

MARSHALL UNIVERSITY

One John Marshall Drive
Huntington WV 25755

THE GREENBOOK

FACULTY HANDBOOK



Policy/Governance/Procedure
May 2005

Marshall University

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Huntington, WV 25755*

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For Policy/Governance/Procedure

May 2005

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



Welcome to the Marshall University *Greenbook*!

If you are new to the 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 policies, as well as those of the Marshall Institutional Board of Governors.

I believe you will find the *Greenbook* both useful and informative. If you have any suggestions for its improvement, 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 name being the most prominent.

Stephen J. Kopp, Ph.D.
President



FOREWORD

The GREENBOOK, your faculty handbook, contains valuable information that you will find useful during your academic career. The online version of *The GREENBOOK* is the official version. You should check online at <http://www.marshall.edu/academic-affairs/> periodically for updates.

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
Provost and Senior Vice President for Academic Affairs

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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 Graduate College 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.ncahigherlearningcommission.org/index.html>) Marshall successfully completed its last comprehensive evaluation in 1995-96. The next evaluation is scheduled for 2005-06. 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 the Marshall University Catalog 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.

University Vision Statement

SR-03-04-25R (MS)

Approved by the Board of Governors on 5/12/04

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

Marshall University, an exemplar of excellence in teaching and learning, will continue to place its highest priority on providing outstanding undergraduate and graduate education, resulting in national recognition in academics and in scholarly, artistic, and creative achievement. Marshall's students will graduate well prepared for the responsibilities of life within a culturally diverse and globally interdependent society. Marshall will address the changing needs of the state and region and will return to the community and state an outstanding value for the resources invested in the university.

Goals to accomplish this vision can be found in *Owning the Opportunity: MU-2010*, the strategic plan for Marshall University (<http://www.marshall.edu/ucomm/publications/mu2010.pdf>).

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

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.

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.

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 § 29-6A-1 (<http://www.state.wv.us/admin/grievanc/grievanc.htm> and select “Links”); 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 at Marshall University

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:

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

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.

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.

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.

Academic Dishonesty Policy

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

Introduction: 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.

For the purposes of this policy, 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, practicums and creative work of any kind.

Definitions of Academic Dishonesty: 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.

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

- The unauthorized use of any materials, notes, sources of information, study aids or tools during an academic exercise.
- The unauthorized assistance of a person other than the course instructor during an academic exercise.

- The unauthorized viewing of another person's work during an academic exercise.
- The unauthorized securing of all or any part of assignments or examinations, in advance of submission by the instructor.

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.

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

- Oral, written and graphical material.
- Both published and unpublished work

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.

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

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

Sanctions: 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:

- A lower or failing project/paper/test grade,
- A lower final grade,
- Failure of the course
- Exclusion from further participation in the class (including laboratories or clinical experiences)

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:

- Exclusion from an academic program
- Academic probation for up to 1 year
- Academic suspension for up to 1 year
- Dismissal from the university.

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.

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 (See "Appeals Process").

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

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.

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).

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

Reporting: 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.

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:

- Instructor's Name
- Course Information (Term, Number, Section)
- Student's Name
- Student's University Identification Number
- Brief Description of the Charge
- Date of Accusation
- Brief Description of the Sanction

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.

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.

Recording: 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.

Appeals Process: 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.

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.

a. 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.

b. 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.

c. 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.

d. 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.

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 Policy

(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)

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.

I. Definitions of Excused Absences:

Excused absences fall into five categories:

1. University-sponsored activities:

- a. **Academic activities** including, but not limited to, performing arts, debate and individual events, honors classes, ROTC, and departmental functions.
- b. **Athletics.** Official athletic events sponsored by the Athletic Department.
- c. **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...

2. Student Illness or Critical Illness/Death in the Immediate Family*

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

- a. **Student Illness or injury:** Absences will be excused only for illnesses or injuries that prohibit students from participating in class.
- b. **Critical Illness of Immediate Family Member:** 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.
- c. **Death of an Immediate Family Member**

3. 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. Jury Duty or Subpoena for Court Appearance: This applies to absences that are a result of official requests from a court of law.

5. Religious Holidays: This applies to major religious holidays. Please see the Dean of Student Affairs for a list of such holidays.

II. Process:

A. To secure an excused absence.

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.**

1. University Sponsored Activities:

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

2. Student Illness or Critical Illness/Death in the Immediate Family:

- a. 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.
- b. 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.
- c. 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.

3. Short-Term Military Obligation: 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.

4. Jury Duty or Subpoena for Court Appearance:

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. Religious Holidays: 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.

B. To Catch Up/Make Up Missed Work:

1. It is the responsibility of the student to request an opportunity to complete missed work.
2. 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.
3. 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.
4. Punitive measures must not be taken against students who present an official University excused absence.
5. Students should be aware that excessive absences—whether excused or unexcused—may affect their ability to earn a passing grade.
6. 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.
7. 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 Policy

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:

1. Course name and number.
2. Instructor's name, office location, phone, e-mail address and office hours.
3. List of all required texts.
4. Attendance policy.
5. Grading policy.
6. Due dates for major projects and exams.
7. Description of general course content.
8. Course objectives and outcomes.
9. Schedule of class sessions and assignments.

This policy may not apply to the following types of courses: thesis, seminar, problem report, independent study, field work, internships and medical clerkships.

Colleges may develop more detailed requirements concerning the content of the syllabus.

Course Withdrawal Policies

I. Dropping of Courses

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.

II. High Demand Course Withdrawal Policy

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.

III. Withdrawal from the University

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.

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

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

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

V. Final Date for Dropping or Withdrawing

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.

VI. Military Service

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.

VII. Illegal Dropping of Classes

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.

VIII. Medical Withdrawal

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".

IX. Backdated Withdrawal Procedures

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

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.

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

X. E-Course Withdrawal

E-courses will follow Executive Policy Bulletin 13 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.

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

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.

Procedures for Late Grades. 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:

1. The Registrar's Office sends a list of missing grades to the Dean.
2. The dean obtains the late grades from the appropriate faculty members or chairpersons.
3. The deans send 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.
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. (Effective as of 4/1/03.)

Grade Book

A grade book will be provided to faculty by the chairperson if that is department policy. Grade books must be returned to the department chairperson at the end of employment. Faculty should keep careful records of all grades awarded during the semester and final grade calculations.

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.

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 Executive Policy 13. 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 Executive Policy Bulletin #13.)

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."

Student Code of Conduct

<http://www.marshall.edu/student-affairs/sections/handbook/INDEX.HTML>

University Textbook Policy

SR 93-94-106 (ASCR)

The following items are recommended in establishing the policy:

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

The Marshall University Bookstore shall:

1. Provide publisher price information, on request to departments during the textbook/material selection process.
2. Make every effort to provide used textbooks by:
 - a. 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.

- b. Purchasing used textbooks from national book suppliers prior to ordering new textbooks.
 - c. Purchasing paperback books; initial adoption of textbooks will give preference to paperback books if available.
3. Set mark-up level on new books at reasonable, market level, but in no instance greater than 33^{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.

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 an 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 an 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 an 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 community and technical colleges who have been appointed for a specified term as defined by the institution. The appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or adjunct. 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.

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)

Board of Governors Policy 16

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

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.

3.12.4. 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.

University Equivalencies for College Teaching Experience

(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)

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. 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.

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 No. 1 and No. 2 above.

3.1. How to Count Years of Professionally Related Experience:

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):

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

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

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.

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

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.

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

4.1. Only full-time experience will be counted.

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.

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.

4.4. Teaching assistantships and graduate assistantships will not be counted.

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

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.

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."

University Policy on Joint Teaching Appointment within the Institution

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

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

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.

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.

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.

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.

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.

Marshall University Graduate Faculty Membership

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

<http://www.marshall.edu/graduate%20Council/Overview/Bylaws/Graduate%20Council%20Bylaws.htm>

OVERVIEW

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.

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.

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.

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.

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.

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.

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.

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.

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.

AUDITS. 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.

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.

ACCOUNTABILITY. 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.

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.

GRADUATE FACULTY MEMBERSHIP LEVELS

I. Doctoral Graduate Faculty (five* year term)

A. Functions

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

B. Minimum Criteria for Appointment

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.
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.
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.
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. 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.

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.

II. Graduate Faculty (five* year term)

A. Functions

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.
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.

3. Graduate Faculty members can be elected or appointed to the Graduate Council.
4. Graduate Faculty members can teach master's and doctoral level courses.

B. Minimum Criteria for Appointment

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

III. Associate Graduate Faculty (three* year term)

A. Functions

1. Associate Graduate Faculty members may serve as members of a graduate committee, as deemed appropriate by the department or division providing the degree.
2. Associate Graduate Faculty members may teach appropriate graduate level courses.

B. Minimum Criteria for Appointment

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

IV. Graduate Instructor (two* year term)

A. Functions

1. Graduate Instructors can teach appropriate graduate level courses.
2. Graduate Instructors can write and evaluate comprehensive assessment questions directly related to their assigned classes.

B. Minimum Criteria for Appointment

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.
2. Graduate Instructors are approved by the academic unit Dean and do not need approval by the Graduate Council.
3. Graduate Instructors must provide appropriate documentation of credentials and/or experience to be filed with the division in which they teach.
4. Graduate Instructors should maintain scholarly or creative activity necessary to bring current information or experience to the courses they teach.

SPECIAL CASES

- I. 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.
- II. 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.
- III. 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.
- IV. 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.
- V. 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.

- VI. Graduate Instructor membership will neither be listed in Marshall University's *Redbook* nor in the Graduate Catalog.
- VII. 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.
- VIII. 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.

APPEALS FOR GRADUATE FACULTY MEMBERSHIP LEVELS. 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.

- I. 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.
- II. 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 Policy

University Faculty Workload Policy

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

The Ad Hoc Committee on Faculty Workload

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.

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.

Background

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.

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 Executive Policy Bulletin 1, 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.

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.

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.

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.

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.

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.

Principles

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.)

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.

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.

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.

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.

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.

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.

A Flexible Workload Policy

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.

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:

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.
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.

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 (see page 15).

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.

Timelines

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.

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.

Process

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.

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.

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.

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.

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.

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.

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.

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.

Work Load Range for Professional Areas of Service

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.

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.

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.

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.

TEACHING: 25-90%

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.)

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

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.

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.

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.

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).

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.

SCHOLARSHIP AND CREATIVE ACTIVITIES: 5-70%

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.

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.

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.

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.

UNIVERSITY SERVICE: 5-50%

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.

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.

ADMINISTRATIVE SERVICE: 0-50%

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.

PROFESSIONAL SERVICE: 0-25%

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.

COMMUNITY SERVICE: 0-25%

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.

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.

Exceptions and Special Situations

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.

Summary and Recommendations

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.

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.

ADDENDUM

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.

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.

University Annual Evaluation of Faculty

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)

Annual Review Forms: <http://www.marshall.edu/academic-affairs/>

The evaluation process. The evaluation calendar will run from January to December in order to compress the time between evaluation and awarding of promotion, tenure and merit.

1. Faculty in consultation with and approval of their chairs/deans will file annual planning pages in January.
 - 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.
 - When the roles are determined faculty members will attach a percentage at which they want the roles to be weighted in their evaluations. 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%.
 - 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.
 - 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.

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

Appeals. 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.

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.

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.

4 = Exemplary

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 = Professional

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.

2 = Needs improvement

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.

1 = Unacceptable

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."

1. Received a needs improvement rating the previous rating period but did not make the improvements required.
2. Consistently violated one or more of the institution's standards of professional performance.
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.)

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:

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

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. 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.

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.

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

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

Step 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.

Step 2

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.

Step 3

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.

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.

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.

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

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

- 3.51 – 4.00 = Exemplary
- 2.51 – 3.50 = Professional
- 1.51 – 2.50 = Needs Improvement
- 1.00 – 1.50 = Unacceptable

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.

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.

Years without merit raises. 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.

System review. 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.

Possible Categories and Activities of the Faculty Role.

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.

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

Overview of ranges

- Administration 0% - 50%
- Professional Development and Recognition 0% - 20%
- Scholarship and Creative Work 5% - 70%
- Librarianship 0% - 70%
- Teaching 25% - 90%
- Service
 - University Service 5% - 50%
 - Professional Service 0% - 25%
 - Community Service Discipline specific 0% - 25%*
 - Community Service Non-Discipline specific 0% - 5%*

* The combination of C and D on page 11 cannot exceed 25%.

I. Administration: (0 – 50%)

Definition: 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.

Possible components:

- Establishing and managing goals and policies
- Budget management
- Personnel management
- Measurement and evaluation
- Report writing

Possible activities that reflect the components:

- Activities in the job description for department or division head
- 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)
- 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.)
- Management of labs, equipment, supplies, and materials required for courses and other student work

II. Professional Development and Recognition (0-20%)

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

Possible activities that reflect the components:

- Memberships in professional organizations
- Conference attendance/participation
- Obtaining advanced or multiple degrees
- Continuing certification or licensure
- Participation in faculty development programs
- Acquiring new skills (e.g. technology, new teaching formats, new research methods, new creative abilities)
- Participation in continuing education programs
- Maintain private practice or business related to discipline and teaching area
- Taking classes
- Awards, recognitions, and prizes that recognize the faculty member's merit in any area of professional work

III. Scholarship and Creative Work (5 – 70%)

Definition: 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.

Possible components and activities:

1. Evidence of continuing scholarly activity
 - On-going research activities
 - On going creative activities
 - Supervising student research (undergraduate or graduate); serving on thesis and dissertation committees
2. Performances
 - Performance in musical, media, or dramatic productions

- Accompanist for faculty and student performances
- 3. Creative Productions
 - Created a musical, dramatic, or media work which was performed, exhibited, published, or broadcast
 - Designed or implemented the technical work for a musical, dramatic, or media production
 - Prepared official publications or newsletters, including the writing and editing of articles
 - Created displays, exhibits, and bulletin boards
 - Designed, developed, and implemented innovative programs and services to enhance library patron access
- 4. Publications
 - Published scholarly article in refereed journal or publication
 - Published scholarly article in non-refereed journal
 - Published an article, short story, essay, or poem in a non-scholarly publication
 - Published an article, short story, essay, or poem in a scholarly publication
 - Books published (edited, authored, revised editions)
 - Published a book chapter in an edited book
 - Published a comment, note, or letter to the editor in a scholarly publication
- 5. Editorial/Review activity
 - Reviewed manuscripts for publication
 - Served as editor for a scholarly publication
 - Served as reviewer for a grant or artistic commission
- 6. Grants
 - Submitted a MERC approved grant for external funding
 - Received and/or directed a grant or artistic commission with external funding
- 7. Consultations
 - Professional consultations related to expertise (paid or unpaid)
 - Service consultation
- 8. Conference participation
 - Participated in, or chaired, a symposium, panel, or other scholarly session
 - Gave a presentation or poster session based on scholarly or creative work at a state, regional, national, or international conference
 - Organized a panel, symposium, or conference (this might be considered service rather than scholarship)

IV. Librarianship (0 – 70%)

(This role probably will be used only by librarians.)

Definition: 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.

Possible components:

- Access
- Acquisition
- Organizational/technical
- Preservation

Possible activities:

- Provide reference service
- Liaison for academic departments
- Provide circulation services for constituents
- Catalog and classify materials
- Acquire, preserve and maintain archives
- Order new materials
- Develop, maintain and revise library related web pages
- Receive and preserve special collections
- Teach courses in the Library Media Specialist program
- Teach library instruction courses
- Plan and set goals for the library
- Present programs at conferences

V. Teaching (25 – 90%)

Definition: Using a variety of methods and technologies that enable students to learn a body of skills, competencies and knowledge.

Possible components:

- Content expertise
- Instructional design
- Instructional delivery
- Course management
- Course development
- Direction of student research, creative activities, thesis and dissertations

Possible activities:

- Teaching regular course offerings
- New courses or programs developed or implemented
- Development of e-courses
- Student advising
- Direction of or service on thesis or dissertation committees.
- Development and/or incorporation of new or innovative teaching strategies, instructional technology, or library instruction into existing courses.
- Development and teaching of multicultural, international, writing intensive, or honors course.
- Teaching capstone or student research projects.
- Team teaching
- Prepare and revise syllabi, course packs, handouts, multimedia materials, lecture materials, discussion questions, lesson plans, etc.
- Learning new software and instructional techniques
- Grading, maintaining grade records, submitting grades
- Prepare and administer grades
- Maintain office hours
- Laboratory and clinical preparation
- One-on-one instruction

VI. Service

Definition: 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.

A. University Service (5–50%)

1. To Students

Definition: Engaging in activities that promote student achievement, enhance the learning environment, and facilitate students' ability to progress academically.

Possible components:

- Advising (individuals & student groups)
- Recruitment
- Mentoring
- Grants and contracts
- Reference letters
- Advisor to a student organization

January 4, 2005

(for appointments on or before March 8, 2003) For Fall 2004 Second year faculty reviews must be done in November.

Annual Report materials submitted by faculty (Covering activities August 2003 to December 2004)

Planning pages for January 2005 to December 2005 due (new system)

Promotion and tenure portfolios due to department committees

2. To a Department/Division

Definition: Participation in specific activities that benefit the department/division. Examples: Departmental committee work, mentoring new faculty, maintain departmental website, departmental recruitment, maintenance of art studios and equipment

January 15, 2005

February 4, 2005

Annual Reviews for August 2003-December 2004 completed by chairs.

3. To a College

Definition: Participation in specific activities that benefit the college. Examples: College level committee work, college liaison, interdisciplinary studies

February 5, 2005

Promotion and tenure decisions made by department committees No materials may be added to promotion and tenure portfolios after February 5.

4. To the University

Definition: Participation in specific activities that benefit the university. Examples: Faculty Senate, university level committees, Graduate Council, task forces

February 11, 2005

Deans' retention/non retention recommendations and annual reviews of probationary faculty due in Provost's office

B. Professional Service (0 – 25%)

Definition: Paid or unpaid participation in activities that benefit an organization with an academic or professional orientation, regional to national and international in scope. Examples: Organization officer, panel coordinator, proceedings editor, conference organizer

February 15, 2005

Chairs' promotion and tenure recommendations due in Deans' offices

February 18, 2005

Provost completes annual Review for probationary faculty

C. Community Service Discipline specific (0 – 25%)*

Definition: Paid or unpaid participation in discipline related activities that benefit the community and are related to the individual's discipline. 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

March 1, 2005

Retention/non-retention letters sent to probationary faculty (for appointments after March 8, 2003)

March 10, 2005

College promotion and tenure committee recommendations due in Deans' offices

March 25, 2005

Dean's promotion and tenure recommendations due in Provost's office

D. Community Service Non-Discipline specific (0 – 5%)*

Definition: Paid or unpaid participation in non-discipline related activities that benefit the community but are not related to the individual's discipline. Examples: Scouting, Sunday school teaching, garden club beautification projects

* **The combination of C and D cannot exceed 25%.**

Timeline

August 30, 2004 Amended/Extended Planning Pages due covering August 2003 to December 2004

April 1, 2005

Annual reviews for all faculty due in Provost's office

December 15, 2004 Second year faculty retention/non-retention letters

April 22, 2005

Provost sends promotion and tenure recommendations to President

April 30, 2005 Promotion/tenure letters from President's office

(Due dates that fall on Saturday or Sunday are moved to the following Monday.)

Timeline

January 4, 2006 Annual Report materials submitted by faculty to department chairs no later than January 4, 2006 (Covering activities January 2005 to December 2005, new system)

Planning pages for January 2006 to December 2006 due (new system)

January 15, 2006 Promotion and tenure portfolios due to department committees

February 4, 2006 Annual Reviews for January 1, 2005 to December 31, 2005 completed by chairs.

February 5, 2006 Promotion and tenure decisions made by department committees
No materials may be added to promotion and tenure portfolios after February 5.

February 11, 2006 Deans' retention/non retention recommendations and annual reviews of probationary faculty due in Provost's office

February 15, 2006 Chairs' promotion and tenure recommendations due in Deans' offices

February 18, 2006 Provost completes annual Review for probationary faculty

March 1, 2006 Retention/non-retention letters sent to probationary faculty (for appointments after March 8, 2003)

March 10, 2006 College promotion and tenure committee recommendations due in Deans' offices

March 25, 2006 Dean's promotion and tenure recommendations due in Provost's office

April 1, 2006 Annual reviews for all faculty due in Provost's office

April 22, 2006 Provost sends promotion and tenure recommendations to President

April 30, 2006 Promotion/tenure letters from President's office

(Due dates that fall on Saturday or Sunday are moved to the following Monday.)

Temporary Faculty Annual Reports and Years Applied Toward Tenure

Academic Affairs Procedures

Effective Spring 2000

Submitted to Deans with Faculty April 18, 2000

Policy: Compliance with Faculty Senate Recommendation 93-94-2(FPC)

Rationale: 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.

Procedures:

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. 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.
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.
4. It is at the discretion of the President to approve the application of Marshall temporary years requested by the faculty member toward tenure.
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.)

Timeline of Written Notification/Reports:

(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.)

Annual Report of Temporary Faculty Due

If employed for fall only semester: December 15

If employed for spring only semester and the academic year: May 15

Request not to apply Marshall Temporary Years of Service Toward Tenure Due:

At the time of hire. To be submitted with the offer letter and Brief Applicant Form.

Temporary Years Applied Toward Tenure:

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

(SR-97-98-2 FPC)

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.

Personnel Records

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 and by the Faculty Senate Recommendation 93-94-49R (FPC).

Selection, Role and Evaluation of Departmental Chairs

[Executive Policy Bulletin No. 6](#)

Effective Date: February 8, 1994

The following policy addresses the role, evaluation and selection of academic department / division chairs and school directors. 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.

ROLE. 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.

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.

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.

EVALUATION. 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.

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.

SELECTION. 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.

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.

TERM. 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.

REAPPOINTMENT. 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 Appointment and Evaluation of Faculty Deans

Executive Policy Bulletin No. 11

Effective January 21, 1997

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.

The Selection of Faculty Deans. 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 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:

First, the president shall establish a search committee to consist of at least five faculty selected by the tenure track faculty of the college or school in question, plus one classified staff member from the affected college or school appointed by the vice president for academic affairs; one undergraduate and one graduate student from the affected college or school selected by the students of the college or school; one faculty member from outside the college or school in question, recommended by the vice president for academic affairs; and one appropriate community member recommended by the vice president for academic affairs. 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. If necessary for the purposes of diversity, the president may appoint others to the committee.

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.

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.

The Evaluations of College or School Deans. 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:

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.

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.

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.

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.

General Provisions. 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.

1.5. Promotion shall not be granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units regarding the application of guidelines and criteria relating to tenure shall rest with the institution.

University Promotion Policy

(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.)

A. 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.

The specific areas, in which faculty are evaluated for promotion, include the following:

- 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. 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.

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.
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.

For purposes of promotion, as well as other personnel decisions, all relevant faculty activities should be subject to objective qualitative evaluations.

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.

B. Requirements for the Rank of Instructor

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. 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.
3. A candidate must show promise as an effective university teacher.

C. Requirements for the Rank of Assistant Professor

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. 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.
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.
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.

D. Requirements for the Rank of Associate Professor

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. 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.
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.

E. Requirements for the Rank of Professor

1. 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. 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.
3. 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.

Procedure

A. Annual Consideration for Promotion

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.

B. Promotion Process

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. 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.
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.

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.
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.
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.
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.
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.
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.
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.
11. The entire promotion process must adhere to the university's time guidelines and conclude no later than April 30.
12. An applicant denied promotion by the President may file a grievance. (See Chapter III, Section 13 of *The Greenbook*.)

13. A faculty member may withdraw his or her application for promotion at any time during the promotion process.
14. None of the above procedures shall preclude the use of other appropriate forms for evaluation in the promotion process.
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.
16. No person, including the applicant, may present information in person to promotion committees.

Promotion Salary Increase

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.

University Tenure Policy

(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.)

A. Definition

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. 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.

B. Requirements

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:

- a. That the candidate is professionally qualified;
- b. 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. The professional qualifications of a candidate for tenure will be evaluated on the basis of the guidelines which pertain to promotion.

3. 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.

4. Tenure may be granted only to faculty who hold the rank of assistant professor or above. Promotion and tenure may be granted concurrently.

5. 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.

6. 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.

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.

7. The above provisions for tenure do not apply to persons who have appointments as full-time administrators or staff members.

Procedure

A. Notification of Probationary Faculty

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.

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)

B. The Tenure Process

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.
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. 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.
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.
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.

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.
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.
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 recommendations and those of the college committee, 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.
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.
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.
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.
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.
13. No person, including the applicant may present information in person to tenure committees.
14. An applicant denied tenure may request a statement of reasons from the President according to the provisions of Series 9.
15. An applicant denied tenure by the President may file a grievance. (See Chapter III, Section 13 of *The Greenbook*.)

Section 6. Compensation Policies

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.

Distribution of General Faculty Salary Increase Funds (Four-year; FY2005 only)

[Board of Governors Policy 21a](#)

General:

1.1. Scope: Policy regarding the distribution of faculty salary increase funds to units and individuals.

1.2. Statutory 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.

1.3. Passage Date: May 12 2004

1.4. Effective Date: July 1, 2004

1.5. Background: This policy is a transition policy in effect for increases given for FY2005 only.

Policy:

To transition from the current compensation system into one including a merit component as mandated by the West Virginia legislature, in the contract year 2004-2005 only salary monies available to the institution be distributed in the following manner:

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.

The salary pool is divided into 49% for equity raises and 51% for merit raises. The equity pool is distributed at the university level by:

- examining peer salary data and establishing a percentage of peer salaries that every faculty salary should reach
- distributing the equity money so that each faculty member's salary reaches the set percentage of market value.

Last, the merit money is then distributed to each college/school/library in proportion to the number of full-time, tenure and tenure track and continuing appointments. The merit money available to colleges/schools/libraries will be distributed using one of the following options to be determined by the faculty of the various colleges/schools/libraries:

- use the merit system that has been applied in the unit in the past **OR**
- use annual reviews from 2002-2003 (the most recent data available) in which

- excellent = $5 = \frac{\text{faculty score (3.25)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- good = $4 = \frac{\text{faculty score (3.00)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- effective = $3 = \frac{\text{faculty score (2.75)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- needs improvement = 2=No Merit

- unacceptable = 1=No Merit

Equity and merit raises are added to base salaries. The Joan C. Edwards School of Medicine should come up with a similar plan for their faculty.

Distribution of General Faculty Salary Increase Funds (Four-year)

[Board of Governors Policy 21](#)

General:

1.1. Scope: Policy regarding the distribution of faculty salary increase funds to units and individuals.

1.2. Statutory 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.

1.3. Passage Date: May 12 2004

1.4. Effective Date: July 1, 2004

1.5. Background: This policy is in effect for increases given after FY2005.

Policy:

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.

Evaluation

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. Data gathered in evaluations will be used for promotion and tenure decisions as determined by each college/school/library.

Salary

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. The salary pool is divided into 49% for equity raises and 51% for merit raises. Second, the equity pool is distributed at the university level by:

- examining peer salary data and establishing a percentage of peer salaries that every faculty salary should reach
 - distributing the 49% equity money so that each faculty member's salary reaches the set percentage of market value.
- Third, the merit money is then distributed to each college/school/library in proportion to the number of full-time, tenure and tenure track and continuing appointments. 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

- Faculty earning a rating of 2.51 or above would earn merit pay in addition to their equity.
- Merit pay would be distributed proportionally, based on the ratings, among faculty in a unit who earn between 2.51 and 4.0.

$$\text{merit raise} = \frac{\text{faculty score (2.51-4.0)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$$

Equity and merit raises are added to base salaries. The Joan C. Edwards School of Medicine should come up with a similar plan for their faculty.

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

[Executive Policy Bulletin No. 13](#)

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 in-load.

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.

Faculty Compensation for Teaching an E-Course

[Executive Policy Bulletin No. 13](#)

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.

Faculty Incentives

[Executive Policy Bulletin No. 13](#)

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.

Principal Investigator Salary Payments

Marshall University Research Corporation Policy and Procedure

Effective April 1, 2004

A. Purpose. 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.

B. Guidelines and General Policies. 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.

C. Administration of Salary Payments. 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.

Promotion Salary Increase

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 Members

A faculty member must have the approval of his or her department chairperson and the academic dean before tutoring Marshall University students for pay.

Section 7. Administrative Appointments and Reassigned Time

Marshall University Policy on Administration and Teaching

[Executive Policy Bulletin No. 1](#)

Effective Date: Fall Semester 1992

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. I. 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.)

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.

II. 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.

III. Faculty members given reassigned time to assume the departmental chairmanship will receive a stipend and reassigned time as delineated below:

A. Chairs of departments with two or fewer full-time equivalent (FTE) faculty will choose between three hours reassigned time or a stipend.

B. 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.

C. Chairs of departments with 11 FTE faculty or more will qualify for six hours reassigned time and stipend.

D. 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 administrating 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

[Executive Policy Bulletin No. 6](#)

Effective Date: February 8, 1994

The following policy addresses the role, evaluation and selection of academic department / division chairs and school directors. 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.

ROLE. 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.

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.

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.

EVALUATION. 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.

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.

SELECTION. 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.

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.

TERM. 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.

REAPPOINTMENT. 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 Appointment and Evaluation of Faculty Deans [Executive Policy Bulletin No. 11](#)

Effective January 21, 1997

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.

The Selection of Faculty Deans. 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 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:

First, the president shall establish a search committee to consist of at least five faculty selected by the tenure track faculty of the college or school in question, plus one classified staff member from the affected college or school appointed by the vice president for academic affairs; one undergraduate and one graduate student from the affected college or school selected by the students of the college or school; one faculty member from outside the college or school in question, recommended by the vice president for academic affairs; and one appropriate community member recommended by the vice president for academic affairs. 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. If necessary for the purposes of diversity, the president may appoint others to the committee.

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.

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.

The Evaluations of College or School Deans. 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:

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.

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.

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.

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.

General Provisions. 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 Leaves and Severance Policies

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 Series 8 and the Human Resource Services office or visit the website at <http://www.marshall.edu/human-resources/>.

University Policy on Emeritus Status of Retired Professionals

(Effective May 1, 1985; approved by the President, June 3, 1985. Revised SR-03-04-31 UF, March 9, 2004.)

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. Emeritus status shall be conferred upon any faculty member who qualifies under one of the three following categories:

- a. Regular full-time faculty who will hold the title of Faculty Emeritus
- b. Clinical faculty who will hold the title of Clinical Faculty Emeritus
- c. Adjunct faculty who will hold the title of Adjunct Faculty Emeritus

The Emeritus title shall be conferred upon the faculty member by the President at the recommendation of the appropriate chairperson, dean and vice president.

3. Emeritus status shall be conferred upon any staff member whose title and responsibility meet the requirements as designated by the institution.

- a. Such staff members shall hold the title of Professional Staff Emeritus
- b. 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.

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.

4. Those holding Emeritus rank will be entitled to such privileges as:

- a. Use of the library
- b. Use of the Student Center and reduced rates for University administered functions including athletic events and cultural activities.
- c. Special Mailings
- d. Recreational Facilities
- e. A free parking permit (all areas)
- f. 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.

Marshall University Policy on Termination of Faculty Due to Program Reduction or Discontinuance

I. Criteria for personnel decisions upon reduction or discontinuance of programs

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.

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.

A. Given these considerations, the following guidelines will be applied, in sequence, to achieve the necessary reduction in personnel within an affected program:

1. Non-replacement or vacant position vacancies due to attrition or retirement.
2. Reduction or elimination of graduate teaching assistantships.
3. Removal or reduction of adjunct faculty considering seniority.
4. Qualified faculty will be urged to consider the option of early retirement.
5. Non-tenured faculty may be reduced in the following order:
 - a. non-tenure track positions considering seniority
 - b. tenure-track positions considering seniority
6. Reduction in tenured positions considering seniority.

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.

Faculty who are dismissed as a result of program reduction have the right to appeal. (See Section 13.)

II. Assistance to faculty affected by program change

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

- F. Each faculty member who has been given notice of termination will be granted release from the current contract upon request.
- G. 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.
- H. 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:
 - 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. Persons offered re-employment must accept such offers within fifteen (15) working days after such offers.
 - 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."
 - 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.

III. Impact on Students

A. Undergraduate Students

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:

- 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. 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.
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.
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.
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.

B. Graduate Students

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.

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.

University Plan for Meeting Financial Exigency

(Approved by the Faculty Personnel Committee and the President and submitted to the WV Board of Trustees, May 4, 1992.)

A. Introduction

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:

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. 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.

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.

B. Criteria for Responding to Financial Exigency

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.

The following criteria for responding to financial exigency reflect the concern for maintaining quality programs for teaching and learning:

1. Academic integrity will have precedence over all other considerations.
2. To the greatest extent possible, all academic programs (instructional functions) will be preserved.
3. Exigency recommendations will be reviewed by an academically representative committee.
4. Specific programmatic and personnel decisions will be made at the level of the school or college.
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.

C. Procedure for Responding to a Financial Exigency

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:

1. One level member from each college or school of equal level
2. Chairperson of the Faculty Personnel Committee
3. Chairperson of the Budget and Academic Policy Committee
4. Chairperson of the Curriculum Committee
5. President of the Faculty Senate
6. Deans of all colleges and schools, including the Dean of the Graduate College
7. Vice President for Finance
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.

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.

After the AEC is convened, the following steps will be taken in response to the declaration of financial exigency:

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. 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:

- a. vacant positions
- b. adjunct instructional staff
- c. miscellaneous instructional staff (as defined by the colleges and schools)
- d. graduate assistant positions
- e. first term summer school
- f. second term summer school

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.

If the exigency appears resolved by these actions, the deans will return their recommendations to the AEC for review.

3. 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:

- a. effect on programs or degrees
- b. relationship of program or degree to the mission of the university
- c. five-year history of student credit hours generated in the program or degree
- d. number of graduates from the program or degree in past five years
- e. projected need for program or degree
- f. cost of program or degree
- g. minimum staffing required for program or degree
- h. accessibility of similar programs or degrees to students in the region and state
- i. profile of each faculty member involved in the program or degree
- j. the possibility of early retirement or fractional appointment as an alternative to termination
- k. other special considerations

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.

4. 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.

5. 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.

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.

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.

Section 9. Student & Workplace Policies

Appropriate Use of MU ID Numbers at Marshall University

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:

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

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.

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.

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.

Commencement

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.

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 for the university. Counseling and other assistance is available on campus at the Student Health Education Program. Services are free and confidential. An Alcoholics Anonymous group meets on campus and is open to all interested parties. 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

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

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.

No employee may use or attempt to use his/her official authority or position in the university directly or indirectly:

1. To affect the nomination or election of any candidate for any political office.
2. To affect the voting or legal political affiliation of any other employee or student of the university.
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.

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

[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.

University Policy on Smoking

[Executive Policy Bulletin No. 4](#)

Effective Date: April 1, 1993

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.

The following exceptions will be observed:

1. Smoking is permitted in certain individual student residence hall rooms that are designated as smoking rooms.
2. Smoking is permitted in properties the university has leased to others.

Weather-related and/or Emergency Closings and Delays

[Interim Executive Policy Bulletin No. 7](#)

Revised February 1, 2005

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 696-HELP.
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).

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 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 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.

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.

Clarification: 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).

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 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 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.

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.

Faculty: 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.

Decision Making: 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.

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 at 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 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.

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 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.

Definitions:

MUGC Closed: All classes cancelled 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 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

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 Executive Policy 13 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.

Patent and Invention Policy

[Interim Executive Policy Bulletin No. 9](#)

Effective Date: June, 1995

Section IV. Faculty Patents Committee

A faculty Patents Committee shall be appointed by and serve at the pleasure of the President of the university or his designee and will include five to seven faculty members, each with a voting alternate to serve in his/her place if needed, with the Executive Director for Research and Economic Development as an ex-officio member. A chairperson and a vice chairperson (who shall act in the absence of the chairperson) shall be elected from among the faculty members of the committee. A representative of the Executive Director for Research and Economic Development and one from the Office of Vice President for Executive Affairs and General Counsel shall serve as non-voting members of the committee. The committee shall meet periodically, but at least annually, upon call of the chairman to review existing patent policy, to recommend changes and to receive reports on the status of the patent portfolio. The Executive Director for Research and Economic Development or his designee will present periodic reports on the status of disclosures and meet with the Executive Director for Research and Economic Development or his representative when an inventor asks the Executive Director for an expedited review by the Faculty Patents Committee of decisions relating to, or policies affecting, his/her invention or discovery. The

Faculty Patents Committee shall report all decisions to the President of the university through the Executive Director for Research and Economic Development, or his designee.

Section V. Disclosure

All members of the Marshall community who are covered by this policy shall disclose the nature and detail of their anticipated invention or discovery to the Executive Director for Research and Economic Development, or his/her designated representative at the earliest possible date.

Within 120 days after such disclosure, the Executive Director for Research and Economic Development or his/her designee shall notify the inventor in writing whether it is the 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. The principles to be used in determining ownership rights are given in Section VI.

Section VI. Ownership Rights

A. Ownership Rights in the University

All inventions or discoveries shall be deemed to be a proprietary interest of Marshall University if the inventor was employed or otherwise financially supported by the university, and if he/she used university facilities, materials or time to conceive and develop the discovery or invention.

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

B. No Ownership Rights in the University

The ownership rights to a discovery or invention are considered to be exclusive property of the inventor, if the university has not contributed to the conception or development of the discovery or invention in the way of funds, space, materials or facilities and the discovery or invention was conceived and developed by the inventor on his/her own time.

C. Determination of Ownership Rights

In cases where there is a disagreement between the inventor and the university as to ownership rights or the retention of such rights by the university, a committee comprised of the Executive Director for Research and Economic Development or his designee, the General Counsel and an individual with expertise in the field chosen by the inventor shall recommend to the President what further action the university should take.

Section IX. Development, Promotion and Licensing

In administering the patent portfolio of the university, the Executive Director for Research and Economic Development shall act to bring to the public all inventions and discoveries in which the university has proprietary rights. In doing this he shall use whatever means appropriate for development, promotion and licensing of each invention, consistent with the expressed goals of the patent policy.

The university is free to enter into agreements with any outside agent which it deems will successfully aid the university in developing inventions or discoveries, in

obtaining patents, or in promoting or manufacturing inventions, provided that such agreements are consistent with this patent policy. If a particular invention or discovery is to become subject to such an agreement, this shall be made known to the inventor, who will also be consulted about any rules governing the relationship among the outside agent, the university and the inventor due to such agreement. The inventor 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 Inventor so chooses.

The university is free to enter into any licensing agreements which it deems beneficial to the university, the inventor 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 inventor due to such licensing agreements shall be disclosed to the inventor, the dean of the college/school, the Faculty Patents Committee, the Provost, the Vice President for Business and Finance and the President.

Section X. Proceeds from Inventions and Discoveries

All income which the university derives from the licensing of inventions and discoveries will be appropriately used for the research and educational functions of the university. Of the net proceeds of each individual Invention or discovery, 40% will be paid to the inventor, 30% to the inventor's college, and 30% to Marshall University Research Corporation. Net proceeds shall be calculated on Individual inventions or discoveries as gross royalties minus documented administrative, licensing, legal and other related expenses. Upon decease of the Inventor, the inventor's share of future income resulting from his/her Invention shall be paid to the inventor's estate or designated beneficiaries.

If the invention or discovery 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 of the above paragraph.

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.

17. 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

[\(http://www.marshall.edu/research/ori/\)](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

Faculty Development

(<http://www.marshall.edu/senate/FORMS/index.htm>)

(<http://www.marshall.edu/academic-affairs/facultyresources.htm>)

Center for Teaching Excellence Grants

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

The CTE offers travel awards to support faculty travel to conferences that focus primarily on teaching and learning issues. In addition, the Center funds summer fellowships for course revision, developing and/or conducting research in teaching and learning and grant development and writing in the areas of teaching and learning.

Faculty Development Committee for Online and Multimedia Instruction

(<http://www.marshall.edu/muonline/courserequests/proposalform.asp>)

Faculty may apply to develop an e-course or a t-course. Please visit the website for further details.

Center for Instructional Technology

(<http://www.marshall.edu/it/cit/>)

It is the mission of the Center for Instructional Technology to provide training and support for Marshall University's faculty and staff in the areas of instructional technology by providing the hardware, software and networking necessary to create video, audio, and integrated instructional media applications and to support the university's instructional technology commitments to higher education, K-12 and the world.

Faculty Development Committee

(http://www.marshall.edu/senate/FORMS/faculty_grant_opportunities.htm)

The Faculty Development Committee is responsible for administering the International Nickel Corporation (INCO) Foundation Grants. These funds are awarded to faculty on a competitive basis and fall into two categories: individual and group.

The Faculty Development Committee also serves as a clearinghouse for a variety of faculty development opportunities on and off campus. For additional information consult the college dean.

INCO Grants: INCO Foundation Grants fund projects that will enhance the qualifications, expertise, and experience of faculty members. All full-time and adjunct members of the faculty (except those in SEPD who have a separate fund) are eligible. Eligible projects include activities where the faculty member will increase his/her knowledge relative to teaching. Administered by the Faculty Senate Faculty Development Committee. 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.

Great Teachers Seminar: Funded by the West Virginia Faculty Development Network, the Seminar is held each summer at North Bend State Park. The Marshall University Faculty Development Committee accepts applications each spring from faculty who will represent the University. This

is a great opportunity for new faculty, in particular, to meet colleagues from throughout the state and to engage in discussions and activities designed to improve teaching skills.

College Faculty Development Grants: Many colleges offer funding for faculty development activities such as attendance at conference and workshops and curriculum revision. Please consult your dean about opportunities available in your college.

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 University with a strong research momentum. Applications may be obtained in the Graduate College Office.

MU Office of Research and Economic Development

(<http://www.marshall.edu/ibd/eda.htmlx>)

This office is an important link for faculty interested in securing funding through grant proposals. The *RCDA Reporter* is a monthly newsletter, which details a wide variety of research grant opportunities.

Research Committee

(http://www.marshall.edu/senate/STANDING_COMMITTEES/RESEARCH.HTML)

The Research Committee administers three types of faculty development support: Quinlan Endowment, Research Committee Funding, and Summer Research Awards. Applications for these grants are available in the Faculty Senate Office.

Quinlan: The Quinlan Endowment supports faculty travel to attend professional meetings. Because the funds available are limited, each faculty member may not receive more than \$500 per annum. Priority will be based on the significance of the applicant's participation. The application must include a cover letter briefly describing the activity and its significance, documentation of sources of matching funds, and acceptance of presentation. If your abstract has not been accepted for presentation before the Quinlan application deadline, provide a copy of the abstract you submitted for presentation. Applicants are urged to submit requests for travel funding as early in the academic year as possible. *The Research Committee will strictly adhere to application deadlines.*

Research Committee Funding: Marshall University encourages research by its faculty. A research fund, financed on the basis of institutional grants from public and private sources, is administered through the University Research Board to provide faculty members with research stipends and equipment or supplies beyond the means of departmental budgets. Applications for grants should be made on the forms provided by the Office of the Graduate Dean or the Office of the Faculty Senate and should be submitted by the officially published deadlines.

Summer Research Awards: The Research Committee solicits applications for funding of summer research and creative endeavors. These funds are made available to full-time faculty who hold nine-month appointments and are awarded on a competitive basis. **Faculty who are not returning to Marshall University in the fall are not eligible to receive an award.** Funds are largely unrestricted, but are intended to support specific research projects that will enhance the reputation of Marshall University and the professional standing of the recipient. Use of these funds to conduct research that may be the basis for securing other extramural funding is particularly encouraged.

Faculty Teaching Awards

(<http://www.marshall.edu/academic-affairs/facultyresources.htm>)

The Faculty Development Committee of the Faculty Senate and the Office of Academic Affairs administer three University-wide teaching awards. They are:

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 three or more 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 six years or less service at Marshall are eligible. 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 Awards

(http://www.marshall.edu/academic-affairs/MU_Info/dasa.htm)

Distinguished Artists and Scholars Awards: The purpose of this award is to recognize distinction in the fields of artistic and scholarly activity on the part of Marshall University faculty. To be eligible for consideration for the above awards a faculty member either must be tenured or hold a tenure-track appointment. A significant portion of

the artistic and/or scholarly work shall have been completed while at Marshall University.

Three individual and one team award will be given.

A. THREE awards for individual faculty members shall be given yearly at the Spring General Faculty meeting.

- ONE senior recipient shall be selected from among those faculty in the sciences and technology (including Science, Medicine, College of Information Technology and Engineering, and the Health Professions) holding the ranks of Associate, or Full Professor;
- ONE senior recipient shall be selected from among those faculty in the arts, social sciences, humanities, education and business holding the ranks of Associate, or Full Professor; and
- ONE junior recipient shall be selected from among ALL FACULTY holding the rank of Assistant Professor.

B. ONE team award can be given each year. The award shall be given only when a candidate team's application is judged to be of significant merit. A team shall constitute of at least two faculty who hold tenured or tenure-track appointments at Marshall University and who have worked together on the same activity. Faculty may only be considered for one award (individual or team) for a body of work.

Service Awards

(<http://www.marshall.edu/academic-affairs/facultyresources.htm>)

(<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**

<http://www.hepc.wvnet.edu/resources/index.html?../menu.html&title.html&rulesandpolicies.html>

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 — December 10, 2003

1.4. Effective Date — January 10, 2004

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 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.

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 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.

3.2.3. Clinical-Track: Those faculty members who have been appointed and have been designated as being in a clinical-track position. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or adjunct.

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 adjunct.

3.2.5. Term: Those faculty members at community and technical colleges who have been appointed for a specified term as defined by the institution. The appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or adjunct. 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.

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 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.

3.3. 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 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.

3.10. 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 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 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.

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 post-marked 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 '29-6A.

SECTION 16. INFORMAL PROCEDURES FOR CONFLICT RESOLUTION

16.1. Each institution may provide alternative procedures to those set out in West Virginia Code '29-6A 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 Community and technical colleges may offer each year to their fulltime 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 adjunct 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

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 29-6A.

W.VA. Code 29-6A

<http://www.legis.state.wv.us>

§29-6A-1. Purpose.

The purpose of this article is to provide a procedure for the equitable and consistent resolution of employment grievances raised by nonelected state employees who are classified under the state civil service system, or employed in any department, other governmental agencies, or by independent boards or commissions created by the Legislature, with the exception of employees of the board of regents, state institutions of higher education, the Legislature, any employees of any constitutional officer unless they are covered under the civil service system, and members of the department of public safety.

§29-6A-2. Definitions.

For the purpose of this article:

(a) "Board" means the education employees grievance board created in section five, article twenty-nine, chapter eighteen of this code and hereafter known as the education and state employees grievance board.

(b) "Chief administrator" means the commissioner, director or head of any state department, board, commission or agency.

(c) "Days" means working days exclusive of Saturday, Sunday or official holidays.

(d) "Discrimination" means any differences in the treatment of employees unless such differences are related to the actual job responsibilities of the employees or agreed to in writing by the employees.

(e) "Employee" means any person hired for permanent employment, either full or part-time, by any department, agency, commission or board of the state created by an act of the Legislature, except those persons employed by the board of regents or by any state institution of higher

education, members of the department of public safety, any employees of any constitutional officer unless they are covered under the civil service system and any employees of the Legislature. The definition of "employee" shall not include any patient or inmate employed in a state institution.

(f) "Employee organization" means any employee advocacy organization whose membership includes employees as defined in this section which has filed with the board the name, address, chief officer and membership criteria of the organization.

(g) "Employer" means that state department, board, commission or agency utilizing the services of the employee covered under this article.

(h) "Favoritism" means unfair treatment of an employee as demonstrated by preferential, exceptional or advantageous treatment of another or other employees.

(i) "Grievance" means any claim by one or more affected state employees alleging a violation, a misapplication or a misinterpretation of the statutes, policies, rules, regulations or written agreements under which such employees work, including any violation, misapplication or misinterpretation regarding compensation, hours, terms and conditions of employment, employment status or discrimination; any discriminatory or otherwise aggrieved application of unwritten policies or practices of their employer; any specifically identified incident of harassment or favoritism; or any action, policy or practice constituting a substantial detriment to or interference with effective job performance or the health and safety of the employees.

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 authority to act is not vested with the employer shall not be the subject of any grievance filed in accordance with the provisions of this article.

(j) "Grievance evaluator" means that individual authorized to render a decision on a grievance under procedural levels one, two and three as set out in section four.

(k) "Grievant" means any named employee or group of named employees filing a grievance as defined in subsection (i) of this section.

(l) "Harassment" means repeated or continual disturbance, irritation or annoyance of an employee which would be contrary to the demeanor expected by law, policy and profession.

(m) "Hearing examiner" means the individual or individuals employed by the board in accordance with section five of this article.

(n) "Immediate supervisor" means that person next in rank above the grievant possessing a degree of administrative authority and designated as such in the employee's contract, if any.

(o) "Representative" means any employee organization, fellow employee, legal counselor or other person or persons designated by the grievant as the grievant's representative.

(p) "Reprisal" means the retaliation of an employer or agent toward a grievant, witness, representative or any other participant in the grievance procedure either for an alleged injury itself or any lawful attempt to redress it.

§29-6A-3. Grievance procedure generally.

(a) (1) A grievance shall be filed within the times specified in section four of this article and shall be processed as rapidly as possible. The number of days indicated at each level specified in section four of this article is the maximum number of days allowed and, if a decision is not rendered at any level within the prescribed time limits, the grievant may appeal to the next level: *Provided*, That the specified time limits shall be extended whenever a grievant is not working because of accident, sickness, death in the immediate family or other cause necessitating the grievant to take personal leave from his or her employment.

(2) Any assertion by the employer that the filing of the grievance at level one was untimely shall be asserted by the employer on behalf of the employer at or before the level two hearing. The grievant prevails by default if a grievance evaluator required to respond to a grievance at any level fails to make a required response in the time limits required in this article, unless prevented from doing so directly as a result of sickness, injury, excusable neglect, unavoidable cause or fraud. Within five days of the receipt of a written notice of the default, the employer may request a hearing before a level four hearing examiner for the purpose of showing that the remedy received by the prevailing grievant is contrary to law or clearly wrong. In making a determination regarding the remedy, the hearing examiner shall presume the employee prevailed on the merits of the grievance and shall determine whether the remedy is contrary to law or clearly wrong in light of that presumption. If the examiner finds that the remedy is contrary to law, or clearly wrong, the examiner may modify the remedy to be granted to comply with the law and to make the grievant whole.

(b) If the employer or its agent intends to assert the application of any statute, policy, rule or written agreement or submits any written response to the filed grievance at any level, a copy of the materials shall be forwarded to the grievant and any representative of the grievant named in the filed grievance. Anything submitted and the grievant's response to the submitted materials, if any, becomes part of the record. Failure to assert the statute, policy, rule or written agreement at any level does not prevent the subsequent submission of the materials in accordance with the provisions of this subsection.

(c) The grievant may file the grievance at the level vested with authority to grant the requested relief if each lower administrative level agrees in writing to filing the grievance at a higher level. In the event a grievance is filed at a higher level, the employer shall provide copies to each lower administrative level.

(d) An employee may withdraw a grievance at any time by notice, in writing, to the level where the grievance is then current. The grievance may not be reinstated by the grievant unless reinstatement is granted by the grievance evaluator at the level where the grievance was withdrawn. If more than one employee is named as grievant in a particular grievance, the withdrawal of one employee does not prejudice the rights of any other employee named in the grievance. In the event a grievance is withdrawn or an employee withdraws

from a grievance, the employer shall notify, in writing, each lower administrative level.

(e) Grievances may be consolidated at any level by agreement of all parties.

(f) A grievant may be represented by an employee organization representative, legal counsel or any other person, including a fellow employee, in the preparation or presentation of the grievance. At the request of the grievant, that person or persons may be present at any step of the procedure: *Provided*, That at level one of the grievance, as set forth in section four of this article, a grievant may have only one representative.

(g) If a grievance is filed which cannot be resolved within the time limits set forth in section four of this article prior to the end of the employment term, the time limit shall be reduced as agreed to in writing by both parties so that the grievance procedure may be concluded within ten days following the end of the employment term or an otherwise reasonable time.

(h) No reprisals of any kind may be taken by any employer or agent of the employer against any interested party, or any other participant in the grievance procedure by reason of the participation. A reprisal constitutes a grievance, and any person held responsible for reprisal action is subject to disciplinary action for insubordination.

(i) 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 grievant and any representative named in the grievance within the time prescribed. If the grievant is denied the relief sought, the decision shall include the name of the individual at the next level to whom appeal may be made.

(j) Once a grievance has been filed, supportive or corroborative evidence may be presented at any conference or hearing conducted pursuant to the provisions of this article. Whether evidence substantially alters the original grievance and renders it a different grievance is within the discretion of the grievance evaluator at the level where the new evidence is presented. If the grievance evaluator rules that the evidence renders it a different grievance, the party offering the evidence may withdraw it, the parties may consent to the evidence, or the grievance evaluator may decide to hear the evidence or rule that the grievant must file a new grievance. The time limitation for filing the new grievance is measured from the date of the ruling.

(k) Any change in the relief sought by the grievant shall be consented to by all parties or may be granted at level four within the discretion of the hearing examiner.

(l) Forms for filing grievances, giving notice, taking appeals, making reports and recommendations, and all other necessary documents shall be made available by the immediate supervisor to any employee upon request. The forms shall include information prescribed by the board. The grievant 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.

(m) Notwithstanding the provisions of section three, article nine-a, chapter six of this code, or any other provision relating to open proceedings, all conferences and hearings pursuant to this article shall be conducted in private except that, upon the grievant's request, conferences and hearings at levels two and three shall be open to employees of the grievant's immediate office or work area or, at the request of the grievant, shall be public. Within the discretion of the hearing examiner, conferences and hearings may be public at level four.

(n) No person may confer or correspond with a hearing examiner regarding the merits of the grievance unless all parties to the grievance are present.

(o) Grievances shall be processed during regular working hours. Attempts shall be made to process the grievance in a manner which does not interfere with the normal operation of the employer.

(p) The grievant or the employee selected by a grievant to represent him or her in the processing of a grievance through this procedure, or both, shall be granted necessary time off during working hours for the grievance procedure without loss of pay and without charge to annual or compensatory leave credits. In addition to actual time spent in grievance conferences and hearings, the grievant or the employee representative, or both, 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 state employee is the work assigned by the appointing authority to the employee. An employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee.

(q) The aggrieved employee, employing agency and representatives of both have the right to call, examine and cross-examine witnesses who are employees of the agency against which the grievance is lodged and who have knowledge of the facts at issue.

(r) Both parties may produce witnesses other than employees of the agency against which the grievance is lodged, and the witnesses are subject to examination and cross-examination.

(s) If an employer or the employer's agent 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.

(t) Any grievance evaluator may be excused from participation in the grievance process for reasonable cause, including, but not limited to, conflict of interest or incapacitation, and if this occurs the grievance evaluator at the next higher level shall designate an alternative grievance evaluator if it is reasonable and necessary.

(u) No less than one year following resolution of a grievance at any level, the grievant may by request in writing have removed any record of the grievant's identity from any file kept by the employer.

(v) 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.

(w) The number of grievances filed against an employer or agent or by an employee is not, per se, an indication of the employer's or agent's or the employee's job performance.

(x) Any chief administrator with whom a grievance is filed may appeal a level four decision 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 hearing examiner'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.

The appeal shall follow the procedure regarding appeal provided the grievant in section four of this article and provided both parties in section seven of this article.

§29-6A-4. Procedural levels and procedure at each level.

(a) *Level one.*

Within ten days following the occurrence of the event upon which the grievance is based, or within ten days of the date on which the event became known to the grievant, or within ten days of the most recent occurrence of a continuing practice giving rise to a grievance, the grievant or the designated representative, or both, may file a written grievance with the immediate supervisor of the grievant. At the request of the grievant or the immediate supervisor, an informal conference shall be held to discuss the grievance within three days of the receipt of the written grievance. The immediate supervisor shall issue a written decision within six days of the receipt of the written grievance. If a grievance alleges discrimination or retaliation by the immediate supervisor of the grievant, the level one filing may be waived by the grievant and the grievance may be initiated at level two with the administrator or his or her designee, within the time limits set forth in this subsection for filing a grievance at level one. A meeting may be held to discuss the issues in dispute, but the meeting is not required.

(b) *Level two.*

Within five days of receiving the decision of the immediate supervisor, the grievant may file a written appeal to the administrator of the grievant's work location, facility, area office, or other appropriate subdivision of the department, board, commission or agency. The administrator or his or her designee shall hold a conference within five days of the receipt of the appeal and issue a written decision upon the appeal within five days of the conference.

(c) *Level three.*

Within five days of receiving the decision of the administrator of the grievant's work location, facility, area office, or other appropriate subdivision of the department, board, commission or agency, the grievant may file a written appeal of the decision with the chief administrator of the grievant's employing department, board, commission or agency. A copy of the appeal and the level two decision

shall be served upon the director of the division of personnel by the grievant.

The chief administrator or his or her designee shall hold a hearing in accordance with section six of this article within seven days of receiving the appeal. The director of the division of personnel or his or her designee may appear at the hearing and submit oral or written evidence upon the matters in the hearing.

The chief administrator or his or her designee shall issue a written decision affirming, modifying or reversing the level two decision within five days of the hearing.

(d) *Level four.*

(1) If the grievant is not satisfied with the action taken by the chief administrator or his or her designee, within five days of the written decision the grievant may request, in writing, on a form furnished by the employer, that the grievance be submitted to a hearing examiner as provided for in section five of this article. The hearing shall be conducted in accordance with section six of this article within fifteen days following the request for the hearing:

Provided, That the hearing may be held within thirty days following the request, or within a time that is mutually agreed upon by the parties, if the hearing examiner gives reasonable cause, in writing, as to the necessity for the delay. A copy of the appeal shall be served by the grievant upon the director of the division of personnel. The director of the division of personnel, or his or her designee, may appear at the hearing and submit oral or written evidence upon the matters in the hearing.

(2) Within thirty days following the hearing, the hearing examiner shall render a decision in writing to all parties setting forth findings and conclusions on the issues submitted. Subject to the provisions of section seven of this article, the decision of the hearing examiner is final upon the parties and is enforceable in circuit court.

(e) *Expedited grievance process.*

(1) A grievance involving suspension without pay, demotion or dismissal or loss of wages may be initiated at level two with the administrator of the grievant's work location, facility, area office, or other appropriate subdivision of the department, board, commission or agency.

(2) An employee may grieve a final action of the employer involving a dismissal, demotion or suspension exceeding twenty days directly to the hearing examiner. The expedited grievance shall be in writing and shall be filed within ten days of the date of the final action with the chief administrator and the director of the division of personnel.

§29-6A-5. Education and state employees grievance board; hearing examiners.

(a) The education employees grievance board, created by virtue of the provisions of section five, article twenty-nine, chapter eighteen of this code, is renamed the education and state employees grievance board and, in addition to those duties set forth in chapter eighteen, shall administer the grievance procedure at level four as provided for in section four of this article. The board has jurisdiction regarding procedural matters at levels two and three of the grievance procedure. The board shall employ, in addition to those

persons employed as hearing examiners for educational employee grievances, at least two full-time hearing examiners for the purpose of conducting hearings at level four, as provided in section four of this article. The hearing examiners are employed on an annual basis along with the clerical help necessary to implement the legislative intent expressed in section one of this article.

In addition to the budget required for submission to the Legislature by virtue of the provisions of section five, article twenty-nine, chapter eighteen of this code, the board shall submit a yearly budget and shall report annually to the governor and the Legislature regarding proceedings conducted under this article, including receipts and expenditures, the number of level four hearings conducted, synopses of hearing outcomes and other information as the board determines appropriate. The board shall further evaluate on an annual basis the level four grievance process and the performance of all hearing examiners and include the evaluation in the annual report to the governor and the Legislature. In making the evaluation the board shall notify all employers, employee organizations, the director of the division of personnel and all grievants participating in level four grievances in the year for which evaluation is being made and shall provide for the submission of written comment or the hearing of testimony regarding the grievance process, or both.

The board shall provide suitable office space for all hearing examiners in space other than that utilized by any employer as defined in section two of this article and shall ensure that reference materials are generally available. The board shall provide forms for filing grievances, giving notice, taking appeals, making reports and recommendations and other documents as the board determines necessary for any stage of a grievance under this article.

The board is authorized to propose rules for promulgation consistent with the provisions of this article, and in accordance with article three, chapter twenty-nine-a of this code.

(b) Hearing examiners may consolidate grievances, allocate costs among the parties in accordance with section eight of this article, subpoena witnesses and documents in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code, provide relief as is determined fair and equitable in accordance with the provisions of this article, and take any other action to provide for the effective resolution of grievances not inconsistent with any rules of the board or the provisions of this article: *Provided*, That in all cases the hearing examiner has the authority to provide appropriate remedies including, but not limited to, making the employee whole.

§29-6A-6. Hearings generally.

(a) The chief administrator or his or her designee acting as a grievance evaluator or the hearing examiner shall conduct all hearings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process. All parties shall have an opportunity to present evidence and argument with respect to the matters and issues involved, to cross-examine and to rebut evidence. Reasonable notice of a

hearing shall be sent prior to the hearing to all parties and their named representative and shall include the date, time and place of the hearing. Level one, level two and level three hearings shall be at a convenient place accessible to the aggrieved employee. All hearings shall be held on the employer's premises or on other premises mutually agreeable to the parties and within regular working hours: *Provided*, That any hearing might continue beyond normal working hours. Level four hearings shall be at a place to be designated by the hearing examiner.

(b) The employer that is party to the grievance shall produce prior to the hearing any documents, not privileged, and which are relevant to the subject matter involved in the pending grievance, that have been requested by the grievant, in writing.

(c) The chief administrator or his or her designee or the hearing examiner has the power to: (1) Administer oaths and affirmations; (2) subpoena witnesses; (3) regulate the course of the hearing; (4) hold conferences for the settlement or simplification of the issues; (5) exclude immaterial, irrelevant or repetitious evidence; (6) sequester witnesses; (7) restrict the number of advocates; and (8) take any other action not inconsistent with the rules of the board or the provisions of this article.

(d) All the testimony and evidence at any level three or level four hearing shall be recorded by mechanical means, and all recorded testimony and evidence at the hearing shall be transcribed and certified by affidavit. The chief administrator is responsible for promptly providing a copy of the certified transcript of a level three hearing to any party to that hearing who requests the transcript. The hearing examiner may also request and be provided a transcript upon appeal to level four and allocate the costs for the transcript as prescribed in section eight of this article. The board is responsible for promptly providing a copy of the certified transcript of a level four hearing to any party to that hearing who requests the transcript.

(e) Formal rules of evidence may not be applied, but parties are bound by the rules of privilege recognized by law. No employee may be compelled to testify against himself or herself in a grievance involving disciplinary action. The burden of proof rests with the employer in disciplinary matters.

(f) All materials submitted in accordance with section three of this article; the mechanical recording of all testimony and evidence or the transcription of the testimony, if any; the decision; and any other materials considered in reaching the decision are the record of a grievance. The record shall be submitted to any level at which appeal has been made, and the record shall be considered, but the development of the record is not limited thereby.

(g) Every decision pursuant to a hearing shall be in writing and shall be accompanied by findings of fact and conclusions of law.

(h) Prior to the decision any party may propose findings of fact and conclusions of law.

§29-6A-7. Enforcement and reviewability; costs; good faith.

(a) The decision of the hearing examiner is final upon the parties and is enforceable in circuit court.

(b) Either party or the director of the division of personnel may appeal to the circuit court of Kanawha County or to the circuit court of the county in which the grievance occurred on the grounds that the hearing examiner's decision:

(1) Is contrary to law or a lawfully adopted rule or written policy of the employer;

(2) Exceeds the hearing examiner'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) The appeal shall be filed within thirty days of receipt of the hearing examiner's decision. The decision of the hearing examiner is not automatically stayed upon the filing of an appeal, but a stay may be granted by the circuit court upon separate motion for a stay.

(d) The court's ruling shall be upon the entire record made before the hearing examiner, and the court may hear oral arguments and require written briefs. The court may reverse, vacate or modify the decision of the hearing examiner or may remand the grievance to the appropriate chief administrator for further proceedings.

(e) Both employer and 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 hearing examiner 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.

§29-6A-8. Allocation of costs.

Any expenses incurred relative to the grievance procedure at levels one through three shall be borne by the party incurring such expenses.

§29-6A-9. Mandamus proceeding.

Any employer failing to comply with the provisions of this article may be compelled to do so by mandamus proceeding and shall be liable to any party prevailing against the employer for court costs and attorney fees, as determined and established by the court.

§29-6A-10. Employee's right to attorney's fees and costs.

If an employee appeals to a circuit court an adverse decision of a hearing examiner rendered in a grievance proceeding pursuant to provisions of this article or is required to defend an appeal and the person substantially prevails, the adverse party or parties is liable to the employee, upon final judgment or order, for court costs, and for reasonable attorney's fees, to be set by the court, for representing the employee in all administrative hearings and before the circuit court and the supreme court of appeals, and is further liable to the employee for any court reporter's costs incurred during any administrative hearings or court proceedings: *Provided*, That in no event shall such attorney's fees be awarded in excess of a total of one thousand five hundred

dollars for the administrative hearings and circuit court proceedings nor an additional one thousand dollars for supreme court proceedings: *Provided, however*, That the requirements of this section shall not be construed to limit the employee's right to recover reasonable attorney's fees in a mandamus proceeding brought under section nine of this article.

§29-6A-11. Application of article.

This article applies to all grievances arising on or after the effective date of this article. This article supersedes and replaces the civil service grievance and appeals procedure currently authorized under the rules and regulations of the civil service commission upon the resolution of all grievances and appeals pending in the civil service grievance system on the effective date of this article.

§29-6A-12. Mediation required at request of either party.

Upon the request of either party, the board may require mediation or other alternative dispute resolution technique to assist the parties in identifying, clarifying and resolving issues regarding the grievance. Mediation may be requested at any time prior to the level four hearing. All of the information that is provided by parties during mediation is and shall remain confidential. Mediators may not be called as witnesses to provide testimony in unresolved grievances that proceed to a grievance hearing, and any hearing examiner involved in a mediation process may not hear the grievance or be consulted regarding the merits of the grievance.

Chancellor's Interpretive Memorandum No. 5

<http://www.hepc.wvnet.edu/resources/index.html?..../menu.html&title.html&rulesandpolicies.html>

SB 653

Issued By: John F. Thralls, Interim Chancellor

Date: July 3, 2000

Subject: Grievance Process for Faculty, Classified Employees and Administrators, Section 18B-2A-4(k)

Effective July 1, 2000, all higher education employees who file a grievance are required to do so using the grievance procedure in § 18-29 of the West Virginia Code.

This interpretative memorandum replaces any inconsistent provisions of Series 36 [now Series 9], Academic Freedom, Professional Responsibility, Promotion, and Tenure.

University Human Resource Services

Statutory Grievance Procedures:

<http://www.marshall.edu/human-resources/emprel/stat-griev-1.asp>

Alternative Dispute Resolution:

<http://www.marshall.edu/human-resources/poly/p2100.asp>

Marshall University Human Resource Services offers Alternative Dispute Resolution (ADR) services to persons who would otherwise file statutory grievances at Level III under the provisions of West Virginia State Code Section 29-6A. ADR services are offered in an attempt to resolve disputes in an informal manner and to potentially save time and money for the parties involved. Eligible persons may preserve their right to appeal statutory grievances to Level

III or higher level. Nothing in the ADR process is intended to deny in any way an individual's right to grieve.

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 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

<http://www.marshall.edu/graduate-council/Overview/Bylaws/BYLAWS.HTM>

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. Students may buy one guest ticket at half price and must accompany the guest to the event. 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/site.asp?pname=galleries>)

The Birke Art Gallery was established in 1970 through a generous gift to Marshall University Foundation from Mrs. Helen Birke who wished to provide Art Department majors, faculty and 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 a full-time 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 a selection of exhibitions that include three to five contemporary shows of artists, working in a wide-range of media and styles, whose expertise on a regional or national level has been acknowledged. In addition to this slate of exhibitions, the Birke also features exhibitions for our graduating Master and Senior students as well as the Annual Juried Student Competition that is offered in February.

The Birke Art Gallery also provides complimentary alternative programs such as art cinema, artists and art historical 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. Beginning in the 1997-98 school year, an additional 7,000 square feet of space, a separate entrance, and all resale products were relocated to a single floor.

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 and Marshall University Points Cards.

Campus Information

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

(<http://www.marshallparthenon.com/>)

(http://mudbapps.marshall.edu/wv3/wv3_servlet/urd/run/wv_event.DayList?evdt=20040806,evfilter=19149,ebdviewmode=grid)

(<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.

Students accepted each year as John Marshall Scholars will receive tuition, fees and a stipend for four years (as long as they 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 an outstanding education for outstanding students.

The National Student Exchange Program is for undergraduate exchanges within the United States and Canada.

The Executive Director of the Center for Academic Excellence works closely with students in developing the program of study for each scholar and reports to the Associate Vice President for Academic Affairs.

Center for International Programs and English as a Second Language

(<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 & ESL Institute: International Students and Scholars Program (<http://www.marshall.edu/cip/services/>), International Admissions (<http://www.marshall.edu/cip/apply/>), Study Abroad Programs (<http://www.marshall.edu/cip/studyabroad/>), L.E.A.P. Intensive English Program (<http://www.marshall.edu/leap/>), China Projects (<http://www.marshall.edu/gochina/>).

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 transformed to include a distinguished chairperson, three post-doctoral fellowships, and a summer conference on diversity for K-12 teachers.

Center for Teaching Excellence

<http://www.marshall.edu/cte/>

The Center for Teaching Excellence is dedicated to creating a teaching/learning environment at Marshall University that is innovative, exciting, effective, and enjoyable for both faculty and students. To achieve this goal, the Center provides opportunities for faculty to explore, develop and implement varied teaching methods and to enhance their teaching effectiveness. Ultimately the Center for Teaching Excellence is working to achieve recognition for Marshall University as an institution of exceptional educational opportunities for students. The Center is allied with the Writing Across the Curriculum program which has as its purpose to promote and facilitate writing in order to learn and writing as a self-awareness process in all university classes. Faculty receive accreditation to teach writing-intensive courses in the Marshall Plan through the completion of a teaching portfolio which focuses on interactive strategies for teaching writing in the discipline and pedagogical reflection as central to effective teaching.

The third component of the Center for Teaching Excellence is the Office of Program Review and Assessment. The Office of Program Review and Assessment has two functions. The first is to coordinate and facilitate the preparation of Program Review/Self Study for each of the programs on Marshall's campus. The second function is to coordinate the assessment activities of the various academic programs and the assessment of the general education program for the university, the system, and the Higher Learning Commission of the North Central Association of Schools and Colleges. The assessment initiative 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 undergraduate education. The institution has developed a comprehensive plan of student assessment, which involves students, faculty, staff and administration.

West Virginia Code requires that the Higher Education Policy Commission "review, at least every five years, all academic programs offered at any state college or university. The review shall address the inability, adequacy and necessity of the programs in relation to the

master plan." For full information see Series 11 and consult the appropriate academic dean.

The Director for the Center for Teaching Excellence reports directly to the Associate Vice President for Academic Affairs.

Writing Across the Curriculum

<http://www.marshall.edu/wac/info.htm>

One of the lasting effects of a Writing Across the Curriculum program for the faculty of an institution is the creation of community. This teaching community is made up of individuals who have diverse pedagogical styles and strategies but who share the common goal of improving classroom learning. Teaching in such a program cannot be carried on in isolation but requires group discussion and sharing of techniques, common reexamination of learning methodologies, and working in teaching partnerships. This program provides a forum, very much needed at Marshall University, where teachers regularly can discuss pedagogy and, as almost always happens, make their way across disciplinary boundaries to discover common questions, problems, and solutions. Through the workings of community, Writing Across the Curriculum develops in individual faculty members an introspective and self-aware way of thinking about their teaching which they automatically translate into effective classroom practices.

Computer Labs

<http://www.marshall.edu/ucs/>

Labs are located in Corbly, Science, Library, Smith, and Harris Halls and some dorms. For more information contact Computing Services.

Computing Services

<http://www.marshall.edu/www/computing.asp>

The Marshall University Computing Services (UCS) central sites and administrative offices are currently located on the third floor of the Drinko Library and in the Academic Center on the South Charleston Campus. Additional sites on the Huntington campus include Corbly Hall, Harris Hall, Smith Hall, Gullickson Hall, and Residence Halls.

The UCS mission is to "provide and facilitate quality computing, networking, and information services for the students, faculty, and staff of Marshall University in support of instructional, research, administrative, economic development, and community service needs."

UCS plans and manages the University's data network, MUnet. MUnet on the Huntington Campus is a fiber optic FDDI based network providing bridged and routed FDDI and ethernet connections to every campus building, office desktop, and many campus computing labs, meeting rooms, residence hall rooms, and classrooms. On the South Charleston Campus a switched ethernet backbone provides ethernet service to both the Administrative and Academic Centers. The two campuses are interconnected

with a high-speed ATM (Asynchronous Transfer Mode) link, which provides voice, data, and video services between Huntington and South Charleston. MUnet is linked to the Internet via high-speed digital T1 service and ATM providing MUnet based systems full access to the Internet.

Central Computing and Network Services are available 24 hours per day seven days per week except for scheduled maintenance periods. UCS also provides technical support for UCF public sites in the Drinko Library and all of the Residence Halls.

UCS offers a variety of Faculty/Staff training and development workshops and seminars on current topics of interest to the university community each semester. These sessions are free of charge.

Help is available to MUnet and dial-up account holders on a variety of subjects ranging from network connections to application software assistance.

UCS negotiates software site licenses on many software products as well as equipment contracts for computer hardware and establishes minimum standards for hardware and software purchases for the campuses.

Periodically UCS collects data from the University community for the completion of a campus computing and networking plan. This annually updated plan combines information from the campus community with information on current computing and technological trends to provide the strategic and operational planning for Marshall University in the area of Information Technology.

Credit Union

All employees of Marshall University and members of their immediate families are eligible for membership in the City of Huntington Federal Credit Union. The Credit Union's office is located at 215 18th Street. The Credit Union provides a full range of services for Marshall University employees.

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 reduced teaching loads for an academic year and summer to undertake original research or curriculum development.

The Drinko Professors and Fellows undertake innovative curricular reforms of two sorts. First, they will seek to develop new general education courses for all students that address American political institutions and civic culture from a broad, multidisciplinary perspective. Secondly, they will explore ways to develop a new undergraduate major and to enhance existing disciplinary majors relevant to politics and the civic culture.

E-NOD (Electronic Notification of Deposit)

<http://mymu2.marshall.edu/cp/home/loginf>

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 and administrative operations. The IT Office integrates both library and computing resources 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.

The Web Developer and Instructional Technologists coordinate campus-wide committees for technology policies and resources. This includes providing support for faculty in designing courseware, in using technology-enhanced classrooms, web-based design and utilization of advanced technology tools for instructional development.

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; 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 CD ROMs, streaming video and MPEG videos; and produces public service announcements for broadcast on local and regional television stations. The department furnishes laboratory facilities for students majoring in television production and broadcast journalism.

ITV Services operates a six-channel color cable television distribution system, which reaches all classroom buildings on the Marshall campus. A professional staff is available to assist qualified users in developing high-quality television productions.

Licensing Program

In 1987 the Marshall University Foundation, Inc. established a program to protect the University's logo and all indicia, marks and symbols associated with the University. These include, but are not limited to: MU, Marshall, Marshall University, the University Seal, Marco, The Herd, Big Green, Thundering Herd, etc.

The logo and indicia are registered with the United States Office of Trademarks and Patents and the West Virginia Secretary of States Office to protect and enhance

Marshall's image and to provide royalties which support scholarships and other University programs. Use of these marks other than on institutional materials and publications is prohibited without prior authorization. All federal and state laws pertaining to trademark and patent infringement apply.

All approved products bearing any Marshall University symbol should be identified by a circular tag reading "Officially Licensed Collegiate Products."

The new logo features a bold letter "M" with distinctive curved serifs, a darker green and a "more determined" Marco. Also, an accompanying family of logos was created for specific administrative, athletic and youth applications. The new Marshall family of logos was designed by Phil Evans, a former Marshall student who lives in Huntersville, North Carolina. Visit the MU logo site at <http://www.marshall.edu/logo/> for more information.

It is the intent of the university to achieve a standardized graphic appearance to help make a greater impact on the people it serves and to help bind together its many constituencies.

The symbol is to appear on all institutional materials and publications. It may be used in conjunction with other identifying marks of the university if it remains dominant. Authorization of such use must be obtained from the University President or his/her designee.

Other uses or modifications are prohibited by law without written consent of the University President or his/her designee. Most commercial and certain other uses require issuance of a license by the university. Please contact the Office of Publications for further information.

The logo is designed for graphic applications.

The university Seal is reserved for legal applications, diplomas and certificates. The Seal is not a graphic communication mark and is not to be used in that manner.

Mail Service

The Marshall University Mailroom is located in Old Main, Room 23B. Mail is distributed to departments twice daily during the fall and spring semesters and once daily during the summer. Delivery is also available to the South Charleston campus and the Central Office.

Marshall Dependent Scholarships

[Interim Executive Policy Bulletin No. 14](#)

Effective April 26, 2000

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.

This program will begin with 10 tuition and fee waivers, valued at \$50,000, coming from the growth in enrollment in the 1998-99 academic year plus \$25,000 from the university's general scholarship fund. 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.

A special committee, the Dependents Scholarship Committee, will be created to administer this fund, including the dean of enrollment management 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.

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.

(NOTE: A limited number of graduate tuition and fee waivers are available to faculty. Please contact the Graduate School Office for more information.)

Marshall Tutoring Program

The Marshall Tutoring Program, located on the lower level of the Community and Technical College building, is one of several units on campus designed to support student success. The program also serves the needs of University College students. Administered through the Office of Enrollment Management, the tutoring program offers services including academic advising for undecided students, individual and group tutoring in a variety of subjects including student writing, campus workshops, and a resource library. Students are invited to bring their writing in on a disk or paper to work with a tutor at one of our PC or Macintosh computers. No appointment is necessary.

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 is a half-time position created to provide 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 on the development and implementation of procedures and policies that support the University's mission. In addition the Director assists faculty and departments by coordinating technical support and professional development for faculty interested in developing online courses. 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.

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 AT&T Definity G3 PBX. The PBX provides a high level of service with no busy conditions on either incoming or outgoing calls. The university wiring network provides desktop voice and data connections throughout the university both on-campus and off-campus sites. All faculty, staff and on-campus students have a full range of services including individual telephones, employee security codes for national and international dialing, call forwarding, abbreviated dialing, call transfer, party hold, call conferencing and caller identification. To aid in single call communications, all faculty and staff also have voice mail and students have call waiting services.

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 individual faculty and staff have message broadcast capability. 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 student and faculty in the telecommunications office and the university mailroom. FAX services are provided by various departments throughout campus. The University provides 24-hour dial-up lines for faculty, staff, and student computer account holders who have need for remote access to data.

Cellular Phones: Cellular telephone service is one of the fastest growing aspects of telecommunications for the university. As with any fast growing technology, cost, usage, and ownership are very important factors which, if not monitored through a single process, can grow unwieldy and unmanageable. For these and other reasons this policy has been developed for use by all Marshall University users.

1. All cellular service charged to Marshall University, Marshall University Research Corporation, and regional campuses are to be ordered through the Telecommunications office. If the telephone is being used by any individual who is in any way associated with Marshall University, the equipment is the property of Marshall University, or the service is in any way billed to the university, the service is to be ordered through the Telecommunications office.
2. All cellular service described above is to be billed to the Telecommunications Department, Marshall University, One John Marshall Drive, Huntington, WV, 25755. The Telecommunications and Accounts Payable offices will receive and process all bills for cellular service which will then be billed back to the appropriate department.
3. All cellular service (connecting or disconnecting) must be requested through the Telecommunications office using the Cellular Phone Service Request Form available from the Telecommunications office or online at <http://www.marshall.edu/ucs/> and select "Networks & Telecom" and then "Services". That form will require an appropriate funding source and justification for the service.
4. Connection and disconnection of service must be approved by the users' Department Head and applicable Vice President using the Cellular Phone Service Request Form.
5. Appropriate cellular service will be made available to users who are in need of cellular service on a short term or temporary basis. The cellular service request form also will be required for this request.
6. Once issued, cellular phones will be the total responsibility of the authorized user. A cellular phone should not be transferred among users except in limited emergencies and with appropriate supervisory approval. When the user can no longer justify the use of the service or employment at Marshall University terminates, a completed Cellular Service Request Form and the phone should be returned to the Telecommunications office.
7. Information copies of monthly bills will be reported to the applicable vice president for review of activity. This copy will be for review purposes in that the bills are usually paid before a review can be completed. The vice president in consultation with the user should make a timely report calling to the attention of the Telecommunications office any irregularities on the monthly statement. A summary of all cellular phone activity will also be sent to the Senior Vice

President for Operations on a monthly basis for review.

8. All cellular phones are provided for business purposes. When obtaining a cellular phone, the employee must certify that the phone is being used for business purposes only and any personal calls will be promptly reimbursed to the Telecommunications office.
9. Unauthorized acquisition or use of cellular telephones will be the responsibility of the user and collection for charges associated with such action will be fully pursued by the university.

University Name and Stationary

Whenever representing Marshall in an official capacity, staff members will use the name of the university and will use Marshall stationary 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/>

The Welcome Center is conveniently located at the corner of 18th Street and 5th Avenue across from Twin Towers West. 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/>

<http://www.marshall.edu/physplant/workorder.html>

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/>

The Marshall University Library System consists of the James E. Morrow Library, Drinko Library and Information Center, Marshall University Graduate College Library in South Charleston, Health Sciences Library at the Cabell-Huntington Hospital location, Music Library in Smith Hall and Chemistry Library in the Chemistry department. Together, the university libraries' holdings support and contribute to the curriculum in the major areas of study at the university. Maintaining both undergraduate and graduate level materials, holdings include monographs, periodicals, documents, CD-ROMS, videocassettes, sound recordings, and microfilms. The library web pages offer numerous electronic resources such as a web gateway to the online catalog, full text periodical databases, several CD-ROM periodical indexes, support for WebCT courses and an interactive reference page where students can *Ask A*

Librarian for online assistance. Each library operates as a branch of the university system and provides unique service to the appropriate clientele and program with which it is associated.

The James E. Morrow Library

Situated between Smith Hall and the Science Building, the Morrow library provides trained assistance, quiet study areas, and a convenient computing facility open more than 80 hours per week. In the general stacks area, the library's collection consists of approximately 420,000 volumes and a little under three thousand periodical titles. A media collection of AV and non-print materials with facilities to view and print microfilms is located on the main floor. Computer workstations with access to CD-ROM databases and full text periodicals are located in the reference room

with a large collection of paper subject specific encyclopedias, indexes and abstracts.

Public service divisions within the library include Circulation, Reference, Interlibrary Loan, and the Media Department/University Computing Facility. During the library's hours of operation, a Public Service Librarian is on duty at the reference desk to assist patrons with their research needs. Specialized collections of materials are in the Government Documents, Special Collections Departments, and the Law Alcove.

The John Deaver Drinko Library & Information Center

The center is a combination of library and computer services and resides between Corbly Hall and Old Main. With a state-of-the-art electronic backbone, the new facility provides the means for Marshall to fulfill its mission as the interactive university for Southern West Virginia. It houses approximately 200,000 monographs, the current periodicals collection, media center, digital copy center, multimedia presentation rooms, interactive classrooms, electronic study carrels, access to the CD-ROM databases or full text sources and a 24-hour computer lab. Departments include the Library and Computer Center's administrative, public and technical services, the Vice President for Information Technology, the Telecommunications Support Facility and multimedia/research rooms for faculty and students. The Library and Information Center opened in 1998.

The Marshall University Graduate College (MUGC) Library

Located in South Charleston, the MUGC library offers an innovative approach to library services. Concentrating on the needs of distance education participants, the library provides an Infosearch and document delivery program that allows students to receive materials through the mail. Electronic resources and remote access provides full text and bibliographic databases to use with any Internet service provider in any location in the state.

The Health Science Library

Specializing in medical resources for the School of Medicine, Nursing, and Health Professions, the Health Sciences Library (HSL) maintains a current collection of medical monographs, periodicals and electronic resources. HSL Librarians also provide a variety of document delivery services and searches on medical-related databases. The library is located in the new wing of the Cabell-Huntington Hospital on Hal Greer Boulevard.

The Music Library

Supporting the instruction and research needs of the Music Department, the library collection includes more than 8,500 sound recordings (tape, LP & CD format),

10,000 scores, music education materials, the *International Index to Music Periodicals* via the Web and a sizeable reference collection. Although its primary focus is classical, a growing number of jazz, folk and popular materials are acquired as well. Most periodicals and books on music topics are located in the James E. Morrow Library and are so indicated in the catalog.

The Chemistry Library

Consisting of chemistry journals and monographs, this area 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.

Faculty Use of Libraries and Collection Development Policy

Reserve services, database searching and interlibrary loan services are provided for faculty. An extensive biographic instruction program offers library classes or tours for all instructors desiring to incorporate a library component into their curriculum. Faculty loan privileges are more extensive than regular loans; however, they are subject to current circulation policies and procedures and should be clarified by the Collection Access librarian or circulation staff. Overdue charges do apply to faculty.

The library does not buy personal copies of textbooks and does not house textbooks on reserve unless provided by the faculty member. Collection development and book orders are encouraged and handled by each department's library liaison. Departments receive library budget allocations to be spent on their respective subject areas.

The bibliographic control of the collection is ultimately handled by the Dean of University Libraries with recommendations from the designated Library Liaisons, Library Committee of the Faculty Senate, and professional librarians. The library administration will insure that the units meet the stated mission and goals, representing and interpreting the division's interests before the University's administration. Regular review of materials and curriculum occurs with the ongoing changes in courses and programs.

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. It is the President's duty to see that the University is operated in conformity to the policies established by the Higher Education Policy Commission (formerly the Board of Trustees). As chief executive officer, the President is fully responsible for everything concerning the university and for the effective and economical operation of all departments.

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/denman.htm>)

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 colleges, (except for the College of Health Professions which reports to the Vice President for Health Sciences), the Dean of Enrollment Management, the Directors of the John R. Hall Center for Academic Excellence, the Center of Teaching Excellence, and the Center for International Programs and English as a Second Language, and the Dean of the College of Information Technology and Engineering, and the Vice Presidents for Graduate Studies, Information Technology/Chief Information Officer, and Research.

The Provost and Senior Vice President has general supervision of 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. As of March, 2004 the division of Student Affairs began reporting to the Provost.

Senior Vice President for Development, Executive Director of Marshall University Foundation

(<http://www.marshall.edu/development/>)

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 Vice President for Executive Affairs and General Counsel

The Chief of Staff and Vice President for Executive Affairs and General Counsel reports directly to the President and is a member of the President's Cabinet. The Chief of Staff and Vice President, in the capacity of General Counsel, provides advice and counsel to the President and other university officials in addition to overseeing legal matters for the institution. The Department of Human Resources, the Office of Equity Programs, Public Safety, Parking and Transportation, and Institutional Research report to the Chief of Staff.

Vice President for Alumni 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 Graduate Studies

(<http://www.marshall.edu/mugc/>)

The Vice President for Graduate Studies and Dean of the Graduate School of Education and Professional Development reports directly to the Provost and Senior Vice President for Academic Affairs. As Vice President, he/she is a member of the President's Council. Reporting to the Vice President for Graduate Studies are the Director of Adult Student Services and the Dean of the Graduate College.

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

Social Work Program and the Biomedical Sciences Graduate Program report to the Vice President with the latter program also reporting to the Dean of the Graduate College.

Vice President for Information Technology and Chief Information Officer

(<http://www.marshall.edu/it/>)

The Vice President and Chief Information Officer reports to the Provost and Senior Vice President for Academic Affairs. Areas reporting to the 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/>)

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/>)

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/>)

The Vice President for Research reports directly to 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.

Vice President for Communications

(<http://www.marshall.edu/ucomm/>)

The Vice President for Communications reports to the President and is responsible for the official university information. This office prepares and disseminates news releases and a campus newsletter, publishes *Marshall Magazine* and works with both the print and electronic media in reporting events and advancing the image of the university to the institution's various public, private and governmental constituencies. The Vice President is responsible for planning and coordinating the university's overall marketing informational program and advises faculty and staff members, departments, offices and student organizations as to effective implementation of their informational and marketing needs.

Assistant Vice President for Academic Affairs and Dean of Enrollment Management

(<http://www.marshall.edu/em/>)

The Dean of Enrollment Management is responsible for providing greater coordination between the various academic support units and improving interaction with the academic deans. The Dean reports directly to the Provost and Senior Vice President for Academic Affairs. Areas reporting to Enrollment Management include Registrar, Admissions, Financial Aid, Placement Services, Orientation and Freshman Academic Advising, SCORES, Student Support Services, Student Athlete Program, and University College.

Deans of the Colleges

(<http://www.marshall.edu/academic-affairs/collegesschools.htm>)

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/rba/>)

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/>)

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/>)

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 Vice President for Information Technology.

Chairpersons of Departments/Divisions

(<http://www.marshall.edu/academic-affairs/adminstaff.htm>)

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.

University Policies

NOTE: Material in this chapter is currently under revision. Please check updates online at the websites given.

Institutional Board of Governors' Policies

<http://www.marshall.edu/president/Board/policies.html>

Policy 1, [Third Party Waivers](#), Effective January 23, 2002

General:

- 1.1. Scope: Policy regarding waiver of regular fees for courses sponsored by a third party.
- 1.2. Statutory References: W.Va. Code § 18B-10-9.
- 1.3. Passage Date: January 23, 2002
- 1.4. Effective Date: Upon passage
- 1.5. Background: This policy replaces Board of Trustees Series No. 40, dated March 10, 1989, which was abolished by the Higher Educational Policy Commission. This version is substantially similar except reporting of third-party sponsored waivers is now to the Board of Governors.

Policy:

- 2.1 Pursuant to WV Code 18B-10-9, Marshall University may enter into agreements with third parties whereby the third party may sponsor any course, institute, workshop, special course, or other educational program offered by the University for credit. Under such agreements the students enrolled shall be excused from the payment of tuition, registration and enrollment fees.
- 2.2 Third-party waivers will be initiated at the college level. The Dean or predetermined designee shall be responsible for the completion and approval of each waiver.
- 2.3. Each offering will require the completion of a Contractual Agreement and a Request for Waiver of Regular Student Fees for Courses with Third-Party Sponsors.
- 2.4. The Contractual Agreement shall be signed by both the institution and the third party sponsor and shall include, but not be limited to, the following:
 - 2.4.1. Name of course;
 - 2.4.2. Location;
 - 2.4.3. Time period;
 - 2.4.4. Official names and addresses of both parties;
 - 2.4.5. Names of persons who are responsible;
 - 2.4.6. Financial obligations, including arrangements and/or payment schedule;
 - 2.4.7. Authorized signature of both parties.
- 2.5. Request for Waiver of Regular Student Fees for Courses with Third-Party Sponsors will require formal approval by the President or his designee before the registration process can be completed. Request for Waiver forms shall require the following information:
 - 2.5.1. Requesting institution;
 - 2.5.2. Time period;
 - 2.5.3. Sponsoring agency;

- 2.5.4. Course title and number;
- 2.5.5. Approximate number of students (resident - nonresident)
- 2.5.6. Approximate number of credit hours;
- 2.5.7. Total value of the waiver based on current fee structure;
- 2.5.8. Actual amount to be paid for direct cost of the course;
- 2.5.9. Actual amount to be recovered by the institution for indirect cost overhead. (The Senior Vice President for Finance shall establish the indirect cost rate each fiscal year).
- 3.1. Third party fee waivers will be reported to the Marshall University Board of Governors in October for each fiscal year ending June 30.

Policy 2. [Naming of Buildings](#), Effective January 23, 2002

General:

- 1.1. Scope: Policy regarding the naming of buildings or schools.
- 1.2. Statutory References: None
- 1.3. Passage Date: January 23, 2002
- 1.4. Effective Date: Upon passage
- 1.5. Background: This policy revises and replaces Board of Trustees Series No. 6 dated March 30, 1986, which was transferred to institutional boards of governors by the Higher Educational Policy Commission. This version corrects a technical error in that transfer which gave the Board of Governors a dual responsibility in the naming of buildings.

Policy:

- 2.1. It will be the policy of the Marshall University Board of Governors to establish an official name of a building or school at the University upon recommendation of the president: **Provided, however**, that if it is proposed that the building or school be named for a person, such individual must have rendered distinguished educational or other service to the institution and must not have been employed at the institution during the three (3) previous years. An exception may be made by the Board of Governors.

Policy 3. [Travel](#), Effective August 1, 2002

Section 1

SCOPE

This policy governs in-state, out-of-state and international travel hereinafter referred to as "travel", for all individuals traveling on behalf of or at the request of Marshall

University including faculty, staff, students and those interviewing for positions with the university if travel is being reimbursed. Travel expenses for contractors or consultants are governed by this policy if the contract calls for reimbursement in accordance with university travel regulations. This policy is effective as of August 1, 2002, and replaces the current policy dated July 28, 1997, and all other previous versions. Marshall University Travel Procedures describe the forms, approvals and reimbursable items associated with all types of travel.

Section 2

DELEGATION OF AUTHORITY AND RESPONSIBILITIES

2.1. Authority to manage, approve or disapprove travel and travel related expenses, as well as the authority to develop procedures for administering this policy is delegated by the university Board of Governors to the President. The President delegates authority to manage, approve or disapprove travel and travel related expenses as follows:

- In-state and out-of-state travel to the academic deans for travel requests within their area.
- In-state and out-of-state travel to the directors for travel requests within their area.
- In-state and out-of-state travel to the vice-presidents for travel by deans or directors within their area.
- All international travel to the vice-presidents for travel requests within their area.

2.2. Travel may be authorized only for official business and only if the academic or administrative unit has the financial resources to reimburse the traveler for travel expenses.

2.3. The vice president, dean, or director may also develop administrative policies and procedures for her or his spending unit, consistent with this policy, to provide additional guidance to employees and others traveling on behalf of the spending unit.

2.4. The responsibility to audit a traveler's expense account settlement lies with the university Accounting Office. Approval of a traveler's expense account settlement by the University Accounting Office means that the expense account settlement meets all criteria established by this policy for reimbursement. The traveler shall submit an accurate expense account settlement for reimbursement to the University Accounting Office within a timely manner.

2.5. The responsibility for interpreting this policy resides with the University Accounting Office. Requests for interpretation of this policy should be addressed to the University Accounting Office prior to finalizing travel plans.

2.6. Contracts with travel agencies are managed by the University Accounting Office and questions related to that contract or exceptions to that contract should be addressed to the University Accounting Office.

2.7. Reimbursement must be submitted within six months of last day of travel.

Section 3

TRAVEL REGULATIONS

3.1. Employees

3.1.1. Written approval to travel shall be secured in advance by the employee for all out-of-state and international travel.

Under no circumstances should an employee travel without proper approval of the appropriate Vice President, Dean or Director. In state travel requires written approval from the appropriate Vice President, Dean or Director in advance of the trip if any expenses are to be direct billed to the university or if a cash advance is requested through the WV State Auditor's Office.

3.1.2. Employees are responsible for submitting for reimbursement a travel expense account settlement form, with all required attachments, to her or his business office, departmental secretary or other designated individual promptly after the last day of the approved travel. The last date of approved travel is identified as the last date listed on the approved travel request form or the last date for which expenses are listed on the expense account form. Those who travel extensively and find it more convenient to submit monthly expense reports for all travel within that period may continue to do so provided that expenses are submitted promptly after the last date of the month. Travel should not be held until the end of an academic term and submitted for reimbursement.

3.1.3. Reimbursement of travel expenses paid from federal, state and private grants shall be governed by the terms and conditions of the grant if they differ from those contained in this policy; otherwise, this policy shall govern such reimbursement. The traveler will need to make special notation on the expense account form that grant travel regulations are being followed to call attention to this fact.

3.2. Board and Commission Members

3.2.1. This policy shall govern reimbursement of travel expenses to Board and Commission members when legislation requires such members to follow university or "Governor's" travel regulations.

3.3. Consultants or Other Contractors

3.3.1. Those individuals or companies hired by the university to provide services should include all travel related expenses in the fees charged rather than seeking travel reimbursement separately. Travel expenses should not be listed as a separate category. In the event that a contracted individual or company wishes to receive separate reimbursement for travel expenses, it must be stated in the signed contract what travel reimbursement will be allowed and this policy will not apply unless specifically referred to in the signed contract.

3.4. Students

3.4.1. Travel by students shall be governed by this policy.

3.5. Interviewees/Candidates for University Employment

3.5.1. Candidates for university employment who will be reimbursed for travel expenses will be governed by this policy.

Section 4

TRANSPORTATION

4.1. Reimbursement

4.1.1. Commercial Airlines

4.1.1.1. Allowable reimbursement for commercial airline travel shall include the actual expense or cost for the least expensive logical fare via the most direct route, or a reasonable alternative route if it results in lower fare. Travelers may not specify a particular airline to accumulate

mileage or promotional plans, such as frequent flyer programs, if it results in a higher airfare. See Section 11.

4.1.1.2. Travelers are expected to make advance bookings through a contracted travel service vendor to secure the least expensive airfare possible. Reimbursement for tickets where reservations were not made through a contracted travel services vendor will require a waiver from the travel agency contract administrator.

4.1.1.3. If a change in the cost of airfare is incurred, the charge is reimbursable if the traveler is directed by the appropriate Vice President, Dean or Director to change her or his travel plans, or if other extenuating circumstances arise and are approved by the appropriate Vice President, Dean or Director. Increased or extra charges incurred due to the traveler's negligence will be considered a personal expense of the traveler and shall not be reimbursed.

4.1.1.4. Deliberately causing increased costs or delays to obtain personal gratuities, such as denied boarding compensation, frequent flier points or mileage, or similar benefits is prohibited. Conversion of airline tickets for personal benefit, such as downgrading tickets, returning unused tickets for cash, credit, or personal airline tickets, or similar actions, is also prohibited. Any credits, rebates or refunds resulting from these actions must be returned to Marshall University. See Section 11.

4.1.1.5. Travelers are expected to make advance bookings through a contracted travel service vendor to secure the least expensive airfare possible. Reimbursement for tickets where reservations were not made through a contracted travel service vendor requires that a written comparison from the contracted travel service be provided with the travel settlement to show that the best possible fare was obtained.

4.1.1.6. Reimbursement may be made to the traveler in advance for airfare purchased up to 180 days before the trip begins. Copy of itinerary required.

4.1.2. Aircraft Owned and Managed by the WV State Department of Administration

4.1.2.1. For state aircraft service, contact the Aviation Division of the WV State Department of Administration. If a state aircraft is not available, the Aviation Division may arrange for charter service. Charter service will be used only when a state owned aircraft is not available. In order to be reimbursed for the transaction fee, the itinerary must be attached to the travel expense settlement.

4.1.3. Charter Aircraft

4.1.3.1. Use of charter aircraft must be approved in advance by the appropriate Vice President and a contracted travel service.

4.1.4. University Owned Vehicles

4.1.4.1. University owned vehicles may be requested from the University Department of Parking and Transportation following policies of that department. University owned vehicles are for official business only and must be operated by an employee of the university. Allowance for non-employee passengers not on official business of the University must be specifically approved by the Vice President for Finance.

4.1.5. Privately Owned Vehicles/Courtesy Vehicles

4.1.5.1. Privately owned and courtesy vehicles may be used when traveling on university business. Reimbursement for use of a privately owned vehicle will be made at the current Internal Revenue Service limits, refer to Appendix A in the University Travel Procedures, and for courtesy vehicles at the current Internal Revenue Service per business mile traveled, excluding commuting mileage, for actual miles traveled using the shortest practicable route to the point of arrival at the traveler's destination. This rate is intended to cover all operating costs of the vehicle (including fuel, maintenance, depreciation, insurance, etc.), and no additional reimbursement will be made.

4.1.5.2. Appropriate insurance should be obtained when using a privately owned vehicle for business travel. Travelers should check with his or her personal insurance agent for further information.

4.1.5.3. The operator (traveler) of a vehicle must possess a valid operator's license. The operator is personally responsible for any fines and/or penalties resulting from citations, charges, or warrants attributable to operator negligence. Such fines and/or penalties shall not be a reimbursable expense.

4.1.5.4. In cases where a traveler chooses to drive rather than fly while on business, reimbursement will be based on actual in transit expenses (mileage, hotels, parking, meals, etc.), not to exceed the lowest available commercial airfare plus local transportation, and parking (where required) to and from the airport.

4.1.5.5. Roadside assistance services, if needed, may be reimbursed at actual cost if deemed appropriate and reasonable by the appropriate Vice-President, Dean or Director.

4.1.6. Commercial Rental Vehicles

4.1.6.1. Please Contact the University Purchasing Department for details regarding any contracts that may currently be in effect and the requirement for use. Commercial rental vehicles may be used when traveling on university business. Reimbursement will be made at actual cost for the daily rental fee for a mid-size or smaller vehicle, plus mileage fees and fuel costs. For travel of more than a few days in duration, weekly rental rates may be reimbursed if they will result in a lower total cost than the daily rate. Reimbursement may be made for full size vehicles if more than three (3) people are traveling together on university business and for larger vehicles if a group of five (5) or more is traveling together.

4.1.6.2. Insurance: Collision damage insurance for automobile rentals of seven (7) days or less are reimbursable, and should be taken unless the rental has been made using the State corporate travel card. The State Travel card provides collision damage coverage at no cost for rentals up to 31 days. Collision damage insurance for rentals of more than seven (7) days are not reimbursable and should not be taken. The State of West Virginia insurance program automatically covers collision insurance for vehicle rentals more than seven (7) days. No other insurance or insurance-like product is reimbursable for rentals used in the United States, unless required by law. Full coverage insurance is a

reimbursable expense for any approved rental vehicle used outside the United States.

4.1.6.3. Automobile Rentals: Please contact the University Purchasing Department regarding any University or State-wide contracts that may currently be in effect and the requirement for using such contracts.

4.1.6.4. The operator (traveler) of a vehicle must possess a valid operator's license. The operator is personally responsible for any fines and/or penalties resulting from citations, charges, or warrants attributable to operator negligence. Such fines and/or penalties shall not be a reimbursable expense.

4.1.6.5. In cases where a traveler chooses to drive rather than fly while on business, reimbursement will be based on actual in transit expenses (mileage, hotels, parking, meals, etc.), not to exceed the lowest available commercial airfare plus local transportation, and parking (where required) to and from the airport.

4.1.6.6. Roadside assistance services, if needed, may be reimbursed at actual cost if deemed appropriate and reasonable by the appropriate Vice President, Dean or Director.

4.1.7. Rail Service

4.1.7.1. Travelers are expected to make advanced bookings through a contracted travel services vendor and use the least expensive logical fare via the most direct route, or other reasonable route that results in a lower fare.

4.1.8. Miscellaneous Ground Transportation

4.1.8.1. When courtesy transportation is provided by a hotel, motel, or other service facility, the traveler is encouraged to use this service.

4.1.8.2. Travelers may be reimbursed for taxi, bus, and other forms of public transportation.

4.2. Receipts

4.2.1. Commercial Airlines

4.2.1.1. In order to receive reimbursement, the traveler must submit the "passenger receipt portion" or certified copy from the commercial airline ticket. If airfare is billed directly to the university it must be referenced on the traveler's final expense account and the "passenger receipt portion" of the airline ticket attached. Refundable or unused airline tickets shall be returned immediately to the ticket issuer for proper credit/refund.

4.2.2. Aircraft Owned and Managed by the WV Department of Administration

4.2.2.1. Payment for aircraft owned and managed by the WV Department of Administration will be direct billed only. Traveler's would not be responsible for maintaining receipts unless required by WV Department of Administration Aviation Division.

4.2.3. Charter Aircraft

4.2.3.1. Payment for charter aircraft will be by direct billing only.

4.2.4. University Owned Vehicles

4.2.4.1. Payment for university owned vehicles will be by direct billing only. Traveler's would not be responsible for maintaining receipts unless required by the University Department of Parking and Transportation policies.

4.2.5. Privately Owned Vehicles/Courtesy Vehicles

4.2.5.1. Receipts are not required for privately owned vehicles.

4.2.6. Commercial Rental Vehicles

4.2.6.1. Receipts and/or documentation are required for reimbursement of car rental and mileage charges or fees. Reimbursement may be made for actual fuel costs. Receipts should be attached if available.

Travelers are encouraged to return rental cars with a full tank of fuel to avoid high refueling costs charged by rental agencies.

4.2.7. Rail

4.2.7.1. Receipts/documentation are required for reimbursement of rail service expenses.

4.2.8. Miscellaneous Ground Transportation

4.2.8.1. Receipts are not required for miscellaneous ground transportation if under the Internal Revenue Service limits.

4.3. Direct Billing

4.3.1. Commercial Airlines

4.3.1.1. Commercial airline tickets may be direct billed to the university for those expenses covered by university funding sources. The traveler must attach the "passenger receipt portion" of the airline ticket or other proof of travel, to the expense account settlement.

4.3.1.2. Direct billing may not be available if personal travel is combined with business travel.

4.3.2. Aircraft Owned and Managed by the WV Department of Administration

4.3.2.1. Payment for aircraft owned and managed by the WV State Department of Administration will be direct billed only.

4.3.3. Charter Aircraft

4.3.3.1. Payment for charter aircraft will be by direct billing only.

4.3.4. University Owned Vehicles

4.3.4.1. Payment for university owned vehicles will be by direct billing only.

4.3.5. Privately Owned Vehicles/Courtesy Vehicles

4.3.5.1. Direct billing is not an option.

4.3.6. Commercial Rental Vehicles

4.3.6.1. Car rentals may be direct billed to the university for those expenses covered by University funding sources. The traveler must attach a copy of the rental agreement to the expense account settlement form.

4.3.6.2. Direct billing may not be available if personal travel is combined with business travel.

4.3.7. Rail

4.3.7.1. Rail may be direct billed to the university for those expenses covered by the University funding sources. The traveler must attach the "passenger receipt portion" of the rail ticket or other proof of travel, to the expense account settlement.

4.3.7.2. Direct billing may not be available if personal travel is combined with business travel.

4.3.8. Miscellaneous Ground Transportation

4.3.8.1. Direct billing for miscellaneous ground transportation is not an option.

Section 5

LODGING

5.1. Reimbursement

5.1.1. Allowable reimbursement for lodging shall include the actual expenses for overnight accommodations and all applicable taxes and surcharges.

5.1.2. Reimbursement for a single occupancy shall be at the least expensive single room rate available.

5.1.3. For multiple occupancy, reimbursement may be claimed fully by one traveler with no claim filed by the other traveler provided that cross reference is made on the expense account settlement form, or each traveler may be reimbursed at equal percentages of the total actual cost for accommodations. Travelers are encouraged to request separate billing for lodging expenses at the time of check-in and seek reimbursement separately.

5.1.4. Reimbursement for multiple occupancy, when only one of the travelers is on higher education business, shall be at the least expensive single room rate. In the event that a single room rate cannot be documented or otherwise determined, reimbursement will be made at eighty percent (80%) of the actual lodging costs.

5.1.5. If a change in the lodging is required and a charge is incurred, the change is reimbursable if the traveler is directed by the appropriate Vice President, Dean or Director to change her or his travel plans, or in other extenuating circumstances, as approved by the appropriate Vice President, Dean or Director. Charges incurred due to the failure of the traveler to notify the facility will be considered the personal expense of the traveler.

5.1.6. Lodging Reservations Travelers have the option of making their own lodging reservations directly with a hotel/motel, or they may use National Travel's website at <http://www.nationaltravel.com> or American Express One's website at <http://travel.americanexpress.com/travel/axone>. Travelers should check all available rate products (government, personal, etc.) and select the least expensive rate for their stay. Use the state travel card for all hotel costs where practical.

5.2. Receipts

5.2.1. Receipts are required for lodging reimbursement. The hotel/motel invoice or folio shall be the official document utilized for reimbursement to the traveler.

5.3. Direct Billing

5.3.1. Lodging may be direct billed for candidate travel being reimbursed with university funds. The candidate (traveler) must attach a copy of the lodging invoice or other proof of lodging to the expense account settlement.

5.3.2. Individual employees are expected to pay lodging expenses with their corporate travel card and seek reimbursement in most cases. Exceptions to this policy may be granted with written justification and request for exception to the University Accounting Office.

5.3.3. Groups of employees or students where lodging and meals are a package price and other expenses are not being individually reimbursed may direct bill for lodging expenses. If other expenses are to be reimbursed it is expected that the individual will pay for lodging and seek reimbursement. Exceptions to this policy may be granted

with written justification and request for exception to the University Accounting Office.

5.3.4. Direct billing may not be available if personal travel is combined with business travel.

Section 6

MEALS

6.1. Reimbursement

6.1.1. Meal expense reimbursement is limited to actual expenses for food, service and gratuities up to \$35 per day for in-state travel and \$50 per day for out-of-state travel. Meal expense allowance on International travel must be established in writing for the traveler by the contracted travel service. Specifically excluded are alcoholic beverages and entertainment expenses. Where a percentage of the maximum daily rate is used, the traveler may round the calculated amount up to the next whole dollar. Meal reimbursement is allowed when lodging is listed as "gratis" or "no charge."

6.1.2. When meals are provided for a traveler as part of the registration fee or other means (excluding meals or snacks served by a common carrier while in transit and excluding "continental breakfasts" which are not full course meals), the traveler's maximum daily rate shall be reduced as follows:

Breakfast 20% of the maximum daily rate

Lunch 20% of the maximum daily rate

Dinner 60% of the maximum daily rate

6.1.3. Meal expense reimbursement for single day travel (when there is not an overnight stay) is allowed when travel time begins more than two (2) hours before and/or extends more than two (2) hours after the traveler's normal work day. Reimbursement will be made for actual expenses up to the maximum daily rate as follows:

6.1.3.1. To be eligible for breakfast, the traveler must begin the trip at least two (2) hours before the traveler's normal work day commences.

6.1.3.2. To be eligible for dinner, the traveler must end the trip at least two (2) hours after the traveler's normal work day ends.

6.1.3.3. Any traveler who qualifies for either breakfast or dinner may also qualify for lunch, provided that he or she is traveling or is in travel status during the normal lunch period for that individual.

6.1.3.4. A traveler who does not qualify for either breakfast or dinner is not eligible for any meal reimbursement on one day trips.

6.1.3.5. To determine the amount(s) allowable for meals for single day travel, the traveler may claim reimbursement for actual expenses according to the following schedule:

Breakfast 20% of the maximum daily rate

Lunch 20% of the maximum daily rate

Dinner 60% of the maximum daily rate

6.1.4. The following qualifications for extraordinary meal expense reimbursement require the exercise of good judgment in determining what is a "reasonable" expense to incur for the situation.

6.1.4.1. Guardian Travel (where a traveler is paying expenses for others and seeking reimbursement): Travelers transporting or accompanying clients, patients, students or

others entrusted to the university for their care, education or placement, shall be reimbursed the actual cost of meals up to the maximum daily rate for each person. Time frames described in Section 6.1.3 for one day trips may not apply for Guardian travel at the option of the appropriate vice president, dean or director. Receipts or the student signature form are required (see Section 6.2.2.) for reimbursement.

6.1.4.2. Board and Commission Members: For single day travel (where there is not an overnight stay) in the performance of their official duties, Board and Commission members may be reimbursed the actual meal expenses incurred not to exceed the maximum daily rate authorized by enacted legislation or the amounts established in Section 6.1.1., which ever is appropriate.

6.1.4.3. Employees in undercover operations, at the direction of the agency head/designee, may be reimbursed for their actual expenses at the option of the agency head or designee. Receipts are not required.

6.2. Receipts

6.2.1. Receipts are not required for meal reimbursement except for Guardian Travel (Section 6.1.4.1.).

6.2.2. Guardian Travel (where a traveler is paying expenses for others and seeking reimbursement) will require meal receipts OR the signature of the individual for whom the meal(s) were provided on a form showing the amount of funds the individual received for meals.

6.2.3. Travelers continually requesting the maximum daily rate for reimbursement will be noted and the appropriate vice president, dean, or director will be notified. Receipts or other information related to meal expenses may be required on future travel by the individual or area. Travelers are reminded that meal expense reimbursement is limited to actual meal expenses.

6.3. Direct Billing

6.3.1. Meals cannot be direct billed in most cases.

6.3.2. Individuals are expected to pay meal expenses and seek reimbursement.

6.3.3. Groups of employees or students where lodging and meals are a package price and other expenses are not being individually reimbursed may direct bill for combined lodging and meal expenses. If other expenses are to be reimbursed it is expected that the individual will pay for meals and seek reimbursement. Exceptions to this policy may be granted by the Vice President for Finance or designee.

6.3.4. Direct billing may not be available if personal travel is combined with business travel.

Section 7

REGISTRATION

7.1. Reimbursement

7.1.1. Fees or charges for attendance at conferences, meetings, seminars, and/or workshops, as well as event related materials, are reimbursable expenses to the traveler. Reimbursement for registration fees at meetings or conferences is allowable and must be supported by an original receipt. Travelers should verify acceptable payment methods with the conference organizers prior to the registration due date. Registration fees should be charged to the traveler's corporate travel card or the State of West

Virginia Purchasing Card whenever possible. For those individuals using the State Purchasing Card for registration fees, a copy of the VISA charge receipt must be attached to any Travel Expense Settlement Form submitted to the University Accounting Offices. Registration fees in the amount of \$2,000 or more must have approval by the departmental Vice President and the Senior Vice President for Finance.

7.1.2. The traveler will not receive an allowance or reimbursement for lodging or meals included in registration fees.

7.1.3. If a cancellation charge is incurred, the charge is reimbursable if the traveler is directed by the appropriate Vice President, Dean or Director to change her or his travel plans, or if other extenuating circumstances arise and are approved by the appropriate Vice President, Dean or Director. Charges incurred due to the failure of the traveler or the traveler's representative to notify the event sponsor will be considered a personal expense to the traveler.

7.2. Receipts

7.2.1. Receipts are required for reimbursement. The receipt/documentation provided by the event sponsor shall be sufficient for reimbursement. Travelers are reminded to adjust meal reimbursement requests for meals which are included in the registration fee (See Section 6.1.2.).

7.3. Direct Billing

7.3.1. Registration fees can be direct billed to the University, if the sponsor does not accept the traveler's corporate travel card. Direct billing requires the event sponsor to: 1) accept a university purchase order, and, 2) submit an invoice to the University Accounting Office for payment. A copy of the registration receipt or proof of attendance must be attached to the traveler's final expense account settlement form.

7.3.2. Registration fees requiring payment in advance (where the conference does not accept traveler's corporate card AND will not accept a purchase order in advance with invoicing to be paid after the conference) can be made providing an exception is granted by the Vice President for Finance. Required documentation includes a statement from the event sponsor stating that neither the traveler's corporate travel card nor a university purchase order will be accepted for payment.

7.3.3. Direct billing may not be available if personal travel is combined with business travel.

Section 8

OTHER EXPENSES

8.1. Reimbursement

8.1.1. Travelers may incur other business related expenses for which reimbursement may be made if appropriate. Receipts are not required unless reimbursement is greater than the Internal Revenue Service limits. The Vice President for Finance shall determine whether or not expenses other than those listed below are to be reimbursed. Such expenses and reimbursement may include, but are not limited to:

a) Baggage handling and gratuities when using public transportation or conveniences (i.e., taxi, limousine, air porter services, or airport/rail curbside check-in), or when using a lodging facility that has portage (i.e., "bell

person”) services rather than a facility where the traveler is expected to carry her or his own luggage.

b) Baggage storage between appointments, and between hotels and meeting places;

c) Tolls, garage and parking fees, including gratuities;

d) Communication expenses such as: (1) local calls which may include a surcharge; (2) long distance calls which may include toll charges and surcharges and must be made on the current corporate communications card; (3) surcharges for long distance calls when the toll charges are direct billed; and (4) cellular telephone charges; and (5) facsimiles, cablegrams, or telegrams which may include toll charges, surcharges, or delivery charges;

e) Currency conversion,

f) Guides, interpreters, and visa fees and

g) For trips involving multiple days of travel or for single day travel where the traveler is unexpectedly delayed for business reasons, the traveler may be reimbursed for one personal telephone call home per day. Reimbursement shall be made at actual cost, not to exceed the maximum amount established by the Governing Board, provided the call is not charged to the telecommunications card issued by the state or the Governing Board.

8.1.2. Non-reimbursable travel related expenses include the cost of passports (not as a travel expense, but may be considered as a direct charge to the spending unit), interest on late payment of individually held travel cards, laundry fees, and personal flight or baggage insurance.

8.1.3. Persons traveling in foreign countries should report their expenditures in United States dollars. The total expenditure in foreign currency must be converted into United States dollars at the rate or rates at which the foreign money was obtained. The rates of conversion and the commissions charged must be shown. Travelers are encouraged to use the corporate travel card to receive the best conversion rates and avoid high currency conversion fees. Conversion rates are to be obtained in writing from a contracted travel service or currency exchange service and submitted with the expense account settlement form.

8.2. Receipts

8.2.1. Receipts are required for any individual expense which exceeds the Internal Revenue Service limits.

8.3. Direct Billing

8.3.1. Direct bill for other expenses is not an option.

Section 9

FORM OF PAYMENT FOR BUSINESS TRAVEL

9.1. Corporate Travel Card

9.1.1. Travelers should use the corporate travel card for business related travel expenses whenever possible and practical. No personal purchases are permitted on the corporate travel card.

9.1.2. Cash advances from an Automatic Teller Machine (ATM) using the corporate travel card should only be obtained as needed for business related expenses.

9.1.3. A cash advance for either in-state or out-of-state travel is permissible when an employee travels a minimum of two (2) consecutive days with an overnight stay on official business. A cash advance is for business purposes only. No cash advance for personal purposes is permitted.

The preferred method of obtaining a cash advance is to use the state corporate travel card at an ATM. Cash advances using the corporate travel card are limited to a minimum amount of \$100 and a maximum of \$500, not to exceed \$1,000 during any rolling seven day period. Cash advances should only be obtained for those expenses which cannot be charged to the traveler’s corporate travel card with an estimate that incidental expenses should not normally exceed \$30 per day. The employee may be reimbursed for only five (5) ATM cash advance transaction fee, and associated fees, per trip or rolling seven day period whichever is shorter.

9.1.4. The receipt ticket from the ATM machine is required for reimbursement of the ATM transaction fee.

9.2. Cash Advances from the State Auditor's Office

9.2.1. Cash Advances for Employees

9.2.1.1. Cash advances may be received by employees for business travel for the payment of registration fees and/or daily miscellaneous expenses where the state corporate travel card is not accepted or the individual is not eligible for a corporate travel card (for example: individuals who are infrequent travelers or are newly employed may not have requested a corporate travel card). Cash advances may be issued for: (a) out-of-state travel; (b) a minimum of four (4) days and a maximum of the number of days approved for travel at the rate of \$25.00 per day for miscellaneous expenses; (c) the exact amount of registration fee which is \$100.00 or more; (d) the total estimated expenses for a student or student group; and (e) other circumstances approved by the Vice President for Finance. Cash advances of less than \$200 should be obtained on the corporate travel card.

9.2.1.2. Cash advances for travel expenses of band, athletic teams and organized student groups may be made in the exact amount estimated for the designated trip. Such cash advances may be issued for: (a) the total estimated amount of travel expenses, including the expenses of appropriate representatives, staff and/or employees accompanying the band, team or student group; and (b) the total amount of event related expenses as determined by the band or athletic director or the faculty/staff advisor or sponsor of the student group.

9.2.1.3. In order to ensure that the University Accounting Office has adequate time to obtain a cash advance, the request for travel must be received in the University Accounting Office at least thirty (30) days in advance of the first date of travel. Otherwise, a cash advance may not be honored by the state. Cash advance checks are not released more than ten (10) business days in advance of the first date of travel.

9.2.1.4. Cash advances may not be available if personal travel is combined with business travel.

9.2.2. Settlement of Cash Advances

9.2.2.1. All cash advances must be settled by the individual traveler, student representative, student group advisor/sponsor, or band and athletic department. Such settlement shall be submitted by the institution to the State Auditor’s Office for final settlement within the time frame prescribed by the State Auditor’s Office.

9.2.2.2. Failure to settle a cash advance within the time frame prescribed by the State Auditor's Office shall result in suspension of cash advance privileges for the traveler, student group, band or athletic department until such settlement is made.

Section 10

REIMBURSEMENT FORMS

10.1. The form(s) used for reimbursement of travel expenses shall be those developed by the University Accounting Office consistent with those authorized by the WV Department of Administration Travel Management Office and the WV State Auditor's Office.

Section 11

OTHER PROVISIONS

11.1. According to the West Virginia Ethics Commission, frequent flyer miles, hotel bonus points or other travel incentives resulting from official business travel may be used only for future official business travel.

Section 12

EXCEPTIONS

12.1. This policy was developed in accordance with Higher Education Policy Commission travel policies issued August 1, 2002. Any exceptions to this policy must be explained in writing and approved by the Vice President for Finance.

Policy 4. Credit Card Solicitation

Effective September 18, 2002

General.

1.1. Scope: It shall be the policy of Marshall University to regulate the marketing practices and solicitation by credit card marketers on the campuses of Marshall University

1.2. Statutory References: 18B-14-10, Credit card solicitation on college campuses; regulation of credit card marketing

1.3. Passage Date: September 18, 2002

1.4. Effective Date: Upon passage

Policy.

It shall be the policy of Marshall University to regulate the marketing practices and solicitation by credit card marketers on the campus of Marshall University as required by 18B-14-10 of the West Virginia State Code.

I. "Credit Card Marketer" includes a person, corporation, financial institution or business entity that promotes, offers or accepts application for a credit card.

II. Credit Card Marketing to students on the campus of Marshall University shall be permitted pursuant to these guidelines. All other Credit Card Marketing by any Marshall University group or organization to students shall be prohibited.

III. Credit Card Marketers shall register and make application to solicit for credit card marketing with the Office of Facilities Scheduling located in Room 2W17 of the Memorial Student Center.

IV. An application to solicit shall be accompanied with a credit card debt education brochure which, once approved, shall be distributed to each student with a credit card application.

V. Credit Card Marketers, once approved, shall be assigned a room on the second floor of the Student Center and be permitted to advertise that location in the lobby on the ground floor. Marketers shall be required to pay the established rental rate for space.

VI. Credit Card Marketers shall not be permitted to offer tangible gifts to students in exchange for completing a credit card application.

VII. The University will not provide student lists to vendors for the purpose of soliciting applications for credit cards.

VIII. All orientation programs offered to new students shall include a credit card education presentation.

Policy 5. Sexual Harassment

Effective November 13, 2002

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 No. 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.

Policy 6. [Sabbatical Leave](#), Effective November 13, 2002

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.

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.

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.

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.

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.

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.

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.

Policy 7. [Staff Development](#), Effective November 13, 2002

General.

1.1. Scope. -- Each institution shall maintain a program to develop the knowledge, skills and abilities of the classified staff of each campus. The institutions' best interests are best served through the acquisition and development of a skilled and highly trained work force in which each employee is informed of the best methods of performance and of the importance of his/her role in relation to the goals and objectives of each campus. The primary responsibility to accomplishing these ends resides at the institutional level.

1.2. Statutory References: W.Va. Code §§18B-1-6, 18B-7-5, 18B-4-2

1.3. Passage Date: November 13, 2002

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 41 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Policy:

2.1. Understanding that the scope of campus training and development programs may be different in terms of the types of programs and activities offered and supported, there should be some consistency among institutions. A basis for each institution's development program should be that each is designed to enhance the professional level and effectiveness of the staff member in his/her assigned duties and to broaden the individual's knowledge and skills for future job assignments, where appropriate. While there are many by-products of training (e.g., increased knowledge and personal satisfaction), the real measure of success must be improved job performance.

Staff Training and Development defined:

3.1. Training and development activities will differ in breadth in relation to the needs and resources of individual institutions. The purpose of training and development is to increase professionalism, productivity, and individual and organizational effectiveness. Examples of such activities include, but are not limited to: skills acquisition, job-related skill enhancement, and personal development and career development, instructional development, and research and scholarship, where appropriate.

Staff Eligibility and Participation.

4.1. Any person who is a classified employee of Marshall University is eligible for staff training and development. Participation of eligible personnel is assumed as an inherent part of staff responsibility.

Marshall University Board of Governors: Roles and Responsibilities.

5.1. The Board of Governors shall:

5.1.2. Require the University to develop and operate a classified staff training and development program appropriate to the needs and resources of the institution.

5.1.3. Require that the University support such activities by designating a portion of the funds each year for staff training and development, and report annually to the Chair of the Board of Governors the status of their staff training and development programs.

5.1.4. Establish system-wide direction, priorities and plans for staff development.

5.1.5. Serve as a clearinghouse of information on programs, conferences, training, materials, research and other matters relevant to staff development.

5.1.6. Sponsor and support statewide and regional conferences and workshops on staff development on a regular basis.

5.1.7. Assist institutions in establishing, upgrading, evaluating or refining staff development programs and in developing techniques and procedures for assessing the effectiveness of staff development programs.

Marshall University: Roles and Responsibilities.

6.1. The president, or his/her designee, shall establish a written institutional policy on staff training and development consistent with this policy bulletin. Institutional policies shall be shared with the Senior

Administrator of the Higher Education Policy Commission, as established by 18B-4-2.

6.2. The president, or his/her designee, shall establish a functioning staff training and development program. The University may have a separate program for staff training and development, or a professional development program combining staff development with other professional development according to the institution's needs and resources. If the University provides a combined professional development program, the respective groups representing the participants shall be consulted and involved in creating that program. Any advisory committee which is representative of affected employees may be used to assist in the initial development of the program and with its on-going administration. Through these programs, institutions shall conduct in-house professional development activities.

6.2.1. Each campus program shall include the following:

6.2.1(a) A method for identifying training and development needs.

6.2.1(b) A scheduled set of training and development activities, seminars, teleconferences, apprenticeships, on-the-job training, supervisory skill development programs, etc.

6.2.1(c) An annual written report on training and development activities, including a summary of financial resources dedicated to the program, which is distributed on the campus.

6.3. The president, or his/her designee, shall establish appropriate organizational structure, procedures, standards and criteria for the on-going operation and assessment of the staff training and development program.

6.4. The president and personnel director have the responsibility to support staff training and development since such administrative support is instrumental to achieving the personal and institutional benefits of such a program.

6.5. Financial Roles - The University has the responsibility for providing financial and logistical support to operate its staff training and development program.

Policy 8. [Alcoholic Beverages on the Campuses](#), Effective November 13, 2002

General.

1.1. Scope: This rule establishes guidelines relating to the possession or use of alcoholic beverages on the campuses.

1.2. Statutory References: W. Va. Code §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. 42 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Purpose.

2.1. It is not the purpose of this rule to promote or condone the possession or use of beer, wine or other alcoholic beverages on or in the University property or facilities but to regulate such possession or use within strict guidelines.

Requirements.

3.1. The possession or use of alcoholic beverages is prohibited on or in property or facilities (including student housing) of the University except as hereafter provided:

3.1.1. In dwellings located thereon and occupied as a family residence; and

3.1.2. Where the serving of wine, beer or other alcoholic beverages is approved by the University president or his/her designee, on a case by case basis consistent with the following rules:

3.1.2.a. Wine, beer or other alcoholic beverages will never be the primary reason for the gathering.

3.1.2.b. The preponderance of those attending must be of legal drinking age.

3.1.2.c. No person under the legal drinking age will be served.

3.1.2.d. Alternative non-alcoholic beverages and food will be served.

3.1.2.e. No person under the age of eighteen (18) will be allowed to serve wine, beer or other alcoholic beverages, and servers must be appropriately trained to adhere to all laws and regulations regarding the serving of wine, beer or other alcoholic beverages.

3.1.2.f. No state funds will be used to purchase wine, beer or other alcoholic beverages.

Prohibitions.

4.1. The selling of beer, wine, or other alcoholic beverages to the general public during athletic events shall be prohibited.

Policy 9. Use of Institutional Facilities, Effective November 13, 2002

General.

1.1. Scope. -- This rule governs use of institutional facilities by persons or groups.

1.2. Statutory References. -- W. Va. Code §18-26

1.3. Passage Date: November 13, 2002

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 55 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Policy

2.1. Facilities of Marshall University are intended for use in the conduct of its educational programs. As such, first priority for the use of facilities will be given to the academic, administrative and student functions at each institution.

2.2. In its many aspects of service to the public, the Board of Governors also recognizes the need and permits the use of facilities which may provide benefits otherwise not available in the community. Consideration of requests from campus and off-campus groups will be guided by the following policy statements.

By Off-Campus Groups or Individuals (Non-state Employee).

3.1. It is the policy of Marshall University to permit the use of facilities by the general community in a manner which does not compete with the ongoing programs of the colleges and universities of the State. The community use of a

college or university facility must have an educational or cultural purpose and must have a campus sponsor. The facilities that will be made available to non-campus groups will tend to be of a nature which is unique in the community.

3.2. Use of campus facilities by non-campus individuals or organizations will be permitted within the following guidelines:

(a) Facilities and support services will be made available only to the extent that their proposed use is not in conflict with the regular programs of the institution;

(b) The nature of the activities of the non-campus users shall not be potentially physically disruptive of the campus. For instance, local noise ordinances must be obeyed. While this policy may not be construed to preclude use of facilities based on political philosophy, race, religion, or creed of the sponsor, the nature of the activities to be conducted on the campus shall not be illegal under the Constitution or laws of the State of West Virginia or the United States;

(c) A standard rental/lease agreement accompanied by evidence of such insurance protection as may be required to adequately protect the institution shall be executed by the campus sponsor and also be signed by a responsible officer of the non-campus organization desiring to use a campus facility;

(d) All charges assessed for the use of campus facilities shall be sufficient at least to cover all identifiable costs of both a direct and indirect nature except that charges for indirect costs may be waived at the discretion of the institution for nonprofit organizations and/or public bodies of the State of West Virginia, such as county school systems, etc. All charges must be reasonable, charged equally to all similar groups, and be published in advance. In turn, such groups using campus facilities may charge admission, but only for the purpose of covering the direct and indirect cost of the sponsored activities. All surplus revenue derived from the conduct of an event will accrue to the benefit of the institution, except for public or nonprofit groups for which this provision may be waived. An exception to the surplus revenue provision may be granted for certain programs offered during the summer months where the activity generates significant revenues to the housing and dining accounts of the institutions.

By Campus Groups for Nontraditional Programs (State Employee).

4.1. To encourage the various colleges and universities to extend their offerings, it shall be the Board's policy to permit its facilities to be made available for use by recognized campus units to conduct educational or cultural programs, including youth camps, for which fees are charged and from which staff members may be paid beyond their regular annual salary. The following guidelines will apply for these activities:

(a) Faculty and staff members who conduct nontraditional programs may be compensated on the basis of the number of attendees, hours worked, or percentage of net revenue. The conditions for such payments are that: (a) extra compensation for the activity be paid from funds other than state appropriations allocated by the University; and (b) the

amount of combined nontraditional and consulting activity for which additional compensation is received is consistent with institutional policy and, where twelve (12) month employees are involved, annual leave is taken. Institutional officials will be responsible for approval of employees' participating in programs covered by this policy and for maintenance of employees' records of annual leave and/or consulting time;

(b) All revenues and expenditures shall be handled by the business office of the institution or the business office of the campus unit involved. All revenues from these programs shall be deposited into the appropriate state special revenue account. Charges for special services provided by the institution may be deducted from revenues; however, the institution may require that a deposit be made in advance for such services;

(c) A formal agreement shall be developed and signed by an authorized representative of the group or unit responsible for the program and the President of the institution or his designee. Said agreement shall establish the responsibilities of the institution and the sponsor, including detailed financial obligations to the institution from revenues. All agreements must ensure that the institution will receive reimbursement for all identifiable direct and indirect costs;

(d) Programs must be sponsored by the institution. The name to be used for the program is left to the discretion of the institution;

(e) All personnel receiving compensation for involvement in the programs must be paid on a regular state payroll or a standard 48 or 48-A service agreement, as prescribed by the original contract agreement;

(f) All publicity must indicate that checks for payment of fees are to be made payable to the institution and not to an individual or outside organization;

(g) Adequate insurance must be underwritten by the sponsors of the program.

Selling of Articles on College or University Campuses.

5.1. All solicitation and selling of products and articles upon property under the jurisdiction of the University is prohibited except by organizations and groups directly connected with the institutions and upon written approval of the respective president or his designee.

§128-55-6. General.

6.1. The University president shall designate the administrator(s) of this policy. A standard rental/lease agreement approved by the Board of Governors or its representative shall be used by each institution, along with any other forms needed to execute this policy.

6.2. It is not the intent of this policy to cover noncredit instruction offerings, as identified in Board of Trustees Series 50 (or its successor).

Policy 10. [Social Justice](#),

Effective November 13, 2002

General.

1.1. Scope: This interpretative policy addresses social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.

1.2. Statutory References: W. Va. Code §18B-1-6; West Virginia Human Rights Act of 1967; Title IX of the Civil Rights Act of 1972; Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; Titles VI and VII of the Civil Rights Act of 1964; Vietnam Era Veterans Readjustment Act; Sections 503 and 504 of the Rehabilitation Act; Executive Order 11246; Immigration Reform and Control Act of 1986; Equal Pay Act; Age Discrimination Act; Americans with Disabilities Act; and Disabled Veterans Act.

1.3. Passage Date: November 13, 2002

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 56 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Policy.

2.1. Marshall University is committed to bringing about mutual understanding and respect among all individuals and groups at the University and to eliminating all forms of discrimination as provided by West Virginia and federal law.

2.2. Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, the University promotes an education system that values cultural and ethnic diversity and understanding; that provides for the preparation of students for full and meaningful participation in a changing world; and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons regardless of race, color, national origin, sex, age, religion, veteran status, or disability.

Implementation.

3.1. The University shall develop a program for social justice consisting of the following elements:

3.1.1. Activities, including education, which have a goal of eliminating prejudice or discrimination based upon race, color, national origin, sex, age, religion, veteran status or disability from student life and working conditions in the institution.

3.1.2. An appraisal of the institution's educational environment, job structure, and employment practices as they relate to social justice.

3.1.3. Provision for counseling and responding to employees, applicants, and students who charge that they have been discriminated against, and for the informal resolution of such matters before the filing of a formal complaint.

3.2. Responsibility for carrying out the social justice program is assigned as follows:

3.2.1. The president of Marshall University will designate a Social Justice Officer who will be responsible for overseeing the Social Justice program and who shall report to the president.

3.2.1.a. This institutional official is expected to carry out the institution's social justice program as directed by the president, by developing plans, procedures, and regulations necessary to carry out the institution's program, and by examining the operations of the institution at regular

intervals to assure their conformity with this social justice policy.

3.2.2. Each dean, director, unit head and supervisor has the immediate day-to-day responsibility for implementing the social justice policy.

3.2.3. All employees are expected to set the tone and help create an environment for positive change and results within the social justice area.

Areas of Implementation.

4.1. The Social Justice Officer is authorized to carry out the institution's program as authorized by the president in the following areas:

4.1.1. Developing plans, procedures, and regulations necessary to carry out the institution's program. Specifically, an acceptable social justice plan will be developed with assistance and support from persons recommended by the president to assist in carrying out the programs;

4.1.2. Evaluating the operations of the institution at regular intervals to assure their conformity with the Social Justice Policy. Require such reports as deemed appropriate from all divisions of the institution;

4.1.3. Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this section and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution;

4.1.4. Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the University.

4.1.5. Providing for the prompt receipt, investigation, disposition, and rendering of a written recommendation to the president of general allegations made by organizations or third parties of systematic discrimination.

Reports.

5.1. In the annual report to the chancellor, each president will include a report on the institution's efforts in the area of social justice which shall be reviewed by the Social Justice Committee. Such annual reports will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

Filing of Complaints.

6.1. The University shall assure that procedures are available for applicants, students and employees for the handling of social justice complaints and assume appropriate dissemination of information concerning it to faculty, staff and students. Each campus shall designate (a) liaison person(s) who shall receive training as a facilitator and report to the president.

§128-56-7. Policy Limitations.

7.1. Nothing in this policy bulletin should be construed to extend "protected class" status or give rise to a cause of action beyond that otherwise provided by law.

Policy 11. Faculty Development, Effective November 13, 2002

General.

1.1. Scope: Policy regarding establishment of a statewide faculty development policy for Marshall University faculty.

1.2. Statutory References: W. Va. Code §18-26-30

1.3. Passage Date: November 13, 2002

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 64 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Purposes of Faculty Development.

2.1. Teaching, expanding knowledge and creativity, and devoting knowledge to public service are the primary goals of West Virginia's public colleges and universities. These goals are achieved primarily by and through college and university faculty. Therefore, the efforts of Marshall University in supporting, developing, and renewing the faculty members directly involved in helping West Virginians learn are vitally important to accomplishing the mission and goals of institutions of higher education.

2.2. Marshall University recognizes the general and specific benefits derived from efforts to improve faculty members' professorial and professional effectiveness. Students of our public colleges and universities rely on current, knowledgeable, and relevant instruction and benefit from research that improves teaching skill and knowledge. The people and economy of West Virginia benefit from new applications of a knowledge and technology that enable more and better jobs, a higher standard of living, and enhanced knowledge and quality of life. Faculties and individual faculty members benefit from being able to teach, acquire new knowledge, serve public needs, and perform institutional and professional roles more effectively. Our institutions of higher learning benefit from enhanced capacity and flexibility to carry out their missions in an era where it is more practical to enhance or renew skills and knowledge of existing faculty members.

2.3. Therefore, Marshall University affirms the unique, integral contribution of faculty members to the mission of higher education: Teaching, producing scholarly work that contributes to knowledge and creativity, and serving public and institutional needs. The University further recognizes through its policy and actions that the knowledge and skills of faculties and individual faculty members need to be developed, maintained, supported, and renewed, and that the primary responsibility for accomplishing these ends resides at the institutional level.

Faculty Development defined.

3.1. Faculty development includes all activities designed to improve faculty performance in all aspects of their professional lives as teachers stimulating and guiding student learning, as scholars, advisers, designers and evaluators of academic programs and courses, academic leaders, contributors to public service, participants in institutional decisions, and in other faculty roles for achieving their college or university's mission. Recognized beneficial components of faculty development are

professional scholarly and creative development, personal development, and organizational development.

3.2. Examples of valid, tangible faculty development activities include, but are not limited to: Sabbatical or academic leaves to complete a doctorate, expand existing knowledge, learn a new field needed in the curriculum, or achieve other purposes; workshops for improving faculty teaching skills; workshops and internships to enhance faculty roles in academic leadership; seed money grants that enable faculty to pursue larger, external grants or contracts; projects to improve student advising or assessment of student learning; summer grants or summer mini-sabbaticals to develop a needed new program or course, conduct research on teaching, or accomplish other beneficial aims; attendance at academic conferences and meetings; and programs to better orient faculty members and improve their skills.

§128-64-4. Faculty Eligibility and Participation.

4.1. Eligibility. Any person who is a full-time or part-time faculty member of Marshall University is eligible for faculty development as determined by each college or university in accordance with University policy. Full-time faculty members, including division and department chairpersons, are eligible to apply for all faculty development activities. Part-time faculty members are eligible to apply for all faculty development activities and awards except sabbatical leaves, leaves without pay, and mini-grants. In supporting faculty development for full-time or part-time faculty members, factors to be considered include the potential benefits and costs to the institution, the academic program, and the faculty member.

4.2. Participation. As noted elsewhere in this policy, faculty members are responsible for improving their professional effectiveness, and public colleges and universities are responsible for encouraging and motivating faculty members to participate in faculty development activities.

Board of Governors: Roles and Responsibilities.

5.1. Policy and support roles. The Marshall University Board of Governors shall, after appropriate consultation with those groups affected:

5.1.1. Establish system-wide direction, priorities, and plans for faculty development.

5.1.2. Serve as a clearinghouse of information on programs, conferences, fellowships, materials, research, and other matters relevant to faculty development.

5.1.3. Establish, encourage, and support disciplinary, interdisciplinary, administrative, and other consortia or cooperative relationships between Marshall University and:

5.1.3.1. Other colleges and universities inside and outside West Virginia;

5.1.3.2. The West Virginia Department of Education and the public schools;

5.1.3.3. Businesses;

5.1.3.4. Governments.

5.1.4. Sponsor and support statewide and regional conferences and workshops on faculty development on a regular basis.

5.1.5. Sponsor or facilitate faculty exchange programs promoting intrastate, interstate, and international faculty exchanges.

Marshall University: Roles and Responsibilities.

6.1. Governance roles. The president, in consultation with the faculty, shall establish institutional policy on faculty development consistent with this policy.

6.1.1. The president, in consultation with the faculty shall establish a Faculty Development Program. The University may have a separate program for faculty development or a professional development program combining faculty development with other professional development according to the institution's needs and resources. If the University provides a combined professional development program, the appropriate groups representing the participants shall be consulted and involved in creating and operating that program. Through these Faculty Development or Professional Development Programs in the University shall conduct in-house faculty and professional development activities. Cooperation with the Faculty Development Programs of other colleges and universities is also encouraged. The University is responsible for assessing faculty development needs and for utilizing a variety of development activities appropriate to their mission to meet the development needs of less experienced probationary faculty and experienced, tenured faculty. The University should strive for a balance of individual-oriented and group-oriented development activities to achieve a well functioning program, and should periodically evaluate the results of their program.

6.1.2. The president and chief academic officers have the responsibility to exert leadership and support of faculty development since such administrative support is instrumental to achieving the personal and institutional benefits of faculty development.

6-1-3. The president, in consultation with the faculty, should establish appropriate organizational structures, procedures, standards, and criteria for operating and assessing a Faculty Development Program. These structures may include a Faculty Development Committee, Professional Development Coordinator, and other structures appropriate to the mission, size and needs of the institution.

6.2. Financial roles. Research and experience show that faculty development is most effective when dependable, consistent funding enables proper planning and implementation of development programs. In order to achieve continuity of financial support for faculty development, each public college or university should establish a benchmark level of financial commitment to faculty development which the college or university should meet or surpass each year. This level can be expressed as a percentage of its Educational and General expenditures or by some other appropriate measure. The level of financial effort should be appropriate to the University's mission and needs, and should be adjusted biennially to reflect changes in mission and needs.

6.2.1. The University has the responsibility to pursue funding for faculty development, including applying for

such faculty development grants or funds as the Higher Education Policy Commission may provide, pursuing other government or private grants or contracts, reallocating existing campus resources, or allocating funds from the institutional collection and retention of HERF or faculty improvement fees.

6.2.2. The University has the responsibility for providing financial and logistical support to operate its Faculty Development Program, including providing office space, administrative, clerical, and other necessary support.

6.2.3. The University is expected to establish a campus faculty leave fund to hire temporary replacements for faculty on leave.

Individual Faculty Member: Roles and Responsibilities.

7.1. Faculty members, in accordance with the best traditions of higher education, have a responsibility to improve their effectiveness in carrying out their professional roles.

7.2. Applicants for faculty development awards shall complete a faculty development plan, if required by their college or university, for eligibility for faculty development project awards.

7.3. Applicants for faculty development may be asked to submit to their college or university a detailed plan of activity to be followed.

7.4. In accepting the award of a faculty development proposal, the person shall sign a statement indicating awareness of and agreement to all the conditions specified in the proposal. Faculty members are responsible for using award funds for the legitimate purposes specified in their plan agreement.

7.5. Where the college or university deems appropriate, a faculty member shall file with the president or the president's designee a written final report of development activities, results, and anticipated benefits to the faculty member and institution. A written final report may not be appropriate for all development projects.

7.6. Faculty members engaging in development activities are responsible for sharing their new learning or skills with other colleagues via publication, report, seminar, workshop, tutoring, or other appropriate ways of communicating among professionals.

Funding.

8.1. Funding for faculty development activities may come from appropriated funds, government grants or contracts, private grants or contracts, or institutionally collected and retained HERF fees or faculty improvement fees.

8.2. Institutional faculty development programs, grants, and activities are subject to availability of appropriated and other funds for those purposes. As noted before, the University has the responsibility for making a good faith effort to ensure that adequate funding is available.

Authorized Expenditures.

9.1. Compensation to individuals. Funds allocated for faculty development may be used to compensate or pay expenses for faculty members who are pursuing additional academic study or training, engaging in scholarship or other creative activity, pursuing teaching and instructional improvement, serving as faculty development coordinator, or performing other responsibilities consistent with

institutional policy or to compensate other individuals to allow faculty members to pursue development activities on released time.

9.2. Institutional support. Permissible support activities include, but are not limited to, providing for office space and administrative support for faculty development programs; and providing equipment and materials necessary for improving teaching, conducting research, or pursuing other valid development activities.

9.3. All expenditures must be consistent with institutional policy and regulations.

Policy 12. Reduced Tuition for Persons 65 and Older, Effective November 13, 2002

SECTION 1. General:

1.1. Scope: This rule establishes reduced tuition and fee program for residents of West Virginia who are at least sixty-five years of age to take courses or classes at Marshall University on a space available basis.

1.2. Statutory References: W. Va. Code 18B-10-7a

1.3. Passage Date: November 13, 2002

1.4. Effective Date – Upon passage

1.5. Background: Replaces Board of Trustees Series No. 67 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Purpose:

2.1. The purpose of this rule is to establish a reduced tuition and fee program for residents of West Virginia who are at least sixty-five years of age to take courses or classes on a space available basis. The program includes an option for those who attend undergraduate and graduate courses on a no credit basis and an option for individuals who attend undergraduate and graduate courses for credit.

Eligibility and Participation:

3.1. A participant will be permitted to register for a course under either of the two options of this program provided that the participant is a resident of West Virginia and is at least sixty-five years of age.

3.2. A participant may register for a course under either of the two options of this program provided that classroom space is available.

3.3. A participant may register for a course under either of the two options of this program provided that the instructor of the course consents.

3.4. A participant will be subject to the institutional programmatic and financial guidelines for enrollees in this program and to the rules, regulations, procedures, and requirements, including course prerequisites, of the University

3.5. The University will determine the following for participation under either of the two options of this program:

3.5.1. A method of establishing priority for allowing a participant to register for and attend a course.

3.5.2. Whether to require a participant to pay special fees, including laboratory fees, if the fees are required of all other students.

3.5.3. Whether to require a participant to pay for parking.

No Credit Option:

4.1. The total tuition and fees charged for each course under the no credit option, excluding laboratory and parking fees, may not exceed fifty dollars. After July 1, 2004, the governing board may change the maximum for the no credit option.

4.2. A grade or credit may not be given under the no credit option.

Credit Option:

5.1. The total tuition and fees charged in the program under the "for credit" option shall not exceed fifty percent of the normal rates charged to state residents by the institution.

Registration:

6.1. The University may develop an abbreviated student registration form for the convenience of participants in this program.

SECTION 8. Institutional Guidelines

8.1. The University shall develop guidelines to establish a reduced tuition and fee program for West Virginia residents who are at least sixty-five years of age to take classes on a space available basis. These guidelines shall be consistent with the provisions of this policy and shall be published in the university bulletin and/or other appropriate institutional publications.

Policy 13. Measles and Rubella Immunization, Effective January 22, 2003

General.

1.1. Scope. These rules promulgate policy and procedures regarding the requirement for measles and rubella immunization of students enrolled in colleges and universities of the State System of Higher Education.

1.2. Statutory References:

1.3. Passage Date: January 22, 2003

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 39 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

2. Background.

2.1. Vaccine preventable diseases (VPD's) have declined dramatically during the past 20 years as a cause of morbidity and mortality in the United States. While these declines have been dramatic, significant morbidity and some mortality from these VPDs persist. College-aged students remain susceptible to measles and rubella and these diseases continue to be associated with outbreaks on college campuses. During the recent past, there have been numerous outbreaks on college campuses in the United States and some deaths have occurred at an out-of-state college campus. In view of these circumstances, the West Virginia State Director of Health requests that proof of valid measles and rubella immunization be an enrollment requirement for students enrolling in West Virginia state colleges and universities. In the interest of student health, the Marshall University Board of Governors, establishes the following immunization policy with regard to measles and rubella.

3. Purpose.

3.1. The primary purpose of a mandatory measles and rubella immunization requirement for college and university students is to prevent the introduction and spread of these vaccine preventable diseases among students at Marshall University. Accordingly, these regulations require proof of immunity as a requirement for enrollment in the state institutions of higher education. The Admissions Officer shall administer the requirement as an aspect of the enrollment and registration process for their respective institutions.

4. Immunization Requirement.

4.1. All students of Marshall University who were born after January 1, 1957, except those exempted by this policy statement, shall be required to provide proof of immunity to measles and rubella. To facilitate the implementation of this policy, the student shall be requested to provide proof of immunity on or before the date of enrollment. The student shall have proof of immunity by the following semester or will not be permitted to enroll in classes. See Section 8 - Enforcement.

4.2. In lieu of an immunization record signed by a physician, this requirement is satisfied if a college or university receives an official copy of the permanent health record with report of immunization transmitted to it from a high school located in West Virginia.

4.3. Immunity to measles and rubella is defined as follows:

4.3.1. Measles.

4.3.1.1. The person was born before January 1, 1957; therefore, the person is considered exempt; or

4.3.1.2. Measles vaccine was administered to the person after 1967 and was given after one year of age; or

4.3.1.3. The person presents a report of immune titer or a positive antibody test proving immunity.

4.3.1.4. The person presents a history of having had the disease signed by a physician.

4.3.2. Rubella.

4.3.2.1. The rubella vaccine was given after one year of age; or

4.3.2.2. The person presents a report of immune titer or a positive antibody test.

4.3.2.3. History of disease is not acceptable.

5. Applicability.

5.1. This immunization requirement applies to all undergraduate students who are enrolling for the first time in a state college or university who are classified as full-time students. It also applies to all part-time newly enrolled students (those enrolled in fewer than 12 semester hours of coursework) who will be or are residing in college residence halls.

5.2. This immunization requirement also applies to undergraduate students who transfer in from out-of-state, regardless of undergraduate grade level.

5.3. This proof of immunity shall be required beginning with the spring semester of the 1987-88 school year commencing on or about January 1, 1988.

6. Exemptions.

6.1. The student may be exempted from proof of immunity or from the requirement to receive measles or rubella

vaccine for three reasons: medical, religious, and student enrollment classification.

6.2. Medical exemption. Students presenting a statement from a licensed physician which certifies that the immunization is or may be detrimental to a person's health shall be exempt.

6.3. Religious exemption. If the bona fide religious beliefs of the student are contrary to these immunization requirements, the student shall be exempt. Upon submission of a written, signed and notarized statement of the bona fide religious beliefs and opposition to the immunization requirements, the person may attend college without proof of immunity. (See sample statement form at Appendix C.)

6.4. Student classification. Part-time students (those enrolled in fewer than 12 credit hours of course work) not residing in college or university residence halls and undergraduate students enrolled in off-campus programs are exempt.

7. Documentation.

7.1. The acceptable proof of compliance would be a document which has been filled out and signed by a licensed physician. The document should include the month, day, and year the vaccine was administered.

7.2. Acceptable proof may also be provided by the West Virginia high school attended. If a college or university receives an official copy of a student's health record with report of immunization transmitted to the college from a high school located in West Virginia, this requirement is satisfied.

8. Enforcement.

8.1. The student shall be required to present proof of immunity on or before the date of enrollment to the Admissions Officer.

8.2. If a certificate of immunization is not received on or before the date of enrollment, the college or university shall present a notice of deficiency to the student. The student must have the required proof of immunity on or before the date of enrollment for the next semester or the student shall not be permitted to attend the school until the required immunization, proof of immunity, or documentation of approved exemption has been provided.

9. Obtaining the Report of Immunity.

9.1. The student shall be informed of this requirement by the Admissions Officer of Marshall University as an aspect of the enrollment process.

9.2. The student and the institution should make reasonable effort to obtain proof of immunity from:

9.2.1. The family physician or from appropriate records signed by a physician or other community health provider.

9.2.2. The West Virginia high school attended. The health record with report of immunization from any high school in West Virginia shall be accepted as proof of immunization.

9.3. The college or university should advise the student to request that the student's West Virginia high school health record be transmitted to the institution of higher education at the time that the high school transmits the final official transcript of grades to the college. The institution should also communicate with West Virginia high schools for this

health record as it does to obtain official transcripts of grades.

10. Obtaining and Administering Immunizations.

10.1. Students who are unable to provide proof of immunity may obtain the required immunization free of charge.

10.2. The West Virginia Department of Health and county health agencies in cooperation with state colleges and universities will provide the immunization free of charge.

10.2.1. Students may obtain the required immunization free of charge at any county health agency which administers immunizations. County Health Agencies are listed in Appendix D.

10.2.2. The State Health Department will also provide vaccine to college student health centers free of charge upon request of the institution. Thus, those institutions wishing to provide this service may do so.

10.2.3. Only those student health centers with a physician in attendance may administer these vaccines. If vaccines are to be administered, the college student health center must assure that the student is advised of appropriate medical contraindications to the immunizations. The student health physician should provide the medical exemption statement when appropriate.

11. Records and Reports.

11.1. The University shall maintain on file immunization records for all persons not exempted from this requirement for immunity to measles and rubella. These records shall be open to examination by the State Department of Health during normal business hours.

11.2. When a person transfers to another college or university within the state system of higher education, the University shall, upon appropriate request, send a copy of the person's immunization record at no cost to the college or university to which the person has transferred.

11.3. The college or university shall file an immunization report with the Marshall University Board of Governors by November 15 of each year for the fall semester and by March 15 of each year for the spring semester. This report provided a statistical summary of the immunization status of new college enrollees.

11.4. The West Virginia Department of Health has agreed upon request to provide college student health centers with official health and immunization records for the purpose of recording immunizations which they might administer.

Policy 14. Student Rights and Responsibilities, Effective January 22, 2003

General.

1.1. Scope: Policies, rules and regulations regarding student rights, responsibilities and conduct at Marshall University.

1.2. Statutory References:

1.3. Passage Date: January 22, 2003

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 57 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Purpose.

2.1. Purpose - The purpose of these policies, rules and regulations includes, but is not limited to, the following:

(a) To establish a general policy on student life, including a statement on student rights and responsibilities, at the state colleges and universities.

(b) To identify behavioral expectations of students and certain prohibited acts by students at the state colleges and universities.

(c) To prescribe penalties and sanctions for such prohibited conduct

(d) To define generally the powers, authority and duties to be exercised under the control of the Board of Governors, by the president and officials of Marshall University in applying these policies, rules and regulations.

(e) To prescribe disciplinary actions and proceedings to be taken in cases of the violations of these policies, rules and regulations.

Definitions.

3.1. Board of Governors - The Marshall University Board of Governors.

3.2. Institution or institutions - Any or all of the institutions of higher education, or any branch or division thereof, over which the Board of Governors shall have authority, responsibility or control.

3.3. President - The chief executive officer of the institution, whatever the title, 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 discretion, or at or by the direction of the Board of Governors.

3.4. Property - Any property, whether owned, rented or otherwise held or used by the Board of Governors, by an institution or by the institutional community.

3.5. Activity - All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by an institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.

3.6. Facility - Any and all property of an institution used or usable in any activity of an institution.

3.7. Campus - All the property and facilities of any institution serving as the locus in quo of any activity of an institution.

3.8. Faculty - Those employees of Marshall University who are assigned to teaching or research or service functions at an institution, and who hold academic rank.

3.9. Staff - Those employees of Marshall University who are assigned to teaching or research or service functions at an institution, and who are not members of the faculty.

3.10. 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 institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the

rules, regulations, or policies of Marshall University or the institution.

3.11. Member of the institutional community - Any officer, administrator, faculty member, staff member, employee, student of or at an institution, member of the institutional Board of Governors, as well as any person authorized to participate in an institutional activity at the time applicable.

Policies Regarding Student Rights and Responsibilities.

4.1. The submission of an application for admission to an institution represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board of Governors and the institution. Institutional approval of that application, in turn, represents the extension of a right or privilege to join the institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the Board of Governors and the institution.

4.2. Freedom of expression and assembly - The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms the student has certain rights and responsibilities, including, but not limited to, the following:

(a) To have access to campus resources and facilities;

(b) To espouse causes;

(c) To inquire, discuss, listen to and evaluate;

(d) To listen to any person through the invitation of organizations recognized by the institution;

(e) To have a free and independent student press, which adheres to the canons of responsible journalism;

(f) To not violate the rights of others in matters of expressions and assembly;

(g) To abide by policies, rules and regulations of the Board of Governors and the institution and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.

4.3. Freedom of association - Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institution.

4.4. Right to privacy - The student is entitled to the same safe-guards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:

(a) Privileged communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries;

(b) Respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters;

(c) Confidentiality of academic and disciplinary records;

(d) Legitimate evaluations made from student records.

4.5. Responsibilities of citizenship - The student is expected, as are all citizens, to respect, and abide by, local ordinances and state and federal statutes, both on and off the

campus. As a member of the educational community, the student is expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.

4.6. Disciplinary proceedings - Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary proceedings, the student shall be considered innocent until proven guilty of any charge. Each institution shall have authority for promulgating rules and regulations, consistent with policies, rules and regulations of the Board of Governors.

Standards of Conduct; Rules and Regulations.

5.1. Conduct required in general - All students at the institutions are subject to, and are required to comply with, observe, and obey the following:

- (a) The laws of the United States;
- (b) The laws of the State of West Virginia;
- (c) Local city, county and municipal ordinances;
- (d) The policies, rules and regulations of the Higher Education Policy Commission, the Board of Governors and the institution;
- (e) The directions and orders of the officers, faculty and staff of the institution who are charged with the administration of institutional affairs on campus.

5.2. Prohibited; disorderly conduct - Any and all students who behave in a disorderly or unlawful manner, such as the actions listed below, but not limited to those listed, in or about institutional property or facilities, are subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such violations in local, state or federal courts:

- (a) Fights;
- (b) Assaults or battery;
- (c) Public disturbances;
- (d) Unlawful assembly;
- (e) The violation of any municipal, state or federal law, or the rules and regulations of the Board of Governors or the institution.

5.3. Prohibited conduct; theft or damage of property - No student shall, individually or by joining with one or more others, misuse, steal, damage or destroy any institutional property or facilities or the property of any member of the institutional community on or in campuses, property or facilities of an institution. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions or conduct in local, state or federal courts.

5.4. Prohibited conduct; disruption - No student shall, individually or by joining with one or more other persons, do any of the following:

- (a) Disrupt or interfere with any institutional activity, program, meeting or operation;
- (b) Interfere with the rights of any member of the institutional community;

(c) Injure or threaten to injure, or coerce by bodily harm or restraint or threats thereof or any other means, any member of the institutional community or persons lawfully on the institution's campus, property or facilities;

(d) Seize, hold, commandeer or damage any property or facilities of an institution, or threaten to do so, or refuse to depart from any property or facilities of an institution upon direction, pursuant to policies, rules and regulations of the Board of Governors or the institution, by an institutional officer, faculty or staff member, or other person authorized by the president. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

5.5. Prohibited conduct; hazing - No student shall, individually, or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community. The president shall promulgate rules and regulations prohibiting hazing in any form. Such rules and regulations shall include provisions to:

(a) Prohibit any action which subjects a pledge, initiate, or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities;

(b) Include the institutional hazing policy in the student handbook, or such other publications which are readily distributed to all students. The institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts;

(c) Identify, through student publications and other appropriate mechanisms, the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to: denial of the use of institutional facilities, removal of some or all social privileges, removal of institutional recognition, and a recommendation to regional or national headquarters that the organizational charter be revoked. The president of the institution shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations;

(d) Ensure that students accused of hazing offenses where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing, as provided in Section 7.4 of these policies, rules and regulations.

5.6. Prohibited conduct; discrimination - No student shall, individually or by joining with one or more other persons, promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age. Students involved in any such action or activities shall be subject to

institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

Powers, Authority and Duties of the President.

6.1. General powers, authority and duties of the presidents - The chief executive officer of each institution shall be the president. The president shall be responsible for the entire administration of the institution, subject to the control of the Board of Governors. It shall be the president's duty to attend to and administer the laws of the State of West Virginia which may be applicable on the campus; the policies, rules and regulations of the Board of Governors; and policies, rules and regulations of the institution. Each such president is hereby vested with authority requisite to that end, subject to the control of the Board of Governors.

6.2. Powers, authority and duties of the presidents; delegation of authority and responsibility - Any authority, responsibility, or duty granted to or imposed upon such a president by these policies, rules and regulations may be delegated by the president, subject to the control of the Board of Governors, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the president shall be required to deal with the persons to whom the president shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the president through such designees, except on appeal to the president as specified by the president.

6.3. Powers, authority and duties of the president; promulgation of institutional regulations for student discipline - The president of each institution shall have authority and responsibility, subject to the control of the Board of Governors, for the discipline of all students at the institution. The president, with the advice of faculty and students and subject to the control of the Board of Governors, shall develop, promulgate and use disciplinary regulations and channels at each institution not inconsistent with the policies, rules and regulations of the Board of Governors.

6.4. Powers, authority and duties of the presidents; activities on, and use of, institutional property or facilities - The use by any person of the property or facilities of the institutions shall be controlled and governed by the policies, rules and regulations of the Board of Governors.

Regulations governing the use of such property or facilities at a particular institution shall be promulgated by the president thereof, with the advice of faculty and students and shall conform to these policies, rules and regulations and be subject to the control of the Board of Governors.

6.5. Powers, authority and duties of the presidents; public use of institutional property or facilities and restrictions imposed - Subject to the control of the Board of Governors, notwithstanding any rule, regulation, policy or express or implied permission for the use of, or presence in or on, the property or facilities of any institution, any person who (a) is not a student presently registered for current classes or course work at the particular institution or is not an employee of Marshall University currently on duty at the institution and (b) by his/her conduct or speech or

expressions, causes or, in the opinion of the president of the institution or the president's delegate of authority, may be reasonably expected to cause harm to persons, property or facilities or disruption of, or interference with, any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the president of such institution, or the president's delegate of authority, shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The president or delegate of authority, may take whatever legal or institutional action is necessary to effectuate this authority.

6.6. Powers, authority and duties of the presidents; use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations. The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to, or use of, the institution's property, facilities, activities, programs, or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding.

6.7. Powers, authority and duties of the presidents; limitations of assembly and student use of institutional property or facilities - Subject to the control of the Board of Governors, when, in the judgment of the president of any institution, an assembly is not in the best interests of the institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, such president or his delegate of authority shall prohibit such assembly and shall take measures to prevent harm to persons, property or facilities, or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.

6.8. Powers, authority and duties of the presidents; limitation of activities and emergency measures - When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities, or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board of Governors, when the president of an institution at which such occurrences happen or take place, deems it necessary to end or to control such occurrences and the circumstances caused thereby, that president shall take any or all of the following actions or other appropriate actions:

(a) Declare a state of emergency to exist on the campus; and (1) Close down any part of the institution for any length of time, or limit use of certain parts of the campus, property or facilities to certain persons at certain times; (2) Impose curfews on the presence of persons in or on institutional facilities or property; (3) Place bans on gatherings of persons at places or times on or in the institution's property or facilities; or (4) Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.

(b) Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations.

(c) See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Higher Education Policy Commission, the Board of Governors; and the institution, including any emergency orders imposed as a result of the state of emergency so declared.

Disciplinary Action; Proceedings.

7.1. Application to students - Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the institution at which he/she is a student if that person is involved on the campus of that institution in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of Marshall University. In taking disciplinary action against a student, as defined herein, an institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have received from the institution.

7.2. Sanctions in disciplinary action - The following sanctions may be imposed upon students as a result of disciplinary actions by an institution:

(a) Probation - exclusion from participation in certain institutional activities, property or facilities for a definite stated period of time, and may be conditioned upon compliance with policies, rules and regulations, or specified required activity during the period of probation.

(b) Suspension - exclusion from all institutional activities for a definite stated period of time up to one (1) academic year, and any condition on resumption of activities, if any, also may be imposed.

(c) Expulsion - termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification, and conditions for readmission, if any, may be stated in the order. 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. Sanctions of lesser severity, including restitution, may be imposed in any case, at the discretion of the president of the institution. Each institution shall identify in its student handbook, or other similar publication, the offenses for which a student who is found guilty may be subject to the sanctions of suspension or expulsion.

A sanction of suspension or expulsion imposed by a college or university under the jurisdiction of the Higher Education Policy Commission shall also be effective at Marshall University. A student who is expelled from one (1) institution in the West Virginia state higher education system may not be considered for admission to Marshall University until one (1) year has elapsed after the student has been expelled. When a sanction is scheduled for a particular semester and the time lapse during an appeal process makes enforcement in the designated semester impossible, then the sanction shall be applied to the semester in progress at the time of completion of the appeal. In the event that sanction cannot be implemented during that semester, then it shall be applied during the next regular semester, except that if the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the grades and records of that student during the semester designated in the original sanction. In any event, the accused student may not be graduated during the process of appeal.

7.3. General requirements for disciplinary channels - Rules and regulations establishing disciplinary channels at the institutions, promulgated pursuant to Sections 4.5. and 6.3 of these rules, or any of the policies, rules and regulations, shall provide, among other things, at the least for the following:

(a) There shall be a hearing board whose members shall be members of the institutional community, including student and faculty representatives, and whose number shall be at least three (3), and, in any event, on any panel hearing a case, shall be odd.

(b) The hearing board shall have jurisdiction of cases involving the alleged violations of Sections 5.2., 5.3., 5.4., 5.5. and 5.6. of these policies, rules and regulations, and of cases involving students suspended pursuant to Section 6.8. (b) of these policies, rules and regulations.

(c) The jurisdiction and authority of the hearing board shall be, in cases of disciplinary action against students: (1) To hear evidence; (2) To make findings of fact from the evidence presented; (3) To make recommendations to the president of the institution, based upon such findings of fact, as to the disposition of the disciplinary action, including sanctions to be imposed, if any; and (4) To refer for hearing to a lesser disciplinary channel in cases not involving potential suspension or expulsion. (In lieu of calling together the entire hearing board to decide on referrals, a referral board, including a faculty representative and a student representative selected from the hearing board, may decide the level of hearing by establishing hearing levels for categories of disciplinary infractions or by considering individual referral cases).

(d) The hearing board shall have such appellate jurisdiction as may be appropriate to the institution, from the determinations and recommendations of any lesser disciplinary channel.

(e) The student may then object or take exception to the recommendations of the hearing board under such procedures as the president may deem appropriate.

7.4. Procedural standards in disciplinary proceedings - In any disciplinary proceedings before a hearing board established pursuant to Section 7.3. of these rules brought against a student for alleged misconduct, actions, or behavior for which sanctions of suspension or expulsion may be imposed, the following procedural standards shall be observed.

(a) Written charges of violation shall be presented to the accused student which shall include at least: (1) A statement of the policy, rule or regulation which allegedly has been violated; (2) A statement of the facts and evidence to be presented in support of the charges made with sufficient clarity to reasonably disclose the time and place of the occurrence and the actions or behavior complained of; (3) A statement that a hearing will be held before the hearing board on the charges, together with notice of the date, time and place of the hearing; and (4) In cases involving potential suspension or expulsion, as specified in institutional policies, the student must be informed of his/her right to have legal counsel present at the hearing (students retain attorneys in such cases at their own expense and must notify the hearing board at least forty-eight (48) hours prior to the hearing if the attorney will be present at the proceedings). It is expressly provided, however, That such written charges shall not be fatally defective so as to prevent the set hearing or to require further amplification if such minimum requirements are met reasonably and in good conscience at the discretion of the hearing board.

(b) Said written charges shall be served upon the student charged by one (1) of the following means: (1) Handing a copy to the student in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the hearing is to take place; or (2) Mailing, via certified mail, a copy to the student at the residence used while in attendance at the institution, as last noted on his/her official records at the institution; or (3) If the student is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his/her last known permanent or home residence as disclosed by official records at the institution. It is expressly provided, however, that such service of charges and notice of hearing shall not be defective if the student shall have hidden, refused mail, or shall have failed to notify the institution of his/her current address while attending the institution or of the current permanent home address, and the hearing may proceed without hindrance or delay.

(c) A hearing shall be held at the date, time and place specified (unless postponed by the hearing board for good cause shown) and shall provide the student at least five (5) days notice from the serving of the charges (unless such notice is waived by the student). The hearing shall be conducted in such a manner as to do substantial justice and shall include at least the following: (1) The accused student has the right to have an advisor. Such an advisor may be a parent or guardian, a student at the institution, or a member of the faculty or staff of the institution. An advisor may consult with the accused student, but may not speak on behalf of the student or otherwise participate directly in the proceedings, unless given specific permission to do so by

the hearing board. In cases involving the potential for suspension or expulsion, legal counsel may be present as specified in Section 7.4(a)(4) of this policy. Legal counsel may serve in an advisory capacity to the accused student in such cases. However, legal counsel may not speak on behalf of the student or otherwise participate directly in the proceedings. The college or university may request legal counsel through the Office of the Chancellor. Counsel retained by the institution may participate only in an advisory capacity and may not speak on behalf of the institution or otherwise participate directly in the proceedings; (2) All material evidence may be presented subject to the right of cross-examination of the witnesses; (3) There shall be a complete and accurate record of the hearing. In the case of an appeal, a written transcript may be required; (4) In any event, the accused student shall be entitled to be present throughout the presentation of evidence, testimony of witnesses, and arguments of parties; to know the identity of and content of testimony of the witnesses against him and have them present at the hearing at appropriate times; and to present witnesses and any evidence on his behalf as may be relevant and material to the case.

(d) No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered. And, in any event, all findings of fact and recommendations shall be based solely upon the evidence in the case as a whole.

(e) After the hearing, the hearing board shall make findings of fact and recommendations for the disposition of the case and sanctions to be imposed, if any, and forward the same to the president of the institution. Within ten (10) working days following receipt of the hearing board recommendations, the president shall review the facts of the case and take such action as may be appropriate under all the circumstances. Except in cases which involve the sanction of expulsion, as defined in Section 7.2. of these policies, rules and regulations, the decision of the president shall be final.

7.5. Review by the Board of Governors - The Board of Governors may, from time to time, require from the presidents, or any of them, reports on disciplinary actions or proceedings over a period of time or as to any specific case or cases. Such reports shall be in such form as the Board of Governors may require. In disciplinary cases where the institutional sanction is expulsion, the Board of Governors may, pursuant to such procedures as it may specify, grant an appeal from the disciplinary action of any President on the record of the case submitted and on leave of the Board of Governors first obtained. 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. If the appeal is granted, the sanction imposed by the president's decision shall be stayed until the Board of Governors makes a final decision after a review of the case. In the event the decision of the president is affirmed after such review, the person appealing and the president shall be notified by certified mail and the sanction shall be effective immediately upon receipt by the president of the decision rendered by the Board of Governors. In reviewing student appeals involving the sanction of expulsion, the Board of Governors will review all relevant information and records of applicable institutional disciplinary proceedings to ensure that due process has been afforded. In any case of any review of disciplinary action, the Board of Governors may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.

**Policy 15. Student Academic Rights,
Effective January 22, 2003**

General.

1.1. Scope. -- Policy regarding academic rights and responsibilities of students.

1.2. Statutory References: W. Va. Code §18-26-8

1.3. Passage Date: January 22, 2003

1.4. Effective Date: Upon passage

1.5. Background: Replaces Board of Trustees Series No. 60 which was transferred by the Higher Education Policy Commission to the institutional boards of governors.

Academic Rights and Responsibilities of Students.

2.1. The institution and its constituent colleges and schools shall define and promulgate, consistent with the policies, rules and regulations of the Higher Education Policy Commission and the Marshall University Board of Governors, the academic requirements for admission to the institution, for admission to limited enrollment programs and for admission to professional and graduate degree programs (where offered); the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation; the requirements or criteria for any other academic endeavor; and the requirements for student honesty and originality of expression.

2.2. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the institution, accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate requirements and to know and meet criteria for satisfactory academic progress and completion of the program.

Academic Rights.

3.1. Concomitant with the academic standards and responsibilities established pursuant to Section 3. of these rules, each student shall have the following academic rights:

3.1.1. The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards. The

student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex or national origin.

3.1.2. Each student shall have the right to have any academic penalty, as set out in Section 4.2. of these rules below and more specifically defined by his/her institution, reviewed.

3.1.3. Each student shall have access to a copy of the college or university catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence requirements, special program requirements, minimum grade point average, probation standards, professional standards, etc). Students have the right to receive from the instructor written descriptions of content and requirements for any course in which they are enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).

3.1.4. The instructor of each course is responsible for assigning grades to students enrolled in the course, consistent with the academic rights set out in the preceding sections.

Application of Policy to Students.

4.1. 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 institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the rules, regulations, or policies of the Higher Education Policy Commission, the Marshall University Board of Governors or the institution.

4.2. A student, as defined in this policy, shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution and/or its constituent colleges and schools according to Section 2.1. of these rules. Students are expected to adhere to these academic standards in all academic settings, classrooms, laboratories, clinics and any other activities which are part of academic requirements.

Academic Requirements and Consequences of Failure to Meet Requirements.

5.1. The institution and its constituent colleges and schools shall define and promulgate the academic requirements, criteria and standards as set out in Section 2.1. of these rules above. Normally, students may finish a program of study according to the requirements under which they were admitted to the program. However, requirements are subject to change at any time, with reasonable notice provided to the students.

5.2. A student who fails to meet the academic requirements or standards, including those for academic honesty as defined by the institution and its constituent colleges and schools according to Section 2.1 of these rules, may be subject to one or more of the following penalties:

5.2.1. A lower grade or failure of the course or exclusion from further participation in the class (including laboratories or clinical experiences), all of which may be imposed by the instructor.

5.2.2. Academic probation as determined and defined by the institution and its constituent colleges and schools.

5.2.3. Academic suspension as determined and defined by the institution and its constituent colleges and schools.

5.3. Academic dismissal is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at the institution, or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at the institution.

5.4. A student may appeal any penalty according to the procedures in Section 6 of these rules below. Each institution and its constituent colleges and schools shall determine and specify the point at which penalties, excluding those specified in Section 6.3.1. of these rules, may be imposed. Each instructor determines the point at which the penalties specified in Section 6.3.1. of these rules may be imposed. Each institution and its constituent colleges and schools shall determine the method(s), if any, by which a student may correct the condition(s) leading to imposition of these penalties and thereby have them removed.

Appeals.

6.1. Each institution and its constituent colleges and schools shall establish policies and procedures by which a student may appeal or challenge any academic penalties imposed by a faculty member or by the institution or one (1) of its constituent colleges and schools, including those described in Section 5.2. of these rules above.

6.2. Additional procedures may include but not be limited to:

6.2.1. Appeals of a grade penalty or exclusion from class;

6.2.2. Appeals of final course grades;

6.2.3. Appeals of imposition of academic probation;

6.2.4. Appeals of imposition of academic suspension;

6.2.5. Appeals of dismissal from undergraduate programs;

6.2.6. Appeals of dismissal from graduate programs;

6.2.7. Appeals of dismissal from professional degree programs; and

6.2.8. Appeals of dismissal from the institution.

6.3. Policies and procedures relating to appeals of academic penalties shall be governed by due process and shall include, as a minimum:

6.3.1. Written notice to the student (1) of his/her failure to meet or maintain an academic standard, (2) of the methods, if any, by which the student may correct the failure, and (3) of the penalty which may be imposed.

6.3.2. An opportunity for the student to meet with the faculty member(s) or other individual(s) who have judged his/her performance to be deficient, to discuss with these faculty member(s) or other individual(s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her

behalf, and to be accompanied at any such meeting by an advisor of his/her choice from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.

6.3.3. An opportunity for the student to appeal the decision or judgment of faculty members through the established institutional appeals procedure within thirty (30) calendar days after written notice of the decision or judgment.

6.3.4. An opportunity to appeal to the president of the institution or his/her designee within thirty (30) calendar days after the receipt of written notice of the decision or judgment.

6.3.5. The decision of the president or his/her designee regarding an academic appeal is final.

Appeals Procedures for Academic Dismissal.

7.1. The appeal will be subject to the following conditions:

7.1.1. The appeal must be filed within thirty (30) calendar days after written notice of the decision.

7.1.2. The appeal to the appropriate academic officer or appeals committee is not adversarial in nature; the formal rules of evidence do not apply.

7.1.3. The student may be advised by a person of his/her choice from the institution; likewise, the faculty member, academic officer, or committee recommending academic dismissal may have an advisor from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.

7.1.4. Witnesses may be called by any of the parties involved.

7.1.5. A record of the appeal shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.

7.1.6. The decision of the president or his/her designee regarding academic dismissal is final.

§128-60-8. Publication.

8.1. All standards, criteria and procedures of the institution shall be published in one or more appropriate institutional publications such as catalogs, student handbooks, academic pamphlets, and handouts. Such requirements are subject to change with reasonable notice provided to the students.

Policy 16. Rule on Adjunct Faculty (4-Year), Effective March 23, 2004

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 part-time 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 part-time 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.

Policy 17. Rule on Adjunct Faculty (MCTC),

Effective December 11, 2003

NOT PRINTED HERE

Policy 18. Review of Part-time Classified Positions,

Effective December 11, 2003

1. General.

1.1 Scope: This policy defines guidelines for approving the employment of part-time classified staff and requires a review of pre-existing part-time classified positions.

1.2 Statutory Reference: W.Va. Code §§18B-7-6(b)

1.3 Passage Date: November 12, 2003

1.4 Effective Date: December 11, 2003

1.5 Background: Replaces Human Resource Services Policy and Procedure 3.165

Policy:

2.1 The role of part-time classified employees is based on the needs of the university and/or an individual department. Marshall University realizes that occasionally, due to financial restraints of the university and/or the hiring department, only part-time employment is feasible. Not all positions can or should be full-time. However, it is the policy of Marshall University to discourage regular-status classified employment appointments at less than 53 percent of full-time equivalent (FTE), the threshold for providing employment benefits. It is the policy of the university to discourage regular-status part-time classified employment appointments when a practical basis exists for supporting full-time employment.

2.2 For any proposed regular-status classified employment appointment at less than 53 percent FTE, the hiring official must provide a written statement to the Director, Human Resource Services, setting forth why the appointment should not be set at 53 percent FTE or greater. For any proposed regular status classified employment appointment to be set between 53 and 99 percent

FTE, the hiring official must provide a written statement to the Director, Human Resource Services, setting forth why the appointment should not be set to 100 percent FTE. The President or his designee must approve as an exception to policy any such appointments allowed to be made at less than 100 percent FTE and/or at less than 53 percent FTE.

2.3 For any regular-status classified employment appointment that exists at the effective date of this policy and that is set at any percentage less than 100 percent FTE, the employing department's dean or director must provide one time at the request of the Director, Human Resource Services, a written statement setting forth why the position should not be set at 100 percent FTE.

Likewise, for any existing position set at less than 53 percent FTE, a similar statement must be submitted setting forth why the position should not be set to at least 53 percent FTE. The continuation of such regular-status appointments at a percentage less than 100 percent FTE and/or below 53 percent FTE respectively beyond the end of the fiscal year will require the approval of the President or his designee as an exception to policy.

2.4 Extra Help and Casual employment appointments are not regular-status appointments for purposes of employment

benefits. Extra Help employment appointments are classified employment appointments but are not subject to the provisions of this policy. Casual employment appointments are not classified employment appointments and are not covered by the provisions of this policy. Both Extra Help and Casual employment appointments are governed by specific policy setting limits on the length of such appointments. Such appointments are discouraged in circumstances where there is work of sufficient duration to warrant continuous employment and where there are sufficient financial resources to support regular-status employment. Extra

Help and/or Casual appointments expiring on or before the time limitations imposed by policy indicates that either long-term work does not exist or that the university's financial resources do not permit long-term support of the employment. The proposed employment of any individual in an Extra Help employment appointment beyond the time limit for Extra Help appointments requires that they be placed in classified regular-status employment which is subject to separate recruiting. The proposed employment of any individual in a Casual employment appointment beyond the time limitations for Casual appointments requires that they be placed in Extra Help status and appropriately classified.

2.5 For any regular-status classified appointments based on a nine-month or ten-month term, incumbents of such positions must be offered full-time employment rather than hiring any temporary employees to perform work during the period of time the regular-status employees are not in active pay status.

2.6 This policy satisfies requirements imposed by West Virginia State Code Section 18B-7-6(b).

Policy 19. Intellectual Property,

Effective March 23, 2004

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 Executive Policy 13 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.

Policy 20. Awarding of Undergraduate and Graduate Fee Waivers, Effective March 23, 2004

General:

1.1. Scope: Policy regarding the awarding of undergraduate and graduate fee waivers.

1.2. Statutory References: W. Va. Code §18B-10-5, Fee Waivers – Undergraduate schools and §18B-10-6, Same – Graduate and professional schools; and §18B-10-4b, §18B-10-7, §18B-10-7a, and §18B-10-7b regarding provisions for awarding additional waivers to specific groups of students.

1.3. Passage Date: March 10, 2004

1.4. Effective Date: March 23, 2004

1.5. Background: Replaces Board of Trustees Series No. 49 which was transferred by the Higher Education Policy Commission to the institutional boards of governors. Policy.

2. Undergraduate Fee Waivers

2.1. The term "Undergraduate Fee Waiver" refers to all tuition and fee waivers authorized by Chapter 18B, Article 10, Section 5 of the West Virginia Code. These awards shall be identified by using the name Marshall University Undergraduate Fee Waiver.

2.2. Pursuant to WV Code 18B-10-5(1), the maximum number of authorized undergraduate fee waivers at the institution shall be equal to five percent (5%) of the full-time equivalent undergraduate enrollment of the institution

for the fall term of the immediately preceding academic year. Pursuant to WV Code 18B-10-1(k)(1)(G), additional undergraduate fee waivers may be granted up to the limit authorized by the Higher Education Policy Commission.

2.3. No student may hold an undergraduate fee waiver for more than eight (8) semesters. Twelve (12) or more semester hours attempted during a regular semester or a summer term shall be considered as one (1) semester for scholarship purposes.

2.4. Awards made under this program shall provide for the waiver of tuition, registration fee, higher education resource fee, and the faculty improvement fee. In addition, the institution shall have discretionary authority to waive one or more of the component parts of the college fees (includes such fees as the activity, athletic, and student union fees) and/or special fees assessed to students in designated academic fields (e.g.: engineering fee, pharmacy fee).

2.5. Waiver recommendations shall be submitted to the Board of Governors in accordance with the following general provisions.

2.5.1. The institutions will submit reports to the Board on November 15 and August 15 of each year (or the next regularly scheduled Board meeting). While the November 15 report will list waiver recommendations for the entire year, the August report must deal only with revisions to the initial report.

2.5.2. Each award recipient should be listed and a permanent hometown address provided. Both new and renewal recipients must be included.

2.5.3. Each waiver recipient should be listed within the single category which reflects the primary reason a fee waiver was awarded.

2.6. The Institution should provide a reasonable opportunity for their employees to utilize these awards.

2.7. In view of the substantial alternative student aid resources available for students with demonstrated financial need and the shortage of merit scholarships available at the public institutions, it is recognized that the institution may choose to award a substantial portion of its tuition and fee waivers to students who possess various kinds of special abilities and aptitudes.

2.8. In accordance with Sections 4b, 7, 7a, and 7b of Chapter 18B, Article 10, of the West Virginia Code, the institution may make provisions to waive or reduce tuition and fees charged to a.) children and spouses, of certain law enforcement officers, registered firefighters, corrections officers, and conservation officers of the state of West Virginia, or any political subdivisions thereof, killed in the line of duty; b.) certain high school graduates in foster care; and c.) successful completers of the Health Sciences and Technology Academy Programs. Fees waived under the terms of the aforementioned sections of the WV code shall not be counted against the allotment authorized in Section 2.2 of this policy.

3. Graduate and Professional Fee Waivers.

3.1. The term "Graduate and Professional Fee Waiver" refers to all tuition and fee waivers authorized by 18B-10-5(1) of the West Virginia Code. These awards shall be designated as the Marshall University Graduate Fee Waiver.

3.2. The maximum number of fee waivers shall be determined in the following manner:

3.2.1. The maximum number of authorized graduate and professional fee waivers at Marshall University shall be equal to five percent (5%) of the number of full-time equivalent graduate and professional students registered during the corresponding fall semester, spring semester and summer term of the immediately preceding academic year.

3.2.2. In addition to waivers allowed under Section 3.2.1, all graduate assistants employed by Marshall University shall be granted fee waivers.

3.3. Pursuant to the statute, no student may hold a graduate or professional fee waiver for a period of time that exceeds the number of semesters normally required in the recipient's academic discipline.

3.4. Awards made under the graduate and professional fee waiver program shall provide for the waiver of tuition, registration fee, higher education resource fee, and faculty improvement fee. In addition, the institution shall have discretionary authority to waive one or more of the component parts of the college fees (includes such fees as the activity, athletic, and student union fees) and/or special fees assessed to students in designated academic fields (e.g. Health Science fee, College of Business fee, and College of Information and Technology Fee).

3.5. Waiver recommendations shall be submitted to the Board of Governors in accordance with the following general provisions. 3.5.1. The institution will submit reports to the Board as follows:

3.5.1.a. A report covering first semester awards will be due November 15 (or the next regularly scheduled Board meeting);

3.5.1.b. A report covering second semester awards will be due March 15 (or the next regularly scheduled Board meeting); and

3.5.1.c. A report covering summer (all sessions) awards will be due August 15 (or the next regularly scheduled Board meeting).

3.5.2. Each of these reports will be considered as a separate report, and even though a student may be awarded for all three (3) terms, that student must be listed on all three (3) reports.

3.5.3. Each award recipient should be listed and a permanent hometown address provided.

3.6 The institution shall give priority consideration in the awarding of graduate fee waivers to faculty and staff members of West Virginia public and private colleges and universities who make application in accordance with the institution's announced application procedures and deadlines.

Policy 21. Distribution of General Faculty Salary Increase Funds (Four-year), Effective July 1, 2004

General:

1.1. Scope: Policy regarding the distribution of faculty salary increase funds to units and individuals.

1.2. Statutory 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.

1.3. Passage Date: May 12 2004

1.4. Effective Date: July 1, 2004

1.5. Background: This policy is in effect for increases given after FY2005.

Policy:

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.

Evaluation

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. Data gathered in evaluations will be used for promotion and tenure decisions as determined by each college/school/library.

Salary

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. The salary pool is divided into 49% for equity raises and 51% for merit raises.

Second, the equity pool is distributed at the university level by:

- examining peer salary data and establishing a percentage of peer salaries that every faculty salary should reach
- distributing the 49% equity money so that each faculty member's salary reaches the set percentage of market value.

Third, the merit money is then distributed to each college/school/library in proportion to the number of full-time, tenure and tenure track and continuing appointments. 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
- Faculty earning a rating of 2.51 or above would earn merit pay in addition to their equity.
- Merit pay would be distributed proportionally, based on the ratings, among faculty in a unit who earn between 2.51 and 4.0.

$$\text{merit raise} = \frac{\text{faculty score (2.51-4.0)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$$

Equity and merit raises are added to base salaries. The Joan C. Edwards School of Medicine should come up with a similar plan for their faculty.

Policy 21a. Distribution of General Faculty Salary Increase Funds (Four-year; FY2005 only), Effective July 1, 2004

General:

1.1. Scope: Policy regarding the distribution of faculty salary increase funds to units and individuals.

1.2. Statutory 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.

1.3. Passage Date: May 12 2004

1.4. Effective Date: July 1, 2004

1.5. Background: This policy is a transition policy in effect for increases given for FY2005 only.

Policy:

To transition from the current compensation system into one including a merit component as mandated by the West Virginia legislature, in the contract year 2004-2005 only salary monies available to the institution be distributed in the following manner:

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.

The salary pool is divided into 49% for equity raises and 51% for merit raises. The equity pool is distributed at the university level by:

- examining peer salary data and establishing a percentage of peer salaries that every faculty salary should reach
- distributing the equity money so that each faculty member's salary reaches the set percentage of market value.

Last, the merit money is then distributed to each college/school/library in proportion to the number of full-time, tenure and tenure track and continuing appointments. The merit money available to colleges/schools/libraries will be distributed using one of the following options to be determined by the faculty of the various colleges/schools/libraries:

- use the merit system that has been applied in the unit in the past
- OR
- use annual reviews from 2002-2003 (the most recent data available) in which

- excellent = $5 = \frac{\text{faculty score (3.25)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- good = $4 = \frac{\text{faculty score (3.00)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- effective = $3 = \frac{\text{faculty score (2.75)} \times \text{total merit dollars available in the unit}}{\text{sum of all ratings qualifying for merit in the unit}}$

- needs improvement = 2=No Merit

- unacceptable = 1=No Merit

Equity and merit raises are added to base salaries.

The Joan C. Edwards School of Medicine should come up with a similar plan for their faculty.

Policy 22. Distribution of General Faculty Salary Increase Funds (MCTC), Effective July 1, 2004

Policy 22a. Distribution of General Faculty Salary Increase Funds (MCTC; FY2005 only), Effective July 1, 2004

Policy 23. Board Meetings, Effective March 9, 2005

1. General.

1.1 Scope: This policy governs the meetings of the Board of Governors.

1.2 Statutory References: WV Code §6-9A-1 through §6-9A-12

1.3 Passage Date: Mar 9, 2005

1.4 Effective Date: Upon passage

1.5 Background: Portions of this policy are required under WV Code § 6-9A-3.

2. Policy

2.1 Meetings of the Board will be scheduled approximately six (6) times per year.

Special meetings may be convened by the Chair or upon the petition of a majority of the members.

2.2 Meetings will occur in Huntington, West Virginia, in association with visits to off-campus locations of Marshall University and the Marshall Community and Technical College or to such other place as may be designated by the Board.

2.3 Members may participate in Board and committee meetings by telephonic or other electronic means which permit the voice or video identification of the member.

2.4 A quorum of eight members is required to conduct business on matters requiring a vote of the Board.

2.5 Meetings will be noticed in accordance with the provisions of the Open Governmental Meetings Act. This includes notice of date, time, place and purpose of all meetings being filed with the Secretary of State for filing in the State Register at least five days prior to the date of the meeting. Such filing in the State Register shall also serve as notification of the meeting to the public and news media as required in W. Va. § 6-9A-3.

2.6 The agenda for each regularly scheduled meeting will be made available to the public at least three (3) working days prior to the date of the meeting. Agendas will be available for pick-up on weekdays (excluding University holidays) between 9am and 4pm at the President's Office, Old Main 216 on the Huntington Campus. Agendas may also be posted on the Board's web page at <http://www.marshall.edu>.

2.7 The notice provisions of this section shall not apply in the event of an emergency requiring immediate official action. Notice of an emergency meeting may be filed at any time prior to the emergency meeting and shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

2.8 All meetings of the Board and the committees shall be open to the public, except the Board or a committee may vote to hold an executive session during its meeting for any of the reasons authorized under W. Va. § 6-9A-4. A motion to hold an executive session must identify the authorization in W. Va. § 6-9A-4 for the executive session and be approved by a majority of the members present.

2.9 At the discretion of the Chair, the Presidents of the University and the Community and Technical College, administrative staff, faculty members, classified and non-classified employees, and members of the public may be recognized to address the Board or a committee during its meeting.

2.10 Meetings will be conducted according to the latest edition of *Robert's Rules of Order*, subject to the suspension of any rule by a majority vote of the Board or committee.

2.11 The Board may cause the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

Policy 24. Separate Academic Policies, Effective March 9, 2005

1. General:

1.1 Scope: This policy describes the separation between the University and the Community and Technical College.

1.2 Statutory References: WV Code §18B-3C-12(b)(3)

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon passage

1.5 Background: This policy is required under WV Code §18B-3C-12(b)(3).

2. Policy

2.1 Marshall University and Marshall Community and Technical College shall be considered separate accredited institutions.

2.2 The presidents of Marshall University and Marshall Community and Technical College shall be the chief executive officers of their respective institutions and shall each report to the Marshall University Board of Governors.

2.3 Marshall University shall be considered the sponsoring institution for Marshall Community and Technical College and may provide services as negotiated.

2.4 Marshall Community and Technical College shall maintain its administrative linkage with Marshall University in order to ensure efficient use of limited resources.

2.5 Academic and faculty personnel policies for Marshall University and Marshall Community and Technical College shall be separate.

2.6 The appropriate faculty representative body of each institution shall work with the appropriate administration to ensure that academic and faculty personnel policies are adopted and updated as needed to accomplish each institution's distinct missions.

Policy 25. Credit for public school service, Effective March 9, 2005

1. General:

1.1 Scope: Policy regarding the award of credit towards college graduation for service as a tutor or mentor in public schools.

1.2 Statutory References: W. Va. Code §18B-2A-5

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon passage.

1.5 Background: This policy is required under W. Va. Code §18B-2A-5.

2. Policy:

2.1 Marshall University and Marshall Community and Technical College shall implement procedures to ensure that college students obtain credit toward graduation for service performed in the public schools as tutors, student advisors, and mentors to instill in public school students the benefits of postsecondary education attainment.

2.2 The Chief Academic Officer of each institution shall develop procedures describing the method for awarding credit earned under this policy, setting an appropriate minimum number of hours of service performed for credit, and setting an appropriate maximum amount of credit earned.

2.3 The institutions shall not be responsible for placement of students in a public school for the purpose of performing service and receiving credit under this policy.

Policy 26. Faculty and Administrative Productivity, Approved MUBOG May 11, 2005

1. General:

1.1. Scope: Policy regarding the productivity of faculty and administrators at Marshall University and the Marshall Community and Technical College.

1.2. Statutory References: W. Va. Code §18B-7-7, 18B-7-8

1.3. Passage Date:

1.4. Effective Date:

1.5. Background: This policy replaces Board of Trustees Series 25, which the HEPC has transferred to the institutional boards of governors. It is substantially identical to Series 25, except that Marshall University Board of Governors Policy 16 and Policy 17 replace the Series 25 section on adjunct faculty and it has been removed from this policy.

2. Policy:

2.1. The average number of student credit hours taught per faculty FTE at each institution shall be at least ten percent (10%) greater than the average during the most recent year for which comparable data are available at similar peer institutions as approved by the Board. Where appropriate, the institutions shall develop means to relate credit hours to contact hours. The population of faculty will be consistent with those reported in the federal IPEDS (Integrated Postsecondary Education Data System) survey.

2.2. Administrators shall be at least ten percent (10%) more productive than administrators at similar peer institutions as approved by the Board.

2.2.1. Administrators shall be defined as employees in senior-level positions that should be reported according to

the CUPA (College and University Personnel Association) administrator survey guidelines.

2.2.2. Appropriate measures of productivity will be compared with equivalent data for similar peer institutions as approved by the Board. Such measures shall include the number of administrators as a percent of total full-time employees and the average administrator salary as compared to the appropriate peer average in addition to such other measures as may be prescribed by the Board.

2.2.3. Whereas the number of administrators and salaries of administrators may not be appropriate measures of "administrative productivity" as referenced in W. Va. Code 18B -7-7, the presidents of Marshall University and Marshall Community and Technical College shall report to the Board possible alternative measures no later than December 31, 2005.

2.3. All campus administrators holding faculty rank shall teach at least one (1) course during each eighteen-month employment period or conduct appropriate academic research. Teaching and/or research conducted by administrators shall be evaluated in accordance with institutional policy.

2.4. The Board of Governors recognizes that the faculty and staff of Marshall University and Marshall Community and Technical College are dedicated to their jobs and demonstrate high levels of productivity and efficiency. These efforts are truly appreciated by all levels of the administration. As such, if and when the requirements set forth in W. Va. Code §18B-7-7 regarding productivity may be rescinded by the legislature, then sections 2.1. and 2.2. of this policy shall be void. If and when the requirements set forth in W. Va. Code §18B-7-8 regarding administrators teaching courses may be rescinded by the legislature, then section 2.3. of this policy shall be void.

Policy 27. Disposition of surplus property, Effective March 9, 2005

1. General:

1.1 Scope: Policy regarding the sale, transfer, or other disposal of obsolete or unusable equipment, surplus supplies, and other unneeded materials.

1.2 Statutory References: W. Va. Code §18B-5-7

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon passage

1.5 Background: This policy is required under W. Va. Code §18B-5-7.

2. Policy:

2.1 The term "surplus property" shall refer to all obsolete or unusable equipment, surplus supplies, and other unneeded materials.

2.2 The University will dispose of surplus property in a manner consistent with all applicable laws, policies, and procedures of the state of West Virginia and all relevant governing authorities.

2.3 The University may assess reasonable fees for the costs of care and handling with respect to the transfer, warehousing, sale, and distribution of surplus property that is disposed of or sold. Such fees may be greater than the value of the surplus property.

2.4 The University shall provide services to dispose of surplus property that belongs to the Marshall Community and Technical College and may assess fees for such services as described in section 2.3.

2.5 The Chief Procurement Officer for the University shall be responsible for the disposition of surplus property and shall develop a manual of procedures used in that disposition.

2.5.1 The manual shall include the methods by which the University may dispose of surplus property and the fees assessed related to that disposal.

2.5.2 The manual of procedures shall be available for public review in the University procurement office and shall be available on the University's web site.

Policy 28. Employee Catastrophic Leave Policy, Effective March 9, 2005

1. General:

1.1 Scope: Policy regarding the creation of a catastrophic leave bank and the transfer of sick and annual leave to the bank for the purposes of assisting employees who have exhausted all available sick and annual leave and must remain away from work for an extended period time for an approved purpose.

1.2 Statutory References: W. Va. Code §18B-9-10

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon passage.

1.5 Background: This policy is required under W. Va. Code §18B-9-10.

2. Policy:

2.1 Definitions:

2.1.1 Catastrophic illness or injury means an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all sick-leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all sick-leave and other paid time off.

2.1.2 Employee means any classified or non-classified employee of Marshall University or Marshall Community and Technical College or any faculty employee of either institution eligible to accrue sick leave.

2.2 The University Human Resources Services Office shall maintain a catastrophic leave bank. The bank shall be held jointly for the benefit of employees of Marshall University and Marshall Community and Technical College who have suffered a catastrophic illness or injury.

2.3 The leave bank will be maintained and transfers of leave allowed in a manner consistent with all applicable laws, policies, and procedures of the state of West Virginia and all relevant governing authorities.

2.4 The University Human Resource Services Administrator in consultation with the Classified Staff Council shall develop a set of rules and procedures to manage transfers of sick and annual leave in a fair and efficient manner and will

update the rules and procedures as necessary and as allowed by law.

2.4.1 A copy of the rules and procedures shall be placed in the Classified Employees Handbook and the Faculty handbooks for the University and the Community and Technical College in their next printing and shall be placed at an appropriate place on the respective web sites.

Policy 29. Classified Staff Salaries, Effective March 9, 2005

1. General:

1.1 Scope: Policy regarding salary increases for classified employees.

1.2 Statutory References: W. Va. Code § 18B-9-3, 18B-9-4, 18B-9-5.

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon Passage.

1.5 Background: This policy is required under W. Va. Code §18B-9-4 and 18B-9-5.

2. Policy:

2.1 Salary increases for classified employees shall be given in a manner consistent with Article 9, Chapter 18B of the Code of West Virginia and all other relevant governing authorities.

2.2 In the absence of other specification, references to “salary schedule” and “statutory salary schedule” shall mean the current “Higher Education Classified Employee Annual Salary Schedule” in W. Va. Code §18B-9-3.

2.3 With funds allocated by the Board for general salary increases for classified employees, Marshall University and Marshall Community and Technical College shall fund classified employee salary increases in the following way:

2.3.1 Zero Step Increases – Any classified employee with a salary below the salary for zero years of experience for the employee’s pay grade in the statutory salary schedule shall have his salary increased to that “zero step” salary.

2.3.2 Experience Increases – The difference or “gap” between a classified employee’s salary and the employee’s appropriate salary in the statutory salary schedule shall be calculated. Employees’ salaries shall be increased by an equal percentage of their respective gaps. The percentage shall be the ratio of the funds available after applying Zero Step Increases to the total of the gaps for all classified employees. Salaries shall not be increased for any individual whose salary is above the appropriate salary on the salary schedule except as allowed by law.

2.3.3 Order of increases – Zero Step Increases shall be applied first and Experience Increases shall be applied second. The salary calculated for an employee after applying Zero Step Increases shall be considered the employee’s salary for the purposes of calculating Experience Increases.

2.4 The overall goal for salary increases for classified employees is complete implementation of the statutory salary schedule. Nothing in this policy shall be construed to require the Board of Governors to have such implementation completed by any particular date, and nothing shall be construed to require the Board to provide

salary increases, except that the Board shall ensure that all mandates, deadlines, or timetables established by any relevant governing authority and in effect at the time of any increase shall be followed.

2.5 Although W.Va. Code § 18B-9-5 specifically allows for merit raises for classified employees, the policy of the Board shall be that merit increases will be awarded only after the classified employee salary schedule is fully implemented and a specific merit policy is approved by the Board.

Policy 30. Speed, Flow, and Parking of Vehicles, Effective March 9, 2005

1. General:

1.1 Scope: Policy regarding the regulation of the speed, flow, and parking of motor vehicles on campus and the enforcement of those regulations.

1.2 Statutory References: W. Va. Code §18B-4-6.

1.3 Passage Date: March 9, 2005

1.4 Effective Date: Upon passage.

1.5 Background: This policy is required under W. Va. Code §18B-4-6.

2. Policy:

2.1 The University shall develop regulations for the speed, flow, and parking of vehicles on campus and the penalties imposed for violating those rules. The regulations and penalties shall be made available in the Office of Public Safety and posted at an appropriate place on the University’s web site.

2.2 The President shall designate a Marshall University employee as the “designated official” described in §18B-4-6(c).

2.3 The Office of Public Safety shall have enforcement authority over the regulations. University police officers, other employees designated by the President of the University, and individuals contracted for this purpose may issue citations for violating the regulations.

2.4 Procedures described in §18B-4-6 shall govern the enforcement of speed, flow, and parking regulations.

Marshall University Executive Policies

<http://www.marshall.edu/www/policy/>

EXECUTIVE POLICY BULLETIN NO. 1

Effective Date: Fall Semester 1992

MARSHALL UNIVERSITY POLICY ON TEACHING AND ADMINISTRATION

http://www.marshall.edu/www/policy/policy_01.html

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.

- I. 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.) Qualified administrators are encouraged to teach when possible and as appropriate. The Provost and Senior Vice President, 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.
- II. 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.
- III. Faculty members given reassigned time to assume the departmental chairmanship will receive a stipend and reassigned time as delineated below:
 - A. Chairs of departments with two or fewer full-time equivalent (FTE) faculty will choose between three hours reassigned time or a stipend.
 - B. Chairs of departments with more than two FTE faculty and fewer than 11 FTE faculty qualify for both three hours reassigned time and departmental stipend.
 - C. Chairs of departments with 11 FTE faculty or more will qualify for six hours reassigned time and stipend.
 - D. 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.

- IV. Recognizing the centrality of scholarship and creative activity to quality teaching and the role of a university in expanding the boundaries of knowledge, Marshall University is dedicated to enhancing the quality of the faculty by providing as much funding as possible for these activities. Faculty members are encouraged to secure external funding for these activities, and the university will provide technical support to faculty seeking external funding. Faculty reassigned time can be funded internally, externally, or through creative arrangements that support the mission of the University. Normally, costs of reassigned time for research, scholarship or faculty development activities must be funded through faculty development grants, grants and contracts secured by the individual faculty member or the department, or specific monies available to the college, or the university. A Dean may require a faculty member who requests and receives a faculty development grant for a semester to submit a statement certifying that he or she will not seek or accept another teaching position, full-time or part-time, at another institution during that period.
- V. The Faculty Senate leadership normally will receive reassigned time as follows:
 - A. Faculty Senate President: Six hours reassigned time per semester plus six hours reassigned time during the summer.
 - B. Committee Chairs: No reassigned time.
- VI. The Provost and Senior Vice President or the President may grant exceptions to provisions of this policy.

EXECUTIVE POLICY BULLETIN NO. 2

Revised July 1, 1999

Original Approved March 1, 1993

MARSHALL UNIVERSITY POLICY FOR INTERCOLLEGIATE ATHLETICS

http://www.marshall.edu/www/policy/policy_02.html

100. INSTITUTIONAL PURPOSE AND ATHLETICS PHILOSOPHY

101. Athletics Philosophy of Marshall University

At Marshall University, student-athletes will be provided with the opportunity and encouraged to progress toward a degree of their choice, in an environment consistent with high standards of academic scholarship, sportsmanship, leadership, and institutional loyalty. Participants in intercollegiate athletics at Marshall University must be enrolled in at least a minimum full time program of studies,

be in good academic standing and maintain satisfactory progress toward a baccalaureate degree.

It is recognized that the Marshall University intercollegiate program:

1. is an important part of a well-rounded university dedicated to the service of a broad range of student, faculty, and public interests;
2. is important in community support for the institution at the legislative, state, and local levels;
3. fosters pride in the university among faculty, students, and citizens of West Virginia;
4. can and should develop character, maturity, and a sense of fair play in its student-athletes.
5. to provide equitable opportunities for male and female student-athletes of all ethnicities.

101A. Athletics Objectives

1. To have the university represented by men and women whose conduct reflects credit upon the institution and who are making normal progress in degree programs with appropriate academic counseling, advisement and support;

2. To field disciplined, healthy, and competitive amateur student-athletes and teams recruited, coached, and supported by skilled people who are dedicated to the spirit and intent of all conference and NCAA rules and regulations;

3. To strive for improvements in the system of intercollegiate athletics by cooperating with institutions to reduce pressures toward improprieties;

4. To provide quality medical support for all student-athletes.

102. The Authority of the Chief Executive Officer in Personnel and Financial Affairs

102A. Authority of the President

1. The Higher Education Policy Commission of the Universities of West Virginia has assigned to the president authority to appoint university personnel, including, but not limited to the director of athletics and all head coaches, and to establish standards of conduct for them.

2. Annually, the president will reaffirm his commitment to the NCAA's principles of fair play and amateur athletics competition and MU's statement of athletics program philosophy by signing the NCAA Certification of Compliance or other pertinent documents.

3. The director of athletics and the faculty athletics representative will meet with the president prior to the NCAA and Mid-American Conference conventions, and the president will advise the athletics director and the faculty athletics representative of university positions and how the university will vote on major issues.

102B. The Vice President in Charge of Athletics

1. The Senior Vice President for Operations shall have responsibility for overseeing the intercollegiate athletics program, in particular those matters relating to the administration and budget of the program, and shall meet regularly with the president to apprise him of issues and ongoing operations.

2. All reports to the NCAA regarding possible rule violations, all audit reports regarding the athletics program,

and the performance reviews of the head coaches must be submitted to the Senior Vice President for Operations for appropriate disposition.

3. The Senior Vice President for Operations shall prepare the annual performance review of the director of athletics.

102C. The Director of Athletics

1. The Director of Athletics is appointed by the president of Marshall University. When the position becomes vacant, the president will normally appoint a search committee to recommend candidates. The search process will be conducted in conformity with the university's procedures.

2. The Director of Athletics reports to the Senior Vice President for Operations who is in charge of athletics for all matters relating to administration and budget.

102D. Appointment of Head Coaches

Head coaches are appointed by the president upon recommendation of the Director of Athletics. After consultation with the Senior Vice President of Operations the search process shall follow the university's policies and procedures.

102E. Athletics Department Annual Operating Budget

The annual operating budget for the Athletics Department, prepared by the athletic director, will be reviewed and approved by the Athletic Advisory Board, Senior Vice President for Operations and the president.

102F. Policies Regarding Standards of Conduct

The president has overall authority to establish policies and standards of conduct for all representatives of the university's athletics program (SEE IX. ETHICAL CONDUCT). In addition to other established policies, it is the policy of Marshall University that all University representatives including the Department of Athletics, whether they be students, coaches or others shall establish and maintain the highest degree of credibility and decorum possible, and make every attempt to conduct themselves in a manner so as not to embarrass the institution by their actions.

Behavior by institutional representatives that does not meet this standard and which has the potential of harming the reputation of the institution or any of its units is prohibited.

Where such conduct involves coaches, staff or other non-faculty employees of the institution, the system of progressive discipline will be utilized to deal with the situation as outlined in the Marshall University Classified Staff Handbook.

1. Oral Warning. The president, in consultation with the athletic director, shall review the incident and counsel the individual concerning his or her actions and future behavior. A private written reprimand will be issued.

2. Written Warning. Recurrence of behavior previously identified or in situations where conduct is of a highly offensive nature, the individual will after investigation by appropriate parties be publicly reprimanded. Appropriate written documentation will be placed in the individual's

personnel file or such other disciplinary action as may be deemed fit and proper will be taken.

3. Suspension/Termination. In cases where conduct is of an inflammatory or violent nature or in cases of conduct previously documented and for which the employee has been warned or counseled, the individual will be subject to disciplinary action up to and including suspension or termination.

102G. Monitoring of Compliance with NCAA/Mid-American Conference Regulations

1. The Athletic Advisory Board should be familiar with and receive regular briefings concerning institutional compliance with NCAA and Mid-American Conference regulations. The chairperson of the Athletics Advisory Board along with the Director of Athletics and the faculty athletics representative shall provide these findings related to noncompliance to the president.

2. The Registrar shall monitor and ensure compliance with regulations regarding admissions and eligibility of student-athletes and report irregularities to appropriate university offices.

3. The Director of Financial Aid shall monitor and ensure compliance with regulations regarding financial aid of student-athletes and report irregularities to appropriate university offices.

4. The Director of Athletics shall monitor and ensure compliance with NCAA and MAC rules and regulations by all Athletic Department personnel. Irregularities and rules violations, either deliberate or accidental, will be self-reported to the appropriate organization.

102H. Principles of Institutional Control as Prepared by the NCAA Committee on Infractions

1. "Control" is defined in common-sense terms. In determining whether there has been a lack of institutional control when a violation of NCAA rules has been found it is necessary to ascertain what formal institutional policies and procedures were in place at the time the violation of NCAA rules occurred and whether those policies and procedures, if adequate, were being monitored and enforced. It is important that policies and procedures be established so as to deter violations and not merely to discover their existence after they have taken place. In a case where proper procedures exist and are appropriately enforced, especially when they result in the prompt detection, investigation and reporting of the violations in question, there may be no lack of institutional control although the individual or individuals directly involved may be held responsible.

In a situation in which adequate institutional procedures exist, at least on paper, a practical, common sense approach is appropriate in determining whether they are adequately monitored and enforced by a person "in control". Obviously, general institutional control is exercised by the chief executive officer of a member institution. However, it is rare that the chief executive officer will make decisions specifically affecting the operations of the institution's athletics program. Instead, the day-to-day duties of operation, including compliance with NCAA rules, will have been delegated to subordinates either by specific action or by the creation of appropriate job descriptions.

Moreover, it is usually left to senior subordinates, such as the Director of Athletics, to further delegate various duties regarding compliance with NCAA rules.

In most institutions, especially those with large and varied athletics programs, such delegations are made to a number of individuals who are expected to exercise control over compliance with regard to specific aspects of the program. The specific obligations of such individuals should be in writing, and not merely an understanding among senior officials of the university and the athletics department. Not only the Director of Athletics, but other officials in the athletics department, the faculty athletics representative, the head coaches and the other institutional administrators outside of the athletics department responsible for such matters as the certification of athletes for financial aid, practice and competition, are expected to assume a primary role in ensuring compliance. Even though specific action has been taken to place responsibility elsewhere, these individuals will be assumed to be operating on behalf of the institution with respect to those responsibilities that are logically within the scope of their positions. Their failure to control those matters so as to prevent violations of NCAA rules will be considered the result of a lack of institutional control.

2. Violations that do not result from a lack of institutional control. An institution cannot be expected to control the actions of every individual who is in some way connected with its athletics program. The deliberate or inadvertent violation of a rule by an individual who is not in charge of compliance with rules that are violated will not be considered to be due to a lack of institutional control:

- * if adequate compliance measure exist;

- * if they are appropriately conveyed to those who need to be aware of them;

- * if they are monitored to ensure that such measures are being followed; and

- *if, on learning that a violation has occurred, the institution takes swift action.

3. Acts that are likely to demonstrate a lack of institutional control. The following examples of a lack of institutional control are not exclusive, but they should provide important guidance to institutions as to the proper control of their NCAA compliance affairs.

A person with compliance responsibilities fails to establish a proper system for compliance or fails to monitor the operations of a compliance system appropriately.

When an individual is responsible for ensuring that a particular rule or set of rules is not violated, that person will be considered to be exercising institutional control. That individual must not only ensure that the rules are known by all who need to know them but must also make proper checks to ensure that the rules are being followed.

It is important for institutions to understand that the mere compilation and distribution of rules and regulations, along with written compliance procedures, is not sufficient if no one regularly checks on the actual operations of the system.

A person with compliance responsibilities does not take steps to alter the system of compliance when there are indications the system is not working.

If a system of control is in place, a single deviation by a member of the athletics staff or a representative of the institution's athletics interests will not be considered a lack of institutional control. However, if there are a number of violations, even if they all are minor, indicating that the compliance system is not operating effectively, the person(s) responsible cannot ignore the situation, but must take steps to correct the compliance system.

A supervisor with overall responsibility for compliance, in assigning duties to subordinates, so divides responsibilities that, as a practical matter, no one is, or appears to be, directly in charge.

The failure to designate who is responsible for ensuring compliance with NCAA rules is a serious breach of the obligations of a university athletics administrator. Individuals are unable to operate appropriately if they are uncertain of their duties and obligations. Moreover, those subordinates who are not in charge must know who is. They need to know the person or persons to whom they can turn for advice before taking an action that may be questionable. They also need to know to whom and how to report violations that come to their attention.

Compliance duties are assigned to a subordinate who lacks sufficient authority to have the confidence or respect of others.

A supervisor may be acting in good faith when assigning responsibility for compliance to an athletics department secretary, or a student intern, or to someone who does not have stature in the organization. Nevertheless, that very action often makes it appear that the institution is not serious about compliance. If coaches, alumni, boosters and others do not respect the person responsible, they may well ignore that individual. Violations that occur may then be considered the result of lack of institutional control.

The institution fails to make clear, by its words and its actions, that those personnel who willfully violate NCAA rules, or who are grossly negligent in applying those rules, will be disciplined and made subject to discharge.

Any operating compliance system may be thwarted by an individual who acts secretly in violation of the rules or who fails to ascertain whether a questionable action is or is not permissible. If an institution does not make clear that individual violations of NCAA rules will result in disciplinary action against the involved individual, and if it does not actually discipline those who are found to have violated such rules, it has opened the door to permitting further violations. In such a case, future violations of an individual nature will constitute failures of institutional control.

The institution fails to make clear that any individual involved in its intercollegiate athletics program has a duty to report any perceived violations of NCAA rules and can do so without fear of reprisals of any kind.

Compliance is everyone's obligation. Loyalty to one's coworkers, student-athletes, or athletics boosters cannot take precedence over loyalty to the institution and its commitment to comply with NCAA rules. There is a lack of institutional control if individuals are afraid to report

violations because they have reason to fear that if they make such a report there will be negative consequences.

A director of athletics or any other individual with compliance responsibilities fails to investigate or direct an investigation of a possible significant violation of NCAA rules or fails to report a violation properly.

When a director of athletics or any other individual with compliance responsibilities has been informed of, or learns that there exists a possible significant violation of NCAA rules, and then fails to ensure that the matter is properly investigated, there is a lack of institutional control. Similarly, if an actual violation of NCAA rules comes to the attention of the director of athletics or a person with compliance responsibilities and there is a failure to report the violation through appropriate institutional channels to a conference to which the institution belongs and to the NCAA, such failure constitutes a lack of institutional control.

A head coach fails to create and maintain an atmosphere for compliance within the program the coach supervises or fails to monitor the activities of assistant coaches regarding compliance.

A head coach has special obligation to establish a spirit of compliance among the entire team, including assistant coaches, other staff and student-athletes. The head coach must generally observe the activities of assistant coaches and staff to determine if they are acting in compliance with NCAA rules. Too often, when assistant coaches are involved in a web of serious violations, head coaches profess ignorance, saying that they were too busy to know what was occurring and that they trusted their assistants. Such a failure by head coaches to control their teams, alone or with the assistance of a staff member with compliance responsibilities, is a lack of institutional control.

This is not to imply that every violation by an assistant coach involves a lack of institutional control. If the head coach sets a proper tone of compliance and monitors the activities of all assistant coaches in the sport, the head coach cannot be charged with the secretive activities of an assistant bent on violating NCAA rules.

4. Compliance measure in place at the time of violation as a factor in determining whether or not there has been a lack of institutional control. Institutions are eager to learn what measures can be taken to reduce the likelihood that in the event a violation does occur, it will result in a finding of a lack of institutional control. The following are some of the steps that assist an institution in avoiding such a finding. It must be emphasized, however, that the presence of such measures are not a guarantee against such a finding. The way in which the measures are carried out and the attitude toward compliance within the institution are vital factors.

The NCAA rules applicable to each operation are readily available to those persons involved in that operation.

Those individuals involved in recruiting activities should have ready access to the recruiting rules, and those university staff members engaged in determining eligibility for financial aid, practice and competition should have ready access to the NCAA rules governing those matters.

Appropriate forms are provided to persons involved in specific operations to ensure that they will properly follow NCAA rules.

With respect to certain operations, specific forms or checklists can be of great help in assuring compliance with NCAA rules. Clerical employees may find the rules themselves daunting. But if they can follow a form, many problems can be obviated. This is certainly true with regard to such matters as ensuring that student-athletes do not receive excessive financial aid individually or by sport, that initial eligibility standards are met, and that continuing eligibility standards are properly enforced.

A procedure is established for timely communication among various university offices regarding determinations that affect compliance with NCAA rules.

For example, there should be a method of direct communication between the Registrar and the department of athletics so that the latter learns at once if an enrolled student-athlete drops a course that brings that student-athlete below the required number of units for eligibility to participate.

Meaningful compliance education programs are provided for personnel engaged in athletically related operations.

It is important that new personnel, both coaches and administrative staff members, receive training regarding NCAA rules that are relevant to their positions shortly after beginning employment. The institution should also continue to educate its staff by conducting compliance sessions on a regular basis for all involved personnel as refresher courses, with an emphasis on changes in NCAA rules. Not infrequently, persons who have been involved in intercollegiate athletics for many years and who violate long-standing rules attempt to excuse their actions on the grounds that they were unaware that their activities constituted a violation. On occasion such personnel rely on long outdated interpretations of legislation that have been eliminated or dramatically altered for a number of years.

Obviously, the nature and strength of the compliance education program is of significance. Educational programs run by the NCAA and by various conference offices may, because of the expertise of those involved, be superior to training by in-house personnel.

Informational and educational programs are established to inform athletic boosters of the limitations on their activities under NCAA rules and of the penalties that can arise if they are responsible for rule violations.

Distribution of rules education materials (e.g., brochures and articles) to season ticket holders is significant as are special programs for booster organizations.

Informational and educational programs are established for student-athletes regarding the rules that they must follow.

All institutions conduct information sessions for student-athletes and obtain the required signed statements from each. However, the extent to which these are truly informative and are taken seriously varies. The extent to which these sessions are made important by the institution is a significant factor.

An internal monitoring system is in place to ensure compliance with NCAA rules.

It is of significance if, on a regular basis, a person (or persons) charged with monitoring compliance frequently checks operations throughout the athletics department and related departments of the university. Such a person should make certain that required forms are being utilized and utilized properly. A compliance person should speak with all coaches frequently and regularly to find out if they have any concerns or questions about what they can or cannot do or what they have already done. A compliance person should be aware of what actions have been taken with regard to a variety of areas, including recruitment, awarding of financial aid, practice requirements and travel arrangements. From time to time the compliance person should meet with student-athletes in the various sports to see if any problems exist. All potential violations must be reported and an investigation must ensue in accordance with appropriate institutional procedures.

Other internal monitoring measures are also of significance, including one-to-one meetings between coaches and the athletics director, and meetings of university committees on athletics in which student-athletes and others are involved.

An external audit of athletics compliance is undertaken at reasonable intervals.

An important control exists if an independent university or outside unit undertakes audits of the athletics enterprise to determine if there have been violations of NCAA rules and to suggest changes in operating methods and procedures wherever such action could eliminate the danger of future violations.

The chief executive officer and other senior administrators make clear that they demand compliance with NCAA rules and that they will not tolerate those who deliberately violate the rules or do so through gross negligence.

It is an important factor when senior administrators in an institution by word and, when necessary, by action make clear that compliance is vital. The pressure to run a winning program must not overcome the dedication of the institution to ethical conduct in all aspects of its athletics program and to compliance with NCAA regulations.

The institution and its staff members have a long history of self-detecting, self-reporting and self-investigating all potential violations.

103. Athletics Program Organization and Administration

103A. The Director of Athletics

1. All staff members of the athletics program, including all head coaches, report to the Director of Athletics.

2. At least once a year, the Director of Athletics or his/her representative will meet personally with each individual team which is actively participating in intercollegiate athletics for the purpose of sharing the philosophy of athletics at Marshall University, reviewing both NCAA and MAC rules and answering any questions student athletes might have concerning expectations. At least once a year each coach or his/her representative will meet personally with each student-athlete on his/her squad for the purpose of sharing the philosophy of athletics at Marshall University,

reviewing rules, and answering any questions student athletes might have concerning expectations.

3. The Director of Athletics will conduct a required NCAA exit interview with each student-athlete who has completed his/her eligibility. The faculty athletics representative shall be notified of each exit interview and invited to participate in the exit interview if he/she so desires.

103AA. Responsibilities of the Director of Athletics

At least once a year, the Director of Athletics will inform all Athletics Department personnel, representatives of athletic interests, members of booster groups, enrolled student-athletes, and other relevant parties of MU's commitment to the principles of fair play and amateur athletics competition, as defined by NCAA rules.

103B. The Athletic Advisory Board

The Athletic Advisory Board provides general review of the policies and operation of the university's athletics program. The composition of the board shall be as follows: 3 representatives from the faculty (Selected by Faculty Senate)

1 representative from the student body (Selected by Student Government Association)

1 representative from the alumni (Selected by the Alumni Association)

1 representative from the classified staff (Selected by Classified Staff Council)

faculty athletics representative

Senior Vice President for Operations

athletic director (ex-officio)

103BB. Responsibility of the Athletics Advisory Board

At least once every two years, the Senior Vice President for Operations will submit the university's statement of athletic program philosophy to the Athletics Advisory Board for review and approval to ensure that it is in harmony with the published statement of philosophy of the applicable NCAA rules and regulations.

103C. Faculty Athletics Representative

The president will designate a member of the faculty as institutional athletics representative, who will serve one four-year term. The Athletics Department will provide the faculty athletics representative with the administrative and secretarial support necessary to carry out his/her responsibilities. The faculty athletics representative shall:

1. Assure that the institution's academic integrity is being maintained in athletics

2. Have full access to academic records of student-athletes

3. Assure that student-athletes are afforded opportunities to successfully complete their degree program

4. Oversee NCAA and conference compliance efforts

5. Report relevant matters involving intercollegiate athletics with the Faculty Senate

6. Shall provide periodic reporting of relevant issues concerning athletics to the Faculty Senate

103D. Notification and Continuing Education of Compliance Personnel

1. Each year, the Senior Vice President for Operations will assure that the appropriate university personnel are

notified of their formal compliance responsibilities. Administrative supervisors will be responsible for monitoring their performance of these duties.

2. Each year, the Director of Athletics will be responsible for seeing that all university personnel with compliance responsibilities receive continuing education to reinforce their understanding of existing NCAA and conference rules and to introduce changes in those rules.

3. The Director of Athletics or his/her designee will conduct regular mandatory compliance seminars for all coaches and appropriate department personnel. Seminars shall be conducted a minimum of one every other month.

4. The Director of Athletics will coordinate two compliance seminars (fall and spring) per year with the Mid-American Conference Office to be held on campus.

103E. Point of Contact with NCAA and Mid-American Conference

All communications with the NCAA and the MAC will be directed through the Director of Athletics or his/her designee.

104. Athletics Program Finances

104A. Administration and Review of Athletics Expenditures

1. The Athletic Department's annual operating budget is funded by student fees, ticket revenue, donations from the Big Green Scholarship Foundation, Inc., and revenue from advertising, rentals, concessions and miscellaneous. These resources are used to fund athletics scholarships and other athletically related activities.

2. All income, with the exception of funds generated by the Big Green Scholarship Foundation, shall be processed by the university's Office of Financial Affairs. Funds generated by the Big Green are managed through the Big Green Scholarship Foundation, and all transactions are reviewed and approved by the Director of Athletics and/or his designee.

3. All expenditures for, or on behalf of, the university's intercollegiate athletics program, including those by any outside organization, agency, or group of individuals (two or more), shall be subject to an annual financial audit (in addition to the regular financial audit policies and procedures of the university and the state) conducted for MU by a qualified auditor who is not a staff member of the university and who is selected either by the president or designee.

The audit report for one fiscal year shall be completed and presented to the president prior to the end of the next fiscal year.

Funds generated by the Big Green Scholarship Foundation are to be audited annually by an independent accounting firm. Said audit shall be made available to the Senior Vice President for Operations and the President.

4. Athletics Department staff members are prohibited from maintaining funds or accounts that are not subject to university control and review.

104B. Disbursement of Tickets for Athletics Events

A formal policy for the disbursement of tickets for athletics events will be established by the Athletic Department with review and approval by the Athletics

Advisory Board and faculty athletic representative. The policy shall address all tickets for sale as well as complimentary tickets.

104C. Coaches' Outside Income

All athletic department personnel at Marshall University must receive prior annual written approval from the president:

1. For all athletically-related income and benefits from sources outside the institution. (Must be approved on an annual basis.)
2. To use directly, or by implication, the institution's name or logo in the endorsement of commercial products or services for personal gain.
3. To accept outside compensation or gratuities from athletic shoe, apparel or equipment manufacturers in exchange for the use of such merchandise during practice or competition.

104D. Grants-in-Aid to Student-Athletes

1. Financial aid for student-athletes shall be governed by the NCAA Manual and the NCAA Guide to Financial Aid.
2. Federal student aid regulations require that all financial aid be coordinated by the Financial Aid Office. Similarly, the NCAA requires that all financial aid administered to student-athletes by the institution go through its regular financial aid authority.
3. The Director of Athletics shall designate one individual as the liaison with the Financial Aid Office to ensure good communications and compliance.
4. The Director of Athletics shall develop and distribute to all staff and student-athletes a policy statement concerning financial aid.
5. The financial aid director shall monitor individual eligibility whereas the Director of Athletics shall be responsible for complying with team limits.
6. The financial aid director shall approve grants-in-aid, set limits of countable aid and seek approval of the chairperson of the Financial Aid Advisory Council.
7. The chairperson of the Financial Aid Advisory Council shall verify and approve grant-in-aid awards.

105. Employment of Athletics Program Personnel

105A. Hiring Procedures

1. Candidates for all athletics program positions will be assessed with regard to their willingness and ability to abide by NCAA and MAC rules.
2. In searches for candidates for head coaching positions, a university official will contact the NCAA compliance and enforcement departments to determine whether those under serious consideration have been involved in NCAA rules violations. Individuals who have been the subject of NCAA or conference sanctions for cases of willful rules violations will be disqualified and not considered for the appointment.

105B. Athletics Department Personnel Responsibility to Adhere to NCAA Rules

1. All Athletics Department personnel are required to adhere to NCAA rules and regulations. Contractual agreements between a coach and the university shall include the stipulation that the coach may be suspended for a period of time, without pay, or that the coach's employment may be

terminated if the coach is found to be involved in deliberate and serious violations of NCAA regulations.

2. Annually, each coach and staff member of the Athletic Department must sign the NCAA Certification of Compliance form attesting to his/her willingness to comply with NCAA rules and regulations.

105C. Continuing Education Regarding NCAA and MAC Rules

1. All coaches must participate annually in continuing education programs regarding NCAA rules.
2. Each year, the Director of Athletics will stress to all athletics program personnel the necessity to self-report possible NCAA and MAC rules violations. Coaches must self-report possible violations to the Director of Athletics. This self report shall then be communicated to the faculty athletics representative and the Senior Vice President for Operations by the Director of Athletics.

105D. Criteria for Evaluating the Director of Athletics

The director of athletics will be evaluated annually in accordance with the following criteria:

1. Commitment to the health and safety of student-athletes;
2. Commitment to the academic performance of student-athletes;
3. Administration of the athletics program;
4. Administration of the athletics budget;
5. Knowledge of and observance of NCAA, MAC, and university policies and rules;
6. Commitment to integrity;
7. Representation of the university;
8. Ability to recruit coaches who can be competitively successful and fulfill the goals and objectives of the university.

105E. Criteria for Evaluating Head Coaches

All head coaches will be evaluated annually in accordance with the following criteria:

1. Commitment to the health and safety of student-athletes
2. Commitment to the academic performance of the student-athlete (this includes class attendance and graduation rates)
3. Knowledge and observation of NCAA, MAC, and university rules and regulations
4. Administration of the budget
5. Performance as a practice coach
6. Performance as a game coach
7. Performance as a recruiter
8. Involvement with athletics fund-raising
9. Representation of the university and conduct, both on and off the field.

106. The Sports Program

106A. Support the Diverse Sports

Within the limits of resources, the university attempts to provide adequate institutional support for a wide range of sports. Each sport designated as part of the intercollegiate athletics program will have a designated head coach, a paid coaching staff, a budget for recruiting student-athletes, equipment, and a travel budget for scheduled intercollegiate competition. Periodically, the Director of Athletics and the

Athletic Advisory Board will review the range of sports supported. The Director of Athletics will attend at least one annual event of the intercollegiate competition in each sport.

106B. Assessment of the Athletics Program's Impact on Student Athletes

The Office of the Registrar in cooperation with the student athletic program and the faculty athletics representative will assist the Athletics Department in periodically assessing the academic progress and graduation rates of student-athletes. Analyses of these measures of MU student-athletes will be made using comparative data from non-athlete MU students with similar entrance profiles.

The athletic director and the faculty athletics representative shall monitor the schedule of games and practices to guard against intrusion of athletic pursuits on the time required for satisfactory academic progress.

107. Recruiting, Admissions, and Eligibility

107A. Policies Regarding the Recruiting of Student-Athletes

1. The university adheres to the written policies of the NCAA governing the recruiting of student-athletes.

2. In accordance with NCAA rules and regulations, representatives of athletics interests (as defined in the NCAA Manual) are prohibited from any on- or off-campus recruiting contacts with prospective student-athletes, and their relatives or legal guardians, including correspondence and telephone calls.

To ensure compliance with NCAA rules and regulations, Marshall University Athletics Department administration will explain these recruiting prohibitions to the representatives of the university's athletics interests through:

a. A booklet prepared as a handy reference to NCAA rules and regulations governing situations most likely to be encountered by alumni and friends of the university, to be discussed at various times throughout the year with those individuals identified as football season ticket holders, basketball season ticket holders, Big Green contributors, and others known to support MU athletics programs. The booklet shall also be provided to each student-athlete at the beginning of each academic year.

3. Once an individual has been identified by a member of the MU coaching staff as a potential recruit and accepts an official invitation to campus, that prospective student-athlete will be sent the "NCAA Guide for the College-Bound Student-Athlete." This booklet summarizes NCAA rules and regulations by which MU and the prospective student-athlete must abide in order to ensure that prospective student-athlete's eligibility for intercollegiate athletics.

4. During the academic year, all coaches are required to attend monthly NCAA rules discussions conducted by the Athletics Department administration. All coaches are also required to attend an annual NCAA rules seminar conducted by the Mid-American Conference Office.

5. All Athletics Department personnel are required to attend an annual NCAA rules discussion conducted by the Athletics Department administration.

6. Student-athletes receiving athletics scholarships will certify annually, on a form provided by the Athletics

Department administration, the source of all financial commitments made to them for the current calendar year.

7. The Athletic Advisory Board will monitor and report on the Athletics Department staff's compliance with Marshall University and NCAA rules and regulations regarding recruiting of prospective student-athletes.

8. All expenses associated with the recruitment of student-athletes shall be approved and processed by the athletic business office with all records available for review by the Athletic Advisory Board upon request.

9. The travel itineraries of prospective student-athletes who visit campus must be approved by the Director of Athletics or his/her designee.

107B. Admission and Financial Aid for Prospective Student-Athletes

1. All decisions regarding the admission of prospective student-athletes will be made by the Director of Admissions or a member of his/her staff.

2. All decisions regarding the packaging of need-based financial aid for student-athletes will be made by the Director of Financial Aid or his/her staff.

107C. Procedures for Verifying the Continued Eligibility of Student-Athletes

1. Marshall University follows all NCAA eligibility academic guidelines as found in Bylaw Article 14 of the NCAA Manual or other applicable NCAA regulations. In determining a student-athlete's eligibility, Marshall University uses the following procedures:

a. For freshman student-athletes, initial eligibility certification is completed by the Director of Admissions or a designee. All required documentation is gathered to ensure proper certification. NCAA rules govern this process.

b. For enrolled student-athletes, each student-athlete's academic standing is checked by the Registrar after each fall, spring and summer period of enrollment. Satisfactory academic standing is defined by MU to be that required for eligibility by the NCAA Manual and Mid-American Conference.

2. All determinations of eligibility are made by the Registrar. The Registrar and the faculty athletics representative certify each student-athlete's eligibility and Athletics Department personnel verify that eligibility. Written procedures for determining satisfactory progress are maintained in the Office of the Registrar.

3. The Athletic Department maintains a student-athlete data base to ensure that proper records are kept with regard to student-athletes' athletics participation history and that course "drops" do not adversely affect a student-athlete's eligibility.

108. Services for Student-Athletes

108A. Services Provided

1. The following services will be provided to student-athletes by the Buck Harless Student-Athlete Program under the direction of Marshall University Enrollment Management:

- a. Orientation to the campus and campus life
- b. Academic tutoring and counseling for academic guidance

- c. Counseling regarding summer job and postgraduate job opportunities
- 2. "CHAMPS" is a program offered by the Department of Athletics in conjunction with the Buck Harless Student-Athlete Program, which focuses on the individual student as a whole - academically, athletically and emotionally. Participation is mandatory for all student-athletes. The five components of CHAMPS are:
 - a. Athletics
 - b. Academics
 - d. Personal Development
 - e. Career Development
 - f. Service

108B. Academic Support

1. Marshall University Enrollment Management maintains academic tutoring and academic counseling programs that are available to all student-athletes. Student-athletes may be required by their coach and/or the Department of Athletics to use these services as a condition of continuing in their sport.

2. The Student-Athlete Advisory Committee (SAAC) will review these academic tutoring and counseling programs annually. (Note: SAAC is defined in the Student Athlete Handbook, pg. 14.)

109. Ethical Conduct in Intercollegiate Athletes

109A. Marshall University Athletics Policy on Ethical Conduct and Sportsmanship for Coaches

1. Statement of Purpose. It is the policy of Marshall University and all University representatives to maintain the highest degree of credibility and decorum possible. All persons involved with intercollegiate athletics must make every attempt to conduct themselves in a manner so as not to embarrass the institution by their actions. Behavior by institutional representatives that does not meet this standard and which has the potential of harming the reputation of the institution or any of its units is prohibited.

Good sportsmanship must be an integral part of every sport sponsored by Marshall University. The ethical environment of the university must assert and reflect primacy of human dignity, must encourage growth and achievement, and must insist on respect in all interpersonal relations.

Coaches must be held accountable for their treatment of student-athletes, for the control of the players' actions, for their attitude toward officials, the effects of their actions on crowd behavior, for the use of profane or vulgar language, and for the encouragement of disrespectful attitude toward opponents (e.g., intimidation). Coaches will be evaluated in a variety of areas regarding sportsmanship and ethical behavior. Of particular note will be excessive and flagrant game actions (unsportsmanlike conduct flags, technical fouls, red cards, game ejections, etc.)

2. Disciplinary Action. Each action of inappropriate and unethical behavior will be reviewed by the Director of Athletics. At the sole discretion of the Director of Athletics and depending upon the severity of the incident, the following system of progressive discipline will be utilized to deal with the situation:

a. Oral Warning. The Director of Athletics in consultation with the appropriate officials will review the incident and counsel the individual concerning his or her actions and future behavior. A private written reprimand will be issued.

b. Written Warning. Recurrence of behavior previously identified or in situations where conduct is of a highly offensive nature, the individual will after investigation be publicly reprimanded. Appropriate written documentation will be placed in the individual's personnel file. Other disciplinary action may be taken as deemed fit and proper by the Director of Athletics.

c. Suspension/Termination. In cases where conduct is of an inflammatory or violent nature or in cases of conduct previously documented and for which the individual has been warned or counseled, the individual will be subject to disciplinary action up to and including suspension or termination.

3. Distribution of Information. Each academic year at the first fall compliance meeting, all involved coaches will be required to sign this form stating their understanding of the University's policy concerning sportsmanship and ethical behavior. Coaches will also be present when student-athletes and support staff are explained the student policy to answer any questions about their individual team policy.

4. Written Statement. I have read and have been explained Marshall University's policy on sportsmanship and ethical behavior. I realize my obligation in maintaining a positive image for Marshall University and its intercollegiate athletic program. I also understand that if my behavior is deemed inappropriate, I will receive disciplinary measures that may lead to my suspension or dismissal of employment.

Name Date Date

109B. Marshall University Athletics Policy on Ethical Conduct and Sportsmanship for Student-Athletes, Managers, Trainers, Cheerleaders, and Band Members

1. Statement of Purpose. It is the policy of Marshall University and all University representatives to maintain the highest degree of credibility and decorum possible. All persons involved with intercollegiate athletics must make every attempt to conduct themselves in a manner so as not to embarrass the institution by their action. Behavior by institutional representatives that does not meet this standard and which has the potential of harming the reputation of the institution or any of its units is prohibited.

Good sportsmanship must be an integral part of every sport sponsored by Marshall University. The ethical environment of the university must assert and reflect primacy of human dignity, must encourage growth and achievement, and must insist on respect in all interpersonal relations.

Fighting, taunting, trash-talking, profane and vulgar language, inappropriate "celebrations", and a disrespectful attitude toward opponents or officials will not be tolerated.

2. Disciplinary Action. Each action of inappropriate and unethical behavior will be reviewed by the Director of Athletics and the Head Coach or supervisor of the activity.

At the sole discretion of the Director of Athletics and depending upon the severity of the incident, the following system of progressive discipline will be utilized to deal with the situation:

a. Oral Warning. The Director of Athletics, in consultation with the Head Coach or supervisor of the activity shall review the incident and counsel the individual concerning his or her actions and future behavior. A private written reprimand will be issued.

b. Written Warning. Recurrence of behavior previously identified or in situations where conduct is of a highly offensive nature, the individual will after investigation be publicly reprimanded. Appropriate written documentation will be placed in the individual's file. Other disciplinary action may be taken as deemed fit by the Director of Athletics.

c. Suspension/Termination. In cases where conduct is of an inflammatory or violent nature or in cases of conduct previously documented and for which the individual has been warned or counseled, the individual will be subject to disciplinary action up to and including suspension or termination.

3. Distribution of Information. Each year at a designated meeting, all involved students will be required to sign this form stating their understanding of the University's policy concerning sportsmanship and ethical behavior. Students must sign this form to be a member of one of Marshall's intercollegiate sports programs as a player or as a member of a support unit (Managers, Trainers, Cheerleaders, Band Members, etc.).

4. Written Statement. I have read and have been explained Marshall University's policy on sportsmanship and ethical behavior. I realize my obligation in maintaining a positive image for Marshall University and its intercollegiate athletic program. I also understand that if my behavior is deemed inappropriate, I will receive disciplinary measures that may lead to my dismissal from my team and revocation of my scholarship.

Name	Date
Sport or Support Program	

Return to: Assistant Athletic Director for Compliance
 Marshall Athletics
 Henderson Center

1801 Third Avenue
 Huntington, WV 25703

109C. Marshall University Athletics Policy on Ethical Conduct and Sportsmanship for Marshall University Students and Fans

1. Statement of Purpose. It is the policy of Marshall University and all University representatives to maintain the highest degree of credibility and decorum possible. This policy includes fans at sporting events. All persons involved with intercollegiate athletics must make every

attempt to conduct themselves in a manner so as not to embarrass the institution by their actions. Behavior by institutional representatives that does not meet this standard and which has the potential of harming the reputation of the institution or any of its units is prohibited.

Good sportsmanship must be an integral part of every sport sponsored by Marshall University. The ethical environment of the university must assert and reflect primacy of human dignity, must encourage growth and achievement, and must insist on respect in all interpersonal relations.

MU students and fans must be held accountable for their use of profane and vulgar language, treatment of opponents, and treatment of officials. In respect to NCAA policies, Marshall University is held accountable for the actions of their fans.

2. Disciplinary Action. Each action of inappropriate and unethical behavior will be addressed by the appropriate game management staff on site. Based on the severity of the incident, the following system of progressive discipline will be utilized to deal with the situation.

a. Oral Warning. The Director of Athletics in consultation with the appropriate officials shall review the incident and counsel the individual concerning his or her actions and future behavior. A private written reprimand will be issued.

b. Written Warning. Recurrence of behavior previously identified or in situations where conduct is of a highly offensive nature, the individual will after investigation be publicly reprimanded. Appropriate written documentation will be placed in the individual's file. Other disciplinary action may be taken as deemed fit and proper by the Director of Athletics.

c. Ejection from Events/Revocation of Ticket Privileges. In cases where conduct is of an inflammatory or violent nature or in cases of conduct previously documented and for which the individual has been warned or counseled, the individual will be subject to ejection from events and possibly suspension or termination of ticket purchasing privileges.

d. Marshall Students. Depending on the action of misconduct, MU students may have their student ID confiscated. Their misconduct will be filed with the Judicial Affairs office for further review and discipline.

e. All action taken by the game management staff will be reviewed by the Director of Athletics. Disciplinary action may be reduced or increased at the sole discretion of the Director of Athletics and depending upon the severity of infraction.

109D. Distribution of Sportsmanship and Ethical Conduct Policies

Marshall University's policy on sportsmanship and ethical conduct will be distributed through a variety of media. Our goal is to expose as many representatives of Marshall University as possible with the information. Listed below are the primary areas of concentration of information:

- Marshall Students and Fans:
- Signage will be placed in the stadium/arena.
- Fans will be sent flyers in season ticket and single game ticket mailings.

- Flyers will be placed in the on-campus dormitories.
- Articles will be placed in department newsletters, local newspapers, and The Parthenon.
- Information will also be distributed by public address announcements at games.
- Printed in a game program ad.
- Radio telecast announcements.

On the actual game tickets, where possible.
Marshall Student-Athletes, Managers, Trainers, Cheerleaders and Band Members:

- In annual meetings with coaches and Department of Athletics administrators.
- Signage will be placed in each team locker room; home and visiting team.

Marshall Coaches:

- In annual meetings with the Director of Athletics.

109E. Marshall University Athletics Policy on Ethical Conduct and Sportsmanship

1. P.A. Announcement for Conduct. In cooperation with the NCAA and Mid-American Conference, the Marshall University Athletics Department, its coaches and student-athletes, encourage you to join us in setting an example in promoting a positive code of conduct in today's game.

Please remember, as a representative of Marshall University, spectators should be courteous and judicious in choice of expression and exhibit good manners and kindness to others. We urge you to cheer your team on in a manner that does not include vulgar language or verbal taunting.

The scoreboard will reflect the quality of teams in competition; the kind of support given by spectators will reveal the character of Marshall University.

Inappropriate conduct may result in ejection from the stadium/arena.

2. P.A. Announcement for Smoking Policy. Marshall University has joined other university facilities in becoming smoke-free. Smoking in the stadium will be permitted only in the designated area in the South end of the stadium along the walkway behind the scoreboard. No smoking will be permitted in the seating area, portals, restrooms or concourses of the stadium. Failure to comply with this policy could subject violators to expulsion from the stadium. The Marshall University Department of Intercollegiate Athletics appreciates your compliance with this new policy.

3. Radio Announcement for Conduct. In conjunction with the NCAA, the Mid-American Conference and the Marshall University Department of Athletics, the Thundering Herd Network encourages all fans enjoying the game, specifically those attending the game in person, to help set the example of positive conduct.

Good sportsmanship is contagious, and the kind of support given by Herd fans will reflect on the character of the team you support. So enjoy the game, and be a positive influence on other fans around you.

EXECUTIVE POLICY BULLETIN NO. 3

(As Amended November 16, 1992)

ESTABLISHMENT OF A COMMITTEE ON STUDENT MEDIA

(http://www.marshall.edu/www/policy/policy_03.html)

It is important that oversight of student media operations be representative of the total campus community, rather than a single department. Therefore, this Executive Policy Bulletin establishes a Marshall University Committee on Student Media, dissolves that existing Board of Student Publications and assigns governance of the broadcast medium and the student publications to the Committee on Student Media.

The Committee on Student Media Shall Consist of Fifteen members: two non-journalism and mass communications members of the Marshall University faculty to be appointed by the Faculty Senate; three non-journalism and mass communications students selected by a method to be determined by the President of the Student Government Association; a representative of the Marshall University Classified Staff Council; one student representative each from the Society of Professional Journalists, Public Relations Student Society of America, Advertising Club, National Association of Black Journalists and Alpha Epsilon Rho (broadcasting honorary); the director the School of Journalism and Mass Communications, who shall serve as chair of the committee; the Parthenon advisor; the faculty manager of WMUL, and advisor to the Chief Justice.

In addition to the above voting members, the faculty members teaching Journalism 202 and 302 and Speech 331 shall serve as non-voting ex-officio members of the board.

The Committee's primary responsibility will be to guarantee and safeguard the First Amendment rights of the student media. It also will:

Adopt its own operating by-laws, policies, procedures and budget guidelines after consultation with the Executive Committee of the Faculty Senate.

Approve and monitor budgets and regularly publish financial reports for the university community.

Appoint editors, station managers and other staff as it sees fit consistent with university affirmative action procedures.

Evaluate performance of Board appointees, including student and non-student employees.

EXECUTIVE POLICY BULLETIN NO. 4

Effective Date: April 1, 1993

MARSHALL UNIVERSITY POLICY ON SMOKING

(http://www.marshall.edu/www/policy/policy_04.html)

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.

The following exceptions will be observed:

1. Smoking is permitted in certain individual student residence hall rooms that are designated as smoking rooms.
2. Smoking is permitted in properties the university has leased to others.

EXECUTIVE POLICY BULLETIN NO. 5

Effective Date: March 28, 1994

GUIDELINES FOR SALARY

ADMINISTRATION AT MARSHALL

UNIVERSITY

http://www.marshall.edu/www/policy/policy_05.html

As an institution of higher learning Marshall University is committed to salary policies which are fair and easily understood, reflect market conditions and provide for merit. The following policies reflect those commitments.

CLASSIFIED STAFF

The university, as a part of the West Virginia higher education system, is committed to a statewide, market-oriented, equitable system of classification and salary administration. When funds are provided by the Legislature for classified salary increases, with sufficient flexibility, Marshall University will have as its first and foremost policy the full funding of the classified system before awarding any across-the-board increases.

NON-CLASSIFIED STAFF

The university is committed to a market-oriented, merit-based system of salaries for its non-classified staff. When funds are available those principles will be followed in awarding salary increases.

FACULTY

Marshall University's highest priority is to provide the most equitable compensation possible to its faculty. It recognizes the need to respond to differential salary expectations of the various disciplines, the responsibility to guarantee minimum salary schedules regardless of discipline, the importance of rewarding outstanding performance, and the necessity of addressing increases in costs of living which affect all members of the faculty.

When the university secures funds that could be made available for salary increases, without restrictions, those funds would be utilized to: Implement the minimum salary schedule (WV State Code 18B-8-2); provide salary increases which recognize disciplinary differences and adjust inequitable pay, and provide salary increases which reward meritorious performance. (Legislative restrictions on salary increases would be addressed first in any salary increase process.)

I. Promotions

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.

II. Minimum Salary Schedule.

Those remaining funds available for salary increases will be used to implement the minimum salary schedule with the goal of having all faculty being on the minimum schedule as prescribed by rank and years of service on a pro rata basis. Henceforth, after the 1993-94 academic year, this section will not apply.

III. Distributions to Recognize Discipline and Rank Differences and Adjust Inequitable Pay.

Distributions to Colleges, Schools and Departments.

Nine tenths of the funds remaining after implementation of Parts I and II above would be used to close the gap separating the Marshall average salaries from the Board of Trustees-approved peer group (see attachment A) average salaries by discipline and rank as provided by the College and University Personnel Association (CUPA.) The funds would be distributed to all disciplinary groups in proportion to need, where need is defined as the amount necessary to be added to bring a discipline to the disciplinary average within the peer group. In some cases the average for the discipline would be calculated by college and school with the dean/director acting on faculty recommendation dealing with the unit as a whole.

Distributions within Departments

Continuing with the principle of discipline- and rank sensitive salary allocations and recognizing the fact that the salaries of most faculty members are substantially below discipline peer averages, funds distributed to departments will be divided into two parts to address two kinds of needs. One part would be used to help alleviate possible past inequities and the second would provide equal percentage raises within the disciplines.

One-half of all funds provided under this section shall be distributed in an effort to achieve a minimum of 90 percent of discipline averages and the balance shall be allocated on a pro rata basis. No discipline shall receive more than 100 percent of its peer average until all disciplines are at 100 percent of peer average.

IV. Distributions to Reward Meritorious Performance

The remaining portion of the salary funds would be distributed to colleges and departments to address merit as follows: First, one third of these remaining funds would be distributed by the dean in consultation with department chairs. Second each department or school would distribute the other two thirds based on a faculty committee recommendation. Merit awards will not be added to the base salary and shall not be less than \$1,000.

FACULTY COMPENSATION POLICIES

Additional Compensation Policy

1. Additional compensation for non-teaching responsibilities may take the form of reassigned time as detailed in Executive Policy Bulletin No. 1, except, in some circumstances faculty members may choose to negotiate with their immediate supervisors for additional compensation in lieu of reassigned time.
2. Additional compensation above and beyond a faculty member's base salary as a result of research contracts or other grants from the federal government, state government, foundations, private corporations or others may be appropriate. Approval of the president is required.
3. Faculty members on sabbatical or other paid leave will not normally be eligible for additional compensation for research or administrative duties.
4. Additional compensation for a teaching overload is permissible, consistent with university policy.

Faculty Salary Equity

Marshall University is committed to fair and equitable salaries for its faculty based on rank, discipline, years of experience and performance. (Departments or schools may develop and seek approval for an alternative to this definition for equity.)

Faculty Salary Schedules

Marshall University is committed to the full funding of the minimum faculty salary schedule as outlined in the West Virginia Code (18B-8-2). Beyond the minimum salary schedule, individual departments/schools/colleges may develop a salary system which revolves around an average but takes into account minimum and mean/median salaries by discipline for assistant, associate and full professors. Such salary plans must be based on CUPA-reported (or another approved source) discipline salaries for the university's peer group and must receive prior approval of the Vice President for Academic Affairs before implementation.

EXECUTIVE POLICY BULLETIN NO. 6

Effective Date: February 8, 1994

SELECTION ROLE AND EVALUATION OF DEPARTMENTAL CHAIRS

(http://www.marshall.edu/www/policy/policy_06.html)

The following policy addresses the role, evaluation and selection of academic department/division chairs and school directors. 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 Science Division be exempted.

Role. The role and responsibilities of department chairs will be defined both generally and specifically. A general definition will be developed by the Provost and Senior 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.

A specific departmental definition will be developed by each college and approved by the Dean and Provost and Senior Vice President based on the general definition developed by the Provost and Senior Vice President.

Both general and specific statements of the role of departmental chairs will clearly and concisely state the Provost and Senior 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.

Evaluation. 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 departmental chair, as

defined by the Provost and Senior Vice President and specific expectations of the chairs as defined by the college as approved by the Deans and Provost and Senior Vice President.

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.

Selection. 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.

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 the recommendation to the Provost and Senior Vice President 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 Provost and Senior Vice President, who shall forward it to the President for final action. The Dean may recommend an interim appointment to the Provost and Senior Vice President and President if a regular appointment is not completed in a timely manner.

Term. 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.

Reappointment. 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.

INTERIM EXECUTIVE POLICY BULLETIN NO. 7

Effective date: August 8, 1994

POLICY REGARDING WEATHER RELATED AND/OR EMERGENCY CLOSINGS AND DELAYS

(http://www.marshall.edu/www/policy/policy_07.html)

Generally, it is Marshall University's policy to maintain its normal schedule, even when conditions are inclement. However, this 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 the deadlines of newspapers.
4. The Assistant to the President and Vice President for University Communications will communicate the specific details of the closing as follows:
 - a. To the Office of Public Safety.
5. The Vice President of Communications will place the closing message on the Huntington campus AUDIX system as well as the university response number.

Definitions:

1. University Closed: All classes suspended and offices closed.
2. Classes Canceled: All classes suspended; offices open.
3. Delay: A delay in the beginning of activities, usually in the range of one to two hours. For example, since normal operations of the university begin at 8:00 a.m., a two-hour delay would mean functions would begin at 10:00 a.m. As a result, Monday, Wednesday or Friday classes beginning at 8:00 a.m. or 9:00 a.m. would be canceled; 10:00 a.m. classes would meet. Tuesday or Thursday classes beginning at 8:00 a.m. would be canceled; those scheduled for 9:30 a.m. would begin instead at 10:00 a.m. in abbreviated session. In most instances, delays on Tuesday or Thursday will be 90 minutes, enabling 9:30 classes to begin on schedule.

Clarification: Since announcements in the mass media are subject to inadvertent distortion, incompleteness or misunderstanding, clarification may be obtained by telephoning Marshall University at 696-3170.

Staff and Administrative Personnel: The university will be completely closed only rarely and in extreme situations since it is essential that the public safety be maintained, that buildings and equipment be protected and that services be provided for those students housed in campus facilities. Therefore, although classes may be canceled, 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 of facilities.

Individual employees may, in their best judgment, determine the risk of travel to be too great and elect to remain at home. Those who do so 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 them.

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.

Faculty: 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.

Decision Making: Decisions on closings and/or delays will be made jointly by the Provost and Senior Vice President for Academic Affairs and the Senior Vice President for Operations following consultation with other appropriate officials, including the President. Should only one of those two Senior Vice Presidents be available, that person will make the decision.

Every effort will be made to reach a decision to allow time for adequate notification to the news media and, in turn those affected.

South Charleston Addendum

General Policy. Because weather conditions can vary substantially, it is possible that Graduate College classes will be delayed or canceled at some locations and not others.

If the Marshall University Graduate College is delayed or canceled at any MUGC location local media will be notified as soon as a decision is made. Since MUGC classes do not generally meet until late afternoon an effort will be made to decide about classes by noon.

The Vice President for Graduate Studies will decide on class cancellations in conjunction with the Assistant Vice President for Adult Student Services and staff located at remote sites. Any delay or cancellation decision will be placed on the MUGC AUDIX system. Students will be able to find out about such delay/cancellation through the MUGC switchboard operator, local MUGC offices or local media.

Definitions:

1. MUGC Closed: All classes and offices closed.
2. Classes Canceled: All classes canceled. Details provided by site.
3. Delay: A delay in the beginning of non-class activities. e.g., A two hour delay would mean the

normal workday would begin at 10:00 AM rather than 8:00 AM.

INTERIM EXECUTIVE POLICY BULLETIN NO. 8

Effective Date: July 27, 1994

POLICY REGARDING SALARY SUPPLEMENTS FOR MARSHALL UNIVERSITY EMPLOYEES FROM NON-STATE SOURCES

(http://www.marshall.edu/www/policy/policy_08.html)

It is appropriate and at times necessary for employees of Marshall University to receive supplements to their state base salaries for performance of their university duties. Such cases include, but are not limited to, faculty serving in endowed professorships and chairs; faculty, administrators and staff who serve university affiliated organizations as a part of their normal duties; any personnel compensated above their state salaries in research or service activities, etc.

As the university is the prime employer, the Internal Revenue Service expects the university to assure that federal law and IRS regulations are adhered to. Also, as the university is accountable to the state, the public and affiliated organizations such as accrediting agencies and the National Collegiate Athletic Association, the following represents the policies of Marshall University in regard to university employees receiving salary supplements for the performance of their duties as outlined in their letters of appointment or job descriptions.

1. Any and all salary supplements must be recommended by the employee's immediate supervisor and/or appropriate Vice President and be included in the employees annual letter or appointment or in an approved plan for a specific category of employees.
2. Any and all salary supplements must be paid at regular intervals (monthly, quarterly, etc.) with all applicable federal and state taxes being deducted, including FICA taxes owed by both employee and employer.
3. All salary supplements must be handled through the university's payroll or one of the university's affiliated organizations having payroll systems (The Marshall University Foundation, Inc., The Marshall University Research Corporation, etc.).

EXECUTIVE POLICY BULLETIN NO. 9

Effective Date: June 2, 1995

PATENT AND INVENTION POLICY FOR MARSHALL UNIVERSITY

(http://www.marshall.edu/www/policy/policy_09.html)

I. Preamble

Patentable discoveries or inventions occasionally result from research or educational activities performed at a university. Marshall University desires to assure that all ideas and discoveries are properly disclosed and utilized for the greatest public benefit. The university also desires to protect the patent rights of the Marshall University faculty, staff and student body, and to abide by patent

regulations of agencies providing funds for sponsored programs. The following paragraphs present to the members of the Marshall community the university's policy on patents, inventions and discoveries.

II. Coverage

The Marshall University Patent Policy applies to all faculty, administrators, staff, students or other individuals who receive financial support from the university, and/or who use universities or materials in the process of conceiving, and/or developing an idea, invention or discovery.

III. Administration

The administration of this Patent Policy will reside in the Office of the Vice President for Research. The Chief of Staff and Vice President for Executive Affairs and General Counsel of the university shall be consulted on all legal matters pertaining to this policy.

IV. Faculty Patents Committee

A Faculty Patents Committee shall be appointed and serve at the pleasure of the President of the university or his/her designee and will include five to seven faculty members, each with a voting alternate to serve in his/her place if needed with the Vice President for Research as an ex-officio member. A chairperson and a vice-chairperson (who shall act in the absence of the chairperson) shall be elected from among the faculty members of the committee. A representative of the Office of the Vice President for Research and a representative from the Office of the Chief of Staff and Vice President for Executive Affairs and General Counsel shall serve as non-voting members of the committee. The committee shall meet periodically, but at least annually, upon call of the chairman to review the existing patent policy, to recommend changes and to receive reports on the status of the patent portfolio. The Vice President for Research, or his/her designee will present periodic reports on the status of disclosures and patent applications to the committee for review. When necessary, the committee shall meet with the Vice President for Research or his representative when an inventor asks the Executive Director for an expedited review by the Faculty Patents Committee of decisions relating to, or policies affecting, his/her invention or discovery. The Faculty Patents Committee shall report all decisions to the President of the university through the Vice President for Research or, his/her designee.

V. Disclosure

All members of the Marshall community who are covered by this policy shall disclose the nature and detail of the anticipated invention or discovery to the Vice President for Research, or his/her designated representative at the earliest possible date.

Within 120 days after such a disclosure, the Vice President for Research, or his/her designee shall notify the inventor in writing whether it is the university's intention to retain its interest and to acquire assignment of all ownership rights of the invention or discovery. If such a 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. The principles to be used in determining ownership rights are given in Section VI.

VI. Ownership Rights

A. Ownership Rights in the University

All inventions or discoveries shall be deemed to be a proprietary interest of Marshall University if the inventor was employed or otherwise financially supported by the university, and if he/she used university facilities, materials or time to conceive and develop the discovery or invention.

If the University decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the research, the university will release its proprietary interest to the inventor.

B. No Ownership Rights in the University

The ownership rights to a discovery or invention are considered to be exclusive property of the inventor, if the university has not contributed to the conception or development of the discovery or invention in the way of funds, space, materials or facilities and the discovery or invention was conceived and developed by the inventor on his/her own time.

C. Determination of Ownership Rights

In cases where there is a disagreement between the inventor and the university as to ownership rights or the retention of such rights by the university, a committee comprised of the Vice President for Research, or his/her designee, the Chief of Staff and an individual with expertise in the field chosen by the inventor shall recommend to the President what further action the university should take.

D. Ownership Rights in Sponsored Programs

In the case of programs sponsored by government agencies or private firms with which the university has negotiated a particular agreement regulating patents, inventions, licensing, etc., these regulations will govern. For all federal agencies in accordance with 37 CFR 401 with which there is no such agreement, the university normally must agree to provide an irrevocable, non-exclusive free license to the government for the use of the patents arising from programs which they supported.

VII. Obtaining a Patent

If the rights to an invention or discovery are determined to belong to the university, the Vice President for Research, or his/her designee, will determine the desirability of acquiring assignment of such rights and filing for domestic (US) or foreign patents. If the university decided to file a patent application, one of the following alternatives, at the inventor's option, will be pursued.

The university will provide the services of its patent attorneys as well as the service of patent development and promotional agencies, at the university's expense.

The inventor may, at his/her own expense, consult with any attorney of his/her choice or take any other steps he/she deems advisable toward obtaining and

developing a patent. However, the ownership right of the invention and any patent obtained thereupon shall still reside with the university, and the division of any proceeds shall be in accordance with general university policy on patents.

In the event the university determines that it will not file for a patent, or if the university decides to terminate the application for a patent, the inventor shall be notified as is noted in Section V and he/she may proceed to obtain his/her own patent, at his/her own expense.

VIII. Inventions or Discoveries Arising from Sponsoring Programs

The university will review the rules and regulations of potential sponsors of research with regard to ownership rights and licensing of inventions, discoveries or patents either at the time that a proposal is submitted or prior to accepting an award from the sponsor. The University will perform this review with the following principles in mind:

The project director is to have complete freedom to publish the results arising from the sponsored program subject to the terms of the agreement.

The university shall retain ownership rights in any inventions, discoveries or patents arising from federally sponsored projects; ownership rights in privately sponsored programs will be determined on a case-by-case basis.

All parties involved in the program, including the inventor, the sponsor and the university shall receive equitable compensation from any proceeds received from a patent or invention.

After negotiation, if the regulations of a potential sponsor are contrary to the university patent policy, the Vice President for Research will consult with the potential project director, an/or if the Vice President deems it advisable with the Faculty Research Committee. After such consultation, the Vice President for Research will determine whether or not to accept the sponsorship of the research under those regulations as finally negotiated and as an exception to the policy.

IX. Development, Promotion and Licensing

In administering the patent portfolio of the university, the Vice President for Research shall act to bring to the public all inventions and discoveries in which the university has proprietary rights. In doing this he shall use whatever means appropriate for development, promotion and licensing of each invention, consistent with the expressed goals of the patent policy.

The university is free to enter into agreements with any outside agent, which it deems will successfully aid the university in developing inventions or discoveries, in obtaining patents, or in promoting or manufacturing inventions, provided that such agreements are consistent with this patent policy. If a particular invention or discovery is to become subject to such an agreement, this shall be made known to the inventor, who will also be consulted about any rules governing the relationship among the outside agent, the university

and the inventor due to such agreement. The inventor 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 inventor so chooses.

The university is free to enter into any licensing agreement, which it deems beneficial to the university, the inventor and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules and regulations. Any terms governing the relationship among the licensee, the university or the inventor due to such licensing agreements shall be disclosed to the inventor, the dean of the college/school, the Faculty Patents Committee, the Provost and Senior Vice President for Academic Affairs, the Vice President for Business and Finance and the President.

X. Proceeds from Inventions and Discoveries

All income, which the university derives from the licensing of inventions and discoveries, will be appropriately used for the research and educational functions of the university. Of the net proceeds of each individual invention or discovery, 40% will be paid to the inventor, 30% to the inventor's college, and 30% to the Marshall University Research Corporation. Net proceeds shall be calculated on individual inventions or discoveries as gross royalties minus documented administrative, licensing, legal and other related expenses. Upon decease of the inventor, the inventor's share of future income resulting from his/her invention shall be paid to the inventor's estate or designated beneficiaries.

If the invention or discovery 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 of the above paragraph.

XI. Release of Patent Rights

The university, at its discretion and subject only to the restrictions of a sponsoring agency or a licensing agreement, may release a previously obtained patent to the inventor for promotion and development. In doing so the university will require that it recover any costs incurred in obtaining the patent or in subsequent promotions.

XII. Applicability of the Policy

The policy herein declared may be changed or discontinued at any time by appropriately taken action of the President of the university in consultation with the Vice President for Research and the Faculty Patents Committee. Such changes or discontinuance shall not affect the rights accrued prior to the changes or alterations.

EXECUTIVE POLICY BULLETIN NO. 10

Effective Date: September 29, 1995

CONFLICT OF INTEREST POLICY

(http://www.marshall.edu/www/policy/policy_10.html)

I. Policy

The policy of Marshall University requires that any university employee who is responsible for the design, conduct, or reporting of a sponsored research project must disclose financial or other interests that are, or may be perceived to be, related to the project.

II. Purpose and Scope of the Policy

The purpose of this policy is to avoid both actual and apparent conflicts of interest between investigators' sponsored research obligations and private financial interests. This policy applies to all research that is conducted, sponsored, or administered by Marshall University and the Marshall University Research Corporation.

Federal regulations require institutions 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, or at the time a potential conflict develops during the conduct of a funded project.

Marshall University's Conflict of Interest Policy is consistent with the Public Health Service Regulations, "Objectivity in Research," and the National Science Foundation regulations, "Investigator Financial Disclosure Policy," effective October 1, 1995.

III. Definitions

Designated University Official. A university official designated by the President to complete the first level review of investigators' Disclosure of Interests and to determine if any reported interest reasonably appears to be directly and significantly affected by the project. These officials will be individuals with first-line supervisory responsibility for the person submitting the Disclosure. In most cases, the designated university official will be Department Chairs, Deans, or other designated administrators.

Significant Financial Interest. The term "significant financial interest" means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

Significant Financial Interest Disclosure Form.

Form to be completed by the investigator, listing financial and other interests related to a research project.

A. Inclusions:

- a. Income (including salary, consulting payments, honoraria, reimbursement of expenses, dividends, or any other payments or considerations) from a single business entity exceeding \$10,000 during the prior twelve months.

- b. Equity (in the form of stocks, stock options, real estate or any other investment of ownership interest) in any enterprise. (This does not apply in the case of stock holdings such as diversified or mutual funds where the investigator is unaware of specific stocks held). A position as director, officer, partner, trustee, or member of board of directors of any business entity.
 - c. Intellectual property interest on a patent filed or to be filed by a party other than the university.
- B. Exclusions**
- a. Salary, royalties, or other remuneration from the institution; or any ownership interests in the institution, if the institution is an applicant under the SBIR Program.
 - b. Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities.
 - c. Income from service on advisory committees or review panels for public or nonprofit entities.
 - d. Financial interests in business enterprises or entities if value of such interests do not exceed \$10,000 per annum in salary, fees or other continuing payments or represent more than a five percent ownership interest for any one enterprise or entity when aggregated for the investigator and the investigator's spouse and dependent children.

Investigator. Any Marshall University or Marshall University Research Corporation employee responsible for the design, conduct, or reporting of the funded activity. This includes the principal investigator, co-investigators, and key scientific personnel.

Independent Substantive Review Committee. A committee appointed by the President to provide a second level review of investigators' Disclosure of Interests and to recommend whether funding for the research project should be accepted and, if so, whether any modifications or conditions are needed. The Independent Substantive Review Committee will include the Vice President for Research, the Executive Director of the Marshall University Research Corporation, three faculty members that are actively engaged in sponsored research, and the Chief of Staff.

Related Financial Interest. Investigators' financial interests are related to a research project if the work to be performed under the project, or the results of such work, can be expected to have an impact on the investigator's financial interests. Such relationships include project subcontracts, leases, and purchases.

IV. Disclosure Requirements

The principal investigator must fully disclose all related and significant financial interests for each sponsored research proposal prior to the time a proposal is submitted. The principal investigator must insure that all investigators on the proposal disclose related financial interests. Likewise, the principal investigator and all investigators must provide updates of related financial interests on an annual basis and/or whenever they acquire new financial interests related to active projects.

V. Review and Appeal Process

For the initial review, the Disclosure of Interest Form should be submitted to an appropriate institutional officer who has first line supervisory responsibility for the faculty member submitting the disclosure form, i.e. the Dean or Chair/Supervisor. If the initial reviewer identifies a potential conflict of interest, the disclosure materials will be referred to the Independent Substantive Review Committee (ISRC) for a second level review. The committee will make recommendations for compliance to the principal investigator with a copy to the Vice President for Research and the initial reviewer. The principal investigator may appeal the decision of the ISRC to the President of the university if he/she believes that the ISRC recommendations are not justified.

VI. Management of Conflicts of Interest

When an investigator has significant financial interests that would reasonably appear to be directly or significantly affected by the sponsored project, the ISRC may rule that the project may not proceed. In situations where reasonable doubt exists about the Conflict of Interest, certain conditions or restrictions may be imposed. These may include, but are not limited to:

- a. Public disclosure of significant financial interests;
- b. Monitoring of the project by independent reviewers;
- c. Modification of the research or project plan;
- d. Disqualification from participation in all or a portion of the project;
- e. Divestiture of significant financial interest;
- f. Severance of relationships, i.e. Board of Directors, etc. that create actual or potential conflicts.

VII. Sanctions

Failure to file a complete Disclosure of Financial Interests in a Sponsored Research Project Form will be grounds for disciplinary action under the conditions outlined in *The Greenbook*. In addition, sponsors may terminate current awards and/or contracts and may rule an investigator ineligible to receive future awards if the investigator fails to comply with requirements to file a complete disclosure.

VIII. Responsibilities and Administration

Final responsibility for the implementation of the Disclosure of Financial Interests in a Sponsored Research Project Policy rests with the President, the Provost and Senior Vice President for Academic Affairs and the Vice President for Research. In addition, they are authorized to issue additional guidelines, implementing procedures and supplementary local policies and forms consistent with the Policy. Any such changes should be communicated to the Vice President for Research and the Deans of each college and school.

EXECUTIVE POLICY BULLETIN NO. 11

Effective Date: January 21, 1997

THE APPOINTMENT AND EVALUATION OF FACULTY DEANS AT MARSHALL UNIVERSITY

(http://www.marshall.edu/www/policy/policy_11.html)

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.

The Selection of Faculty Deans. 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 a 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.

First, the president shall establish a search committee to consist of at least five faculty selected by the tenure-track faculty of the college or school in question, plus one classified staff member from the affected college or school appointed by the Provost and Senior Vice President for Academic Affairs; one undergraduate and one graduate student from the affected college or school selected by the students of the college or school; one faculty member from outside the college or school in question recommended by the Provost and Senior Vice President for Academic Affairs, and one appropriate community member recommended by the Provost and Senior Vice President for Academic Affairs. On recommendation of the Provost and Senior Vice President for Academic Affairs, the president shall appoint a sitting dean from another college or school to serve as chair of the search committee. If necessary for the purpose of diversity, the president may appoint others to the committee.

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.

Third, the committee shall recommend no fewer than three persons to the president as being fully qualified for the position. The president shall select one of those recommended or ask the committee for additional names.

The Evaluation of College and School Deans. Consistent with the Higher Education Policy Commission's (formerly 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:

First, every dean shall be evaluated by the Provost and Senior Vice President for Academic Affairs (or the vice president for health sciences in the case of the dean of the college of health professions) and the president of the university each fiscal year for the purpose of salary adjustments and performance as the chief executive officer of the college or school. The dean shall be provided an opportunity to meet with the Provost and Senior Vice President for Academic Affairs 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/her personnel file. Such evaluations will be deemed confidential.

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 Provost and Senior Vice President for Academic Affairs 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.

Third, the President shall appoint a committee consisting of four persons 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 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 of 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 Provost and Senior Vice President for Academic Affairs 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.

Fourth, the President shall meet with the dean to discuss the college or school and the dean's evaluation and present him/her with a written personal evaluation, including recommendations as appropriate as suggestion for

improvement. The final written personal evaluation shall be placed in the dean's file and will be considered confidential.

General Provisions. 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.

INTERIM EXECUTIVE POLICY BULLETIN NO. 12

RESCINDED: October 1, 2002

Effective Date: July 1, 1997

OPERATING POLICIES AND PROCEDURES RELATING TO THE MERGER OF THE WEST VIRGINIA GRADUATE COLLEGE AND MARSHALL UNIVERSITY

EXECUTIVE POLICY BULLETIN NO. 13

Revision Date: January 2004

SR-04-05-(28) 85 BAPC

MARSHALL UNIVERSITY E-COURSE

http://www.marshall.edu/www/policy/policy_13.html

Scope of the Policy

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.

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.

Online courses are defined as either E or T Courses.

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.

Admissions

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.

Advising

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.

Audits

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.

Computer Accounts

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

Computer/Software Requirements

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.

Course Approval

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.

Course Completion Timetable

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.

Course Content

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.

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.

Course Enrollment Limits

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.

Course Schedule

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.

Credit Hours

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

Distribution of T-Courses and E-Courses

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.

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.

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.

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.

E-Course Agreement

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.

E-Course/T-Course Format

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.

Evaluations

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

Expiration of Electronic Course Agreements

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

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

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 in-load.

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.

Faculty Compensation for Teaching an E-Course

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.

Faculty Incentives

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.

Faculty Load Time

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.

Faculty Technical Support

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.

Financial Aid

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.

Hiring Policies

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.

Intellectual Property/Ownership of Course Content

Definitions:

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 protected by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.

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.

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

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.

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.

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.

Ownership and Qualifying Conditions:

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.

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.

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 (see Executive PB #9), 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.

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.

Ownership Disclosure:

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.

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.

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.

Dispute Resolution of Ownership Rights:

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.

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.

Development, Promotion and Licensing of Electronic Media:

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.

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.

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.

Allocation of Intellectual Property Revenues:

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: 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.

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.

Library:

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.

Prerequisites:

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.

Proctoring:

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:

- 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.
- 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.).

The signed proctor verification statement indicates that:

1. The student taking the exam presented them with a photo ID at the time of the exam;
2. the student finished the exam in the amount of time specified by the instructor;
3. the proctor was physically present during the entire time the student had the exam in his or her possession;
4. to the best of the proctor's knowledge the student finished the exam and followed all exam regulations as specified by the instructor.

Registration:

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.

Repeats:

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

Review and Update of E-Course Content:

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. 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.

Student Load Time:

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.

Syllabi and Course Documentation:

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.

Tuition and Fees:

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.

Withdrawal Timetable:

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.

**INTERIM EXECUTIVE POLICY BULLETIN
NO. 14**

Effective April 26, 2000

MARSHALL DEPENDENT SCHOLARSHIPS

(http://www.marshall.edu/www/policy/policy_14.html)

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.

This program will begin with 10 tuition and fee waivers, valued at \$50,000, coming from the growth in enrollment in the 1998-99 academic year plus \$25,000 from the

university's general scholarship fund. 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.

A special committee, the Dependents Scholarship Committee, will be created to administer this fund, including the dean of enrollment management 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 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.

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.

The committee will have its organizational meeting as soon as the faculty and staff representatives are appointed.

EXECUTIVE POLICY BULLETIN NO. 15

Effective April 26, 2000

Amended March 14, 2003

Approved by President September 30, 2003

FACULTY COMPENSATION FROM GRANTS AND CONTRACTS

http://www.marshall.edu/www/policy/policy_15.html

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).

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.

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.

Overload/Incidental Compensation for Faculty. 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. This Executive Policy Bulletin hereby creates an overload/incidental compensation policy which will allow Marshall University faculty to earn up to an additional 25% of their base salary for additional time worked, subject to the approval of the Vice President for Academic Affairs, the Vice President for Health Sciences, or the Provost of the Marshall Community & Technical College, as appropriate. 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.

Merit Awards for Faculty. Subject to approval of the Vice President for Academic Affairs, the Vice President for Health Sciences, or the Provost of the Marshall Community & Technical College, as appropriate; 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. This policy applies to all federal grant and contracts and may be applied to other sources of funds as deemed appropriate.

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 Graduate College.

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
- [Proposed Revisions - Series 2: Joint Rule on Higher Education Finance - Comment Period Ended November 15, 2004 - Still under review.](#)
- [Series 3: Report Card](#). Legislative rule – Final – Effective April 9, 2002
- [Series 4: Rules, Guidelines and Other Policy Statements by Governing Boards](#). – Final – Effective October 31, 2001
- [Series 5: Guidelines for Governing Boards in Employing and Evaluating Presidents or Other Administrative Heads of Institutions](#). - Final – Effective January 19, 2003
- [Proposed Revisions - Series 5: Guidelines for Governing Boards in Employing and Evaluating Presidents or Other Administrative Heads of Institutions. Comment Period Ends March 8, 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
- [Series 8: Personnel Administration](#). – Final - Effective on November 22, 2001
- [Series 9: Academic Freedom, Professional Responsibility, Promotion and Tenure](#). Final – Effective January 10, 2003
- [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 – Effective June 22, 2002
- [Proposed Revisions - Series 17: Transferability of Credits and Grades at the Undergraduate Level Comment Period Ends March 8, 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](#) – Procedural rule -Final Effective August 10, 2002
- [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
- - Procedural rule -Final Effective August 10, 2002
- [Series 23: Standards and Procedures for Undergraduate Admission](#) - Approved by HEPC, Final Effective April 1, 2005
- [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 June 9, 1998 (Transferred with technical changes from previous boards)

- Proposed Revisions - Series 26: [Underwood Smith Teacher Scholarship Program](#) - Approved by LOCEA and ready for adoption by Legislature.
- [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 June 12, 2000 (Transferred with technical changes from previous boards)
- Proposed Revisions - Series 28: [WV Engineering Science and Technology Scholarship Program](#) - Approved by LOCEA and ready for adoption by Legislature.
- [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](#) – Procedural rule - Final Effective September 6, 2002
- Proposed Revisions - Series 34: [Medical Student Fee and Medical Student Loan Program](#) - Approved by LOCEA and ready for adoption by Legislature.
- [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
- Proposed [Series 42: WV Higher Education Grant Program Legislative Rule](#) - Still under review.
- [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, 2004

[University System](#)

- All Administrative Bulletins were abolished by the Policy Commission on April 19, 2002.

[State College System](#)

- All Procedures except [Procedure No. 19](#) were abolished by the Policy Commission on April 19, 2002. Procedure 19 was suspended on April 24, 2003

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. 7 - Constituent Representatives of Board of Advisors](#) -PDF
- No. 8 - Increased Flexibility for Community and Technical Colleges – (Replaced by Series 37 – see above list of Rules)
- No. 9 - Interim Guidelines for Capital Projects and Investments - (Replaced by Series 12 – see above list of Rules)
- No. 10 - Policy on Submission of Proposals for New Academic Programs and the Discontinuance of Existing Programs (Replaced by Series 11 – see above list of Rules)
- No. 11 - Policy Regarding Program Review (Replaced by Series 10 – see above list of Rules)
- [No. 12 - Procedure for Adoption of Policy](#) - PDF
- No. 13 - Policy on Freshman Assessment and Placement Standards - (Replaced by Series 21 – see above list of Rules)
- [No. 14 - Criteria for State Colleges to Offer Graduate Degrees](#)
- [No. 15 - Criteria for Designation of University Status](#)

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