Shepherd University Board of Governors
January 11, 2007
Agenda Item No. 4

FINAL ADOPTION OF REVISED POLICIES 19 AND 10

On November 20, 2006, a draft of revisions for Policy 19, Academic Freedom, Professional Responsibility, Promotion and Tenure, was distributed for public comment. A draft of revisions for Policy 10, Employee Leave, was distributed on November 30.

The Appendix to Policy 19, Academic Freedom, Professional Responsibility, Promotion and Tenure includes a Phased Retirement Program for faculty. The proposed changes, on pages 48 and 49 of the Appendix, reduce the period of time of the phased retirement from three years to two years and allow the employee and the administration to agree on either a 75% load or a 50% load. One comment was received as to the portion of the Appendix of Policy 19 which is proposed for change. The last section of the Phased Retirement provisions has been amended to clarify that any faculty member who is at least 60 years of age will have an initial eligibility period of at least until May 2008.

The present language of Policy 10, Employee Leave, provides that all non-classified employees accumulate annual leave at the rate of two days per month of employment. The proposed change would allow the President to assign an accumulation rate, not less than what would be received for a classified employee and not more than two days per month. As of the publication of the agenda book, two comments had been received about Policy 10, one substantive and one technical in nature. The first comment was from the Classified Employees Council, noting that they would prefer that the leave accrual rate for all non-classified employees be equivalent to the accrual rates for classified employees, with the exception of the executive officers of the University. The President’s recommendation to the Board, however, is to give the President the discretion to fix the leave accrual rate for all non-classified employees and to implement the change only as to new hires and to staff who change job titles after the effective date of the new policy. The second comment identified a lack of clarity about the phrasing as to leave accrual, and a technical clarification has been made to eliminate any risk of confusion. The proposed changes for each policy are reflected in underlining for new language and strike-throughs for deleted language.

The following resolutions are recommended for adoption by the Board:

RESOLVED, That the Shepherd University Board of Governors approves the revisions to Policy 19, Academic Freedom, Professional Responsibility, Promotion and Tenure, as presented in the agenda book, to become effective immediately upon approval of the Chancellor.

RESOLVED, That the Shepherd University Board of Governors approves the revisions to Policy 10, Employee Leave, as presented in the agenda book, to become effective immediately upon approval of the Chancellor.
II. Policies and Procedures

A. Faculty Personnel Policies

1. Definition of Faculty

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

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

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

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

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

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

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

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

Part-time faculty appointments are not distinguished by any maximum number of credit hours. Each department has an approved policy and process for the oversight and evaluation of part-time faculty members.
It is the responsibility of the department, under the guidance of the respective Department Chair, Dean and the Vice President for Academic Affairs, to ensure that this policy and process is maintained.

b. Tenure-Track Status

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

In order to aid and to evaluate tenure-track status faculty, the President or any academic administrator with supervisory responsibility may conduct classroom observations.

The maximum period of tenure-track status shall not exceed seven years. Before completing the sixth year of a probationary appointment, any non-tenured faculty shall be given written notice of tenure or offered a one-year written terminal contract of employment. Generally, any applications for tenure prior to the 6th year of service will be premature and will not be granted.

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

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

(1) not later than March 1 of the first academic year of service

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

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

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

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

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

c. Temporary Status

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

The employment of part-time faculty is made pursuant to the approval and supervision of the Vice President for Academic Affairs, with the advice and recommendations of the respective department and Dean. Each Dean and the Vice President review the qualifications and experience of prospective adjunct faculty. The appropriate balance in each department between the number of courses taught by full-time faculty and part-time faculty is also assessed. Department Chairs, under the direction of the respective School Dean, are responsible to ensure that adjuncts receive information regarding duties, responsibilities, and curricular issues. Deans provide an annual assessment of the teaching performance for adjunct faculty either directly or through the Department Chair.

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

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

Faculty who hold temporary appointments, which may be part-time or full-time, are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments.
Temporary full-time faculty appointments may be used if one or more of the following conditions prevail.

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

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

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

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

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

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

2. Expectations of Faculty

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

a. Effective Teaching

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

b. Professional Growth

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

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

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

Such development support may be directed to reimbursement of the costs of travel, lodging, meals and/or registration fees associated with participation in professional meetings or other formal activities of the individual academic disciplines. Any other proposals for which support may be solicited (e.g. for research) should be clearly and directly related to the primary mission of each full-time faculty member as an instrument of undergraduate instruction.
It is both appropriate and necessary that procedures and policies be developed and adopted to provide the necessary elements of "quality control" and "quality assurance" for the benefit of faculty among all of the diverse disciplines and to be accountable to agencies external to the faculty of the several diverse disciplines. If it is true that the faculty of a particular department or discipline can easily recognize and evaluate the appropriateness and validity of professional development activities within that department or discipline, that department faculty should be able to explain, describe and justify such professional activity to external interests as well, including faculty of other disciplines.

At the beginning of each fiscal year, every academic department should be allocated, as a part of its operating budget, an amount of money designated for Professional Development. Generally, this amount will be proportional among departments with regard to the number of full-time, continuing faculty assigned to that department. Faculty on sabbatical leave will be included in any determination of this proportional allocation. Several academic departments have Professional Education Unit (PEU) faculty affiliated with them. Since these faculty are expected to participate in professional development as PEU members as well as in professional development for their chosen academic discipline, academic departments with PEU faculty will receive a supplementary allocation to support PEU-related professional activity. The level of such supplementary support will be determined by negotiation among the chairs of departments with PEU faculty, the Director of Teacher Education and the Vice President for Academic Affairs.

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

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

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

c. Service to the University and Community

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

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

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

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

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

d. Earned Doctorate

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

3. Academic Freedom and Responsibilities

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

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

Academic freedom at West Virginia state colleges is necessary to enable the institutions to perform their societal obligation as established by the Legislature. The Shepherd University Board of Governors recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the universities 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. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as a citizen outside the college or university, they shall be free from institutional censorship or discipline.

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

4. Distribution of Workload

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

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

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

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

5. Overloads

The limitation of faculty teaching loads to 12 semester hours is very strongly supported. Students need and deserve the guidance and counseling which professors can give them as they progress through the undergraduate programs. Professors are encouraged to enrich their teaching through professional reading, continuing graduate study, and taking trips, which
provide experiences, related to teaching assignments. Additional time should also be spent in service to the University and the community.

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

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

a. The respective Department and School Deans will make recommendations to the Vice President on requests for extra courses to be taught.

b. Faculty who hold the doctorate and/or who have special preparation in particular fields will receive first consideration for extra teaching assignments, especially those assignments which are remunerative.

c. Faculty should use professional discretion in assuming any extra teaching assignments.

d. Extra compensation for overload teaching will be authorized in a limited number of cases.

6. Summer Session

Each year, if the budget permits, there shall be a summer session consisting of one or two summer terms.

Determining who will teach in the summer sessions will depend upon a number of factors. It shall be the responsibility of the Vice President for Academic Affairs to prepare a list of courses to be offered in the summer sessions. Chairs will recommend faculty they believe are qualified to teach the courses. A rotation plan for faculty members in the respective departments is very strongly encouraged. Priority will be given to faculty holding the doctorate. Individuals who have not earned the doctorate should use the summers to further their education.

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

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

Courses with low enrollments (less than ten (10) students) will be canceled by 5:30 p.m. the day before summer classes start in a given session, subject to the following condition. If the enrollment is less than ten (10), the instructor will be contacted by the respective School Dean or his/her designee and asked if he/she wants to teach the course on a per student basis (one-tenth of full rate per student, based on the student count at the conclusion of the add/drop period). The course will remain only if the instructor opts to teach the course on the pro-rated salary basis. Instructors must be available from 4:00 p.m. to 5:30 p.m. on that day if they wish to be considered for the per-student rate. The School Deans will then notify the Registrar and the Vice President for Academic Affairs. The Registrar will, after the 4:00 p.m. closing of registration on the first day, notify each School Dean of the courses with low enrollment.

Faculty members will be provided compensation for supervision of summer internships under the following conditions: (a) A faculty member will be paid at the full prevailing summer course rate per credit hour taught comparable to other faculty members with like degrees if ten (10) or more students register for summer internship credit under his or her direction. (b) If fewer than (10) students register for a given internship course, the faculty member will be paid on a pro-rated basis of 10% of the base pay rate per credit hour per student. (c) A faculty member will be paid for only one internship course section per summer session (Session I, Session II, or the entire summer session.) (d) The Curriculum and Instruction Committee offers the following guidelines of documentary materials expected for departments offering summer internships courses: (i) A written contract specifying the responsibilities of the faculty supervisor, student and internship in-site supervisor. (ii) A course syllabus. (iii) Documentation of student work (i.e., a journal, term paper, portfolio, or other form of documentation appropriate to the discipline.) (iv) The faculty supervisor and internship on-site supervisor communicate via paper or e-mail to ensure that the student is working satisfactorily, working the appropriate number of hours (i.e., 200 on-site hours is equivalent to 3 credit hours), and that the student’s grade is based on the above. (v) The student’s grade is to be awarded after completion of the internship (using the university-established rules for granting the grade of I (Incomplete) when necessary, in accordance with the rules established by The Admissions and Credits Committee.

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

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

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

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

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

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

a. required for his/her graduation or,

b. cannot be substituted for with another course which is available, and

c. A course is canceled by the university due to low enrollment or

d. A course will not be offered, due to the department’s sequence of course offerings until after the proposed (realistic) graduation date of a student. (This could happen in the case of a transfer student from another institution or one changing majors and/or minors.)

or

e. An unavoidable conflict (university created) arises which precludes a student’s taking a required course at the time it is available (i.e. requirement in the major offered at the same time as one in the minor or no space available in a multi-section required course except in one which is a conflict.)
8. Academic Rank

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

Faculty members contracted by Shepherd University may receive up to two years of credit towards tenure or promotion if they have taught four or more years as a full-time faculty member at a recognized accredited institution of higher education. If a member has taught at least two years but less than four years at another institution, that individual could receive one year of credit. The recommendation for awarding of credit toward tenure or promotion must be brought forward by the hiring department with the agreement of the School Dean, and is subject to approval by the Vice President for Academic Affairs.

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

Professor

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

b. Ten (10) years of satisfactory full-time higher educational teaching or professional experience at a regionally accredited institution. After ten (10) years of higher education teaching experience, four (4) years of which must be at Shepherd University as an Associate Professor, a candidate may apply for promotion to Full Professor.

c. Evidence of continuous professional growth throughout the term of Associate Professor rank. Additional evidence prior to advancement or appointment to Associate Professor shall be submitted only when supported by the faculty member's explanation of the need for such additional support materials in order to document a long term continuous professional growth process.

d. Outstanding teaching effectiveness.

e. Scholarly work as evidenced by refereed publications or juried performances or exhibitions: academic and professional work within a field or fields of specialization or in university level teaching areas; or creative expressions presented in juried exhibitions, competitions, concerts, journals, etc.

f. Excellence in institutional service.
g. Excellence in community service.

h. Reputation as a person of good character.

**Associate Professor**

a. To be eligible for promotion, the faculty member must meet one of the following three professional requirements:

1) Hold an earned doctorate or the highest academic degree appropriate to the teaching field; or

2) Master’s degree plus 30 hours of graduate work, appropriate to the teaching field, toward the doctorate from a regionally accredited institution of higher education; or

3) Hold an advanced degree, masters appropriate to the teaching field, and a national certification. The appropriate national certification will be identified at the School level and will be subject to approval by the Faculty Senate.

b. Five (5) years of satisfactory full-time higher educational teaching experience at a regionally accredited institution. After five (5) years of higher education teaching experience, three (3) years of which must be at Shepherd University as an Assistant Professor, a candidate may apply for promotion to Associate Professor.

c. Excellence in teaching.

d. Professional activities that might include: Some publication exhibition, or performance activity in the form of research papers, creative writing, or participation in juried exhibitions, concerts, or other professionally rendered services.

e. Evidence of interest in the University through rendered services.

f. Evidence of interest in community through rendered services.

g. Reputation as a person of good character.

**Assistant Professor**

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

c. Excellence in teaching.

d. Evidenced interest in the profession of university teaching and in professional growth.

e. Reputation as a person of good character.

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

Instructor

a. Master's degree except in certain specialized fields.

b. Interest in university teaching.

c. Reputation as a person of good character.

The formal education requirements stated for each rank may be waived by the President in cases of those faculty involved exclusively in associate degree programs, or cases where a national search cannot secure the most qualified candidates because of non-competitive salaries or candidate shortages.

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

9. Tenure

Tenure is designed to ensure academic freedom and to provide professional stability for the experienced faculty member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as
regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system. Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the teaching and research profession attractive to persons of ability.

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

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

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

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

10. Guidelines and Criteria for Promotion in Rank and Tenure

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

a. General Statement
Promotion and tenure of faculty are the prerogatives of the President, who will base his or her decision primarily upon the guidelines and the recommendation(s) of Vice President for Academic Affairs, the School Dean, and the appropriate University Promotion and Tenure Committees.

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

(1) The possession of the terminal degree from a recognized regionally accredited institution of higher education and/or the requisite number of graduate hours toward the doctorate. Requests for exceptions will be entertained only for unusual circumstances;

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

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

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

(5) Attainment of the minimum educational and experience requirements as established in policy defining rank. Tenure may be attained only by faculty who hold the rank of Assistant Professor or higher. Tenure evaluation by the President and Vice President for Academic Affairs may also be affected by the institution and projections for future needs.

b. Procedures for Making Promotion and Tenure Recommendations

(1) Each School shall maintain a standing committee, called the Promotion and Tenure Committee (PT Committee), to consider promotion and tenure applications from faculty
within its School. Each PT Committee shall consist of a tenured faculty member from each department within the School, elected for a three-year term by the faculty in the department. Schools with three (3) or fewer departments may, with the agreement of the majority of the faculty in the school, elect to have two (2) members from each department serve on the PT Committee. Each PT committee will elect a chair and a vice chair, who will serve as the School’s representatives on the Professional Status Committee. The primary purpose of the PT Committee is to review applications for promotion or tenure and submit its recommendations to the Vice President for Academic Affairs. (Sample forms for application for promotion and tenure are included in this manual.)

(2) A person initially appointed as a professor, associate, assistant professor, or instructor will undergo a pre-tenure review no later than the third year of employment at Shepherd University or in the third year of tenure-earning credit. It is the individual faculty member’s responsibility to ensure that the pre-tenure review occurs in the proper year. The School’s PT Committee will conduct a review using the same criteria used for a tenure review and will submit, in writing, the results of that review to the faculty member under review. A similar review will be conducted by the faculty member's Department Chair, then each Department Chair involved submits his or her review recommendations to the respective School Dean and the PT Committee; the School Dean will then provide a written review to the faculty member. In cases where a non-tenured Department Chair is asked to conduct a pre-tenure review or a tenure review the Department Chair will inform the respective School Dean of this situation. The School Dean will then select a tenured member of the department or a tenured member of the same school to serve in this capacity in lieu of the Department Chair. The School Dean or the Vice President for Academic Affairs may also ask the Department Chair for a written pre-tenure evaluation or tenure evaluation statement. This pre-tenure review is conducted to give the faculty member an opportunity to improve in those areas that are deemed weak. A favorable review at this stage does not assure the faculty member of tenure at a later date. To receive a review, the faculty member must submit a "Pre-tenure Application" in the same manner as a tenure application is provided for here.

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

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

a. Excellence in teaching;

b. Committee service at the University;

c. Professional activities such as research, publishing, public performance;

d. Significant service to the candidate's profession;

e. Professional service to the community and to the State;

f. Attainment of necessary education and experience;

g. Character reputation that reflects positively on the institution.

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

(5) The School PT Committee will forward its recommendation, the applicant’s folder and all supporting material to the respective School Dean. The School Dean will then evaluate the merits of the request for promotion or tenure according to appropriate guidelines. The School Dean may request additional supporting material from the faculty member and may consult with other faculty and the Department Chair before making his/her recommendation.

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

The School Dean shall then forward the candidate’s promotion and/or tenure file, with the School PT Committee recommendation, to the Vice President for Academic Affairs.

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

(7) The Vice President for Academic Affairs shall consider the recommendations of the School PT Committee, the Department Chair, the School Dean, and, if applicable, the PSC, and shall forward these along with his or her own
recommendation, along with the candidate's application and all relevant documentation, to the President.

(8) The President will consider all recommendations and render a decision regarding request for promotion and tenure as soon as possible after receiving these recommendations.

(9) After the review process has been completed, each faculty member requesting promotion or tenure will receive a letter from the President regarding approval or disapproval of the application for promotion or tenure. In addition, the Vice President for Academic Affairs will personally counsel each person who has gone forward for promotion and/or tenure.

(10) After receiving such a letter from the President, the faculty member requesting promotion or tenure shall have access to all recommendations which have been a part of the faculty member's review process, other than those letters from off campus persons which the candidate indicated that he or she did not wish to read.

(11) In all cases, it is to be understood that actions by individuals and committees are recommendatory and are not final until the President has informed the candidate in writing of his or her decision.

b. Standardized Application Portfolio

1. Each candidate must consult with the department chair during the process of putting supporting documents together.

2. The documentation submitted for promotion and tenure, as well as the pre-tenure review, must be included in a three-ring binder folio which shall be divided into the following sections:

   1. “The University Professional Status Committee Request for Promotion Form” (or to be re-designated as “Request for Tenure Form,” or “Request for Promotion and Tenure Form,” or “Request for Pre-Tenure Review Form,” as presented under Faculty Handbook, section II)

   2. A copy of the candidate’s curriculum vitae

   3. Appendix A. Student Evaluations – course syllabi, other related course materials, and all university administered student evaluations for the last five years

   4. Appendix B. Evaluations by Supervisors and School
5. Appendix C. Copies of publications, or appropriate documentation of publications, professional creative work, and/or artistic work of a professional nature (A supplementary appendix document or filing may be utilized where numerous articles, books or other creative work are sent forward with the folio)

6. Appendix D. Letters of Support

7. Appendix E. Miscellaneous Documentation of Service

8. Appendix F. Required Promotion or Tenure or Pre-Tenure Recommendation by the Department Chair

9. Appendix G. Required Promotion or Tenure or Pre-Tenure Recommendation by the School Promotion and Tenure Committee (Shall be placed in the folio by the chair of the P & T Committee and sent to the School Dean)

10. Appendix H. Required Promotion or Tenure or Pre-Tenure Recommendation by the School Dean

11. Appendix I. Required Promotion or Tenure Statement by the University Professional Status Committee (if necessary)

12. Appendix J. Required Promotion or Tenure Statement by the Vice President for Academic Affairs.

Each candidate’s promotion, tenure or pre-tenure review portfolio will remain in the possession of the office of the respective School Dean once it has left the home department. The promotion, tenure or pre-tenure portfolios will be sent directly to the office of the Vice President for Academic Affairs by the respective School Dean once all of the sections through Appendix H have been completed.
THE UNIVERSITY PROFESSIONAL STATUS COMMITTEE REQUEST FOR PROMOTION FORM

To candidates, committees, and administrators:
There is inadequate space for direct use of this form. Rather it is intended that it be followed as an outline in the presentation of each case. Please adhere to the organization herein.

I. Name:
   Rank held:

II. School and Department:
   Date of employment at Shepherd University:

III. Rank sought:
    Years in rank since last promotion:

IV. Earned graduate degrees and granting institutions:

   Degrees:
   Fields:
   Institutions:

V. Do you have an earned doctorate or other earned terminal degree appropriate to your discipline, school, and assignment?

   ______ yes, ______ no.

VI. Evidence since last promotion in rank of continuing excellence in professional teaching as evidenced by regular and recent evaluations.

   A. Student Evaluations

      1. Date of evaluation
      2. Class and section
      3. Number of students in class
      4. Please attach a copy of the instrument used and results. Indicate as Appendix A.

   B. Supervisor Evaluation
The School Dean (s) and the Vice President for Academic Affairs will attach their evaluations to each file when it reaches them, indicating Appendices B and C, respectively.

VII. Evidence since last promotion in rank of continuing excellence in professional, scholarly or creative work appropriate to the discipline or field as evidenced by publications in vehicles of significant professional stature, and presentations of scholarly papers at learned professional forums; or, inclusions in juried or reviewed shows, concerts, and recitals; or, other outlets of significant professional stature.

A. Scholarly Publications of Significant Professional Stature

Publication #01

Title of Publication    Number of Pages

Journal
Volume   Number
Date
Is this a "refereed" journal?    ____ yes,    ____ no.
Is this an international, national, regional, or state journal?    ____ yes,    ____ no.

Publication #02

Title of Publication    Number of Pages

Journal
Volume   Number
Date
Is this a "refereed" journal?    ____ yes,    ____ no.
Is this an international, national, regional, or state journal?    ____ yes,    ____ no.

Publication #03, #04, #05, #06, etc.

B. Creative Activities of Significant Professional Stature

Activity #01
(Give details)

Date
Location
Award received
Was the activity invitational _____ competitive_____?
Was this activity local, state, regional, national, or international in scope?

Activity #02

(Give details)

Date
Location
Award received
Was the activity invitational _____ competitive_____?
Was this activity local, state, regional, national, or international in scope?

Activity #03, #04, #05, #06, etc.

C. Scholarly Presentations to Learned Forums

Title of Paper
Learned Forum
Date
Place of Meeting

D. Other Achievements of Significant Professional Stature

(Give details)

VIII. Evidence since last promotion of continuing excellence in professional service activities as evidenced by contributions to student advisement, school committees, membership on collegiate committees, sponsorship of student organizations, involvement in grants and contracts activities, and other such professional, non-teaching, non-scholarly activities that serve the university community and state such as membership, participation, and office holding in national or regional professional organizations appropriate to the area of appointment.

Please give the following information (indicate any office held).

Student Advisement Number of Advisees: _____

School Committee
Name of Committee #01
Name of Committee #02

University Committee
  Name of Committee #01
  Name of Committee #02

Sponsorship of Student Organizations
  Name of Organization #01
  Name of Organization #02

Grants and Contract Activities
  Name of Grantor and Dollar Value of Grant
  Type of Grant
  Your Involvement

Other Professional Activities
  Membership in State Professional Organizations
    Organization #01
    Organization #02

  Membership in Regional Professional Organizations
    Organization #01
    Organization #02

  Membership in National Professional Organizations
    Organization #01
    Organization #02

IX. Other. (Here, indicate any other information you consider relevant to consideration for your promotion.)

A.1.1 THE UNIVERSITY PROFESSIONAL STATUS COMMITTEE REQUEST FOR TENURE FORM

To candidates, committees, and administrators: There is inadequate space for direct use of this form. Rather it is intended that it be followed as an outline in the presentation of each case. Please adhere to the organization herein.

I. Name:
   Rank held:

II. School and Department:

III. Date of first contract:
Years in uninterrupted service at Shepherd University as of the previous contract period:

IV. Degrees held:

Degrees:

Fields:

Institutions:

V. Professional experience:

VI. Evidence of continuing excellence in professional teaching as evidenced by regular and recent evaluations.

A. Student Evaluations

1. Date of evaluation
2. Class and section
3. Number of students in class
4. Please attach a copy of the instrument used and results. Indicate as Appendix A.

B. Supervisor Evaluation

The School Dean (s) and the Vice President for Academic Affairs will attach their evaluations to each file when it reaches them, indicating Appendices B and C, respectively.

VII. Evidence of continuing excellence in professional, scholarly or creative work appropriate to the discipline or field as evidenced by publications in vehicles of significant professional stature, and presentations of scholarly papers at learned professional forums; or, inclusions in juried or reviewed shows, concerts, and recitals; or, other outlets of significant professional stature.

A. Scholarly Publications of Significant Professional Stature

Publication #01

Title of Publication Number of Pages

Journal
Volume Number
Date

Is this a "refereed" journal? _____ yes, _____ no.
Is this an international, national, regional, or state journal? _____ yes, _____ no.

Is this a journal dealing with your area of specialization? _____ yes, _____ no.

Publication #02

Title of Publication    Number of Pages

Journal
Volume    Number
Date

Is this a "refereed" journal? _____ yes, _____ no.
Is this an international, national, regional, or state journal? _____ yes, _____ no.

Is this a journal dealing with your area of specialization? _____ yes, _____ no.

Publication #03, #04, #05, #06, etc.

B. Creative Activities of Significant Professional Stature

Activity #01

(Give details)

Date
Location
Award received

Was the activity invitational _____ competitive_____?
Was this activity local, state, regional, national, or international in scope?

Activity #02

(Give details)

Date
Location
Award received
Was the activity invitational _____ competitive_____?
Was this activity local, state, regional, national, or international in scope?

Activity #03, #04, #05, #06, etc.

C. Scholarly Presentations to Learned Forums

Title of Paper
Learned Forum
Date
Place of Meeting

D. Other Achievements of Significant Professional Stature

(Give details)

VIII. Evidence of continuing excellence in professional service activities as evidenced by contributions to student advisement, school committees, membership on collegiate committees, sponsorship of student organizations, involvement in grants and contracts activities, and other such professional, non-teaching, non-scholarly activities that serve the university community and state such as membership, participation, and office holding in national or regional professional organizations appropriate to the area of appointment.

Please give the following information (indicate any office held).

Student Advisement Number of Advisees: _____

School Committees
Name of Committee #01
Name of Committee #02

University Committee
Name of Committee #01
Name of Committee #02

Sponsorship of Student Organizations
Name of Organization #01
Name of Organization #02

Grants and Contract Activities
Name of Grantor and Dollar Value of Grant
Type of Grant
Your Involvement

Other Professional Activities
Membership in State Professional Organizations
Organization #01
Organization #02

Membership in Regional Professional Organizations
Organization #01
Organization #02

Membership in National Professional Organizations
Organization #01
Organization #02

IX. Other. (Here, indicate any other information you consider relevant to consideration for your grant of tenure.)

INFORMATION BELOW TO BE PROVIDED BY INDICATED ADMINISTRATORS

Area of specialization: Information to be provided by the Department and School Dean in consultation with the Vice President for Academic Affairs.

A. Does this person hold a terminal degree? _____ yes, _____ no.

B. Is this degree appropriate to the area of appointment? _____ yes, _____ no.

C. Number of tenured faculty holding terminal degrees in this area of specialization? _____.

Comments by Chair:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

__________________

d. The Professional Status Committee

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

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

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

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

e. General Schedule for the Review Process

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

**October 15:** Candidate will have submitted an application for promotion or tenure, with all supporting documentation, to his or her Department Chair.

**November 15:** Candidate will have submitted an application for promotion or tenure, with all supporting documentation, to his or her School PT Committee.

**January 15:** The School PT Committee will submit the applicant’s application file, with its recommendation included, to the School Dean.

**January 30:** Each School Dean will submit any and all applicant’s application files, with a signed recommendation included for each applicant, to the Vice President for Academic Affairs.

**February 15:** The Vice President for Academic Affairs will inform the School PT Committee and the School Dean if there is any disagreement between the PT Committee and the School Dean concerning any applications for promotion or tenure. If there is disagreement concerning a candidate's application, the recommendations of all participants and all documentation will have been submitted to the Professional Status Committee.
March 15: The Professional Status Committee, if required, will have submitted its recommendations to the Vice President for Academic Affairs. Recommendations from the School Deans and School PT Committees will have been submitted to the Vice President for Academic Affairs.

April 15: The Vice President for Academic Affairs will have submitted his or her recommendation to the President.

May 1: The President will render his or her decision in writing to the candidate and to the Vice President for Academic Affairs.

Delays on any date for action by any reviewing group or decision-maker do not give rise to any default or presumption for or against the applicant.

11. Distinguished Professor

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

I. Criteria

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

II. Nominations

   a. All nominations will be made to the Vice President for Academic Affairs and the Deans/Vice President for
Academic Affairs Council

b. Nominations for faculty may be made by the faculty member’s department chair or school dean

c. Nominations for faculty may be made by another faculty member to the nominee’s department chair or school dean

d. Faculty members may make a self-nomination to their department chair or school dean

e. Nominations of a dean will be made by the Vice President for Academic Affairs

f. After consultation with the academic deans the Vice President for Academic Affairs will make a recommendation to the University President

g. The University President will inform the faculty member and the Vice President for Academic Affairs of the decision made in each case

III. Recommendations

a. Faculty applications for Distinguished Professor require letters of recommendation from the department chair in which the faculty member is housed, and the school dean. Faculty within the home department of an applicant may submit letters of recommendation for the applicant. These letters must include approval or disapproval of the nomination.

b. Application for Distinguished Professor by a department chair will require a letter from the department faculty and the dean of the school. These letters must indicate approval or disapproval of the nomination.

IV. Recognition

a. Recognition of individuals awarded the title of Distinguished Professor will be made at the fall semester tenured faculty reception at Popodicon and at the spring University Assembly Meeting.

12. Annual Evaluation
The evaluation process is subject to revision upon recommendation of the Faculty Senate and the Vice President for Academic Affairs and the approval of the University President.

a. General Statement

All faculty members of the full-time teaching faculty will be evaluated each year by their School Deans, in consultation with department chairs; this evaluation includes classroom visitation. This annual evaluation serves as the basis for decisions concerning retention and merit increases in contracted salary. Each faculty member is responsible for submission of an annual report of professional activity in the established areas of performance as outlined under Criteria. The School Deans will evaluate the performance of each faculty member.

b. Criteria

In general and consistent with the best interests of Shepherd University, the following criteria, standards, and procedures will be considered in evaluating faculty for retention and will apply in making determinations concerning annual evaluations for members of the university faculty. These criteria are consistent with those employed in promotion and tenure consideration.

(1) The possession of the terminal degree and/or the requisite number of graduate hours toward the doctorate. Requests for exceptions will be entertained only for unusual circumstances, and must be made at the initial employment.

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

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

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

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

c. Annually for purposes of evaluation, each faculty member should update his/her files in the Office of the School Dean in accord with the following format: (A copy of the filing and the annual evaluation statement written for the faculty member by the School Dean will be given to the Vice President for Academic Affairs.)

**Teaching**

Courses taught (size, copies of student course evaluations, and syllabi for the past five years)

Directed studies (independent studies, internships, research, chairing theses, reader/committee member on thesis, etc.)

Discussion of new curricula developed (new courses, new course materials, labs, fieldwork, etc.)

Other, including comments by external evaluators

Advising: description of advising assignments including the number of students involved

**Scholarly and Artistic Endeavors (Original, Synthetic, Pedagogical)**

Publications (copies of actual publications should be placed in the file)

Presentations (papers, posters, exhibits, etc.)

Grant proposals and acceptances

Other professional activities (reviews, judging, evaluation, editing, officiating in professional association, etc.)

Professional practice/consultancies
Other, including comments by external evaluators

**Professional Service**

Service to Campus
- Committee service (departmental, University)
- Co-curricular involvement
- Administrative service
- Other service to the University

Service to the Community
- Service to other educational institutions
- Civic activity related to academic discipline
- Presentations to extramural groups
- Service to other presentations

**Honors and Awards**

*Statement of goals for the next academic year with specific reference to the priorities established by the Department and University for individual workload assignments*

*Optional personal statement on philosophy of education, professional goals, and/or performance or other material*

Annual evaluation is an ongoing process that reflects the contributions of each faculty member to the University. Annual evaluation is always assessed in the context of the performance of the entire faculty.

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

II. A. 14. Appeals/Grievances/Hearings

a. Statutory Grievance Process

Any faculty member may initiate a grievance pursuant to WV Code 29-6A-1, *et seq.*, for resolution of work-related disputes excepting pension or insurance matters. The statutory process requires initiation
of the grievance within 10 workdays of the occurrence or action giving rise to the grievance. Details and forms are available at the Office of Human Resources.

b. Internal Grievance Process

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

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

**Level Two:** If not satisfied with the resolution at level one, the faculty member shall forward a copy of the grievance, within fifteen (15) working days, to the Vice President for Academic Affairs. The faculty member shall notify the Chair and School Dean, in writing, that this step has been taken. Within fifteen (15) working days of having received notice from the faculty member that the grievance is being taken to level two, the Dean shall submit a written report concerning the disposition of the grievance at level one to the Vice President for Academic Affairs. Within fifteen (15) working days of receipt of the report from the Dean, the Vice President for Academic Affairs shall render a decision in writing. Copies of the Vice President's decision shall be provided to the faculty member and the Dean. In no case shall informal discussion or attempts at informal resolution of the grievance be precluded at level two.

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

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

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

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

15. Sabbatical Leave

a. Purpose

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

b. Eligibility

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

c. Conditions Governing the Granting of Sabbatical Leave

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

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

e. Procedures and Selection Process

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

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

The Professional Development, Faculty Salary, and Welfare Committee will consider all eligible applications for three one-half academic year sabbaticals at full pay, and three full academic year sabbaticals at one-half pay for the academic year. Each sabbatical applicant should clearly note in his/her application which type of sabbatical he/she is applying for. The Committee, in writing, will forward its sabbatical recommendations to the Vice President for Academic Affairs. Taking the recommendation of the Committee into consideration, the Vice President for Academic Affairs will review all of the proposals recommended by the Committee and make a recommendation to the President. Within three weeks of the deadline for submitting applications, the President shall receive from the Committee and the Vice President for Academic Affairs, their recommendations.
f. Obligations of the Faculty Member

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

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

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

Upon completion of a sabbatical leave, a faculty member shall file with the chair of the “Professional Development Committee,” the Vice President for Academic Affairs, and the President a written report of scholarly activities while on leave.

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

g. Obligations of the University

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

II. A. 17. Master Faculty Professor

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

a) have served Shepherd University as a full-time, tenured faculty member for a minimum of 5 years;
b) have tendered a letter of resignation from the full-time, tenured position held;
c) have a supporting recommendation by the department chair;
d) have a supporting recommendation by the school dean;
e) have an established Shepherd University record of achievement that meets the University’s Merit Pay criteria; and*
f) have a record of excellence in teaching.**
Persons who meet the above criteria shall be reviewed and assessed by the academic deans and the Vice President for Academic Affairs for candidacy as “Master Faculty Professor.” This review and assessment will include the candidate’s merit record and other criteria as appropriate. During a given academic year, the position of “Master Faculty Professor” shall only be issued in a department where the teaching assignment of a given appointee effectively replaces the equivalent of a department’s necessary adjunct faculty teaching load of nine credit hours. The “Master Faculty Professor” position will not be used as part of the justification for reducing faculty lines in a given academic department.

The “Master Faculty Professor” will teach a minimum either of: a) nine credit hours during the fiscal year, i.e., fall, spring, or summer terms; or b) six credit hours during the fall and/or spring semester, i.e., the entire six credit hours maybe taught in one semester. After consultation with the department chair, the candidate may teach a maximum six-hour load in fall or spring term and a maximum three-hour load during one summer term. However, tenured and tenure-earning full-time faculty members are to be given priority in the assignment of summer courses.

Exceptions to this assignment will occur only under extraordinary circumstances and only upon the recommendation of the department chair and the school dean, with the approval of the Vice President for Academic Affairs.

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

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

After consultation with the department chair and the “Master Faculty Professor,” the school dean shall perform an annual review of the appointee’s completed work effort. If the appointee seeks an additional contract, the dean shall draft an agreement of specific duties to be performed by the appointee during the next contract years, should that contract be renewed. The written review and statement of duties, if applicable, shall be forwarded to the Vice President for Academic Affairs for examination and appropriate action.

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

** For the purpose of establishing “excellence” in teaching, the department chair, dean, & V.P.A.A will review the three immediate past years of the candidate’s student evaluations of teaching as a part of the review. To further support “excellence” in teaching, the candidate may submit additional materials.

18. Emeritus Status

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

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

19. Personnel Actions and Procedures

a. Notice of Appointments

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

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

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

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

b. Personnel Records

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

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

The file of all employees hired subsequent to
November 6, 1986 must include a completed Employment
Eligibility Verification form. In compliance with the
Simpson-Rodino Immigration law, the University requires the
supervisor recommending the employee's appointment to
assure completion of the form published by the Immigration
and Naturalization Service. The supervisor may ask the
Office of Human Resources to conduct the employee review
and verification.

Copies of the form are available from the Office of
Human Resources.

c. Access to Personnel File

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

Routine identification of the employee must be established prior to providing access to the personnel file. A representative of the Office of the Vice President for Academic Affairs shall be present with the employee during the review of the record. The date, the time, and location of each review shall be recorded in the personnel file.

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

d. Outside Inquiries Regarding Personnel

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

e. Notification of Changes in Personnel Information

It is the exclusive responsibility of each employee to report promptly changes in personal data, which impact personnel actions such as insurance coverage, payroll deductions, etc. Information is to be reported to all appropriate persons, agencies and parties. Examples of information updates, which should be reported immediately, are changes in address, name, state or number of dependents, marital status, and the individual to be notified in case of emergency. Notification must be in writing and a copy of such notification will be placed in the employee's personnel file as a permanent record that notification was made.

It is also the responsibility of the employee to provide official copies of transcripts or records certifying the award of additional educational diplomas or degrees. These records should be sent to the Office of the Vice President for Academic Affairs for inclusion in the employee's personnel file.
II. A. 19. i. Consensual Amorous Relationships

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

Therefore, faculty members are advised against participating in amorous relationships with students enrolled in their classes or with students whom they otherwise evaluate, grade, or supervise. Similarly, faculty members should avoid situations requiring them to evaluate, grade, or supervise students with whom they currently have an amorous relationship. Whenever such a situation arises or is foreseen, the faculty members shall report the situation promptly and seek advice and counsel from an appropriate administrative superior. That superior shall take effective steps to insure unbiased supervision or evaluation of the student.

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

II. A. 20. c. Illness and Other Absence
Faculty on nine-month appointments do not accrue sick leave days. Arrangements are to be made with the Department Chair for coverage of classes or other duties. Under extraordinary circumstances arrangements to cover classes or other duties because of faculty absence due to sickness may be made after consultation between the Department Chair, the School Dean, and the Vice President for Academic Affairs.

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

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

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

II. A. 23. Outside Employment

a. Outside Activities on University Time

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

(1) The employee shall render full-time service to the University. Outside activities shall not be restricted unless such activities or employment interfere with the adequate performance of duties. Periodic review of outside services will be conducted by supervisors.

(2) If outside employment or service interferes with the performance of regularly assigned duties of the employee, the University has the right to make such adjustments in the compensation paid to the employee as are warranted by the employee's services lost to the University, and by the employee's use of institutional equipment and materials.
(3) Any professional or faculty employee of Shepherd University is required to obtain institution approval from the President for any outside work done for profit in the employee's field of expertise.

(4) Faculty and all employees must avoid any outside employment or for-profit enterprise which might create any form of professional conflict of interest.

b. Consulting

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

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

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

24. Termination of Employment

a. Voluntary Termination

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

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

**Effective October 1, 1999**

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

1) Beginning effective in the contract year immediately following an individual’s 60th birthday, the individual may elect to contract with the University to enter the PRS. The period in which an individual may enter the PRS shall last until the conclusion of the fourth contract period within which the individual would have been eligible to enter the PRS, and thereafter the eligibility will expire.

2) To enter the PRS an individual must notify in writing his or her Dean and secure the written agreement of the Vice President for Academic Affairs. Generally, notice must be given at least 6 months in advance of the proposed effective date. If such permission is granted, an individual who opts to enter the PRS will be offered continued employment by the University as a faculty member until the end of the sixth regular academic semester (i.e., fall and spring semesters) of participation, or until the end of the fifth such semester if the initial semester of participation is a spring semester. Employment during the summer semesters while in the PRS would be subject to the mutual agreement of the faculty member, the Department Chair, the School Dean and the Vice President for Academic Affairs. At the end of the designated period of phased retirement employment, the faculty member will have no vested employment rights with the University.

3) An individual who is in the PRS may, without penalty, at the end of any academic semester, opt to terminate his or her employment with the University as a phased retirement employee. If this option is taken, at the termination of employment in the PRS the individual will have no vested employment rights with the University.

4) The University will continue to provide an individual on phased retirement with all rights and privileges which are normally extended to faculty or staff who hold full-time status, except that
benefits other than insurance benefits will be provided in proportion to the faculty or staff member’s contract time during the semester in which he or she is employed by the University. Base Salary during the period of participation in the PRS shall be reduced to either 75% or 50%, as of the effective date of the PRS contract, based upon the faculty member’s agreement to teach a 75% or 50% load. The faculty member’s subsequent pay increases during the remainder of participation in the PRS will be exactly 50% of the across-the-board pay increases provided to faculty in each contract year, and no merit pay.

5) A faculty member who opts for entry into the PRS, after notifying the chair of the department in which he or she is located, and receiving the approval of the Vice President for Academic Affairs, may either (a) teach half time in the fall semester and half time in the winter semester of a given academic year, or (b) teach full time in either the fall semester or the winter semester of a given academic year. A PRS member may, in either contract year, opt to work with either a three-fourths time (75%) or a one-half time (50%) annual faculty academic year contract. The appropriate allocation of teaching and other assignments during the academic year will be determined by discussion between the PRS participant and the department chair, with the approval of the School Dean; provided that if an individual chooses to teach full-time in the spring semester, all pay will be received during the spring semester.

6) It is the responsibility of the individual who enters the Phased Retirement Plan to contact the Director of Human Resources, TIAA/CREF and other appropriate agencies to assure that the appropriate health insurance and other retirement options are properly maintained.

7) Notwithstanding the provisions of Paragraph One of this policy, any faculty member who is 60 years of age or older as of the effective date of the revised PRS policy (October 1, 1999) shall have a minimum period of eligibility to enroll in the PRS of up to December 15, 2008.

c. Dismissal of Faculty

The dismissal of a faculty member shall be affected only pursuant to the procedures outlined herein and only for one or more of the following causes:
(1) Demonstrated incompetence or dishonesty in the performance of professional duties;

(2) Personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities;

(3) Insubordination by refusal to abide by legitimate and reasonable directions of administrators or of the Board of Governors;

(4) Physical or mental disability, for which no reasonable accommodation can be made, making the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;

(5) Substantial and manifest neglect of duties;

(6) Failure to return after a leave of absence; and

(7) Maintenance of an unethical relationship with a current student by faculty or staff, sexual harassment, or acts of unlawful discrimination.

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

(1) Full and complete statements of the charge or charges relied upon; and

(2) A description of the appeal process available to the faculty member.

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

A faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program as a result of program review, in accordance with appropriate policy relating to review of academic programs, provided no other program or position requiring equivalent competency exists. If, within two years following the reduction or discontinuance of a program, a position becomes vacant for which the faculty member is qualified, the President shall make every effort to extend first refusal to the faculty member so terminated.
If a faculty member is to be terminated as a result of program reduction, then the President shall institute proceedings by giving a faculty member written notice of such nonretention by certified mail, return receipt requested. The dates of formal notification shall be those specified in the policy on nonretention during tenure-track faculty status.

e. Termination Due to Financial Exigency

(1) Declaration

Should the West Virginia Higher Education Policy Commission, the Board of Governors, or the President, determine, define, and declare that a state of financial exigency does exist, then the University shall have the right to take extraordinary action, including a selective reduction in personnel and a selective elimination or curtailment of units or programs in either the instructional or non-instructional areas of the University, or both. Such action shall be and for reasons consonant with the long-range educational mission of the University.

(2) Presentation of the Plan

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

(3) Criteria

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

- role and contributions of the academic program or
administrative unit within the University's mission.

- dependence of other programs or units upon the program or unit proposed for termination.

- quality and relative costs of programs or units.

- qualifications and performance of personnel within the program or unit.

- organizational arrangements which might serve as alternatives to termination.

- arrangements for phasing out the program or unit as an alternative to abrupt discontinuance.

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

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

(4) Termination of Personnel

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

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

II. B. 1. f. Syllabus Checklist

A course syllabus is to be provided to each student, at the beginning of the semester in which the course is held, for each course taught by a faculty member. Syllabus Checklist information is generally expected to include:
• Name of instructor

• Office hours, location, telephone number(s), e-mail address

• Course number, title, section, location

• Prerequisites and corequisites

• Semester and year

• Text (full name of author, title of text, publisher, year of publication, edition) and Supplements Texts or Materials

• Course description, objectives and student outcomes. *The syllabus course description statement should correlate with the description as it appears in the present catalog. Objectives are the expectations of what the student should know at the completion of the course. Student outcomes are what the student should actually be able to do at the completion of the course.*

• Course requirements (exams, quizzes, individual projects, papers, etc.) and proportion each counts toward the final grade. Content and format of each requirement. Explanation of how class participation or the like will be evaluated.

• Grading scale and standards *(Explain how the final grade in the course will be determined).*

• Attendance policy must be consistent with the university catalog.

• Policy on late work and make-up exams

• For each class meeting, or topical cluster of meetings, indicate subject matter or topics; pre-class readings; other assignments

• Due dates for graded assignments

• Exam dates (including final exam)

• A statement regarding academic integrity/plagiarism

• Unique or unusual class procedures/structures such as cooperative learning exercises, panel presentations, case
study methods, class journals or learning logs, use of technology, etc.

II. B. 4. Faculty Advisors

Faculty members will serve as advisors to students and will be available to students during regularly scheduled office hours. Designated faculty advisors and peer advisors are expected to be present during the periods set aside for registration according to assignments made by Department Chairs, subject to confirmation of the School Dean and the Office of the Vice President for Academic Affairs.
TITLE: EMPLOYEE LEAVE

SECTION 1. GENERAL

1.1 Scope - Policy regarding annual leave, military leave, leave of absence without pay, sick leave, special emergency leave, catastrophic leave, parental leave, and witness and jury leave for employees.

1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4

1.3 Effective Date - March 21, 2006, Amending the January 10, 2002 Version of the Policy.

SECTION 2. GENERAL LEAVE COVERAGE

2.1 Eligibility for annual and sick leave shall be based on the following:

2.1.1 Employees working on a regular and continuing basis for no less than 1950 hours within a twelve (12) consecutive month period are considered to be full-time employees and are eligible for leave as specified in this document.

2.1.2 Employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during a twelve (12) consecutive month period shall accumulate leave on a pro rata basis.

2.1.3 Employees working less than 1,040 hours are not eligible for leave benefits.

2.2 Faculty members on twelve-month appointments are defined as full-time employees and accrue leave according to the appropriate sections of this rule. The provisions of this rule related to annual leave, sick leave, catastrophic leave, special emergency leave, and managing work time in areas affected by interruption to utility or similar situations do not apply to faculty members on annual appointments of less than twelve months.

2.3 Annual and sick leave may not be taken before it is accrued. If an employee works less than a full month, annual and sick leave shall be accumulated on a pro rata basis.

2.4 During a terminal leave period, no type of leave may be accrued. Terminal leave is the period following the last day of scheduled work from employment such as resignation, retirement, etc.

2.5 Length of service for purposes of this Policy shall be total years of service which includes experience with State institutions of higher education and other State agencies. Continuous service is not required to complete the required term.
Annual appointment periods of nine (9) months or more shall be credited for one (1) year of service for annual leave accrual rate calculation purposes.

2.6 A recognized institutional holiday occurring during an employee's leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.

2.7 Up to fifteen (15) days of annual leave may be transferred from other agencies of State government and State higher education institutions to Shepherd University employment. Certification of the balance which existed in the agency or institution from which the employee is transferring must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other agency or institution.

2.8 When an employee transfers from other agencies of State government or from other State institutions of higher education to Shepherd University, the employee's accumulated sick leave may be transferred. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution of higher education wherein the employee accumulated the sick leave within one (1) year of the date of employment with Shepherd University.

2.9 An employee is required to notify his/her supervisor immediately if ill or unable to work for any reason and to follow the institution's established procedures for absences from work. The notification shall be given to the immediate supervisor or designee.

2.10 Employees on leave of absence without pay shall not accrue annual or sick leave or years of service credit for any and all full months in which they are off the payroll.

2.11 The Office of Human Resources shall keep on file a record showing current leave status of each employee.

SECTION 3. ANNUAL LEAVE

3.1 Full-time non-classified employees and faculty with twelve-month appointments shall be eligible to accrue a maximum of up to twenty-four (24) days leave per year calculated at the rate and a maximum of 2.00 days per month from the date of employment. However, upon leaving a non-classified position, the accumulation rates outlined in Section 3.2 shall apply.

3.1.1 Non-classified employees shall be assigned a rate of accumulation by the President at the time of hire; provided that the rate shall be not more than the rate described in Subsection 3.1 of this Policy and shall be not less than the rates described in Subsection 3.2 as applicable to classified employees.

3.1.2 The provisions of Subsection 3.1.1 shall apply to any non-classified employee whose first date of hire at Shepherd University follows the effective date of Subsection 3.1.1 ([date to be inserted]) and to any non-classified employee whose position title is changed after the effective date.
of Subsection 3.1.1; provided however that the rate of accumulation for the President shall be set by the Board.

3.1.3 Any non-classified employee not described by Subsection 3.1.2 shall continue to accumulate annual leave at a rate of 2.00 days per month.

3.2 Employees occupying full-time classified positions shall be eligible for annual leave on the following basis:
- 3.2.1 Less than 5 years' service: 1.25 days per month;
- 3.2.2 At least 5, but less than 10 years' service: 1.50 days per month;
- 3.2.3 At least 10, but less than 15 years' service: 1.75 days per month;
- 3.2.4 15 or more years' service: 2.00 days per month.

3.3 Employees working at least 1,040 hours per twelve (12) consecutive months on a regular and continuing basis, but less than 1,950 hours shall accumulate annual leave on a pro rata basis.

3.4 Accumulated annual leave for continuing employees may not exceed twice the amount earned in any twelve-month period.

3.5 An employee is entitled to accumulated leave at termination of service, but in no case may this exceed the limits set in 3.4 above.

SECTION 4. OTHER CONDITIONS FOR ANNUAL LEAVE

4.1 At the request of the employee through established procedures, annual leave may be granted because of illness.

4.2 The work requirements of the institution shall take priority over the scheduling of annual leave or other leave for an employee. When operationally practical, the supervisor shall grant earned annual leave at the convenience of the employee. However, departmental needs must be met, and annual leave may not be taken without prior request and approval of the employee's supervisor.

4.3 In the event of an employee's death, the value of accumulated annual leave will be paid to the employee's estate.

SECTION 5. SICK AND EMERGENCY LEAVE

5.1 Full-time employees shall accumulate sick leave at the rate of 1.5 days per month. All other employees shall accumulate sick leave in accordance with Section 2.1 of this rule.

5.2 Sick leave may be accumulated without limit.

5.3 Sick leave may be used by the employee when ill or injured or when in need of medical attention or when death occurs in the immediate family.

5.4 An employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandchild, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.
5.5 Sick leave for more than five (5) consecutive days shall not be granted to an employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee on such leave for more than (5) consecutive days shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing.

5.6 The institution may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this rule, regardless of the duration of the leave.

5.7 In cases, except those involving catastrophic sick leave as defined in Section 8.1, where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee who is required to be further absent due to illness either to use any accumulated annual leave until it has also expired, rather than being removed from the payroll, or to retain the accumulated annual leave for use after return to work, but be taken off the payroll immediately after the accumulated sick leave has expired.

5.8 On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work shall not be charged against the employee's accumulated sick leave as long as they are the next three (3) consecutive working days after injury or illness occurred. If on-the-job injuries or illnesses require a leave beyond the three-day period, it shall be the option of the employee either to use earned and accumulated sick and annual leave until both may be exhausted or to reserve for future use any earned and accumulated sick and annual leave and receive only Workers' Compensation benefits for which adjudged eligible.

5.9 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other illness or disability would be treated for sick leave entitlement. For this reason, employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of illness or disability.

5.10 Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered cancelled as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave except in the event of retirement, in which case sick leave may be eligible for conversion to insurance coverage or for provisions lawfully provided for at that time. Employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of termination is one (1) year or less from the date of reemployment. However, if the employee returns to work
after more than one (1) year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

SECTION 6. MEDICAL LEAVE OF ABSENCE WITHOUT PAY

6.1 Any employee requesting a medical leave of absence without pay must provide the President with satisfactory medical evidence (such as a statement from the attending physician) that he/she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the President or his/her designee may authorize a medical leave of absence without pay only for the period of disability specified by the attending physician.

6.2 The employee shall be expected to report to work on the first workday following expiration of the disability period. Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution. An employee, prior to return to duty, shall obtain satisfactory medical clearance to help ensure adequate protection and which shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing.

6.3 A medical leave of absence without pay may be granted for no more than a twelve (12) consecutive month period. Employees who may need an extended leave beyond twelve (12) consecutive months may apply for an extended leave of absence through institutional procedures or may consider other options, such as disability.

6.4 An employee on an approved medical leave of absence must pay the employee share of medical insurance if continuing coverage is desired. After an employee has taken a twelve-month medical leave, the institution shall continue group health insurance coverage provided that the employee pays the institution the full premium cost (employee and employer share) of such group health plan.

6.5 Any employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months and who had chosen to maintain his/her accumulated annual leave will receive payment for such accumulated annual leave in a lump sum payment.

SECTION 7. PARENTAL LEAVE

7.1 A full-time employee who has worked at least twelve (12) consecutive weeks for the State may request up to twelve (12) weeks unpaid parental leave.

7.2 The request must be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition.

7.3 The employee must provide his/her supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial.
7.4 The employee must provide the employer with certification by the treating physician and/or documentation regarding dependency status.

7.5 All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period.

7.6 During the parental leave by an employee, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan.

7.7 The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position. However, the institution may employ a temporary employee to fill the position for the period of the parental leave.

SECTION 8. CATASTROPHIC LEAVE

8.1 Catastrophic leave is provided for employees and a catastrophic illness is defined as: a medically verified illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all 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 to care for the family member and the employee has exhausted all leave and other paid time off.

8.2 Catastrophic leave shall be implemented through a procedure for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury.

8.3 A direct transfer provides for sick and annual leave to be donated at the request of the employee upon appropriate medical verification that the individual is unable to work due to the catastrophic illness or injury as determined by the President.

8.3.1 Upon approval for an employee to receive direct transfer of catastrophic leave, any employee may, upon written notice to the human resources department, donate sick and/or annual leave in one-day increments. No employee shall be compelled to donate sick leave. Any leave donated by an employee, but not used by the employee to whom it was donated, shall be returned to the donating employee and reflected in his/her leave balance.

8.4 An employee receiving the transfer of leave shall have any time which is donated credited to such employee's leave record in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee. The leave record of the donating employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.

8.5 Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury. The total amount of leave received by transfer may not exceed an amount sufficient to ensure the continuance of regular compensation and shall not be used to extend insurance
coverage pursuant to Section 13, Article 16, Chapter 5 of the Code, which relates to insurance coverage for state employees. The employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.

8.6 Direct transfer of leave may be inter-institutional. The President or his/her designee shall notify in writing other institutional presidents requesting that the institution consider the transfer of leave. Upon approval of the receiving president, transfer leave will be made through appropriate institutional procedures.

8.7 The Office of Human Resources shall be responsible for the administration of catastrophic leave and shall develop and disseminate procedures for the administration of this policy.

SECTION 9. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

9.1 An employee, upon application in writing and upon written approval by the President or his/her designee, may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted.

9.2 The President or the President's designee, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.

9.3 The President or the President's designee, at his/her discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.

9.4 At the expiration of leave of absence without pay, the employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.

9.5 During a personal leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium costs of such group health plan.

SECTION 10. MILITARY LEAVE

10.1 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) working days ordered or authorized under provisions of State law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal or state sources during
the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increased, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

10.2 Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for thirty (30) working days after they report for active service.

SECTION 11. SPECIAL EMERGENCY LEAVE WITH PAY

11.1 Special emergency leave with pay may be granted by the President or his/her designee to full-time employees in the event of extreme misfortune to the employee or the immediate family. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any twelve (12) consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events (other than personal illness or injury or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

SECTION 12. WITNESS AND JURY LEAVE

12.1 Upon application in writing, an employee may be granted leave as indicated hereinafter in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.

12.2 When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, or a political subdivision thereof, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

12.3 When attendance in a court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty.

12.4 When an employee serves upon a jury, or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

12.5 The employee shall report to work if he/she is excused by the court before the end of his/her regular work day. Provisions for employees who work a shift other than day shift shall be made according to institutional policy.

SECTION 13. MANAGING WORK TIME IN AREAS AFFECTED BY INTERRUPTION TO UTILITY SERVICE OR SIMILAR SITUATIONS

13.1 Utility Service Interruptions - When extended power and utility service interruptions occur, administrators should make arrangements for employees' usual work routine to be accomplished at alternate work locations, or make affected employees available to other administrators for work in other areas. Also, if an administrator deems it advisable and the employee agrees, time off
during the utility service interruption may be granted and charged against an employee's accumulated annual leave. Combinations of the above alternatives may be necessary, but in all cases interruptions of work schedules must be dealt with in accordance with applicable laws, including West Virginia Code 12-3-13. This law is interpreted to mean that if pay is associated with the absence from work, the absence must be charged to accumulated annual leave.

13.2 Emergency Situations - In the event that an emergency exists, the President, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. The President, working with public safety officials, will determine when the emergency condition no longer exists. Should an employee be required to work by the President or his/her designee during a declared emergency, the time worked shall be compensated according to the provisions of HEPC Series 8. Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.

13.3 Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, or the employee must be removed from the payroll for the time in question. Where institutions employ the "floating holiday" concept, the holiday record may be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.