



FACULTY SENATE RESOLUTION/BILL

FSR 2015/2016-10

I. RESOLUTION NAME:

The Faculty Senate has sole responsibility for the contents of the Faculty Handbook.

II. STATED RESOLUTION:

Whereas, faculty members have contracts or letters of appointment and are appointees and not in any sense employees.

Whereas, faculty are responsible for shared governance of the institution and for carrying out teaching and research, the very purposes for the existence of the university.

Whereas, allocation of authority to the faculty in the areas of its responsibility under shared governance is a necessary condition for the protection of academic freedom within the institution.

Whereas, the protection of free expression within the institution takes many forms, but the issue emerges most clearly in the care of faculty authority over faculty status.

Whereas, the key elements in any faculty handbook, those that deal with academic freedom, tenure, due process, and governance, are insufficiently addressed in the current academic year 2015-2016 edition of the faculty handbook.

Further, the courts are often asked to decide whether a faculty handbook – which includes policies, rules, and procedures under which professors work – also establishes a contractual relationship between a professor and an institution.

Whereas, property interest is defined by the U.S. Supreme Court as “A person’s interest in a benefit is a ‘property’ interest for due process purposes if there...are rules or mutually explicit understandings that support his [sic] claim of entitlement to the benefit and that he [sic] may invoke at a hearing.” *Perry v. Sindermann*, 408 U.S. 593, 601 (1972).

Whereas, faculty members have a constitutionally protected due process and property interest in continued employment based on the provisions delineated in their handbook.

Further, the UCO faculty controlled the faculty handbook from its inception until circa 1995.

Therefore, the UCO Faculty Handbook is an enforceable contract between the faculty and the institution and this will appear in every faculty member's letter of appointment as the faculty can only practice academic freedom by solely controlling the contents of the faculty handbook.

Sponsored for Consideration on April 7, 2016 by:

Elizabeth Sharpe Overman, Secretary
UCO Faculty Senate