/mentoring committee must forward its retention recommendation to the appropriate administrators.

After the spring meeting, the mentoring committee chair will write a letter to the department chair summarizing the committee's review of the candidate's progress. The letter will be shared with the faculty member and will be placed in their file. The department chair will subsequently meet with each candidate, review the committee chair's letter, and submit a letter to the dean of the college commenting on the faculty member's progress towards tenure and the Department's recommendation. The dean will then meet with the faculty member to review the written reviews from the committee and the chair and provide a written response to the faculty member as well. All reviews become part of the faculty member's file.

In the third year of probationary status, a major review is added to the process. The mentoring committee carefully scrutinizes whether the progress of the candidate towards tenure meets criteria based upon the applicable criteria established by the department for tenure. The mentoring committee's finding will be in writing, along with the other components of the annual review. If the

finding is does not meet criteria, recommendations in writing will be given the candidate concerning ways to meet expectations.

#### **3.443 Non-Reappointment**

The Board delegates to the University presidents or his or her designees the authority to reappoint or not to reappoint non-tenured faculty members. A non-tenured faculty member whose appointment is not renewed will be given written notice from the university by March 1, prior to termination of the current appointment. Failure to reappoint may be without specific or stated causes. Employees receiving such notice are expected to continue their teaching responsibilities to the end of the semester in a professional and congenial manner. Documentation for grades must be turned in to the department chair in the appropriate time frame. An exit interview will be scheduled by Human Resources to explain the employee's separation benefits and to recoup University property.

#### **3.444 Termination for Cause or Suspension of Non-Tenured Faculty**

The termination of employment for cause or suspension of a non-tenured faculty member within an existing contract period shall follow the same procedures and be limited to the same reasons as provided for tenured faculty members who are terminated for cause or suspended. A failure to reappoint may be without specific or stated cause.

### **3.45 Modifying Situations**

#### **3.451 Research Aspects**

Specific policies regulating faculty patents and copyrights are set out in the Policy Manual of the Regional University System of Oklahoma. NSU guidelines for intellectual property are available in Appendix D. The full RUSO policy can be viewed at [ruso.org](http://ruso.org).

Patents: Discoveries or inventions made or created by employees, faculty, students, and staff of the University will become the property of the University. The individual or individuals who make the discoveries or inventions . . . will share in income derived . . . from the marketing of such inventions and patent rights . . . according to terms the President of the University shall direct.

Copyrights: Copyrighted works produced by . . . faculty and staff are the property of the creator of the work. . . . Copyright in works specifically commissioned by the University. . . shall belong to the University. . . . Royalties for University-commissioned copyrighted works may be shared by the University and the creator(s) of the work. . . . Works produced under a specific contract or grant agreement between the University and a governmental or other agency or organization are subject to the terms of the grant or contract. . . . If copyright ownership is not specified, such rights shall reside in the creator.

#### **3.452 Political Activities of Employees**

An employee of the University who participates in political activities must do so in a manner that:

- does not imply, directly or indirectly, that this Board or any of its Universities endorse such activities;
- in no way interferes with the rights and privileges of other employees of this Board or University;
- in no way interferes with the rights and privileges of students attending any University;
- in no way interrupts the normal routine operation of any University;
- in no way interferes with the assigned duties of the employee;
- does not utilize University equipment, supplies, paid staff time, or University resources to influence elections (Ethics Rule 257: 10-1-3).

Violation of these principles may be considered cause for dismissal.

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## **3.5 Academic Tenure**

### **3.51 General Statement**

- 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:
  - effective classroom teaching;
  - scholarly or creative achievement;
  - contributions to the institution and profession; and
  - performance of non-teaching semi-administrative or administrative duties.

Each University may formulate standards for this review and determine the appropriate weight to be accorded each criteria consistent with the mission of the academic unit.

- Tenure is granted by the RUSO 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.
- 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.
- Tenure does not apply to administrative positions, but a tenured faculty member appointed to an administrative position retains tenured status as a member of the faculty.
- The Board intends to reappoint tenured personnel to the faculties of the institutions under its control within existing positions that are continued the next year. The RUSO reserves the right to terminate tenured faculty at the end of any fiscal year if the Legislature fails to allocate sufficient funds to meet obligations for salaries or compensation.
- The Board recommends that not more than sixty-five percent (65%) of the full-time faculty at a university receive tenure.

Note: The Regional University System of Oklahoma may amend its tenure regulations at any time. The Appellate Committee on Dismissal of Tenured Faculty Members, the administration of Northeastern State University, and any other institution governed by the Board may initiate a request to amend these regulations.

Tenure is granted to non-tenured faculty whose work has satisfied university and department standards of quality and significance in Teaching, Scholarship, and Professional/University Service and has met scholarship expectations in their selected scholarship emphases. Tenure represents the university's long-term commitment to a faculty member, and is only granted when there is evidence that the individual will continue to make increasingly distinguished contributions to the university and its instructional program, her/his discipline, and the community.

Tenure is normally considered during the fifth year of a probationary appointment. Credit toward tenure may be granted at time of appointment and any such credits would reduce the length of the probationary period. Early tenure shall not normally be considered until the candidate has completed at least one full retention review, after which s/he may request consideration for early tenure. To receive a favorable recommendation for early tenure, a candidate shall have achieved, before the normal probationary period, a record of accomplishment that meets the standards and level of performance for tenure indicated in these guidelines. Prior to the final decision, candidates for early tenure may withdraw without prejudice from consideration at any level of review.

To be recommended for tenure, candidates shall receive performance ratings that reflect that the candidate meets or exceeds the department's criteria in the areas of Teaching, Scholarship and Professional/University Service.

It is the responsibility of departments to establish clearly the expectations for tenure consistent with university expectations. Departments are also responsible for establishing clear requirements for documenting the quality and significance of faculty achievements. In the event that there are no existing department tenure criteria and standards, college or university criteria and standards will be applied.

Department standards shall remain sufficiently flexible to allow for and recognize individual uniqueness and creativity in performance. Department standards shall not attempt to make all faculty members perform alike, though commensurate quality shall be expected for equivalent promotions and for tenure considerations.

For the purposes of this policy, "department" refers to an academic unit in which faculty participate as their main assignment. In most cases, "department" refers to a degree-granting academic unit, but in certain cases a more flexible definition is necessary.

### **3.52 Probationary Policy**

#### **3.521**

Faculty members holding academic rank above the level of instructor (assistant professor, associate professor, or professor) shall be on probation for 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.

#### **3.522**

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.



### **3.523**

During the probationary period, each non-tenured faculty member will receive counsel identifying and, if necessary, suggesting improvements for his/her professional performance. Prior to each academic year, the department chair and/or dean and non-tenured faculty member shall discuss, and agree to, a broad outline of duties the faculty member will perform during the year. The performance of nontenured faculty members shall be evaluated annually by the appropriate college administrators and the results of the evaluation placed in the personnel record of the non-tenured faculty member. The nontenured faculty member shall be given a copy of the evaluation before it is placed in the personnel folder. All members of the faculty at Northeastern State University are expected to be involved in scholarly activities that contribute to the multifaceted mission of a community of scholars whose primary responsibility is teaching.

Each faculty member applying for tenure shall submit a Professional Portfolio consistent with the format contained within "The Professional Portfolio: Tenure and Promotion Review" in Appendix C and available in college offices. The definition of scholarship and performance criteria applicable to all University faculty considered for tenure are the same as for promotion (refer to Section 3.361). Examples for these categories are provided in the Professional Portfolio. Examples of acceptable scholarly activities within the individual academic units are available at department and college offices.

### **3.524**

Although seven years is the maximum probationary period defined by the Regional University System of Oklahoma (see 3.521), the norm for NSU will be five years in tenure-earning status in accordance with RUSO policies. Accordingly, consideration for tenure will occur in the fall of the sixth employment year (excluding temporary employment and years in non-tenure-earning or non-tenure track positions). By September 30, the candidate will provide to the college dean a completed Professional Portfolio, showing evidence of excellence in each of the criteria listed in 3.51a. At this time, the candidate will be evaluated for tenure in accord with RUSO's policies.

### **3.525**

If the faculty member is not recommended for tenure, the candidate will be notified in writing that the sixth appointment (in tenure-earning status) is a terminal contract. In extremely rare cases, circumstances might make it advisable to notify a failed candidate that he/she will be extended an additional one-year probationary contract. In this rare case, the candidate will be reviewed again during the fall semester of the seventh probationary year. A failure to secure a recommendation for tenure during this probationary period will result in 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 RUSO for each year thereafter.

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

### **3.531**

When a faculty member is to be considered for tenure, the chair of a . . . department shall call a meeting of the tenured members of the . . . department for a discussion of the case. In the event that the department chair is applying for tenure, the senior tenured faculty member in the department will be asked to serve as the chair of the committee for tenure recommendation. The faculty member's contributions to the mission of the university shall be reviewed and evaluated by the tenured members of his or her . . . department . . . (who shall constitute the committee for tenure recommendation), and by his or her . . . department chair, and a poll by secret ballot will be taken to determine whether a recommendation for the granting of tenure will be made. This review may be conducted in a manner that allows for input from non-tenured colleagues, students, and alumni, and for administrative information from the department chair. In the event that the number of tenured faculty members in a . . . department is fewer than five (5), the actual tenured members in that . . . department, plus additional tenured faculty members appointed by the chief academic officer or his or 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.

In some areas, a candidate's NSU colleagues are well qualified to provide the requisite objective review. In other instances, colleagues or community partners outside the university may be needed to provide additional expertise not available within the NSU community. The candidate, department chair or dean may request approval to solicit additional external evaluators to provide local, regional, national, and/or international perspectives on a candidate's achievements and activities. Such a request shall be directed to the Provost and shall document (1) the special circumstances which necessitate an outside reviewer, and (2) the nature of the materials needing the evaluation of an external reviewer. The request must be approved by the Provost with concurrence of the faculty member. In such cases, the candidate may be asked to submit the names of potential external evaluators to the department chair or dean. In accordance with these guidelines, the department chair or dean is responsible for soliciting letters of evaluation from appropriate colleagues or

community partners in a timely manner. An external evaluator shall be asked to evaluate the quality and significance of a candidate's achievements only in those scholarship areas where s/he has first-hand knowledge of the candidate's scholarly work. External evaluators shall not be asked to conduct evaluations of the candidate's full portfolio.

**3.532**

Written notification will be given to the committee for tenure recommendation one (1) week prior to the first tenure meeting date, to be scheduled in October. This official notice will contain the names of the candidates for tenure. At the first meeting, the department chair shall explain tenure policies and procedures, review the performance of each candidate for tenure, and provide a copy of each candidate's tenure Professional Portfolio to the assembled tenured faculty committee for tenure recommendation. Based on data provided in the tenure Professional Portfolio; by the department head, alumni, current students, and non-tenured colleagues; and from personal observation of the candidate's performance in relevant areas (see 3.523), the tenured faculty will review and evaluate each tenure candidate. The result of the review shall be a written recommendation that summarizes strengths and areas needing development, gives ratings of activity in all areas, and makes a formal recommendation regarding retention, tenure, and promotion as applicable. All review recommendations shall be added to a retention/tenure/promotion file and forwarded to the next level of review, with a copy of the recommendation to the candidate. Committee recommendations may include dissenting recommendations, or a minority report may also be prepared and included with the majority recommendation. In accordance with these guidelines, performance ratings of does not meet criteria or meets criteria or exceeds criteria will be specified for each reviewed area, and only a single rating may be used for a given reviewed area. However, a minority report, representing a minimum of 25% of the Committee's membership, with different ratings may be attached to the majority recommendation. All recommendations shall be signed by the reviewers. No vote shall be taken at the first meeting.

**3.533**

At a second meeting, held on or before October 31, the committee for tenure recommendation shall reconvene. The committee for tenure recommendation shall then cast one secret ballot for each candidate to determine whether a recommendation for the granting of tenure will be made. Once cast, a ballot cannot be changed. Absentee ballots are valid if presented to the department chair within the two days before the scheduled vote. The University's official FACULTY TENURE REVIEW BALLOT will be used by all colleges. After the votes have been cast, the ballots will be counted in the presence of the tenured members present with the results announced for each candidate as number for, number against, and number abstaining. Written report (in the form of a memo) of this vote is delivered to the dean by the tenure committee chair.

**3.534**

On or before November 10, the . . . department chair shall report in writing (in the form of a memo) the results of the vote, separate from his or her own recommendation, to the dean who will forward that recommendation as well as the dean's own recommendation to the chief academic officer on or before December 1. The dean and Department chair recommendations become part of the faculty member's personnel file.

**3.535**

The chief academic officer will report these recommendations as well as his or her recommendation to the president. A recommendation for tenure may also come directly from the chief academic officer or from the president of the University without prior recommendation from the . . . department. If the president determines to recommend granting of tenure, he or she will make the recommendation to the Board.

**3.536**

The results of all balloting will be confidential and will not be included in the faculty member's personnel file. Only the President or her/his designee may disseminate information to the campus about tenure decisions. All deliberations, and written comments from the committee regarding retention, tenure, and promotion shall be kept confidential.

**3.537**

Faculty granted tenure by the RUSO will be notified in writing prior to July 1 by the president of the University. A faculty member not recommended or approved for tenure will be notified in writing by the chief academic officer, following action of the RUSO. A candidate who believes there has been a procedural error during the tenure process may appeal the recommendations to the University Grievance Committee (See Section 3.7 for petition procedures).

## 3.6 Review Procedures and Rights of Tenured Faculty

### 3.61 Review of Tenured Faculty

The academic and professional performances of each tenured faculty member at each institution must be reviewed at least every three (3) years. Each post-tenure review will be conducted by the appropriate dean and/or the Provost/Vice President for Academic Affairs. The period of consideration for post-tenure review begins immediately after the awarding of tenure, regardless of the faculty member's decision to seek or not seek promotion. The actual formal post-tenure review takes place in the fall semester of the faculty member's third year after the awarding of tenure and in the fall semester of every third year thereafter. The post-tenure review is intended to determine whether the faculty member meets expectations in Teaching, Scholarship, and Service areas via a majority vote. Faculty must meet or exceed expectations in all areas in order to receive an adequate review. A post-tenure review committee of at least three tenured members will be selected by the tenured faculty member in consultation with the Department Chairperson. One of the Committee members can come from outside the program or department. The Department Chairperson will serve as the chair of the Post-Tenure Review Committee. The committee will determine if the faculty member meets expectations in Teaching, Scholarship, and Service areas via a majority vote. Faculty must meet or exceed expectations in all areas in order to receive an adequate review.

The tenured faculty member will inform the committee of their progress/accomplishments since their last review in the areas of Teaching, Scholarship, and Professional/University Service. If the faculty member does not meet expectations in all areas, the Committee's recommendations for improvement will be communicated in writing to the faculty member and to the dean. The results of the vote, and any recommendations for improvement, will be communicated by the committee chair to the dean. The dean will meet with the faculty member, discuss the committee's findings and recommendations (if any), and write a summary of the meeting. If the dean believes that progress in any of the areas does not meet expectations, suggestions for improvement will be communicated in writing to the faculty member in the written summary.

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 may be grounds for dismissal or suspension.

### 3.62 Causes for Dismissal or Suspension of Tenured Faculty

No tenured member of the faculty shall have his or 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 competent court, 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) Personal 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

The president of the University shall have the authority to suspend any faculty member formally accused of a, b, c, d, e, f, g, h, i, j, or k (listed above). The president shall notify the Board of the terms and conditions of the suspension. A faculty member should be suspended only if harm to the faculty or students is possible, or if 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.

### 3.63 Procedures for Dismissal of Tenured Faculty

Proceedings for the termination of the appointment and employment of a faculty member for cause shall be

initiated by the appropriate dean. All such recommendations shall be submitted to the Provost/Vice President for Academic Affairs. If the Vice President concurs with the dean's recommendation, then he/she will forward a recommendation to the president of the University. It is also understood that the president may initiate such proceedings.

Dismissal proceedings shall begin with a conference between the faculty member and the appropriate academic officer. 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 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.

If this conference does not result in mutual agreement, the Provost/Vice President for Academic Affairs will submit a recommendation in writing with rationale to the faculty member and to the president. If the president concurs with the recommendations for dismissal, the president shall send written notification to the faculty member and to the Provost/Vice President for Academic Affairs. Every reasonable effort must be made by the president to insure that the communication of this action is received by such faculty members without delay. Communication will be made by personal delivery, or registered or certified mail (with return receipt requested).

### **3.64 Disciplinary Action Other Than Dismissal or Suspension**

Disciplinary action affecting the terms of employment taken by the university against a tenured faculty member must be based upon causes stated . . . above in paragraph 3.62, or any other adequate cause which relates 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 appropriate dean . . . . 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 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.

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

A faculty member with tenure whose position is terminated based on genuine financial retrenchment, bona fide discontinuance of a program, or a lack of need for one's services, 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.

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

A faculty member who receives notice of pending dismissal 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.

The committee shall not exceed nine (9) tenured faculty members, eight (8) of whom shall be nominated or elected by secret ballot by the tenured faculty of the faculty-governing body of the University (Faculty Association), 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 of the elected members shall be elected for twelve (12) months and one-half for twenty-four (24) months; thereafter, one-half shall be elected each year. No member may serve more than two consecutive terms. One (1) or more alternate members of the committee shall be elected to serve in the event that a regular member is unable to serve. At the election each year, the four (4) nominees receiving the highest number of votes shall be declared elected to the committee, and the nominee receiving the next highest number of votes shall be named as junior alternate. The term of office shall be for two years beginning in August of each year. At the end of the first year, the junior alternate becomes the senior alternate. 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. The committee will elect its own chair, who will have the right to vote.

### **3.67 Appeal Procedures for Tenured Faculty**

#### **3.671**

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 a 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.

#### **3.672**

If the faculty member requests a hearing, the Appellate Committee on Dismissal of Tenured Faculty Members shall, with due diligence, and in keeping with the Administrative Procedures Act, 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.

#### **3.673**

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 of their choice. A court reporter will be retained by the University to record the proceedings. Parties requesting transcripts will pay the cost of a copy of the transcript. The committee will determine whether the hearing should be public or private.

#### **3.674**

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 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.

#### **3.675**

The faculty member and the University will have the right to cross-examine all witnesses present. Depositions are admissible whenever a witness cannot appear.

#### **3.676**

The committee may conclude:

- that adequate cause for dismissal has been established by the evidence;
- that adequate cause for dismissal has not been established by the evidence; or
- 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.

#### **3.677**

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 RUSO. If the affected faculty member does not in timely fashion request that the Board review the president's findings and recommendations, the president's determinations become final and binding.

### **3.678**

In the event that 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.

### **3.679**

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

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## **3.7 Grievance Procedures**

### **3.71 Introduction**

To aid in protecting faculty rights, a committee is established to investigate specific charges alleging the violation of faculty rights and to make recommendations to the administration regarding the disposition of these specific cases. The committee shall be a standing committee and shall conduct its business only during the fall and spring semesters of the academic year.

### **3.72 Grievance Committee Membership**

Grievance Committee members shall be full-time teaching faculty. Faculty Council representatives will not be eligible for membership. Grievance Committee members will be elected by secret ballot. Each academic unit, as specified in the Faculty Association By-Laws (See Appendix B), will elect two members to serve a term of office (two years) simultaneously with its Faculty Council representative. Elections for Faculty Council representatives and Grievance Committee members/alternates will be held at the times specified for the election of Faculty Council representatives in the Association By-Laws. Following the election, the administrator of each academic unit will report the results of Grievance Committee elections to the Provost/Vice President for Academic Affairs and the President of the Faculty Association.

After each fall semester has started, and the committee membership has been filled, the Faculty Association President will appoint a temporary chair from the committee membership. The temporary chair will call an organizational meeting of the committee by the end of the second week in September. At this meeting, the members of the committee shall elect a chair, vice chair, and secretary for the Grievance Committee for that academic year.

The chair shall be the primary liaison between the Committee, the faculty, the Faculty Council, and the Provost/Vice President for Academic Affairs. The chair will see that the Committee responds objectively to formal grievances. The vice chair shall assume the duties of the chair when the latter is unavailable. The secretary shall keep minutes of procedural meetings and preliminary hearings and will compile an accurate transcript of each hearing. Copies of each hearing will be filed in the office of the Provost/Vice President for Academic Affairs. The secretary shall provide the Faculty Council with names of members and officers for inclusion in the Council minutes. Investigations will be conducted only after the Grievance Committee chair is presented with a formal written grievance (See 3.74).

### **3.73 Grievance Committee Responsibility**

Acting in response to formal grievances filed by individual faculty, the Grievance Committee shall conduct hearings, make hearing transcripts and, at the timely conclusion of investigations, present both a transcript of the meeting and recommendations to the president of the University. Such concerns as academic freedom, individual rights, benefits, working conditions, procedural details of tenure evaluation, promotion, salary inequities, and termination with cause of non-tenured faculty or academic administrators shall be matters within the purview of this Committee. In no event shall the Committee involve itself in an overall view of an area of concern better considered by another University standing committee or by the Faculty Council itself. The Grievance Committee shall not consider issues previously considered by, or better suited to, the Appellate Committee on Dismissal of Tenured Faculty Members.

### **3.74 Grievance Petition Procedures**

A faculty grievance must be stated in writing and initiated within six (6) months from the date of the

primary incident in question. The Grievance Committee reserves the right to examine issues related to the incident that may extend prior to or after this six-month time frame.

A written grievance will be given to the dean first. The dean is responsible for assuring that the grievance has been pursued with relevant individuals. Within ten (10) working days after receipt of a written grievance, the dean will review the grievance, collect data and written responses to the charges made, and render a written response to the aggrieved party. If the problem cannot be solved at the department or college level, the aggrieved party may forward the written grievance to the Provost/Vice President for Academic Affairs, who shall consider the grievance and solicit information from the dean and from others as necessary. Within ten (10) working days after receipt of the written grievance, the Vice President shall provide the aggrieved faculty member with a written response stating his/her findings in the matter.

If the findings of the Provost/Vice President for Academic Affairs are contrary to the aggrieved faculty member's interpretation of the facts, or if during a regular semester no written response is forthcoming within the time frame stated above, the Grievance Committee may be petitioned in writing to review the complaint. This action requires an individual faculty member to a) document when the written grievance was presented to each administrator; b) provide a notarized complaint stating the facts and alleged policy violations amenable to investigation by the Grievance Committee; and c) file a \$100 cash bond or personal check with the University, to be held by the Department of Human Resources.

A petition fulfilling a) and b) above, and documentation of the bond/check filing will be transmitted to the chair of the Grievance Committee. The bond/check shall be forfeited and applied to the University's general fund if the aggrieved faculty member abandons the appeal; otherwise, it shall be returned.

### **3.75 Time Schedule**

A formal grievance shall receive prompt attention. A preliminary hearing will be held within ten (10) working days after the chair receives the grievance. If a formal hearing is held, it will start within ten (10) working days of the conclusion of the preliminary hearing. The hearing, and report of the hearing panel sitting as the representatives of the Grievance Committee, shall be completed within forty-five (45) calendar days of the grievance filing. In any case in which these time schedules prove inadequate, the chair of the Grievance Committee will notify the parties involved, in writing, of the amended time schedule. Hearings that impact on a tenure evaluation matter shall be concluded at least ninety (90) calendar days prior to the end of the semester. Other cases in a given academic year will be completed by May 20 of that year.

### **3.76 Preliminary Hearing**

The preliminary hearing is an academic review/hearing of a grievance filed by a member of the faculty; therefore, no other persons, including legal representatives, are permitted at the preliminary hearing. Along with the announcement of the time, date, and place of the preliminary hearing, the committee chair will provide the following: a) the names of the committee membership to both the faculty member submitting the grievance and involved administrators; and b) will ask that written challenges regarding committee members' having conflicts of interest be submitted prior to the meeting date. The chair will rule on such challenges. During the Preliminary Hearing, the Director of Human Resources will serve as resource for the Committee to assure that procedures are understood and followed.

The preliminary hearing will be held on the main campus and attended by at least six (6) and not more than ten (10) committee members who do not have conflicts of interest, the Grievance Committee chair, the party submitting the grievance, involved administrators, and no others. The panel will review the written grievance and the responses to the grievance. It will hear statements from and question those involved as desired, in order to obtain a clear understanding of the issues. Only documents previously submitted and available to all parties, and/or requested by the panel, will be considered. In the spirit of constructive interaction, all relevant aspects of an issue will be discussed to insure that a misunderstanding has not occurred. Prior to adjourning the meeting, the panel shall decide if the issue warrants a formal hearing. If so, the chair will advise the faculty member filing the grievance of the permissibility of having counsel present at that time to serve in an advisory capacity, and will advise the faculty member that the formal hearing will be set at a later date.

For the formal hearing, the University's General Counsel may provide advisement and consultation upon the request of the Director of Human Resources.

### **3.77 Formal Hearing**

On the day and time of the hearing, the faculty member who filed the grievance (and advisory counsel if he/she so chooses), involved administrators (with counsel if appropriate), witnesses, and all other involved persons shall convene. The chair will address possible conflict of interest issues involving committee members. Acting with input from both parties, a hearing panel of six (6) members who do not have

conflicts of interest, plus the Grievance Committee Chair, will be seated. Faculty seated as members of the hearing panel will be required to attend all sessions of the hearing. The committee chair will make every effort to schedule sessions at times when the principal parties and panel have no classes. No session of the hearing will be started without all members of the seated hearing panel being present. A repeated, unexcused failure of a seated panel member to attend scheduled hearings is cause for reprimand and for restarting the hearing. Regardless of membership on the hearing panel, all members of the Grievance Committee who have not been dismissed due to conflict of interest should attend all hearings if at all possible. Once a hearing panel has been seated, the panel, committee chair, the faculty member who filed the grievance, and the Provost/Vice President for Academic Affairs shall consult about having an open or closed hearing. The hearing panel then will exercise its judgment as to whether or not the hearing should be open to the public.

The Grievance Committee, sitting as the hearing panel, shall hear the case in an orderly fashion. The chair of the Grievance Committee will read the charges as set forth in the formal written complaint. The panel will systematically review the specifics of the complaint and the responses to the charges. The hearing panel may call and question those involved in the complaint, and may question witnesses. The Grievance Committee chair, assisted by the Director of Human Resources, shall maintain decorum and will ensure that the process proceeds in an orderly and responsible manner. Since statements, questions, and answers will be recorded, and written evidence held, libelous and perjurious acts can be subject to further investigation.

In making its decision, the hearing panel shall consider as evidence only the formal written grievance and responses to the complaint, and relevant documents, including testimony, presented at the preliminary hearing, and to which all parties to the grievance have been afforded access. The recommendations of the hearing panel shall be decided by a majority vote. In the event of a tied vote, the Grievance Committee chair will cast the deciding vote. The chair can sit on the hearing panel and will vote while so doing. At any point in the proceedings prior to the time when the hearing panel retires to consider its recommendations, the aggrieved party may, with the consent of the chair, withdraw his/her grievance. A written report of proceedings up to the time of withdrawal will be made available to all parties.

### **3.78 Committee Report**

For each grievance hearing conducted, the chair of the committee shall present organized, written findings of facts to the University president. The report shall accurately present the findings and recommendation of the hearing panel. Copies of this report shall be given also to the aggrieved party and to administrators involved in the hearing.

The president shall review the information provided, consider the matters presented, and render notice of his/her judgment on the case within twenty (20) working days. The president's judgment on the matter shall be the final campus review of a specific grievance. The matter cannot be resubmitted, even if altered, to the chair of the Grievance Committee.

## **3.8 Employment of Part-Time Faculty and Graduate Assistants**

**Part-Time Appointments.** Part-time faculty are generally employed only for the purpose of teaching classes. The assigned responsibilities are to provide instruction, evaluate students pertaining to that instruction, and meet with those students who require assistance in their classes. The load of a part-time faculty member who does not have additional duties will be determined by dividing his teaching load by eighteen (18). For example, a nine- (9) hour teaching load would equal one-half time.

Part-time faculty are employed on a semester-by-semester basis as "at-will" employees. The University has no obligation to part-time faculty beyond the payment of salary for an existing contract. Salaries for temporary faculty are set by the Vice President. Part-time faculty will be covered by the Academic Freedom Guidelines (see 3.4).

**Graduate Assistants.** Graduate assistants are graduate students at the institution who hold appointments as teaching, research, or administrative assistants. Graduate assistants must be enrolled in a minimum of three (3) semester hours. Teaching assistants shall not teach more than six (6) credit hours per semester.

Part-time faculty and graduate assistants are recommended to the Provost/Vice President for Academic Affairs by the dean based upon the individual's ability to perform the desired teaching duties and upon educational qualifications. Temporary or part-time faculty will be evaluated for performance of assigned duties. deans shall monitor the conduct and performance of part-time faculty. Unacceptable conduct or performance will lead to a failure to rehire or, in severe cases, dismissal with two (2) weeks' notice.



