Appendix C
General Termination Procedures

1. **Initiation.** Termination of a faculty member shall be officially recommended only after an investigation has been conducted by an appropriately designated responsible administrative officer and appropriate faculty counsel has been received. The University recognizes the seriousness of such situations and, therefore, reserves for its administrative officers and faculty committees the prerogative to be assisted by the Board of Regents Office of Legal Counsel throughout the decisional process including any formal hearing. Groundless threats to terminate or demands to resign as an alternative to termination should not be made by the unit administrator or other official of the University.

Any person who has substantial concern that a faculty member could be subject to termination under Section 1.14.1 or termination under Section 1.14.3 or dismissal on the grounds stated in Section 1.16.2 may present those concerns, substantiating evidence, and related information to the VPAA\textsuperscript{12} for evaluation and possible action. Although not mandatory, it is preferable that this communication be presented in writing and signed by the person submitting it. Following receipt of such communication, the VPAA may seek to obtain additional relevant information from other sources in evaluating same, and shall make a judgment as to whether further inquiry is appropriate.

Should the VPAA be inclined not to initiate an inquiry, the President shall be so informed. The President having received and reviewed all available, relevant evidence shall consider the complaint and make a judgment as to whether it is in the best interest of the University to initiate an inquiry.

If an inquiry is to be conducted, the VPAA shall designate, with the approval of the President of the University, an academic administrator (referred to as the investigating official) to serve as the administrator responsible for conducting an initial investigation to develop facts for evaluation and possible action. This effort should include interviewing the affected faculty member, examining other witnesses and evidence, seeking appropriate faculty counsel, and preparing reasoned recommendations for action. Normally the unit administrator of the affected faculty member shall be designated as the investigating official, but when that is not practical or appropriate, the VPAA or a dean or associate dean may be so designated.

The VPAA shall provide the investigating official with all of the written information and notes of oral statements which had been submitted with or were made in relation to the initial communication of concerns. The investigating official may request legal assistance for conducting the investigation from the Board of Regents Office of Legal Counsel. The investigating official may meet with the person(s) who communicated the original concerns and others to seek clarification and documentation. The investigating official should thereafter determine individuals to interview and evidence to examine. The investigating official should meet with the affected faculty member in personal conference to explore

\textsuperscript{12}If the VPAA is unavailable, the President may designate another senior supervisory academic administrator to act for the VPAA.
relevant issues. In this conference, the faculty member shall be told of the reasons that the investigation is being conducted and the actions that are being considered. The faculty member shall be provided a copy of the published procedures which are followed in decisions to terminate. If a personal conference cannot be arranged, the investigating official will deliver to the affected faculty member in person or by mail to a current office or residential address a written explanation of the purpose of the investigation, the factual issues for resolution, a request for response from the faculty member within five working days, and a copy of the published termination procedures. The investigating official shall prepare a confidential written report of the conference, if conducted, and it shall be provided to the affected faculty member and related academic supervisors within five working days.

Following receipt of the investigating official's report of the initial conference, or letter of notification (no conference conducted), the faculty member shall have a fixed period of at least five working days to propose a suitable disposition to resolve concerns or present reasons that termination or other action(s) is unnecessary or unwarranted. Following receipt of the faculty member's written response, the investigating official may make a confidential interim report to the VPAA with interim recommendations which, if approved by the President, may resolve the current concerns. However, if a fully approved disposition is not achieved with this stage, appropriate departmental faculty counsel shall be sought (see Section 1.2).

The appropriate departmental faculty body should meet jointly with the investigating official and affected faculty member to discuss the reasons that termination is being considered. Following this meeting, the faculty body may make inquiry of its own and deliberate in the absence of both the investigating official and the affected faculty member. It shall prepare a written, non-binding evaluation of facts known to it and a reasoned recommendation, normally within ten working days, for the investigating official. A copy of this advisory report shall be sent to the affected faculty member.

2. **Initial Administrative Review.** After the initial investigation has been conducted and appropriate written faculty counsel at the departmental level has been received, the affected faculty member's unit administrator, dean, and the VPAA shall meet to review all the information which has been collected. If the unit administrator, dean, or VPAA is the faculty member being investigated, he/she shall not serve as part of this administrative review team. The investigating official shall provide the members of the review team with all information that has been introduced into the case including that provided by those requesting the investigation, any provided by the affected faculty member or others, documentary evidence, and the advisory report of the appropriate faculty counsel. In the review, the team may confer with the affected faculty member as well as others it may deem appropriate.

Following the review, the VPAA shall make a preliminary judgment whether there is reasonable and sufficient cause for termination and whether it would be in the best interest of the University to continue with the termination procedure. Should the VPAA find no reasonable and sufficient cause to recommend termination, the President shall be so informed. The President shall make a judgment whether reasonable and sufficient cause
exists for further evaluation and whether it would be in the best interest of the University to continue with the termination procedure. If in the judgment of the President reasonable and sufficient cause has not been established for further examination, or if it is judged not to be in the best interest of the University to continue with the termination procedure, the affected faculty member will be notified in writing by the VPAA that it is not the current intention of his or her office to make a recommendation of termination. If the final decision is that termination is not appropriate but that other action is warranted, the matter shall be referred to an appropriate academic supervisory administrator for consideration and action. If the President finds there is reasonable and sufficient cause to continue an examination of the case, the President shall notify the VPAA to implement the procedural steps as provided in the following paragraphs. If in the judgment of the VPAA or the President, reasonable and sufficient cause for termination appears to have been established and he/she believes that it is in the best interest of the University to continue with the termination procedure, the VPAA will notify the chairperson of the Faculty Council and the affected faculty member that the case will be explored further by an informal review committee composed of three past chairpersons of the Faculty Council before any hearings are conducted.

3. **Consideration by Informal Review Committee.** The VPAA shall request the chairperson of the Faculty Council to appoint the informal review committee. The committee shall conduct an informal inquiry into the grounds for termination and shall prepare a written, nonbinding evaluation of facts known to it and a reasoned recommendation to the VPAA within ten working days after appointment. In its inquiry the committee shall analyze whether the contemplated termination has been appropriately initiated. It shall recommend whether formal termination proceedings should be undertaken or whether actions other than termination are likely to restore the fitness or suitability of the faculty member to discharge normal professional responsibilities, and whether actions other than termination are likely to serve the best interests of the institution as well as those of the general public. The committee shall send a copy of the advisory report to the unit administrator, dean, VPAA, and the faculty member.

4. **Formal Recommendation by the VPAA.** If, after reviewing the informal review committee's advisory report, the VPAA decides to authorize commencement of formal termination action the VPAA shall designate an experienced academic administrator to conduct the procedural actions required. This administrator shall be referred to in these proceedings as the "standards officer."

The standards officer shall provide written notice to the faculty member, the unit administrator, the dean, the VPAA, the President, and the chairperson of the Faculty Council that a recommendation for termination is to be formally presented. In the notice the standards officer shall specify the grounds for termination and the recommended date of termination. The notice to the faculty member shall be sent by certified mail or by witnessed hand delivery. It shall inform the faculty member of the provisions for formal review of the recommendation and that he/she must provide to the standards officer within fifteen working days of the receipt of the notice a written statement declaring whether the termination recommendation will be disputed. The notice to the affected faculty member will inform him/her that he/she will be immediately relieved of all academic duties but will
not experience a reduction in pay or other benefits pending a recommendation by the termination hearing committee and the President and a final decision by the governing Board of Regents. If the faculty member chooses to dispute the standards officer’s recommendation, the faculty member shall notify the standards officer, unit administrator, dean, VPAA, President, and chairperson of the Faculty Council.

5. **Consideration by Termination Hearing Committee.** Upon receipt of notice that a formally recommended termination will be disputed, the chairperson of the Faculty Council shall provide the principal parties (the faculty member and the standards officer) with a list of the individuals initially chosen to serve as members of the termination hearing committee. The chairperson of the Faculty Council shall also provide the members of the committee with a copy of the notice of the recommended termination which has been disputed.

The University shall provide appropriate facilities, assistance, equipment and support to the committee and shall assist the committee in obtaining the cooperation of witnesses and making available documentary and other evidence. The personnel records of the affected faculty member shall be accessible to the parties, the committee, and review authorities and their representatives.

The termination hearing committee shall begin the hearing within thirty calendar days, but no sooner than twenty calendar days, after the standards officer’s notice of intent to recommend termination was delivered to the affected faculty member. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a full hearing, but denies the charges against him/her or asserts that the charges do not support a finding of reasonable cause, the hearing committee will evaluate all available evidence and rest its recommendation upon the evidence in the accumulated record of the matter and its reasonable inferences. The hearing committee shall hold a joint prehearing meeting(s) with the parties in order to: (a) simplify the issues, (b) effect stipulations of undisputed material facts or witness statements, (c) provide for the exchange of documentary evidence or other information, (d) exercise peremptory challenges and question prospective committee members to determine if disqualifying bias exists, and (e) achieve such other appropriate prehearing objectives as will make the formal hearing fair, effective, and expeditious.

6. **Hearing Procedures.** The following procedures and guidelines should be followed during the hearing:

(a) The standards officer will establish the history of the appointment and that there is reasonable cause to terminate the appointment based on a quality of proof that is clear and convincing.

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13See Section 1.12, Administrative Suspensions.
14See Section 1.15, Termination Hearing Board.
(b) In all presentations of evidence, the standards officer presents his or her case first, with the faculty member following.

(c) The parties shall be permitted to utilize licensed legal counsel who shall be allowed to participate in all appropriate portions of the hearings (including prehearings), even including presentation of the faculty member’s case to the committee. The committee shall consider such counsel’s statements on procedural matters and may receive the opinion of its own counsel.

(d) The hearing shall be attended only by those individuals having an official connection with the proceedings as determined by the President after consultation with the chair of the committee. Other individuals will be excluded from the hearing room.

(e) Two confidential tape recordings of the hearing shall be made by a recorder designated for the proceedings by the chairperson of the committee and will be accessible to the principal parties involved, the committee, the President, the governing Board of Regents, and authorized representatives on a “need to know” basis.

Either party to the hearing may request that the committee endeavor to provide a typed transcript of the testimony. The cost of preparation of such a transcript shall be paid by the party making the request. The second party may obtain a duplicate copy by paying the current fees for copying.

(f) A reasonable time limit should be established for opening and closing statements and shall be announced prior to or at the outset of the hearing.

(g) Length of hearing sessions may be established in advance; every reasonable effort should be made to conduct the hearing(s) as expeditiously as possible, with equal fairness to both parties.

(h) The termination hearing committee, through its chairperson, shall require from the parties involved that they submit to the committee and exchange with the other party within 72 hours of the conclusion of the prehearing meeting(s):

(i) a list of witnesses whom they wish to present;

(ii) a written exposition of all known relevant facts and/or opinions, as well as circumstantial evidence; and

(iii) documents which they deem pertinent to the case. In cooperation with the chair of the committee the respective parties are responsible for arranging the presence of their own witnesses and will schedule them for appearance as close to the time of call as possible. Both parties shall be permitted during the course of the hearing(s) to introduce additional documents and present witnesses not on their original lists, subject to
reasonable notice to the other party and the consent of the committee.

(i) After primary witnesses for both parties have been heard, such witnesses may be recalled for additional questioning if requested by either party or the hearing committee. The committee may call new witnesses whose testimony it deems relevant or helpful as well as request documents not otherwise introduced by either of the parties.

(j) All evidence and other information pertaining to the termination hearing shall be treated in a confidential manner, except for reporting authorized by this policy statement.

(k) Only information relevant to the termination action should be admitted into evidence. For the purpose of the hearing committee, questions of relevance shall be decided by the chairperson (subject to later review as provided or referenced herein). Physical evidence and testimony that is excluded from evidence shall be appropriately described by the offering party and appended to the hearing report for review.

(l) The hearing committee shall grant adjournments to enable either party to investigate evidence against which a valid claim of surprise is made.

(m) The faculty member and the standards officer shall normally have the right to confront and cross-examine all witnesses at the hearing. When the prospective witnesses cannot or will not appear, but the committee determines that the interests of fairness require formal admission of their statements, the committee shall identify the witnesses, disclose their statements, and if reasonably possible arrange for answers to proposed interrogatories from such witnesses.

(n) In the hearing of any allegations concerning incompetence, the evidence in support thereof shall include that of qualified faculty members from Oklahoma State University and/or other institutions of higher education.

(o) The hearing committee shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in evaluating the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available.

(p) The committee reports findings of fact and its recommendations shall be based solely on formally admitted evidence contained in the hearing record and reasonable inferences drawn therefrom. Members of the committee shall not converse with nor listen to any person outside the formally convened hearing committee pertaining to the facts, circumstances, or the subject person(s) related to the purpose(s) for which such hearing committee has been appointed or organized.
(q) Neither the participants nor their representatives should cause publicity or public statements about the case, except for such simple announcements as may be required covering the time of the hearing and similar matters.

7. Committee Report. The report of the committee shall specifically cite the information upon which its advisory conclusions were based. The written report shall contain:

(a) a statement of the purpose of the hearing;

(b) issues considered;

(c) findings of fact; and

(d) advisory recommendations.

The hearing committee shall conclude whether reasonable cause for termination has been sufficiently established by clear and convincing evidence in the record, and it shall so report to the President. If the hearing committee concludes that reasonable cause for termination has been established, but that an action other than termination should be considered, it shall so recommend, with supporting reasons. The hearing committee shall make its confidential report to the President of the University with complete copies to the principal parties, their representatives, and related administrators. Said report shall also include all information barred from admission into evidence by the chairperson of the hearing committee. The chairperson of the hearing committee shall inform the chairperson of the Faculty Council that the report of the hearing committee has been submitted to the President.

The affected faculty member and the standards officer shall each have five working days from the date the report is submitted to the President within which to present in writing any specific objections for consideration regarding the content of the report or the adequacy of the processes used by the committee in arriving at its advisory conclusions. The committee shall make available to the President the taped record of the hearing for discretionary reference.

8. Review and Recommendation by the President. The President shall exercise reasonable care in reviewing the report of the hearing committee. If the President is unable to concur in the findings or recommendations of the committee, the report shall be returned to the committee with specific concerns stated in writing. The committee will then reconsider, taking into account the stated concerns and, if necessary, review any new evidence or other matters with the parties, if practical. The final report of the committee shall be sent to the President and principal parties, with complete copies to their representatives and related administrators.

The written decision of the President shall be sent to the chairperson of the Faculty Council, the chairperson of the termination hearing committee, and the principal parties, with copies to their representatives and related administrators. If the decision of the President is to recommend termination to the governing Board of Regents, the President
shall inform the affected faculty member of the Board of Regents' published procedures for appeals to it. The President may submit a formal recommendation for termination to the Board of Regents no sooner than ten working days after the affected faculty member has been sent notice by the President that a recommendation for termination is to be made. A recommendation for termination to the Board of Regents shall include the full final report of the hearing committee and any other related allied papers, reports, or recommendations as the President may deem appropriate. At any point in the procedure, prior to the time that the recommendation is formally considered by the Board of Regents, the affected faculty member may withdraw the challenge to the dismissal recommendation.

9. **Review and Action by the Board of Regents.** If the governing body chooses to review the case or if the faculty member appeals the President's decision, the review should be conducted according to the published procedure which provides an opportunity for argument, oral or written or both, by the principal parties or their representatives. The Board of Regents has established procedures for perfecting an appeal to the Board and the conduct of the appeal. A copy of the procedures is available on request from the Office of Legal Counsel at the Board's Office located in the Student Union, Oklahoma State University. The appeal must be initiated by the filing of a petition by registered mail with the Board's Chief Executive Officer at the Board's office in the Student Union, Oklahoma State University, within fourteen regular calendar days of the President's decision.

10. **Announcements.** Except for such simple announcements as may be required, public statements about the proposed termination action by either the faculty member, standards officer, affected administrators, or other institutional personnel should be avoided until the proceedings have been completed. An announcement of the results of the completed proceedings shall be provided to the Chairperson of the Faculty Council who may share such information with the Faculty Council and it may be published in the minutes of the Faculty Council.