IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
RACHEL TUDOR,	)	
	)	
Plaintiff-Intervenor	)	
v.	)	CASE NO. 5:15-cv-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA	)	
	)	
Defendants.	)	

UNITED STATES' RESPONSE TO DEFENDANTS' MOTION TO EXCLUDE
THE TESTIMONY OF DR. ROBERT PARKER

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Fed. R. Evid. 702 (emphasis added) 9, 10, 11

Plaintiff United States of America ("Plaintiff" or "United States") hereby opposes Defendant Southeastern Oklahoma State University's ("SEOSU") and Defendant Regional University System of Oklahoma's ("RUSO") (collectively, "Defendants") Motion to exclude the testimony of Dr. Robert Dale Parker ("Motion").[1] Defendants would have the Court believe that the tenure process is immune to scrutiny from those outside of it, and that the reasons decisionmakers give for their tenure decisions must never be questioned. But Dr. Parker's report and anticipated testimony fully satisfy the standards set forth by Federal Rule of Evidence 702 and cases interpreting that Rule, including those in this Circuit, and his testimony will greatly assist the jury in understanding the complex, highly specialized process involved in assessing an English professor's tenure and promotion application.

Indeed, the Defendants' own Affirmative Action Officer, Dr. Claire Stubblefield, has testified that it would be a "textbook perfect" approach to have a "qualified, objective, third party," with experience "reviewing portfolios" of tenure candidates, compare Dr. Tudor's portfolio to relevant comparators' portfolios to assist in determining whether Dr. Tudor was discriminated against. (Ex. 1 [Stubblefield Dep.] 178:11-82:3 and Ex. 2 [Dep. Ex. 111].) Dr. Stubblefield did not follow this "textbook perfect" approach when she investigated Dr. Tudor's internal complaint (Ex. 1 [Stubblefield Dep.]

[1] The scheduling order in this case, ECF No. 57, dictates that *Daubert* motions were due September 1, 2016. Defendants filed their motion to exclude Dr. Parker's testimony on August 11, 2016, and titled it a "Motion in Limine." Because it is actually a *Daubert* motion, the United States accordingly is responding within the time set under Local Rule 7.1(g), rather than the time set for responses to motions in limine in ECF No. 57, as suspended by the intervening stay in this case. *See* ECF No. 123; ECF No. 142.

180:8-182:8; Ex. C [Dep. Ex. 17]; Ex. 2 [Dep. Ex. 111]) but, by obtaining the expert opinion of Dr. Parker, the United States has. *See also* Ex. 4 [Snowden Dep.] 41:5-42:8 (explaining that submitting portfolios for external peer review is "really the proper way to do it."). For the reasons discussed below, the Court should deny Defendants' Motion.

I. Background

The process governing applications for promotion and tenure is set forth in Southeastern's "Procedure for Granting Promotion and Tenure." (Compl. (ECF No. 1) ¶ 19; Answer (ECF No. 21) ¶ 19; Ex. 3 [Dep. Ex. 7] at EEOC000332-333.) That process starts with the applicant submitting a written application to her Department Chair, along with a portfolio that contains documentation pertinent to an assessment of her qualifications. *Id.* Second, the applicant is reviewed by a Promotion and Tenure Review Committee ("P&T Review Committee") made up of tenured faculty in the applicant's Department. *Id.* Next, the application is reviewed sequentially by the Department Chair (in this case, Dr. John Mischo), the Dean of the applicant's school (here, Dr. Lucretia Scoufos), and the Vice President for Academic Affairs (here, Dr. Douglas McMillan), each of whom must consider whether to recommend the applicant to receive promotion and tenure and then forward his or her recommendation to the next reviewing official. *Id.* Following the Vice President for Academic Affairs' review, Southeastern's President decides whether to approve or deny the application for promotion and tenure and, if the President approves the application, he submits his recommendation to the RUSO Board of Regents for their approval. *Id.*

According to Southeastern's Academic Policies and Procedures, to attain

tenure a professor must have: (1) five years of service at Southeastern in a tenure-track appointment as an Assistant Professor, Associate Professor, or Professor; (2) demonstrated effective classroom teaching, research/scholarship, service, and, in appropriate instances, successful performance of non-teaching or administrative duties; (3) demonstrated ability to work cooperatively to strengthen the academic quality of the institution; and (4) noteworthy achievement in classroom teaching and on at least one other criterion: research/scholarship, service, or, in appropriate instances, performance of non-teaching or administrative duties. (Compl. ¶ 21; Answer ¶ 21; Ex. 3 [Dep. Ex. 7] at EEOC000332-333.)

In October 2009, Dr. Tudor submitted her application for tenure and promotion to the position of Associate Professor to the Chair of the English Department, Dr. John Mischo. (Compl. ¶ 28; Answer ¶ 28.) Both the P&T Review Committee assigned to review Dr. Tudor's application and portfolio as well as Dr. Mischo recommended that she receive promotion and tenure. (Compl. ¶ 29; Answer ¶ 29.) On or about November 29, 2009, Dr. Mischo notified Dean Scoufos that he and the P&T Review Committee recommended that Dr. Tudor receive a promotion to the tenured position of Associate Professor. (Compl. ¶ 30; Answer ¶ 30.) Dean Scoufos recommended that Dr. Tudor be denied promotion and tenure. (Compl. ¶¶ 31 & 32; Answer ¶¶ 31 & 32.) Dr. Mischo has testified that this was the only instance he was aware of in which a professor in the EHL Department was recommended for tenure by the department chair and then the dean disagreed with that recommendation. (Ex. 6 [Mischo Dep.] 110:25-111:12.)

When Dr. Tudor attempted to re-apply for tenure and promotion during the 2010-2011 School Year, Vice President of Academic Affairs Doug McMillan denied her that opportunity, explaining that deficiencies in Dr. Tudor's application from the prior academic year could not be corrected that quickly. (Compl. ¶ 52; Ex. 7 [Dep. Ex. 129].)

The United States has timely designated an expert on tenure and promotion in the field of English to testify in this case. Dr. Robert Dale Parker, who is a professor of English at the University of Illinois at Urbana-Champaign, has prepared a report on his opinion and will testify at trial. In requesting Dr. Parker's opinion, the United States identified the faculty members who applied for promotion and tenure from the English, Humanities and Languages Department at Southeastern in the years leading up to (and one year following) Dr. Tudor's 2009-2010 application. The United States then provided Dr. Parker with the comparator portfolios that Defendants submitted to the EEOC during its investigation, and Dr. Tudor's reconstructed portfolio for 2009-2010 for 2010-2011, as well as an additional comparator's portfolio that had not been a part of the EEOC investigation.

Dr. Parker was asked to examine the portfolios and Southeastern policies and, using those materials as a basis to determine the qualifications necessary for promotion and tenure at Southeastern, to provide an opinion about where Dr. Tudor stood among her colleagues who had been granted tenure and promotion. Dr. Parker reviewed the materials he was provided, and he used them to prepare a detailed analysis of each candidate's scholarship, service and teaching based on the materials he had, his experience in reviewing tenure and promotion portfolios in the field of English, and his

knowledge of the criteria used to evaluate scholarship, service and teaching among English faculty nationwide.

II. Argument

A. Legal standard

As the proponent of expert testimony, the United States bears the burden of demonstrating that Dr. Parker's proposed testimony is admissible under Federal Rule of Evidence 702. *See United States v. Nacchio*, 555 F.3d 1234, 1241 (10th Cir. 2009) (en banc). As this Court has explained, "[t]o be admissible under Rule 702, the witness must be qualified as an expert and the testimony must be both relevant and reliable." *Wells v. Allergan, Inc.*, No. 12-cv-973, 2013 WL 7208330, at *1 (W.D. Okla. Feb. 7, 2013); *see generally Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999); *Daubert v. Merrell Dow Pharma., Inc.*, 509 U.S. 579 (1993). Dr. Parker's proposed testimony meets all of these criteria. It is also important to note that at this stage, it is not the United States' burden to show that Dr. Parker's proposed testimony is not subject to criticism, as Defendants imply in their brief. Thus, while many of the concerns raised by Defendants are proper subjects for cross-examination, they do not provide bases for excluding Dr. Parker's testimony altogether.

B. Tenure decisions are neither exempt from Title VII, nor insulated from expert scrutiny.

The suggestion that tenure decisions are effectively unreviewable under Title VII permeates Defendants' motion. This suggestion is contrary to law, rests on a misconstruction of the purpose of Dr. Parker's testimony, relies primarily on case law

that does not involve evaluation of expert testimony under Rule 702, and misconstrues both the standard applicable to evaluation of an expert's qualifications and the factual record in this case. As one judge put it, "[t]he notion that tenure decisions must be accorded special deference was put to rest in 1972, when Congress, expressing concern about widespread discrimination against women in academia, removed academia's exemption from Title VII scrutiny." *Namenwirth v. Bd. of Regents of Univ. of Wisconsin Sys.*, 769 F.2d 1235, 1244 (7th Cir. 1985) (Swygert, J., dissenting) (citing Pub.L. No. 92-261 § 3 (codified at 42 U.S.C. § 2000e-1 (1982)); H.Rep. No. 238, 92d Cong., 2d Sess.).

The Tenth Circuit -- in an opinion relied on by Defendants in their brief -- has made clear that tenure decisions in an academic setting "are not exempt under Title VII." *Carlile v. S. Routt Sch. Dist. RE-3J*, 739 F.2d 1496, 1500 (10th Cir. 1984). While the Tenth Circuit has noted that "tenure decisions in an academic setting involve a combination of factors which tend to set them apart from employment decisions in general[,]" it clearly explained that "[p]laintiffs seeking to show discriminatory purposes in tenure or reappointment decisions ought to have available the means of challenging such decisions." *Id.*

Defendants make a cursory argument about Dr. Parker's qualifications but primarily rest their Motion on an oversimplification or misunderstanding of his proposed testimony. Specifically, Defendants argue that Dr. Parker seeks to testify that Dr. Tudor "merited," "deserved" or "should have been granted" tenure. Defs.' Br. (ECF No. 98) at 1-2. Defendants are wrong. Dr. Parker's proposed testimony cannot be reduced to professing a subjective belief that Dr. Tudor should have been granted tenure. Rather,

Dr. Parker's charge was "to address whether, in [his] carefully considered professional judgment, Dr. Tudor met Southeastern's standards for promotion and tenure, based on a comparison between her qualifications and the qualifications of her colleagues." Parker Report, Defs.' Br. Ex. 1 (ECF No. 98-1) at 1 (emphasis added). Dr. Parker's proposed testimony about these comparisons will assist the trier of fact in evaluating: (1) whether Dr. Tudor was qualified for tenure; (2) the veracity of Defendants' reasons for rejecting her application; and (3) the veracity of Defendants' reasons for refusing to permit Dr. Tudor to reapply for tenure. Therefore, Dr. Parker's testimony is not subject to the same criticisms as would be an expert who is testifying about the ultimate question in the case, which is whether Defendants discriminated and retaliated against Dr. Tudor, or one who is substituting his subjective judgment for the actual tenure and promotion committee who reviewed the decision about Dr. Tudor's application. As discussed further below, Dr. Parker's expert opinion regarding Dr. Tudor's comparative qualification for promotion and tenure is relevant, reliable evidence here.

Without direct citations, Defendants argue that courts have consistently rejected similar "tenure experts." (ECF No. 98 at 6; *see also id.* at 7, 11, 16). In fact, only one case cited by Defendants in the entirety of their brief directly confronted, analyzed and excluded expert testimony regarding a tenure candidate's qualifications. *See Goswami v. DePaul Univ.*, 8 F. Supp. 3d 1019 (N.D. Ill. 2014).[2] And the holding in *Goswami* is far

[2] Another case excluded deposition testimony from the plaintiff's former colleague, not an expert, since the testimony did not provide information relating to the motivations of the defendants. *See Gupta v. Bd. of Regents of Univ. of Wisc. Sys.*, 63 F. App'x 925 (7th Cir. 2003). Several cases in Defendants' brief actually permitted expert testimony on a

narrower than Defendants' suggest – the court evaluated only Rule 702's relevance criterion in an inapposite factual situation where a professor's department colleagues unanimously deemed her unqualified for tenure. *See id.* and *see* discussion *infra* at Section II.E.

Contrary to Defendants' blanket assertion about the propriety of expert testimony in a tenure denial case, a district court case recently admitted expert testimony regarding the tenure process and aspects of the candidates' qualifications. In *Siring v. Oregon State Bd. of Higher Ed. ex rel. Eastern Oregon Univ.*, the district court admitted expert testimony that "there were significant deficiencies in the tenure review process with respect to [the plaintiff] and that there was 'no scholarly reason for [the plaintiff]'s dismissal' that was apparent from the materials reviewed" by the expert. 927 F. Supp. 2d 1069, 1073 (D. Or. 2013).

Defendants apparently also believe that a tenure decision should be insulated from judicial review under Title VII because there is no professional field that studies tenure practices specifically. This argument is a red herring and has no bearing on Dr. Parker's qualification to serve as an expert in this case. Dr. Parker has years of experience in

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professor's qualifications for tenure, but deemed the evidence irrelevant or unpersuasive without engaging in any Rule 702 analysis. *See Babbar v. Ebadi*, 36 F. Supp. 2d 1269, 1279 (D. Kan. 1998); *aff'd*, 216 F.3d 1086 (10th Cir. 2000); *El-Ghori v. Grimes*, 23 F. Supp. 2d 1259, 1268-69 (D. Kan. 1998); *Goodship v. Univ. of Richmond*, 860 F. Supp. 1110, 1112 (E.D. Va. 1994). And while the Tenth Circuit did affirm the district court's ruling in *Babbar* on defendant's motion for summary judgment, it did not specifically speak to the district court's decision to exclude expert testimony; in any event, *Babbar* is distinguishable because Babbar's colleagues had not voted in favor of his application, as Dr. Tudor's voted in favor of hers.

evaluating tenure portfolios, and is a highly accomplished English professor at a major research university. *See* Dr. Parker Report (ECF No. 98-1) at 1-2. He is routinely called upon to advise on tenure and promotion decisions by many colleges and universities and by his own university, as his report makes clear. *Id.* at 2.[3] The fact that his career does not focus on tenure review as a standalone field of study in no way undermines his qualification as an expert witness in this case. Defendants also, in a highly conclusory manner, claim that Dr. Parker does not use a method "that has been generally accepted by the tenure-review community." ECF No. 98 at 13. Actually, Dr. Parker is providing exactly the type of information that Defendants' administrators have testified is the ideal of the academic (and thus, tenure-review) community: peer review by an expert outside the applicant's own institution. (Ex. 4 [Snowden Dep.] 41:5-42:8; Ex. 1 [Stubblefield Dep.] 178:11-82:3 and Ex. 2 [Dep. Ex. 111].) Dr. Parker's testimony is fully appropriate in this case.

C. Dr. Parker is qualified under FRE 702 because of his extensive <u>experience with tenure review of English faculty.</u>

Dr. Parker is qualified to review the academic qualifications of Dr. Tudor and her comparators based on his extensive experience reviewing tenure portfolios in the field of English. An expert may be qualified "by knowledge, skill, *experience*, training, or education to render an opinion." Fed. R. Evid. 702 (emphasis added). "The Tenth

[3] The United States will cite to the version of Dr. Parker's report filed by Defendants as an exhibit to their Motion, but the United States notes that yellow highlighting in that version did not appear in the original version the United States provided to Defendants.

Circuit and other courts have held that this standard should be construed and applied liberally." *Cook v. Rockwell Int'l Corp.*, 580 F. Supp. 2d 1071, 1084 (D. Colo. 2006).

In an attempt to minimize the effect of Dr. Parker's conclusions, Defendants completely dismiss Dr. Parker's extensive experience with academic tenure decisions in the field of English literature. To be clear, Dr. Parker has participated in deliberations for "over a hundred promotions" and has served on multiple appeals committees for promotions at the University of Illinois. Parker Report, Defs.' Br. Ex. 1 (ECF No. 98-1) at 1. In addition, Defendants suggest that Dr. Parker must be a specialist or consultant in the same narrow subfields as Dr. Tudor and her colleagues, e.g., early medieval women's writings, in order to offer a reliable opinion about the quality of their work. Defs.' Br. (ECF No. 98) at 8. They make this argument at the same time they contend that Southeastern administrators, who do not even share the same general discipline of English, are qualified to opine about the quality of work in entirely different fields.[4] But, having reviewed the records of dozens of faculty under consideration for promotion at universities nationwide, Dr. Parker is perfectly suited to review the accomplishments of Dr. Tudor and her colleagues. (*See* ECF No. 98-1 at 1-2; *see also* Ex. 5 [Dr. Parker's CV].)

[4] Dr. Scoufos has a bachelor's degree in education, a master's degree in human relations, and a Ph.D. in communications. (Ex. 10 [Scoufos Dep.] 16:2-16:8.) Dr. McMillan has a bachelor's degree in education and master's and doctoral degrees in counseling psychology. (Ex. 8 [McMillan Dep.] 19:20-20:23.) Dr. Minks, the former Southeastern President who held that office when Dr. Tudor applied for promotion and tenure in 2009, holds bachelor's and master's degrees in business administration and a doctorate of education and business teaching (Ex. 11 [Minks Dep.] 13:21-15:2.)

D. <u>Dr. Parker's methodology is sound and reliable.</u>

Under FRE 702, expert testimony must be based on sufficient facts or data, and it must be the product of reliable principles and methods. Fed. R. Evid. 702. Further, the expert must have reliably applied the principles and methods to the facts of the case. *Id.* Dr. Parker's expert opinion has "a reliable basis in the knowledge and experience of his [or her] discipline." *See Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579, 592 (1993); *see also Bitler v. A.O. Smith Corp.*, 400 F.3d 1227, 1233 (10th Cir. 2005). Recognizing that "there are many different kinds of experts, and many different kinds of expertise," the Supreme Court has stressed that the reliability determination is "flexible." *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 141, 150 (1999). According to the Tenth Circuit, "[r]egardless of the specific factors at issue, the purpose of the *Daubert* inquiry is always the same: '[t]o make certain that an expert whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field.'" *Hollander v. Sandoz Pharma. Corp.*, 289 F.3d 1193, 1206 (10th Cir. 2002) (second alteration in original) (citation omitted). Here, Dr. Parker's rigorous, thorough analysis of the information provided to him more than satisfies these criteria. *See* Section I, *supra*.

An expert's reliability can be rooted in his or her experience. The Advisory Committee's Notes to Federal Rules of Evidence 702 states that, "[n]othing in this amendment is intended to suggest that experience alone—or experience in conjunction with other knowledge, skill, training, or education—may not provide a sufficient

foundation for expert testimony." Fed. R. Evid. 702 advisory committee's notes (2000 amendments). Indeed, "[i]n certain fields, experience is the predominant, if not sole, basis for a great deal of reliable expert testimony." *Id.*

When an expert report is based on experience, the court's reliability inquiry is necessarily different than when an expert report is based on scientific proof or clear professional standards. "If the witness is relying solely or primarily on experience, then the witness must explain how that experience leads to the conclusion reached, why that experience is a sufficient basis for the opinion, and how that experience is reliably applied to the facts." Fed. R. Evid. 702 advisory committee's note (2000 amendments).

Defendants argue that a decision whether to grant tenure is wholly subjective and, therefore, any expert report concerning tenure is also necessarily and impermissibly subjective in nature. Not so. Anticipated trial testimony will establish that there were clear expectations about the number and type of publications a successful tenure candidate needed and what types of service to the University were considered sufficient, among other things. (*See, e.g.*, Ex. 10 [Scoufos Dep.] 72:22-73:3 (there are objective criteria to determine if a Southeastern faculty member's scholarship is excellent, and the objective criteria may vary department to department); Ex. 8 [McMillan Dep.] 80:23-81:17 (in determining whether scholarship was noteworthy, one could look at whether the scholarship was refereed; for grants, whether they were reviewed by a panel or board, and for a presentation or publication, whether it was local, regional, national or international)). Thus, there is no basis to conclude the Defendants' tenure process was entirely subjective.

1. Dr. Parker's testimony regarding a partially subjective decision is sufficiently objective and reliable.

Defendants overstate the impact of subjectivity in an expert's opinion, but it is far from fatal to a finding of reliability. When evaluating an expert in fingerprint analysis, the Tenth Circuit recognized that "[c]ritical steps in the process depend on the subjective judgment of the analyst." *United States v. Baines*, 573 F.3d 979, 991 (10th Cir. 2009). The Tenth Circuit "hasten[ed] to add that subjectivity does not, in itself, preclude a finding of reliability." *Id.* The Tenth Circuit looked instead to the record for "evidence of standards that guide and limit the analyst in exercise of these subjective judgments." *Id.*

While Dr. Parker's expert report necessarily includes subjective elements, his opinion is reliable due to the existence of standards that guide and limit his analysis. Specifically, he reviewed Dr. Tudor and her colleagues within clear categories established by Defendants' own written policies, with specifically enumerated evidence such that he can be cross-examined about his conclusions at trial. In addition, Dr. Parker "review[ed] the standards for judging scholarship before looking at the scholarly records of the individual candidates," and provided "five different markers of scholarly accomplishment." Parker Report, Defs.' Br. Ex. 1 (ECF No. 98-1) at 10. For the criterion of peer-reviewed publications, Dr. Parker presented and evaluated the characteristics of publications by which experts in the field would determine prestige. *Id.*

2. Dr. Parker considered all relevant information and analogous comparators.

Defendants also discount Dr. Parker's analysis by criticizing his decision to disregard scholarship that tenure candidates completed before their arrival at Southeastern. But witnesses, including the Dean and Department Chair that reviewed Dr. Tudor's promotion and tenure portfolio, will testify that at Southeastern, scholarship that preceded a candidate's arrival at Southeastern did not count towards promotion and tenure. (*See, e.g.*, Ex. 10 [Scoufos Dep.] 109:4-11 and Ex. 6 [Mischo Dep.] 82:10-83:6.) For that reason, there is no merit to Defendant's criticism.

The sample size Dr. Parker used was also completely appropriate given the facts of this case, contrary to Defendants' assertions. Dr. Parker examined the qualifications of all of Dr. Tudor's comparators: all of her fellow tenure and promotion applicants from the EHL Department two years before and one year after her own 2009-2010 application. (*See* Defs.' Resp. to United States' Interrog. 10.) Among the evidence amassed in this case are statements that the EHL Department employed department-specific criteria during at least some of the relevant time period here. (Ex. 9 [Prus Dep.] 57:2-58:21; Ex. 6 [Mischo Dep.] 75:13-76:10.) Thus, tenured EHL professors are the best sample available. If the United States had compared Dr. Tudor to, for example, a Chemistry or Theatre professor, surely Defendants would protest that the comparisons were inapt. Dr. Parker's examination of the EHL faculty members who received promotion and tenure in close temporal proximity to Dr. Tudor is entirely justified.

Defendants' criticism that Dr. Parker did not look at those who were denied tenure also falls flat. As Defendants well know, no other EHL professor, since at least the 2006-2007 school year, was recommended for tenure and promotion by the department and department chair only to be denied at subsequent levels of review. (Defs.' Response to United States' Interrog. 8.) Thus, Dr. Tudor was treated differently than every other comparator in her discipline. Even so, this criticism is something the factfinder may weigh in determining how persuasive they find Dr. Parker's opinion in light of the entire factual context of the case, and it is not a disqualifying fact under *Daubert* review.

E. <u>Dr. Parker's contemplated testimony is relevant.</u>

1. The anticipated testimony bears directly on the prima facie case.

Dr. Parker's report reveals that his testimony is demonstrably relevant. Relevant evidence "means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *Bitler v. A.O. Smith Corp.*, 400 F.3d 1227, 1234 (10th Cir. 2004) (citing FRE 401). When analyzing the "fit" of a proposed expert's testimony, this Circuit has directed district courts to "look at the logical relationship between the evidence proffered and the material issue that evidence is supposed to support to determine if it advances the purpose of aiding the trier of fact." *Id.*

As explained above, Dr. Parker's comparative analysis of the qualifications of Dr. Tudor and successful tenure and promotion candidates is a reliable method of demonstrating Dr. Tudor's objective qualifications. This, in turn, is relevant to the *prima facie* case. *See Namenwirth v. Bd. of Regents of Univ. of Wis. Sys.*, 769 F.2d 1235, 1240

(7th Cir. 1985). By the same rationale, Dr. Parker's testimony provides undeniably relevant evidence for Dr. Tudor's *prima facie* case of discrimination.

Beyond the *prima facie* case, Dr. Parker's expert opinion is also directly relevant to determining whether Defendants' stated reasons for denying Dr. Tudor tenure were a pretext for discrimination. Specifically, Dr. Parker's report provides evidence that the stated reasons for denying Dr. Tudor tenure -- that her research and service were not only deficient, but the "poorest" seen in twenty years (Ex. 7 [Dep. Ex. 129, Memo from VP McMillan]) -- were not true. Dr. Parker's opinion that Dr. Tudor was as qualified as or more qualified than the candidates who received tenure and promotion is particularly probative of pretext due to Defendants' hyperbolic assertions about Dr. Tudor's alleged lack of qualifications. Dr. McMillan's statement that Dr. Tudor's portfolio was the "poorest" he had seen in twenty years is exposed as baseless, which in turn casts doubt on the veracity of Dr. McMillan's other statements, his overall rationale for recommending against tenure and promotion, and whether he and other decisionmakers actually believed Dr. Tudor was not qualified. Indeed, if Dr. McMillan lied about Dr. Tudor's portfolio being the poorest, a jury could reasonably infer that he lied about other things as well. And that, by Defendants' own admission, is the focus of a pretext inquiry. Defs.' Br. (ECF No. 98) at 12.

In claiming that Dr. Parker's testimony is not relevant, Defendants rely heavily on one district court case from another circuit that barred expert testimony regarding a candidate's qualifications for promotion and tenure where -- unlike Dr. Tudor -- the candidate had been rejected at every level in the tenure review process. *See Goswami*, 8

F. Supp. 3d at 1035. Most notably, the *Goswami* court distinguished its case from situations in which the expert's testimony is directly relevant to pretext, as Dr. Parker's testimony is here. *Id.* at 1030. But the *Goswami* court's conclusions are also easily differentiated from the case at bar because the majority of the tenured department faculty voted against Goswami, which would make it far more likely that an expert's testimony about Goswami's qualifications could encourage a factfinder to substitute its judgment for those of the academic professionals who originally reviewed the portfolio.

That sets *Goswami* very much apart from the facts presented here, where the reasoned judgment of the experts in the relevant field (i.e., Dr. Tudor's tenured departmental colleagues and Chair) was that tenure should have been granted. And the *Goswami* court actually carefully distinguished its holding from circumstances in which "the issue relates to deviations from university procedures," when expert testimony regarding the tenure process may be relevant. *See id.* at 1035. This distinction comes into play here, where the Plaintiffs allege that many university procedures were violated during Dr. Tudor's tenure review. On these facts, Dr. Parker's testimony as an actual independent reviewer is crucial in understanding what the outcome would have been had the proper procedures been followed.

The instant case is also factually different from the types of cases Defendants rely upon in arguing that Dr. Parker should be excluded. Defendants cite *Blasdel v. Northwestern Univ.*, 687 F.3d 813, 815-17 (7th Cir. 2012), at length for the proposition that tenure decisions made by departmental colleagues may be influenced by "friendships and enmities, envy and rivalry," or "disagreements on what are the most promising areas

of research." Defs.' Br. at 13. *Blasdel* also lists "hypersensitivity to criticism," "office politics," and "professional jealousy" as bad, but not illegal, reasons to deny tenure. *Id.* (citing *Blasdel* at 815-17). But this long list of legal reasons to deny tenure only highlights the fact that none of these factors could have been at play in Dr. Tudor's case: Dr. Tudor was recommended for tenure and promotion by her own department's tenure committee as well as her department chair. It was administrators, distanced from the day-to-day problems of an academic department, relying (allegedly) only on Dr. Tudor's qualifications as set forth in her portfolio, who made the decision not to award her tenure and promotion. (Compl. (ECF No. 1) at ¶¶ 29, 31, 33 and 43; Answer of Defendant SEOSU (ECF No. 21) at ¶¶ 29, 31, 33 and 43.)

2. Dr. Parker's testimony will unquestionably assist the jury.

In the Tenth Circuit, the subject matter of expert testimony "must be closely related to a particular profession, business or science and not within the common knowledge of the average layman . . . . " *Graham by Graham v. Wyeth Labs., Div. of Am. Home Prod. Corp.*, 906 F.2d 1399, 1408 (10th Cir. 1990) (internal citations and quotation marks omitted). In an about-face from their position earlier in their Brief that Dr. Parker is unqualified to evaluate comparator portfolios because he does not, for example, specialize in early medieval women's writings, Defendants conclude by arguing that Dr. Parker's testimony will not assist the jury because a review of tenure portfolios is easily accomplished by anyone with a grade-school education. *Cf.* Defs.' Br. (ECF No. 98) at 13 with Defs.' Br. (ECF No. 98) at 14. Defendants cannot have it both ways. Nor do Defendants offer any support for their claim that Dr. Parker's testimony will unduly

prejudice the jury (indeed, Defendants do not even list a single fact to support that assertion).[5] In reality, testimony from an individual with expertise in both the discipline of English and the tenure process will offer tremendous assistance to the average juror, who will likely be unfamiliar with both the details of academic career paths and academic qualifications in the field.

Defendants themselves acknowledge that the process can involve reviewing "sometimes arcane" scholarship. Defs.' Br. (ECF No. 98) at 1 (parentheses omitted). In fact, Dr. Stubblefield, the University's Affirmative Action Officer, herself a tenured professor who is familiar with academic tenure standards and has been trained to investigate discrimination complaints – felt she was not adequately equipped to determine whether Dr. Tudor was treated differently than her peers in the English Department. (Ex. 1 [Stubblefield Dep. 178:11-82:3] and Ex. 2 [Dep. Ex. 111].) If Dr. Stubblefield was not up to this task, Defendants cannot reasonably contend that a jury could properly accomplish it on its own. Further, Defendants cannot credibly argue that expert testimony would not help the factfinder when it is what the University Affirmative Action Officer thought was needed. Certainly to the extent Defendants might challenge the quality of Dr. Tudor's scholarship, a jury would be assisted by an experienced academic whose credentials lie in the same area as Dr. Tudor and her EHL colleagues.

---

[5] Further, the fact that an expert's conclusions are helpful to the plaintiff and not to the defendant does not render the expert's testimony unfairly prejudicial. *See Siring v. Oregon State Bd. of Higher Ed.*, 927 F. Supp. 2d, 1069, 1080 (D. Or. 2013).

When it suits their argument, Defendants take a reductionist approach to Dr. Parker's report: they say he is simply counting publications or awards, and that his work is merely repeating objective facts. Defs.' Br. (ECF No. 98) at 8. But they admit later in their brief that "it is obvious that tenure decisions are not primarily made by stacking up the publications of candidates and seeing which one is taller." *Id.* at 12. Defendants cannot convincingly argue that a layperson can easily understand the types of work a professor must have done to earn tenure. An accomplished English professor who has analyzed dozens of portfolios from universities throughout the nation is well positioned to assist the factfinder by providing the types of analyses in Dr. Parker's report.

Courts have consistently recognized that opinions on qualifications in the unique setting of academia require specialized knowledge beyond lay opinions. In this case, the prestige of relevant journals, the evaluations of course descriptions, and the reception of various articles in the academic community is an assessment that Dr. Parker is uniquely qualified to make and with which the trier of fact needs assistance.

Similarly, the district court which recently admitted the testimony of a "tenure expert" had no difficulty finding that the testimony would assist the trier of fact. *See Siring v. Oregon State Bd. of Higher Educ. ex rel. Eastern Oregon Univ.*, 927 F. Supp. 2d 1069, 1076 (D. Or. 2013). The court explained that "[p]rofessorial tenure is a unique system, and the Court finds that as an expert in the field of tenure-track evaluation, review, and promotion, Dr. Stockard's opinion addresses issues beyond the common knowledge of the average layperson and will aid a jury in making its determination." *Id.*

Here, with respect to evaluating comparators' relative qualifications, Dr. Parker's experience enables him to provide insight about quality of scholarship on subjects with which the average layperson is not acquainted. Indeed, in his report, Dr. Parker has—as his background and experience make him eminently qualified to do—evaluated the substance of articles published, and compared the merits of journals where they were published. He has carefully assessed the syllabi prepared by each candidate, a task a jury lacks the specialized knowledge to perform. Nor will a jury be well-positioned to distinguish peer-reviewed journals from others, to weigh the quality of one manuscript against another, or to evaluate the contribution of one article as compared to another. Dr. Parker is qualified to do more than merely count publications or awards; for example, he can look at the teaching syllabi and provide useful commentary on their substance and arrangement and the extent to which that is reflective of overall teaching abilities. Parker Report, Defs.' Br. Ex. 1 (ECF No. 98-1) at 5-10. With respect to service, as a member of academia he is uniquely situated to explain the finer points of service activities. *Id.* at 24-26. Thus, Dr. Parker's ability to elucidate these topics for the jury cannot be given short shrift, as Defendants have attempted to do.

III. <u>Conclusion</u>

For the foregoing reasons, the Court should deny the Defendants' Motion and permit Dr. Parker's report to be used for all pre-trial purposes and during trial.

Date: August 14, 2017

GREGORY B. FRIEL
Deputy Assistant Attorney General
Civil Rights Division

DELORA L. KENNEBREW
Chief
Employment Litigation Section

MEREDITH L. BURRELL (MD, no number issued)
Deputy Chief
Employment Litigation Section

/s/ Shayna Bloom
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Attorneys for Plaintiff United States

CERTIFICATE OF SERVICE

I certify that I served this document on all counsel of record through the Court's electronic filing system on the date below.

Date: August 14, 2017 /s/ Shayna Bloom

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	
	)	
RACHEL TUDOR,	)	
	)	
Plaintiff Intervenor,	)	
	)	
-vs-	)	No. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA,	)	
	)	
Defendant(s).	)	

DEPOSITION OF CLAIRE STUBBLEFIELD, PhD

TAKEN ON BEHALF OF THE PLAINTIFF(S)

IN OKLAHOMA CITY, OKLAHOMA

ON MAY 17, 2016

REPORTED BY: LESLIE A. FOSTER, CSR

A P P E A R A N C E S

For the Plaintiff(s) United States of America:

Allan Townsend
Meredith Burrell
Attorneys at Law
US DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION-DC
950 Pennsylvania Avenue NW
RM 49258 PHB
Washington, DC 20530

For the Plaintiff Intervenor Rachel Tudor:

Ezra Young
Attorney at Law
LAW OFFICE OF JILLIAN T. WEISS, P.C.
P.O. Box 642
Tuxedo Park, New York 10987

For the Defendant(s) and the witness:

Jeb E. Joseph
Dixie L. Coffey
Attorneys at Law
OKLAHOMA ATTORNEY GENERAL'S OFFICE
LITIGATION DIVISION
313 Northeast 21st Street
Oklahoma City, Oklahoma 73105

Also Present:

Charles Babb
Rachel Tudor

Is that, Plaintiff's Exhibit 110, an amended complaint that you received from Dr. Tudor?

A Yes.

Q And -- strike that.

Showing you what I've marked as Plaintiff's Exhibit 111.

A Uh-huh.

(Plaintiff's Exhibit 111 has been marked for identification purposes and made a part of the record.)

Q (BY MR. TOWNSEND) Plaintiff's Exhibit 111 is an e-mail that's two pages Bates numbered EEOC 66 to EEOC 67. Is this an e-mail from Jana Legako to you dated January 9, 2011?

MR. JOSEPH: Object to the form.

Q (BY MR. TOWNSEND) I'll strike the question.

Does Plaintiff's Exhibit 111 contain an e-mail from Jana Legako to you dated January 9, 2011?

A Yes.

Q Do you recall receiving this e-mail?

A (Witness nodding head.)

Q Do you recall receiving the e-mail from Ms. Legako that's in Plaintiff's Exhibit 111?

A Yes.

Q The second paragraph from the bottom on page 1

of Plaintiff's Exhibit 111 begins "Quote, your request to have a qualified, unbiased, and objective third party review the portfolios of all tenure applications was, 'quote, textbook perfect, unquote.'"

Did I read that correctly?

A Yes.

Q Who was the qualified, unbiased, and objective third party that you had review the portfolios of all the tenure applicants?

A I don't recall without additional help.

Q Do you remember why you thought it was a good idea to have a qualified, unbiased, and objective third party review the portfolios --

MR. JOSEPH: Object to the form.

Q (BY MR. TOWNSEND) -- of all the tenure applicants?

A I don't recall.

Q Let's take a look at your investigation report --

A Okay.

Q -- see if that might refresh your memory.

That's Plaintiff's Exhibit 17. Is Plaintiff's Exhibit 17 your report?

A Yes.

Q And would you be able to tell by looking at

your report who the qualified, unbiased, and objective third party was that you had review the portfolios of all the tenure applicants?

A Possibly. Would you like me to take the time to read it?

Q Sure.

A Finished.

Q All right. After reviewing Plaintiff's Exhibit 17, do you know who on Plaintiff's Exhibit 111 Ms. Legako is referring to as the third party who reviewed tenure portfolios?

A No.

Q In the second to last paragraph of the first page of Plaintiff's Exhibit 111?

A No.

Q Ms. Legako said that your request to do that was, "Quote, textbook perfect." Do you have any difference of opinion with her on that?

A Of course not.

Q Why do you think it would have been a good idea to have a third party review the portfolios of tenure applicants?

A It needed to be someone who had those credentials -- or, I mean, had done extensive amounts of that.

Q Of what?
A Of reviewing portfolios.
Q Do you think it would matter whether that person reviewing them worked at Southeastern?
A Just a general question. Ask it one more time, please.
Q Sure. The third party who would be reviewing portfolios, do you think it would have been important that that person worked at Southeastern or not?
A I don't know.
Q In looking at Plaintiff's Exhibit 17, your report, I was trying to figure out who Ms. Legako might be referring to. And on page 4 of Plaintiff's Exhibit 17 --
A Just a minute.
Q -- the third full paragraph where it says "Dr. Randy Prus," do you see that?
A Yes.
Q I thought that might be who she was referring to. But do you not think so?
A Do I not think so?
MR. JOSEPH: Object to the form.
Q (BY MR. TOWNSEND) Well, let me state it a different way. Do you think Ms. Legako was referring to Dr. Prus when she made these statements in Plaintiff's

Exhibit 111 about having a third party review the portfolios?

A I don't know.

Q Do you remember asking Ms. Legako what she meant by having a third party review the portfolios in her e-mail?

A I don't recall. Six years ago, I don't know. Sorry.

Q I don't expect your memory to be perfect. I just have to ask the questions. I'm showing you what's been marked Plaintiff's Exhibit 112.

(Plaintiff's Exhibit 112 has been marked for identification purposes and made a part of the record.)

Q (BY MR. TOWNSEND) Is Plaintiff's Exhibit 112 a document that you prepared?

A Yes.

Q And why did you prepare it?

A It -- it helps me stay more organized.

Q Did you prepare this during the time that you were investigating Dr. Tudor's complaints?

A Yes.

Q On the second page of Plaintiff's Exhibit 112 in the entry 9/8/10 --

A Yes.

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 7, 2016

Leslie A. Foster, CRS
DODSON COURT REPORTER & LEGAL VIDEO
425 NW 7th St.
Oklahoma City, OK 73102

Re: *United States of America v. Southeastern Oklahoma State University and the Regional University System of Oklahoma*
Case No: 15-CV-324-C (Okla. Western District)

Dear Ms. Foster:

Enclosed please find the *Changes* and *Signature Pages* for Dr. Claire Stubblefield with regard to his deposition taken on May 17, 2016 in the above matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Lori Cornell

Lori Cornell
Paralegal to Dixie Coffey and Jeb Joseph
Assistant Attorneys General

/lcc
Enclosures

313 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246

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JUN 08 2016
DODSON COURT REPORTING 236

J U R A T

STATE OF Oklahoma)
) SS:
COUNTY OF Bryan)

I, CLAIRE STUBBLEFIELD, PhD, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true and correct transcription of my testimony so given at said time and place, except for the corrections noted.

Claire Stubblefield
CLAIRE STUBBLEFIELD, PhD

Subscribed and sworn to before me, a Notary Public in and for the State of Oklahoma by said witness, Diane E. Nelson on this, the 6th day of June, 2016

Diane E Nelson
NOTARY PUBLIC

My Commission Expires: Oct 5, 2017

My Commission Number: 01016801

DODSON COURT REPORTING & LEGAL VIDEO
425 NORTHWEST SEVENTH STREET
OKLAHOMA CITY, OKLAHOMA 73102
(405) 235-1828

CORRECTION SHEET

NAME: Claire Stubblefield, PhD

CASE: U.S. & TUDOR vs. SOSU

DATE: May 17, 2016

REPORTER: Leslie A. Foster, CSR

RECEIVED BY
JUN 08 2016
DODSON COURT REPORTING

PG/LN	CORRECTION	REASON FOR CORRECTION
36/14	premier organization	word change
38/ 7	acceptable conclusion	word addition
141/19	safe campus	insert
142/15	appellate	insert
155/ 8	standards	insert
195/18	illumination	word change
221/17	Dr. Tudor	insert
173/12	even	remove word
154/11	gained from	eliminated form

Claire Stubblefield

From: Legako, Jana K. <jlegako@rose.edu>
Sent: Sunday, January 09, 2011 1:48 AM
To: Claire Stubblefield
Subject: FW: Tudor-Discrimination Case
Attachments: Tudor(timeline).docx; TudorConfidential (2).docx; Discrimination complaint-Tudor.docx; Tudor129.docx

Claire,

Please accept my apology for the delay in getting to you my conclusions. [redacted] It has been a very hectic and stressful December and January.

The documents provided above have been reviewed. In addition, the policies and procedure relevant to this issue have been studied.

The policies and procedures support that a written statement of the action taken be submitted to the previous decision makers and faculty member by each decision maker (i.e. department chair, dean, vice president and president) after the Promotion and Tenure Review Committee's secret ballot. The policy is silent as to the content of the statement and one could reasonably assume a general statement such as "I do not concur with the decision of the Promotion and Tenure Review Committee and Department Chair" would suffice.

The policy only requires the President to state in detail the reasons he/she does not concur with the Promotion and Tenure Review Committee's decision. And, provide this written explanation to the Vice President for AA, the department chair, the Promotion and Tenure Review Committee, and the faculty member.

From our conversation, it is my understanding the Professor was provided this written notification by the President or his designee. In addition, since the Professor did request a hearing before the Faculty Appellate Committee, it is assumed the Professor received written notification from the Vice President for Academic Affairs. You may want to substantiate that the Dean and Department Chair forwarded their statements to the listed parties -- if they omitted this step in the policy, confirm that they omitted this step for all tenure applicants. This consistent omission will show that at this step in the process all were treated the same.

Normally with a race discrimination claim I run this query. In addition, with a little tweaking, this query will work with sex discrimination claims.

(1) Does the claimant belong to the racial minority; (2) She/he applied for tenure and was qualified for tenure; (3) Despite qualifications she was rejected; and, (4) Similar qualifications got tenure.

Your request to have a qualified, unbiased, and objective third party review the portfolios of all tenure applicants was "textbook perfect." The third party's comments as to how the Professor's portfolio lacked in the required areas as outlined in the President's letter should assist in showing how the Professor does not meet #2 and #4 of her prima facia case. Focus on the legitimate nondiscriminatory reason for the Professor's rejection listed in the President's letter and bolstered the reasons by the third party review of the portfolios.

In addition, being transgender is not a protected status. However, harassment due to a person's sexual orientation would be a violation of the sexual harassment policy. You may want to take into consideration drafting a paragraph that states, "The University takes all claims of alleged sexually harassing behaviors as serious. And, after a thorough investigations you found the Professor's description of the alleged comments regarding transgender individuals to be unsubstantiated. Therefore, the sexual harassment policy has not been violated."

PLAINTIFF'S EXHIBIT 111

Please remember that in most sexual harassment claims and race/sex discrimination claims the claimant may have additional internal processes to request if he/she does not agree with your findings. For example, at the College that I am employed, the claimant may request a hearing in front of a panel of her peers. I always include this right in the letter that is mailed to them of my findings.

Furthermore, you may want to address that retaliation from any of the parties involved will not be tolerated.

Please do not hesitate to call. It was a pleasure reviewing your documents and discussing this case with you.

Best regards,

Jana Legako, J.D., PHR

Office: (405) 733-7933
Fax: (405) 733-7443

NOTICE: The information contained in this transmission is or may be protected by the attorney-client privilege and is confidential. It is intended only for the use of the individual or entity identified above. If the reader of this message is not the intended recipient you are hereby notified that any dissemination or distribution of the accompanying communication is prohibited. No applicable privilege is waived by the party sending this communication. If you have received this communication in error, please notify us immediately by reply and delete the original message from your system. Thank you and we apologize for the inconvenience.

From: Claire Stubblefield [mailto:CStubblefield@se.edu]
Sent: Wednesday, December 15, 2010 11:25 AM
To: Legako, Jana K.
Subject: Tudor-Discrimination Case

Thank you so much for agreeing to lend a legal eye to a very interesting case. My mobile number is 580-504-0050. I will take the case and documentation home for the holiday. Please give me a call at your earliest convenience. Thanks again.

exhibitindexes.com 8/96
Plaintiff's Exhibit
7

4.0 FACULTY PERSONNEL POLICIES

Revised 08-1998

4.1 Employment

To indicate institutional compliance with the various laws and regulations that require a Nondiscrimination, Equal Opportunity and Affirmative Action Policy, the following statement is intended to reflect that Southeastern Oklahoma State University is, in all manner and respects, an Equal Opportunity Employer, and offers programs of Equal Educational Opportunity. This institution, in compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, handicap, or status as a veteran in any of its policies, practices or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services.

Southeastern Oklahoma State University makes every effort to ensure that each applicant who is offered a position at the University is selected on the basis of qualification, merit, and professional capability.

It is further the policy of the University to be in voluntary compliance with any and all statutes, regulations, and executive orders which deal with equal opportunity and discrimination, regardless of whether such statutes, regulations, or executive orders are of federal or of state origin.

The University subscribes to the principle of the dignity of all persons and of all their labors. In order to ensure complete equal opportunity, the University actively recruits applicants from all segments of the population of our state and nation.

It is the policy of all universities under the jurisdiction of the Regional University System of Oklahoma Board of Regents to provide equal employment opportunity on the basis of merit without discrimination of race, sex, ethnicity, religion, or national origin. This applies to every aspect of the employment, promotion, retention, and retirement of the total work force of the University.

The University's Personnel Office is responsible for coordinating and monitoring the employment process. Vacancies to be filled are reported to the Personnel Office by the appropriate supervisor. In the context of University policy, the screening committee determines the type of screening, interviewing, and selecting process to be used.

4.1.1 Appointment to Regular (Ranked) Faculty

The Regional University System of Oklahoma Board of Regents specifies the types and lengths of faculty appointments as follows:

4.1.1.1 Types of Appointments

The regular faculty holds one of five types of appointments: (a) Tenured; (b) Tenure Track (non–tenured, on tenure track); (c) Non–Tenure Track (non–tenure earning); (d) Temporary (one academic year or less); (e) Administrative.

a. Tenured.

A tenured appointment is reserved for those regular faculty members who have been granted tenure by the Board. Tenured faculty members are on continuous appointment and, therefore, are not notified of their appointment status for the following year unless their appointment is being terminated. The procedures for non–reappointment of tenured faculty are covered in the Policy Manual of the Regional University System of Oklahoma Board of Regents.

b. Tenure Track.

Tenure track appointments are for one (1) year, renewable annually at the option of the University. A person will be given written notification of non–reappointment by March 1, prior to the termination of the current contract.

c. Non–Tenure Track.

A non–tenure track appointment is one in which the faculty member is appointed to the regular faculty but is not eligible to receive tenure and is classified as on a non–tenure track. All faculty with the rank of instructor will hold non–tenure track appointments. Faculty with this type of appointment will be given written notification of non–reappointment by March 1, prior to the termination of the current contract. A faculty member on non–tenure appointment may be continued for a period of seven (7) years. Thereafter, the appointment must be approved by the Board of Regents on an annual basis.

d. Temporary.

A temporary appointment is one in which the faculty member is appointed to the regular faculty for a period of one year or less. Upon termination of the current contract, the position will be reopened and re–advertised.

e. Administrative.

A tenured faculty member appointed to an administrative position retains the tenure and rank that were previously granted when he/she was a regular faculty member. An administrator may not hold tenure by virtue of an appointment to an administrative position but may hold tenure as a member of the regular faculty.

4.1.1.2 Faculty Degree and Transcript Verification

Southeastern Oklahoma State University follows the recommended policies and procedures for verification of faculty credentials as set forth by The Higher Learning Commission (HLC): A Commission of the North Central Association of Colleges and Schools, and the Regional University System of Oklahoma Board of Regents and the Oklahoma State Regents for Higher Education.

The HLC policy has its roots in the General Institutional Requirements (GIR) that pertains to faculty. It states:

It employs faculty that has earned from accredited institutions the degrees appropriate to the level of instruction offered by the institution.

This General Institutional Requirement integrates with that part of Southeastern's Mission Statement that says:

Southeastern Oklahoma State University provides an environment of academic excellence that enables students to reach their highest potential.

In the Regional University System of Oklahoma Board of Regents Policy and Procedures Manual, Chapter 3 – Academic Affairs, page 3–5, the following guidelines are set forth:

3.2.2 Principal Academic Ranks of the University

The principal academic ranks of the University shall be Professor, Associate Professor, Assistant Professor, and Instructor. Educational qualifications for the rank of Professor and Associate Professor shall be an earned doctorate degree awarded by a regionally accredited or internationally recognized institution. For the rank of assistant professor it shall be an earned doctorate degree awarded by a regionally accredited or internationally recognized institution and/or individuals who have completed all requirements in a doctoral program except the dissertation from a regionally accredited or internationally recognized institution. An instructor must also have a degree from a regionally accredited or internationally recognized institution.

3.2.3 Education Requirements

The doctoral granting institution must meet the standards of the Carnegie Classification System. The earned degrees or graduate work should be in a field relevant to the individual's assignment.

Verification Procedures

In conjunction with the HLC's GIR, the Institution's mission, and the guidelines from the Regional University System of Oklahoma Board of Regents, Southeastern uses the following criteria to verify academic credentials of full–time faculty, and temporary full–time faculty.

1. All faculty must have on file an official transcript, or transcripts that provide documentation as to degrees earned from a *regionally accredited or internationally recognized institution.*
2. Official transcripts are provided to the Office of Academic Affairs in sealed envelopes from the granting institution(s).

3. Transcripts are opened by the Director of Student Learning and Research and verified as to its authenticity.
4. If there are any questions as to the validity of the transcript(s), the Vice President of Academic Affairs is involved at this point.
5. A visual search is undertaken using the Higher Education Directory, or if necessary, the appropriate accrediting agency is contacted for verification of accreditation.

4.1.1.3 Length of Appointments

Because of the budget balancing amendment of the Oklahoma Constitution, the Board cannot obligate funds in excess of the unencumbered balance of surplus cash on hand. Consequently, the Board may not obligate itself by binding contracts beyond a current fiscal year for salaries or compensation in any amount to its employees. The Board does, however, recognize the intent to reappoint tenured personnel to the faculties of the universities under its control within existing positions that are continued the next year when doing so is compatible with the annual budget for that year.

In most instances, the length of the regular faculty contracts are for a nine–month period with payment in 10 or 12 months. Some regular faculty contracts are for a twelve–month period.

4.1.1.4 Initial Appointments to the Regular Faculty

Appointments to the regular faculty are made by the Board. Consideration for appointment by the Board is made after recommendation by the President and a letter of invitation has been signed by the appointee designate. Following approval by the Board, a letter of appointment for the specified period will be issued.

4.1.2 Appointments to the Supplemental Faculty

At Southeastern, supplemental faculty consists of adjunct and volunteer faculty. An adjunct appointment to the supplemental faculty is made by the President. These appointments (except volunteer appointments) are limited to specific duties and a specific period of time. Supplemental faculty are not entitled to notification of non–reappointment.

4.1.3 Appointments to the Summer Teaching Faculty

An appointment to the summer faculty is limited to the specific summer for which the appointment is made. Summer faculty appointments from regular faculty are made by the President and reported to the Board quarterly.

4.1.4 Full– and Part–Time Appointments

Full–Time Appointments:

Full–time faculty have instructional and non–instructional duties as assigned by the University. Instructional duties include but are not limited to the teaching of assigned classes, evaluating the students in the classes, and meeting with those students who require assistance in their classes. Non–instructional duties include but are not limited to conducting research and other scholarly activity, advising students, serving on committees, sponsoring organizations, and participating in professional organizations. A full–time teaching load is twelve (12) hours per semester.

Part–Time Appointments:

Part–time faculty are generally employed only for the purpose of teaching classes. The assigned responsibilities are to provide instruction, evaluate students pertaining to that instruction, and to meet with those students who require assistance in their classes. The load of a part–time faculty member who does not have additional duties will be fifteen (15) hours per semester.

4.1.5 Hiring Procedures and Guidelines

The hiring procedure of the University for administrative, professional staff, and faculty is summarized as follows:

1. To initiate the process, a department chair/supervisor submits an employment request form, with current position description and job ad through appropriate channels.
2. Upon authorization, the Office for Academic Affairs initiates a search for applicants by the following means:
   a. Internal announcement of vacancy — notices are posted on institutional bulletin boards.
   b. External announcement of a vacancy — notices are published in area newspapers and appropriate specialized publications.
3. Applicants will be directed to submit information to the position screening committee c/o the dean.
4. A screening committee is appointed for each position. For faculty positions, the committee is appointed jointly by the dean and department chair; for other positions, by the appropriate vice president. It is recommended that a member from outside the school be appointed to the committee. All applications are screened based on job related qualifications as outlined in the position description. During the screening process the committee must record the reasons for not recommending unsuccessful applicants.
5. Finally, candidates are interviewed by members of the screening committee; members of related units/departments; the dean; the appropriate vice president, and, when possible, the president.
6. Following interviews, the screening committee will submit a recommendation for employment to the department chair/supervisor. The employment transaction form, complete transcripts, vita, and a statement of the department chair's recommendation, is attached and forwarded to the dean/supervisor for approval. Routing for the employment transaction form is designated on the form. The presidents or their designees are solely responsible for employment, discipline and termination of all faculty, administrators and staff and are required to report to the Board on the hiring, promotion, rank and salaries of faculty personnel, and as to matters pertaining to the operation of the institution.
7. It is the responsibility of the department chair/supervisor to notify the selected applicant as soon as the department chair/supervisor's copy of the recommendation form is returned. It is also the department chair/supervisor's responsibility to direct a new employee to the Human Resources

Office for payroll and benefit purposes. The salary card serves as the guide to salary for newly hired faculty (see Appendix B).

8. For each applicant not selected, the department chair/supervisor completes a de–selection form and forwards it, with the resume, to the Human Resources Office.
9. The Human Resources Office notifies each unsuccessful applicant.

Guidelines for the selection of screening committees, the screening procedure and appropriate forms are available from the academic dean. The President shall recommend employment of faculty to the Board of Regents before completion of the employment process.

Contact the Human Resources Office for a copy of the current hiring policy.

4.1.6 Nepotism

Source: Policy Manual of the Regional University System of Oklahoma Board of Regents (General Policies, 5.12)

Except as prohibited by the laws of the State of Oklahoma, relationship by consanguinity or by affinity shall not, in itself, be a bar to appointment, employment or advancement in universities governed by the Regional University System of Oklahoma Board of Regents nor (in the case of faculty members) to eligibility for tenure of persons so related.

But no two persons who are related by affinity or consanguinity within the third degree shall be given positions in which either one is directly responsible for making recommendations regarding appointment, employment, promotion, salary or tenure for the other; nor shall either of two persons so related who hold positions in the same internal budgetary unit be appointed to an executive or administrative position for said internal unit. Waivers may be granted by the President, but performance evaluations and recommendations for compensation and promotion will be made by one not related to the individual being evaluated. The Regional University System of Oklahoma Board of Regents shall be notified of any such waivers at its next meeting.

Relatives that are within the third degree of relationship to an employee by blood or marriage are as follows:

Spouse; parent; grandparent; great–grandparent; parent, grandparent or great–grandparent of spouse; uncle or aunt; uncle or aunt of spouse; brother or sister; son or daughter; son–in–law or daughter–in–law; grandson or granddaughter or their spouse; and great–grandson or granddaughter or their spouse.

4.2 Endowed Chair Policy

OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION POLICIES

House Bill No.1581 of the 1988 Oklahoma Legislature appropriated $15 million to the Oklahoma State Regents of Higher Education for the purpose of establishing an endowment program to support the establishment of faculty chairs and professorships, and to carry out other related activities to improve the quality of instruction and research at colleges and universities of The Oklahoma State System of Higher

Education. Examples of instruction related projects eligible to participate in the endowment program upon approval of the State Regents are visiting professorships, artist in residence, lectureships and other such support activities.

In 70 OS. Supp. 1989, Sections 3951,3952, and 3954, the Oklahoma Legislature provides the statutory framework for the endowment program that includes the fiduciary responsibility of the trustees and permissible investments for the endowment.

Purpose of the Oklahoma State Regents' Endowment Program

Endowed chairs and distinguished professorships should be established in academic areas which will contribute to the enhancement of the overall cultural, business, scientific, and/or economic development of Oklahoma. Endowed chairs and professorships must be established in areas for which the institution has ongoing, approved academic programs.

Regents' Endowment Trust Fund

The Endowment Trust Fund shall be administered by the State Regents in their role as trustees. The Endowment Fund shall be a permanent fund and shall be used for the purposes of establishing and maintaining endowed chairs and professorships at institutions in The Oklahoma State System of Higher Education. and for any other related activities approved by the State Regents to improve the quality of higher education instruction at State System institutions.

Upon authorization of the Stare Regents. an endowment hind will be established in the State Regents' Agency Special Account or in a custodian bank or trust company to receive monies appropriated by the Legislature. as well as any monies or assets contributed from any source. public or private.

No earnings of the trust fund shall be used for the administrative expenses of the office of the State Regents for Higher Education: expenses incurred by the State Regents in the administration of the trust fund and of the endowment program shall be paid from monies appropriated for the general operating budget of the coordinating board.

Establishment and Operation of Endowment Accounts

A. Principal. The principal held in the Regents' Endowment Fund shall be used for the establishment of and allocated to endowment accounts within the Regents' Endowment Fund for the benefit of public institutions of higher education within the State of Oklahoma.
B. Investment Return. The investment return on the principal of the Regents' Endowment Fund shall be allocated for the benefit of individual institutions for which the accounts are respectively designated and shall be remitted to such institution for the support of endowed chairs and professorships approved by the State Regents, together with other activities approved by the State Regents to improve the quality of instruction and/or research at State System institutions. The investment income approved by the State Regents for distribution to an institution shall be deposited in the institution's operating revolving fund (Fund 290).

Any investment income not designated for remittance to an institution shall become part of the principal of the Endowment Fund.

C. Account Levels. The levels indicated for each category are the amounts of private donations required to establish an account. The private donation will be matched dollar for dollar with public monies.

Endowed chair accounts may be established at the comprehensive universities with a minimum private donation of $500,000; at other institutions, the minimum required is $250,000. Thus, when fully funded with both private and public matching monies, chairs at comprehensive universities will be endowed with a minimum of $1,000,000 and chairs at other institutions will be endowed with a minimum of $500,000.

At the comprehensive universities, professorship accounts may be established with a minimum private donation of $250.000. At other institutions, professorships may be established with a minimum private donation of $125,000. Thus, when fully funded with both private and public matching monies, professorships at comprehensive universities will be endowed with a minimum of $500,000 and professorships at other institutions will be endowed with a minimum of $250,000.

Lectureships, artist in residence, and similar accounts may be established with a minimum private donation of $25,000 only at regional and special purpose universities and two year colleges. Thus, when fully funded with both private and public matching monies, said accounts will be endowed with a minimum of $50,000.

To be initially eligible for an endowment account within the Regents' Endowment Fund an institution must request an account and must have on deposit as provided in Section F of this policy and amount equal to at least one half (50%) of the requested account with a written commitment that the balance will be contributed within a thirty six (36) month period.

D. Time Limitations. The total matching requirements shall be equal to the amount of the requested endowment account in each instance and shall be deposited within a period of thirty six (36) months from the date of approval of the account by the State Regents. Provided, and institution may deposit in an endowment account matching funds in an amount which exceeds the required matching amount. Any endowment account for which the institution fails to provide the hill matching amount within the time established shall be available to be awarded to another public institution of higher education. No investment return shall be remitted to any institution from an endowment account before the institution has deposited the total required match for the endowment account as provided in Section F of this policy.

E. Private Sources of Matching Monies. Funds which an institution provides for matching purposes must originate from monies contributed to the institution after July 1, 1988, from private sources specifically designated by the donor to be used for purposes specified in this program. Monies provided for matching purposes may not be drawn from regularly allocated funds from the Oklahoma State Regents for Higher Education, proceeds of fees or charges authorized by the

State Regents of Higher Education, or from federal grants or reimbursements. In instances where the qualifications of all or a portion of the amount of matching monies are questionable, the institution shall request express approval of the State Regents to apply that amount toward the matching requirement. Monies for matching purposes may be contributed to and retained by a foundation for which the sole beneficiary is the respective institution. The foundation must demonstrate that the hinds are being held on behalf of the institution as outlined in Section F of this policy: provided. monies contributed by a foundation whose sole beneficiary is an institution may quality as private matching monies only if the monies are transferred from the foundation to the State Regents for deposit in the State Regents' Endowment Fund. Private matching monies contributed by the foundation may not be retained in that foundation, but must be deposited in the State Regents' Endowment Fund.

F. Deposit of Private Matching Monies. Any institution which provides matching monies shall deposit the matching funds to one of the following:
   1. The State Regents' Endowment Fund
   2. The institution's endowment matching hind
   3. A fund of a foundation whose sole beneficiary is that institution If such matching monies are not deposited in the Regents' Endowment Fund the net investment return on matching monies shall be retained in the fund.

G. Ownership of Private Matching Monies. Ownership of private matching monies transferred by an institution to the State Regents' Endowment Fund for investment shall remain with the institution. Upon request. the monies may be returned to the institution for deposit in Item F.2 above.

Report on Activities Supported by the State Regents' Endowment

Each participating institution shall submit an annual report to the State Regents in which the investments of the matching hinds earned interest income (including capital gains and losses) and the costs of managing the investments are presented in detail. The report shall also include a full accounting of the expenditures of earnings of both the public monies and the private matching monies. Diminution of the original private matching amount may, at the discretion of the State Regents, constitute a forfeiture of the Regents' Endowment Funds which the institutional monies were to match.

Application Procedures

All institutions in The Oklahoma State System of Higher Education are eligible to apply for an endowed chair, professorship, or other related projects under the Regents' Endowment Fund Program. State System institutions desiring to participate in the Regents' Endowment Fund Program shall make application to the State Regents upon meeting requirements for establishing an endowment account as set forth in this policy.

The application shall include certification of deposited private matching monies by the president of the institution, including the date of receipt, the repository, and the name of the donor (s). Names of donors will be held in confidence by the State Regents, upon request.

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY POLICIES

A. Donor's intent will be honored in accordance with applicable law, policies and procedures of the University.
B. Endowed chairs are intended to recognize the distinction of the chair holder. An individual selected to occupy an endowed chair may be a current member of the faculty or a new appointee.
C. Candidates nominated to fill endowed chairs may hold the same tenured status as previously held except in those instances where the endowment allows visiting appointments. The position held by the endowed chair should be one allocated to the relevant department through the regular budgetary process. The policy will not be used to replace tenured or tenure track faculty in good standing.
D. An endowed chair may be filled by one individual for an indefinite period or successively by a series of individuals appointed for prescribed periods, unless otherwise provided in the terms of the gift.

   The terms of the endowment also may support visiting chairs or designate that temporary chairs may be named pending completion of a search for a permanent chair.

E. Income from the endowment supporting the chair will be expended in conformance with University and Board policies at the request of the chair holder.
F. In addition to salary supplement, allowable uses of endowment income by the chair holder include, but are not limited to, the following:
   1. Summer research stipends.
   2. Research salary support. Research proposals involving release from teaching during the regular academic term require the approval of the department chair, the dean, and vice president of academic affairs.
   3. Research assistantships.
   4. Expenses of computation and data collection.
   5. Secretarial salaries and/or expenses.
   6. Travel expenses.
   7. Research equipment and expense of professional materials.
   8. Financial aid for graduate students working with the chair holder.
   9. Expenses of special seminars and conferences.
   10. Support for visiting professorships and lectureships in the fields of the chair holder, subject to regular appointment procedures.
   11. Donor intents.
G. Income available to the endowed chair in any given year will not exceed the amount available from the endowment. This does not exclude the chair from attaining monies through the normal budget process.
H. The endowed chair and the income from its endowment will be used for the designated area of study for as long as that area is part of SOSU's academic program. The terms of acceptance of a gift will state:

   "Should the designated area of study no longer be a part of SOSU's academic program. The income from the endowment will be used to support an endowed chair in an area related as closely as possible to the original."

The above policies are subject to the provisions of The Regents' Policy on Endowed Chairs.

PROCEDURES

University procedures concerning academic appointments, as well as all other relevant regulations and procedures (such as those governing purchasing and accounting) shall be observed. The procedures for the Endowed Chairs are listed below:

A. The President shall be contacted whenever there is a prospective donor to endow a chair.
B. All contacts and discussions with prospective donors shall be coordinated with the President's office.
C. Each recommendation to establish, name, fill an endowed chair must involve the appropriate Department Chair, Dean, the Vice President of Academic Affairs, and the President; the President (or designee) shall seek advice concerning the proposal from the Executive Committee of the Faculty Senate.
D. A search committee, normally with multi-department representation, will be appointed by the President after consultation with the appropriate Department Chair (s), Dean, Vice President of Academic Affairs, and Faculty Senate.

   The search committee shall recommend a slate of candidates to the President; the President, following consultation with the appropriate Department Chair, Dean, and Vice President of Academic Affairs, will make the final decision. No appointment of an endowed chair can be made prior to Regent's approval to establish an endowed chair.

   The search committee shall provide sufficient information about the candidates to allow the President to make a decision.

E. An endowed chair performance will be reviewed by the tenured members of the Department, Department Chair, appropriate Dean and Vice President of Academic Affairs. This review will be done every five years unless the tenured members of the Department and the Department Chair request that it be done sooner. The outcome of the review will be sent to the President with a recommendation for reappointment or removal from the chair.

ADMINISTRATIVE GUIDELINES FOR CAMPUS IMPLEMENTATION OF THE REGIONAL POLICY ON ENDOWED CHAIRS

The written procedures of each endowed chair shall be consistent with the policy of The Regents and with the following guidelines.

1. Minimum Corpus

   A minimum corpus shall be established and maintained, which may vary by academic field, but in no case shall be less than the minimum specified in the Regent's policy.

2. Appointment to the Chair

   An endowed chair may be filled by one individual for an indefinite period or successively by a series of individuals appointed for prescribed periods, unless otherwise provided in the terms of the gift. A person who is a tenured faculty member of the department to which the chair is

assigned may be appointed by the President on the advice of the Faculty Senate. If a person outside that unit is to be appointed, appointment policies and procedures shall be in accordance with University policies and regulations for regular tenured appointments or for visiting appointments, as appropriate. In carrying out the search for candidates, attention shall be paid to the campus' affirmative action goals, and candidates from outside the University should be considered as well as those from within the University.

3. Use of the Endowment Income

In addition to salary income made available to holders of endowed chairs may be used to support their teaching and research activities, in accordance with University regulations and according to a budget recommended annually by the chair holder to the department Chair and approved by the appropriate Dean and/or Vice President in the normal budgetary process.

4. Annual Reporting

Each chair holder shall annually submit a brief narrative to the Department Chair along with a budget request. These narratives should be retained by the Chair or Dean for use in preparing special reports on endowed chairs that may be needed from time to time.

4.3 Academic Freedom and Responsibility

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

The faculty member is entitled to freedom regarding research and in the publication of the results, subject to the adequate performance of instructional and non–instructional duties. Patent and copyright ownership will vest consistent with Regional University System of Oklahoma Board of Regents policy.

The faculty member is entitled to freedom in the classroom in discussing their subject, but s/he shall be objective in teaching of a controversial matter which has relation to that subject and of controversial topics introduced by students. The faculty member should not introduce controversial matters which have little or no relation to the subject of instruction.

University faculty members are individuals, members of a learned profession, and representatives of a University. When faculty members speak or write as individuals, they should be free from institutional censorship or discipline, but faculty position in the community imposes special obligations. As persons of learning and education representatives, the faculty members should remember that the public may judge the profession and the University by extramural utterances. Hence, each faculty member should mat all times, be accurate, should exercise appropriate restraint, should show respect for the opinions of others and should make every effort to indicate the faculty do not speak on behalf of the University.

Academic Freedom should be distinguished clearly from constitutional freedom, which citizens enjoy equally under the law. Academic Freedom is an additional assurance to those who teach and pursue

knowledge and, thus, pertains to rights of expression regarding teaching and research within specific areas of recognized professional competencies.

The concept of Academic Freedom must be accompanied by an equally–demanding concept of academic responsibility. The concern of the University and its members for Academic Freedom safeguards must extend equally to requiring responsible service, consistent with the objectives of the University.

Faculty member has responsibilities to their discipline and to the advancement of knowledge generally. Their primary obligation in this respect is to seek and to state the truth as they see it. To this end, they shall devote their energies to developing and improving their scholarly competence. They shall exercise critical self–discipline and judgment in using, extending, and transmitting knowledge and they shall practice intellectual honesty.

Faculty members have responsibilities to their students. They shall encourage in students the free pursuit of learning and independence of mind, while holding before them the highest scholarly and professional standards. Faculty members shall show respect for the student as an individual and adhere to their proper role as intellectual guides and counselors. They shall endeavor to define the objectives of their courses and to devote their teaching to the realization of those objectives. A proper academic climate can be maintained only when the faculty member meets their fundamental responsibilities regularly, such as preparing for and meeting their assignments, conferring with and advising students, evaluating fairly and participating in group deliberations which contribute to the growth and development of students and the University. All faculty members also have the responsibility to accept those reasonable duties assigned to them within their field of competency, whether curricular, co–curricular, or extracurricular. Faculty members make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects their true merit. They do not exploit students for private advantage and acknowledge significant assistance from them. They protect students' academic freedom.

Faculty members have responsibilities to their colleagues, deriving from common membership in a community of scholars. They shall respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, They should show due respect for the opinions of others. They shall acknowledge their academic debts and strive to be objective in the professional judgment of their colleagues. Faculty members accept a reasonable share of faculty responsibilities for the governance of the University.

Institutions of higher education are committed to open and rational discussion as a principal means for the clarification of issues and the solution of problems. In the solution of certain difficult problems, all members of the academic community must take note of their responsibility to society, to the institution, and to each other, and must recognize that at times the interests of each may vary and will have to be reconciled. The use of physical force, harassment of any kind, or other disruptive acts which interfere with ordinary institutional activities, with freedom of movement from place to place on the campus, or with freedom of all members of the academic community to pursue their rightful goals, are the antithesis of academic freedom and responsibility. So, also, are acts which, in effect, deny freedom to speak, to be heard, to study, to teach, to administer, and to pursue research. It is incumbent upon each member of the academic community to be acquainted with his/her individual responsibilities, as delineated by appropriate institutional statements found in the institution's policy manuals.

Faculty members have responsibilities to the educational institution in which they work. While maintaining their right to criticize and to seek revisions, they shall observe the stated regulations of the institution. Faculty members shall determine the amount and character of the work done they do outside their institution with due regard to the paramount responsibilities within it. When considering the interruption or termination of his or her service, the faculty member recognizes the effect of such a decision upon the program of the institution and gives due notice of the decision.

Faculty members have responsibilities to the community. As a person engaged in a profession that depends upon freedom for its health and integrity, the faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Administrators must protect, defend, and promote Academic Freedom.

4.4 Faculty Development and Evaluation Policies

4.4.1 Introduction

Teaching, research, and service are the triad of professional responsibilities at the University. While this is primarily a teaching University, it is a basic principle of higher education that scholarly research informs effective teaching. At the same time, the University faculty contributes richness to the culture of the community at large through their unique skills and talents. Evaluation of faculty performance considers these three areas and provides a critical process for continuous improvement of the University and faculty.

Both the importance and the imperfection of a faculty development and evaluation system are duly considered in the Southeastern Oklahoma State University scheme. It is designed within the following guidelines:

- The Faculty Development and Evaluation System is designed to improve faculty performance.
- The Faculty Development and Evaluation System will provide important information for promotion and tenure decisions.
- The System utilizes several sources of data, and these sources are clearly communicated.
- Evaluation procedures are individualized and flexible.
- Individualization considers the institution's nature, directions, and priorities, the administrative unit's needs, and the individual's interests.

An annual academic performance review (Faculty Development and Evaluation Summary) is submitted for each full–time faculty member. A formal evaluation is conducted for each non–tenured faculty member each year and for each tenured faculty member at least each third year.

4.4.2 Faculty Evaluation System

The Regional University System of Oklahoma Board of Regents has specified five basic categories upon which academic rank and promotion in rank are based: (1) education and experience, (2) effective classroom teaching, (3) research/scholarship, (4) contributions to the institution and profession, and (5) performance of non–teaching or administrative duties.

The Faculty Development and Evaluation System of Southeastern Oklahoma State University is designed to promote faculty development and to assess faculty performance on those prescribed criteria. Instrumentation of the system consists of four documents:

- Faculty Development and Evaluation Criteria (see Appendix D)
- Catalog of Faculty Development and Evaluation Criteria (Appendix E)
- Faculty Development Agreement (Appendix F)
- Faculty Development and Evaluation Summary (Appendix G - includes G1 and G2)

The document entitled "Faculty Development and Evaluation Criteria" lists criteria for evaluating faculty performance in the four categories. The document "Catalog of Faculty Development and Evaluation Criteria" presents exemplars for each criterion. The exemplars are not all–inclusive, but do provide examples and extend the definitions of the criteria.

The document "Faculty Development Agreement" is an agreement for areas of emphasis for the forthcoming year. It is not an implicit evaluation of criteria not listed, however. Refer to Point 1 in the section entitled "Procedural Principles and Guidelines."

"The Faculty Development and Evaluation Summary" provides for listing the education and experience of the faculty and then a rating of the faculty member's performance in the categories of (1) effective classroom teaching, (2) scholarship, (3) service to institution, profession, and public, and (4) performance of non–teaching/administrative duties/assignments. It also provides for a rating of overall performance. Provision is made for commentary and signatures on the back.

Category 4, performance of non–teaching/administrative duties/assignments, is interpreted to include those duties or assignments which result in a reduced teaching load such as serving as department chair, project director, coach, and band director.

4.4.2.1 Procedures

The "Catalog of Faculty Development and Evaluation Criteria" is utilized for establishing individual faculty development plans and for guiding individual faculty evaluations. Performance in each category is weighted by negotiation between the faculty member and the department chair within limits set by the institution and the administrative unit.

Institutional emphases define the weights of each category as follows:

- Category 1 (Teaching) +
- Category 4 (Non–Teaching)
- 50–70% of Overall Performance
- Category 2 (Scholarship)
- 15–25% of Overall Performance
- Category 3 (Service)
- 15–25% of Overall Performance

All faculty are rated on Categories 1, 2, and 3. All also are rated on all criteria in Category 1 and on negotiated criteria in Categories 2 and 3. Only those with duties or assignments which result in a

reduced teaching load are rated in Category 4. Weighting in Category 4 is calculated on an individual basis and combined with the weight of Category 1 so that the combined total is within the 50–70% range.

The rating on overall performance is a composite of the ratings in the categories.

Administrative units may also set limits for each category within the institutional parameters.

Completion of the "Faculty Development and Evaluation Summary" is based upon a conference of the department chair and the individual faculty member during which the relevant criteria for each category are rated. Not all criteria for each category apply to every faculty member. Relevancy of individual criteria is negotiated by the department chair and the individual faculty member.

Commentary is provided on the backside of the "Faculty Development and Evaluation Summary" instrument as indicated. The "Faculty Development and Evaluation Summary" is signed by both the department chair and the individual faculty member. The faculty member's signature denotes that the evaluation has been conducted according to approved procedures. It does not necessarily mean agreement with the ratings.

A completed "Faculty Development and Evaluation Summary" for each full–time faculty member is submitted by the department chair to the respective dean of the school for review.

The dean of the school reviews the evaluation, provides comments, and signs the instrument. The dean of the school keeps a copy in the dean's office and sends a copy to the department chair and a copy to the faculty member.

4.4.3 Procedural Principles and Guidelines

The Faculty Development and Evaluation System of Southeastern Oklahoma State University will be administered within the following procedural principles and guidelines.

1. Each faculty member will be evaluated on all Category 1 criteria and on criteria from other categories as determined in negotiation with the department chair. However, the development plan to be composed at the beginning of the development–evaluation cycle will specify only areas the faculty and chair identify for development. These areas may be ones from Category 1 in which the faculty needs improvement as well as special tasks in other categories. It is assumed that performance on required criteria not listed in the development plan will remain stable over the evaluation cycle. Cycle–end evaluation will address both the areas listed in the development plan and the other required criteria.
2. The department chair assumes that the faculty member is functioning at a level of "proficient" unless there is evidence to the contrary. For a rating lower than proficient, the chair has the responsibility of presenting evidence; and for a rating higher than proficient, the faculty member has the responsibility of presenting evidence.
3. Faculty development and evaluation criteria are generally stated in minimum terms. Ratings on criteria vary according to the fruitfulness of efforts.
4. The ratings on the evaluation scale are as follows:

Outstanding

Performance is among the best of colleagues in similar appointments in similar institutions in the respective field nationwide. On applicable criteria faculty member has recognition beyond the state.

Commendable

Performance is among the best of colleagues in similar appointments in similar institutions in the respective field statewide. On applicable criteria faculty member has statewide recognition.

Proficient

Performance is productive, effective, and consistent with the achievement of the emphases, objectives, and interests of the institution, the administrative unit, and/or the individual.

Needs Improvement

Performance is less than adequate for achieving the emphases, objectives, and interests of the institution, the administrative unit, and/or the individual.

Critical

Performance fails to contribute to the achievement of the emphases, objectives, and interests of the institution, the administrative unit, and/or the individual.

5. The "Faculty Development and Evaluation Summary" covers a year of performance except in certain instances; i.e., new faculty, faculty on leave, etc.
6. Only activities, contributions, and involvements directly related to the University or to the faculty member's educational field are considered in the evaluation.
7. While formal evaluations of tenured faculty are required at least each third year, formal evaluations may occur more frequently at the request of either the faculty member of the department chair. In years when a complete evaluation is not done, a continuation form will be submitted (Appendix G–Part II).

4.4.4 Faculty Development and Evaluation Process

The faculty development and evaluation process for the year includes the following three steps:

1. By September 15, the faculty revises and updates the previous year's "Faculty Development Plan" as outlined in the following section entitled "Faculty Evaluation Guide." It should list any activities completed the preceding year and not previously included in the "Faculty Development Plan". The faculty forwards the revised plan to the department chair.
2. By October 1, the faculty and the department chair meet for a year–end evaluation. The chair should send the completed "Faculty Evaluation Form," "Faculty Development Plan," and documentation (if applicable) to the dean of the school.

3. By November 1, the faculty and the chair complete the current year's "Faculty Development Plan."

4.4.5 Faculty Evaluation Guide

1. The following documents should be used: Faculty Development and Evaluation System (see department chair)

   Faculty Development Plan

   Faculty Evaluation Form (see department chair)

2. The evaluation for the preceding year should be made during September of the current year on the basis of the "Faculty Development Plan" completed in the fall of the preceding year and revised in August/September of the current year.
   a. Before the conference with the department chair, the faculty should conduct a year end self–evaluation and succinctly describe progress for each exemplar listed in the preceding year's "Professional Development Plan." A brief statement indicating whether the exemplar was fully accomplished, partially accomplished, or not addressed is appropriate.
   b. As the faculty formulates an overall self–rating in the area of teaching, s/he should analyze progress on several exemplars and accurately combine these to give an overall rating. Overall self–evaluation with only one exemplar is not acceptable. Citing marks from a student evaluation, for example, is not adequate evidence for a rating in the area of teaching. The results from the student evaluations represent only one dimension of teaching effectiveness. Multiple methods need to be used to formulate an overall self–rating. For example, results from peer–evaluations, student evaluations, ETC Major Field Achievement Tests, and other exemplars should be combined to support the rating for teaching effectiveness.
   c. In the areas of research/scholarship and service, again evidence from several exemplars needs to be combined to formulate the rating in each area.
   d. The faculty should write a summary paragraph that combines various activities to give an overall rating for performance. If the standard evaluation form is used, the faculty should mark it to show her/his self–evaluation.
3. Both the faculty member and the chair should have copies of each of the basic documents.
4. When the self–evaluation is complete, the chair and the faculty member should schedule a conference.
5. In the conference, the chair should review the faculty member's self–evaluation and make his/her own evaluation of the faculty member and mark it on the evaluation form. Documentation is required for ratings above or below proficient and should be attached to the evaluation forwarded to the dean.
6. By October 1, the chair should send a copy of the completed "Faculty Evaluation Form," the "Faculty Development Plan," and documentation (if any) to the dean of the school.
7. By October 31, the dean should write comments about the evaluation and return the copy to the chair.

4.4.6 Faculty Grievance Policy

The University recognizes the right of faculty to express their grievances and seek a resolution concerning work–related disagreements that might arise between University and its faculty. The purpose of the faculty grievance policy is to provide an avenue for the resolution of informal and formal grievances without fear of coercion, discrimination, or reprisal because of exercising rights under University policy.

a. Informal Grievances

Faculty members having complaints are encouraged to seek informal resolution. The University maintains an open–door–policy and administrators encourage faculty to communicate issues of concern to their department chair, academic dean, or administrative supervisor.

If the grievance cannot be resolved informally, the formal procedure is available. It provides for a prompt and impartial review of all factors involved in the grievance.

b. Formal Grievances

A formal grievance may be made when informal processes have not resolved a work–related issue and when a faculty member believes that he or she has been discriminated against on the basis of race, national origin, age, sex, disability or status as a veteran or that a violation of policy has occurred concerning working conditions, employment practices, individual rights, academic freedom, or due process (in matters not related to promotions and tenure). Complaints regarding promotions and tenure are addressed in the Faculty Personnel Policies section of this manual. Issues relating to salary increases, fringe benefits, and non–renewals of non–tenured track appointments are excluded from the formal grievance definition.

The Faculty Appellate Committee (FAC) is elected by the Faculty Senate and is a standing body that responds to grievances unresolved through administrative or informal procedures. The FAC on the Southeastern campus is described in detail in The Right of Appeal of Tenured Faculty, within the Tenure section of this manual.

PROCEDURES

Filing of Grievance:

Complaints unresolved administratively solely involving harassment based on race, ethnicity, sex, or discrimination because of race, national origin, sex, color, age, religion, disability or status as a veteran must be filed with the Affirmative Action Officer (AAO). (See University Policies, subsections Sexual Harassment and Racial and Ethnic Policy.) All other grievances must be filed with the Vice President of Academic Affairs or President's designee in the event that the Vice President is the grievant or respondent, who will then notify the Faculty Appellate Committee (FAC).

The grievance must be filed with the FAC Chair (through the Vice President of Academic Affairs' office or President's designee in the event that the Vice President is the grievant or respondent) or AAO as

soon as possible, but not more than one year from the date on which the faculty member knew or reasonably should have known of the violation giving rise to the grievance.

1. The grievant shall state fully in writing the facts upon which the complaint is based.

   A written complaint must contain the following:

   a. a. A clear and detailed, signed statement of the grievance,
   b. b. The specific remedial action or relief sought,
   c. A summary outlining with whom the points of dissatisfaction were discussed and with what results, and
   d. A summary of any evidence upon which the charges or complaints are based.
2. Where more than one type of complaint is present (i.e., sexual harassment and violation of due process), a copy of the harassment or discrimination complaint must be sent to the AAO for investigation. A grievance with multiple grounds is heard by one hearing committee. The FAC Chair and AAO will discuss and determine the appropriate appeals process under which such a grievance will be heard.
3. The Chair of the Faculty Appellate Committee immediately will notify the respondent(s) of the grievance. The respondent will have 15 calendar days from receipt of the complaint to respond in writing to the FAC Chair or AAO.

Confidentiality of Proceedings and Records:

Members of the FAC and other University officials are charged individually to preserve confidentiality to the extent appropriate with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

All records of grievance investigation will be held by the Vice President for Academic Affairs or President's designee in the event that the Vice President is the grievant or respondent as confidential records.

Selection of the Hearing Committee:

1. The FAC Chair will schedule a meeting within 5 classroom days to select three members to serve on the Hearing Committee.
2. Any Hearing Committee member who cannot provide a fair and impartial hearing or consideration shall not serve.

Formal Hearing Process: All hearings shall follow these procedures:

1. Within 30 calendar days after reviewing the respondent's written response, the Committee shall set a hearing date.
2. The Hearing Committee will evaluate all available evidence provided by the parties and base its recommendation upon the evidence in the record.
3. The hearing shall be closed.

4. Length of hearing sessions may be established in advance, and reasonable rest periods may be allowed for all participants throughout the duration of the hearing.
5. The Committee shall proceed by considering the statement of grounds for grievances already formulated and the response written before the time of the hearing. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter shall be received.
6. Only evidence relevant to the grievance may be introduced into the hearing. Questions of relevance shall be decided by the committee chair.
7. A confidential recording of the hearing will be made. The recording and transcription, if any, will be arranged by the Hearing Committee Chair. The tape or transcript will be accessible to the faculty members involved, to members of the committee, and to the Vice President for Academic Affairs (or President's designee in the event the Vice President is the grievant or the respondent). The AAO will keep the original recorded tape. The grievant or respondent may request a copy of the tape provided that he or she supplies a blank tape to the AAO.
8. Either faculty member may request that the Hearing Committee Chair provide a written transcript of the testimony. The cost to prepare the transcript shall be paid by the faculty member making the request.

Disposition of Charges:

The Hearing Committee normally will communicate its findings, conclusions, and recommendations in writing to the grievant and respondent and the Vice President for Academic Affairs (or President's designee in the event the Vice President is the grievant or the respondent) within 15 workdays of the conclusion of the hearing. If the Vice President for Academic Affairs (or President's designee) concurs in the recommendation of the Hearing Committee, that recommendation shall be put into effect. The Vice President for Academic Affairs (or President's designee) must report to the grievant, respondent, and the Hearing Committee his/her decision within 10 workdays of receipt of the Hearing Committee's recommendation.

If the Vice President for Academic Affairs (or President's designee) does not concur in the recommendation, he/she must meet with the committee to reach a final decision. The work of the Hearing Committee is finished when the Vice President for Academic Affairs (or President's designee) communicates this joint decision in writing to the grievant and respondent, the Hearing Committee, and necessary University officials.

Appeal:

Either faculty member has the right to appeal this determination. The appeal is made by a written request to the President of the University for review of the decision and must be made within 10 workdays of the date of the final decision. If no appeal is delivered to the President within the 10 workday period, the case is considered closed. The decision of the President shall be delivered to the appellant within 10 workdays and the President's decision shall be considered final and binding.

Disposition of Records:

At the conclusion of the hearing, and after the final report of the Hearing Committee is submitted (and appeal completed), the tapes, and all other relevant material will be maintained by the Office of Human Resources.

E

4.5 Rank and Promotion

4.5.1 Academic Rank

The academic community recognizes educational achievements, experience, and meritorious contributions to higher education by awarding academic rank to faculty who perform with distinction in these areas. Academic rank is granted by the Regional University System of Oklahoma Board of Regents to teaching faculty on the basis of Regents' and the institution's faculty personnel policies.

The academic ranks of the University are professor, associate professor, assistant professor, and instructor. The senior ranks of professor and associate professor are granted as a result of exemplary teaching, scholarship, leadership, and service achievements. Faculty holding the senior ranks provide academic and scholarly leadership to developing faculty and provide advice and counsel to the department chairs, deans, and administration. For these reasons, serious attention is given to the scholarly, intellectual, and ethical stature of individuals selected for the senior ranks. The ranks of assistant professor and instructor are for faculty in the developmental stages of their teaching careers.

4.5.2 Promotion in Rank

The Regional University System of Oklahoma Board of Regents have specified five basic categories upon which academic rank and promotion in rank are based:

1. Education and experience,
2. Effective classroom teaching,
3. Research/scholarship,
4. Contributions to the institution and profession, and
5. Performance of non–teaching or administrative duties.

Education and experience alone are not adequate for granting promotion in rank. The following general guidelines shall be applied in the appointment and promotion of faculty to rank.

4.5.2.1 General Guidelines (Rev. 9/03)

For academic ranks of Instructor an earned master's degree or sixty (60) graduate hours in a relevant teaching field awarded by a regionally accredited or internationally recognized institution.

Assistant Professor one of the following (Option A, B, or C):

Option A.

An earned doctorate relevant to the teaching field awarded by a regionally accredited or internationally recognized institution.

Academic credentials which indicate the potential for effective classroom teaching, research/scholarship, contributions to the institution and profession, and, in appropriate instances, successful performance of non–teaching or administrative duties.

Option B.

Completed all requirements in a doctoral program relevant to the teaching field, with the exception of the dissertation. (NOTE: Faculty who wish to begin a doctoral program must have written approval of the program from the Department Chair, Dean, and Vice President for Academic Affairs, in order to qualify for promotion in rank or salary increases resulting from completion of the degree program.

Academic credentials which document effective classroom teaching and indicate the potential for research/scholarship, contributions to the institution and the profession, and, in appropriate instances, successful performance of non–teaching or administrative duties.

Option C.

Sixty (60) graduate hours relevant to the teaching field awarded by a regionally accredited or internationally recognized institution of higher education. (NOTE: Graduate hours taken while on the faculty at Southeastern must be approved in advance by the Department Chair, Dean, and Vice President for Academic Affairs in order to qualify for promotion in rank or salary increase.)

Four (4) years of successful higher education teaching experience in full–time appointment(s).

Academic credentials which document effective classroom teaching and indicate the potential for research/scholarship, contributions to the institution and the profession, and, in appropriate instances, successful performance of non–teaching or administrative duties.

Associate Professor.

- An earned doctorate relevant to the teaching field awarded by a regionally accredited or internationally recognized institution of higher education.
- Five (5) years of successful higher education teaching experience in full–time appointment(s).
- Five (5) years of experience at the assistant professor rank.
- Demonstrated effective classroom teaching, research/scholarship, contributions to the institution and profession, and, in appropriate instances, successful performance of non–teaching or administrative duties.
- Noteworthy achievement in classroom teaching, research/scholarship, and contributions to the institution and profession, or, in appropriate instances, performance of non–teaching or administrative duties.

Professor.

- An earned doctorate relevant to the teaching field awarded by a regionally accredited or internationally recognized institution of higher education.
- Ten (10) years of higher education teaching experience in full–time appointment(s).
- Five (5) years of experience at the associate professor rank.
- Demonstrated record of effective classroom teaching, extensive research/ scholarship, extensive contributions to the institution and profession, and, in appropriate instances, exemplary performance of non–teaching or administrative duties.
- Commendable or outstanding achievement on all of the categories: effective classroom teaching, research/scholarship, contributions to the institution and profession, and, in selected instances, performance of non–teaching or administrative duties.

4.5.2.2 Effective Classroom Teaching

Effective classroom teaching is demonstrated through mastery of a current knowledge base in subject matter taught at an appropriate student level. Such teaching stimulates achievement and practical personal applications by students. A continual review of current literature, research, and strategies for classroom application is necessary to effective teaching. An effective teacher evidences mastery in the classroom by thoroughly integrating skills and knowledge, sensitivity, and perception with the presentation of subject matter.

Effective classroom teaching is characterized by (1) subject matter mastery, (2) curriculum development, (3) course design, (4) delivery of instruction, (5) assessment of instruction, (6) availability to students, and (7) fulfillment of instructional administrative responsibilities.

Effectiveness will be documented by student evaluation of instruction; peer, department chair and/or dean evaluations; performance evaluation of program graduates by employers; and other applicable available information, including standardized assessment of majors.

4.5.2.3 Research/Scholarship

Scholarship is a state of mind that is demonstrated by the active involvement of a faculty member in the pursuit of new knowledge in his/her academic field or discipline. While the scope and nature of faculty scholarship will vary among departments, University faculty shall be involved in scholarly activities, individually or collaboratively, which advance the knowledge base and performance levels of their respective fields. Both the pursuit of new knowledge or techniques and the application of knowledge or techniques in creative ways are valued. Both the quality and the quantity of productivity are considered in assessing the contributions and performances.

Examples of research/scholarship are adaptations of knowledge to the learning environment, development of marketable instructional materials, creative artistic works evaluated by juries or panels, invitation for professional presentations or performances, articles in refereed or editor–evaluated publications, successful grantsmanship, selected unpublished research, books, monographs, inventions, patented or copyrighted products, etc.

4.5.2.4 Contributions to the Institution and Profession

Contributions occur when a faculty member applies his/her professional expertise beyond the classroom and research/scholarship responsibilities to advance the institution and profession. These contributions should be correlated with the educational needs of the student body and the objectives of the University.

Institutional contributions may consist of, but are not limited to academic advisement of students, sponsorship of student organizations, membership on ad hoc and standing committees, consultation to other areas of the University, participation in institutional or program self–study activities, and special assignments or responsible participation in activities which advance the academic programs of the University.

Professional contributions include involvement in various professional organizations in a manner that accrues favorable notice to the individual and the University. Evidence of such contributions may consist of, but are not limited to, memberships in professional organizations appropriate to a faculty

member's teaching field or area of responsibility, attendance at meetings, holding of offices, and serving on committees at local, state, regional, and national levels of said professional organizations.

4.5.2.5 Performance of Non–Teaching or Administrative Duties

These duties include, but are not limited to student advisement; departmental management; public relations; classroom, studio, office or other physical facility management; personnel management; equipment and supplies management; fiscal management; and time management.

The performance of such duties is carried out in a timely manner with efficiency and dispatch in a spirit of cooperation and sensitivity to the needs of students, staff, peers, and supervisors. These duties are carried out in full awareness of both legal and personal responsibilities and limitations concomitant to a state–supported educational institution.

Documentation of performance of non–teaching or administrative duties might include formal and informal observations and evaluations from students, peers, supervisors, and the public.

4.5.3 Promotion Process (Rev.9/03)

It is the responsibility of the individual faculty member to initiate the request for a promotion in rank and to prepare the portfolio of materials. The department chair will advise the faculty member in preparation of this request. The following steps outline the procedures in the promotion process. A Portfolio Transmittal Form (see Forms) to certify the receipt dates and transmittal dates at each step of the promotion process must accompany the request and is available from the department chair. Failure to forward the portfolio and recommendation by the specified date will constitute de facto approval at that step.

It is the responsibility of the individual faculty member to monitor the flow of materials through the process. At any step in the process, the faculty member may withdraw a request for promotion in rank.

4.5.4 Concepts and Understandings Regarding Rank and Promotion Policies

1. The highest interests of the University will best be served through a spirit of cooperation and a sense of mutual confidence among the faculty, the chairs, the academic deans, the chief academic officers, and the president of the University. The procedure for recommending promotion in rank is designed to systematize as well as to encourage such cooperation and mutual confidence.
2. The determination of professional training and/or experience to meet the criteria for assignment of rank will be the responsibility of the appropriate academic officer (or officers) on campus. They will consult with peers or supervisors of those who are being considered for changes in rank.
3. No person presently employed shall suffer reduction in rank as a result of the operation of these policies.
4. Instructional personnel who are not subject to assignment of rank may be classified by titles such as special instructors, lecturers, graduate assistants, adjunct teachers, and part–time teachers.

5. An instructor, upon making official notification to the administration of the completion of a doctoral program, may receive immediate promotion to the rank of assistant professor with approval of the Regional University System of Oklahoma Board of Regents.
6. The application for promotion may be submitted during the year which completed the requirements for the rank as outlined in Section 4.5.2.1, with a successful application causing promotion effective the following academic year.
7. A faculty member must complete at least two years of employment at Southeastern before applying for promotion to the rank of Associate Professor or Professor.
8. Any exception to the policy on promotion in rank is the domain of the president of the University.

4.6 Tenure

Source: See Policy Manual of the Regional University System of Oklahoma Board of Regents (Academic Affairs, 3.3)

4.6.1 Academic Tenure

Tenure is a privilege and a distinctive honor. Tenure is defined as continuous reappointment which may be granted to a faculty member in a tenure–track position, subject to the terms and conditions of appointment. The tenure decision shall be based on a thorough evaluation of the candidate's total contribution to the mission of the University. While specific responsibilities of faculty members may vary because of special assignments or because of the particular mission of an academic unit, all evaluations for tenure shall address at a minimum whether each candidate has achieved excellence in (1) teaching, (2) research or creative achievement, (3) professional service, and (4) University service. Each University may formulate standards for this review and determine the appropriate weight to be accorded each criteria consistent with the mission of the academic unit.

Tenure is granted by the Regional University System of Oklahoma Board of Regents upon recommendation of the University president. Determination of merit and recommendation for granting tenure shall comport with the minimum criteria and policies and procedures contained in this chapter.

The terms and conditions of every appointment or reappointment shall be stated in writing and copies in the possession of both the institution and faculty member before the appointment is approved. Tenure shall be granted only by written notification after approval by the Board. Only full–time faculty members holding academic rank of assistant professor, associate professor, or professor may be granted tenure. Qualified professional librarians shall be considered faculty members if they are given academic rank.

Tenure does not apply to administrative positions, but a tenured faculty member appointed to an administrative position retains tenured status as a member of the faculty.

The Board intends to reappoint tenured personnel to the faculties of the institutions under its control within existing positions that are continued the next year. The Board reserves the right to terminate tenured faculty at the end of any fiscal year if the Legislature fails to allocate sufficient funds to meet obligations for salaries or compensation.

4.6.2 Periods of Appointment and Tenure

Faculty members holding academic rank above the level of instructor (assistant professor, associate professor, professor) may receive tenure at any time. Normally, faculty members shall be on probation for five (5) years after date of first being employed by the University in a tenure–track position. (Years of experience in a non–tenure–track position may be used for probation only if approved by the University). Seven (7) years shall be the maximum probationary period for the eligible faculty member to be granted tenure. If, at the end of seven (7) years any faculty member has not attained tenure, there will be no renewal of appointment for the faculty member unless a specific recommendation for waiver of policy from the President to the contrary is approved by the Regional University System of Oklahoma Board of Regents. This procedure applies every year thereafter.

For the purpose of determining probationary employment of faculty members for tenure consideration, sabbatical leave counts as a part of the period of probationary employment, but a leave of absence is not included as part of the probationary period.

4.6.3 Procedure for Granting Promotion and Tenure (replaces 4.5.3. Promotion Process) Rev. 9/03

The normal procedure for granting tenure is initiated by the faculty member during the fifth, sixth, or seventh year of service to the University in a tenure–track position. The normal procedure for granting promotion is initiated by the eligible faculty member. The following steps outline the normal process:

Step 1–

By October 15, the faculty member files a written request for promotion and/or tenure with the department chair. The request must be accompanied by a portfolio exhibiting documentation of effective teaching, research/scholarship, contributions to the institution and profession, and performance of non–teaching or administrative duties, if appropriate.

Step 2–

By November 15: A Promotion and Tenure Review Committee shall be formed. If there are at least five (5) tenured faculty members within the department, all serve as the Promotion and Tenure Review Committee. In Promotion cases, only tenured faculty at or above the rank sought shall serve on the committee. In the event that the number of faculty at the appropriate rank or tenured faculty members in the department is fewer than five (5), the tenured faculty within the department plus additional tenured faculty members appointed by the dean of the school and the chair of the department to form a group of at least five (5) tenured faculty members will serve as the Promotion and Tenure Review Committee. Since department chairs will independently review Promotion and Tenure Review Committee recommendations, and make an independent recommendation to the dean, they should not be members of Promotion and Tenure Review committees.

The chair/dean shall call a meeting of the Promotion and Tenure Review Committee to initiate discussion of the request. After each member of the Promotion and Tenure Review Committee critiques the portfolio and each performance criterion, the faculty member's performance shall be reviewed, discussed, and evaluated by the Promotion and Tenure Review Committee. This review shall be conducted in a manner that allows for input from non–tenured colleagues, students, alumni, and administrative information from the department chair. After completion of

the review, a poll by secret ballot of the Promotion and Tenure Review Committee will be taken to determine whether a recommendation for the granting of tenure will be made. A simple majority rule shall prevail. The Promotion and Tenure Review Committee shall then send the portfolio, the committee's vote, and their recommendation to grant or to deny to the department chair. All ballots are to be retained by the chair of the Promotion and Tenure Review Committee until a final decision is reached concerning the request. The ballots shall then be destroyed.

Step 3–

By December 1: The department chair shall review the Promotion and Tenure Review Committee's vote, critique the portfolio, evaluate each performance criterion, and decide whether to recommend the granting of tenure. The department chair will then forward a recommendation concerning the request and all documentation to the dean of the school. The chair will also provide in writing a statement of his/her action to the Promotion and Tenure Review Committee and faculty member.

Step 4–

By January 15: The dean of the school shall review the department chair's recommendation, the Promotion and Tenure Review Committee's vote, critique the portfolio, evaluate each performance criterion, and decide whether to recommend the granting of tenure. The dean will then forward a recommendation concerning the request and all documentation to the Vice President for Academic Affairs. The dean will also provide in writing a statement of his/her action to the department chair, Promotion and Tenure Review Committee, and faculty member.

Step 5–

By February 15: The Vice President for Academic Affairs shall review the dean's recommendation, the Promotion and Tenure Review Committee's vote, critique the portfolio, evaluate each performance criterion, and decide whether to recommend the granting of tenure. The Vice President for Academic Affairs will then forward a recommendation concerning the request and all documentation to the President. He will also provide in writing a statement of his/her action to the dean, department chair, Promotion and Tenure Review Committee, and faculty member. If the Vice President for Academic Affairs recommends that promotion or tenure be denied and the faculty member believes that the request has not been accorded "due process," s/he may request of the Faculty Appellate Committee a hearing pertaining solely to due process. Such an appeal must be filed by March 1. Pertinent testimony from all parties involved may be heard. If the Faculty Appellate Committee rules that due process was violated, the committee may then recommend that the procedure be renewed at the point where violation occurred. The Vice President for Academic Affairs shall be responsible for monitoring the subsequent procedures to assure that due process is accorded. The Faculty Appellate Committee must complete action on an appeal by March 20.

Step 6–

By May 1: Upon receiving a recommendation from the Vice President for Academic Affairs, the President decides either to approve or disapprove the request for tenure. If the President approves the request for tenure, s/he submits it to the Regional University System of Oklahoma Board of Regents, normally at the April meeting. The President then reports the Regents' action to the Vice President for Academic Affairs, the dean of the school, the department chair, and the faculty member.

If the President disapproves the request for tenure, s/he notifies the Vice President for Academic Affairs, the department chair, the Promotion and Tenure Review Committee, and the faculty member.

4.6.4 Concepts Regarding Tenure

The highest interests of the University will be served through a spirit of cooperation and a sense of mutual confidence among the faculty, the chairs, the academic deans, the Vice President for Academic Affairs, and the President of the University. The procedure for recommending tenure is designed to encourage such cooperation and confidence.

The Regional University System of Oklahoma Board of Regents recommends that not more than sixty–five percent (65%) of the full–time faculty at a University receive tenure. Once the sixty–five percent limit is reached, there will be no additions to the tenured faculty at Southeastern. However, the tenure process on campus will continue. Faculty members recommended for tenure will be placed in a priority–hold status by year pending tenure vacancies.

Under exceptional circumstances, a new faculty member may be recommended for tenure by a department chair, an academic dean, the Vice President for Academic Affairs, or the President without going through the normal process.

In the event that one of the deadlines in the tenure process falls on a weekend or holiday, the deadline becomes the next working day at the University.

After the process is completed, the following action should be taken:

a. The results of all balloting and recommendations from the dean, department chair, and Vice President for Academic Affairs will be placed in the personnel file of the candidate.
b. The portfolio and a copy of all recommendations will be returned to the candidate.
c. Other confidential, relevant records leading to tenure shall then be destroyed.

Once the tenure process has been initiated, it must be completed.

Any exception to the policy on tenure is the domain of the president of the University in conjunction with the Regional University System of Oklahoma Board of Regents.

4.6.5 Guidelines for Achieving Tenure

The following guidelines apply in decisions regarding the awarding of tenure:

Five (5) years of service at Southeastern Oklahoma State University in a tenure–track appointment as an assistant professor, associate professor, and/or professor.

Demonstrated effective classroom teaching, research/scholarship, contributions to the institution and profession, and, in appropriate instances, successful performance of non–teaching or administrative duties.

Demonstrated ability to work cooperatively to strengthen the academic quality of the institution.

Noteworthy achievement in classroom teaching and on at least one other criterion: research/scholarship, contributions to the institution and profession, or, in appropriate instances, performance of non–teaching or administrative duties.

4.6.6 Evaluation of Tenured Faculty

The academic and professional performance of each tenured faculty member may be reviewed annually and must be reviewed at least every third year.

The results of the review will be placed in the personnel record of the tenured faculty member. The tenured faculty member should be given a copy of the review and an opportunity to respond before it is placed in the personnel folder. An unsatisfactory review will require another review within one year. An unsatisfactory review at that time will be grounds for dismissal as listed under Sections 4.6.7 and 4.6.8 below.

4.6.7 Causes for Dismissal or Suspension of Tenured Faculty (rev. 02/05 by BOROC)

No tenured member of the faculty shall have his or her appointment terminated in violation of the principles of tenure adopted by the Regional University System of Oklahoma Board of Regents except for one or more causes which may include, but are not limited to, the following.

a. Committing a felony or other serious violation of law that is admitted or proved before a competent court, preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities, or violation of a court order which relates to the faculty member's proper performance of professional responsibilities.
b. Moral turpitude.
c. Insubordination.
d. Professional incompetence or dishonesty.
e. Substantial or repeated failure to fulfill professional duties or responsibilities or substantial or repeated failure to adhere to Board or University policies.
f. Personal behavior preventing the faculty member from satisfactory fulfillment of professional duties or responsibilities.
g. An act or acts which demonstrate unfitness to be a member of the faculty.
h. Falsification of academic credentials.
i. Two consecutive unsatisfactory post–tenure performance evaluations.
j. Bona fide lack of need for one's services in the University.
k. Bona fide necessity for financial retrenchment.

The President shall have the authority to suspend any faculty member formally accused of a, b, c, d, e, f, g, h, or I (listed above). The President shall immediately notify the Board of Regents of the terms and conditions of any such suspension. A faculty member should be suspended only if harm to the faculty or students is possible or disruption of proper conditions for teaching and learning are threatened by the faculty member's continuance. During the suspension period, compensation for the suspended person should be continued. If during the suspension period the faculty member is convicted of or admits to the commission of a felony or a crime involving moral turpitude or other serious violation of law referenced above, the institution shall not continue compensation.

4.6.8 Dismissal of Tenured Faculty for Program Discontinuance or Financial retrenchment

A faculty member with tenure whose position is terminated based on genuine financial retrenchment, bona fide discontinuance of a program, or a lack of need for one's services will be given five (5) months' written notice unless an emergency arises.

Before terminating an appointment because of discontinuance of a program or department, or because of other lack of need of services, the institution will make reasonable efforts to place affected members in other suitable positions.

If an appointment is terminated because of financial retrenchment or because of discontinuance of a program, the released faculty member's position will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment at the previous status.

4.6.9 Dismissal of Tenured Faculty Member for Cause

Dismissal proceedings shall begin with a conference between the faculty member and the appropriate dean/department chair. The conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the institution would be served by the faculty member's resignation. If so, the faculty member shall submit a resignation in writing, effective on a mutually agreed upon date. If this conference does not result in mutual agreement, the dean/department chair will submit a recommendation in writing with rationale to the faculty member and to the Vice President for Academic Affairs. Within fourteen (14) days, the Vice President for Academic Affairs should have a conference with the faculty member.

The conference with the Vice President for Academic Affairs may result in agreement that the dismissal proceedings should be dropped. On the other hand, the conference may result in mutual agreement that the best interest of the tenured faculty member and the institution would be served by the faculty member's resignation. If so, the faculty member shall submit a resignation in writing, effective on a mutually agreed upon date. If this conference does not result in mutual agreement, the Vice President for Academic Affairs will submit his/her decision in writing with rationale to the faculty member and forward his/her decision to the President. If the President concurs in the recommendations for dismissal, the President shall send a written statement to the faculty member within ten (10) school days of his/her receipt of the Vice President for Academic Affair's recommendation. Copies of this written statement should be sent to the Vice President for Academic Affairs, the appropriate dean, and department chair. When the President notifies a tenured faculty member of the intention to recommend dismissal for cause, the tenured faculty member must be informed in writing in detail of the specific charges against him/her and be informed of the procedural rights that will be accorded to him/her. Every reasonable effort must be made by the President to ensure that the communication of this action is received by such faculty members without delay. Such notification must be made by registered or certified mail with return receipt requested.

4.6.10 Suspension of a Tenured Faculty Member (rev. 2/05 by BOROC)

The President shall have the authority to suspend any faculty member formally accused of a, b, c, d, e, f, g, h, or I (listed above). The President shall immediately notify the Board of Regents of the terms and conditions of any such suspension. A faculty member should be suspended only if harm to the faculty or students is possible or disruption of proper conditions for teaching and learning are threatened by the faculty member's continuance. During the suspension period, compensation for the suspended person should be continued. If during the suspension period the faculty member is convicted of or admits to the commission of a felony or a crime involving moral turpitude or other serious violation of law referenced above, the institution shall not continue compensation.

4.6.11 Disciplinary Action Other Than Dismissal or Suspension

Disciplinary action affecting the terms of employment taken by the University against a tenured faculty member must be based upon causes stated in this chapter, or any other adequate cause which related directly and substantially to the fitness of the tenured faculty member to perform professional duties. Disciplinary action shall begin with a conference between the tenured faculty member and the appropriate department chair. If, as a result of the conference, the departments chair finds that disciplinary action is warranted, a written recommendation for action and rationale for the recommendation for action should be forwarded to the appropriate dean. If, after review, the dean decides not to proceed with further disciplinary action, both parties should be notified in writing. If the dean determines that additional action is warranted, then s/he should arrange a conference with the tenured faculty member. The dean may determine that no further action is necessary. If, however, the dean believes additional action is warranted, s/he shall notify in writing the faculty member and forward his/her recommendation for action to the Vice President for Academic Affairs within fourteen (14) days. The Vice President for Academic Affairs should arrange a conference with the faculty member. The Vice President for Academic Affairs may determine no additional action is necessary. However, the Vice President for Academic Affairs may determine a plan of disciplinary action, in which case s/he should notify the faculty member in writing and place a copy of the disciplinary action in the faculty member's personnel file.

4.6.12 The Right of Appeal of Tenured Faculty

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

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

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

If a faculty member receives notice of a pending dismissal and so desires, he may request and shall be accorded a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members. Failure to make a request in writing to the President within fourteen (14) days after receipt of notification shall constitute a waiver by such faculty member of his/her right to a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members.

At Southeastern, this committee has been designated to serve as the grievance committee in the promotion process (see Section 4.5.3, Step 4).

4.6.13 Appeal Procedures for Tenured Faculty

a. After a faculty member has requested a hearing before the Appellate Committee on Dismissal of Tenured Faculty Members, service of notice of hearing with specific charges in writing will be made at least twenty (20) days prior to the hearing. The faculty member may respond by waiving the hearing and filing a written brief or the matter may proceed to a hearing. If the faculty member waives a hearing, but denies the charge or asserts that the charges do not support a finding of adequate cause, the Appellate Committee on Dismissal of Tenured Faculty Members will evaluate all available evidence, including testimony and documentary evidence presented by the University, and make its recommendation upon the evidence in the record.
b. If the faculty member requests a hearing, the Appellate Committee on Dismissal of Tenured Faculty Members shall, with due diligence, and in keeping with the Administrative Procedures Act, considering the interests of both the University and the faculty member affected, hold a hearing and report its findings and recommendations to the President and to the involved faculty member.
c. At hearings before the Appellate Committee on Dismissal of Tenured Faculty Members, faculty members and the University shall be permitted academic advisors and/or counsel. A court reporter will be retained by the University to record the proceedings. Each party will pay the entire cost of his or her copy of the transcript. The committee will determine whether the hearing should be public or private.
d. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will attempt to secure the cooperation of such witnesses and will make available necessary documents and other evidence within its control. No employee of the institution, regardless of position, should be excluded or excused from appearing before the committee, if available.
e. The faculty member and the University will have the right to cross examine all witnesses present. Depositions are admissible whenever a witness cannot appear.
f. The committee may conclude: (a) that adequate cause for dismissal has been established by the evidence; (b) that adequate cause for dismissal has not been established by the evidence; or (c) that adequate cause for dismissal has been established, but an academic penalty less than dismissal, including removal of tenure, would be more appropriate. The committee may make any other recommendations it determines are appropriate. The committee's findings and recommendations shall be made to the President of the University. The committee shall send a copy of its findings and recommendations to the affected faculty member.

g. The President shall notify the affected faculty member of his recommendation to the Board of Regents. The faculty member shall have the right to request the Board of Regents to review adverse findings and recommendations of the President. The request must be in writing and filed within fifteen (15) days after final notification by the President at the office of the Regional University System of Oklahoma Board of Regents. If the affected faculty member does not timely request that the Board of Regents review the President's findings and recommendations, the President's determinations become final and binding.
h. In the event the faculty member submits a timely request to the Board of Regents to review adverse findings and recommendations of the President, the faculty member must indicate whether s/he desires a hearing of all of the evidence of the case; otherwise, the review will be a review of the record of the case. The Board of Regents has the discretion to determine whether the review will be a de novo hearing or a review of the record.
i. Public statements and publicity about the case by the University will be avoided until the proceedings, including consideration by the Regents, have been concluded.

4.6.14 Non–tenured Faculty

Non–tenured faculty shall be afforded the same rights of academic freedom as tenured faculty.

4.6.14.1 Annual Evaluation

Following institutional guidelines, the performance of non–tenured faculty members shall be evaluated annually by March 1 by the appropriate department chair and/or dean, and the results of the evaluation placed in the personnel record of the non–tenured faculty member. The non–tenured faculty member shall be given a copy of the evaluation.

4.6.14.2 Non–Reappointment

The Board of Regents delegates to the President or the President's designee the authority to reappoint or not to reappoint non–tenured faculty members. A non–tenured faculty member whose appointment is not renewed will be given written notice from the University by March 1, prior to termination of the current appointment. Failure to reappoint may be without specific causes. Reappointment or non–reappointment by the University is subject to ratification by the Board of Regents.

4.6.14.3 Termination for Cause or Suspension

The termination of employment for cause or suspension of a non–tenured faculty member within an existing contract period shall follow the same procedures and be limited to the same reasons as provided for tenured faculty members who are terminated for cause or suspended. A failure to reappoint may be without specific or stated cause.

4.6.15 Procedures for Amending These Regulations

The Regional University System of Oklahoma Board of Regents may amend these regulations at any time, or a requested amendment to these regulations may be initiated by the Appellate Committee on

Dismissal of Tenured Faculty Members or the administration of any of the institutions governed by the Board.

4.7 Faculty Load

University faculty have responsibilities in four areas: (1) instruction, (2) research/ scholarship, (3) service to the institution, profession, and public, and (4) various non–teaching or administrative duties. While instruction and research/scholarship are expected of all faculty, the scope and variety of service and non–teaching or administrative assignments will depend upon the needs of the departments, schools, and University at large.

Faculty load assignments will be monitored each semester by the department chair, reviewed by the dean of the school, and approved by the Vice President for Academic Affairs.

4.7.1 Teaching

Instructional assignments are based upon the expertise of the faculty member and needs of the academic department. They are made by the department chair in collaboration with the faculty member.

In the fall and spring semesters a full–time teaching load is twelve (12) semester hour units per semester.

In the summer term a full–time teaching load is eight (8) semester hour units per term.

4.7.2 Research/Scholarship

Individual faculty research and scholarly activities are defined by the professional interests of the faculty member. While the scope and nature of faculty scholarship will vary among departments, University faculty shall be involved in scholarly activities, individually or collaboratively, which advance the state of knowledge or performance levels of their respective fields. Both the pursuit of new knowledge or techniques and the application of knowledge in creative ways are valued.

4.7.3 Service to the Institution, Profession, and Public

4.7.3.1 Student Advisement

Academic advisement is a very important service responsibility for faculty. Advisors are expected to assist students with enrollment, to counsel them about career options, to provide them information about deadlines and checkpoints, and to monitor their progress through programs. The department chair selects faculty to serve as advisors. A recommended maximum advisement load is thirty (30) students.

4.7.3.2 Committees and Advisory Service

Institutional service activities include sponsorship of student organizations, membership on ad–hoc and standing committees, consultation to other areas of the University, and participation in activities which advance the academic programs of the University.

4.7.3.3 Professional Activities

Membership in selected professional organizations appropriate to a faculty member's assignment is a basic responsibility. Involvement in professional organizations at local, state, regional, and national levels consists of attendance of meetings, holding offices, and serving on committees.

4.7.3.4 Public

Service to the community at large occurs when a faculty member contributes professional expertise to the activities of governmental, public schools, or other public and service agencies. The contribution may be in, but is not limited to the following roles: consultant, program participant, member of a board or task force, or advisor.

4.7.4 Non–teaching or Administrative Duties

These assignments are based upon the needs of the department, school, and University. Such assignments will be developed cooperatively between the faculty member and department chair or appropriate administrative officer.

4.7.5 Revised Interim and Summer School Policies

Effective Spring, 2005

1. Summer Teaching Loads and Salary Formula. Regular faculty who teach one course (3 or 4 credit hours) will receive 1/9 of their base (9 month) salary. Faculty who teach two courses will receive 2/9 of their base salary. Two 3 or 4 cr. courses constitute a full summer load, and represent the maximum teaching load normally allowed. For example, a faculty member with a base salary of $45,000 would receive $45,000/9 = $5,000, for teaching one 3 or 4 cr. course, or $10,000 for teaching a full summer load of two 3 or 4 cr. courses). Because adjunct faculty do not have a base salary, they will continue to be paid at the prevailing adjunct rates for summer teaching.
2. Interim Classes. Courses taught during the May interim will be considered summer classes, and will count towards the summer teaching load. August interim classes will normally count as part of the fall teaching load. Exceptions to this must be justified, and approved by the department chair, dean and vice president for academic affairs. The January interim period will be utilized only for Continuing Education classes.

3. Exceptions to the Summer and Interim Policies.
   - Continuing Education classes. Continuing Education classes are contracted separately by the Office of Continuing Education, and are not counted as a part of regular teaching loads. Salary for Continuing Education classes is also contracted directly with the Office of Continuing Education.
   - Grant-funded salary. Summer salary that is paid by a grant is not counted as part of the summer load. Faculty who teach a full summer load (2/9 of base salary) may receive an additional 1/9 of base salary from grant funds. Faculty who do not teach in the summer are eligible to receive up to 3/9 of their base salary from grant funds. Summer salaries received from grant funds are also subject to the approval of the granting agency.
   - Emergency overloads. Emergency overloads must be justified and specifically approved by the department chair, dean, and vice president for academic affairs.

4.8 Department Chair Load

The department chair has the dual role of faculty member and chief administrator of the department. It is important that a proper balance be achieved between the chair's faculty assignment (teaching, research/scholarship, and service) and administrative duties (instructional program management, personnel management, department development, financial and facilities administration, and academic leadership).

4.8.1 Teaching

The teaching load for department chairs is defined by the scope of their duties which varies among the departments. Factors which must be considered in assigning the chair's teaching load include: (1) the number of students majoring in the programs offered by the department, (2) instructional functions of the department (size of service offerings relative to size of major programs), (3) size and nature of the departmental facilities (classrooms, laboratories, etc.), (4) inventory of instructional equipment and instrumentation, (5) size and nature of the instructional faculty (tenured relative to adjunct), (6) state and federal regulations that impact on the department and its operations, (7) ancillary activities associated with the department, (8) support staff available in the department, (9) number and size of externally supported programs initiated and managed within the department, (10) number of programs offered by the department, and (11) nature of programs offered by the department.

After careful review and documentation of the above factors, the teaching load of each chair will be negotiated on an individual basis. The department chair assignments will be reviewed each semester by the dean of the school and be approved by the Vice President for Academic Affairs.

4.8.2 Research/Scholarship

The individual chair's research and scholarly activities are defined by his/her professional interests. While the scope and nature of faculty scholarship will vary among departments, University chairs shall be involved in scholarly activities, individually or collaboratively, which advance the state of knowledge or performance levels of their respective fields. Both the pursuit of new knowledge or techniques and the application of knowledge in creative ways are valued.

4.8.3 Service to the Institution, Profession, and Public

4.8.3.1 Student Advisement

Academic advisement is a very important service responsibility for faculty and chairs. Advisors are expected to assist students with enrollment, to counsel them about career options, to provide them information about deadlines and checkpoints, and to monitor their progress through programs. The department chair coordinates advisement in the department and selects faculty as needed to serve as advisors. A recommended maximum advisement load is thirty (30) students.

4.8.3.2 Committees and Advisory Service

Some institutional service activities are sponsorship of student organizations, membership on the Academic Council and other ad–hoc or standing committees, consultation to other areas of the University, and participation in activities which advance the academic programs of the University.

4.8.3.3 Professional Activities

Membership in selected professional organizations appropriate to a chair's assignment is a basic responsibility. Involvement in professional organizations at local, state, regional, and national levels consists of attendance of meetings, holding offices, and serving on committees.

4.8.3.4 Public

Service to the community at large occurs when a department chair contributes professional expertise to the activities of governmental, public schools, or other public and service agencies. The contribution may be in, but is not limited to the following roles: consultant, program participant, member of a board or task force, or advisor.

4.8.4 Administrative Duties

The department chair is directly responsible to the dean of the respective school and has the charge of providing collegial leadership to the faculty of the academic department. This leadership is in five primary areas.

4.8.4.1 Instructional Program Management

Plans departmental course offerings to serve the department majors and to provide appropriate service to other clientele (general education, other majors, higher education centers, and continuing education).

Prepares the departmental course schedule each semester and each summer term; identifies and recommends qualified instructors.

Coordinates the preparation and revision of syllabi and instructional objectives of the course of study.

Provides appropriate coordination of student teachers, entry–year teachers, and/or interns.

Coordinates requests to the library and media center for the purchase of books, periodicals, and media materials that support the instructional and research/scholarship needs of the department.

Coordinates advisement of students in the department, including assigning advisors, distributing materials for the placement of graduates from the department programs, and assisting graduates in finding appropriate placement and in obtaining letters of recommendation.

Evaluates learning in the department through student evaluations of instruction, program review, and assessment of students.

Solves problems and resolves conflicts between students and instructors.

Solves problems related to closed classes during enrollment and manages enrollment in courses offered by the department.

Approves substitutes to cover classes when faculty have to be absent during emergencies.

Coordinates orders with the bookstore for textbooks and required student supplies.

4.8.4.2 Personnel Management

Coordinates the recruitment and selection of new faculty to maintain a balanced and diversified pool of instructional faculty.

Coordinates the annual faculty evaluation procedures for tenure and promotion and assists faculty in preparing the portfolio of materials requesting promotion.

Assigns faculty responsibilities in the areas of instruction, advisement, and department service (facilities and equipment management, recruitment, etc.)

Fosters faculty development by providing appropriate feedback and assistance in obtaining professional developmental activities.

Acts as a communication link between the faculty and administration.

Maintains good morale in the department through a positive outlook and positive relations among the members of the department.

Advocates appropriate rewards and recognition of faculty in the department.

Supervises and evaluates support staff.

Recruits and supervises student workers and processes time sheets.

4.8.4.3 Financial and Facilities Management Prepares and submits an annual department budget.

Manages and controls the department budget by allocating funds as needed, prepares requisitions, and verifies purchase receipts.

Supervises the use of department space and requests maintenance of space.

Supervises the equipment and instrumentation facilities of the department and maintains the equipment in working order.

Conducts an annual inventory of the equipment and instrumentation assigned to the department.

Coordinates resources used jointly with other departments.

4.8.4.4 Department and Program Development

Coordinates the establishment of faculty and departmental goals.

Coordinates department planning for developing quality instruction, research/scholarship, facilities, equipment, personnel, and general progress.

Develops and recommends curricula for majors and minors in disciplines represented in the department.

Fosters good teaching by providing feedback from instructional evaluations.

Recruits students by collaborating with High School Relations, by corresponding with prospective students, by hosting visiting students, and by preparing recruitment materials.

Coordinates regular program review and assessment activities in the department.

Supervises periodic follow–up studies of students.

4.8.4.5 Academic Leadership

Stimulates research/scholarship activities among the faculty.

Encourages requests for appropriate external funding for the department.

Establishes and monitors standards of achievement in the department.

Communicates departmental needs within the University.

Engages in positive public relations by communicating information that improves the department's image and reputation on campus, in southeastern Oklahoma, and at community colleges from which transfer students come.

4.9 Regulations Affecting Faculty and Chair Load

4.9.1 Calculation of Teaching Load

Lecture
- Undergraduate—1 Carnegie clock hour per week = 1 semester hour unit
- Graduate—1 Carnegie clock hour per week = 1.333 semester hour units

Laboratory
- 2 Carnegie clock hours per week = 1 semester hour unit

Applied Lessons
- 1.5 clock hours per week = 1 semester hour unit

Teacher Education Practicum
(Education 2000, 3000, 4000)
20 students = 1 semester hour unit

Special Assignments
- Negotiated with appropriate administrators.

Arranged Classes
- These will not contribute to semester load unless adequate enrollment is obtained to be counted as a regular class (normally, 15 for undergraduate, 12 for graduate).

The load status of classes listed as directed readings, research, independent studies or departmentally specific courses will be evaluated by the department chair and the dean. Such courses will be judged by the same enrollment considerations applied to other courses.

4.9.2 Office Hours (update

A full-time faculty member is required to schedule ten office hours per week and it is recommended at least one (1) office hour be scheduled each day Monday through Friday. In addition, a faculty member is expected to be available additional hours by appointment. Faculty members teaching online or blended classes may negotiate with the department chair to substitute up to five online office hours for five physical office hours.

4.9.3 Absences from Duty

Revised 07-01-2006

When a faculty member is to be absent from an assigned responsibility, he/she must file a Faculty Absence Notification Form (see Forms). In the case of sick leave, this form is filed with Department Chair only. In the case of personal leave or leave due to Professional/University business, the form is filed with both the Department Chair and the Dean.

4.9.4 Outside Employment

As a general rule, full–time faculty are not to be engaged in regular remuneration–producing activities (operating a private business or working as an employee for others) from 8 a.m. through 5 p.m. Monday through Friday. Exceptions must be approved by appropriate administrative personnel.

4.10 Selection and Retention of Department Chairs

The procedure for selecting chairs of academic departments takes into consideration the roles of the academic departments and the responsibilities of the chairs.

4.10.1 The Role of Academic Departments

Southeastern Oklahoma State University recognizes the importance of vigorous, independent academic departments for two reasons:

1. Departments provide an effective framework for instructing students, communicating with students, and making professional decisions about curriculum, class schedules, and teaching loads. An independent departmental structure provides stability for these functions even when changes in academic organization occur. Strong academic departments provide institutional integrity and accountability.
2. Since most faculty members think of themselves as instructors of a particular discipline, departments are their chief bases of group identity and loyalty.

4.10.2 The Qualifications and Role of Department Chairs

Ordinarily, the minimum educational requirement of a chair is an earned doctorate or a terminal degree in one of the disciplines represented in the academic department. In addition, leadership and management abilities are required.

A department chair is responsible to the dean of the school and is charged with providing leadership to the faculty of the academic department. This leadership is in five primary areas: (1) instructional program management, (2) personnel management, (3) financial and facilities administration, (4) department and program development, and (5) academic leadership. (See Section 4.8.4)

4.10.3 Departmental Chairs' Selection Process

Both departmental faculty and academic administration are involved in the process of selecting chairs. A department chair may be appointed from within the University and from the result of a search and interview process. The steps for appointment within the University are as follows:

1. The faculty and dean will develop a written description of the qualifications necessary for a chair of that department.
2. The dean will ask the faculty to submit nominations of candidates.
3. The dean will interview the nominees to ascertain their willingness to serve and their leadership philosophies.
4. The faculty will nominate a candidate for its chair by a process established as departmental policy. The decision will be reported in writing to the dean.
5. The dean will submit a recommendation for chair to the Vice President for Academic Affairs.
6. Within two weeks of receipt of the dean's recommendation, the Vice President for Academic Affairs will submit a recommendation to the President.

7. Within three weeks after receipt of the Vice President's recommendation, the President will notify the dean and the Vice President for Academic Affairs of his/her decision.
8. If the recommendation is not approved, the process will be repeated, beginning with Step 4.
9. Any situation not covered in this selection procedure will be handled cooperatively by the departmental faculty and the dean.

4.10.4 Evaluation of Chairs

1. Department chairs will be evaluated annually, and a comprehensive evaluation will be completed every fourth year. Results of each evaluation will be communicated to the chair orally and in writing by the dean.
2. The incumbent chair will declare his/her intention by September 1 of the fourth year to request consideration for reappointment. Departmental faculty, the dean, the Vice President for Academic Affairs, and the President will participate in this evaluation. The dean, the Vice President, and the President, with advice from faculty, will decide whether to retain or to replace the current chair. If the decision is to replace the chair, the departmental chairs' selection process will be initiated.
3. The criteria and instruments for evaluation of chairs will be approved by the faculty, chairs, deans, Vice President for Academic Affairs, and President.

4.10.5 Replacement of Chairs for Cause

If the dean, the Vice President for Academic Affairs, or the President believes that a chair should be removed at some time other than during the comprehensive evaluation year, the evaluation process may be initiated without delay. If the departmental faculty believe a chair should be replaced, a request containing the signatures of fifty percent of the full-time faculty may be submitted to the dean. After consultation with departmental faculty, the dean will determine whether or not the request is in the best interest of the department. If the dean disagrees, the decision and justification will be submitted in writing to the faculty, the Vice President for Academic Affairs, and the President. If the dean agrees, he/she will, with the written approval of the Vice President for Academic Affairs and the President, initiate the evaluation process immediately.

4.11 Personnel Files

This policy is intended to provide guidelines for access to employee records, while maintaining the security necessary to protect the privacy of University employees and the interests of the University. An employee has access to his/her permanent personnel file, which is maintained in the Human Resources Office. In addition, a faculty member has access to his/her personnel file relative to academic progress and qualifications, which is maintained in the Office of Academic Affairs. Access to all appropriate records shall be in accordance with the provision of this policy and the Oklahoma Open Records Act.

4.11.1 Contents

The Human Resources Office, as custodian of personnel files, shall determine information to be placed in the files. Only such information as is germane to the person's employment with the University shall be retained in these files. Examples of this type of information are:

a. Information pertaining to bona fide occupational qualifications.
b. Behavior and discipline matters.
c. Personnel actions, such as appointment and change of status.

Individuals may ask that material relevant to their employment be included in their personnel file by written request to the Human Resources Officer. An individual may not remove or add any records to his/her personnel file at the time of inspection.

Files related to academic progress and qualifications for faculty are maintained in the Office of Academic Affairs.

4.11.2 Open Records Act

The following personnel records shall be deemed confidential and may be withheld from public access:

Those that relate to internal personnel investigations including, without limitation, examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation.

Those where disclosure would constitute a clearly unwarranted invasion of personal privacy such as, but not limited to, employee evaluations, payroll deductions, and employment applications submitted by persons not hired by the University.

Those which are specifically required by law or University policy to be kept confidential.

All personnel records not specifically falling within the exceptions provided above shall be available for public inspection.

4.11.3 Correction of Records

An employee may dispute the accuracy of any material included in his/her personnel file. Such questions should be directed to the custodian of the file in writing. If the questions are not resolved by mutual agreement, the employee may initiate a complaint.

<u>Academic Policies and Procedures</u>

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,	)	
Plaintiff	)	
	)	
RACHEL TUDOR,	)	
Plaintiff-Intervenor	)	
	)	
VS.	)	CASE NO. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE	)	
UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
Defendants	)	

ORAL DEPOSITION OF
DR. JESSE SNOWDEN
MAY 3, 2016

ORAL DEPOSITION OF DR. JESSE SNOWDEN, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on May 3, 2016, from 8:27 a.m. to 4:10 p.m., before Tobi Moreland, CSR in and for the State of Texas, at the Office of the United States Attorney, 600 E. Taylor Street, Suite 2000, Sherman, Texas, pursuant to the Federal Rules of Civil Procedure and any stipulations made on the record.

A P P E A R A N C E S

FOR THE PLAINTIFF THE UNITED STATES OF AMERICA:

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CIVIL RIGHTS DIVISION
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By: Ms. Valerie Meyer, Attorney at Law

- And -

Mr. Allan K. Townsend,
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By: Mr. Jeb Joseph,
Assistant Attorney General

Q. And why was that?

A. Well, that's a very basic thing that a president does. A university is only as good as the quality within it.

Q. Before when we were discussing how you would determine whether a particular publication was one of quality with respect to the tenure review process, you mentioned that you would consult with people in the particular field; is that right?

A. Yes.

Q. Were you referring to people in the field within Southeastern?

A. Not always.

Q. Who else would you be referring to?

A. This was not at Southeastern, but it's common practice in universities -- and I was getting Southeastern towards this; it was a big jump -- to actually submit portfolios external to the university for peer review. That's something that we did at University of New Orleans, and we did it at University of Arkansas as well to get an unbiased view or people who were really working in that field who could critically review what the candidate had done.

We had not reached that level at Southeastern, but that's really the proper way to do it because within a

department, there are friendships and that sort of thing that get in the way of a critical review.

Q. Did you suggest to anybody while you were at Southeastern that tenure portfolios should be reviewed outside of Southeastern?

A. Yes, we discussed it.

Q. Who did you discuss it with?

A. Discussed it with the deans.

Q. Which deans do you remember discussing it with?

A. Dean Mangrum, Dean Gaster in the School of Business, and the dean -- had several education deans. But I discussed it with Dean Licata primarily.

Q. Could you spell Licata?

A. L-I-C-A-T-A.

Q. Did you make the suggestion while you were vice-president for academic affairs or interim president?

A. Vice-president for academic affairs.

Q. At the time that you were vice-president for academic affairs, what position did Douglas McMillan hold?

A. He was the associate vice-president for academic affairs.

Q. Did you discuss with Dr. McMillan -- strike that.

Does Douglas McMillan have a Ph.D., to your knowledge?

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EDUCATION

Yale University, Ph.D., English, 1980
Dissertation director: R.W.B. Lewis
Yale University, M.Phil., English, 1979
Yale University, M.A., English, 1978
Brown University, A.B., English and History, 1976

PUBLICATIONS

Books

How to Interpret Literature: Critical Theory for Literary and Cultural Studies. 3rd edition. New York: Oxford University Press, 2015.

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"The Archive." *Studies in American Indian Literature* 17.2 (Summer 2005), pp. 98-99.

"Red Slippers and Cottonmouth Moccasins: White Anxieties in Faulkner's Indian Stories." *The Faulkner Journal* 18.1-2 (Spring 2003), pp. 81-99. [Revised version of 2000 article listed below, the first article ever reprinted in *The Faulkner Journal.*]

"Perloff's Universe, or The Demagoguery of Naturalized Aesthetic Taste." *symploke* 9.1-2 (2002), pp. 181-82. Because of an editorial error the full text of this article did not appear in print, but it is available on *symploke*'s Project Muse web site at http://muse.jhu.edu/journals/symploke/v009/9.1parker_r.html.

"Red Slippers and Cottonmouth Moccasins: White Anxieties in Faulkner's Indian Stories." *Etudes Faulknériennes II, Centenaire: Naissances de Faulkner.* Rennes, France: Presses Universitaires de Rennes, 2000, pp. 71-82.

"'Where you want to go now': Recharting the Scene Shifts in the First Section of *The Sound and the Fury.*" *The Faulkner Journal* 14.2 (Spring 1999), pp. 3-20.

"Who Shot the Sheriff: Storytelling, Indian Identity, and the Marketplace of Masculinity in D'Arcy McNickle's *The Surrounded.*" *Modern Fiction Studies* 43.4 (Winter 1997), pp. 898-932.

"Text, Lines, and Videotape: The Ideology of Genre and the Transcription of Traditional Native American Oral Narrative as Poetry." *Arizona Quarterly: A Journal of American Literature, Culture, and Theory* 53 (1997): 141-69.

ARTICLES, continued

"*Sanctuary* and Bad Taste." *Etudes Faulknériennes I, Sanctuary.* Rennes, France: Presses Universitaires de Rennes, 1996, pp. 63-69. https://netfiles.uiuc.edu/rparker1/www/Sanctuary%20and%20Bad%20Taste,%20Parker.pdf

"Sex and Gender, Feminine and Masculine: Faulkner and the Polymorphous Exchange of Cultural Binaries." *Faulkner and Gender: Faulkner and Yoknapatawpha, 1994.* Ed. Ann J. Abadie and Donald M. Kartiganer. Jackson: University Press of Mississippi, 1996, pp. 73-96.

"The Other Coldfields: Gender, Commerce, and the Exchange of Bodies in *Absalom, Absalom!" Critical Essays on William Faulkner: The Sutpen Family*. Ed. Arthur F. Kinney. New York: G. K. Hall, 1996, pp. 239-48.

"'Through the fence, between the curling flower spaces': Teaching the First Section of *The Sound and the Fury*." *Approaches to Teaching Faulkner's "The Sound and the Fury."* Ed. Stephen Hahn and Arthur F. Kinney. New York: Modern Language Association, 1996, pp. 27-37.

"To Be There, No Authority to Anything: Ontological Desire and Cultural and Poetic Authority in the Poetry of Ray A. Young Bear." *Arizona Quarterly: A Journal of American Literature, Culture, and Theory* 50 (1994): 89-115.

"Material Choices: American Fictions, the Classroom, and the Post-Canon." *American Literary History* 5 (1993): 89-110.

"Poetry and Pedagogy: A Memory of Michael Harper Teaching." *Callaloo: A Journal of African-American and African Arts and Letters* 13 (1990): 810-12.

"The Chronology and Genealogy of *Absalom, Absalom!*: The Authority of Fiction and the Fiction of Authority." *Studies in American Fiction* 14 (1986): 191-98.

Reprints

"The Reinvention of Restless Young Men: Storytelling and Poetry in Leslie Marmon Silko's *Ceremony* and Thomas King's *Medicine River.*" Chapter 6 of *The Invention of Native American Literature.* In *Native American Writing.* Ed. A. Robert Lee. London: Routledge, 2011.

Edited works from *The Sound the Stars Make Rushing Through the Sky: The Writings of Jane Johnston Schoolcraft.* In *The Norton Anthology of American Literature.* 7th ed. Vol. B, 1820-1865. Ed. Nina Baym et al. New York: Norton, 2007. 1058-68.

REPRINTS, continued

"The Reinvention of Restless Young Men: Storytelling and Poetry in Leslie Marmon Silko's *Ceremony* and Thomas King's *Medicine River.*" Chapter 6 of *The Invention of Native American Literature.* In *Native American Writing: Critical Assessments.* Ed. A. Robert Lee. East Sussex, U.K.: Hastings Helm, 2007.

"Tradition, Invention, and Aesthetics in Native American Literature and Literary Criticism." Chapter 1 of *The Invention of Native American Literature.* In *Literary Theory: An Anthology.* 2nd ed. Ed. Julie Rivkin and Michael Ryan. Oxford: Blackwell, 2004, pp. 1051-67. This widely used anthology sets out to be the "definitive collection of classic statements in criticism and new theoretical work from the past few decades."

"Robert Dale Parker on the Poem's Structure." On "At the Fishhouses," excerpt from *The Unbeliever: The Poetry of Elizabeth Bishop.* In *Elizabeth Bishop: Comprehensive Research and Study Guide.* Ed. Harold Bloom. Broomall, PA: Chelsea House, 2002, pp. 53-54.

"Robert Dale Parker on the History Behind *Absalom, Absalom!*" Excerpt from *Absalom, Absalom!: The Questioning of Fictions.* In *William Faulkner: Comprehensive Research and Study Guide.* Ed. Harold Bloom. Philadelphia: Chelsea House, 2000, pp. 70-71.

"To Be There, No Authority to Anything: Ontological Desire and Cultural and Poetic Authority in the Poetry of Ray A. Young Bear." Reprinted without permission or endnotes in *Native-American Writers.* Ed. Harold Bloom. Philadelphia: Chelsea House, 1998, pp. 175-94.

"The Chronology and Genealogy of *Absalom, Absalom!*: The Authority of Fiction and the Fiction of Authority." In *Critical Essays on William Faulkner: The Sutpen Family.* Ed. Arthur F. Kinney. New York: G. K. Hall, 1996, pp. 252-58.

Excerpt on "Crusoe in England" from *The Unbeliever: The Poetry of Elizabeth Bishop.* In *Robinson Crusoe.* Ed. Harold Bloom. New York: Chelsea House, 1995, pp. 65-68.

"Watching Something Happening Told: *Sanctuary.*" Chapter 3 of *Faulkner and the Novelistic Imagination.* In *Douze lectures de "Sanctuaire" [Twelve Readings of "Sanctuary"].* Ed. André Bleikasten and Nicole Moulinoux. Rennes, France: Presses Universitaires de Rennes, 1995, pp. 125-47.

Review Essays and Reviews

"Another Indian Looking Back: A Review Essay on Recent American Indian Poetry." *Studies in American Indian Literature* 22.2 (Summer 2010). 75-85.

REVIEWS AND REVIEW ESSAYS, continued

The People and the Word: Reading Native Nonfiction, by Robert Warrior. Review essay. *Wicazo Sa Review: A Journal of Native American Studies* 22.1 (Spring 2007), pp. 118-23.

Thinking of Home: William Faulkner's Letters to His Mother and Father, 1918-1925, ed. James G. Watson. *Studies in American Fiction,* 22 (1994), pp. 119-20.

Faulkner's Rhetoric of Loss: A Study in Perception and Meaning, by Gail L. Mortimer; *William Faulkner,* by Alan Warren Friedman; *Aviation Lore in Faulkner,* by Robert Harrison. *The Modern Language Review,* 84 (1989), pp. 148-49.

Photographs

Three photos of possible sites of William Faulkner's wedding near Oxford, Mississippi, illustrating an article about Faulkner's marriage by Arthur F. Kinney. *The Faulkner Newsletter & Yoknapatawpha Review* 15.1 (January-March 1995): 3.

PROFESSIONAL HISTORY

2009- , James M. Benson Professor in English, University of Illinois
1992- , Professor of English, University of Illinois
1988-92, Associate Professor of English, University of Illinois
1984-88, Assistant Professor of English, University of Illinois
1982-84, Visiting Assistant Professor of English, University of Michigan at Ann Arbor
1980-82, Lecturer in English, Yale University
1978-79, graduate Teaching Fellow, Yale University

Affiliated faculty member, University of Illinois:
American Indian Studies Program (co-founder)
Center for Writing Studies
Unit for Criticism and Interpretive Theory

TALKS AND PANELS

"How to Make a Queer: The Erotics of Begging, or, Down and Out in the Great Depression." American Literature Association. San Francisco, May 2016.

TALKS AND PANELS, continued

"Critical Anticolonialism and the Collaborative Manuscripts of Jane Johnston Schoolcraft." C19: The Society of Nineteenth-Century Americanists Conference. Pennsylvania State University, March 2016.

"Author vs. Form vs. Concept: The Clash of Paradigms in the Study of Twentieth-Century Literature." Modern Language Association Convention. Chicago, January 2014. Roundtable proposer, co-organizer, and co-chair with Ramón Saldívar. Co-sponsored by the Division on Twentieth-Century American Literature and the Division on Comparative Studies in Twentieth-Century Literature.

Roundtable presentation for "Teaching Native American Literature: Form, Politics, History." Invited. Modern Language Association Convention. Invited. Chicago, January 2014. Sponsored by the Division on American Indian Literatures.

"How to Read Now." Moderator. Modern Language Association Convention. Chicago, January 2014. Sponsored by the Division on Twentieth-Century American Literature.

"Cross-Racial Representations in American Literature between the World Wars." Panel proposer and chair. American Literature Association. Boston, May 2013.

"Modern Poetry." Panel chair. American Literature Association. Boston, May 2013.

"Theories of Close Reading in Socially Motivated Criticism." Panel proposer and chair, Modern Language Association Convention. Boston, January 2013. Sponsored by the Division on Twentieth-Century American Literature.

"Theses on the Recovery of American Women's Writing." Invited. Modern Language Association Convention. Boston, January 2013.

"Twentieth-Century American Literature and the New Formalism." Panel proposer and chair, Modern Language Association Convention. Seattle, January 2012. Sponsored by the Division on Twentieth-Century American Literature.

"How the Recovery of Early American Indian Poetry Changes the History of American Poetry." Special session proposer and chair. Modern Language Association Convention. Seattle, January 2012.

Participated in the Nineteenth-Century American Women Writers Study Group gathering to discuss Jane Johnston Schoolcraft. American Antiquarian Society. Worcester, Massachusetts, October 2011.

"Recovering a Lost Archive: American Indian Poetry from the Seventeenth Century to 1930." American Literature Association. Boston, May 2011.

TALKS AND PANELS, continued

"New Formalism and the Formal Ethic of *Absalom, Absalom!*" "Faulkner's *Absalom, Absalom!* at 75: Reflections and Reassessments." Invited. William Faulkner Society. American Literature Association. Boston, May 2011.

"Transformations and Reversals: The Native Presence in 19th-Century American Writing." Invited panel chair. American Literature Association. Boston, May 2011.

"Changing Is Not Vanishing: Early American Indian Poetry." Invited. Sequoyah Research Center Symposium. University of Arkansas at Little Rock, April 2011.

Plenary panel on *Changing Is Not Vanishing: A Collection of American Indian Poetry to 1930.* Native American Literature Symposium. Isleta Pueblo, New Mexico, March 2011.

"Early American Indian Women's Poetry, 1815-1930." Invited. Society for the Study of American Women Writers Conference, Philadelphia, October 2009.

"Colonialist and Anticolonialist Mimicry in American Indian Poetry before 1930." Native American and Indigenous Studies Association. University of Minnesota, May 2009.

"Identity after Identity: Historicizing Identity in Contemporary Criticism." Invited Keynote Speaker, Midwest Conference on Literature, Language, and Media. Northern Illinois University, March 2009.

Michigan State University Law School, Indigenous Law and Policy Center. Invited talk as part of a panel devoted to *The Sound the Stars Make Rushing Through the Sky,* January 2009.

"Anticolonialist Reading and the Collaborative Writing of Jane Johnston Schoolcraft." Invited. "La longue histoire de la littérature amérindienne / Before Yesterday: The Long History of Native American Writing." Université Paul Valéry-Montpellier III, Montpellier, France, May 2008.

"Debates and Changes in the Study of American Indian Literature." Invited panel, organizer and moderator. "Native American and Indigenous Studies: Who Are We? Where Are We Going?" University of Georgia, April 2008.

"American Indian Poetry from the Seventeenth Century to 1930." "Native American and Indigenous Studies: Who Are We? Where Are We Going?" University of Georgia, April 2008.

TALKS AND PANELS, continued

"Debates and Changes in the Study of American Indian Literature." Panel organizer and moderator. Modern Language Association Convention, Chicago, December 2007.

"Jane Johnston Schoolcraft." Invited. University of Michigan at Ann Arbor, March 20, 2007.

"Introducing Jane Johnston Schoolcraft." Invited. Eastern Michigan University, March 19, 2007.

"What We Expect from Jane Johnston Schoolcraft: 'Love's Mazes,' Anti-colonialism, and the Contrast between Contrasts." Sixth Annual Native American Literature Symposium, March 10, 2007, Saginaw Chippewa Tribal Nation.

"The Writings of Jane Johnston Schoolcraft (1800-1842)." Panel chair. Sixth Annual Native American Literature Symposium, March 10, 2007, Saginaw Chippewa Tribal Nation.

"Language, Literature, and Identity." Invited moderator. Seventh Annual CIC American Indian Studies Consortium Conference, Indiana University, April 2006.

"From the Pine Tree to the Proud Republic: Intransitive Place and Cultural Change at the Dawn of American Indian Poetry." Invited. The American Indian Workshop: Place in Native American History, Literature and Culture at the University of Wales, Swansea, UK., March 2006.

"Place and the Literature of Louise Erdrich and Diane Glancy." Invited panel chair for the American Indian Workshop: Place in Native American History, Literature and Culture at the University of Wales, Swansea, UK., March 2006.

"Ojibwe, British, Métis, American: Conflicting Citizenships in Early American Indian Poetry," in a session on "Citizenship and the Study of U.S. Poetry." Invited. Sponsored by the American Literature Section of the Modern Language Association. Modern Language Association Convention, Washington, DC, December 2005.

"Cultural and Aesthetic Controversies in the History of American Indian Literary Studies." Invited lecture for International Symposium on Discourse and Communication at Wuhan University New Vision Forum, Wuhan, China, May 2004.

"Contemporary American Literary Studies." Invited lecture for the English Department of Wuhan University, Wuhan, China, May 2004.

TALKS AND PANELS, continued

"Contemporary Critical and Literary Theory." Invited lecture for the English Department of Wuhan University, Wuhan, China, May 2004.

"Native American Literature." Invited moderator. Fourth Annual CIC American Indian Studies Consortium Conference, Newberry Library, Chicago, April 2003.

"Colonialism: Production and Destruction" and "Race and Nation." Invited moderator. First Annual CIC American Indian Studies Consortium Conference, University of Iowa, April 2000.

"Red Slippers and Cottonmouth Moccasins: White Anxieties in Faulkner's Indian Stories." Invited. "Faulkner's Birth and Rebirth(s), the William Faulkner Centenary, Rennes and Paris." Fondation William Faulkner, L'Université Rennes 2, Haute Bretagne, France, September 1997.

"*Sanctuary* and Bad Taste." Invited. "Journées d'étude on Faulkner's *Sanctuary.*" Fondation William Faulkner, L'Université Rennes 2, Haute Bretagne, France, December 1995.

"Sex and Gender, Feminine and Masculine: Faulkner and the Polymorphous Exchange of Cultural Binaries." Invited. "Faulkner and Gender: Faulkner and Yoknapatawpha Conference," University of Mississippi, August 1994.

"The Epistemology of Perspectiveless Explanation in *Absalom, Absalom!*" Invited. Midwest Modern Language Association, Minneapolis, November 1989.

"The Rapist and the Spinster: Misogyny and Parody, *Light in August* and the Politics of Sexual Rhetoric." Invited. Mills College, Oakland, California, February 1984.

Public, non-academic talks on Jane Johnston Schoolcraft and *The Sound the Stars Make Rushing Through the Sky: The Writings of Jane Johnston Schoolcraft:*

Presentation on Jane Johnston Schoolcraft following "Waasawekameg: A Faraway Place," a performance piece based on Schoolcraft's poetry by Shannon Epplett. Figure One Gallery, University of Illinois School of Art + Design, downtown Champaign. March 19, 2014.

Native American House, University of Illinois. Invited. November 1, 2013

Mitchell Museum of the American Indian. Invited. Evanston, Illinois, January 10, 2010

Schoolcraft College. Invited. Livonia, Michigan, November 14, 2008

TALKS AND PANELS, continued

Kerrytown Bookfest. Invited. Ann Arbor, Michigan, September 7, 2008

Michigan Notable Books Tour. Invited and sponsored by the state of Michigan:

Kalkaska County Library. Kalkaska, Michigan, May 28, 2008

Otsego County Library. Gaylord, Michigan, May 27, 2008

Cheboygan Area Public Library. Cheboygan, Michigan, May 26, 2008

Chippewa County Historical Society. Invited. Sault Ste. Marie, Michigan, August 12, 2007

Bay Mills Community College Library. Invited. Bay Mills Indian Community, Michigan. August 11, 2007

WIAA Interlochen Public Radio. Invited. February 8, 2008

WILL Public Radio, February 28, 2007

Illini Union Bookstore, University of Illinois, February 15, 2007

Many assorted talks and panels on literary, professional, and theoretical topics at the University of Illinois for, among others, the Department of English; the Unit for Criticism and Interpretive Theory; the American Indian Studies Network; the Illinois Program for Research in the Humanities; the Trowbridge Office of American Literature, Culture, and Society; the British Modernities Group; the Center for Writing Studies; the Campus Faculty Association; the Freeman Fellows (visiting scholars from China); the Program in Cultural Values and Ethics; the American Studies Group; the University of Illinois Press; the English Graduate Student Association; the English Graduate Student American Studies Group; English graduate student orientation; the undergraduate English Club/English Student Council; and Teachers and Students for a Democratic Culture.

TEACHING

American literature, critical theory, and Modern literature. Particular interests in fiction and poetry from 1900 to the present, recent critical theory, and Native American literatures.

TEACHING, continued

Served on 66 completed or current dissertation committees. Completed: 16 as director, 41 as committee member in English, 4 as committee member in other departments, 1 as reader for an overseas university. In progress: 4 as director.

Director for 31 undergraduate Honors Theses, reader for 39.

Director for one masters thesis (in African studies).

TEACHING HONORS

Through 2014, appeared on the University of Illinois's "List of Teachers Ranked as Excellent by Their Students" 64 times for 23 different courses.

Graduate College Award for Outstanding Mentoring of Graduate Students, 1999.

Robert Schneider Award for outstanding teaching and service in the Department of English, 1999 [primarily an award for service]

Harriet and Charles Luckman Undergraduate Distinguished Teaching Award [the University of Illinois at Urbana-Champaign's highest teaching award], 1996.

William F. Prokasy Award for Excellence in Undergraduate Teaching in the College of Liberal Arts and Sciences [the College's highest teaching award], 1996.

Course Development Award, Program for the Study of Cultural Values and Ethics, University of Illinois, 1990, to develop a course in American Indian literature.

COURSES TAUGHT

At the University of Illinois, 1984- :

English 101	Introduction to Poetry
English 215	Introduction to Contemporary Literary and Critical Theory
English 249	The American Novel
English 255	Survey of American Literature, I
English 256	Survey of American Literature, II
English 300	Writing about Literature: Selected American Novels

COURSES TAUGHT, continued

English 300 Writing about Literature: American Fiction in the 1920s and 1930s
English 300 Writing about Literature: American Indian Literature
English 300 Writing about Literature: After Multiculturalism: Cultural Identities and Contemporary Literary Studies
English 300 Writing about Literature: American Literature Since 1945
English 301 Critical Approaches to Literature
English 397 Defining and Redefining the Canon of the American Novel (honors seminar)
English 397 American Indian Literature (honors seminar)
English 398 Faulkner (honors seminar)
English 449 The American Renaissance
English 451 American Literature from the First World War to the Present
English 451 American Literature, 1914-1945
English 452 American Literature, 1945 to the Present
English 455 Frost
English 461 American Indian Literature
English 483/Comparative Literature 405 Contemporary Literary and Critical Theory
English 500 Introduction to Graduate Study in English: Contemporary Literary and Critical Theory
English 553 Faulkner
English 553 American Fiction in the 1920s and 1930s
English 553 American Indian Literature
English 564 Defining and Redefining the Canon of the American Novel
English 581 Contemporary Critical Theory

400-level classes are mixed graduate and undergraduate. 500-level classes are graduate seminars. Renumbered courses are listed according to their current numbers.

At the University of Michigan, 1982-84:

English 240 Introduction to Poetry
English 270 Introduction to American Literature
English 280 Introduction to Twentieth-Century Literature
English 357 "Core III" (Victorian and Modern Literature)
English 432 The American Novel
English 472 Twentieth-Century American Literature

At Yale University, 1978-82:

English 110 Principles of Composition
English 111 Problems in Composition
English 114 Reading and Writing Prose

COURSES TAUGHT, continued

English 120 Modern Prose: Advanced Writing
English 129 The European Literary Tradition: Epic from Homer to Joyce

As a Teaching Fellow (responsible for section of a lecture course):
English 270 The Victorian Novel
English 280 American Literature from the Puritans to the Civil War

ACADEMIC HONORS

Changing Is Not Vanishing: A Collection of American Indian Poetry to 1930 chosen by the membership of the Native American and Indigenous Studies Association as one of six finalists for Best Subsequent Book [second or later book] Published in 2011.

Changing Is Not Vanishing: A Collection of American Indian Poetry to 1930 listed in *Choice* as one of the "Significant University Press Titles for Undergraduates, 2010-2011."

The Sound the Stars Make Rushing Through the Sky: The Writings of Jane Johnston Schoolcraft named one of the "The best Michigan-related books of the '00s." *City Pulse* newspaper (Lansing), December 30, 2009.

The Sound the Stars Make Rushing Through the Sky: The Writings of Jane Johnston Schoolcraft selected by the Library of Michigan as a Michigan Notable Book for 2008. Including a reception with the governor and lectures at Michigan libraries.

The Sound the Stars Make Rushing Through the Sky: The Writings of Jane Johnston Schoolcraft listed in *Choice* as one of the "Significant University Press Titles for Undergraduates, 2006-2007."

Arnold O. Beckman Research Award, University of Illinois at Urbana-Champaign Research Board, for an in-progress research project of "special distinction," 2004-2005

University Scholar, an award to recognize "the very best of faculty scholarship and research" at the University of Illinois, including $18,000 in research funds, 1990-1993

Fellowship, University of Illinois Center for Advanced Study, Spring 1987

ACADEMIC HONORS, continued

University Fellowships, Yale University, 1976-80

Magna Cum Laude, Brown University, 1976 [Brown's highest level of honors]

Honors in English, Brown University, 1976

Phi Beta Kappa, Brown University, 1976

Awards for best male English student in junior class, 1975; and in senior class, 1976

ACADEMIC SERVICE

National and International

Executive Committee (elected), Division on Twentieth-Century American Literature, Modern Language Association, 2009-2014; Chair, 2012-13
Editorial Advisory Board, *Modern Fiction Studies,* 2010-
Contributing Editor, *American Literary History,* Oxford University Press, 2004-
Advisory Editor, *Studies in American Fiction,* 2004-2010
Advisory Board, *MAPS* [Modern American Poetry Site] http://www.english.illinois.edu/maps/index.htm. Cary Nelson, editor. A wide-ranging resource and web journal on Modern American poetry, 2001-
"Uncovering Early American Indian Literary History." Instructor (invited). Newberry Consortium in American Indian Studies Graduate Student Workshop, March 10-12, 2011.
Newberry Library, Long-Term Fellowship Selection Committee, 2010
Executive Committee (elected), Division on American Indian Literatures, Modern Language Association, 2000-2004; Chair, 2001; Secretary, 2002; Chair, 2003
Nominating Committee, American Literature Section, Modern Language Association, 2001
Advisory Board, *Anthology of Modern American Poetry,* Oxford University Press, ed. Cary Nelson, 2000; 2nd edition 2015
CIC (Committee on Institutional Cooperation—the Big Ten universities and the University of Chicago) American Indian Studies Consortium, 1999-2009
Editorial Consultant, *Etudes Faulknériennes,* 1996-
Advisory Board, *Journal x: A Journal in Culture and Criticism,* 1995-2005

ACADEMIC SERVICE, continued

Department of English

Advisory Committee (highest departmental committee), 1988-90, 1992-94, 1998-2000, 2001-2003, 2007-2009, 2014-2016 (elected)
Adjunct Advisory Committee (for junior faculty), 1985-86 (elected)
Committee on Computer Assistance, 2001-2002
Course Chair, English 301, Critical Approaches to Literature (critical theory survey required for majors), 2007-2008, 2008-2009
Curriculum Committee, 1985-86, 1987-88, 1991-92, 1998-1999, 2003-2004, 2005-2006, 2006-2007, 2009-2010, 2013 fall
Director of the English Honors Program, 1991-2000, 2006-2007
Director of Undergraduate Studies, 2006-2007
Faculty Grievance Committee, 1987-88; alternate, 1991-92 (elected)
Faculty Hiring Committees, American literature 1986-87; American literature 1987-88; American literature, eighteenth-century British literature, feminist theory, Victorian literature, writing theory 1988-89; American literature 1993-94; modern poetry 1996-97; African literature 1996-97; Asian American literature, Chair, 1997-98; Latina/Latino literature and feminist or gender studies, Chair, 1998-99; American literature before 1900, Chair, 1999-2000; African American literature, Chair, 2000-2001; twentieth-century American literature, 2000-2001; African American literature, Co-chair, 2001-2002; Asian American literature, Chair, 2001-2002; Modern American literature (to consider a specific candidate), Chair 2004; American Indian literature (to consider a specific candidate), Chair 2004; American literature before 1865, Chair 2004-2005; Writing Studies (to consider a specific candidate) 2004-2005; Early American literature (to consider a specific candidate) 2005; Postcolonial and American Indian studies (to consider a specific candidate), Chair 2006; African American literature (to consider a specific candidate), Chair 2006; Benson Professorship Screening Committee (to screen potential candidates for a named appointment in American literature), Chair 2007; Postcolonial/
Global Anglophone literature, Chair, 2008-2009 [search eventually cancelled for budgetary reasons]; African American literature 2011-12; Queer studies (to consider a specific candidate), Chair 2014-15
Grade Review Committee, 1985-86, 1987-88, 1989-90, 1991-92, 1993-94, 2001-2002, 2010-11 Chair (elected)
Graduate Admissions Committee, 1993-94, 1995-96
Graduate Student Mentoring Award Selection Committee, 2001
Graduate Placement Director, 1999-2003
Graduate Student Grievance Committee, 1987-88 (elected)
Graduate Studies Committee, 1989-90, 1996-97, 1997 fall, 1998-99, 1999-2000, 2000 fall, 2001-2002, 2002-2003, 2003-2004, 2004 fall, 2005-2006
Grievance Committee, 2013-14 (elected)
Lecture Committee, 1987-88, Chair
Head of Department of English, declined, 1997

ACADEMIC SERVICE, continued

Honors Advising Committee, 1985-86; 1986-87; 1988-89; Chair, 1991-2000, 2006-2007
Judge, Wallace Stevens Memorial Prize, for best critical essay on modern American or British poetry, 2015
Liberal Arts and Sciences Committee to review the Head of the English Department, 1991 (elected)
Liberal Arts and Sciences national Search Committee for new Head of the Department of English, 1997-98
Masters Area (previously Masters Comprehensive) Exam Committee, 1986-87, 1987-88, 1991-92, 1992-93 (exam and committee now discontinued)
Selection committee, Robert Schneider Award for outstanding teaching and service, 2000, 2002, 2003, 2004, 2006, 2014
Sigma Tau Delta, international English honor society, University of Illinois at Urbana-Champaign chapter, faculty sponsor, 2013-
Supervisor, department web site, spring 2000-spring 2002
Undergraduate Scholarships and Awards Committee, 1990; 1995; Chair, 2007, 2010, 2014, 2015
Undergraduate Teaching Awards Committee, 1996, 1997, 2005
Ad Hoc Committees, Department of English:
Committee on Graduate Study in Literature, 2010
Committee to update English 103, Introduction to Fiction, 2000
Committee to consider possible Target of Opportunity appointments, 1999-2000
Department Home Page Committee, 1995
Cultural Diversity Committee, 1991
Committee to reorganize English 101, Introduction to Poetry, 1990
Committee to advise on Chancellor's Minority Fellowship applications in English, Chair, 1990
Committee to consider a possible Target of Opportunity appointment, 1989
Long-Range Planning Committee, 1988-89

American Indian Studies Program (and predecessor programs under various names)

[Most AIS activities are not listed here, as committees have come and gone as the program has grown and because AIS often works as a committee of the whole.]

Honored as an "Outstanding Community Member" by the Native American House and the Program in American Indian Studies, May 11, 2015
Faculty Search Committee, Chair, 2010-2011
CIC American Indian Studies Consortium Graduate Student Conference Organizing Committee, 2008-2009
Mentor to assistant professor, 2008-12
Mentor to assistant professor, 2008-10
General Council, 2007-2008
Affirmative Action Officer, 2007-2008

ACADEMIC SERVICE, continued

Communications and Budget Committee, 2007-2008
Grade Review Committee, 2007-2008
Postdoctoral Fellowship Committee, 2004; 2006-2007, Chair
Curriculum Committee, 2004-2005, Chair; 2005-2006
Mentor to assistant professor, 2004-2008
Advisory Committee, fall 2004-2005
Bylaws Committee (to write bylaws), fall 2004-2005, Chair
Academic Programs Committee, 2003-2004
Director and Faculty Search Committee, 2003-2004
Library Committee, Chair, 2003-2004
Committee on Native American Programs: founding and organizing committee for the Native American House (which began in 2002) and the American Indian Studies Program (which began in 2004), 2002-2004 (the duration of the committee)
Committee to develop an American Indian Studies Program, 2000-2002
Faculty Advisor, American Indian Studies Network, 1998-2000

Campus-wide and College of Liberal Arts and Sciences

Search Committee for the Director of the Illinois Program for Research in the Humanities, Chair, 2015
Whiting Public Engagement Fellowship Selection Committee, 2015
Nominating Committee, University of Illinois chapter of the American Association of University Professors, 2015, 2016
"Authorized Agent" (1 of 5) for University of Illinois chapter of the American Association of University Professor as a campus Registered Organization, 2014-
Interdisciplinary Working Group for the Humanities, appointed by the Provost and the Vice Chancellor for Research, fall 2013-spring 2015
Liberal Arts and Sciences ad hoc Grievance Committee to review a grievance in another department, 2014-2015
Campus ad hoc committee to review an appeal of a decision regarding promotion to professor, 2014
Liberal Arts and Sciences ad hoc committee to review nominations for named faculty appointments, 2014
Initiated and organized a proposal for faculty cluster hiring in disability studies, 2014
Liberal Arts and Sciences Committee to review the Director of the Program in Jewish Culture and Society, 2013-2014, outside Chair (elected)
Organizing Committee for programs to celebrate, publicize, and organize events around the Gwendolyn Brooks Papers, Rare Books and Manuscripts Library, 2013-2016
Liberal Arts and Sciences Committee to review the Director of American Indian Studies, 2012-2013 (elected)
Policy Committee, American Association of University Professors, 2012-

ACADEMIC SERVICE, continued

Liberal Arts and Sciences Committee to review nominations for Conrad Professorial Scholars, 2013
Liberal Arts and Sciences Committee to review *American Literary History* and the Trowbridge Office on American Literature, Culture, and Society 2012-13
Liberal Arts and Sciences Committee to review nominations for named faculty appointments and Conrad Professorial Scholars, 2010, 2012
Illinois Program for Research in the Humanities, Advisory Committee, 2010-2012
Liberal Arts and Sciences Ad Hoc committee to review an appeal of a decision regarding promotion to associate professor, 2011
Faculty partner for Freeman Fellow (visiting Chinese scholar), 2008-2009
Liberal Arts and Sciences Faculty Appeals Committee, 2005-2007 (elected), Acting Chair 2006; Chair 2007
Liberal Arts and Sciences Humanities Scholarships and Honors Committee, 2004-2005
Board of Directors, University of Illinois Press, August 2003-2006
Steering Committee for the Mellon Foundation Humanities Initiative, a $1,250,000 grant for advancing the humanities at the University of Illinois, 2003-2005
Ad Hoc Personnel Review Committee for the Department of Slavic Languages and Literature, Chair, 2003-2004
Committee on Committees, Liberal Arts and Sciences (unfortunate name for the appointments committee), 2002-2004
Graduate College Career Services Office Career Advisory Subcommittee, 2003
Computers Advisory Committee, Liberal Arts and Sciences, 2001-2002
Teaching Mentor for new faculty, Liberal Arts and Sciences, 2001-2002
Graduate College Humanities and Creative Arts Area Subcommittee, 1998-2000
Graduate College Outstanding Mentor Award Selection Committee, 2000
Fellowship selection committee, Program for the Study of Cultural Values and Ethics, 1997
Committee to reconsider the Program in Comparative Literature, 1995-96
Search Committee for an Associate Chancellor with special concern for minority issues, 1994-95
Cultural Diversity Conference Planning Committee, Program for the Study of Cultural Values and Ethics, 1991-92
Chancellor's Minority Fellowship Advisory Committee, 1990
Admissions Committee, Liberal Arts and Sciences, Spring 1990
National Endowment for the Humanities Summer Stipend Committee, 1989

Last updated March 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
RACHEL TUDOR,	)	Case No.
	)	
Plaintiff-Intervenor,	)	
	)	5:15-CV-00324-C
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA,	)	
	)	
Defendants.	)	

****

ORAL DEPOSITION OF
JOHN BRETT MISCHO
MAY 5, 2016
VOLUME 1 OF 1

****

ORAL DEPOSITION OF JOHN BRETT MISCHO, produced as a witness duly sworn by me at instance of Plaintiff, was taken in the above styled and numbered cause on MAY 5, 2016, 8:32 AM to 5:12 PM, before Beth Howard, CSR, State of Texas, reported by Machine Shorthand, at The Office of the United States Attorney, 600 E. Taylor Street, Suite 2000, Sherman, Texas, pursuant to the Federal Rules of Civil Procedure, Notice of Deposition, and provisions stated on the record or attached hereto.

A P P E A R A N C E S

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ALSO PRESENT:

Dr. Rachel Tudor

10:37:02 1 Q. Did anyone from the administration provide any
10:37:07 2 response to the request from the Faculty Senate for
10:37:11 3 guidance?
10:37:12 4 A. I can't remember that it was ever addressed.
10:37:26 5 Q. Did anybody from the Faculty Senate reach out
10:37:30 6 to Mr. Babb for guidance on these sections, 4.6.1 and
10:37:38 7 4.6.5 of Plaintiff's Exhibit 7?
10:37:44 8 A. I don't remember -- or I don't know.
10:37:45 9 Q. You would agree that part of the problem with
10:37:51 10 determining what "noteworthy" and "excellence" mean is
10:37:56 11 that they are subjective standards, right?
10:37:58 12 A. Yes.
10:38:16 13 Q. Could you please turn to Plaintiff's Exhibit 5
10:38:37 14 in the binder in front of you. Are you familiar with
10:38:49 15 this document?
10:38:50 16 A. Yes.
10:38:51 17 Q. What is it?
10:38:53 18 A. This was a set of guidelines we set out -- we
10:39:00 19 set up as a department to make the tenure and promotion
10:39:08 20 procedure more specific to the -- to the department
10:39:14 21 itself.
10:39:16 22 Q. Who wrote it?
10:39:17 23 A. The department as a whole.
10:39:21 24 Q. Was this while you were department chair that
10:39:23 25 it was written?

10:39:27 1 A. I think so, but I'm not sure of the date on
10:39:30 2 it.
10:39:34 3 Q. If you refer to the last page of the exhibit,
10:39:38 4 it says, "Revised May 2, 2005." Does that refresh your
10:39:42 5 memory?
10:39:42 6 A. Yes, I would have been chair.
10:39:47 7 Q. Were these guidelines consistent with
10:39:51 8 Southeastern's promotion and tenure policies?
10:40:03 9 A. They were supposed to be. Whether they are or
10:40:06 10 not, I don't know.
10:40:07 11 Q. Did you, as department chair, make efforts to
10:40:12 12 ensure that Exhibit 5 was consistent with Southeastern's
10:40:19 13 promotion and tenure policies?
10:40:26 14 A. I don't remember.
10:40:27 15 Q. Is there anything that you remember learning
10:40:35 16 that would indicate that Exhibit -- Plaintiff's
10:40:39 17 Exhibit 5 might not be consistent with Southeastern's
10:40:43 18 promotion and tenure policies?
10:40:45 19 A. I'm sorry, do I remember learning what?
10:40:49 20 Q. Do you ever remember learning anything that
10:40:54 21 would indicate that Plaintiff's Exhibit 5 might be
10:40:59 22 inconsistent with Southeastern's promotion and tenure
10:41:04 23 policies?
10:41:04 24 A. No.
10:41:06 25 Q. No one ever told you that they thought

10:53:30 1 A. No.
10:53:32 2 Q. (BY MR. TOWNSEND) Do you have any
10:53:33 3 understanding of whether Dean Scoufos shared your view
10:53:39 4 about the one-and-a-half publications?
10:53:44 5 A. No.
10:53:48 6 Q. Did you -- Strike that.
10:54:00 7 I've seen a term called "refereed
10:54:03 8 publication." Is that the same thing as peer-reviewed?
10:54:07 9 A. I would say yes.
10:54:13 10 Q. Does scholarly work that a professor does
10:54:20 11 before coming to Southeastern count any less, when
10:54:26 12 considering their application for tenure, than
10:54:30 13 publications or scholarly work done since coming to
10:54:36 14 Southeastern?
10:54:36 15 A. What would count for application of tenure and
10:54:42 16 promotion is what -- what occurred during the time the
10:54:48 17 candidate was at Southeastern.
10:54:51 18 Q. Why is that?
10:55:00 19 A. Otherwise -- Well, one reason I would say
10:55:02 20 otherwise, someone could use the same scholarship to
10:55:08 21 become an associate and full professor and so forth. So
10:55:11 22 it's something which is used for that. What is produced
10:55:18 23 during that time period is where they're being -- being
10:55:21 24 judged.
10:55:23 25 Q. Do you know whether anyone else at

10:55:25 1 Southeastern shares that view?
10:55:31 2 A. I've always assumed that that was the
10:55:36 3 procedure, that what counts is what's done during the
10:55:40 4 period, whether it's the five-year period or five- to
10:55:45 5 seven-year period for tenure/promotion or during the
10:55:48 6 period of applying to full from associate.
10:55:54 7 Q. Have you ever discussed that view with anyone
10:55:57 8 else at Southeastern?
10:56:03 9 A. Yes.
10:56:06 10 Q. Do you ever discuss that view with anyone in
10:56:10 11 the administration at Southeastern?
10:56:13 12 A. No.
10:56:17 13 Q. Who did you discuss that view with?
10:56:20 14 A. I don't recall specifically, but certainly
10:56:23 15 colleagues in the English Department.
10:56:27 16 Q. Do you have any understanding of whether Dean
10:56:33 17 Scoufos shared the view that scholarship that preceded a
10:56:40 18 professor's hire at Southeastern did not count towards
10:56:45 19 tenure?
10:56:46 20 MS. COFFEY: Object to form.
10:56:48 21 A. I'm not sure what she thought about that. I
10:56:51 22 don't know.
10:56:58 23 Q. (BY MR. TOWNSEND) And then the same question
10:56:59 24 for Dr. McMillan: Do you have any sense of whether he
10:57:03 25 thought that scholarly work that predated a tenure

11:58:09 1 promotion and tenure process, right?
11:58:11 2 A. Yes.
11:58:13 3 Q. And there's multiple levels to that process,
11:58:16 4 right?
11:58:17 5 A. Right.
11:58:18 6 Q. The level that came after the department chair
11:58:20 7 level was the dean level, right?
11:58:22 8 A. Right.
11:58:23 9 Q. So if the dean recommended against granting
11:58:29 10 tenure to a candidate, in your experience at
11:58:34 11 Southeastern, did that dean ever provide any explanation
11:58:42 12 to the candidate about why they were not recommending
11:58:46 13 the candidate for tenure?
11:58:49 14 MS. COFFEY: Object to form.
11:58:50 15 A. My experience is that with a
11:58:54 16 non-recommendation, that there was not an explanation.
11:59:01 17 Q. (BY MR. TOWNSEND) Was there ever an instance
11:59:03 18 where -- Strike that.
11:59:09 19 Are you aware of any instances where a
11:59:17 20 tenure candidate from the EHL Department was recommended
11:59:24 21 for tenure by the department chair, and the dean
11:59:31 22 disagreed with that recommendation?
11:59:33 23 MS. COFFEY: Object to form.
11:59:35 24 A. Recommended by the department?
11:59:38 25 Q. (BY MR. TOWNSEND) Right. Are you aware of any

11:59:39 1 **instances where a professor in the EHL Department was**
11:59:46 2 **recommended for tenure by the department chair and then**
11:59:50 3 **the dean disagreed with that recommendation?**
12:00:03 4 MS. COFFEY: Objection, form.
12:00:03 5 **A. Yes.**
12:00:03 6 **Q. (BY MR. TOWNSEND) Who was that?**
12:00:04 7 **A. I believe Dr. Tudor.**
12:00:07 8 **Q. Anyone else?**
12:00:11 9 **A. Where the chair recommended and the dean**
12:00:14 10 **denied?**
12:00:16 11 **Q. Correct.**
12:00:19 12 **A. No.**
12:00:26 13 **Q. Do you have any knowledge of situations in**
12:00:31 14 **other departments at Southeastern where a department**
12:00:35 15 **chair recommended that a candidate receive tenure and**
12:00:41 16 **the dean overseeing that department disagreed with that**
12:00:44 17 **recommendation?**
12:00:45 18 MS. COFFEY: Object to form.
12:00:46 19 **A. I don't recall anything.**
12:00:50 20 **Q. (BY MR. TOWNSEND) So the only experience you**
12:00:53 21 **have with a dean disagreeing with a department chair's**
12:01:07 22 **recommendation that a candidate receive tenure is in**
12:01:10 23 **Dr. Tudor's case, right?**
12:01:12 24 MS. COFFEY: Object to form.
12:01:14 25 **A. Yes.**

PLAINTIFF'S EXHIBIT 129

Office of Academic Affairs
Southeastern Oklahoma State University
1405 N. Fourth Ave., PMB 4137
Durant, OK 74701-0609

MEMORANDUM

TO: Charla Hall, Chair of the Faculty Appellate Committee
Bryon Clark, Administrative Liaison to the FAC

FROM: Douglas McMillan, Interim Vice President for Academic Affairs

RE: Response to Grievance submitted by Dr. Rachel Tudor

DATE: October 19, 2010

This memo is in response to Dr. Rachel Tudor's grievance dated October 11, 2010 regarding my decision not to allow her second application for tenure and promotion to be submitted during academic year 2010-2011. I am named as the respondent in this grievance. The facts are relatively straight forward in this case. I have enumerated them for you below and am happy to meet with the Faculty Appeals Committee to discuss the case further.

1. Dr. Tudor applied for tenure and promotion in academic year 2009-2010 and submitted, in my opinion, the poorest portfolio I have ever reviewed in the 20 years I have been at Southeastern. The portfolio among other things was completely devoid of faculty letters of support; it included unverifiable or substandard scholarship, and reflected limited service to the university, which did not begin in a substantial way until 2009.

2. During the spring, 2010 semester, an offer was extended to Dr. Tudor, which would have given her two years to strengthen her portfolio by developing additional evidence of appropriate scholarly activity and service (beyond routine departmental assignments). She would then be allowed to reapply for tenure and promotion during the 2011-2012 academic year. Dr. Tudor declined this offer and was subsequently denied tenure and promotion on April 21, 2010. Given the status of Dr. Tudor's portfolio, which was submitted during the 2009-2010 academic year, there is very little chance that Dr. Tudor could accomplish multiple years of service and enough examples of acceptable scholarly activity to achieve tenure and promotion during the five months since she was informed of the President's decision.

3. The Academic Policy and Procedures Manual does not specifically address the question of second tenure and promotion applications. Where policy is silent it is the responsibility of the administration to determine what is in the best interest of the university. Allowing Dr. Tudor to reapply for tenure and promotion so soon after her most recent denial sets a precedent which is not in the best interests of the

university. In order to correct major deficiencies in a portfolio a faculty member must have enough time to address these deficiencies. At very minimum Dr. Tudor would have needed at least two more years of service, which are deemed "noteworthy and exceptional" to correct the service deficiencies in her portfolio. A review of the letters supplied by Dr. Tudor in support of her grievance do not suggest substantial improvements in her scholarly activity or service in the five months since she was notified by the President of his decision to deny her application for tenure and promotion. In fact, many of the activities cited in the letters were present in her 2009-2010 portfolio.

4. Dr. Tudor's account of the offer made to her is confused and full of misperceptions. I have visited with Dean Scoufos and she has clearly indicated that the offer made to Dr. Tudor applied to both tenure and promotion. In addition, I had the approval from President Minks before I authorized Dr. Scoufos to make the offer. The RUSO Board typically approves these types of presidential recommendations. Dr. Minks was prepared to seek RUSO Board approval upon acceptance of the offer by Dr. Tudor. We would have gladly made the offer in writing to Dr. Tudor, but she declined the verbal offer and thus terminated the discussion on the issue.

5. Dr. Tudor has alleged that I have retaliated against her for filing a grievance or complaint. I did not make the decision to stop Dr. Tudor's submission of her portfolio in retaliation. I believe that it is unprofessional and wrong to make an employment decision on any basis other than the work related performance of the employee. In the tenure and promotion process, we judge faculty performance on the basis of the portfolio that is submitted. Dr. Tudor's portfolio was extremely poor quality. That is the basis upon which I made the decision that I made and categorically deny that the decision was retaliatory on any basis.

The retaliation allegation is particularly difficult to comprehend given that I was the administrator who recommended she be given the additional two years to improve her portfolio. The decision I made reflected a reality that Dr. Tudor has failed to grasp. She submitted a very poor portfolio which required substantial improvements to reach the University and Board standards for promotion and tenure. She declined the offer which would have given her the opportunity to address the issues with her portfolio. Allowing the resubmission her portfolio five months after the last one was judged to be of such poor quality would be a mockery of our tenure and promotion system and if allowed creates a dangerous precedent.

Thank you for giving me the opportunity to respond to the allegations made against me and please feel free to contact me should you have further questions.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, RACHEL TUDOR, Plaintiff Intervenor, vs. SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA, Defendants.	No. 5:15-CV-00324-C

DEPOSITION OF DOUGLAS MCMILLAN

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON AUGUST 10, 2016

REPORTED BY: ROSIE STANDRIDGE, CSR

A P P E A R A N C E S

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Ms. Valerie L. Meyer
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For the Defendants and the witness:

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Also present:

Ms. Rachel Tudor

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25 (Exhibits 1 - 157 marked in previous depositions)

08:42 1 Q. Where else have you lived other than the
08:42 2 places you've identified?
08:42 3 A. Lived in Fort Stockton, Texas.
08:42 4 Q. When was that?
08:42 5 A. That was from fall of 1983 to fall of 1985.
08:42 6 Q. And where else have you lived?
08:42 7 A. Lived in Wichita, Kansas, from summer of '87
08:42 8 through summer of '88.
08:42 9 Q. And where else have you lived?
08:42 10 A. Sherman, Texas.
08:43 11 Q. When did you live there?
08:43 12 A. I moved there August of 1988.
08:43 13 Q. How long did you live there?
08:43 14 A. Up until about ten years ago, I lived in
08:43 15 Sherman. So '06, '07, somewhere in there.
08:43 16 Q. Did you move to Denison from there?
08:43 17 A. Yes.
08:43 18 Q. And you've lived in Denison since then?
08:43 19 A. Yes.
08:43 20 Q. What was your undergraduate degree in?
08:43 21 A. It was -- it's a bachelor of science in
08:43 22 education. And I had two teaching fields. It wasn't
08:43 23 a major, per se -- a major or minor, but two -- two
08:43 24 different teaching fields. They're sort of like a
08:43 25 major. One was in psychology, and the other was in

08:43 1 English.
08:44 2 Q. So you didn't have a major in undergrad?
08:44 3 A. It's --
08:44 4 MR. JOSEPH: Object to the form.
08:44 5 A. That degree is -- you have a first and
08:44 6 second teaching field. They don't identify them as
08:44 7 majors or majors or minors.
08:44 8 Q. (By Mr. Townsend) What was the first
08:44 9 teaching field?
08:44 10 A. Psychology.
08:44 11 Q. And the second teaching field, that was
08:44 12 English?
08:44 13 A. English.
08:44 14 Q. What are your graduate degrees in?
08:44 15 A. Counseling psychology -- a master of science
08:44 16 in counseling psychology and a Ph.D. in counseling
08:44 17 psychology.
08:44 18 Q. You have a master's in anything other than
08:44 19 counseling psychology?
08:44 20 A. No.
08:44 21 Q. You have a Ph.D. in anything other than
08:44 22 counseling psychology?
08:45 23 A. No.
08:45 24 Q. I'm going to shift gears a little bit. Are
08:45 25 you familiar with term "transgender"?

10:25 1 A. Yes.
10:25 2 Q. All right. What you just said about each
10:25 3 discipline had different criteria, what were those for
10:25 4 the EHL department?
10:25 5 A. I -- I wasn't singling in on the EHL
10:25 6 department. I was talking about groups of disciplines
10:25 7 have recognized or expected performance indicators, I
10:25 8 guess, for want of a better term.
10:25 9 For example, most of the liberal arts,
10:26 10 behavioral science, education have a kind of a similar
10:26 11 expectation to show scholarship, for example, and they
10:26 12 share that. And then it's actually pretty similar
10:26 13 across discipline, but it's a little different from,
10:26 14 say, a more applied discipline.
10:26 15 Q. When you were exercising professional
10:26 16 judgment to determine whether a faculty member had
10:26 17 noteworthy achievement in either teaching,
10:26 18 scholarship, or service, did you have to use your own
10:26 19 personal beliefs about what noteworthy achievement was
10:26 20 to make that determination?
10:26 21 MR. JOSEPH: Object to the form.
10:26 22 A. No.
10:27 23 Q. (By Mr. Townsend) How did you determine
10:27 24 whether a faculty member had noteworthy achievement in
10:27 25 the area of scholarship from the EHL department?

10:27 A. Okay. It, again, falls within a group of
10:27 disciplines that share a similar standard or a similar
10:27 expectation. The -- it's based on whether the
10:27 scholarship was -- had an element of external review
10:27 in, for example, journals and presentations, whether
10:27 it's been refereed or not. And grants, whether it's
10:27 been -- whether it's been reviewed by a panel or a
10:27 board.
10:27 The -- also the -- the level of the
10:27 presentation or publication, whether it's local, say.
10:28 For example, a presentation at a public school would
10:28 be a very low level of scholarly presentation versus a
10:28 national or international.
10:28 So as it moves up that -- that scale in
10:28 terms of regional, national, international, it's
10:28 considered to be a higher -- an indicator of
10:28 excellence, indicator of noteworthy.
10:28 Q. You used the term "refereed." What does
10:28 that mean?
10:28 A. It means someone -- if it's a -- someone
10:28 that's with the organization that's either publishing
10:28 the article or in charge of the presentation has
10:28 basically judged the article to be of sufficient
10:28 quality to merit acceptance of the paper as either an
10:29 article or as a presentation.

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, et al.	)	
Plaintiff,	)	
VS.	)	Civil Action No. 5:15-CV-00324-C
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, et al.	)	
Defendant.	)	

****

ORAL DEPOSITION OF
DR. RANDY PRUS
MARCH 9, 2016

****

ORAL DEPOSITION OF DR. RANDY PRUS, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 9th day of March, 2016, from 8:58 a.m. to 4:52 p.m., before Chrissa K. Mansfield-Hollingsworth, CSR in and for the State of Texas, reported by machine shorthand, at the offices of U.S. Attorney's Office, located at 600 East Taylor Street, Suite 2000, Sherman, Texas, pursuant to the Federal Rules of Civil Procedure.

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ALSO PRESENT:
Ms. Rachel Tudor
Mr. Charles K. Babb

A. Early 2000s.

Q. And what was the -- I'm -- let me strike that. So you're saying in the early 2000s, it became a requirement that you have a peer-reviewed article to get tenured?

MR. JOSEPH: Object to the form.

A. In the department.

Q. (By Mr. Townsend) What do you mean by in the department?

A. The department had in writing criteria for tenure and promotion.

Q. And how long did it remain the case that those criteria required a professor to have a peer-reviewed article to get tenure?

A. Sometime shortly after Dr. Minks became president, which would have been -- when did he become president? It's hard to say because he was vice-president and then he was interim president and then he became president sometime -- sometime around 2008 or '9.

Q. So when Ms. -- when Dr. Minks became president of Southeastern, is that when things changed and professors in the English, humanities and languages department no longer needed a peer-reviewed article to get tenure?

A. No. I think -- I don't -- no. That's -- I guess rephrase that question, please.

Q. Sure. I'm trying to figure out when it stopped being the case that a professor needed a peer-reviewed article to get tenure. Do you remember when that was?

A. It never stopped being the case. We just -- the administration didn't consider the criteria we had in writing.

Q. Who's the we in that sentence that you just said?

A. The department.

Q. The Department of English, Humanities & Languages?

A. Yeah.

Q. So once the Department of English, Humanities & Languages stopped using those written criteria you just referred to, it was no longer a firm rule that a professor had to have a peer-reviewed article to get tenure, is that fair to say?

MR. JOSEPH: Object to the form.

A. No.

MR. JOSEPH: Allan, while you're pausing, I don't mean to interrupt, but we've been going about 100 minutes. To the extent anybody needs to take a break, I just wanted to point that out if it was a good

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)
Plaintiff,	)
RACHEL TUDOR,	)
Plaintiff Intervenor,	)
vs.	) No. 5:15-CV-00324-C
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and	)
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA,	)
Defendants.	)

DEPOSITION OF LUCRETIA SCOUFOS

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON AUGUST 9, 2016

REPORTED BY: ROSIE STANDRIDGE, CSR

A P P E A R A N C E S

For the Plaintiff:

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Mr. Ezra Young
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For the Defendants and the witness:

Ms. Dixie L. Coffey
OKLAHOMA ATTORNEY GENERAL'S OFFICE
LITIGATION DIVISION
313 Northeast 21st Street
Oklahoma City, Oklahoma 73105
405.521.3921

Also present:

Ms. Rachel Tudor

08:52 1 immediately. I went to OU.
08:52 2 Q. When you graduated from undergraduate, what
08:52 3 was your degree in?
08:52 4 A. Education with an emphasis in English.
08:52 5 Q. And then what degree did you obtain from
08:52 6 Oklahoma University?
08:52 7 A. I have a master's degree in human relations
08:52 8 and a Ph.D. in communication.
08:53 9 Q. Did you get your Ph.D. from Oklahoma
08:53 10 University as well?
08:53 11 A. Yes.
08:53 12 Q. When did you get your Ph.D.?
08:53 13 A. In 1997.
08:53 14 Q. You've met Dr. Tudor before, correct?
08:53 15 A. Yes.
08:53 16 Q. All right. Is it your understanding that
08:53 17 Dr. Tudor is a transgender person?
08:53 18 A. Yes.
08:53 19 Q. Do you believe that Dr. Tudor is male?
08:53 20 A. No.
08:53 21 Q. Do you believe she's female?
08:53 22 A. Yes.
08:53 23 Q. What's your understanding of what the term
08:54 24 "transgender" means?
08:54 25 A. That a person is born to one gender and at

10:44 1 excellence is subjective?
10:44 2 MS. COFFEY: Object to form.
10:44 3 Q. (By Mr. Townsend) Let me ask it a different
10:44 4 way because of the form objection.
10:44 5 Would you agree that one person's impression
10:44 6 of something that's excellent could differ from
10:44 7 another person's based on their own subjective
10:44 8 judgment?
10:44 9 MS. COFFEY: Object to form.
10:44 10 A. In some situations. Not this one. When it
10:44 11 comes to things of this nature, we have guidelines.
10:44 12 Q. (By Mr. Townsend) When you say "this one,"
10:44 13 what are you talking about?
10:44 14 A. Well, if I say somebody's taste in clothes
10:45 15 is excellent, you may say I think that -- that they
10:45 16 aren't. That's subjective.
10:45 17 Q. Right. Speaking -- let's take a faculty
10:45 18 member's scholarship. In determining whether a
10:45 19 faculty member's scholarship is excellent, would you
10:45 20 agree that that requires some subjective judgment?
10:45 21 A. No.
10:45 22 Q. Are there objective criteria that were
10:45 23 applied at Southeastern to determine whether a faculty
10:45 24 member's scholarship was excellent?
10:45 25 A. There were criteria.

10:46 Q. And were those criteria objective?
10:46 A. The criteria are objective, but they vary
10:46 from department to department.
10:46 Q. Where were those objective criteria stated?
10:46 A. Some departments had their individual
10:46 criteria, but -- for example, universities have
10:46 different criteria. Hence, Harvard's criteria is
10:46 certainly different from OU's. And OU's is certainly
10:46 different from Southeastern's. But, for example, a
10:46 refereed journal or a jury journal is universal. So
10:46 that's objective.
10:47 Q. The term you just used, "referee," what does
10:47 that mean?
10:47 A. That means that you have -- and refereed is
10:47 usually used in the arts. That means that you have a
10:47 panel to determine if a piece of work is -- is of the
10:47 quality to go in that journal because there are some
10:47 journals who would only accept perhaps 10 percent, 20
10:47 percent of all the applications that they get to be
10:47 published. That's an objective criteria. And some
10:47 journals, anybody can be put in a journal. And those
10:47 do not reach the standard.
10:47 Q. They don't reach the standard of refereed?
10:47 A. They don't reach the standard if anybody can
10:47 get -- be published in them. They don't reach the

12:05 Q. Okay.
12:05 A. This has to be based upon Dr. Tudor's
12:05 performance during that time.
12:05 Q. All right. So you -- you were just
12:05 clarifying that when you were assessing Dr. Tudor's
12:05 qualifications, you were not considering anything that
12:05 Dr. Tudor had done before coming to Southeastern; is
12:06 that right?
12:06 A. That's right.
12:06 Q. And then you also --
12:06 A. And that -- that is policy.
12:06 Q. And then you also said that the letter from
12:06 Kim McGeehee was not in Dr. Tudor's portfolio,
12:06 correct?
12:06 A. Correct.
12:06 Q. And that's the letter that's in Plaintiff's
12:06 Exhibit 3 on page PI 1329?
12:06 A. Yes.
12:06 Q. And then you said something about a letter
12:07 of recommendation from a secretary, correct?
12:07 A. Teresa Anderson is a departmental secretary.
12:07 She may have since then become an office assistant;
12:07 but at that time, she wasn't.
12:07 Q. And was one of the reasons that you
12:07 recommended that Dr. Tudor not receive tenure the fact

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	
	)	
RACHEL TUDOR,	)	
	)	
Plaintiff Intervenor,	)	
	)	
-vs-	)	No. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, and	)	
	)	
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA,	)	
	)	
Defendant(s).	)	

DEPOSITION OF LAWRENCE MINKS, PhD

TAKEN ON BEHALF OF THE PLAINTIFF(S)

IN ARDMORE, OKLAHOMA

ON MAY 19, 2016

REPORTED BY: LESLIE A. FOSTER, CSR

A P P E A R A N C E S

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313 Northeast 21st Street
Oklahoma City, Oklahoma 73105

Also Present:

Charles Babb
Rachel Tudor

the EEOC investigator?

A Could you rephrase the question, please?

Q When you were interviewed by the EEOC investigator, did you tell the truth?

A Yes.

Q How long have you lived in Oklahoma?

A Since 1976.

Q And where did you live before moving to Oklahoma in 1976?

A Just prior?

Q Yes.

A Elkhart, Indiana.

Q And why did you move from Indiana to Oklahoma?

A To take a teaching position at Southeastern.

Q Where did you go to college for your undergraduate work?

A Eastern New Mexico University.

Q Did you graduate from Eastern New Mexico University?

A Yes.

Q What was your degree?

A Bachelor of business administration.

Q Was your major, in undergraduate school, business?

A Yes.

Q Did you go to graduate school?
A Yes.
Q Where did you go to graduate school?
A Eastern New Mexico University.
Q And I think I forgot to ask. What year did you get your bachelor's in business administration?
A 1969.
Q What was your course of study in graduate school at Eastern New Mexico University?
A Master of business administration.
Q Did you get your master's degree?
A Yes.
Q What year?
A 1970.
Q And that was a master's in business administration?
A Yes.
Q Do you have -- strike that.
Did you undergo any other graduate study?
A Yes.
Q Where?
A The University of Northern Colorado.
Q Did you get a degree from the University of Northern Colorado?
A Yes.

Q What was that degree?
A Doctor of education and business teaching.
Q What year did you get the doctor of education and business teaching?
A 1980.
Q Do you know what the term transgender means?
A Yes.
Q What do you think it means?
A I don't recall.
Q What does the word transgender mean?
MS. COFFEY: Objection. Just answered.
Q (BY MR. TOWNSEND) I asked you if you knew what the word transgender meant and you said yes, so now I'm asking what does it mean.
MS. COFFEY: And he said he doesn't recall.
Q (BY MR. TOWNSEND) Would you agree that a transgender person is somebody who was assigned one gender at birth and then subsequently began to live as a different gender?
MS. COFFEY: Object to form.
You can answer.
A Yes.
Q (BY MR. TOWNSEND) All right. Based on that definition of transgender, do you know any transgender people?

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June 30, 2016

Allan Townsend
Attorney at Law
US Department of Justice
Civil Rights Division-DC
950 Pennsylvania Avenue NW
RM 49258 PHB
Washington, DC 20530

RE: United States of America vs. Southeastern Oklahoma State University
Transcript of Lawrence Minks, PhD, 05/19/16

Dear Mr. Townsend:

Enclosed you will find a copy of the jurat page for the transcript of **Lawrence Minks, PhD.** Please attach to your copy of the transcript. **THE CORRECTION SHEET WAS NOT RETURNED TO OUR OFFICE**.

Also enclosed please find the sealed original transcript which includes the original jurat page. If we can be of further assistance, please advise.

Sincerely,

Christine Woods
Production Manager

Enclosures

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 27, 2016

Christine Woods
OFFICE MANAGER
DODSON COURT REPORTER & LEGAL VIDEO
425 NW 7th St.
Oklahoma City, OK 73102

Re: *United States of America v. Southeastern Oklahoma State University and the Regional University System of Oklahoma*
Case No: 15-CV-324-C (Okla. Western District)

Dear Ms. Woods:

Enclosed please find the *Jurat Page* for Lawrence Minks, Ph.D. with regard to his deposition taken on May 19, 2016 in the above matter. Please note Dr. Minks had no corrections to his transcript. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Lori Cornell

Lori Cornell
Paralegal to Dixie Coffey and Jeb Joseph
Assistant Attorneys General

/lcc
Enclosure

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J U R A T

STATE OF Oklahoma)
) SS:
COUNTY OF Carter)

ORIGINAL

I, LAWRENCE MINKS, PhD, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true and correct transcription of my testimony so given at said time and place, except for the corrections noted.

Lawrence C. Minks
LAWRENCE MINKS, PhD

Subscribed and sworn to before me, a Notary Public in and for the State of Oklahoma by said witness, Beth Jones, on this, the 27th day of June, 2016

Mita A. Bates
NOTARY PUBLIC

My Commission Expires:

My Commission Number:

OFFICIAL SEAL
MITA A. BATES
NOTARY PUBLIC OKLAHOMA
CARTER COUNTY
COMM. NO. 09002224 EXP. 1-23-2017

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