

# **Appendices**

**To the Report on Faculty Senate Documentation Requested by Dr. McMillan**

**April 23, 2012**

## **Appendix A**

- Email sent to Bryon Clark on April 13, 2011, detailing the anticipated work on FS policy recommendations and the APPM (includes titles of attached files)

## **Appendix B**

- Email and responses to the FS Resolution sent on November 11, 2010
- Email of January 21, 2011 and the attached report "The Faculty Senate's Summary Report on Academic Freedom"

## **Appendix C**

Personnel Policies Committee reports with information on the policy and precedent for re-applying for tenure

- Personnel Policies Committee Report of November 10, 2010
- Personnel Policies Committee Report of April 13, 2011

## Appendix A

**William Fridley**

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**From:** William Fridley  
**Sent:** Wednesday, April 13, 2011 11:03 PM  
**To:** Bryon Clark  
**Cc:** Christopher Moretti; Halet Poovey; Rachel Tudor; Dennis R. Brewster; George Jacox; Kenneth Chinn; Diane Dixon; William Fridley  
**Subject:** Request to meet with the Personnel Policies Committee  
**Attachments:** PTreview-Principles.docx; List of Faculty Policies.APPM.docx; FS--list of policy recommendations-4-13-11.doc; ProposedPolicy on Policies--4-10-11.doc

Dear Dr. Clark,

As mentioned in correspondence from Dr. McMillan and from Dr. Chinn, the Personnel Policies Committee of the Faculty Senate would like to meet with you to discuss the important task that you are heading to update the APPM.

If it would fit your schedule, we would like to request a meeting with you on Wednesday, May 4 at 3:00. Our committee meets at this time on the first Wednesday of every month.

We are attaching four documents that our committee has developed this year that relate to academic policies. They include:

- Principles for Post-Tenure Review (this was approved by the Faculty Senate)
- A List of Policies Relevant to Faculty (this was compiled by our committee and the Senate approved a motion that any proposed changes on these policies be forwarded to the Faculty Senate for review and comment)
- A List of Faculty Senate Policy Recommendations (this is a list of Faculty Senate approved recommendations on policy from the Fall of 2007 through February, 2011, that to the best of our knowledge have not been acted on or responded to--it also includes a listing of requests for a policy on how the APPM is changed)
- A Policy on how Policy is Changed (this is not a formally approved policy recommendation, but rather a working draft that suggests the kind of policy we would like to see developed and implemented)

We look forward to working with you. Please let us know if the requested date and time will work.

Thank you,  
William Fridley  
Chair of the Personnel Policies Committee

## Appendix B

**From:** Faculty Senate  
**To:** [Aaron Adair](#); [Blythe Duell](#); [Bruce Johnson](#); [C.W. VonBergen](#); [Christopher Moretti](#); [David Romer](#); [Deborah S. Combs](#); [Dennis R. Brewster](#); [Diane Dixon](#); [George Jacox](#); [Gerri Johnson](#); [Gleny Beach](#); [Halet Poovey](#); [Karl H. Frinkle](#); [Kathleen Hardgrove](#); [Kay Daigle](#); [Muhammad Betz](#); [Rachel Tudor](#); [Riley Coker](#); [Susan Webb](#); [Virginia Parrish](#); [Wayne Jones](#); [William Fridley](#)  
**Cc:** [Doug McMillan](#)  
**Subject:** FW: Resolution from the Faculty Senate  
**Date:** Tuesday, November 16, 2010 2:31:22 PM

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Dear Senators,

Below is Dr. McMillan's response to the November Faculty Senate resolution. It, in turn, invites a response.

Kenneth Chinn  
Chair, Faculty Senate

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**From:** Doug McMillan  
**Sent:** Tuesday, November 16, 2010 11:03 AM  
**To:** Faculty Senate  
**Subject:** RE: Resolution from the Faculty Senate

Dr. Chinn,

It is apparent to me that we have fundamentally different views of the principle of academic freedom. I would like to request that the Senate put together a summary document of the accepted definition of academic freedom. I would prefer that the document be referenced and that the document address the following issues:

- 1) What are the sources that Faculty Senate views as authoritative on academic freedom?
- 2) What is the prevailing definition of academic freedom?
- 3) Are there any alternative definitions of academic freedom, which may not be commonly held but may still be important in understanding the concepts associated with academic freedom?
- 4) What are the exceptions/limits to academic freedom?
- 5) To what degree does federal and state law such as The Americans with Disability Act create limitations to the expression of academic freedom?
- 6) How is academic freedom affected by RUSO, OSRHE, and HLC policy?

I believe developing a document like this would be very beneficial in educating us all about what academic freedom actually is.

Thank You,

Douglas McMillan

**From:** Faculty Senate

**Sent:** Thursday, November 11, 2010 2:43 PM

**To:** Doug McMillan; Lucretia Scoufos; William Mawer; Buddy Gaster; Theresa Hrnair; Stacy Weger; Diane Dixon; Jane Licata; Bruce Johnson; Stan Alluisi; George Jacox; Charles Matthews; Gerri Johnson; Dell McLain; Ed Mauzey; Jerry Polson; Randy Prus; Wayne Jones

**Cc:** Larry Minks

**Subject:** Resolution from the Faculty Senate

The Faculty Senate approved the following resolution and requested that it be sent to you.

**We, the Faculty Senate, affirm the right and freedom of individual faculty to establish and implement classroom policies (e.g. on attendance, grading, and the use of electronic devices in the classroom) as long as these policies are consistent with and conform to official University policies. We object to any attempt to interfere with this freedom, or to undermine the principles of the independence of academic departments (APPM 4.10.1), the role of faculty in shared governance (APPM 3.7.40, and/or academic freedom (APPM 4.3). Moreover, we affirm our support for Southeastern Oklahoma State University's stated commitment to "adhere to well-defined organizational structures, policies, and procedures" (APPM 1.5.2, point 3).**

Kenneth Chinn

Chair, Faculty Senate

## William Fridley

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**From:** Faculty Senate  
**Sent:** Friday, January 21, 2011 3:32 PM  
**To:** Doug McMillan  
**Cc:** Larry Minks; Aaron Adair; Blythe Duell; Bruce Johnson; C.W. VonBergen; Christopher Moretti; David Romer; Deborah S. Combs; Dennis R. Brewster; Diane Dixon; George Jacox; Gerri Johnson; Gleny Beach; Halet Poovey; Karl H. Frinkle; Kathleen Hardgrove; Kay Daigle; Muhammad Betz; Rachel Tudor; Riley Coker; Susan Webb; Virginia Parrish; Wayne Jones; William Fridley  
**Subject:** Summary Report on Academic Freedom  
**Attachments:** AcademicFreedomReport.Nov2010.doc

Dr. McMillan,

Attached is the Faculty Senate approved summary document on the accepted definition of academic freedom.

Sincerely,

Kenneth Chinn  
Chair, Faculty Senate

**Faculty Senate Resolution –approved at the November 10, 2010 meeting and emailed to the Administration, Academic Deans, and Academic Department Chairs on November 11, 2010**

The Faculty Senate approved the following resolution and requested that it be sent to you.

**We, the Faculty Senate, affirm the right and freedom of individual faculty to establish and implement classroom policies (e.g. on attendance, grading, and the use of electronic devices in the classroom) as long as these policies are consistent with and conform to official University policies. We object to any attempt to interfere with this freedom, or to undermine the principles of the independence of academic departments (APPM 4.10.1), the role of faculty in shared governance (APPM 3.7.4), and/or academic freedom (APPM 4.3). Moreover, we affirm our support for Southeastern Oklahoma State University's stated commitment to "adhere to well-defined organizational structures, policies, and procedures" (APPM 1.5.2, point 3).**

**Email response to the Resolution from Dr. Douglas McMillan on November 16, 2010**

Dr. Chinn,

It is apparent to me that we have fundamentally different views of the principle of academic freedom. I would like to request that the Senate put together a summary document of the accepted definition of academic freedom. I would prefer that the document be referenced and that the document address the following issues:

- 1) What are the sources that Faculty Senate views as authoritative on academic freedom?
- 2) What is the prevailing definition of academic freedom?
- 3) Are there any alternative definitions of academic freedom, which may not be commonly held but may still be important in understanding the concepts associated with academic freedom?
- 4) What are the exceptions/limits to academic freedom?
- 5) To what degree does federal and state law such as The Americans with Disability Act create limitations to the expression of academic freedom?
- 6) How is academic freedom affected by RUSO, OSRHE, and HLC policy?

I believe developing a document like this would be very beneficial in educating us all about what academic freedom actually is.

Thank You,

Douglas McMillan

## The Faculty Senate's Summary Report on Academic Freedom

Let us say, at the outset, that to reduce our Resolution to being simply a matter of *academic freedom* is to miss the intent of the Resolution and to attenuate the Resolution's import. Our Resolution is not primarily (nor even to a significant degree) a matter of academic freedom. Indeed, at the heart of our Resolution is our affirmation of the importance of adhering to clearly established procedures that include faculty participation in creating policies affecting the classroom, and the clear publication and fair application of these policies.

We also acknowledge our puzzlement at Dr. McMillan's claim that "It is apparent to me that we have fundamentally different views of the principle of academic freedom."<sup>1</sup> Dr. McMillan does not specify what these differences are, nor does he explain his fundamental position on academic freedom. In fact, the Faculty Senate's Resolution does not include any attempt to define a position on *academic freedom*. Rather, we object to any attempt to interfere with or to undermine the three stated academic principles as cited in Southeastern's Academic Policies and Procedures Manual (APPM). Even our affirmation of the right and freedom of individual faculty to establish and implement classroom policy is qualified by the phrase "as long as these policies are consistent with and conform to official University policies." In short, we wonder what it is about the Resolution that Dr. McMillan disagrees with.

Nonetheless, we welcome the invitation to provide a summary report about academic freedom and to address the related questions that Dr. McMillan raises. We, too, hope that this exchange will provide educational benefits to all of us as well as enriching communication between the Faculty Senate and the Administration.

- 1) What are the sources that Faculty Senate views as authoritative on academic freedom?

The most likely candidate as an authoritative source on academic freedom would be the American Association of University Professors' (AAUP) "1940 Statement of Principles on Academic Freedom and Tenure." The introduction to the current publication of this document includes the following explanation of the document's origin, subsequent developments of Interpretive Comments, and more recent changes in language:

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American

Colleges (now the Association of American Colleges and Universities) agreed upon a restatement of principles set forth in the 1925 *Conference Statement on Academic Freedom and Tenure*. This restatement is known to the profession as the 1940 *Statement of Principles on Academic Freedom and Tenure*.

The 1940 *Statement* is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges in 1969. The governing bodies of the two associations, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.<sup>ii</sup>

2) What is the prevailing definition of academic freedom?

Again, the most likely candidate for a “prevailing definition of academic freedom” is that definition given (and elaborated upon) in the AAUP document:

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.[2] Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.[3]
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they 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 they are not speaking for the institution.<sup>iii</sup>

The AAUP definition of academic freedom is reflected to a great degree (and in some cases with the exact wording) in the Southeastern Oklahoma State University Academic Policies and Procedures Manual (APPM, Section 4.3).<sup>iv</sup> We reiterate that we are in agreement with this definition and policy. That is why we cite it in our Resolution.



- 3) Are there any alternative definitions of academic freedom, which may not be commonly held but may still be important in understanding the concepts associated with academic freedom?

A cursory search of the internet or a library data base will reveal hundreds of definitions, interpretations, debates, and applications of and about academic freedom. These have been put forth by authors, scholars, jurists, attorneys, educators, journalists, editorialists, and educational administrators. We don't believe, at this time (and for the purposes of this summary document), it is necessary to explore these alternate definitions. However, Dr. McMillan's query about "understanding the concepts" (and we would like to add *practices*) "associated with academic freedom," merits our attention<sup>v</sup>. And, perhaps, it is on this topic that we can more precisely explain the intent and import of our Resolution.

We conclude our Resolution by affirming and supporting Southeastern Oklahoma State University's stated commitment to "adhere to well-defined organizational structures, policies, and procedures" (APPM 1.5.2, point 3). Let us consider this commitment to "adhere to well-defined organizational structures, policies, and procedures" as a figurative umbrella, or tent, if you will. Under which, are housed numerous policies pertaining to a variety of faculty functions, freedoms, rights, and responsibilities. These functions, practices and concepts include: tenure, post-tenure review, the processes and procedures by which tenure and promotion is determined and by which faculty are evaluated, the faculty's role in shared governance, academic freedom, the role of faculty in academic departments and the independence of academic departments.

This figurative *tent* of adhering to well-defined structures, policies and procedures provides faculty with the *freedom to* work in a healthy professional environment characterized by clarity, consistency, and reliability. The tent also provides *freedom from* the icy rains of procedural abnormalities, arbitrary and capricious applications of policy, and ad hoc and ex post facto engineering of the rules.

- 4) What are the exceptions/limits to academic freedom?

When speaking of the exceptions and limits to academic freedom we must acknowledge that this is often an area of contention; both in theory and in practice. Other such contested concepts include Constitutional provisions for freedom of speech, freedom of religion, and the rights to due process and to equal protection of the law. These concepts (and their limits and

exceptions) are the topics of debate in classrooms, textbooks, schools and universities, courts, legislatures, and the press. There is a stock example, used by philosophers, to illustrate the difficulties in mapping a concept's borders of application. In distinguishing *dark* from *light*, there are clear examples of each. It is, however, those zones of *twilight* and *dawn* that present the difficulties. Perhaps it is in such a zone, that the exceptions and limits to academic freedom lie.

In short, such determinations are beyond resolution in a summary document of this sort. Moreover, we are not sure—at this point—whether we have any disagreement with the Administration on what academic freedom actually is.

- 5) To what degree does federal and state law such as The Americans with Disability Act create limitations to the expression of academic freedom?

We do not believe that there is any tension between academic freedom and federal and state law. We support full compliance with The Americans with Disabilities Act and Section 504 of the Rehabilitation Act and their provisions that apply to colleges and universities.

- 6) How is academic freedom affected by RUSO, OSRHE, and HLC policy?

As stated in Section 1.2 of the APPM, "The legal control of the University, as provided by the Constitution of Oklahoma is vested in two boards--the Oklahoma State Regents for Higher Education [OSRHE] and the Regional University System of Oklahoma Board of Regents [RUSO]." And, as stated in an earlier footnote, Southeastern's policy statement on academic freedom is taken from RUSO's policy manual (Academic Affairs, 3.3.1 and 3.3.2). In short, RUSO has established and oversees Southeastern's policies and practices concerning academic freedom. We don't believe there is any disagreement about this.

According to Section 1.3 of the APPM, "The University is a member of the Oklahoma System of Higher Education, The Higher Learning Commission (HLC): A Commission of the North Central Association of Colleges and Schools, American Association of Colleges for Teacher Education (AACTE), American Council on Education (ACE), National Association of Schools of Music (NASM), National Commission on Accrediting, and the National Council for Accreditation of Teacher Education (NCATE). The University is fully accredited by the Oklahoma State Board of Education, The Higher Learning Commission, and The National Council for Accreditation of

Teacher Education, National Association of Schools of Music, and the Business Association of Collegiate Business Schools and Programs.”

While we could find no instance in which the HLC specifically addresses the issue of academic freedom, the issue at the heart of our Resolution (Southeastern’s commitment to “adhere to well-defined organizational structures, policies, and procedures”) is addressed in the HLC document “Criteria for Accreditation.” Specifically, we would cite the following relevant passages:

**Criterion One: Mission and Integrity**

**Criterion Statement** The organization operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students.

**Core Component 1d** The organization’s governance and administrative structures promote effective leadership and support collaborative processes that enable the organization to fulfill its mission.

**Examples of Evidence**

- Board policies and practices document the board’s focus on the organization’s mission.
- The board enables the organization’s chief administrative personnel to exercise effective leadership.
- The distribution of responsibilities as defined in governance structures, processes, and activities is understood and is implemented through delegated authority.
- People within the governance and administrative structures are committed to the mission and appropriately qualified to carry out their defined responsibilities.
- Faculty and other academic leaders share responsibility for the coherence of the curriculum and the integrity of academic processes.
- Effective communication facilitates governance processes and activities.
- The organization evaluates its structures and processes regularly and strengthens them as needed.<sup>vi</sup>

In conclusion, we are still not sure what the disagreement is concerning academic freedom. It is our sincere desire that this summary document serves the purpose of clarifying the intent and import of our Resolution. In the Spring of 2010, both the annual Faculty Senate Survey and a Faculty Senate document listing concerns with matters of shared governance indicated a number of perceived problems relating to adherence (or lack of adherence) to well-defined organizational structures, policies and procedures. As the representative body of the Southeastern faculty, it is our responsibility to bring these issues to the attention of the

Administration in the hope that Southeastern's commitment to adhere to well defined organizational structures, policies and procedures will be a vibrant and robust reality.

Toward that end, we would like to ask a few questions and to formally request a meeting with the Southeastern Administration.

The initial portion of our resolution states: We, the Faculty Senate, affirm the right and freedom of individual faculty to establish and implement classroom policies (e.g. on attendance, grading, and the use of electronic devices in the classroom) as long as these policies are consistent with and conform to official University policies.

1. Does the Administration concur that individual faculty have this right and freedom?
2. If not, in what cases or instances, in your opinion, does such a right and freedom not exist?
3. Do you agree that faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction?
4. Do you agree that all policies that have bearing on classroom instruction must be developed by clearly established procedures that include faculty participation?
5. Do you agree that all such policies must be clearly publicized and communicated to faculty?
6. Do you agree that all such policies must be fairly and consistently applied?
7. Given the positions outlined in this document, is the Administration still of the opinion that there is a fundamental disagreement on the matter of academic freedom? And, if so, what is the precise nature of the disagreement?

The Faculty Senate requests a meeting with President Minks and the Administration to specifically discuss Southeastern's stated commitment to and practice of adhering to well-defined organizational structures, policies and procedures. *Southeastern's Academic Policies and Procedures Manual* includes several references to the importance of this type of collaborative meeting (APPM 3.7, 3.7.4, 3.7.5, 3.8, 3.8 Figure B. Flow of Shared Governance, and 3.8.1). Unfortunately, such meetings have been too rare, of late. The Faculty Senate respectfully requests a meeting on these matters for late January or early February. We look forward to your response.

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<sup>i</sup> Perhaps the perceived disagreement on academic freedom is the result of a reading that conflates our initial reference to 'freedom' ("affirm the right and freedom of individual faculty to establish and implement classroom policies") with our later mention of 'academic freedom' and then concludes that the Resolution is primarily concerned with academic freedom. We regret if that was a source of misunderstanding. That was not the intent of our Resolution.

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<sup>ii</sup> "1940 Statement of Principles on Academic Freedom and Tenure"

<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>

<sup>iii</sup> Ibid

<sup>iv</sup> **4.3 Academic Freedom and Responsibility**

Source: Policy Manual of the Regional University System of Oklahoma Board of Regents (Academic Affairs, 3.3.1 and 3.3.2)

The faculty member is 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 Regional University System of Oklahoma Board of Regents policy. The faculty member is entitled to freedom in the classroom in discussing their subject, but s/he shall 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, members 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 the faculty do not speak on behalf of the University.

<sup>v</sup> Note how the concepts of *academic freedom* and *tenure* are linked in the AAUP document.

<sup>vi</sup> The Higher Learning Commission's document "Criteria for Accreditation"  
<http://www.ncahlc.org/information-for-institutions/criteria-for-accreditation.html>  
Also found in the HLC *Handbook of Accreditation, third edition*, Chapter 3

## Appendix C

**William Fridley**

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**From:** William Fridley  
**Sent:** Tuesday, November 09, 2010 5:44 PM  
**To:** Christopher Moretti; Halet Poovey; George Jacox; Dennis R. Brewster; Rachel Tudor  
**Cc:** William Fridley  
**Subject:** Personnel Policies Report  
**Attachments:** PersonnelPoliciesCom. Report-11- 3.docx

Personnel Policies Committee,

I've attached a report that includes the Agenda and Minutes from our meeting as well as "Items" for tomorrow's Senate meeting. I apologize for the late hour, but this involved more work than I anticipated. Please review these and let me know of any corrections or modifications. I hope to send this to Ken tomorrow around 10:00 for him to send on to the Senators.

I've scheduled our next meeting for Wednesday, December 1 at 3:00 in Morrison 219.

Thanks,  
wlf

William Lloyd Fridley, Ph.D.  
Associate Professor, Educational Instruction and Leadership  
Southeastern Oklahoma State University  
P.O. Box 4204  
Durant, OK 74701-0609  
(580) 745-2638  
Fax: (580) 745-7508  
<mailto:wfridley@se.edu>  
<http://homepages.se.edu/eil/faculty/dr-william-fridley/>

**William Fridley**

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**From:** Faculty Senate  
**Sent:** Wednesday, November 10, 2010 11:14 AM  
**To:** Aaron Adair; Blythe Duell; Bruce Johnson; C.W. VonBergen; Christopher Moretti; David Romer; Deborah S. Combs; Dennis R. Brewster; Diane Dixon; George Jacox; Gerri Johnson; Gleny Beach; Halet Poovey; Karl H. Frinkle; Kathleen Hardgrove; Kay Daigle; Muhammad Betz; Rachel Tudor; Riley Coker; Susan Webb; Virginia Parrish; Wayne Jones; William Fridley  
**Subject:** Personnel Policies Committee Report  
**Attachments:** PersonnelPoliciesCom Report-11-3.docx

Dear Senators,

Attached is the Personnel Policies Committee Report for the November 10<sup>th</sup> meeting.

Ken

## **Personnel Policies Committee Agenda for November 3, 2010**

Here are the Agenda items for tomorrow's meeting at 3:00 in M219

1. Review the progress made on the motions from the last Senate meeting
2. Post-tenure review policies and practices
3. Departmental independence, the faculty's role in shared governance, and academic freedom as they relate to professors establishing classroom policies (e.g. on grading, attendance, and the use of electronic devices in the classroom)
4. Old Business
5. New Business

## **Personnel Policies Committee Meeting Minutes for November 3, 2010**

Met in Morrison 219 at 3:00

**Members Present:** William Fridley, Chris Moretti, George Jacox, Hal Poovey, Dennis Brewster, Rachel Tudor

### **I. Reviewed Personnel Policies motions made and passed at the last Faculty Senate meeting (October 13, 2010).**

- Concerning the motion to ask Administrative Affairs to repair all inoperable links in the online APPM—a report was drafted by our committee that identified all inoperable links and made suggestions for their repair and for easier access. The report was emailed by Faculty Senate Chair Ken Chinn to Dr. McMillan (cc to President Minks) on 11/2/2010:

Dr. McMillan,

Attached is report from the Faculty Senate identifying hyper-link issues with the on-line APPM. Let me know if you need to extend the suggested November 22<sup>nd</sup> deadline.

Thank you.

Kenneth Chinn

Chair, Faculty Senate

Reply was sent to Dr. Chinn on 11/2/2010

Dr. Chinn,

Thanks for the attachment. This will almost certainly take longer than the Nov. 22<sup>nd</sup> date. We will let you know when it is complete.

Doug McMillan

- Review of the Faculty Senate Constitution (APPM 3.3.1 to 3.4)—discussed some possible modifications and additions including an Employee Bill of Rights. (See "Items" for more information)

### **II. Post-Tenure Review Policies and Practices**

- Discussed the concept and practice of post-tenure review and noted that a "system" of post-tenure review has been implemented this semester in the School of Education and Behavioral Sciences. There were many questions about this system, including: the degree of faculty involvement in creating the policy, lack of faculty review of the policy, problems in communicating the policy to the faculty and providing faculty access to the policy (a member of our committee had to ask the



Dean of SEBS for a copy of the policy), and substantive and procedural problems with the policy itself. (See "Items" for more information)

**III. Departmental independence, the faculty's role in shared governance and academic freedom as they relate to professors establishing classroom policies (e.g. on grading, attendance, and the use of electronic devices in the classroom)**

- Discussion of this item was prompted by an action taken by the Dean of SEBS who declared at a meeting of Professional Education Faculty (EIL) that professors must allow students to use laptop computers in class for the purpose of taking notes (meeting date 9/30/2010). The Dean refused to put this "policy" in writing, but it was subsequently communicated to EIL faculty (and apparently not to other departments in the school) in an email from the EIL Department Chair: "As stated by Dean Mawer at the Elementary Ed meeting last Wednesday and the Pro Ed meeting last Thursday, students may use laptop computers to take notes in all classes taught within our school." We are of the opinion that this action is inconsistent with the above stated academic principles and we are therefore bringing a motion before the Faculty Senate. (See "Items" for more information)

**IV. New Business**

- It was suggested that having a projector for the Faculty Senate Recorder might facilitate the taking of notes during Faculty Senate meetings. Dr. Moretti offered the use of his projector should the Recorder be receptive to this practice.
- It was suggested that we seek to clarify policy in reference to the right of tenure-track candidates to apply for tenure as allowed by RUSO and the Southeastern APPM. According to a member of our committee, "Doug McMillan decided this year that he has the authority to unilaterally (without consulting Department Chairs) decide who may and may not apply for tenure. He acknowledges that policy does not authorize him to exercise this power, but because policy does not specifically prohibit it, he has claimed the right to it." The relevant section of the APPM is 4.6.3.
- The issue of evaluations of Department Chairs and Academic Deans was mentioned, as was exploring a more inclusive non-discrimination policy.

The meeting adjourned at 4:40

## Items for the Faculty Senate Meeting—November 10, 2010

1. Review and update on repairing hyper-links in the online APPM (see “Minutes”)
2. Reminder about a motion (10/13/2010 #2): Ask that **Faculty Senate members review the Faculty Senate Constitution (P & P Manual 3.3.1 to 3.4)**, and email any suggestions for changes, modifications and/or additions to the chair of the Personnel Policies Committee (William Fridley) **by November 22**. The Personnel Policies Committee will then review these suggestions for presentation to the Faculty Senate.
3. Review of progress made on a motion (10/13/2010 #3): That the Faculty Senate locate and **gather all documentation relating to Faculty Senate communication with and requests made of the Southeastern Administration** and the Administration’s responses to said items (dating from the 2008-09 school year to the present). This documentation must include (but is not limited to) all communication between The Faculty Executive Committee and the Administration (e.g. Joint Conference Committee meetings and Annual Progress Review meetings), and Annual Forum on Shared Governance (including any requests for this Forum or explanations for why it was not held). **The Faculty Senate Chair and Archivist will be responsible** for supervising this task. The items documented will be gathered in both a hard copy and electronic format with the latter being emailed to all Faculty Senators. This task is to be completed **by November 22**.
4. Review of progress made on a motion (10/13/2010 #5): Motion #5 Revised: that all correspondence from the Faculty Senate to the Administration be sent by email to all parties using the e-mail address [facultysenate@se.edu](mailto:facultysenate@se.edu) (with deliver and read receipt requested) to the President. Moreover, all official Faculty Senate correspondence to the Administration be posted in a timely manner on the Faculty Senate website.
5. **New motion: Proposed Amendment to the Faculty Senate Constitution** (see Article VI—Amendments, Sections A and B for this procedure)

The committee description of the Personnel Policies Committee:

This committee shall consist of at least one senator from each school, selected from the Faculty Senate. Its duties shall involve all matters which directly affect the well-being of the faculty member at the institution. These matters shall include, but not be limited to salary, insurance, teaching, and travel to professional meetings (Article V, Section B., #3).

Shall be changed to

This committee shall consist of at least one senator from each school, selected from the Faculty Senate. Its duties shall involve all matters which directly affect the well-being of the faculty member at the institution. These matters shall include, but not be limited to salary, insurance, teaching, **post-tenure review** and travel to professional meetings (Article V, Section B., #3).

Reasoning: At the time the constitution was written, there was no “separate” (i.e. other than evaluations by the academic department chair) post-tenure review. As a regularly occurring process, post-tenure review directly affects the well-being of tenured faculty and we should make it explicit that this falls under the committee’s purview.

6. Post-Tenure Review Policies and Practices:

Previously the Senate approved a resolution “The Faculty Senate opposes any post-tenure review policy that eviscerates, weakens, or is inconsistent with the concept and practice of tenure” (February 14, 2007).

Given the current climate and current evolution of post-tenure review at Southeastern, this statement needs to be made more specific. The Personnel Policies Committee will be developing a statement of principles that should be met by any post-tenure review policy or practice. We would appreciate your input and suggestions on this statement of principles. Please email your ideas to the Chair of the Personnel Policies Committee (William Fridley) by December 1 for the Committee’s consideration.

Here are some examples of the kind of principles that were suggested at our last meeting.

- Resolved, that it is the opinion of the Faculty Senate as the governing body for all Southeastern faculty that all post-tenure review policies at the University adhere to the following principles in order to comply with the concepts of tenure and shared governance:
- First, that post-tenure review shall be a process distinct from annual evaluation. To fairly represent the body of a faculty member’s work, formal post-tenure review should occur every third year, with more frequent evaluation occurring only if required by accreditation, BOROC policy, or at the request of the faculty member.
- Second, that in any formal post-tenure review there is a presumption of proficiency on the part of the faculty member. It is the responsibility of the evaluator(s) to determine sufficient deficiency to lead to an unsatisfactory rating.
- Third, that the criteria for post-tenure review be developed by the faculty within a given discipline, in a manner consistent with the discipline’s standards, the mission of the University, and levels of institutional support.
- Fourth, that the faculty within a given field be given the primary responsibility for the review.
- Fifth, any post-tenure review process must include specifics about an appeal process for the review itself (as opposed to the consequences of the review).

7. New motion (see Section III in the “Minutes”):

**(A resolution to be emailed to Dr. McMillan, the 3 Academic Deans, all Academic Department Chairs, and cc to President Minks)**

**We, the Faculty Senate, affirm the right and freedom of individual faculty to establish and implement classroom policies (e.g. on attendance, grading, and the use of electronic devices in the classroom) as long as these policies are consistent with and conform to official University policies. We object to any attempt to interfere with this freedom, or to undermine the principles of *the independence of academic departments* (APPM 4.10.1), *the role of faculty in shared governance* (APPM 3.7.4), and/or *academic freedom* (APPM 4.3). Moreover, we affirm our support for Southeastern Oklahoma State University’s stated commitment to “adhere to well-defined organizational structures, policies, and procedures” (APPM 1.5.2, point 3).**

Additional support for the Faculty Senate’s right and standing in making this resolution can be found in the Faculty Senate’s Constitution (Article II, Sections A and E).

**William Fridley**

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**From:** Faculty Senate  
**Sent:** Monday, April 11, 2011 3:45 PM  
**To:** Aaron Adair; Blythe Duell; Bruce Johnson; C.W. VonBergen; Christopher Moretti; David Romer; Deborah S. Combs; Dennis R. Brewster; Diane Dixon; George Jacox; Gerri Johnson; Gleny Beach; Halet Poovey; Karl H. Frinkle; Kathleen Hardgrove; Kay Daigle; Muhammad Betz; Rachel Tudor; Riley Coker; Susan Webb; Virginia Parrish; Wayne Jones; William Fridley  
**Subject:** Faculty Senate Agenda  
**Attachments:** fac\_senate\_minutes\_3092011.doc; Agenda.2011.April.doc; CoC\_Minutes04062011.docx; Personnel Policies Report for 4-13-111.doc; ProposedPolicy on Policies--4-10-11.doc

Dear Senators,

Attached are the Agenda and supporting documents for the next Faculty Senate meeting on **Wednesday, 13 April 2011, at 3:00 p.m. in UC 215.**

Sincerely,

Kenneth Chinn  
Chair, Faculty Senate

## Personnel Policies Committee Agenda for April 6, 2011

1. Discuss the policy for changing the APPM and the gathering of Faculty Senate legislation that has not been incorporated into the APPM nor has the administration replied to. We have been asked by Dr. McMillan to forward this information to Dr. Bryon Clark who has been assigned the task of updating the APPM.
2. Discuss steps that can be taken to develop a draft of a post-tenure review policy that is consistent with the principles adopted by the Faculty Senate. Also consider how we might go about working with the administration in order to insure adequate faculty involvement in any post-tenure policy that is developed and implemented.

### Minutes for the Personnel Policies Committee Meeting of Wednesday, April 6, 2011

**Members Present:** William Fridley, Chris Moretti, Hal Poovey, Dennis Brewster, Rachel Tudor

Meeting began at 3:15 in Morrison 219

I. Dr. Tudor began the meeting by sharing information with the committee about President Minks' recent decision to overturn the Faculty Appellate Committee's unanimous recommendation that Dr. Tudor be given the opportunity to re-apply for tenure and promotion. Discussion ensued. An item that drew particular interest was President Minks' claim in support of his decision to overturn the appeal:

1. That Southeastern's Academic Policies and Procedures 4.6.3. Procedure for Granting Promotion and Tenure was followed;
2. That both the above policy and **University precedent** are consistent regarding faculty members ability to make application for tenure only **one time** following the fifth, sixth or seventh year of service to the University; (from Dr. Minks' letter dated March 25, 2011)

The committee found this claim to be troubling on several counts, including that it differs from a plain reading of the policy and that "application for tenure only one time" has not been the precedent or practice at Southeastern (some committee members knew first-hand of at least two individuals that have applied for tenure twice). Given the gravity of this "ruling" (for Dr. Tudor, for the faculty at large, and for prospective tenure-track hires), the committee engaged in a discussion of the following: what is the status of this pronouncement (given its divergence from policy and established practice)? What are the implications for applicants for promotion? Could we gather information about whether (and how many) faculty have been given the opportunity to apply for tenure more than once? Is an informed (including information in response to the previous question) letter to the Board of Regents seeking clarification of this policy in order?

The committee decided to bring a motion before the Senate for a change in wording to policy 4.6.3 (see "Items for Senate"). We then tabled any further discussion of the matter pending a full discussion by the Senate at the April 13<sup>th</sup> meeting.

**II.** We discussed issues related to changes in the APPM including developing a policy on how policy is changed. Since the Senate has made numerous formal requests that such a policy be included in the APPM (2003, 2004, 2007, 2010 and 2011) with no success, we decided to draft a proposed policy. Dr. Moretti agreed to draft a policy and to post it on the Bb Group Discussion Board for our committee's review and to present for the Senate's consideration (see "Items for Senate").

We are also working on compiling past Senate policy recommendations that have not been incorporated into the APPM to forward to Dr. Clark. We will also request a formal meeting between Dr. Clark and the Personnel Policies Committee when we forward the documents to him.

**III.** We discussed developing a post-tenure review policy that is consistent with the Principles on Post-Tenure Review that were adopted by the Senate. We would like to have this developed by the Senate's May meeting to seek the Senate's approval and then to present it to the administration for cooperative deliberations. Toward that end, we would welcome any input from Faculty Senators.

The meeting adjourned at 4:45

### **Items for the Faculty Senate Meeting of April 13, 2011**

1. Please review Section I of the Personnel Policies Committee Minutes for background
2. Motion—Change the wording of APPM 4.6.3 Procedure for Granting Promotion and Tenure to the following (word insertion in bold print):

The normal procedure for granting tenure is initiated by the faculty member during the fifth, sixth, **and/or** seventh year of service to the University in a tenure-track position.

3. Discuss possible responses to President Minks' ruling "that both the above policy and **University precedent** are consistent regarding faculty members ability to make application for tenure only **one time** following the fifth, sixth or seventh year of service to the University."

4. Motion that the Senate vote to approve the policy on changing policy in the APPM (see attached). If approved, this policy recommendation will then be forwarded to Dr. Bryon Clark.

5. Request that Senators offer input and suggestions about post-tenure review. A thread will be posted for this purpose on the E-Senate Bb Discussion Board.