

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2598

By: Holland

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5  
6 AS INTRODUCED

7 An Act relating to higher education; stating  
8 legislative intent that certain boards of regents  
9 adopt certain employment policies and procedures that  
10 meet certain guidelines and standards; providing  
11 guidelines and standards for probationary and annual  
12 contracts; providing guidelines and standards to  
13 eliminate tenure or multiyear or continuing  
14 contracts; providing guidelines and standards for  
15 contract rights and dismissal of an employee;  
16 providing definitions; providing for codification;  
17 and providing an effective date.

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1 probationary contract. A probationary contract shall be awarded  
2 regardless of previous employment in another institution within The  
3 Oklahoma State System of Higher Education or located in the state;

4 2. An annual contract may be awarded pursuant to paragraph 3 of  
5 this subsection to newly hired administrative and instructional  
6 personnel who have successfully completed a probationary contract or  
7 have received one or more annual contracts from a board of regents  
8 of an institution in The Oklahoma State System of Higher Education;

9 3. An annual contract may be awarded only if:

10 a. an institution president recommends employment to the  
11 board of regents based upon the effective performance,  
12 educational and experiential qualifications of the  
13 individual, and capacity to meet the educational needs  
14 of the institution and the community, and

15 b. the board of regents approves the recommendation of  
16 the president in accordance with policies and  
17 procedures adopted by the institution;

18 4. Notwithstanding any other provision of law to the contrary,  
19 on or after July 1, 2013, no administrative or instructional  
20 personnel may be awarded tenure, a multiyear contract, or a  
21 continuing contract, except the president;

22 5. Tenure, a multiyear contract, or a continuing contract in  
23 effect prior to July 1, 2013, may not be renewed, extended, or  
24 readopted. Administrative and instructional personnel without an

1 annual contract are eligible to be awarded an annual contract  
2 pursuant to paragraph 3 of this subsection;

3 6. A contract shall not create an expectancy of employment  
4 beyond the term of the contract. Nonrenewal of a contract shall not  
5 entitle the employee to an explanation or statement of the reasons  
6 for nonrenewal or to a hearing; and

7 7. A board of regents of an institution may dismiss an employee  
8 who has been awarded an annual contract, or who holds tenure, a  
9 multiyear contract, or a continuing contract, during the term of the  
10 contract based upon the recommendation of the president of the  
11 institution. The recommendation of the president may be based upon  
12 the factors adopted by the board of regents. The president shall  
13 notify the employee in writing of the recommendation, and the board  
14 of regents shall afford the employee the right to a hearing in  
15 accordance with the policies and procedures adopted by the board of  
16 regents.

17 B. As used in this section:

18 1. "Administrative personnel" includes, but is not limited to,  
19 an employee who performs management activities such as developing  
20 broad policies for an institution within The Oklahoma State System  
21 of Higher Education and executing those policies through the  
22 direction of personnel at all levels within the institution. In  
23 addition, the term "administrative personnel" includes an employee  
24 who has been assigned the responsibilities of systemwide or

1 institutionwide functions, including developing, coordinating, or  
2 administering instructional and noninstructional activities of the  
3 institution. The term "administrative personnel" does not include  
4 the president of an institution;

5 2. "Annual contract" means an employment contract for a period  
6 of no longer than three hundred sixty-five (365) days which the  
7 board of regents of an institution may award or not award without  
8 cause;

9 3. "Instructional personnel" includes, but is not limited to, a  
10 teacher, faculty member, professor, or employee who provides any  
11 direct instructional services to students. In addition, the term  
12 "instructional personnel" includes an employee who provides direct  
13 support to students, including, but not limited to, an employee  
14 responsible for providing media services and technology resources; a  
15 counselor, adviser, or employee performing educational evaluations  
16 or placement services or similar functions; or an instructional  
17 specialist, librarian, resource specialist, instructional trainer,  
18 or adjunct educator;

19 4. "President" means the president of an institution within The  
20 Oklahoma State System of Higher Education appointed by the board of  
21 regents for the institution; and

22 5. "Probationary contract" means an employment contract for a  
23 period of no longer than three hundred sixty-five (365) days awarded  
24 to administrative or instructional personnel.

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SECTION 2. This act shall become effective November 1, 2012.

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