

**SHEPHERD UNIVERSITY
BOARD OF GOVERNORS
POLICY 19**

**TITLE: ACADEMIC FREEDOM, PROFESSIONAL
RESPONSIBILITY, PROMOTION, AND TENURE**

SECTION 1. GENERAL

- 1.1 Scope - This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty. Specific provisions of faculty personnel policies are included in Appendix A.
- 1.2 Authority - W. Va. Code § 18B-1-6 and §18B-2A-4
- 1.3 Effective Date – November 15,2019, amending the February 23, 2017 version

SECTION 2. ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY.

- 2.1. Academic freedom at this institution of higher education is necessary to enable the institution to perform its societal obligation as established by the Legislature. The Board recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in institutions of higher education. Faculty members and students must always remain free to inquire, study, and evaluate.
- 2.2. Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the appropriate administrators of the institution. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside the institution, they shall be free from institutional censorship or discipline.
- 2.3. The concept of academic freedom is accompanied by an equally important concept of academic responsibility. A faculty member is a citizen, a

member of a learned profession, and a representative of the educational institution. As such, a faculty member, together with all other members of the academic community, has the responsibility for protecting, defending, and promoting individual academic freedom for all members of the community. The faculty member has the responsibility of contributing to institutional and departmental missions in teaching, research, and service as defined by the institution. The faculty member is responsible also as a teacher for striving to speak with accuracy and with respect for the similar rights and responsibilities of others. In speaking only as an individual or for a limited group, the faculty member should not imply or claim to be a spokesperson for the institution.

- 2.4. In addition to meeting the primary responsibilities of addressing the institutional mission in teaching, research, and service, all faculty have an obligation to foster the quality, viability, and necessity of their programs. The financial stability of a program and recruitment of an adequate number of students depend in part on the faculty. The common goal of quality must be nurtured and responsibility for it shared by all. Integrity, objectivity, and service to the purposes and missions of the institution are expected.
- 2.5 Faculty interests and skills change, disciplines evolve, and new professions or fields of study emerge. All faculty members are responsible for remaining current in their disciplines. All are encouraged to explore opportunities for further developing a versatile range of knowledge and skills that are important to the institution. Through individual initiative and faculty development programs, faculty members are encouraged to grow in competency in their own disciplines and strengthen their interests in related fields.
- 2.6 As members of an academic community, faculty members also are expected to participate in decisions concerning programs and in program-review processes.

SECTION 3. FACULTY: RANKS AND DEFINITIONS.

- 3.1 The faculty shall be those appointees so designated by the President. The faculty may include, but are not limited to, such professional personnel as librarians, faculty equivalents, academic professionals, and those involved in off-campus academic activities.
- 3.2 Faculty may fall into one of the following classifications:
 - 3.2.1. Tenured: Those faculty members on whom tenure status has been conferred by the President or by the Board. Normally, tenured appointments are full-time (1.00 FTE or the equivalent,) for the academic year.
 - 3.2.1.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenured appointment may be converted to a part-time tenured appointment for a specified time period, normally not to exceed one calendar year. At the

conclusion of the approved time period or an approved extension thereof, the faculty member will return to a full-time tenured appointment or, if the faculty member chooses not to return to a full-time tenured appointment, the faculty member's employment will cease. This section does not apply to actions associated with phased retirement programs.

- 3.2.2. Tenure-Track: Those faculty members who have been appointed on a full-time (1.00 FTE or the equivalent) basis and have been designated as being in a tenure-track position.
 - 3.2.2.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenure-track appointment may be converted to a part-time tenure-track appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or extension thereof, the faculty member will return to a full-time tenure-track appointment or, if the faculty member chooses not to return to a full-time tenure-track appointment, the faculty member's employment will cease. Time spent in a part-time tenure-track appointment will not normally apply to the calculation of the years of service for the purposes of tenure nor will it result in any de facto award of tenure.
- 3.2.3. Clinical-Track: Those faculty members who have been appointed and have been designated as being in a clinical-track position. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Clinical-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.
- 3.2.4. Librarian-Track: Those faculty members who have been appointed and have been designated as being in a librarian-track position. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Librarian-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.
- 3.2.5. Non-tenure-Track: Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, or tenured status. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Non-tenure-track faculty may also include faculty equivalents or academic professionals, whose primary duties are non-instructional, but who may hold a secondary appointment that is instructional in character. No number of Non-tenure-track appointments shall create any

presumption of a right to appointment as tenure-track or tenured faculty. Non-Tenure-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

- 3.3 Faculty appointed to tenured or tenure-track positions shall be appointed in one of the following ranks:
 - 3.3.1. Professor;
 - 3.3.2. Associate Professor;
 - 3.3.3. Assistant Professor; or
 - 3.3.4. Instructor
- 3.4 Faculty appointed to clinical-track positions may be appointed to one of the following ranks, but with an appropriate clinical field designation:
 - 3.4.1. Professor;
 - 3.4.2. Associate Professor;
 - 3.4.3. Assistant Professor; or
 - 3.4.4. Instructor
- 3.5 Faculty appointed to librarian-track positions may be appointed to one of the following ranks:
 - 3.5.1. Librarian or Professor/Librarian;
 - 3.5.2. Associate Librarian or Associate Professor/Librarian;
 - 3.5.3. Assistant Librarian or Assistant Professor/Librarian; or
 - 3.5.4. Staff Librarian or Instructor/Librarian
- 3.6 Clinical-track and librarian-track faculty hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. Clinical-track and librarian-track faculty appointments are only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.
- 3.7 Other appropriate titles which more accurately indicate the nature of the position may be used.
- 3.8 Persons assigned full-time or part-time to administrative or staff duties may be appointed to, or may retain, one of the foregoing faculty ranks in addition to any administrative or staff title, following consultation with appropriate academic units. Such persons will be informed in writing at the time of the appointment whether the faculty rank is as a tenured, tenure-track, clinical-track, librarian-track, or non-tenure-track member of the faculty. Administrative or staff personnel who are not appointed to a faculty position are not faculty and therefore are not entitled to the protections provided by this policy.
- 3.9 Clinical-track, librarian-track, and Non-tenure-track faculty hold non-tenurable appointments which may be part-time or full-time and are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. These appointments are for a specified period of time as set forth in the notice of appointment. Since the faculty member thus appointed is not on the tenure track, the notice provisions set out for tenure-track appointments do not apply.

- 3.10 Non-tenure-track appointments shall have one of the following titles:
 - 3.10.1. Any of the faculty ranks, but designated visiting, research, clinical, extension, or adjunct, as applicable to describe the connection or function;
 - 3.10.2. Lecturer or senior lecturer;
 - 3.10.3. Assistant, designated as graduate, research, clinical, or adjunct, as applicable to describe the connection or function.
- 3.11 Non-tenure-track full-time (1.00 FTE or the equivalent, as determined by the institution) faculty appointments may be used only if one or more of the following conditions prevail:
 - 3.11.1. The position is funded by a grant, contract, or other source that is not a part of the regular and on-going source of operational funding.
 - 3.11.2. The appointment is for the temporary replacement of an individual on sabbatical or other leave of absence. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed three years.
 - 3.11.3. The appointment is for the purpose of filling an essential teaching post immediately, pending a permanent appointment through a regular search and screening process. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed three years.
 - 3.11.4. The position is temporary to meet transient instructional needs, to maintain sufficient instructional flexibility in order to respond to changing demand for courses taught, or to meet other institutional needs. The appointee is to be so notified at the time of the appointment. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed six years.
 - 3.11.5. The appointee is granted a primary appointment as an administrator or to perform other non-instructional duties, with a secondary appointment that is instructional in character. Any faculty rank or teaching would be considered temporary, renewable on an annual basis. The appointee must be notified in writing of the status of any faculty rank.
 - 3.11.6. Appointment or reappointment to a Non-tenure-track full-time faculty position shall create no right or expectation of continued appointment beyond the one-year period of appointment or reappointment.
- 3.12 All tenured, tenure-track, clinical-track, librarian-track, and Non-tenure-track appointments will be made with consultation of appropriate faculty and other collegiate units.
- 3.13 Every faculty contract shall be for one fiscal year, or part thereof, in accordance with and in compliance with the annual budget of the institution, or supplementary actions thereto, as provided by law.

- 3.14 Every such contract shall be in writing, and a copy of the document shall be furnished to the person appointed. Such document shall contain the terms and conditions of the appointment.

SECTION 4. FACULTY: TYPES AND CONDITIONS OF APPOINTMENT.

- 4.1 Full-time appointments to the faculty of the institution, other than those designated as clinical-track, librarian-track, or Non-tenure-track, shall be either tenured or tenure-track.
- 4.2 All clinical-track, librarian-track, and other Non-tenure-track appointments, as defined in Section 3 of this policy shall be neither tenured or tenure-track, but shall be appointments only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.
- 4.3 The appointment of a person to a full-time position is made subject to the following conditions:
- 4.3.1. The appointee shall render full-time service. Outside activities, shall not be restricted unless such activities or employment interfere with the adequate performance of institutional duties. The institution expects its faculty to give full professional effort to assignments of teaching, research and service. It is, therefore, considered inappropriate to engage in gainful employment outside the institution that is incompatible with the faculty member's contractual commitment to the institution. Moreover, it is considered inappropriate to transact personal business from one's institutional office when it interferes with institutional duties and responsibilities. The institution shall maintain a program of periodic review of outside services of appointees to guide faculty members.
- 4.3.2. If outside employment or service interferes with the performance of the regular institutional duties and responsibilities of the appointee, the institution has a right to (a) require the appointee to cease such outside employment or service which interferes with institutional duties and responsibilities of the appointee, (b) make such adjustments in the compensation paid to such appointee as are warranted by the appointee's services lost to the institution and by the appointee's use of institutional equipment and materials, or (c) dismiss for cause .
- 4.3.3. The University may permit and encourage a reasonable amount of personal professional activity, such as consulting, by a faculty member outside the faculty member's duties and responsibilities of employment by and for the institution, provided such activity: (1) further develops the faculty member professionally and (2) does not interfere with duties and responsibilities to the institution.
- 4.4 If the status of a faculty member changes from Non-tenure-track, clinical-track, or librarian-track to tenure-track, the time spent at the institution

may, at the discretion of the President, be counted as part of the tenure-track period.

SECTION 5. JOINT INSTITUTIONAL APPOINTMENTS.

- 5.1 Faculty members may be appointed to perform academic duties at two or more public institutions of higher education in West Virginia, which duties may include teaching, research, counseling, or other services. For administrative purposes, one institution shall be designated the faculty member's "home institution," which institution shall be responsible for granting promotions, raises in salary, and tenure: Provided, however, that when cause therefore shall occur, appropriate counseling, disciplinary action, and the like shall be the responsibility of the institution where the occurrence arose.
- 5.2 The conditions and the details of the faculty member's joint appointment, including the designation of the "home institution," and any other arrangements, shall be specified in the agreement between the faculty member and the institutions sharing the faculty member's services. A joint appointment will be made only with consent of the faculty member.
- 5.3 Full-time faculty members of Shepherd University appointed under joint or contractual appointments shall continue to be considered full-time employees of Shepherd University.

APPENDIX A

(Section numbers correspond to Faculty Handbook)

II. Policies and Procedures

A. Faculty Personnel Policies

1. Definition of Faculty

The faculty are employed by the Board of Governors upon the recommendation of the President or the Provost. Faculty fall into one of the following classifications:

Tenured: those faculty members who have attained the tenure status by official action of the Provost, the President or the Board of Governors.

Tenure-Track: those faculty members who have been appointed on a full-time basis and have been designated as being in a tenure-track position.

Temporary: those faculty who have not been appointed in a *tenure-track* or tenured status. Their appointment may be full-time or part-time.

a. Distinction on the Basis of Full-Time/Part-Time

To be classified as full-time faculty, an individual must meet as a minimum the following conditions of employment as determined by the Provost or President:

(1) Employment is in a specific position as delineated on a current and approved State expenditure schedule(s) as contrasted to casual or part-time help.

(2) Employment for faculty is on a full academic year (at least nine months) contract basis for at least six semester credit hours teaching per semester or the equivalent in research, public service, and/or administrative responsibilities, and expressly designated on a Faculty Appointment Notice as “full-time.”

Part-time faculty appointments do not convert to full time status merely due to the number of credit hours assigned. Each department has an approved policy and

process for the oversight and evaluation of part-time faculty members.

It is the responsibility of the department, under the guidance of the respective Department Chair, Dean and the Provost, to ensure that this policy and process is maintained.

Term: Those faculty members who have been appointed as instructional faculty for a specified term of semesters or years as defined in the appointment agreement. The appointment may be full-time or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty. Such full-time appointments will not exceed ten percent of the total number of full-time faculty at the institution.

b. Tenure-Track Status

When a full-time faculty member is appointed on other than a temporary or tenured basis, the appointment is tenure-track. During the tenure-track period, the terms and conditions of every appointment will be stated in writing with a copy of the agreement furnished the individual concerned. Generally the appointment letter may be expected between June 10 and June 30 each year.

In order to aid and to evaluate tenure-track status faculty, the President, Provost, Dean, Department Chair, or their designee may conduct classroom observations.

The maximum period of tenure-track status shall normally not exceed seven years. Before completing the sixth year of a probationary appointment, any non-tenured faculty shall be given written notice of tenure or offered a one-year written terminal contract of employment. Generally, any applications for tenure prior to the 6th year of service will be premature and will not be granted. Under special circumstances, if requested by the faculty member and approved, a full-time tenure-track appointment may be converted to a part-time tenure-track appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or extension thereof, the faculty member will return to a full-time tenure-track appointment or, if the faculty member chooses not to return to a full-time tenure-track appointment, the faculty member's employment will cease. Time spent in a part-time tenure-track appointment will not normally apply to the calculation of the years of service for the purposes of tenure or promotion, nor will it result in any de facto award of tenure.

Upon a written request by a tenure-track faculty member, and following review initially by the Department

Chair/School Director and the Dean, the Provost may approve a suspension in the seven-year tenure track period. Upon approval, the tenure clock shall be tolled for one year. Generally, the circumstances for which a suspension of the tenure-clock may be granted would be: i) significant responsibilities with respect to elder or dependent care obligations, ii) disability, iii) chronic illness, iv) childbirth or adoption, or v) circumstances beyond the control of the faculty member when those circumstances significantly impede progress toward achieving tenure.

Where a leave of absence or extension of the probationary period is granted, the individual's tenure track time frame shall be extended by the same period as the leave or extension. There is a very strong presumption against the approval of more than one request, but if the faculty member's initial employment is after the beginning of the Fall Semester but prior to the start of the Spring Semester, the faculty member may also request that the initial semester of service not be counted as a year of service for tenure or promotion purposes. If a suspension of the tenure clock is granted prior to the pre-tenure review, the tolling of the tenure clock also tolls the timeframe for pre-tenure review.

Non-Retention

During the tenure-track period, contracts shall be issued on a year-to-year basis, and appointments may be terminated at the end of the contract period. During this tenure-track period, notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented recommendations of administrators relating to the decision for nonretention or dismissal shall be provided promptly to the faculty member upon written request.

After the decision regarding retention has been made, the Provost shall notify the tenure-track faculty of the decision as soon as practicable. In cases of nonretention of faculty who began service at the start of the fall term, formal notification shall be given:

not later than **March 1** of the first academic year of service

(1) not later than **December 15** of the second academic year of service, and

(3) at least one academic year before the expiration of an appointment after two or more years of service with the University.

Failure to provide timely notice of non-retention to tenure-track faculty would lead to the offer of renewal of appointment for an additional year, but would not prejudice further continuation after that additional year.

Faculty appointed at times other than the beginning of the academic year may choose to have those periods of appointment equal to or greater than half an academic year considered as a full year for tenure purposes only. Tenure-track appointments for less than half an academic year may not be considered time in probationary status.

Following receipt of the notice of nonretention decision, the tenure-track faculty member may appeal such nonretention decision by following the grievance procedures.

c. Temporary Status

All full-time appointments to the faculty that are neither tenured nor tenure-track shall be classified as temporary. All temporary appointments shall be appointments only for the periods and for the purposes specified, with no additional interest or right obtained by the person appointed by virtue of such appointment.

The employment of part-time faculty is made pursuant to the approval and supervision of the Provost, with the advice and recommendations of the respective department and Dean. Each Dean and the Provost review the qualifications and experience of prospective adjunct faculty. The appropriate balance in each department between the number of courses taught by full-time faculty and part-time faculty is also assessed. Department Chairs/School Directors, under the direction of the respective College Dean, are responsible to ensure that adjuncts receive information regarding duties, responsibilities, and curricular issues. Deans provide an annual assessment of the teaching performance for adjunct faculty either directly or through the Department Chair/School Director. Graduate faculty adjuncts' assessments are managed, with input from chairs, school directors or deans, through the School of Graduate and Professional Studies.

All part-time faculty appointments are for a written, contractually agreed upon defined period of employment, with no credit toward "seniority," academic tenure, or other regular employment, unless otherwise expressly specified. A salary scale is used for adjuncts, which differentiates on the basis of highest degree held.

If the status of a faculty member changes from temporary to tenure-track, the time spent at the institution may, at the discretion of the Provost, be counted as part of the probationary period.

Faculty who hold temporary appointments, which may be part-time or full-time, are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments.

Temporary full-time faculty appointments may be used if one or more of the following conditions prevail.

(1) The position is funded by a grant, contract, or other source that is not a part of the regular and on-going source of operational funding.

(2) The appointment is for temporary replacement of an individual on sabbatical or leave of absence. Such appointments outside tenure-track status may not exceed three years, and are subject to annual renewal.

(3) The appointment is for the purpose of filling an essential teaching post immediately, pending a permanent appointment through a regular search and screening process. Such appointments outside tenure-track status may not exceed three years and are subject to annual renewal.

(4) The position is temporary to meet transient instructional needs, to maintain sufficient instructional flexibility in order to respond to changing demand for courses taught, or to meet other institutional needs. Such appointment outside tenure-track status may not exceed six years and is subject to annual renewal.

(5) The appointee is granted a primary appointment as an administrator or to perform other non-instructional duties, with a secondary appointment that is instructional in character. Any faculty rank or teaching would be considered temporary and renewable on an annual basis. The appointee must be notified in writing of the status of any faculty rank.

(6) Shepherd University will employ visiting faculty at all ranks on a temporary basis. These positions will usually be filled at the assistant professor level on the basis of a year-to-year contract with a general maximum of three years per individual filling a visiting position. Visiting faculty will not participate in the third year tenure review process, but will be evaluated during the annual review process in the same manner as all other full-time faculty members. Visiting faculty will be eligible for insurance and other fringe benefits provided to full-time members of the faculty as part of the State benefits program. A visiting faculty member may apply for a probationary position or tenure-earning position for which he or she is qualified, if a search for such a position is conducted by the university. A visiting faculty member will not, however, receive special consideration for such a position apart from consideration given to all applicants.

2. Expectations of Faculty

The following are expected of those who are employed as faculty at Shepherd University, especially those employed on a full-time tenured or tenure track appointment. New faculty will be mentored within their home departments.

a. Effective Teaching

Effective teaching is the product of such elements as: (1) competency in one's field which engenders the respect of one's colleagues; (2) interested effort and enthusiasm on the part of the instructor toward the students and their work; (3) demonstrated progress on the part of the students, as seen in their interest in learning, their desire for scholarship, and their effective effort toward self improvement and cooperative endeavor; and utilization of effective teaching tools and best practices, such as outlined in resources from the Center for Teaching, Learning and Instructional Resources.

b. Professional Growth

In addition to the actual accumulation of graduate credits, professional growth may be judged by evidence of scholarly interests such as active membership in societies of interest and pertinence, including attendance and active participation at meetings of such societies at the state, regional, and national level.

Philosophy, Guidelines and Procedures for the Allocation of Professional Development Monetary Support

Continued professional development is a reasonable expectation of full-time university faculty and faculty should actively seek opportunities for such development. Shepherd University has an institutional responsibility to encourage the continued professional development of its full-time faculty through the allocation of funding to help to defray costs related to involvement in activities which will enhance the abilities of its faculty to engage more effectively in the primary mission of undergraduate instruction.

Such development support may be directed to reimbursement of the costs of travel, lodging, meals and/or registration fees associated with participation in professional meetings or other formal activities of the individual academic

disciplines. Any other proposals for which support may be solicited (e.g. for research) should be clearly and directly related to the primary mission of each full-time faculty member as an instrument of undergraduate instruction.

It is both appropriate and necessary that procedures and policies be developed and adopted to provide the necessary elements of "quality control" and "quality assurance" for the benefit of faculty among all of the diverse disciplines and to be accountable to agencies external to the faculty of the several diverse disciplines. If it is true that the faculty of a particular department or discipline can easily recognize and evaluate the appropriateness and validity of professional development activities within that department or discipline, that department faculty should be able to explain, describe and justify such professional activity to external interests as well, including faculty of other disciplines.

At the beginning of each fiscal year, every academic department should be allocated, as a part of its operating budget, an amount of money designated for Professional Development; alternatively, some colleges may elect to pool these funds at the college level. These amounts are established through the institutional budgeting process. Generally, this amount will be proportional with regard to the number of full-time, continuing faculty assigned to department, division, or college, as applicable to the budget-management practices utilized. Faculty on sabbatical leave will be included in any determination of this proportional allocation. Several academic departments have Educator Preparation Program Council (EPPC) faculty affiliated with them. Since these faculty are expected to participate in professional development as EPPC members as well as in professional development for their chosen academic discipline, academic departments with EPPC faculty should receive a supplementary allocation to support EPPC-related professional activity. The level of such supplementary support will be determined by negotiation among the chairs of departments with EPPC faculty, the Director of the School of Education, and the Provost.

Each academic department will establish a prioritized list and detail specific activities, which are recognized as being legitimate for enhancing or promoting undergraduate instruction within the discipline. This department list will include any recommendations regarding the proportion of total individual project costs (e.g. all, one half, travel only, up to a specified amount, etc.) which ordinarily should be funded and clearly state that department's criteria for constructing its priority. Copies of this prioritized list will be provided to the Chair of the Professional Development, Faculty Salary and Welfare Committee of the

Faculty Senate, the Provost and the President of the University. These individuals will review the departmental documents and, if necessary, negotiate changes, which would insure institutional consistency.

Faculty wishing to obtain funding to support professional development activities will consult their departmental prioritized listing and will complete and submit a Professional Development Project Proposal form to the appropriate Department Chair/ School Director. The Chair/ Director will review the proposal and, after consultation with the faculty member making application, make a recommendation for support to the College Dean. The Provost may accept the recommendation of the College Dean and authorize the recommended level of support. If the Provost chooses to reject or modify the support level recommended it must be following consultation with the College Dean in question. It is expected that the Provost would reject or modify the Dean's recommendation only due to the depletion of that school's budget allocation for professional development.

Any faculty member receiving money for reimbursement of approved professional development activities shall be required to prepare a brief (1-2 page), but informative summary of the activity that took place, outlining the degree of success with which the activity met the anticipated goals or ends specified in the project proposal document. This brief report shall be submitted to the Department Chair/School Director and College Dean no later than one calendar month following the completion or conclusion of the supported project or activity. The respective Chair/Director and Dean will maintain a file of such reports and will provide a copy of each report to the Office of the Provost prior to the end of the academic year. Failure to submit such a report may jeopardize a faculty member's access to future professional development support.

c. Service to the University and Community

Members of the faculty are encouraged to take an active part in the professional and social life of the communities and area served by the University. Because the University is interested in maintaining constantly the good will and confidence of its constituencies and the public at large, it is expected that each faculty member will contribute something to the sum total of community goodwill. Areas where such contributions may be made are excellence in instruction, off-campus professional appearances, and membership/participation in civic or service organizations.

Demonstrated evidence of University service is expected and may be judged by a willingness to:

(1) participate actively in administrative and faculty projects, such as committee assignments, curriculum revisions, etc.;

(2) accept and fulfill educational responsibilities outside the classroom, such as identification with movements of genuine educational character or those activities by which the University and the teacher come to greater prestige and usefulness in the community, state, and nation;

(3) participate in forums, conferences, in-service work, addresses, etc., all of which play a part in public relations.

d. Earned Doctorate

All full-time faculty members employed at Shepherd University who do not have the doctorate from a recognized regionally accredited institution of higher education at the time of employment are expected to work progressively toward the doctorate unless there is a specific written agreement to the contrary at the time of their employment.

3. Academic Freedom and Responsibilities

Shepherd University supports the principles of academic freedom as espoused by the American Association of University Professors.

In accordance with the Board of Governors Policy 19, the University adopts the following tenets regarding academic freedom.

Academic freedom at this institution of higher education is necessary to enable the institution to perform its societal obligation as established by the Legislature. The Shepherd University Board of Governors recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in institutions of higher education. Faculty members and students must always remain free to inquire, study, and evaluate.

Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of

the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the appropriate administrators of the institution. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as a citizen outside the college or university, they shall be free from institutional censorship or discipline.

The concept of academic freedom is accompanied by an equally important concept of academic responsibility. The faculty member at Shepherd University is a citizen, a member of a learned profession, and a representative of the educational institution. As such, a faculty member, together with all other members of the academic community, has the responsibility for protecting, defending, and promoting individual academic freedom for all members of the community. The faculty member is responsible also as a teacher for striving to speak with accuracy and with respect for the similar rights and responsibilities of others. In speaking only as an individual or for a limited group, the faculty member should not imply or claim to be a spokesperson for the institution.

4. Distribution of Workload

For a full-time teaching faculty member without administrative duties, the normal teaching load is twelve (12) credit hours per semester and twenty-four (24) credit hours per academic year, which is commensurate with the recommendations of the University's accrediting agencies and the Board of Governors. In determining semester hour loads, consideration is given to laboratory assignments, applied music lessons, supervision of student teaching and coaching duties. It is also expected that a certain student credit hour production will be maintained in addition to the established credit hour load.

The Provost shall establish a uniform, quantitative measure of faculty workload, taking into account student credit hour production, official release time granted and other exigent circumstances, and establishing therein a reasonable per-semester benchmark. If a faculty member's workload fails to achieve 75% of the established benchmark, then the

Provost may direct the assignment of additional work in the current or following semester(s), as indicated, as may be necessary and proper to provide for a more-equalized workload. If the faculty member achieves between 75% and 95% in successive semesters and cumulatively accrues a 25% deficiency over such successive semesters [two, or more successively], then the Provost may direct the assignment of an additional course in the following semester or other work, as may be necessary and proper to provide for a more-equalized workload. Additional work may include additional classroom instruction or may include administrative support of the academic programs of the University, as appropriate.

In addition to an assigned teaching load, each professor is expected to schedule a minimum of six (6) office hours per week for student consultation, except during advisement week and before and after exams. Service to the University is also an expected part of each faculty member's workload. Service load may consist of advising a student organization, committee service, and assisting at athletic events, recruitment events, and admission events as defined in expectations of faculty.

Off-campus and evening/weekend classes will be offered, when sufficient demand exists, as a part of the University 's mission to the service area. Faculty members are expected to share in a fair and reasonable manner in these teaching obligations which are often at other than preferred times and locations. Evening classes and instruction at additional locations will, in general, be considered a part of the regular teaching load. When off-campus teaching is by necessity in excess of the normal teaching load, additional compensation may be provided with the approval of the President or Provost.

A report of teaching loads, office hours, and service assignments is submitted at the beginning of each semester. The office of the Provost distributes forms for the collection of these data. A report on plans for outside consulting requires prior approval by the Provost. Changes must be updated as they occur. In addition to this official report, each faculty member is expected to post office hours on his or her office door or bulletin board for student use, as well as other faculty. A directory of faculty schedules and office hours is published by the Office of the Provost each year.

5. Overloads

The limitation of faculty teaching loads to 12 semester hours is very strongly supported, subject to workload expectations. Students need and deserve the guidance and counseling which professors can give them as they progress

through the undergraduate programs. Professors are encouraged to enrich their teaching through professional reading, continuing graduate study, and taking trips, which provide experiences, related to teaching assignments. Additional time should also be spent in service to the University and the community.

There may be circumstances, however, where the Department Chairs/School Directors may need to recommend additional hours for a faculty member. Established reasons for approval of recommended overloads include: the teaching of a course when other qualified personnel cannot be identified; the distributing of more equitable student credit hour loads among faculty; and the opportunity to teach a graduate course in the professor's specialized field.

Recommendations for faculty to teach beyond the normal 12-hour load are to be made according to the following guidelines.

- a. The respective Department/School and College Deans will make recommendations to the Provost on requests for extra courses to be taught.
- b. Faculty who hold the doctorate and/or who have special preparation in particular fields will receive first consideration for extra teaching assignments, especially those assignments which are remunerative.
- c. Faculty should use professional discretion in assuming any extra teaching assignments.
- d. A justification must be included in all Human Resources actions for the overload.

6. Summer Session

Shepherd offers a limited number of classes during the summer session.

Determining who will teach in the summer sessions will depend upon a number of factors. It shall be the responsibility of the Provost and College Deans to prepare a list of courses to be offered in the summer sessions. Chairs/ Directors will recommend qualified faculty to teach the courses. A rotation plan for faculty members in the respective departments is encouraged. Priority will be given to faculty holding terminal degrees.

Since summer enrollment is much lower than the regular academic year, the number of faculty used in the

summer sessions is limited. Therefore, faculty not returning for the academic year following a summer session will not be offered summer employment. If a faculty member has signed a contract for summer teaching and resigns from Shepherd employment effective in August, the summer contract is terminable at the discretion of the University. In summary, summer employment is dependent upon a faculty member fulfilling his or her contract for the academic year following the summer teaching assignment.

All appointments for faculty members teaching in the summer session are subject to rescission if the classes do not meet minimum enrollment requirements, as determined by the Provost.

Courses with low enrollments (less than five (5) students) will be canceled by close of business the day before summer classes start in a given session, subject to the following condition. If the enrollment is less than five (5), the instructor will be contacted by the respective College Dean or his/her designee and asked if he/she wants to teach the course on a per student basis (one-fifth of full rate per student, based on the student count at the conclusion of the add/drop period). The course will remain only if the instructor opts to teach the course on the pro-rated salary basis. The College Deans will then notify the Registrar and the Provost. The Registrar will, after the 4:00 p.m. closing of registration on the first day, notify each College Dean of the courses with low enrollment.

Faculty members will be provided compensation for supervision of summer internships under the following conditions: (a) A faculty member will be paid at the full prevailing summer course rate per credit hour taught comparable to other faculty members with like degrees if ten (10) or more students register for summer internship credit under his or her direction. (b) If fewer than (10) students register for a given internship course, the faculty member will be paid on a pro-rated basis of 10% of the base pay rate per credit hour per student. (c) A faculty member will be paid for only one internship course section per summer session (Session I, Session II, or the entire summer session.) (d) The Curriculum and Instruction Committee offers the following guidelines of documentary materials expected for departments offering summer internships courses: (i) A written contract specifying the responsibilities of the faculty supervisor, student and internship in-site supervisor. (ii) A course syllabus and a learning agreement. (iii) Documentation of student work (i.e., a journal, term paper, portfolio, or other form of documentation appropriate to the discipline.) (iv) The faculty supervisor and internship on-site supervisor communicate via paper or e-mail to ensure that the student is

working satisfactorily, working the appropriate number of hours (i.e., 200 on-site hours is equivalent to 3 credit hours), and that the student's grade is based on the above. (v) The student's grade is to be awarded after completion of the internship (using the university -established rules for granting the grade of I (Incomplete) when necessary, in accordance with the rules established by The Admissions and Credits Committee.

7. Independent Study and One-On-One Teaching Under Restricted Conditions

Should a class section be removed from the course schedule in a given semester because of low registration, the department in which the class is housed may ask a faculty member or adjunct faculty member to provide an independent study course for a student in the closed class section. The faculty member will be paid \$150 per three (3) credit hour independent student course that he or she teaches under this policy. This course will be designated on the student's transcript as equivalent to the canceled course.

The following condition must be met for a contract to conduct an independent study course to be issued under this policy: The student is scheduled to graduate in the semester in which the class was to be offered and no substitute course is available that semester to meet the graduation requirement.

Reference here is made only to those courses that are usually taught in the standard class (10 or more students) arrangement and not to coops, internships and the like which must be considered as constituting a different topic. Assuming this, it seems clear that one-on-one teaching is demanding, requires as much if not more preparation than the usual classroom assignment, and should be considered an unusual demand upon any faculty member's time and course assignment. However, some unavoidable circumstances make it necessary that this type of course offering be an option.

Given these understandings, the following are conditions under which such a course offering may be made:

In instances when a student is certifiably in his/her final year of study and the course is:

- a. required for graduation or,
- b. cannot be substituted for with another course which is available, and
- c. A course is canceled by the university due to low enrollment

or

- d. A course will not be offered, due to the department's sequence of course offerings until after the proposed (realistic) graduation date of a student. (This could happen in the case of a transfer student from another institution or one changing majors and/or minors.)
or
- e. An unavoidable conflict (university created) arises which precludes a student's taking a required course at the time it is available (i.e. requirement in the major offered at the same time as one in the minor or no space available in a multi-section required course except in one which is a conflict.)

10. Academic Rank

Faculty eligible for advancement in rank or award of tenure for tenured rank positions shall be advanced to one of the following ranks: Professor, Associate Professor, Assistant Professor, or Instructor. Yearly contracts will indicate a faculty member's specific rank as one of the four listed above and years in rank will also be recorded on the same contracts.

Faculty members contracted by Shepherd University may receive up to two years of credit towards tenure or promotion if they have taught four or more years as a full-time faculty member at a recognized accredited institution of higher education. If a member has taught at least two years but less than four years at another institution, that individual could receive one year of credit. If a member has prior, non-tenure track teaching experience at Shepherd, any application of service credit toward promotion or tenure will likewise be reflected in the initial tenure track appointment. The recommendation for awarding of credit toward tenure or promotion must be brought forward by the hiring department with the agreement of the College Dean, and is subject to approval by the Provost.

Minimum qualifications for advancement to each of four ranks are established as follows:

Professor

- a. Earned doctorate from a regionally accredited institution of higher education or the highest academic degree in the field of specialization or achievement of professional eminence.

- b. Ten (10) years of satisfactory full-time higher educational teaching or professional experience at a regionally accredited institution. After ten (10) years of higher education teaching experience, four (4) years of which must be at Shepherd University as an Associate Professor, a candidate may apply for promotion to Full Professor.
- c. Evidence of continuous professional growth throughout the term of Associate Professor rank. Additional evidence prior to advancement or appointment to Associate Professor shall be submitted only when supported by the faculty member's explanation of the need for such additional support materials in order to document a long term continuous professional growth process.
- d. Outstanding teaching effectiveness.
- e. Scholarly work accomplished during the term of Associate Professor rank as evidenced by refereed publications, funded refereed external grants, juried performances, or juried exhibitions. Academic and professional work must be within the candidate's field or fields of specialization or university -level teaching areas. Grants alone are not sufficient for meeting this standard, but an externally funded refereed grant in combination with a refereed publication or juried exhibition or performance may satisfy the standard.
- f. Excellence in institutional service.
- g. Excellence in community service.
- h. Reputation as a person of good character.

Associate Professor

- a. To be eligible for promotion, the faculty member must meet one of the following three professional requirements:
 - 1) Hold an earned doctorate or the highest academic degree appropriate to the teaching field; or
 - 2) Master's degree plus 30 hours of graduate work, appropriate to the teaching field, toward the doctorate from a regionally the teaching field, toward

the doctorate from a regionally accredited institution of higher education; or

- 3) Hold an advanced degree, masters appropriate to the teaching field, and a national certification. The appropriate national certification will be identified at the College level and will be subject to approval by the Faculty Senate.
- b. Five (5) years of satisfactory full-time higher educational teaching experience at a regionally accredited institution. After five (5) years of higher education teaching experience, three (3) years of which must be at Shepherd University as an Assistant Professor, a candidate may apply for promotion to Associate Professor.
 - c. Excellence in teaching.
 - d. Professional activities that might include: Some publication, exhibition, or performance activity in the form of research papers, creative writing, or participation in juried exhibitions, concerts, or other professionally rendered services.
 - e. Evidence of interest in the University through rendered services.
 - f. Evidence of interest in community through rendered services.
 - g. Reputation as a person of good character.

Assistant Professor

- a. Master's degree plus 15 hours of graduate study in the field.
- b. Three years of excellence in teaching or professional experience. This experience requirement may be waived at the time of employment for holders of an earned doctorate.
- c. Excellence in teaching.
- d. Evidenced interest in the profession of university teaching and in

professional growth.

- e. Reputation as a person of good character.
- f. In cases where an individual is hired as an Instructor because he or she had not completed work on the doctoral degree prior to signing an initial Notice of Appointment with Shepherd University, promotion to the rank of Assistant Professor will be granted automatically in the next Notice of Appointment should the doctoral degree be received during the term of the initial Notice.

Instructor

- a. Master's degree except in certain specialized fields.
- b. Interest in university teaching.
- c. Reputation as a person of good character.

The formal education requirements stated for each rank may be waived by the Provost in special cases, including continuing education programs, or cases where a national search cannot secure the most qualified candidates because of non-competitive salaries or candidate shortages. The institution follows guidelines for qualified faculty as set by the Higher Learning Commission.

Temporary faculty appointments (both full-time and part-time) will be designated by the title, lecturer, or other appropriate title. Academic rank may be awarded to qualified administrative personnel in addition to any administrative or staff title. The rank to be awarded will be on the basis of the same criteria, which are applied to the award of rank to the teaching faculty. Administrative personnel shall be informed at the time of appointment whether the rank is awarded as a tenured, tenure track, or temporary member of the faculty. Administrative personnel who are not appointed to a faculty position are not faculty and therefore are not entitled to the protections provided those designated as faculty.

11. Tenure

Tenure is designed to ensure academic freedom and to provide professional stability for the experienced faculty member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic

community. Continuous self-evaluation, as well as regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system. Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the teaching and research profession attractive to persons of ability.

The Board of Governors requires that the University demonstrate evidence that the guidelines for the award of tenure be based upon a wide range of criteria such as: excellence in teaching; accessibility to students; professional and scholarly activity and recognition; significant service to the university community; experience in higher education and at the institution; possession of the doctorate; special competence, or the highest earned degree appropriate to the teaching field; publications and research; potential for continued professional growth; and service to the people of the State of West Virginia. Ultimate authority regarding the application of guidelines and criteria relating to tenure shall rest with the University according to the Board of Governors' policy.

In making tenure decisions, careful consideration shall be given to the tenure profile of the institution; projected enrollment patterns; staffing needs of the institution; current and projected mission of each academic unit; specific academic competence of the faculty member; and preservation of opportunities for infusion of new talent. The University, while not maintaining tenure quotas, shall be mindful of the dangers of losing internal flexibility and institutional accountability to the citizens of the State as the result of an overly tenured faculty. Tenure may be granted only to people in positions funded by monies under the Board of Governors' control.

Tenure shall not be granted automatically, or for years of service, but shall result from action by the Provost following consultation with appropriate academic units.

Tenure may be granted at the time of appointment by the Provost, following consultation with the faculty of the academic department in which an individual would be assigned, or tenure may be granted at the time of appointment by direct action of the Board of Governors. In the case of tenure track appointees, tenure may be attained by faculty who hold the rank of Assistant Professor or above. Years in term of tenure track period are to be recorded on each of the faculty member's yearly contracts.

12. Guidelines and Criteria for Promotion in Rank and Tenure

In order to fulfill the charge of the Shepherd University mission it is necessary to establish a procedural system of high standards to maintain and evaluate continuously the faculty of Shepherd University for the purpose of promotion and tenure.

a. General Statement

Promotion and tenure of faculty are awarded under the authority of the President and the Provost, who will base decisions primarily upon the guidelines in this policy and upon the recommendation(s) of the College Dean and the appropriate University Promotion and Tenure Committees.

Promotion in rank and tenure will not be granted routinely nor automatically because of length of service. Neither will promotion or tenure be denied capriciously. Requests for granting of promotion or tenure will be evaluated on the basis of the following five areas of performance:

(1) The possession of the terminal degree from a recognized regionally accredited institution of higher education and/or the requisite number of graduate hours toward the doctorate.

Requests for exceptions will be entertained only for unusual circumstances;

(2) Excellence in teaching as evidenced by recent and regular evaluation;

(3) Professional growth as evidenced by scholarly research or creative work appropriate to the discipline or field of appointment. Such evidence may include publication; presentation of scholarly papers at professional forums; participation and recognition in juried shows, concerts, recitals; or other achievements of significant professional stature;

(4) Evidence of excellence in professional service, manifested in activities that add to the efficiency and positive image of the discipline, the department/school or college, Shepherd University, and the State of West Virginia, including involvement in professional organizations at the national, regional, and state levels;

(5) Attainment of the minimum educational and experience requirements as established in policy defining rank.

Tenure may be attained only by faculty who hold the rank of Assistant Professor or higher. Tenure evaluation by the President and Provost may also be affected by the institution's tenure profile and projections for future needs.

b. Procedures for Making Promotion and Tenure Recommendations

(1) Each College shall maintain a standing committee, called the Promotion and Tenure Committee (PT Committee), to consider promotion and tenure applications from faculty within its College. Each PT Committee shall consist of a tenured faculty member from each department within the College, elected for a three-year term by the faculty in the department. Colleges with three (3) or fewer departments may, with the agreement of the majority of the faculty in the College, elect to have two (2) members from each department serve on the PT Committee. Each PT committee will elect a chair and a vice chair, who will serve as the College's representatives on the Professional Status Committee. The primary purpose of the PT Committee is to review applications for promotion or tenure and submit its recommendations to the Provost.

(Sample forms for application for promotion and tenure are included in this manual.)

(2) A person initially appointed as a professor, associate, assistant professor, or instructor will undergo a pre-tenure review no later than the third year of employment at Shepherd University. Faculty who are hired with two years of service credit toward tenure will undergo pre-tenure review in their second full year of Shepherd employment. Participation by a tenure-track faculty member in the pre-tenure review process, in the appropriate year, is mandatory. The Dean shall expressly address the necessity of initiating the pre-tenure review process in the annual evaluation of the faculty member in the spring prior to the year of the pre-tenure review.

The College's PT Committee will conduct a review using the same criteria used for a tenure review

and will submit, in writing, the results of that review to the faculty member under review. A similar review will be conducted by the faculty member's Department Chair/School Director, then each Department Chair/School Director involved submits his or her review recommendations to the respective College Dean and the PT Committee; the College Dean will then provide a written review to the faculty member. In cases where a non-tenured Department Chair/School Director is asked to conduct a pre-tenure review or a tenure review the Department Chair/School Director will inform the respective College Dean of this situation. The College Dean will then select a tenured member of the Department/School or a tenured member of the same College to serve in this capacity in lieu of the Department Chair/ School Director. The College Dean or the Provost may also ask the Department Chair/School Director for a written pre-tenure evaluation or tenure evaluation statement. This pre-tenure review is conducted to give the faculty member an opportunity to improve in those areas that are deemed weak. A favorable review at this stage does not assure the faculty member of tenure at a later date. To receive a review, the faculty member must submit a "Pre-tenure Application" in the same manner as a tenure application is provided for here.

(3) A person initially appointed as a professor, associate professor, or assistant professor must be reviewed for tenure no later than the completion of the sixth year of service at Shepherd University or in the sixth year of tenure-credited at the University. Applications for tenure should therefore be made during the first semester of the faculty member's sixth year of service at Shepherd University, and tenure, if approved, will begin with the seventh year. If tenure is not awarded, the seventh year contract will be a terminal contract. In extraordinary circumstances following the review of the appropriate faculty committees, the Department Chair/School Director, the College Dean, and the Provost, the University may award tenure before the seventh year of a faculty member's employment at the university. A person serving under a terminal contract is not eligible for review for tenure or promotion.

(4) A candidate for promotion and/or tenure submits an application to the School's PT committee.

The application must contain all supporting materials that the candidate wishes to be considered by all parties in the review process, including a letter of review and recommendation for or against promotion and/or tenure from the Department Chair/School Director. Each candidate should consult with the Department Chair/School Director during the process of putting supporting documents together. Letters from appropriate persons outside the University are encouraged. The application must address the candidate's competencies in the following areas:

- a. Excellence in teaching;
- b. Committee service at the University;
- c. Professional activities such as research, publishing, public performance;
- d. Significant service to the candidate's profession;
- e. Professional service to the community and to the State;
- f. Attainment of necessary education and experience;
- g. Character reputation that reflects positively on the institution.

The Department Chair/School Director, upon receiving an application for tenure or promotion, shall call a meeting of the tenured faculty to discuss and vote on the application. The meeting shall include the department Chair/ Director, if tenured. The Chair/Director may vote, if tenured. The meeting will exclude the candidate. The Chair/Director will forward the Department/ School's recommendation and vote count to the College Dean, the candidate, and the College PT Committee. If a department/school has no tenured members, the chair/director's letter of review shall serve as the department/school's recommendation.

(5) The College PT Committee will forward its recommendation, the applicant's folder and all supporting material to the respective College Dean. The College Dean will then evaluate the merits of the request for promotion or tenure according to appropriate guidelines. The

College Dean may request additional supporting material from the faculty member and may consult with other faculty and the Department Chair/School Director before making his/her recommendation.

(6) After the College Dean has formulated his/her recommendations he/she shall ensure that each candidate for promotion and/or tenure shall receive a copy of the recommendations made by the College PT Committee and the College Dean.

The School Dean shall then forward the candidate's promotion and/or tenure file, with the College PT Committee recommendation, to the Provost.

a. If the College Dean and the PT Committee do not concur, the Provost will send both recommendations to the Professional Status Committee, which shall review the application and recommendations. It may consult with the School PT Committee and the College Dean. Each promotion or tenure candidate shall have the right to respond in writing to the Professional Status Committee. The candidate will have ten (10) working days after receiving the recommendations of the College Dean or the College PT Committee to respond. It shall then submit its recommendation to the Provost, along with the candidate's complete application and the recommendations of the College PT Committee. It shall also notify, in writing, the chairman of the College PT Committee and each candidate. Each candidate may respond, in writing, to the Provost within ten (10) working days after receiving the recommendation of the Professional Status Committee.

(7) The Provost shall consider the recommendations of the College PT Committee, the Department Chair/School Director, the College Dean, and, if applicable, the PSC, and shall render a decision regarding request for promotion and tenure as soon as possible after receiving these recommendations.

(8) After this review process has been completed, each faculty member requesting promotion or tenure will receive a letter from the Provost regarding approval or disapproval of the application for promotion or tenure. In addition, the Provost will personally counsel each person who has gone forward for promotion and/or tenure, at a mutually convenient time.

(9) After receiving such a letter from the Provost, the faculty member requesting promotion or tenure shall have access to all recommendations which have been a part of the faculty member's review process, other than those letters from off campus persons which the candidate waived review of.

(10) In all cases, it is to be understood that actions by individuals and committees are recommendatory and are not decisions; the Provost will inform the candidate in writing of his or her decision.

(11) A candidate denied promotion or tenure by decision of the Provost may appeal the decision to the University President within fifteen (15) calendar days. Any appeal is to be submitted in writing to the President's Office, with a copy to the Provost, and must fully articulate why the denial by the Provost was clearly wrong. The Provost will respond in writing within seven (7) calendar days. The President will thereafter review the appeal and issue a final institutional decision.

c. Standardized Application Portfolio

1. Each candidate must consult with the Department Chair/School Dean during the process of putting supporting documents together.

2. The documentation submitted for promotion and tenure, as well as the pre-tenure review, must be entered into appropriate electronic folders within the on-line system and shall be divided into the designated sections, consistent with the format presented in the appendices to this Handbook.

Each candidate's promotion, tenure or pre-tenure review materials will be maintained in the on-line system or otherwise retained digitally. The Provost may grant a partial or full waiver of the digital submission requirement for compelling cause.

D. The Professional Status Committee

The Chair and Vice Chair of each College's PT Committee shall constitute the Professional Status Committee, which, when convened in early November, shall elect a Chair and a Secretary from its membership to serve a one-year term.

(1) During its deliberations, the Professional Status Committee shall be empowered to interview any individual directly concerned

with the case before it; it shall have access to all documentation accumulated during the review process of the faculty member, and it shall be empowered to request from either the faculty member or from any individual or group passing judgment on the faculty member any additional documentation that it feels may be helpful or necessary to its deliberations. Any of these individuals or groups shall also have the right to submit additional information or documentation to the committee.

(2) During its deliberations concerning a candidate's application, the representatives to the Professional Status Committee from the candidate's College shall excuse themselves from the deliberations and shall not participate in the formulation of the Committee's recommendation.

(3) The findings of the Professional Status Committee shall be sent, in writing, to the Provost, within ten (10) days of reaching its recommendation.

E. General Schedule for the Review Process

The following deadlines will be observed for presentation, review, and movement of all requests for promotion or tenure:

October 15: Candidate will have submitted a digital application for promotion or tenure, with all supporting documentation, in the on-line system. No late submissions, including supporting documents, are permitted.

November 15: Department Chair/ School Director submits a signed department/school recommendation in the on-line system and moves the candidate application forward to College PT Committee.

January 15: The College PT Committee submits a signed College PT Committee recommendation in the on-line system and moves the candidate application forward to the College Dean.

January 30: The College Dean submits a signed recommendation in the on-line system and moves the candidate application forward to the Provost.

February 15: The Provost will inform the College PT Committee and the College Dean if there is any disagreement between the PT Committee and the College Dean concerning any applications for promotion or tenure. If there is disagreement concerning a candidate's application, the recommendations of all participants and all documentation

will have been submitted to the Professional Status Committee.

March 15: The Professional Status Committee, if required, submits a signed recommendation to the Provost.

April 15: The Provost will complete his or her determination.

Delays on any date for action by any reviewing group or decision-maker do not give rise to any default or presumption for or against the applicant in the institutional P&T review process.

13. Distinguished Professor

Shepherd University may award the title of Distinguished Professor to honor a faculty member who has achieved a record of publication, or performance, or creative activity at the highest levels of professional accomplishment and peer recognition of that accomplishment. Candidates must meet all (a through e) of the criteria below to be considered for the title of Distinguished Professor.

I. Criteria

- a. Excellence in teaching and service to academia
- b. Evidence of current professional activity in the area of expertise through peer reviewed publications or juried performances at the regional and national or international level
- c. A record of current activities with professionally related groups in the area of expertise
- d. Receipt of awards or recognition in the area of expertise from national or international professional organizations
- e. Hold the rank of Professor with tenure

II. Nominations

- a. All nominations will be made to the Provost and the Deans/Provost Council

- b. Nominations for faculty may be made by the faculty member's Department Chair/School Director or College Dean
- c. Nominations for faculty may be made by another faculty member to the nominee's Department Chair/School Director or College Dean
- d. Faculty members may make a self-nomination to their Department Chair/School Director or College Dean
- e. Nominations of a Dean will be made by the Provost
- f. After consultation with the academic deans the Provost will make a recommendation to the University President
- g. The University President will inform the faculty member and the Provost of the decision made in each case

III. Recommendations

- a. Faculty applications for Distinguished Professor require letters of recommendation from the Department Chair/School Director in which the faculty member is housed, and the College Dean. Faculty within the home department of an applicant may submit letters of recommendation for the applicant. These letters must include approval or disapproval of the nomination.
- b. Application for Distinguished Professor by a Department Chair/School Director will require a letter from the department faculty and the Dean of the College. These letters must indicate approval or disapproval of the nomination.

IV. Recognition

Recognition of individuals awarded the title of Distinguished Professor will be made at the fall semester tenured faculty reception at

Popodicon and at the spring University
Assembly Meeting.

14. Annual Evaluation

a. General Statement: All faculty members will be given the opportunity to respond in writing to any evaluation and have that response included in the faculty member's evaluation documents. In addition to the procedures described below, each year the Director of the School of Education, utilizing feedback from the Coordinator of Education Preparation Program also, provides comments on each EPPC member to the respective College Deans. The Dean of Graduate Education and Professional Studies may provide comments on graduate faculty to the respective College Deans. Copies of all evaluations are forwarded to the Provost.

b. Non-tenured Faculty:

i. Non-tenured Faculty Evaluations: All non-tenured full-time teaching faculty shall be evaluated annually by the College Dean in consultation with the faculty member's Department Chair/School Director; this evaluation process will include classroom visitation. This annual evaluation serves as a basis for decisions concerning retention.

By March 1, each non-tenured faculty member must submit, to the College Dean and the Department Chair/School Director, an annual report of professional activities in the areas of performance as outlined under "Criteria". This report, accompanied by a cover letter, are also the basis of the application for merit by the non-tenured faculty member.

ii Non-tenured Faculty Criteria

The following criteria, standards and procedures will be considered in evaluation of non-tenured faculty for retention. These criteria are consistent with those applied in promotion and tenure consideration.

(1) Progression toward the possession of the terminal degree and/or the requisite number of graduate hours toward the doctorate and experience requirements. Requests for exceptions will be considered only in unusual circumstances, and must be made at the initial employment. (see Academic Rank qualifications)

(2) Excellence in teaching as evidenced by recent and regular evaluations and classroom visitations. Each semester the non-tenured faculty member will have at least two courses evaluated by the students. The Department Chair/School Director shall choose one course and the faculty member shall choose one course. The Department Chair/School Director will

provide the College Dean with a list of all the courses that will be evaluated. If either the faculty member or Department Chair/School Director fail to designate a course and more than two instructional days have passed from the published deadline for designating courses, the Dean may designate the undesignated course(s). The faculty member may request that all of the courses being taught be evaluated.

By March 1 annually, a scheduled classroom visitation shall be conducted in the following manner: year 1, by a faculty peer as determined by the department, year 2, by the Department Chair/School Director, and year 3, by the College Dean. This rotation shall be repeated one time or until the faculty member earns tenure. The evaluator shall contact the faculty member to schedule this visit at a time convenient for the evaluator and the faculty member. The classroom evaluator shall prepare a written evaluation using the Classroom Visitation Evaluation Form of the observed teaching effectiveness. This teaching evaluation will be shared with the faculty member in a face to face conference prior to being included in the faculty member's annual evaluation documents. If at any time it is deemed that the faculty member is in need of mentoring beyond what the College and/or department can provide, the Dean of the College may call upon the Dean of the Ruth Scarborough Library and the Center for Teaching and Learning as an additional resource.

(3) Professional growth as evidenced by scholarly research or creative work appropriate in the discipline or field of appointment. Such evidence may include publication, presentation of scholarly papers at professional forums, participation and/or recognition in juried shows, recitals, or other achievements of professional stature.

(4) Evidence of professional service, manifested in activities that add to the positive image of the discipline, the department/school, the College, Shepherd University, and the State of West Virginia, including involvement in professional organizations at the national, regional, and state level.

(5) Plans for next year. The faculty member shall comment on plans and goals for next year, including courses to be taught, service assignments, and any plans for research and creative activities.

iii. Evaluation conference. By April 30, after the collection and consideration of the evaluation data, the College Dean will formally conference with the non-tenured faculty member. This discussion will be the basis of a report and/or recommendation made to the Provost. The faculty member will sign the annual evaluation agreeing or attach a rejoinder.

c. Tenured Faculty Evaluation Process:

An annual report of activities shall be prepared by all tenured faculty members and submitted to the Department Chair/School Director and

the College Dean by March 1. This report, accompanied by a cover letter, is also the basis of the faculty member's application for merit.

Student evaluations: Each Fall semester, a minimum of two classes, chosen by the faculty member, will be evaluated by the students. If the faculty member fails to designate the courses and more than two instructional days have passed from the published deadline for designating courses, the Dean may designate the undesignated course(s) or may ask the Department Chair/School Director to do so. The results of these evaluations shall be provided to the faculty member, the Department Chair/School Director and the College Dean.

After earning tenure, evaluations are conducted in the following manner:

First year after earning tenure, the faculty member conducts student evaluations in at least two classes being taught and submits a self evaluation via an annual report of professional activities to the College Dean and the Department Chair/School Director. These are archived by the Department Chair/School Director and the College Dean.

Second year after earning tenure, the faculty member conducts student evaluations in at least two classes being taught and submits an annual report of professional activities to the College Dean and the Department Chair/School Director. The Department Chair/School Director will prepare a written evaluation of the department members based on the student evaluations and the annual report. The College Dean will prepare an evaluation of the Department Chair/School Director. This written evaluation is shared with the Department Chair/School Director. Each faculty member will be given opportunity to respond in writing to the Chair/Director's or Dean's evaluation. This evaluation is archived by the College Dean and the Department Chair/School Director.

Third year after earning tenure, the faculty member conducts student evaluations in at least two classes being taught and submits a self evaluation via an annual report of professional activities to the Department Chair/School Director and the College Dean. This report is archived by the College Dean and the Department Chair/School Director.

Fourth Year Evaluation by the College Dean: Every fourth year after earning tenure each full-time tenured faculty member will be evaluated by the College Dean. In the fall semester prior to the spring semester evaluation by the College Dean, the faculty member shall conduct a student evaluation in at least two classes being taught. Additionally in this same semester, a classroom visitation will be conducted. The College Dean, Department Chair/School Director, and faculty member will come to mutual agreement as to who will visit the classroom and what class is to be visited. The Dean, the Department Chair/School Director or a peer evaluator may be selected to visit the classroom. Subsequent to the visit, a written evaluation shall be prepared

by the evaluator, (Classroom Visitation Evaluation Form) and a face to face conference between the classroom evaluator and the faculty member will be conducted prior to the fourth-year evaluation by the College Dean. This evaluation form, and any rebuttal by the faculty member, will be forwarded to the College Dean and may be included in the faculty member's evaluation documents. The College Dean will archive this evaluation.

After initial implementation of this evaluation policy, one half of the current tenured faculty will be evaluated after two years and the remaining one half of the tenured faculty shall be evaluated four years after implementation of the policy. Then the four-year rotation will begin for all the tenured faculty. The College Dean shall determine the faculty members in each of the two initial rotation periods. Should a faculty member receive sabbatical leave, or any extended leave, the four-year rotation is suspended for the period of the leave and will resume when the faculty member returns from leave.

d. Special Provision relating to Deans, Department Chairs, and all Faculty Personnel Policies

Effective July 22, 2016, notwithstanding any other provision of the Faculty Handbook, in relation solely to the School of Nursing and faculty assigned to it at the undergraduate or graduate level:

- 1) The School Director/ Director of School of Nursing shall be the immediate supervisor of all department faculty.
- 2) Promotion and Tenure and pre-Tenure processes are not modified in any manner by these Special Provisions.
- 3) Each full time faculty member in the School shall submit a copy of the Annual Report to the Director contemporaneous with submission to the Dean.
- 4) The Director of Nursing shall complete the performance review of every faculty member each year after the submission date for the Annual Reports and prior to April 10. The performance review will be submitted to the faculty member, with copies to the Dean and the Provost.
- 5) The Dean of the College shall complete a "Dean's Evaluation" of faculty in the department consistent with provisions of the Handbook providing for evaluations by the Dean. These will be completed following the Director's Annual Evaluation. Copies of the Dean's Evaluation will be submitted to the faculty member evaluated, the Director, and the Provost.
- 6) In the instances of part time or full time faculty who are not evaluated by the Dean under the provisions of the Handbook, after receiving the Annual Performance Evaluation by the Director, the faculty member may request a Dean's Evaluation to be completed also, at the faculty member's discretion. Such a request should be submitted in writing to the Dean within two weeks of receipt of the Annual Performance Evaluation, and the Dean shall be expected to complete the Dean's Evaluation before July 1. In the case of graduate-status faculty of the

School, the references in this section shall include an option to request a Dean's Evaluation by the Dean of Graduate Studies.

SEE APPENDIX D FOR “PROCESS, TIME-LINE, AND FORMS FOR ANNUAL EVALUATION”

II. A. 16. Appeals/Grievances/Hearings

a. Statutory Grievance Process

Any faculty member may initiate a grievance pursuant to WV Code 6C-2-1, *et seq*, for resolution of work-related disputes excepting pension or insurance matters. The statutory process requires initiation of the grievance within 15 workdays of the occurrence or action giving rise to the grievance. Details and forms are available at the Office of Human Resources.

b. Internal Grievance Process

The following University procedures are available for all faculty grievances not related to dismissal, termination, nonretention and denial of promotion. This faculty grievance recourse is a systematic method whereby individual faculty grievances can be reasonably presented and reviewed, and action taken related thereto. Grievance action shall be resolved at the earliest possible stage. This process is an alternative to the Statutory Grievance process and is not used if the employee elects to pursue a statutory grievance process.

Level One: The faculty member will first seek a resolution of the grievance through informal discussion with the Department Chair/School Director. If informal discussion does not lead to resolution then the faculty member shall seek a formal resolution by conveying in writing to the College Dean the grievance and the remedy sought. Within fifteen (15) working days of receiving the written grievance the College Dean, after appropriate consultation with all involved parties, including the faculty member and the Department Chair/ School Director, will respond in writing to the grievant.

Level Two: If not satisfied with the resolution at level one, the faculty member shall forward a copy of the grievance, within fifteen (15) working days, to the

Provost. The faculty member shall notify the Chair and College Dean, in writing, that this step has been taken.

Within fifteen (15) working days of having received notice from the faculty member that the grievance is being taken to level two, the Dean shall submit a written report concerning the disposition of the grievance at level one to the Provost. Within fifteen (15) working days of receipt of the report from the Dean, the Provost shall render a decision in writing. Copies of the Provost's decision shall be provided to the faculty member and the Dean. In no case shall informal discussion or attempts at informal resolution of the grievance be precluded at level two.

Level Three: If not satisfied with the resolution at the Provost's level, then the faculty member should forward to the President a copy of the grievance, along with the response of the Provost, and supporting documents.

In reaching a decision, the President may hold a meeting of the concerned parties and/or may refer the issue to an appropriate committee for its recommendation. The President shall notify the grievant of the decision within fifteen (15) working days of receipt of the recommendation of the committee, or of the receipt of the appeal at level three, whichever is longer.

If the aggrieved faculty member is a department chair/School Director, then the appeal would be initiated at level two.

If there is substantial evidence that the grievance is the result of action taken solely by the President, and that the President therefore cannot remain disinterested or objective in the final resolution of the issue, if evidence of injury is provided, and if a remedy is feasible, then a faculty member may so state in a petition to the Chair of the Board of Governors requesting that the issue should be addressed by him or her.

17. Sabbatical Leave

a. Purpose

Sabbatical leave may be granted to a faculty member for the purpose of research, writing or other activity calculated to contribute to professional

development and the usefulness of the faculty member to the University.

b. Eligibility

Any person holding faculty rank of Professor, Associate Professor, or Assistant Professor is eligible for sabbatical leave after the completion of at least six years of full-time employment at Shepherd University. After completing a sabbatical leave, a faculty member shall not again be eligible until the seventh subsequent year.

c. Conditions Governing the Granting of Sabbatical Leave

The awarding of sabbatical leave is not automatic but is contingent upon the merits of the request, availability of funds and the instructional needs of the university.

d. Compensation

A faculty member on sabbatical leave shall receive full salary for no more than one half of the contract period or half salary for no more than the full contract period.

e. Procedures and Selection Process

Any eligible faculty member may apply for a sabbatical leave by submitting a written proposal to the Professional Development, Faculty Salary, and Welfare Committee using a Sabbatical Leave Request, Summary Sheet. Acceptable proposals will be those for substantial research, writing, continuing education, or other activities or professional growth and development for the faculty member, which will also be of benefit to the University. Such proposals must include in detail the statement of purpose, objectives or goals, rationale with explanation of how leave would assist you professionally, program design and activities, timetable, supporting documents and a letter from the faculty member's Department Chair, or, if the applicant is a Department Chair/School Director, a letter from the faculty member's College Dean or, if the applicant is a College Dean, a letter from the Provost supporting or not supporting the proposal.

To apply for a sabbatical leave for a particular academic year, a faculty member must submit a proposal by November 15 of the preceding academic year. Exceptions to these deadlines may be granted by the Committee only in rare circumstances.

The Professional Development, Faculty Salary, and Welfare Committee will consider all eligible applications for three one-half academic year sabbaticals at full pay, and three full academic year sabbaticals at one-half pay for the academic year, or at such lesser numbers of sabbaticals as may be established by the University on an interim basis due to budget conditions. Each sabbatical applicant should clearly note in his/her application which type of sabbatical he/she is applying for. The Committee, in writing, will forward its sabbatical recommendations to the Provost. Taking the recommendation of the Committee into consideration, the Provost will review all of the proposals recommended by the Committee and make a recommendation to the President. Within three weeks of the deadline for submitting applications, the President shall receive from the Committee and the Provost, their recommendations.

f. Obligations of the Faculty Member

An applicant for a sabbatical leave shall submit in writing a detailed plan of activity, which he or she proposes to follow.

In accepting a sabbatical leave, a faculty member shall sign a statement indicating that he or she is aware of and agrees to all conditions of the leave as specified herein.

While on sabbatical leave, a faculty member may not accept remunerative employment without the written consent of the President. Fellowships, grants, assistantships, and similar stipends shall not be considered remunerative employment.

Upon completion of a sabbatical leave, a faculty member shall file with the chair of the Professional Development Committee, the Provost, and the President a written report of scholarly activities while on leave.

A faculty member is obligated to return for a full year of service upon completion of the leave. Failure to return will obligate the faculty member to fully reimburse the institution for salary received during the period of the leave.

g. Obligations of the University

A faculty member's position, status, and rank shall not be adversely affected solely by his or her absence.

II. A. 19. Master Faculty Professor

Designation of “Master Faculty Professor” shall be at the discretion of the Provost. This position shall be a part time, non-benefits employment status for one academic year. To be eligible for “Master Faculty Professor,” an individual must meet the following criteria:

- a) have served Shepherd University as a full-time, tenured faculty member for a minimum of 5 years;
- b) have tendered a letter of resignation from the full-time, tenured position held;
- c) have a supporting recommendation by the Department Chair/School Director;
- d) have a supporting recommendation by the College Dean;
- e) have an established Shepherd University record of achievement that meets the University’s Merit Pay criteria; and*
- f) have a record of excellence in teaching.**

Persons who meet the above criteria shall be reviewed and assessed by the academic deans and the Provost for candidacy as “Master Faculty Professor.” This review and assessment will include the candidate’s merit record and other criteria as appropriate. During a given academic year, the position of “Master Faculty Professor” shall only be issued in a department where the teaching assignment of a given appointee effectively replaces the equivalent of a department’s necessary adjunct faculty teaching load of nine credit hours. The “Master Faculty Professor” position will not be used as part of the justification for reducing faculty lines in a given academic department.

The “Master Faculty Professor” will teach a minimum either of; a) nine credit hours during the fiscal year, i.e., fall, spring, or summer terms; or b) six credit hours during the fall and/or spring semester, i.e., the entire six credit hours maybe taught in one semester. After consultation with the department chair/ School Director, the candidate may teach a maximum six-hour load in fall or spring term and a maximum three-hour load during one summer term. However, tenured and tenure-

earning full-time faculty members are to be given priority in the assignment of summer courses.

Exceptions to this assignment will occur only under extraordinary circumstances and only upon the recommendation of the department chair/School Director and the College Dean, with the approval of the Provost.

As a regular member of an academic department, the “Master Faculty Professor” shall have full and equal voting and participation rights as to all affairs of the department, unless otherwise expressly provided for in this Handbook. The “Master Faculty Professor” will be expected to perform non-instructional service that is generally at or near 30% of the standard non-instructional duties of full-time faculty. This service might include one or more of the following: advisement, departmental business, or campus committee work. The specific allocation of non-instructional service shall be coordinated with the department chair and dean. The College Dean shall administer institutional commitments of office space and other support for the “Master Faculty Professor”.

The nine-month salary for a “Master Faculty Professor” shall be \$12,000.00. The six credit hour salary for a “Master Faculty Professor” shall be \$8,000. Renewals following the first year shall be at the discretion of the Provost. Generally, the maximum period of service as a “Master Faculty Professor” shall be five years.

After consultation with the Department Chair/School Director and the “Master Faculty Professor,” the College Dean shall perform an annual review of the appointee’s completed work effort. If the appointee seeks an additional contract, the dean shall draft an agreement of specific duties to be performed by the appointee during the next contract year, should that contract be renewed. The written review and statement of duties, if applicable, shall be forwarded to the Provost for examination and appropriate action.

*The University Merit Evaluation Committee recommendation for the applicant will be utilized in the assessment of the candidate meeting this criterion.

** For the purpose of establishing “excellence” in teaching, the Department Chair/School Director, dean, & Provost will review the three immediate past years of the candidate’s student evaluations of teaching as a part of the review. To further support “excellence” in teaching, the candidate may submit additional materials.

20. Emeritus Status

The title emeritus may be conferred upon members of the professional staff at the time of retirement. Such title does not, however, automatically entitle its bearer access to institutional resources, but emeriti may be granted limited uses of such resources upon the approval of the President.

To be eligible for appointment to emeritus status, retiring faculty must have completed at least a total of ten years of service at Shepherd University.

21. Personnel Actions and Procedures

a. Notice of Appointments

The Provost, under the authority of the President, makes all appointments of full-time faculty personnel at the University after consultation with appropriate administrators and reports those actions to the Board of Governors. Negotiations for an appointment are not binding on the University unless offered in writing by the Provost.

Every appointment is for one fiscal year or part thereof, in accordance with and in compliance with the annual budget of the Board of Governors, or supplementary actions thereto, as provided by law.

Every appointment will be in writing. A copy of a notice of appointment will be furnished to the person appointed. Such notice will contain terms and conditions of the appointment.

Notices of appointment for each fiscal year will be furnished to appointees following receipt of the Board of Governors' budgetary allocations or approved expenditure schedule. Provisions for the signature of the Provost and the employee will be included on the notice of appointment. The Provost's signature will constitute an offer of employment subject to the stipulations in the notice. The employee's signature signifies acceptance of the appointment. The employee should return the signed form to the Office of the Provost within fifteen (15) days from the date on the form, which appears below the Provost's signature. Failure to return a signed appointment form within 30 days of receipt shall constitute an abandonment of position unless an advance written notice of a commitment to continue employment has been received from the faculty member.

b. Personnel Records

Upon employment by the University, all new employees must complete or submit documentation to begin their permanent personnel file. Faculty personnel files are located in the Office of the Provost and the Office of Human Resources.

As a minimum each file will include official verification of the educational qualifications of each professional employee; official certification of any additional credits earned; and a personnel record on forms provided by the University.

The file of all employees must include a completed Employment Eligibility Verification form. In compliance with federal law, the University requires the supervisor to coordinate with the HR Office to assure completion of the required forms either before first day of employment or within the first two days.

c. Access to Personnel File

An employee may have access to his or her personnel file when the University is normally open for business. An employee may examine his or her personnel file and the contents therein with the following exceptions: materials, which are gathered with the employee's prior agreement to forfeit his or her right of access such as references.

Routine identification of the employee must be established prior to providing access to the personnel file. A representative of the Office of the Provost shall be present with the employee during the review of the record.

A copy of any material in the file, except as noted above, shall be provided to the employee upon request. A small copying fee may be charged. Documentation may not be removed from a personnel file by the employee. An employee may petition at any time for either the removal or addition of documents in his or her own personnel file. The Provost may require employees to schedule an appointment to see the personnel file.

d. Outside Inquiries Regarding Personnel

All requests for employment verification must be received in writing. Such inquiries should be directed to the Payroll Accountant. For the protection of University employees, salary information and employment status will not be released over the telephone.

e. Notification of Changes in Personnel Information

It is the exclusive responsibility of each employee to report promptly changes in personal data, which impact personnel actions such as insurance coverage, payroll deductions, etc. Information is to be reported to all appropriate persons, agencies and parties. Examples of information updates, which should be reported immediately, are changes in address, name, state or number of dependents, marital status, and the individual to be notified in case of emergency.

Notification must be in writing and a copy of such notification will be placed in the employee's personnel file as a permanent record that notification was made.

It is also the responsibility of the employee to provide official copies of transcripts or records certifying the award of additional educational diplomas or degrees. These records should be sent to the Office of the Provost for inclusion in the employee's personnel file.

II. A. 21. i. Consensual Amorous Relationships

The appearance of a compromising conflict of interest, or of coercion, favoritism or bias in educational or academic evaluation is prejudicial to the interest of Shepherd University, its members, and the public interest, which it serves. Amorous relations between faculty members and students with whom they also have an academic evaluation role create such an appearance, even where the relationship is genuinely consensual. Such relationships are particularly susceptible to exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of such a relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty and students.

Therefore, faculty members are advised against participating in amorous relationships with students enrolled in their classes or with students whom they otherwise evaluate, grade, or supervise. Similarly, faculty members should avoid situations requiring them to evaluate, grade, or supervise

students with whom they currently have an amorous relationship. Whenever such a situation arises or is foreseen, the faculty members shall report the situation promptly and seek advice and counsel from an appropriate administrative superior. That superior shall take effective steps to insure unbiased supervision or evaluation of the student.

For purposes of this policy, "faculty" shall include all full- or part-time university personnel who teach or carry out research, including graduate students and administrators with faculty status. Evaluative situations may include, but are not limited to the following: supervising instruction; evaluating academic performance; supervising independent study; or serving on committees for awards or prizes.

II. A. 22. c. Illness and Other Absence

Faculty on nine-month appointments do not accrue sick leave days. Arrangements are to be made with the Department Chair/School Director for coverage of classes or other duties. Under extraordinary circumstances arrangements to cover classes or other duties because of faculty absence due to sickness may be made after consultation between the Department Chair/School Director, the College Dean, and the Provost.

Faculty members should notify their Department Chair/School Director promptly concerning all absences from instructional duties. Notification is to be given even if arrangements have been made by the faculty member to cover responsibilities.

The Shepherd University form, Class Arrangements for Faculty Absences and Faculty Sick Leave Report, must be filed for each occasion of absence. Forms on which the cause for absence is indicated as personal illness or cause charged as sick leave must be filed with the Department Chair/School Director.

The University makes no deductions from salary for faculty absence from classes or other responsibilities because of illness unless: (1) the absence continues for more than a few days, or (2) in case of protracted illness, a substitute is employed. Such cases will be handled on an individual basis as they arise. If a substitute is employed, the Provost must approve the temporary appointment. A

Department Chair/School Director shall report his or her absence from class or other duties to the Dean.

II. A. 25. Outside Employment

a. Outside Activities on University Time

Appointments to a full-time position at the University are subject to the following conditions:

- (1) The employee shall render full-time service to the University. Outside activities shall not be restricted unless such activities or employment interfere with the adequate performance of duties. Periodic review of outside services will be conducted by supervisors.
- (2) If outside employment or service interferes with the performance of regularly assigned duties of the employee, the University has the right to make such adjustments in the compensation paid to the employee as are warranted by the employee's services lost to the University, and by the employee's use of institutional equipment and materials.
- (3) Any professional or faculty employee of Shepherd University is required to obtain institution approval from the President for any outside work done for profit in the employee's field of expertise.
- (4) Faculty and all employees must avoid any outside employment or for-profit enterprise which might create any form of professional conflict of interest.

b. Consulting

The University encourages personnel to serve as consultants to area school systems, industries, and organizations. Naturally, the employee's responsibilities to the University will take precedence over requests from others for services, but if satisfactory arrangements can be made and approved by the employee's supervisors, the individual is encouraged to accept a request from a party desiring specified services.

The employee who accepts an invitation to serve as a consultant with supervisory approval will not receive a reduction in salary for the period of absence from work. For this reason, any person serving as a consultant while in the employ of the University is requested not to accept an honorarium for services. One exception to this policy will be if the requesting agency is willing to pay expenses for mileage, meals, and lodging. Then, the employee is encouraged to accept such payments, thus realizing a savings of university funds.

Requests for other exceptions to this policy should be directed to the employee's supervisor and to the respective major administrator, who will make a recommendation to the President. Extra compensation for teaching off-campus classes or classes outside the regular workday (non-faculty personnel) is not subject to this policy; nor are assignments accepted by employees on annual leave. All such outside employment must have the prior approval of the President.

26. Termination of Employment

a. Voluntary Termination

Shepherd University accepts the AAUP's positions that faculty mobility in higher education is desirable and that institutions and individuals both have responsibilities for ensuring that mobility is minimally disruptive to both. Upon accepting an appointment elsewhere, the faculty member should inform the Department Chair/School Director promptly and in writing.

Upon notice of resignation, the employee's supervisor will file the Request for Personnel Action Form.

b. Voluntary Phased Retirement

A Phased Retirement System (PRS) shall be available for tenured full-time faculty. The Phased Retirement System shall include all of the following elements:

- 1) Beginning effective in the contract year immediately following an individual's 60th birthday, the individual may elect to contract with the University to enter the PRS. The period in which an individual may enter the PRS shall last

until the conclusion of the fourth contract period within which the individual would have been eligible to enter the PRS, and thereafter the eligibility will expire.

- 2) To enter the PRS an individual must notify in writing his or her Dean and secure the written agreement of the Provost. Generally, notice must be given at least 6 months in advance of the proposed effective date. If such permission is granted, an individual who opts to enter the PRS will be offered continued employment by the University as a faculty member until the end of the fourth regular academic semester (i.e., fall and spring semesters) of participation. Employment during the summer semesters while in the PRS would be subject to the mutual agreement of the faculty member, the Department Chair/School Director, the College Dean and the Provost. At the end of the designated period of phased retirement employment, the faculty member will have no vested employment rights with the University.
- 3) An individual who is in the PRS may, without penalty, at the end of any academic semester, opt to terminate his or her employment with the University as a phased retirement employee. If this option is taken, at the termination of employment in the PRS the individual will have no vested employment rights with the University.
- 4) The University will continue to provide an individual on phased retirement with all rights and privileges which are normally extended to faculty or staff who hold full-time status, except that benefits other than insurance benefits will be provided in proportion to the faculty or staff member's contract time during the semester in which he or she is employed by the University. Base Salary during the period of participation in the PRS shall be reduced to either 75% or 50%, as of the effective date of the PRS contract, based upon the faculty member's agreement to teach a 75% or 50% load. The faculty member's subsequent pay increases during the remainder of participation in the PRS will be exactly the across-the-board pay increases provided to faculty in each contract year, and no merit pay.
- 5) A PRS member may, in either contract year, opt to work with either a three-fourths time (75%) or a one-half time (50%) annual faculty academic year contract. The appropriate allocation of teaching and other assignments during the academic year will be determined by discussion between the PRS participant and the Department Chair/School Director, with the approval of the College Dean; provided that if an

individual chooses to teach full-time in the spring semester, all pay will be received during the spring semester.

- 6) It is the responsibility of the individual who enters the Phased Retirement Plan to contact the Director of Human Resources, TIAA and other appropriate agencies to assure that the appropriate health insurance and other retirement options are properly maintained.
- 7) Notwithstanding the provisions of Paragraph One of this policy, any faculty member who is 60 years of age or older as of the effective date of the revised PRS policy shall have a minimum period of eligibility to enroll in the PRS of up to May 15, 2008.

c. Dismissal of Faculty

The dismissal of a faculty member shall be affected only pursuant to the procedures outlined herein and only for one or more of the following causes:

- (1) Demonstrated incompetence or dishonesty in the performance of professional duties;
- (2) Personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities;
- (3) Insubordination by refusal to abide by legitimate and reasonable directions of administrators or of the Board of Governors;
- (4) Physical or mental disability, for which no reasonable accommodation can be made, making the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;
- (5) Substantial and manifest neglect of duties;
- (6) Failure to return after a leave of absence; and
- (7) Maintenance of an unethical relationship with a current student by faculty or staff, sexual harassment, or acts of unlawful discrimination.

In dismissal for cause, the President shall institute proceedings by giving the faculty member a written notice by registered or certified mail, return receipt requested. The dismissal notice shall contain:

- (1) Full and complete statements of the charge or charges relied upon; and
- (2) A description of the appeal process available to the faculty member.

d. Termination of Faculty Due to Reduction or Discontinuance of an Existing Program

A faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program as a result of program review, in accordance with appropriate policy relating to review of academic programs or by other program review/ reduction directed by the Board of Governors, provided no other program or position requiring equivalent competency exists. If, within two years following the reduction or discontinuance of a program, a position becomes vacant for which the faculty member is qualified, the President shall make every effort to extend first refusal to the faculty member so terminated.

If a faculty member is to be terminated as a result of program reduction, then the President shall institute proceedings by giving a faculty member written notice of such nonretention by certified mail, return receipt requested. The dates of formal notification shall be those specified in the policy on nonretention during tenure-track faculty status.

e. Termination Due to Financial Exigency

- (1) Declaration

Should the West Virginia Higher Education Policy Commission, the Board of Governors, or the President, determine, define, and declare that a state of financial exigency does exist, then the University shall have the right to take extraordinary action, including a selective reduction in personnel and a selective elimination or curtailment of units or programs in either the instructional or non-

instructional areas of the University, or both. Such action shall be and for reasons consonant with the long-range educational mission of the University.

(2) Presentation of the Plan

A specific plan for the reduction of personnel and programs or units in either the instructional or non-instructional areas, or both, shall be presented by the President in consultation with the major administrators. This plan, including the rationale used in determining the financial exigency and the rationale used by the University in recommending termination, shall be presented to Faculty and Staff. A reasonable period of time will be allowed for written comment on the plan, subject to circumstances of the exigency.

(3) Criteria

In considering where terminations should occur, the following factors, among others, shall be taken into consideration:

- role and contributions of the academic program or administrative unit within the University's mission.
- dependence of other programs or units upon the program or unit proposed for termination.
- quality and relative costs of programs or units.
- qualifications and performance of personnel within the program or unit.
- organizational arrangements which might serve as alternatives to termination.
- arrangements for phasing out the program or unit as an alternative to abrupt discontinuance.

- the effect on the institution's affirmative action compliance.

The conclusions reached ultimately remain at the sole discretion of the President and/or the governing board.

(4) Termination of Personnel

When an employee terminates service with the University (voluntarily or involuntarily), the employee must surrender all keys issued to him/her and must account for all other property held in his or her custody.

A checkout form must be completed with appropriate signature assuring compliance and filed with the Vice President for Administration and Finance before the last paycheck will be issued to the employee. The checkout forms for faculty are available in the Office of the Vice President for Academic Affairs.

II. B. 1. f. Syllabus Checklist

In accordance with federal compliance and accreditation guidelines, a course syllabus is to be provided to each student, at the beginning of the semester in which the course is held, for each course taught by a faculty member. The Syllabus Checklist is maintained on the website of the Center for Teaching and Learning.

II. B. 4. Faculty Advisors

Faculty members will serve as advisors to students and will be available to students during regularly scheduled office hours. All faculty advisors must participate in and complete advisement training program of the Center for Teaching and Learning and Instructional Resources.

Designated faculty advisors and peer advisors are expected to be present during the periods set aside for registration according to assignments made by Department Chairs/School Directors, subject to

confirmation of the College Dean and the Office of the Provost.