

JOURNAL OF THE FACULTY SENATE
 The University of Oklahoma (Norman campus)
 Regular session - May 3, 1993 - 3:30 p.m.
 Jacobson Faculty Hall 102

The Faculty Senate was called to order by Professor Susan C. Vehik, Chair.

PRESENT: Ahern (2), Anderson (2), Barman (1), Boyd (1), Breipohl (1),
 Cornelius (0), R.C. Davis (2), Dillon (2), Faulconer (2),
 Fonteneau (2), Gordon (1), Graf (2), Harris (1), Havener (0),
 Hill (2), Hinson (0), Johnson (1), Jordan (2), Kidd (1),
 Kincade (2), Koger (1), Kukreti (3), Kuriger (0), Kutner (0),
 Lakshmivarahan (1), Latrobe (1), London (3), Mock (2),
 D. Morgan (1), Mouser (0), O'Halloran (1), Sankowski (1),
 Stanhouse (2), Tiab (2), Vehik (0), Watson (1), Whitmore (2),
 Wiegand (1)

PSA representative: Barth

ABSENT: Carr (2), Hilliard (4), Landes (3), Livesey (2), Miller (3),
 Nelson (2), Norwood (1), St. John (3), Smith (4), Sullivan (2),
 Sutton (2), Wedel (2), Whitecotton (2)

(NOTE: During the period June 1992 - May 1993, the Senate held 9 regular sessions and no special sessions. The figures in parentheses above indicate the number of absences.)

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APPROVAL OF JOURNAL

The Senate Journal for the regular session of April 12, 1993, was approved.

ANNOUNCEMENTS

The regular meetings of the Faculty Senate for Fall 1993 will be held at 3:30 p.m. in Jacobson Faculty Hall 102 on the following Mondays: September 13, October 11, November 8, and December 13.

The following summary of the activities of the Speakers Service for the past year was distributed at the meeting.

The efforts of many dedicated faculty and staff have made the Speakers Service a continued success. During the 1992-93 academic year, fifty presentations were made by twenty-two speakers, bringing the University of Oklahoma into such communities as Guymon, Blanchard, Ardmore and Purcell, among other cities. Representatives of the University visited with schoolchildren, senior citizens and leadership groups in twenty-three organizations. The Faculty Senate expresses its appreciation to the longtime participants and new members of the Speakers Service who have shared their expertise and knowledge with the citizens of Oklahoma.

On file in the Faculty Senate Office is a report by the Oklahoma State Regents for Higher Education (OSRHE), "Overview of the State Regents' Telecommunications System." The report addresses present capabilities and future plans, especially long-distance teaching.

From the Chronicle of Higher Education regarding the AAUP Salary Survey:

	Public Doctoral Institution Average	OU
Professor	\$63,250	\$57.2
Associate Professor	45,840	43.1
Assistant Professor	38,880	35.9
Instructor	27,170	21.4

[Note: The agenda incorrectly read \$21,170 for instructors.]

Professors and Associate Professors at OU fall into the fourth rank of doctoral institutions, albeit very near the base for that rank. The percentile equivalent of the fourth rank is 20. Instructors and Assistant Professors at OU make less on average than the base for the fourth rank.

For state higher education institutions, the following generalization can be made: The more restrictive and specialized an Oklahoma institution of higher education, the less nationally competitive will be the average salary. OSU, like OU, is a category I institution. OSU's salary averages were all below the fourth rank base. Those institutions categorized as IIA (comprehensive) were in the fourth rank, but not as close to their base as OU, with the exception of Southwestern Oklahoma State. Southwestern pays full professors poorly, but others fall in the second and third ranks. Those institutions categorized as IIB (Baccalaureate) have their faculties in the third rank, generally well above their base, and sometimes in the second rank. Tulsa Junior College has only assistant professors and instructors. Their average pay is in the first rank or the 80th percentile. While these other institutions do not have averages above those of the doctoral institutions (except in a few cases, especially for assistant professors), their salaries on average are more nationally competitive.

SENATE CHAIR'S REPORT, by Prof. Susan Vehik

"With the resignation of Vice President O'Neil, the opportunity exists for some reorganization of Research Administration and the Graduate College. The Executive Committee discussed the issue generally with the President at its last meeting with him. The Provost will be responsible for restructuring, and the President said they were open to suggestions. This is an important area for faculty, and the Research Council and Senate need to be involved. Prof. Hinson already has some suggestions from the Executive Committee's discussion with the President.

"We also discussed the appeals process with the President. This process is being revised, and we will consider it more fully later. The Faculty Appeals Board, like the Campus Tenure Committee, is advisory to the administration. Unlike the tenure committee, when the administration disagrees with the board's recommendation, there is no obligation to notify the board and engage in further discussion. Because of the work entailed in an appeals hearing, many faculty feel they have wasted their time when their recommendation is not accepted. The Executive Committee asked the President for greater communication with the Appeals Board when this situation arises. He agreed to do that.

"The Executive Committee also recommended to the Provost that a committee similar to the one that wrote the Chair's report also produce a similar report for deans. The Provost agreed that that was a useful idea.

"In general the prospects are up for only a limited decrease in higher education funding. However, it is still useful to proceed with letter writing as you never know what might happen at the last minute. [In a memo dated April 23, Prof. Vehik asked the faculty to contact legislators about the proposed cuts to higher education.]

"The problem of having to start over again on deductibles with the new health plan, after only six months, has been resolved (\$100 of the deductible met in the comprehensive plan will carry over to the managed care plan). However, other problems have begun to appear. It is important that if your doctor(s) is not in the new plan then 1) ask her/him to join and 2) complain, especially to Personnel Services.

"The last item on this report relates to the results of the AAUP Salary Survey. While a number of people and groups have repeatedly pointed out how poorly OU faculty are paid and how well administrators are paid, the AAUP results suggest the problem has a broader, systemic component. While comprehensive university faculty are very poorly paid in comparison to national levels, as you progress toward the junior college ranks, competitiveness nationally increases. Although I did not have time to do it, a comparison of administrative salaries at these other institutions with their national averages/medians is unlikely to indicate they are poorly paid. The State Regents' study on administrative costs indicated that two-year and four-year institutions' administrative costs are proportionately higher than those at OU/OSU. Some of the two-year institutions (including TJC) may be able to pay more competitive salaries because they also receive local funds in addition to tuition/fees and state appropriations. Students at four-year institutions pay a higher percentage of their education costs than do those at the comprehensives. While those factors may explain the problem, if OU is going to retain its faculty, more effort and priority is going to have to be devoted to allocating/reallocating resources to faculty salaries and less to other things."

ELECTION, UNIVERSITY AND CAMPUS COUNCILS, COMMITTEES AND BOARDS

The Senate approved the Senate Committee on Committees' nominations to fill end-of-the-year vacancies on University and Campus Councils, Committees and Boards (see Appendix I). Prof. Hinson reminded the Senate that the administration will also be making faculty appointments to committees.

REVISIONS TO ROLE OF DEPARTMENTAL CHAIR

Prof. Vehik explained that the Provost had proposed the following revisions in the "Selection of Chairs/Directors" section of the role of the departmental chair report (complete report attached to January journal):

For national searches, a search committee will be formed consisting of elected departmental faculty members, one or two students reflecting undergraduate majors and graduate students to the extent appropriate, and members appointed by the dean, ~~one of whom must be a~~ including one current department chair. ~~A majority of the committee shall be elected from the department.~~ Elected departmental faculty shall constitute the majority.

The search committee will review applications and in consultation with ~~recommend to~~ the department faculty, will recommend to the dean the faculty candidates for on-campus visits ~~in consultation with the dean.~~

After the campus visits, both the search committee and the faculty will rank the acceptable candidates and recommend them to the dean.

Prof. Vehik described the reasons for the revisions:

- 1) Several administrators, as well as the Provost, recommended the addition of students to search committees.
- 2) The Provost was concerned that the Regents would not accept the original wording of paragraphs two and three because departmental faculty would be selecting their own boss. The Provost is willing to submit the proposal to the Regents but thinks it might not get through and may prompt the Regents to look at involvement of faculty in other administrative searches.
- 3) The second paragraph is designed to give departmental faculty a greater role in the selection process. Presently, in some units, the search committee communicates only to the dean. With this revision, the search committee will consult with the faculty.
- 4) With the exception of George Economou's objection to the last paragraph, the faculty on the ad hoc committee that wrote the report had no problems with the rewrite. Joe Whitecotton feels that the sections regarding the review of the chair are of greatest importance to faculty.

Prof. Johnson asked whether the addition of students would eliminate the faculty majority on the search committee. Prof. Vehik said departmental faculty would still constitute a majority; this would just add one or two students depending on the nature of the department.

Prof. Mock said he thought it was customary for the unit head to involve departmental faculty in the search. Prof. Vehik said apparently some departments have been surprised at who is named as chair. The revisions were approved on a voice vote.

REPORT OF THE AD HOC COMMITTEE ON THE FACULTY APPEALS PROCESS

Prof. Vehik reported that the Faculty Senate, through two committees working over the last two years, has been trying to improve the faculty appeals process. This year's committee, chaired by Pat Weaver-Meyers, has made several recommendations and is ready to rewrite the necessary sections of the Faculty Handbook. But before doing so, the committee would like to know if it is going in a direction acceptable to the Senate. The eight recommendations are on pages 5-6 of the report (Appendix II). Prof. Vehik pointed out that the committee might want to consider a recommendation to make the communication process with the administration similar to that of the Campus Tenure Committee (see chair's report). The Executive Committee supported the recommendations of the ad hoc committee on the appeals process and the rewriting of the Faculty Handbook.

Prof. Johnson suggested that appropriate academic representation be considered for appeals committees when an academic matter is before the board. In other words, people with an understanding of the academic field should be included. Prof. Weaver-Meyers said she had no objection to that except that someone who had that kind of knowledge would probably come from the same department as the complainant and/or respondent and those faculty are excluded from the hearing committee. Prof. Johnson said he was talking in general terms about putting an experimental scientist on the hearing panel when an experimental scientist was involved in an appeal. The panel could be drawn from different categories. Prof. Weaver-Meyers said it was possible to set up a pool to include broad representation of a certain area. However, the faculty on the board can excuse themselves from serving for various reasons. There are limitations, just as there are with trying to represent women and minorities. Prof. Johnson argued that someone should serve on the panel who can appreciate a certain area's perspective if there is a dispute among the academicians in that area. Prof. Wiegand commented that one of the ways to accommodate that is to call in a witness to educate the body in that area. Prof. Johnson said that is better than nothing, but the panels still go behind closed doors and make their decisions. He said in the case of alleged scientific misconduct, it would be inappropriate for a group of people with no scientific investigation background to decide on the allegation. Prof. Vehik pointed out that no matter how closely a discipline is represented, someone involved with an appeal could argue that the panel did not adequately represent the discipline if s/he did not like the recommendation of the panel. Prof. Weaver-Meyers explained that research misconduct is not part of the faculty appeals process being discussed. Those kinds of problems fall under the Ethics in Research process, which requires representatives from the field. Prof. Mock commented that Prof. Johnson was asking that at least one scientist be part of the panel, not that the whole panel had to be made up of scientists. Prof. Vehik reminded him that the composition of the panel currently depends on the luck of the draw. Most of the appeals referred to in this document have more to do with general academic issues. Prof. Weaver-Meyers noted that the complainant and respondent can remove people from the pool until someone was found who represented a particular field. Prof. Vehik said something could be written in the document to provide some sort of official structure for the pool.

Prof. Johnson said a second concern was the need for a timetable for the disposition of cases. There are time limits for filing but nothing to indicate that, for instance, the Affirmative Action office has to make a decision within 30 days. Prof. Weaver-Meyers said the intent was to include time limits for administrative review because of complaints about delays. Another reason was to preserve a complainant's opportunity to file with an

outside agency if desired. On the other hand, there are times when it is difficult to get a committee together due to breaks. Therefore, the committee decided to specify time frames and provide for notification of the parties if the deadline was exceeded for any justifiable reason.

Prof. Johnson said there should be a provision for the respondent in a case to clear his or her name if an affirmative action type of complaint turns out to be unjustified. Prof. Weaver-Meyers said the committee would rephrase the pertinent sections to make sure they indicate time limits for administrative processes and refer to both complainant and respondent. She noted that the committee thought it had addressed the complaint that respondents often are not notified promptly that charges have been filed against them.

Prof. Hill asked whether the Senate was being asked to approve this document in spirit. Prof. Vehik said that was correct. The committee will then come back to the Senate next fall with suggested revisions in the Faculty Handbook. Prof. Hill cautioned that the ombudsperson needs to have a lot of power. Because impartiality is very important, the ombudsoffice should be distinguished from the Affirmative Action office. Prof. Hill said one of the keys to an effective office of this sort is that it does need to make a recommendation without resolving the case, so he saw a problem with the statement in the document that read, "... nor does it make a judgment about the merits of a case." He said he thought there was too much emphasis in the report on dispute resolution. Prof. Weaver-Meyers responded that when people get into disputes now, often the collegiality of the department is destroyed. The rationale was that an ombudsperson who could mediate without making a pronouncement of right or wrong could help the departments. At the same time, by not establishing the merits of the case or taking sides, the ombudsperson is not compromised later if the complaint goes to an appeal. Prof. Wiegand pointed out that there are other models of an ombudsperson besides the mediator/arbitrator who tries to mediate and come up with some sort of suggestion. Prof. Hill said an ombudservice usually is a multi-functional office, whereas the one in the proposal is very limited. He added that the Student Problem Action Network (SPAN) could really not be called an ombudservice for students.

Prof. Fonteneau asked whether the proposed ombudservice would also be for students. Prof. Vehik said it would only apply to faculty and staff. Prof. Fonteneau suggested that nepotism or kinship ties should be taken into consideration, particularly in cases involving a tenured professor and a student. Prof. Weaver-Meyers said the committee had not considered something that specific when making its recommendations. She explained that students were not included because they have their own processes for student appeals; however, it is possible that the ombudservice could be expanded to serve students in the future. At some other universities the ombudsperson serves faculty, staff and students. Prof. Fonteneau commented that faculty would have another avenue that students do not.

Prof. Kutner pointed out that the report does not deal with the subject of notice to others about decisions and implementation of the Faculty Appeals Board's decisions. He said the Faculty Appeals Board (FAB) role is unlike that of the Campus Tenure Committee (CTC) because the CTC is an advisory body that gives advice on a recommendation. The FAB is essentially a deciding board, whose decisions should be implemented on a regular course by the administration. Prof. Vehik noted that some FAB decisions are not followed by the administration. The appeals committees have been labeled as advisory; therefore, any change that is made would have to be incorporated

in the Faculty Handbook. Prof. Weaver-Meyers said she thought there should be enough confidence in the faculty to accept a FAB recommendation; otherwise, no one will want to go through the appeals process. She pointed out that the administration has not taken action on any of the previous reports recommending changes in the appeals process. Removing the administration's option to disagree with an appeals board outcome would likely cause this report to sit on a shelf. Prof. Vehik suggested that the committee include such a recommendation in the proposals and then negotiate the point with the Provost. The Senate endorsed the concept of the report on a voice vote. The next step will be for the committee to proceed with rewriting that section of the Faculty Handbook.

HIGHER EDUCATION FACULTY ASSOCIATION PROPOSALS (HEFA)

Prof. Vehik explained that the purpose of the HEFA proposals (Appendix III) was to provide greater faculty involvement in auditing and financial activities on the campuses. HEFA represents all the state colleges and universities except the comprehensives. The proposals were approved on a voice vote.

LIBRARY RESOLUTION

Prof. Vehik reported that two versions of the library resolution were available: the one that the University Libraries Committee (ULC) wrote and a revision proposed by the Executive Committee (Appendix IV). She said the ULC was unhappy with the way the library was being treated in this round of proposed budget cuts. There was extensive discussion in the Executive Committee on this resolution. Different areas within the University see the library differently. There is a view that libraries are not quite as important as core academic units. Other views are that libraries should emphasize access, through interlibrary loan etc., as much as collection development. The end result was that the resolution as submitted by the Library Committee was modified to encompass the divergent view points. There was general agreement that the library should not be cut as much as administrative areas. The Executive Committee recommends acceptance of the modified resolution.

Prof. Hill asked for the reasons why the library was not viewed as important. Prof. Vehik said the belief was not that it was unimportant, just that it was not as important as the core activities. Prof. Gordon said it was the view of the ULC that the Provost had articulated what he considers a core activity (credit hour and research dollar generator), and this resolution was in response to that. Prof. Vehik said the question is where the library fits in the concept of core versus non-core. Prof. Hill asked whether the original version was viewed as giving the library too much status. Prof. Vehik answered that the opinion was that points 3) and 4) of the ULC resolution were too narrowly focused. Some believed that too much emphasis was being placed on collection development as opposed to access to interlibrary loan. Prof. Dillon added that the Executive Committee resolution made a stronger case for funding the libraries because it says funding "greater than that allocated to non-core units," rather than "appropriate to its singular responsibilities." The ULC resolution emphasized collection development and said very little about another important role of the library: access. It is unlikely that we will be able to increase periodicals because of increasing costs and the condition of the state budget; therefore, the focus should be on being able to get things

more quickly through technology. There should be a balance between access and collection building. Prof. Havener agreed that the language, "funding greater than X" is stronger and clearer than "give them appropriate money." Prof. Vehik said the "be it resolved" section was the important part and was intended to say that what the administration is trying to do to the library is unacceptable.

Prof. Kutner asked whether the Executive Committee had considered a recommendation to make the University Libraries a core function since it is so central to the academic function. Prof. Vehik said there was diversity of opinion about that among the Executive Committee. Prof. Gabert said the library did not fit the Provost's definition of core academic, which has to do with credit hour production, degrees, etc. Prof. Gordon explained that the library is core in the everyday sense of the word, but for budget purposes, the Provost's definition of core excludes the University Libraries. The strongest statement would be that the library should be funded equal to core units; the next strongest statement is what the Executive Committee recommended: that the library be funded more than non-core units. Prof. Vehik commented that this is a compromise statement.

Prof. Mock asked whether the resolution was meant to help increase the size of the University Libraries' pie rather than focus on how it is divided in terms of collections, etc. Prof. Vehik said that was correct. The Senate approved the Executive Committee resolution on a voice vote.

ELECTION OF SENATE CHAIR-ELECT AND SECRETARY FOR 1993-94

Prof. Tom Boyd (Philosophy) was elected as Chair-Elect and Prof. Pat Weaver-Meyers (University Libraries) as Secretary of the Faculty Senate for 1993-94.

ELECTION TO SENATE STANDING COMMITTEES

The following faculty were elected to fill end-of-the-year vacancies on Senate standing committees:

COMMITTEE ON COMMITTEES

To replace James Wainner, 1993-96 term:
Claren Kidd (University Libraries)

COMMITTEE ON FACULTY COMPENSATION

To replace Heidi Karriker and Terry Robertson, 1993-96 term:
Jonathan Forman (Law)
Donna Nelson (Chemistry/Biochemistry)
To complete Osborne Reynolds' 1991-94 term:
Mack Caldwell (Architecture)

COMMITTEE ON FACULTY WELFARE

To replace Kathryn Haring, 1993-96 term:
Frances Ayres (Accounting)

EXECUTIVE COMMITTEE

To replace Arthur Breipohl, Connie Dillon, and David London, 1993-94 term:
Douglas Mock (Zoology)
James Mouser (Business Strategy/Legal Studies)
Shirley Wiegand (Law)

PRESENTATION OF CERTIFICATES OF APPRECIATION

Certificates of Appreciation were presented to the following outgoing Senators who completed full three-year terms (1990-93): Arthur Breipohl, Michael Havener, Edmund Hilliard, Arthur Johnson, Claren Kidd, William Kuriger, Steven Livesey, Donna Nelson, Maureen O'Halloran, Craig St. John, Patricia Smith, and Susan Vehik.

Certificates were also presented to the other Senators whose terms were expiring and to the outgoing members of the Senate Executive Committee.

RESOLUTION OF APPRECIATION TO PROFESSOR SUSAN C. VEHIK

The Faculty Senate unanimously approved the following resolution of appreciation to Prof. Vehik, outgoing Senate Chair:

Whereas Professor Susan Vehik has led the Faculty Senate through a year of apocalyptic visions on the national stage and in the budget office;

Whereas, to be heard above the din of collapsing funding, rolling heads and cries of "The End is Near," she has bravely overcome her natural reticence and soft-spoken manner to voice the faculty's concerns;

Whereas she has diligently applied her archaeological skills to the excavation of skeletons in administrative closets and the reanimation of some faculty fossils;

Whereas, despite the stake and pile of kindling in front of Evans Hall, she modestly refuses to identify with Joan of Arc;

Whereas her rhetorical skills have maintained the quality of discourse between faculty and administration, regents and other parties at a level somewhat above the unambiguous dialogue of a longshoreman's bar;

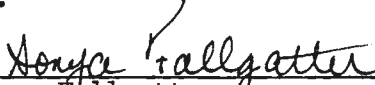
And whereas she has worked to raise faculty awareness and morale with the stubborn optimism of the cruise director on the Titanic;

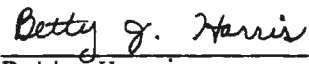
Be it therefore resolved that the University of Oklahoma Faculty Senate expresses its appreciation and admiration for Professor Vehik's commitment, courage and caring and for her forceful, articulate advocacy of what this University can be.

Prof. Bruce Hinson, incoming Senate Chair, presented an engraved clock to Prof. Susan Vehik. Prof. Hinson then assumed the office of 1993-94 Senate Chair.

ADJOURNMENT

The meeting adjourned at 4:55 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, September 13, 1993, in Jacobson Faculty Hall 102.


 Sonya Fallgatter
 Administrative Coordinator


 Betty Harris
 Secretary

5/93 (Appendix I)

FACULTY SENATE NOMINEES FOR END-OF-THE-YEAR VACANCIES ON
COUNCILS/COMMITTEES/BOARDS (Spring 1993)

ACADEMIC PROGRAMS COUNCIL: 1993-1996

Norman Crockett (History)
Michael Flanigan (English)

ACADEMIC REGULATIONS COMMITTEE: 1993-1996

Susan Green (English)

ATHLETICS COUNCIL:

Theodore Roberts (Law) 1993-1996
Peter Smagorinsky (Instructional Leadership) 1993-1994

BASS MEMORIAL SCHOLARSHIP COMMITTEE: 1993-1995

Lex Holmes (Economics)

BUDGET COUNCIL:

Gus Friedrich (Communication) 1993-1996
Allan Ross (Music) 1993-1994

CAMPUS PLANNING COUNCIL:

David Pan (Health and Sport Sciences) 1993-1994
Cindi Wolff (University Libraries) 1993-1996

CAMPUS TENURE COMMITTEE: 1993-1996

Harry F. Tepker (Law)
Judy Lewis (History)

COMMITTEE ON DISCRIMINATION: 1993-1996

Randy Coyne (Law)
Jidlaph Kamoche (History)

COMMITTEE ON SEXUAL HARASSMENT: 1993-1996

Joy Nelson (Music)
Teree Foster (Law) - to be replaced

COMPUTING ADVISORY COMMITTEE:

John Behrens (Educational Psychology) 1993-1994
Bruce Mason (Physics/Astronomy) 1993-1995

CONTINUING EDUCATION AND PUBLIC SERVICE COUNCIL:

Beverly Joyce (University Libraries) 1993-1994
Andy Van Gundy (Communication) 1993-1996

COUNCIL ON CAMPUS LIFE: 1993-1996

Terry Pace (Educational Psychology)

EMPLOYMENT BENEFITS COMMITTEE: 1993-1997

Dolores Leffingwell (Music)

ENVIRONMENTAL CONCERNS COMMITTEE: 1993-1995

Marvin Baker (Geography)

EQUAL OPPORTUNITY COMMITTEE: 1993-1996

Joanna Rapf (English)

FACULTY ADVISORY COMMITTEE TO THE PRESIDENT: 1993-1995

M. Davis (MLL&L)

FACULTY APPEALS BOARD: 1993-1997

Tom Carey (Music)
Richard Cifelli (Zoology)
Teree Foster (Law) - to be replaced
Rose Galura (University Libraries)
Ken Hoving (Psychology)
Phil Lujan (Communication)
Donna Nelson (Chemistry & Biochemistry)
Jerry Purswell (Industrial Engineering)
Theodore Roberts (Law)
Wil Scott (Sociology)
Joyce Shealy (Music)
Leo Whinery (Law)

FACULTY AWARD AND HONORS COUNCIL: 1993-1996

Mary Jo Nye (History of Science)

FILM REVIEW COMMITTEE: 1993-1995

Sean Daniel (Music)

GODDARD HEALTH CENTER REVIEW BOARD: 1993-1994

David Jaffe (Journalism & Mass Communication)
James Wainner (Music)

HONORARY DEGREES SCREENING COMMITTEE: 1993-1996

Frederick Miller (Law)

LEGAL PANEL: 1993-1996

Paul Tharp (Political Science)

PARKING VIOLATION APPEALS COMMITTEE: 1993-1996

Gene Thraikill (Music)

PUBLICATIONS BOARD: Complete Reeder's 1991-1994 term

Shelley Arlen (University Libraries)

RESEARCH COUNCIL: 1993-1996

Bob Dauffenbach (CEMR) [Other]
Roger Rideout (Music) [Humanities/Arts]

RITA LOTTINVILLE PRIZE FOR FRESHMEN COMMITTEE: 1993-1996

Sally Faulconer (Music)

ROTC ADVISORY COMMITTEE:

Jacob Larson (Music) 1993-1996
H. Wayne Morgan (History) 1993-1994

SPEAKERS BUREAU: 1993-1996

Melissa Stockdale (History)

STUDENT CODE REVISION COMMITTEE: 1993-1994

Mack Palmer (Journalism and Mass Communication)

UNIVERSITY LIBRARIES COMMITTEE: 1993-1996

C. LeRoy Blank (Chemistry/Biochemistry)
Eugene Enrico (Music)

UNIVERSITY RECREATIONAL SERVICES ADVISORY COMMITTEE: 1993-1995

Carl Rath (Music)

UNIVERSITY SCHOLARS SELECTION COMMITTEE: 1993-1996

Jon Nussbaum (Communication)

AD HOC COMMITTEE ON THE APPEALS PROCESS

Final Report Draft

HISTORY AND PURPOSE

On April 21, 1986 then President Horton asked the Faculty Senate to review the appeals process, with emphasis on the process for appeals of tenure cases. The President identified a "lack of specificity concerning time frame parameters for processing an appeal once it is initiated."

On August 6, 1986 the Ad Hoc Committee on the Appeals Process was formed to evaluate the appeals process, to suggest whether or not revisions would be in order, and, if so, to recommend specific changes in the appeals process. The recommendations made by this committee were approved by the Faculty Senate.

Due to administrative turnover and other delays, the recommendations of the 1986 Ad Hoc Committee on the Appeals Process were never implemented. As complaints about the process continued and grievances proliferated, several chairs of the Faculty Senate have attempted to further the investigation and again formulate recommendations to update and improve the process. In 1990, the Rights Assurance Committee was proposed to streamline the process. In 1991, a new Ad Hoc Committee on the Appeals Process was formed, which investigated numerous complaints and formulated a flowchart and explanatory brochure. This year, the continuing Ad Hoc Committee (Pat Weaver-Meyers, chair, Dianne Bystrom, Jacob Larson, Jill Raines, Pat Smith, Shirley Wiegand, with Sonya Fallgatter) was charged with the following:

1) Look into the possibility of an ombudsperson service. This includes the feasibility of such a service and how it might be financed. Consideration needs to be given into where and how to integrate this service with the rest of the appeals/grievances processes.

2) Investigate establishing a mechanism to assess the relevancy of an appeal (especially to the Faculty Appeals Board).

3) Make recommendations as to how and where policy implementation could be improved, regardless of whether it is in an area controlled by administration or faculty.

4) Investigate if the Rights Assurance Committee would be worth pursuing or could solve any problems.

FINDINGS

The Ad Hoc committee initiated their investigation by reading the reports produced in the last decade and reviewing the existing policies. Interviews were conducted with previous hearing committee chairs, University Legal Counsel and the Affirmative Action Officer. Testimony and recommendations were taken from several faculty complainants and respondents who are currently or were recently involved in appeals. Other commentary from faculty peripherally involved in hearing matters or faculty with complaints about being refused the option of a formal hearing process were also shared with the committee. The committee requested copies of current peer institution policies and compared these to O.U. policies (see appendix A for summary chart).

Upon initial examination of the process, the committee determined that the issues associated with the appeals process (Faculty Handbook (FHB) sections 3.9, 3.9.1, 3.7.5q, and 3.10.1 through 3.10.4) cannot be separated from those which influence abrogation of tenure and other severe sanctions (FHB section 3.8), sexual harassment (updated and approved 6/90), discrimination (FHB sections 3.9.2 and 3.7.5q) and racial and ethnic harassment (approved 12/90). For example, in a case involving multiple charges, there is often confusion about which appeals process to use. Thus, our evaluation of the appeals process has also included this

wider range of appeals, grievances, and sanctions. Each of these processes (including the most recent policies) are shown in the flow charts in Appendix B.

PROBLEMS WITH THE APPEALS PROCESS

The university policy on appeals and grievances is intended to be collegial rather than adversarial (FHB, section 3.10.3). Specifically, the process is intended to avoid excessive legalism in deference to common sense, sound judgement, good character, and sense of fairness. The Ad Hoc Committees hope that these values are preserved. At the same time, it is likely that the collegial framework creates opportunities for delays in the resolution of appeals and grievances. Many examples exist of cases which are unduly long simply because of efforts to preserve collegiality; the process can be made additionally frustrating depending on the time of year when it is initiated, the behavior of the complainant and respondent, the administrative route taken, the timeliness of administrative response, the complainant's concern that administration has an interest in a particular resolution, and the experience and skills of the chair of the appeals process and/or hearing committee.

The Ad Hoc Committee and previous committees have identified several specific problems which can influence the time required to complete an appeal of a grievance and exacerbate the frustration of participants leading to an increasing desire to seek resolution outside the institution.

- a - While some time limits are established, current policy does not specify the time frames within which each step of the appeals process should be conducted. Those expecting a resolution believe the process is too long, while those coordinating meetings and investigations through intersessions and holidays feel deadlines are unrealistically short.
- b - The appeals process, both administrative and formal, can be entered through multiple channels and with multiple charges; ambiguities exist in current policy regarding how such cases should be handled, which process is primary, and how many processes are required.
- c - Current policy does not require specification of charges at an early stage, many delays can be associated with the discovery of the specific charges.
- d - Current policy about suspending the tenure process once an appeal is filed may limit further administrative review, which could render the appeal unnecessary.

- e - Current policy contains ambiguous language regarding the awareness of the problem/grievance by the complainant with regard to time limits for filing of a complaint.
- f - A gap exists in the process when administrators are to forward an appeal to a committee chair not yet appointed.
- g - There is ambiguity about the relationship between the administrative process and the formal appeals process.
- h - Attempts at informal administrative resolution can be perceived as institutionally predisposed and therefore resisted by complainant and respondent alike.
- i - Committee chairs are usually inexperienced with the process and orientation information is confusing.
- j - Faculty with complaints are not clear about the process or about the appropriate route to take when initiating an appeal.
- k - The confrontational nature of the process tends to preclude a conflict resolution approach, which might be more healthy for the individual, the department and the institution. Many appeals prove undesirably destructive to future collegiality within departments.
- l - Clarity, purpose and scope of a Committee of Inquiry is unclear, particularly with regard to the extent and detail of an investigation.
- m - There is a need for a policy statement on the legal protection afforded committee members.
- n - There is a need for continuity between succeeding Faculty Appeal Board Chairs and outgoing Chairs.
- o - There is a need for the documentation of hearing activities and for the formal notification of all involved parties when resolution is finalized.
- p - There is no provision for the review and examination of problems in the appeals process so that the process can be regularly updated and revised.
- q - There is a lack of a screening mechanism to determine the relevancy of an appeal.
- r - Conflict of interest may exist for various administrative officers, legal counsel or others who may be involved in the resolution of the appeal (FHB section 3.10.2d).
- s - It needs to be clear what constitutes severe sanctions and who makes that determination.
- t - There is some confusion about when to file in a continuing tenure process. To insure the right to file given the 45 day limitation a complainant may not be able to wait for further administrative review.
- u - There is a concern that delays in administrative resolution would eliminate the complainant's ability to file within the deadline period of an outside agency.
- v - The process does not parallel the process of the Health Sciences Center Campus.

RECOMMENDATIONS

The committee has formulated the following recommendations in an attempt to resolve the problems most frequently mentioned in the current process and to address its charge. These recommendations include recommendations of the 1986 Ad Hoc Committee and other strategies presented in earlier years by several other committees related to various aspects of the grievance process.

The Ad Hoc Committee on the Appeals Process has concluded that several revisions should be made to university policy to improve the fairness and timeliness of the appeals process. Where possible, we have tried to simplify and clarify the process.

However, the committee recognizes two clear constraints to any revisions of the appeals process. First, the process is inherently complex; indeed it is likely that only a few people within the university have a full grasp of this process in its entirety. Second, the committee recognizes that it is probably impossible to prevent all abuses of process. Indeed, some of the cases which have led to the establishment of various committees dealing with the grievance process appear to represent extreme or worst case circumstances.

1. Restructure all the various faculty appeals and grievance processes into one single process, which draws upon one pool of tenured faculty members to form hearing committees. The pool should be of sufficient size and composition to adequately represent minorities and women.

A new process should take into account the following:

1.1 Establish a procedure which ensures appropriate representation of minorities and women in cases involving sexual harassment and gender, ethnic or racial discrimination.

1.2 Make any hearing committee formed be responsible for adjudicating multiple charges and responsible, by vote of the majority after informal presentation of evidence, for determining if a complaint warrants a formal hearing.

1.3 Keep the early administrative part of the process separate for different types of charges to allow for investigation and resolution by appropriate parties. However, the process should flow into a single formal process for all types of grievances (see Appendix C flowchart).

1.4 Clearly state time limits for all steps in the process including filing times, but allow for exceptions given difficult circumstances. Time extensions which exceed the limit by 10% should require a status report to all involved parties.

1.5 Eliminate any steps in the process which compromise the objectivity of future decision-makers or represent a conflict of interest.

1.6 Restructure the appointment of the Chair of the Appeals Board to include a Chair-elect who co-chairs the activities, thereby providing continuity. Make these chairs and the past chair responsible for reporting the final settlement of a complaint to all parties, including hearing committee members. The final decision-maker in the process will be responsible for informing the three-member group of final settlements.

1.7 Alter policy to ensure that all charges are specifically stated at the earliest possible date and the respondent is notified by the Chair of the FAB when the case is filed.

1.8 Alter policy to clarify what should happen to the tenure process when an appeal of a tenure decision is filed before the tenure decision has progressed through all administrative levels.

2. Create a University Ombudsperson following the model of the University of Colorado (see Appendix D). Appendix D illustrates the duties of ombuds officers at peer institutions and lists who the ombudsperson reports to.

The Ombudsperson would be experienced in counseling and mediation. A major goal of the office would be to reduce the administrative workload required to hear and refer complaints at this time. Also, shifting these duties to an office perceived to be neutral to a dispute, we concluded, might improve the chances for a successful mediation and reduce formal procedures.

This office would also provide an opportunity for resolution in cases which do not fit the type (discrimination, sexual harassment, etc) handled through the Affirmative Action Office and serve as a campus - wide resource of all procedures available on campus. Our investigation of peer institutions (see Appendix A) revealed that seven peer institutions already have such offices. A recent conference on ombuds services was hosted by the University of Kansas and was attended by universities in sixteen states.

In creating this office, the following recommendations should be included.

2.1 To fortify the perception of neutrality and emphasize the strategy of conflict resolution, locate the Ombudsperson in a neutral office area such as: the Student Union, Jacobson Hall, Goddard or the Nuclear Engineering Laboratory.

2.2 Encourage complainants to attempt an informal resolution of all grievances with the University Ombudsperson who would mediate or offer alternate dispute resolution strategies. This would not preclude in any way the pursuit of an administrative or formal resolution of the problem by the concerned parties, if they desired.

2.3 The Ombudsperson would:

act as a continuous, informed resource about the appeals process for potential complainants, respondents and other interested parties;

serve as a resource in advising and referral of faculty and staff to other support services available on campus or elsewhere;

maintain liaison relationships with other campus offices;

supervise advertising and outreach regarding the services offered by the office;

maintain appropriate confidentiality in all client interactions;

assist the complainant in the specification of charges.

3. Restructure the Rights Assurance Committee to consist of but not be limited to the Ombudsperson, Chair and Co-Chair of the Faculty Appeals Board, Affirmative Action Officer, Chief Legal Counsel and Former Chair of the Faculty Senate.

3.1 The committee would be responsible for an annual review of and formulation of recommendations for improvements in the appeals process. These recommendations would be forwarded to the Faculty Senate Executive Committee.

4. Clarify the expectations, requirements, and responsibilities of the complainant, respondent, and other formal participants of the process.

4.1 Create a brochure and check list (see example University of Iowa brochure Appendix E, entitled Dispute Resolution Procedures) which:

Specifies who may complain and what must be included in the complaint.

Specifies where complaints are filed and who has primary responsibility for dealing with different complaints.

Lists all policies that are currently in force and all deadlines.

Clarifies when the process begins based on when the complainant knows or should reasonably know when a violation has occurred.

Clarifies when the administrative resolution process ends and when formal appeals processes begin.

Describes ombudsperson's duties and responsibilities.

5. Create a procedure manual for hearing committee chairs which specifies those offices available for assistance in the transcription process and which indicates the documentation necessary.

6. State the scope, purpose and expected detail of the investigation conducted by a Committee of inquiry.

7. Incorporate a policy statement into the FHB which describes legal protections afforded committee members.

8. Rewrite the FHB policy which describes and defines severe sanctions.

The only remaining problem not addressed by these recommendations is the lack of parallel procedures at the Health Sciences Center campus. The committee concluded that the HSC procedures may not resolve the problems unique to this campus and the same could be

true of this policy at the Health Sciences Center. Therefore, parallel policies for the sake of symmetry were not deemed appropriate.

FUNDING

Although all the recommendations made would require significant time to rewrite the FHB, these duties could be completed by the existing committee. As a result, no funding would be required for this part of the recommendation. We believe that, if limited to staff and faculty grievances only (students currently receive referral and problem solving support through the SPAN system) a full-time Ombudsperson, additional secretary/receptionist support and some office equipment would be necessary. Total estimated budget = \$65,000.

Funding should be shared by Academic Affairs, Administrative Affairs, University Affairs, Student Affairs and Executive Affairs, in proportion to the number of faculty and staff in these areas who would be served by the Ombudsperson. These areas, in turn, would save time and money currently devoted to hearing and referring faculty and staff complaints and grievances.

CONCLUSIONS

Although no plan for the revision of such a complex process can take into account all problems, this plan addresses many. Primarily, it allows complainants a better chance at informal resolution, creates a neutral avenue through which problems can be addressed, allows complainants to vent their concerns to a trained counselor, clarifies policy, provides a clearer direction to all concerned policies with regard to time constraints and conflicts of interests, resolves ambiguities in current policy, simplifies the process, and ensures improved continuity in Faculty Appeals Board chairs and clearer instructions for committee chairs. Finally, it also creates an ongoing review of the process to guarantee its timely revision and responsiveness to new developments.

Discrimination process

CURRENT

Appendix B

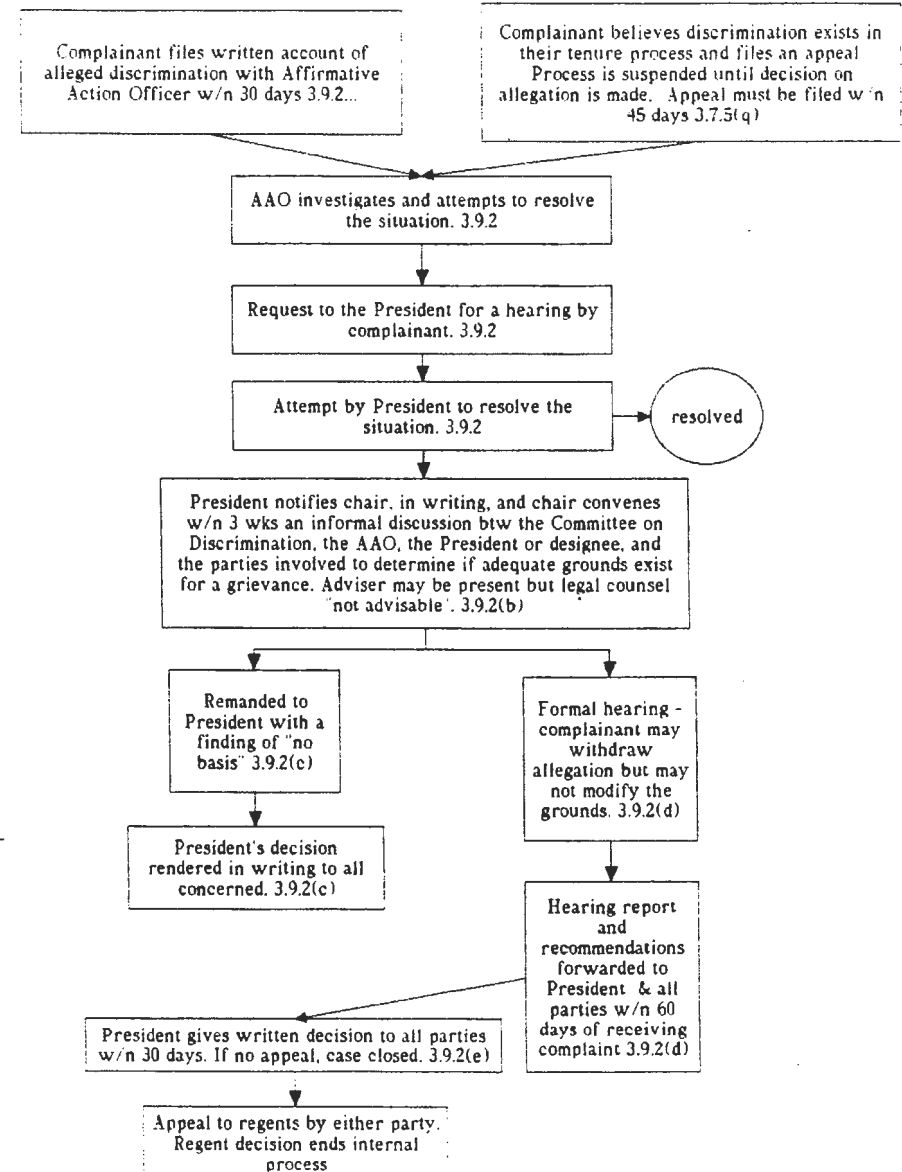
APPENDIX A

SCHOOL	OMBUDS PERSON/ reports to:	ABROGATION OF TENURE	ACADEMIC FREEDOM	DISCRIM	RESEARCH ETHICS	RACIAL ETHNIC HARASS	SEXUAL HARASS
UNIV. OF IOWA	Pres	X		X	X		X
IOWA STATE		X	X				X
KANSAS STATE	Prov*	X		X		X	X
OHIO STATE**							
OKLA. STATE		X	X		X		X
PURDUE UNIV.		X		X	X		X
UNIV. OF COLO.	Pres	X	X		X		X
UNIV. OF ILLINOIS	Pres	X		being revised	X	X	being revised
INDIANA UNIV.		X		X			
UNIV. OF KANSAS	Prov	X		X	proposed policy	X	X
UNIV. OF MINN.	Prov+	X	X				
UNIV. OF MICH.	nr						
UNIV. MISSOURI		X	X	X		X	X
UNIV. NEBRASKA		X	X	X	X		X
UNIV. OF WISC.		X	X	X	X	X	X
MICH. STATE	Pres	X		X		X	X

* Ombuds person is selected from former chairs of a faculty grievance committee to serve a one-year term.

+ University Grievance Officer, mediates and arbitrates at parties' request.

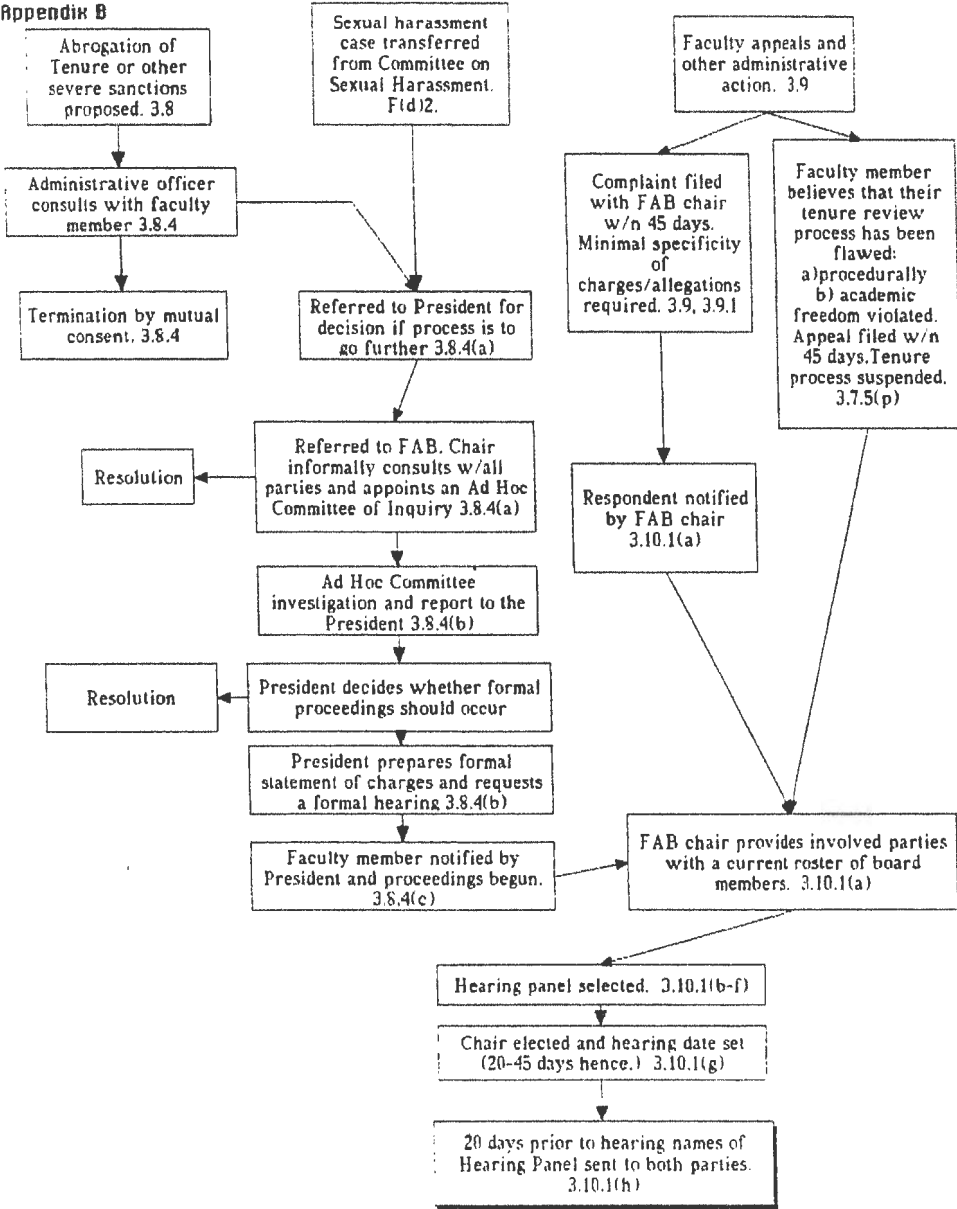
**Revising all policies nr = no response received



FAB process

CURRENT

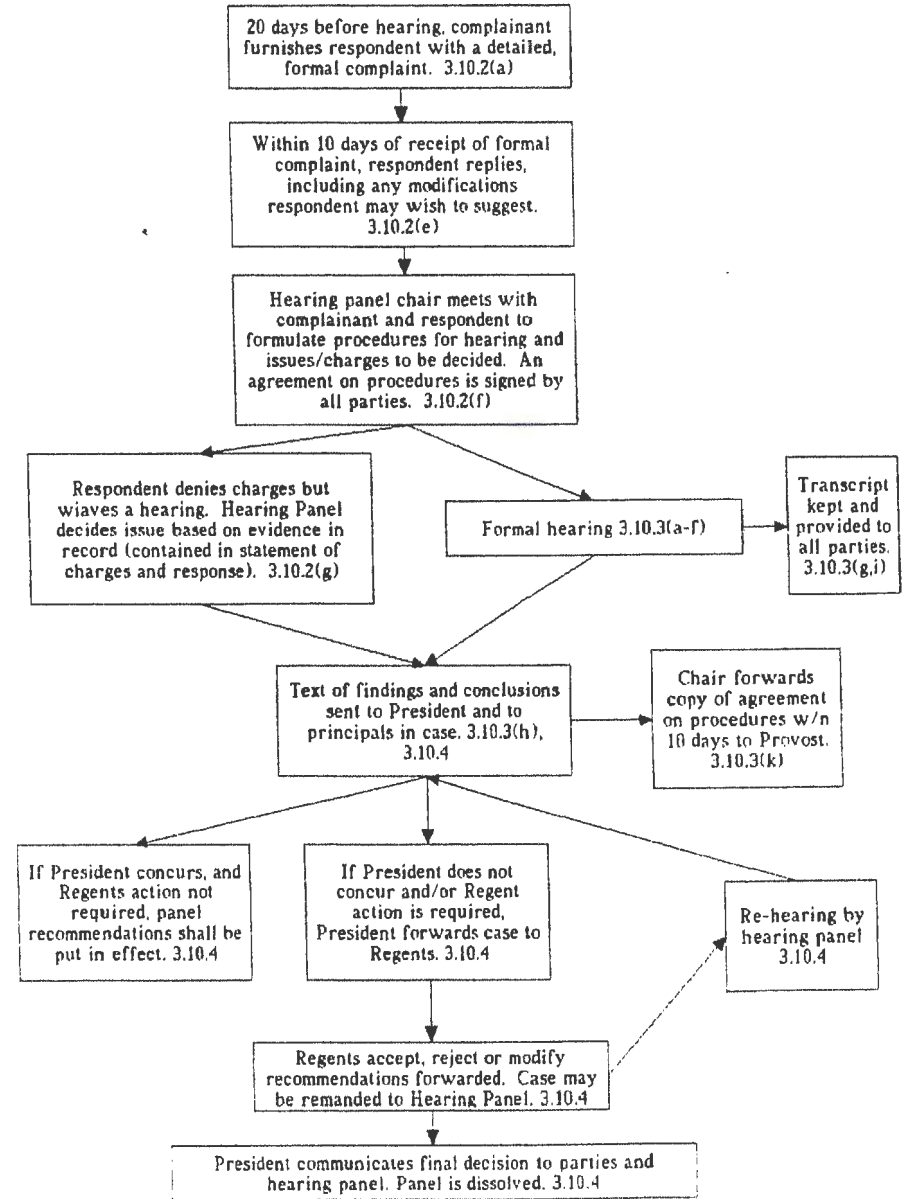
Appendix B



FAB process/20 days prior to hearing names

CURRENT

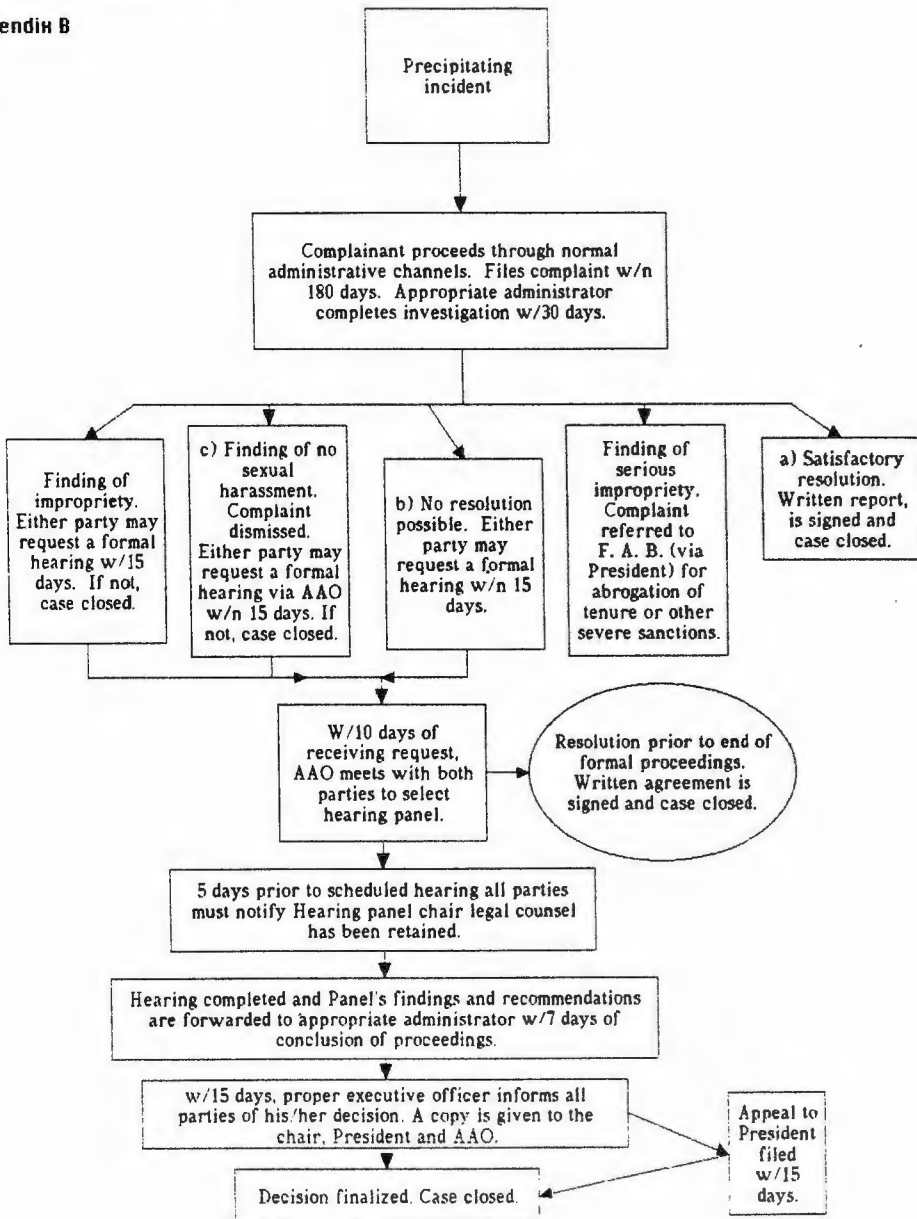
Appendix B



sexual harassment process

Appendix B

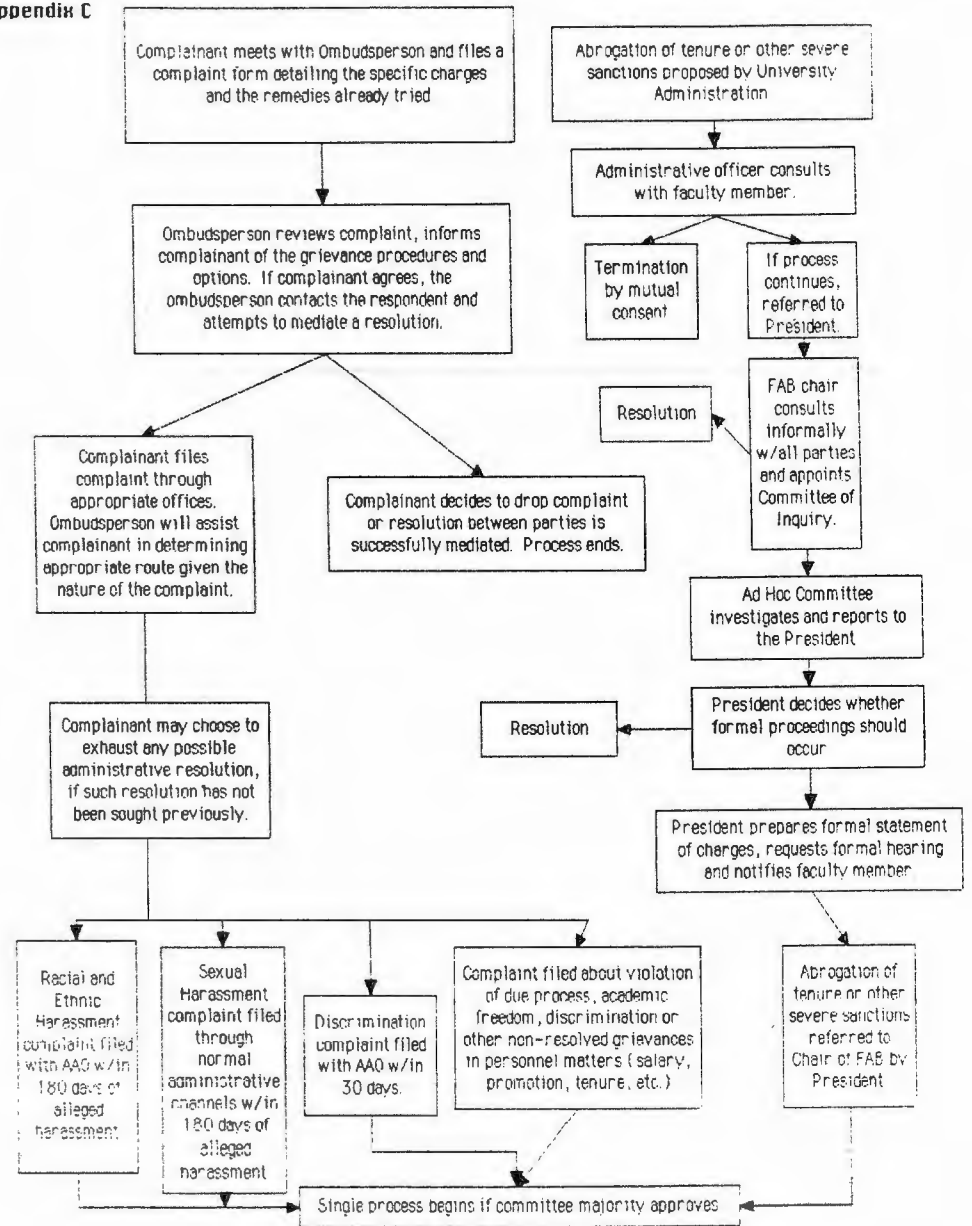
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ombudsperson umbrella

PROPOSED

Appendix C



UNIVERSITY OF COLORADO, BOULDER

Ombudsman Office

OMBUDSMAN OFFICE MISSION STATEMENT

The Ombudsman Office facilitates understanding and communication among the constituents of the University--students, staff, faculty and administrators. The structural heart of the Ombudsman Office includes the following three components:

INDEPENDENCE: The Ombudsman Office is independent of the usual administrative authorities. Students, staff, faculty and administrators should be reassured that a problem can be raised with any constituent of the University. The Ombudsman is free to propose solutions which are deemed to be just to all involved in the problem.

IMPARTIALITY: The Ombudsman takes on a non-aligned role when hearing a complaint. The Ombudsman Office does not advocate nor does it make a judgment about the merits of a case.

CONFIDENTIALITY: A student, staff, faculty or administrator's permission must be sought before his/her name is used in the investigation of a case. The records, contacts, and communications with the office are also confidential.

The Ombudsman duties may include:

- 1) Hearing concerns or complaints of students, staff, faculty, and administrators regarding University policies, procedures and decisions made by officers of the University which affect the constituent populations;
- 2) Investigating such complaints; the Ombudsman must attempt to verify the information or facts when working with a complainant. One result of the fact verification process may be that the complainant may change the nature of the complaint or drop it as invalid. The fact verification process protects those against whom invalid or mistaken complaints are made;
- 3) Referring individuals to University officers and established policies or procedures when appropriate;
- 4) Mediating complaints if usual channels for resolution of the conflict have been exhausted (or failed to work);
- 5) Making findings of repeated or serious "breakdowns" (policy, procedure, communication, etc.) in the University environment;
- 6) Offering recommendations to University constituents regarding redesign of areas where a breakdown occurred.

It shall be the duty of the Ombudsman to inform students, staff, faculty and administrators of the office services. The Ombudsman must also be acquainted with the structure and operation of the institution. The Ombudsman has the authority to determine when the office's involvement in a case is over.

Approved: Nov. 3, 1986, by the Ombudsman Office Advisory Council.

Willard Administrative Center 302 • Campus Box 112 • Boulder, Colorado 80309-0112 • (303) 492-5077

University of Colorado at Boulder

Ombudsman Office

Willard Administrative Center 302
Campus Box 112
Boulder, Colorado 80309-0112
(303) 492-5077

Ombudsman
Position Description

Position Description: The Ombudsman works in the University of Colorado at Boulder Ombudsman Office and serves the faculty, staff, students and administration in the area of dispute resolution and mediation. The Ombudsman is a twelve month professional exempt position reporting to the Chancellor. Job responsibilities include: acting as a neutral third party who serves as a listener and facilitator of communication between conflicting parties; advising clients of appropriate channels, policies and procedures for resolution of complaints; analyzing complex policies, regulations and procedures; providing outreach to the community regarding Ombudsman Services; presenting workshops on various topics related to conflict management. Currently the office assists between 600-700 clients per year. The Ombudsman supervises the Associate Ombudsman and the Senior Secretary.

Responsibilities:

- Provides information about campus policies and procedures
- Assists students, staff, and faculty in resolving complaints and problems related to campus policies and procedures
- Refers clients to appropriate offices on campus
- Provides mediation assistance in resolving conflicts
- Participates on the Racial Conflict Conciliation Team (not currently in place)
- Maintains liaison relationships with other campus offices
- Supervises advertising and outreach regarding the services offered by the office
- Consults with campus staff on the effect of proposed policies and procedures and recommends changes
- Participates in committee work as appropriate
- Presents workshops on sexual harassment and various aspects of conflict management
- Manages the Observer Program sponsored by the Ombudsman Office
- Maintains appropriate confidentiality in all client interactions
- Supervises the Associate Ombudsman and the Senior Secretary
- Manages budgeting issues

Ombudsman Office
University of Colorado at Boulder
302 Willard Administrative Center
(303) 492-5077

Student, Staff, and Faculty Use of the Ombudsman Office

The information on pages 5-18 of this report describes the most frequently heard complaints in the Ombudsman Office among students, staff, and faculty in FY 90-91 and FY 91-92.

Generally, the Ombudsman responds to complaints in the following ways:

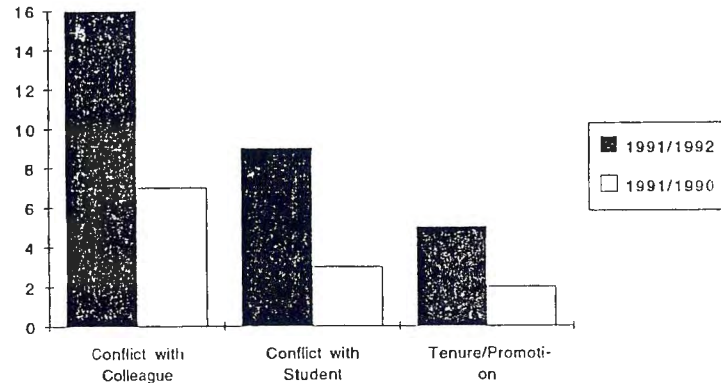
- 1) listening to the content,
- 2) identifying what the client wants in order to resolve the complaint,
- 3) clarifying the neutral role of the Ombudsman in assisting the client,
- 4) helping the client identify and evaluate various alternatives, and
- 5) reaching agreement with the client about what the client will do next and what the Ombudsman will do next.

Sample Case Studies are presented following the descriptions of each client category (Students, Staff, and Faculty). In addition, a sample Case Study is provided following the description of Sexual Harassment work provided by the Ombudsman Office. These case studies are either "composites" or "altered versions" of actual cases. These "stories" illustrate typical complaints brought to the Ombudsman Office during FY 90-91 and FY 91-92. The actions taken by the Ombudsman Office and the results achieved are also typical. The Ombudsman Office approaches dispute resolution from a "neutral," rather than "advocacy-oriented" posture. Hopefully, the examples that follow illustrate that approach. It will become obvious to the reader that the results are not altered to portray all clients "getting exactly what they want."

FACULTY USE OF THE OMBUDSMAN OFFICE

The concern presented most often by faculty to the Ombudsman Office involved Conflict with Colleague in both FY 90-91 and FY 91-92. A number of faculty also reported concerns over Conflicts with Students and Tenure/Promotion/Reappointment.

SELECTED FACULTY CASES



Staff Case Categories (a single case may fit into more than one case category)

	FY 91-92	FY 90-91
Benefits	1	3
Conflict with Co-worker	18	17
Conflict with Supervisor	31	36
Discipline	4	2
Discrimination	2	4
Evaluation/PACE	7	6
Harassment	14	4
Hiring/Firing/Promotion	10	21
Legal	3	1
Miscellaneous	10	6
Pay/Loans	2	3
Personal Problems	2	4
Police/Parking	1	1
Sexual Harassment	11	5
Sick/Annual Leave	2	4
State Personnel Grievance	1	3
Working Conditions	7	13
Resolved with No Appoint./No show/Cancel/Pending	33	31

Faculty Case Categories (a single case may fit into more than one case category)

	FY 91-92	FY 90-91
Conflicts with Colleague	16	7
Conflict with Student	9	3
Discrimination	5	2
General Info/Miscellaneous	10	4
Pay/Loans	1	4
Sexual Harassment	4	1
Tenure/Promotion (reappointment)	5	2
Resolved with No Appoint./No show/Cancel/Pending	9	6

I. HUMAN RIGHTS POLICY

- A. **POLICY.** The University of Iowa brings together in common pursuit of its educational goals persons of many nations, races and creeds. The University is guided by the precept that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, color, national origin, age, sex, disability, and any other classifications that deprive the person of consideration as an individual, and that equal opportunity and access to facilities shall be available to all. Among the classifications that deprive the person of consideration as an individual are those based on affectional or associational preference. This principle is expected to be observed in the internal policies and practices of the University, specifically in the admission, housing, and education of students; in policies governing programs of extracurricular life and activities; and in the employment of faculty and staff personnel. The University shall work cooperatively with the community in furthering these principles.
- B. **WHO MAY COMPLAIN.** Any member of the University community, or any person who becomes involved with the University in any way, such as unsuccessful job applicants, persons applying for admission as students, and persons concerned about fair housing practices. Violations of the policy affecting students may be filed under the Code of Student Life (see the current version of Policies & Regulations Affecting Students).
- C. **REFERENCES.** Operations Manual §10.120, p. I-26 - 29..
- D. **WHERE TO GO FOR HELP.**
 1. President's Office, 101 JH, 335-3549, for current Chair of the Human Rights Committee;
 2. Office of Affirmative Action, 202 JH, 335-0705;
 3. Associate Vice President for Academic Affairs, Dean of Students, 114 JH, 335-3557;
 4. Associate Vice President for Academic Affairs, Faculty Personnel and Development, 111 JH, 335-3565;
 5. Associate Vice President for Finance and University Services, 105 JH, 335-3558;
 6. Coordinator of Employee Relations, 105 JH, 335-0052;
 7. Hospital Staff Relations, E136 GR, 356-2008;
 8. University Ombudsperson, C108 SSH, 335-3608.
- E. **IMPORTANT DEADLINES.** Complaints should be filed or investigations initiated as soon after the alleged incident(s) as possible so that a timely investigation can be conducted. Long delays in pursuing such claims hamper effective investigation or response. Claims brought one year or longer after an incident will be presumed by the Human Rights Committee to be too late to be effectively investigated.
- F. **INFORMAL COMPLAINTS.** May be brought to the Human Rights

Committee and/or the Office of Affirmative Action as well as to other offices and persons listed in section D above. Informal complaints do not involve formal investigations or written findings. Attempts are made to resolve disputes informally.

G. **FORMAL COMPLAINTS.**

1. **Office of Affirmative Action.** The Office of Affirmative Action also investigates formal complaints and determines whether a violation of the policy has occurred. In addition, the Office monitors all forms of discrimination (those based upon race, gender, religion, national origin, age, disability, status as a disabled veteran or a Vietnam Era veteran, and affectional or associational preference) that are prohibited by law and by university policy. The Office will issue written findings of fact and make recommendations regarding sanctions, where appropriate, to University officials. The Office attempts to complete investigations within 30 days or as expeditiously as possible. Contact the Compliance officer in the Office of Affirmative Action for more information.

2. **Human Rights Committee.** The Human Rights Committee will investigate formal complaints. The Committee Chair may appoint a Committee member to assist the complainant in developing a fact record. A subcommittee may be appointed to conduct further investigation, which may include a hearing. The Committee will make a decision within 4 months of receipt of the complaint. Committee decisions involving individual complaints or investigations take the form of recommendations to the President and other appropriate officials. If the investigation or complaint involves an issue of policy, the Committee shall file a report of its investigation with the appropriate administrator and may recommend a possible course of resolution. Call the Committee Chair to obtain more information about the process and obtain complaint forms.

Both the Human Rights Committee and the Office of Affirmative Action regard investigations as confidential.

H. **PRIMARY RESPONSIBILITY:**

Chair	Director
Committee on Human Rights	Office of Affirmative Action
335-3549	202 Jessup Hall
(President's Office; ask for name and telephone number of current chair)	335-0705

WHAT IS AN OMBUDSMAN?

What is a university or college ombudsman?
 The university/college ombudsman is an independent, impartial resource designated by the university/college to assist members of the campus community to resolve issues of concern or dissatisfaction regarding their rights; to understand and follow the policies and procedures of the university/college; and to function effectively within the university/college system. The ombudsman assists the university/college in monitoring, evaluating, and formulating policies and procedures regarding the rights and responsibilities of the individual and of the institution.

What does it take to be an effective ombudsman?
 To be effective the ombudsman needs:
 Knowledge of all the policies, procedures, and ways in which the university/college functions;
 Support from all segments of the campus community—administration, faculty, staff, and students;
 Skills in listening carefully, investigating thoroughly, counseling justly, speaking and writing effectively, and establishing and maintaining rapport;
 Creativity to develop resolutions which are fundamentally fair to all;
 Tolerance for being alternately perceived as a hero, a villain, or a nuisance; and
 Conviction that the university/college system works best when the rights and responsibilities of each member of the campus community are honored.

What can be gained by having a university/college ombudsman?
 The ombudsman benefits the university/college and its members by:
 Actively representing the university/college's commitment to treat all members of the campus community with fundamental fairness;
 Providing a neutral and concerned resource through which members of the campus community may resolve issues of concern or dissatisfaction;
 Preventing issues of concern from escalating into major problems that may impact negatively on the retention of qualified students and personnel; and
 Assisting the university/college to develop, implement, and maintain policies and procedures which equitably address the rights and responsibilities of all members of the campus community.

What factors are important in determining the appropriate organizational location of the ombuds office?
 Consideration should be given to placing the ombuds office within the university/college organizational structure in a position which:
 Maximizes its ability to function autonomously;
 Assists it in receiving support from all segments of the campus population;
 Supports its ability to effectively serve its client constituency; and
 Guarantees access to any information and personnel pertinent to fulfilling its responsibilities.



1. Question:
 Answer:

2. Question:
 Answer:

3. Question:
 Answer:

4. Question:
 Answer:

HEFA

Higher Education Faculty Association
of Oklahoma

President: Bart Binning - UCO
President Elect: David White - OSU-Okmulgee
Secretary: Marion Prichard - Southwestern

Secretary/Treasurer: Dick George - Carracn
Newsletter Editor: Ingrid Shaler - USAO
Membership Director: Rick Volmer - OCCC

The following are proposals involving changing Oklahoma Statutes that the HEFA Council is currently considering promoting. The proposals are submitted here for discussion. An objective of these proposals would be to increase communication between faculty and administrators, and between faculty and regents. Another objective would be to encourage participative management styles rather than command-and-control management styles in higher education.

The first proposal involves making a minor modification to a Joint Resolution passed in 1977, and codifying the Joint Resolution. Specifically it is suggested that the Joint Resolution (OSL 1977. SJR 23) "Boards of regents--Development of policy statement," be modified and codified (changes to the original Joint Resolution are underlined.)

SECTION 1. Board of regents-Development of policy statement

The board of regents of each public institution of higher education in Oklahoma shall develop a set of written policy statements which shall govern in that institution the appointment, the renewal and nonrenewal of appointment, the promotion, dismissal and the retirement of faculty and the selection and retention of administrators. In developing such policy statements, each board of regents shall consult with the institution's administrative staff and faculty, through the institution's Faculty Senate (or Association).

The second proposal involves current legislation to eliminate requirements for an Investigative Audit by the State Auditor, once every five years. This investigatory audit is in addition to an Annual Audit performed by an outside independent accounting firm. We are suggesting that the Faculty Senate (association) President be included in a review of the Annual Audit by making the following modifications to SB 217 and HB 1346, which modify 70 O.S. 1991, Section 3909 (additions are underlined.)

4. At the conclusion of the audit, the auditor shall meet with the President of the institution, the elected President of the Institution's Faculty Senate (or Association), and the Audit Committee to review the audit report to be issued, the management letter or other comments or suggestions to be issued, and any other findings; and ...

We think it appropriate for the Faculty Senate (or Association) President to be included in the review of a Annual Audit for at least three reasons:

1. By including the Faculty Senate President in an audit review, it is anticipated that the long-term dynamics between faculty and administration will change. It is expected that where there is currently an adversarial relationship, a more cooperative and facilitative relationship will develop. It is anticipated that where there already is a good relationship between faculty and administration, this will strengthen that relationship.
2. In cases where there is mismanagement, it would be very likely that these cases would be known to faculty. However, these faculty may feel intimidated and not volunteer information. In these cases, the Faculty Senate President may be in a position to judiciously ask the correct questions to bring these situations to light.
3. Institutions that currently do not have faculty electing their Faculty Senate (or Association) President would be encouraged to do so.

University Libraries Committee Resolution

1) Whereas the university library occupies a unique position within the institutional framework of a comprehensive university.

2) And whereas the stated mission of the University of Oklahoma--to pursue the highest standards in undergraduate and graduate teaching and research--depends upon the library's continuing ability to function as a research center for faculty and students alike.

3) And whereas the library's ability to fulfill that mission depends on its ability to develop and maintain a first-class collection of periodical and monograph literature, and to make that collection accessible to large numbers of people, during extended periods of time.

4) And whereas continuing net reductions in the library's budget seriously endanger the integrity of its collections, jeopardize its long-term archival mission as a research library (and its hard-won membership in the ARL), risk incurring problems of accreditation in selected academic programs, and generally limit its ability to play a leading role in the development of information technology.

5) And whereas the University of Oklahoma library has been chronically underfunded, its current budget representing roughly 2.6% of the university's E & G budget--well below the 6% recommended by the State Regents for Higher Education.

Therefore, be it resolved that the faculty of the University of Oklahoma strongly urges that for the purposes of budget planning in this and any future academic years, the university library be granted funding appropriate to its singular responsibilities and its unique role in the teaching and research missions of this institution.

Faculty Senate Executive Committee Resolution

Whereas the university library occupies a unique position within the institutional framework of a comprehensive university;

And whereas the stated mission of the University of Oklahoma--to pursue the highest standards in undergraduate and graduate teaching and research--depends upon the library's continuing ability to function as a research center for faculty and students alike;

And whereas the University of Oklahoma library has been chronically underfunded, its current budget representing roughly 2.6% of the university's E & G budget--well below the 6% recommended by the State Regents for Higher Education;

Therefore, be it resolved that the faculty of the University of Oklahoma strongly urges that for the purposes of budget planning in this and any future academic years, the university library be granted funding greater than that allocated to non-core units, reflecting its unique role in the teaching and research missions of this institution.