F1.5 Faculty Separation

F1.5.1 Dismissal or Suspension of Tenured Faculty

F1.5.1.1 Causes for Dismissal of Tenured Faculty
No tenured member of the faculty shall have their appointment terminated in violation of the principles of tenure adopted by the Board except for one or more of the following causes:

1. Bona fide lack of need of one's services in the university.
2. Bona fide necessity for financial retrenchment.
3. Conviction of a felony.
4. Moral turpitude.
5. Insubordination.
6. Professional incompetence or dishonesty.
7. Substantial or repeated failure to fulfill professional duties or responsibilities or substantial or repeated failure to adhere to Board or university policies.
8. Personal behavior preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities.
9. An act or acts which demonstrate unfitness to be a member of the faculty.
10. Falsification of academic credentials.
11. Two consecutive unsatisfactory post-tenure performance evaluations.

F1.5.1.2 Suspension of Tenured Faculty
The university President shall have the authority to suspend any faculty member formally accused of 3, 4, 5, 6, 7, 8, 9 10, 11 (listed above in section 1.5.1.1). 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 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 a felony or a crime involving moral turpitude, the institution shall not continue compensation.

F1.5.1.3 Dismissal of Tenured Faculty Member for Cause
Dismissal proceedings shall begin with a conference between the faculty member and the appropriate academic officer. If this conference does not result in mutual agreement, the academic officer will submit a written recommendation with rationale to the faculty member and the Provost/VPAA.

Within fourteen (14) business days, the Provost/VPAA should have a conference with the faculty member. This conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the university would be served by the faculty member's resignation. If this conference does not result in mutual agreement, the Provost/VPAA will submit a written recommendation 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/VPAA. Every reasonable effort must be made by the President to ensure that the communication of this action is received by such faculty members without delay.

If dismissal is required for reasons 1 or 2, the same procedures are outlined in the Dismissal of Tenured Faculty for Program Discontinuance or Financial Retrenchment Policy, see RUSO Policy Manual, Section 3.8.

F1.5.1.4 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 3 - 11 in section 1.5.1, 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 Provost/VPAA shall be notified in writing within fourteen (14) business days. The Provost/VPAA should arrange for a conference with the faculty member. The vice President may then determine that no additional action is necessary. However, the Provost/VPAA 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.

F1.5.1.5 Appellate Committee on Dismissal of Tenured Faculty Members

A tenured faculty member who receives a 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) business days after receipt of notification shall constitute a waiver by such faculty member of his right to a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members.

Each state institution under the jurisdiction of the Board of Regents of the Regional University System of Oklahoma shall institute an Appellate Committee on Dismissal of Tenured Faculty Members. The committee shall not exceed nine (9) tenured faculty members, eight (8) of whom shall be elected by the faculty governing body of the university and one member appointed by the President of the institution. A quorum shall be five (5) members or a majority of qualified members of the committee. Initially, one-half (½) of the elected members shall be elected for twelve (12) months and one-half (½) shall be elected for twenty-four (24) months; thereafter, one-half (½) shall be elected each year. No member may serve more than two (2) consecutive terms. One (1) or more alternate members of the committee shall be elected to serve in the event a regular member is unable to serve. If any member of the committee is an interested party in a case which comes before the Appellate Committee on Dismissal of Tenured Faculty Members, that committee member shall not serve on that case.

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

The decision of the committee shall be based on a majority vote. The committee shall elect its own Chair, who will have the right to vote

F1.5.1.6 Appeal Procedures for Tenured Faculty

1. 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) business days prior to the hearing. The faculty member may reply by requesting a hearing or by waiving the hearing and filing a written brief in their defense. If the faculty member waives hearing, but denies the charge against them 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.
2. 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. At hearings before the Appellate Committee on Dismissal of Tenured Faculty Members, faculty members and the university shall be permitted academic advisors and/or counsel. A court reporter will be retained by the institution to record the proceedings. In the event of further appeal, each party will pay the entire cost of their copy of the transcript. The committee, after consultation with the President and the involved faculty member, will exercise its judgment as to whether the hearing should be public or private.
4. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration of the institution will attempt to secure the cooperation of such witnesses and will make available necessary documents and other evidence within its control. No employee of the institution, regardless of position, should be excluded or excused from appearing before the committee if called.
5. The hearing will begin with the Chief Academic Officer presenting the case for dismissal and continue with the faculty member presenting the case against the dismissal. Each side may introduce evidence and/or call witnesses as desired. The faculty member and the university will have the right to cross-examine all witnesses present. Depositions are admissible whenever a witness cannot appear.
6. In all hearings before the committee, the involved faculty member will have appealed an administrative action recommending termination of contract. In order that the committee can fairly judge the merits of the original action, it is evident that the administration must at all times be represented by an administrator who can speak for the administration with authority. It is required that the President, the vice President for academic affairs, or the Dean of the affected college/school act in that capacity and be present, with legal counsel, throughout the entire hearing. In the event that the action to dismiss originates at a higher level than the school, the Dean shall not be the administrative representative.
7. The committee may conclude that adequate cause for dismissal has been established or has not been established, but an academic penalty less than dismissal, including removal of tenure, would be more 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.
8. The President shall notify the affected faculty member within a reasonable time 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 committee or the President. The request must be in writing and filed within fifteen (15) business days after final notification by the President of the university at the office of the Board of Regents of the Regional University System of Oklahoma. If the affected faculty member does not file a timely request that the Board review the President's findings and recommendations, the President's determinations become final and binding.
9. In the event the faculty member submits a timely request to the Board to review adverse findings and recommendations of the President, the faculty member must indicate whether they desire 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 de novo hearing or a review of the record.
10. Public statements and publicity about the case by the university will be avoided until the proceedings, including consideration by the Board, have been concluded.

F1.5.2 Termination Following Two Consecutive Unsatisfactory Tenure Reviews

1. Tenure is an expression of the institution's confidence in and commitment to the faculty member. Tenure is awarded in recognition of the faculty member's excellence in professional, scholarly, and/or creative endeavors, their contributions to the university and the community, and their effective classroom performance. It is expected that the faculty member will continue to develop professionally and to contribute significantly to the university after they have been tenured. The Board has mandated that all tenured faculty shall be reviewed at least every three years. The purpose of the review is to assess and document the professional growth, professional reliability, professional integrity, and classroom effectiveness of the faculty member. The procedure for three-year tenure review is found in Section 1.5.
2. Unsatisfactory Three-Year Tenure Review. In the event that the first three-year tenure review is unsatisfactory, the faculty member shall have a second tenure review by the same procedure the next year. In the event that a faculty member receives an unsatisfactory tenure review for two consecutive years, the procedure for dismissal of tenured faculty, as outlined in Section 1.5.1.3, shall be implemented. The faculty member shall have the rights of appeal outlined in Section 1.5.1.6.

F1.5.3 Termination of Faculty for Medical Reasons

Termination of an appointment with tenure or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Appellate Committee for Dismissal of Tenured Faculty before a final decision is made.

F1.5.4 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 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 one’s services, the university will make reasonable efforts to place affected members in other suitable positions.

If an appointment is terminated due to aforementioned reasons, 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 their previous status.

For complete guidelines and procedures for the current Dismissal of Tenured Faculty for Program Discontinuance or Financial Retrenchment, see RUSO Policy Manual, Section 3.8.

F1.5.5 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.