



WE ARE... **MARSHALL**™

THE GREENBOOK

FACULTY HANDBOOK

Policy/Governance/Procedure
August 2007



MARSHALL UNIVERSITY
One John Marshall Drive
Huntington, WV 25755

Published by the Office of Academic Affairs

Marshall University

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August 2007

**Published by: Office of Academic Affairs
Barbara S. Hicks, Editor**



Welcome to the Marshall University *Greenbook*!

If you are new to Marshall University, you will find this document to be a one-stop source for information on a wide range of topics related to the governance and operation of the University. If you are a returning member of the Marshall community, I think you will find the information contained herein to be helpful, regardless of whether you are a faculty member, administrator, or staff member.

The *Greenbook* includes official Marshall University procedures, as well as policies approved by the Marshall University Board of Governors. The latter policies are also available on-line at: <http://www.marshall.edu/president/board/policies.html>.

As always, we strive to communicate in the most effective manner possible. If you have any suggestions for future editions of The *Greenbook*, please share them with the Office of Academic Affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Kopp". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stephen J. Kopp, Ph.D.
President



FOREWORD

Greetings from the Office of Academic Affairs. It's my pleasure to welcome you to the Marshall family. I look forward to working with you to provide outstanding academic programs for the students at Marshall University.

The GREENBOOK, your faculty handbook, contains information that you will find useful during your academic career. The online version, the official version, may be found at <http://www.marshall.edu/academic-affairs/>. Please remember to check it periodically for updates.

Again, welcome to Marshall! Please call upon my staff and me for any assistance you may need.

A handwritten signature in black ink that reads "Sarah N. Denman". The signature is written in a cursive, flowing style.

Sarah N. Denman
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Chapter I.

The Marshall University Story

History

(<http://www.marshall.edu/www/aboutmu.asp>)

The campus of Marshall University is located in Huntington, West Virginia, just across the Ohio River from Ohio, and thirteen miles from the Kentucky border. It is served by rail, air and highway transportation.

Marshall University traces its origin to 1837, when residents of the community of Guyandotte and the farming country nearby decided their youngsters needed a school that would be in session more than three months a year. Tradition has it that they met at the home of lawyer John Laidley, planned their school, and named it Marshall Academy in honor of Laidley's friend, the late Chief Justice John Marshall. At the spot called Maple Grove they chose one and one-quarter acres of land on which stood a small log building known as Mount Hebron Church. It had been the site of a three-month subscription school and remained that for another term. Eventually \$40 was paid for the site.

On March 30, 1838, the Virginia General Assembly formally incorporated Marshall Academy. Its first full term was conducted in 1838-39. For decades the fledgling school faced serious problems, most of them financial. The Civil War forced it to close for several years, but in 1867 the West Virginia Legislature renewed its vitality by creating the State Normal School at Marshall College to train teachers. This eased Marshall's problems somewhat, but it was not until the tenure of President Lawrence J. Corbly during 1896-1915 that the college began its real growth. In 1907, enrollment exceeded 1,000.

Since then Marshall's expansion has been consistent and sometimes spectacular. The College of Education, first called Teachers College, was organized in 1920 and the first college degree was awarded in 1921. The College of Education was expanded in 1997 to include Professional Development; its name then changed to the College of Education and Human Services. The College of Arts and Sciences was formed in 1924, and the Graduate School was organized in 1948. The College of Applied Science came into being in 1960; the School of Business was formed in 1969. These were merged into the College of Business and Applied Science in 1972. The School of Medicine and Associated Health Professions was established in 1974, which became the Joan C. Edwards School of Medicine in 2000. The Community College was organized in 1975 and became the Community and Technical College in 1991. In 2003, the Marshall Community and Technical College became an administratively linked, separately accredited institution.

The College of Science was authorized by the Board of Regents in 1976. In 1977, the Board approved a change of name for the College of Arts and Sciences to the College of Liberal Arts, and for the College of Business and Applied Science to the College of Business which became the Elizabeth McDowell Lewis College of Business in 1996. In 1978, the School of Nursing was established as a separate entity and in 1998 was renamed the College of Nursing and Health Professions and again in 2004 became the College of Health Professions. The W. Page Pitt School of Journalism and Mass Communications was recognized as an independent school in 1998. The College of Fine Arts was established in 1984. In 1999, the College of Information Technology and Engineering was established. Marshall was granted University status in 1961.

In 1997, the West Virginia State Legislature authorized a merger of Marshall University and the West Virginia Graduate College, providing a new campus for the Marshall University in South Charleston.

A significant number of non-credit courses are offered through the Community and Technical College, the Robert C. Byrd Institute, and Professional Development components of the College of Education and Human Services. Marshall has taken the lead in delivering courses to off-campus sites throughout the state, nation, and world via distance learning with on-line courses.

Since the formation of the West Virginia Board of Regents in 1969, then under the University of West Virginia Board of Trustees in 1988, and now the Higher Education Policy Commission, Marshall has progressed as an urban-oriented university with regional centers and statewide mission. As a result of state system support, and because of its own active leadership and its location in the thriving Tri-State area, Marshall is a university with excellent prospects for future development.

Accreditation

SR-92-93-(117) 263 (APC)

Marshall University is accredited by the Higher Learning Commission of the North Central Association, 30 N. LaSalle Street, Suite 2400, Chicago, IL 60602-2504 (800) 621-7440; (312) 263-0456; Fax: (312) 263-7462 (<http://www.ncahlc.org/>) Marshall successfully completed its last comprehensive evaluation in 2005-06. The next evaluation is scheduled for 2015-16. Marshall is also a member of the Council of Graduate Schools in the United States. Academic credits earned at Marshall University are

fully standardized for acceptance by all other colleges and universities.

Many programs in the university have specialized or professional accreditation. For further information on accreditation, consult Marshall University catalogs or the appropriate academic dean's office. Individual program accreditations can be found on Marshall's website at <http://www.marshall.edu/www/accreditation.asp>.

Commitment to Assessment

The assessment initiative, begun in 1989, is rooted in the University's mission. The assessment initiative grew from both faculty and administration concern for academic quality and instructional excellence. The assessment process provides the institution, colleges, and departments with information regarding academic quality, which relates to the central commitment of the institution to education. All segments of the university community—faculty, staff, administration and students—are actively involved in this process. At the undergraduate level this assessment includes measuring the quality of the general education core curriculum and all academic programs. Graduate assessment is centered on measuring the quality of each academic program. The University Assessment Committee is charged with the responsibility of overseeing the assessment efforts for both the core undergraduate curriculum and each of the university's degree granting programs. Assessment is part of the fabric of Marshall University, as such all faculty are expected and encouraged to participate in the assessment efforts. Assessment is vital to the evaluation of student academic achievement at the classroom level, the program level and the university level.

University Mission Statement

SR-03-04-24R (MS)

Approved by the Board of Governors 5/12/04
(<http://www.marshall.edu/www/mission.asp>)

Marshall University is a multi-campus public university providing innovative undergraduate and graduate education that contributes to the development of society and the individual. The university actively facilitates learning through the preservation, discovery, synthesis, and dissemination of knowledge.

Goals in Support of the University Mission

Marshall University will

- provide affordable, high quality undergraduate and graduate education appropriate for the state and the region;
- provide services and resources to promote student learning, retention, and academic success;
- foster faculty, staff, and student outreach through service activities;
- provide a safe and secure employee work environment;
- make instruction available throughout Marshall's service area using all appropriate modes of delivery;
- enhance the quality of health care in the region;

- promote economic development through research, collaboration, and technological innovations;
- educate a citizenry capable of living and working effectively in a global environment;
- support and strengthen the faculty, staff, student, and administrative governance structures in order to promote shared governance of the institution;
- further the intellectual, artistic, and cultural life of the community and region; and
- adhere to the Marshall University Creed and to the Statement of Ethics.

Marshall University faculty will

- remain current in their fields of expertise and incorporate that expertise in the educational process as appropriate;
- improve instruction through the use of innovative teaching methods that require students to become actively involved in the learning process and develop the critical thinking skills necessary for life-long learning;
- contribute to the body of knowledge through completion of scholarly and creative activities;
- actively engage and mentor students in scholarly, artistic, and creative endeavors;
- help students develop the ability to navigate through a rapidly changing society; and
- regularly review the curriculum, degree, and programs offered, and recommend necessary additions and deletions to meet changing needs of the state and region.

Marshall University staff will

- support the mission of the university in their transactions with students, staff, faculty, administrators, and the public;
- develop a positive, just, and equitable workplace; and
- be a quality workforce equipped with appropriate skills and knowledge.

Marshall University students will have the opportunity to

- use their knowledge, creativity, and critical thinking skills to make their communities better places in which to live;
- examine critically the many issues facing society and, through the process of civil discourse, prepare themselves to become socially responsible individuals who contribute to the betterment of society;
- appreciate and to cultivate diversity, and to value differences;
- participate in activities such as artistic and cultural programs, social and residential life activities, and intercollegiate/intramural athletic teams; and
- undertake intensive graduate-level education in their chosen fields upon admission to graduate school, giving them solid foundations for becoming competent professionals.

Marshall University administration will

- actively seek resources to support the mission and goals of the institution as stated in this document;
- secure funding to support scholarship, artistic, and creative endeavors, faculty and staff development, and state-of-the-art classrooms;
- provide leadership to facilitate the institution's achievement of its mission and vision;
- administer the policies of the university in a fair, ethical, and equitable manner;
- communicate the vision, mission, goals, achievements, and difficulties of the institution in a clear, effective, and forthright manner to both internal and external constituencies; and
- actively support shared governance of the institution.

Strategic Vision

<http://www.marshall.edu/president/strategic/>

Approved MU BOG, January 2006

AIMING FOR PERFECTION

Aiming for perfection is a state of mind. It is the attitude that we choose to bring to our life's journey. It is the vision that lights our journey as we endeavor to actualize the tremendous potential that lies within ourselves and Marshall University.

It is not a destination. It is not about "being perfect" but committing ourselves to becoming better and better in all that we do each day. It is about seeing opportunity in the challenges of our daily work and life. It is about valuing the potential that each person brings to our community. It is about our approach to the work that lies ahead as we endeavor to fulfill the promise of a better future.

Organizationally it means dedicating ourselves to:

- enlightening our minds
- building character and community – bringing out the best in all of us
- changing lives – creating new opportunities
- fostering inclusiveness and intercultural understanding
- creating pathways to universal success
- advancing critical thinking, creativity and new knowledge
- developing a culture that embraces change, new ideas and values innovation
- serving our communities in ways that make a lasting difference
- inspiring learning for a lifetime
- improving the world.

On an individual level, aiming for perfection is about developing our minds, our bodies and our spirits to their fullest potential. It is about balance and harmony and pursuing a higher consciousness and purpose. It is about achieving a state of enlightenment that is transcendent. It is about endeavoring to discover the wonder and comprehend the complexity that is life. It is about finding meaning, inspiration and coherence in the ambiguity, uncertainty and chaos of daily life. It is about helping others find their voice and their connection to the world around us.

General Statement of Purpose

http://www.marshall.edu/www/mission_old.asp

Marshall University seeks to achieve the following: Upon graduation a baccalaureate student should (1) think logically, critically, and creatively and be able to recognize this ability in others; (2) communicate ideas clearly and effectively both in speaking and writing; (3) evaluate the influences that help to shape individuals, institutions, and societies; (4) understand the values, achievements, and aesthetic contributions of past and present cultures; and (5) perceive, investigate, and solve problems by enlisting the most appropriate historical, comparative, quantitative, and qualitative research methods available.

Statement of Philosophy

http://www.marshall.edu/www/mission_old.asp

While institutions of higher education differ in size and function, they share a common core of values; these help shape and guide their academic life. Marshall University is committed to seven basic principles.

The first and most basic commitment of Marshall University is to undergraduate education.

A second and major commitment of Marshall University is the enhancement of graduate education.

Third, Marshall University is committed to expanding the body of human knowledge and achievement through research and creative arts activities.

A fourth characteristic of Marshall University is its commitment to society through public service.

A fifth commitment of this university is diversity in its student body, its faculty and staff and its educational programs.

A sixth commitment of Marshall University is to academic freedom and shared governance.

Finally, Marshall University is committed to assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance.

Identification of Areas of Current Emphasis

http://www.marshall.edu/www/mission_old.asp

The following areas of emphasis will command the commitment of institutional resources.

A commitment to high quality undergraduate liberal arts education, broadly defined.

A commitment to rural health care, including medicine, nursing, nutrition, health education, health care management, etc.

A commitment to schools and schooling, including teacher education and the setting of the agenda for education in southern West Virginia.

Economic development, which would include programs in education, science, business, the Community and Technical College, engineering and a broad range of fields.

A commitment to the fine arts and humanities because Marshall is – and should be – the cultural center of this community.

A new commitment to high quality graduate programs (masters, specialists, and doctoral degrees).

Finally, a university concerned with environmental issues which, unquestionably, will be a dominant factor of life in the 21st Century.

In accord with the first and most basic commitment of Marshall University as outlined in the Statement of Philosophy of the Mission Statement and the above seven areas of emphasis, Marshall University will strive to develop programs that will be recognized nationally for their excellence. Toward this goal strong emphasis will be placed on high quality teaching and interaction with the individual student. Uniform guidelines for monitoring instruction and corrective measures will be developed and implemented by college deans. Programs that have university commitment to independent accrediting will be brought into compliance and maintain accrediting agency guidelines.

Marshall University Creed

http://www.marshall.edu/www/ugradcat/01-03/PDF/03_cr.pdf

WE ARE . . . MARSHALL:

Inspired by the example of John Marshall, we, the students, faculty, and staff of Marshall University, pledge to pursue the development of our intellects and the expansion of knowledge, and to devote ourselves to defending individual rights and exercising civic responsibility. We strive to exemplify in our own lives the core values of John Marshall's character: independence, initiative, achievement, ethical integrity, and commitment to community through association and service. As Marshall University, we form a community that promotes educational goals and that allows individuals maximum opportunity to pursue those goals.

We are:

- **An Educational Community** in which all members work together to promote and strengthen teaching and learning;
- **An Open Community** uncompromisingly protecting freedom of thought, belief and expression;
- **A Civil Community** treating all individuals and groups with consideration, decency, and respect, and expressing disagreements in rational ways;
- **A Responsible Community** accepting obligations and following behavioral guidelines designed to support the common good;
- **A Safe Community** respecting each other's rights, privacy and property;
- **A Well Community** respecting and promoting physical and emotional health;
- **An Ethical Community** reflecting honesty, integrity and fairness in both academic and extracurricular activities;
- **A Pluralistic Community** celebrating and learning from our diversity;
- **A Socially Conscious Community** acting as citizens of the world and seeking to contribute to the betterment of people and their environments;

- **A Judicious Community** remaining alert to the threats posed by hatred, intolerance and other injustices and ever-prepared to correct them.

Marshall University Statement of Professional Ethics for All Employees

http://www.marshall.edu/senate/EOY_BOOKS/Ethics%2001-02.htm

The faculty, staff, and administrators of Marshall University share a commitment to professional ethics as an obligation to our students, to the citizens of the state of West Virginia, and to each other as colleagues. To this end, we endorse the "Statement on Professional Ethics" of the American Association of University Professors, the "Ethical Practices for College Presidents" statement of the American Association of State Colleges and Universities, the "Statement on Government of Colleges and Universities," a joint statement of the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, and the "Ethics Act" of the West Virginia Ethics Commission. All of these documents may be found online at <http://www.marshall.edu>.

- All employees of the university should strive to adhere to the following guiding principles derived from the above documents. This is not intended as a complete listing of standards included in those documents.
- Honesty and Trustworthiness in all professional dealings with others.
- Fairness and Equity require that one does not discriminate or harass others.
- Respect for the opinions, needs, goals, and responsibilities of others.
- Full and open communications between and among colleagues, students, staff, and administrators.
- Impartiality in all professional decision making.
- Keeping primary the interests of both students and the institution.
- Acceptance and fulfillment of responsibility in the shared governance of the university.
- Integrity in all interactions with others.
- Confidentiality of information where appropriate.
- Adherence to the ethical standards of ones discipline or field.

All employees are duty bound to maintain these ethical standards as well as to call attention to situations where these standards may have been violated. In such cases, existing grievance procedures should be pursued. These include: W. Va. Code § 6C-2

(<http://pegboard.state.wv.us/>); Alternate Dispute Resolution Policy; (<http://www.marshall.edu/human-resources/>) and select “Resources” then “Policies”); and Faculty Personnel Committee (FPC).

Peer Institutions

(http://www.marshall.edu/irp/NCHEMS_Peers.htm)

- University of South Alabama
- University Of South Florida
- Southern Illinois University-Edwardsville
- East Carolina University
- University Of North Dakota-Main Campus
- University of Nevada-Reno
- Ohio University-Main Campus
- Wright State University - Main Campus
- University of South Carolina at Columbia
- East Tennessee State University

Chapter II.

Academic Guidelines and Policies

Academic Calendar Process

SR-98-99-(5) 64 (BAPC)

The calendar committee will work in a biannual cycle. A calendar will be proposed for two academic years to match the publication of the university graduate and undergraduate catalogs. The academic calendar will be considered in the Fall semester for the academic year prior to the two year cycle in the calendar (Example, the 99/00-00/01 calendar will be drafted in the Fall semester of 1998).

The calendar committee will become a permanent sub-committee of the Budget & Academic Policy Committee (BAPC) of the Faculty Senate.

Representation on the committee will consist of two faculty members from BAPC, one faculty member from the Graduate School (South Charleston Campus), three representatives from Student Government and the Associate Vice President for Academic Affairs. Ex-officio representation will come from Staff Council, the Registrar's Office and Resident Services. The sub-committee members shall elect a chair from the voting members of the sub-committee.

The Provost and Senior Vice President, in consultation with the Dean's Council, will provide, for consideration to the calendar sub-committee, a working draft of a two-year academic calendar. A draft of the proposed two-year calendar will be sent to the sub-committee by September 15th, or the closest working day to September 15th.

Once the sub-committee has discussed and approved a calendar, its recommendation will move forward through Faculty Senate and the Student Government Association (SGA). Those committee recommendations will be sent to the president by no later than December 18th, or the working day closest to December 18th.

Once each recommendation has arrived in the president's office, the president will make the final decision on the calendar.

Appropriate Use of MU ID Numbers

MUBOG Policy AA-11

1 General Information.

1.1 Scope: Institutional policy regarding the appropriate use of ID numbers.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and/or Marshall Community and Technical College

1.6 History: The preceding shall be considered a policy of the university (effective July 1, 2002; revised August 11, 2004) until a comprehensive policy on the use of confidential information is developed and approved.

2 Policy

2.1. In order to protect the privacy interests of students and to comply with the new law, and existing state and federal laws (FERPA), all faculty and staff shall observe the following practices:

2.1.1. Final course grades and grades for class quizzes, exams, projects, etc., shall not be publicly posted in any manner in which a grade can be associated with the student by any person other than the student himself. No such posting shall include any student's MU ID number.

2.1.2. Students' MU ID numbers shall not be used on attendance or sign-in sheets.

2.1.3. Care should be taken to ensure class rosters, grade reporting forms, and other Marshall University reports or listings containing MU ID numbers are filed appropriately and "out of public view" when in the possession of faculty and staff.

2.1.4. Faculty and staff shall observe due diligence whenever the responsibilities of their positions require the use of social security numbers or other private information regarding students.

Academic Dishonesty

MUBOG Policy AA-12

1 General Information.

1.1 Scope: Academic policy regarding student academic dishonesty.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: (FS-02-03-(37)67 BAPC, February 27, 2003)

As described in the Marshall University Creed, Marshall University is an "Ethical Community reflecting honesty, integrity and fairness in both academic and extracurricular activities." Academic dishonesty is something that will not be tolerated as these actions are fundamentally opposed to "assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance" as described in Marshall University's Statement of Philosophy. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by Marshall University accepts the academic requirements and criteria of the institution. It is the student's responsibility to be aware of policies regulating academic conduct, including the definitions of academic dishonesty, the possible sanctions and the appeal process.

2 Policy

2.1 An academic exercise is defined as any assignment, whether graded or ungraded, that is given in an academic

course or must be completed toward the completion of degree or certification requirements. This includes, but is not limited to: Exams, quizzes, papers, oral presentations, data gathering and analysis, practicum and creative work of any kind.

3 Definitions of Academic Dishonesty

3.1 Below are definitions of some common types of academic dishonesty. Each instructor may modify the general definition of academic dishonesty to fit the immediate academic needs within that particular course of study, provided the instructor defines, in writing and preferably in the course syllabus, the details of any departure from the general definition.

3.1.1 Cheating: Any action which if known to the instructor in the course of study would be prohibited. This includes:

3.1.1.1 The unauthorized use of any materials, notes, sources of information, study aids or tools during an academic exercise.

3.1.1.2 The unauthorized assistance of a person other than the course instructor during an academic exercise.

3.1.1.3 The unauthorized viewing of another person's work during an academic exercise.

3.1.1.4 The unauthorized securing of all or any part of assignments or examinations, in advance of submission by the instructor.

3.1.2 Fabrication/Falsification: The unauthorized invention or alteration of any information, citation, data or means of verification in an academic exercise, official correspondence or a university record.

3.1.3 Plagiarism: Submitting as one's own work or creation any material or an idea wholly or in part created by another. This includes:

3.1.3.1 Oral, written and graphical material.

3.1.3.2 Both published and unpublished work

3.1.3.3 It is the student's responsibility to clearly distinguish their own work from that created by others. This includes the proper use of quotation marks, paraphrase and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.

3.1.4 Bribes/Favors/Threats: Attempting to unfairly influence a course grade or the satisfaction of degree requirements through any of these actions is prohibited.

3.1.5 Complicity: Helping or attempting to help someone commit an act of academic dishonesty.

4 Sanctions

4.1 Sanctions for academic dishonesty may be imposed by the instructor of the course, the department chairperson, or the Academic Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the university entirely. The instructor may impose the following sanctions:

4.1.1 A lower or failing project/paper/test grade,

4.1.2 A lower final grade,

4.1.3 Failure of the course

4.1.4 Exclusion from further participation in the class (including laboratories or clinical experiences)

4.2 The following sanctions may be recommended by the instructor but will need to be imposed by the department chair, academic dean or the Office of Academic Affairs:

4.2.1 Exclusion from an academic program

4.2.2 Academic probation for up to 1 year

4.2.3 Academic suspension for up to 1 year

4.2.4 Dismissal from the university.

4.3 In those cases in which the offense is particularly flagrant or where there are other aggravating circumstances, additional, non-academic, sanctions may be pursued through the Office of Judicial Affairs. A student will be informed in writing by the instructor or responsible office, of any charges and subsequent sanctions imposed for academic dishonesty (See "Reporting" below). Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in a student's records) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal.

4.4 If a student believes that charges of academic dishonesty have been erroneously levied, he/she should appeal such charges in accordance with the process outlined below.

4.5 Sanctions for repeated academic dishonesty offenses will be imposed by the Office of Academic Affairs after consultation with the appropriate department chairs and deans.

4.6 A student's record of academic dishonesty offenses will be maintained throughout their enrollment at Marshall University, and the period of time between offenses may have no impact on sanctions for repeated offenses.

4.7 A student with a second academic dishonesty offense during his/her enrollment at Marshall University will be academically suspended for a period of time not to exceed one academic year (to include summer terms).

4.8 A student with a third academic dishonesty offense during his/her enrollment at Marshall University will be dismissed from the university.

5 Reporting

5.1 Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within ten (10) days of the accusation.

5.2 Notice of an act of academic dishonesty will be reported to the Office of Academic Affairs through the completion of an "Academic Dishonesty Report Form" (described below). The "Academic Dishonesty Report Form" will include:

5.2.1 Instructor's Name

5.2.2 Course Information (Term, Number, Section)

5.2.3 Student's Name

5.2.4 Student's University Identification Number

5.2.5 Brief Description of the Charge

5.2.6 Date of Accusation

5.2.7 Brief Description of the Sanction

5.3 Instructors are encouraged to give a copy of the "Academic Dishonesty Report Form" to a student accused of an offense. However, within ten (10) days of receipt of the "Academic Dishonesty Report Form" the Office of Academic Affairs will inform the student and the student's dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and his/her rights of appeal. A copy of the report will go into the student's college file.

5.4 Any subsequent actions taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the results of appeals, etc.) should be reported to the Office of Academic Affairs within ten (10) days of the action.

6 Recording

6.1 The Office of Academic Affairs will maintain a file of academic dishonesty incidents. These will be reported in summary form (no student or faculty names will be included) to the Academic Deans and the Faculty Senate at the end of each academic year.

7 Appeals Process

7.1 In cases where the instructor imposes sanctions and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in accordance with the procedures described for grade appeal (see listing under “Grade Appeal” described in section V. Academic Appeals p. 94 of the Undergraduate Catalog). This includes lowered grades, exclusion from class activities and failure of the course.

7.2 If allegations of academic dishonesty are referred to the department chairperson for additional sanctions, it must be within thirty (30) days from the date of the alleged offense. This process starts with the dean if there is no department chairperson.

7.2.1 The department chairperson shall bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.

7.2.2 If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson feels that the penalties are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson to the student's Academic Dean within ten (10) days from the date of the meeting. The Academic Dean shall bring together the student, faculty member or other complainant, and the department chairperson to review the charges within ten (10) days from the date of referral. The Academic Dean may impose any sanction permitted by this policy.

7.2.3 Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Dean, the case may be appealed in writing within ten (10) days of the Dean's written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board for resolution.

7.2.4 Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board, then he/she may file an appeal with the Provost/Vice President of Academic Affairs within thirty (30) days from the receipt of the written decision of the Board. The decision of the Provost/V.P. Academic Affairs shall be final.

7.2.5 Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described under the section on “Sanctions.”

Attendance at University Events

Students having classes or laboratories which conflict with university events may be excused by the instructor to attend such events.

No instructor may require a student to attend an event if the student has a regularly scheduled class or laboratory, which conflicts with the time of the event.

Class Attendance

MUBOG Policy AA-13

1 General Information.

1.1 Scope: Academic policy regarding class attendance.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Adopted General Faculty Meeting, May 12, 1970; Clarified by Faculty Senate on April 10, 2001; SR-04-05-(06)63 BAPC, Approved November 18, 2004 for Implementation Fall 2005

2 Policy

2.1 It is Marshall University's policy that each instructor evaluates the importance of student class attendance. In the course syllabus, the instructor must provide his/her policy on class attendance, make-up work, and related matters. If a student is absent from class because of a circumstance that is included in the excused absence policy, the absence can be handled by an arrangement between the student and the instructor or, if either party requests, the student can obtain an official excused absence following the procedure described below. The instructor must honor a university excused absence covered by this policy and allow the student an opportunity to catch up/make up work missed. This policy excludes those academic endeavors that require the completion of a certain number of clock hours, as in clinical experiences, practica or internships. For those courses, the maximum number of absences will be determined by the department chair or program supervisor. This policy does not supersede program accreditation requirements.

3 Definitions of Excused Absences

3.1 Excused absences fall into five categories

3.1.1 University-sponsored activities

3.1.1.1 Academic activities including, but not limited to, performing arts, debate and individual events, honors classes, ROTC, and departmental functions

3.1.1.2 Athletics, official athletic events sponsored by the Athletic Department.

3.1.1.3 Other University activities, including student government and student organizations. The activity must have a clear educational mission and be closely linked to academic pursuits or to other official University functions.

4 Student Illness or Critical Illness/Death in the Immediate Family

4.1 “Immediate Family” is defined as a spouse/life partner, child, parent, legal guardian, sibling, grandparent or grandchild.

4.1.1 Student Illness or injury

4.1.1.1 Absences will be excused only for illnesses or injuries that prohibit students from participating in class.

4.1.2 Critical Illness of Immediate Family Member

4.1.2.1 Absences will be excused if the student documents that he or she had to provide needed care and/or support for a critically ill immediate family member.

4.1.3 Death of an Immediate Family Member

4.2 Short-Term Military Obligation: This is defined as absence as the result of military orders for a short-term period. Note: Students subject to federal activation are covered by a separate policy. Please see the catalog for this policy.

4.3 Jury Duty or Subpoena for Court Appearance

4.3.1 This applies to absences that are a result of official requests from a court of law.

4.4 Religious Holidays

4.4.1 This applies to major religious holidays. Please see the Dean of Student Affairs for a list of such holidays.

5 Process

5.1 To secure an excused absence.

5.1.1 The student who seeks an excused absence must do so immediately after the event/activity/incident by following these guidelines. Whenever time permits, such as for University activities scheduled well in advance, the excuse must be obtained and presented to the instructor prior to the absence.

5.1.1.1 University Sponsored Activities

5.1.1.1.1 Academic Activities: These absences are excused by the dean within whose unit the activity is sponsored. The dean must pre-approve any notice that is given or sent to faculty regarding absences of this type.

5.1.1.1.2 Athletics: These absences are excused by the Dean of Enrollment Management who must pre-approve any notice given/sent to faculty.

5.1.1.1.3 Other University activities: These absences are pre-approved by the Dean of Student Affairs and excused by the Office of Academic Affairs prior to any notice to faculty. The activity and the excused absence must be endorsed in writing by the organization advisor.

5.1.1.2 Student Illness or Critical Illness/Death in the Immediate Family

5.1.1.2.1 Student Illness or Injury: The student must submit official documentation of treatment by a medical practitioner to the Dean of Student Affairs as soon as he/she returns to class. Documentation must specify the inclusive dates to be excused. The dean will notify faculty that the absence(s) meets the criteria to be excused.

5.1.1.2.2 Critical Illness of Immediate Family Member: The student must submit official documentation from the family member's health care provider that substantiates the critical nature of the illness and the student's need to provide the care/support. This documentation is to be submitted to the Dean of Student Affairs upon the student's return to class. The dean will notify faculty that the absence(s) meets the criteria to be excused.

5.1.1.2.3 Death of an Immediate Family Member: To obtain an excused absence, the student must submit one of the following to the Dean of Student Affairs upon return to classes: an obituary or a funeral program with the student

named as a relative; verification on letterhead stationery of the death and the relationship by clergy or funeral home personnel. The dean will notify faculty that the absence meets the criteria to be excused.

5.1.1.3 Short-Term Military Obligation

5.1.1.3.1 The student who seeks an excused absence for military obligation must present official documentation of his/her orders to duty to the dean of his/her college prior to the absence. The dean will notify faculty that the absences are to be excused.

5.1.1.4 Jury Duty or Subpoena for Court Appearance

5.1.1.4.1 The student who seeks an excused absence for jury duty or court appearance must submit his/her subpoena or official notification of jury duty to the dean of his/her college prior to the date of the obligation. The dean will notify faculty that the absence is to be excused.

5.1.1.5 Religious Holidays

5.1.1.5.1 Absences resulting from major religious holidays will be excused when the student presents the request in advance of the absence to the Dean of Student Affairs. The dean will indicate his/her approval on the request and forward it to the Office of Academic Affairs for the official excused absence notification to faculty.

Notice: Any student who falsifies information or documentation in order to obtain an excused absence has committed a violation of the Code of Student Rights and Responsibilities and will be referred to Judicial Affairs for appropriate sanctions.

6 To Catch Up/Make Up Missed Work

6.1 It is the responsibility of the student to request an opportunity to complete missed work.

6.1.1 Once the excused absence has been secured, the request to make up work should be made to the instructor at the next available class meeting.

6.1.2 Missed activities will be rescheduled or, in the event that rescheduling of an activity is not practical or possible, a fair and equitable alternative way of arriving at the grade for the missed component of the overall grade will be developed by the instructor.

6.1.3 Punitive measures must not be taken against students who present an official University excused absence.

6.1.4 Students should be aware that excessive absences—whether excused or unexcused—may affect their ability to earn a passing grade.

6.1.5 If the faculty member believes that the number of absences accrued under the terms of this policy is such that the student cannot fulfill the learning experience/mastery that a course requires, he/she may recommend that a student withdraw from the class.

6.1.6 Regardless of the nature of the excused absence, the student is responsible for completing all coursework prior to the end of the semester.

Course Syllabus

MUBOG Policy AA-14

1 General Information.

1.1 Scope: Academic policy regarding content and distribution of course syllabus.

1.2 Authority: W. Va. Code §18B-1-6

- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: A long standing policy of the University.

2 Policy

2.1 During the first two weeks of semester classes (3 days of summer term), the instructor must provide each student a copy of the course requirements which includes the following items:

- 2.1.1 Course name and number.
 - 2.1.2 Instructor's name, office location, phone, e-mail address and office hours.
 - 2.1.3 List of all required texts.
 - 2.1.4 Attendance policy.
 - 2.1.5 Grading policy.
 - 2.1.6 Due dates for major projects and exams.
 - 2.1.7 Description of general course content.
 - 2.1.8 Course objectives and outcomes.
 - 2.1.9 Schedule of class sessions and assignments.
- 2.2 This policy may not apply to the following types of courses: thesis, seminar, problem report, independent study, field work, internships and medical clerkships.
- 2.3 Colleges may develop more detailed requirements concerning the content of the syllabus.

Course Withdrawal

MUBOG Policy AA-15

1 General Information.

- 1.1 Scope: Academic policy regarding students dropping courses, high demand courses, and withdrawing from the institution.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: SR 90-91(144)296(ASCR), SR 92-93(127)273(ASCR), SR 96-97(4)70R(BAPC), SR 96-97(17)82(BAPC/SCWC), SR 96-97(53)119B(BAPC)

2 Policy

2.1. Dropping of Courses

2.1.1 Dropping a course after the schedule adjustment period requires that a drop form bearing the instructor's signature be submitted to the Registrar's Office. Students on academic probation must have Dean's approval to drop a course. Off campus or night courses may be dropped by mailing a request to drop to the Registrar's Office. The postmark on such a request will be the official date of withdrawal.

2.2 High Demand Course Withdrawal Policy

2.2.1 Any student who withdraws during the "W" period from a course identified as a "high demand" course shall not be allowed to pre-register for the course for the following semester. High demand courses include ENG 101, ENG 102, ACC 215, SPN 101, SPN 102, MTH 121, MTH 123, MTH 127, MTH 130, MTH 203, BSC 227. Updated listings of high demand courses are available from the Office of the Registrar.

2.3 Withdrawal from the University

2.3.1 Withdrawal from the university is defined as dropping all classes for which a student is registered. Withdrawal requires that a withdrawal form be submitted to the Registrar's office or that a request for withdrawal be mailed to the Registrar's office. The effective date of withdrawal is the date that the withdrawal form is submitted to the Registrar's office. The postmark on mail requests will be the official date of withdrawal.

2.4 Grades Assigned in Cases of Dropping Courses or Withdrawal from the University

2.4.1 In all cases of dropping courses or withdrawal from the university the instructors will report grades as follows:

2.4.1.1 A student dropping courses or withdrawing from the university on or before the tenth Friday after the first class day of the regular semester will receive a grade of "W". For eight-week courses, summer sessions and other courses of varying lengths, the "W" period ends on the Friday immediately following the two-thirds point in the course. Exact "W" dates are identified in the annual university Academic Calendar.

2.4.1.2 A "W" grade (withdrew) will have no bearing on the student's grade point average.

2.4.1.3 Students who drop courses without approval, or who do not follow regulations provided in the preceding paragraphs, receive a grade of "F" at the end of the semester or summer term.

2.5 Final Date for Dropping or Withdrawing

2.5.1 The final date for dropping an individual class is the tenth Friday in a regular term. The last date for complete withdrawal from the university is the last day of classes. In both cases, "W" grades are assigned.

2.6 Military Service

2.6.1 Men and women called to active duty in the armed services of the United States shall be granted full refund of fees, but no credit, if the call comes before the end of the first three-fourths of the semester or term, and full credit, but no refund of fees, shall be granted if the call comes thereafter; provided, however, that credit as described above will be granted only in those courses in which the student is maintaining a passing mark at the time of departure to military service. The term "called to active duty" is herein defined as being called to active duty as the result of the federal activation of a total reserve component, National Guard unit, or any portion thereof which involves a particular student or an individual who is a bona fide member of the reserve component or a National Guard unit. The final grades, both passing and failing, for three-fourths of a semester or more are to be shown on the student's permanent record card.

NOTE: It is extremely important to direct students with questions regarding military activation to the Registrar's Office, which certifies students for educational benefits. The Registrar's Office is required to notify the Veteran's Administration when students receiving educational benefits are activated for military service.

2.7 Illegal Dropping of Classes

2.7.1 Policy on forged signatures on drop-slips has been defined as follows by the Deans' Council: When a single class is dropped and the withdrawal form does not contain a

valid faculty signature, the action is nullified and the instructor will assign an appropriate grade. Consequently, in those instances where a drop-date appears on a faculty member's grade sheet and the instructor's records do not indicate that a drop-slip was signed, the faculty member may question the validity of the drop in the Registrar's Office at the time grades are submitted. Then it can be determined whether the signature is valid or not, and supply the grade that is appropriate for the situation.

2.8 Medical Withdrawal

2.8.1 In cases when students withdraw from the university for medical reasons, their request for withdrawal must be supported by certification from the attending physician. In order to be readmitted after this withdrawal, the student must provide a letter and supporting documentation from the attending physician that indicates that the student is able to return. Confidentiality will be maintained at all times except on a need-to-know basis. Requests for medical withdrawals from the university or from an individual class will be handled on a case-by-case basis through the Associate Dean of Student Affairs. Students who receive a medical withdrawal shall receive a grade of "W".

2.9 Backdated Withdrawal Procedures

2.9.1 In those rare instances when a backdated withdrawal from a class (or classes) is justified, the following guidelines must be followed:

2.9.1.1 Before determining a date of withdrawal, the dean will consult with the Director of Financial Aid. If the student has received a loan predicated upon full or part-time enrollment, the student may have to repay the university before he/she can be backdated out of the class. Establishing the appropriate withdrawal date is important in terms of institutional policy.

2.9.1.2 All graduate backdated withdrawals must be approved by the Graduate Dean before they will be processed by the Registrar's Office.

2.10 E-Course Withdrawal

2.10.1 E-courses will follow MUBOG Policy IT-5 in regard to refund and withdrawal policies. Withdrawal from semester-based e-courses will follow traditional course guidelines. Open enrollment course enrollees will have thirty-five (35) weeks from the date of enrollment to withdraw.

Dead Week

The last five class days of the fall and spring semesters shall be designated as DEAD WEEK for undergraduate students. Examinations that are designated as 15% or more of the final course grade may not be given during this period. Major papers and/or projects defined as 15% or more of the final course grade may be assigned during this period only if stipulated in the official course syllabus which is to be distributed at the beginning of the semester. Night classes, laboratories, freshmen English composition courses, and any classes meeting once a week shall be exempt from the requirements. New material and make-up examinations may be introduced or conducted during the DEAD WEEK. DEAD WEEK is not intended to be incorporated in the summer sessions of the University.

Electronic Courses

MUBOG Policy IT-5

1 General Information.

1.1 Scope: This policy addresses a variety of issues related directly to the development and teaching of for credit E-courses and T-courses and to multimedia created supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 13, revised March 3, 2005. Minor editorial changes have been made. Executive Policy No. 13 is hereby repealed.

2 Definitions

2.1 An "E-Course" is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions.

2.2 A "T-Course" is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.) A "Course Supplement" is a part of a course (not to exceed 79 percent of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction.

2.3 Online courses are defined as either E or T Courses.

2.4 Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD's, digital imagery, and other creations stored or published in electronic formats.

3 Admissions

3.1 Students wishing to register for online courses must first be admitted to the University. They can apply online and can obtain information online or via telephone.

4 Advising

4.1 Off campus and on campus students will receive comparable advising services as established by their colleges/departments. Advising can be provided by telephone, email, postings to the Web, and through printed materials. Students will be responsible for long distance telephone or internet access costs.

5 Audits

5.1 Students may choose to audit the course and not receive a letter grade. These students will be covered by the same university regulations governing audit enrollment that pertain to traditional university courses.

6 Computer Accounts

6.1 Students taking online courses will receive a MUNet computer account at no extra cost. University and course-related email may be sent to this account unless students choose to forward their email to an alternate e-mail account.

6.2 The MUNet email account must be used for all Help Desk services.

7 Computer/Software Requirements

7.1 Students who enroll in online courses must have basic computer skills as described in the course syllabus and on MUOnline. They must have access to a computer on the Internet, a web browser (variety, version, and configuration as specified in MUOnline), and other software necessary to complete course requirements. Technical support for course navigation will be available on MUOnline and through the Computing Services Help Desk. Instructors will not provide course technical support.

8 Course Approval

8.1 Only existing Marshall University courses may be considered for conversion to an online course. Online courses created from already existing courses must meet the same content standards as courses offered on-campus. MU courses converted to online courses must be approved by the dean and comply with the Southern Regional Education Board's Principles of Best Practices. In addition, all E-Courses and any T-Courses for which the faculty receive a development stipend must be approved by the Faculty Development Committee for Online and Multimedia Instruction in accordance with their guidelines posted to MUOnline.

9 Course Completion Timetable

9.1 Online courses may parallel the semester schedule for regular courses or they may differ from regular semester courses in the start and end dates. The course syllabus for each individual class and the Official Schedule of Courses will indicate the beginning and ending date. If the instructor specifies a deadline that goes beyond the end of the regular semester, that deadline will not exceed one year from the start of the course. Students enrolled in courses with end dates that go beyond the regular semester will receive an "I" (Incomplete) at the end of the regular semester. When the end date of the course is reached the "I" will be replaced by the grade the student earned for the course. Hours of enrollment are reflected in the actual term in which the student is registered. For all verification purposes, hours of enrollment are counted only in the term in which the student is registered.

10 Course Content

10.1 The only difference in the curriculum of an electronic course as compared to the equivalent on-campus course will be the delivery mode. The electronic course content will meet the same standards as courses offered on-campus.

10.2 It is the student's responsibility to ensure that their computer meets course requirements. If a course requires any special software or equipment, those requirements must be clearly stated in the syllabus.

11 Course Enrollment Limits

11.1 The division/department of the instructor will determine the enrollment limit for an e-course that is taught

in load. No minimum number of registered students is required for an e-course taught as an overload. Online courses designated "writing intensive" are limited to 24 students.

12 Course Schedule

12.1 A separate section for e-courses will be published each term in the Official MU Schedule of Courses. E-courses will also appear within the department listing offering the class.

13 Credit Hours

13.1 Courses offered electronically will carry the same number of credit hours as sections of the same course / equivalent courses delivered traditionally.

14 Distribution of T-Courses and E-Courses

14.1 Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supersede this restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

14.2 In instances where the faculty member retains exclusive ownership rights, the university may NOT distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.

14.3 Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.

14.4 In the interest of currently enrolled students, the university may continue use of electronically delivered courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

15 E-Course Agreement

15.1 Instructors who wish to offer an e-course as an overload will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course throughout the period specified in the syllabus.

16 E-Course/T-Course Format

16.1 Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.

17 Evaluations

17.1 Student evaluation of instructors will be consistent with University policies. The technology component of online courses will also be evaluated with the "Flashlight" tool.

18 Expiration of Electronic Course Agreements

18.1 If the faculty member is unable to complete the course, the department will address the matter in its normal and customary way.

19 Faculty Compensation for Developing an E-Course or T-Course

19.1 E-course and T-course development are both eligible for compensation. Faculty who may choose to develop these courses without compensation may still be compensated for teaching an e-course as an overload and Departments may still be compensated for faculty who teach these courses inload.

19.2 Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricula needs and available funds. Contract agreements between departments and faculty supersede this policy.

20 Faculty Compensation for Teaching an E-Course

20.1 Faculty who teach E-courses as an overload (an overload course is one taught in addition to a faculty member's regular teaching load) are compensated on a per student basis in two payments. The amount per student who completes the course is a published fixed rate established through a recommendation from University Information Technology Committee to the Provost. The Faculty Senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the Provost. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor (see Expiration of E-course Agreements) to another, the instructor picking up the carry over students will be appropriately compensated. When faculty teach E-courses in load, the faculty member's department will be compensated on a per student basis as described above.

21 Faculty Incentives

21.1 Consistent with state law, the institution will establish faculty incentives and rewards to encourage instructional development and participation in distance education. This includes (but is not limited to) the acknowledgement of e-course development as a category in the Instruction/Advising area of faculty annual performance.

22 Faculty Load Time

22.1 E-courses may be offered either as part of regular load, overload or by part-time faculty. Extra compensation will not be paid for e-courses taught within load.

23 Faculty Technical Support

23.1 The Center for Instructional Technology will provide support and training to faculty developing online courses. This support includes formal workshops and one on one support.

24 Financial Aid

24.1 Students registering for online courses are eligible to apply for financial aid in the same way as all other students. They can obtain information online or via telephone.

25 Hiring Policies

25.1 Possession of skills in the delivery of course content using distance technologies will be considered a criterion in the hiring of faculty for online courses.

26 Intellectual Property/Ownership of Course Content

26.1 Definitions Ownership and Qualifying Conditions Ownership/Disclosure Dispute Resolution of Ownership Rights Development, Promotion and Licensing of Electronic Media Allocation of Intellectual Property Revenues

26.2 Definitions

26.2.1 Intellectual Property includes inventions, discoveries, processes, unique materials, copyrightable works, original data, electronic media, and other creative or artistic works which have value. It is protectable by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.

26.2.2 Traditional Academic Copyrightable Works are a subset of copyrightable works created for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software, articles, non-fiction, fiction, poems, musical works, dramatic works, pictorial, graphic and sculptural works, or other creative works.

26.2.3 Developers are those who contribute to the creation of the intellectual property.

26.2.4 Creators are individuals or a group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property.

26.2.5 University Resources Usually and Customarily Provided include such support as office space, library facilities, ordinary access to computers and networks, or salary. In general, it does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special resources provided by the University unless approved as an exception. Individual exceptions may be approved on a case by case basis.

26.3 Today the growing use of the Internet as a means of course delivery to a wider body of students has led to a review of traditional intellectual property/course content ownership practices and to a call for a redefinition, in certain cases, of the relationship between a course developer and the institution. This redefinition is driven to some extent by the commercial potential of new course technologies. Faculty currently enjoy royalties on their traditional scholarly copyrightable works such as texts, books, articles, creative works, instructor's manuals, study guides, etc. This scholarly and creative work exception should not change. The University does not claim ownership of books, articles, dissertations, papers, study guides, syllabi, lecture materials, tests or similar items, novels, poems, musical compositions, or other creative works. The university recognizes that faculty should benefit from the results of their work. With

this thought in mind, and in keeping with its mission, the university seeks to support faculty efforts to develop new teaching technologies and methods of course delivery. The university will make every effort to ensure faculty retain intellectual property rights, credits, and associated benefits and to support faculty interests in the distribution of digital materials for the enrichment of the faculty, the institution, and the students.

26.4 Ownership and Qualifying Conditions

26.4.1 While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. (If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.) The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion / corruption. All E-Course and T-Course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by the university is otherwise authorized from an outside vendor. (Physical presence of instructional content on university servers does not automatically assign ownership to the university.) The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees) All work created by university staff is a work for hire and belongs to the university except when the university waives claims to the material.

26.4.1.1 Exclusive ownership by the creator: Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided (see definition above). In all cases, the university retains exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work including junior faculty or students shall have a limited claim to joint ownership of the work unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.

26.4.1.2 Proprietary interest of the University: Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made significant use of university resources. In these cases, the creator must share, with the university any royalties or other benefits from commercialization of the work. Significant use of university resources includes a development stipend, release time,

specialized technical support, specialized hardware/software (purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university. As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.

26.4.1.3 Exclusive ownership by the University: Electronic courses or electronic media developed by faculty as a "work for hire" and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

26.5 Ownership Disclosure

26.5.1 Marshall University desires to assure that all ideas, discoveries, and electronic media are properly disclosed and utilized for the greatest possible public benefit. All members of the Marshall community with intent to market or distribute E or T courses in part or in whole for commercial or non-commercial reasons shall disclose the nature and detail of their electronic media to the Vice President for Research, or his/her designee at the earliest possible date.

26.5.2 Within 120 days after such disclosure, the Vice President for Research or his/her designee shall notify the creator in writing whether it is the university's intention to retain its interest and to acquire assignment of all ownership rights of the electronic media. If such notification cannot be made during that time period, the creator shall be notified as to the reason for the delay and the additional time necessary to make such determination.

26.5.3 If the university decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the electronic media, the university will release its proprietary interest to the creator.

26.6 Dispute Resolution of Ownership Rights

26.6.1 In cases where there is a disagreement between the creator and the university as to ownership rights or the retention of such rights by the university, the appropriate University committee dealing with copyright issues shall recommend to the President what further action the university should take.

26.6.2 The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the President of the university. Such a petition should include a description of the content sufficient to enable the

president to make a tentative judgment as to whether commercial potential exists.

26.7 Development, Promotion and Licensing of Electronic Media

26.7.1 Upon assignment of ownership and with consent of the intellectual property owner, the Vice President for Research or his or her designee shall act to bring to the public all electronic media in which the university has distribution rights. In doing this he or she shall use whatever means appropriate for development, promotion and licensing of each creation, consistent with the expressed goals of the Intellectual Property Policy.

26.7.2 In promoting the distribution of electronic media, the university is free to enter into agreements with any outside agent, which it deems will successfully aid the university in promoting the product. If a particular media creation is to become subject to such an agreement, this shall be made known to the creator, who will also be consulted about any rules governing the relationship among the outside agent, the university and the creator due to such agreement. The creator or his/her representative shall be a member of the committee selecting the licensing agent and shall participate in the development of the licensing agreement if the creator so chooses.

26.7.3 The university is free to enter into any licensing agreements that it deems beneficial to the university, the creator and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules or regulations. Any terms governing the relationship among the licensee, the university or the creator due to such licensing agreements shall be disclosed to the creator, the dean of the division/school, the Provost, the Vice President for Business and Finance and the President

26.8 Allocation of Intellectual Property Revenues

26.8.1 All income received by the University for the commercialization of university-owned intellectual property will be appropriately used for the research and educational functions of the university. In the absence of any contract to the contrary and where the creator made substantial use of University resources as defined by this policy, and where the intellectual property does not fall under the "scholarly and creative work exception," net annual income from copyright will be shared as follows:

26.8.1.1 Net proceeds of each individual media project shall be distributed in accordance with the formula established in the university policy guiding patent development. Net proceeds shall be calculated on gross royalties minus documented administrative, licensing, legal and other related expenses. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the university, but rather as separate income derived from commercialization of intellectual property. In addition, an employee's rights which have accrued to this royalty revenue sharing shall continue beyond such individual's employment with the university. Upon decease of the creator, the creator's share of future income resulting from his/her work shall be paid to the creator's estate or designated beneficiaries. Contract agreements shall supersede this policy.

26.8.1.2 If the electronic media creation is the result of sponsored research, and the sponsoring agency regulates the distribution of royalty income, such regulations shall apply rather than those in the above paragraph. Also, if such regulations apply because of development, promotion or licensing agreements with an outside agent, they shall take precedence over those cited here.

27 Library

27.1 Online course students have access to all library resources, including online databases. Access to these databases from off campus requires an MU login. Books and articles not available online can be requested through Information Delivery Services.

28 Prerequisites

28.1 All students (transient students excepted), must meet all course prerequisites before they can register for an online course. For e-courses, all prerequisites must be available in e-course format either through Marshall University or through the Southern Regional Electronic Campus.

29 Proctoring

29.1 Students in e-courses may be required by the instructor to designate an approved proctor who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. Unless the instructor specifies otherwise in the syllabus, the following steps are required once a proctor has been selected:

29.1.1 Before the first exam for which a proctor is required, the student is responsible for ensuring that the proctor states in writing to the instructor that he or she is NOT related to the student whose exams he or she will proctor.

29.1.2 Proctors will send the completed exam directly to the instructor along with a signed statement noted below. Individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).

29.1.2.1 The signed proctor verification statement indicates that:

29.1.2.1.1 The student taking the exam presented them with a photo ID at the time of the exam;

29.1.2.1.2 The student finished the exam in the amount of time specified by the instructor;

29.1.2.1.3 The proctor was physically present during the entire time the student had the exam in his or her possession;

29.1.2.1.4 To the best of the proctor's knowledge, the student finished the exam and followed all exam regulations as specified by the instructor.

30 Registration

30.1 During the official registration periods each term, students eligible to register can register for online courses using the online MILO Web system, telephone registration, in person at the Office of the Registrar, or by mail.

31 Repeats

31.1 Students may use online courses to meet "D" and "F" repeat requirements even if the course was originally delivered using traditional methods.

32 Review and Update of E-Course Content

32.1 The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor's department/division.

32.2 All e-courses will undergo a review by the FDCOMI every two years or upon request by the Office of Academic Affairs or Computing Services. The purpose of the review is to ensure that the courses meet the needs of changing technology and comply with all FDCOMI requirements posted on the MUOnline website. The committee review will deal with the technical presentation of course content and clarity of course instructions.

33 Student Load Time

33.1 Hours of enrollment are reflected in the actual term in which a student is registered. For all verification purposes, hours of enrollment are counted only in the term in which a student is registered. University policies regarding overloads for students wishing to take over 12 hours graduate or 18 hours undergraduate apply to students registering for online courses.

34 Syllabi and Course Documentation

34.1 Syllabi are required for online courses and must meet the content requirements which apply to syllabi for all on campus courses. In addition, syllabi for online courses must specify minimum hardware and software requirements, minimum computer skills requirements, and a course start and completion date. Course syllabi must be made available for posting to the web as soon as possible before the course begins.

35 Tuition and Fees

35.1 Students who register for electronic courses will pay tuition and or fees as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. E-Course students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by divisions/departments may apply to students registering for online courses.

36 Withdrawal Timetable

36.1 The withdrawal period for online courses parallels that of regular courses. Students can withdraw from an individual online course through 2/3 of the official course length. After that time only a complete withdrawal from the university is allowed. The refund policy for online courses also parallels that of regular courses.

The Faculty/Student-Athlete Relationship Policy Statement

April 7, 2005, Faculty Athletic Representative

Faculty should be aware that student-athletes face special restrictions due to NCAA regulations. Two concepts are central to the status of student-athletes on campus: extra benefits and equal treatment. These concepts are delineated in NCAA Bylaw 16.02.3:

An extra Benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student athletes

or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institutions' student or their relatives or friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability.

In short, student-athletes are to receive *no special favors based on their status as athletes* and *no special penalties based on their participation in athletics*. This principle applies in the following areas of the faculty/student-athlete relationship.

Excused Absences. Effective in August of 2005 the Marshall University policy allows for students to receive University excuses for three types of absences.

1. Absences related to participation in activities sponsored by the Athletic Department are excused by the Dean of Enrollment Management.
2. Absences related to participation in academic activities sponsored by the student's department or college are excused by the academic dean's office.
3. Absences related to University-sponsored activities, illness or death in the immediate family, and religious holidays are excused by the Dean of Student Affairs.

Make-up Work. While instructors at Marshall University have considerable latitude in developing absence policies in their courses, the University excused absence policy requires that:

"The instructor must honor a university excused absence covered by this policy and allow the student an opportunity to catch up/make up work missed."

The equal treatment principle requires that student-athletes be given the same opportunities for make-up work, and the same penalties, as are applied to any student in the course.

The University excused absence policy requires that student-athletes who have missed class for participation in official athletic events sponsored by the Athletic department should have the opportunity to make up work or replace credit for work missed in accordance with the following guidelines:

- The student is responsible for requesting a make up of missed work
- The request for a make up opportunity should be made at the first available class session.
- The make up work must be completed prior to the end of the semester.
- The instructor will reschedule the assignment, or, if rescheduling is not possible, will develop a fair and equitable alternative to replace the missed grade opportunity.
- No punitive measures are to be taken against the student who presents a University approved absence excuse.
- If the number of absences, excused or not, prevents the student from fulfilling the learning experience/mastery that the

course requires, the instructor may recommend that the student withdraw from the course.

Progress Reports. The student-athlete is subject to NCAA requirements for academic progress that are far more stringent than those applied to the student body in general. Consequently, they need advising and guidance by individuals trained in NCAA bylaws related to athletic eligibility. The Buck Harless Student Athlete Program (BHSAP) provides this service for all Marshall University student-athletes.

As part of their efforts faculty members are asked to provide at least two progress reports per semester to the BHSAP for each student-athlete in their courses. All student athletes have been notified of this practice and have signed a waiver allowing information about their grades to be reviewed by their advisors and their coaches.

These progress reports are reviewed by the BHSAP advisor, the coach, and the student-athlete. In courses where deficiencies are reported, remedial steps are taken. In order for this system to achieve the goal of promoting student-athlete success in all courses, faculty must cooperate with the BHSAP by returning all progress reports promptly.

Contact with Coaches. Marshall University policy prohibits coaches and athletic staff from contacting instructors directly on behalf of student-athletes. Instructors are permitted to contact coaches regarding behavior or academic performance issues related to student-athletes.

Ethical Conduct. NCAA bylaws related to ethical conduct specifically prohibit knowingly arranging for fraudulent academic credit (bylaw 10.1b) or knowingly offering or providing an improper inducement or extra benefit (bylaw 10.1c).

The Academic Dishonesty Policy approved by Marshall University's Faculty Senate outlines the common types of academic dishonesty: cheating, fabrication, plagiarism, bribes/favors/threats, and complicity. The policy states, *"Sanctions for academic dishonesty may be imposed by the instructor for the course, the department chairperson, or the Academic Dean. Sanctions may include a reduced or failing grade on the assignment, a reduced final grade, failure in the course, and exclusion from further participation in the course."*

The policy further states that, *"Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within ten (10) days of the accusation."*

This report must include 1) the instructor's name, 2) the term, course number, and section, 3) the student's name and University identification number, 4) the date of the accusation, 5) a brief description of the charge, and 6) a brief description of the sanction imposed.

The University Academic Dishonesty policy stipulates that reports of academic dishonesty sent to the office of Academic Affairs will be held in a student's file throughout the student's tenure at Marshall University. If a second report is received by Academic Affairs, the student may be suspended from the University for a period not to exceed

one year. If a third report is received, the student may be expelled from the University.

Compliance with Marshall University policy and NCAA bylaws requires that faculty submit these reports and apply these sanctions to student-athletes in the same way that they apply to all other students.

Final Examination Schedule

The Final Examination Schedules for the fall and spring semesters are printed in the respective class schedules and in the *Parthenon*. For the summer, the official final examination day is the last day of classes. No exceptions to the schedule are permitted except those approved by the faculty member's academic dean.

Final Exam Rescheduling. A student who has three or more final exams scheduled on the same day is permitted to reschedule one exam by obtaining the appropriate form in his or her dean's office. The student must have his/her final exam schedule confirmed in the dean's office and then take the form to individual instructors who indicate on the form whether they are willing to reschedule the student's exam. The completed form should be taken to the office of the Provost/Senior Vice President for Academic Affairs. If none of the instructors are willing to reschedule, the conflict will be resolved by the Provost/Senior Vice President for Academic Affairs. Rescheduling forms are available in the office of the academic dean or in the Academic Affairs Office (110 Old Main).

Freshman Midterm D & F Grades

MUBOG Policy AA-16

1 General Information.

1.1 Scope: Academic policy regarding midterm grades, procedures for obtaining late grades, and making them available to freshmen.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Effective as of 4/1/03

2 Policy

2.1 D & F midterm grades are processed for freshman students. Midterm grade sheets are distributed by the Registrar. Only students classified as freshman (25 earned hours or less) are listed on the midterm grade sheet. Faculty are encouraged to enter D & F Freshmen Mid-term grades online using MILO Web for Faculty. Instructions for midterm grade entry are posted on the Faculty Services menu of MILO Web.

3 Procedures for Late Grades

3.1 When faculty members fail to meet the deadline for submitting midterm freshmen grades of D and F the Registrar's Office proceeds with the grade run and mails the formal letter from the university. To ensure that all students have the same access to this vital information, it is university policy that the faculty member's dean is responsible for mailing letters to students who should have received grades. The procedure is as follows:

3.1.1 The Registrar's Office sends a list of missing grades to the Dean.

3.1.2 The dean obtains the late grades from the appropriate faculty members or chairpersons.

3.1.3 The deans sends a version of the university letter, but with his/her signature, to each student affected by the late grades. The dean may delegate this role to the chairperson or the faculty member, with appropriate changes to the letter template.

3.1.4 These letters must be sent within two days of the original deadline to provide the necessary opportunities that are the intent of the letter.

Grade Book

Your department chair will provide you with a grade book if that is department policy. If you do receive a grade book, it is your responsibility to return it to the department chair at the end of employment. You should keep careful records of all grades awarded during the semester and final grade calculations. If grades are kept in electronic form, print copies must be provided to the chairperson when the faculty member leaves the university.

Grade Reporting

Final grade sheets are distributed by the Registrar to departmental chairpersons and the online grade entry function is activated the day following the last day for complete withdrawal each semester or summer session. The last day for complete withdrawal is indicated on the University's Academic calendar and is published on the calendar of events contained in the schedule publications.

Faculty are encouraged to enter final grades online using MILO Web for Faculty. Instructions for online final grade entry are posted on the Faculty Services menu of MILO Web. Detailed instructions for reporting grades accompany the paper grades sheets as well.

The faculty member responsible for the course shall record the grades online or on the paper grade sheet and submit the grades to the Registrar's Office by the published deadline. If grades are submitted online, the instructor is not required to complete the paper grade sheet. However, due to the confidential information (names and Social Security Numbers) contained on the paper sheets, all blank grade sheets should be returned to the Registrar's Office. If grades are submitted on paper, the instructor must record the grades in black or blue ink in the grade column and sign and date the grade sheet. The deadline for final grade submission each term is published on the University's Academic Calendar and is noted on the calendar of events contained in the schedule publication.

If an error in reporting a grade or new evidence concerning a student's work makes a grade change necessary, the faculty member may use the following procedure: Obtain an official grade change form from the department chairperson or the academic dean. Complete the form indicating both the original grade and the new grade and the reason for the change. After signing and dating the form, submit it to the faculty member's department chairperson and dean, and then to the Office of the

Registrar. It is not necessary for the faculty member to come to the Office of the Registrar to make a grade change. An incomplete grade is changed in the same fashion. The completion of the grade change procedure will be acknowledged by the Registrar by returning a copy of the form to the student and to all of the persons signing the form.

The faculty grade report becomes a basic record in the Registrar's Office. Any changes to the report can be made by the procedure above.

Additional questions concerning grade reporting, the official grading procedures of Marshall University and specific questions relative to unique department requirements should be addressed to the Registrar. Official grades to be awarded at the undergraduate and graduate levels appear in the respective university catalog for the undergraduate colleges, the Graduate School and the School of Medicine.

Grading Calculations. The following system of grades and quality points is used within the institution:

- A For superior performance. Four quality points per credit hour.
- B For above average performance. Three quality points per credit hour.
- C For average performance. Two quality points per credit hour.
- D For below average performance. One quality point per credit hour.
- F Failure to perform satisfactorily. Zero quality points.
- CR Recorded as CR for satisfactory performance. This grade is not considered in determining quality point average.
- NC Recorded as NC for unsatisfactory performance. This grade is not considered in determining quality point average.
- W Withdrawn from course with no penalty. No grade calculation.
- I Incomplete. Given to students who are unable to complete the course requirements because of illness or some other emergency. The I grade is not considered in determining the quality point average. The instructor will submit an Incomplete Grade Form when grades are submitted at the end of the semester for each grade of I. This form may be obtained from the department chair. It should include precise information regarding the work the student must complete and the date by which this must be done (not to exceed one calendar year). A copy of the form will be sent to the student and will be the basis for the removal of Incomplete whether or not the instructor is currently employed by the institution. When the work has been completed satisfactorily, the instructor will submit a Grade Change Request Form to the department chair.

The Marshall Plan for Quality Undergraduate Education

<http://www.marshall.edu/academic-affairs/forms/marshallplan.doc>

The Marshall Plan for Quality Undergraduate Education is

designed to ensure that every student who receives a baccalaureate degree will be well prepared for the 21st Century. Every student at Marshall must complete the requirements of the Marshall Plan. Some Marshall Plan requirements can also count towards major, minor, or college general education requirements. The Marshall Plan includes:

- An integrated/applied mathematics course which requires a score of at least 19 on the ACT (460 on the SAT math section), and which can be fulfilled by completing MTH 121 or a higher level mathematics course.
- A team-taught integrated science course that involves two or more scientific disciplines. This course is designated ISC in the schedule of courses. Students must first complete MTH 121 or a higher-level mathematics course. All students in the College of Science, nursing students in the College of Nursing and Health Professions, and students in the Dietetics Program are exempted from the ISC requirement.
- A three-hour course in multicultural studies, designated Multicultural in the Schedule of Courses.
- A three hour writing intensive course, (beyond the six hour requirement in English composition), designated Writing Intensive in the Schedule of Courses.
- Six hours of international studies courses, designated International in the Schedule of Courses.
- Completion of a computer literacy/competency requirement defined by the major department.
- A capstone experience to be completed by the end of the senior year. Each major department designs its own capstone experience to help students synthesize and demonstrate competent learning in their fields. The capstone experience includes both oral and written presentations.

myMU/Web Services for Faculty

<http://mymu.marshall.edu/cp/home/loginf>

This secure site provides Marshall University students, faculty and administrative staff with world-class Intranet and Internet services. Access is available to e-mail, the Internet, class schedules, students, grades and much more.

Using the web-based system, myMU, faculty may view and print up-to-date class lists, obtain information on students and advisees, submit midterm and final grades, and access personal information. Instructions for using myMU faculty options and grading instructions may be found online.

Off-Campus Course Definition

An off-campus course is defined as a course that is delivered at a location other than the Huntington Campus. Classes delivered by South Charleston are exempt. Online courses are not considered in this definition and are defined

in MUBOG Policy IT-5. Off-campus fees are used to support the delivery of off-campus courses. Courses delivered to off-campus locations shall be considered off-campus, i.e., HEITV, satellite, and compressed video. Previous to fee assessment for the fall, spring and summer sessions, the Academic Budget Officer for the Provost and Senior Vice President for Academic Affairs will provide a record of all courses eligible for off-campus fee assessment to the Office of the Bursar. The records will be categorized by department and will include the course name, course number, course reference number and the number of credit hours.

Online courses are defined as either E or T Courses. An “E-Course” is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions. A “T-Course” is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.) A “Course Supplement” is a part of a course (not to exceed 79 percent of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction. Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD’s, digital imagery, and other creations stored or published in electronic formats. (See MUBOG Policy IT-5.)

Posting of Grades

To comply with the regulations of the “Privacy Act of 1974” (Public Law 93-579 of the U.S. Congress), faculty members are required not to post grades of students. The Act prohibits disclosure of any records “from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.”

President’s Emergency Authority

MUBOG SA-4

1 General Information.

1.1 Scope: This policy gives the institutional president authority to suspend, dismiss, and/or revoke certain privileges in emergency situations.

1.2 Authority: W. Va. Code §18B-1-6.

1.3 Passage Date: June 28, 2006

1.4 Effective Date: June 28, 2006

1.5 Controlling over: Marshall University and Marshall Community and Technical College.

1.6 History:

1.6.1 This policy was previously in the Student Handbook and is presented here for approval by the Board of Governors.

2 Policy

2.1 The President (or his designee) may invoke emergency authority to impose the sanction, among other things, of suspension to a student or group of students whose conduct is non-peaceful or is disruptive or constitutes a danger to

health, safety, or property, provided that a hearing is held within seventy-two (72) hours of the decision to suspend, subject to a forty-eight (48) hour extension at the option of the student.

2.2 Emergency dismissals from University Housing and/or emergency suspensions or revocations of computing privileges resulting from violations of the Code of Student Rights and Responsibilities will be handled in the same manner as emergency suspensions.

Student Code of Conduct

MUBOG SA-3

1 General Information.

1.1 Scope: This policy provides specifics on student rights and responsibilities. It is commonly known as the Student Code of Conduct.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: June 28, 2006

1.4 Effective Date: June 28, 2006

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy is substantially equivalent to the Student Code of Conduct (Code of Rights and Responsibilities) as was in place at Marshall University up to academic year 2005-06. This version updates references to the old Board of Trustees and includes the Marshall Community and Technical College in its language. In order to preserve the policy as it was in place, no other substantive changes have been made.

1.6.2 This policy implements and expands on MUBOG Policy No. SA-2.

2 Policy

PURPOSE: The Code of Student Rights and Responsibilities – also referred to as the Code of Conduct -- reflects the University community's expectations and standards established for each of its members. The Code and student judicial system are founded on principles of fairness and due process, and a commitment to the educational development of students, and are designed to balance the interests of the University community as a whole with the protection of students' individual liberties.

Disciplinary action on campus deals administratively and developmentally with prohibited or unacceptable student behavior in the University community. Any student or organization may be referred by any complainant to the Office of Judicial Affairs. Official University action will be taken when a student's or student group's behavior violates community standards, interferes either with the University's educational purpose, or with its duty to protect and preserve individual health, welfare, and property. When the behavior is aggravated or presents a continuing danger to the University community, accused students are subject to separation from the institution.

Thus, the primary purpose of this Code is to serve the interests of both the Marshall community and the individual student by: (1) establishing the University's authority to discipline students; (2) outlining the general rights and responsibilities of students; (3) asserting the specific

standards of conduct expected of students; (4) describing actions which can be taken when misconduct occurs; (5) establishing procedures which ensure due process in the adjudication of complaints concerning students; and (6) imposing sanctions and/or providing conflict resolution in the University setting to protect, deter, and educate.

AUTHORITY FOR STUDENT DISCIPLINE: The Marshall University Student Judicial System and The Code of Student Rights And Responsibilities are promulgated under the authority of the Board of Governors. Board of Governors Policy No. SA-1 (previously Board of Trustees' Policy Bulletin 57) sets forth policies, rules and regulations regarding student rights, responsibilities and conduct in West Virginia Universities and Colleges. Students should familiarize themselves with Policy No. SA-1, which is available on the Board of Governors web page. By action of the Board of Governors, the President of the University is responsible for all matters of student discipline, including the preservation of due process procedures. This responsibility is normally delegated to the Dean of Student Affairs and the Office of Judicial Affairs for the purpose of implementing approved policies and regulations. However, the MUBOG SA- 3 Student Code of Rights and Responsibilities Page 2 of 10 President's ultimate authority in the regulation of student conduct, including direct intervention by the President when appropriate, is presumed by this Code.

The Code of Student Rights and Responsibilities and the Student Judicial System are subject to change and amendment. Marshall University's student-based system gives students maximum opportunities to participate in the formulation of policies concerning student conduct and in the adjudication of cases arising under that policy. Because maintenance of discipline and preservation of community standards are properly the concern of all students, faculty, staff, and administration, all members of the University community will be provided with appropriate opportunities for representation or involvement in the development, revision, and maintenance of the Code of Student Rights and Responsibilities. All changes made shall take effect immediately following approval by the Student Conduct and Welfare Committee, the Faculty Senate, and the President of the University.

STUDENT RIGHTS AND RESPONSIBILITIES: All students, undergraduate and graduate, as defined by the Board of Governors and in this Code, are subject to the provisions of this Code.

A student's application for admission to Marshall represents an optional and voluntary decision to partake of the University's program and privileges and to abide by the University's policies, rules and regulations. The University's approval of that application, in turn, represents the extension of a right or privilege to join the Marshall community and to remain a part of it so long as the student fulfills the academic and behavioral expectations set forth by Marshall University and its Board of Governors. Upon acceptance to the University, each student acquires rights and assumes responsibilities as an individual member of the University community. Therefore, students and student

organizations are expected at all times to conduct themselves in accordance with University policies and regulations. The Marshall University Board of Governors Policy No. SA-1 establishes and explains the following basic rights and responsibilities of students in West Virginia's state colleges and universities:

- Freedom of Expression and Assembly;
- Freedom of Association;
- Right to Privacy;
- Assumption of the Responsibilities of Citizenship;
- Fundamental Fairness in Disciplinary Proceedings.

Students charged with violating University regulations or standards are guaranteed fundamental fairness in the notification of charges, the conduct of hearings, the imposition of sanctions, and the routes of appeal. Marshall University pledges to uphold students' rights guaranteed under the United States Constitution and Federal and State statutes.

JURISDICTION: Because the primary purpose of this Code is to support the protection and advancement of the University community's particular educational interests, conduct proscribed and reviewed under the Code of Student Rights and Responsibilities will, in most cases, refer to behaviors that occur on or about University premises, at University sponsored events, or that are engaged in by University-recognized student organizations. However, Marshall University retains the right to review, under the Student Judicial System, the off-campus conduct of students when such conduct is alleged to

- Interfere with the Mission of the University; and/or
- Compromise the University's integrity in the granting of degrees or other certification; and/or
- Threaten the health or safety of members of the campus community; and/or
- Interfere with the orderly operation of the University.

Complaints about students' off-campus behavior will be considered on a case-by-case basis, following these guidelines, to determine whether they merit review within the Student Judicial System.

Marshall University enjoys close and mutually supportive relationships with the communities in which its campuses are located and expects University students to abide by the laws of these communities. Marshall acknowledges the right and duty of these communities to prosecute and hold accountable any persons found in violation of their laws. **Group Responsibility:** The Code of Student Rights and Responsibilities applies to the behavior of recognized student organizations both on and off campus. Marshall University has established the following group responsibility policy to define organizations' responsibility for the actions of their members. This policy pertains, but is not limited, to incidents involving hazing, discrimination, vandalism, theft, alcohol or substance abuse, dishonesty, disorderly conduct, violence, misuse of organization or

University funds and any other violations of the Code of Student Rights and Responsibilities.

Upon registration or recognition, or application for recognition, by the University, each student organization becomes responsible for acting in accordance with the provisions of the Code of Conduct and all other applicable University and community policies and standards. Official University action will be taken when the behavior of the members of a student organization violates community standards and interferes either with the University's educational purpose, or with its duty to protect individual health, welfare, and property.

The degree to which an organization is responsible for the activity of its members is not necessarily dependent upon the number of members engaging in the activity, but depends upon whether the activity is related to the organization as described in the four categories listed below. Student organizations may be held responsible for the acts of individual members,

- when a member of an organization is violating local, state, or federal law or University regulations and other members present, by failing to discourage such activity, tacitly condone the behavior;
- when the acts grow out of or are directly related to the student organization's activities or an environment created by the organizations;
- when the acts are those of guest of an organization, or by persons authorized or permitted to represent themselves as connected with the organization;
- when an organization places prospective members in a subordinated status prior to achieving full membership, or imposes any kind of probationary period prior to full membership, and hazing occurs. In addition to the group being held culpable, members and officers may be cited and held responsible as individuals for their roles in any violations of the Code.

CONCURRENT CRIMINAL PROCEEDINGS: Because students are also members of larger communities such as city, state and nation, their conduct may also be subject to review within another jurisdiction(s), when such conduct violates the laws of those jurisdictions. Criminal prosecution in the court system is designed to be punitive and to provide social consequences for convicted offenders. Therefore, disciplinary action under the Code of Student Rights and Responsibilities is not and cannot be a substitute for judicial mechanisms of the larger community. Students charged under the University's Code of Conduct may also be held responsible for violating existing local, state, and federal law. Because the purposes and consequences of the two processes are so different, such concurrent reviews are mutually exclusive and do not create double jeopardy for charged students.

Disciplinary action at the University will in most case proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal

charges involving the same incident have been dismissed or reduced.

However, the University reserves the right to postpone campus disciplinary proceedings during the pendency of criminal proceedings when the conduct of such campus proceedings would interfere with the concurrent civil or criminal process. The decision to postpone on the grounds of interference will be made by the President or his/her designee upon the request of the accused student or of the prosecutor or complainant.

INTERPRETATION OF REGULATIONS: The purpose of publishing disciplinary regulations is to give students general notice of proscribed behavior. This Code is not written with the specificity of a criminal statute.

DEFINITIONS

For the purposes of this policy all references to “Marshall University”, “University”, “Institution”, etc., shall mean all institutions under the control of the Marshall University Board of Governors including the Marshall Community and Technical College.

Activity: All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by Marshall University, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, recreational and cultural programs, committee or other business activity, registration, advising, teaching, research, or service.

Administrative Hearing Examiner: A faculty or staff member versed in the judicial process who, as an alternative to a hearing panel, hears cases of alleged violations, renders decisions, and recommend sanctions.

Advocate: A full-time student approved to provide, on a voluntary basis, advice, assistance and representation to students charged with violating the Code of Student Rights and Responsibilities; or to represent the University or assist or represent student complainants in presenting their cases at judicial hearings. Advocates must meet established criteria and complete University-sponsored training.

Advocate Society: An organization of students dedicated to the promotion and preservation of student rights and responsibilities at Marshall University.

Authorized: As used in this Code, the term refers to any behavior or activity that is specifically permitted by policy or by the express action of a University official who has the right to grant such permission.

Complainant: Any person who brings to a University official a complaint, whether written or oral, about the conduct of a student. This term may be synonymous with Member of the University Community, as defined below.

Day: The term “day” shall refer to calendar days unless otherwise specified.

Director of Judicial Programs: The staff member designated by Marshall University as responsible for administration of the Code of Student Rights and Responsibilities. The Director’s duties include but are not limited to investigating complaints, charging students with violations, imposing sanctions, and representing the University in hearings. The Director supervises the selection and training of student justices and advocates.

Due Process: Appropriate protection of the rights of an individual while determining his/her liability for wrongdoing and the applicability of sanctions.

Hearing Officer: Any Marshall University faculty or staff member, or experienced upper class or graduate student, well versed in the judicial process, appointed to preside over a student judicial hearing. The Hearing Officer’s function is to ensure that a hearing is conducted fairly and in compliance with stated policy. A Hearing Officer provides “technical” advice to the hearing panel, but does not vote or participate in decision-making.

Hearing Panel: The three- or five-member group of student justices, or student and faculty or staff justices, assigned to hear a specific case.

Intent, Intentional, and Intentionally: These terms shall apply to conduct engaged in or committed by purposeful design or with reckless disregard for the consequences of the act.

Judicial Affairs: The division of the Department of Student Affairs responsible for the University-wide implementation of the Code of Student Rights and Responsibilities and the student judicial system.

Judiciary: The aggregate association of full-time students, faculty, and staff members from which are drawn members who serve on hearing panels and serve as hearing officers, hearing examiners, and advocates.

Member of the University Community: Any officer, administrator, faculty member, staff member, employee, or student of Marshall University, as well as any person authorized to participate in an institutional activity at the time applicable.

Justices: Full-time students and faculty and staff members who, on a voluntary basis, hear student judicial cases and recommend sanctions for students found in violation of the Code of Conduct. Justices must meet established criteria and complete University-supervised training.

President: The chief executive officer of Marshall University or Marshall Community and Technical, College, whether responsible directly to the Board of Governors or through some other officer to the Board of Governors, and shall include all those acting for or on behalf of such chief executive officer, at or by his or her direction, or at or by the direction of the Board of Governors.

Reasonable Care: That degree of care which would be exercised by the ordinarily prudent person under like or similar circumstances.

Respondent: In any given judicial case, the respondent is the student about whom a complaint has been made or against whom charges have been filed. Also referred to as “accused” or “charged” student.

Student: Any person who has been admitted to an institution to pursue a course of study, research or service, who is currently engaged in an institutional-sponsored activity, or who has some right or privilege to be on campus or in the facilities of the institution, or who yet has some right or privilege to receive any benefit, service, or recognition or certification from the institution, under the rules, regulation, or policies of the Board of Governors or the Institution. The term “student” when used in this code

includes all persons taking courses at or from Marshall University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend educational institutions other than Marshall University and who reside in Marshall University residence halls or utilize Marshall University facilities or services for the purpose of pursuing studies at those institutions. For the purposes of the Code of Conduct, persons who have been admitted to Marshall University, but are not officially registered for a particular term, and/or who have a right to, or expectation of, a continuing or future student relationship with Marshall University are considered “students.” A person shall be considered a student during any break or holiday period that occurs during a term in which that person is registered or between terms for which that person registers. A person shall be considered a student while suspended from the institution, or while the person is attending or participating in any activity preparatory to the beginning of a term, including, but not limited to, athletic training, orientation, placement testing, and residence hall check-in.

Student Organization: Any group of persons who have complied with formal requirements for provisional or full recognition as a student organization at Marshall University, including social fraternities and sororities, and organizations whose recognition has been suspended.

Unauthorized: An act or behavior not permitted by policy or by the express action of a University Official with the authority to grant such permission.

University: This term, where used in this document, refers to Marshall University, including all branch campuses and affiliated units and centers.

University Official: This term includes any person employed by Marshall University or the Board of Governors, performing assigned duties or professional responsibilities.

University Premises: All the land, buildings, facilities, and other property including intellectual and virtual property, owned, used, or controlled by Marshall University, including adjacent streets and sidewalks. This incorporates the Board of Governors definitions for “property,” “facility,” and “campus.”

STANDARDS and PROSCRIBED CONDUCT

The following standards, which express the University’s expectations for student conduct, are essential to the University’s educational mission. Participation by students in activities that violate the standards, including the proscribed behaviors listed under each standard, may result in referral to the Office of Judicial Affairs or to another University office responsible for examining and upholding standards of conduct, in accordance with the due process guarantees and procedures defined in this Code and in Board of Governors Policy No. SA-1.

The *maximum* sanction applicable to each proscribed behavior is noted in parentheses following the description of the behavior: P = Probation; PS = Probationary Suspension; SP = Suspension; EX = Expulsion.

Standard 1: Marshall University students and student groups observe the highest principles of honesty and

integrity and support a campus environment conducive to trust and scholarship. Violations of this standard include but are not limited to:

1.A. All forms of academic misconduct, wherever committed, as defined in the Statement of Student Academic Rights and Responsibilities. Such misconduct includes cheating, plagiarism, misrepresentation or falsification of data, or collaboration with others on an academic assignment unless specifically permitted by the instructor. Under Marshall University Board of Governors Policy No. SA-2 (previously West Virginia Board of Trustees Policy Bulletin No. 60), disciplinary action for academic misconduct will, in most cases, be the responsibility of the academic unit in which the misconduct occurred. Sanctions and appeal routes for academic misconduct are described in the Statement of Student Academic Rights and Responsibilities. (EX)

1.B. Unauthorized taking or possession of academic records, University documents, academic documents, or the academic work of others. (EX)

1.C. Unauthorized alteration of academic records, University documents, academic documents, or the academic work of others. (EX)

1.D. Furnishing false information to the University by forgery, alteration, or misuse of documents with the intent to deceive. (EX)

1.E. Furnishing to a University office or official a written or oral statement known to be false. (EX)

1.F. Falsification, distortion, or misrepresentation of information before a University judicial officer, hearing panel, or grievance board. (EX)

1.G. Complicity with others in violation of this standard. (EX)

Standard 2: Marshall University students and student groups respect and promote the health, safety, and welfare of all persons, including themselves. Violations of this standard include but are not limited to:

2.A. Inflicting bodily harm or coercing or restraining any person, including himself or herself. (EX)

2.B. Threatening to inflict bodily harm or to coerce or restrain any person, including himself or herself. (SP)

2.C. Sexual assault, abuse, or misconduct, including any sexual acts committed without the legitimate consent of the victim and any other violation of University policies concerning sexual misconduct. (EX)

2.D. Brandishing of weapons. (EX)

2.E. Possession or storage of any weapon, dangerous devices or substances, including, but not limited to, any firearm, pellet gun, illegal knife, sling shot, ammunition, dangerous chemical, fireworks or explosive device, or other dangerous weapon. [see the Weapons Policy in the Student Handbook] (SP)

2.F. Fighting. (SP)

2.G. Intentionally initiating or causing to be initiated any false report, warning, or threat of impending fire, explosion, or any emergency. (EX)

2.H. Intentionally causing the evacuation of a University building for reasons known to be false. (EX)

2.I. Tampering with, misusing, abusing, or altering any safety equipment or devices, including but not limited to, fire extinguishers, elevators, emergency telephones, elevators, etc. (EX)

2.J. Violation of the Board of Governors or University policies concerning hazing. Hazing is defined in the Student Handbook. (SP)

2.K. Intimidation: Committing, conspiring to commit, or causing to be committed any act which causes or is likely to cause physical or mental harm or which tends to injure, actually injures, stigmatizes, frightens or demeans any person.

Retaliation or threatened retaliation against any person who files a complaint or testifies in a campus judicial case is considered intimidation. (EX)

2.L. Stalking: engaging in an intentional course of behavior directed at a specific person, which frightens, intimidates, or harasses, and which serves no legitimate purpose. (EX)

2.M. Operating a motor vehicle while under the influence of alcohol or other drugs. (SP)

2.N. Negligent Bodily Harm: Failure to exercise reasonable care, thereby causing bodily harm. (SP)

2.O. Throwing objects from or causing objects to fall from University buildings. (SP)

2.P. Interference with Emergency Services and procedures. This includes obstructing or hindering the maintenance, provision, or function of such emergency services as fire department, police department, security, first aid, or rescue; and obstructing or hindering emergency or practice evacuation or similar procedures announced for any building or facility. (EX)

2.Q. Violation of University policies regarding smoking and tobacco use on University property [refer to the Smoking Policy in the Student Handbook]. (P)

2.R. Complicity with others in violation of this standard. (EX)

Standard 3: Marshall University students and student groups respect and honor the human rights and dignity of other persons, groups, and organizations. Violations of this standard include but are not limited to:

3.A. Harassment: Committing, conspiring to commit, or causing to be committed any act which causes or is likely to cause physical or mental harm or which tends to injure or actually injures, intimidates, stigmatizes, frightens, demeans, degrades, or disgraces any person or group. This includes but is not limited to racial, sexual, or peer harassment. (EX)

3.A.1. *Racial Harassment*, as defined in the Student Handbook, includes acts exhibiting prejudice and/or racism and/or failure to follow University Policies concerning Acts of Intolerance. (EX)

3.A.2. *Sexual Harassment*, includes failure to follow University Policies concerning Acts of Intolerance and/or violation of University policies concerning sexual harassment as defined in Section 3 of the Marshall University Sexual Harassment Policy in the Student Handbook. (EX)

3.B. Incivility or disrespect of persons. (PS)

3.C. Lewd, indecent, or obscene conduct or expression. (SP)

3.D. Unlawful discrimination on the basis of race, sex, color, national origin, religion, political affiliation, handicap, age, or sexual orientation. (EX)

3.E. Commitment of any other violation in this code for the purposes of harassing and/or discriminating on the basis of race, sex, color, national origin, religion, political affiliation, handicap, age, or sexual orientation. (EX)

3.F. Complicity with others in violation of this standard. (EX)

Standard 4: Marshall University students and student groups uphold the mission of the University by protecting and preserving a campus environment consonant with the University's educational and academic goals. Violations of this standard include, but are not limited to:

4.A. Unauthorized possession or use of drugs or narcotics. This includes any drug for which the required prescription has not been validly obtained. (SP)

4.B. Unauthorized possession or use of alcoholic beverages or beer, as defined by alcoholic beverage policies established by the University and its governing bodies. (SP)

4.C. Behavior that evinces underage consumption of alcohol. (P)

4.D. Actual, attempted, or intended manufacture, cultivation, distribution and/or sale of drugs, narcotics or marijuana or other controlled substances. (SP)

4.E. Disruptive or disorderly behavior attributable to the use of alcohol or other controlled substance(s), including public intoxication. (SP)

4.F. Misbehavior at Sports Events, Concerts, or Social/Cultural Events. (SP) This includes, but is not limited to:

4.F.1. Throwing of any article into a crowd or onto a playing field, court or stage.

4.F.2. Bringing bottles, coolers or other prohibited items into the stadium, Henderson Center, track, theatre, or to any University sponsored events unless permitted by the appropriate University officials.

4.F.3. Displaying at any sports or cultural event any unauthorized or obscene, offensive, or obstructive banner or sign.

4.F.4. Inappropriate yelling at or harassment of performers, athletes, spectators or event staff.

4.F.5. Violations of the Conference USA code of spectator conduct as presented in the Student Handbook.

4.G. Unauthorized animals on campus or other violation of the University's Animal Policy [presented in the Student Handbook]. (P)

4.H. Disruptive or disorderly conduct; disturbing the peace through noise, rowdiness, or pranks. (P)

4.I. Obstructing or interfering with the orderly conduct of University affairs including teaching, research, administrative and disciplinary procedures, University sponsored elections, or any University-sponsored activity. (SP)

4.J. Obstructing the free flow of vehicular or pedestrian traffic on University premises. (PS)

4.K. Failure to comply with the lawful direction of University or other law enforcement officers, or University officials in the proper performance of their duties. (PS)

4.L. Complicity with others in violation of this standard. (SP)

Standard 5: Marshall University students and student groups respect the property of others, and the property, facilities, and resources of the University. Violations of this standard include, but are not limited to:

5.A. Defacement, damage, destruction, or interference with any property, property right, or service belonging to other persons, groups, or organizations. (EX)

5.B. Theft or unauthorized possession of, or misuse of property belonging to other persons, groups, or organizations.

This includes possessing, receiving, or storing property known to have been wrongfully taken from the University or from any person or group. (EX)

5.C. Theft or unauthorized use of, or misuse of, or interference with, services provided by or for other persons, groups, or organizations. This includes but is not limited to telephone services, credit services, mail services, tutoring services, photocopying services, etc. (EX)

5.D. Negligent Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby causing damage, defacement, destruction, theft or loss of property belonging to the University or any person or group. (SP)

5.E. Negligent Risk of Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby creating a risk of damage, defacement, destruction, theft or loss of property belonging to the University or any person or group. (PS)

5.F. Misuse of University Keys: The unauthorized duplication, attempted duplication, use, loan, or possession of any key to any building, room, property, or facility owned or controlled by the University. (SP)

5.G. Forcibly breaking into and/or entering, or attempting to break into, any building, room, locker, vehicle, or other facility. (EX)

5.H. Misuse of computing networks, services, systems, or equipment, including but not limited to, unauthorized accessing of accounts, sharing of passwords, and all other provisions of the University's usage and abuse policies for its Information Technology Environment, as approved by the Student Conduct and Welfare Committee and set forth in the Student Handbook. This includes using computer services to violate or aid in the violation of any other provision of this code. (EX)

5.I. Unauthorized presence or trespassing in or use of any University building or facility. (SP)

5.J. Improper or unauthorized usage of any university building or facility. (PS)

5.K. Misuse of University telephones, including charging or causing to be charged any long distance or other toll telephone call to a University telephone without proper authorization. (SP)

5.L. Misuse of any University identification material, including loaning, transferring, altering, or borrowing. (SP)

5.M. Complicity with others in violation of this standard. (EX)

Standard 6: Marshall University students and student groups uphold the mission of the University by being responsible citizens. Marshall University students and student groups comply with the policies, procedures, and programs of the University, and obey all Federal, State, and local laws. Violations of this standard include but are not limited to:

6.A. Gambling, including but not limited to participation in chain letters, games of chance, betting pools, and unauthorized raffles or lotteries. (SP)

6.B. Scalping: selling tickets to University functions for any price higher than the price shown on the ticket or higher than the original price of the ticket. (SP)

6.C. Violation of the University's Fundraising, Sales and Solicitation Policy. (PS)

6.D. Violation of the policies for demonstrations and mass gatherings. (PS)

6.E. Violation of University policies governing the Posting of Information. (P)

6.F. Violations of Residence Services policies and/or procedures as stated in university publications provided that these documents have been approved by the Student Conduct and Welfare Committee. (P)

Standard 6F addresses policies specific to the operation of campus residence halls and includes, but is not limited to, policies concerning quiet hours, visitation, unauthorized moves, guest registration, defacement, pranks, pets, smoking, appliances, and room key usage.

6.G. Violations of Student Center, Facilities Scheduling, and Food Services policies and procedures as approved by the Student Conduct and Welfare Committee and/or the Student Center Governing Board. (P)

6.H. Passing worthless checks or failing to promptly redeem a worthless check submitted to any unit within the University. (SP)

6.I. Violation of Federal, State, local, city, county, or municipal laws or ordinances. To be charged under this section the student will, in most cases, have been found guilty or declined to contest charges in a court of law. (EX)

6.J. Violation of Board of Governors Policies not covered in this Code. (EX)

6.K. Repeated or Multiple Violations, Violations of Probation or Mediation Agreements. This applies to students who have demonstrated a history of violating University regulations, and/or who commit any violation of the terms of any University-imposed sanction or mediation agreement, and/or who fail to comply with sanction(s) imposed under the student code. (EX)

6.L. Failure to report a change of address to the Registrar. (P)

6.M. Failure to comply with a directive or request issued by a duly constituted campus judicial or hearing body. (PS)

6.N. Failure to report to University officials a known or suspected violation of University policies. (SP)

6.O. Complicity with others in violation of this standard. (EX)

SANCTIONS: The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his/her awareness of the importance of responsibility to the University community for one's actions. This will ordinarily be the guiding force behind imposition of sanctions by the University judicial system. In some instances, however, the community's need to properly function outweighs the University's ability to so educate an individual. In such a case, for the benefit of both the student and the community, suspension from the University may result.

Normally, students facing suspension or expulsion from the institution will be entitled to a hearing prior to the imposition of the sanction. However, a student may be temporarily suspended pending final action on the charges when the student's continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the institutional community. Such temporary suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations. Also, a student who is expelled from one may not be considered for admission to the University until one year has elapsed after the student has been expelled. In addition, all other stipulations as stated in the Board of Governors Policy No. SA-2 shall apply.

The following sanctions may be imposed for violation of this code:

A. Expulsion:

Termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification. Conditions for re-admission may be established only through written appeal to the President no sooner than one complete calendar year from the date the expulsion was placed in effect. During the expulsion, the person is barred from coming onto or using University property and facilities. The action will appear on the student's official transcript until such time as an appeal is made to and granted by the President to terminate the expulsion.

B. Suspension:

This action involves separation of the student from the University as specified by the Judicial Board of the Office of Judicial Affairs for a definite stated period of time up to one academic year. Conditions on resumption of activities, if any, also may be imposed. Notification appears on the student's official transcript until the expiration of the sanction. A suspended student may apply for re-admission to the University through the Office of Judicial Affairs at the end of the suspension period specified by the judicial action. The Office of Judicial Affairs may deny re-admission in those instances where the suspended student fails to demonstrate a positive change in behavior which indicates that the suspended student is prepared to become again a responsible member of the University community. Numerous resource persons and agencies may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

Two additional forms of suspension exist:

(1) Probationary Suspension:

Suspension is withheld pending careful evaluation of a student's behavior during a probationary period not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, this suspension of disciplinary action may be revoked by the Dean of Student Affairs or his/her designee and the full sanction of suspension enforced subject to appeal to the Judicial Board. While a student is on Probationary Suspension, any of the conditions outlined under probation may be imposed.

(2) Deferred Suspension:

This is suspension which becomes effective at a specified future date. It is normally used near the end of a semester to avoid the financial penalty of immediate suspension. During this period of deferred suspension, probationary status as described in Probationary Suspension above will exist.

C. Probation:

This action involves a specified period of time, not to exceed one year, determined by the Judicial Board or the Judicial Affairs Office during which a student in violation of one or more University regulations is given an opportunity to prove that he or she can become a responsible and positive member of the University community.

A student violating any University regulation or the terms of probation while on probation may be subject to disciplinary action as specified under this Code.

When a student is placed on probation, the Office of Judicial Affairs will notify appropriate University offices of that action.

Probation may include one or more of the following:

(1) Loss of Participation:

The student may not represent the University in any extracurricular activities such as intercollegiate athletics, debate teams, University theater, band, etc.; however, the student may participate in informal activities of a recreational nature sponsored by the University.

(2) Self Improvement:

A program of self development will be planned in conjunction with a faculty or staff person assigned to assist in a counseling/guidance capacity. Numerous resource persons and agencies may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

(3) Surrender of Student Activity Privileges:

A student required under this section to relinquish Student Activity privileges paid for by the Student Activity Fee may not participate in, or attend, events for which the Activity Fee is required or provides a discount or privilege. Exceptions may be granted by the Judicial Affairs Office in those instances where attendance at such events is required by academic courses or programs.

JUDICIAL APPEALS: The party being charged and any complainant other than employees of Marshall University acting in their official capacities may appeal the decision.

1. Appeals from decisions of the Director of Judicial Programs will be directed to the Judicial Board.

2. Appeals from recommendations of the Judicial Board should be directed to the President or Dean of Students as indicated below:

(a) In those cases where the recommended sanction is formal warning, probation, or probationary suspension, appeals shall be directed to the Dean of Students or his/her designee whose decision will be final.

(b) In those cases where the recommended sanction is deferred suspension, suspension, or expulsion, appeals shall be directed to the President whose decision, which must be rendered within ten (10) days, will be final, except in cases where the President has imposed a sanction of expulsion, in which case an appeal may be filed with the Board of Governors.

The request for appeal from a recommendation of the Student Hearing Panel, Hearing Examiner, or Dean of Student Affairs must be submitted in writing on an Intent to Appeal Form to the Office of Judicial Affairs within forty-eight (48) hours (not including days the University is closed) from the conclusion of the hearing. The President or Dean of Student Affairs at his/her discretion may extend the deadline for filing an appeal upon the motion from either party.

The Judicial Board's findings regarding the charge(s) must be affirmed or remanded to the original hearing panel. The Judicial Board's recommendation regarding sanctions may be affirmed, modified, or remanded to the original hearing panel for further action as deemed appropriate.

A written explanation of the grounds for appeal should be presented by the appellant within five (5) business days from the date of the appeal is filed. The scope of review shall be limited to the following:

1. Procedural errors.
2. Evidence not available at the time of the hearing.
3. Insufficient evidence to support the findings of the Judicial Board.
4. Misinterpretation of University policies and regulations by the Judicial Board.
5. A sanction or sanctions disproportionate to the offense.
6. Lack of jurisdiction.

All appeals shall be considered upon the record of the original proceedings of the Board. The President or Dean of Student Affairs, at his/her discretion, may defer the imposition of sanction pending final disposition of the appeal. In the case of expulsion, the President must defer the imposition of sanction when a student files an appropriate appeal with the Board of Governors. A student desiring to appeal the sanction of expulsion must, within three (3) working days, indicate to the President, in writing, an intent to appeal the decision to the Board of Governors. A written petition of appeal must be filed with the Chair of the Board of Governors within fifteen (15) days of the institutional President's decision. If the Board of Governors determines that the petition will not be heard, the decision of the President of the institution is affirmed and sanctions imposed therein shall be effective upon the President's receipt of the statement of denial.

NOTIFICATION OF PARENTS: The Dean of Student Affairs has the authority to notify parents or guardians when students under the age of 21 are found to have committed violations of University policies related to the possession, use, or distribution of alcohol or drugs. The notification of parents is indicated when (1) The violation involved harm or threat of harm to persons or property; (2) The violation involved an arrest in which the student was taken into custody; (3) The violation resulted in or could result in the student being suspended from the University and/or dismissed from residence halls; (4) The student has shown a pattern of violations - even if they are minor. Two or more violations associated with drug or alcohol use would be reasonable cause for notice; and/or (5) The student who committed the violation became physically ill and/or required medical intervention as a result of consumption of alcohol and/or drugs.

Nothing in these guidelines shall prevent University officials from notifying parents or guardians of health or safety emergencies, regardless of the judicial status of the student. Nothing in these guidelines shall prevent the University from notifying parents or guardians when students under the age of twenty-one are involved in a group activity off campus, in which the students' organization is found to have violated University policy with respect to the use and/or consumption of alcohol or drugs. Whenever possible, students will be informed that parental notification is planned in advance of their parents' receiving the notice.

The notification of parents is simply an act of notice and is not subject to Judicial Appeal.

University Textbooks

MUBOG Policy AA-17

1 General Information.

1.1 Scope: Academic policy regarding the adoption and purchase of course textbooks and Marshall University Bookstore procedures.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: SR 93-94-106 (ASCR)

2 Policy

2.1 The following items are recommended in establishing the policy:

2.1.1 Department chairpersons shall provide final approval for all textbook and material selection for scheduled courses in their departments.

2.1.2 It is expected that once a textbook is adopted, it would ordinarily be used for a minimum of two years. Such practice is especially desirable for basic textbooks for multiple section courses or survey courses of an introductory nature. If a department is unable to meet this expectation, the department chair must provide written justification for the textbook change to the college dean.

2.2 The Marshall University Bookstore shall:

2.2.1 Provide publisher price information, on request to departments during the textbook/material selection process.

2.2.2 Make every effort to provide used textbooks by:

2.2.2.1 Purchasing used textbooks from students at 50% of new book price, if on usage list for subsequent semester; wholesale buyer's guide price shall be paid if text will not be in use.

2.2.2.2 Purchasing used textbooks from national book suppliers prior to ordering new textbooks.

2.2.2.3 Purchasing paperback books; initial adoption of textbooks will give preference to paperback books if available.

2.2.2.4 Set mark-up level on new books at reasonable, market level, but in no instance greater than $33\frac{1}{3}\%$.

Chapter III.

Faculty Personnel Policies

Section 1. Academic Freedom and Professional Responsibilities

Academic Freedom and Professional Responsibilities: Series 9

Academic freedom at public institutions of higher education in West Virginia under the jurisdiction of the Higher Education Policy Commission is necessary to enable the institutions to perform their societal obligation as established by the Legislature. The Commission recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the institutions under its jurisdiction. 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, 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 authorities 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.

The concept of academic freedom is accompanied by an equally important concept of academic responsibility. The faculty member at a public institution of higher education in West Virginia is a citizen, a member of a learned profession, and a representative of an 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 in which he or she holds an appointment.

In addition to meeting the primary responsibilities of addressing institutional missions in teaching, research, and service as defined by the institution, 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.

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.

As members of an academic community, faculty members also are expected to participate in decisions concerning programs and in program review processes.

Commencement

MUBOG Policy AA-34

1 General Information.

1.1 Scope: Academic policy regarding annual Commencement.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History:

2 Policy

2.1 Annual Commencement exercises are held at the conclusion of the second semester. All faculty members march in the academic procession. If a participant does not own an academic costume, a costume may be rented from the University Bookstore. Permission to be absent from Commencement must be obtained from the Academic Dean.

Chief Marshal and Chief Usher: (SR-06-07-17 UFC and SR-06-07-18 UFC) The honor of serving as Chief Marshal and Assistant Chief Marshal would be rotated and staggered among the colleges. Both a Chief Marshal and an Assistant Chief Marshal will be elected in the first year and a new Assistant Chief Marshal would be chosen every two years thereafter. The Assistant Chief Marshal would rotate into

the position of Chief Marshal every two years. The professors who are given the honor of serving as Chief Marshal and Assistant Chief Marshal would be elected by the faculty of the respective college.

The honor of serving as Chief Usher and Assistant Chief Usher would be rotated and staggered among the colleges by alphabetical order and a new Chief Usher and Assistant Chief Usher would be chosen every four years. The Assistant Chief Usher would rotate into the position of Chief Usher every two years. The professors who are given the honor of serving as Chief Usher and Assistant Chief Usher would be elected by the faculty of the respective college.

Departmental Autonomy

Responsibility for course content, program integrity, and academic quality rests with the faculty of the department where the program is housed, and any changes in courses or programs would normally be initiated by those faculty.

If a department proposes a change in its program requirements or course offerings that materially and

seriously affects the financial operation, program integrity, staffing or course offerings of another department, however, it must notify that department prior to presenting the proposed change to the Curriculum Committee of the Faculty Senate. Written confirmation of such notification will accompany the proposed change. Faculty members from an affected department may protest such a proposal by petitioning the Curriculum Committee. The Curriculum Committee may send it to a subcommittee for review. After a careful review, the subcommittee may present the arguments for both sides, together with its recommendations, to the Curriculum Committee for a decision. The procedure should be followed if a proposed course or program substantially overlaps or duplicates the offerings of another department.

Student Advising

The Faculty Notice of Appointment requires that all faculty advise students. Responsibilities are determined at the collegiate and departmental levels.

Section 2. Definition of Faculty Status and Rank

Determining Starting Salaries and Rank of Incoming Members of the Faculty

1. New members of the faculty shall be assigned academic rank and salary by the university administration on the basis of qualifications for the various ranks.
2. Experience has shown, however, that on certain occasions special problems arise in connection with the determination of academic ranks and salaries of new entrants to the faculty. Such problems usually involve the evaluation of related work experience, private instruction without college credit, and the procurement of faculty in fields of extreme scarcity. If at any time the administration feels that it is advisable to assign rank or salary above that to which a newcomer would be normally entitled under this plan, the recommendation shall come from the department chairperson after he/she has conferred with the members of the department, especially those who hold ranks comparable to or above that of the new member of the department. The Faculty Personnel Committee shall be provided with a written explanation by the Provost or the Vice President for Health Sciences.
3. Should new faculty members be employed at salaries higher than those being paid to current members of the staff who hold positions with comparable responsibilities and who have equivalent training, experience and competence, the latter will be considered for comparable compensation. The competence is to be determined by the chairperson of the department in consultation with other members of the department with equal or higher rank.
4. The Provost or the Vice President for Health Sciences shall send to the Faculty Personnel Committee a summary

statement concerning each new faculty member which will include training, experience, salary, and rank assigned.

Definition of Faculty Status: Series 9

Conditions of Appointment of Full-time Faculty as Defined by the Higher Education Policy Commission. Marshall University applies the same definitions.

A. Faculty -- Types and Conditions of Appointment

1. Full-time appointments to the faculty of an institution, other than those designated as clinical-track, librarian-track, term, or non-tenure-track, shall be either tenured or tenure-track.
2. All clinical-track, librarian-track, term, 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.
3. The appointment of a person to a full-time position at any institution is made subject to the following conditions:
 - 3.1. The appointee shall render full-time service to the institution to which appointed. Outside activities, except the practice of medicine or dentistry which are restricted below in subsection 3.2. 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 establish a program of periodic review of outside services of appointees to guide faculty members.

3.2. Full-time faculty appointments assigned to respective dental or medical schools will render dental and medical patient services only at facilities affiliated with their assigned institution, or at such other locations or facilities as may be authorized in their annual notice of appointment, or as otherwise approved in writing by the institution.

3.2.1. Fees for professional patient related services rendered by full-time medical and dental faculty appointees shall be billed, collected and expended in accordance with the bylaws of the faculty practice plan for their respective institution, or through such other billing and collection mechanism as may be provided for in the faculty member's annual notice of appointment, or as otherwise approved in writing by the institution.

3.2.2. Fees for professional services not directly related to patient services including, but not limited to, royalties, honoraria, legal actions where no patient services have been rendered, or other such similar sources as may be approved in writing by the institution are permitted as individual income to the individual faculty member.

3.3. 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 as set out in the section on Dismissal.

3.4. Institutions 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. If the status of a faculty member changes from non-tenure-track, clinical-track, librarian-track, or term to tenure-track, the time spent at the institution may, at the discretion of the institution, be counted as part of the tenure-track period.

B. Faculty: Ranks and Definitions

1. The faculty at any state institution of higher education shall be those appointees of the institution's designee. The faculty are those so designated by the institution and may include, but are not limited to, such professional personnel as librarians, faculty equivalents, academic professionals, and those involved in off-campus academic activities.

2. Faculty may fall into one of the following classifications:

2.1. Tenured: Those faculty members who have attained tenure status as determined by the institution. Normally, tenured appointments are full-time (1.00 FTE or the

equivalent, as determined by the institution) for the academic year.

2.1.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenured appointment may be converted to a adjunct 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.

2.2. Tenure-Track: Those faculty members who have been appointed on a full-time (1.00 FTE or the equivalent, as determined by the institution) basis and have been designated as being in a tenure-track position.

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 adjunct 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 adjunct 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.

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, as determined by the institution) or adjunct.

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, as determined by the institution) or adjunct.

2.5. Term: Those faculty members at universities and other four-year institutions and who have been appointed as instructional faculty for a specified term as defined by the institution. The appointment shall be full-time (1.00 FTE or the equivalent, as determined by the institution) 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.

2.6. Non-Tenure-Track: Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, term, or tenured status. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or adjunct. 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.

3. Faculty appointed to tenured, tenure-track, or term positions at any institution shall be appointed in one of the following ranks:

- 3.1. Professor;
- 3.2. Associate Professor;
- 3.3. Assistant Professor; or
- 3.4. Instructor

4. Faculty appointed to clinical-track positions at any institution may be appointed to one of the following ranks:

4.1. Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

4.2. Associate Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

4.3. Assistant Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

4.4. Instructor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN).

5. Faculty appointed to librarian-track positions at any institution may be appointed to one of the following ranks:

- 5.1. Librarian or Professor/Librarian;
- 5.2. Associate Librarian or Associate Professor/Librarian;
- 5.3. Assistant Librarian or Assistant Professor/Librarian;
- 5.4. Staff Librarian or Instructor/Librarian.

6. Clinical-track, librarian-track, and term faculty hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. Clinical-track, librarian-track, and term 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.

7. Additional ranks are permitted at West Virginia University and West Virginia State College through the use of the title prefix designation "extension;" such additional ranks are excluded from and in addition to those ranks covered by the provisions of the West Virginia Code.

8. Other appropriate titles which more accurately indicate the nature of the position may be used.

9. Persons assigned full-time or adjunct to administrative or staff duties at any institution 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, term, 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.

10. Clinical-track, librarian-track, term, and non-tenure-track faculty at all institutions hold non-tenurable appointments which may be adjunct 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 in Section 10.5 of Series 9 do not apply.

11. Non-tenure-track appointments shall have one of the following titles:

11.1. Any of the faculty ranks but designated visiting, research, clinical, extension or adjunct, as applicable to describe the connection or function;

11.2. Lecturer or senior lecturer.

11.3. Assistant, designated as graduate, research, clinical, or adjunct, as applicable to describe the connection or function.

12. 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:

12.1. 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;

12.2. 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.

12.3. 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.

12.4. 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.

12.5. 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.

12.6. 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.

13. The institution shall make all tenured, tenure-track, clinical-track, librarian-track, and term and non-tenure-track appointments after consultation with appropriate faculty and other collegiate units.

14. Every faculty contract at any institution 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.

15. 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, as delineated in Section 17 of Series 9.

Rule on Adjunct Faculty (4-Year Colleges)

MUBOG Policy AA-5

Section I. General.

1.1. The Board of Governors of Marshall University recognizes the importance of an appropriate cadre of faculty that provides continuity in high-quality instruction, advising, scholarly and creative activities, and service.

1.2. The Board also recognizes that significant contributions to the institution's mission can be made by highly-qualified faculty members who may fill adjunct roles for a variety of reasons.

1.3. This policy defines the role, conditions of employment, and appropriate assignment of adjunct faculty members at Marshall University.

1.4. **AUTHORITY:** W.V. Code §18B-1-6, 18B-1B-4 and 18B-7-6. Also, 133C.S.R.4, §3.9 (HEPC Series 4, Rules, Guidelines, and other Policy Statements by Governing Boards).

1.5. **Passage Date:** November 12, 2003

1.6. **Effective Date:** March 23, 2004

1.7. **Background:** Replaces previous Policy 16 passed November 12, 2003. This version amended March 10, 2004 to change (from 3-4 to 6) the hours graduate adjunct faculty may teach without an overload.

Section 2. Definitions.

2.1. The term "adjunct faculty" (or adjunct faculty) refers to instructors who are employed to teach one or more courses, not to exceed seven (7) undergraduate hours or six (6) graduate hours (or a total of all hours of seven) for a designated semester with no commitment on the part of the university for subsequent employment.

2.2. The term "adjunct faculty" may also apply to unpaid volunteers with a courtesy title. These appointments may be for an extended period of time.

2.3. As it applies to the School of Medicine (including in this context the College of Health Professions) and its graduate and professional programs, "adjunct faculty" may also include "clinical adjunct faculty" who are engaged to provide a limited portion of the educational program including didactic lectures, clinical student and resident precepting and/or to provide specialized or other patient care services necessary to maintain or enhance the continuity and quality of patient care provided by the full-time faculty without respect to the credit hour limitations contained in section 2.1 above.

Section 3. Conditions of Employment of Adjuncts

3.1. Adjunct faculty are subject to the appropriate sections of Higher Education Policy Commission Series 9, "Academic Freedom and Professional Responsibility," and

all Marshall University policies governing faculty performance and standards.

3.2. Adjunct faculty must have competence in the particular course area(s) to be taught. In addition, the degree qualifications should approximate those for fulltime, i.e., terminal degrees, master's degrees or approximate experience. Adjuncts must present evidence of such background.

3.3. The department chair/division head, with faculty input, recommends to the dean of the college qualified candidates for employment as adjuncts. The dean forwards this information to the Provost/Senior Vice President for Academic Affairs or the Vice President for Health Sciences as appropriate.

3.4. Adjunct faculty members must receive a written agreement that specifies assigned responsibility for course(s), or portions thereof, to be taught or other services to be provided; other conditions of employment; period of employment; compensation; contingency factors.

3.5. Final implementation of the employment agreement with adjunct faculty is subject to the enrollment of a sufficient number of students, based on standards currently employed by the university. As a result, two or more class sessions may meet before a final determination can be made.

3.6. The availability of adjuncts to students outside class hours will be determined by the department chair/division head in consultation with the instructor and may vary with the nature and location of the course(s).

3.7. The performance of each teaching adjunct will be evaluated by the department chair/division head or delegated representative and/or dean at the conclusion of each course taught. The evaluation must include student evaluations of the course. Deans are asked to report to the Provost/Senior Vice President for Academic Affairs or Vice President for Health Services as appropriate on those adjuncts who receive a less than "good" rating, and to indicate what action will be taken for each (non-renewal of contract, professional or instructional development, etc.).

Section 4. Overloads for Adjunct Faculty.

4.1. Permission to allow an adjunct faculty member to teach an overload (more than 7 undergraduate hours or 6 graduate hours or a total of 7 for a combination of graduate and undergraduate) will be granted in emergency situations only.

4.2. An adjunct will not be approved for an overload for two consecutive semesters.

4.3. This section applies to all Marshall University adjuncts teaching University and/or Marshall Community and Technical College courses (on-campus, off-campus, e-courses) except those whose salaries are paid by third-party contracts.

4.4. The department chair/division head who wishes to hire an adjunct who is already scheduled to teach the maximum allowable hours must send a written request for an exemption to his/her dean and, if the dean approves, to the Provost/Senior Vice President for Academic Affairs for approval.

Section 5. Institutional Objectives.

5.1. Marshall University remains committed to the value of fulltime instructional faculty as the heart of the institution. Fulltime faculty provides continuity and a myriad of services to the institution.

5.2. Adjunct faculty are also an integral part of the university community, providing on-campus instruction, making possible reassigned time for full-time faculty who want to develop the curriculum or engage in research and creative activities, allowing the university to offer courses at distant sites, and filling emergency and/or temporary instructional needs.

5.3. To maintain a balance between fulltime and adjunct faculty, the number of adjunct faculty will not exceed the most recent U.S. Department of Education national average for like institutions.

Section 6. Reporting of Data.

6.1. Marshall will report to the Higher Education Policy Commission by November 1, 2003, the number of adjunct faculty employed by the university. Subsequent reports to the Commission will occur periodically, as requested.

University Statement of Good Practice for Adjunct Faculty

(Office of Academic Affairs, November 8, 1999)

These individuals are an integral part of the university community, providing on-campus instruction and advising, making possible reassigned time for full-time faculty who want to develop the curriculum or engage in research and creative activities, allowing the university to offer courses at distant sites around the state, and filling emergency and/or temporary instructional needs.

Adjunct faculty possess the academic credentials established by their departments, teach and advise according to the standards established by their departments, and otherwise maintain the professional standards established by Marshall University. They are, in all of these essential ways, colleagues within the academic units on campus.

In recognition of their valuable service to the university, and their roles as professionals within the academic community, we recommend the following:

Adjunct faculty should expect:

- Access to space with some measure of privacy for meetings with students;
- Secure storage space for student records;
- Access to supplies and equipment necessary for preparation of classroom materials and for classroom instruction (Paper, Copier, TV, VCR, Projector, Screen, Films/Tapes, etc.);
- Assistance in acquiring desk copies of textbooks and other instructional materials;
- Support services for the preparation of classroom materials (secretarial services that are available to other faculty in the department);
- Access to telephone and computer services that enable communication with students by voice and e-mail:

- Training by the chair or another representative of the department in the expectations and standards of the department (syllabus policy, attendance, exams, grading, course evaluations, etc.);
- Reasonable advance notice of appointment or of cancellation of class(es);
- Timely payment of salary;

In addition, the university administration must support departments and divisions in their provision of these essentials to adjunct faculty. The Office of Academic Affairs, Deans, Department Chairs and Division Heads should provide workshops for adjunct faculty on topics related to instruction, should assist adjunct faculty in obtaining appropriate parking permits, library access, computer access, and should seek funding for faculty development opportunities for adjunct faculty.

Temporary Faculty: Series 9

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:

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 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. 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.
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.
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.

Administrative Procedures for Extension of Temporary Faculty Appointments

(Effective April 18, 2006)

Temporary Faculty Extension of Appointments Beyond Six Years

The policy of Marshall University is to foster tenure-track employment for faculty; however, in certain instances exceptions may be made for continuation of temporary appointments beyond the sixth year. Such exceptions may

be made if any one or more of the following conditions exist:

1. a high demand or resource shortage area is involved
2. an area of highly specialized knowledge and/or skills is involved
3. a continuing annual appointment meets other critical institutional needs

Such appointments shall only be authorized by specific written approval of the president. Such appointments will be non-tenure track status.

Equivalencies for College Teaching

MUBOG Policy AA-18

1 General Information.

1.1 Scope: Academic policy regarding employment equivalencies for college teaching and professionally related experience.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: This section approved by Faculty Personnel Committee, April 30, 1984, signed by the President, June 8, 1984, "with the understanding that all final work experience must be approved by the President." Revised: 7/28/03

2 Policy

2.1 Experience and responsibilities in full-time employment and career activities during the years when the faculty applicant was not employed in college teaching will be reviewed by the dean, the department chairperson and the department faculty or elected personnel committee with input from the faculty applicant to determine the relevance of these full-time activities to instructional competence. From such experiences as may be obtained in business, law, industry, public school teaching, etc., the dean and the department chairperson, acting on the recommendation of the faculty (or elected personnel committee), shall determine the experiences which enhance the faculty applicant's competence in the particular area of teaching at Marshall.

2.2 Such related experience as determined by the person and groups identified above shall not exceed five years. No related experience equivalency can be used for tenure purposes.

2.3 Negotiations for the related experience equivalency will be part of the formal interviewing process. At the time of appointment, the dean and the department chairperson shall establish the Related Experience equivalency for each new faculty member on the basis of 2.1 and 2.2 above.

2.3.1 How to Count Years of Professionally Related Experience

2.3.1.1 The number of years of professionally related experience as required by the Higher Education Policy Commission is defined as, "The number of years of experience that were spent in a non-higher education field, but are related to the individual's present academic teaching area." The specific types of experience, which may be counted include (but are not strictly limited to):

2.3.1.2 Public school teaching in areas directly related to the faculty member's present academic teaching area.

2.3.1.3 Post-secondary teaching experience not previously reported as "higher education teaching" (nursing diploma schools, post-secondary vocational-technical programs, etc.).

2.3.1.4 Professional, business or government related experience in an area directly related to the individual's present academic teaching area. If a faculty member were currently teaching history, experience as a certified public accountant would not meet the criteria, while experience as an archivist might meet the criteria. Each individual case will require a judgmental decision concerning the extent of "relatedness" of each professional, business, or governmental experience to the individual's present academic teaching area.

2.3.1.5 Postdoctoral experience outside a university setting may be counted as related experience just as university-based postdoctoral experience is counted.

2.3.1.6 Military experience. Military experience, either teaching in an area related directly to the present academic teaching area or functioning within the military in another manner directly relating to the faculty member's present academic teaching area, will be counted. As an example, years of related experience might be credited for service as a navigator, if the individual were currently teaching cartography.

2.4 The following additional criteria will be utilized in calculating the specific number of years of experience:

2.4.1 Only full-time experience will be counted.

2.4.2 Only unduplicated years of experience will be considered. A faculty member will not be credited with experience in two capacities during the same period of time.

2.4.3 Full-time experience for a portion of a year, but not less than one semester (4.5 months), will be considered as a full year of experience.

2.4.4 Teaching assistantships and graduate assistantships will not be counted.

2.4.5 Sabbatical leaves are counted as years of teaching experience and therefore should not be counted as professionally related experience.

2.4.6 Leaves of absence should require the same test of "relatedness" as any other period of time. The pursuance of a higher degree is considered in the attainment of the degree and should not be counted as professionally related experience.

2.5 A faculty member with a full-time appointment who serves in a college or university administrative capacity and returns to a teaching assignment shall be paid the amount received in his/her last teaching year plus any Higher Education Policy Commission mandated increments granted other faculty during the individual's service as an administrator. However, service in an administrative position by a probationary faculty member shall not be credited as experience toward tenure.

Tenure-Track Status: Series 9

1. When a full-time faculty member is appointed on other than a clinical-track, librarian-track, term, or non-tenured-track or tenured basis, the appointment shall be tenure-track.

2. During the tenure-track period, the terms and conditions of every reappointment shall be stated in writing, with a copy of the agreement furnished the individual concerned.

3. The maximum period of tenure-track status normally shall not exceed seven years. Before completing the penultimate year (the "critical year") of a tenure-track appointment, any non-tenured faculty member shall be given written notice of tenure, or offered a one-year written terminal contract of employment. During the tenure-track period, faculty members may be granted tenured appointment before the sixth year of service, such appointment to be based upon criteria established by the institution and copies provided to the Policy Commission.

3.1. Institutions may establish policies to accommodate unusual situations, such policies to be approved by the Governing Board and reported to the Policy Commission.

4. 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 year.

During said tenure-track period, notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

5. For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

5.1. By letter post-marked and mailed no later than December 15 of the second academic year of service; and

5.2. By letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

6. For those appointed after March 8, 2003, after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision by letter post-marked and mailed no later than March 1.

7. Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

8. 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.

9. 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.

10. Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by

requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy (Series 9). The request for a statement of reasons shall be in writing and mailed to the president or designee within ten working days of receipt of the notice of non-retention.

Joint Institutional Appointments: Series 9

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 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.

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.

3. Full-time faculty members appointed under joint or contractual appointments shall continue to be considered full-time employees of the "home institution."

Joint Teaching Appointment within the Institution **MUBOG Policy AA-19**

1 General Information.

1.1 Scope: Academic policy regarding the establishment joint teaching appointments within the University and the rights of faculty holding such an appointment.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Approved 3/8/01 (FPC) – Revisions as of 3/14/01

2 Policy

2.1 Joint teaching appointments are possible at Marshall University if there is agreement between departments/divisions in consultation with deans and/or colleges.

2.2 The faculty member seeking a joint appointment will be administratively housed in a department/division in the home college as reflected in the Notice of Appointment. It is in this home unit that the faculty member has all the rights and privileges of all faculty members in the same home unit. The home unit chair/dean has ultimate authority in decisions regarding joint appointment faculty.

2.3 To achieve a joint appointment, the faculty member must teach a minimum of one class or the equivalent each year in the non-home unit. The faculty member may be included in activities of the non-home unit as it relates to the non-home unit assignment.

2.4 The faculty member is evaluated annually by the home unit with input from the non-home unit. Both units will use a single annual review as the basis for evaluation.

2.5 Faculty members and administrators of the home unit and of the non-home unit will draft collaboratively, before the joint appointment starts, a Memorandum of Agreement documenting the duties, expectations, duration and evaluation standard of the joint appointment.

2.6 Joint appointments are renewable on a year-to-year basis. Service completed under a joint appointment can be applied toward total years of service. If the parties involved want to make a joint appointment permanent, they must re-examine the feasibility of such an arrangement for the colleges involved. A long-term joint appointment would require amending the Notice of Appointment.

Graduate Faculty Membership

MUBOG Policy AA-20

1 General Information.

1.1 Scope: Academic policy regarding graduate faculty membership and the levels, accountability and rights thereof.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Revised: March 28, 2003; September 24 and October 22, 2004 Graduate Council; Approved by the President November 10, 2004.

2 Policy

2.1 Overview

2.2 There are four levels of graduate faculty membership or status: (1) Doctoral Graduate Faculty, (2) Graduate Faculty, (3) Associate Graduate Faculty, and (4) Graduate Instructor. In sections I- IV below are descriptions of the functions, minimum criteria, and restrictions of the various levels for each level of graduate faculty membership.

2.3 The Graduate Council can, at its discretion, provisionally and conditionally delegate to the academic unit deans the right to determine the graduate faculty membership level for each faculty member. "Academic unit" is defined in this policy to be an academic college, an academic division, or an academic department, etc. These appointments of graduate faculty membership must be consistent with the Graduate-Council-approved additional standards, if any, of the college, division, or department, etc., and must be consistent with the minimum criteria indicated below. Faculty desiring any level of graduate faculty membership must submit the approved Graduate Council form(s) to their academic unit dean for approval.

2.4 Administrators at the level of Dean, or higher, desiring to have graduate faculty membership should apply directly to the Chair of the Graduate Council, for consideration by that Council, for the type of graduate faculty membership for which they believe they qualify. Academic units can not determine graduate faculty membership status for administrators at the level of Dean or higher.

2.5 Whether or not the academic unit chooses to add additional standards and constraints to those indicated

below, that unit must inform the Graduate Council in writing either of the unit's additional standards and constraints or of the unit's decision not to add additional standards and constraints.

Note: As part of the additional standards and constraints that an academic unit may choose, the unit can choose to shorten the term, marked with an "*" in this document, for any graduate faculty membership level, but it may not lengthen the term duration.

2.6 For any faculty member, once that faculty member has been assigned a graduate faculty membership level for a given term, that level and term cannot be altered except through re-application by the faculty member and subsequent approval by the academic unit dean or the Graduate Council, whichever is making the graduate faculty membership level determination for that faculty member.

2.7 During the time any academic unit has permission from the Graduate Council to determine graduate faculty membership levels for the unit's faculty, the academic unit dean is to submit the unit's graduate-faculty-membership-level rosters to the Graduate Council at the beginning of each academic calendar year. Upon initial granted permission, the academic dean must submit within two months the graduate rosters.

2.8 For the academic units where the deans have been approved to make graduate faculty membership level determinations, if any modifications to an academic unit graduate faculty membership roster are needed during the academic year, the academic unit is to notify the Graduate Council within one month of those modifications and immediately provide to the Graduate Council an updated complete roster, with the modifications clearly and specifically noted. The dean of each academic unit will have responsibility for the integrity of the unit's graduate-faculty-membership roster.

2.9 Each academic unit or department/division desiring additional standards beyond, or more constraining than, the absolute minimums is to establish specific qualitative and quantitative teaching, service, and/or scholarly and creative activity standards appropriate to program offerings and accreditation demands. The additional standards must be distributed and fully explained by the academic unit to all relevant parties, including but not limited to all faculty within the applicable division(s) or department(s). The Graduate Council must approve these additional standards before they may be implemented.

2.10 The Graduate Council must also approve future changes in academic unit standards or criteria before being implemented by the academic unit, division or department. If the academic unit does not wish to establish additional standards beyond or more constraining than the minimums indicated below, it does not need to do so, but needs only notify the Graduate Council that such is the case—this will not prevent that academic unit from determining graduate faculty membership level, as provided for below, unless or until the Graduate Council decides to withdraw this privilege from the academic unit.

3 Audits

3.1 The Graduate Council audits academic unit rosters and all supporting materials of two or more colleges, departments, or divisions, etc., per semester on a rotating basis to ensure that the academic unit requirements and the minimum criteria are being followed. The supporting materials include the completed graduate faculty membership application forms (obtained from the Graduate Council or its website), faculty vitae, and any other supporting materials which demonstrate that the faculty members have been placed in an appropriate level of graduate faculty membership. Annual Reports may be used to supplement supporting materials if so desired.

3.2 The Graduate Council reports its audit findings to the appropriate academic unit administrators and to the Vice-President for Academic Affairs. If the Graduate Council decides that an academic unit

is sufficiently out of harmony with the Graduate Council's expectations for following the minimum criteria and the academic unit's approved additional standards, the Graduate Council has full right, at its discretion, to require all future graduate faculty appointments to be decided by the Graduate Council rather than by that academic unit for a probationary period of time to be determined by the Graduate Council. However, before this happens the Graduate Council will work with the academic unit and the Vice President for Academic Affairs to correct the situation and attempt to avoid the loss of delegation to the academic unit by the Graduate Council.

4 Accountability

4.1 The Graduate Council retains the final right to decide whether or not to continue allowing any academic unit to determine graduate faculty membership levels. As it deems either necessary or appropriate, the Graduate Council retains the right at any time to remove indefinitely the delegation to any and all academic units of the right to determine the graduate faculty membership level for each faculty member.

4.2 If the Graduate Council decides to remove any academic unit's privilege to determine graduate faculty level membership, the graduate faculty membership level assignments to individual faculty members within that academic unit will remain in force until each faculty member's term expires for the assigned level, or until the faculty member re-applies to and is approved by the Graduate Council to a different graduate faculty membership level or term.

5 Graduate Faculty Membership Levels

5.1 Doctoral Graduate Faculty (five* year term)

5.1.1 Functions

5.1.1.1 Doctoral Graduate Faculty members of the graduate faculty can chair or direct graduate student committees and research at the doctoral level in the department or division of their appointment(s).

5.1.1.2 Doctoral Graduate Faculty members of the graduate faculty can perform all the functions allotted to Graduate Faculty members.

5.2 Minimum Criteria for Appointment

5.2.1 Doctoral Graduate Faculty members must hold a continuing full time appointment and have ongoing faculty responsibilities at Marshall University and hold an appointment (may be a joint appointment) in the division or department or program area offering the doctoral degree. In circumstances where the full time appointment is not a tenure track position, documentation of the full time, continuing nature of the appointment must be supplied by the sponsoring dean, and documentation of at least majority support for the appointment must be supplied by the sponsoring department/division's chair.

5.2.2 Doctoral Graduate Faculty members must hold a research-oriented terminal degree (thesis or dissertation) or an appropriate professional degree and hold the rank of Assistant Professor or higher. Alternatively, the faculty member must have demonstrated outstanding scholarly or creative achievement and have attained the rank of Associate Professor.

5.2.3 Doctoral Graduate Faculty members must have had experience in serving on a doctoral committee or be currently serving on a doctoral committee. An exception is as follows: during the first five years of a new doctoral program, a faculty must have had experience serving on one or more master's committees over the past five* years.

5.2.4 Doctoral Graduate Faculty members must have current or expected departmental responsibilities in the doctoral program during the term of their membership. Example departmental responsibilities include, but are not limited to, teaching, advising, program development, and chairing or serving on committees, all within the doctoral program.

5.2.5 Doctoral Graduate Faculty members must present evidence of continuing scholarly or creative activity over the most recent five* years just prior to application for doctoral status or renewal of doctoral status. Evidence of continuing scholarly or creative activities must include at least three significant contributions from among the following: publication in discipline-respected peer-reviewed journals; publication of scholarly books or book chapters; publication in discipline-respected periodicals (book reviews or other short, one- or two-page communications do not qualify); invited and/or competitively selected presentations of scholarly work at national or international meetings; significant, scholarship-based academic or professional consultation; receipt of an external research-oriented grant; book contracts from reputable publishers; scholarship-based clinical practice; or exhibits, presentation, or performance of scholarly, creative, or artistic work at professionally recognized events. An academic unit may approve additional areas or categories for evidence of continuing scholarly or creative activity, if these additional areas or categories are clearly specified, and communicated to all interested parties, including all faculty members in the academic unit, and only if approved in advance by the Graduate Council.

5.2.6 Doctoral Graduate Faculty members must present assessment evidence of continuing high quality teaching and advising over the most recent five* years just prior to application for doctoral status or renewal of doctoral status. The five-year* assessment requirement may be shortened,

or eliminated as appropriate, if the applicant has not yet been teaching for the most recent five* years, but it must be met for a second term of Doctoral Graduate Faculty level membership.

6 Graduate Faculty (five* year term)

6.1 Functions

6.1.1 Graduate Faculty members can chair or direct graduate student committees and research at the master's level in the department or division of their appointment(s). Graduate Faculty members can co-chair or co-direct graduate student committees and research at the master's level in another department or division at the request of that other department or division.

6.1.2 Graduate Faculty members may serve on master's or doctoral committees (comprehensive assessment, thesis, exhibition, dissertation, etc.) in the department or division of their appointment(s), or in another department or division at the request of that other department or division.

6.1.3 Graduate Faculty members can be elected or appointed to the Graduate Council.

6.1.4 Graduate Faculty members can teach master's and doctoral level courses.

6.2 Minimum Criteria for Appointment

6.2.1 Graduate Faculty members must hold a continuing full time appointment and have ongoing faculty responsibilities at Marshall University and hold an appointment (may be a joint appointment) in the division or department or program area offering the graduate degree. In circumstances where the full time appointment is not a tenure track position, documentation of the full time, continuing nature of the appointment must be supplied by the sponsoring dean, and documentation of at least majority support for the appointment must be supplied by the sponsoring department/division's chair.

6.2.2 Graduate Faculty members must hold a terminal degree (thesis or dissertation) or an appropriate professional degree. Alternatively, they should have demonstrated equivalent scholarly or creative achievement.

6.2.3 Graduate Faculty members must have attained the rank of Assistant Professor or higher.

6.2.4 Graduate Faculty members must have current or expected departmental responsibilities in the graduate program during the term of their membership. Example departmental responsibilities include, but are not limited to, teaching, advising, program development, and chairing or serving on committees, all within the graduate program.

6.2.5 Graduate Faculty members must present evidence of continuing scholarly or creative activity over the most recent five* years just prior to application for, or renewal of, Graduate Faculty status. Evidence of scholarly or creative activities must include at least two significant contributions or activities in one or more of the following: publication in discipline-respected peer-reviewed journals; publication of scholarly books or book chapters; publication in discipline-respected periodicals; invited and/or competitively selected presentations of scholarly work at regional, national or international meetings; academic or professional consultation; application for or receipt of an external research, scholarly, or creative activity grant; official

leadership (officer) positions in regional, national, or international professional organizations; scholarship-based clinical practice; or exhibits, presentation, or performance of scholarly, creative, or artistic work at professionally recognized events. An academic unit may approve additional areas or categories for evidence of continuing scholarly or creative activity, if these additional areas or categories are clearly specified, and communicated to all interested parties, including all faculty members in the academic unit, and only if approved in advance by the Graduate Council.

6.2.6 Graduate Faculty members must present assessment evidence of continuing high quality teaching and advising over the most recent five* years just prior to application for, or renewal of, Graduate Faculty status. The five-year* assessment requirement may be shortened, or eliminated as appropriate, if the applicant has not yet been teaching for the most recent five* years, but it must be met for a second term of Graduate Faculty level membership.

7 Associate Graduate Faculty (three* year term)

7.1 Functions

7.1.1 Associate Graduate Faculty members may serve as members of a graduate committee, as deemed appropriate by the department or division providing the degree.

7.1.2 Associate Graduate Faculty members may teach appropriate graduate level courses.

7.2 Minimum Criteria for Appointment

7.2.1 Associate Graduate Faculty members must hold at least a master's degree.

7.2.2 Associate Graduate Faculty members must have current or expected departmental responsibilities in the graduate program during the term of their membership. Example departmental responsibilities include, but are not limited to, teaching, advising, program development, and chairing or serving on committees, all within the graduate program.

7.2.3 Associate Graduate Faculty members must present evidence of scholarly or creative activity, and advanced graduate level work or equivalent professional accomplishments within the last three* years.

8 Graduate Instructor (two* year term)

8.1 Functions

8.1.1 Graduate Instructors can teach appropriate graduate level courses.

8.1.2 Graduate Instructors can write and evaluate comprehensive assessment questions directly related to their assigned classes.

8.2 Minimum Criteria for Appointment

8.2.1 Graduate Instructors must hold at least a master's degree or demonstrate appropriate expertise or experience to qualify them to teach in the assigned courses.

8.2.2 Graduate Instructors are approved by the academic unit Dean and do not need approval by the Graduate Council.

8.2.3 Graduate Instructors must provide appropriate documentation of credentials and/or experience to be filed with the division in which they teach.

8.2.4 Graduate Instructors should maintain scholarly or creative activity necessary to bring current information or experience to the courses they teach.

9 Special Cases

9.1 Faculty on Temporary Appointments (for example Visiting, Clinical Research, or Adjunct faculty): During the term of their temporary appointment to Marshall University, faculty with graduate responsibilities must have graduate faculty membership. An individual's graduate faculty status at his or her own institution, if visiting, will be taken into consideration, but does not necessarily determine any graduate faculty membership level at Marshall University.

9.2 Emeritus Faculty: Emeritus faculty can apply for or retain graduate faculty membership subject to the same requirements for each level of graduate faculty membership status.

9.3 Off-Campus Professionals: Off-campus professionals desiring graduate faculty membership should apply for Associate Graduate Faculty or Graduate Instructor status; to be approved, the applicant must meet the qualifications for the given graduate faculty level.

9.4 Collaborative Faculty Appointments: Individuals holding faculty appointments at institutions participating in cooperative graduate programs, and who desire Marshall University graduate faculty membership, should apply for the Marshall University graduate faculty membership for which they believe they qualify. An individual's graduate faculty status at his/her own institution will be taken into consideration, but does not necessarily determine any graduate faculty membership level at Marshall University.

9.5 Exceptional Cases: Individuals, colleges, departments, divisions, or programs seeking exceptions to these policies must submit a written petition to the Chair of the Graduate Council for consideration by that Council.

9.6 Graduate Instructor membership will neither be listed in Marshall University's Redbook nor in the Graduate Catalog.

9.7 A faculty member whose graduate faculty membership level is lowered from his or her current level, due to a graduate-faculty-membership renewal application, will be permitted to complete current responsibilities but may not assume new responsibilities pertinent to the previous higher

level. Students are not to be penalized by the re-evaluation of faculty members. For example, once a graduate committee has been established for a student, it will not be necessary to alter it because of a change in status for one of the faculty members on the committee.

9.8 All faculty members, either full or part time, who desire to teach graduate courses at the 500 level or higher must apply for one of the four graduate faculty membership levels above. The academic unit dean may approve these faculty members to teach one graduate course while their application is in process of being considered, but they may not teach graduate level courses in subsequent semesters until they have been approved for one of the graduate faculty membership levels described in this document.

10 Appeals for Graduate Faculty Membership Levels

10.1 In the event that a faculty member feels unjustly excluded from graduate faculty membership or unjustly placed in a graduate faculty membership level lower than he or she desired, that faculty member may appeal to the Graduate Council or higher for further consideration as follows.

10.1.1 If it is an academic unit dean who had made the disputed graduate faculty membership level determination, the Graduate Council will determine what it believes the appropriate graduate faculty status should be and work with the academic unit dean to attempt to arrive at a suitable resolution. If the Graduate Council determines that a suitable resolution cannot be achieved with the dean, the Graduate Council will submit its findings and recommendations to the Vice-President for Academic Affairs who will determine any further action to be taken.

10.1.2 If it is the Graduate Council that made the disputed graduate faculty membership level determination, the Graduate Council will re-evaluate its determination upon appeal to the Chair of the Graduate Council by the faculty member concerned. If the dispute is not resolved by this re-evaluation, the faculty member may appeal to the Vice-President of Academic Affairs, in which case the Graduate Council will submit its findings and recommendations to the Vice-President for Academic Affairs, who will in turn determine any further action to be taken.

Section 3. Faculty Workload

Instructor of Record

(SR-05-06-(17) 62-119 FPC Revises SR-97-98-4 FPC)

For any course primarily consisting of theses, dissertations, independent study, student teaching, comprehensive projects, capstone projects, research, special topics, practicum, problem reports, residencies, internships, field experiences, or similar courses, the "Instructor of Record" shall be the faculty member supervising the work the student does in the course.

Faculty Workload

MUBOG Policy AA-21

1 General Information.

1.1 Scope: Academic policy regarding the establishment and application of faculty workload.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: SR-02-03-(14) 44 EC Approved by President 1/13/03 with Addendum.

2 Policy

2.1 The Ad Hoc Committee on Faculty Workload

2.1.1 The Ad Hoc Committee on Faculty Workload at Marshall University was formed by the Faculty Senate and Graduate Council in Spring 2002, and charged by these faculty groups with a) reviewing current faculty workload policy and practices across the University, and b) based on this review, making recommendations concerning revisions of those policies and practices. The committee members represent a wide range of units and constituencies, including faculty from varied colleges, representatives from key faculty governance structures (i.e. Faculty Senate, Graduate Council, the Personnel Committee) and faculty members from both the Huntington and the South Charleston campuses. To further broaden the committee's representation, the committee asked the VP for Academic Affairs to appoint a university administration representative.

2.1.2 The Committee reviewed the workload policies at many universities, including several of Marshall's designated peer institutions (e.g. SIU- Edwardsville, UN-Reno, U of South Florida, and ETSU). In virtually all cases, the peer universities' policies indicated both lower normative teaching loads than those expected at Marshall, and greater flexibility in faculty teaching assignments based on involvement with other projects, most notably research/scholarship/creative activities and service of different types.

2.2 Background

2.2.1 The importance of addressing a variety of faculty workload issues and the associated need for a flexible faculty workload policy at Marshall University has been clear for many years. While Marshall University leaders often voice pride concerning our dedicated and hardworking faculty, expectations for faculty productivity in teaching, scholarship, and service have been problematic in terms of a) clarity and consistency of policy implementation; b) comparisons between Marshall's faculty workload and that of peer institutions; and c) the impact of workload issues on recruitment, hiring, and retention of high quality, productive faculty members.

2.2.2 There are many reports and papers from the professional literature on the nature of university faculty workload policies and procedures as well as a history of Marshall committee reports on these issues dating back at least 10 years. While this is not the place to review or discuss all of the material, a few examples of Marshall's history of attention to this issue may be helpful. The Fall, 1992 MUBOG Policy AA-37, describes a normal teaching load of 12 hours, but immediately notes that this may vary from college to college, depending on mission and purpose; that same document recognizes the importance of scholarship and creative activity, and encourages internal, external and "creative arrangements" to support it. Thus, the principle of flexibility in work responsibilities and assignments is established. The very next year (October 1993), the Board of Trustees issued Administrative Bulletin #26, which clearly and explicitly calls for "flexible workload agreements" for faculty, and even suggests a model system from which to work. Minutes from Graduate

Council meetings going back at least five years document committees concerned with this issue and working on proposals to allow for variability in faculty planning pages in the annual reports. Within the literature and peer institution policies that were examined, themes which routinely emerged included a) the need for flexibility; b) the recognition of an ongoing increase in the importance of research, scholarly and creative work and community consultation and development in the roles of university faculty members; and c) the value and emphasis that the university continues to place on all types and levels of teaching and academic activities.

2.2.3 It is clear that Marshall University is currently in a time of growth and change. President Angel stated a "vision" for the University that includes an increasing emphasis on research and on the development of new doctoral programs, providing research and technological service to the region, while also strengthening our long standing commitment to high quality undergraduate education. In each of these areas, faculty members have absolutely central roles to play, and each "growth challenge" is directly tied to faculty workload expectations. The 2010 Report is perhaps the most recent example recognizing the complexity of faculty roles and responsibilities at Marshall University.

2.2.4 Embedded within the University administration's goal of greater "prominence" for Marshall is the need to encourage greater scholarly and creative productivity by faculty via research, grants and creative works. It should be clear to all concerned parties that significant research or creative activity takes sustained time to plan, implement, evaluate and publish/disseminate. Thus, if we are to recruit and keep productive scholars and creative faculty, and if we want to encourage current faculty to become more actively engaged in the scholarly/creative arena, our workload policy for faculty must become consistent with these objectives.

2.2.5 The current workload policy places a very strong emphasis on teaching, and is relatively inflexible. Most faculty members, particularly on the Huntington campus, teach four courses per semester. To effectively teach four courses, advise students, and participate in department/university service activities is essentially a full time workload and within that context, scholarship/creative work is essentially "overtime" in the sense that it is done in evenings, weekends and during periods of the summer when not teaching. While many faculty members do manage to produce some excellent work in this workload environment, it is very discouraging over time to those with significant goals in the scholarly/creative arena.

2.2.6 Some faculty members do receive reductions in teaching load-typically for one of two reasons. The first is to engage in administrative activities; while these may be important tasks, the time devoted to administration is not available for scholarly or creative work, and thus does not address the need for encouraging greater scholarly/creative activity. The second common source of teaching reduction is from Faculty Development grants, which fund one course release for one semester. While valuable, these grants are simply inadequate for addressing the issues discussed here.

Faculty Development grants are few in number, faculty members cannot plan for or “count on” having one for a given year, and the one course/one semester reduction is frequently not sufficient to support sustained, high quality scholarly/creative work.

2.2.7 It is also important to note at the outset that not all faculty members have interests in developing or maintaining significant scholarly/creative programs. We believe that Marshall University will continue to be a strong teaching institution where a faculty member can and should be valued for having a primary emphasis in the varied dimensions of high quality teaching. Therefore, the committee believes that the most reasonable approach to addressing what might be considered the clash between current workload practice and the needs/expectations associated with Marshall’s growth is to develop a flexible work load policy, as is described below.

3 Principles

3.1 Based on our review of current faculty workload practices at Marshall University and data from other universities- many of them our official “peer institutions”- we have identified several key principles or organizing dimensions to structure this discussion. These include the following: (NOTE: Throughout the policy description, the term “division” and “division head” should be substituted for “department” and “department chair”, respectively, as appropriate.)

3.1.1 Flexibility: Stated simply, growth of the institution involves increasing complexity. As we move into new projects and new programs, it is clear that a) faculty will be expected to fill a wider range of professional roles than ever before, and b) more faculty than ever before will be needed to work in roles that may differ from expectations that were appropriate in earlier years of service. These will include grant development and management, supervision of dissertation and other student research, ongoing program development and evaluation for new, advanced degree programs, consultation with and service to businesses, government agencies, educational systems, etc. Each of these is critical, and each is time and resource intensive. To be successful, Marshall University will have to creatively address the diverse and complex requirements of the work associated with these demands, and have workload policies that are sufficiently flexible to encourage faculty work in all of these areas and to reward success within them.

3.1.2 Variability in Faculty Contributions to Institutional Mission: Intimately tied to the need for flexibility is the importance of recognizing and rewarding the varied contributions to the institution’s mission that different faculty can make. The time honored tripartite vision of faculty work (Teaching, Scholarship, Service) does not necessarily require that all faculty can or should be expected to make equivalent contributions in each area. As our mission grows more complex, it will serve us well to recognize and nurture the varied skills and interests of our faculty, while also recognizing the need to integrate the varied interests and skills of individual faculty into aggregate practices that ensure the University and its programs of meeting the goals of its overall mission.

3.1.3 Equity: Workload policies and practices must be fair. In practice, this translates into a system whereby expectations are clear, reasonable, applied to all faculty members in a consistent manner (while allowing for the flexibility and variability noted above), perceived as unbiased, and appropriately tied to the professional mission of each academic unit. To be perceived as equitable over time, policies need to promote evaluation of faculty work that is seen as equally fair and reasonable, given the flexibility and variability in workloads that are likely to develop over time.

3.1.4 Decentralization of Workload Assignments: The increasing complexity of faculty roles is likely to require that people closest to the required tasks be intimately involved with decision making in regards to the workload assignments of individual faculty. In most academic units, this is likely to be represented by an approximate sequence of a) the faculty member him or herself; b) the department faculty as a group (who function to help clarify department needs and priorities); c) the department chair/program director/division head; d) the college Dean; and e) The VP for Academic Affairs. Encouraged here is an institutional practice that encourages communication within and between all levels of academic units to identify needs and priorities, and to allow individual faculty, departments and colleges to clarify how best to meet those priorities within their respective units. In many universities, this is implemented through a system of negotiated faculty assignments managed by department chairs to ensure meeting of overarching department responsibilities by the department as a whole, with oversight provided by the dean and/or VP for Academic Affairs.

3.1.5 Accountability via Evaluation of Differential Responsibilities: As faculty members’ workload responsibilities become more varied, it is important that appropriate methods of evaluating differential work responsibilities be implemented. As faculty members develop relatively higher or lower commitments to research, to teaching or to service activities, they should be expected to document differential productivity in these areas and be evaluated (for annual evaluations, as well for promotion and tenure) in relation to that differentiated load in a manner that is perceived by faculty and administrators as appropriate and as equitable.

3.1.6 Workload Tied to Demonstrable Activities: Faculty workload should, to the extent possible, be tied to specific, identifiable tasks and responsibilities, rather than to more general constructs or issues (e.g. graduate or undergraduate level, traditional or non-traditional population). The relevant, concrete question to be addressed here becomes what is the faculty member doing with his or her time that warrants a specific overall workload? The faculty member’s response to this question is to propose a set of teaching, scholarship/creative and service activities that is in line with his or her goals while also meeting the stated needs and priorities of the academic unit. Considered in this way, workload decisions focus on the time associated with particular work, the perceived value of that work within the mission of the “unit” (program, department, college) and the

importance of balancing program, department and/or college needs with the range of skills and interests of department faculty.

4 A Flexible Workload Policy

4.1 The intent of the principles described above is to serve as a foundation for development of more specific, flexible and equitable workload policies and practices to reflect and enhance the developing environment or “culture” emerging at Marshall University.

4.2 The following proposal for a workload policy is based on the principles outlined above. It is clear that the needs for and expectations of faculty vary by discipline and by college, and thus no university-wide policy will be able to articulate a single formula to answer all workload related questions. Ultimately, these will fall to negotiations between individual faculty members, their department chairs, and the respective deans. Nevertheless, the committee wants to emphasize several key points:

4.2.1 The flexible workload policy is designed to support and enhance the opportunities for faculty to work in ways that are consistent with their interests, goals and skills, while also encouraging academic units to think creatively about their needs, priorities and resources. Given the expanding role that Marshall University intends to play, coupled with ongoing limits in financial resources, this flexibility will be critical.

4.2.2 The policy is not intended to require or favor any particular set of professional skills or activities, nor should it be seen as necessarily requiring changes in criteria for critical decisions such as tenure or promotion or graduate faculty status. Under a flexible workload policy, the University and/or specific units would still articulate tenure and/or promotion requirements; faculty, chairs and deans would need to carefully consider these as faculty develop and chairs/deans review and approve workload plans for faculty members who are working toward P&T decisions. The proposed policy is designed to increase flexibility in workload for both new and experienced faculty members, and not to supplant or replace any minimal criteria for promotion or tenure or graduate faculty status. As always, for important decisions such as promotion and tenure, it is important that all units clearly define their expectations for each area of faculty responsibility such that individual faculty members, chairs and deans can consider how individual work load plans will enhance or inhibit progress towards those important goals.

4.2.3 The permissible ranges of workload associated with each area of faculty responsibility; Teaching (see p. 10), Scholarly/Creative Activities (see p. 12), and Service (see p. 13-14), are presented as outer limits, they are not necessarily going to be freely available to each faculty member to simply choose or for each chair or dean to assign to individual faculty each year. They are presented to underscore the possible range of effort that is possible for faculty to engage in while still being active, productive and valued. In addition, it is important to note the possibilities of individual exceptions to the designated ranges for each area; this is discussed in the “Exceptions” section.

4.2.4 To be successful, the policy will require a significant financial commitment for the addition of new faculty lines. Over-reliance upon, or a significantly increased use of adjunct instructors is not an acceptable strategy for meeting the teaching needs that are likely to emerge from increasing flexibility in faculty work efforts. If the university is to encourage and support the range of faculty activities associated with increasing prominence in new areas, the financial support for appropriate numbers of highly qualified faculty must be a prominent feature of the planning process.

5 Timelines

5.1 The policy proposed here will need to be phased in. Within the first semester after the policy is adopted, all units would do the internal assessment, planning and defining of criteria and accountability expectations discussed elsewhere that will be needed to implement a more flexible workload. As soon as possible after that, and within one additional semester, each unit would develop its plan and clarify the resulting personnel-related needs to allow the greater flexibility in faculty loads, up to the maximum range for each area of faculty work included in their unit’s plan. At the same time, each unit will begin a first phase of implementation by identifying the degree of flexibility in each area of workload that is possible for the next year. Thus, departments might be able to allow each faculty member a small amount of flexibility in one or more areas for the next year, or they might identify one or several faculty who would be allowed greater flexibility, given the needs and priorities of that department.

5.2 In year two, each unit will have the opportunity to refine its process, and increase the range of flexibility allowed to faculty. By year three, the full range of flexibility (modified by units as needed) would be operational.

6 Process

6.1 For an individualized, flexible workload policy to be effective there must be a sense of “buy-in” by all concerned parties. Thus, it will be imperative that all academic levels within the university are actively involved in the development and implementation of this policy. The Provost/VP for Academic Affairs will need to oversee the process, ensure that all colleges participate in ways that are fundamentally equivalent across the university, yet also flexible enough to meet the divergent needs of each college, and provide for the necessary funding that will support this increased flexibility. The funding needs will vary from unit to unit, and may be as little as a few additional graduate assistants or adjunct faculty or as high as several new tenure track lines.

6.2 Colleges and departments will need to develop a process whereby a) a range of acceptable workload contributions in all service areas is identified along with appropriate accountability indicators for all activities; b) all units (programs, departments/divisions and colleges) identify their aggregate or overall needs and priorities for faculty productivity or contributions in each area; and c) individual faculty members have meaningful opportunities to develop individual work load profiles that are consistent with both

their own career development and the needs of the department and college.

6.3 College Deans will oversee the development or refinement of their College's general expectations for faculty workload and of department procedures for approving workload plans and subsequent evaluations of workload contributions. Of particular concern in this regard is that Deans ensure that all department plans include specific criteria and equitable procedures. College and department plans and procedures will need to be consistent with expectations for promotion and tenure and for annual reports. They should delineate the acceptable ranges of faculty contributions in each of the major areas of responsibility, the criteria for exceptions to these established ranges, the type of activities that will be included in each category and specific methods by which faculty members will document and/or demonstrate progress in their work in each area.

6.4 Departments and Divisions have the responsibility of developing workload procedures and criteria that are clear, that provide all department members with equitable opportunities to develop and implement their workload plans, are appropriate to their disciplines and are consistent with the needs of their students and programs. Departments will meet periodically to review needs and priorities for faculty contributions in teaching, research/creative activity and service within their respective program areas. As appropriate, departments will clarify how college-wide criteria for promotion and tenure are met through the department's criteria and procedures. All such clarifications or any other periodic changes to department procedures are subject to approval by the College Dean.

6.5 Individual faculty members would meet annually with chairs to develop workload agreements for the next academic year. These meetings should be done prior to the submission of Fall schedules. Each workload agreement would describe the faculty member's plans regarding specific contributions in each major area and his/her plan to document and/or demonstrate progress or achievement in each area of effort. Plans are to be based on the department's approved procedures and criteria, its list of recognized or acceptable activities, the priorities and needs of the department and on the acceptable range of workload effort for each major area.

6.6 While the workload planning and review process will occur annually, a minimum two-to-three year "window" or time frame will be used for proposing and evaluating progress on scholarly/creative activities; the exact period would be determined by each college or department unit. This time period should recognize the time and effort needed to develop, implement, and disseminate different types of scholarly/creative work. Within the time frame adopted, faculty members are expected to demonstrate annually the progress they are making on their scholarly/creative projects, particularly when such projects are the basis for modifications to workload responsibilities in other areas.

6.7 All individual faculty workload plans are to be negotiated between faculty members and their chairs. The

deans' will have authority for approving all faculty workload plans, for ensuring that college teaching needs are met and that workload agreements are developed and implemented fairly within and across all departments/divisions within his or her college. Deans (or their designates) will serve as the first level of appeal outside the department in any circumstances where faculty members believe that their workload plans are being treated unfairly. The VP for Academic Affairs will be responsible for final approval of all workload plans and for overseeing that workload policies developed by each college are equitable and enforced fairly across the University. Further, the VP for Academic Affairs will establish a procedure for hearing individual faculty concerns about workload decisions that are perceived by a faculty member as biased, discriminatory or otherwise seen as unfair, and which have not been resolved through discussions at the department or college level.

6.8 Each unit retains responsibility for articulating criteria for and evaluating applications for promotion and tenure. Thus, for this policy to succeed, it is critical that these criteria and expectations be clearly communicated within the unit, and that individual workloads be structured such that faculty have every reasonable opportunity to meet them.

7 Work Load Range for Professional Areas of Service

7.1 Peer institutions vary in the exact ranges of effort within each workload area (teaching, scholarship, service) they permit for faculty members' flexible work plans. It appears to be typical, however, that some minimum effort in each area is required, although there are institutions that allow for the possibility of 100% effort in just one area. Given Marshall University's needs and resources, it is unlikely that such extreme commitment to any one area of effort would be desirable or supportable, except for very unusual or special circumstances that would require careful consideration and endorsement by the involved faculty member, Chair, Dean and VP for Academic Affairs.

7.2 As academic units develop their expectations associated with specific ranges of workload efforts, it will be important to recognize the interaction between different workload areas, and that higher or lower percentage efforts are not necessarily simply higher or lower amounts of the same activities. For example, if a faculty member's workload emphasizes teaching, and devotes only 10% to scholarly or creative activities, then his/her activities in this area cannot be expected to simply be a smaller amount of the same activities that a colleague with 60% workload devoted to scholarship or creative activities would be expected to do. For example, a 60% focus on research might be associated with major research projects and/or significant research grant activities, and would likely be tied directly to expectations for significant publication and major conference presentations. A 5% research focus, on the other hand, might well be focused on research and scholarly activities more directly tied to teaching; perhaps literature or book reviews, pedagogically oriented "local" research projects, presentations based on student research he or she has supervised, applied projects in collaboration with

community organizations, etc. For a faculty member with an 85 % teaching commitment, it might be reasonable to expect significantly more in the areas of course and program development, supervision of student projects, advising and/or other classroom activities than you would expect from a college with a 30% teaching load. A wide variety of work load profiles could represent significant professional contributions in activity areas that are equivalently valued by the department and college, and each faculty member would be expected to demonstrate/document success in all workload areas.

7.3 As is noted in the Exceptions section (see page 15), the ranges given below should be seen as typical outer limits for faculty work. Nevertheless, there may be unusual individual situations that simply do not fit within the limits provided; these cases will need to be handled individually through special negotiations between the faculty member, his/her chair, dean, and the VP for Academic Affairs.

7.4 The outer limits of the categories are not guides to a 100% workload. A cursory glance reveals that any individual could mistakenly make commitments that total more or less than 100%. Faculty, chairs and deans will need to insure that full time, 1.0 FTE faculty plans total 100% effort each year.

8 Teaching: 25-90%

8.1 Teaching includes a wide variety of activities, including responsibility for “standard” on-campus 3- or 4-credit courses (which vary in their time demands for many important reasons), travel to teach off campus courses, teaching labs, advising students, supervising independent studies, field work and internships, course development, supervision of student research or capstone work, serving as chair or committee member for theses and dissertations, integrating technology and other innovative strategies into educational efforts, etc. These (and other teaching related activities not noted here) are all time consuming activities, and must be clearly recognized and “credited” in any flexible policy. In consultation with their chairs, and based on the priorities and needs established by their respective academic units, faculty members identify a percentage of work effort to be committed to the teaching area, and describe the specific activities that are components of that effort and on which they will be evaluated. (NOTE: Colleges or departments may decide that units other than “credit hours” are more appropriate measures of some faculty activity (e.g. “contact hours” for some science labs); such substitutions and discussion of their effects on calculations of faculty workload should be included in the college’s or department’s workload planning documents.)

8.2 Key points for consideration of this area of professional effort include:

8.2.1 For a tenure-track faculty member who maintains an “average” or typical advising load (as defined by the unit) each 3-credit course, up to three courses per semester, is normally calculated as representing 25% of total work effort. Thus, a 9 hour load would be considered to be 75% of a faculty member’s total effort. Within that 75% is included an “average” advising load and “reasonable” (as defined by the unit) availability to do other work associated

with teaching, such as developing one new course in one’s area of expertise, or supervising independent study students, or serving on a small number of thesis committees. The specifics are to be articulated by each unit, but the point is that a teaching workload of 75% includes some reasonable amount of work outside of the assigned classes, but additional responsibilities must be assigned appropriate credit within the workload plan. A 12 hour load with no more than three preparations would be 90% of effort. A 12 hour load with four preparations would be considered to be 100% effort, with no additional expectations; this would typically be a load only assigned to temporary, non-tenure track faculty. It is worth emphasizing that the 9 hour (75%) teaching load is the maximum that was noted as “typical” in our peer institutions. To the extent that the emerging “culture” at Marshall University includes expectations for faculty to make significant, sustained contributions in scholarly and creative activities, a similar upper limit on teaching commitment will be needed for significant numbers of faculty across the institution.

8.2.2 For purposes of workload calculations, no distinction is made between undergraduate and graduate classes. Peer institutions vary widely in how they handle this issue, and the committee could see no clear evidence that the level of a course, in and of itself, is a factor in the amount of time needed to teach it. Depending on a number of variables such as number of students, teaching techniques employed, nature of class assignments and out of class contact with students, any class can be very time consuming. Rather than associating workload effort with the level of the class, this policy associates it with specific activities (e.g. course development, travel, lab activities, frequency and intensity of interaction with students) that are valued by the units and that require time to implement successfully. Of course, within some disciplines it may be clear and accepted that some types of classes are more time intensive than others, and that can be included in that unit’s policy.

8.2.3 Under normal circumstances, faculty members-even those with funded research programs- will not go below a one course teaching load with an average advising load; this would account for the 25 % level in teaching. Two 3-credit courses would typically account for 50% effort, while three would be associated with 75% effort. A 90% effort level would be for faculty who intend to focus substantially all of their efforts into the teaching area, and have little or no interest in pursuing the development of traditional scholarly products during the time period covered by the agreement.

Other than teaching four 3-credit courses, the activities beyond traditional classroom teaching associated with the teaching category include such work as supervising students in independent studies, theses and other research activities, special educational projects, and course development. It is important to note that the examples used are based on 3-credit classes, which are the most typical course credit assignments in the University. Naturally, units which make use of 1-, 2-, 4- or other credit courses within their curriculum, or which use “contact hours” or other measures of faculty involvement, will need to make adjustments in

calculating what will be meant by a specific percentage effort in the teaching area.

8.2.4 It is important to emphasize that an individual faculty member's teaching effort consists of a variety of activities, and thus significant effort devoted to thesis supervision or independent studies should be recognized as important, time consuming activities that must be valued and counted in faculty work loads. For example, two faculty members may each have a 75% effort in teaching; for one, this may be accounted for by three "typical" three credit hour courses, whereas for another, it may well be appropriate and important for that 75% to include two courses and supervision of a group of theses and/or senior projects (if these are not already part of a course and if these are articulated as activities that are valued by the appropriate academic unit).

8.2.5 It is important to note that in this framework, all activities that include supervision of students enrolled for credit, including supervision of student research projects at any level, are included in the teaching area. Though it is difficult to make absolute distinctions, the emphasis should be placed on process, not product, recognizing that supervision is fundamentally a teaching process. On the other hand, this supervised work may well lead to collaborative products that would be appropriately credited in the scholarly/creative activity area.

9 Scholarship and Creative Activities: 5-70%

9.1 Scholarly activity in the academic community frequently focuses on work such as refereed journal articles, books and book chapters, refereed conference presentations, and research grants. However, we recognize that a wide range of activities may be included in this section. For example, in the arts, creative activities can be very different than the scholarship listed above, and within professional schools and programs still other types of contributions may be highly valued. The committee did not consider it within its "mission" to definitively define what should and should not be included in the arena of scholarship and creative activities; it is left to the academic units to clarify what they consider appropriate for inclusion, what types of work are expected for different percentage levels of workload effort and how each type of contribution will be valued. The key points are that a) faculty will vary in their type and amount of commitment to scholarly/creative activities in relation to other areas of professional productivity; b) faculty can participate in different types of scholarly or creative activity; and c) the disciplines will have legitimate differences in the type of scholarly or creative work that they value.

9.2 Faculty members will identify a percentage of effort in the scholarly/creative activities area that is consistent with the project(s) they intend to pursue and on which they will be evaluated, based on the criteria established by each unit. In this system, the larger the percentage devoted to this area, the more substantial the projects and products that would be expected. At the top end, for one example, a faculty member might have a significant external research grant requiring extensive time commitments and might be expected to produce several significant national publications and

presentations over a 2-3 year period. At the lower end, the expectations would be different in terms of qualitative and quantitative dimensions. For a faculty member with 5% commitment to research, it is not reasonable to expect grants and associated multiple publications. Instead, that faculty member might continue to work on small, unfunded projects of personal interest and plan to submit a proposal to a regional conference. Or, it might include ongoing work as a reviewer of manuscripts for a journal, but not any original contributions to the literature of his/her own, assuming that the academic unit agrees that such review work is appropriately valued at the percentage of effort requested.

9.3 The lower end is set at 5%. For most faculty members, this level would neither be typical nor necessarily a wise choice over an extended period, given the many reasons that higher levels of ongoing activity in this area are so valuable. Certainly most chairs and deans would discourage faculty from such a stance on a regular basis. However, any number of scenarios can be imagined whereby a faculty member might find it in his/her interest to devote virtually all professional time, for a limited time period, to teaching and service activities. If that person's workload plan were approved, it would allow him/her to do so without being "penalized" for lower levels of effort in this area. It is worth restating here that units can and will still articulate their expectations for such decisions as promotion, tenure, and graduate faculty status; faculty members will need to be knowledgeable of these and guided/mentored in appropriate ways to meet them. Thus, as was noted in the general policy statements, if a faculty member's workload plan is approved with minimal scholarly or creative activity for the specified time frame, this in no way should impact the faculty member's obligations to meet specified requirements in the area of scholarly and creative activity for tenure or promotion.

9.4 On the other end of the range, the upper limit is set at 70%. The assumption made here is that while all faculty members are expected to participate continuously in teaching and service activities, faculty members might have significant projects- such as research or creative grants funded- that would require a very significant amount of their time for a specified time period. Assuming that such an arrangement was acceptable within the department and college structure (for example, if a grant provided funding to help replace a faculty member for one or more courses during the proposed year), and that the proposed activities are within the scholarly and creative mission of the university, it would likely be in the faculty member's and the University's interest to allow and encourage the higher levels of scholarly/creative commitment.

10 University Service: 5-50%

10.1 University service includes activities in support of program, department/division, college and university governance that are not directly tied to teaching or research. Typically these include service on committees at all levels of the institution, as well as special assignments or projects within any level of the institution.

10.2 University Service is a basic element of being a faculty member. Since no academic unit or faculty governance

structure can function without service from faculty; a minimum of 5% effort in this area is established. On the other end of the spectrum, there are faculty members who are extremely committed to university service activities, and who volunteer or are asked to make major contributions in those roles. We see it as important to the university and to faculty with such interests and skills to encourage high quality service roles and recognize and reward them. In a flexible workload policy, a faculty member could, for example, negotiate a time period in which s/he committed virtually all professional efforts towards teaching and university service. Naturally, those efforts would need to be very clearly defined, the department and college would need to recognize and support the value of the service roles being proposed, and the faculty member's work in that area would then be subject to evaluation procedures established by the unit, just as it is in other areas.

11 Administrative Service: 0-50%

11.1 Faculty members frequently fill administrative roles on campus. This work can be very time consuming, and is often rather distinct from the work expectations of all faculty members as described in the Greenbook and in the other categories in this document. For workload planning and for evaluation purposes as detailed in this policy, it is important the many administrative roles that faculty members fill be fully recognized. This category does not refer to the work of people with contracts designating them as administrators (e.g. deans, Vice Presidents, etc); rather, this is intended for faculty members who have significant portions of their work time devoted to administrative roles. These would include department/division chairs, directors of university centers, directors of clinics and other training centers, program coordinators, and other roles within departments, colleges or the university for which a faculty member is responsible for overseeing people and/or programs, for collecting data and submitting reports, and/or completing other administrative tasks designated for that role. The amount of workload time devoted to these administrative roles vary from position to position; the key point for the workload policy is that this work be recognized and apportioned appropriately within the faculty members' overall workload plan, and that the time commitments associated with these roles be articulated and agreed to in advance by the faculty member and his/her chair and dean.

12 Professional Service: 0-25%

12.1 For all reporting and evaluating faculty work efforts, a new category of Professional Service is created. This category includes all types of service to one's professional discipline, such as membership on committees of professional organizations, leadership roles or other contributions to local, state or national agencies, special consulting roles to professional groups and other activities as defined by the units.

13 Community Service: 0-25%

13.1 Community service refers to professionally related work done for community groups and agencies that is based upon faculty members' professional areas of expertise. These include such activities as giving workshops to train others, giving talks and lectures, consulting with individuals

or groups about aspects of their functioning that overlaps with the faculty member's areas of expertise, serving on professionally related service committees (such as a science or education faculty member serving on county-wide ad-hoc committee to improve science education). It does not include activities more typically tied to citizenship, such as serving as poll watcher, volunteering to help with Thanksgiving at a food bank, or routine church committee work. For example giving a talk to a church group about a professional topic may well be considered community service, whereas serving as an officer in the church social club may not qualify. This policy is intentionally silent on the question of whether or not compensation for service activities is a factor in whether or not the work should be included in this category; we believe that each unit is in the best position to consider this issue within its own professional context.

13.2 In this model, community service is encouraged and valued, with up to a full 25% of a faculty member's effort potentially committed to this area, assuming the service activities proposed are consistent with the mission developed by the relevant units. On the other hand, the model does not require community service of all faculty members every year, and a particular faculty member's evaluations would not be negatively affected by an absence of service in this area if it were not required each year by his or her academic unit and was not a part of his/her approved workload plan for a given year. Department, College and University requirements for promotion and tenure are not altered by this policy, and thus expectations for community service that are included in these requirements should be clarified for all tenure track faculty.

14 Exceptions and Special Situations

14.1 In a complex organization such as a university, it is likely that there will be unusual or special situations that require variations in the policy described in this document and the normal limits in this workload policy might need to be justifiably breached. For example, a faculty member who is asked to assume a major administrative position, such as head of a Center or a large department/division, may still be eligible to keep faculty rank, but then have job requirements that do not "fit" easily within the guidelines established by this policy. It is also conceivable that a faculty member may secure a very substantial grant that would require 80% or more of his or her time for two years to implement. These cases, and the implications for the individual's workload for the time frame involved, would need to be handled individually by the faculty member, his or her chair, and dean.

15 Summary and Recommendations

15.1 The Ad Hoc committee has developed a policy proposal regarding faculty workload. We suggest that a flexible policy be established whereby all academic units are involved in the clarification of available and needed resources and the development of workload priorities, and all individual faculty members are active participants in developing their own yearly workloads.

15.2 If adopted, the VP for Academic Affairs, in consultation with the Faculty Senate and Graduate Council,

is responsible for overseeing the implementation of this policy, and for coordinating the funding issues that must be addressed as it is implemented. Adoption of a flexible workload policy clearly has implications for resource allocation and program development. In this document, the Ad Hoc committee has not directly addressed the funding or resource allocation issues that are tied to adoption and implementation of the policy. To the extent that implementing the policy will require any reallocation of existing resources, the Committee believes that discussions and decisions regarding such resource allocation should be addressed via cooperative discussions between Faculty Senate, Graduate Council and the University Administration. While we recognize that funding issues are tied directly to workload, we also note that movement towards implementation of this policy can proceed concurrently with budgetary analyses. Budgetary issues may impact the speed with which aspects of the plan can be implemented, and/or the degree of implementation possible in a given time period, but the essential principles and procedures of the proposed policy can be implemented within any specific budgetary constraints. In other words, the degree of flexibility within colleges and departments may be limited by budgetary concerns, but the principles and procedures of a flexible workload policy can nonetheless be developed and implemented.

16 Addendum

16.1 Notwithstanding any provisions to the contrary contained in this policy, the suggested workload levels are only guidelines and not finite rules to be adhered to by Marshall University, and that the terms and implementation of this policy will ultimately be contingent upon and subject to the availability of funds and the educational needs of the students. Final approval of any faculty workload plans or policies shall rest with the Senior Vice President for Academic Affairs or other designee of the president of the institution.

Faculty Compensation from Grants and Contracts

MUBOG Policy AA-40

1 General Information.

- 1.1 Scope: This policy sets guidelines under which faculty may be compensated from grants and contracts.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History:
 - 1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 15, effective April 26, 2000. Executive Policy No. 15 is hereby repealed.

2 Policy.

2.1 Marshall University faculty can be compensated from various non-state funding sources including federal grants and contracts. Office of Management and Budget Circular A-21 stipulates that work under federal grants and contracts and accompanying compensation must be recorded during the faculty member's normal work time, which is defined as that time listed in the faculty member's Appointment Letter. These regulations further stipulate that the amount of compensation paid cannot exceed the faculty member's base salary rate (the amount listed in the faculty member's Appointment Letter).

2.2 When a faculty member performs work in carrying out a contract or grant as part of his/her regular duties, a Marshall University PAR must be in effect which reflects the research duties and all other current responsibilities. The amount of compensation on this PAR must equal the faculty member's Appointment Letter base salary.

2.3 For faculty on a 9-month appointment, charges to the grant or contract (and compensation to the faculty member) for work performed on the grant or contract during the summer months will be at the salary rate of the base salary of the previous academic year, prorated for the amount of time worked.

2.4 Overload/incidental compensation for faculty

2.4.1 Office of Management and Budget Circular A-21 does allow for supplemental compensation for incidental work in excess of normal for the individual, providing that there is an institutional policy for incidental work. There are existing institutional policies concerning supplemental compensation for non-teaching and incidental responsibilities. The current overload policy allows Marshall University faculty to earn up to an additional 20% of their base salary for additional time worked, subject to the approval of the Vice President for Academic Affairs or the Vice President for Health Sciences. The base salary will be determined from the faculty member's Appointment Letter. Under no circumstances will overload/incidental payments be made through federal grants and contracts.

2.5 Merit Awards for faculty

2.5.1 Subject to approval of the Vice President for Academic Affairs or the Vice President for Health Sciences, individual colleges shall establish research merit awards which can result in additional financial benefit to productive researchers. Under no circumstances will merit award payments be made directly from a federal grant or contract.

2.6 This policy applies to all federal grant and contracts and may be applied to other sources of funds as deemed appropriate.

Section 4. Evaluation of Faculty

Faculty Evaluation: Series 9

1. All faculty shall receive a yearly written evaluation of performance directly related to duties and responsibilities as defined by the institution.
2. Evaluation procedures shall be developed at the institutional level, and a copy sent to the Policy Commission and filed in the Central Office. Such procedures must be multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors.

Annual Evaluation of Faculty

MUBOG Policy AA-22

[Annual Evaluation Forms](#)

[Calendar of Due Dates](#)

1 General Information.

- 1.1 Scope: Academic policy regarding the annual evaluation of faculty -- the implementation, application and internal procedures for market equity, merit processes, and planning.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: August 22, 2007
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: This section has been revised by the Faculty Evaluation and Compensation Committee as a result of changes to Series 9 dated January 10, 2004. (SR-04-05-(12) 69 FECAHC)

2 Policy

- 2.1 The evaluation process
- 2.2 The evaluation calendar will run from January to December in order to compress the time between evaluation and awarding of promotion, retention, tenure and merit.
- 2.3 Faculty in consultation with and approval of their chairs/deans will file annual planning pages in January.
 - 2.3.1 Faculty will outline the roles in which they anticipate being evaluated. For example in a particular year a faculty member may emphasize, teaching and advising activities, professional development and university service. In another year the evaluation emphasis may shift to teaching and advising and scholarly and creative activity.
 - 2.3.2 Faculty members will attach a percentage at which they want the roles to be weighted in their evaluations during the month of December, immediately preceding the self evaluation period. The role percentages must fall within the ranges established by academic units. For example, a college set its range for teaching and advising at 25-75%. The faculty may elect to set 65% teaching and advising as their goal for activity in that role. Role percentages set by faculty must total 100%.
 - 2.3.3 Because the work of faculty in universities is fluid and varied from college to college it is possible that under some special circumstances a faculty member may be able to negotiate evaluative criteria outside of the ranges with the mutual agreement of the faculty member, the chair and the dean.

2.3.4 If circumstances merit and with the mutual consent of faculty members and their supervisors, annual plans may be amended during the course of the evaluation year.

2.3.5 Over a number of years faculty may need to vary their activities in all roles in order to meet *Greenbook* and employment obligations. That is, faculty may not repeatedly set teaching and advising at 90% and expect to meet promotion, retention, and tenure guidelines that require research and scholarly activity and service.

3 Appeals

3.1 In the event a faculty member and a chair are unable to negotiate a mutually acceptable annual planning page, the faculty member may appeal to the Dean, and then appeal, if necessary, to the Provost. A notice of the disagreement would go in the faculty file, and then the percentages would or would not be amended when the Dean's or Provost's decision is made.

3.2 With the annual planning page in place, faculty activities in their designated roles are evaluated by appropriate sources and the results recorded. Methods of data collection may vary among the different academic units on campus, and will require different techniques for the various roles identified.

3.3 Regardless of the data collection used, the end results of evaluation must be converted to a four-point scale, if not collected as such originally, that reflects the quality of performance and that corresponds to the following labels and corresponding definitions.

3.3.1 4 = Exemplary

3.3.1.1 This rating is given to those individuals who, during the rating period, consistently exceeded the institution's standards of professional performance. Individuals receiving this rating stand as exemplars of the highest levels of professional academic performance within the institution making significant contributions to their department, college, academic field and society.

3.3.2 3 = Professional

3.3.2.1 This rating is given to those individuals who, during the rating period, consistently met the institution's standards of professional performance. The individuals receiving this rating constitute those good and valued professionals on whom the continued successful achievement of the institution's mission, goals and objectives depends.

3.3.3 2 = Needs improvement

3.3.3.1 This rating is given to those individuals who, during the rating period, did not consistently meet the institution's standards of professional performance. This rating must be given with 1) specific feedback as to which standards of professional performance were not met, 2) suggestions for improvement, and 3) a written commitment to assist the individual in accessing resources required for improvement. Improvement in performance is required within the next evaluation period provided suggestions for improvement were made and necessary resources for improvements were provided.

3.3.4 1 = Unacceptable

3.3.4.1 This rating is given to those individuals who, during the rating period, did not meet the institution's standards of professional performance. This rating represents performance that is not acceptable and/or is inconsistent with the conditions for continued employment with the institution. Failure to meet these standards in any one of the three following ways will result in a rating of "Unacceptable."

3.3.4.1.1 Received a needs improvement rating the previous rating period but did not make the improvements required.

3.3.4.1.2 Consistently violated one or more of the institution's standards of professional performance.

3.3.4.1.3 Violated one or more of the standards of conduct as specified in the faculty handbook. (Arreola, R. A. (2000). Developing a comprehensive Faculty Evaluation System 2/e. Bolton, MA: Anker Publishing Co., Inc.)

3.3.4.1.3.1 Existing processes. Some colleges/schools have implemented well-developed evaluation criteria and methods. Those academic units may continue to use those systems as long as they include:

3.3.4.1.3.1.1 an annual plan,

3.3.4.1.3.1.2 an annual review, and

3.3.4.1.3.1.3 an end result reported on the university-wide scale of 4=exemplary, 3=professional, 2=needs improvement and 1=unacceptable.

3.3.4.1.3.1.4 If no evaluation process is in place, or if the existing process cannot be adapted to the four-point criteria a data gathering method will have to be devised.

3.4 At the end of the year (December) the ratings in each role will be collapsed into an Overall Composite Rating (OCR) with the individual role ratings being weighted according to the role percentages agreed upon in the annual plan.

3.4.1 Schools/colleges/libraries may use the OCR as a consideration in promotion if they wish and the rating can be used to track performance over time, to isolate problems and to guide faculty in areas that may need improvement.

3.4.2 Documentation of evaluations, completed ratings, matrixes and OCR calculations are the responsibility of individual faculty members, with verification by the chairs or deans.

4 The Market Equity Process

4.1 The typical method for determining market equity salary increases is as follows:

4.2 Step 1

4.2.1 Marshall's designated peer institutions average salaries by rank and discipline are extrapolated using (1) American Association of University Professors (AAUP) data for average salaries by institution and rank and (2) College and University Personnel Association (CUPA) data for average salaries by rank and discipline.

4.3 Step 2

4.3.1 The market salaries from step 1 are multiplied by the approved experience factors to determine an experience-adjusted market salary (or target salary) for each faculty member.

4.4 Step 3

4.4.1 Market equity salary increases are a portion of the gap between faculty members' existing salaries and their target salaries. Each faculty member's current salary is multiplied by a calculated percentage to yield an equity salary for that individual. The "calculated percentage" is the same for all faculty. It is set such that the total cost of raising all faculty salaries up to their respective equity salaries equals the funds available for that purpose.

4.4.2 All faculty with salaries below their equity salary will receive an increase to raise their salary up to their equity salary. They may also be eligible for merit increases if they meet merit qualifications.

4.5 Faculty with salaries above their equity salary do not receive an increase for market equity. They may be eligible for merit increases if they meet merit qualifications.

5 The Merit Process

5.1 The OCR calculated in the evaluation process will be used to determine merit raises.

5.2 OCRs will translate to the following values for purposes of merit raises.

5.2.1 3.51 – 4.00 = Exemplary

5.2.2 2.51 – 3.50 = Professional

5.2.3 1.51 – 2.50 = Needs Improvement

5.2.4 1.00 – 1.50 = Unacceptable

5.3 All faculty members in a college/school/library who are rated 2.51 or above are eligible for merit raises. Values in the thousandths place that fall at 0.005 and above are rounded up and values below that are rounded down. For example 2.755 rounds up to 2.76, while 2.7649 rounds down to 2.76.

5.4 Merit money will be distributed to each college/school/library in proportion to the number of full-time, tenure and tenure track and continuing appointments. The OCR for all faculty who qualify for merit in a unit will be summed, each qualifying rating will be divided by that sum, and, then, multiplied by the raise pool available in the unit. Merit raises will be added to base salaries.

5.5 Years without merit raises

5.5.1 In the absence of university wide merit raises, the next available merit raises will be based on faculty ratings that include all years without merit raises. In the years that merit monies are not available, averages of OCR's for the consecutive years without merit raises will determine merit distribution within academic units. This applies only to times in which the university as a whole does not receive merit funding, not to years in which individual faculty members may be denied merit increases.

6 System Review

6.1 The faculty evaluation and compensation process should be reviewed periodically to ensure reliability in reflecting faculty performance and fairness in awarding merit increases. Faculty Senate will convene an ad hoc evaluation and compensation review committee to examine the process and recommend any needed alterations or revisions. The first review should be completed by the end of 2006, recommendations should be submitted by the summer of 2007 and revisions implemented in 2008. Additional

reviews will occur as requested by recommendation of the Faculty Senate.

7 Possible Categories and Activities of the Faculty Role

7.1 Following is a “menu” of possible faculty roles, components of those roles and specific activities that can be observed and measured for evaluation purposes. The percentages in parentheses were generated after soliciting input from faculty regarding the types of work they perform, consolidating the data and establishing floor and ceiling ranges based on their responses. Departments and colleges will establish parameters anywhere within these ranges, and faculty will negotiate goals within the department and college bounds. Workload and evaluation percentages do not necessarily have to be the same.

7.2 Faculty may select appropriate activities from the suggested lists, and they may add, with approval of their supervisors, activities not listed.

7.3 Overview of ranges

7.3.1 Administration 0% - 50%

7.3.2 Professional Development and Recognition 0% - 20%

7.3.3 Scholarship and Creative Work 5% - 70%

7.3.4 Librarianship 0% - 70%

7.3.5 Teaching 25% - 90%

7.3.6 Service

7.3.7 University Service 5% - 50%

7.3.8 Professional Service 0% - 25%

7.3.9 Community Service Discipline specific 0% - 25%

7.3.10 Community Service Non-Discipline specific 0% - 5%

7.3.11 The combination of 7.3.9 and 7.3.10 cannot exceed 25%

8 Administration: (0 – 50%)

8.1 Definition

8.1.1 Faculty may engage in administrative (organization, planning, management and implementation of program affairs, policies, personnel, or practices) activities as part of the faculty role. Activities might include the administration of a department, division, or program, whether for reassigned time or not. There must be a letter recognizing the administrative assignment from the faculty member’s supervisor, and there must be a performance evaluation that matches the numeric scale used in other role categories.

8.1.1.1 Possible components

8.1.1.1.1 Establishing and managing goals and policies

8.1.1.1.2 Budget management

8.1.1.1.3 Personnel management

8.1.1.1.4 Measurement and evaluation

8.1.1.1.5 Report writing

8.1.1.2 Possible activities that reflect the components

8.1.1.2.1 Activities in the job description for department or division head

8.1.1.2.2 Any university or college assigned activity that requires management, planning, or implementation of programs or duties (e.g. director of the WAC program, director of the Honors program)

8.1.1.2.3 Any activity managing programs, components, or services offered within a department or division (e.g. program coordinators, study abroad programs, clinic management or supervision, etc.)

8.1.1.2.4 Management of labs, equipment, supplies, and materials required for courses and other student work

9 Professional Development and Recognition (0-20%)

9.1 Definition

9.1.1 Activities that maintain or enhance the content expertise, research/creative work, or teaching abilities of the faculty member

9.1.1.1 Possible activities that reflect the components

9.1.1.1.1 Memberships in professional organizations

9.1.1.1.2 Conference attendance/participation

9.1.1.1.3 Obtaining advanced or multiple degrees

9.1.1.1.4 Continuing certification or licensure

9.1.1.1.5 Participation in faculty development programs

9.1.1.1.6 Acquiring new skills (e.g. technology, new teaching formats, new research methods, new creative abilities)

9.1.1.1.7 Participation in continuing education programs

9.1.1.1.8 Maintain private practice or business related to discipline and teaching area

9.1.1.1.9 Taking classes

9.1.1.1.10 Awards, recognitions, and prizes that recognize the faculty member’s merit in any area of professional work

10 Scholarship and Creative Work (5 – 70%)

10.1 Definition

10.1.1 Activities which demonstrate a faculty member’s discipline or content expertise in the discovery, acquisition, application, integration, synthesis or creation of knowledge and creative works

10.1.1.1 Possible components and activities

10.1.1.1.1 Evidence of continuing scholarly activity

10.1.1.1.1.1 On-going research activities

10.1.1.1.1.2 On going creative activities

10.1.1.1.1.3 Supervising student research (undergraduate or graduate); serving on thesis and dissertation committees

10.1.1.1.2 Performances

10.1.1.1.2.1 Performance in musical, media, or dramatic productions

10.1.1.1.2.2 Accompanist for faculty and student performances

10.1.1.1.3 Creative Productions

10.1.1.1.3.1 Created a musical, dramatic, or media work which was performed, exhibited, published, or broadcast

10.1.1.1.3.2 Designed or implemented the technical work for a musical, dramatic, or media production

10.1.1.1.3.3 Prepared official publications or newsletters, including the writing and editing of articles

10.1.1.1.3.4 Created displays, exhibits, and bulletin boards

10.1.1.1.3.5 Designed, developed, and implemented innovative programs and services to enhance library patron access

10.1.1.1.4 Publications

10.1.1.1.4.1 Published scholarly article in refereed journal or publication

10.1.1.1.4.2 Published scholarly article in non-refereed journal

10.1.1.1.4.3 Published an article, short story, essay, or poem in a non-scholarly publication

10.1.1.1.4.4 Published an article, short story, essay, or poem in a scholarly publication

- 10.1.1.1.4.5 Books published (edited, authored, revised editions)
- 10.1.1.1.4.6 Published a book chapter in an edited book
- 10.1.1.1.4.7 Published a comment, note, or letter to the editor in a scholarly publication
- 10.1.1.1.5 Editorial/Review activity
 - 10.1.1.1.5.1 Reviewed manuscripts for publication
 - 10.1.1.1.5.2 Served as editor for a scholarly publication
 - 10.1.1.1.5.3 Served as reviewer for a grant or artistic commission
- 10.1.1.1.6 Grants
 - 10.1.1.1.6.1 Submitted a MERC approved grant for external funding
 - 10.1.1.1.6.2 Received and/or directed a grant or artistic commission with external funding
- 10.1.1.1.7 Consultations
 - 10.1.1.1.7.1 Professional consultations related to expertise (paid or unpaid)
 - 10.1.1.1.7.2 Service consultation
- 10.1.1.1.8 Conference participation
 - 10.1.1.1.8.1 Participated in, or chaired, a symposium, panel, or other scholarly session
 - 10.1.1.1.8.2 Gave a presentation or poster session based on scholarly or creative work at a state, regional, national, or international conference
 - 10.1.1.1.8.3 Organized a panel, symposium, or conference (this might be considered service rather than scholarship)

11 Librarianship (0 – 70%)

- 11.1 This role probably will be used only by librarians.
- 11.2 Definition
 - 11.2.1 Academic librarianship is the professional practice of acquiring, organizing, preserving, and making accessible the information resources that are required to fulfill the teaching, learning, and research mission of the university.
 - 11.2.1.1 Possible components
 - 11.2.1.1.1 Access
 - 11.2.1.1.1.1 Acquisition
 - 11.2.1.1.1.2 Organizational/technical
 - 11.2.1.1.1.3 Preservation
 - 11.2.1.1.2 Possible activities
 - 11.2.1.1.2.1 Provide reference service
 - 11.2.1.1.2.2 Liaison for academic departments
 - 11.2.1.1.2.3 Provide circulation services for constituents
 - 11.2.1.1.2.4 Catalog and classify materials
 - 11.2.1.1.2.5 Acquire, preserve and maintain archives
 - 11.2.1.1.2.6 Order new materials
 - 11.2.1.1.2.7 Develop, maintain and revise library related web pages
 - 11.2.1.1.2.8 Receive and preserve special collections
 - 11.2.1.1.2.9 Teach courses in the Library Media Specialist program
 - 11.2.1.1.2.10 Teach library instruction courses
 - 11.2.1.1.2.11 Plan and set goals for the library
 - 11.2.1.1.2.12 Present programs at conferences

12 Teaching (25 – 90%)

- 12.1 Definition
 - 12.1.1 Using a variety of methods and technologies that enable students to learn a body of skills, competencies and knowledge.

- 12.1.1.1 Possible components
 - 12.1.1.1.1 Content expertise
 - 12.1.1.1.2 Instructional design
 - 12.1.1.1.3 Instructional delivery
 - 12.1.1.1.4 Course management
 - 12.1.1.1.5 Course development
 - 12.1.1.1.6 Direction of student research, creative activities, thesis and dissertations
- 12.1.1.2 Possible activities
 - 12.1.1.2.1 Teaching regular course offerings
 - 12.1.1.2.2 New courses or programs developed or implemented
 - 12.1.1.2.3 Development of e-courses
 - 12.1.1.2.4 Student advising
 - 12.1.1.2.5 Direction of or service on thesis or dissertation committees
 - 12.1.1.2.6 Development and/or incorporation of new or innovative teaching strategies, instructional technology, or library instruction into existing courses
 - 12.1.1.2.7 Development and teaching of multicultural, international, writing intensive, or honors course
 - 12.1.1.2.8 Teaching capstone or student research projects
 - 12.1.1.2.9 Team teaching
 - 12.1.1.2.10 Prepare and revise syllabi, course packs, handouts, multimedia materials, lecture materials, discussion questions, lesson plans, etc.
 - 12.1.1.2.11 Learning new software and instructional techniques
 - 12.1.1.2.12 Grading, maintaining grade records, submitting grades
 - 12.1.1.2.13 Prepare and administer grades
 - 12.1.1.2.14 Maintain office hours
 - 12.1.1.2.15 Laboratory and clinical preparation
 - 12.1.1.2.16 One-on-one instruction

13 Service

- 13.1 Definition
 - 13.1.1 Participation in activities that contribute to the functioning of the academic unit and/or the University, and contributions to professional/academic organizations and/or the community at large

14 University Service (5–50%)

- 14.1 To Students
 - 14.1.1 Definition
 - 14.1.1.1 Engaging in activities that promote student achievement, enhance the learning environment, and facilitate students' ability to progress academically.
 - 14.1.1.2 Possible components
 - 14.1.1.2.1 Advising (individuals & student groups)
 - 14.1.1.2.2 Recruitment
 - 14.1.1.2.3 Mentoring
 - 14.1.1.2.4 Grants and contracts
 - 14.1.1.2.5 Reference letters
 - 14.1.1.2.6 Advisor to a student organization
- 14.2 To a Department/Division
 - 14.2.1 Definition
 - 14.2.2 Participation in specific activities that benefit the department/division.
 - 14.2.3 Examples

14.2.3.1 Departmental committee work, mentoring new faculty, maintain departmental website, departmental recruitment, maintenance of art studios and equipment

14.3 To a College

14.3.1 Definition

14.3.1.1 Participation in specific activities that benefit the college

14.3.1.1.1 Examples: College level committee work, college liaison, interdisciplinary studies

14.4 To the University

14.4.1 Definition

14.4.1.1 Participation in specific activities that benefit the university

14.4.1.1.1 Examples: Faculty Senate, university level committees, Graduate Council, task forces

15 Professional Service (0 – 25%)

15.1 Definition

15.1.1 Paid or unpaid participation in activities that benefit an organization with an academic or professional orientation, regional to national and international in scope

15.1.1.1 Examples: Organization officer, panel coordinator, proceedings editor, conference organizer

16 Community Service Discipline specific (0 – 25%)

16.1 Definition

16.1.1 Paid or unpaid participation in discipline related activities that benefit the community and are related to the individual's discipline.

16.1.1.1 Examples: Art faculty member on a museum board of directors, Social Work faculty member on a childcare center board, Biology faculty participating in an environmental concerns organization

17 Community Service Non-Discipline specific (0 – 5%)

17.1 Definition

17.1.1 Paid or unpaid participation in non-discipline related activities that benefit the community but are not related to the individual's discipline

17.1.1.1 Examples: Scouting, Sunday school teaching, garden club beautification projects

18 The Combination of 16 and 17 Above Cannot Exceed 25%

Temporary Faculty Annual Reports and Years Applied Toward Tenure

MUBOG Policy AA-23

(Academic Affairs Procedures; Effective Spring 2000; Submitted to Deans with Faculty April 18, 2000)

1 General Information.

1.1 Scope: Academic policy regarding the annual evaluation of temporary faculty and internal procedures upon acceptance of a probationary appointment and the application of temporary years of service at Marshall University toward tenure.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Compliance with Faculty Senate Recommendation 93-94-2(FPC)

2 Policy

2.1 Rationale

2.1.1 To meet the requirements specified in this recommendation as it pertains to tenure and the Marshall temporary years applied. These years are evaluated by the same criteria as all other years for promotion and tenure decisions.

2.2 Procedures

2.2.1 All temporary, one-semester or one-year faculty members employed by Marshall University on a full-time basis must complete an Annual Report of Faculty form excluding the planning page.

2.2.2 In the event that the temporary faculty member is re-employed in a probationary appointment by Marshall University, they must be given at the time of hire the option to apply any or all temporary Marshall years of service toward tenure.

2.2.3 At the time of hire into a probationary appointment, written notification of the faculty member's decision not to apply Marshall temporary years of service toward tenure must be submitted along with the offer letter and the Brief Applicant Form to the Office of Academic Affairs.

2.2.4 It is at the discretion of the President to approve the application of Marshall temporary years requested by the faculty member toward tenure.

2.2.5 The tenure decision date included in the offer letter must reflect credit for years of prior full-time service at other institutions approved by the dean and credit for Marshall temporary years of service applied and approved at the discretion of the President. The offer letter and the Brief Applicant Form will be sufficient documentation for identifying all years applied toward tenure. (It is understood that this is pending approval by the President. In the event that the temporary years are not approved, the offer letter will be adjusted to correct the tenure decision date.)

2.3 Timeline of Written Notification/Reports

2.3.1 Dates determined by the Faculty Evaluation and Compensation Committee to correspond with the revised timelines of SR-04-05-12 (69) FPC as a result of changes made to Series 9.

2.3.2 Annual Report of Temporary Faculty Due

2.3.2.1 If employed for fall only semester: December 1 to Deans' Offices, May 1 to Provost's Office

2.3.2.2 If employed for spring only semester and the academic year: April 15 to Deans' Offices, May 1 to Provost's Office

2.3.2.3 Request not to apply Marshall Temporary Years of Service Toward Tenure: Due at the time of hire and to be submitted with the offer letter and Brief Applicant Form.

2.3.2.4 Temporary Years Applied Toward Tenure

2.3.2.4.1 Included in the offer letter at the time of hire into a probationary appointment. Years will be included in the calculation of the tenure decision date, also included in the offer letter. The Brief Applicant Form will identify the specific years applied.

Course Evaluations

MUBOG Policy AA-24

1 General Information.

- 1.1 Scope: Academic policy regarding the course evaluations of faculty completed by students.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: SR-97-98-2 FPC

2 Policy

2.1 University policy requires course evaluations in every course, every semester. The procedures vary by department but in most cases the evaluations are conducted by someone other than the instructor. For adjunct faculty, the department chair provides the evaluation instrument and procedures. Results of the evaluations are not available to the instructor until after final grades are submitted. These evaluations are a way for the instructor and department to gauge areas of strengths and weaknesses and should be regarded as a positive learning tool. They are also used in the promotion and tenure documentation; see the department chair for specific policies.

Student Evaluation of Courses

(SR-04-05-(22) 79 FECAHC)

- 1) That all faculty will provide their students with the opportunity to rate teaching effectiveness prior to the end of each course.
- 2) That colleges and other academic units employ the university-wide faculty rating instrument for students to rate each faculty member's teaching effectiveness prior to the conclusion of each course.
- 3) That faculty ratings are confidential communications from students to individual faculty members, the academic deans, department chairs and committees for promotion and tenure considerations if that information is deemed appropriate to support individual faculty teaching effectiveness.
- 4) That faculty ratings may be included as a consideration for calculation of merit salary increases when colleges/schools/libraries find it appropriate.
- 5) On the course rating sheet, when an item is indicated "Does Not Apply" the item will not be counted toward the rating.
- 6) Academic units may develop, distribute, and analyze a separate rating instrument to use for unit merit and evaluation purposes. The university rating instrument must be administered and may not be altered.

RATIONALE

Whereas: Marshall University states in the mission and philosophy of the institution that our first and most basic commitment is to quality undergraduate education;

Whereas: The improvement of instruction and learning in the college classroom has always been an important goal in higher education;

Whereas: Faculty fully support classroom teaching and course review by students as one method of improving the quality of instruction;

Whereas: Feedback from students regarding courses and quality of teaching can result in improvement of instruction and better facilitation of student learning;

Whereas: Publication of rating results can be turned into a method of showing popularity of individual faculty rather than demonstrating the faculty person's effectiveness in teaching very difficult material that is not always viewed by students as being interesting and entertaining;

Whereas: Publication of ratings and grade distributions may have a negative impact on teaching effectiveness and grading methods for faculty members attempting to gain more favorable student ratings;

Whereas: Published rating scores could be used unfairly and without the benefit of being able to defend the faculty member's overall effectiveness in the classroom, especially as it relates to recommendations for promotion and tenure;

Whereas: Pre-testing of the rating form will be augmented with additional analysis of data collected from the faculty population and from student and faculty focus groups to guide revisions of this fluid process.

Personnel Records

MUBOG Policy AA-25

1 General Information.

- 1.1 Scope: Academic policy regarding the official faculty personnel records.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: Faculty Senate Recommendation 93-94-49R (FPC).

2 Policy

2.1 Faculty files are maintained in departmental and collegiate offices, with the Office of Academic Affairs maintaining the official faculty records. Access to all files is governed by the Privacy Act of 1974.

Selection, Role and Evaluation of Departmental Chairs

MUBOG Policy AA-38

1 General Information.

1.1 Scope: This policy addresses the role, evaluation and selection of academic department/division chairs and school directors.

- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 6, effective February 8, 1994. Executive Policy No. 6 is hereby repealed.

2 Policy

2.1 This policy has three inherent basic assumptions: (a) chairs are appointed by and serve at the will and pleasure of the president, (b) Equal Opportunity / Affirmative Action guidelines must be followed in all evaluation, selection and

appointment processes developed concerning department chairs, and (c) that the health sciences division be exempted.

3 Role.

3.1 The role and responsibilities of department chairs will be defined both generally and specifically. A general definition will be developed by the Vice President for Academic Affairs in consultation with deans and the Faculty Senate. This general definition will update previously developed documents which addressed the role and responsibility of chairs at Marshall University.

3.2 A specific departmental definition will be developed by each college and approved by the dean and vice president based on the general definition developed by the Vice President for Academic Affairs.

3.3 Both general and specific statements of the role of department chairs will clearly and concisely state the vice president's and the colleges' expectations, delineating how responsibilities of chairs vary according to the size, resources and scope of each department. The role and responsibilities of the department chairs will include, but not be limited to: academic planning, budget preparation and oversight, external relations and responsibilities concerning faculty and students.

4 Evaluation.

4.1 Each department chair will be evaluated annually based on his/her performance as chair. The evaluations, conducted by the dean in consultation with the faculty of the department, will be based on both the general responsibilities of the role of the department chairs, as defined by the Vice President for Academic Affairs and specific expectations of chairs as defined by the college as approved by the deans and vice president.

4.2 In addition, specific criteria and detailed procedures for evaluation shall be determined within each college. All department chairs within a college will be uniformly evaluated. The dean will confer with the chair in a timely manner to share the results of the evaluation. Both the dean's evaluation and a summary of the faculty's evaluation will be discussed at that time. The dean will meet with the department's faculty in executive session to discuss each chair's overall evaluation.

5 Selection.

5.1 Each college shall formally document the details of the chair selection process in a clear and concise manner, ensuring that the process is understood by faculty, chairs and deans. The colleges are responsible for developing (a) selection criteria based on their expectations of the chairs, and (b) selection procedures, including the time and format for selection. The selection process is to be approved by the faculty of the college, the deans and the Office of Equal Employment Opportunity/Affirmative Action.

5.2 Faculty in the department will recommend a candidate whose name shall be forwarded to the dean. If the dean accepts the nomination, he/she will then forward this recommendation to the Vice President for Academic Affairs who shall forward it to the president for final action. If the dean cannot support a nominee, the dean must communicate that decision and the rationale for it to the faculty of the department. If the dean does not accept a nomination, the

faculty shall be asked to submit another nomination for the dean's consideration. The dean shall then forward the recommendation to the Vice President for Academic Affairs, who shall forward it to the president for final action. The dean may recommend an interim appointment to the vice president and president if a regular appointment is not completed in a timely manner.

6 Term.

6.1 The department chair will normally serve a term of four years. However, the dean has the flexibility to recommend a chair be released from responsibilities before a term is ended, based on annual evaluations and the chair's desire to remain in that position. Further, each chair serves at the will and pleasure of the president and may be reassigned at any time.

7 Reappointment

7.1 A department chair may be appointed to additional terms of four years using the same selection process described above. There is no limit to the number of terms that an individual can be appointed as chair of a department. While annual evaluations will be helpful to determine continuation of the appointment, a more formal evaluation process that would substantiate the support of both the dean and the faculty should take place in the fourth year prior to reappointment of the chair to a subsequent term.

The Selection and Evaluation of Faculty Deans

MUBOG Policy AA-39

1 General Information.

1.1 Scope: Whereas, procedures and policies exist for faculty, department chairs and the president of the university, among others, to be appointed and regularly evaluated, it is appropriate to have an analogous policy for those faculty administrators-- the faculty deans --whose visions for their colleges and daily working relationships most directly affect faculty. Therefore, the following is a general policy for the selection and evaluation of college and school deans.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University only.

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 11, effective January 21, 1997. Minor editorial changes have been made. Executive Policy No. 11 is hereby repealed.

2 Selection of Faculty Deans

2.1 In the event of a vacancy in the deanship of a college or school at Marshall University where faculty have tenure (this excepts non faculty deans such as the graduate dean or the dean of enrollment management and similar positions), the president of the university shall declare such vacancy to exist and communicate to the faculty of the college or school his/her intentions as to a process of replacement within thirty (30) days. Such replacement may be an interim or acting dean for a period normally not to exceed one year or until the selection of a permanent replacement. In the case of a temporary replacement, the president shall consult

the faculty of the college or school in the process of making that appointment. In the case of the selection of a permanent replacement, the following process shall be utilized:

2.1.1 First, the president shall establish a search committee to consist of

2.1.1.1 At least five faculty selected by the tenure track faculty of the college or school in question;

2.1.1.2 One classified staff member from the affected college or school appointed by the vice president for academic affairs;

2.1.1.3 One undergraduate and one graduate student from the affected college or school selected by the students of the college or school;

2.1.1.4 One faculty member from outside the college or school in question, recommended by the vice president for academic affairs;

2.1.1.5 One appropriate community member recommended by the vice president for academic affairs.

2.1.1.6 On recommendation of the vice president, the president shall appoint a sitting dean from another college or school to serve as chair of the search committee.

2.1.1.7 If necessary for the purposes of diversity, the president may appoint others to the committee.

2.1.2 Second, the committee shall recommend: A description of the type of person sought, including academic qualifications; advertisements to be placed in appropriate publications; a time frame for the selection of a new dean, and the process of screening and interviewing applicants, subject to affirmative action and university regulations.

2.1.3 Third, the committee shall recommend no fewer than three persons to the president as being fully qualified for the position. The president shall then select one of those recommended or ask the committee for additional names.

3 Evaluations of College or School Deans

3.1 Consistent with the Board of Trustees' policy for the evaluation of university presidents, college and school deans at Marshall University shall be evaluated every four years, utilizing the following procedure:

3.1.1 First, every dean shall be evaluated by the person to whom he or she reports and the president of the university each fiscal year. Such evaluation shall include administration of a standard evaluation/rating form to be completed by all faculty of the college or school. The purpose of this evaluation is for salary adjustments and to examine performance as the chief executive officer of the college or school. The dean shall be provided an opportunity to meet with the person to whom he or she reports and/or the president, presented with a written preliminary copy of such evaluation and given an opportunity to comment or respond before it is placed in his or her personnel file. Such evaluations will be deemed confidential.

3.1.2 Second, in the third year of a dean's tenure and every fourth year thereafter, the dean shall prepare a report detailing the goals and objectives for the college or school and the progress toward achieving them. That report shall be reviewed by the person to whom he or she reports and presented to the president no later than the first day of February of the third year of a dean's tenure in that position.

3.1.3 Third, the president shall appoint a consulting committee to review the report, meet with the dean, consult with the faculty and others as appropriate and make a report to the president no later than May First of that year. The consultation with the faculty and/or staff shall consist of a general meeting of all college or school faculty with the consulting committee, followed by an opportunity for each college or school faculty and/or staff member to meet individually with a member of the consulting committee. The consulting committee shall consist of three faculty members elected by the faculty of the college or school, a dean from another college or school of the university appointed by the president, plus one faculty member appointed from outside the college or school by the president. This consulting committee shall make a general evaluation, based on the information accumulated as described previously in this document, of the dean's performance and the impact upon the quality and functioning of the entire college or school and make additional recommendations to the president on initiatives for improvement. The president and/or the appropriate vice president or provost shall meet with a committee of faculty consisting of representatives elected from each department/division of the college or school to receive their observations and discuss the consulting committee's report. If the college or school is not organized into departments or divisions, the committee shall consist of three elected faculty representatives. The consulting committee's overall evaluation of the college or school shall be made available to the dean and faculty.

3.1.4 Fourth, the president shall meet with the dean to discuss the college or school and the dean's evaluation and present him or her with a written personal evaluation, including commendations as appropriate and suggestions for improvement. The final written personnel evaluation shall be placed in the dean's file and will be considered to be confidential.

4 General Provisions

4.1 Nothing in this policy shall be construed as the president of the university abdicating any authority to appoint and dismiss deans and other administrators who serve at the will and pleasure of the president. Further, there is nothing in this policy which affects the academic tenure of any dean or other academic administrator.

Section 5. Promotion and Tenure

Promotion: Series 9

1. Within the following framework, each institution shall establish, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for promotion in rank for tenured, tenure-track, clinical-track, librarian-track, term, and non-tenure track faculty:

1.1. There shall be demonstrated evidence that promotion is based upon a wide range of criteria, established by the institution in conformance with this document and appropriate to the mission of the institution. Examples appropriate to some institutions might be: excellence in teaching; publications and research; professional and scholarly activities and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college, or department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; 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 promotion shall rest with the institution.

1.2. There shall be demonstrated evidence that, in the process of making evaluations for promotions, there is participation of persons from several different groups, such as: peers from within and without the particular unit of the institution, supervisory administrative personnel such as the department/division chairperson and the dean, and students.

1.3. There shall be no practice of granting promotion routinely or solely because of length of service, or of denying promotion capriciously.

1.4. The institution shall provide copies of its institutional guidelines and criteria for promotion to the Policy Commission and shall make available such guidelines and criteria to its faculty.

2. Promotion shall not be granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units.

Faculty Promotion

MUBOG Policy AA-26

1 General Information.

1.1 Scope: Academic policy regarding the promotion of faculty through the established ranks.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Adopted 4/5/54, Revised February 1956, January 1957, Amended 5/20/68, Revised 2/13/69-FPC, Amended 3/19/70-FPC, Revised 8/30/78-FPC, Policy Bulletin 36 Adopted by BOR on 3/12/84, Amended 5/24/88-FPC, Revised SR-92-93-(8)145(FPC), SR-93-94-

2(FPC), Revised 3/5/98 Graduate Council, SR-00-01-(3)44(FPC); See SR-04-05-(12)-69 FECAHC for revised dates; See SR 04-05(36) 93 FECAHC for changes to evaluative language.

2 Policy

2.1 Promotion in rank is a reward for achievement. It is based on the professional qualifications of a faculty member, including performance specific to the candidate's contractual responsibilities and duties. Major faculty responsibilities and duties include teaching and advising, scholarly and creative activities, service to the university, and professional service to the community. Individual colleges are responsible for determining the relative importance of the various faculty functions for purposes of personnel decisions. Colleges should provide flexibility in the weighing of such functions in order to accommodate a range of departments, disciplinary specialties and individuals with varying assignments.

2.2 The specific areas, in which faculty are evaluated for promotion, include the following:

2.2.1 Teaching and advising: command of disciplinary knowledge and methodology; effectiveness of classroom performance; advising load and effectiveness of academic advising; effectiveness in assessing student learning; rapport with students; contributions to curricular development, including development, promotion and delivery of off-campus academic programs, either through electronic means or conventional travel to off-campus course locations; instructional development of faculty colleagues, etc.

2.2.2 Scholarly and creative activities: number, quality and importance of publications and creative productions; memberships and contributions to professional societies; professional growth and development; scholarly presentations and creative performances; contributions to the professional development and achievement of colleagues, etc.

2.2.3 Service to the university: contributions within the department/division, within the college, or university-wide; contributions to official student organizations or other university-related organizations; other work on behalf of the student body, faculty, staff or administration of the university.

2.2.4 Service to the community: service on a compensated or pro bono basis to governments, to educational, business or civic organizations, or to the public. (Such service could include applied research, consultation, technical assistance, special forms of instruction, clinical work and performance). Involvement as an official representative of Marshall University, or units thereof, in activities of governments and of educational, business or civic organizations.

2.3 For purposes of promotion, as well as other personnel decisions, all relevant faculty activities should be subject to objective qualitative evaluations.

2.4 Teaching is subject to evaluations by students and peers. The latter may visit a class or classes, or examine and evaluate course materials such as syllabi, textbooks and examinations. For a scholarly publication or presentation, critical appraisals from scholars in the same field might be solicited. For public service qualitative assessment should be solicited from those associated with the service activity or affected by the service outside the university. Colleges are encouraged to refine and clarify these guidelines and to develop specific performance standards for application to their faculty. All college policies and guidelines relating to the promotion process, including the determination of appropriateness of the degree to the teaching field, which is to be made by the dean of the college, must meet or exceed the policies as specified in this chapter and shall be reviewed and approved for consistency with university and Higher Education Policy Commission's (formerly the Board of Trustees) policies by the Faculty Personnel Committee and the Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President for Health Sciences.

2.5 Requirements for the Rank of Instructor

2.5.1 Except as noted below, the entry-level rank of instructor requires that a candidate shall have earned a master's degree at a regionally accredited college or university, with a major appropriate to the teaching field.

2.5.2 In certain special areas in which professional achievement is of unusual importance, or in which personnel holding higher degrees are not available, the bachelor's degree or its equivalent may meet the minimum for the rank of instructor.

2.5.3 A candidate must show promise as an effective university teacher.

2.6 Requirements for the Rank of Assistant Professor

2.6.1 Except as noted below, the rank of assistant professor requires that a candidate shall have earned a master's degree at a regionally accredited college or university, with a major appropriate to the teaching field, and at least fifteen semester credit hours in courses appropriate to the teaching field beyond the master's degree.

2.6.2 In certain special areas in which professional achievement is of unusual importance, or in which personnel holding higher degrees are not available, the master's degree or its academic equivalent may meet the minimum requirement for the rank of assistant professor.

2.6.3 A candidate must have had at least three years experience as a full-time faculty member at a regionally accredited college or university, or other experience deemed as equivalent by the dean of the college, or an earned terminal degree from a regionally accredited university with a major appropriate to the teaching field.

2.6.4 A candidate with teaching experience must have demonstrated his or her teaching professionalism and must show promise as a professional faculty member in other major areas of responsibility. Candidates without prior teaching experience must show promise as a professional teacher and as a professional faculty member in other areas of responsibility.

2.7 Requirements for the Rank of Associate Professor

2.7.1 A candidate must have earned the master's degree at a regionally accredited college or university, with a major appropriate to the teaching field, and at least thirty semester hours in courses appropriate to the teaching field beyond the master's degree toward the terminal degree.

2.7.2 A candidate without an appropriate terminal degree must have had at least seven years' experience as a full-time faculty member of which at least four years must be at the assistant professor rank at a regionally accredited college or university, or other experience deemed as equivalent by the dean of the college. A candidate with an earned terminal degree with a major appropriate to the teaching field must have had at least four years of experience at the rank of assistant professor as a full-time faculty member at a regionally accredited college or university or other experience deemed as equivalent by the dean of the college. Promotion and tenure may be awarded concurrently.

2.7.3 A candidate must have demonstrated professional performance and achievement in all of his or her major areas of responsibility, and he or she must have demonstrated exemplary performance in either teaching and advising or in scholarly and creative activities.

2.7.4 Requirements for the Rank of Professor

2.7.5 A candidate must have earned the terminal degree in a major appropriate to the teaching field from a regionally accredited university. Exceptions to the degree requirement may be made in the case of exceptional artistry and/or scholarship only if the appropriate college Promotion and Tenure committee so recommends.

2.7.6 A candidate must have had at least four years of experience in the rank of associate professor at a regionally accredited college or university. Promotion and tenure may be awarded concurrently.

2.7.7 A candidate must have demonstrated professional performance in all of his or her major areas of responsibility, and he or she must have demonstrated exemplary performance in two or more such areas, including either teaching and advising or scholarly and creative activities.

2.8 Procedure

2.8.1 Annual Consideration for Promotion

2.8.1.1 All persons with the rank of instructor, assistant professor or associate professor who teach in one academic year at least one class in the university and who are employed full-time are entitled to annual consideration for promotion to a higher rank, provided that they have met minimal levels of education attainment and years of faculty experience by the time the promotion would take effect.

2.9 Promotion Process

2.9.1 Each college or equivalent unit will develop written procedures and performance criteria for implementing the promotion guidelines in the Higher Education Policy Commission's Series 9. College promotion procedures must be approved by the dean in consultation with the faculty, approved for consistency with university and the Higher Education Policy Commission's policies by the Faculty Personnel Committee and the Provost and Senior Vice

President for Academic Affairs, or, where appropriate, the Vice President for Health Sciences.

2.9.2 Each faculty member is responsible for initiating his or her application for promotion. However, a chairperson/division head or an intradepartmental promotion committee may initiate a proposal for the promotion of any member of the department or division. Proposals for the promotion of a chairperson/division head may be initiated by himself or herself, by an intradepartmental committee or by the college dean.

2.9.3 A candidate for promotion will submit an application by the established departmental deadline to the chairperson/division head, who will forward it to an intradepartmental promotion committee. If the candidate holds graduate or associate graduate faculty status, the chairperson/division head will notify the graduate dean of the application, giving him or her an opportunity to provide to the departmental committee any information that he or she may have bearing upon the promotion. No items may be added or deleted from the application after this point. The committee will prepare a written recommendation with respect to the qualifications of the candidate for promotion and submit it with the candidate's application to the chairperson/division head.

2.9.4 Beginning with departmental committee level and continuing thereafter through each step of the decision-making process, the candidate shall be informed in writing of any recommendation to deny promotion.

2.9.5 The chairperson/division head will prepare a written recommendation with respect to the qualifications of the candidate for promotion and submit it along with all other materials received from the candidate and from the intradepartmental committee to the college dean by February 15.

2.9.6 The dean will submit all applications and recommendations to a college level promotion and tenure committee (or its equivalent). The committee will evaluate each candidate for promotion and submit a written recommendation for each candidate, along with all materials received, to the dean.

2.9.7 Upon receipt of recommendations by the college promotion and tenure committee, the dean will prepare a written recommendation for each candidate. The dean will submit his or her recommendations and those of the college committee, the chairperson/division heads and intradepartmental committees along with all materials received to the Provost and Senior Vice President for Academic Affairs, or, where appropriate, the Vice President for Health Sciences by March 25.

2.9.8 The Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President of Health Sciences, will prepare a written recommendation for each candidate and submit it together with all of the recommendations and application materials received from the deans to the President by April 22.

2.9.9 Promotion will result from action by the President at the conclusion of the promotion process. The President will prepare a list of those promoted and send an informational

copy to the chairperson of the Faculty Personnel Committee by April 30.

2.9.10 The President will inform by letter all candidates for promotion of his or her decision by April 30. An applicant denied promotion will be provided a statement of reasons for the action by this date. All application materials will be returned to each candidate at this time.

2.9.11 The entire promotion process must adhere to the university's time guidelines and conclude no later than April 30.

2.9.12 An applicant denied promotion by the President may file a grievance.

2.9.13 A faculty member may withdraw his or her application for promotion at any time during the promotion process.

2.9.14 None of the above procedures shall preclude the use of other appropriate forms for evaluation in the promotion process.

2.9.15 All application materials and promotion decisions and deliberations shall be considered confidential except for circumstances in which a legal "need-to-know" basis has been established.

2.9.16 No person, including the applicant, may present information in person to promotion committees.

Faculty Promotion Salary Increase

MUBOG Policy AA-27

1 General Information.

1.1 Scope: Academic policy for awarding faculty promotion salary increases.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: A long standing policy of the University.

2 Policy

2.1 As promotion is an important form of recognition of meritorious performance, the first allocation each year will be to assure the mandated ten percent increase which comes with promotion in rank.

Tenure-Track Status: Series 9

1. When a full-time faculty member is appointed on other than a clinical-track, librarian-track, term, or non-tenured-track or tenured basis, the appointment shall be tenure-track.

2. During the tenure-track period, the terms and conditions of every reappointment shall be stated in writing, with a copy of the agreement furnished the individual concerned.

3. The maximum period of tenure-track status normally shall not exceed seven years. Before completing the penultimate year (the "critical year") of a tenure-track appointment, any non-tenured faculty member shall be given written notice of tenure, or offered a one-year written terminal contract of employment. During the tenure-track period, faculty members may be granted tenured appointment before the sixth year of service, such appointment to be based upon criteria established by the institution and copies provided to the Policy Commission.

3.1. Institutions may establish policies to accommodate unusual situations, such policies to be approved by the Governing Board and reported to the Policy Commission.

4. 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 year.

During said tenure-track period, notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

5. For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

5.1. By letter post-marked and mailed no later than December 15 of the second academic year of service; and

5.2. By letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

6. For those appointed after March 8, 2003, after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision by letter post-marked and mailed no later than March 1.

7. Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

8. 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.

9. 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.

10. Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy (Series 9). The request for a statement of reasons shall be in writing and mailed to the president or designee within ten working days of receipt of the notice of non-retention.

Tenure: Series 9

1. 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 duties and

responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the profession attractive to persons of ability. There shall be demonstrated evidence that tenure is based upon a wide range of criteria such as: excellence in teaching; publications and research; professional and scholarly activity and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college and department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; 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 institution.

2. 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 department/division, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. The institution 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.

3. For community and technical colleges, in order to be fully responsive to the changing needs of their students and clients, the goal in the appointment of faculty is to limit the number of tenured and tenure-track faculty to no more than twenty percent of full-time faculty employed by the respective community and technical college.

3.1. At community and technical colleges, full-time term faculty are eligible for reappointment, although no number of appointments shall create any presumption of the right to appointment as tenure-track or tenured faculty. A single appointment shall not exceed three years.

3.2. The employment standing of tenured and tenure-track faculty holding appointment at each of the community and technical colleges at the time of the implementation of this policy shall not be affected.

4. Tenure shall not be granted automatically, or solely because of length of service, but shall result from action by the institution, following consultation with appropriate academic units.

5. Tenure may be granted at the time of the appointment by the institution, following consultation with appropriate academic units.

6. Tenure may be attained only by faculty who hold the rank of Assistant Professor or above.

7. A faculty member who has been granted tenure shall receive yearly renewals of appointment unless dismissed or terminated for reasons set out in Sections 12, 13, or 14 of Series 9.

Faculty Tenure

MUBOG Policy AA-28

1.1 Scope: Academic policy regarding the application requirements and process of awarding tenure to eligible faculty.

- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History: Passed Faculty Senate on May 24, 1989, Amended: Faculty Senate Recommendation 93-94-2-FPC; See SR -04-05-(12)-69 FECAHC for revised dates; See SR-03-04 (36) 93 FECAHC for evaluative language.

2 Policy

2.1 Definition

2.1.1 Tenure at Marshall University provides for a continuing series of appointments which may be terminated by the university only for cause or under extraordinary circumstances or reduction or discontinuance of a program.

2.1.2 When a full-time faculty member is appointed on other than a temporary or tenured basis the appointment shall be probationary. The conditions which govern a probationary appointment are in accordance with the Higher Education Policy Commission's Series 9.

2.2 Requirements

2.2.1 Tenure shall not be granted automatically, or for years of service but shall result from a process of peer review and culminate in action by the President. The granting of tenure shall be based on a two-fold determination:

2.2.2 That the candidate is professionally qualified;

2.2.3 That the university has a continuing need for a faculty member with the particular qualifications and competencies of the candidate. This determination shall be in accordance with the provisions of Series 9.

2.2.4 The professional qualifications of a candidate for tenure will be evaluated on the basis of the guidelines which pertain to promotion.

2.2.5 The grant of tenure requires that a candidate must have demonstrated professional performance and achievement in all of his or her major areas of responsibility. Additionally, the candidate must have demonstrated exemplary performance in either teaching and advising or in scholarly and creative activities.

2.2.6 Tenure may be granted only to faculty who hold the rank of assistant professor or above. Promotion and tenure may be granted concurrently.

2.2.7 The maximum period of probation at Marshall University shall not exceed seven years. Before completing the sixth year of a probationary appointment, a non-tenured faculty member shall be given written notice of tenure, or shall be offered a one-year terminal contract of employment for the seventh year. In exceptional cases, newly appointed faculty members may negotiate the use of prior service at other higher education institutions to reduce the length of the probationary period. The length of the probationary period must be established at the time of initial employment by the President, after consultation with the Provost and Senior Vice President for Academic Affairs or Vice President of Health Services and the appropriate dean(s), chair(s) and departmental faculty. The tenure requirements of the college(s) and university must be met and the initial letter of appointment must specify the academic year in which the tenure decision will be made.

2.2.8 If the status of a faculty member changes from temporary to probationary, the time spent at the institution may, at the discretion of the President, be counted as part of the probationary period. A faculty member wishing to count years on a temporary appointment as part of the probationary period must make such request at the time of initial appointment to a tenure-track position. The request should be initiated through the department chair and should flow through appropriate channels. Requests made after this time will be denied. If no request is made, the years on the temporary appointment will not be counted as part of the probationary period.

2.2.9 The original hiring agreement should state that the faculty member being employed for a tenure-track position has the option of requesting that his/her temporary service be counted toward tenure. If the option is exercised, the faculty member must be cautioned that his/her years of temporary service will be evaluated by the same criteria as tenure-track service. This policy shall not be applied retrospectively.

2.2.10 The above provisions for tenure do not apply to persons who have appointments as full-time administrators or staff members.

3 Procedure

3.1 Notification of Probationary Faculty

3.1.1 At the time of initial appointment, the department chairperson will notify in writing each probationary faculty member of the requirements and guidelines for tenure, including any which apply specifically within the faculty member's department. The faculty member will acknowledge in writing receipt of this notification. Lack of acknowledgment is not grounds for dismissal, nor is it reason for appealing a denial of tenure.

3.1.2 All probationary faculty must be notified annually in writing by peer committees, chairpersons, and/or deans of their progress toward tenure and/or promotion. Notifications should identify specific areas of improvement needed for tenure or promotion. (SR-04-05-(37) 94 FECAHC)

3.2 The Tenure Process

3.2.1 Each college or equivalent unit will develop written procedures and performance criteria for implementing the tenure requirements in the Higher Education Policy Commission's Series 9. College tenure procedures and criteria must be approved by the dean in consultation with the faculty, approved for consistency with the university's and the Higher Education Policy Commission's policies by the Faculty Personnel Committee and the Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President for Health Sciences.

3.2.2 Each faculty member will have the primary responsibility for initiating his or her application for tenure. However, the department chairperson or an intradepartmental committee may initiate a recommendation for tenure.

3.2.3 Unless demonstrated extraordinary circumstances prevent an application during the sixth year of a faculty appointment, the person who chooses not to apply will not be considered for tenure and will be offered a one-year terminal contract of appointment.

3.2.4 A candidate for tenure will submit an application by the established departmental deadline to the chairperson/division head, who will forward it to an intradepartmental tenure committee. If the candidate holds graduate or associate graduate faculty status, the chairperson/division head will notify the graduate dean of the application, giving him or her an opportunity to provide to the departmental committee any information that he or she may have bearing upon tenure. No items may be added to or deleted from the application after this point. The committee will prepare a written recommendation with respect to the qualifications of the candidate for tenure and submit it with the candidate's application to the chairperson/division head.

3.2.5 Beginning with the departmental committee level and continuing thereafter through each step of the decision-making process, the candidate shall be informed in writing of any recommendation to deny tenure.

3.2.6 The chairperson/division head will prepare a written recommendation with respect to the qualifications of the candidate for tenure and submit it along with all other materials received from the candidate and from the intradepartmental committee to the college dean by February 15.

3.2.7 The dean will submit all applications and recommendations to a college level promotion and tenure committee (or its equivalent). The committee will evaluate each candidate for tenure and submit a written recommendation for each candidate, along with all material received, to the dean.

3.2.8 Upon receipt of recommendations by the college promotion and tenure committee, the dean will prepare a written recommendation for each candidate. The dean will submit his or her re-recommendations and those of the college

commit-tee, the chairpersons/division heads and intradepartmental committees to the Provost and Senior Vice President for Academic Affairs, or where appropriate, the Vice President for Health Sciences by March 25.

3.2.9 The Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President for Health Sciences will prepare a written recommendation for each candidate and submit it together with all the recommendations received from the deans to the President by April 22.

3.2.10 Tenure decisions will result from action by the President at the conclusion of the tenure process. The President will prepare a list of those granted tenure and send an informational copy to the chairperson of the Faculty Personnel Committee by April 30.

3.2.11 The President will inform by letter all candidates for tenure of his or her decision by April 30. An applicant denied tenure will be notified via certified mail. All application materials will be returned to each candidate at this time. The entire tenure process must adhere to university time guidelines and conclude no later than April 30.

3.2.12 All application materials and tenure decisions shall be considered confidential except in circumstances in which a legal "need-to-know" basis has been established.

3.2.13 No person, including the applicant may present information in person to tenure committees.

3.2.14 An applicant denied tenure may request a statement of reasons from the President according to the provisions of Series 9.

3.2.15 An applicant denied tenure by the President may file a grievance.

Section 6. Compensation

Determining Starting Salaries and Rank of Incoming Members of the Faculty

1. New members of the faculty shall be assigned academic rank and salary by the university administration on the basis of qualifications for the various ranks.

2 Experience has shown, however, that on certain occasions special problems arise in connection with the determination of academic ranks and salaries of new entrants to the faculty. Such problems usually involve the evaluation of related work experience, private instruction without college credit, and the procurement of faculty in fields of extreme scarcity. If at any time the administration feels that it is advisable to assign rank or salary above that to which a newcomer would be normally entitled under this plan, the recommendation shall come from the department chairperson after he/she has conferred with the members of the department, especially those who hold ranks comparable to or above that of the new member of the department. The Faculty Personnel Committee shall be provided with a

written explanation by the Provost or the Vice President for Health Sciences.

3. Should new faculty members be employed at salaries higher than those being paid to current members of the staff who hold positions with comparable responsibilities and who have equivalent training, experience and competence, the latter will be considered for comparable compensation. The competence is to be determined by the chairperson of the department in consultation with other members of the department with equal or higher rank.

4. The Provost or the Vice President for Health Sciences shall send to the Faculty Personnel Committee a summary statement concerning each new faculty member which will include training, experience, salary, and rank assigned.

Salary Increases for Tenured and Tenure-track Faculty

MUBOG Policy AA-7

1 General Information.

1.1 Scope: Policy regarding the distribution of faculty salary increase funds to units and individuals.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: November 13, 2006

1.4 Effective Date: November 13, 2006

1.5 Controlling over: Marshall University only.

1.6 History:

1.6.1 This policy amends Marshall University Board of Governors Policy No. AA-7, effective July 1, 2004 to change the title, add section 3.1, and enhance formatting.

1.6.2 References: W. Va. Code §18B-8-3, Faculty salary policies; reductions in salary prohibited; salary increase upon promotion in rank, and §18B-8-3a, Institutional salary policies; distribution of faculty salary increases.

2 Policy.

2.1 Faculty raise monies acquired after 2004-2005 are to be based upon a new method of data gathering and evaluation using peer, supervisor and student ratings and distributed in the following manner:

2.2 Evaluation

2.2.1 Evaluation criteria each year are based on goals negotiated between faculty members and their supervisors. Faculty roles and percentages of work dedicated to each role may vary from year to year within established limits for each unit.

2.2.2 Data gathered in evaluations will be used for promotion and tenure decisions as determined by each college/school/library.

2.3 Salary Increases

2.3.1 The first step in raise distributions is devoted to promotions. The institution provides money from funds other than those dedicated to raises to ensure 10% increases for promotions. The second step in raise distribution will be equity and the third step will be merit.

2.3.2 The salary pool is divided into 49% for equity raises and 51% for merit raises.

2.3.3 The equity pool is distributed at the university level by:

2.3.3.1 Examining peer salary data and establishing a percentage of peer salaries that every faculty salary should reach.

2.3.3.2 Distributing the 49% equity money so that each faculty member's salary reaches the set percentage of market value.

2.3.4 The merit pool is then distributed to each college/school/library in proportion to the number of full-time, tenured and tenure-track and continuing appointments.

2.3.4.1 The merit money available to colleges/schools/libraries will be distributed by using the new evaluation instruments to calculate an overall average in which Exemplary = 3.51-

4.0, Professional=2.51-3.5, Needs improvement=1.51-2.5, Unacceptable= 1-1.5.

2.3.4.2 Faculty earning a rating of 2.51 or above would earn merit pay in addition to their equity.

2.3.4.3 Merit pay would be distributed proportionally, based on the ratings, among faculty in a unit who earn between 2.51 and 4.0. merit raise = faculty score (2.51-4.0) x total merit dollars available in the unit sum of all ratings qualifying for merit in the unit

2.3.5 Equity and merit raises are added to base salaries.

3 Exceptions.

3.1 A college/school/library may request an exception to the distribution of equity increases upon a vote of two-thirds of the college's full-time, tenured and tenure-track faculty and with approval of the dean and chief academic officer. The president may grant the exception whereby the equity funds that would normally be awarded directly to individual faculty are instead pooled and added to the amount calculated for merit distribution. That total pool of funds shall then be distributed according to the college's merit salary increase distribution plan.

4 School of Medicine faculty.

4.1 The Joan C. Edwards School of Medicine should come up with a similar plan for their faculty.

E-Courses

MUBOG Policy IT-5

1 General Information.

1.1 Scope: This policy addresses a variety of issues related directly to the development and teaching of for credit E-courses and T-courses and to multimedia created supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 13, revised March 3, 2005. Minor editorial changes have been made. Executive Policy No. 13 is hereby repealed.

2 Definitions

2.1 An "E-Course" is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions.

2.2 A "T-Course" is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.) A "Course Supplement" is a part of a course (not to exceed 79 percent

of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction.

2.3 Online courses are defined as either E or T Courses.

2.4 Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD's, digital imagery, and other creations stored or published in electronic formats.

3 Admissions

3.1 Students wishing to register for online courses must first be admitted to the University. They can apply online and can obtain information online or via telephone.

4 Advising

4.1 Off campus and on campus students will receive comparable advising services as established by their colleges/departments. Advising can be provided by telephone, email, postings to the Web, and through printed materials. Students will be responsible for long distance telephone or internet access costs.

5 Audits

5.1 Students may choose to audit the course and not receive a letter grade. These students will be covered by the same university regulations governing audit enrollment that pertain to traditional university courses.

6 Computer Accounts

6.1 Students taking online courses will receive a MUNet computer account at no extra cost. University and course-related email may be sent to this account unless students choose to forward their email to an alternate e-mail account.

6.2 The MUNet email account must be used for all Help Desk services.

7 Computer/Software Requirements

7.1 Students who enroll in online courses must have basic computer skills as described in the course syllabus and on MUOnline. They must have access to a computer on the Internet, a web browser (variety, version, and configuration as specified in MUOnline), and other software necessary to complete course requirements. Technical support for course navigation will be available on MUOnline and through the Computing Services Help Desk. Instructors will not provide course technical support.

8 Course Approval

8.1 Only existing Marshall University courses may be considered for conversion to an online course. Online courses created from already existing courses must meet the same content standards as courses offered on-campus. MU courses converted to online courses must be approved by the dean and comply with the Southern Regional Education Board's Principles of Best Practices. In addition, all E-Courses and any T-Courses for which the faculty receive a development stipend must be approved by the Faculty Development Committee for Online and Multimedia Instruction in accordance with their guidelines posted to MUOnline.

9 Course Completion Timetable

9.1 Online courses may parallel the semester schedule for regular courses or they may differ from regular semester courses in the start and end dates. The course syllabus for each individual class and the Official Schedule of Courses will indicate the beginning and ending date. If the instructor

specifies a deadline that goes beyond the end of the regular semester, that deadline will not exceed one year from the start of the course. Students enrolled in courses with end dates that go beyond the regular semester will receive an "I" (Incomplete) at the end of the regular semester. When the end date of the course is reached the "I" will be replaced by the grade the student earned for the course. Hours of enrollment are reflected in the actual term in which the student is registered. For all verification purposes, hours of enrollment are counted only in the term in which the student is registered.

10 Course Content

10.1 The only difference in the curriculum of an electronic course as compared to the equivalent on-campus course will be the delivery mode. The electronic course content will meet the same standards as courses offered on-campus.

10.2 It is the student's responsibility to ensure that their computer meets course requirements. If a course requires any special software or equipment, those requirements must be clearly stated in the syllabus.

11 Course Enrollment Limits

11.1 The division/department of the instructor will determine the enrollment limit for an e-course that is taught in load. No minimum number of registered students is required for an e-course taught as an overload. Online courses designated "writing intensive" are limited to 24 students.

12 Course Schedule

12.1 A separate section for e-courses will be published each term in the Official MU Schedule of Courses. E-courses will also appear within the department listing offering the class.

13 Credit Hours

13.1 Courses offered electronically will carry the same number of credit hours as sections of the same course / equivalent courses delivered traditionally.

14 Distribution of T-Courses and E-Courses

14.1 Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supersede this restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

14.2 In instances where the faculty member retains exclusive ownership rights, the university may NOT distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.

14.3 Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.

14.4 In the interest of currently enrolled students, the university may continue use of electronically delivered

courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

15 E-Course Agreement

15.1 Instructors who wish to offer an e-course as an overload will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course throughout the period specified in the syllabus.

16 E-Course/T-Course Format

16.1 Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.

17 Evaluations

17.1 Student evaluation of instructors will be consistent with University policies. The technology component of online courses will also be evaluated with the "Flashlight" tool.

18 Expiration of Electronic Course Agreements

18.1 If the faculty member is unable to complete the course, the department will address the matter in its normal and customary way.

19 Faculty Compensation for Developing an E-Course or T-Course

19.1 E-course and T-course development are both eligible for compensation. Faculty who may choose to develop these courses without compensation may still be compensated for teaching an e-course as an overload and Departments may still be compensated for faculty who teach these courses inload.

19.2 Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricular needs and available funds. Contract agreements between departments and faculty supersede this policy.

20 Faculty Compensation for Teaching an E-Course

20.1 Faculty who teach E-courses as an overload (an overload course is one taught in addition to a faculty member's regular teaching load) are compensated on a per student basis in two payments. The amount per student who completes the course is a published fixed rate established through a recommendation from University Information Technology Committee to the Provost. The Faculty Senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the Provost. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor (see Expiration of E-course Agreements) to another, the

instructor picking up the carry over students will be appropriately compensated. When faculty teach E-courses in load, the faculty member's department will be compensated on a per student basis as described above.

21 Faculty Incentives

21.1 Consistent with state law, the institution will establish faculty incentives and rewards to encourage instructional development and participation in distance education. This includes (but is not limited to) the acknowledgement of e-course development as a category in the Instruction/Advising area of faculty annual performance.

22 Faculty Load Time

22.1 E-courses may be offered either as part of regular load, overload or by part-time faculty. Extra compensation will not be paid for e-courses taught within load.

23 Faculty Technical Support

23.1 The Center for Instructional Technology will provide support and training to faculty developing online courses. This support includes formal workshops and one on one support.

24 Financial Aid

24.1 Students registering for online courses are eligible to apply for financial aid in the same way as all other students. They can obtain information online or via telephone.

25 Hiring Policies

25.1 Possession of skills in the delivery of course content using distance technologies will be considered a criterion in the hiring of faculty for online courses.

26 Intellectual Property/Ownership of Course Content

26.1 Definitions Ownership and Qualifying Conditions Ownership/Disclosure Dispute Resolution of Ownership Rights Development, Promotion and Licensing of Electronic Media Allocation of Intellectual Property Revenues

26.2 Definitions

26.2.1 Intellectual Property includes inventions, discoveries, processes, unique materials, copyrightable works, original data, electronic media, and other creative or artistic works which have value. It is protectable by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.

26.2.2 Traditional Academic Copyrightable Works are a subset of copyrightable works created for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software, articles, non-fiction, fiction, poems, musical works, dramatic works, pictorial, graphic and sculptural works, or other creative works.

26.2.3 Developers are those who contribute to the creation of the intellectual property.

26.2.4 Creators are individuals or a group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property.

26.2.5 University Resources Usually and Customarily Provided include such support as office space, library facilities, ordinary access to computers and networks, or salary. In general, it does not include use of students or

employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special resources provided by the University unless approved as an exception. Individual exceptions may be approved on a case by case basis.

26.3 Today the growing use of the Internet as a means of course delivery to a wider body of students has led to a review of traditional intellectual property/course content ownership practices and to a call for a redefinition, in certain cases, of the relationship between a course developer and the institution. This redefinition is driven to some extent by the commercial potential of new course technologies. Faculty currently enjoy royalties on their traditional scholarly copyrightable works such as texts, books, articles, creative works, instructor's manuals, study guides, etc. This scholarly and creative work exception should not change. The University does not claim ownership of books, articles, dissertations, papers, study guides, syllabi, lecture materials, tests or similar items, novels, poems, musical compositions, or other creative works. The university recognizes that faculty should benefit from the results of their work. With this thought in mind, and in keeping with its mission, the university seeks to support faculty efforts to develop new teaching technologies and methods of course delivery. The university will make every effort to ensure faculty retain intellectual property rights, credits, and associated benefits and to support faculty interests in the distribution of digital materials for the enrichment of the faculty, the institution, and the students.

26.4 Ownership and Qualifying Conditions

26.4.1 While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. (If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.) The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion / corruption. All E-Course and T-Course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by the university is otherwise authorized from an outside vendor. (Physical presence of instructional content on university servers does not automatically assign ownership to the university.) The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees) All work created by university staff is a work for hire and belongs to the university except when the university waives claims to the material.

26.4.1.1 Exclusive ownership by the creator: Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided (see definition above). In all cases, the university retains

exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work including junior faculty or students shall have a limited claim to joint ownership of the work unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.

26.4.1.2 Proprietary interest of the University: Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made significant use of university resources. In these cases, the creator must share, with the university any royalties or other benefits from commercialization of the work. Significant use of university resources includes a development stipend, release time, specialized technical support, specialized hardware/software (purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university. As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.

26.4.1.3 Exclusive ownership by the University: Electronic courses or electronic media developed by faculty as a "work for hire" and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

26.5 Ownership Disclosure

26.5.1 Marshall University desires to assure that all ideas, discoveries, and electronic media are properly disclosed and utilized for the greatest possible public benefit. All members of the Marshall community with intent to market or distribute E or T courses in part or in whole for commercial or non-commercial reasons shall disclose the nature and detail of their electronic media to the Vice President for Research, or his/her designee at the earliest possible date.

26.5.2 Within 120 days after such disclosure, the Vice President for Research or his/her designee shall notify the creator in writing whether it is the university's intention to

retain its interest and to acquire assignment of all ownership rights of the electronic media. If such notification cannot be made during that time period, the creator shall be notified as to the reason for the delay and the additional time necessary to make such determination.

26.5.3 If the university decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the electronic media, the university will release its proprietary interest to the creator.

26.6 Dispute Resolution of Ownership Rights

26.6.1 In cases where there is a disagreement between the creator and the university as to ownership rights or the retention of such rights by the university, the appropriate University committee dealing with copyright issues shall recommend to the President what further action the university should take.

26.6.2 The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the President of the university. Such a petition should include a description of the content sufficient to enable the president to make a tentative judgment as to whether commercial potential exists.

26.7 Development, Promotion and Licensing of Electronic Media

26.7.1 Upon assignment of ownership and with consent of the intellectual property owner, the Vice President for Research or his or her designee shall act to bring to the public all electronic media in which the university has distribution rights. In doing this he or she shall use whatever means appropriate for development, promotion and licensing of each creation, consistent with the expressed goals of the Intellectual Property Policy.

26.7.2 In promoting the distribution of electronic media, the university is free to enter into agreements with any outside agent, which it deems will successfully aid the university in promoting the product. If a particular media creation is to become subject to such an agreement, this shall be made known to the creator, who will also be consulted about any rules governing the relationship among the outside agent, the university and the creator due to such agreement. The creator or his/her representative shall be a member of the committee selecting the licensing agent and shall participate in the development of the licensing agreement if the creator so chooses.

26.7.3 The university is free to enter into any licensing agreements that it deems beneficial to the university, the creator and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules or regulations. Any terms governing the relationship among the licensee, the university or the creator due to such licensing agreements shall be disclosed to the creator, the dean of the division/school, the Provost, the Vice President for Business and Finance and the President

26.8 Allocation of Intellectual Property Revenues

26.8.1 All income received by the University for the commercialization of university-owned intellectual property will be appropriately used for the research and educational functions of the university. In the absence of any contract to

the contrary and where the creator made substantial use of University resources as defined by this policy, and where the intellectual property does not fall under the "scholarly and creative work exception," net annual income from copyright will be shared as follows:

26.8.1.1 Net proceeds of each individual media project shall be distributed in accordance with the formula established in the university policy guiding patent development. Net proceeds shall be calculated on gross royalties minus documented administrative, licensing, legal and other related expenses. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the university, but rather as separate income derived from commercialization of intellectual property. In addition, an employee's rights which have accrued to this royalty revenue sharing shall continue beyond such individual's employment with the university. Upon decease of the creator, the creator's share of future income resulting from his/her work shall be paid to the creator's estate or designated beneficiaries. Contract agreements shall supersede this policy.

26.8.1.2 If the electronic media creation is the result of sponsored research, and the sponsoring agency regulates the distribution of royalty income, such regulations shall apply rather than those in the above paragraph. Also, if such regulations apply because of development, promotion or licensing agreements with an outside agent, they shall take precedence over those cited here.

27 Library

27.1 Online course students have access to all library resources, including online databases. Access to these databases from off campus requires an MU login. Books and articles not available online can be requested through Information Delivery Services.

28 Prerequisites

28.1 All students (transient students excepted), must meet all course prerequisites before they can register for an online course. For e-courses, all prerequisites must be available in e-course format either through Marshall University or through the Southern Regional Electronic Campus.

29 Proctoring

29.1 Students in e-courses may be required by the instructor to designate an approved proctor who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. Unless the instructor specifies otherwise in the syllabus, the following steps are required once a proctor has been selected:

29.1.1 Before the first exam for which a proctor is required, the student is responsible for ensuring that the proctor states in writing to the instructor that he or she is NOT related to the student whose exams he or she will proctor.

29.1.2 Proctors will send the completed exam directly to the instructor along with a signed statement noted below. Individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).

29.1.2.1 The signed proctor verification statement indicates that:

- 29.1.2.1.1 The student taking the exam presented them with a photo ID at the time of the exam;
- 29.1.2.1.2 The student finished the exam in the amount of time specified by the instructor;
- 29.1.2.1.3 The proctor was physically present during the entire time the student had the exam in his or her possession;
- 29.1.2.1.4 To the best of the proctor's knowledge, the student finished the exam and followed all exam regulations as specified by the instructor.

30 Registration

30.1 During the official registration periods each term, students eligible to register can register for online courses using the online MILO Web system, telephone registration, in person at the Office of the Registrar, or by mail.

31 Repeats

31.1 Students may use online courses to meet "D" and "F" repeat requirements even if the course was originally delivered using traditional methods.

32 Review and Update of E-Course Content

32.1 The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor's department/division.

32.2 All e-courses will undergo a review by the FDCOMI every two years or upon request by the Office of Academic Affairs or Computing Services. The purpose of the review is to ensure that the courses meet the needs of changing technology and comply with all FDCOMI requirements posted on the MUOnline website. The committee review will deal with the technical presentation of course content and clarity of course instructions.

33 Student Load Time

33.1 Hours of enrollment are reflected in the actual term in which a student is registered. For all verification purposes, hours of enrollment are counted only in the term in which a student is registered. University policies regarding overloads for students wishing to take over 12 hours graduate or 18 hours undergraduate apply to students registering for online courses.

34 Syllabi and Course Documentation

34.1 Syllabi are required for online courses and must meet the content requirements which apply to syllabi for all on campus courses. In addition, syllabi for online courses must specify minimum hardware and software requirements, minimum computer skills requirements, and a course start and completion date. Course syllabi must be made available for posting to the web as soon as possible before the course begins.

35 Tuition and Fees

35.1 Students who register for electronic courses will pay tuition and or fees as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. E-Course students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by divisions/departments may apply to students registering for online courses.

36 Withdrawal Timetable

36.1 The withdrawal period for online courses parallels that of regular courses. Students can withdraw from an individual online course through 2/3 of the official course length. After that time only a complete withdrawal from the university is allowed. The refund policy for online courses also parallels that of regular courses.

Principal Investigator Salary Payments

MUBOG Policy AA-29

1 General Information.

1.1 Scope: Academic policy regarding principal investigator salary payments to Marshall University employees.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Marshall University Research Corporation Policy and Procedure Effective April 1, 2004

2 Policy

2.1 Purpose

2.1.1 To provide guidance for the definition and administration of Principal Investigator (PI) Salary Payments. This policy will not apply where an employee is paid from multi-year projects or is paid solely from sponsored agreements.

2.2 Guidelines and General Policies

2.2.1 In certain circumstances, salary payments are made to principal investigators at periodic intervals over the project period. To properly match these payments to the receipt of funding from the sponsoring entity, salaries paid to PIs during the project period will not exceed 75% of the amount allowed in the agreement. The remaining 25% will be approved after receipt and acceptance of the final technical report by the granting agency, submission and approval of all project expenses, and receipt of all information necessary for the completion of the final invoice to the sponsor.

2.3 Administration of Salary Payments

2.3.1 Salary payments to PIs are requested through the use of an MU or MURC Personnel Action Request Form (PAR). All salary payments to PI's must be approved by the Dean of the College, MURC, and the Provost or other appropriate Vice President.

Faculty Promotion Salary Increase

MUBOG Policy AA-27

1 General Information.

1.1 Scope: Academic policy for awarding faculty promotion salary increases.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: A long standing policy of the University.

2 Policy

2.1 As promotion is an important form of recognition of meritorious performance, the first allocation each year will be to assure the mandated ten percent increase which comes with promotion in rank.

Tutoring of Students by Faculty

MUBOG Policy AA-30

1 General Information.

1.1 Scope: Academic policy regarding tutoring of students by faculty for pay.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: A long standing policy of the University.

2 Policy

2.1 A faculty member must have the approval of his or her department chairperson and the academic dean before tutoring Marshall University students for pay.

Faculty Compensation from Grants and Contracts

MUBOG Policy AA-40

1 General Information.

1.1 Scope: This policy sets guidelines under which faculty may be compensated from grants and contracts.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 15, effective April 26, 2000. Executive Policy No. 15 is hereby repealed.

2 Policy.

2.1 Marshall University faculty can be compensated from various non-state funding sources including federal grants and contracts. Office of Management and Budget Circular A-21 stipulates that work under federal grants and contracts and accompanying compensation must be recorded during the faculty member's normal work time, which is defined as that time listed in the faculty member's Appointment Letter. These regulations further stipulate that the amount of compensation paid cannot exceed the faculty member's base salary rate (the amount listed in the faculty member's Appointment Letter).

2.2 When a faculty member performs work in carrying out a contract or grant as part of his/her regular duties, a Marshall

University PAR must be in effect which reflects the research duties and all other current responsibilities. The amount of compensation on this PAR must equal the faculty member's Appointment Letter base salary.

2.3 For faculty on a 9-month appointment, charges to the grant or contract (and compensation to the faculty member) for work performed on the grant or contract during the summer months will be at the salary rate of the base salary of the previous academic year, prorated for the amount of time worked.

2.4 Overload/incidental compensation for faculty

2.4.1 Office of Management and Budget Circular A-21 does allow for supplemental compensation for incidental work in excess of normal for the individual, providing that there is an institutional policy for incidental work. There are existing institutional policies concerning supplemental compensation for non-teaching and incidental responsibilities. The current overload policy allows Marshall University faculty to earn up to an additional 20% of their base salary for additional time worked, subject to the approval of the Vice President for Academic Affairs or the Vice President for Health Sciences. The base salary will be determined from the faculty member's Appointment Letter. Under no circumstances will overload/incidental payments be made through federal grants and contracts.

2.5 Merit Awards for faculty

2.5.1 Subject to approval of the Vice President for Academic Affairs or the Vice President for Health Sciences, individual colleges shall establish research merit awards which can result in additional financial benefit to productive researchers. Under no circumstances will merit award payments be made directly from a federal grant or contract.

2.6 This policy applies to all federal grant and contracts and may be applied to other sources of funds as deemed appropriate.

Salary Inequities

(SR-06-07-29 FECRAHC)

Annually, 5% will be reserved from the money set aside from the equity pool for special consideration by the Provost in consultation with the Deans to address true salary inequities based on their knowledge of specific situations. Any unused monies will go back into the equity pool.

Section 7. Administrative Appointments and Reassigned Time

Teaching and Administration

MUBOG Policy AA-37

1 General Information.

1.1 Scope: The purpose of this policy is to emphasize Marshall University's commitment to teaching and to provide appropriate guidance regarding the granting of reassignment from teaching to individual faculty members engaged in administrative or other non-teaching activities.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 1, effective Fall Semester 1992. Executive Policy Bulletin No. 1 is hereby repealed.

2 Policy

2.1 Resources are normally allocated to colleges and schools on the assumption that 12 semester hours is the normal teaching load at Marshall University and with the understanding this may vary from college to college depending on mission and purpose. (For example, colleges such as Medicine, Fine Arts, and those with laboratory sciences plus doctoral departments and others will be treated as appropriate in the budgeting process.)

2.2 Qualified administrators are encouraged to teach when possible and as appropriate. The vice president for academic affairs, upon recommendation of the appropriate dean and department, will certify administrators as qualified to teach. However, only a department or dean can determine if an administrator will teach a specific course in a specific department.

2.3 If Marshall University faculty members become full-time administrators at Marshall University, are replaced in their department by full-time, tenure track faculty, and then wish to return to their department, all involved parties need to understand that the department may lose a position the next time a vacancy occurs.

2.4 Faculty members given reassigned time to assume the departmental chairmanship will receive a stipend and reassigned time as delineated below:

2.4.1 Chairs of departments with two or fewer full-time equivalent (FTE) faculty will choose between three hours reassigned time or a stipend.

2.4.2 Chairs of departments with more than two FTE faculty or fewer than 11 FTE faculty qualify for both three hours reassigned time and departmental stipend.

2.4.3 Chairs of departments with 11 FTE faculty or more will qualify for six hours reassigned time and stipend.

2.4.4 Under certain circumstances, the college dean may grant the chair more than six hours reassigned time. Circumstances which would qualify include chairmanship of a department having more than 40 FTE faculty; assignment of other administrative duties to a departmental chair, or responsibility for significant off-campus operations.

Role and Responsibilities of Department/Division Chairs

(SR-93-94-76)

Department chairpersons have a wide variety of duties and responsibilities, in addition to teaching classes. They serve as the chief administrative officer of the department and are responsible for representing the department to the University administration, to the Dean of the College and to the department's faculty and students. The position of department chairperson is integral to the University's central mission: the education of its students.

Department chairpersons report directly to their academic deans and are responsible for:

Faculty

1. Establishing and implementing procedures within University guidelines for the recruitment of new faculty.

2. Counseling and guiding faculty; encouraging outstanding teaching, research and other professional activities; organizing faculty meetings and department committees to further the business of the department.
3. Enforcing faculty responsibilities.
4. Promoting faculty development, including encouraging faculty members to attend professional conferences, joining professional organizations, faculty traveling, etc.
5. Protecting faculty rights, including recommendations on personal matters, such as leaves of absence, sabbatical leaves, research grants, etc.
6. Yearly appraisal for recommending reappointment, tenure, promotion and salary adjustments.
7. Monitoring the need for changing program specialization as it is affected by faculty positions to ensure that specialization assignments within the department do not become static but allow for dynamic planning.
8. Fostering productive, interpersonal and professional relationships among faculty of the department.

Students

9. Ensuring that proper curricular and career advisement are available to all students majoring and/or taking courses in the department.
10. Monitoring student/department scholarships, prizes and within University procedures, responding to student grievances and grade appeals.
11. Coordinating the active recruitment of undergraduate and graduate students.

Curriculum and Programs

12. Establishing departmental statements of mission and objectives within those of the University and periodically reviewing the department's progress in achieving them.
13. Establishing department policies in cooperation with faculty related to curriculum content and changes, instructional standards, methods, textbooks and course syllabi.
14. Planning and presenting course schedules, and administering the department's responsibilities for their implementing.
15. Appointing faculty members to co-curricular responsibilities and recommending reassigned time to the Dean.

Budget and Instructional Resources

16. Accounting to the Dean for fiscal management of departmental accounts.
17. Managing departmental facilities and instructional resources.
18. Recommending faculty and staff salaries to the Dean within the limits imposed by the respective salary policies.
19. Receiving and administering the departmental budgets, which can include:
 - a. Annual operating budget
 - b. Library allocation

- c. Allocating the resources of the department so that institutional, research, administration, and travel needs can be met equitably.
- 20. Departmental liaison with university offices dealing with fiscal activities, such as: 1) Dean's office: for budgets, travel, and extramural funding; and 2) Business offices (purchasing, personnel, accounting); for activities relevant to these offices.
- 21. Planning for long range financing for special programs and activities.
- 22. Writing and reviewing funding and grant proposals in cooperation with the department faculty and the appropriate academic support areas by evaluation of the proposal and/or projects as the department's chief administrator.

Communications

- 23. Conveying University and College policies, procedures, and actions to the department.
- 24. Representing the department in the College and University, and with off-campus organizations.
- 25. Presenting departmental policies, procedures, and actions to the students.

Office Facilities

- 26. Administering departmental facilities, hiring, supervising, and evaluating departmental staff and establishing the department's office procedures.

Professional Performance

- 27. Providing professional leadership and an example in the department.
- 28. Maintaining and demonstrating competence in teaching, research, and professional activities, including participation in professional associations and community service.

Miscellaneous

- 29. Carrying out other duties as assigned by the Dean.

Selection, Role and Evaluation of Departmental Chairs

MUBOG Policy AA-38

1 General Information.

- 1.1 Scope: This policy addresses the role, evaluation and selection of academic department/division chairs and school directors.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: March 8, 2006
- 1.4 Effective Date: Upon passage
- 1.5 Controlling over: Marshall University
- 1.6 History:
 - 1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 6, effective February 8, 1994. Executive Policy No. 6 is hereby repealed.

2 Policy

- 2.1 This policy has three inherent basic assumptions: (a) chairs are appointed by and serve at the will and pleasure of the president, (b) Equal Opportunity / Affirmative Action guidelines must be followed in all evaluation, selection and appointment processes developed concerning department chairs, and (c) that the health sciences division be exempted.
- 3 Role.

3.1 The role and responsibilities of department chairs will be defined both generally and specifically. A general definition will be developed by the Vice President for Academic Affairs in consultation with deans and the Faculty Senate. This general definition will update previously developed documents which addressed the role and responsibility of chairs at Marshall University.

3.2 A specific departmental definition will be developed by each college and approved by the dean and vice president based on the general definition developed by the Vice President for Academic Affairs.

3.3 Both general and specific statements of the role of department chairs will clearly and concisely state the vice president's and the colleges' expectations, delineating how responsibilities of chairs vary according to the size, resources and scope of each department. The role and responsibilities of the department chairs will include, but not be limited to: academic planning, budget preparation and oversight, external relations and responsibilities concerning faculty and students.

4 Evaluation.

4.1 Each department chair will be evaluated annually based on his/her performance as chair. The evaluations, conducted by the dean in consultation with the faculty of the department, will be based on both the general responsibilities of the role of the department chairs, as defined by the Vice President for Academic Affairs and specific expectations of chairs as defined by the college as approved by the deans and vice president.

4.2 In addition, specific criteria and detailed procedures for evaluation shall be determined within each college. All department chairs within a college will be uniformly evaluated. The dean will confer with the chair in a timely manner to share the results of the evaluation. Both the dean's evaluation and a summary of the faculty's evaluation will be discussed at that time. The dean will meet with the department's faculty in executive session to discuss each chair's overall evaluation.

5 Selection.

5.1 Each college shall formally document the details of the chair selection process in a clear and concise manner, ensuring that the process is understood by faculty, chairs and deans. The colleges are responsible for developing (a) selection criteria based on their expectations of the chairs, and (b) selection procedures, including the time and format for selection. The selection process is to be approved by the faculty of the college, the deans and the Office of Equal Employment Opportunity/Affirmative Action.

5.2 Faculty in the department will recommend a candidate whose name shall be forwarded to the dean. If the dean accepts the nomination, he/she will then forward this recommendation to the Vice President for Academic Affairs who shall forward it to the president for final action. If the dean cannot support a nominee, the dean must communicate that decision and the rationale for it to the faculty of the department. If the dean does not accept a nomination, the faculty shall be asked to submit another nomination for the dean's consideration. The dean shall then forward the recommendation to the Vice President for Academic

Affairs, who shall forward it to the president for final action. The dean may recommend an interim appointment to the vice president and president if a regular appointment is not completed in a timely manner.

6 Term.

6.1 The department chair will normally serve a term of four years. However, the dean has the flexibility to recommend a chair be released from responsibilities before a term is ended, based on annual evaluations and the chair's desire to remain in that position. Further, each chair serves at the will and pleasure of the president and may be reassigned at any time.

7 Reappointment

7.1 A department chair may be appointed to additional terms of four years using the same selection process described above. There is no limit to the number of terms that an individual can be appointed as chair of a department. While annual evaluations will be helpful to determine continuation of the appointment, a more formal evaluation process that would substantiate the support of both the dean and the faculty should take place in the fourth year prior to reappointment of the chair to a subsequent term.

Selection and Evaluation of Faculty Deans

MUBOG Policy AA-39

1 General Information.

1.1 Scope: Whereas, procedures and policies exist for faculty, department chairs and the president of the university, among others, to be appointed and regularly evaluated, it is appropriate to have an analogous policy for those faculty administrators-- the faculty deans --whose visions for their colleges and daily working relationships most directly affect faculty. Therefore, the following is a general policy for the selection and evaluation of college and school deans.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University only.

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 11, effective January 21, 1997. Minor editorial changes have been made. Executive Policy No. 11 is hereby repealed.

2 Selection of Faculty Deans

2.1 In the event of a vacancy in the deanship of a college or school at Marshall University where faculty have tenure (this excepts non faculty deans such as the graduate dean or the dean of enrollment management and similar positions), the president of the university shall declare such vacancy to exist and communicate to the faculty of the college or school his/her intentions as to a process of replacement within thirty (30) days. Such replacement may be an interim or acting dean for a period normally not to exceed one year or until the selection of a permanent replacement. In the case of a temporary replacement, the president shall consult the faculty of the college or school in the process of making that appointment. In the case of the selection of a permanent replacement, the following process shall be utilized:

2.1.1 First, the president shall establish a search committee to consist of

2.1.1.1 At least five faculty selected by the tenure track faculty of the college or school in question;

2.1.1.2 One classified staff member from the affected college or school appointed by the vice president for academic affairs;

2.1.1.3 One undergraduate and one graduate student from the affected college or school selected by the students of the college or school;

2.1.1.4 One faculty member from outside the college or school in question, recommended by the vice president for academic affairs;

2.1.1.5 One appropriate community member recommended by the vice president for academic affairs.

2.1.1.6 On recommendation of the vice president, the president shall appoint a sitting dean from another college or school to serve as chair of the search committee.

2.1.1.7 If necessary for the purposes of diversity, the president may appoint others to the committee.

2.1.2 Second, the committee shall recommend: A description of the type of person sought, including academic qualifications; advertisements to be placed in appropriate publications; a time frame for the selection of a new dean, and the process of screening and interviewing applicants, subject to affirmative action and university regulations.

2.1.3 Third, the committee shall recommend no fewer than three persons to the president as being fully qualified for the position. The president shall then select one of those recommended or ask the committee for additional names.

3 Evaluations of College or School Deans

3.1 Consistent with the Board of Trustees' policy for the evaluation of university presidents, college and school deans at Marshall University shall be evaluated every four years, utilizing the following procedure:

3.1.1 First, every dean shall be evaluated by the person to whom he or she reports and the president of the university each fiscal year. Such evaluation shall include administration of a standard evaluation/rating form to be completed by all faculty of the college or school. The purpose of this evaluation is for salary adjustments and to examine performance as the chief executive officer of the college or school. The dean shall be provided an opportunity to meet with the person to whom he or she reports and/or the president, presented with a written preliminary copy of such evaluation and given an opportunity to comment or respond before it is placed in his or her personnel file. Such evaluations will be deemed confidential.

3.1.2 Second, in the third year of a dean's tenure and every fourth year thereafter, the dean shall prepare a report detailing the goals and objectives for the college or school and the progress toward achieving them. That report shall be reviewed by the person to whom he or she reports and presented to the president no later than the first day of February of the third year of a dean's tenure in that position.

3.1.3 Third, the president shall appoint a consulting committee to review the report, meet with the dean, consult with the faculty and others as appropriate and make a report

to the president no later than May First of that year. The consultation with the faculty and/or staff shall consist of a general meeting of all college or school faculty with the consulting committee, followed by an opportunity for each college or school faculty and/or staff member to meet individually with a member of the consulting committee. The consulting committee shall consist of three faculty members elected by the faculty of the college or school, a dean from another college or school of the university appointed by the president, plus one faculty member appointed from outside the college or school by the president. This consulting committee shall make a general evaluation, based on the information accumulated as described previously in this document, of the dean's performance and the impact upon the quality and functioning of the entire college or school and make additional recommendations to the president on initiatives for improvement. The president and/or the appropriate vice president or provost shall meet with a committee of faculty consisting of representatives elected from each department/division of the college or school to receive their

observations and discuss the consulting committee's report. If the college or school is not organized into departments or divisions, the committee shall consist of three elected faculty representatives. The consulting committee's overall evaluation of the college or school shall be made available to the dean and faculty.

3.1.4 Fourth, the president shall meet with the dean to discuss the college or school and the dean's evaluation and present him or her with a written personal evaluation, including commendations as appropriate and suggestions for improvement. The final written personnel evaluation shall be placed in the dean's file and will be considered to be confidential.

4 General Provisions

4.1 Nothing in this policy shall be construed as the president of the university abdicating any authority to appoint and dismiss deans and other administrators who serve at the will and pleasure of the president. Further, there is nothing in this policy which affects the academic tenure of any dean or other academic administrator.

Section 8. Faculty Leave and Severance

Faculty Resignation: Series 9

A faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline re-appointment, shall give notice in writing at the earliest opportunity. Professional ethics dictate due consideration of the institution's need to have a full complement of faculty throughout the academic year.

University Resignation Policy

If a member of the faculty desires to terminate an existing appointment at the end of the academic year, or to decline a renewal in absence of notice of non-renewal, he/she shall give notice in writing at the earliest opportunity, not later than May 15, but may properly request a waiver of this requirement in case of hardship or in a situation where he/she would otherwise be denied substantial professional advancement.

The faculty member is to return all grade books and university keys to the department/division chair before leaving campus.

Retirement

For information about retirement and phased retirement, please consult WV State Code 18B-1-1d and the Human Resource Services office or visit the website at <http://www.marshall.edu/human-resources/>.

Phased Retirement

(SR-95-96-63 FPC, Approved by FS 5/21/96, Approved by President 7/11/96)

Purpose: Marshall University's Phased Retirement Program is designed: (1) to provide faculty and staff with an opportunity for transition into retirement within defined levels, (2) to provide faculty and staff an opportunity to

devote increased time to personal interests by reducing their hours while continuing to provide service to the University in their area of greatest expertise, and (3) to encourage efficient staffing, consistent with overall University and individual departmental needs.

Written Contract: Participation in the Phased Retirement Program is not an entitlement or a right automatically available to all persons who meet the eligibility criteria. It is subject to administrative review and approval of the terms and conditions reflected in a written contract. The contract specifies the arrangements under which the individual will be placed in phased retirement status.

Requests for Consideration: University administrators will give consideration to all requests for participation in the Phased Retirement Program. However, participation will depend upon the needs of the work unit and the University and the conditions prevailing in the work unit and the University at the time.

Criteria Considered: The work unit and the University may consider any relevant factors when reviewing the request, including; the availability of coverage for assigned duties, disruption that such participation may create in the unit, the availability of funding, and operational needs of the unit. Work units may identify additional criteria for review of requests.

BASIC PRINCIPLES OF PHASED RETIREMENT

Age Requirements: The Phased Retirement Program is available to all University personnel who meet the minimum age and West Virginia service requirements of age 55 with 30 years of service or age 60 with 15 years of service.

Participation is subject to administrative approval of the terms and conditions reflected in a written contract

specifying the arrangements under which the individual will be placed on phased retirement status. While it is anticipated that University administrators will give fair consideration to requests by individuals to participate in the Phased Retirement Program, the nature of the working assignment of the individual may not lend itself to a reduced schedule or a reduction in responsibilities, and other practical considerations (e.g., lack of office space or laboratory facilities) may preclude approval in specific cases.

FTE Work Assignments: The individual who enters the Phased Retirement program on a permanent basis must agree to a reduced FTE (full-time equivalent) employment status with the University, with the clear understanding that the total FTE percentage for all services performed for the University as an employee cannot thereafter be increased, although it may thereafter be decreased. If the FTE is further decreased, an addendum to the contract would be negotiated between the individual and the department head.

For a University faculty of [or] staff member to enter a Phased Retirement Program on either a one-year trial basis or a permanent basis, the FTE percentage assignment for that employee must be reduced by at least one-fourth (i.e. to a level of .75 or less, but no less than .53, depending on current FTE) over the same or a reduced appointment period (i.e., a nine-month appointment may not be extended to twelve months, but a twelve month appointment may be reduced to nine months). Exceptions to the limitations specified in this paragraph must have the approval of the appropriate vice president.

Benefits: For faculty and staff members who enter a Phased Retirement Program, all benefits plans will be continued at the same level available for personnel holding like positions, consistent with age and the applicable program.

Contract: The specific arrangements for a Phased Retirement Program must be detailed in a written contract. Copies of the agreement will be maintained in the appropriate vice president's office and the Department of Human Resources.

ONE-YEAR TRIAL OPTION

Trial Basis: Phased Retirement may be initiated on a one-year trial basis at reduced pay. In such cases, however, the faculty or staff member will not be permitted to initiate payment of retirement benefits from a retirement program. The payment of the retirement benefits may be initiated only when the faculty or staff member enters upon either full or phased retirement on a permanent basis.

PROCEDURAL STEPS

Application: An individual who wishes to be considered for participation in the Phased Retirement Program should submit an application for such consideration to the department head or director at least six months in advance of the date upon which phased retirement is to be initiated. After consultation with the dean and appropriate vice president the department head will advise the employee whether the request has tentative approval. If it appears that the request has no reasonable likelihood of achieving ultimate administrative approval, the employee should be so advised at the earliest possible date.

Request Denial: Denial of a request does not preclude the filing of a subsequent request. If it appears reasonably likely that arrangements can be agreed upon for phased retirement, the employee should be encouraged to proceed with the application.

Tentative Approval: Upon receiving tentative approval, the employee should be advised to make an appointment to visit with the Benefits Counselor in the Human Resources Department, 696-2595, to obtain information regarding the details of retirement income and, in particular, the nature of the various retirement income options that may be elected at the time the phased retirement option is initiated.

Retirement Data: With the assistance of the Benefits Counselor, a formal request should be made to the appropriate retirement program for specific financial estimates as to the amounts of retirement income that would be received by the individual, commencing on the specified date. It will take approximately four to six weeks to obtain this information.

Upon receipt of the necessary retirement data, the individual should again initiate discussions with the University's Benefits Counselor.

Final Approval: After meeting with the Benefits Counselor, the employee should finalize the details of his/her contract with the appropriate dean or vice president and University Counsel if needed.

After final approval, the contractual agreement will be signed by the individual, the dean or director, and the appropriate vice president.

TERMS OF CONTRACTUAL AGREEMENT

While it is anticipated that each agreement for a Phased Retirement Program will include its own individual terms, tailored to the needs of the department and the individual, the following topics should be specifically included and agreed upon between the parties:

Date: Date upon which phased retirement will commence and end (presumably by having the individual enter full retirement).

FTE: The percentage of FTE, and specific working assignments, which will represent the individual's working effort for the University during the period covered by the phased retirement agreement.

Compensation: The amount and source of the compensation to be paid to the faculty or staff member during the period of phased retirement, including, where appropriate, the basis upon which future salary adjustments will be made during that period of time (e.g., "salary fixed for term of agreement" or "salary subject to increases based on annual performance review" or "salary subject to available funding").

Additional Support: Provisions, if applicable, for office space, laboratory facilities, and support services during the term of the agreement.

Retirement Benefits: A specific understanding as to whether a new retirement program will be initiated for the individual during the period of the phased retirement contract, and the specific nature of the University's participation therein.

Reduced FTE: Specific provisions, if appropriate, as to the terms and conditions under which a further reduction in FTE status may be agreed upon.

TIAA-CREF: A faculty or staff member electing Phased Retirement and enrolled in the TIAA/CREF Retirement Plan may elect to draw annuity benefits from TIAA/CREF based on accumulations attained by contributions over the years an individual worked in Higher Education. Whether it would be advantageous to draw the annuity benefit would depend upon the faculty or staff member's age and the amounts accumulated in the individual's TIAA and/or CREF accounts.

Second Contract: If the faculty or staff member elects to draw the annuity benefits, a second contract with TIAA/CREF would then be initiated with contributions based on the Phased Retirement salary level. This second contract would be terminated at the same time the faculty member elected to retire 100% from the University.

Annuity Income: The amount of the TIAA/CREF annuity income has no effect on the benefit which may be available from social security.

TIAA/CREF Illustration: Any faculty or staff member considering Phased Retirement and enrolled in the TIAA/CREF Retirement Plan should request that TIAA/CREF provide an illustration of projected retirement annuities payable at the time of inception of Phased Retirement and at the planned date of full retirement, before deciding how to integrate benefits under his/her TIAA/CREF contracts into the Phased Retirement Plan. Requests for information regarding TIAA/CREF retirement benefits can be made through the Benefits counselor in the Human Resources Department, 696.2595.

State Teachers Retirement: The Phased Retirement program has certain legislative limitations that restrict the options available to participants in the State Teachers Retirement System (STRS).

Annuity Benefits: Benefits Eligible employees (those with an FTE of .53 or above), may not draw annuity benefits from STRS. "Years of Service" will continue to accumulate (thus increasing future retirement income) and the "final average salary" will be based on the average of the five highest years of earnings during the last fifteen years of employment. The formula for determining benefits is 2% of the "final average salary" times the total years of service.

Retired Status: The other alternative would be a working arrangement allowing the employee to work only one semester per fiscal year. This constitutes a "retired" status with STRS so long as the following are true:

- (1) The employee (non teaching) works no more than 100 days in a fiscal year.
- (2) The employee (faculty) does not teach more than 6 hour[s] per semester (less than 7 hours, STRS).
- (3) The employee does not work during the same fiscal year in which he/she retires (begins income benefits).
- (4) The employee is not considered "benefits eligible" by the University, and will therefore pay retiree rates and/or use accumulated credit towards

premiums to continue his or her Public Employees Insurance (PEIA).

Under this agreement, retirement benefits may be initiated while the employee continues to work at a reduced load.

Social Security: A faculty or staff member electing the Phased Retirement and also expecting to draw social security benefits must be at least age 62 and have the required number of work credits to qualify for social security benefits. However, the social security benefit will be reduced permanently if drawn yearly, with the amount of the reduction dependent upon the number of months benefits are collected prior to age 65.

AGE 65: A faculty or staff member electing Phased Retirement at age 65 or older and electing to draw social security benefits may not earn more than the annual social security earnings exemption amount (\$8,040.00 as of 1/1/94) for anyone under 65 without being penalized \$1.00 in benefits for each \$2.00 of earnings above the limit and (\$11,160.00 as of 1/1/94) for anyone age 65-70 without being penalized \$1.00 in benefits for each \$3.00 of earnings above the limit. After age 70 the faculty or staff member may draw full social security retirement benefits regardless of the amount of earnings during a calendar year. Earnings in and after the month of attainment of age 70 are not counted in determining excess earnings for social security retirement test purposes.

If the faculty or staff member elects to draw social security benefits while on Phased Retirement, social security contributions will continue to be paid equally by both the individual and the University with contributions based on the phased retirement salary level. Social security will automatically refigure annually the faculty or staff member's social security retirement benefit to include the additional earnings credited to the faculty or staff member's record while on Phased Retirement.

A faculty or staff member who delays past age 65 in applying for social security benefits will receive a special credit which will mean a larger benefit. For those 65-70 in 1994, a 4% credit is added to the benefit each year.

Social security regulations and computation of benefits change periodically. For the most up-to-date social security information the individual would contact the Social Security Office at 1.800.772.1213.

Recommendations: Any faculty or staff member electing the Phased Retirement should consider postponing drawing social security benefits until age 65 or older, and should evaluate carefully the penalty associated with earnings above the social security earnings exemption level.

Medicare Part A: Upon reaching age 65, active employees should contact the nearest Social Security Administration office and enroll for Part A (Hospital) Medicare coverage. Dependent spouses should also enroll at age 65 for Part A. Enrollment in Part A Hospital Insurance will allow you to submit claims to Medicare as secondary payer when the PEIA payment is less than the Medicare Diagnostic Related Group rate. There is no monthly premium for Hospital Insurance Part A, unless you do not have enough quarters of coverage to be entitled to monthly social security benefits.

Medicare Part B: When you retire, if you are within three months of age 65 or older, you should also enroll for Medicare Part B Medical Insurance. If you and/or your spouse are over 65 at the time of your retirement, you will be entitled to a special enrollment period for Medicare Part B Medical Insurance.

This special enrollment period begins with your month of retirement and ends six months later. If you and/or your spouse fail to enroll during this special enrollment period you can enroll for Part B Medical insurance only during a general enrollment period. The general enrollment period for Medical Insurance is January 1 through March 31 of each year. If you enroll during a general enrollment period, your coverage under Part B Medical Insurance will begin on July 1 of the year you enroll.

Monthly Premium: There is a monthly premium for Part B Medical Insurance. If you fail to enroll for Part B of Medicare during your initial enrollment period or your special enrollment period, when you do enroll there is a 10% surcharge for each twelve-month period that has elapsed beyond your initial enrollment period.

Your enrollment for Medicare Part A Hospital Insurance and Part B Medical Insurance at the appropriate time will insure that you receive all the health insurance benefits to which you are entitled both as an active employee and when you retire. Any medical insurance benefits that you and/or you spouse are entitled to under PEIA will be reduced by the amount of benefits payable under Medicare upon your change to retiree status. This reduction will occur whether you do or do not enroll for Medicare.

PEIA: When you retire, your claims under PEIA will be paid based on the faculty that you are enrolled for Medicare A and B. PEIA will automatically consider you enrolled for Medicare if you are 65 or older; or, if you are under age 65 and have received monthly social security disability benefits for at least 24 months. If you elect not to enroll for Medicare, any expenses normally covered under m[M]edicare will be your financial responsibility.

Primary Payer: If you are 65 or older when you retire, your monthly insurance premium will be determined based on the faculty that Medicare is the primary payer. Should you retire prior to age 65 and are entitled to m[M]edicare benefits, your PEIA monthly insurance premium will be reduced upon receipt of a copy of your Medicare card by PEIA. However, if you have not yet reached age 65 at the time of your retirement and are not entitled to Medicare benefits, your monthly insurance premium will be determined based on the fact the PEIA remains as the primary payer.

Application forms, Model Agreement contracts, and booklets for Phased Retirement can be requested from a faculty or staff member's Dean or Director.

Emeritus Status of Retired Professionals

MUBOG Policy AA-31

1 General Information.

1.1 Scope: Academic policy regarding the award of emeritus status of retired professionals to faculty, adjunct faculty and staff.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Effective May 1, 1985; approved by the President, June 3, 1985. Revised SR-03-04-31 UF, March 9, 2004.

2 Policy

2.1 Emeritus status shall be conferred upon any faculty member regardless of rank and any professional staff who have served Marshall University for a minimum of five years and who has demonstrated meritorious service to the institution.

2.2 Emeritus status shall be conferred upon any faculty member who qualifies under one of the three following categories:

2.2.1 Regular full-time faculty who will hold the title of Faculty Emeritus

2.2.2 Clinical faculty who will hold the title of Clinical Faculty Emeritus

2.2.3 Adjunct faculty who will hold the title of Adjunct Faculty Emeritus

2.2.4 The Emeritus title shall be conferred upon the faculty member by the President at the recommendation of the appropriate chairperson, dean and vice president.

2.3 Emeritus status shall be conferred upon any staff member whose title and responsibility meet the requirements as designated by the institution.

2.3.1 Such staff members shall hold the title of Professional Staff Emeritus

2.3.2 Those entitled to consideration for the rank of Professional Staff Emeritus will include members of the executive staff, deans, directors, coordinators, or the equivalents as well as officers subordinate to any of these administrators with such titles as associate dean, assistant dean, librarian and other such titles if their principal activity is administrative.

2.3.3 The Emeritus title shall be conferred upon staff members by the President at the recommendation of the appropriate director and vice-president. Members of the executive staff shall be granted the title upon the recommendation of the President.

2.4 Those holding Emeritus rank will be entitled to such privileges as:

2.4.1 Use of the library

2.4.2 Use of the Student Center and reduced rates for University administered functions including athletic events and cultural activities.

2.4.3 Special Mailings

2.4.4 Recreational Facilities

2.4.5 A free parking permit (all areas)

2.4.6 An emeritus identification card.

Non-reappointment of Tenure-track Faculty: Series 9

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 year. During said tenure-track period, notices of non-reappointment may be

issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

By letter post-marked and mailed no later than December 15 of the second academic year of service; and

By letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

For those appointed after March 8, 2003, after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision by letter post-marked and mailed no later than March 1.

Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

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 non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy (Series 9). The request for a statement of reasons shall be in writing and mailed to the president or designee within ten working days of receipt of the notice of non-retention.

University Non-Reappointment of Probationary Faculty

The President, within ten days after receiving a request shall, (by certified mail, return receipt requested) provide the faculty member with a statement of reasons for non-retention which is only for purposes of informing the faculty member of reasons for non-retention.

Dismissal: Series 9

1. Causes for Dismissal. The dismissal of a faculty member shall be effected only pursuant to the procedures provided in these policies and only for one or more of the following causes:

1.1. Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;

1.2. Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to verified instances of sexual

harassment, or of racial, gender-related, or other discriminatory practices;

1.3. Insubordination by refusal to abide by legitimate reasonable directions of administrators;

1.4. Physical or mental disability for which no reasonable accommodation can be made, and which makes the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;

1.5. Substantial and manifest neglect of duty; and

1.6. Failure to return at the end of a leave of absence.

2. Notice of Dismissal for Cause. The institution shall initiate proceedings by giving the faculty member a written dismissal notice by certified mail, return receipt requested, which dismissal notice shall contain:

2.1. Full and complete statements of the charge or charges relied upon; and

2.2. A description of the appeal process available to the faculty member.

3. Prior to giving the faculty member a written dismissal notice, the institution shall notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the institutional designee prior to the effective date to refute the charges.

4. Faculty who refuse to sign or execute an offered annual contract or notice of appointment or reappointment by the date indicated by the institution for its execution, or who fail to undertake the duties under such document at a reasonable time, shall be deemed to have abandoned their employment with the institution and any rights to tenure or future appointment. Faculty objecting to terms of such a document do not waive their objections to such terms by signing or executing the document.

Termination Because of Reduction or Discontinuance of an Existing Program: Series 9

1. A tenured or tenure-track faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program at the institution as a result of a review of the program, in accordance with the appropriate rule relating to review of academic programs, 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 institution shall make every effort to extend first refusal to the faculty member so terminated.

1.1. Every effort should be made to reassign an individual to instructional or non-instructional duties commensurate with the faculty member's training and experience, and offers of release time or leaves of absence should be made to enable such persons to acquire capabilities in areas in which their services would be required by the institution. Faculty development programs and funds should be used to facilitate such reassignments.

2. Institutional policy for accommodating major reduction in, or discontinuance of, an existing program shall be

developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.

3. Notice of Non-retention Because of Program Reduction or Discontinuance: The institution shall initiate proceedings by giving a faculty member written notice of such non-retention by certified mail, return receipt requested.

4. The dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of Series 9.

Termination of Faculty Due to Program Reduction or Discontinuance

MUBOG Policy AA-32

1 General Information.

1.1 Scope: Academic policy regarding the termination of faculty due to program reduction or discontinuance.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Faculty Senate passed 12/10/87 (FPC); Approved 12/10/87

2 Policy

2.1 Criteria for personnel decisions upon reduction or discontinuance of programs

2.1.1 Once the decision to reduce faculty within a specific program of department is final, the head of the affected department or program, in consultation with and with the approval of department member(s), will determine which particular faculty member(s) must be terminated.

2.1.2 There are several overriding principles to which the university must adhere when personnel reduction is necessary. First, program reduction must never be used for the sole purpose of removing an individual from a program because of job performance or personality conflicts. Secondly, the university is committed both morally and legally to affirmative action. All reasonable steps possible will be taken to maintain a faculty of racial, sexual and ethnic diversity. Strict adherence to a seniority rule in reduction, for example, would have a debilitating effect on minorities and women. And third, but perhaps most importantly, any reduced program must remain academically viable. The value of each faculty member to the viability of the program must be considered. Should there be redundancy of faculty expertise among the tenured faculty while untenured faculty possess unique and essential capabilities for the successful fulfillment of the program, then the decision to retain the untenured faculty with less seniority will be considered.

2.1.2.1 Given these considerations, the following guidelines will be applied, in sequence, to achieve the necessary reduction in personnel within an affected program:

2.1.2.1.1 Non-replacement or vacant position vacancies due to attrition or retirement.

2.1.2.1.2 Reduction or elimination of graduate teaching assistantships.

2.1.2.1.3 Removal or reduction of adjunct faculty considering seniority.

2.1.2.1.4 Qualified faculty will be urged to consider the option of early retirement.

2.1.2.1.5 Non-tenured faculty may be reduced in the following order:

2.1.2.1.5.1 non-tenure track positions considering seniority

2.1.2.1.5.2 tenure-track positions considering seniority

2.1.2.1.6 Reduction in tenured positions considering seniority.

2.1.2.2 An alternative to the above, the affected department or program may propose a plan for fractional appointments instead of the release of any faculty member. Such a plan may be recommended to the President only if all faculty members in the unit who are to participate agree to the plan. Such plans are to be time limited and are subject to annual consideration.

2.1.2.3 Faculty who are dismissed as a result of program reduction have the right to appeal.

2.1.2.4 Assistance to faculty affected by program change

2.1.2.4.1 The university will make every reasonable effort to place affected faculty in positions within the university for which they are qualified at a salary comparable to their present salary. The determination shall be made by the department or unit where the vacancy exists. The department with the vacancy shall be prohibited from filling any vacancies until or unless it demonstrates that affected faculty members are not academically suitable for those vacancies. Since tenure is granted by the university, an individual has tenure within the university rather than a particular department. In order to meet the needs of a specific department, the affected faculty member may receive a one-year temporary appointment that is related to the individual's academic training and background. This position may be instructional or non-instructional. The conditions shall be explicit and put in writing at the time of the transfer. If the position is temporary or less than full-time, the qualified faculty member may accept or refuse the position without in any way altering or affecting his/her rights as established in this article. Persons who decline offers of full-time re-employment waive all rights of reassignment as established in this article.

2.1.2.4.2 If the employing unit requires additional training for the faculty member, the university shall provide financial and other support, including if necessary, leave with full pay, which will be negotiable between the employing department and faculty. The two parties will also negotiate a reasonable length of retraining.

2.1.2.4.3 Should faculty for whom positions cannot be found within the university so desire, Marshall University will request consideration by other West Virginia higher education institutions for employment in suitable positions.

2.1.2.4.4 Should an affected faculty member desire to seek employment outside the institution and/or university or college systems, letters from appropriate administrators and the President will be written expressly stating that termination due to program change does not imply a negative judgment about the individual's performance. Copies of the letters will be maintained in university files.

2.1.2.4.5 The Provost and Senior Vice President for Academic Affairs, or where appropriate, the Vice President for Health Sciences will assist the faculty member at university expense in efforts to find suitable placement by sending letters that explain the circumstances of the termination and professional resumes to other institutions.

2.1.2.4.6 Each faculty member who has been given notice of termination will be granted release from the current contract upon request.

2.1.2.4.7 If suitable employment cannot be found through steps A-F, then time for retraining will be offered to tenured faculty. During this terminal year of appointment, faculty will retain full salary for the express purpose of retraining. The university will be required to meet staffing needs of a department while a faculty member is involved in retraining.

2.1.2.4.8 Faculty terminated as a result of program change will be offered the right of first refusal if the program is reinstated or expanded within three years. Recall rights and rehiring preference shall be in accordance with the following provisions:

2.1.2.4.8.1 When a vacant position is to be filled, terminated faculty members who are eligible for the position shall be offered re-employment in inverse order of their termination from the system. If two or more faculty members were terminated at the same time, then that person with the greater seniority shall have priority for recall. If they have equal seniority then the person with the greater length of tenured service in the university shall have priority for recall.

2.1.2.4.8.2 Persons offered re-employment must accept such offers within fifteen (15) working days after such offers.

2.1.2.4.8.3 Persons who decline such offers of re-employment waive all rights of recall as established in this article and shall have their names removed from the "recall list."

2.1.2.4.8.4 Faculty members who are recalled shall be re-employed at former academic rank, at the current salary for their previous rank and years of service. They shall retain their previously earned tenure rights and sabbatical leave rights.

2.1.2.5 Impact on Students

2.1.2.5.1 Undergraduate Students

2.1.2.5.1.1 Even when a program is being reduced or discontinued, Marshall University has an obligation to all students in that program to provide adequate course offerings and quality instruction to ensure that those students can complete their chosen major. However, when a degree program is scheduled for termination, no new majors or minors will be admitted. Students enrolled as majors or minors will be informed by the Registrar in writing of the program change decision during the semester in which it is made and of the existence of these guidelines:

2.1.2.5.1.1.1 Enrolled students will have time to complete their major as a full-time student. A program that requires four years to complete will be phased out over four years so that students engaged in completing a major may do so.

2.1.2.5.1.1.2 If the terminated program has specialized courses that do not interfere with the person's ability to

complete the major, the student will be advised of the date of termination of such courses and of the need to complete or select other courses to fulfill degree requirements.

2.1.2.5.1.1.3 Students minoring in the program will be encouraged to complete their coursework within two years after the decision or to consider changing their minor. Academic advising will be advisable and students will be apprised in writing of such a service.

2.1.2.5.1.1.4 Students will be given academic advising for expeditious course selection to meet time requirements or credit and program transfer to other majors within the university.

2.1.2.5.1.1.5 Students will be assisted in transferring to colleges or universities that offer a similar program. When the student requests, both the department and the university will provide a letter to other institutions indicating that programmatic change necessitated the transfer. Other programs will be brought to the student's attention, as will possibilities for financial aid.

2.1.2.5.2 Graduate Students

2.1.2.5.2.1 In the case of a program change that terminates a graduate degree program, enrolled students will have the right to complete the program within the time outlined in graduate or departmental bulletins. In no case will that time exceed four years for masters' degrees and seven years for doctorates. Whenever possible, courses will be phased out sequentially and students will be informed of the sequence.

2.1.2.5.2.2 No new masters or doctoral students will be admitted after the decision to terminate.

Termination Due to Financial Exigency: Series 9

1. Termination of Employment Due to Financial Exigency: A faculty member's appointment may be terminated because of a financial exigency, as defined and determined by the institution's Governing Board. Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board, and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.

2. Notice of Termination due to Financial Exigency: The institution shall initiate proceedings by giving the faculty member written notice of termination by certified mail, return receipt requested, which notice shall contain:

2.1. A delineation of the rationale used for the determination of a financial exigency;

2.2. A copy of the implementation procedures used by the institution related to the financial exigency and a delineation of the rationale used for the termination of the faculty member; and

2.3. A description of the appeal process available to the faculty member.

3. To the extent financially feasible, the dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of Series 9.

Plan for Meeting Financial Exigency

MUBOG Policy AA-33

1 General Information.

1.1 Scope: Academic policy regarding the plan for meeting financial exigency.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: Approved by the Faculty Personnel Committee and the President and submitted to the WV Board of Trustees, May 4, 1992.

2 Policy

2.1 Introduction

2.1.1 Demographic and economic forecasts for the remainder of the century indicate possible enrollment decreases and reduction of funding for higher education. In past instances of reduced funding, state-supported colleges and universities have reacted in three stages:

2.1.1.1 First, costs are reduced in ways which do not disrupt programs or reduce staffing (e.g., by reducing supplies, postponing equipment purchases, restricting travel, deferring maintenance). This response to relatively mild financial constraint permits continuity of current operations, but burdens budgets in the future.

2.1.1.2 If funding problems continue, or worsen, non-instructional programs are curtailed, termination of non-instructional personnel occurs, and instructional personnel may assume added responsibilities. For example, at this stage institutions may terminate or reduce intercollegiate competition – both athletic and academic; may reduce administrative, secretarial, custodial and maintenance staff; and may ask faculty to be responsible for custodial work in their offices.

2.1.1.3 If, after the preceding measures have been taken, funding deteriorates to the point that statewide public higher education is in jeopardy, financial exigency may be declared. At this stage, further curtailment in non-instructional personnel, and perhaps in programs and degree offerings, may be unavoidable. In West Virginia, authority to declare financial exigency is vested in the Higher Education Policy Commission. It is assumed that such declaration would occur only in circumstances of extreme gravity, and that all institutions in the state system of higher education would be affected. In order to insure thoughtful consideration of the response to a declaration of financial exigency, the Higher Education Policy Commission has mandated: Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board, and reported to the Policy Commission prior to implementation. Marshall University hereby responds to this charge. This plan was developed by an ad hoc committee on Financial Exigency and was reviewed by the Faculty Personnel Committee, the Provost and Senior Vice President for Academic Affairs and deans and the Staff Council or where appropriate, Vice President for Health Services.

2.2 Criteria for Responding to Financial Exigency

2.2.1 The overriding consideration during financial exigency must be to preserve the high quality of existing academic programs. Any loss of personnel diminishes the capacity of the university to continue its mission; therefore, every personnel decision must be examined, before any other considerations, for its effect on teaching and learning. Adherence to this criterion insures that a plan for coping with financial exigency will protect the investment of the people of West Virginia in their system of higher education, and will not be arbitrary or capricious.

2.2.2 The following criteria for responding to financial exigency reflect the concern for maintaining quality programs for teaching and learning:

2.2.2.1 Academic integrity will have precedence over all other considerations.

2.2.2.2 To the greatest extent possible, all academic programs (instructional functions) will be preserved.

2.2.2.3 Exigency recommendations will be reviewed by an academically representative committee.

2.2.2.4 Specific programmatic and personnel decisions will be made at the level of the school or college.

2.2.2.5 Individual personnel decision will be based on the following sequence of considerations: competence and value to program; ability to serve competently in other positions; tenure and length of service.

2.3 Procedure for Responding to a Financial Exigency

2.3.1 If the Higher Education Policy Commission declares a state of financial exigency, the President of Marshall University will immediately convene an Academic Exigency Committee (AEC). The composition of this committee will be:

2.3.1.1 One level member from each college or school of equal level

2.3.1.2 Chairperson of the Faculty Personnel Committee

2.3.1.3 Chairperson of the Budget and Academic Policy Committee

2.3.1.4 Chairperson of the Curriculum Committee

2.3.1.5 President of the Faculty Senate

2.3.1.6 Deans of all colleges and schools, including the Dean of the Graduate College

2.3.1.7 Vice President for Finance

2.3.1.8 Provost and Senior Vice President for Academic Affairs, or where appropriate, Vice President for Health Sciences

*No person can fill more than one position. Pending election of a college or school representative, the college or school will be represented by the chairperson of its Personnel Committee.

2.3.2 The AEC will elect its officers from its membership. This Academic Exigency Committee will review all proposed exigency-related actions affecting academic personnel and academic programs or degrees.

2.3.3 After the AEC is convened, the following steps will be taken in response to the declaration of financial exigency:

2.3.3.1 The AEC will assess the severity of the exigency and determine whether all appropriate steps have been taken to alleviate it without affecting programs or degrees, or terminating instructional personnel

2.3.3.2 After step 1, if academic curtailment is unavoidable, the AEC will determine percentage reductions to be made by each college or school. The deans will be asked to prepare recommendations for reductions in the following areas:

2.3.3.2.1 vacant positions

2.3.3.2.2 adjunct instructional staff

2.3.3.2.3 miscellaneous instructional staff (as defined by the colleges and schools)

2.3.3.2.4 graduate assistant positions

2.3.3.2.5 first term summer school

2.3.3.2.6 second term summer school

2.3.3.3 These recommendations will be accompanied by a supporting statement showing how the criteria for response to financial exigency were employed, how each reduction will affect programs or degrees, and the extent to which reduction could be offset by transfer of qualified personnel from other units.

2.3.3.4 If the exigency appears resolved by these actions, the deans will return their recommendations to the AEC for review.

2.3.4 If, after step 2, further reductions are necessary, the deans will recommend reductions in current faculty. These recommendations will be prepared in conjunction with existing deans' advisory committees, and will consider the following:

2.3.4.1 effect on programs or degrees

2.3.4.2 relationship of program or degree to the mission of the university

2.3.4.3 five-year history of student credit hours generated in the program or degree

2.3.4.4 number of graduates from the program or degree in past five years

2.3.4.5 projected need for program or degree

2.3.4.6 cost of program or degree

2.3.4.7 minimum staffing required for program or degree

2.3.4.8 accessibility of similar programs or degrees to students in the region and state

2.3.4.9 profile of each faculty member involved in the program or degree

2.3.4.10 the possibility of early retirement or fractional appointment as an alternative to termination

2.3.4.11 other special considerations

2.3.5 When completed, these recommendations, along with supporting materials described in step 2 and a statement showing how the foregoing considerations affected the recommendation, will be submitted to the AEC for review.

2.3.6 After step 2 and/or step 3, the AEC will review the recommendations and supporting materials to insure that program and degree integrity is maintained, and that all who are affected by the recommendations have been treated impartially. When this review is completed, the recommendations, along with any comments or suggestions from the AEC, will be returned to the colleges and schools.

2.3.7 Each dean, in conjunction with a committee composed of - at minimum - all departmental heads, will make final decisions on college or school reductions and submit these recommendations to the President of Marshall University.

The President will make the final decisions on termination of faculty members.

2.3.7.1 It shall be incumbent upon the President (1) to promote and encourage transfers within colleges wherever possible, (2) to promote and encourage retraining wherever possible, and (3) to adhere strictly to the Higher Education Policy Commission guidelines.

2.3.7.2 The mission of a university is to provide for its students a solid foundation for life-long learning, and to provide for society the wisdom and skills, which enable a community to function. To fulfill this mission, a university needs academic staff, which offers both breadth and depth of knowledge. Clearly, it is counterproductive to reduce staffing on any basis other than the ability of staff members to contribute to the teaching and learning that ultimately justify the existence of the university. For this reason, it may be necessary in a financial exigency to terminate faculty members with a long record of service to the university while retaining faculty members who began their service more recently. The primary consideration must always be to provide a sound system of higher education for the people of West Virginia. It must also be remembered that, when other things are equal, the university community owes most to those who have served it longest.

Sabbatical Leave

MUBOG Policy AA-1

General.

1.1. Scope: This policy establishes a uniform sabbatical leave plan for faculty members.

1.2. –Statutory References: W. Va. Code §§18B-7-2, 18B-1-6

1.3. Passage Date: November 13, 2002

1.4. Effective Date: Upon Passage

1.5. Background: Replaces Board of Trustees Series No. 10 which was transferred by the Higher Education Policy Commission to the institutional boards of governors. This policy was previously numbered as MUBOG Policy No. 6.

2 Policy:

2.1. Sabbatical leave may be granted to a faculty member so that he/she may engage in research, writing, or other activity calculated to contribute to professional development and his/her usefulness to the college or university.

3 Eligibility.

3.1. Any person holding faculty rank is eligible for sabbatical leave after completion of at least six years of full-time employment in a faculty rank at Marshall University.

After completing a sabbatical leave, a faculty member shall not be eligible for another sabbatical leave until the seventh subsequent year of full-time employment. Separate summer school employment shall not be counted toward eligibility for sabbatical leave.

4 Conditions Governing the Granting of Sabbatical Leave.

4.1. The awarding of sabbatical leave is not automatic but shall depend upon the merits of the request and on conditions prevailing in the institution at the time. Sabbatical leave recommendations will be approved by the president of the institution or his/her designated representative. Each year the president will forward

information on approved sabbatical leaves to the Board of Governors.

4.2. In consultation with the faculty, each president shall develop appropriate criteria for determining the usefulness of the proposed activity to the institution and equitable procedures and standards for processing applications for leave.

5 Compensation.

5.1. 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.

6 Obligations of the Faculty Member.

6.1. An applicant for sabbatical leave shall submit to the president or his/her designee in writing a detailed plan of the activity which he/she proposes to follow.

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

6.3. While on sabbatical leave, a faculty member may not accept remunerative employment without the written consent of the president or his/her designated representative. Fellowships, grants, assistantships, and similar stipends shall not be considered remunerative employment.

6.4. Upon completion of a sabbatical leave, a faculty member shall file with the president or his/her designee a written report of his/her scholarly activities while on leave.

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

7 Obligations of the University.

7.1. A faculty member's institutional position, status, and rank shall not be adversely affected solely by his/her absence while on sabbatical leave.

Section 9. Students & Workplace

Appropriate Use of ID Numbers

MUBOG Policy AA-11

1 General Information.

1.1 Scope: Institutional policy regarding the appropriate use of ID numbers.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and/or Marshall Community and Technical College

1.6 History: The preceding shall be considered a policy of the university (effective July 1, 2002; revised August 11, 2004) until a comprehensive policy on the use of confidential information is developed and approved.

2 Policy

2.1. In order to protect the privacy interests of students and to comply with the new law, and existing state and federal laws (FERPA), all faculty and staff shall observe the following practices:

2.1.1. Final course grades and grades for class quizzes, exams, projects, etc., shall not be publicly posted in any manner in which a grade can be associated with the student by any person other than the student himself. No such posting shall include any student's MU ID number.

2.1.2. Students' MU ID numbers shall not be used on attendance or sign-in sheets.

2.1.3. Care should be taken to ensure class rosters, grade reporting forms, and other Marshall University reports or listings containing MU ID numbers are filed appropriately and "out of public view" when in the possession of faculty and staff.

2.1.4. Faculty and staff shall observe due diligence whenever the responsibilities of their positions require the use of social security numbers or other private information regarding students.

Drug-Free Schools and Communities Information

Purpose: To comply with Drug-Free Schools and Communities Act.

Coverage: The entire university community, including student, faculty, staff and visitors to the campus.

Standard of Conduct: (a) The unlawful manufacture, distribution, dispensing, possession, or use of illicit drugs and alcohol on Marshall University property or as a part of any university function is prohibited. (b) Reporting to work, class, or any university function under the influence of alcohol or illicit drugs is prohibited.

Disciplinary Sanctions: The university will impose disciplinary sanctions on students and employees consistent with local, state, and federal laws for violation of the Standard of Conduct outlined above. All persons should be aware that violations could result in expulsion from school, termination of employment or referral for prosecution. Federal Trafficking Penalties include substantial fines and imprisonment up to life. West Virginia Sanctions depend on the classification of the controlled substance, the particular activity involved (possession or trafficking), and whether multiple convictions are involved. Under WV law, the most severe penalties for drug violations are for possession with intent to sell. On a first offense conviction, one may receive a fine of up to \$25,000 and/or imprisonment for 15 years. Sanctions for violations of state alcohol laws vary according to the severity of the offense, with the minimum vehicular violations calling for imprisonment or the county jail for 24 hours, and a \$500 fine. University sanctions will be imposed consistent with procedures used in other disciplinary actions. Violation of drug and alcohol standards is the most serious type, and may result in sanctions up to expulsion from the university. Counseling and other assistance is available on campus at

the Student Health Education Program. Services are free and confidential. Community resources are also available.

Equal Opportunity/Affirmative Action Policy

It is the policy of Marshall University to provide equal educational and employment opportunities for prospective and current members of its student body, faculty and staff on the basis of individual qualifications and merit. In order to insure genuine equal opportunities for all:

(1) Marshall University Prohibits discrimination based on race, color, sex, sexual orientation, religion, age, national origin, veteran status, or disabilities.

(2) Marshall University will, whenever appropriate, take affirmative actions to employ, advance in employment and otherwise treat without discrimination against qualified women, minorities, individuals with disabilities, disabled veterans and veterans of the Vietnam era.

(3) Marshall University will not affiliate with nor grant recognition to any individual, group or organization having policies or practices that discriminate on the basis of race, color, sex, sexual orientation, religion, age national origin, veteran status or disabilities.

All employees and contractors of the University are required to comply with this policy in the exercise of their functions. Anyone who believes that s/he has been denied the benefits of this policy should contact the Office of Equity Programs for appropriate action.

Faculty Absences

MUBOG Policy AA-35

1 General Information.

1.1 Scope: Academic policy regarding faculty absences.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: A long standing policy of the University.

2 Policy

2.1 Faculty members do not accrue sick leave and are responsible for meeting their classes every scheduled session. If you must be absent from class, please make arrangements with the department chair for someone to cover your class. This should be done well in advance whenever possible; in case of emergencies, please notify the department chair immediately. If you must be late for class, the same procedure should be followed.

The Faculty/Student-Athlete Relationship Policy Statement

April 7, 2005, Faculty Athletic Representative

Faculty should be aware that student-athletes face special restrictions due to NCAA regulations. Two concepts are central to the status of student-athletes on campus: extra benefits and equal treatment. These concepts are delineated in NCAA Bylaw 16.02.3:

An extra Benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-

athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institutions' student or their relatives of friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability.

In short, student-athletes are to receive *no special favors based on their status as athletes and no special penalties based on their participation in athletics.* This principle applies in the following areas of the faculty/student-athlete relationship.

Excused Absences. Effective in August of 2005 the Marshall University policy allows for students to receive University excuses for three types of absences.

1. Absences related to participation in activities sponsored by the Athletic Department are excused by the Dean of Enrollment Management.
2. Absences related to participation in academic activities sponsored by the student's department or college are excused by the academic dean's office.
3. Absences related to University-sponsored activities, illness or death in the immediate family, and religious holidays are excused by the Dean of Student Affairs.

Make-up Work. While instructors at Marshall University have considerable latitude in developing absence policies in their courses, the University excused absence policy requires that:

"The instructor must honor a university excused absence covered by this policy and allow the student an opportunity to catch up/make up work missed."

The equal treatment principle requires that student-athletes be given the same opportunities for make-up work, and the same penalties, as are applied to any student in the course.

The University excused absence policy requires that student-athletes who have missed class for participation in official athletic events sponsored by the Athletic department should have the opportunity to make up work or replace credit for work missed in accordance with the following guidelines:

- The student is responsible for requesting a make up of missed work
- The request for a make up opportunity should be made at the first available class session.
- The make up work must be completed prior to the end of the semester.
- The instructor will reschedule the assignment, or, if rescheduling is not possible, will develop a fair and equitable alternative to replace the missed grade opportunity.
- No punitive measures are to be taken against the student who presents a University approved absence excuse.

- If the number of absences, excused or not, prevents the student from fulfilling the learning experience/mastery that the course requires, the instructor may recommend that the student withdraw from the course.

Progress Reports. The student-athlete is subject to NCAA requirements for academic progress that are far more stringent than those applied to the student body in general. Consequently, they need advising and guidance by individuals trained in NCAA bylaws related to athletic eligibility. The Buck Harless Student Athlete Program (BHSAP) provides this service for all Marshall University student-athletes.

As part of their efforts faculty members are asked to provide at least two progress reports per semester to the BHSAP for each student-athlete in their courses. All student athletes have been notified of this practice and have signed a waiver allowing information about their grades to be reviewed by their advisors and their coaches.

These progress reports are reviewed by the BHSAP advisor, the coach, and the student-athlete. In courses where deficiencies are reported, remedial steps are taken. In order for this system to achieve the goal of promoting student-athlete success in all courses, faculty must cooperate with the BHSAP by returning all progress reports promptly.

Contact with Coaches. Marshall University policy prohibits coaches and athletic staff from contacting instructors directly on behalf of student-athletes. Instructors are permitted to contact coaches regarding behavior or academic performance issues related to student-athletes.

Ethical Conduct. NCAA bylaws related to ethical conduct specifically prohibit knowingly arranging for fraudulent academic credit (bylaw 10.1b) or knowingly offering or providing an improper inducement or extra benefit (bylaw 10.1c).

The Academic Dishonesty Policy approved by Marshall University's Faculty Senate outlines the common types of academic dishonesty: cheating, fabrication, plagiarism, bribes/favors/threats, and complicity. The policy states, *"Sanctions for academic dishonesty may be imposed by the instructor for the course, the department chairperson, or the Academic Dean. Sanctions may include a reduced or failing grade on the assignment, a reduced final grade, failure in the course, and exclusion from further participation in the course."*

The policy further states that, *"Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within ten (10) days of the accusation."*

This report must include 1) the instructor's name, 2) the term, course number, and section, 3) the student's name and University identification number, 4) the date of the accusation, 5) a brief description of the charge, and 6) a brief description of the sanction imposed.

The University Academic Dishonesty policy stipulates that reports of academic dishonesty sent to the office of Academic Affairs will be held in a student's file throughout

the student's tenure at Marshall University. If a second report is received by Academic Affairs, the student may be suspended from the University for a period not to exceed one year. If a third report is received, the student may be expelled from the University.

Compliance with Marshall University policy and NCAA bylaws requires that faculty submit these reports and apply these sanctions to student-athletes in the same way that they apply to all other students.

Final Examination Schedule

The Final Examination Schedules for the fall and spring semesters are printed in the respective class schedules and in the Parthenon. For the summer, the official final examination day is the last day of classes. No exceptions to the schedule are permitted except those approved by the faculty member's academic dean.

Final Exam Rescheduling. A student who has three or more final exams scheduled on the same day is permitted to reschedule one exam by obtaining the appropriate form in his or her dean's office. The student must have his/her final exam schedule confirmed in the dean's office and then take the form to individual instructors who indicate on the form whether they are willing to reschedule the student's exam. The completed form should be taken to the office of the Provost/Senior Vice President for Academic Affairs. If none of the instructors are willing to reschedule, the conflict will be resolved by the Provost/Senior Vice President for Academic Affairs. Rescheduling forms are available in the office of the college dean or in the Office of Academic Affairs.

Political Activities

MUBOG Policy AA-36

1 General Information.

1.1 Scope: Academic policy regarding the political activities Marshall University employees.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University

1.6 History: A long standing policy of the University.

2 Policy

2.1 It is consistent with the interests of the university that members of the staff be permitted to participate in the political and governmental activities of the community, under conditions which assure that the university will not become directly involved in any political activities or suffer from undue diversion of interests of its employees. Therefore, the following considerations govern political activity.

2.2 No employee may use or attempt to use his/her official authority or position in the university directly or indirectly:

2.2.1 To affect the nomination or election of any candidate for any political office.

2.2.2 To affect the voting or legal political affiliation of any other employee or student of the university.

2.2.3 To cause any other university employee or student to contribute time and money, whether as a payment, loan, or gift, to support a political organization or cause.

2.3 University employees may not engage in political activity while on university property, while on duty for the university, or while traveling on behalf of the university. "Political activity" is defined as active participation in political management or in political campaigns or knowingly attempting to use their official position or influence to promote the success or defeat of a political party or candidate in an election.

Posting of Grades

To comply with the regulations of the "Privacy Act of 1974" (Public Law 93-579 of the U.S. Congress), faculty members are required not to post grades of students. The Act prohibits disclosure of any records "from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual."

Sexual Harassment

MUBOG Policy GA-1

(Formerly Board of Governors Policy 5)

General:

1.1 Scope: This policy defines sexual harassment, provides guidelines for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment.

1.2 Statutory and other References: W. Va. Code §18B-1-6. A policy statement issued by the Office for Civil Rights of the U. S. Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment.

1.3 Passage Date: November 13, 2002

1.4 Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series 9 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Policy:

2.1. It is the policy of Marshall University to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment, or student. Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of the University to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known. Supervisors at every level are of primary importance in the implementation and enforcement of this rule.

Sexual Harassment Defined

3.1. Sexual harassment is intended to be defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome

sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

3.1.1. Submission to such conduct is an explicit or implicit condition of employment.

3.1.2. Submission to or rejection of such conduct is used as the basis for employment decisions or:

3.1.3. Such conduct has the purpose or effect of:

3.1.3.1. Unreasonably interfering with an individual's work or educational performance, or:

3.1.3.2. Creating an intimidating, hostile or offensive work or educational environment.

Filing of Complaints.

4.1. The University shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. Each campus shall designate a liaison person(s) who shall receive training in facilitating the informal resolution of complaints with the authority to conduct inquiries and report to the appropriate supervisory authority. In cases involving the president, the complaint shall be filed with the Chair of the Marshall University Board of Governors.

4.2. Employees. Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees should report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.

4.3. Students. Any student who feels he or she is being sexually harassed should contact the appropriate dean or other designated person of the institution where he or she is a student.

Action to be Taken Against Perpetrators.

5.1. Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action. Depending on the circumstances, sanctions may include termination or expulsion.

University Faculty Responsibilities Related to Student Life

Student Organization Advisors

It is a requirement that recognized campus organizations have one or more advisors who are members of the university faculty or staff. Exceptions are made for faculty spouses if approved by the Student Conduct and Welfare Committee. The role of the advisor in the organization is critical, not only to aid students in obtaining full benefits from extracurricular activities, but also to guide the personal development of individuals through association/modeling by the group. Seminars are offered periodically to keep advisors updated on trends and concerns, legal and otherwise. The advisor is instrumental in assisting students in developing programs and receiving maximum benefit from university and community resources and working within university regulations. Faculty/staff members who are interested in aiding student organizations should contact

the Office of Student Life or Student Activities. Regulations specific to student organizations are printed in *The Student Handbook*.

Confidentiality of Records

Academic and disciplinary records are confidential matters between the student and the institution. Policies must ensure that these records can be viewed only by the student and authorized campus personnel on a need to know basis, and then for specific purposes, and that records may be discussed with others only upon authorization of the student. The student's right to privacy further entails that procedures be established to preclude illegitimate use of evaluations made of the student, including achievement, aptitude, ability, interest, and personality tests. Students and university personnel who wish to review a record must make a specific request to the individual responsible for the direct supervision of the records. Faculty should review and become familiar with the official policy on student privacy, A Policy Statement on Educational Records, "Privacy Rights of Parents and Students," and the "Appropriate Use of Student Social Security Numbers at Marshall University," on file in the Office of the Dean of Student Affairs.

Smoking

MUBOG Policy GA-8

1 General Information.

1.1 Scope: Policy description.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 4, effective April 1, 1993. Executive Policy No. 4 is hereby repealed.

2 Policy

2.1 In response to serious and documented health concerns, Marshall University prohibits smoking in any university building or vehicle. This prohibition includes all areas of the Marshall University Football Stadium and Henderson Center.

2.2 The following exceptions will be observed:

2.2.1 Smoking is permitted in certain individual student residence hall rooms that are designated as smoking rooms.

2.2.2 Smoking is permitted in properties the university has leased to others.

Policy Regarding Weather-related and/or Emergency Closings and Delays

MUBOG Policy GA-9

1 General Information.

1.1 Scope: This policy describes notification procedures and student and employee attendance expectations in the event of a delay or closing of the institutions.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: March 8, 2006

1.4 Effective Date: Upon passage

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 7, revised February 1, 2005. Minor editorial changes have been made to the policy. Executive Policy No. 7 is hereby repealed.

2 Policy

2.1 Generally it is Marshall University's policy to maintain its normal schedule, even when conditions are inclement. However, that is not always possible.

3 Huntington Campus Delays and Closings.

3.1 In those instances when it is necessary to alter the schedule in response to weather conditions, every effort will be made to notify all those affected—students, faculty, staff and the general public—as expeditiously and as comprehensively as possible in the following ways:

3.1.1 Television stations in Huntington and Charleston will be notified.

3.1.2 Radio stations in Huntington and Charleston will be asked to announce the delay or closing.

3.1.3 Time permitting, newspapers in Huntington and Charleston will be notified. Often, however, decisions must be made after deadlines of newspapers.

3.1.4 The Office of Communications will communicate the specific details of the delay or closing to the Office of Public Safety at 696-HELP.

3.1.5 The Office of Communication will place the delay or closing message on the Huntington campus AUDIX system (696-6245) as well as the University response number (696-3170).

3.2 Information about closing, cancellations, or delays will ordinarily be disseminated to area radio and television stations. These outlets may, however, publish the University's notification incorrectly. Therefore, the authoritatively correct statement of the University's condition (Huntington) is stipulated to be the message on the AUDIX system (696-6245) or the message available at the University response number (696-3170).

3.3 This section applies only to the Huntington campus and all releases should make it clear that it relates only to the Huntington campus. The Marshall University Graduate College (South Charleston campus) weather-related policy will be managed by the Vice President for Regional Operations, and all releases from that office should make clear that it applies only to the South Charleston campus. The South Charleston phone number is 746-2500. See below for information on MUGC (South Charleston) procedures.

3.4 Types of delays and closings:

3.4.1 University Closed: All classes suspended and offices closed.

3.4.2 Classes Cancelled: All classes suspended; offices open.

3.4.3 Delay Code A: Means a delay in the opening of classes BUT no delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees are expected to report to work at their normal starting times

unless they feel that travel is unsafe. If an employee feels that he/she cannot travel safely to work, they may charge accrued annual leave for the portion of the workday from 8:00 a.m. (or their normal start time) until their arrival at work.

3.4.4 Delay Code B: Means a delay in the opening of classes AND a delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees do not have to report to their offices until the stated delay time. If they believe they cannot travel to work safely by the stated delay time, they may charge accrued annual leave for the work hours from the stated delay time until they can next report to work.

3.4.5 Class operation under delays: Under both categories of delay, students should go to the class that would begin at the stated delay time or the class that would have convened within 30 minutes of the stated delay time. A two-hour delay means that classes that begin at 10:00 a.m. begin on time. Classes that begin at 9:30 a.m. meet at 10:00 a.m. and continue for the remaining period of that class.

3.4.6 Exceptions with regard to employees: Certain critical and emergency employees may be required to report to work on time or earlier than normally scheduled despite the particular delay code published.

3.5 Staff and administrative personnel procedures:

3.5.1 The university will be completely closed only rarely and in extreme situations since it is essential that public safety be maintained, that buildings and equipment be protected and that services be provided for those students housed in campus facilities. Therefore, under Classes Cancelled, above, all university staff and administrative employees will be expected to report to work, unless notified otherwise.

3.5.2 In the event of critical need, certain employees may be required to report to work or temporarily reside on campus to ensure human safety and preservation of university property and/or facilities.

3.5.3 Individual employees may, in their best judgment, determine the risk of travel to be too great and elect to remain home. Those who do should contact their respective supervisors and indicate they are: (1) taking annual leave that day, or (2) taking compensatory time, in the event compensatory time is owed to them.

3.5.4 In the event a building, or section of a building is closed (because of heat loss, power outage, etc.) employees working in that affected area will be permitted to take their work to another area or building on campus. Or, in consultation with the supervisor, the employee may elect to take annual leave that day, or take compensatory time off.

3.5.5 In the event of an extreme situation (tornado, flood, ice storm, campus disturbance, etc.) and the employees' presence is not desired on campus, this information will be disseminated to the news media. A decision as to whether the missed time will be chargeable to annual leave, compensatory time, or a non-pay situation will be determined by the president and communicated through supervisors.

3.5.6 Supervisors must take steps to ensure offices and work stations are open to employees at all time when those

employees are expected to be at work, including inclement weather situations and other disruptive situations.

3.6 Faculty:

3.6.1 Once operations are resumed, deans, and departmental chairs must take steps to ensure that faculty meet their scheduled classes or substitutes secured so that class schedules are met.

3.7 Decision Making:

3.7.1 Decisions on closings and/or delays will be made jointly by the Senior Vice President for Academic Affairs and the Senior Vice President for Finance and Administration following the consultation with other appropriate officials, including the President. Should only one of those two vice presidents be available, that person will make the decision.

3.7.2 Every effort will be made to reach decisions to allow time for adequate notification to the news media, and in turn those affected.

4 Marshall University Graduate College (South Charleston campus) and other education centers:

4.1 Because weather conditions can vary substantially, it is possible that classes will be delayed or cancelled at some locations and not at others. The Vice President for Regional Operations, in consultation with staff at other learning centers, will decide on class cancellations.

4.1.1 Marshall University Graduate College – South Charleston Campus: Since MUGC classes do not generally meet until late afternoon; an effort will be made to decide about classes by noon. Notification of delays or cancellations at the South Charleston Campus will be announced by (a) local media, (b) MUGC telephone system, and (c) University web site. Any delay will be placed on the MUGC automated switchboard. Students may check the status of their classes by calling the MUGC telephone system (746-2500) or checking the Graduate College web site.

4.1.2 Point Pleasant, Beckley, Teays Valley and Other Educational Centers: Procedures for delayed openings and class cancellations are similar to those for the MUGC. At Point Pleasant, Beckley, and Teays Valley local media will provide information regarding cancellations. In addition, each site has a weather hot line: (a) Point Pleasant, 674-7239; (b) Beckley, 252-0719; (c) Teays Valley, 757-7223.

4.1.3 Remote Locations and Other Education Centers: Because the Marshall University Graduate College may have several classes meeting on an irregular schedule in a geographically dispersed area throughout the semester, decisions about whether to meet during inclement weather will be made by the instructor. Those decisions will be transmitted to students by e-mail or other methods as agreed by students and the instructor.

4.2 Types of Delays and Closings:

4.2.1 MUGC Closed: All classes cancelled and offices closed.

4.2.2 MUGC Classes Cancelled: All classes cancelled. Details provided by site.

4.2.3 MUGC Delay: A delay in the beginning of non-class activities, e.g. a two-hour delay would mean the normal work day would begin at 10:00 a.m. rather than 8:00 a.m.

Section 10. Research/Scholarly Activity

The university is dedicated to the generation and dissemination of knowledge, and its philosophy is to encourage the involvement of the faculty in professional activities such as research, writing, and consulting. These activities are encouraged with the understanding that each faculty member has a primary obligation to the university, and these activities must not interfere with specified university duties and with effective service to the university. In order to encourage such activities and to protect the rights of both the individual and the university, the following policies have been developed.

Intellectual Property Policy

MUBOG Policy GA-4

(Formerly Board of Governors Policy No. 19)

1 Preamble

1.1 Discoveries or inventions can result from research or educational activities performed at a university. The prompt and open dissemination of the results of research and creative work among scholars and, eventually, to the public at large is essential to Marshall University's mission of education and research. The commercial development and distribution of the results of research and creative work to benefit the inventor or creator and the economy is part of Marshall University's mission of public service and economic development. Marshall University desires to assure that all ideas and discoveries are properly disclosed and utilized for the greatest possible public benefit. Marshall University also desires to protect the intellectual property rights of the Marshall University faculty, staff and student body, and to abide by the laws and regulations of government agencies and private contracts providing funds for sponsored programs.

1.2 This policy is intended to facilitate the commercial development of intellectual property arising at Marshall University and to provide an incentive to University inventors or creators to participate in such development while acknowledging Marshall University's primary goal of the discovery and dissemination of knowledge

2 Objectives

2.1 Create appropriate support mechanisms and incentives to encourage inventive work

2.2 Assure fair allocation of benefit between inventors and Marshall University

2.3 Establish general guidelines for University personnel, industrial sponsors and funding organizations on the disposition of intellectual property

2.4 Define the rights and responsibilities of faculty, staff, and students with emphasis on allowing inventors to become appropriately involved in and benefit from commercialization decisions and processes.

2.5 Ensure the widest and earliest dissemination of innovative and creative work.

3 Coverage

3.1 The Marshall University Intellectual Property Policy applies to all faculties, administrators, staff, students or

other individuals who receive financial support from Marshall University, and/or who use Marshall University facilities or materials in the process of conceiving, and/or developing an idea, invention or discovery.

4 Administration

4.1 The primary university officer responsible for the administration of this policy shall be the Vice President for Technology Commercialization. In the event of a vacancy in that position or for any other reason, the president shall have the prerogative to appoint another individual to carry out the responsibilities of this policy.

5 Types of Intellectual Property

5.1 Intellectual properties are divided into two categories: technical works or technology and creative works.

5.2 Technical works include intellectual properties that are generally of a scientific, engineering, or technical nature-- such as patentable or unpatentable inventions, devices, machines, processes, methods, compositions, computer software, and University collections. All computer software is included in technical works except that which is clearly developed for entertainment or for instructional purpose, e.g., electronic textbooks and textbook supplements, classroom and self-study tutorials. Technical works may include, but is not limited to:

5.2.1 Prototype devices

5.2.2 Novel biological materials

5.2.3 New chemical compounds

5.2.4 Materials having novel optical or electronic characteristics

5.2.5 Software and programming code, where software is not excluded as a Copyrighted Work

5.2.6 Business Methods

5.3 Creative works include all intellectual properties not covered in technical works that are of an artistic, scholarly, instructional, assessment, or entertainment nature. Examples of creative works might include creative productions, such as works of art or design; musical scores; books, poems, plays, short stories, essays, novels, scripts, memoirs, screenplays, and other types of scholarly or creative writings; films; video and audio recordings; and instructional materials, such as textbooks and multimedia programs.

5.4 Creative works include those productions of drama, music, athletics, and similar events that are managed by appropriate academic departments, colleges, or academic support units expressly approved by the Provost as not being subject to this policy. Nothing in this policy shall interfere or restrict the copyrights or other intellectual property held by others. Nor shall the production of these events create any property rights requiring payment to the University for its production unless otherwise agreed in writing.

5.5 Creative works and traditional academic publications that are produced as a normal outcome of scholarly work and have only minor commercial possibilities are not included except under specific and unusual circumstances as

determined by the Provost and Vice President of Technology Commercialization. These publications would include professional papers published in scholarly journals, monographs of an academic nature, scholarly books of limited use, or supplementary texts and similar materials. Likewise, juried artistic creations or performances that are the academic, noncommercial equivalents of such scholarly publications are not included.

5.6 Nothing in this policy shall conflict with the provision of MUBOG Policy IT-5 as it relates to ownership of electronic course materials.

6 Disclosure

6.1 All members of the Marshall community who are covered by this policy shall disclose the nature and detail of their anticipated invention or discovery in writing to the Vice President for Technology Commercialization, or his/her designated representative at the earliest possible date, preferably within 30 days of making the invention or discovery.

6.2 Within 120 days after such disclosure, the Vice President for Technology Commercialization or his/her designated representative shall notify the inventor in writing whether it is Marshall University's intention to retain its interest and to acquire assignment of all ownership rights of the invention or discovery. If such notification cannot be made during that time period, the inventor shall be notified as to the reason for the delay and the additional time necessary to make such determination.

7 Intellectual property subject to contractual obligations (e.g., sponsored research agreements)

7.1 In the case of inventions and copyrightable works developed in the course of research funded by a sponsor pursuant to a grant or research agreement, or which is subject to a materials transfer agreement, confidential disclosure agreement or other legal obligation requiring disclosure, the disclosure of such intellectual property will be governed by the terms of such grant or agreement, as approved by the Vice President for Technology Commercialization, if such terms differ from this policy. 8 Guidelines regarding public disclosure of inventions

8.1 Internal disclosure of an invention will not interfere with the ability to patent or copyright the intellectual property. However, public disclosure of an invention prior to filing for a patent or copyright application could preclude the availability of patent or copyright protection in most countries. This rule applies to any non-confidential written or oral disclosure that describes the intellectual property (e.g., at a scientific meeting, in a journal, or even in an informal discussion with colleagues).

8.2 Accordingly, Marshall University requires inventors to disclose intellectual property to the Vice President for Technology Commercialization as soon as possible, and to delay public disclosure of the intellectual property until the evaluation process is completed and a patent or copyright application is filed if deemed necessary.

8.3 During this interim period, an invention may be safely disclosed outside of Marshall University under the protection of a confidential disclosure agreement ("CDA"), because disclosures made under an appropriate CDA are not

considered public disclosures. Marshall University requires that all inventors use Marshall University's CDA whenever they disclose information relating to an invention while the invention is under evaluation by Marshall University, and also requires use of Marshall University's CDA as well as consultation with the Vice President of Technology Commercialization if an inventor wishes to disclose an invention to an outside researcher associated with a company or other organization, or directly to such organization.

8.4 Inventors should be aware that public disclosure of an invention prior to completion of the evaluation process and filing of a patent or copyright application will adversely affect the commercial value of the invention and therefore may decrease the likelihood that Marshall University will proceed with commercialization of that invention.

9 Receiving confidential information from outside researchers

9.1 If an inventor receives confidential information from an outside researcher or organization (non-profit or commercial) in relation to research performed by the inventor at Marshall University, the other organization or researcher may impose serious non-disclosure and non-use obligations on the confidential information and may claim an ownership interest in inventions, copyrightable works, or materials that arise in the course of research performed with such confidential information. For this reason, only the Vice President for Technology Commercialization is authorized to approve and sign CDA's from other researchers or organizations on behalf of Marshall University.

10 Ownership Rights

10.1 Ownership of Intellectual Property

10.1.1 Marshall University will own any intellectual property that is made, discovered, or created by any inventor who was employed or otherwise financially supported by Marshall University who makes substantial use of University resources (including University-funded time, facilities, or equipment) in connection with the development of such intellectual property. This includes any intellectual property created through a research project funded by corporate, federal or other external sponsors administered by the University. Use of library facilities, facilities available to the general public, and occasional use of office equipment and office staff will not ordinarily be considered "substantial use" of University facilities and equipment.

10.1.2 Upon mutual agreement, an inventor may assign intellectual property he/she would otherwise own under this Policy to Marshall University to be managed by the Vice President for Technology Commercialization.

10.1.3 If Marshall University decides not to take assignment or ownership rights, and there are no restrictions by the sponsor of the research, Marshall University will release its proprietary interest to the inventor.

10.2 Obtaining a Patent or Copyright

In the event Marshall University determines that it will not file for a patent or copyright, or if Marshall University decides to terminate the application for a patent or copyright, the inventor shall be notified as soon as possible

and he/she may proceed to obtain his/her own patent or copyright, at his/her own expense.

10.3 No Ownership Rights of Marshall University

The ownership rights to a discovery or invention are considered to be exclusive property of the inventor only if Marshall University has not contributed to the conception or development of the discovery or invention in the way of funds, space, materials, reassigned time, or facilities and the discovery or invention was conceived and developed by the inventor on his/her own time without the use of University facilities or staff.

10.4 Determination of Ownership Rights

In a case where there is a disagreement between the inventor and Marshall University as to ownership rights or the retention of such rights by Marshall University, the Council on Research and Commercialization shall recommend to the President what further action Marshall University should take. The decision of the President shall be final.

10.5 Ownership Rights in Sponsored Programs

In the case of programs sponsored by government agencies or private firms with which Marshall University has negotiated a particular agreement regulating patents, inventions, licensing, etc., those regulations will govern. For all federal agencies with which there is no such agreement, Marshall University normally must agree to provide an irrevocable, nonexclusive free license to the government for the non-commercial use of patents or copyrights arising from programs which they supported.

10.6 Release of ownership rights

Marshall University, at its sole discretion and subject only to the restrictions of a sponsoring agency or a licensing agreement, may determine to release a previously obtained patent or copyright to the inventor for promotion and development. In so doing, Marshall University will require that it recover any costs incurred in obtaining the patent or in subsequent promotions. The transfer of rights must be approved and secured by an assignment agreement. Marshall University will retain a royalty-free, non-exclusive license to use any such inventions or copyrightable works for academic research and teaching.

10.7 Student Ownership of Intellectual Property

Students who independently develop intellectual property arising out of their participation in programs of study at Marshall University, such as thesis, dissertations, research reports, will usually retain ownership rights to that property unless:

10.7.0.1 It makes substantial use of Marshall University property, personnel or facilities.

10.7.0.2 It is a work-for-hire under the United States Copyright Act.

10.7.0.3 It is supported by a direct allocation of funds through the University (grant, contract, fellowship, scholarship, wage, stipend, etc.)

10.7.0.4 It is commissioned by the University.

10.7.0.5 It is otherwise subjected to contractual obligations such as a sponsored research agreement.

10.7.1 If any of the above conditions are met, students will be treated in the same manner as similarly situated Marshall

University personnel. Students must promptly disclose to the Vice President for Technology Commercialization any intellectual property which they have developed in which Marshall University may have ownership rights.

10.7.2 Any student engaging in research or development of intellectual property under the supervision and direction of a faculty or staff member in connection with a program or activity subject to this Intellectual Property Policy shall have no ownership interest in the resulting property, but may be eligible to participate in the income and/or equity distribution established in this policy. Faculty who supervise or direct students should have the students sign an "Assignment of Ownership Agreement" form as well as a non-disclosure form.

11 Substantial Use of Marshall University Resources

11.1 Substantial use of Marshall University resources in generating intellectual property is defined as use of Marshall University facilities, equipment, personnel, and one's time in excess of that needed to fulfill the required activity of one's appointment at Marshall (see, for example, Notice of Appointment and Offer Letter). Marshall University will retain title to all intellectual property that makes substantial use of University resources.

11.1.1 Extended use of time and energy by the inventor(s) in creating or promoting the work that results in reducing the levels of teaching, scholarship, or service activities.

11.1.2 Use of Marshall University facilities such as laboratories, studios, equipment, production facilities, or specialized computing resources.

11.1.3 University funding in support of the work's creation or commercialization.

11.1.4 Reassigned time to develop or complete the work.

11.1.5 Paid professional development leave to develop or complete the work.

11.1.6 Direct assignment or commission from Marshall University to undertake a creative project as a part of the developer's regular appointment.

11.1.7 Funding from gifts to Marshall University to support creation or commercialization of the intellectual property involved.

11.1.8 Production of the work under specific terms of a sponsored research grant or contract.

11.1.9 Subvention by Marshall University in the protection, dissemination or publication of the intellectual property.

11.1.10 Use of specifically designated Marshall University funds or extensive use of the services of a support unit financed by Marshall University (e.g. Institute for Development of Entrepreneurial Advances) for protection, production, or commercialization of a creative work.

11.1.11 Use of Marshall University computers and servers for Web-based activities such as a distance learning course.

12 Similar Intellectual Property

12.1 If an inventor makes, creates, or discovers intellectual property without substantial use of Marshall University resources, but the intellectual property closely resembles a specific research project that the inventor has conducted at Marshall University, it may appear that the intellectual property arose with use of substantial Marshall University resources. Under these circumstances, Marshall University

and the inventor (or a company for whom the inventor consults) could later argue about ownership of the intellectual property because Marshall University might reasonably believe that substantial University resources were in fact used. Such arguments usually arise after the intellectual property has gained substantial commercial value. In order to avoid these potentially litigious situations, Marshall University requires inventors to disclose to the Vice President of Technology Commercialization any intellectual property that closely resembles a specific research project at Marshall University, together with an explanation that the intellectual property did not arise through substantial use of University resources. Marshall University may ask the inventor for documentation supporting the claim that there was no substantial use of University resources. If there was no substantial use of University resources, Marshall University will give the inventor a written acknowledgment that Marshall University has no ownership interest. If there is substantial use, the ownership of the intellectual property resides with Marshall University and the inventor must take all necessary steps to protect Marshall University's intellectual property rights.

13 Administration

13.1 The administration of the Intellectual Property Policy will reside in the Office of the Vice President for Technology Commercialization. The Vice President for Executive Affairs and General Counsel of Marshall University shall be consulted on all legal matters pertaining to this policy.

14 Administrative Procedures – Sponsored Research with Commercial Organizations

14.1 The Vice President for Technology Commercialization in consultation with the Vice President of Executive Affairs and General Counsel shall have responsibility for negotiating, executing, and administering funded research agreements between Marshall University and commercial organizations, in accordance with Marshall University policies.

15 Inventions or Discoveries Arising From Sponsored Programs

15.1 The Vice President for Technology Commercialization will review the rules and regulations of all potential sponsors of research with regard to ownership rights and licensing of inventions, discoveries or patents either at the time that proposal is submitted or prior to accepting an award from the sponsor.

15.2 If the regulations of a potential sponsor are contrary to the Marshall University Intellectual Property Policy, the Vice President for Technology Commercialization will consult with the potential project director, and/or if the Vice President for Technology Commercialization deems it advisable, with the Council on Research and Commercialization. After such consultation, the Vice President for Technology Commercialization will determine whether or not to accept the sponsorship of the research under those regulations.

16 Commercialization of University-Owned Intellectual Property

16.1 The Vice President for Technology Commercialization shall have the responsibility for protection, commercial development, and administration of all University-owned intellectual property. This commercial development will ordinarily occur through licensing of inventions, copyrightable works, or tangible research materials to a company. The Vice President for Technology Commercialization will regularly consult with, seek the advice of, and inform the inventor or creator of the intellectual property throughout the commercialization process. Marshall University recognizes that involvement of the inventor or creator at every step of the commercialization process is essential for the successful commercialization of intellectual property. The Vice President for Technology Commercialization will use diligent efforts to commercialize the intellectual property.

17 Evaluation of Commercial Potential

17.1 In the case of an intellectual property that the inventor discloses for possible commercialization by Marshall University, the Vice President for Technology Commercialization will determine its commercial potential. To assist in this determination, the Vice President for Technology Commercialization may consult with patent or copyright counsel and outside experts in particular fields.

17.2 In addition to these resources, the Vice President for Technology Commercialization may seek the advice of various evaluation committees with expertise in various fields of research, which committees the Vice President for Technology Commercialization shall have authority to establish at his or her discretion.

18 Development, Promotion and Licensing

18.1 In administering the patent portfolio of Marshall University, the Vice President for Technology Commercialization shall act to bring to the public all inventions and discoveries in which Marshall University has proprietary rights. In doing this, the Vice President for Technology Commercialization shall use whatever means appropriate for development, promotion and licensing of each invention, consistent with the expressed goals of the Intellectual Property Policy.

18.2 Marshall University is free to enter into agreements with any outside agent which it deems will successfully aid Marshall University in developing inventions or discoveries, in obtaining patents, or in promoting or manufacturing inventions, provided that such agreements are consistent with this Intellectual Property Policy. If a particular invention or discovery is to become subject to such an agreement, this shall be made known to the inventor.

18.3 Marshall University is free to enter into any licensing agreements which it deems beneficial to Marshall University, the inventor and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules or regulations and will comply with all federal and state laws. Any terms governing the relationship among the licensee, Marshall University or the inventor due to such licensing agreements shall be disclosed to the

inventor, the dean of the college/school, the Council on Research and Commercialization, and the President.

19 Council on Research and Commercialization

19.1 The Council on Research and Commercialization (Council) will advise and coordinate activities with the Vice President for Technology Commercialization and review current procedures, policies, and practices and make recommendations for policy development. The Council has responsibility for resolving conflicts of interest that involve intellectual properties or any commercial involvement or consulting arrangements of Marshall University personnel. The Council is also responsible for dispute resolution.

19.2 The Council has the responsibility for reviewing disclosed intellectual property and for advising the Vice President for Technology Commercialization on the priority of projects for commercialization. Subcommittees may be formed and consultants contacted for determination of commercial potential of projects.

19.3 The Council is chaired by the Vice President for Technology Commercialization and includes the Vice President for Executive Affairs and General Counsel, the Provost and Senior Vice President of Academic Affairs, the Vice President for Research, the Vice President for Information Technology, the Vice President of Finance, the Executive Director of the Marshall University Research Corporation, and the Deans of the College of Business, School of Medicine, College of Science, and College of Information Technology and Engineering. The president of the University may make additional appointments to the Council and may designate another individual to serve in the event of a vacancy in one of the aforementioned member positions.

20 Assignment of Intellectual Property

20.1 Prior to or in conjunction with disclosure of University-owned intellectual property, the developer(s) shall obtain from all staff and students (and others covered by this policy) working on its development who shall not be entitled to an interest in the intellectual property the Employee Intellectual Property Assignment Form. These completed forms will be kept in the Vice President for Technology Commercialization offices.

21 Confidentiality

21.1 All intellectual property disclosures shall be considered confidential by Marshall University. Marshall University will inform all members of the Council and all outside experts that the information contained in the disclosures is confidential, and that breach of confidentiality is a violation of Marshall University policy that could lead to personnel or other available sanctions or legal actions and will obtain written acknowledgment of such obligations from these inventors. The Council will establish recusal procedures for members who have a conflict of interest in a particular case.

22 Tangible Research Property (TRP)

22.1 Tangible research property consists of materials or devices created as a result of research. TRP is defined as compounds derived by artificial or non-naturally occurring means, such as chemical and biological compounds, as well as devices or instruments constructed as part of a research endeavor, such as electronic equipment, and integrated

circuits. Examples include cell lines, antibodies, DNA or RNA, chemical samples, plasmids, and prototypes. Whenever TRP is derived from conditions that apply either to patentable intellectual property inventions or to sponsored research or contractual obligations, the TRP ownership will be assigned to Marshall University.

22.2 The creator may assign the non-University owned TRP to Marshall University for commercialization purposes in return for a share of the license royalty. All TRP transfer agreements must be approved by the Vice President for Technology Commercialization. All TRP exchanges should be accompanied by agreements which correctly specify either University ownership or assignment and the conditions for use by the recipient. In no case will Marshall University warrant the product and Marshall University will be held harmless from all liability claims. It is the responsibility of the creator to assure proper development, control, storage and distribution of TRP. Distribution of University-owned or University-assigned TRP to the research community is encouraged.

23 Administrative Procedures- Tangible Research Materials

23.1 While potential commercial value should not inhibit the free exchange of University-owned tangible research materials for research purposes, Marshall University nonetheless recognizes that such materials may have substantial commercial value. In addition, tangible research materials received by inventors may be subject to contractual restrictions that severely limit the use and transfer of such materials, to the detriment of University researchers. Marshall University has therefore established the following procedures to allow the free exchange of tangible research materials, while at the same time respecting the ownership rights of Marshall University, protecting the rights of its researchers, and limiting the liability of Marshall University and its researchers.

24 Transfer of Tangible Research Material to Outside Researcher for Basic Research

24.1 If a Marshall University inventor desires to transfer materials to an outside researcher for use in internal basic research, and not for the development or sale of commercial products, the inventor must use the appropriate Marshall University form of material transfer agreement ("MTA"), which will be provided by the Vice President for Technology Commercialization together with instructions for the use of each form. The various forms of MTA will establish rights and responsibilities regarding the materials among Marshall University and the outside researcher and his or her employer and will minimize future confusion and controversy regarding the use and transfer of the materials and ownership of inventions or materials based on the supplied materials.

24.2 The Vice President for Technology Commercialization is authorized to approve and sign MTA's. If an inventor is involved in a project that requires frequent exchanges of material with an outside researcher, the Vice President for Technology Commercialization, in consultation with the Vice President for Executive Affairs and General Counsel's office, may develop a blanket MTA to cover all exchanges

between the inventor and the outside researcher for a specific period.

24.3 If materials are developed by an inventor in the course of sponsored research, or are otherwise subject to contractual restrictions (e.g., materials transfer agreement or confidential disclosure agreement), the transfer of such materials to an outside researcher will be governed by the terms of the relevant agreement, if such terms differ from this policy.

24.4 These procedures also apply to students who leave Marshall University and desire to bring with them materials that they developed or discovered in the course of their work at Marshall University.

25 Transfer of Tangible Research Material for Commercial Use

25.1 Materials may not be transferred to any outside researcher for any use other than internal basic research unless the outside researcher has obtained a license from Marshall University through the Vice President for Technology Commercialization under the procedures set forth in this policy. Materials with commercial uses should be disclosed to the Vice President for Technology Commercialization in the same manner as inventions and will be treated in the same manner as inventions.

26 Receiving Tangible Research Materials from Outside Researchers

26.1 If a Marshall University inventor receives materials from an outside researcher at another organization (non-profit or commercial), the other organization or researcher may impose serious use and transfer restrictions on the materials and may claim an ownership interest in inventions, copyrightable works, or materials that arise in the course of research performed with such materials. For this reason, only the Vice President for Technology Commercialization is authorized to approve and sign agreements governing receipt of materials from other organizations. Inventors are required to consult with the Vice President for Technology Commercialization regarding the restrictions applicable to a particular material from an outside researcher before planning to use that material in their research. Inventors should be aware that, in some instances, these restrictions may be so onerous (e.g., no publications, assignment of inventions) that the Vice President for Technology Commercialization will require modification of the agreement before approval.

26.2 If materials are received by an inventor in the course of sponsored research, the transfer of such materials will be governed by the terms of the applicable sponsored research agreement, if such terms differ from this policy. If the restrictions would apply to research performed by students, the effected students must agree to such restrictions in writing.

27 Proceeds From Inventions and Discoveries

27.1 Net income distributions will be made quarterly when the accumulated total exceeds \$1,000, or annually if less than \$1,000.

27.2 Royalty and other non-equity income derived from the licensing of Marshall University-owned intellectual

property will be distributed at the end of each accounting period as follows:

27.3 The office of the Vice President for Technology Commercialization and the Marshall University Research Corporation (MURC) will be reimbursed for any out-of-pocket expenses incurred in obtaining and maintaining patent or copyright protection for a specific item of intellectual property, and in evaluating and marketing such intellectual property.

27.4 The remaining net income will be distributed as follows:

27.4.1 40% will be paid to the inventor(s),

27.4.2 30% to the inventor's college or school or program

27.4.3 15% to the Marshall University Research Corporation

27.4.4 15% to the Office of the Vice President for Technology Commercialization

27.5 In the case of multiple inventors or creators of commercialized intellectual property, their shares will be distributed as they unanimously agree or, in the absence of agreement, in equal portions. If multiple colleges/schools or programs are involved, their shares will be distributed in the same manner as the distributions to the inventors or creators within such colleges/schools or programs, unless agreed to otherwise in writing by the colleges/schools or programs. In the event of multiple claims by entities as the inventor's "college or school or program", the President shall make the final determination of distribution amounts to those entities.

28 Acceptance of Equity

28.1 Marshall University through the Marshall University Research Corporation may accept an equity interest in a corporation, provided that before Marshall University agrees to accept equity, it must receive the approval of the Vice President for Technology Commercialization and the Vice President of Executive Affairs and General Counsel. In making this determination, the Council on Research and Commercialization may be consulted. An inventor must choose either of the following approaches when negotiations commence between Marshall University and the corporation, but the choice is final once selected. If a transaction is completed before the inventor makes a choice of these approaches, the approach in paragraph 28.3 shall apply.

28.2 Inventors may elect to receive thirty percent (30%) of the equity that Marshall University would otherwise receive in connection with the commercialization of intellectual property, in which case the inventor agrees not to receive any other equity interest from the corporation. The inventor may waive this restriction in his or her discretion. Marshall University will not receive or hold this equity on behalf of an inventor, but will instruct the corporation to issue the equity directly to the inventor. Inventors must sign any documents required by the corporation (e.g., stock restriction agreements) and must agree to comply with any restrictions placed on the stock by the corporation. If the corporation refuses to issue the stock directly to the inventor, or if the inventor does not sign the necessary documentation, Marshall University will instruct the corporation to issue the equity directly to Marshall

University. In such event, the inventor may still receive equity independent of Marshall University.

28.3 Inventors may elect to receive equity directly from the corporation independent of Marshall University, in which case the inventor agrees not to receive any share of equity that Marshall University may receive in that transaction. Inventors selecting this approach may negotiate with the corporation to receive equity by means of, for example, a consulting agreement or founders stock.

29 Distribution of Equity Revenue Derived from Commercialization

29.1 Marshall University will not receive and hold equity on behalf of an inventor until liquidation. Instead, an inventor may receive equity directly from a company. When the equity received by Marshall University in connection with the commercialization of intellectual property is liquidated, the proceeds shall be distributed as follows:

29.1.1 First, to the extent the Vice President for Technology Commercialization and the Marshall University Research Corporation is not fully reimbursed for out-of-pocket expenses pertaining to the intellectual property from non-equity revenue, they will be reimbursed for any remaining out-of-pocket expenses incurred in obtaining and maintaining patent or copyright protection for a specific item of intellectual property and in evaluating and marketing such intellectual property.

29.1.2 The remaining proceeds from equity liquidation will be distributed as follows:

29.1.2.1 20% to the Office of the Vice President for Technology Commercialization to fund patents and operations

29.1.2.2 40% to the school, college or program that provided the resources for development of the intellectual property, to fund research and scholarship. The president of the University will determine appropriate distribution amounts if multiple schools, colleges, or programs are involved.

29.1.2.3 40% to Marshall University to fund research and scholarship.

30 Conflicts of Interest

30.1 Any conflicts of interest arising from commercial development of the invention (e.g. an inventor having equity ownership in a company in which the Intellectual Property is assigned) will be applicable to the Marshall University Conflict of Interest Policy.

31 Use of Name and Logo

31.1 Use of Marshall University's name and logo in any commercial setting requires prior approval from Marshall. Requests for such approval should be submitted to the University officer responsible for logo licensing, and a decision will be made in conjunction with the Office of the General Counsel.

32 Interpretation of Policy Exceptions

32.1 The Vice President for Technology and Commercialization shall administer this Policy in regular consultation with the Council on Research and Commercialization. The President shall have authority to interpret this Policy and, upon recommendation of the Council on Research and Commercialization and in

consultation with the Vice President for Executive Affairs and General Counsel, may grant exceptions to the Policy in appropriate cases.

33 Applicability of Policy

33.1 The Policy herein declared may be changed or discontinued at any time by appropriately taken action of the Marshall University Board of Governors.

34 Reports

34.1 The Vice President for Technology Commercialization shall file with the President, Provost, Faculty Senate, and Staff Council an annual report on disclosures and materials transfer agreements. The report shall present summary statistics and shall maintain the confidentiality of inventor disclosures.

35 Consent

35.1 Each inventive personnel, sponsor, and funding organization who have participated in the IDEA process before this date shall be required to sign a written consent to be bound by this Marshall University Intellectual Property Policy

Individual Conflict of Interest in Research

MUBOG Policy AA-41

1 General Information:

Marshall University is a community of scholars, students and staff dedicated to the preservation, dissemination and creation of knowledge. The research component of this effort has as one of its goals discoveries that benefit society. This knowledge transfer inevitably leads to increasingly close relationships between the University, and its researchers, and those with financial resources for investment in the private sector. The benefits that can accrue from this proximity are accompanied by real and/or apparent risks that economic interests might compromise academic research by influencing an investigator's judgment about the design, conduct, results, reporting, or management of the project, and, in the case of research involving human subjects, place at risk the safety of participants.

The University recognizes that commercialization of research is important but must be done in ways that protect research integrity. The vast majority of Marshall scholars and staff are honest and conduct research with the highest standards and integrity. For this reason, the University establishes this conflict of interest policy to guide its investigators in structuring relationships with outside ventures so that they are compatible with academic responsibilities. While not all conflicts of interest are inherently wrong, they involve a continuum of activities from benign actions that actually further research and technology transfer to egregious misconduct. This policy is not intended to eliminate all conflict of interests, but rather to enable investigators to recognize situations that may be subject to question and resolve them before personal and institutional integrity are questioned or impugned.

1.1 Scope: Marshall University, its faculty, and other members of the University research community commit themselves to the pursuit of the University's research mission in accordance with the highest standards of

integrity and in compliance with all legal, professional, ethical and other requirements that promote objectivity and protect against conflicts of interests, financial and otherwise. These policies and procedures will permit faculty, staff members and students to identify, evaluate, correct, remove or manage real or apparent and potential conflicts of interest.

The appearance that a conflict of interest may exist is as important as the reality. Accordingly, the first essential step in all of the procedures set forth below is disclosure and discussion. The University will publish this policy so that it is known to all investigators. In making application for external funding for research grants and contracts, investigators will be required to certify that they have read and understand this policy.

1.2 Authority: WV Code §18B-1-6, §6B-2-5 through §6B-2-8, 158CSR4, 158CSR6, 128CSR36.

Federal, state, and institutional regulations (Appendix 1) require Marshall to have policies and procedures that ensure that investigators disclose any significant financial interests that may present an actual or potential conflict of interest in relationship to sponsored research projects.

Such disclosure must be made prior to the submission of a proposal for funding, as well as at the time a potential conflict develops during the conduct of a funded project.

1.3 Passage Date: June 28, 2006

1.4 Effective date: June 28, 2006

1.4.1. The policy will be reviewed every two years as a minimum and revised as needed.

1.5 Controlling over: The purpose of this policy is to avoid both actual and apparent conflicts of interest between the obligations faculty, staff and students have to the University and those that arise from external financial interests. This policy applies to all research activities conducted, sponsored, or administered by Marshall University and the Marshall University Research Corporation (MURC). It applies to all members of Marshall University, MURC and related organizations including all institutes and centers. This includes any person possessing either fulltime or part-time appointment at Marshall, MURC and related organizations, receiving wages or benefits from same who is responsible for designing, conducting and reporting the results of research, education, public services or administrative activities. It includes individuals who have executive or principal responsibility for the accomplishment of project objectives, and those individuals, whether salaried or not salaried, who, on behalf of Marshall University, are responsible for conduct of the policy or business of the University, MURC or related organizations. Unless otherwise stated, the term "University" will be used hereafter to include

Marshall University, MURC and all affiliated institutes and centers.

1.6 History:

1.6.1. Statutory references: refer to Appendix 1.

1.6.2. This policy replaces Interim Executive Policy Bulletin No. 10.

2 Definitions

2.1 Associate: An associate of an investigator includes his or her spouse, parents, siblings, children, domestic partner and any other relative if the latter resides in the same household or is financially dependent upon the investigator. It also includes any person, trust, organization or enterprise (of a business nature or otherwise) with respect to which the investigator or any of the above (1) is a director, officer, employee, member, partner, or trustee, or (2) has significant financial interest or any other interest which enables him or her to exercise control or significantly influence policy.

2.2 Business: A business is any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint-stock company, receivership, real estate trust, or any other nongovernmental legal entity organized for profit, not-for-profit, or charitable purposes.

2.3 Compelling Circumstances: These are facts that must be used to convince Marshall University's Conflict of Interest Committee (See Conflict of Interest Committee, defined below.) that an investigator with significant financial interest should be permitted to conduct the research project.

When considering a request by such an investigator, the circumstances that the Committee should evaluate include the nature of the research, the magnitude of the significant financial interest and the degree to which it is related to the research, the extent to which the interest can be directly and substantially affected by the research, and the degree of risk to the human subjects involved that is inherent in the research protocol. The Committee will also consider the extent to which the interest is amenable to effective oversight and management.

2.4 Conflict of Interest: An investigator is considered to have a personal conflict of interest when he/she or any of his/her family or associates either (1) has an existing or potential significant financial interest (or other material interest) which impairs, or might appear to impair, the investigator's independence and objectivity of judgment in the design, conduct, or reporting of research, or (2) may receive a financial or other material benefit from knowledge of information confidential to the University.

2.5 Conflict of Interest Committee (COIC): The COIC is a standing committee of the University that provides second level review of an investigator's *Significant Financial Interest Disclosure (SFID) Form*. It reviews the SFID Form and makes recommendations concerning appropriate measures for the reduction, elimination or management of any potential financial conflict of interest relating to research. The COIC consists of seven members appointed by the Vice President for Research for staggered three-year renewable terms. The membership includes the Chair (Director of the Office of Research Integrity), three faculty/staff familiar with the ethical, legal and regulatory issues involved in the oversight of financial conflicts of interest in research, the Executive Director of MURC, one representative of the Marshall University Office of Technology Transfer, and one representative of the community with no current or past (within the last two

years) affiliation with the University. The COIC reports to the Vice President for Research or his/her designee.

2.6 Conflict of Interest Specialist (COIS): A staff member of the Marshall University Office of

Research Integrity who is specifically knowledgeable in the ethical, legal and regulatory issues involved in the identification, management and oversight of financial conflicts of interest in research. He/she will assist the investigator and designated institutional officials in the identification of potential conflicts of interests and the completion of the *Significant Financial Interest Disclosure Form*. The COIS will provide staff support for the Conflict of Interest Committee and be responsible for all related notifications, reporting and record keeping.

2.7 Designated University Official: The university official designated to complete the first level of review of an investigator's *Significant Financial Interest Disclosure (SFID) Form* and determine whether the research project reasonably appears to be affected by any reported conflicts of interests or conflicts of commitment. (See Significant Financial Interests, defined below.) These officials will be individuals with immediate supervisory responsibility for the person submitting the disclosure.

2.8 Executive Position: Executive position refers to any position that includes responsibilities and authority for a significant segment of the operation or management of a business.

2.9 Gift: A gift means any unrestricted donation of assets to Marshall University or any affiliate of Marshall University. The donor may specify the general purpose for which the gift may be used, but there may be no other terms and conditions concerning the use of such assets. Assets may be in the form of cash, securities, tangible personal property, partnership interests, or pledges for acceptable assets that are assigned to Marshall University. For the purposes of this policy, disclosure is required when a gift is from an individual or business in which an investigator has significant financial interest, or the value of the gift exceeds \$10,000 in a given year.

2.10 Investigator: Any Marshall University or MURC employee or student who is responsible for the design, conduct, or reporting of research. This includes the Principal Investigator, Co-investigators, and any other key research personnel who contribute in a substantive way to the development or execution of a project.

2.11 Management Plan: This is a written plan for the management, reduction or elimination of a known or potential financial conflict of interest related to research. It relies upon, and is therefore limited by, good faith disclosures about significant financial interests made in the *Significant*

Financial Interest Disclosure Form, provided annually and ad hoc by Marshall University investigators.

2.12 Research: Research includes any systematic investigation designed to develop or contribute to generalized knowledge. The term includes clinical and health-related research, behavioral and social science research, and encompasses basic and applied research and product development. It also includes both sponsored and

non-sponsored research that involves the use of University personnel, patients, students, facilities, or resources, or the expenditure of University funds.

2.13 Significant Financial Interest: Significant financial interest includes, but is not limited to, any economic or monetary interest that is held either by the investigator (his/her family or associate) or any entity in which the investigator (his/her family or associate) has a financial or fiduciary interest. Appendix 2 provides a more detailed description of (1) types of significant financial interest that must be disclosed; (2) those types that are not considered significant financial interest and are not required to be disclosed; and (3) those interests and actions and affiliations that are prohibited by the University.

2.14 Sponsored Research Agreement: This is a contract or formal agreement between an outside sponsor and Marshall University or MURC.

3 Policy

3.1 A *Significant Financial Interest Disclosure Form* is a written statement made, signed, and attested to by the investigator that identifies all significant financial interests (and those of his/her family and associates). This Disclosure must identify, describe, and state the nature and amount of the significant financial interest.

3.2 All Marshall investigators (principal investigators, co-investigators and key research staff) must fully disclose all significant financial interests for each sponsored research proposal prior to a proposal submission. The principal investigator must insure that all investigators on the proposal disclose their significant financial interests.

3.3 All investigators must provide updates of significant financial interests on an annual basis and within 30 days after they acquire new financial interests.

3.4 The *Significant Financial Interest Disclosure Form* is treated as confidential by the University to the extent allowed by law.

4 Disclosure: Records and Reporting:

4.1 Disclosure statements, other documentation used in the review of such statements, and records of institutional actions taken pursuant to this policy shall be maintained for a period of three years following the completion of the research project that generated the disclosure, for a period of time needed for resolution of government action involving such records, or for a period fixed by the VP for Research, whichever is longer. To the extent permitted by law, such records shall be maintained confidentially in the Office of Research Integrity.

4.2 Marshall University will make the information described in the preceding paragraph available, upon request, to external funding agencies, along with requested information as to how the relevant potential or actual conflict of interest was managed, reduced, or eliminated to protect the objectivity of the research. If a potential or actual conflict of interest is identified after a grant or contract has been awarded, the University will inform the awarding agency of that conflict within sixty days of its discovery (or as otherwise required by law) along with actions taken to manage, reduce, or eliminate the actual or potential conflict of interest.

4.3 If the University determines that it is unable to manage satisfactorily a potential or actual conflict of interest that threatens the objectivity of a particular research activity, the University will promptly inform the relevant external funding agencies of that fact.

5 Responsibilities and Administration: Disclosure Review and Appeal Processes

5.1 Levels of Review

5.1.1. The initial level of review begins with the identification of a potential significant financial interest by the investigator and submission of a *Significant Financial Interest Disclosure (SFID) Form* to his/her designated institutional official/immediate supervisor. The Conflict of Interest Specialist (COIS) can assist at this level, if needed.

5.1.2. If a potential significant financial interest is identified, the SFID Form is forwarded to the COIS who, in consultation with the Chair of the Conflict of Interest Committee, schedules the second level review by the Conflict of Interest Committee (COIC).

5.1.3. The COIC reviews the SFID Form to determine whether a real or apparent conflict of interest exists or has the potential to exist. The COIC may conclude that (1) no significant conflict of interest exists, (2) a significant conflict of interest exists but it can be managed, or (3) the conflict of interest cannot be effectively managed and the research project, as written is denied. If denied, it is then up to the PI to determine whether the project can be redesigned to resolve the conflict. If so, the PI must submit the amended plan to the COIC for reconsideration. If the COIC concludes the significant financial interest can be managed, it makes written recommendations concerning appropriate measures for the reduction, elimination or management of the conflict to the principal investigator, the initial level reviewer and the Vice President for Research or his/her designee.

5.2 IRB Notification

5.2.1. Special precautions must be taken to protect human research subjects and to avoid the appearance of or actual bias in clinical research involving evaluation of therapeutic strategies or products, particularly under circumstances when a commercial success may benefit of the University and its investigators. When an investigator is determined to have a significant financial interest, the details of that interest and a management plan, if any, shall be submitted to the appropriate Marshall University Institutional Review Board (IRB1 or IRB2) for approval.

5.3 Recommendations and Appeals

5.3.1. The Vice President for Research may accept the COIC report and recommendations, or return the matter to the COIC with stated concerns or suggestions. If the VP for Research accepts the COIC recommendations, documented compliance with all recommendations is required before the proposal will be authorized by MURC or Marshall University.

5.3.2. The principal investigator may appeal the decision of the COIC to the VP for Research, if he/she believes the COIC conclusions and recommendations are not justified. The VP for Research will respond to this appeal within 30 days. The decision of the VP for Research is final.

6 Management of conflicts of interest:

6.1 When the COIC concludes that the conflict of interest can be effectively managed, reduced or eliminated, a written management plan must be created by the COIS working with the principal investigator and relevant institutional official(s). For greater details of various management options, see Appendix 3.

6.2 Whenever Marshall undergraduate or graduate students are involved in the research, the management plan must describe mechanisms in place to protect their academic progress. A general outline of management of potential conflicts of interest involving students is provided in Appendix 4.

7 Sanctions

7.1 Violations of this policy include, but are not limited to, failure to file; intentionally filing an incomplete, erroneous, or misleading disclosure form; failure to provide additional information as requested; and intentionally tardy responses or a pattern of non-cooperation in responding to requests for additional information. If sanctions are necessary, they will be imposed in accordance with University policies and procedures as defined in *The Greenbook*. Sanctions may include, but are not limited to:

7.1.1. Letter of reprimand or admonition;

7.1.2. Suspension of the processing of any grant application made by the individual, or a declaration of ineligibility of the individual for future grant applications.

7.1.3. Suspension of research contract negotiations involving the individual as investigator, or a declaration of ineligibility of the individual for future research contracts;

7.1.4. Suspension or ineligibility of the individual for IRB approval or for supervision of graduate students;

7.1.5. Removal as principal or co-principal investigator in respect to any current research activity;

7.1.6. Suspension;

7.1.7. Non-renewal of appointment; or

7.1.8. Dismissal.

APPENDIX 1

RELEVANT REFERENCES

Federal

- Public Health Service (PHS) Federal Register July 11, 1995, http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?position=all&page=35810&d_bname=1995_register
- National Science Foundation (NSF), Federal Register July 11, 1995, http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?position=all&page=35820&d_bname=1995_register
- PHS Policy Title 42, Part 50, Subpart F, http://grants.nih.gov/grants/compliance/42_CF_R_50_Subpart_F.htm
- National Institutes of Health (NIH) Grants Policy Statement, http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPs_Part4.htm#_Toc54600065

- NSF Grant Policy Manual Notice, http://www.nsf.gov/pubs/2002/nsf02151/gpm02_151.doc
- Food and Drug Administration (FDA), Federal Register February 2, 1998 "Financial Disclosure by Clinical Investigators" http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?position=all&page=5233&db_name=1998_register

West Virginia (www.wv.gov)

- WV Code §6B-2-5 through §6B-2-8 <http://www.legis.state.wv.us/WVCODE/06b/masterfrmFRM.htm>
- WV Code of State Rules 158CSR4, 158CSR6, 128CSR36, <http://www.wvsos.com/csr/verify.asp?TitleSeries=158-04>
<http://www.wvsos.com/csr/verify.asp?TitleSeries=158-06>
<http://www.wvsos.com/csr/verify.asp?TitleSeries=158-06>

(Note: To search from the main WV State web site, go to "How do I?" and click on links to Search WV Code or Search Code of State Rules for appropriate sections)

Marshall University

- MURC Handbook, <http://www.marshall.edu/cos/MURCEmpHandBook.pdf>
- Classified Staff Handbook, <http://www.marshall.edu/human-resources/handbook/contents.htm>
- Marshall University Greenbook, <http://www.marshall.edu/academic-affairs/greenbook.asp>
- Office of Research Integrity for IRB members <http://www.marshall.edu/research/ori/Sops/ConflictofInterest.htm>

Other

- Association of American Universities, Taskforce on Research Accountability, *Report on Individual and Institutional Financial Conflicts of Interests*, Washington, D.C., 2001, <http://www.aau.edu/research/COI.01.pdf>
- Association of American Medical Colleges, Taskforce on Conflicts of Interests in Clinical Research, *Protecting Subjects, Preserving Trust, Promoting Progress: Policies and Guidelines for the Oversight of Individual Financial Interests in Human Subject Research*, Washington, D.C., 2001, <http://www.aamc.org/members/coitf/firstreport.pdf>

APPENDIX 2

SIGNIFICANT FINANCIAL INTERESTS

1. Significant Financial Interests that must be reported

A. "*Compensation interest*," meaning salary, consulting fees, wages, retainers, honoraria (including honoraria from a third party, if the original source is a financially interested

company), gifts or other emoluments, "in kind" compensation from a financially interested company (or entitlement to the same), or any other thing of economic or monetary value whether for consulting, lecturing, travel, service on an advisory board, or for any other purpose not directly related to the reasonable costs of conducting the research (as specified in the research agreement), that in the aggregate have in the past 12 (twelve) months exceeded \$10,000, or are expected to exceed that amount in the next twelve months;

B. "*Equity interest*," meaning (1) any ownership (or entitlement to the same), in a publicly-traded financially interested entity that exceeds \$10,000 in value or represents more than 5% ownership interest in any single entity (see exclusions below), or (2) equity interests, including stock options, warrants, or other convertible securities, of any amount in a non-publicly-traded financially interested entity (or entitlement to the same);

C. "*Intellectual property interest*" meaning (1) royalty income or the right to receive future royalties under a patent license or copyright, where the research is directly related to the licensed technology or work; or (2) any other direct or indirect interest in a patent, trademark, copyright, trade secret, know-how or other intellectual property right where the research is directly related to the interest;

D. "*Extraneous research payments*," meaning any non-royalty payments or entitlements to payments in connection with the research that are not directly related to the reasonable costs of the research (as specified in the research agreement between the sponsor and the institution), including any bonus or milestone payments to the investigators in excess of reasonable costs incurred, whether such payments are received from a financially interested entity or from the institution;

E. "*Fiduciary relationship*," meaning service as an officer, director, or in any other fiduciary role for a financially interested entity, whether or not remuneration is received for such service.

2. Financial Interests that do not need to be reported

A. "*Mutual fund interests*," meaning interests of any amount in publicly traded, diversified mutual funds;

B. "*De minimis equity interests*," meaning stock or stock options in a publicly traded company that, when aggregated for the investigator (and/or his or her immediate family members) meets both the following tests: it does not exceed \$10,000 in value (as measured in reference to public prices or other reasonable measure of fair market value) and does not represent more than a 5% ownership interest in any single entity;

C. "*Outside payments*," meaning salary, royalties, and other payments from entities other than the University, or via the University to the individual, that when aggregated for the investigator (and/or his or her immediate family members), over the next 12 months, are not expected to exceed \$10,000;

D. "*Regular research payments*," meaning payments to the University, or via the University to the individual, that are directly related to reasonable costs incurred in the

conduct of research as specified in the research agreement between the sponsor and the University;

E. "*University compensation*," meaning salary, royalties, and other remuneration for services from the University;

F. "*Public or non-profit income*," meaning income for service on advisory committees or review panels for public or non-profit entities, or from seminars, lectures, or teaching engagements sponsored by public or non-profit entities.

3. Prohibited Situations

A. Marshall investigators cannot purchase goods and services for the University from an entity in which the individual or his/her family or associates has a significant financial interest.

B. Investigators responsible for, or who may influence purchasing decisions or contracting on behalf of Marshall University, must comply with all University policies and applicable state law (<http://www.marshall.edu/purchasing/>).

C. Investigators may not enter into a patent, copyright, trademark or sponsored research agreement with a business or government agency without the written approval of the VP for Research or his/her designee, if the invention is covered under Marshall University Intellectual Property Policy (www.marshall.edu/president/Board/policies/19.pdf).

APPENDIX 3

MANAGEMENT OPTIONS FOR CONFLICTS OF INTEREST

The management plan may include, but is not limited to:

A. Disclosure of significant financial interests – in writing or verbally as appropriate: to the public, to human subjects, to sponsors, to IRBs, to researchers and other participants, to publishers, and to conference organizers and attendees;

B. Monitoring and/or auditing of the conduct of the research activity by independent, qualified overseers or reviewers or panel thereof (e.g. a data safety monitoring board), who have no professional ties to the research or direct reporting relationships to the researchers, and who are reauthorized by the University to obtain whatever information they need from the researchers in order to conduct their oversight activities;

C. Safeguarding data or the placement of copies of research data in custody of an impartial party;

D. Modification of the research plan, methodology, or conduct;

E. Disqualification from participation or restrictions on a researcher's role in all or a portion of the research (e.g. data analysis);

F. Divestiture or restructuring of the significant financial interest;

G. Placement of the significant financial interest in a blind trust;

H. Modification of the significant financial interest or severance of relationships that create actual or perceived potential conflicts of financial interest;

I. Oversight of the individual's research activities and significant financial interests creating the possible conflict, and of the management plan, by disinterested individuals or committees;

J. Change in terms and conditions of agreement relating to the research;

K. Prohibiting or restricting involvement of the investigator in recruitment of human subjects and/or in the informed consent process;

L. Requiring that a patient or human subject representative or ombudsman be present during recruitment and/or the informed consent process;

M. Requiring that the significant financial interest be held in escrow until the investigational product has been approved and on the market for a specified time period;

N. Requiring additional disclosures or actions with respect to the significant financial interest to an IRB for its consideration and possible disclosure to human subjects as part of the informed consent;

O. Requiring recusal from any business transactions between the University and parties to sponsored research agreements; and

P. In the case of human subjects research that is justified by compelling circumstances and that may be conducted by a Marshall investigator with significant financial interests in the research, requiring that rigorous, effective, and objective monitoring be undertaken by individuals with no financial or professional ties to the research or direct reporting relationships to the researchers, which monitoring might include the following oversight mechanisms:

1. regular audits of the informed consent and enrollment process;

2. the involvement of a patient representative or ombudsman when subjects are recruited and informed consent is obtained;

3. a requirement to escrow the financial interest until an investigational product, if any, has been approved and on the market for a specified time period; and

4. the use of data and safety monitoring boards.

APPENDIX 4

STUDENT PROTECTIONS

A conflict of interest may be raised at any time and at the level of the academic unit by the student, the mentor/advisor, a departmental representative or the COIS. Initially, the conflict issue will be assessed by a designated resource person in the academic unit who is not connected with the research project in question. The conflict of interest issue is reviewed by all relevant parties to determine if the conflict has the potential to negatively impact upon the academic interests of the student.

If the conflict poses minimal risk to the academic interest of the student, the resource person shall write a brief statement to that effect. This statement shall include a summary of the situation and reasons for the decision. The investigator and student shall co-sign this statement and copies provided to both parties. Additional copies are placed in the student's file, and with the Dean of the Graduate School, if appropriate.

If the conflict of interest is judged to be potentially harmful to the student, then the designated resource person shall notify the appropriate dean (academic unit and/or Graduate School) and the COIS for the creation of a management strategy.

Generally, the management plan involves the appointment of an "Oversight Member" to assist both the mentor/advisor

and the student in the recognition and elimination of any student risks. The Oversight Member shall not be implicated in any way with the conflict of interest matter, and may need to be someone outside the affected department. He/she should be familiar with the student's research interests whenever possible.

The Oversight Member shall assist the mentor/advisor in student advising and serve as a nonvoting member on all student research advisory and/or thesis/dissertation committee meetings. He/she will sign all academic documents indicating there was no evidence of student harm as a result of the mentor/advisor's conflict of interest. When the Oversight Member perceives that there is a problem arising from conflict of interest issues, he/she will notify the mentor/advisor, the mentor/advisor's department chair, appropriate dean(s) and the COIS.

Resolution of conflicts of interest negatively affecting student progress is the responsibility of the academic units involved, but documentation of that resolution shall be provided to the COIS for the file.

University Policy Statement on Integrity in Scientific Research

1. Purpose. Research and scholarship are an essential part of Marshall University. The virtues of scholarship are forged from a combination of patience with eagerness, inspiration with meticulous care, and a reverence for integrity with a willingness to challenge cherished assumptions. It is within the research process that these virtues must be held in the highest esteem and measured against a strict set of standards. In this light, it is incumbent upon the institution to insure accurate, objective, valid and reliable research in the finest tradition of scholarship.

It shall be the policy of Marshall University that no faculty member shall knowingly plagiarize, fabricate, or present incorrect data in research or creative activities conducted under the auspices of the institution. Further, in the case of alleged scientific misconduct all pertinent rules and regulations of the Public Health Service (PHS), such as 42 CFR Part 50 and allied documents will prevail in providing definitions, procedures, and deadlines.

2. Allegations of Misconduct. Written charges or complaints, with supporting documentation of alleged misconduct in research, shall be forwarded to the Dean of the College of the faculty member so charged with misconduct. The anonymity of the person bringing the charges or complaint shall be protected, upon request, as much as feasible, in accordance with PGS regulations.

3. Inquiry. The Dean shall initiate an inquiry of any such charges. The purpose of the inquiry shall be to determine whether an investigation is warranted. The Dean shall maintain full confidentiality of the allegations and the inquiry. The individual(s) against whom the allegation was made shall be informed of the charges and will be permitted to comment on the charges.

The inquiry must be completed within 60 days of its initiation, unless circumstances clearly warrant a longer period. The Dean shall prepare a written report that states what evidence was reviewed, summarizes relevant interview, and includes the conclusions of the inquiry. The complainant and the affected individual(s) shall be given a copy of the report. If they comment on the report, their comments will/may be made a part of the record.

If no justification is found to warrant an investigation, all information relating to the review process shall be secured and maintained in a secure manner for three years, and then be destroyed.

4. Investigation. If the inquiry indicates a sufficient basis for conducting an investigation, the Dean shall forward the findings to the President. At such time as the President receives the information he or she shall inform the awarding agency and the accused individual(s) that an investigation is warranted and the date the investigation is scheduled to begin.

The President will then ask the Provost and Senior Vice President for Academic Affairs to initiate an investigation. The Provost and Senior Vice President for Academic Affairs in consultation with the President of the Faculty Senate shall appoint a three-member panel to investigate the allegations. The panel shall be composed of one member from the researcher's college and two members outside of the college in a related academic area. The members shall be of a faculty rank equal to or higher than the individual charged. The panel should be constituted in such a way as to be professionally qualified to review the specific research area involved. If such expertise is not available outside of the researcher's college, the panel may be enlarged to five members by appointing additional members from the researcher's college. No member of the panel shall participate in any proceedings if he or she would not be capable of impartially considering the evidence and issues. All discussions by the panel members shall be held in the strictest of confidence. The investigation will begin upon the first meeting of the panel, which must occur within 30 days of the completion of the inquiry.

The members of the panel will formulate a draft statement of the charges as soon as reasonably possible. The draft statement of charges will specifically set forth the applicable standards of professional conduct and a statement of the allegations, which if substantiated, would constitute a violation of such standards of professional conduct.

A copy of the draft statement of charges shall be delivered to the complainant within 2 days of its preparation and the complainant shall thereafter have 14 days to deliver to the panel written recommendations or amendments or revisions to the draft statement of charges. These comments may be incorporated into an official statement of charges.

The official statement of charges shall be delivered by certified letter to the researcher(s) alleged to have

engaged in misconduct. Copies of the official statement of charges will also be delivered to the University President, the Provost and Senior Vice President for Academic Affairs, and the President of the Faculty Senate, to ensure that they are informed of the case before the panel.

The investigation will examine all documentation including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. When possible, interviews should be conducted of all individuals involved in either making the allegations or against whom the allegations are made as well as other individuals who might have information relevant to the complaint. Audio recording of the interviews is recommended. Complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included in the record of the investigation.

The researcher(s) shall be provided ample opportunity to respond to the allegations. The researcher(s) may present evidence and expert testimony on his or her behalf. In no instance shall the investigation take longer than 60 working days.

The written decision of the panel shall be sent to the Provost and Senior Vice President for Academic Affairs who will forward it to the University President and the President of the Faculty Senate. The written decision shall also be sent to the researcher(s) by certified mail.

If the panel finds that the charge of misconduct in research is unfounded, the President shall notify the awarding agency of such finding and there shall be no mention of the charge or the investigation placed in the researcher's personnel file, unless such statement is requested by the accused. At this time, all pertinent records shall be immediately secured and maintained in a secure manner for three years and then destroyed. All individuals related to the review process shall be notified of the finding that the charge of misconduct in research was unfounded.

1. If the charge of misconduct in research is substantiated, the President shall determine and enforce the appropriate sanction to be applied to the researcher and shall notify the appropriate Dean, the researcher, and the awarding agency. The degree of sanction to be applied shall be in relation to the degree of the offense. The researcher shall have the right to appeal the charge utilizing the grievance procedure for faculty. (See Chapter III, Section 13 of *The Greenbook*.)

While the final report of the Committee shall be delivered to the President of the university, the Provost and Senior Vice President for Academic Affairs, the President of the Faculty Senate, the complainant, and the researcher, the final report will not be made public, except in response to a subpoena or other judicial processes.

A copy of the Policy Statement on Integrity in Scientific Research will be made available to all faculty, staff and students.

Office of Research Integrity

(<http://www.marshall.edu/research/ori/>)

The Office of Research Integrity (ORI) supports the institution in promoting ethical conduct of research and ensures the University's solid commitment to the compliance with all applicable regulations and accreditation standards.

The office currently provides support for both a Medical (IRB#1) and a Behavioral and Social Sciences (IRB#2) Institutional Review Boards, the Institutional Animal Care and Use Committee (IACUC), and addresses the issues concerning Biohazards in research. ORI also supports the institution in promoting ethical conduct of research and educating Marshall students and employees regarding research misconduct regulations.

Copies of application forms, deadlines, information on policies and procedures, and Marshall University's Statements of Assurance including Human Subjects Policies can be obtained on this website or from ORI.

Section 11. Faculty Awards and Opportunities

Center for the Advancement of Teaching and Learning Grants

(<http://www.marshall.edu/catl/>)

The Center for the Advancement of Teaching and Learning provides opportunities for all faculty to engage in activities and discussions related to the enhancement of teaching and learning. The Center assists faculty to enhance the nature and quality of the educational experience for Marshall students through instructional and career development opportunities. The activities of the Center typically include New Faculty Orientation and seminars,

workshops, fellowships, course design grants, individual faculty consultations, mentoring (upon request), and other programs and services. Every year the Center offers the Hedrick \$5000 program grant for innovations in teaching across the department or program.

Included in the CATL are the University's Writing Across the Curriculum (WAC) Program, the Office of Assessment and Program Review and the Service Learning Program. Our oldest program, and the venerable model for all others, WAC's goal is to promote new ways of thinking about teaching and learning, using writing as the context for

development. WAC sponsors annual workshops to train faculty, as well as providing portfolio assistance to those who wish to be certified to teach writing intensive courses. The Office of Assessment and Program Review oversees the University's assessment activities and the preparation and approval of program reviews. The Service Learning Program assists faculty, students, and community partners in course-specific collaborations that connect learning objectives to public service and civic engagement.

Center for Instructional Technology

(<http://www.marshall.edu/it/cit/>)

The Center for Instructional Technology (CIT) provides support for faculty in designing courseware, using technology-enhanced classrooms, and applying computer-based communication to extend classroom discussion. User education for any instructional technology is offered at various times during the year; all information can be found on the Information Technology website.

Faculty Development Grants

(<http://www.marshall.edu/senate/FORMS/default.asp>)

(<http://www.marshall.edu/academic-affairs/facultyresources.asp>)

INCO Grants: INCO Foundation Grants (administered by the Faculty Senate Faculty Development Committee) fund projects that will enhance the qualifications, expertise, and experience of faculty members. All full-time and part-time members of the faculty (except those in GSEPD who have a separate fund) are eligible. Eligible projects include activities where the faculty member will increase his/her knowledge relative to teaching. On-campus group projects that will enhance the qualifications, expertise, and experience of a broad base of faculty members are also eligible for INCO grants. All faculty and departments are eligible.

College Faculty Development Grants: Many colleges offer funding for faculty development activities such as attendance at conferences and workshops and curriculum revision. Please consult your dean about opportunities available in your college.

Faculty Teaching Awards

(<http://www.marshall.edu/academic-affairs/facultyresources.asp>)

The Faculty Development Committee of the Faculty Senate and the Center for the Advancement of Teaching & Learning administer five University-wide teaching awards.

Marshall & Shirley Reynolds Outstanding Teacher Award: This award recognizes and gives evidence of the importance placed on superior teaching in the University, and provides encouragement and incentive for teaching achievement. One award of \$3,000 is given annually. All full-time faculty members who have completed a minimum of 6 years of service at Marshall are eligible.

Pickens-Queen Teacher Awards: This award recognizes and gives evidence of the importance placed on superior teaching in the University at the junior faculty level. All full-time, tenure-track faculty at the Instructor/Assistant Professor rank and who have completed one to five years of service at Marshall are eligible. (A person is first eligible to

apply in their 2nd year and last eligible in their 6th year.) Three awards of \$1,000 are given annually.

Charles E. Hedrick Outstanding Faculty Award: This award recognizes a faculty member who has a record of outstanding classroom teaching (at the undergraduate and graduate level), scholarship, research, and creative activities. All full-time faculty members with a minimum of seven years of teaching experience at Marshall are eligible. One award of \$5,000 is given annually.

Research Grants and Awards

Quinlan Grants: The Quinlan Endowment supports faculty travel to attend professional meetings. Priority of funding will be based on the significance of the applicant's participation. These are administered by the Faculty Senate Research Committee. Please see the Faculty Senate website or the Academic Affairs website for details. (<http://www.marshall.edu/senate/FORMS/Quinlan.doc>)

Summer Research Grants: The Graduate College offers summer research grants to fulltime faculty. The maximum amount is \$2,000. These funds are largely unrestricted, but are intended to support specific research projects. Applications may be obtained in the Graduate College Office, 113 Old Main. (http://www.marshall.edu/senate/ADOBE_FORMS/Summer_Research_Award.pdf)

Reassigned Time Grants: The Graduate College sponsors reassigned time grants each spring term to support specific research projects. Special consideration is given to first year faculty who enter Marshall with a strong research momentum. Applications may be obtained in the Graduate College Office, 113 Old Main. (http://www.marshall.edu/senate/ADOBE_FORMS/Graduate_College_Fund_Reassigned_Time_Research.pdf)

Research Committee Funding: The Research Committee offers funding to assist Marshall University researchers in the conduct of their scholarly activities. Awards will be limited to \$250 in any academic year. Please see the Faculty Senate website or the Academic Affairs website for details. (http://www.marshall.edu/senate/ADOBE_FORMS/Research_Committee_Funding.pdf)

Marshall University Distinguished Artists and Scholars

Award: This award recognizes distinction in the fields of artistic and scholarly activity on the part of Marshall University faculty. Three awards are given annually. One senior award is selected from among those faculty in the **sciences and technology** (Colleges/Schools of Science, Medicine, Information Technology and Engineering, and Nursing and Health Professions) holding the rank of Associate or Full Professor. Another senior award recipient is selected from among faculty in the **arts, social sciences, humanities, education, and business** holding the rank of Associate or Full Professor. One junior award recipient is selected from among all faculty holding the rank of Assistant Professor. A group award goes to two or more faculty who have collaborated on a research/creative project. To be eligible for consideration a faculty member must be tenured or hold a tenure-track appointment. Additional information is available at the Academic Affairs

website. (http://www.marshall.edu/academic-affairs/MU_Info/dasa.htm)

Service Awards

(<http://www.marshall.edu/academic-affairs/facultyresources.asp>)

(<http://www.marshall.edu/alumni/chservice.asp>)

University Distinguished Service Award: The recommendation for the award could start at the faculty level or upon recommendation of the dean with concurrence of the college advisory committee (or similar body). In cases of distinguished service to the institution, the recommendation may occur at an administrative level above the dean. However, before the final recognition is bestowed,

it must have the concurrence of the dean and the college advisory group. The Deans' Council will recommend to the Provost and Senior Vice President for Academic Affairs and he/she will recommend to the President. Please visit the website address shown above for specific criteria.

Dr. Carolyn B. Hunter-Faculty Service Award: This award is created by the Marshall University Alumni Association for the purpose of recognizing outstanding achievements and providing incentives for continued service from faculty to the community, the university and students in their respective field.

Section 12. TITLE 133 PROCEDURAL RULE WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION SERIES 9

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. The policy sets forth the major elements which need to be incorporated by institutional Boards of Governors as they formulate institutional policy relating to faculty issues. Each Board of Governors shall develop a policy on faculty matters for its institution as set forth in this Higher Education Policy Commission statement and shall file its policy with the Chancellor.

1.2. Authority — W. Va. Code §18B-1-6, 18B-1B-4, and 18B-7-4

1.3. Filing Date — August 20, 2007

1.4. Effective Date — September 19, 2007

1.5. Modification of Existing Rule: Title 133-9 Procedural Rule of the West Virginia Higher Education Policy Commission

SECTION 2. ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY.

2.1. Academic freedom at public institutions of higher education in West Virginia under the jurisdiction of the Higher Education Policy Commission is necessary to enable the institutions to perform their societal obligation as established by the Legislature. The

Commission recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the institutions under its jurisdiction. 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 authorities 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. The faculty member at a public institution of higher education in West Virginia is a citizen, a member of a learned profession, and a representative of an 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 in which he or she holds an appointment.

2.4. In addition to meeting the primary responsibilities of addressing institutional missions in teaching, research, and service as defined by the institution, 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 at any state institution of higher education shall be those appointees of the institution's designee. The faculty are those so designated by the institution and 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 who have attained tenure status as determined by the institution. Normally, tenured appointments are full-time (1.00 FTE or the equivalent, as determined by the institution) 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, as determined by the institution) 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 fulltime (1.00 FTE or the equivalent, as determined by the institution) or part-time.

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, as determined by the institution) or part-time.

3.2.5. Term: Those faculty members at universities and other four-year institutions and who have been appointed as instructional faculty for a specified term as defined by the institution. The appointment shall be full-time (1.00 FTE or the equivalent, as determined by the institution) 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.

3.2.6. Non-tenure-Track: Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, term, or tenured status. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) 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.

3.3. Faculty appointed to tenured, tenure-track, or term positions at any institution 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 at any institution may be appointed to one of the following ranks:

3.4.1. Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

3.4.2. Associate Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

3.4.3. Assistant Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN); or

3.4.4. Instructor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN)

3.5. Faculty appointed to librarian-track positions at any institution 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, librarian-track, and term faculty hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. Clinical-track, librarian-track, and term 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. Additional ranks are permitted at West Virginia University and West Virginia State College through the use of the title prefix designation "extension;" such additional ranks are excluded from and in addition to those ranks covered by the provisions of the West Virginia Code.

3.8. Other appropriate titles which more accurately indicate the nature of the position may be used.

3.9. Persons assigned full-time or part-time to administrative or staff duties at any institution 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, term, 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.

3.10. Clinical-track, librarian-track, term, and Non-tenure-track faculty at all institutions 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 in Section 10.5 below do not apply.

3.11. Non-tenure-track appointments shall have one of the following titles:

3.11.1. Any of the faculty ranks, but designated visiting, research, clinical, extension, or adjunct, as applicable to describe the connection or function;

3.11.2. Lecturer or senior lecturer;

3.11.3. Assistant, designated as graduate, research, clinical, or adjunct, as applicable to describe the connection or function.

3.12. 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:

3.12.1. 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.

3.12.2. 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.

3.12.3. 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.

3.12.4. 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.

3.12.5. 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.

3.12.6. 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.

3.13. The institution shall make all tenured, tenure-track, clinical-track, librarian-track, term, and Non-tenure-track appointments after consultation with appropriate faculty and other collegiate units.

3.14. Every faculty contract at any institution 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.

3.15. 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, as delineated in Section 17 of this policy.

SECTION 4. FACULTY: TYPES AND CONDITIONS OF APPOINTMENT.

4.1. Full-time appointments to the faculty of an institution, other than those designated as clinical-track, librarian-track, term, or Non-tenure-track, shall be either tenured or tenure-track.

4.2. All clinical-track, librarian-track, term, 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 at any institution is made subject to the following conditions:

4.3.1. The appointee shall render full-time service to the institution to which appointed. Outside activities, except the practice of medicine or dentistry which are restricted below in subsection 4.3.2, 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 establish a program of periodic review of outside services of appointees to guide faculty members.

4.3.2. Full-time faculty appointments assigned to respective dental or medical schools will render dental and medical patient services only at facilities affiliated with their assigned institution, or at such other locations or facilities as may be authorized in their annual notice of appointment, or as otherwise approved in writing by the institution.

4.3.2.1. Fees for professional patient related services rendered by fulltime medical and dental faculty appointees shall be billed, collected and expended in accordance with the bylaws of the faculty practice plan for their respective institution, or through such other billing and collection mechanism as may be provided for in the faculty member's annual notice of appointment, or as otherwise approved in writing by the institution.

4.3.2.2. Fees for professional services not directly related to patient services including, but not limited to, royalties, honoraria, legal actions where no patient services have been rendered, or other such similar sources as may be approved in writing by the institution are permitted as individual income to the individual faculty member.

4.3.3. 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 as set out in Section 12 below.

4.3.4. Institutions 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, librarian-track, or term to tenure-track, the time spent at the institution may, at the discretion of the institution, 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 appointed under joint or contractual appointments shall continue to be considered full-time employees of the "home institution."

SECTION 6. EMERITUS STATUS.

6.1. Emeritus status is an honorary title that may be awarded to a retiring faculty member or administrator for extended meritorious service. Each institution shall establish a policy regarding emeritus status and file the policy with the Policy Commission. There is no salary or emolument attached to the status other than such privileges as the institution may wish to extend.

SECTION 7. PROMOTION IN RANK.

7.1. Within the following framework, each institution shall establish, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for promotion in rank for tenured, tenure-track, clinical-track, librarian-track, term, and non-tenure track faculty:

7.1.1. There shall be demonstrated evidence that promotion is based upon a wide range of criteria, established by the institution in conformance with this document and appropriate to the mission of the institution. Examples appropriate to some institutions might be: excellence in teaching; publications and research; professional and scholarly activities and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college, or department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree

appropriate to the teaching field; 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 promotion shall rest with the institution.

7.1.2. There shall be demonstrated evidence that, in the process of making evaluations for promotions, there is participation of persons from several different groups, such as: peers from within and without the particular unit of the institution, supervisory administrative personnel such as the department/division chairperson and the dean, and students.

7.1.3. There shall be no practice of granting promotion routinely or solely because of length of service, or of denying promotion capriciously.

7.1.4. The institution shall provide copies of its institutional guidelines and criteria for promotion to the Policy Commission and shall make available such guidelines and criteria to its faculty.

7.2. Promotion shall not be granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units.

SECTION 8. FACULTY RESIGNATIONS.

8.1. A faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline re-appointment, shall give notice in writing at the earliest opportunity. Professional ethics dictate due consideration of the institution's need to have a full complement of faculty throughout the academic year.

SECTION 9. TENURE.

9.1. 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 duties and responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the profession attractive to persons of ability. There shall be demonstrated evidence that tenure is based upon a wide range of criteria such as: excellence in teaching; publications and research; professional and scholarly activity and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college and department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; 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 institution.

9.2. 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 department/division, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. The institution 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.

9.3. For community and technical colleges, in order to be fully responsive to the changing needs of their students and clients, the goal in the appointment of faculty is to limit the number of tenured and tenure-track faculty to no more than twenty percent of full-time faculty employed by the respective community and technical college.

9.3.1. At community and technical colleges, full-time term faculty are eligible for reappointment, although no number of appointments shall create any presumption of the right to appointment as tenure-track or tenured faculty. A single appointment shall not exceed three years.

9.3.2. The employment standing of tenured and tenure-track faculty holding appointment at each of the community and technical colleges at the time of the implementation of this policy shall not be affected.

9.4. Tenure shall not be granted automatically, or solely because of length of service, but shall result from action by the institution, following consultation with appropriate academic units.

9.5. Tenure may be granted at the time of the appointment by the institution, following consultation with appropriate academic units.

9.6. Tenure may be attained only by faculty who hold the rank of Assistant Professor or above.

9.7. A faculty member who has been granted tenure shall receive yearly renewals of appointment unless dismissed or terminated for reasons set out in Sections 12, 13, or 14 below.

SECTION 10. TENURE-TRACK STATUS.

10.1. When a full-time faculty member is appointed on other than a clinical-track, librarian-track, term, or non-tenured-track or tenured basis, the appointment shall be tenure-track.

10.2. During the tenure-track period, the terms and conditions of every reappointment shall be stated in writing, with a copy of the agreement furnished the individual concerned.

10.3. The maximum period of tenure-track status normally shall not exceed seven years. Before completing the penultimate year (the "critical year") of a tenure-track appointment, any non-tenured faculty member shall be given written notice of tenure, or offered a one-year written terminal contract of employment. During the tenure-track period, faculty members may be granted tenured appointment before the sixth year of service, such appointment to be based upon criteria established by the institution and copies provided to the Policy Commission.

10.3.1. Institutions may establish policies to accommodate unusual situations, such policies to be approved by the Governing Board and reported to the Policy Commission.

10.4. 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 year. During said tenure-track period, notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

10.5. For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

10.5.1. By letter post-marked and mailed no later than December 15 of the second academic year of service; and

10.5.2. By letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

10.6 For those appointed after March 8, 2003, after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision by letter postmarked and mailed no later than March 1.

10.7 Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

10.8 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.

10.9 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.

10.10 Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy. The request for a statement of reasons shall be in writing and mailed to the president or designee within ten working days of receipt of the notice of non-retention.

SECTION 11. FACULTY EVALUATION.

11.1. All faculty shall receive a yearly written evaluation of performance directly related to duties and responsibilities as defined by the institution.

11.2. Evaluation procedures shall be developed at the institutional level, and a copy sent to the Policy Commission and filed in the Central Office. Such procedures must be multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors.

SECTION 12. DISMISSAL.

12.1. Causes for Dismissal: The dismissal of a faculty member shall be effected only pursuant to the procedures provided in these policies and only for one or more of the following causes:

12.1.1. Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;

12.1.2. Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices;

12.1.3. Insubordination by refusal to abide by legitimate reasonable directions of administrators;

12.1.4. Physical or mental disability for which no reasonable accommodation can be made, and which makes the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;

12.1.5. Substantial and manifest neglect of duty; and

12.1.6. Failure to return at the end of a leave of absence.

12.2. Notice of Dismissal for Cause: The institution shall initiate proceedings by giving the faculty member a written dismissal notice by certified mail, return receipt requested, which dismissal notice shall contain:

12.2.1. Full and complete statements of the charge or charges relied upon; and

12.2.2. A description of the appeal process available to the faculty member.

12.3. Prior to giving the faculty member a written dismissal notice, the institution shall notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the institutional designee prior to the effective date to refute the charges.

12.4. Faculty who refuse to sign or execute an offered annual contract or notice of appointment or reappointment by the date indicated by the institution for its execution, or who fail to undertake the duties under such document at a reasonable time, shall be deemed to have abandoned their employment with the institution and any rights to tenure or future appointment. Faculty objecting to terms of such document do not waive their objections to such terms by signing or executing the document.

SECTION 13. TERMINATION BECAUSE OF REDUCTION OR DISCONTINUANCE OF AN EXISTING PROGRAM.

13.1. A tenured or tenure-track faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program at the institution as a result of a review of the program, in accordance with the appropriate rule relating to review of academic programs, 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 institution shall make every effort to extend first refusal to the faculty member so terminated.

13.1.1. Every effort should be made to reassign an individual to instructional or non-instructional duties commensurate with the faculty member's training and experience, and offers of release time or leaves of absence should be made to enable such persons to acquire capabilities in areas in which their services would be

required by the institution. Faculty development programs and funds should be used to facilitate such reassignments.

13.2. Institutional policy for accommodating major reduction in, or discontinuance of, an existing program shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board, and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.

13.3. Notice of Non-retention Because of Program Reduction or Discontinuance: The institution shall initiate proceedings by giving a faculty member written notice of such non-retention by certified mail, return receipt requested.

13.4. The dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of this policy.

SECTION 14. TERMINATION DUE TO FINANCIAL EXIGENCY.

14.1. Termination of Employment Due to Financial Exigency: A faculty member's appointment may be terminated because of a financial exigency, as defined and determined by the institution's Governing Board. Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board, and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.

14.2. Notice of Termination Due to Financial Exigency: The institution shall initiate proceedings by giving the faculty member written notice of termination by certified mail, return receipt requested, which notice shall contain:

14.2.1. A delineation of the rationale used for the determination of a financial exigency;

14.2.2. A copy of the implementation procedures used by the institution related to the financial exigency and a delineation of the rationale used for the termination of the faculty member; and

14.2.3. A description of the appeal process available to the faculty member.

14.3. To the extent financially feasible, the dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of this policy.

SECTION 15. FACULTY GRIEVANCE PROCEDURE.

15.1. A faculty member wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code '6C-2.

SECTION 16. INFORMAL PROCEDURES FOR CONFLICT RESOLUTION.

16.1. Each institution may provide alternative procedures to those set out in West Virginia Code '6C-2 for the resolution of conflicts.

SECTION 17. NOTIFICATION OF TERMS AND CONDITIONS OF FACULTY APPOINTMENTS

17.1. Institutions have a large measure of flexibility in determining the form and style whereby faculty are

notified each year of the terms of their appointment. When an initial appointment is made, however, or when the conditions of the appointment change, it is crucial that the faculty member be fully informed of the terms and conditions of employment. While a formal contract may not be necessary each year, the institution may choose one of several means of notifying faculty about their appointments: a personal letter, a formal contract, or a combination of a letter with a standard contract attached.

17.1.1 Institutions may offer each year to their full-time term faculty contracts of up to three years duration, subject to the conditions stated in Sections 3, 4 and 9 of this policy.

17.2. The letter of appointment or contract should state the following:

17.2.1. That the appointment (to the specified position) is offered in accordance with the provisions of institutional policy, and (if applicable) of the institution's faculty handbook or other publication.

17.2.2. That the appointment is tenured, tenure-track, clinical-track, librarian-track, term, or Non-tenure-track as defined in this policy.

17.2.3. That the rank (in case of a tenured, clinical-track, term, or tenure-track appointment) is Professor, Associate Professor, Assistant Professor, or Instructor, including a clinical-track designation, as appropriate, or

17.2.4. That the rank (in case of a librarian-track appointment) is Librarian or Professor/Librarian, Associate Librarian or Associate Professor/Librarian, Assistant Librarian or Assistant Professor/Librarian, or Staff Librarian or Instructor/Librarian.

17.2.5. That the appointment is full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time with the FTE identified.

17.2.6. That it is a terminal contract (whenever appropriate).

17.2.7. That it is a joint appointment with another institution (whenever appropriate), with the home institution specified.

17.2.8. The beginning and ending dates of the appointment.

17.2.9. For tenure-track appointments, the academic year in which tenure must be awarded (the "critical year").

17.2.10. The total salary for the appointment.

17.2.11. That, consistent with the provisions of this policy, employment is subject to the fulfillment of the duties and responsibilities of the position.

17.2.12. That the specific assignments of the position will be determined by the institution.

17.2.13. That any special conditions which are included in the appointment be made a part of the contract only if they are signed by the faculty member and the designated representative of the institution.

17.2.14. That acceptance of the appointment will be specified by the faculty member's signing, dating, and returning a copy of the letter or contract to the designated representative of the institution within a reasonable time, which should be specified.

17.3. Renewal letters, or letters that simply inform the faculty member of a change in salary, need not contain all

of the information listed above, but it is appropriate to refer to the earlier letter or contract.

Section 13. Grievance Procedures

Faculty Grievance Procedures: Series 9, Section 15

15.1. A faculty member wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code '6C-2.

Informal Procedures for Conflict Resolution: Section 16

16.1. Each institution may provide alternative procedures to those set out in West Virginia Code '6C-2 for the resolution of conflicts.

W.VA. Code 6C-2

http://pegboard.state.wv.us/Statute_6C2_and_6C3.pdf

CHAPTER 6C. PUBLIC EMPLOYEES.

ARTICLE 2. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE PROCEDURE.

Section 6C-2-1. Purpose.

(a) The purpose of this article is to provide a procedure for the resolution of employment grievances raised by the public employees of the State of West Virginia, except as otherwise excluded in this article.

(b) Resolving grievances in a fair, efficient, cost-effective and consistent manner will maintain good employee morale, enhance employee job performance and better serve the citizens of the State of West Virginia.

(c) Nothing in this article prohibits the informal disposition of grievances by stipulation or settlement agreed to in writing by the parties, nor the exercise of any hearing right provided in chapter eighteen or eighteen-a of this code.

(d) Effective the first day of July, two thousand seven, any reference in this code to the education grievance procedure, the state grievance procedure, article twenty-nine, chapter eighteen of this code or article six-a, chapter twenty-nine of this code, or any subsection thereof, shall be considered to refer to the appropriate grievance procedure pursuant to this article.

(e) Any grievance proceeding which is in process on the effective date of the enactment of this article will be completed as expeditiously as possible, and all outstanding orders for hearings must be completed by the first day of July, two thousand seven. Parties to grievances for which a hearing has not been held may, by agreement, proceed to either level two or level three.

Section 6C-2-2. Definitions.

For the purpose of this article and article three of this chapter:

(a) "Board" means the West Virginia Public Employees Grievance Board created in article three of this chapter.

(b) "Chief administrator" means, in the appropriate context, the commissioner, chancellor, director, president or head of

any state department, board, commission, agency, state institution of higher education, commission or council, the state superintendent, the county superintendent, the executive director of a regional educational service agency or the director of a multicounty vocational center who is vested with the authority to resolve a grievance. A "chief administrator" includes a designee, with the authority delegated by the chief administrator, appointed to handle any aspect of the grievance procedure as established by this article.

(c) "Days" means working days exclusive of Saturday, Sunday, official holidays and any day in which the employee's workplace is legally closed under the authority of the chief administrator due to weather or other cause provided for by statute, rule, policy or practice.

(d) (1) "Employee" means any person hired for permanent employment by an employer for a probationary, full- or part-time position. (2) A substitute education employee is considered an "employee" only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule or written agreement relating to the substitute. (3) "Employee" does not mean a member of the West Virginia State Police employed pursuant to article two, chapter fifteen of this code, but does include civilian employees hired by the Superintendent of the State Police. "Employee" does not mean an employee of a constitutional officer unless he or she is covered under the civil service system, an employee of the Legislature, or a patient or inmate employed by a state institution.

(e) "Employee organization" means an employee advocacy organization with employee members that has filed with the board the name, address, chief officer and membership criteria of the organization.

(f) "Employer" means a state agency, department, board, commission, college, university, institution, state board of education, department of education, county board of education, regional educational service agency or multicounty vocational center, or agent thereof, using the services of an employee as defined in this section.

(g) (1) "Grievance" means a claim by an employee alleging a violation, a misapplication or a misinterpretation of the statutes, policies, rules or written agreements applicable to the employee including:

(i) Any violation, misapplication or misinterpretation regarding compensation, hours, terms and conditions of employment, employment status or discrimination, unless the discrimination is related to the actual job responsibilities of the employee or agreed to in writing by the employee;

(ii) Any discriminatory or otherwise aggrieved application of unwritten policies or practices of his or her employer;

(iii) Any specifically identified incident of harassment, including repeated or continual disturbance, irritation or annoyance of an employee that is contrary to the demeanor expected by law, policy and profession, or favoritism, including unfair treatment of an employee as demonstrated by preferential, exceptional or advantageous treatment of another similarly situated employee; or (iv) Any action, policy or practice constituting a substantial detriment to or interference with the effective job performance of the employee, or the health and safety of the employee.

(2) "Grievance" does not mean any pension matter or other issue relating to public employees insurance in accordance with article sixteen, chapter five of this code, retirement or any other matter in which the authority to act is not vested with the employer. (h) "Grievant" means an employee or group of similarly situated employees filing a grievance. (i) "Party" and "parties" mean the grievant, employer and the Director of the Division of Personnel for state government employee grievances. The Division of Personnel shall not be a party to grievances involving higher education employees. (j) "Representative" means any employee organization, fellow employee, legal counselor or other person designated by the grievant as the grievant's representative and may not include a supervisor who evaluates the grievant. Section 6C-2-3. Grievance procedure generally.

(a) Time limits. --

(1) An employee shall file a grievance within the time limits specified in this article.

(2) The specified time limits may be extended to a date certain by mutual written agreement, and shall be extended whenever a grievant is not working because of accident, sickness, death in the immediate family or other cause for which the grievant has approved leave from his or her employment.

(b) Default. --

(1) The grievant prevails by default if a required response is not made by the employer within the time limits established in this article, unless the employer is prevented from doing so directly as a result of injury, illness or a justified delay not caused by negligence or intent to delay the grievance process.

(2) Within ten days of the default, the grievant may file with the chief administrator a written notice of intent to proceed directly to the next level or to enforce the default. If the chief administrator objects to the default, then the chief administrator may request a hearing before an administrative law judge for the purpose of stating a defense to the default, as permitted by subdivision one of this subsection, or showing that the remedy requested by the prevailing grievant is contrary to law or contrary to proper and available remedies. In making a determination regarding the remedy, the administrative law judge shall determine whether the remedy is proper, available and not contrary to law.

(3) If the administrative law judge finds that the employer has a defense to the default as permitted by subdivision (1) of this subsection, or that the remedy is contrary to law or not proper or available at law, the administrative law judge

may deny the default, or modify the remedy to be granted to comply with the law or otherwise make the grievant whole.

(c) Defenses and limitations. -

(1) Untimeliness. -- Any assertion by the employer that the filing of the grievance at level one was untimely shall be asserted by the employer at or before level two.

(2) Back Pay. -- A one-year statute of limitations applies to the recovery of back pay. In the case of a willful violation by the employer in which it can be shown by a preponderance of the evidence that the employer acted in bad faith in concealing the facts giving rise to the claim for back pay, an eighteen-month statute of limitations applies. Further, a grievant's right to back pay tolls from the time that the grievant has actual or constructive knowledge of his or her right to back pay.

(3) Statutory defense. -- If the employer intends to assert the application of any statute, policy, rule or written agreement as a defense at any level, then a copy of the materials shall be forwarded to the grievant and his or her representative.

(d) Withdrawal and reinstatement of grievance. -- An employee may withdraw a grievance at any time by filing a written notice of withdrawal with the chief administrator or the board. The grievance may not be reinstated by the grievant unless reinstatement is granted by the chief administrator or the board. If more than one employee is named as a grievant, the withdrawal of one employee does not prejudice the rights of any other employee named in the grievance.

(e) Consolidation and Groups of Similarly Situated Employees. --

(1) Grievances may be consolidated at any level by agreement of all parties, or at the discretion of the administrative law judge.

(2) Class actions are not permitted. However, a grievance may be filed by one or more employees on behalf of a group of similarly situated employees, but any similarly situated employee shall indicate in writing his or her intent to join the group of similarly situated employees. Only one employee filing a grievance on behalf of similarly situated employees shall be required to participate in the level one hearing required in section four of this article.

(f) Intervention. -- Upon a timely request, any employee may intervene and become a party to a grievance at any level when the employee demonstrates that the disposition of the action may substantially and adversely affect his or her rights or property and that his or her interest is not adequately represented by the existing parties.

(g) Representation. -- An employee may designate a representative who may be present at any step of the procedure as well as at any meeting that is held with the employee for the purpose of discussing or considering disciplinary action.

(h) Reprisal. -- No reprisal or retaliation of any kind may be taken by an employer against a grievant or any other participant in the grievance procedure by reason of his or her participation. Reprisal or retaliation constitutes a grievance, and any person held responsible is subject to disciplinary action for insubordination. Further, any supervisor or administrator responsible for a willful act of

bad faith toward an employee or who intentionally works an employee out of classification may be subject to disciplinary action, including demotion or discharge.

(i) Forms. -- The board shall create the forms for filing grievances, giving notice, taking appeals, making reports and recommendations, and all other necessary documents provide them to chief administrators to make available to any employee upon request.

(j) Discovery. -- The parties are entitled to copies of all material submitted to the chief administrator or the administrative law judge by any party. All documents submitted become part of the record.

(k) Conferences and Hearings. -

(1) Impartiality. -- The administrative law judge shall conduct all level three hearings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process.

(2) Closed Conferences and Hearings. -- All conferences and hearings shall be conducted in private. Hearings may be public at level three at the discretion of the administrative law judge.

(3) Evidence. -- All parties may present supportive or corroborative evidence and argument with respect to the grievance at a conference or hearing. Formal rules of evidence do not apply, but parties are bound by the rules of privilege recognized by law, and the rules and procedures established by the board.

(4) Witnesses. -- At level one, the chief administrator may call witnesses and may allow parties to call witnesses during a conference or hearing upon request. The parties have the right to call, examine and cross-examine witnesses during any hearing. Administrative law judges may issue subpoenas for witnesses, limit witnesses, administer oaths and may exercise other powers granted by rule or law. No employee may be compelled to testify against himself or herself in a grievance hearing.

(5) Notice. -- Reasonable notice of a conference or hearing shall be sent at least five days prior to the hearing to all parties and their representatives and shall include the date, time and place of the hearing. If an employer causes a conference or hearing to be postponed without adequate notice to employees who are scheduled to appear during their normal work day, the employees may not suffer any loss in pay for work time lost.

(6) Location. -- All proceedings shall be at a convenient place accessible to all parties and the location of the level three hearing shall be set by the administrative law judge.

(7) Date and Time. -- Conferences and hearings shall be scheduled within the time frames established at a reasonable time of day in accommodation to the parties' work schedules. Disagreements shall be decided by the board or the administrative law judge.

(8) Record. -- Conferences are not required to be recorded, but all evidence submitted and the decision become part of the record. All the testimony and evidence at a hearing shall be recorded by mechanical means, and a copy of the recording provided to any party upon request. The board is responsible for paying for and promptly providing a

certified transcript of a hearing to a requesting party or the court for a mandamus or appellate proceeding.

(l) Grievance decisions. -

(1) Prior to a decision, any party may propose findings of fact and conclusions of law.

(2) Decisions rendered at all levels of the grievance procedure shall be dated, in writing, setting forth the decision or decisions and the reasons for the decision, and transmitted to the board, the employer and the grievant within the time limits prescribed. If the grievant is denied the relief sought, the decision shall include the procedure for the next level of appeal for the grievant.

(m) Preparation time. -

(1) The grievance shall be processed during regular working hours with minimal interference with the normal operations of the employer and schedule of the employee.

(2) The grievant, witnesses and an employee representative shall be granted reasonable and necessary time off during working hours for grievance proceedings without loss of pay and without charge to annual or compensatory leave credits.

(3) In addition to actual time spent in grievance conferences and hearings, the grievant and an employee representative shall be granted time off during working hours, not to exceed four hours per grievance, for the preparation of the grievance without loss of pay and without charge to annual or compensatory leave credits. However, the first responsibility of any employee is the work assigned to the employee. An employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee.

(4) The grievant and an employee representative shall have access to the employer's equipment for purposes of preparing grievance documents subject to the reasonable rules of the employer governing the use of the equipment for non-work purposes.

(5) Disagreements regarding preparation time shall be decided by the board or the presiding administrative law judge.

(n) Grievance files. -

(1) All grievance forms and reports shall be kept in a file separate from the personnel file of the employee and may not become a part of the personnel file, but shall remain confidential except by mutual written agreement of the parties.

(2) The grievant may file a written request to have the grievant's identity removed from any files kept by the employer one year following the conclusion of the grievance.

(o) Number of Grievances. -- The number of grievances filed against an employer by an employee is not, per se, an indication of the employer's or the employee's job performance.

(p) Procedures and Rules. -- The board shall prescribe rules and procedures in compliance with this article, article three of this chapter and the State Administrative Procedures Act under chapter twenty-nine-a of this code for all matters relating to the grievance procedure.

Section 6C-2-4. Grievance procedural levels.

(a) Level one: Chief Administrator. -

(1) Within fifteen days following the occurrence of the event upon which the grievance is based, or within fifteen days of the date upon which the event became known to the employee, or within fifteen days of the most recent occurrence of a continuing practice giving rise to a grievance, an employee may file a written grievance with the chief administrator stating the nature of the grievance and the relief requested and request either a conference or a hearing. The employee shall also file a copy of the grievance with the board. State government employees shall further file a copy of the grievance with the Director of the Division of Personnel, who may participate at any level in person or by a designee.

(2) The chief administrator shall hold the conference or hearing, as requested by the grievant, within ten days of receiving the grievance and issue a written decision within fifteen days of the conference or hearing.

(3) An employee may proceed directly to level three upon the agreement of the employee and the chief administrator or when discharged, suspended without pay or demoted or reclassified resulting in a loss of compensation or benefits.

(b) Level two: Alternative dispute resolution. -

(1) Within ten days of receiving an adverse written decision at level one, the grievant shall file a written request for mediation, private mediation or mediation-arbitration with the board if the grievant desires to continue the grievance process.

(A) Mediation. -- The board shall schedule the mediation between the parties within twenty days of the request. Mediation shall be conducted by an administrative law judge pursuant to standard mediation practices and board procedures at no cost to the parties. Parties may be represented and shall have the authority to resolve the dispute. Agreements reached through mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

(B) Private Mediation. -- The parties may agree in writing to retain their choice of a private mediator and share the cost. The mediator shall schedule the mediation within twenty days of the written request and shall follow standard mediation practices and any applicable board procedures. Parties may be represented and shall have the authority to resolve the dispute. Agreements reached through mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

(C) Mediation-arbitration. -- The parties may agree in writing to participate in mediation-arbitration. The board shall schedule the mediation-arbitration between the parties within twenty days of the request. Mediation-arbitration shall be conducted by an administrative law judge pursuant to standard mediation and arbitration practices and board procedures, at no cost to the parties. In the event the mediation does not result in a resolution, the mediator may become an arbitrator and proceed to decide the matter. The parties may be represented and may resolve the dispute. Agreements reached through mediation and decisions issued

through arbitration are to be documented in writing within fifteen days, and are binding and enforceable in this state by a writ of mandamus.

(2) Neutral Evaluation. -- Within fifteen days of the conclusion of an unsuccessful mediation or mediation-arbitration, the administrative law judge serving as the mediator or mediator-arbitrator may provide a written summary to the parties as a neutral evaluator stating the issues presented, and issue a scheduling and discovery order that is binding upon the parties in preparation for level three.

(c) Level three: Adjudication. -

(1) Within ten days of receiving a written report stating that alternative dispute resolution at level two was unsuccessful, the grievant may file a written appeal with the employer and the board requesting a hearing and adjudication on the grievance. The administrative law judge shall schedule the hearing, and any other proceedings or deadlines, within a reasonable time in consultation with the parties. State government employees shall also serve a copy of the appeal upon the Director of the Division of Personnel, or his or her designee, who may appear at the hearing and submit oral or written evidence upon matters at issue.

(2) Both the employer and the employee shall at all times act in good faith and make every possible effort to resolve disputes at the lowest level of the grievance procedure. The administrative law judge may make a determination of bad faith and in extreme instances allocate the cost of the hearing to the party found to be acting in bad faith. The allocation of costs shall be based on the relative ability of the party to pay the costs.

(3) Within thirty days following the hearing, the administrative law judge shall render a decision in writing to all parties setting forth findings of fact and conclusions of law on the issues submitted.

Section 6C-2-5. Enforcement and appeal.

(a) The decision of the administrative law judge is final upon the parties and is enforceable in the circuit court of Kanawha County.

(b) A party may appeal the decision of the administrative law judge on the grounds that the decision:

(1) Is contrary to law or a lawfully adopted rule or written policy of the employer;

(2) Exceeds the administrative law judge's statutory authority;

(3) Is the result of fraud or deceit;

(4) Is clearly wrong in view of the reliable, probative and substantial evidence on the whole record; or

(5) Is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(c) A party shall file the appeal in the circuit court of Kanawha County within thirty days of receipt of the administrative law judge's decision. The decision of the administrative law judge is not automatically stayed upon the filing of an appeal, but a stay may be granted by the circuit court upon a separate motion for a stay.

(d) The court shall review the entire record that was before the administrative law judge, and the court may hear oral arguments and require written briefs. The court may

reverse, vacate or modify the decision of the administrative law judge, or may remand the grievance to the administrative law judge or the chief administrator for further proceedings.

Section 6C-2-6. Allocation of expenses and attorney's fees.

(a) Any expenses incurred relative to the grievance procedure at levels one, two or three shall be borne by the party incurring the expenses.

(b) In the event a grievant or employer appeals an adverse level three decision to the circuit court of Kanawha County, or an adverse circuit court decision to the Supreme Court of Appeals of

West Virginia, and the grievant substantially prevails upon the appeal, the grievant may recover from the employer court costs and reasonable attorney's fees for the appeal to be set by the court.

Section 6C-2-7. Mandamus proceeding.

Any employer failing to comply with the provisions of this article may be compelled to do so by a mandamus proceeding and may be liable to a prevailing party for court costs and reasonable attorney's fees to be set by the court.

ARTICLE 3. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD.

Section 6C-3-1. West Virginia Public Employees Grievance Board.

(a) Effective the thirtieth day of June, two thousand seven, the Education and State Employees Grievance Board, and the employment of the hearing examiners and administrative law judges under the board, terminate.

(b) Effective the first day of July, two thousand seven, the West Virginia Public Employees Grievance Board is created as an independent entity under the Department of Administration and all references to the Education and State Employees Grievance Board in the code shall be considered to refer to the West Virginia Public Employees Grievance Board.

(c) On or before the first day of July, two thousand seven, the Governor, by and with the advice and consent of the Senate, shall appoint the following five members to the board for the following terms:

(1) One person representing the largest labor organization in the state for a term of three years;

(2) One person representing an education employee organization in the state for a term of two years;

(3) One employer representative from the executive branch for a term of two years;

(4) One employer representative from secondary or higher education for a term of three years; and

(5) One citizen member, who is not a current employee, employer or a representative of employees in a workplace in the public, educational or higher educational sector of this state, for a term of one year.

(d) After the initial appointment, the board term shall be three years.

(e) No member may serve more than two consecutive full terms and any member having served two consecutive full terms may not be appointed for one year after completion of his or her second full term. A member shall continue to

serve until his or her successor has been appointed and qualified.

(f) A vacancy on the board shall be filled by the Governor by appointment of a like member for the unexpired term of the member whose office is vacant.

(g) The membership of the board shall represent each congressional district, with no more than two members from any one district and no more than three members may be from the same political party.

(h) Each member of the board, at the time of his or her appointment, must have been a resident of this state for a period of not less than one year immediately preceding the appointment and each member of the board shall remain a resident of this state during the appointment term.

(i) The Governor may remove any member from the board for neglect of duty, incompetency, criminal convictions or official misconduct.

(j) Any member of the board immediately and automatically forfeits his or her membership if he or she is convicted of a felony under the laws of any state or the United States, or becomes a nonresident of this state.

(k) The board shall hold at least four meetings per year. Other meetings shall be held at the call of the chairperson or upon the written request of two members, at such time and place as designated in the call or request.

(l) The board shall designate one of its members as chairperson and one member as secretary-treasurer who shall serve at the will of the board.

(m) A majority of the members of the board constitute a quorum.

(n) Each member of the board is entitled to receive compensation and expense reimbursement as is accorded legislators in the performance of their duties.

Section 6C-3-2. Powers and duties of the board.

The board shall:

(1) Maintain jurisdiction over procedural matters in the grievance process;

(2) Employ competent administrative law judges and a chief administrative law judge and pay them commensurately with other administrative law judges in the state, who shall be:

(A) Residents of the State of West Virginia;

(B) Members in good standing of the West Virginia State Bar; and

(C) Persons who have knowledge and legal experience regarding public and education employment law and alternative dispute resolution;

(3) Provide suitable office space for the board and the administrative law judges separate from any workplace in the public, educational and higher educational sectors, so that the administrative law judges are accessible statewide;

(4) Hire, discharge, set the job requirements for and fix the compensation of the director, employees and administrative law judges, who serve at the will and pleasure of the board, necessary to enforce the provisions of this article and article two of this chapter;

(5) Prepare and submit an annual budget;

(6) Establish and provide all forms necessary for the grievance process and make them easily accessible;

- (7) Establish procedures to obtain and maintain records, outcomes and costs at each level of the grievance process;
- (8) Keep accurate and complete records of its proceedings and hearings and certify the records as may be appropriate;
- (9) Evaluate, on an annual basis, the grievance process, including written comment from employers, employees and employee organizations that participate in the process;
- (10) Submit an annual report to the Joint Committee on Government and Finance, the Legislature and the Governor that includes a compilation of all data received regarding outcomes and costs at each level of the grievance process;
- (11) File a mandamus proceeding against any employer failing to comply with the reporting requirements of this article; and
- (12) Take all other actions necessary and proper to effectuate the purposes of this article.

Section 6C-3-3. Data collection and reporting requirements.

(a) Each employer involved in a grievance matter shall maintain the forms and all records created in the grievance process, and shall provide this information to the board in the form and manner prescribed by the board.

(b) The board shall obtain and maintain all records of grievance matters.

(c) The board shall annually report to the Joint Committee on Government and Finance, the Legislature and the Governor. The report shall contain the following:

- (1) An overview of grievance-related issues;
- (2) The number of grievances against each employer;
- (3) Identification of each grievance by type of grievance, level of resolution and cost of the grievance, including the estimated cost of employee time to handle the grievance and actual cost of any legal time or damages paid in the resolution of the grievance;
- (4) The number and type of grievances granted, denied or resolved by other means, including informal resolutions and alternative dispute resolution, and the actual or estimated cost of handling the grievance at each level of the grievance process;
- (5) Any legislative recommendations for changes to the grievance process as a result of the data collected; and
- (6) The caseload of each administrative law judge, the type of grievance, the number of grievances resolved and the number of decisions issued.

(d) Nothing contained in the annual report may breach the confidentiality of a party to the dispute, nor may any matter be disclosed if the disclosure may violate any provision of law.

Section 6C-3-4. Rule-making authority.

(a) The rules established by the Education and State Employees Grievance Board in effect on the effective date of this article that are consistent with the provisions of this article and article two of this chapter remain in effect until they are amended, modified or repealed.

(b) The board may adopt, modify, amend and repeal procedural rules promulgated in accordance with article three, chapter twenty- nine-a of this code, necessary to effectuate the provisions of this article and article two of this chapter including, but not limited to, procedures to

create and distribute forms, obtain and maintain records and collect and report data.

(c) The board shall adopt, modify, amend, repeal and enforce rules for legislative approval necessary to effectuate the provisions of this article and article two of this chapter, including any emergency rules, pursuant to article three, chapter twenty-nine-a of this code.

Section 6C-3-5. Continuation of the West Virginia Public Employees Grievance Board.

Pursuant to the provisions of article ten, chapter four of this code, the West Virginia Public Employees Grievance Board shall continue to exist until the first day of July, two thousand ten, unless sooner terminated, continued or reestablished.

Section 6C-3-6. Review of the grievance procedure.

On or before the first day of January, two thousand ten, the Joint Committee on Government and Finance shall review the grievance procedure and the board, evaluate its usefulness and make recommendations concerning its continuation or termination.

**University Human Resource Services
Statutory Grievance Procedures as found in WV
State Code §29-6C.**

<http://www.marshall.edu/human-resources/emprel/stat-griev-1.asp>

**Alternative Dispute Resolution (ADR) for
Statutory Grievances
MUBOG Policy HR-11**

General:

1.1. Scope: Makes available on a voluntary basis an alternative dispute resolution process in an attempt to settle statutory grievances in a more informal manner and at less expense to the parties.

1.2. Authority:

1.3. Passage Date: March 8, 2006

1.4. Effective Date: Upon passage

1.5. Controlling over: Marshall University and Marshall Community and Technical College.

1.6. History: This policy was originally published on February 9, 2001 as Human Resource Services policy and procedure 2.100, *Alternative Dispute Resolution (ADR) for Statutory Grievances*.

Policy:

2.1. Marshall University and Marshall Community & Technical College provide voluntary alternative dispute resolution (ADR) services to persons who would otherwise appeal a statutory grievance to Level III or Level IV under the provisions of West Virginia State Code Section 29-6A. Such services are offered in an attempt to resolve the issues in grievances in an informal manner and to potentially save time and money for the parties involved. Nothing in the ADR process operates to deny or infringe upon an employee's right to grieve or to appeal their grievance to higher levels.

2.2 ADR involves a staff member from the human resource services provider or other member of the community serving as a facilitator for the participants to discuss the

issue and make proposals in the hope of arriving at a negotiated resolution that is acceptable to both the grievant and the respondent.

2.3 A grievant may withdraw at any time from the ADR process and request a hearing at the level that was last pending before the ADR process was initiated. However, if the grievant withdraws from the ADR process before the initial or successive waiver of timeline expires and if the grievance was pending at Level III, the human resource services provider shall schedule the hearing within seven (7) working days from the date of such withdrawal or upon the expiration of the written waiver whichever occurs first.

2.6 The ADR facilitator is charged with (1) attempting to find middle ground between the parties; (2) seeking to develop a resolution to the issue that satisfies both parties; and (3) reducing to writing his/her recommendation(s) for resolution. The ADR facilitator shall transmit his/her recommendation to the chief human resources officer who will in turn transmit same to the president of the institution in which the grievant is employed. The president of the institution shall approve or disapprove of the recommendation. If approved by the president, the recommendation is enforceable, and the grievant agrees to immediately withdraw with prejudice his/her grievance.

2.7 Persons who utilize the ADR process agree to the services of a facilitator designated by the chief human resources officer, although the parties may nominate a facilitator. The facilitator agrees to treat the matters placed under his/her consideration as confidential and agrees not to discuss the matter with other than the grievant and the respondent while the ADR process is underway, although requests for factual information deemed relevant to the process may be made to the chief human resources officer with the concurrence of the grievant and respondent. The facilitator may meet independently with the parties and may at his/her discretion hold joint meetings with both the grievant and the respondent present.

2.8 Time spent during normally assigned work hours interacting with the ADR facilitator in meetings or consultations called by the facilitator shall not count as part of the maximum time allowable for a grievant to prepare for the grievance. However, any time spent by the grievant in the furtherance of the ADR process in activities or for purposes not requested or approved by the ADR facilitator shall be through the taking of accrued leave or through conduct of activity on non-duty time.

2.9 Fees are not charged by the ADR facilitator unless approved in advance by the president of the institution. Minor and ordinary clerical and materials expenses incident to the ADR process shall be the responsibility of the human resources services provider. Any travel or other expenses incurred by the ADR facilitator for which standard reimbursement is authorized under State of West Virginia guidelines must be approved in advance by the respondent and shall be the financial responsibility of the respondent's department.

3.0 The chief human resources officer is responsible for developing, implementing, and administering sufficient procedure to effectuate the provisions of this policy.

Faculty Senate Constitution

Faculty Personnel Committee Advisory Panel

(Article 6, Section 10.)

The committee shall act as an advisory panel for all faculty members initiating grievances in accord with Series 9. The committee shall address all faculty grievances except those involving dismissal, termination due to reduction of or discontinuance of an existing program, termination due to financial exigency, or a faculty member desiring to appeal a decision of the University President on non-retention or promotion. The committee shall refer to the Hearing Committee those grievances involving a number of persons. Chapter 29 B. Freedom of Information of the West Virginia Code provides that "Every person has a right to inspect or copy any public record for a public body in this state, except as otherwise expressly provided by section four of this article." Under Exceptions in Section Four the code reads, "Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy..." When the committee handles matters of a personal nature, it will not share its findings with the full Senate.

Chapter IV.

Faculty Governance

Constitution of the Marshall Faculty and Graduate Council By-Laws

<http://www.marshall.edu/senate/>

MISSION

The Marshall University Faculty Senate was established June 1, 1987 as a result of a majority vote of the faculty. The body is composed of proportional representation from the following units -- the Elizabeth McDowell Lewis College of Business, the College of Education & Human Services, the College of Fine Arts, the College of Liberal Arts, the College of Science, the University Libraries, the W. Page Pitt School of Journalism & Mass Communications, the Joan C. Edwards School of Medicine, the College of Nursing & Health Professions, the College of Information Technology & Engineering, and two At-Large Senators from South Charleston.. Senators are elected at-large from each of these units to four year terms.

PREAMBLE

Universities striving for excellence historically and traditionally have enjoyed the autonomy and integrity necessary to accomplish their mission as institutions of higher learning committed to the search for and dissemination of knowledge and truth—and so it has been, and must continue to be, at Marshall University. It is recognized that the legal authority to guide and regulate the University is vested by the West Virginia Legislature in the West Virginia Higher Education Policy Commission, the Marshall University Institutional Board of Governors and the President of the University. It is further recognized that the West Virginia Higher Education Policy Commission and Marshall University Institutional Board of Governors grant autonomy to the colleges and universities under their jurisdiction. The West Virginia Legislature has also established that each institution of higher education shall have an institutional faculty senate. As a corollary of academic freedom, the faculty has the major responsibility for guiding the scholarly pursuits of the University. To that end, this constitution is established to facilitate meaningful communication throughout the academic community and to assist the University President, the West Virginia Higher Education Policy Commission, and Marshall University Institutional Board of Governors in the development of academic policies and procedures.

ARTICLE I – THE FACULTY

The faculty is a legislative body of Marshall University and has the authority to concern itself with topics affecting the whole university. This authority is delegated to the Faculty

Senate, which is the representative body duly elected by and from the faculty. The Faculty Senate is empowered to act on behalf of the faculty on questions and issues properly brought before it by the faculty of any college, school, or component of the university. Marshall University is committed to providing equality of opportunity and treatment; therefore, the Faculty Senate and any committee operating under its authority do not discriminate on the basis of race, color, gender, age, religion, national origin, handicap, or sexual orientation.

ARTICLE II – THE FACULTY SENATE: PURPOSES—POWERS—FUNCTIONS

Section 1. The Faculty Senate shall take within its province any subject of interest to the faculty, the administration, and the student body. With respect to the general welfare of the university, the Faculty Senate shall serve as the major legislative, advisory, and review body of the faculty. It shall investigate, debate, and communicate to the faculty those matters deemed to be in the best interests of the university. Academic policy decisions, or matters construed to impinge on the academic decisions, shall be the primary responsibility of the Faculty Senate. The faculty may call a referendum upon any of the actions of the Faculty Senate. Actions of the Faculty Senate shall become the policy of the institution unless for serious and compelling reasons the University President rejects in writing such actions within fifteen working days following submission by the Faculty Senate. All measures receiving presidential approval, or which, are not specifically rejected by the University President, shall be considered binding subject to the final approval, if necessary, of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors.

Section 2. Legislative Function. As the faculty legislative body, the Faculty Senate shall exercise authority over all matters that pertain to academic policies of the university, including instruction, research, and continuing education. Affairs of the university which directly and primarily affect the faculty include, but are not limited to, determination of curricula, standards of admission and selection, retention and transfer of students, scholarships and honors, requirements for the granting of degrees, candidates for honorary degrees, instructional standards throughout the university, and matters of the faculty welfare. The Faculty Senate shall be responsible for developing policy with

regard to major issues which affect the institution, such as, change in the mission of the university, addition or deletion of programs, contracts with government agencies, and public questions which affect the role of the institution or endanger the principle of academic freedom. The Faculty Senate shall be responsible for maintaining communications between the faculty and the administration, the student body, and the staff. It shall establish rules and procedures for standing committees and shall be responsible for overseeing the election of Faculty Senate members. All standing committee actions, with the specific exceptions detailed in this constitution shall be subject to review, amendment, approval or rejection by the Faculty Senate.

Section 3. Advisory Function. The Faculty Senate shall serve in an advisory capacity to the university community and administration. Matters which directly or indirectly affect the general welfare of the institution include, but are not limited to, student life, such as standards of conduct, living conditions, organizations, intercollegiate athletics, and participation in extracurricular activities; the academic calendar; and university convocations, lectures, press releases, and radio and television broadcasts.

The Faculty Senate shall be available to advise the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors on the appointment of the University President and to advise the University President on the appointment of university-wide administrative officials. It shall advise the administration on policies with respect to the preparation of the annual budget and its allocation to operational units; equipment and physical facilities; official university and student publications; the academic structure and governance system; and the mission, goals, and objectives of the university.

Section 4. Review Function. The Faculty Senate shall be empowered to review all policies and to formulate recommendations with respect to the general welfare of the university. Matters directly affecting the faculty include, but are not limited to, academic freedom, tenure, and promotions; appointments, reappointments and dismissals; teaching loads; salary schedules or other compensation or benefits; policies governing stability of employment, retirement, sabbatical or other leaves; and the reorganization of academic units.

The Faculty Senate shall also be empowered to review programs of research, experimentation, and instruction; grading systems and trends; instructional evaluation; and policies and administration of the university libraries. It shall also review the academic conduct of students, including means for handling infractions. The Faculty Senate shall be responsible for the investigation and conducting of hearings on grievances from members of the faculty and student body, except for those covered by the various West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors policy bulletins or those under the jurisdiction of other committees; it shall report the findings and make recommendations to the appropriate parties. The Advisory Council of Faculty (ACF) representative reports to

the Faculty Senate on meetings of the ACF and/or the Marshall University Institutional Board of Governors.

Section 5. Provisions of the Senate. The Faculty Senate shall be provided with an appropriate budget, office space, adequate secretarial support, and release time for the Faculty Senate Chair.

ARTICLE III – MEMBERSHIP AND ELECTION

Section 1. The Faculty Senate shall consist of one (1) senator for each academic unit, unless otherwise specified, plus one (1) senator for each thirteen (13) full-time faculty members, plus one (1) additional member if the number of full-time faculty in a unit exceeds a multiple of thirteen by seven (7) or more. Ex-officio voting members will be the Faculty Council President of the Marshall Community & Technical College and the Advisory Council of Faculty (ACF) representative. The term "academic unit" is defined in the bylaws. Individual constituency numbers for calculating representation shall be based upon the number of full-time faculty presented every second year to the Executive Committee of the Faculty Senate in the fall semester preceding Faculty Senate elections. Census information will be provided by the Office of Institutional Research in collaboration with the Provost and the Vice President for Health Services. In addition, South Charleston faculty will elect two (2) at-large senators.

Section 2. All faculty involved in apportionment calculations shall hold the rank of instructor or above and shall devote at least one-half of their time to teaching, scholarly research, or closely related duties. Eligible librarians shall hold a professional librarian's degree or the equivalent. All such faculty shall be eligible for election to office. Part-time faculty, adjunct faculty, and those designated as "clinical" or "research" in their faculty titles shall not be considered as faculty members for the purpose of this document and organization. For the purposes of determining voting and serving on the Faculty Senate, the above description shall apply. Those holding the titles of President, Vice President, Assistant/Associate Vice President, Dean, Assistant/Associate Dean, Director, Assistant/Associate Director, and Dean of Libraries shall be ineligible to serve on the Faculty Senate. The Executive Committee of the Faculty Senate is empowered to decide questions that arise concerning definition of faculty.

Section 3. The term of office for a senator shall be two (2) years. Senators can serve no more than four (4) consecutive terms.

Section 4. Elections for senators shall occur annually in April of even-numbered years, with the names of the new senators submitted by the Dean or Director of each unit to the Chair of the Faculty Senate by May 1. Each unit shall conduct its own election according to the bylaws of that unit, providing that all voting shall be by secret ballot. Initial implementations of this constitution shall require the election within each unit of Faculty Senate members for staggered terms. Faculty members in each unit will determine how their senator's terms will be staggered.

Section 5. If a senator misses more than three (3) regular meetings in any academic year, his/her seat will be declared

vacant by the Faculty Senate Chair, who will immediately report the vacancy to the Dean or Director of the appropriate unit. Within two weeks the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat.

Section 6. Temporary senators will be elected by a unit if a seat is vacated for one academic year or less due to leaves of absence, sabbaticals, incapacity, or other reason. If a senator will be unable to fulfill his/her responsibilities and duties to the Faculty Senate for longer than one academic year, he/she must resign. Temporary senators will have all the privileges of Faculty Senate membership, though they can serve no longer than one academic year.

ARTICLE IV – MEETINGS

Section 1. The Faculty Senate shall meet quarterly and may meet at such other times as called by the chairperson or by a majority of the members during the regular academic year. Special sessions of the Faculty Senate will be called at the request of ten (10) or more faculty members. Special sessions will be held as soon as practicable within two (2) weeks from the date they are called. The responsibility for notifying senators and faculty members of special sessions shall rest with the Faculty Senate Chair who shall use the most appropriate means available to fulfill this obligation. A written announcement of the agenda, time and place of every regularly scheduled Faculty Senate meeting shall be sent to each senator one week in advance of the meeting.

Section 2. A quorum shall be a simple majority (50% plus one) of the voting Faculty Senate members.

Section 3. A voice vote will be conducted on actions requiring a vote. At the request of any senator for a division of the Faculty Senate, a show of hands or roll call vote will be taken and recorded by the Faculty Senate Recording Secretary.

Section 4. Minutes. The minutes of Faculty Senate meetings shall be distributed to each senator and the University President no later than seven (7) working days before the next meeting. The minutes will also be sent to each Dean, to each faculty member upon request, and the presidents of both the Student Government Association and Graduate Student Council

Section 5. Rules of Procedure. The parliamentary authority of the Faculty Senate shall be the latest edition of Robert's Rules of Order.

Section 6. Faculty Senate meetings are open to the public except in those cases where executive sessions are permitted by West Virginia statute (6-9A-4). No decision shall be made in any executive session of the Faculty Senate. If any student, administrator or non-senate faculty member wishes to speak to an issue, he/she will be recognized and allowed to speak briefly. If any non-senator wishes to speak for a longer period of time, he/she should request agenda time prior to the meeting.

Section 7. The University President shall meet at least quarterly with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

Section 8. The Marshall University Institutional Board of Governors shall meet at least annually with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

ARTICLE V – ADOPTION AND AMENDMENT

Section 1. This constitution shall be adopted when approved by a simple majority of the secret ballots cast by the faculty as defined in the current Constitution of the Marshall University Faculty. Upon adoption by the faculty, this constitution shall be made a part of the Marshall University Greenbook, which shall contain the Faculty Senate Bylaws, official policies, procedures, and other information pertinent to the University's operation and internal government.

Section 2. An amendment to the constitution may be proposed by ten (10) percent of the faculty or by a majority vote of the Faculty Senate. All proposed amendments must be submitted to the faculty for its approval. The ratification of an amendment requires the approval of a two-third (2/3) majority of those voting.

Section 3. Any proposed amendment shall be distributed to every member of the faculty at least two weeks before a regular or special meeting of the faculty at which the amendment will be discussed. Opportunity for debate shall be provided for every proposed amendment.

ARTICLE VI – STANDING COMMITTEES

Section 1. The Marshall University Faculty Senate system shall include, in addition to the Faculty Senate itself, standing committees. One of these is designated the Executive Committee of the Faculty Senate and shall function as part of the Faculty Senate. The other committees work in cooperation with, but are distinctly separate from the Faculty Senate. With the exception of the Executive Committee, the membership, officers, and relationships of the standing committees to the Faculty Senate are as follows.

Section 2. Membership. The membership of standing committees, unless otherwise specified, shall include one senator appointed by the Faculty Senate Chair to serve a two-year term. This member shall be the "Liaison." This appointment may be renewed for one additional consecutive term. Other membership shall consist of one member elected by the faculties of each academic unit as defined in Bylaw #14. One undergraduate student, appointed by the Student Government Association, will also serve with exceptions as noted. This shall be the voting membership of the committees. Ex-officio, nonvoting members will be designated according to each committee's nature and functions. The length of faculty membership on committees shall be four (4) years. Faculty members may serve no more than two consecutive terms on any one standing committee and may not serve on any two standing committees simultaneously.

Section 3. Officers. Officers of the standing committees will be a chair and a recording secretary. The chairs of the committees and the recording secretaries will be elected by the voting members of their standing committees. The terms of office shall be one (1) year, and may be renewed up to a

maximum of four (4) successive terms (i.e., four years). The committee may remove an officer by a "motion to rescind the election." The successor of an officer removed in this manner shall serve until the next regularly scheduled election for that office. The chair is responsible for establishing the committee's agenda with the assistance of the recording secretary; presiding over committee meetings; and reporting committee actions to the Faculty Senate. The chair shall also notify all committee members of the Faculty Senate's response to committee actions. The chair, with the assistance of the recording secretary shall prepare an annual report on the committee's work at the end of the academic year and this will be submitted to the Executive Committee for publication. The recording secretary will also be responsible for keeping minutes of all committee meetings; for accurately recording and reporting votes of the committee; and for assisting the committee chair in the preparation and submission of the committee's annual report.

Section 4.

A. Committee-Senate Relationship. Standing committees shall meet of their own accord; or when requested to by the Faculty Senate Chair, the Executive Committee, or the Faculty Senate. All actions, with the exceptions as noted, taken by Standing Committees shall be subject to final review and approval by the Faculty Senate. In the event the Faculty Senate does not concur with committee actions, a full and detailed rationale must be provided in writing.

B. Quorum Requirements in Standing Committees. A quorum shall consist of a simple majority (50% plus one) of the voting members.

C. Rules of Procedures for Standing Committees. The parliamentary authority of the standing committees shall be the latest edition of Robert's Rules of Order.

Section 5. The Executive Committee

A. The Executive Committee shall serve as the executive branch of the Marshall University Faculty Senate. It shall function in leadership and advisory capacity, but shall not legislate.

B. Membership. One (1) senator representing each academic unit of the university, elected by the Faculty Senate, shall serve. The term "academic unit" is defined in the bylaws. Hence the total number of elected members shall be ten (10) except as provided in Article VI, Section 5G. In addition, ex-officio, voting membership shall consist of the Graduate Council Chair, the Faculty Council President of the Marshall Community & Technical College, and the faculty representative to the Advisory Council of Faculty (ACF). Ex-officio, nonvoting membership shall consist of the faculty representative to the Marshall University Institutional Board of Governors.

C. Officers. The officers of the Faculty Senate shall be the officers of the Executive Committee. These shall be the Chair, Assistant Chair, and Recording Secretary of the Faculty Senate. They shall be nominated and elected by the Faculty Senate by secret ballot at a special spring meeting of the newly constituted Faculty Senate (i.e., those who will comprise the Faculty Senate during the next academic year). Terms of office shall be two (2) years. Officers shall serve

no more than two (2) consecutive terms in their respective positions. The Faculty Senate may remove an officer by a "motion to rescind the election." The successor of an officer removed in this manner shall serve until the next regularly scheduled election for that office. No two officers shall be from the same academic unit at any time except as provided in Article VI, Section 5G.

D. Other members. All other voting members of the Executive Committee shall be nominated and elected by the Faculty Senate at the same special spring meeting of the newly constituted Faculty Senate, after the election of officers. The terms of office shall be two (2) years. No voting member of the Executive Committee may serve more than two consecutive terms. Non-officers shall be selected so as to represent those academic units not represented by the officers.

E. Powers and Functions. The Chair shall preside over Faculty Senate meetings; preside over general faculty meetings; preside over Executive Committee meetings; establish the agenda for Executive Committee meetings in cooperation with other officers; and confer with the University President and other officially designated bodies as the Faculty Senate representative. The Assistant Chair shall assume all duties and responsibilities in the absence of the Chair and assist the Chair in establishing the agenda for Executive Committee meetings. The Recording Secretary shall serve as secretary to the general faculty; serve as secretary to the Executive Committee; and assist the Chair and Assistant Chair in establishing the agenda for Executive Committee meetings. The Executive Committee appoints Faculty Senate representatives to all other standing committees; appoints a Parliamentarian for Faculty Senate and faculty meetings; creates special committees and appoints such committee chairs; receives reports of ad hoc committees or by the Faculty Senate; receives reports from university-wide search committees for information and review; sets agenda for the Faculty Senate and sends on items for consideration and legislation; sets agendas for general faculty meetings; and submits requests for consideration of business presented by faculty members. Any request bearing the signatures and names of ten (10) or more full-time faculty members or five (5) or more senators shall be transmitted automatically to the appropriate Faculty Senate bodies for consideration, except in those cases where deliberation is already guaranteed by policies of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors. Such requests for agenda items must be considered within two meetings. Requests for consideration bearing fewer than ten (10) signatures and names of full-time faculty or fewer than five (5) signatures and names of senators shall be considered at the discretion of the Executive Committee, except in those cases where deliberation is already guaranteed by policies of the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors. The Executive Committee furthermore resolves jurisdictional disputes among committees, oversees and coordinates the preparation and distribution of annual standing committee reports in the

annual Faculty Senate report, coordinates the faculty role in the Greenbook revision, and shall act for the Faculty Senate during periods when the Faculty Senate is unable to meet. All actions taken by the Executive Committee must be subsequently approved by the Faculty Senate at its next meeting to remain in force. The Executive Committee may not legislate; only the Faculty Senate may do that.

F. Restrictions. Members of the Executive Committee are automatically barred from serving on any other standing committee of the Faculty Senate except as ex-officio, nonvoting members as provided by the constitution. Executive Committee members may, however, be appointed to serve on ad hoc or search committees.

G. Should the office of Faculty Senate Chair, Assistant Chair, or Recording Secretary become vacant during a time other than the end of a two-year term, the Executive Committee shall call for nominations from the Faculty Senate at its next regularly scheduled meeting. All senators including members of the Executive Committee and officers are eligible to fill the un-expired term of a Faculty Senate officer. Election shall be by the Faculty Senate by secret ballot. More than one senator from a specific academic unit may serve on the Executive Committee if it is caused by filling an un-expired term of office. At any time that a unit is not represented on the Executive Committee, the Faculty Senate Chair shall call for nominations and elections to fill the vacancy.

Section 6. Academic Planning Committee

A. Powers and Functions. The Academic Planning Committee shall serve as the major faculty agency for discussion, review and development of recommendations regarding letters of intent to plan new academic programs and degrees, academic long range planning (mission statements, five year plans, strategic plans and similar major plans, and the reorganization of any academic unit), academic programs needs assessments, and work directly with the University President and Faculty Senate Executive Committee as requested and appropriate. It shall be the function of the Academic Planning Committee to make recommendations about new academic programs and priorities in relation to available resources, receive Departmental Program Review documents, make recommendations concerning the level of action to be recommended by the institution to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors, and respond when appropriate to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors and/or the University President concerning policies relating to academic planning. The Academic Planning Committee will cooperate with administrative officials, university Deans, and the University President on matters relating to academic planning. When appropriate, the Academic Planning Committee may seek external review teams for evaluation purposes for new program proposals.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Provost, the Dean or

Director of each college or school, the Vice President for Development, the Director of Institutional Research, the Coordinator of Assessment and Program Review, and one (1) Graduate Student Council representative. The Faculty Senate Chair may appoint two members from the community who are not currently faculty or students at the university each of whom will serve two years as ex-officio, nonvoting members of the Academic Planning Committee and can be appointed for one additional term. (SR 04-05 (30) 87 CAHC)

Section 7. Budget and Academic Policy Committee

A. Powers and Functions. The Budget and Academic Policy Committee shall assume the primary responsibility for the development of policies that contribute to the maintenance of academic standards in the university. The committee's responsibility shall include, but not be limited to, policies affecting the university calendar, the university budget, academic honesty, class attendance, grading and examinations. The committee shall process student grade appeals.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio, nonvoting members of this committee shall be the Provost or his/her designee, the Senior Vice-President for Finance & Administration, one (1) Classified Staff Council representative, and one (1) Graduate Student Council representative.

Section 8. Athletic Committee

A. Powers and Functions. This committee shall consider policies relating to the maintenance and development of the intercollegiate athletic program, eligibility of athletes, budgets, and athletic staff personnel. It will supervise the maintenance and development of the intercollegiate athletic program in conformity with the policies, goals, and standards of the NCAA, conference affiliation, and Marshall University scholastic standards. It will be responsible for determining the eligibility of requirements for athletic competition in compliance with NCAA, conference affiliation, and Marshall University scholastic standards. It will review the Athletic Department budget in terms of its suitability to both short term and long term objectives and priorities of the Athletic Department and Marshall University. The committee shall review all policy matters relating to the athletic program of the university as requested by the faculty, the Athletic Director, or the University President. The committee shall establish an athletic staff personnel subcommittee. The committee shall receive position requirements prior to public notice of vacancies. The committee shall be represented on Athletic Department search committees to fill vacancies.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Voting membership shall also include the faculty representative to the NCAA, a representative of the Student-Athlete Advisory Committee, and a faculty member from Exercise Science, Sport & Recreation. Ex-officio, nonvoting members of this committee shall be the Senior Vice President for Finance & Administration, the Dean of Student Affairs, the Athletic Director, the Associate Athletic Director for Compliance,

one (1) representative from the Big Green Scholarship Foundation, one (1) alumni representative, one (1) Classified Staff Council representative, and one (1) Graduate Student Council representative.

Section 9. Curriculum Committee

A. Powers and Functions. The Curriculum Committee shall be responsible for assisting undergraduate college/school curriculum committees in their activities, approving undergraduate course and curriculum changes, and approving the addition or deletion of undergraduate programs.

B. Membership. Committee membership shall include one representative from the college curriculum committee of each academic unit having undergraduate programs, one representative from the Marshall University Libraries, and one senator representing an academic unit having undergraduate programs appointed by the Executive Committee. One undergraduate student shall be appointed by the Student Government Association. Ex-officio, nonvoting members shall be the Provost and the Dean of each undergraduate college or school. (SR 04-05 (43) 100 CC)

Section 10. Faculty Personnel Committee

A. Powers and Functions. At the request of the University President or Faculty Senate Chair, using appropriate Series/Rules and the 1986 AAUP Recommended Institutional Regulations on Academic Freedom and Tenure as guidelines, the committee shall write, alter, or rewrite policies relating to academic rank, salary, tenure, promotion, teaching and non-teaching load, retirement, sabbatical, and other matters which affect the well-being of faculty. The Faculty Personnel Committee shall study and evaluate policies and procedures relating to the hiring of faculty, which includes a yearly review of salaries. The committee shall act as an advisory panel for all faculty members initiating grievances in accordance with Series 9. The committee shall address all faculty grievances except those involving dismissal, termination due to reduction of or discontinuance of an existing program, termination due to financial exigency, or a faculty member desiring to appeal a decision of the University President on non-retention or promotion. The committee shall refer to the Hearing Committee those grievances involving a number of persons. Chapter 29B. Freedom of Information Act of the West Virginia code provides that "Every person has a right to inspect or copy any public record for a public body in this state, except as otherwise expressly provided by Section Four of this article." Under Exceptions in Section Four the code reads, "Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy..." When the committee handles matters of a personal nature, it will not share its findings with the Faculty Senate. Hence, in this function it remains exempt from those conditions outlined under the section entitled "Committee-Senate Relationship" in this document.

B. Membership. Committee membership shall be consistent with that of all regular standing committees excluding undergraduate and graduate student representatives. The

representative to the Advisory Council of Faculty to the West Virginia Higher Education Policy Commission and the Marshall University Institutional Board of Governors serves as an ex-officio, nonvoting member of the Faculty Personnel Committee.

Section 11. Library Committee

A. Powers and Functions. The Library Committee shall advise the Dean of Libraries on matters of library policy; review the administration of the libraries; carry out studies relating to library functions; and serve as a liaison between the faculty at large, the Faculty Senate, and the university libraries.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio, nonvoting membership shall be the Dean of University Libraries, Head of Technical Services, Public Services Representative, Curator, Music Librarian, the Director of Health Science Libraries and one (1) Graduate Student Council representative.

Section 12. Physical Facilities and Planning Committee

A. Powers and Functions. The Physical Facilities and Planning Committee shall consider policies relating to the maintenance, utilization, and improvement of existing facilities; to planning for existing and anticipated needs, including priority of major capital improvement in accordance with the university's mission statement; to review and revise policies related to campus parking regulations; and to the performance of such duties as the University President and/or the Faculty Senate Chair may assign.

B. Membership. Committee membership shall be consistent with that of all regular standing committees plus a representative from Classified Staff Council. Ex-officio nonvoting members shall be the Senior Vice President for Finance & Administration and one (1) Graduate Student Council representative.

Section 13. Research Committee

A. Powers and Functions. The Research Committee shall be concerned with the promotion of faculty research, publications, and other creative activities. It shall aid the appropriate administrators in the search for funds and advise in administering available funds. The committee shall act as a review board for the university-funded research proposals.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Provost, the Vice-President for Health Sciences or his/her designee, the Dean of the Graduate College, the Director of MURC, and one (1) Graduate Student Council representative.

Section 14. Student Conduct & Welfare Committee

A. Powers and Functions. The Student Conduct and Welfare Committee is concerned with the responsibility for the general and specific well being of students. It shall be the function of the committee to consider and recommend policies relating to the coordination and regulation of student organizations, social events, and other related activities; academic conduct of students; advisory and counseling program; health services; financial aid, including loans and scholarships; student housing; orientation and

new student program; student development program; and student publications. It shall also strive to protect the rights of students. It is the responsibility of the committee to maintain and improve an atmosphere conducive to the pursuit of academic goals.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Voting membership shall also include five (5) additional undergraduate members appointed by Student Government Association and one (1) additional graduate student appointed by the Graduate Student Council. Ex-officio nonvoting members shall be the Dean of Student Affairs, one (1) Classified Staff Council representative, and one (1) Graduate Student Council representative.

Section 15. University Functions Committee

A. Powers and Functions. This committee will have responsibilities in the areas of commencement and honorary degrees, faculty service, and public relations. The committee shall recommend policies relating to presidential inaugurations and commencement activities, including the selection of a commencement speaker. The committee's recommendations in these matters shall be transmitted to the Faculty Senate for review and approval. The committee shall establish a subcommittee to recommend candidates for honorary degrees. The membership of the subcommittee shall be in compliance with Administrative Policy Bulletin #24 with representation from the faculty, staff, administration, students (both undergraduate and graduate), the Alumni Association, and the Marshall University Institutional Board of Governors. The subcommittee shall forward its recommendations to the committee for review and approval. Following its review of the subcommittee's recommendations, the recommendations of the committee shall be transmitted to the Faculty Senate for its review and approval. The committee will collect an annual contribution from the faculty and administration to defray costs of expressions of sympathy, congratulations, and so forth. It will assist in the planning and sponsorship of activities to honor retiring faculty. This committee shall also consider matters relating to public relations. In this function it will assist the University President in any appropriate way to represent the university to the community at large.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio, nonvoting members of this committee shall be the Provost, the Senior Vice President for Finance & Administration, the Vice President for Communications & Marketing, one (1) Classified Staff Council representative, and one (1) Graduate Student Council representative.

Section 16. Legislative Affairs Committee

A. Powers and Functions. This committee will develop an annual faculty legislative agenda in general consultation with, but independent of other constituencies on this campus. The committee will serve as the liaison with the faculty on all legislative matters and report to the Faculty Senate on a regular basis regarding all actions contemplated or required in executing its responsibilities. This committee will publish (in timely fashion) information regarding legislative issues. The committee will disseminate

information on upcoming elections and referenda that pertain to issues affecting the welfare of public higher education. The committee will promote the faculty legislative agenda with the legislative and executive branches of the state government. This committee will not engage in partisan politics of any kind. This committee will not take stands on issues unrelated to the welfare of public higher education.

B. Membership. Committee membership shall be consistent with that of all other regular standing committees with the exception that student representatives will be nonvoting members of the committee. Other ex-officio, nonvoting members of this committee shall be a Presidential Legislative Liaison, the faculty representative to the Advisory Council of Faculty, the faculty representative to the Marshall University Institutional Board of Governors, one (1) Classified Staff Council representative, and two (2) former West Virginia legislators. The committee chair shall serve as liaison to any university-wide legislative committee.

Section 17. Faculty Development Committee

A. Powers and Functions. The Faculty Development Committee shall be concerned with the promotion and coordination of faculty development activities. It shall develop comprehensive policy, make program recommendations, and provide program oversight in the area of faculty development. It may assist and advise appropriate administrators in establishing programs such as video conferences, workshops, seminars, and speakers to enhance instructional and research skills as well as curricular, organizational, and leadership development. It shall aid the appropriate administrators in the search for funds and develop policies for the administration of available funds. It shall determine the allocation of funds for all faculty development programs not specifically assigned to other units of the university. It shall establish or oversee subcommittees involved in selection of faculty development awards for teaching and service and shall create or encourage faculty exchange programs with other institutions. The committee shall also provide oversight to the various committees dealing with endowed faculty gifts.

B. Membership. Committee membership shall be consistent with that of all regular standing committees. Ex-officio nonvoting members shall be the Dean of the Graduate College, the Associate Vice President for Academic Affairs and the Director of the Center for Teaching Excellence.

ARTICLE VII – GRADUATE COUNCIL

Section 1. The Marshall University Faculty Senate system shall include, in addition to the Faculty Senate itself, the Graduate Council. The Graduate Council has certain specified functions and works in cooperation with the Faculty Senate on other matters. The Graduate Council shall meet of its own accord, elect its own officers, determine its own committee and subcommittee structure(s), and have authority over other such matters as relate to its operation.

Section 2. Powers and Functions. The primary responsibility of the Graduate Council is to make policy recommendations with respect to the graduate education mission of the

university to the University President. Specific functions include the facilitation of long range planning for graduate education at Marshall University, the recommendation of new programs and courses, the evaluation of existing programs and courses, the facilitation of graduate accreditation, the recommendation of promotion and tenure policies related to graduate education, and the recommendation of approval of graduate faculty to the University President.

Section 3. Membership. Voting representation on the Graduate Council shall include seven individuals from the South Charleston campus [four (4) faculty members elected at large, one (1) faculty member from CITE, one librarian with faculty rank, and a Faculty Senate Liaison*], nine individuals from the Huntington campus (one representative each from the Lewis College of Business, the College of Education and Human Services, the College of Fine Arts, the College of Liberal Arts, the College of Science, the School of Journalism and Mass Communications, the College of Health Professions, the School of Medicine, and the Faculty Senate Chair*), and one graduate student representative elected at-large. Ex-officio, nonvoting members include the Dean of the Graduate College, the Provost, the Vice President for Graduate Studies, and the Vice President of Research. (*In the event the Faculty Senate Chair is from the South Charleston campus, the Faculty Senate Liaison will be elected from the Huntington campus.)

Section 4. Elections and Terms. Each voting Graduate Council member's term (other than the graduate student representative) shall be four years. Elections for voting members (other than the graduate student representative) shall occur in the spring of even-numbered years to coincide with Faculty Senate elections. The graduate student representative shall have a one-year term with election each spring. Voting members may serve no more than two consecutive terms. The bylaws of the Graduate Council determine additional procedures and policies as needed regarding elections, terms, attendance requirements, interim members, standing committees, vacancies, and so forth, and may be revised and clarified as needed by the Graduate Council.

Section 5. Graduate Council-Senate Relationship. All actions taken by the Graduate Council with respect to the functions specified in Article VII, Section 2 shall be submitted directly to the University President or the President's designee for approval. All such actions shall be communicated to the Faculty Senate. On matters not related to those functions, the Graduate Council and Faculty Senate will work collaboratively in whatever format is deemed appropriate by the respective Executive Committees. Refer to the "Faculty Governance Flow Chart" at the end of the Bylaws Section.

ARTICLE VIII – POWERS OF THE FACULTY

Section 1. The faculty of Marshall University, acting as a body, shall retain final authority over policies governing the Faculty Senate and the faculty. Recognizing the powers it has entrusted to the Faculty Senate, it shall not act in a

capricious or arbitrary manner regarding actions and legislation undertaken by the Faculty Senate.

Section 2. Meetings. There will be at least two meetings of the general faculty per year. Under the emergency powers of the faculty there may be additional faculty meetings not later than ten (10) days from the time they are requested. The Faculty Senate will call for faculty meetings upon the petition of ten percent (10%) of the full-time faculty. The Faculty Senate may call for a meeting of the faculty at the request of two-thirds (2/3) of the voting Faculty Senate members present. The Executive Committee of the Faculty Senate may call for an emergency meeting of the faculty. The University President may call for a meeting of the faculty.

Section 3. Officers. The officers of the Faculty Senate shall preside and function at meetings of the faculty.

Section 4. The faculty's actions are the highest order. In case of any conflict in actions of the faculty and the Faculty Senate, the faculty shall prevail. However, to override the Faculty Senate actions there must be the approval of a simple majority of the faculty voting, with one-third (1/3) of the faculty participating in the vote.

Section 5. Either the faculty or the Faculty Senate may present referenda for the faculty to consider and vote on. The voting process shall be the same as outlined in Bylaw #1.

ARTICLE IX – BYLAWS

The Faculty Senate may by majority vote establish bylaws, not inconsistent with this constitution, governing the conduct of the business of the Faculty Senate and of the standing committees and any other matters that may be within its competence.

Bylaw #1 - The Recording Secretary of the Faculty Senate, who is also the Secretary of Faculty, will oversee the composition, duplication, distribution, collection, tabulation, and reporting of all university-wide balloting. She/he will follow the procedural guidelines for either Section A – Paper Ballot or Section B – Electronic Ballot as determined by the Executive Committee of the Faculty Senate.

Section A – Paper Ballot - Passed September 17, 1987, Amended May 7, 2004

The ballot will be typed, duplicated and distributed to all faculty by the Faculty Senate Recording Secretary. If a faculty member does not receive a ballot he/she should contact the Faculty Senate office immediately.

Ballots may be cast by either:

a. Depositing them in the ballot box in the Faculty Senate office with faculty signing their names on a list located beside the box, or

b. Using two envelopes. Insert the ballot into one envelope then seal, sign, and mark it "Ballot". Insert the ballot envelope into the second envelope that should be addressed and sent to the Chair of the Faculty Senate.

The ballot box will be sealed by the Faculty Senate Recording Secretary when the balloting is complete. The following rules will govern vote tabulations:

a. Tellers or counters will be selected at random by the Faculty Senate Recording Secretary from members of university colleges and schools. On controversial issues, parties with opposing views may be asked to count ballots.

b. Two (2) to four (4) people will be selected as tellers or counters at the discretion of the Faculty Senate Recording Secretary. The number of counters will depend on the length of the ballot.

c. A time for tabulation will be selected by the Faculty Senate Recording Secretary along with the selected counters.

d. Parties with a vested interest in the election may observe the counting and tabulation in a non-disruptive, non-interruptive manner.

e. All ballots and paper work will be retained for a calendar year then destroyed.

4. The Recording Secretary of the Faculty Senate will notify those people winning the election and will make an announcement of the results of the election.

Section B – Electronic Ballot (E-Voting) – Passed May 7, 2004

E-Voting will involve using the campus computer network, which requires a secure log-in, and secure voting software that is approved by the Faculty Senate. The ballot items shall be developed by the E-Voting Administrator and the Faculty Senate Recording Secretary in consultation with computing services personnel.

The E-Voting Administrator will send election announcements and instructions for using the E-Voting system to all eligible faculty. This announcement will include the content of the ballot.

The Faculty Senate Chair will determine appropriate parameters for each election.

The vote can be cast through the Marshall University computer network.

If a voter experiences technical difficulties or needs assistance of any kind, they should contact the E-Voting Administrator immediately.

The results of the election will be announced by the Recording Secretary of the Faculty Senate.

Bylaw #2 - Passed October 29, 1987; Amended January 31, 1991: Article VI, Section 10. A. of the Faculty Constitution advises the Faculty Personnel Committee as follows: "When the committee handles matters of a confidential nature, it will not share its findings with the Faculty Senate." This admonition also applies to all Standing Committees who at some time might find themselves discussing matters and making motions of a confidential nature. The standing committee will report the discussions and any motions to the Executive Committee which in turn will determine whether such motions or recommendations should be presented to the Faculty Senate or forwarded directly to the appropriate administrator.

Bylaw #3 – Passed October 29, 1987: If a member of a standing committee misses more than three (3) regular meetings in any academic year, his/her seat may be declared vacant by the chairperson of that committee, who will

immediately report the vacancy to the Faculty Senate Chair and the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat. The Dean or Director will then report in writing to the committee chair and to the Faculty Senate Chair the name of the new committee member.

Bylaw #4 – Passed February 23, 1988; Amended February 28, 1991: Faculty appointments to university-wide committees, except those already provided for in the constitution, including but not limited to search committees, and external faculty to college committees shall be made by the Faculty Senate Chair with the advice and consent of the Executive Committee of the Faculty Senate.

Bylaw #5 – Passed March 29, 1988: Once a recommendation is submitted to the University President from the Faculty Senate, it must be considered in toto for his/her approval. If any one part is not acceptable, the entire recommendation must be returned to the Faculty Senate along with an explanation for its disapproval. The Faculty Senate then has the responsibility to determine subsequent action with regard to its disposition.

Bylaw #6 – Passed September 8, 1988: When faculty members are named as acting or interim administrators, they shall be temporarily replaced on standing committees or in the Faculty Senate for the length of time that they serve in the administrative capacity.

Bylaw #7 – Passed September 8, 1988: That the turnover time of the Faculty Senate Chair, standing committee officers and Marshall University Institutional Board of Governors faculty representative will be at the beginning of the Fall semester although they are elected in the Spring.

Bylaw #8 – Passed September 8, 1988: When vacancies occur on standing committees, colleges have the option of shifting committee members to find the most appropriate members for that committee.

Bylaw #9 – Passed January 25, 1990: Faculty Senate meetings will be audio taped and the tapes will be made available to all members of the faculty but only in the Faculty Senate Office. All listening is to be done there.

Bylaw #10 – Passed March 29, 1990: When a motion is defeated in the Faculty Senate, it is referred back to the committee or person submitting it along with a summary of the discussion preceding the vote in order to provide an explanation for its rejection. In addition, a copy of the defeated motion is sent to the University President for informational purposes.

Bylaw #11 – Passed March 29, 1990: The following guidelines will govern any open forum in the Faculty Senate.

1. Executive Committee approves/disapproves any requests.
2. Executive Committee decides length of presentation.

3. Presiding officer controls the Faculty Senate floor with assistance of the Parliamentarian.

Bylaw #12 – Passed February 28, 1991: The University Functions Committee will submit its recommendations for honorary degree recipients and commencement speaker for Faculty Senate consideration by November 1. (This Bylaw will become effective 1992.)

Bylaw #13 – Passed January 23, 1992: Robert's Rules of Order will be relied upon for discipline of an officer short of removal from office.

Bylaw #14 – Passed March 28, 2002: The term academic unit is defined as the Elizabeth McDowell Lewis College of Business, the College of Education & Human Services, the College of Fine Arts, the College of Liberal Arts, the College of Health Professions, the College of Science, the Joan C. Edwards School of Medicine, the W. Page Pitt School of Journalism & Mass Communications, the College of Information Technology & Engineering, and the Marshall University Libraries.

Bylaw #15 – Passed October 9, 2002: The Marshall Community & Technical College will have one (1) elected ex-officio voting member on the following standing committees: Budget and Academic Policy, Faculty Development, Library, Physical Facilities & Planning, and Student Conduct & Welfare. The length of faculty membership shall be four (4) years and faculty may serve no more than two (2) consecutive terms on any one of the listed committees. Faculty may not serve on any two of the listed committees simultaneously.

FACULTY SENATE POLICY STATEMENTS:

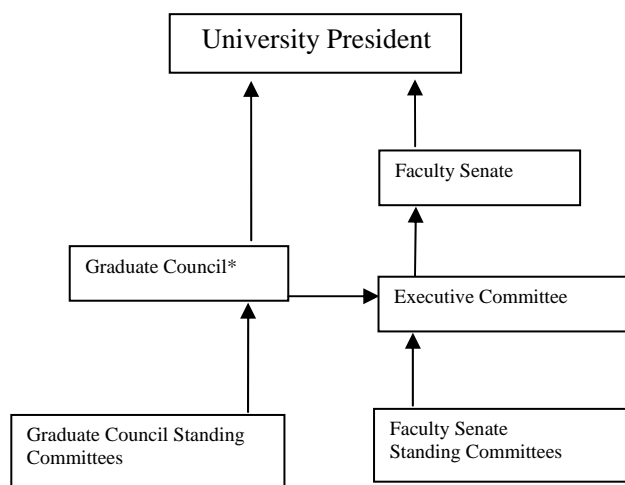
1. Recommendation from the Library Committee passed by the Faculty Senate November 17, 1987: The Faculty Senate should have input into any reduction of the budget.
2. Recommendation from Academic Planning Committee passed by the Faculty Senate October 19, 1987:

The Faculty Senate does not approve of prearranged, administrative decisions regarding academic matters.

3. Recommendation from the Executive Committee passed by the Faculty Senate March 21, 1991: The budgets of the Morrow Library, the Health Sciences Library, and the University shall be sent to the Faculty Senate for informational purposes.

4. Recommendation from the Executive Committee passed by the Faculty Senate September 24, 1992: Any resolution of the Faculty Senate, which is amended by the University President, is automatically considered to have been disapproved, and is brought back to the Faculty Senate for a second vote.

Faculty Governance Flow Chart



*The Graduate Council reports to the University President or the President's designee on matters relating to graduate education as specified in Article VII, Section 2 of The Constitution of the Marshall University Faculty. On all other matters, the Graduate Council works with the Faculty Senate through the Executive Committee.

Amended November 2004

Graduate Council By-Laws

BYLAWS

January 9, 1997

Revised & Approved: October 22, 2004

Article I. Name

The name of the organization shall be the Marshall University Graduate Council and shall be referred to in these bylaws as the Council.

Article II. Purpose

The duly elected members shall be the basic legislative body of the Marshall University Graduate College except as

to matters reserved to the Dean of the Graduate College, to the Vice President for Graduate Studies, to the Provost, to the President, to the Board of Governors, to the Higher Education Policy Commission, or to the West Virginia Legislature.

Article III. Powers and Relationships

Section 1. Members

The primary responsibility of the Graduate Council is to make policy recommendations with respect to the graduate education mission of the university to the university President. Specific functions include the facilitation of long

range planning for graduate education at Marshall University, the recommendation of new programs and courses, the evaluation of existing programs and courses, the facilitation of graduate accreditation, the recommendation of promotion and tenure policies related to graduate education, and the recommendation of approval of graduate faculty to the university President.

Action of the Council, a Council committee, or the members of any recognized sub-division of the Council properly taken and recorded in accordance with these Bylaws shall, unless overruled or amended by the President, be deemed an official action for and on behalf of the Graduate College when such action is not in conflict with public law of the State of West Virginia or with University policy. The President of the Faculty Senate shall provide information regarding official actions to the Marshall University Senate.

Section 2. Vice President for Graduate Studies and Dean of the Graduate College

It shall be the responsibility of the Vice President for Graduate Studies and Dean of the Graduate College to inform the Council of all actions of the university President, the Board of Governors, the Higher Education Policy Commission, or the West Virginia Legislature affecting the educational policies of the Graduate College in a timely manner.

Article IV. Membership

a. Representation is as follows:

South Charleston Campus

Four faculty elected at large

One faculty member from CITE (College of Information Technology & Engineering)

Librarian (with faculty rank)

*Faculty Senate Liaison

Huntington Campus (one from each)

Lewis College of Business

College of Education & Human Services

College of Fine Arts

College of Liberal Arts

College of Science

School of Journalism and Mass Communication

College of Nursing and Health Professions

School of Medicine (graduate programs)

Faculty Senate President

At-large

Graduate Student**

(will serve a one-year term)

**If the Faculty Senate President is from Huntington, the Faculty Senate Liaison will automatically be from South Charleston; the reverse shall also prevail.*

The Provost, the Vice President for Graduate Studies, the Dean of the Graduate College, and the Vice President for Research will be non-voting ex officio members.

*** The student member shall be appointed or reappointed by the head of the Graduate Student Council, subject to the approval of the Graduate Council at its first regular meeting of the new academic year.*

b. All voting members of the Graduate Council shall be eligible to vote on any matter brought before the Council.

Article V. Meetings

Section 1. Scheduling

Regular meetings shall be held at least monthly during the academic year.

Special meetings may be called by the Chair at his or her discretion or at the request of any member of the Council.

Section 2. Notification

The Chair shall give written notice of regular meetings at least one week prior to the meeting.

Special meetings may be convened with less than one week's notice but with at least two day's notice.

The written notice of all meetings must include proposed agenda items.

Items of business raised for the first time during a Council meeting can be considered for a final vote by membership no earlier than the next regular or special meeting.

Section 3. Voting

A quorum consisting of a majority of the eligible voting members of the Council must be present for action to be taken at a meeting.

Two-thirds of the eligible voting members of the Council must be present for action to be taken at special meetings when less than one week's notice is given.

Except for the case of election of Council officers, a voice vote will be called for on all actions of the Council requiring a vote and, if requested by any Council member, a roll call vote will be taken and recorded by the Council secretary.

Proxy voting is not permitted in any instance.

Article VI. Elections/Appointments

Section 1. Terms

Each voting Council member's term, other than the student member, shall be four years. The student member's term shall be one year. Voting members may serve no more than two consecutive terms.

Elections for members shall occur in the spring of even-numbered years. Each unit shall conduct its own election, and names of new members shall be submitted to the Chair by April 1.

Elected officers and newly elected Council members shall assume their duties at the first Council meeting of the fall semester.

Standing committee members shall be appointed by the Chair and assume their duties upon appointment.

If a member misses three regular meetings in any academic year, his/her seat may be declared vacant by the Chair subject to approval of the Council. This action may take place at the third missed meeting, at the discretion of the Chair with approval of the Council. The Chair will immediately report the vacancy to the appropriate unit. Within two weeks the unit shall elect a faculty member to fill the vacated seat.

If a member on the Council will likely be absent one year or less, for example due to sabbaticals, from a series of Council meetings, interim members will be chosen by the relevant academic unit prior to the next regular Graduate

Council meeting. Interim members shall have all the privileges of membership, but can serve in their interim capacity for no longer than one academic year, or until the originally elected member need no longer be absent, whichever is earlier. Alternatively, a unit may elect a new member to fill the full remaining term of an absent member, in which case the new member will not be considered “interim,” but rather a regular member.

Any member who will be absent either permanently or for more than one academic year must have his or her seat declared vacant by the Chair. The Chair will immediately report the vacancy to the appropriate academic unit. Prior to the next regular Graduate Council meeting, the unit shall elect a faculty member to fill the vacant seat.

Administrators at the level of Dean or higher cannot serve as voting members on the Council.

Section 2. Election of Officers

Nominations for Council officers shall be made by Council members from among the membership of the Council at a meeting of each newly-constituted Council. So that Council business and leadership transitions can continue smoothly, this meeting would normally be in conjunction with the last Spring Semester Council meeting in an odd-numbered academic year.

Every nomination must be made from the floor and seconded.

For elections of one or more of the Council officers—Council Chair, Vice-Chair, and/or Secretary—voting will take place during a Council meeting by written, secret ballot, and counted and announced by an Ex-Officio non-voting member of the Council at that meeting. Election shall be determined by a majority vote of members present and voting for each office.

In the event of a tie, lot shall determine election.

If one of the Council officers must vacate his or her Council office before the end of his or her term of office has expired, a new election will be held at the soonest possible regular Council meeting; or, the election will take place at a special Council meeting if the matter is judged to be sufficiently urgent by the remaining Council officers. The election would take place by the same nominating and voting procedures as in steps b, c, and d of this Section.

Article VII. Officers of the Council

Section 1. Titles

The Graduate Council shall elect a Chair, a Vice Chair and a Secretary to serve two-year terms.

Section 2. Duties

a.. The Chair shall be responsible for the following duties:

1. Schedule meetings.
2. Prepare the agenda for meetings.
3. Preside at all meetings.
4. Appoint ad hoc committees.
5. Appoint members to standing committees.
6. Serve as a representative of the Council.
7. Forward to the President of the University, or the President’s designee, all motions pertaining to Graduate Faculty membership; curricular changes, additions, or deletions; motions approving new academic unit graduate

programs; and any other motions regarding graduate policy and planning. All Council minutes will also be forwarded to the President or President’s designee, included in which may be said motions regarding graduate faculty, curriculum, programs, policies and planning.

8. Sign, and forward to the Dean of the Graduate College or other appropriate officer, any curricular changes, additions, or deletions.

9. Perform other duties consistent with the efficient management of the Council.

10. Serve as a member of the Faculty Senate Executive Committee. Through the Faculty Senate Executive Committee, communicate to the Faculty Senate on actions submitted to the university President regarding policy recommendations respecting university graduate education matters. On matters not related to those functions, the Council and Senate will work collaboratively in whatever format is deemed appropriate by the respective executive committees.

b. In the Chair’s absence, the Vice Chair shall act as Chair.

c. The secretary shall be responsible for the following duties.

1. Recording minutes.
2. Distributing minutes to the Chair for preliminary approval, and then to all Council members.
3. Submitting a permanent copy of all minutes and attachments for file in the Graduate College Office.
4. Ensuring that minutes and other pertinent documents are posted on the Web page.
5. Performing other duties consistent with the support of Council activities.

Article VIII. Standing Committees

Section 1. Role of Standing Committees

The primary purpose of standing committees shall be to consider and recommend actions and propose policies in the functional areas under their jurisdictions, subject to final approval by the Council.

Section 2. Membership of Standing Committees

After consultation with the involved individuals, the Graduate Council Chair shall appoint members to serve one or two academic years as the Chair judges needful so as to maintain continuity and stability within standing committees. One of the goals of this appointment to one or two years is to help provide for a term-balancing of standing committee membership with terms arranged to expire in different years.

The Chair of the Graduate Council and the Graduate Dean shall be ex officio and non-voting members of each standing committee.

Each standing committee shall elect its own chair annually.

Section 3. Duties of Standing Committee Chairs

The duties of the chair shall include:

- Scheduling meetings
- Preparing agendas
- Presiding over meetings
- Preparing an annual report

Performing other duties as consistent with the efficient management of the committee.

Section 4. Vacancies on Standing Committees

The Council Chair shall appoint members to vacancies on standing committees for the remainder of the academic year.

Section 5. Standing Committees Titles and Responsibilities

a. Standing Graduate Committees

Credentialing

Curriculum

Academic Planning, Standards, and Policies

Program Review and Assessment

Section 6. Functions and Membership

a. Credentialing Committee

1. Functions:

Recommends criteria for graduate faculty membership to the Graduate Council.

Reviews graduate faculty membership applications for recommendation to the Graduate Council.

2. Membership: At least three Council members.

b. Curriculum Committee

Functions:

Recommends course changes, additions, and deletions.

Reviews and makes recommendations regarding additions and/or deletion of degree programs, areas of emphasis, and certificate programs.

Evaluates existing courses.

Membership: At least three council members.

c. Academic Planning, Standards, and/or Policies Committee

Function:

Recommends general policies for admission, progression, and graduation of students.

Recommends general academic policies.

Recommends other policies related to academic area.

Engages in long-range planning and recommends program development.

Membership: At least three council members.

Program Review and Assessment Committee

Function:

Reviews annual Assessment Reports submitted by each graduate program

Reports its evaluation to the Council for recommendations and actions, after which the Council Chair may report Council recommendations and actions to the University Director of Assessment

Engages in long-range planning and recommendations in the area of program review and assessment

Membership: At least three council members.

Article IX. Ad Hoc Committees

The Council Chair shall form ad hoc committees for special tasks as necessary through appointment of members.

Article X. Robert's Rules

The Council shall be governed by the rules contained in Robert's Rules of Order (latest edition) unless otherwise set forth in these bylaws.

Article XI. Amending Bylaws

a. These bylaws may be amended by a two-thirds (2/3) vote of all voting members of the Council.

b. Notice of any proposed amendment must be given to all members of the Council at least one week prior to the meeting at which it is to be considered.

Chapter V.

University Services and Activities

Alumni Association

(<http://www.marshall.edu/alumni/>)

The objective of the Alumni Association is to promote the interest of Marshall University and to establish a mutually beneficial relationship between the University, its alumni and all other appropriate constituencies of the University, in order that higher education in West Virginia and this nation might be ultimately improved.

The Alumni Association is administered by a thirty-member Board of Directors, ten of whom are elected annually by the active membership to serve three-year terms. The board membership also includes club and constituency representatives who are chosen by and represent alumni living in their respective geographical regions or areas. The activities of the Association are coordinated by the Office of Alumni Development located in the Erickson Alumni Center. The Erickson Alumni Center was made possible in 1990 by a generous gift from the late Charlie O. Erickson. The Center is the "home away from home" for all alumni and friends. The Association sponsors many events/activities but the two major campus events are homecoming and alumni weekend.

Faculty and staff members, including non-alumni, are encouraged to become "active" members of the Alumni Association. Non-alumni are welcomed as "Friends of Marshall." The Association encourages campus-wide involvement and invites faculty and staff to participate in all activities. All graduates or attendees of Marshall are members of the Alumni Association, but to be an "active" member one must make an annual contribution (gift of your choice, no set membership fee) to the Marshall University Foundation, Inc. An active membership begins the date of the gift and is valid for a calendar year.

Artists Series

(<http://www.marshall.edu/muartsr/>)

The purpose of the Marshall Artists Series is to advance, aid and promote the educational and cultural life of Marshall University and surrounding areas by providing for the personal appearance in Huntington of artists, groups and companies in the areas of music, dance, theater, lecture and quality films. The Artists Series is comprised of several divisions: the Baxter Series, the Mount Series, the Belanger Series, and the International Film Series. In addition, artists' residencies, master classes, tours, and other outreach programs are a regular and normal part of the Series' programs.

Season subscriptions are offered for all divisions of the Series. Tickets for individual events are sold for all programs.

University employees may purchase up to two individual event tickets at half price based on availability.

Important to the success of all programs is faculty encouragement of student attendance. Students with valid MUID who have paid the full activity fee are entitled to tickets to all events of the Artists Series at no additional charge. Part-time students may purchase two tickets at half price with a valid MUID. (Students must also present MUID upon admittance.)

Athletic Events

(<http://www.marshall.edu/www/athletics.asp>)

Faculty and staff may purchase season tickets at reduced rates through the Ticket Manager.

The Birke Art Gallery

(<http://www.marshall.edu/cofa/art/birke.html>)

The Birke Art Gallery was established in 1970 through a generous gift to the Marshall University Foundation from Mrs. Helen Birke who wished to provide majors and faculty in the Department of Art and Design, as well as the general Tri-State community, with an exhibition space in which an ongoing selection of contemporary art could be scheduled. The Birke Art Gallery is directed by an art faculty member with the assistance of student help and is located on the first floor of Smith Hall. It is open in the fall and spring semesters.

Each year the Birke schedules selected exhibitions that include three to five shows of contemporary artists, working in a wide range of media and styles, whose expertise on a regional or national level has been acknowledged. In addition to these, the Birke features the works of our graduating Master and Senior students, and the Annual Juried Student Exhibition traditionally held in the spring semester.

The Birke Art Gallery also provides complimentary alternative programs such as art cinema, artists and art history lectures, artist workshops and art performances.

Bookstore

(<http://www.marshall.bkstr.com>)

The Marshall Bookstore, which is located in the Memorial Student Center, has been operated by the Follett College Store since July 1995.

With over 10,000 scholarly and general reading titles, 2,000 medical, nursing and reference books, and all currently required textbooks, the goal is to be the bookstore of choice. In addition to the region's largest stock of books, a special order service and computerized search program are offered to assist customers. Service is provided to off-campus students and alumni via an 800 number, e-mail and the Internet with same day shipment by UPS.

A 70,000-item catalog is distributed to university departments for their convenience in ordering office supplies. Overnight service and office delivery is offered. Special volume pricing is offered on university departmental purchases.

Personal checks are accepted, as are Master Card, Visa, American Express, Discover, and Marshall University Points Cards.

Campus Information

<http://www.marshall.edu/www/newsevents.asp>

<http://www.marshallparthenon.com/>

<http://www.marshall.edu/wmul/>

Newsletter: The Office of University Communications issues a bimonthly newsletter of general university news and information. Items for the newsletter should be given to the University Communications Office by 10 AM Monday prior to a Friday publication. Faculty members are asked to read to classes the student announcements section. Items of a commercial nature are not accepted.

Special bulletins may be issued by the University Communications Office when a need arises. Such special bulletins must be of general interest to university personnel.

The Parthenon: The university's student newspaper is distributed on campus and contains items of interest to students, faculty, and staff. Persons wishing to submit items to the newspaper should contact the Parthenon Office.

Calendar: University Facilities Scheduling maintains a campus-wide calendar of events and activities and makes it available online.

WMUL-FM: A student operated FCC licensed radio station broadcasts to the community on a regular schedule. University announcements are aired. No commercial announcements are accepted.

Center for Academic Excellence

<http://www.marshall.edu/cae/>

The Center for Academic Excellence houses the University Honors Program, the John Marshall Scholars Program, the Society of Yeager Scholars Program, and the National Student Exchange Program.

The Marshall University Honors Program was established in the early 1960's to provide maximum educational opportunities for students of high ability. The program's hallmarks are its interdisciplinary seminars and low student-faculty ratio.

West Virginia and Metro Area students accepted each year as John Marshall Scholars receive tuition, fees, and a stipend for four years. John Marshall Scholars must complete two honors seminars, submit activity completion forms each semester, and maintain a 3.5 GPA.

The Marshall University Society of Yeager Scholars is named for United States Air Force Brigadier General Charles E. "Chuck" Yeager, the first man to break the "sound barrier" in his historic 1947 flight of the Bell-X-1 aircraft. The purpose of the Society of Yeager Scholars is to provide a rigorous and demanding education for outstanding students. Yeager Scholars receive tuition, fees, yearly stipend, personal computer, and funds to support two study abroad experiences. Yeager Scholars must complete four interdisciplinary seminars, submit a leadership/service portfolio, present a senior project, and maintain a 3.5 GPA.

The National Student Exchange Program is for undergraduate exchanges within the United States and Canada. The program features a tuition reciprocity system which allows students to attend their host institution by paying the normal tuition/fees of their home campus.

Center for International Programs

<http://www.marshall.edu/cip/>

The Center for International Programs was established in 1993. Its mission is to assist in globalizing Marshall University and the surrounding community through a coordinated effort. The Director of the Center reports to the Provost and Senior Vice President of Academic Affairs. The following programs are coordinated by the Center for International Programs: International Students and Scholars Program, International Admissions, Study Abroad Programs, L.E.A.P. Intensive English Program, China Projects.

Center for the Study of Ethnicity and Gender in Appalachia

<http://www.marshall.edu/csega/>

The Center for the Study of Ethnicity and Gender in Appalachia (CSEGA) has a unique research mission -- it is the only Appalachian Center in the country dedicated to studying and understanding this incredible diversity.

The Rockefeller Foundation for the Humanities recognized the importance of this research in 1996 when it awarded the Center one of its prestigious scholars-in-residence grants and another in 1999. Our program at CSEGA provides fellowships for researchers who wish to study some aspect of gender and/or ethnicity in Appalachia. With the 2002 award of a National Endowment for the Humanities grant in collaboration with the Appalachian Studies Association, the Center's work will be continued.

Center for the Advancement of Teaching and Learning

(<http://www.marshall.edu/catl>)

Center for the Advancement of Teaching and Learning (CATL) provides opportunities for all faculty to engage in activities and discussions related to the enhancement of teaching and learning. The Center assists faculty to enhance the nature and quality of the educational experience for Marshall students through instructional and career development opportunities. The activities of the Center typically include New Faculty Orientation and seminars, workshops, fellowships, course design grants, individual faculty consultations, mentoring (upon request), and other programs and services. Every year the Center offers the Hedrick \$5000 program grant for innovations in teaching across a department or program.

Included in the CATL are the University's Writing Across the Curriculum (WAC) Program, the Office of Assessment and Program Review and the Service Learning Program. Our oldest program, and the venerable model for all others, WAC's goal is to promote new ways of thinking about teaching and learning, using writing as the context for development. WAC sponsors annual workshops to train faculty, as well as providing portfolio assistance to those who wish to be certified to teach writing intensive courses. The Office of Assessment and Program Review oversees the University's assessment activities and the preparation and approval of program reviews. The Service Learning Program assists faculty, students, and community partners in course-specific collaborations that connect learning objectives to public service and civic engagement.

Center for Instructional Technology

(<http://www.marshall.edu/cit>)

The Center for Instructional Technology provides technical and professional resources for faculty and academic programs in the integration of technology into instruction and the operation of the University. The CIT administers the university web properties and online learning technologies, and explores the integration of new and emerging technologies into the university mission. The CIT provides leadership and guidance for faculty in the integration of technology through one-on-one assistance and professional development opportunities with instructional designers and student developers.

Computer Labs

(<http://www.marshall.edu/ucs>)

Marshall University operates numerous computer labs. The centrally funded and centrally managed computer labs are known as University Computing Facilities (UCF). UCF sites are located in Corbly Hall, Harris Hall, Smith Hall, the Drinko Library which includes the 24-Hour study Center, and on the South Charleston campus. All University Computing Facilities provide printing and scanning facilities. Other specialized facilities are available

at selected sites. Decentralized or departmental labs are located in various academic departments across campus.

When new software is necessary to support academics, it's important to note that requests for adding software to UCF sites are due no later than 4 weeks prior to the fall and spring semester. For more information contact University Computing Services.

Computing Services

(<http://www.marshall.edu/ucs/>)

The Marshall University Computing Services (UCS) administrative offices and the Help Desk are located on the fourth floor of the Drinko Library on the Huntington Campus and the second floor of the Administration Building in South Charleston. The mission of Computing Services is to "provide and facilitate quality computing, networking, and information services for the students, faculty, and staff of Marshall University in support of instruction, research, administration, and economic development, and community service needs."

The UCS Web site is where students and staff can find the most up-to-date information and exists to provide information, facilitate communications with our customers, and provide a secure source for downloading software such as the free anti-virus software which the University licenses for all users, and other software. Go there and get yours now at www.marshall.edu/ucs.

As a Marshall faculty member you are automatically entitled to a computer account on MUnet at no extra cost. To receive your password, bring your Marshall University ID to the UCS 24-Hour Study Center or the UCS Front Desk (both are located in the Drinko Library and Information Technology Center), or the South Charleston Computing Services office. Tell one of the staff that you would like your Computer Account information and you will receive an account sheet that contains details about your MUnet Account, which will consist of your last name followed by a number [e.g., Smith12, Jones1, or Henderson1 (the first account assigned to a student with the last name of Henderson)]. The pre-assigned user-id and password contained on the account sheet will give you access to everything you need to make full use of the campus network and the Internet.

As a faculty member you are entitled, as of 2007, to install the university-licensed antivirus software on your personally-owned computer. You also may purchase steeply discounted Microsoft products under the work-at-home agreement. As of August, 2007 this includes Microsoft Windows Vista for \$5 and Office 2007 Professional for \$10. Contact the UCS Front Desk for more information.

Your password should be changed as soon as practical. Should you ever forget the password it is possible to call the UCS Help Desk and have the password reset back to its original value. UCS will not tell you what your password is over the phone so it's important to preserve the original

password and be able to recall it later. UCS will NEVER ask for your password in an e-mail.

UCS provides a Help Desk for MUnet account holders, which is available by calling one of the numbers below:

(304) 696-3200 in the Huntington calling area

(304) 746-1969 in the Charleston calling area

(877) 689-8638 toll-free outside the Huntington/Charleston calling areas

MUnet account holders can also request assistance via e-mail by sending the request to helpdesk@marshall.edu. The Help Desk hours of operation are typically from 8 a.m. until 9 p.m. Monday through Friday, and extended to 1 a.m. when qualified student work-study personnel are available, with a technician usually available on weekends on an "oncall" basis. The most current information on operating hours can always be found at [Marshall University Helpdesk website](http://www.marshall.edu/helpdesk).

MUnet is a fiberoptic Gigabit Ethernet and ATM-based network providing Ethernet connections to every campus building, to residence hall rooms, and to most campus computing labs, meeting rooms, office desktops, and classrooms. Currently, every faculty member has network access via a desktop computer. MUnet is linked to the Internet via high-speed digital ATM service. A number of classrooms also support networked labs and two-way video capabilities. MUnet can also be accessed from off campus through free virtual private networking (VPN) software available on the UCS web site at www.marshall.edu/ucs. The same VPN software allows users to connect to the MUWireless network when on campus in the vicinity of a wireless network access point.

Central timeshare and server facilities include more than 250 servers and systems, running Microsoft Windows Server, Red Hat Enterprise Linux, and OpenVMS. These systems provide timeshare, file, print, database, email, Library, and web based services to the MUnet community. A wide variety of software products are available to MUnet users including administrative software based on Sungard Higher Education's BANNER products, office automation products (word processors, spreadsheets, electronic mail, document production, electronic filing, calendar/ time management, and other groupware functions), computer instruction, programming languages, query/data base packages, electronic reference databases, presentation products, and courseware delivery, and electronic publishing packages.

Drinko Academy

<http://www.marshall.edu/drinko/>

The John Deaver Drinko Academy at Marshall University is devoted to enhancing public understanding of American institutions and the responsibilities of citizens to their society, particularly our sense of shared values and common purpose. The efforts of the Center are designed to counteract the erosion of our civil culture, evident in the steady decline of citizens' participation in voting and jury

duty, despite an expansion of the franchise in the 20th Century and federal laws protecting voting rights.

Along with the Distinguished Visiting Professors, faculty from various Marshall University departments are appointed on a rotating basis as Drinko Academy Fellows. These Fellows receive a stipend and reduced teaching loads for two academic years to undertake original research or curriculum development.

The Drinko Professors and Fellows undertake innovative curricular and co-curricular activities designed to engage the faculty and student body as well as share their expertise with the entire Marshall community.

E-NOD (Electronic Notification of Deposit)

<http://www.marshall.edu/myMU>

The convenience of having a pay check directly deposited to a personal bank account has been a payroll service with many advantages. Now employees are going to be able to access their pay check stubs on-line. Marshall University is always trying to improve employee access to employee payroll information. Direct deposit allowed employees the convenience of having their pay check deposited in the bank of their choice. This has prevented many of the disadvantages, such as lost checks, making trips to the bank, receiving their pay checks while they are on vacation or during times the university is closed.

In a continuing effort to provide easy access to employee information, we are providing another service giving the employee the ability to access their pay check stub on line any time they desire. This will also give you the ability to access older pay check stubs.

In order to access your employee pay stub, you must have access to a computer attached to the Internet. Almost every computer on the Marshall campus, the Medical School, Graduate College or satellite campuses are connected to the Internet and there are public facilities opened throughout the day and night or your department may provide access for you.

If you have a computer at home with an Internet service, such as AOL, WVNET, MSN, and others, you can access your employee pay stub from your home.

Before you can access your employee information, you must have a valid Marshall account. If you do not have an account, please visit the Computing Services department in the Drinko Library on the fourth floor or call the Help Desk for the nearest location near you. Also you need to read the Marshall University "Acceptable Use Policy". When you apply for your Marshall account you will be issued a user name and password. E-nod is accessed through myMU and MILO.

Fund Raising

<http://www.marshall.edu/foundation/>

All fund raising in the name of Marshall University should be coordinated through the Marshall University Office of Development and The Marshall University

Foundation, Inc. This coordination prevents duplication of action and demonstrates to our constituents that the university has an overall university-wide development plan.

The university development plan supports the priorities of the university.

Information Technology

<http://www.marshall.edu/it/>

Information Technology (IT) is committed to improve the efficiency and effectiveness of every aspect of technology on campus by promoting and supporting Information Technology applications as means of enhancing teaching/learning, research and administrative operations. The IT Office oversees the library, computing services and distributed education for all Marshall University campuses and leads the development of an integrated information technology environment. By actively aiding and enhancing the academic and support activities of the University, IT delivers support and services that help faculty, staff and students achieve Marshall University technology goals.

Instructional Television Services

<http://www.marshall.edu/itvs/>

ITV Services is an academic service agency that supports instructional and telecommunication needs of the faculty, the student body, and the Marshall Community. It produces distance learning classes for undergraduate and graduate students; point to point and multi-point IP and ISDN videoconferencing, video and audio training modules for various university departments; assists in the production of presentations by faculty and staff for professional meetings, satellite teleconferences, and conventions; creates and assists in the production of Interactive CDs and DVDs, streaming video and MPEG videos; and produces public service announcements for broadcast on local and regional television stations.

ITV Services Operates and maintains the classrooms of the Technology Enhanced Classroom Initiative, a campus wide video distribution system, and laboratory facilities for students majoring in television production and broadcast journalism; and operates Comcast Channel 25 in collaboration with the School of Journalism and Mass Communications and the office of University Communications.

Licensing & Branding

In 1987, a program was established to protect all Marshall logos, indicia, marks and symbols associated with the University. These include, but are not limited to, the following verbiage: Marshall University, Marshall, Thundering Herd, The Herd, MU, Big Green, Go Herd, We Are ... Marshall, etc.

All logos and indicia are registered with the United States Office of Trademarks and Patents and the West

Virginia Secretary of State's Office. Ownership of the trademarks ensures the University's right of approval for any and all uses in order to protect and enhance the image of Marshall University.

All trademarks must be used with appropriate trademark designations and must not be altered in any way. No additional logos bearing any Marshall image, symbol or verbiage may be created without approval from the Licensing and Branding program.

All merchandise, for internal use or for retail, may only be produced by a licensed company. Products manufactured by licensed companies will bear a holographic hang tag or sticker reading "Officially Licensed Collegiate Products."

Mail Service

The Marshall University Mailroom is located in Old Main, Room 23B. Incoming US Post Office Mail arrives once daily and is distributed to the departmental mail boxes. Campus mail is distributed all day as it comes in. Delivery is also available daily to the South Charleston campus, the HEPC Central Office, the WV State Capital Complex and only Tuesdays and Thursdays to Teays Valley Regional Center. Any questions regarding Mail Services should be directed to the Supervisor of Mail Services.

Marshall Dependent Scholarships

MUBOG Policy AA-42

1 General Information.

1.1 Scope: This Policy establishes a tuition assistance program for dependents of employees.

1.2 Authority: W. Va. Code §18B-1-6

1.3 Passage Date: June 28, 2006

1.4 Effective Date: June 28, 2006

1.5 Controlling over: Marshall University and Marshall Community and Technical College

1.6 History:

1.6.1 This policy replaces Executive Policy Bulletin No. 14, effective April 26, 2000. Executive Policy No. 14 is hereby repealed.

2 Policy

2.1 In light of the continued interest of Marshall University faculty and staff in tuition assistance for dependents of employees, the university will establish a scholarship program for dependents of full-time employees beginning with the Fall Term of 1999.

2.2 This program will begin with tuition/fee waivers and cash from the University's general scholarship fund with a total value of up to \$75,000. This fund can be expanded in future years by using a proportion of increased tuition and fee waivers earned through increased enrollments, through a proportion of increases in bookstore profits secured through increased volume of business and through private gifts for this purpose.

2.3 A special committee, the Dependents Scholarship Committee, will be created to administer this fund, including an appointee by the president of the University as chair plus one appointee each by the president of the Faculty Senate and the president of the Classified Staff Council. This committee will formulate a set of rules and regulations to administer the program and will select the recipients of the scholarships each year. Scholarships may be full tuition and fees or partial scholarships, depending on the funds available, the numbers of applicants and the merits of the applicants.

2.4 The Dependents Scholarship Committee shall issue an annual report to the faculty and staff and the president of the university detailing its rules and regulations, including any changes made during the year, the number of applicants and the number of scholarships awarded during the preceding year.

2.5 The committee will have its organizational meeting as soon as the faculty and staff representatives are appointed.

Marshall Tutoring Program

(<http://www.marshall.edu/uc/ts.shtm>)

Administered by Academic Affairs and housed in University College, the Tutoring Services program is located in the lower level of the Community & Technical College building, CTCB-3. Tutoring Services are available to all MU and MCTC students. Multiple subjects are tutored each semester, including high demand subjects such as accounting, biology, chemistry, math, foreign languages, nursing, economics, and others. Students may request a tutor on either a “drop-in” or individual basis. In addition, “group” tutoring can be arranged.

Professors may refer students for tutoring help at any time during the semester. In addition, professors are encouraged to contact Tutoring Services if they are interested in coordinating “tutor/mentor” programs for individual classes or subject areas.

Memorial Student Center

(<http://www.marshall.edu/msc/>)

The Memorial Student Center offers soft drinks and cafeteria services, dance and meeting facilities, and recreational facilities for students, staff, faculty and administrative personnel. The Don Morris Room and other meeting rooms may be reserved by campus groups for dances, social affairs, and/or meetings. Specific information regarding the charge for using these facilities and scheduling may be obtained from the Facilities Scheduling Office.

Information Center. The Information Center is located at the Main Desk in the Memorial Student Center. It serves as a central point where students, faculty, staff, visitors, and guests of the university can find answers to their questions.

Lost and Found Service. The Main Desk in the Memorial Student Center maintains a Lost and Found

Service for the university as a whole. Items found should be given to the Main Desk attendant. The item will be recorded and upon proper identification, returned to the owner. In looking for a lost item, check with the attendant at the desk. Lost I.D. Cards should be returned to the Campus I.D. Office.

Online Instruction

(<http://www.marshall.edu/muonline/>)

The Faculty Coordinator for Online Instruction provides leadership in the coordination of the University’s efforts to develop new online instruction and promote the use of technology among the faculty. The Director oversees the activities of the Faculty Development Committee for Online and Multimedia Instruction and works closely with faculty and departments in the development of online courses and programs. The Director assists faculty and departments by coordinating support and professional development for faculty interested in developing online courses. In addition, the coordinator works closely with the university community on the development and implementation of procedures and policies that support the University’s mission. The position operates within the Office of Distributed Education, a division of Information Technology with oversight and administration of online initiatives.

Parking

(<http://www.marshall.edu/bursar/> and select “Parking Applications”)

Marshall University faculty who wish to park on campus are charged a fee per academic year, plus additional fee for each summer term, if desired. Complete details can be obtained from the Parking Office. Faculty parking is available on Lots F along Third and Fifth Avenues on the main campus and in the garage.

Printing and Publications

(<http://www.marshall.edu/printing/>)

A complete range of printing services is available in Graphic Services in the basement of the Old Main building. Many weights, colors and textures of paper in sizes up to 17”x22”, and almost any ink color or combination of ink colors can be provided. Please consult Graphic Services concerning these services and their prices. NOTE: Photographs CAN BE reproduced in offset printing.

Publications can assist in a wide range of publication services-from planning to supervising production. All jobs requiring typesetting, design and layout begin with publications.

Speech and Hearing Center

(<http://www.marshall.edu/commdis/mushc/>)

The Department of Communication Disorders operates the Speech and Hearing Center, which provides help with speech/language, swallowing and hearing problems.

Services are available for Marshall students, faculty and staff and the general public. A reduced fee is available to Marshall students, faculty and staff.

The Speech and Hearing Center also provides special training for students requesting assistance with dialect change or foreign dialect. People who have foreign dialect or who have non-standard speech patterns not considered to be clinically significant, but which they wish to change, may be scheduled in the clinic.

Telephones

(<http://www.marshall.edu/ucs/networking/telepub.asp>)

Telephone service is available through the Office of Telecommunications. The Marshall University community is provided telephone services using Avaya S8700 Media Servers. The S8700 provides a high level of service with no busy conditions on either incoming or outgoing calls. The university network provides desktop voice and data connections throughout the university at both on-campus and off-campus sites. Any faculty or staff member requiring telephone service has a full range of services including individual telephones, security codes for national and international dialing, call forwarding, abbreviated dialing, call transfer, party on hold, call conferencing and caller identification. To aid in single call communications, faculty and staff also have individual voice mail.

The University provides direct inward and outward dialing, which allows 24 hour calling from all university telephones. All departments have access to automated attendants, and message broadcast capabilities. Faculty and staff also have call forwarding (including remote forwarding) as well as remote access to university facilities and voice mail, including out-calling and paging for messaging.

University-wide FAX services are provided for students, staff and faculty in the university mailroom. This centralized service provides a more economical solution for low usage users. FAX services are provided for other high usage departments throughout campus within their own departments.

University Name and Stationery

Whenever representing Marshall in an official capacity, staff members will use the name of the university and will

use Marshall's stationery for official correspondence. The university does not wish to become involved in actions to which it is not connected officially. Thus Marshall does not permit the use of its name or the university title of any of its employees in any announcement, advertisement, publications, or report, if such use in any way implies university endorsement of any product or service.

Welcome Center

(<http://www.marshall.edu/admissions/welcome-center.asp>)

The Welcome Center is conveniently located at the corner of Hal Greer Boulevard (16th Street) and 5th Avenue across from Corbly Hall. Admission application and other information may be obtained from the Center. Campus tours and counselors are available by prior arrangement.

Work Orders

(<http://www.marshall.edu/physplant/>)

Emergency Work Orders. Emergency work orders such as hot or cold areas, no power, water leaks, elevators not working, etc. should be called into Physical Plant Department main desk. These calls are paged out to the appropriate trade at that time. The Physical Plant staff is in the office from 8:00 AM to 4:30 PM, Monday - Friday. If you are on campus on a weekday or any time on the weekend and there is an emergency, please call Public Safety and they will notify the proper Physical Plant employee.

Routine Work Orders. Routine work orders such as pick-ups and deliveries, carpenter repairs, painting, etc. can be placed in two ways:

1. Call Physical Plant, or
2. Place a work order on-line by completing the request and sending it.

These work orders are typed and sent to the trades the same day. They are scheduled by priority.

Key requests must be submitted on a key request form signed by the Chair, Dean or Department Head, then mailed to the Assistant Director of Physical Plant.

Requests for major renovations should be typed in memo form and sent to the Director of Physical Plant.

Following these guidelines will assure that your requests are processed in a timely manner.

Marshall University Libraries

(<http://www.marshall.edu/library/>)

MISSION STATEMENT

The Marshall University Libraries support the teaching, research and public service commitments of the University. To fulfill this responsibility, the Libraries acquire, organize, maintain and preserve materials in all

appropriate formats. They also provide access and delivery of information, resources and services.

UNIVERSITY LIBRARY SYSTEM

The Marshall University Library System consists of the John Deaver Drinko Library, the James E. Morrow

Library, the Health Science Library at the Cabell-Huntington Hospital, the Music Library in Smith Music Hall, the Hoback Chemistry Library in the Science Building, and the Marshall University Graduate College Library in South Charleston. Together, the University Libraries' holdings support teaching and research needs, with close to 500,000 volumes including audiovisual materials, over 1.1 million government documents, close to 100 online database services, access to more than 16,000 periodical titles in both print and electronic formats, and patron-initiated information delivery and pay-per-view journal services. Each library operates as part of the university system and provides unique service to the clientele and programs with which it is associated. The libraries play an essential role in the educational and research activities of the individual university programs. Using the library as a gateway, students have access to the tools to search multiple resources and obtain materials from a variety of sources. In addition to providing fast and user-friendly document delivery services via our webpage, Marshall also belongs to a dynamic interlibrary loan consortium that provides over 27 million titles from other libraries. Courier services among the libraries enhance turnaround time and overcome geographical limitations.

LIBRARIES

The Drinko Library, located on the western side of campus beside Old Main, opened in 1998 and is named for John Deaver Drinko, a Marshall graduate, philanthropist, and strong supporter of higher education. This is an 118,000 square foot, state-of-the-art facility. Its west side presents a traditional facade that is compatible with adjacent Old Main, while the east side, with an imposing five-story atrium, is modern in design. The dual outward appearance is reflected inside, as the facility melds a full range of traditional library services with state-of-the-art computer and distant education facilities that include multimedia training and presentation rooms, work stations and computer carrels. There is a 24-hour reading room with computer consultation stations. The collection includes 1.6 million items, of which 450,000 are books and bound periodicals, with a wide variety of media materials. The Drinko Library provides close to 200 computers for student use, wireless internet, study rooms, conference rooms, and an auditorium. Offices for several library units, Information Technology, Instructional Technology and the University Computing Services, are located throughout. Collections include the general circulating collection supporting most programs housed on this campus, the Legal Materials, the Children's Literature and picture books, and the Appalachian Literature Collection.

The James E. Morrow Library, located on Third Avenue on the north side of campus, was constructed in 1930 and named to honor James E. Morrow, who headed Marshall College from 1872-73 (he was the grandfather of Anne

Morrow Lindbergh). An addition completed in 1967 doubled its size to over 100,000 square feet.

Special Collections – The Special Collections department is housed in the Morrow Library and contains several unique collections that reflect Marshall's history and the history of the local community and region. Most noteworthy are the numerous books and papers written by scholars utilizing primary sources such as diaries, manuscripts, and papers. In a typical year, one or two manuscripts are authored or edited by the Special Collections librarians and/or local scholars.

The Health Science Library, specializing in medical resources for the schools of medicine and nursing, maintains a current collection of medical monographs, periodicals and electronic resources. Staff provide a variety of document delivery services and searches on medical-related databases. The library is located in the Rural Health Center, next to the Cabell-Huntington Hospital on Hal Greer Boulevard.

The Music Library, supporting the instruction and research needs of the Music Department, includes more than 15,000 sound recordings (tape, LP, and CD formats), 11,000 scores, music education materials, the electronic version of the *Grove Dictionary of Music and Musicians*, and a sizeable reference collection. The library is in 115 Smith Music Hall.

The Hoback Chemistry Library, consisting of chemistry journals and monographs, is accessible to students and faculty in the Chemistry Department in the Science Building. Maintained by a chemistry faculty member, access is by arrangement only and handled by department personnel.

The Graduate College Library in South Charleston, located in the Robert C. Byrd Academic and Technology Center, contains 7,400 books and 272 current journal subscriptions, with online access to over 7,000 periodical titles. There are eight public computer terminals where users can access the integrated Marshall Library catalog, bibliographic and full-text-journal databases, and the wide range of other resources available over the Internet. Because of the Marshall University Graduate College's commitment to support students in distant locations, some non-traditional services are offered. These services include delivery of books and copies of journal articles directly to the student, and emailing of articles when possible. Items held in the libraries on the Huntington campus can be retrieved through a daily courier service and by the electronic transmission of journal articles between the sites. Traditional interlibrary loan services are also available.

LIBRARY SERVICES

User Education - Within Marshall University Libraries, User Education provides library instruction for students at the request of faculty and instructors with the overall goal of supporting and promoting information literacy

throughout the MU community. Sabrina Thomas, User Education Librarian, works with faculty and instructors to design and tailor instruction sessions for specific research assignments as needed.

Reference Services - The Reference department, staffed by a team of qualified personnel, offers a number of services including research strategies instruction, database usage, MILES (the libraries' online catalogue), individualized classroom instruction, and reference sources. Services have been expanded to include a wide variety of online reference services which add to the traditional walk-up desk transactions that students are acquainted with in most libraries. From our website, *Help Central*, the reference librarians have created helpful video training modules that assist students in learning how to perform basic research skills. In addition to videos, they have also provided live chat sessions and *Ask a Librarian* services that allow students to obtain reference assistance from their homes or dorm rooms. Online databases that anticipate questions regarding library hours and policies for circulation and other critical library functions help students to get what they need with only a click of the mouse.

Media Services - The second-floor media department offers numerous articles available on Microfilm. In media, patrons will find projectors, overheads, and VCRs available for checkout. The University also has a respectable video collection: fictional videos are available on the second floor next to the media desk and non-fictional videos are shelved amongst the books.

Off-Campus Library Services - The Marshall University Libraries provide extensive services for students who are distance learners or have nontraditional library needs. In addition to online access to over 100 databases in various subject areas and more than 4500 unique journal, magazine and newspaper titles in full-text, the libraries provide interlibrary loan and document delivery service and research assistance to students in classes offered through the Marshall University regional campuses, WebCT online courses, dual enrollment and military programs.

Information Delivery Services (IDS) – No library--even the largest ones--can hope to acquire all the materials published. If a faculty member or student needs an item not in Marshall University's Libraries, the staff will try to obtain a copy or a loan of the item from another library or information provider through interlibrary loan (ILL) and Document Delivery (DD). The University Libraries follow local, national, and international codes for inter-library and document delivery services.

EZ-Borrow – To enhance our interlibrary loan offerings, the libraries belong to a consortium from which faculty and students can search and borrow books and music scores directly from over 50 academic libraries in Pennsylvania, West Virginia, and New Jersey simultaneously. Requested items arrive usually within 3-5 business days and users are notified via email when books

or scores are available for check out at the Drinko Library Circulation Desk or MUGC Library.

Document delivery is an integral part of the services provided at the Graduate College Library in South Charleston. The Graduate College Library's document delivery staff copies and mails requested articles to students. Requests for items held at the Graduate College Library are processed within 48 hours. Items held at one of Huntington libraries may take a few extra days to retrieve. There is a charge of .10 per page for copied articles. Articles sent electronically are free.

Government Documents Department - The James E. Morrow Library at Marshall University became a selective depository library in 1925 to serve the educational and informational needs of the Marshall University community and the citizens of the 3rd Congressional District. This department selects, processes, organizes and provides free access to a wide variety of U.S. government publications including paper documents, microforms, maps, atlases, video tapes, kits and CDs. They also provide easy access and links to a large number of government information sources, federal agencies websites and many other useful databases and web accessible resources.

Chapter VI.

Marshall University Governance

Administrative Structure

President

(<http://www.marshall.edu/president/>)

The President is the chief administrative and executive officer of the University and reports to the chairperson of the Marshall University Board of Governors. It is the President's duty to see that the University is operated in conformity to the policies established by the Marshall University Board of Governors and the policies of the Higher Education Policy Commission, where applicable to Marshall University. As chief executive officer, the President is responsible for everything concerning the university and for the effective and economical operation of all units.

NOTE: All administrators, including department chairpersons, serve at the will and pleasure of the President.

Provost and Senior Vice President for Academic Affairs

(<http://www.marshall.edu/academic-affairs/>)

The Provost and Senior Vice President, chief academic officer of the university, is responsible for all instructional programs. The Provost and Senior Vice President reports directly to the President and is a member of the President's Cabinet and President's Council. Reporting to the Provost and Senior Vice President are the deans of the undergraduate and graduate colleges and the deans for Student Affairs, and the School for Extended Education; the Directors of the John R. Hall Center for Academic Excellence, the Center for the Advancement of Teaching and Learning, the Center for International Programs, and University College; the Vice Presidents for Graduate Studies, and the Vice President for Research; as well as all student recruitment and retention areas such as the Admissions, Financial Aid, the Registrar, and the Office of Recruitment.

The Provost and Senior Vice President has general supervision over all instructional programs in the undergraduate colleges and graduate programs, is responsible for academic planning in all of these units, and works in cooperation with the academic deans on matters of faculty appointments, promotions, salaries, curricula, instructional budgets, academic advising and testing, and other matters relating to the instructional program.

Chief Executive Officer of The Marshall University Foundation, Inc.

(<http://www.marshall.edu/foundation/>)

Our role is to secure private financial support for the university and encourage greater participation by alumni and friends. This is accomplished through: the [Alumni Association](#), the Annual Fund, Corporate and Private Foundation Giving, [General Scholarship Program](#), [The Heritage Society](#), Major Donors Gift Program, and [Planned Giving](#).

Gifts to the university are made to [The Marshall University Foundation Inc.](#) and to The [Big Green Scholarship Foundation](#) in the form of [cash](#), [securities](#), [corporate matching gifts](#), bequests, life insurance, annuities, trusts and gifts-in-kind. Gifts may create named endowments, provide capital needs and support various academic programs. Those alumni who make an annual gift to The Foundation are active members of the Marshall University Alumni Association. Note: The Big Green Scholarship Foundation (Athletic Fundraising) raises needed scholarship money for both men and woman student athletes at Marshall University.

The Office of Development staff works with donors and potential donors who have an interest in the university and a desire to invest their resources in the programs at Marshall. Major donors are recognized by membership in the prestigious [John Marshall Society](#) and the [21st Century John Marshall Society](#). Fund raising programs include annual direct mail; annual Phon-a-thon; deferred or planned giving; corporation and foundation support; memorial gifts and matching gifts. The mission of the university and the vision of the president establish priorities which determine the fund raising goals of Development and Alumni Relations.

Senior Vice President for Finance and Administration

(<http://www.marshall.edu/finance/>)

The Senior Vice President reports directly to the President and serves as a member of the President's Cabinet. As the chief financial officer, the Senior Vice President is responsible for financial and business affairs of the university, including preparation and coordination of the institution's operating budget, financial reporting, purchasing and materials management, bursar and comptroller. Additionally, Physical Plant, Facilities Planning and Management, Printing Services, Auxiliary Services, Resident Services began reporting to this position effective March, 2004.

Chief of Staff and Senior Vice President of Communications

[\(http://www.marshall.edu/ucomm/\)](http://www.marshall.edu/ucomm/)

The Chief of Staff and Senior Vice President of Communications reports directly to the President and is a member of the President's Cabinet. In this dual role, the Chief of Staff completes duties as assigned by the President and is directly involved in the day-to-day operations of the University. In the role as Senior Vice President of Communications, this position oversees the Communications, Marketing and Branding of the Institution through the Office of University Communications. Some of the responsibilities of University Communications include preparing and disseminating news releases and the internal newsletter *We Are Marshall*, publishing the *Marshall* magazine, providing content for Marshall's website, producing the *We Are Marshall Today* television program, and communicating the messages of Marshall University through the mass media.

General Counsel and Senior Vice President for Executive Affairs

The General Counsel and Senior Vice President for Executive Affairs reports directly to the President and is a member of the President's Cabinet. The General Counsel provides advice and counsel to the President and other university officials in addition to overseeing legal matters for the institution. Public Safety, Parking and Transportation, Human Resource Services, and Institutional Research report to the General Counsel.

Vice President for Alumni Development

[\(http://www.marshall.edu/development/\)](http://www.marshall.edu/development/)

The role of the Vice President for Alumni Development is to secure private financial support for the university and encourage greater participation by alumni. The Vice President reports directly to the Senior Vice President for Development.

Vice President for Federal Programs

<http://www.rcbi.org>

The Vice President for Federal Programs reports directly to the President on matters pertaining to the Robert C. Byrd Institute (RCBI); Shared Manufacturing Operations in Charleston, Bridgeport and the Rocket Center in the Eastern Panhandle; Business and Workforce Development and Machinist Technology Programs. The RCBI works directly with small and medium-sized businesses, helping them to take advantage of the newest manufacturing tools and concepts. The Vice President for Federal Programs serves as a member of the President's Council.

Vice President for Health Sciences and Dean, School of Medicine

<http://www.musom.marshall.edu>

The Vice President for Health Sciences and Dean of the School of Medicine has administrative and oversight responsibility for the School of Medicine and the College

of Health Professions. The Vice President reports directly to the President and serves as liaison to the Vice Chancellor for Health Sciences of the Higher Education Policy Commission and as a member of the President's Council. In the capacity of Dean, the Vice President administers medical education, research and patient care activities of the Joan C. Edwards School of Medicine. The Biomedical Sciences Graduate Program reports to the Vice President with dual reporting to the Dean of the Graduate College.

Senior Vice President for Information Technology and Chief Information Officer

[\(http://www.marshall.edu/it/\)](http://www.marshall.edu/it/)

The Senior Vice President and Chief Information Officer reports to the President and is a member of the President's Cabinet. Areas reporting to the Senior Vice President for Information Technology include University Computing Services, the Center for Instructional Technology, Instructional Television Services, Telecommunications, and Marshall University Libraries. These areas function together to meet the goal of enhancing teaching/learning and administrative operations for all of Marshall's campuses and the State of West Virginia. The Office of Information Technology has executive responsibility for the vision, policy-making, planning, development, implementation and overall administration for computing, library and related technologies in support of the University's teaching, research and administrative activities.

Vice President for Multicultural Affairs

[\(http://www.marshall.edu/mcip/\)](http://www.marshall.edu/mcip/)

The Vice President reports directly to the President and serves as a member of the President's Council. The Vice President works cooperatively with all members and constituencies of the University community to create and enhance a campus environment that promotes personal growth, learning and achievement by the elimination of all forms, vestiges and manifestations of bigotry and intolerance in order that all members of the University can utilize and develop to the fullest possible extent their talents and abilities. The Vice President is responsible for providing leadership in support of the University's multicultural missions, strengthening social justice on campus, developing programs in support of racioethnic and gender diversity and enhancing institutional effectiveness. The Vice President will initiate and promote pluralism where all cultural groups respect, value, and learn from one another.

Vice President for Regional Operations

[\(http://www.marshall.edu/mugc/\)](http://www.marshall.edu/mugc/)

The Vice President for Regional Operations reports directly to the Senior Vice President for Finance and Administration. The Regional Operations area manages all off-campus sites, including the South Charleston campus.

Vice President for Research

[\(http://www.marshall.edu/murc/\)](http://www.marshall.edu/murc/)

The Vice President for Research reports directly to the President and the Provost and Senior Vice President for Academic Affairs and is a member of the President's Council. Reporting to the Vice President are the Office of Grants and Contract Development and the Marshall University Research Corporation.

Deans of the Colleges

<http://www.marshall.edu/academic-affairs/collegesschools.asp>

The Deans of the colleges – Lewis College of Business, College of Education and Human Services, College of Fine Arts, College of Liberal Arts, College of Science, W. Page Pitt School of Journalism and Mass Communication, the College of Information Technology and Engineering, the Graduate College, and the Graduate School for Education and Professional Development – head the undergraduate and graduate instructional units of the university. They take the leadership in curriculum organization and development and are responsible for constructing class schedules, assigning teaching loads, operating the counseling and testing programs, evaluating the work of the faculty members, coordinating the work between departments, assisting new faculty members in their adjustment to the campus, recommending students for graduation, recommending employment of new faculty members, leaves of absence, sabbatical leaves, termination/dismissal, promotion/tenure, as well as budgetary concerns.

Dean of the School of Extended Education

[\(http://www.marshall.edu/see/\)](http://www.marshall.edu/see/)

The Dean of the School of Extended Education is responsible for off-campus centers, evening and weekend academic programs, distance learning, the Regents Bachelor of Arts Degree program, E-courses, the Dual Credit Program and the Military Program. The dean reports directly to the Provost and Senior Vice President for Academic Affairs.

Dean of Student Affairs

[\(http://www.marshall.edu/student-affairs/\)](http://www.marshall.edu/student-affairs/)

The Dean of Students manages a variety of programs and services, which are designed to aid students in their growth and development outside the formal classroom. Programs and services include the following: Counseling Services, Educational Support Services (such as tutoring, reading improvement, study skills, and time management), Disabled Student Services, Women's Programs, Health Education, Judicial Affairs, Student Activities, Student Government, Student Legal Aid, Greek Affairs, Substance Abuse and Returning Students Programs. The Dean of Students reports to the Provost and Senior Vice President for Academic Affairs.

Dean of University Libraries

[\(http://www.marshall.edu/library/\)](http://www.marshall.edu/library/)

The Dean of Libraries has primary responsibility for the administration of the libraries; development of collections in all formats; and the provision of access to and delivery of information, resources and services in support of the teaching, research, and public service commitments of the university. The Dean of Libraries is responsible to the Senior Vice President for Information Technology and Chief Information Officer.

Chairpersons of Departments/Divisions

<http://www.marshall.edu/academic-affairs/admstaff.asp>

The department/division chairperson is responsible for the administration and promotion of all affairs pertaining to the academic well-being and morale of the department.

This responsibility involves such activities as faculty counseling and guidance, student advising and counseling, curriculum planning, scheduling, maintenance of academic relevancy, and all budgetary considerations. The maximum participation in the administrative decision making process is encouraged at the chairperson's level. Every effort is made to foster department/division autonomy and to ensure that decisions are formulated closest to the students and faculty affected. Recommendations of the chairperson such as faculty leaves, student employees, graduate assistantships, teaching appointments, travel, and expenditures normally flow through the dean of the college. The department/division chairperson is directly responsible to the dean of college.

Chapter VII.

Board of Governors Policies

NOTE: Material in this chapter may be currently under revision.

Please check updates online at the website given.

<http://www.marshall.edu/president/Board/policies.html>

<i>Number</i>	<i>Name</i>	<i>Effective Date</i>
MUBOG AA- 1	<u>Sabbatical Leave</u>	11/13/02
MUBOG AA- 2	<u>Faculty Development</u>	11/13/02
MUBOG AA- 3	<u>Reduced Tuition for Persons 65 and Over</u>	11/13/02
MUBOG AA- 4	<u>Measles and Rubella Immunization Policy</u>	01/22/03
MUBOG AA- 5	<u>Rule on Adjunct Faculty (4-Year Colleges)</u>	03/23/04
MUBOG AA- 6	<u>Awarding of Undergraduate and Graduate Fee Waivers - Revised</u>	06/28/06
MUBOG AA- 7	<u>Salary Increases for Tenured and Tenure Track Faculty-Revised</u>	11/13/06
MUBOG AA- 8	<u>Distribution of General Faculty Salary Inc Funds (Four-year;FY2005 only)</u>	07/01/04
MUBOG AA- 9	<u>Credit for Service in the Public Schools</u>	03/09/05
MUBOG AA-10	<u>Faculty and Administrative Productivity</u>	05/11/05
MUBOG AA-11	<u>Appropriate Use of ID Numbers</u>	03/08/06
MUBOG AA-12	<u>Academic Dishonesty</u>	03/08/06
MUBOG AA-13	<u>Class Attendance</u>	03/08/06
MUBOG AA-14	<u>Course Syllabus</u>	03/08/06
MUBOG AA-15	<u>Course Withdrawal</u>	03/08/06
MUBOG AA-16	<u>Freshman Midterm D & F Grades</u>	03/08/06
MUBOG AA-17	<u>University Textbooks</u>	03/08/06
MUBOG AA-18	<u>Equivalencies for College Teaching</u>	03/08/06
MUBOG AA-19	<u>Joint Teaching Appointment within the Institution</u>	03/08/06
MUBOG AA-20	<u>Graduate Faculty Membership</u>	03/08/06
MUBOG AA-21	<u>Faculty Workload</u>	03/08/06
MUBOG AA-22	<u>Annual Evaluation of Faculty</u>	03/08/06
MUBOG AA-23	<u>Temporary Faculty Annual Reports and Years Applied Toward Tenure</u>	03/08/06
MUBOG AA-24	<u>Course Evaluations</u>	03/08/06
MUBOG AA-25	<u>Personnel Records</u>	03/08/06
MUBOG AA-26	<u>Faculty Promotion</u>	03/08/06
MUBOG AA-27	<u>Faculty Promotion Salary Increase</u>	03/08/06
MUBOG AA-28	<u>Faculty Tenure</u>	03/08/06
MUBOG AA-29	<u>Principal Investigator Salary Payments</u>	03/08/06
MUBOG AA-30	<u>Tutoring of Students by Faculty</u>	03/08/06
MUBOG AA-31	<u>Emeritus Status of Retired Professionals</u>	03/08/06
MUBOG AA-32	<u>Termination of Faculty due to Program Reduction or Discontinuance</u>	03/08/06
MUBOG AA-33	<u>Plan for Meeting Financial Exigency</u>	03/08/06
MUBOG AA-34	<u>Commencement</u>	03/08/06
MUBOG AA-35	<u>Faculty Absences</u>	03/08/06

MUBOG AA-36	<u>Political Activities</u>	03/08/06
MUBOG AA-37	<u>Teaching and Administration</u>	03/08/06
MUBOG AA-38	<u>Selection, Role, and Evaluation of Department Chairs</u>	03/08/06
MUBOG AA-39	<u>Selection and Evaluation of Faculty Deans</u>	03/08/06
MUBOG AA-40	<u>Faculty Compensation from Grants and Contracts</u>	03/08/06
MUBOG AA-41	<u>Individual Conflict of Interest in Research</u>	06/28/06
MUBOG AA-42	<u>Marshall Dependent Scholarships</u>	06/28/06
MUBOG FA- 1	<u>Waiver of Regular Fees for Third-Party Sponsored Courses</u>	01/23/02
MUBOG FA - 2	<u>Travel</u> - Revised	06/28/06
MUBOG FA - 3	<u>Credit Card Solicitation</u>	09/18/02
MUBOG FA - 4	<u>Policies on Use of Institutional Facilities</u>	11/13/02
MUBOG FA - 5	<u>Disposition of Surplus Property</u>	03/09/05
MUBOG FA - 6	<u>Classified Employee Salary Policy</u>	03/09/05
MUBOG FA - 7	<u>Salary Supplements for Marshall University Employees From Non-State Sources</u>	03/08/06
MUBOG FA- 8	<u>Investment Policy</u>	09/2006
MUBOG FA - 9	<u>Purchasing Policy</u>	01/25/06
MUBOG FA - 10	<u>Tuition & Fees Policy</u>	06/28/06
MUBOG FA - 11	<u>Capital Project Management</u>	06/28/06
MUBOG GA- 1	<u>Sexual Harassment</u>	11/13/02
MUBOG GA- 2	<u>Alcoholic Beverages on the Campuses</u>	11/13/02
MUBOG GA- 3	<u>Social Justice</u>	11/13/02
MUBOG GA- 4	<u>Intellectual Property Policy</u>	
MUBOG GA- 5	<u>Organization Structure of the Board</u>	12/19/06
MUBOG GA- 6	<u>Speed, Flow, and Parking of Vehicles on Campus</u>	03/09/05
MUBOG GA- 7	<u>Intercollegiate Athletics</u>	11/09/05
MUBOG GA- 8	<u>Smoking</u>	03/08/06
MUBOG GA- 9	<u>Policy Regarding Weather-Related and/or Emergency Closings and Delays</u>	03/08/06
MUBOG GA-10	<u>Naming of Units and Facilities</u>	02/06/06
MUBOG GA-11	<u>Policy on Rulemaking</u>	02/06/06
MUBOG GA-12	<u>General Conflict of Interest</u>	10/12/06
MUBOG GA-13	<u>Whistleblower Policy</u>	10/12/06
MUBOG HR- 1	<u>Policy Regarding Staff Development</u>	11/13/02
MUBOG HR- 2	<u>Review of Part-Time Classified Positions</u>	11/12/03
MUBOG HR- 3	<u>Employee Catastrophic Leave Policy</u>	03/09/05
MUBOG HR- 4	<u>Work Schedules and Employment Innovations</u>	07/25/05
MUBOG HR- 5	<u>Four-Part Progressive Counseling</u>	03/08/06
MUBOG HR- 6	<u>Telecommuting</u>	03/08/06
MUBOG HR- 7	<u>Payroll Reassignments – Leave Deficits</u>	03/08/06
MUBOG HR- 8	<u>Employee Solicitation and Outside Businesses</u>	03/08/06
MUBOG HR- 9	<u>Classified/Nonclassified Employment Appointments in December</u>	03/08/06
MUBOG HR-10	<u>Employee Infractions</u>	03/08/06
MUBOG HR-11	<u>Alternative Dispute Resolution (ADR) for Statutory Grievances</u>	03/08/06

MUBOG HR-12	<u>Performance Assessment, Classified, and Nonclassified Employees</u>	03/08/06
MUBOG HR-13	<u>Classified Recruiting</u>	03/08/06
MUBOG IT- 1	<u>Information Technology Acceptable Use Policy</u>	03/08/06
MUBOG IT- 2	<u>Information Security Policy</u>	03/08/06
MUBOG IT- 3	<u>Email Policy</u>	03/08/06
MUBOG IT- 4	<u>Program for the Disposition of Surplus Computers</u>	03/08/06
MUBOG IT- 5	<u>E-Courses</u>	03/08/06
MUBOG SA- 1	<u>Student Rights and Responsibilities</u>	01/22/03
MUBOG SA- 2	<u>Student Academic Rights</u>	01/22/03
MUBOG SA- 3	<u>Student Code of Rights and Responsibilities</u>	06/28/06
MUBOG SA- 4	<u>President's Emergency Authority</u>	06/28/06
MUBOG SA- 5	<u>Directory Information</u>	06/28/06

Emergency Procedures

<http://www.marshall.edu/emergency/>

INCIDENT PLANS

WEATHER EMERGENCIES

Generally it is Marshall University's policy to maintain its normal schedule, even when conditions are inclement. However, that is not always possible.

In those instances when it is necessary to alter the schedule in response to weather conditions, every effort will be made to notify all those affected—students, faculty, staff and the general public—as expeditiously and as comprehensively as possible in the following ways:

1. Television stations in Huntington and Charleston will be notified.
2. Radio stations in Huntington and Charleston will be asked to announce the delay or closing.
3. Time permitting; newspapers in Huntington and Charleston will be notified. Often, however, decisions must be made after deadlines of newspapers.
4. The Office of Communications will communicate the specific details of the delay or closing to the Office of Public Safety at (304) 696-HELP.
5. The Office of Communications will place the delay or closing message on the Huntington campus AUDIX system (696-6245) as well as the university response number (696-3170). The delay or closing will also be posted on the Marshall University webpage.

NOTE: This section applies only to the Huntington campus and all releases should make it clear that it relates only to the Huntington campus. The Marshall University Graduate College (South Charleston campus) weather-related policy will be managed by the Vice President for Regional Operations, and all releases from that office should make clear that it applies only to the South Charleston campus. The South Charleston phone number is (304) 746-2500. See below for information on MUGC (South Charleston) procedures.

Definitions:

University Closed: All classes suspended and offices closed.

Classes Cancelled: All classes suspended; offices open.

Delay Code A: Means a delay in the opening of classes BUT no delay in the opening of offices. Delays will usually be in the range of one to two

hours. Employees are expected to report to work at their normal starting times unless they feel that travel is unsafe. If an employee feels that he/she cannot travel safely to work, they may charge accrued annual leave for the portion of the workday from 8:00 a.m. (or their normal start time) until their arrival at work.

Delay Code B: Means a delay in the opening of classes AND a delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees do not have to report to their offices until the stated delay time. If they believe they cannot travel to work safely by the stated delay time, they may charge accrued annual leave for the work hours from the stated delay time until they can next report to work.

Class operation under delays: Under both categories of delay, students should go to the class that would begin at the stated time or the class that would have convened within 30 minutes of the stated delay time. A two-hour delay means that classes that begin at 10:00 a.m. begin on time. Classes that begin at 9:30 a.m. meet at 10:00 a.m. and continue for the remaining period of that class.

Exceptions with regard to employees: Certain critical and emergency employees may be required to report to work on time or earlier than normally scheduled despite the particular delay code publication.

Clarification:

Information about closings, cancellations, or delays will ordinarily be disseminated to area radio and television stations. These outlets may, however, publish the University's notification incorrectly. Therefore, the authoritative correct statement of the University's condition (Huntington) is stipulated to be the message on the AUDIX system (696-6245) or the message available at the University response number (696-3170).

Staff and Administrative Personnel:

The university will be completely closed only rarely and in extreme situations since it is essential that public safety be maintained, that buildings and equipment be protected and that services be provided for those students housed in campus facilities. Therefore, under Classes Cancelled, above, all university staff and administrative employees will be expected to report to work, unless notified otherwise.

In the event of critical need, certain employees may be required to report to work or temporarily reside on

campus to ensure human safety and preservation of university property and/or facilities.

Individual employees may, in their best judgment, determine the risk of travel to be too great and elect to remain home. Those who do should contact their respective supervisors and indicate they are: (1) taking annual leave that day, or (2) taking compensatory time, in the event compensatory time is owed to them.

In the event a building, or section of a building is closed (because of heat loss, power outage, etc.) employees working in that affected area will be permitted to take their work to another area or building on campus. Or, in the consultation with the supervisor, the employee may elect to take annual leave that day, or take compensatory time off.

In the event of an extreme situation (tornado, flood, ice storm, campus disturbance, etc.) and the employees' presence is not desired on campus, this information will be disseminated to the news compensatory time, or a non-pay situation will be determined by the President and communicated through supervisors.

Supervisors must take steps to ensure offices and work situations are open to employees at all times when those employees are expected to be at work, including inclement weather situations and other disruptive situations.

Faculty:

Once operations are resumed, deans and departmental chairs must take steps to ensure that faculty meet their scheduled classes or substitutes are secured so that class schedules are met.

Decision Making:

Decisions on closing and/or delays will be made jointly by the Senior Vice President for Academic Affairs and the Senior Vice President for Finance and Administration following the consultation with other appropriated officials, including the President. Should only one of those two vice presidents be available, that person will make the decision.

Every effort will be made to reach decisions to allow time for adequate notification to the news media, and in turn those affected.

Marshall University Graduate College (South Charleston campus) and Other Education Centers: General Policy:

Because weather conditions can vary substantially, it is possible that classes will be delayed or cancelled at some locations and not others. The Vice President for Regional Operations, in consultation with staff at other learning centers, will decide on class cancellations.

1. Marshall University Graduate College - South Charleston Campus: Since MUGC classes do not generally meet until late

afternoon, an effort will be made to decide about classes by noon. Notification of delays of cancellations at the South Charleston Campus will be announced by (a) local media, (b) MUGC telephone systems and (c) University web site. Any delay will be placed on the MUGC automated switchboard. Students may check the status of their classes by calling the MUGC telephone system (746-2500) or checking the Graduate College web site.

2. Point Pleasant, Beckley, Teays Valley, and Other Educational Centers: Procedures for delayed openings and class cancellations are similar to those for the MUGC. At Point Pleasant, Beckley, and Teays Valley local media will provide information regarding cancellations. In addition, each site has a weather hot line: (a) Point Pleasant, 674-7239; (b) Beckley, 252-0719; (c) Teays Valley, 757-7223.
3. Remote Locations and Other Educational Centers: Because the Marshall University Graduate College may have several classes meeting on an irregular schedule in a geographically dispersed area throughout the semester, decisions about whether to meet during inclement weather will be made by the instructor. Those decisions will be transmitted to students by e-mail or other methods as agreed by students and the instructor.

Definitions:

MUGC Closed: All classes canceled and offices closed.

MUGC Classes Cancelled: All Classes cancelled. Details provided by site.

MUGC Delay: A delay in the beginning of non-class activities, e.g. a two-hour delay would mean normal work day would begin at 10:00 a.m. rather than 8:00 a.m.

TOXIC CHEMICAL SPILL OR RELEASE

Whenever a toxic solid, liquid or vapor is unintentionally released on University property every effort will be made to protect students, employees, visitors, and members of units and agencies responding to the incident.

Level 1 Chemical Release

- Each department that works with chemicals will employ its own containment/spill procedures in the event of unintentional release of less than 1 liter of a chemical that is not considered to be extremely toxic.
- At the onset of a release, the affected department must notify the Marshall University Police Department and the Health and Safety

Department of the type and approximate amount of chemical released.

- The Health and Safety Department will provide additional support if necessary.

Level 2 Chemical Release

- If a release cannot be abated with on-site procedures, the Marshall University Police Department or the Health and Safety Department will assist in determination of the need to begin evacuation and request off-campus emergency response based on toxicity and quantity.

Level 3 Chemical Release

- If a chemical release is extremely toxic and/or too large to be handled locally, the affected department will notify the Marshall University Police Department (696-4357) and/or the Huntington Fire Department (911) and supply the following information:
 1. Nature of emergency and exact location.
 2. Name and position with the University.
- Activate the fire alarm to evacuate the building. Occupants should remain at a safe distance, up wind, until the authority having jurisdiction declared the building safe to re-enter. The Health and Safety Department shall notify off-campus response units if needed.
- A level 3 emergency will be declared by the President or his/her designee.

FIRE AND/OR SMOKE

All fire and/or smoke conditions must be reported to the Marshall University Police Department (696-4357) or to the Huntington Fire Department (911) immediately. The person making the report must provide the following information.

1. Nature of fire or smoke and exact location.
2. Name and position with the University.
3. Activate the building fire alarm. (M.U. personnel will insure complete evacuation.)

The following procedures should be followed once the alarm has been activated:

1. Everyone must evacuate the building in a neat and orderly fashion.
2. Elevators are not to be used to evacuate the building. Persons should use the nearest clear exit or stairwell.
3. Handicapped persons are to be assisted along the exit route to the nearest exit that is not blocked by fire or smoke.
4. Persons confined to wheelchairs above or below the ground floor shall be assisted to the nearest stairwell and wait for evacuation by the City Fire Department. If an immediate threat to life exists, then these

individuals will be evacuated by whatever means necessary.

5. Persons are to move a safe distance away from the building.
6. Reentry to the building is strictly prohibited until advised it is safe to do so by the Fire Department or the Marshall University Police Department.
7. PERSONS ARE ADVISED NOT TO ASSUME THAT AN ALARM IS FALSE. The fire alarm system will be used to evacuate a building for any type of emergency.

The Office of Public Safety will:

- Respond to alarm site.
- Assist the fire department in any means required.
- Notify the Department of Health and Safety of the nature and extent of the incident.

The Department of Health and Safety will:

- Immediately respond to the site, and assist both Marshall University Police Department and the fire department in securing the site.
- Gather information regarding the number and extent of any injuries, extent of property damage, and the probable cause of the incident. This information will be passed on to the Assistant Vice President for Administration and/or the President, and referred to Human Resources according to Policy and Procedures 3.275.

LOSS OF BUILDING UTILITIES

- The loss or disruption of electricity, telephone, potable water, natural gas, sanitary disposal, or other building utilities may severely limit or curtail classroom, research or staff activities.
- Staff activities will be determined by the appropriate supervisor or departmental chair.
- PHYSICAL PLANT
 - a. Upon notification, Physical Plant personnel shall respond to any loss of utilities during normal hours of operations.
 - b. Physical Plant personnel will determine if Public Safety needs to respond for crowd or traffic control.
 - c. Physical Plant personnel will restore utilities as soon as possible which may require a response from utility companies.
- DEPARTMENT OF PUBLIC SAFETY
 - a. Will receive notification of utility outage at any time other than normal working hours.

- b. Will notify Physical Plant maintenance personnel who are “on-call”.
- c. Will respond to the scene if requested by Physical Plant.

BOMB THREAT OR EXPLOSIVE DEVICE

1. Because of the seriousness of the situation and the possibility of physical injury to the parties concerned, initial precautions must be taken in the case of a bomb threat or the presence of explosive devices. If anyone suspects an object to be a bomb or explosive device: **DO NOT TOUCH THE OBJECT...Immediately report the location and the situation to Public Safety at 696-4357.**

2. All bomb threats and suspected explosive devices must be reported to the Department of Public Safety (extension 64357), as per General Order 14.2, (a copy of which should be made available through the office of each dean or department chair).

Caller must provide:

- a. Description of the object and exact location.
- b. Title and department of the person supplying the information and other pertinent facts as requested.
- c. Radio communications or cell phones **WILL NOT** be used in the vicinity of suspected bombs or explosive devices. It is essential that the object **NOT BE MOVED OR TOUCHED.** It is critical that deans and directors make all their staff members aware of bomb and explosive device threat procedures.

3. DEPARTMENT OF PUBLIC SAFETY

- a. Upon notification of suspected bomb or explosive device, Public Safety will dispatch a sufficient number of officers and supervisors to the scene in accordance with the Department of Public Safety procedures.
- b. Upon arrival at the scene, a command post may be established depending on the seriousness of the circumstances at hand.
- c. Staff and students will not handle any object suspected of being a bomb or explosive device. Off-campus emergency response groups may be contacted depending on the nature of the event.

4. BUILDING EVACUATION

- a. The Department of Public Safety, upon receipt of information concerning a possible major interruption of Marshall University operations, will immediately notify the appropriate University offices.
- b. The Department of Public Safety, after analyzing the situation, may establish an on-site command post.
- c. Formal order to evacuate will be given by one of the following:
 - 1. Department of Public Safety
 - 2. University Health and Safety Department

- 3. Physical Plant
- 4. Huntington Fire Department.

d. Faculty and/or staff will direct immediate evacuation **IF DANGER IS IMMINENT.**

SUSPICIOUS MAIL

- 1. If you receive a suspicious letter or package:
 - a. Handle with care; do not shake or bump the item.
 - b. Do not open, smell, touch, or taste.
 - c. Isolate the item immediately.
 - d. Treat the item as suspect. Call the Department of Public Safety (696-4357).
- 2. If a letter or package is open and/or a threat is identified:
 - a. For a Bomb
 - Evacuate the building immediately.
 - Call the Department of Public Safety or the Fire Department.
 - b. For Radiological Agents
 - Limit your exposure.
 - Evacuate the area.
 - Call the Department of Public Safety.
- 3. For Biological or Chemical Agents
 - a. Isolate the item.
 - b. Evacuate the area.
 - c. Wash your hands with soap and water.
 - d. Call the Department of Public Safety.

COMMUNICABLE DISEASES

Student Health Services, as an agent for Marshall University, monitors communicable disease cases that may affect the well-being of students’ faculty and staff. In the event of a communicable disease event, SHS consults with and receives guidance from Cabell Huntington Health Department, Wayne County Health Department, WV Bureau for Public Health state health as well as the CDC (Center for Disease Control). The consulting agency is determined by the disease presented, the number of cases, and the guidelines and recommendations established by state and federal laws. Disease events are co-managed by the SHS and the consulting agency to ensure the safety of individual and the campus community. As an agent of Marshall University, SHS informs the university administration, faculty, staff and students, as needed to provide education to limit the impact of a communicable disease event. SHS works with the offices of public relations, the president and student affairs to create methods of communications such as the use of e-mail, faculty announcements, awareness statements for coaches and other administrative staff, articles for student newspapers and residence hall awareness campaign as recommended by Cabell Huntington Health Department, Wayne County

Health Department, WV Bureau for Public Health or CDC.

Communicable diseases are defined as those diseases that can be transmitted from one person to another such as pandemic flu, tuberculosis, meningitis, chicken pox, SARS, hepatitis and others. Individuals contracting communicable disease should

report the case to student health services immediately by calling 691-1176.

SHS Services will work with Cabell Huntington Health Department and Wayne County Health Department to provide preventive measures to those who were exposed: such as immunization, distribution of antibiotics or antiviral medications as necessary to prevent further spread of the disease.

Chapter VIII.

Higher Education Policy Commission

NOTE: Policies are subject to change; please visit <http://www.hepc.wvnet.edu> and <http://www.hepc.wvnet.edu/resources/index.html?../menu.html&title.html&rulesandpolicies.html> for updates.

Governance History

For twenty years, between July 1, 1969 and 1989, Marshall University was governed by the Board of Regents (BOR). The responsibilities of the Board of Trustees differ from those of the Board of Regents, in that the BOR governed all institutions of higher education in West Virginia. The BOR exercised responsibilities for the general determination, control, supervision, management of financial, business and education policies and affairs of all state colleges and universities.

Prior to the establishment of the BOR in 1969, Marshall University was governed by the West Virginia Board of Education. The responsibilities of the BOR differed from those of the West Virginia Board of Education in that 1) the Board of Education governed all institutions of higher education in the state except for West Virginia University and Potomac State College; 2) in addition to Marshall University and the public colleges of the state, the Board of Education had responsibility for education on the elementary and secondary levels, whereas the BOR was responsible for only public higher education; and 3) under the Board of Education, each college and university submitted its individual budget request to the Board of Education which, in turn, submitted it to the Board of Public Works to be included in the Board of Public Works Budget Request, whereas the BOR budget request was submitted to the Governor as a composite of all state colleges and universities.

University of West Virginia Board of Trustees

Marshall University is a tax-supported institution under the jurisdiction of the University of West Virginia Board of Trustees. On July 1, 1989, the Board of Trustees assumed jurisdiction over West Virginia University including West Virginia University at Parkersburg, Potomac State College of West Virginia University and West Virginia University School of Medicine; Marshall University including the Marshall University School of Medicine; the University of West Virginia College of Graduate Studies; and the West Virginia School of Osteopathic Medicine.

The West Virginia College of Graduate Studies (later named West Virginia Graduate College) was merged with Marshall University, July 1, 1997, becoming Marshall University's South Charleston Campus.

Higher Education Policy Commissions

With the approval of SB 653, the Higher Education Policy Commission replaced the Board of Trustees and Board of Directors. During the transition year from July 2000 to July 2001, a nine-member Interim Governing Board governed WV's higher education institutions.

The Higher Education Policy Commission is composed of nine-members including the Secretary of Education and the Arts, the State Superintendent of Schools (or designee), and seven citizen members.

The primary purpose of the Higher Education Policy Commission is to work toward the goals that the Legislature has set forth for higher education, through development of policy. The Commission will also provide coordination among Institutional Governing Boards. (Senate Bill 653 and Marshall University, *Summary of Key Provisions*)

Institutional Boards of Governors

On July 1, 2001, the Marshall University Board of Governors assumed office as part of the implementation of Senate Bill 653. The Board is comprised of 15 members, including one faculty, one staff, and one student representative.

Administrative Bulletins

All Administrative Bulletins were abolished by the Higher Education Policy Commission on April 19, 2002.

HIGHER EDUCATION POLICY COMMISSION RULES AND POLICIES

To access these policies in their most current form, please visit

<http://www.hepc.wvnet.edu/resources/index.html?../menu.html&title.html&rulesandpolicies.html> and click on the links below.

WV Higher Education Policy Commission Rules and Policies

- [Series 1: Performance Indicators](#). Legislative Rule – Final – Effective April 9, 2002
- [Series 2: Higher Education Finance Policy](#). Legislative rule – Final – Effective July 1, 2001
- [Series 3: Report Card](#). Legislative rule – Final – Effective April 9, 2002
- [Series 4: Rules, Guidelines and Other Policy Statements by Governing Boards](#). – Final – Effective July 31, 2006
- [Series 5: Guidelines for Governing Boards in Employing and Evaluating Presidents or Other Administrative Heads of Institutions](#). - Final – Effective July 14, 2005
- [Series 6: Higher Education Adult Part-Time Student \(HEAPS\) Grant Program](#). Final -- Effective April 6, 2004
- [Series 7: PROMISE](#). Legislative Rule – Final – Effective April 9, 2002
- [Proposed Revision to Series 7: PROMISE](#) - Adopted April 26, 2007 Requires approval by LOCEA and Legislature
- [Series 8: Personnel Administration](#). – Final - Effective on November 22, 2001
- [Series 9: Academic Freedom, Professional Responsibility, Promotion and Tenure](#). Final – Effective January 10, 2003
- [Proposed Revision to Series 9: Academic Freedom, Professional Responsibility, Promotion and Tenure - Comment Period Ends June 1, 2007](#)
- [Series 10: Policy Regarding Program Review](#). – Final - Effective December 25, 2001
- [Series 11: Submission of Proposals for New Academic Programs and the Discontinuance of Existing Programs](#). Procedural rule – Final - Effective December 25, 2001
- [Series 12: Capital Project Management](#). Procedural rule – Final – Effective December 25, 2001
- [Series 13: Change in Organization of Colleges and Schools](#) – Procedural rule- Final - Effective April 19, 2002
- [Series 14: Holidays](#) – Final - Effective April 19, 2002
- [Series 15: Acceptance of Advanced Placement Credit](#) – Legislative rule - Final – Effective June 22, 2002
- [Series 16: College Level Examination Program](#) – Procedural rule - Final – Effective June 22, 2002
- [Series 17: Transferability of Credits and Grades at the Undergraduate Level](#) – Final Procedural Rule - Effective April 18, 2005
- [Series 18: Assignment of Academic Credit and Financing Noncredit Instruction](#) – Final – Effective June 22, 2002
- [Series 19: Guidelines for College Courses for High School Students](#) - Procedural rule -Final – Effective August 1, 2002
- [Series 20: Authorization of Degree Granting Institutions](#) – Legislative rule -Final Effective March 31, 2006
- [Series 21: Freshman Assessment and Placement Standards](#) Procedural rule -Final Effective August 1, 2002
- [Series 22: Grade Point Average for Associate and Baccalaureate Degree Students](#) - Procedural rule -Final Effective August 1, 2002
- [Series 23: Standards and Procedures for Undergraduate Admission](#) - Procedural Rule -Final June 1, 2007
- [Series 24: Preparation of Students for College](#) - Procedural rule -Final Effective August 10, 2002
- [Series 25: Residency Classification for Determining Tuition and Fees](#) -Procedural rule -Final Effective August 1, 2002
- [Series 26: Underwood Smith Teacher Scholarship Program](#) – Legislative Rule -Final Effective April 27, 2005
- [Series 27: Financial Assistance to Athletes](#) – Procedural rule - Final Effective August 1, 2002
- [Series 28: WV Engineering Science and Technology Scholarship Program](#) – Legislative Rule -Final Effective April 27, 2005
- [Series 29: Travel](#) - Procedural rule -Final Effective August 1, 2002
- [Series 30: Purchasing](#) - Procedural rule -Final Effective January 21, 2005
- [Series 31: Ethics](#) - Procedural rule -Final Effective August 1, 2002
- Series 32: Hold for Tuition and Fee Policy Legislative Rule
- [Series 33: Anatomical Board](#) – Procedural rule- Final Effective September 6, 2002
- [Series 34: Medical Student Fee and Medical Student Loan Program](#) – Legislative rule - Final Effective April 27, 2005
- [Series 35: Correspondence, Business, Occupational, and Trade Schools](#) – Legislative Rule - Effective April 3, 1995

- (transferred from previous Boards)
- [Series 36: Sports Programs at Community and Technical Colleges](#) – Procedural rule – Final Effective January 8, 1980 (transferred from Board of Directors)
 - [Series 37: Increased Flexibility for Community and Technical Colleges](#) – Procedural rule – Final Effective June 12, 2000 (transferred from Board of Directors)
 - [Series 38: Employee Leave](#) – Procedural rule - Final Effective November 19, 1992 (transferred from previous boards)
 - [Series 39 – Classified Employees](#) – Procedural rule - Final Effective September 5, 1996 (transferred from previous boards)
 - [Series 40 – Equal Opportunity and Affirmative Action](#) Procedural rule – Final Effective April 3, 1992 (transferred from previous boards)
 - [Series 41 – Health Sciences Scholarship Program](#) Procedural rule – Final January 19, 2003
 - [Series 42: WV Higher Education Grant Program](#) Legislative Rule - Final April 2, 2007
 - [Series 43 – Purchasing Efficiencies](#) –Legislative Rule - Final -- Effective April 6, 2004
 - [Series 44 – Policy Regarding Action to be Taken on Audit Reports](#) – Procedural Rule - Final - Effective September 12, 1972 (transferred from University System rule)
 - [Series 45 – Community and Technical College Faculty Instructional Load](#) – Procedural Rule - Final – Effective April 5, 2004
 - [Series 46: Standards for Subject-Area Content in Secondary Level Teacher Preparation Programs](#) - Procedural Rule - Final - Effective December 23, 2004
 - [Series 47: Commission Organization and Meetings](#) - Procedural Rule - Final - Effective January 21, 2005
 - **New Proposed** [Series 48: Peer Selection](#) - Legislative Rule - Comment period ended September 22, 2006

CHAPTER IX.

Chancellor's Interpretive Memoranda

<http://www.hepc.wvnet.edu/resources/index.html?../menu.html&title.html&rulesandpolicies.html>

Chancellor's Interpretive Memoranda

- [No. 1 - Collection of Interest on Installment Payment of Tuition and Fees](#) -PDF
- [No. 2 - Cash Advance Requests](#) -PDF
- [No. 3 - Internal Hiring of Non-Exempt Classified Employees](#) -PDF
- [No. 4 - Non-Classified Status for Positions Considered Critical to the Institution](#) -PDF
- [No. 5 - Grievance Process for Faculty, Classified Employees and Administrators](#) -PDF
- [No. 6 - Application of Rules and Policies](#) -PDF
- [No. 14 - Criteria for State Colleges to Offer Graduate Degrees](#) -PDF
- [No. 15 - Criteria for Designation of University Status](#) -PDF