



# Faculty Senate Archives

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Faculty Senate

Academic year 2008-2009

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## Volume XXII

### Agenda and Minutes of the Meeting of September 22, 2008

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**WICHITA STATE UNIVERSITY**  
**FACULTY SENATE**  
**AGENDA**

<b>MEETING NOTICE</b>	<b>Monday, September 22, 2008</b>
	<b>CH 107 3:30 p.m.</b>

**ORDER OF BUSINESS:**

- I. Call of the Meeting to Order
  
- II. Informal Statements and Proposals
  
- III. Approval of the Minutes -- Monday, September 8, 2008 -  
- <http://webs.wichita.edu/senate/m9-8-08.htm>
  
- IV President's Report:
  - A. Election of a member of the Planning and Budget Committee representing the College of Education
  
- V Committee Reports:
  - A. Rules Committee -- Deborah Soles, chair
  - B. Academic Affairs Committee -- Frederick Hemans, chair -- Proposed B.S. in Health Sciences -  
- <http://webs.wichita.edu/senate/BSHealth%20Sciences.htm> (final reading and vote) *\*\*Please note that the wording revisions suggested by the Senate have been made in red.*

**VI Old Business: none**

**A. Proposed revisions for the University Policy Prohibiting Sexual Harassment -- 3.06 / WSU Policies and Procedures -- <http://webs.wichita.edu/senate/Sexual%20Harassment%20proposal.htm> (final reading and vote)**

**VII New Business:**

**A. Proposed revisions to the Tenure and Promotion Policy, 4.18, WSU Policies & Procedures -- <http://webs.wichita.edu/senate/P&P%20418%20rev-9-08.htm> (1st reading) \* *Proposed revisions in blue***

**As May Arise**

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## **3.06 / Prohibiting Sexual Harassment**

### **I. INTRODUCTION**

In addition to being illegal, sexual harassment runs counter to the objectives of Wichita State University. When people, whether student, faculty, unclassified professional, or classified staff, feel coerced, threatened, intimidated, or otherwise pressured by others into granting sexual favors, their academic and work performance is likely to suffer. In addition, such actions violate not only the dignity of the individual but also the integrity of the University as an institution for learning. Academic freedom flourishes when all are free to pursue ideas in a nonthreatening, noncoercive atmosphere of mutual respect. Sexual harassment is thus harmful not only to persons involved but also the entire University community.

With the adoption of this policy on sexual harassment, Wichita State University reaffirms its commitment to maintaining an environment free of intimidation, fear, reprisal, and coercion - one in which students, faculty, unclassified professionals, and classified staff can develop intellectually, personally, and socially.

### **II. RESPONSIBILITIES**

All members of the University community are responsible for promoting a positive working and learning environment where all persons are free to discuss any problems or questions they may have concerning sexual harassment at the University, without fear of intimidation or retaliation. To that end, the University shall disseminate this policy and procedures prohibiting sexual harassment widely so that all members of the University community are informed of their rights and responsibilities.

A. University officials are committed to contributing to a positive learning and working environment by acting in a manner which is fair by attempting to resolve complaints and by educating members of the University community to eliminate prohibited activities and any acts of retaliation.

B. It is the obligation of administrators and supervisors who become aware of sexual harassment in their area of responsibility to take steps to prevent its continuation. Failure to do so is a violation of this policy.

C. Persons experiencing unwelcome, harmful, or offensive behavior are encouraged to communicate directly with the persons whose behavior is perceived or experienced as sexually harassing. Communicating directly that such behavior is unwelcome, harmful, or offensive will often result in the resolution of the complaint prior to resorting to the University's stated informal and/or normal complaint procedures.

D. This policy is not intended and will not be implemented in such a way as to censor or punish students, faculty, or staff members for exercise of their First Amendment right to express their individual ideas and viewpoints on any topic. This policy also is not intended and will not be implemented in a way that infringes on academic freedom.

E. University employees are cautioned against entering romantic and/or sexual relationships with any individual where a professional power differential exists even if that relationship is a consensual one. The potential for harassment claims arising out of such relationships makes them unwise. Examples of professional power differentials include romantic and/or sexual relationships between a faculty member and a student over whom the faculty member has a supervisory role, a classified supervisor and an employee who reports to the supervisor, or an unclassified professional supervisor and a student assistant/employee who reports to the supervisor. When a charge of sexual harassment is made, in this context, it may be difficult to show immunity on the grounds that the relationship was consensual.

F. Claims of sexual harassment that are frivolous, vindictive, and without support or merit may constitute a form of sexual harassment.

### **III. DEFINITION --- PROPOSED:**

**Sexual harassment involves behaviors which interfere with an individual's work or the learning environment through unwelcome sexual advances, requests for sexual favors, or other ~~verbal or physical~~ conduct which unreasonably interferes with an individual's work performance or educational experience or creates an intimidating, hostile, or offensive working or learning environment. Conduct which is prohibited by this policy can be manifested orally, verbally, physically, in writing, or through any other form of communication such as email and text messaging. To the extent that individuals are protected from a "hostile environment" it must be understood that the University cannot protect its constituents from ~~verbal~~ conduct which is upsetting, rude, or uncivil. A hostile environment complaint under this policy requires that a reasonable person in the complainant's circumstances experiences conduct which is severe and/or pervasive enough that the conditions of such person's work or educational environment are altered.**

**In determining whether alleged conduct constitutes sexual harassment, it is necessary to look at the entire context and pattern of behavior. The clearest example of sexual harassment is an attempt to coerce an unwilling person into a sexual relationship by using an employment or educational relationship. However, any behavior, ~~whether verbal or physical,~~ constitutes sexual harassment if:**

- A person is intimidated by the threat, overt or implicit, that any educational or employment decision may be affected by unwillingness to tolerate or accept sexual attentions.
- A person is required to tolerate or accept sexual attentions as a condition of employment or learning.
- Any educational or employment decision has been affected by a person's refusal to comply with or tolerate inappropriate sexual behavior.
- The behavior creates an environment that a reasonable person of ordinary sensitivity would find intimidating, hostile, or offensive on the basis of sex and which interferes with that person's ability to work or learn.
- Any reprisals are taken for reporting or objecting sexual harassment.

## **IV. PROCEDURES**

The procedures for dealing with sexual harassment issues and complaints essentially are similar for all persons at Wichita State University. The levels or types of procedures: namely, Counsel and Advice, Informal Procedure, and Formal Procedure, are consistent across all employment categories. An intent of this policy is to have the procedures of this policy compatible with existing related policies such as grievance procedures. Therefore, some differences in procedures exist among the major employment categories of classified, faculty, and unclassified professional. For students, existing established procedures also are recognized and utilized in this policy. The Counsel and Advice procedures are the same for all categories. The informal and formal procedures for classified staff, unclassified professionals, and students are presented with a combined set of procedures. The faculty procedures, while essentially parallel, are presented separately.

### **A. COUNSEL AND ADVICE**

1. Regardless of an individual's personal responsibility to deal with grievances directly and informally, this is not always practical in cases of perceived sexual harassment. The person may fear retaliation from the perceived harasser. Further, the perceived harassment may be of such a nature that engaging in such conduct violates not only reasonable standards of personal conduct but the standards of professional conduct that the University expects and requires its professional employees to observe.
2. Individuals, therefore, may seek counsel and advice from various campus offices, such as the Counseling Center or from trusted individuals in order to clarify in their own minds the situation they find themselves in or to explore various means available for redressing their grievance.
3. When seeking counsel and advice, persons should keep in mind that:

- Managerial employees of the University, such as, department chairpersons, office supervisors, deans, etc., may be required by law or University policy on the prudent exercise of supervisory responsibilities to report even informal complaints of sexual harassment that come to them.
- Managerial employees who are required by virtue of their position to report sexual harassment complaints to higher University authorities should so inform potential complainants and advise them where they can go for unofficial discussions if that is what the potential complainant is seeking.
- Persons who want to pursue unofficial discussions should visit the Counseling Center or speak to others in the University who do not have supervisory responsibilities.
- Potential complainants should keep in mind that neither the Director of Equal Employment Opportunity nor other University officers are permitted to be advocates for complainants in developing or pursuing a complaint. While these officers are obligated to enforce and implement University policy, they must seek to assure fairness to both parties and to protect the University's interests. The University's interest is in the fair treatment of all those involved in the process while complying with its legal obligations as an employer.

## **B. FACULTY PROCEDURES**

### **1. PERSONAL RESPONSIBILITY**

a. In general, people should assume responsibility for dealing with conflicts, misunderstanding, and grievances that arise from their interactions with other people in everyday life. This applies to perceived instances of sexual harassment and to other matters. It always is appropriate to inform a perceived harasser that his/her conduct is objectionable and to seek a mutual accommodation.

b. No one shall abridge a faculty member's right to be accompanied to a meeting or discussion by a colleague of his/her choice. Other than as provided below, all parties are obligated to protect the confidentiality of the proceedings.

### **2. FORMAL PROCEDURE FOR FACULTY**

a. When any member of the University community or applicant for employment or admission believes, in good faith, that he or she may have been sexually harassed by a faculty member, they may bring a complaint to any appropriate member of the University community, including any academic or administrative officer such as dean, supervisor, the representative of the Office of Campus Life and University Relations, or department chair. Unless the complainant chooses to withdraw the complaint at the time of initial contact, the person contacted will refer the complaint either to the department chairperson of the faculty member accused in the complaint or to the Director of Equal Employment Opportunity as the complainant prefers.

b. Persons wishing to make complaints should take note that timely reporting of a complaint will greatly facilitate any subsequent investigation.



c. The ~~chairperson~~ or Director of Equal Employment Opportunity will interview the complainant and the accused faculty member and seek to resolve the issues between them in a manner consistent with University policies and satisfactory to both parties.

d. If a satisfactory resolution is achieved, a factual report of the complaint, the accused faculty member's response to it, and the basis of the complaint's resolution will be prepared by the ~~chairperson~~ or Director of Equal Employment Opportunity and signed by both parties. The signature of the parties will signify that they accept the resolution of the complaint as stated in the report and that they agree to abide by its terms.

e. Each party will receive a copy of the report. In addition, the report will be placed in the personnel or student files of both parties and will remain confidential under all circumstances within the University's control. In the absence of similar complaints in the five years following the date of the report, both copies of the report retained by the University will be destroyed.

f. The fact that, within the stated time periods, a faculty member agreed to adverse findings in a complaint of sexual harassment may be used as evidence of a pattern of misconduct in a subsequent inquiry. However, a faculty member shall not be held accountable twice for the same misconduct if he/she had abided by the terms to a previous complaint. Evidence of a pattern of misconduct may be used to justify more severe sanctions or penalties in a subsequent complaint. No claims of a pattern that are not substantiated by written reports signed by the faculty member or by the findings of a formal hearing or by direct testimony will be allowed.

g. In the case of a student complaint against a faculty member where the faculty member makes counter allegations against the student and where the inquiry by the department ~~chairperson~~ or Director of Equal Employment Opportunity finds merit in the faculty member's counter allegations, the allegation against the student will be referred to the Office of Student Affairs for disposition. In the case of a classified or unclassified professional employee's complaint against a faculty member where the faculty member makes counter allegations against the employee; and where the department ~~chairperson~~ or Director of Equal Employment Opportunity finds merit in the faculty member's counter allegations, the allegations against the employee will be referred to the Office of Human Resources for disposition.

### **3. FORMAL HEARING FOR FACULTY**

a. In the event that informal procedures fail to resolve a complaint, either party may request a formal hearing.

b. When a case is appealed to a formal hearing because one or both parties is unwilling to accept the findings of the informal procedure, the case will be heard by a panel convened under the procedures of the Faculty Grievance process. At the complainant's request or if the dean of the college/**school/University Libraries** so determines, the complaint will be presented and argued at the hearing by the department chairperson, the Director of Equal Employment Opportunity, or another designated administrative officer. The complainant must appear as a part to the case and must give testimony. Failing to do this, the case will be dismissed. Both complainant and accused may be assisted during the hearing by a member of the University community of their own choosing.

c. As provided for in the Grievance Procedure, the Findings of the hearing panel will be reviewed by the Provost and Vice President for Academic Affairs and Research and the President of the University. The President's decision will be final in all matters. Although the President has final legal authority in personnel matters from the Board of Regents, the interest of the University in faculty self governance and the principle of peer evaluation suggest that the recommendations of internal hearing panels will be accepted generally. In cases where the recommendations of an internal panel are not accepted, the President will discuss said recommendations with the internal hearing panel as well as the direct participants in the grievance process. If additional or new information or evidence is brought to the attention of the Provost and Vice President for Academic Affairs and Research or the President of the University during their respective reviews, the internal hearing panel should be reconvened to hear said additional or new information or evidence to consider whether revisions of its original findings and recommendations are justified.

d. Neither findings of fact, assessments of responsibility, nor sanctions or penalties recommended or imposed after a formal hearing require the approval or agreement of either party involved in the complaint.

e. The final report of the hearing panel and a record of the final decision by the President regarding the complaint will be provided to each party and placed in the personnel or student files of both parties.

f. The University will protect the confidentiality of the report under all circumstances within its control except that it may report the filing and resolution of a complaint and imposition of sanctions or penalties without identifying the parties or their departmental or college/**school/University Libraries** affiliations. In the absence of similar complaints in the next five years, both copies of the report retained by the university will be destroyed. While the full report may be destroyed, a record of the fact that sanctions or penalties were imposed and agreed to will be retained permanently in the personnel record and may be reported to potential employers.

g. All complaints of sexual harassment will be reviewed initially according to the procedures in this policy. In some cases, however, a formal hearing panel may recommend or the administration may determine that a faculty member found guilty of sexual harassment should be dismissed for cause due to the nature of his/her offense. In that case, the Provost and Vice President for Academic Affairs and Research will refer the case to the Dismissal for Cause procedure. The issue in those proceedings shall be whether the offense of which the faculty member has been found guilty warrants dismissal or whether a lesser sanction is appropriate. The dismissal proceedings may consider alleged mitigating circumstances but shall not retry the question of guilt. If the dismissal case is rejected, the original hearing panel in the harassment case, if necessary, will recommend a lesser sanction; and the disposition of the case will proceed as provided for in this policy.

## **C. PROCEDURES FOR CLASSIFIED AND UNCLASSIFIED PROFESSIONALS AND STUDENTS**

### **1. INFORMAL PROCEDURES**

a. Any member of the University community or applicant for employment or admission who, in good faith, believes that he or she may be experiencing sexual harassment may bring such a complaint to any appropriate member of the University community, including any academic or administrative office of the University. For example, any dean, director, supervisor, department chair, or advisor may serve as the initial contact for an informal complaint. Successful resolution efforts will be facilitated greatly by the timely reporting of complaints. The more time that elapses, the more difficult it will be to ascertain the truth of the matter and pick appropriate remedial action.

b. Upon receipt of possible sexual harassment complaint, the University officer, administrator, or other person shall notify promptly the Director of Equal Employment Opportunity of the existence of the complaint. The Director of Equal Employment Opportunity shall maintain a record of the informal complaint as well as the result of the informal procedures.

c. The responsible University official to whom the complaint was brought, or the Director of Equal Employment Opportunity shall function as a mediator to attempt to resolve informally the complaint of sexual harassment. To this end, the mediator's responsibilities are:

- Listen to the complaint and assist the complainant in clarifying his/her experiences and feelings.
- Advise complainant on his/her options, both informal and formal.
- At the request of complainant, talk to the person against whom the complaint is brought in an attempt to work out a satisfactory solution and convey to the complainant the results of that

discussion.

If the complainant is pleased with the outcome of the mediation process, the matter ends there.

## **2. FORMAL PROCEDURE FOR CLASSIFIED AND UNCLASSIFIED PROFESSIONALS AND STUDENTS**

Procedures for resolution of formal complaints should be thorough yet expeditious. Should a formal review be deemed necessary, both the complainant and the person against whom the complaint is brought (the respondent) will be informed of the content of the complaint and will have a full opportunity to be heard. All parties will be able to obtain information about the progress of the review. The time period required for the review may vary from case to case, but all parties will be informed if an extended delay is anticipated. Normally, the review period will be completed within 60 days. The Director of Equal Employment Opportunity and the responsible administrator must remain impartial during the administrative process and work in concert to ensure that all involved be treated fairly.

### **A. PROCEDURES**

#### **1. Reporting complaints of sexual harassment:**

**a. *Complaints Against Classified and Unclassified Professionals.*** Report the complaint to the University administrator responsible for the department or other unit in which the harassment is believed to have occurred (henceforth referred to as the responsible administrator), unless that person already is involved personally or already is aware of the behavior that is the subject of the complaint. In some cases, there may be more than one responsible administrator.

**b. *Complaints Against Students.*** Complaints by students, faculty members, classified, and unclassified professionals against students may be made to either ~~For students with complaints of harassment by other students, the designated administrators in the~~ Division of Campus Life and University Relations or are identified as the responsible administrator. ~~The complaint also may be initiated directly with~~ the Director of Equal Employment Opportunity. For further information about the procedures for sexual harassment complaints against students see Section 8.11, "Sexual Harassment of Students," and Section 8.05, "Student Code of Conduct," in the Wichita State University Policies and Procedures.

2. Complaints filed later than 180 days from the most recent occurrence normally will not be considered due to the fact that, with the passage of time, it becomes more difficult to investigate a complaint. However, a complainant who files after 180 days will have the opportunity to argue that special circumstances exist and request that the complaint

be submitted for investigation or mediation or administrative action in light of special circumstances.

3. If a complaint is made to the responsible administrator, that individual will confer with the Director of Equal Employment Opportunity concerning the resolution of the complaint. Likewise, should the complaint be made to the Director of Equal Employment Opportunity, the Director will confer with the responsible administrator. If the substance of the complaint warrants further review, both administrators, acting together, will review the complaint. If a complaint is made to the Division of Campus Life and University Relations, a staff member will contact the Director of Equal Employment Opportunity.

4. The Director of Equal Employment Opportunity and the responsible administrator will conduct an interview with the complainant to acquire a thorough understanding of the complaint. A written statement of the complaint will be developed by the complainant. The responsible administrator and the Director of Equal Employment Opportunity will offer assistance to the complainant in the development of this written statement.

5. The Director of Equal Employment Opportunity and the responsible administrator, after consultation as necessary, will determine whether the complaint, as reported, alleges sexual harassment in violation of Wichita State University Policy Prohibiting Sexual Harassment. The conclusion(s) reached will be communicated to the complainant. The responsible administrator will communicate the conclusion(s) to the respondent of the complaint.

6. If it is concluded that further inquiry is warranted, a meeting will be scheduled with the Director of Equal Employment Opportunity, the responsible administrator, the respondent, and a fourth person, if the respondent chooses to bring one for personal support. At that meeting, the respondent will receive both a verbal explanation and the written statement of the complaint. The respondent will have access to relevant information pertaining to the complaint and will be given the opportunity to respond but is under no obligation to respond immediately. The respondent also will be cautioned against retaliation and to maintain confidentiality. Future meetings may be scheduled to allow the respondent the opportunity to reflect and respond to the complaint. If the respondent chooses to make a written response to the complaint, the responsible administrator and the Director of Equal Employment Opportunity will offer assistance to the respondent, if needed, in the development of the written response.

7. With or without a response from the respondent, the Director of Equal Employment Opportunity and the responsible administrator may interview other persons who have specific knowledge about the alleged incident(s). Persons interviewed will be informed

1) that the fact that an investigation is underway should not lead to any assumed conclusion and 2) to maintain confidentiality.

8. A determination will be made, after completion of all interviews, as to whether a violation of the Policy Prohibiting Sexual Harassment has occurred.

9. If it is determined that sexual harassment has not occurred, both the complainant and the respondent will receive letters stating the steps that have been taken in the review process and the determination from the administrators involved in the review.

10. If it is determined that sexual harassment has occurred, the following measures will be taken:

- a. Both the complainant and the respondent will receive letters from the administrators involved in the review outlining the steps taken in the review process, the determination made and the sanctions to be imposed.
- b. Sanctions will be devised in accord with the seriousness of the behavior. Sanctions may range from admonishment to, in extreme cases, a recommendation for dismissal.
- c. Steps will be taken to prevent further acts of sexual harassment.
- d. Steps will be taken to prevent acts of retaliation for bringing the complaint. If a remedy exists and is within the ability of the University community to provide, then a recommendation to that effect may be made.

## **V. CONFIDENTIALITY**

It is the obligation of administrators and supervisors to whom a complaint of sexual harassment is brought to maintain confidentiality. This will not preclude investigation, allowing respondents to reply to a complaint, or provision of a remedy to persons injured by acts of harassment where that is practical.

## **VI. APPEAL BEYOND THE ADMINISTRATIVE PROCEDURES**

A. Complainants who believe that a satisfactory resolution of their complaint of sexual harassment has not been reached by the administrative process described above may take their complaint to the appropriate Grievance Review Committee within 90 days. Unresolved complaints of sexual harassment by students against other students also may be heard by the appropriate student judicial council.

B. Any employee of Wichita State University aggrieved by sanctions imposed in relation to an alleged act of sexual harassment may appeal through the appropriate grievance procedure.

## **VII. TRAINING**

The Director of Equal Employment Opportunity of Wichita State University is responsible for providing training to all University employees concerning sexual harassment issues and procedures. The training program should be designed to: 1) sensitize employees to the rights and responsibilities of all concerned parties; 2) provide supervisors and administrators with current information on applicable laws, rules, regulations and procedures; and 3) demonstrate appropriate techniques for the careful investigation and mediation of sexual harassment allegations.

## **VIII. DISSEMINATION**

The University administration shall make every reasonable effort to inform all members of the University community regarding the proper procedures and persons available for the handling of sexual harassment complaints. In particular, this information should be communicated to all new students and employees as an integral part of their orientation experience.

*Students should first refer to Section 2.02 of this manual, [Sexual Harassment of Students](#).*

### **Revision Date:**

August 4, 2000

## **4.18 / Review for Tenure or Promotion: Procedures**

### **Nomination for Review for Tenure and Promotion:**

1. The department chairperson will write to all full-time faculty members of the department to tell them that nominations of persons to be reviewed that year for tenure or for promotion must be given to the chairperson by a specified date. The chairperson must nominate all faculty whose tenure review is mandatory for that year. All others may be nominated by the chairperson or by the faculty member himself or herself.
2. The department chairperson will send copies of the list resulting from step 1 to all full-time departmental faculty and specify a second date by which any additional nominations must be provided in writing to the chairperson.
3. The department chairperson will confer individually with all nominated faculty members and provide information about departmental, college, and University criteria for tenure or promotion.
4. Except for those whose review for tenure is mandatory, faculty who have been nominated must inform the department chairperson in writing by a date specified by the department chairperson (which will be no sooner than two days after their conference) of the faculty member's decision to remain in nomination or to withdraw.
5. The final, typed list of those nominated will be sent to the dean and to all members of the department electorate. Each person on the list will be notified in writing by the dean that he or she is officially a candidate for promotion or tenure. In addition, the dean will inform the candidate of the criteria for tenure or promotion and will instruct the candidate to give his/her supporting materials to the department chairperson by a specified date.

### **Department Review for Promotion and Tenure: <sup>1</sup>**

The candidate will present a primary dossier and may prepare a secondary dossier.

**Primary Dossier:** The primary dossier consists of the basic document, the required cover sheet which records each step of the review process, copies of the annual reviews (and rebuttals if filed) for untenured faculty, the chairperson's nonevaluative role statement, statements of evaluation by the committee and administrator at each level of review and rebuttals (if any are filed), **letters of external review and any rebuttals to those letters**, and items added during the review process.

The basic document will follow the standard format recommended by the University Tenure and Promotion Committee and approved by the Faculty Senate. Deviations from the established format should be clearly explained. The basic document may be no more than 25 pages.

The chairperson will provide a statement of the role of the candidate in the department which is purely descriptive and not evaluative. If the candidate's role involves a weighted distribution of responsibility among the three categories of professional activity, that should be indicated in the role statement. The chairperson will make copies of the primary dossier available for all voting faculty.



Secondary Dossier: A secondary dossier may be submitted to the chairperson by the candidate. It consists of such additional materials as the candidate wishes to submit. Examples might include, but are not limited to, copies of publications or other evidence of scholarship, **letters of external reviewers (if any were obtained) and rebuttals (if any were filed)**, copies of student evaluations or course materials, etc. The candidate may add items to the secondary dossier during the review process (see calendar in Section 4.16 of this manual). The secondary dossier will not be duplicated but will be available to committee members.

As the review proceeds through the various levels, the primary dossier and the secondary dossier will be in the custody of the administrator at each level. Items may be added to the primary dossier by the administrator as called for in these procedures, but the administrator must give the candidate a copy of the additions and provide the candidate an opportunity to write a rebuttal that will also be included in the primary dossier.

The complete files of all faculty members under review in the department must be available for a reasonable time (at least five working days) to all voting faculty.

Tenure cases will be reviewed at a meeting of the tenured faculty of the department or a committee of tenured faculty chosen by these faculty members. In departments having fewer than three voting tenured faculty members, the college faculty will develop appropriate procedures for the review, subject to the approval of the college dean. Each eligible person except the department chairperson will vote on each case under consideration and will sign the tally sheet. The tally sheet will not identify individual voters with their votes but must account for all eligible voters. If a committee wishes, straw ballots may precede the final ballot. Only the votes on the final ballot are binding and recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning a case. A positive recommendation by the committee results when more than 50 percent of those casting ballots other than abstention have voted to recommend tenure. A copy of the tally sheet will be kept in the departmental office for three years.

Promotion cases will be reviewed at a meeting of the departmental faculty who hold rank equal to or higher than that for which the candidate is being considered or of a committee of those with appropriate rank chosen by these faculty members. The limitation of voting to persons of equal or higher rank need not apply to votes at the college or University level. In departments having fewer than three faculty members with appropriate rank, the college faculty will develop appropriate review procedures subject to approval of the college dean. Each eligible person, excluding the department chairperson, will vote on each case under consideration and will sign the tally. The tally will not identify individual voters with their votes but must account for all eligible votes. Straw ballots may precede the final ballot. Abstentions may occur only in cases involving declared conflict of interest. A positive recommendation will result when more than 50 percent of those casting ballots (i.e., other than abstentions) have voted to recommend promotion. Copies of the tally sheets will be kept in the departmental office for three years.

Chairpersons do not participate in their own evaluation or in evaluations of faculty when the chair has a conflict of interest. Such cases automatically go forward without prejudice for review at the next level.

The results of the departmental deliberations and the chairperson's separate recommendation will be sent to the dean by the department chairperson. When the committee's discussion of a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. The department chairperson will also provide a written evaluation to accompany his/her recommendation for each case. These statements will be included in the primary dossier. The candidate will be provided an opportunity to review these statements and to file a written rebuttal in the primary dossier. In cases where the chairperson's recommendation differs from that of the voting faculty, the case will go forward to the next higher level without prejudice, and that transmittal will not constitute an appeal. The chairperson will also send forward the copies of the primary dossier and the secondary dossier.

The dean will inform each candidate in writing of the department's recommendations, the chairperson's recommendation, the right to appeal, and the procedures for appeal. The dean will also notify the candidate that he/she may request meetings with the department chairperson and/or the chair of the departmental tenure and promotion committee, at the candidate's option, to discuss the decision.

**College Review of Nominees for Tenure or Promotion:**

The dean will give a copy of the primary dossier of each faculty member favorably recommended for promotion and/or tenure and of all appealed cases to each member of the college committee and will indicate the location of the secondary dossiers. These materials must be available to the committee for at least five working days prior to deliberation.

The committee will meet with the dean to receive information about the schedule of meetings and about administrative matters related to the cases to be reviewed. The dean may also request other meetings with the committee. Each college shall adopt procedures regarding the role of the dean in these other meetings. If the committee discovers that information is lacking in a dossier, it can ask the dean to acquire the information. Consistent with the department procedures, the dean must provide the candidate a copy of the material and allow the candidate to write a rebuttal. The college committee may, at its option, adopt a policy which prohibits a committee member from the same department as a candidate for tenure or promotion from speaking about the case during the committee's deliberations. If such a rule is adopted, it must apply to all cases before the committee. If additional information about the departmental committee's deliberations is desired, the committee may request explanatory information to be submitted in writing from the chair of the departmental committee. This statement will be added to the primary dossier, and the candidate will be provided an opportunity to place a rebuttal in the primary dossier.

The committee will then consider the cases before it, whether regular or appealed. Straw ballots may be taken, but these are neither binding nor recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning the case. At a meeting without the dean each case will be discussed and the committee will conduct its final vote. A positive recommendation by the committee will result when more than 50 percent of those casting ballots other than abstention vote to recommend tenure or promotion.

The committee must notify the dean in writing of its final ballot on each case. (Note: The college committee may meet with the dean as it sees fit but it must hold a discussion on each case and take its final vote in the absence of the dean.)

The results of the college deliberations and the dean's separate recommendations will be sent by the dean to the Provost and Vice President for Academic Affairs and Research. When the committee's discussion of a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. The dean will also provide a written evaluation to accompany his/her recommendation for each case. These statements will be included in the primary dossier. The candidate will be provided an opportunity to review these statements and to file a written rebuttal in the primary dossier. In cases where the college committee's recommendation differs from that of the dean, the case will go forward to the next higher level without prejudice and the transmittal will not constitute an appeal. A positive recommendation requires the affirmative vote of more than 50 percent of those voting. The dean will also send forward the primary dossier and the secondary dossier.

The dean will notify each candidate in writing of the college committee's recommendation, the dean's recommendation, the right to appeal, if any, and the procedures for appeal. The dean will also notify the candidate that he/she may request in writing meetings with the dean and/or the chairperson of the college committee, at the candidate's option, to discuss the recommendation.

**Nomination and Review of Academic Services Faculty:**

Faculty eligible for tenure or promotion review and not assigned to an academic college or department will be nominated and reviewed for tenure and promotion within their administrative units according to procedures consistent with those used in academic colleges.

**University Review of Nominees for Tenure or Promotion:**

The Provost and Vice President for Academic Affairs and Research will give a copy of the primary dossier of each faculty member favorably recommended for tenure or promotion and of each appealed case to each member of the University committee. In addition, the Provost and Vice President for Academic Affairs and Research will indicate the location of the secondary dossiers. The materials must be available to the committee for at least five working days prior to deliberations.

If the committee discovers that information is lacking in a primary dossier, it can ask the Provost and Vice President for Academic Affairs and Research to acquire the information, which will be placed in the primary dossier. Consistent with college procedures the Provost and Vice President for Academic Affairs and Research must provide the candidate a copy of the material and allow the candidate to write a rebuttal, which will also be placed in the primary dossier.

The committee will then consider the cases before it, whether regular or appealed. The committee may request a written response from the dean on matters of interpretation of evidence, the academic needs of the unit, or its current resources, but the committee will not invite the dean or other outside persons to meet with the committee. Consistent with college procedures, the candidate shall be provided a copy of any additional written material provided to the committee and shall be provided an opportunity to write a rebuttal. Both the statement and the rebuttal will

be placed in the primary dossier. Straw ballots may be taken, but these are neither binding nor recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning a case. At a meeting without either the Provost and Vice President for Academic Affairs and Research or the Dean of the Graduate School present, each case will be discussed and the committee will conduct its final vote. A positive recommendation will result when more than 50 percent of those casting ballots other than abstention vote to recommend tenure or promotion.

The committee must notify the Provost and Vice President for Academic Affairs and Research in writing of its final ballot on each case. Any person not recommended by the University committee may request meetings with the Provost and Vice President for Academic Affairs and Research and/or the chairperson of the University committee, at the candidate's option, to discuss the recommendations. The candidate may invite a faculty colleague to accompany him/her.

The results of University committee deliberations and the Provost and Vice President for Academic Affairs and Research's separate recommendations will be sent by the Provost and Vice President for Academic Affairs and Research to the President. When the committee's decision on a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. The Provost and Vice President for Academic Affairs and Research will also provide a written evaluation to accompany his/her recommendation for each case. These statements will be included in the primary dossier. The candidate will be provided an opportunity to review these statements and to file a written rebuttal in the primary dossier. In any case where the proposed vice presidential recommendation differs from that of the University committee, the Provost and Vice President for Academic Affairs and Research will meet with the committee to discuss the reasons for his/her position.

The President will notify the candidate, the candidate's dean, and the chairperson, in writing, of his/her decision by the calendar date. Any person not recommended by the President may request a meeting with the Provost and Vice President for Academic Affairs and Research and the President to discuss the recommendations. The candidate may invite a faculty colleague to accompany him/her, in either case.

**Use of External Evaluation:**

**The use of external reviews is required in all promotion and tenure reviews to demonstrate earned recognition in professional circles. External reviews are not part of the Professor Incentive Review process. ~~The use of external peer reviews is optional. In deciding whether or not to seek external peer reviews, candidates should assess how they can best make an effective case that they have met college and University criteria for tenure and/or promotion. For those candidates who elect to employ external review, a standard procedure should be followed.~~** The dean's office will assume responsibility for obtaining the reviews in accordance with the procedures described below. The same questions will be asked of all reviewers. In general, the dean may ask reviewers to comment on (1) the originality and creativity displayed in the candidate's research, scholarship, or creative work and (2) the significance of the work and its impact on the field. Reviewers will be specifically instructed not to remark on the promotability or tenurability of candidates. Candidates will receive a copy of

the reviews which identifies the reviewer. If they wish to do so, candidates may provide their written rebuttal to the external reviews in the **primary secondary** dossiers.

External reviewers should be distinguished scholars or a **recognized authority** in their fields capable of providing an unbiased professional assessment of the quality of the candidate's work.

The process for obtaining external reviews should be started at least two months before the campus review begins. The following process should be followed if external reviews are to be obtained:

1. The candidate will give the departmental chair the names and addresses of five potential **peer external** reviewers, six sets of reprints or copies of work that the candidate believes best represents his/her research, scholarship, or creative work, and six copies of a complete bibliography that clearly delineates the candidate's research, scholarship, or creative work. Any material that the candidate wishes to have returned should be so marked.
2. The department chair will forward to the dean information provided by the candidate along with five additional names and addresses of potential **peer external** reviewers. The department chair may wish to seek the counsel of the faculty in developing this list. For cause, the candidate may challenge to the dean the names selected by the department chair.
3. The dean will draw by lot three reviewers from each list of names supplied. Individual colleges shall develop their own policies regarding pursuit of non-responding or late evaluators; these policies shall be applied consistently whenever external review is sought. If fewer than three responses are obtained within a reasonable time, the dean may send additional requests for reviews to other persons named on the original lists, in rotating order from both lists.
4. The dean will send to each reviewer a letter requesting a professional opinion of the quality of the candidate's work following the guidelines stated above, along with the material supplied by the candidate.
5. Copies of the reviewers' comments will be returned to the department chair and the candidate immediately upon receipt by the dean. The department chair will add the reviews to the candidate's **primary secondary** dossier. The chair, in consultation with the candidate, will place in the **primary secondary** dossier a brief summary of the reviewers' academic credentials. Candidates are permitted to place in the **primary secondary** dossier comments on or rebuttals to the letters provided by reviewers.
6. Reviews can be added to the candidate's **primary secondary** dossier up until the time that the college committee begins its deliberations on the candidate.

#### **Appeal of Decisions Related to Tenure or Promotion:**

A candidate may make only one appeal during the entire review process. The appeal is made to the next higher level. No hearing is provided, and the appeal must be written. Some typical reasons for appeal are violation of academic freedom, failure to follow procedures concerning time periods or committee operations, inadequate consideration, discrimination, etc.

The committee to which the appeal is made will give full consideration without prejudice to the case in that the committee will review it in the same manner as favorably recommended cases and will apply similar standards.

**No Publication of Names:**

Names of faculty being considered for tenure or promotion will not be published. The right of privacy of such faculty members was affirmed by vote of the faculty on March 6, 1978.

**Confidentiality of Proceedings:**

All deliberations are confidential. However, confidentiality cannot be guaranteed if the case goes to litigation.

**Disposition of Dossiers:**

The Provost and Vice President for Academic Affairs and Research in each case will keep a copy of the primary dossier for three years and return to the candidate the remaining copies of the primary dossier and the secondary dossier.

**Precedence of University Procedures:**

If department and college tenure or promotion procedures differ from those of the University, University procedures take precedent.

**Student Members:**

Students will not cast a vote regarding the award of tenure or promotion to individual faculty members.

**Definition of Terms:**

Committee - The tenure review committee at the departmental level will consist of all tenured members of the department or a committee of tenured faculty chosen by those faculty members and reported in writing to the dean. In departments with fewer than three tenured members, the college faculty will develop appropriate procedures for the review subject to the approval of the college dean.

The review committee at the college level is the College Tenure and Promotion Committee. Members of this committee are all tenured, full-time faculty with the rank of assistant professor or higher. The total membership of the committee is an odd number, with a minimum of five members. The majority of the committee are elected by the faculty, according to a representational formula adopted by the college. Members are elected or appointed for either two- or three-year terms (depending upon the college policies), staggered to maintain continuity. If a replacement is required due to a resignation, the replacement is selected only for the duration of the unexpired term. The committee chairperson is elected by the committee. No person can serve on the committee in a year in which he or she is considered for promotion or for more than two consecutive terms.

The review committee at the University level is the Faculty Senate Tenure and Promotion Committee, whose general charge is established in the Faculty Senate rules. No person may

serve on the University-level review committee in a year in which he or she is considered for tenure or promotion.

Administrator - The administrator at the departmental level is the department chairperson. The dean is the administrator at the college level, and the Provost and Vice President for Academic Affairs and Research is the administrator at the University level.

Calendar - A Tenure and Promotion Calendar will be developed and publicized each year by the Provost and Vice President for Academic Affairs and Research or the Vice President's delegee.

Documents - The basic document consists of the 25-page statement prepared by the candidate in accordance with the standard format. The primary dossier consists of this basic document, a ~~standard~~ **the required cover sheet, copies of annual reviews (and rebuttals if files) for untenured faculty, the chair's nonevaluative role statement, statements of evaluation by the committee and administrator at each level of review and rebuttals (if any are filed)** a ~~role statement from the department chairperson, the annual reviews for untenured faculty, letters of external review, and items added during the review process. and such other statements as may be developed during the review process.~~ Candidates must be notified of any items added to the primary dossier and be provided an opportunity to submit a written rebuttal to such items, which will be included in the primary dossier. At each level of review, each committee member has a copy of the primary dossier. The secondary dossier consists of such additional materials as the candidate wishes to submit. Examples might include, but are not limited to, copies of publications or other evidence of scholarship, letters of external reviewers (if any were obtained), and copies of student evaluations or course materials, etc. Only one copy of the secondary dossier is maintained.

Mandatory Review Year - The next to the last year of the allowable probationary period is the mandatory review year.

Straw Ballot - A non-binding vote taken for the purpose of monitoring progress toward a final decision is a straw ballot.

Favorable Case - A favorable case occurs at any level of review if either the faculty committee or the administrator makes a positive recommendation concerning the case. Such cases automatically move forward for review at the next level.

Academic Services Faculty - Persons holding unclassified appointments carrying faculty rank who serve in units other than degree-granting colleges are academic services faculty.

Probationary Appointment - A probationary appointment is an appointment that may, on the basis of continuing satisfactory performance, lead to review for the award of tenure. However, probationary appointments carry no expectation or promise that review for the award of tenure will be undertaken or that tenure will be awarded. Probationary appointments are reviewed on an annual basis and may or may not be renewed. Probationary appointments may not be continued for more than seven years.

Temporary Appointments - A temporary appointment is for a fixed term. Such appointments carry no rights to the consideration for the award of tenure.

<sup>1</sup>By action of the college faculty and as incorporated in the college handbook, a group of departments may decide to act as a division rather than as a single department. Such a decision must be approved by the dean of the unit and by the Provost and Vice President for Academic Affairs and Research.

**Revision Date:**  
September 29, 1998  
April 16, 1999



## **Minutes Monday, September 22, 2008**

**MEMBERS PRESENT:** Bennett, Bolin, Craft, Dale, Decker, deSilva, Hager, Hemans, Henry, Hershfield, Horn, Jarnagin, Klunder, Koehn, Lewis-Moss, K. Miller, Ch. Moore-Jansen, P. Moore-Jansen, Myers, Myose, Pickard, Rokosz, Ross, Scherz, Schneegurt, Skinner, Smith-Campbell, Soles, Spurgeon, Wolf, Yeager, Yildirim

**MEMBERS ABSENT:** Bulp, Carruthers, Duncan, Gordon, Lezotte, Monroe, Ravi, Taher

**MEMBERS EXCUSED:** Baldrige, Brooks, Celestin, Rillema

**I. Call of the Meeting to Order-** President Spurgeon called the meeting to order at 3.33pm

### **II. Informal Statements and Proposals**

President Spurgeon made two announcements:

- He nominated Brien Bolin to be Secretary of the Faculty Senate. The nomination was seconded and approved unanimously.
- He announced that Julie Scherz will be the President's appointment to the Executive Committee.

**III. Approval of the Minutes -- Monday, 9/8/08 --** Accepted as presented

### **IV. President's Report:**

President Spurgeon reported that the FY2010 budget was approved by the Regents at its September meeting. He further provided an overview of the Unified Budget Timeline and the four components of the funding model with a Power Point presentation. The four components are:

- Keeping Up – This component is intended to keep pace with inflation using the Higher Education Price Index (HEPI).
- Catching Up – This component is intended to address the salary gap between Kansas and the national average. He noted that Kansas ranks 41st nationally in dollars spent per full time student equivalent.
- Stepping Up – This component is intended to address other specific state priorities.
- Building Up – This is for deferred and annual maintenance.

The budget approved by the Regents includes a proposal to fund a 4% increase for the “Keeping Up” component. The Regents’ proposal did not include the 1% “Catching Up” component for an additional increase in faculty salaries. The Council of University Presidents, through President Beggs, made a strong case for including that increase in the budget. After a discussion, the Regents voted to refer to the 1% increase in the narrative portion of the budget and through a footnote. President Spurgeon thanked the Regents and COPS for their support of increased faculty salaries and said that the faculty senate presidents want to be part of the discussion process for

strategic planning to close the gap. He said that the next meeting of the COFSP will focus on recruitment and retention issues. He said that he would like to hear from the senators about issues they see for faculty retention and recruitment.

## **V. Committee Reports:**

**A. Rules Committee -- Deborah Soles, chair,** presented the following nominations:

- Julie Bees, Fine Arts, Rules Committee
- Mark Schneegurt, LAS Math Natural Science, Rules Committee
- Leland Russell was nominated to fill the LAS Math/Natural Sciences Senate vacancy
- All were accepted by the Senate.

**Need to fill an Education Slot on the Planning and Budget committee:**

- This will be held over until next meeting.

**B. Academic Affairs Committee -- Frederick Hemans, chair -- Proposed B.S. in Health Sciences.**

Dr. Muma, Chair of Health Sciences answered questions regarding the Proposal. He noted that the language change requested at the 9/8/08 meeting had been made. He also noted that HP325 had been removed as per a request from the Philosophy Dept. Senate discussion focused on majors in this program finding employment. Dr Muma pointed to a place in Section D of the proposal where this is clarified. Other discussion asked for clarification of the practicum and where it would be housed. He suggested looking at the appendix to address the question of support in the community for the practicum. Other discussion focused on the conflict in the 7% versus 27% in discussion of Health Science and Health Services. He stated that revisions to this seeming conflict would be made. A final question was raised about the ethics course and who would cover the material if the course had been removed from the proposal. Dr. Muma and Senator Soles discussed how that would be handled. After a second to the proposal by the Academic Affairs Committee the senate approved the proposal unanimously. It will now go forward.

## **VI. Old Business:**

**A. Proposed revisions for the University Policy Prohibiting Sexual Harassment -- 3.06 / WSU Policies and Procedures.**

President Spurgeon provided a history of the sexual harassment policy and the need for policy revisions. He described the current wording in the definition section, which refers to verbal or physical conduct, as needing expansion to other types of behavior such as e-mail, texting, and other forms of communication. He noted the need for additional language and clarity in the reporting process and the addition of a reference to relevant sections in the student handbook. A suggestion was made by the senate to add the word "orally" to further clarify the types of behavior included.

There was discussion about the clarification of the procedures. Provost Miller indicated the new version of the policy clarifies to whom the incident should be reported. The senators discussed the need for documentation and building a paper trail. Senator Soles spoke from the perspective of the harassed and having to tell the story and ensuring safety for the individual who is being harassed. Provost Miller brought perspective by suggesting that the report should be made to someone with whom the person feels comfortable. Finally, it was noted that supervisors have the responsibility to provide a safe work place. President Spurgeon reminded the senate that this is a first reading of the policy and the proposed revisions are an attempt to make the policy clearer.

## **VII New Business:**

### **A. Proposed revisions to the Tenure and Promotion Policy, 4.18, WSU Policies & Procedures.**

President Spurgeon summarized the background of the proposal to make external reviews mandatory for the tenure process. The Tenure & Promotion Committee made a proposal at the last senate meeting in May 2008. The Executive Committee has proposed some additional changes that would be necessary to be consistent with the mandatory language, and to state that the external reviews would be placed in the Primary Dossier. Provost Miller said that these reviews should be standard and noted that they are very useful to the committee in their deliberations. Senate discussion turned to having a clause that would allow some to be exempt. Others wanted to know what happens if no letters are received. The discussion moved to the variances among the reviews received (negative to positive) and the credibility of those providing the reviews. Provost Miller stated, "Find a university not using these external reviews." Discussion turned to when the rule would go into effect. The mandatory use of external reviews would be in effect next year. President Spurgeon added a statement from Senator Baldrige (in absentia), chair of the 2007-08 T & P committee, suggesting an alternative approach, which would be to state that the tenure file is not complete unless there is external review included in the dossier. Discussion followed about whether to include a reference to "recognized authorities" to the phrase in the section entitled "Use of External Reviews." The proposed change would read – "*External reviewers should be distinguished scholars or recognized authorities in their fields capable of provided an unbiased professional assessment of the quality of the candidate's work.*" Another suggestion was made to substitute the phrase "external reviewers" for the phrase "peer reviewers." President Spurgeon noted that this is a first reading and the second reading will be at the next meeting of the senate.

Meeting Adjourned 4:55  
Brien Bolin, Secretary