On April 28, 2006 drafts of revisions for policies 19, 20, 21, 22 and 25 were distributed for public comment. As of the publication of the agenda book, no comments were received for Policies 22 and 25. The proposed changes are only technical in nature, to reflect university status and the separation of the CTC. Some comments were received from University staff and staff at the HEPC for policies 19, 20, and 21. Many of the suggestions offered were technical in nature or otherwise helped clarify language. Most of those suggestions have been adopted.

Policy 19 Academic Freedom, Professional Responsibility, Promotion and Tenure
The changes to Policy 19 merge much of the detailed content of the faculty personnel policies, published annually in the Faculty Handbook, into the text of the Board Policy, consistent with the new statutory requirements relating to Board policies. The amendments, therefore, also delete language that is substantially arcane after those detailed provisions are merged into the Policy. No substantive change in faculty personnel policies are made in these amendments to the policy.

Policy 20 Student Rights and Responsibilities
The changes to Policy 20 merge much of the detailed content of our student life and student discipline policies, published annually in the Student Handbook, into the text of the Board Policy, consistent with the new statutory requirements relating to Board policies. The amendments therefore also delete language that is substantially arcane after those detailed provisions are merged into the Policy. One substantive proposal in this draft is that in the rare case of a student expulsion, there would no longer be a right of appeal to the Board.

Policy 21 Student Academic Rights
The changes to Policy 21 address the transition of the institution to university status and the separation of the community and technical college. The amendments also reflect the inclusion of many specific student policies being incorporated into the Appendix of Policy 20. No substantive change in student academic rights are made in these amendments to the policy.

Policy 22 Faculty Development
Technical changes only.

Policy 25 Marketing of Credit Cards/Accounts
Technical changes only.

The Appendices for Policy 19 and Policy 20, which will constitute new language for the Board Policy, reflect direct excerpts from the previously published Faculty Handbook and Student Handbook and include revisions recommended for this year. The policy content of these
Handbooks has traditionally been developed at Shepherd through a collegial, consultative process. In the case of comments which raised substantive policy issues, it is recommended that the proposed language be retained of the current adoption of these Board Policies, to be effective for the 2006-07 academic year. These policies will be subjected to on-campus review processes each winter and spring, for the changes to be implemented for the following year, and then brought forward for Board action. The substantive suggestions received this year will be referred to the appropriate committees as the review process begins next year. None of those substantive suggestions raised issues which urgently require attention.

For the Policy 19 Appendix, technical changes made to the Appendix in response to comments received are reflected with underlining and strike-throughs. Because the Policy 19 Appendix will include the complete institutional policy on Sabbatical Leave, Policy 5 will become obsolete and is recommended for rescission on that basis.

For each policy, the following pages include one copy, with changes reflected in underlining for new language and strike-throughs for deleted language, and one “clean” copy showing the proposed new version of the policy.

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.

**RESOLVED,** That the Shepherd University Board of Governors approves the rescission of Policy 5, *Sabbatical Leave,* to become effective immediately.

**RESOLVED,** That the Shepherd University Board of Governors approves the revisions to Policy 20, *Student Rights and Responsibilities,* as presented in the agenda book, to become effective immediately.

**RESOLVED,** That the Shepherd University Board of Governors approves the revisions to Policy 21, *Student Academic Rights,* as presented in the agenda book, to become effective immediately.

**RESOLVED,** That the Shepherd University Board of Governors approves the revisions to Policy 22, *Faculty Development,* as presented in the agenda book, to become effective immediately.

**RESOLVED,** That the Shepherd University Board of Governors approves the revisions to Policy 25, *Marketing of Credit Cards/Accounts,* as presented in the agenda book, to become effective immediately.
SHEPHERD COLLEGE UNIVERSITY
BOARD OF GOVERNORS
POLICY 19

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

SECTION 1. GENERAL

1.1 Scope - This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty. Specific provisions of faculty personnel policies are included in Appendix A.

1.2 Authority - W. Va. Code § 18B-1-6 and §18B-2A-4

1.3 Effective Date – January 10, 2002, amending the January 10, 2002 version

SECTION 2. ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY.

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

2.2. Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the appropriate administrators of the institution. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside the institution, they shall be free from institutional censorship or discipline.

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

2.4. In addition to meeting the primary responsibilities of addressing the
institutional missions in teaching, research, and service as defined by the
institution, all faculty have an obligation to foster the quality, viability,
and necessity of their programs. The financial stability of a program and
recruitment of an adequate number of students depend in part on the
faculty. The common goal of quality must be nurtured and responsibility
for it shared by all. Integrity, objectivity, and service to the purposes and
missions of the institution are expected.

2.5. Faculty interests and skills change, disciplines evolve, and new
professions or fields of study emerge. All faculty members are
responsible for remaining current in their disciplines. All are encouraged
to explore opportunities for further developing a versatile range of
knowledge and skills that are important to the institution. Through
individual initiative and faculty development programs, faculty members
are encouraged to grow in competency in their own disciplines and
strengthen their interests in related fields.

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

SECTION 3. FACULTY: RANKS AND DEFINITIONS.

3.1. The faculty shall be those appointees so designated by the President. The
faculty may include, but are not limited to, such professional personnel as
librarians, faculty equivalents, academic professionals, and those involved
in off-campus academic activities.

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

3.2.1. Tenured: Those faculty members on whom have attained tenure
status as determined by the institutional procedures has been
conferred by the President or by the Board. Normally, tenured
appointments are full-time (1.00 FTE or the equivalent, as
determined by the institution) for the academic year.

3.2.1.1. Under special circumstances, if requested by the
faculty member and approved, a full-time tenured
appointment may be converted to a part-time
tenured appointment for a specified time period,
normally not to exceed one calendar year. At the
conclusion of the approved time period or an
approved extension thereof, the faculty member will
return to a full-time tenured appointment or, if the faculty member chooses not to return to a full-time tenured appointment, the faculty member's employment will cease. This section does not apply to actions associated with phased retirement programs.

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

3.2.2.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenure-track appointment may be converted to a part-time tenure-track appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or extension thereof, the faculty member will return to a full-time tenure-track appointment or, if the faculty member chooses not to return to a full-time tenure-track appointment, the faculty member's employment will cease. Time spent in a part-time tenure-track appointment will not normally apply to the calculation of the years of service for the purposes of tenure nor will it result in any de facto award of tenure.

3.2.3. Clinical-Track: Those faculty members who have been appointed and have been designated as being in a clinical-track position. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. Clinical-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

3.2.4. Librarian-Track: Those faculty members who have been appointed and have been designated as being in a librarian-track position. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. Librarian-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

3.2.5. Term: Those faculty members at the community and technical college who have been appointed for a specified term as defined by the institution. The appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.
3.2. **Non-tenure-Track:** Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, term, or tenured status. Their appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. Non-tenure-track faculty may also include faculty equivalents or academic professionals, whose primary duties are non-instructional, but who may hold a secondary appointment that is instructional in character. No number of Non-tenure-track appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty. Non-Tenure-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

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

3.3.1. Professor;
3.3.2. Associate Professor;
3.3.3. Assistant Professor; or
3.3.4. Instructor

3.4. Faculty appointed to clinical-track positions may be appointed to one of the following ranks, but with an appropriate clinical field designation:

3.4.1. Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);
3.4.2. Associate Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);
3.4.3. Assistant Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN); or
3.4.4. Instructor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN)

3.5. Faculty appointed to librarian-track positions may be appointed to one of the following ranks:

3.5.1. Librarian or Professor/Librarian;
3.5.2. Associate Librarian or Associate Professor/Librarian;
3.5.3. Assistant Librarian or Assistant Professor/Librarian; or
3.5.4. Staff Librarian or Instructor/Librarian

3.6. Clinical-track and, librarian-track, and term faculty hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. Clinical-track and, librarian-track, and term faculty appointments are only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.

3.7. Other appropriate titles which more accurately indicate the nature of the position may be used.
3.8. Persons assigned full-time or part-time to administrative or staff duties may be appointed to, or may retain, one of the foregoing faculty ranks in addition to any administrative or staff title, following consultation with appropriate academic units. Such persons will be informed in writing at the time of the appointment whether the faculty rank is as a tenured, tenure-track, clinical-track, librarian-track, term, or non-tenure-track member of the faculty. Administrative or staff personnel who are not appointed to a faculty position are not faculty and therefore are not entitled to the protections provided by this policy.

3.9. Clinical-track, librarian-track, term, and Non-tenure-track faculty at all institutions hold non-tenurable appointments which may be part-time or full-time and are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. These appointments are for a specified period of time as set forth in the notice of appointment. Since the faculty member thus appointed is not on the tenure track, the notice provisions set out in Section 10.5 below for tenure-track appointments do not apply.

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

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

3.11.2. Lecturer or senior lecturer;

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

3.12. Non-tenure-track full-time (1.00 FTE or the equivalent, as determined by the institution) faculty appointments may be used only if one or more of the following conditions prevail:

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

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

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

3.12.4. The position is temporary to meet transient instructional needs, to maintain sufficient instructional flexibility in order to respond to changing demand for courses taught, or to meet other institutional needs. The appointee is to be so notified at the time of the appointment. Such appointments
are outside tenure-track status, are subject to annual renewal, and normally may not exceed six years.

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

3.12.6. Appointment or reappointment to a Non-tenure-track full-time faculty position shall create no right or expectation of continued appointment beyond the one-year period of appointment or reappointment.

3.13. All tenured, tenure-track, clinical-track, librarian-track, term, and Non-tenure-track appointments will be made with consultation of appropriate faculty and other collegiate units.

3.14. Every faculty contract shall be for one fiscal year, or part thereof, in accordance with and in compliance with the annual budget of the institution, or supplementary actions thereto, as provided by law.

3.15. Every such contract shall be in writing, and a copy of the document shall be furnished to the person appointed. Such document shall contain the terms and conditions of the appointment, as delineated in Section 17 of this policy.

SECTION 4. FACULTY: TYPES AND CONDITIONS OF APPOINTMENT.

4.1. Full-time appointments to the faculty of the institution, other than those designated as clinical-track, librarian-track, term, or Non-tenure-track, shall be either tenured or tenure-track.

4.2. All clinical-track, librarian-track, term, and other Non-tenure-track appointments, as defined in Section 3 of this policy shall be neither tenured or tenure-track, but shall be appointments only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.

4.3. The appointment of a person to a full-time position is made subject to the following conditions:

4.3.1. The appointee shall render full-time service. Outside activities, shall not be restricted unless such activities or employment interfere with the adequate performance of institutional duties. The institution expects its faculty to give full professional effort to assignments of teaching, research and service. It is, therefore, considered inappropriate to engage in gainful employment outside the institution that is incompatible with the faculty member’s contractual commitment to the institution. Moreover, it is considered inappropriate to transact personal business from one’s institutional office when it interferes with institutional duties and responsibilities. The institution shall maintain a program of
periodic review of outside services of appointees to guide faculty members.

4.3.2. If outside employment or service interferes with the performance of the regular institutional duties and responsibilities of the appointee, the institution has a right to (a) require the appointee to cease such outside employment or service which interferes with institutional duties and responsibilities of the appointee, (b) make such adjustments in the compensation paid to such appointee as are warranted by the appointee's services lost to the institution and by the appointee's use of institutional equipment and materials, or (c) dismiss for cause as set out in Section 12 below.

4.3.3. The University College may permit and encourage a reasonable amount of personal professional activity, such as consulting, by a faculty member outside the faculty member’s duties and responsibilities of employment by and for the institution, provided such activity: (1) further develops the faculty member professionally and (2) does not interfere with duties and responsibilities to the institution.

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

SECTION 5. JOINT INSTITUTIONAL APPOINTMENTS.

5.1. Faculty members may be appointed to perform academic duties at two or more public institutions of higher education in West Virginia, which duties may include teaching, research, counseling, or other services. For administrative purposes, one institution shall be designated the faculty member's "home institution," which institution shall be responsible for granting promotions, raises in salary, and tenure: Provided, however, that when cause therefore shall occur, appropriate counseling, disciplinary action, and the like shall be the responsibility of the institution where the occurrence arose.

5.2. The conditions and the details of the faculty member's joint appointment, including the designation of the "home institution," and any other arrangements, shall be specified in the agreement between the faculty member and the institutions sharing the faculty member's services. A joint appointment will be made only with consent of the faculty member.

5.3. Full-time faculty members of Shepherd University College appointed under joint or contractual appointments shall continue to be considered full-time employees of Shepherd University College.

SECTION 6. EMERITUS STATUS.

6.1. Emeritus status is an honorary title that may be awarded to a retiring faculty member or administrator for extended meritorious service. The
criteria, procedures and emoluments shall be set forth with other faculty personnel policies.

SECTION 7. PROMOTION IN RANK.

7.1. Within the following framework, the baccalaureate college and the community and technical college shall each maintain, in cooperation with the faculty or duly elected representatives of the faculty, guidelines and criteria for promotion in rank for tenured, tenure-track, clinical-track, librarian-track, term, and non-tenure-track faculty:

7.1.1. There shall be demonstrated evidence that promotion is based upon a wide range of criteria, established in conformance with this document and appropriate to the mission of the institution. Examples might be: excellence in teaching; publications and research; professional and scholarly activities and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college, or department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; continued professional growth; and service to the people of the State of West Virginia. Ultimate authority regarding the application of guidelines and criteria relating to promotion shall rest with the President.

7.1.2. There shall be demonstrated evidence that, in the process of making evaluations for promotions, there is participation of persons from several different groups, such as: peers from within and without the particular unit of the institution, supervisory administrative personnel such as the department/division chairperson, and students.

7.1.3. There shall be no practice of granting promotion routinely or solely because of length of service, or of denying promotion capriciously.

7.1.4. The institution shall provide copies of its institutional guidelines and criteria for promotion to the Policy Commission and shall make available such guidelines and criteria to its faculty.

7.2. Promotion shall not be granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units.

SECTION 8. FACULTY RESIGNATIONS.

8.1. A faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline re-appointment, shall give notice in writing at the earliest opportunity. Professional ethics dictate due consideration of the institution's need to have a full complement of faculty throughout the academic year.

SECTION 9. TENURE.
9.1. Tenure is designed to ensure academic freedom and to provide professional stability for the experienced faculty member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system. Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the profession attractive to persons of ability. The baccalaureate college and the community and technical college shall each maintain, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for the award of tenure. There shall be demonstrated evidence that tenure is based upon a wide range of criteria such as: excellence in teaching; publications and research; professional and scholarly activity and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college and department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; continued professional growth; and service to the people of the State of West Virginia. Ultimate authority regarding the application of guidelines and criteria relating to tenure shall rest with the President.

9.2. In making tenure decisions, careful consideration shall be given to the tenure profile of the institution, projected enrollment patterns, staffing needs of the institution, current and projected mission of each department/division, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. The President and academic officers shall be mindful of the dangers of losing internal flexibility and institutional accountability to the citizens of the State as the result of an overly tenured faculty.

9.3. For the community and technical college, in order to be fully responsive to the changing needs of their students and clients, the goal in the appointment of faculty is to limit the number of tenured and tenure-track faculty to no more than twenty percent of full-time faculty employed by the community and technical college.

9.3.1. Full-time term faculty are eligible for reappointment, although no number of appointments shall create any presumption of the right to appointment as tenure-track or tenured faculty. A single appointment shall not exceed three years.

9.3.2. The employment standing of tenured and tenure-track faculty holding appointment at the community and technical college at the time of the implementation of this policy shall not be affected.
9.4. Tenure shall not be granted automatically, or solely because of length of service, but shall result from action by the institution, following consultation with appropriate academic units.

9.5. Tenure may be granted at the time of the appointment by the President, following consultation with appropriate academic units.

9.6. Tenure may be attained only by faculty who hold the rank of Assistant Professor or above.

9.7. A faculty member who has been granted tenure shall receive yearly renewals of appointment unless dismissed or terminated for reasons set out in Sections 12, 13, or 14 below.

SECTION 10. TENURE-TRACK STATUS

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

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

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

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

10.5. After the decision regarding retention or non-retention for the ensuing year has been made by the President or designee, the tenure-track faculty member shall be notified in writing of the decision:

10.5.1. By letter post-marked and mailed no later than March 1 of the first academic year of service;

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

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

10.5.4. Notice of non-retention shall be mailed "Certified Mail Return Receipt Requested."
10.5.5.——Failure to provide timely notice of non-retention to tenure-track faculty would lead to the offer of renewal of appointment for an additional year, but would not prejudice further continuation after that additional year.

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

10.7.——Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy. The request for a statement of reasons shall be in writing and mailed to the President or designee within ten working days of receipt of the notice of non-retention.

SECTION 11. FACULTY EVALUATION.

11.1.——All faculty shall receive a yearly written evaluation of performance directly related to duties and responsibilities as defined by the institution.

11.2.——Evaluation procedures shall be maintained and published with other faculty personnel policies and a copy sent to the Policy Commission and filed in the Central Office. Such procedures must be multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors.

SECTION 12. DISMISSAL.

12.1.——Causes for Dismissal: The dismissal of a faculty member shall be effected only pursuant to the procedures provided in these policies and only for one or more of the following causes:

12.1.1.——Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;

12.1.2.——Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices;

12.1.3.——Insubordination by refusal to abide by legitimate reasonable directions of administrators;

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

12.1.5.——Substantial and manifest neglect of duty; and

12.1.6.——Failure to return at the end of a leave of absence.

12.2.——Notice of Dismissal for Cause: The institution shall initiate proceedings by giving the faculty member a written dismissal notice by certified mail, return receipt requested, which dismissal notice shall contain:

12.2.1.——Full and complete statements of the charge or charges relied upon; and

12.2.2.——A description of the appeal process available to the faculty member.
12.3. Prior to giving the faculty member a written dismissal notice, the President or designee shall notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the institutional designee prior to the effective date to refute the charges.

12.4. Faculty who refuse to sign or execute an offered annual contract or notice of appointment or reappointment by the date indicated by the institution for its execution, or who fail to undertake the duties under such document at a reasonable time, shall be deemed to have abandoned their employment with the institution and any rights to tenure or future appointment. Faculty objecting to terms of such document do not waive their objections to such terms by signing or executing the document.

SECTION 13. TERMINATION BECAUSE OF REDUCTION OR DISCONTINUANCE OF AN EXISTING PROGRAM.

13.1. A tenured or tenure-track faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program at the institution as a result of a review of the program, in accordance with the appropriate rule relating to review of academic programs, provided no other program or position requiring equivalent competency exists. If, within two years following the reduction or discontinuance of a program, a position becomes vacant for which the faculty member is qualified, the institution shall make every effort to extend first refusal to the faculty member so terminated.

13.1.1. Every effort should be made to reassign an individual to instructional or non-instructional duties commensurate with the faculty member's training and experience, and offers of release time or leaves of absence should be made to enable such persons to acquire capabilities in areas in which their services would be required by the institution. Faculty development programs and funds should be used to facilitate such reassignments.

13.2. Institutional policy for accommodating major reduction in, or discontinuance of, an existing program shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the Board, and reported to the Policy Commission prior to implementation.

13.3. Notice of Non-retention Because of Program Reduction or Discontinuance: The institution shall initiate proceedings by giving a faculty member written notice of such non-retention by certified mail, return receipt requested.

13.4. The dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of this policy.

SECTION 14. TERMINATION DUE TO FINANCIAL EXIGENCY.

14.1. Termination of Employment Due to Financial Exigency: A faculty member's appointment may be terminated because of a financial exigency, as defined and determined by the Board. Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the Board, and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.
14.2. Notice of Termination Due to Financial Exigency: The institution shall initiate proceedings by giving the faculty member written notice of termination by certified mail, return receipt requested, which notice shall contain:

14.2.1. A delineation of the rationale used for the determination of a financial exigency;

14.2.2. A copy of the implementation procedures used by the institution related to the financial exigency and a delineation of the rationale used for the termination of the faculty member; and

14.2.3. A description of the appeal process available to the faculty member.

14.3. To the extent financially feasible, the dates of formal notification for tenured and tenure-track faculty shall be those specified in Section 10 of this policy.

SECTION 15. FACULTY GRIEVANCE PROCEDURE.

15.1. A faculty member wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code §29 6A.

SECTION 16. INFORMAL PROCEDURES FOR CONFLICT RESOLUTION.

16.1. The President may provide alternative procedures to those set out in West Virginia Code §29 6A for the resolution of conflicts.

SECTION 17. NOTIFICATION OF TERMS AND CONDITIONS OF FACULTY APPOINTMENTS

17.1. When an initial appointment is made, or when the conditions of the appointment change, it is crucial that the faculty member be fully informed of the terms and conditions of employment. Therefore, a formal contract will be utilized each year to notify faculty about their appointments.

17.1.1. The community and technical college may offer each year to their full-time term faculty contracts of up to three years duration, subject to the conditions stated in Sections 3, 4 and 9 of this policy.

17.2. The letter of appointment or contract should state the following:

17.2.1. That the appointment (to the specified position) is offered in accordance with the provisions of institutional policy, and of the institution’s faculty handbook.

17.2.2. That the appointment is tenured, tenure-track, clinical-track, librarian-track, term, or Non-tenure-track as defined in this policy.

17.2.3. That the rank (in case of a tenured, clinical-track, term, or tenure-track appointment) is Professor, Associate Professor, Assistant Professor, or Instructor, including a clinical-track designation, as appropriate, or

17.2.4. That the rank (in case of a librarian-track appointment) is Librarian or Professor/Librarian, Associate Librarian or Associate Professor/Librarian, Assistant Librarian or Assistant Professor/Librarian, or Staff Librarian or Instructor/Librarian.

17.2.5. That the appointment is full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time with the FTE identified.

17.2.6. That it is a terminal contract (whenever appropriate).

17.2.7. That it is a joint appointment with another institution (whenever appropriate), with the home institution specified.

17.2.8. The beginning and ending dates of the appointment.
17.2.9. For tenure-track appointments, the academic year in which tenure must be awarded (the "critical year").
17.2.10. The total salary for the appointment.
17.2.11. That, consistent with the provisions of this policy, employment is subject to the fulfillment of the duties and responsibilities of the position.
17.2.12. That the specific assignments of the position will be determined by the institution.
17.2.13. That any special conditions which are included in the appointment be made a part of the contract only if they are signed by the faculty member and the President.
17.2.14. That acceptance of the appointment will be specified by the faculty member’s signing, dating, and returning a copy of the letter or contract to the designated representative of the institution within a reasonable time, which should be specified.
17.3. Renewal letters, or letters that simply inform the faculty member of a change in salary, need not contain all of the information listed above, but it is appropriate to refer to the earlier letter or contract.
SECTION 1. GENERAL

1.1 Scope - This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty. Specific provisions of faculty personnel policies are included in Appendix A.

1.2 Authority - W. Va. Code § 18B-1-6 and §18B-2A-4

1.3 Effective Date – , amending the January 10, 2002 version

SECTION 2. ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY.

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

2.2. Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the appropriate administrators of the institution. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside the institution, they shall be free from institutional censorship or discipline.

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

2.4. In addition to meeting the primary responsibilities of addressing the institutional mission in teaching, research, and service, all faculty have an obligation to foster the quality, viability, and necessity of their programs. The financial stability of a program and recruitment of an adequate number of students depend in part on the faculty. The common goal of quality must be nurtured and responsibility for it shared by all. Integrity, objectivity, and service to the purposes and missions of the institution are expected.

2.5 Faculty interests and skills change, disciplines evolve, and new professions or fields of study emerge. All faculty members are responsible for remaining current in their disciplines. All are encouraged to explore opportunities for further developing a versatile range of knowledge and skills that are important to the institution. Through individual initiative and faculty development programs, faculty members are encouraged to grow in competency in their own disciplines and strengthen their interests in related fields.

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

SECTION 3. FACULTY: RANKS AND DEFINITIONS.

3.1 The faculty shall be those appointees so designated by the President. The faculty may include, but are not limited to, such professional personnel as librarians, faculty equivalents, academic professionals, and those involved in off-campus academic activities.

3.2 Faculty may fall into one of the following classifications:

3.2.1. Tenured: Those faculty members on whom tenure status has been conferred by the President or by the Board. Normally, tenured appointments are full-time (1.00 FTE or the equivalent) for the academic year.

3.2.1.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenured appointment may be converted to a part-time tenured appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or an
approved extension thereof, the faculty member will return to a full-time tenured appointment or, if the faculty member chooses not to return to a full-time tenured appointment, the faculty member's employment will cease. This section does not apply to actions associated with phased retirement programs.

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

3.2.2.1. Under special circumstances, if requested by the faculty member and approved, a full-time tenure-track appointment may be converted to a part-time tenure-track appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or extension thereof, the faculty member will return to a full-time tenure-track appointment or, if the faculty member chooses not to return to a full-time tenure-track appointment, the faculty member's employment will cease. Time spent in a part-time tenure-track appointment will not normally apply to the calculation of the years of service for the purposes of tenure nor will it result in any de facto award of tenure.

3.2.3. Clinical-Track: Those faculty members who have been appointed and have been designated as being in a clinical-track position. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Clinical-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

3.2.4. Librarian-Track: Those faculty members who have been appointed and have been designated as being in a librarian-track position. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Librarian-Track does not establish any legally cognizable expectation of employment beyond the term of the Notice of Appointment.

3.2.5. Non-tenure-Track: Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, or tenured status. Their appointment may be full-time (1.00 FTE or the equivalent) or part-time. Non-tenure-track faculty may also include faculty equivalents or academic professionals, whose primary duties are non-instructional, but who may hold a secondary appointment that is instructional in character. No number of Non-tenure-track appointments shall create any presumption of a right to appointment as tenure-track or tenured
faculty. Non-Tenure-Track does not establish any legally
cognizable expectation of employment beyond the term of the
Notice of Appointment.

3.3 Faculty appointed to tenured or tenure-track positions shall be appointed
in one of the following ranks:
3.3.1. Professor;
3.3.2. Associate Professor;
3.3.3. Assistant Professor; or
3.3.4. Instructor

3.4 Faculty appointed to clinical-track positions may be appointed to one of
the following ranks, but with an appropriate clinical field designation:
3.4.1. Professor;
3.4.2. Associate Professor;
3.4.3. Assistant Professor; or
3.4.4. Instructor

3.5 Faculty appointed to librarian-track positions may be appointed to one of
the following ranks:
3.5.1. Librarian or Professor/Librarian;
3.5.2. Associate Librarian or Associate Professor/Librarian;
3.5.3. Assistant Librarian or Assistant Professor/Librarian; or
3.5.4. Staff Librarian or Instructor/Librarian

3.6 Clinical-track and librarian-track faculty hold appointments that are not
subject to consideration for tenure, regardless of the number, nature, or
time accumulated in such appointments. Clinical-track and librarian-track
faculty appointments are only for the periods and for the purposes
specified, with no other interest or right obtained by the person appointed
by virtue of such appointment.

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

3.8 Persons assigned full-time or part-time to administrative or staff duties
may be appointed to, or may retain, one of the foregoing faculty ranks in
addition to any administrative or staff title, following consultation with
appropriate academic units. Such persons will be informed in writing at
the time of the appointment whether the faculty rank is as a tenured,
tenure-track, clinical-track, librarian-track, or non-tenure-track member of
the faculty. Administrative or staff personnel who are not appointed to a
faculty position are not faculty and therefore are not entitled to the
protections provided by this policy.

3.9 Clinical-track, librarian-track, and Non-tenure-track faculty hold non-
tenurable appointments which may be part-time or full-time and are not
subject to consideration for tenure, regardless of the number, nature, or
time accumulated in such appointments. These appointments are for a
specified period of time as set forth in the notice of appointment. Since
the faculty member thus appointed is not on the tenure track, the notice
provisions set out for tenure-track appointments do not apply.

3.10 Non-tenure-track appointments shall have one of the following titles:
3.10.1. Any of the faculty ranks, but designated visiting, research, clinical, extension, or adjunct, as applicable to describe the connection or function;
3.10.2. Lecturer or senior lecturer;
3.10.3. Assistant, designated as graduate, research, clinical, or adjunct, as applicable to describe the connection or function.

3.11 Non-tenure-track full-time (1.00 FTE or the equivalent, as determined by the institution) faculty appointments may be used only if one or more of the following conditions prevail:

3.11.1. The position is funded by a grant, contract, or other source that is not a part of the regular and on-going source of operational funding.
3.11.2. The appointment is for the temporary replacement of an individual on sabbatical or other leave of absence. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed three years.
3.11.3. The appointment is for the purpose of filling an essential teaching post immediately, pending a permanent appointment through a regular search and screening process. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed three years.
3.11.4. The position is temporary to meet transient instructional needs, to maintain sufficient instructional flexibility in order to respond to changing demand for courses taught, or to meet other institutional needs. The appointee is to be so notified at the time of the appointment. Such appointments are outside tenure-track status, are subject to annual renewal, and normally may not exceed six years.
3.11.5. The appointee is granted a primary appointment as an administrator or to perform other non-instructional duties, with a secondary appointment that is instructional in character. Any faculty rank or teaching would be considered temporary, renewable on an annual basis. The appointee must be notified in writing of the status of any faculty rank.
3.11.6. Appointment or reappointment to a Non-tenure-track full-time faculty position shall create no right or expectation of continued appointment beyond the one-year period of appointment or reappointment.

3.12 All tenured, tenure-track, clinical-track, librarian-track, and Non-tenure-track appointments will be made with consultation of appropriate faculty and other collegiate units.

3.13 Every faculty contract shall be for one fiscal year, or part thereof, in accordance with and in compliance with the annual budget of the institution, or supplementary actions thereto, as provided by law.
3.14 Every such contract shall be in writing, and a copy of the document shall be furnished to the person appointed. Such document shall contain the terms and conditions of the appointment.

SECTION 4. FACULTY: TYPES AND CONDITIONS OF APPOINTMENT.

4.1 Full-time appointments to the faculty of the institution, other than those designated as clinical-track, librarian-track, or Non-tenure-track, shall be either tenured or tenure-track.

4.2 All clinical-track, librarian-track, and other Non-tenure-track appointments, as defined in Section 3 of this policy shall be neither tenured or tenure-track, but shall be appointments only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.

4.3 The appointment of a person to a full-time position is made subject to the following conditions:

4.3.1. The appointee shall render full-time service. Outside activities, shall not be restricted unless such activities or employment interfere with the adequate performance of institutional duties. The institution expects its faculty to give full professional effort to assignments of teaching, research and service. It is, therefore, considered inappropriate to engage in gainful employment outside the institution that is incompatible with the faculty member’s contractual commitment to the institution. Moreover, it is considered inappropriate to transact personal business from one’s institutional office when it interferes with institutional duties and responsibilities. The institution shall maintain a program of periodic review of outside services of appointees to guide faculty members.

4.3.2. If outside employment or service interferes with the performance of the regular institutional duties and responsibilities of the appointee, the institution has a right to (a) require the appointee to cease such outside employment or service which interferes with institutional duties and responsibilities of the appointee, (b) make such adjustments in the compensation paid to such appointee as are warranted by the appointee's services lost to the institution and by the appointee's use of institutional equipment and materials, or (c) dismiss for cause.

4.3.3. The University may permit and encourage a reasonable amount of personal professional activity, such as consulting, by a faculty member outside the faculty member’s duties and responsibilities of employment by and for the institution, provided such activity: (1) further develops the faculty member professionally and (2) does not interfere with duties and responsibilities to the institution.

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

SECTION 5.  JOINT INSTITUTIONAL APPOINTMENTS.

5.1 Faculty members may be appointed to perform academic duties at two or more public institutions of higher education in West Virginia, which duties may include teaching, research, counseling, or other services. For administrative purposes, one institution shall be designated the faculty member's "home institution," which institution shall be responsible for granting promotions, raises in salary, and tenure: Provided, however, that when cause therefore shall occur, appropriate counseling, disciplinary action, and the like shall be the responsibility of the institution where the occurrence arose.

5.2 The conditions and the details of the faculty member's joint appointment, including the designation of the "home institution," and any other arrangements, shall be specified in the agreement between the faculty member and the institutions sharing the faculty member's services. A joint appointment will be made only with consent of the faculty member.

5.3 Full-time faculty members of Shepherd University appointed under joint or contractual appointments shall continue to be considered full-time employees of Shepherd University.
APPENDIX  A

(Section numbers correspond to Faculty Handbook)

II.  Policies and Procedures

A.  Faculty Personnel Policies

1.  Definition of Faculty

The faculty are appointed 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 grievances 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 does sign a contract for summer teaching and the next academic year chooses to ask for a release from an academic year contract, he or she will be expected to resign from the summer position at the same time 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 on-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
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.

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 Deans

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.

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 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
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.

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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.
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 established 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) 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) 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.

Notices of appointment for each fiscal year will be
furnished to appointees following receipt of the Board of
Governors' budgetary allocations or approved expenditure
schedule. Provisions for the signature of the 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 50%, as of the effective date of the PRS contract. 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.

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; 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 64 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 1, 2000.

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 implemented in accordance with the provisions of Section 14 of Policy 19 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.
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: STUDENT RIGHTS and RESPONSIBILITIES

SECTION 1. GENERAL
1.1 Scope - Policy regarding student rights, responsibilities, and conduct at Shepherd College University.
1.2 Authority - West Virginia Code § 18B-1-6, 18B-2A-4
1.3 Effective Date - __________, amending the March 14, 2002 version of the Policy.

SECTION 2. PURPOSE
2.1 The purpose of this policy includes, but is not limited to, the following:
   2.1.1 To establish a general policy on student life, including a statement on student rights and responsibilities, at Shepherd College University.
   2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at Shepherd College University.
   2.1.3 To prescribe penalties and sanctions for such prohibited conduct.
   2.1.4 To define generally the powers, authority and duties to be exercised by the President and other officials of the College University in applying this policy.
   2.1.5 To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this policy.

SECTION 3. DEFINITIONS
3.1 Property. Any property, whether owned, rented or otherwise held or used by the Board or by the institutional community.
3.2 Activity. All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activity, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.
3.3 Facility. Any and all property of the institution used or usable in any activity of the institution.
3.4 Campus. All the property and facilities of the institution serving as the locus in quo of any activity of the institution.
3.5 Faculty. Those employees of the Board who are assigned to teaching or research or service functions at the institution, and who hold academic rank.
3.6 Staff. Those employees of the Board who are assigned to teaching or research or service functions at an institution, and who are not members of the faculty.
3.7 Student. Any person who has been admitted to the institution to pursue a course of study, research, or service, who is currently engaged in an institutionally-sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the rules, regulations, or policies of the Board. *(Special note: When any person commits a violation of the standards of conduct while a Student but terminates student status before the institution completes action under this Policy, the institution may either continue with the procedures provided for herein, in abstentia if necessary, or may preclude eligibility for a return to student status in the future until the issues of the conduct violations have been fully addressed, at the sole discretion of the institution; provided, however, that in all such cases every reasonable effort will be made to provide appropriate notice to the former student.)*

3.8 Member of the institutional community. Any Board member, officer, administrator, faculty member, staff member, employee, student of or at the institution, member of the community and technical college board of advisors, as well as any person authorized to participate in an institutional activity at the time applicable.

3.9 Official Communications with Students. Every student has a responsibility to maintain a record of their current mailing address with the Office of the Registrar. Every Student shall be issued a Shepherd University email account, unless suspended from email account status due to misconduct, and must regularly monitor their University email account for official communications. Every student shall be deemed to have constructive notice of communications from the University transmitted by email or to their mailing address of record.

SECTION 4. POLICIES REGARDING STUDENT RIGHTS and RESPONSIBILITIES

4.1 The submission of an application for admission to the institution or an application for financial aid represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board and the institution. Institutional approval of that application, in turn, represents the extension of a right or privilege to join the institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the board and the institution.

4.2 Freedom of expression and assembly. The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms the student has certain rights and responsibilities, including, but not limited to, the following:

4.2.1 To have access to campus resources and facilities.
4.2.2 To espouse causes.
4.2.3 To inquire, discuss, listen to and evaluate.
4.2.4 To listen to any person through the invitation of organizations recognized by the institution.
4.2.5 To have a free and independent student press which adheres to the canons of responsible journalism.

4.2.6 To not violate the rights of others in matters of expression and assembly.

4.2.7 To abide by policies, rules and regulations of the College and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.

4.3 Freedom of association. Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institution.

4.4 Right to privacy. The student is entitled to the same safeguards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:

4.4.1 Privileged communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries.

4.4.2 Respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters.

4.4.3 Confidentiality of academic and disciplinary records.

4.4.4 Legitimate evaluations made from student records.

4.5 Responsibilities of citizenship. The student is expected, as are all citizens, to respect, and abide by local ordinances and state and federal statutes, both on and off the campus. As a member of the educational community, the student is expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.

4.6 Disciplinary proceedings. Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary proceedings, the student shall be presumed innocent until proven guilty of any charge. The President or designee shall have authority for promulgating policies and procedures, consistent with the policies of the Board.

**SECTION 5. STANDARDS of CONDUCT**

5.1 Conduct required in general. All students at the institution are subject to the Standards of Conduct as delineated in Appendix A, and are required to comply with, observe, and obey the following:

5.1.1 The laws of the United States.

5.1.2 The laws of the State of West Virginia.

5.1.3 Local city, county and municipal ordinance.

5.1.4 The policies, rules and regulations of the College.

5.1.5 The directions and orders of the officers, faculty and administrative staff of the College.

5.2 Disorderly conduct. Any and all students who behave in a disorderly or unlawful manner, such as the actions listed below, but not limited to those listed, in or about institutional property or facilities, are subject to institutional disciplinary action.
which may result in probation, suspension or expulsion, whether or not there is prosecution for such violations in local, state or federal courts:

5.2.1—Fights.
5.2.2—Assaults or battery.
5.2.3—Public disturbances.
5.2.4—Unlawful assembly.
5.2.5—The violation of any municipal, state or federal law, or the rules and regulations of the College.

5.3—Theft or damage of property. No student shall, individually or by joining with one or more others, misuse, steal, damage or destroy any institutional property or facilities or the property of any member of the institutional community. Students involved in any such prohibited actions or conduct shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions or conduct in local, state or federal courts.

5.4—Disruption. No student shall, individually or by joining with one or more other persons, do any of the following:
5.4.1—Disrupt or interfere with any institutional activity, program, meeting or operation.
5.4.2—Interfere with the rights of any member of the institutional community.
5.4.3—Injure or threaten to injure, or coerce by bodily harm or restraint or threats thereof or any other means, any member of the institutional community or persons lawfully on the institution's campus, property or facilities.
5.4.4—Seize, hold, commandeer or damage any property or facilities of the institution, or threaten to do so, or refuse to depart from any property or facilities of the institution upon direction, pursuant to policies, rules and regulations of the Board or an institutional officer, faculty or staff member, or other person authorized by the President.

Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

5.5—Hazing. No student shall, individually, or by joining with one or more other persons, engage in any act of hazing involving another member of the institutional community. The President shall establish institutional policies and regulations prohibiting hazing in any form. Such policies and regulations shall include provisions to:
5.5.1—Prohibit any action which subjects a pledge, initiate, or member of a student organization to activities which are personally demeaning or involve a substantial risk of physical injury. This includes both organized rites of initiation and informal activities.
5.5.2—Include the institutional hazing policy in the student handbook, and such other publications which are readily distributed to all students as may be appropriate. The institutional policy shall provide that students involved in hazing activities are subject to institutional disciplinary action which may result in the sanctions of suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.
5.5.3 Identify, through student publications and other appropriate mechanisms, the sanctions which apply to student organizations engaged in prohibited hazing activities or prohibited rites of initiation. These sanctions may include, but are not limited to: denial of the use of institutional facilities, removal of some or all social privileges, removal of institutional recognition, and a recommendation to regional or national headquarters that the organizational charter be revoked. The President shall take steps to ensure that the chief officer of each student organization is informed at least annually of the institution's hazing policy and the sanctions which may be imposed upon offending organizations.

5.5.4 Ensure that students accused of hazing offences where the sanctions of suspension or expulsion may result are afforded the opportunity for a disciplinary hearing, as provided in Section 7.4 of this rule.

5.6 Discrimination. No student shall, individually or by joining with one or more other persons, promote or demand action on their part or any other member of the institutional community that would constitute unlawful discrimination on the basis of race, sex, color, political affiliation, handicap or age. Students involved in any such action or activities shall be subject to institutional disciplinary action which may result in probation, suspension or expulsion, whether or not there is prosecution for such actions in local, state or federal courts.

SECTION 6. POWERS, AUTHORITY and DUTIES of the PRESIDENT

6.1 General powers, authority and duties of the President. The President, being responsible for the entire administration of the institution, shall attend to and administer the laws of the State of West Virginia which may be applicable on the campus, as well as the policies, rules and regulations of the College University. The President is vested with authority requisite to that end, subject to the control of the Board.

6.2 Delegation of authority and responsibility. Any authority, responsibility, or duty granted to or imposed upon the President by these policies, rules and regulations may be delegated by the President, subject to the control of the Board, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the President shall be required to deal with the persons to whom the President shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the President through such designees, except on appeal to the President as specified by this Policy.

6.3 Publication of student discipline policies by the President. The President or designee shall have authority and responsibility, subject to the policies of the Board, for the discipline of all students at the institution. Policies on Student Conduct and student discipline shall be published freely to all students. The President, with the advice of faculty and students and subject to the policies of the Board, shall develop, promulgate and use disciplinary regulations and channels not inconsistent with the policies, rules and regulations of the Board.

6.4 Activities on, and use of, institutional property or facilities. The use by any person of the property or facilities of the institution shall be controlled and governed by the
policies, rules and regulations of the College University, which shall be promulgated by the President or designee with the advice of faculty and students and shall conform to the policies of the Board.

6.5 Public use of institutional property or facilities and restrictions imposed. Subject to the control of the Board, notwithstanding any rule, regulation, policy or express or implied permission for the use of, or presence in or on, the property or facilities of the institution, any person who (a) is not a student presently registered for current classes or course work at the particular institution or is not an employee of the Board currently on duty at the institution and (b) by his/her conduct or speech or expressions, causes or, in the opinion of the President or the President's designee, may be reasonably expected to cause harm to persons, property or facilities or disruption of, or interference with, any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the President or the designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The President or designee may take whatever legal or institutional action is necessary to effectuate this authority.

6.6 Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations. The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to, or use of, the institution's property, facilities, activities, programs, or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding.

6.7 Limitations of assembly and student use of institutional property or facilities. Subject to the control of the Board, when, in the judgment of the President an assembly is not in the best interest of the institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, the President or designee shall prohibit such assembly and shall take measure to prevent harm to persons, property or facilities, or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.

6.8 Limitation of activities and emergency measures. When there has been harm or damage to persons, property or facilities, or when there has been disruption of or interference with institutional activities, or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board, when the President deems it necessary to end or to control such occurrences and the circumstances caused thereby, the President shall take any or all of the following actions or other appropriate actions:

6.8.1 Declare a state of emergency to exist on the campus; and

6.8.1.a. Close down any part of the institution for any length of time, or limit use of certain parts of the campus, property or facilities to certain persons at certain times;

6.8.1.b. Impose curfews on the presence of persons in or on institutional facilities or property;
6.8.1.c. Place bans on gatherings of persons at places or times on or in the institution's property or facilities; or
6.8.1.d. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.

6.8.2 Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations.

6.8.3 See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board; and the administrative policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

SECTION 7. DISCIPLINARY ACTION; PROCEEDINGS

7.1 Application to students. Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the University College if that person is involved on the campus in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of the Board. In taking disciplinary action against a student, as defined herein, the institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have received from the University College.

7.2 Procedures and Sanctions in disciplinary action. The procedures and sanctions in student disciplinary proceedings shall be as provided for in Appendix A of this Policy. The following sanctions may be imposed upon students as a result of disciplinary actions by the institution:

7.2.1 Probation — exclusion from participation in certain institutional activities, property or facilities for a definite stated period of time, and may be conditioned upon compliance with policies, rules and regulations, or specified required activity during the period of probation.

7.2.2 Suspension — exclusion from all institutional activities for a definite stated period of time up to one (1) academic year, and any condition on resumption of activities, if any, also may be imposed.

7.2.3 Expulsion — termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification, and conditions for readmission, if any, may be stated in the order. Normally, students facing suspension or expulsion from the institution will be entitled to a hearing prior to the imposition of the sanction. However, a student may be temporarily suspended pending final action on the charges when the student's continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the
institutional community. Such temporary suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations. Sanctions of lesser severity, including restitution, may be imposed in any case, at the discretion of the President or designee.

The Student Handbook shall include a description of the offenses for which a student who is found guilty may be subject to the sanctions of suspension or expulsion. Consistent with the rules of the Policy Commission, a sanction of suspension or expulsion imposed by any public college or university in West Virginia may apply to the person sanctioned not only at the institution where the sanction was imposed, but may also be effective at all institutions in the State. A student who is expelled from any public college or university in West Virginia may not be considered for admission to Shepherd College until one (1) year has elapsed after the student has been expelled.

When a sanction is scheduled for a particular semester and the time lapse during an appeal process makes enforcement in the designated semester impossible, then the sanction shall be applied to the semester in progress at the time of completion of the appeal. In the event that sanction cannot be implemented during that semester, then it shall be applied during the next regular semester, except that if the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the grades and records of that student during the semester designated in the original sanction. In any event, the accused student may not be graduated during the process of appeal.

7.3 General requirements for disciplinary channels. Rules and regulations establishing disciplinary channels at the institution, promulgated pursuant to Sections 4.6 and 6.3 of this rule, or any of the policies, rules and regulations, shall provide, among other things, at the least for the following:

7.3.1 There shall be a hearing board whose members shall be members of the institutional community, including student and faculty representatives, and whose number shall be at least three (3), and, in any event, on any panel hearing a case, shall be odd.

7.3.2 The hearing board shall have jurisdiction of cases involving the alleged violations of Sections 5.2, 5.3, 5.4, 5.5 and 5.6 of this rule, and of cases involving students suspended pursuant to Subsection 6.8.2 of this rule.

7.3.3 The jurisdiction and authority of the hearing board shall be, in cases of disciplinary action against students:

7.3.3.a. To hear evidence;
7.3.3.b. To make findings of fact from the evidence presented;
7.3.3.c. To make recommendations to the President of the institution, based upon such findings of fact, as to the disposition of the disciplinary action, including sanctions to be imposed, if any; and
7.3.3.d. To refer for hearing to a lesser disciplinary channel in cases not involving potential suspension or expulsion. (In lieu of calling together the entire hearing board to decide on referrals, a referral board, including a faculty representative and a student representative
selected from the hearing board may decide the level of hearing by establishing hearing levels for categories of disciplinary infractions or by considering individual referral cases.

7.3.4 The hearing board shall have such appellate jurisdiction as may be appropriate to the institution from the determinations and recommendations of any lesser disciplinary channel.

7.3.5 The student may then object or take exception to the recommendations of the hearing board under such procedures as the President may deem appropriate.

7.4 Procedural standards in disciplinary proceedings. In any disciplinary proceedings before a hearing board established pursuant to Section 7.3 of this rule brought against a student for alleged misconduct, action, or behavior for which sanctions of suspension or expulsion may be imposed, the following procedural standards shall be observed:

7.4.1 Written charges of violation shall be presented to the accused student which shall include at least:

7.4.1.a. A statement of the policy, rule or regulation which allegedly has been violated;

7.4.1.b. A statement of the facts and evidence to be presented in support of the charges made with sufficient clarity to reasonably disclose the time and place of the occurrence and the actions or behavior complained of;

7.4.1.c. A statement that a hearing will be held before the hearing board on the charges, together with notice of the date, time and place of the hearing; and

7.4.1.d. In cases involving potential suspension or expulsion, as specified in institutional policies, the student must be informed of his/her right to have legal counsel present at the hearing (students retain attorneys in such cases at their own expense and must notify the hearing board at least forty-eight hours prior to the hearing if the attorney will be present at the proceedings). It is expressly provided, however, that such written charges shall not be fatally defective so as to prevent the set hearing or to require further amplification if such minimum requirements are met reasonably and in good conscience at the discretion of the hearing board.

7.4.2 Said written charges shall be served upon the student charged by one (1) of the following means:

7.4.2.a. Handing a copy to the student in person, if he/she can be found, with reasonable diligence in the town where the institution is located and the hearing is to take place; or

7.4.2.b. Mailing, via certified mail, a copy to the student at the residence used while in attendance at the institution, as last noted on his/her official records at the institution; or

7.4.2.c. If the student is not presently registered at the institution, or in any event, by mailing, via certified mail, a copy to his/her last known permanent or home residence as disclosed by official records at the institution. It is expressly provided, however, that such service or
charges and notice of hearing shall not be defective if the student shall have hidden, refused mail, or shall have failed to notify the institution of his/her current address while attending the institution or of the current permanent home address, and the hearing may proceed without hindrance or delay.

7.4.3—A hearing shall be held at the date, time and place specified (unless postponed by the hearing board for good cause shown) and shall provide the student at least five (5) days notice from the serving of the charges (unless such notice is waived by the student). The hearing shall be conducted in such a manner as to do substantial justice and shall include at least the following:

7.4.3.a. The accused student has the right to have an advisor. Such an advisor may be a parent or guardian, a student at the institution, or a member of the faculty or staff of the institution. An advisor may consult with the accused student, but may not speak on behalf of the student or otherwise participate directly in the proceedings, unless given specific permission to do so by the hearing board. In cases involving the potential for suspension or expulsion, legal counsel may be present as specified in paragraph 7.4.1.a. of this rule. Legal counsel may serve in an advisory capacity to the accused student in such cases. However, legal counsel may not speak on behalf of the student or otherwise participate directly in the proceedings. The college may choose to have legal counsel, who may participate only in an advisory capacity and may not speak on behalf of the institution or otherwise participate directly in the proceedings, if legal counsel attends on behalf of the student.

7.4.3.b. All material evidence may be presented subject to the right of cross-examination of the witnesses.

7.4.3.c. There shall be a complete and accurate record of the hearing. In the case of an appeal, a written transcript may be required.

7.4.3.d. In any event, the accused student shall be entitled to be present throughout the presentation of evidence, testimony of witnesses, and arguments of parties; to know the identity of and content of testimony of the witnesses against him and have them present at the hearing at appropriate times; and to present witnesses and any evidence on his/her behalf as may be relevant and material to the case.

7.4.4—No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered. And, in any event, all findings of fact and recommendations shall be based solely upon the evidence in the case of a whole.

7.4.5—After the hearing, the hearing board shall make findings of fact and recommendations for the disposition of the case and sanctions to be imposed, if any, and forward the same to the President of the institution. Within ten (10) working days following receipt of the hearing board recommendations,
the President shall review the facts of the case and take such action as may be appropriate under all the circumstances. Except in cases which involve the sanction of expulsion, as defined in Section 7.2 of this rule, the decision of the President shall be final.

7.5 Review by the Board. The Board may, from time to time, require from the President reports on disciplinary actions or proceedings over a period of time or as to any specific case or cases. Such reports shall be in such form as the Board may require. In disciplinary cases where the institutional sanction is expulsion, the Board may, pursuant to such procedures as it may specify, grant an appeal from the disciplinary decision of the President on the record of the case submitted. A student desiring to appeal the sanction of expulsion must, within three (3) working days, indicate to the President in writing an intent to appeal the decision to the Board. A written petition of appeal must be filed within fifteen (15) days of the President's decision. The appeal shall be directed to the Chair, care of the Office of the President. If the Board determines that the petition will not be heard, the decision of the President is affirmed and sanctions imposed therein shall be effective upon the President's receipt of the statement of denial. If the appeal is granted, the sanction imposed by the President's decision shall be stayed until the Board makes a final decision after a review of the case. In the event the decision of the President is affirmed after such review, the person appealing and the President shall be notified by certified mail and the sanction shall be effective immediately upon receipt by the President of the decision rendered by the Board.

In reviewing student appeals involving the sanction of expulsion, the Board will review all relevant information and records of applicable institutional disciplinary proceedings to ensure that due process has been afforded. In any case of any review of disciplinary action, the Board may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.
TITLE: STUDENT RIGHTS and RESPONSIBILITIES

SECTION 1. GENERAL

1.1 Scope - Policy regarding student rights, responsibilities, and conduct at Shepherd University.

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

1.3 Effective Date - , amending the March 14, 2002 version of the Policy.

SECTION 2. PURPOSE

2.1 The purpose of this policy includes, but is not limited to, the following:

2.1.1 To establish the policy on student life, including a statement on student rights and responsibilities, at Shepherd University.

2.1.2 To identify behavioral expectations of students and certain prohibited acts by students at Shepherd University.

2.1.3 To prescribe penalties and sanctions for such prohibited conduct.

2.1.4 To define the powers, authority and duties to be exercised by the President and other officials of the University in applying this policy.

2.1.5 To prescribe disciplinary actions and proceedings to be taken in cases of the violations of this policy.

SECTION 3. DEFINITIONS

3.1 Property. Any property, whether owned, rented or otherwise held or used by the Board or by the institutional community.

3.2 Activity. All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by the institution, including, by way of illustration and not as limitation of the foregoing, classroom and course activity, recreational and cultural programs, maintenance or building programs, committee or other business activity, registration, advising, teaching, admissions, placement, disciplinary or routine office activity, research or service.

3.3 Facility. Any and all property of the institution used or usable in any activity of the institution.

3.4 Campus. All the property and facilities of the institution serving as the locus in quo of any activity of the institution.

3.5 Faculty. Those employees of the Board who are assigned to teaching or research or service functions at the institution, and who hold academic rank.
3.6 Staff. Those employees of the Board who are assigned to teaching or research or service functions at an institution, and who are not members of the faculty.

3.7 Student. Any person who has been admitted to the institution to pursue a course of study, research, or service, who is currently engaged in an institutionally-sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution, under the rules, regulations, or policies of the Board. (Special note: When any person commits a violation of the standards of conduct while a Student but terminates student status before the institution completes action under this Policy, the institution may either continue with the procedures provided for herein, in abstentia if necessary, or may preclude eligibility for a return to student status in the future until the issues of the conduct violations have been fully addressed, at the sole discretion of the institution; provided, however, that in all such cases every reasonable effort will be made to provide appropriate notice to the former student.

3.8 Member of the institutional community. Any Board member, officer, administrator, faculty member, staff member, employee, student of or at the institution, as well as any person authorized to participate in an institutional activity at the time applicable.

3.9 Official Communications with Students. Every student has a responsibility to maintain a record of their current mailing address with the Office of the Registrar. Every Student shall be issued a Shepherd University email account, unless suspended from email account status due to misconduct, and must regularly monitor their University email account for official communications. Every student shall be deemed to have constructive notice of communications from the University transmitted by email or to their mailing address of record.

SECTION 4. POLICIES REGARDING STUDENT RIGHTS and RESPONSIBILITIES

4.1 The submission of an application for admission to the institution or an application for financial aid represents an optional and voluntary decision on the part of the prospective student to partake of the program and privileges offered by the institution pursuant to the policies, rules and regulations of the Board and the institution. Institutional approval of that application, in turn, represents the extension of a right or privilege to join the institutional community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules and regulations of the board and the institution.

4.2 Freedom of expression and assembly. The student enjoys the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms the student has certain rights and responsibilities, including, but not limited to, the following:

4.2.1 To have access to campus resources and facilities.
4.2.2 To espouse causes.
4.2.3 To inquire, discuss, listen to and evaluate.
4.2.4 To listen to any person through the invitation of organizations recognized by the institution.
4.2.5 To have a free and independent student press which adheres to the canons of responsible journalism.
4.2.6 To not violate the rights of others in matters of expression and assembly.
4.2.7 To abide by policies, rules and regulations of the University and federal, state, and local statutes and ordinances pertaining to freedom of expression and assembly.

4.3 Freedom of association. Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes comport with the educational mission of the institution.

4.4 Right to privacy. The student is entitled to the same safe-guards of the rights and freedoms of citizenship as are afforded those outside the academic community, including, but not limited to, the following:
  4.4.1 Confidential communication on a one-to-one relationship with faculty, administrators, counselors and other institutional functionaries.
  4.4.2 Respect for personality, including freedom from unreasonable and unauthorized searches of student living quarters.
  4.4.3 Confidentiality of academic and disciplinary records.
  4.4.4 Legitimate evaluations made from student records.

4.5 Responsibilities of citizenship. The student is expected, as are all citizens, to respect, and abide by local ordinances and state and federal statutes, both on and off the campus. As a member of the educational community, the student is expected to abide by the institution's code of student conduct which clarifies those behavioral standards considered essential to its educational mission.

4.6 Disciplinary proceedings. Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to them. In all disciplinary proceedings, the student shall be presumed innocent until proven guilty of any charge. The President or designee shall have authority for promulgating policies and procedures, consistent with the policies of the Board.

SECTION 5. STANDARDS of CONDUCT

5.1 All students at the institution are subject to the Standards of Conduct as delineated in Appendix A.

SECTION 6. POWERS, AUTHORITY and DUTIES of the PRESIDENT

6.1 General powers, authority and duties of the President. The President, being responsible for the entire administration of the institution, shall attend to and administer the laws of the State of West Virginia which may be applicable on the campus, as well as the policies, rules and regulations of the University. The President is vested with authority requisite to that end, subject to the control of the Board.

6.2 Delegation of authority and responsibility. Any authority, responsibility, or duty granted to or imposed upon the President by these policies, rules and regulations
may be delegated by the President, subject to the control of the Board, to another person or persons on the faculty, staff or student body of the institution. All persons dealing in the matters so delegated by the President shall be required to deal with the persons to whom the President shall have delegated such authority, responsibility or duty and such persons shall be required to deal with the institution or the President through such designees, except on appeal to the President as specified by this Policy.

6.3 Publication of student discipline policies by the President. The President or designee shall have authority and responsibility, subject to the policies of the Board, for the discipline of all students at the institution. Policies on Student Conduct and student discipline shall be published freely to all students.

6.4 Activities on, and use of, institutional property or facilities. The use by any person of the property or facilities of the institution shall be controlled and governed by the policies, rules and regulations of the University, which shall be promulgated by the President or designee with the advice of faculty and students and shall conform to the policies of the Board.

6.5 Public use of institutional property or facilities and restrictions imposed. Subject to the control of the Board, notwithstanding any rule, regulation, policy or express or implied permission for the use of, or presence in or on, the property or facilities of the institution, any person who (a) is not a student presently registered for current classes or course work at the institution or is not an employee of the Board currently on duty at the institution and (b) by his/her conduct or speech or expressions, causes or, in the opinion of the President or the President's designee, may be reasonably expected to cause harm to persons, property or facilities or disruption of, or interference with, any activity of the institution, is no longer authorized to be in or on the property or facilities of the institution. In such instance, the President or the designee shall cause such person to be ejected from, kept off, and kept out of the property and facilities of the institution. The President or designee may take whatever legal or institutional action is necessary to effectuate this authority.

6.6 Use of institutional property or facilities; activities which interfere with, disrupt or inhibit institutional operations. The assertion by any person or persons of rights of speech, assembly, press or other expression with the intention to interfere with access to, or use of, the institution's property, facilities, activities, programs, or operations by those properly and regularly using the same is expressly prohibited, any rule, regulation or permission express or implied notwithstanding.

6.7 Limitations of assembly and student use of institutional property or facilities. Subject to the control of the Board, when, in the judgment of the President an assembly is not in the best interest of the institution or the individuals concerned, in that it presents a clear and present danger of harm to persons, property, or facilities or interference with or disruption of activities, the President or designee shall prohibit such assembly and shall take measure to prevent harm to persons, property or facilities, or to prevent interference with or disruption of activities, as may be necessary in the circumstances or may be reasonably expected to come into existence.

6.8 Limitation of activities and emergency measures. When there has been harm or damage to persons, property or facilities, or when there has been disruption of or
interference with institutional activities, or when there has been seizure or occupation of property or facilities by persons no longer authorized, then, subject to the control of the Board, when the President deems it necessary to end or to control such occurrences and the circumstances caused thereby, the President shall take any or all of the following actions or other appropriate actions:

6.8.1 Declare a state of emergency to exist on the campus; and
   6.8.1.a. Close down any part of the institution for any length of time, or limit use of certain parts of the campus, property or facilities to certain persons at certain times;
   6.8.1.b. Impose curfews on the presence of persons in or on institutional facilities or property;
   6.8.1.c. Place bans on gatherings of persons at places or times on or in the institution's property or facilities; or
   6.8.1.d. Enlist the aid of any public authority, police or otherwise, as may be necessary to restore order, protect persons, property, health, safety or welfare.

6.8.2 Immediately suspend any student who is found involved in prohibited action or conduct and who is (1) first advised, told or notified that a particular action or conduct is prohibited, and who (2) continues such action or conduct in spite of the warning. Such immediate suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations.

6.8.3 See to the enforcement of the laws of the State of West Virginia; the policies, rules and regulations of the Board; and the administrative policies, rules and regulations of the institution, including any emergency orders imposed as a result of the state of emergency so declared.

SECTION 7. DISCIPLINARY ACTION; PROCEEDINGS

7.1 Application to students. Any person who is a student as defined in these policies, rules and regulations shall be subject to disciplinary action by the University if that person is involved on the campus in any of the actions or conduct prohibited by these policies, rules and regulations, notwithstanding the fact that at the time the student is also an employee of the Board. In taking disciplinary action against a student, as defined herein, the institution may act to remove any status of such a person or to revoke or remove any right or privilege of such person as a student, or to withhold, remove, or cancel any benefit, recognition or certification, including the conferring of a degree, which such a person might yet not have received from the University.

7.2 Procedures and Sanctions in disciplinary action. The procedures and sanctions in student disciplinary proceedings shall be as provided for in Appendix A of this Policy.
Guidelines & Policies Affecting Student Life

RESPONSIBILITIES OF CITIZENSHIP
As is the case in the community at large, students on the Shepherd University campus are held accountable for their conduct. For this reason, it is the students’ responsibility to be cognizant of the rules and regulations contained in the University Catalog and handbooks.

To establish its behavioral standards and rules, the University will endeavor to maintain a code that represents reasonable regulation of student conduct. The University will strive to impose only those limitations on student behavior that have relevance to the educational mission of the University, to the rights of others, to the protection of property, and to the maintenance of orderly group living.

Those students who fail to or refuse to comply with the behavioral standards and regulations of the University, including the directions and orders of faculty and staff members charged with administration of institutional affairs, are subject to disciplinary action, including suspension or expulsion.

Shepherd students are also expected to respect local ordinances and state and federal statutes both on and off campus. Violations of ordinances or statutes are matters of adjudication between the students and the civil authorities. However, campus authorities will take action in cases of off-campus incidents where the institution's interests as an academic community are involved.

STUDENT BILL OF RIGHTS

Freedom of Association
Individual students may join whatever associations they deem desirable and are entitled to affiliate with any group or organization with which they qualify for membership. Organizational constitutions, charters, and bylaws must be nondiscriminatory with reference to the beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation of prospective members. Fraternities, sororities, and religious organizations shall not be considered discriminatory in terms of sex or religious affiliation, respectively.

A Free and Independent Press
Shepherd University recognizes the right of students to operate a free and independent press. The student press shall be free of undue censorship and its editors and managers shall be protected from arbitrary suspension arising from student, faculty, administration, alumni, or community disapproval of editorial policy or content as long as its policy or content adheres to the canons of responsible journalism. The campus administration shall provide similar rights to the University radio station and television courses.

Although the University itself is charged with ultimate responsibility for the nature and content of its official publications, the editor-in-chief of each campus publication shall bear primary responsibility and accountability for the particular publication's operation.

Right to Privacy
Shepherd students are entitled to the same safeguards of their rights and freedoms of citizenship as are afforded their peers outside the academic community. The University recognizes its responsibilities to protect the interests of its students in preservation of privacy. Privacy rights exist under institutional policy, as well as under federal law, the Family Education Rights and Privacy Act (FERPA).

I. Student Records
All policies and practices concerning student records shall respect the privacy of the individual students. Records will be kept only on matters relevant to the educational process. Even these minimum records will not be disclosed except with the student’s written consent or as otherwise stated in the following policies.

A. Maintenance of student records
1. Separate files will be maintained for academic records and supporting documents, such as, disciplinary, medical, financial aid, counseling,
and credential records, and other official personnel records.

2. The official student academic record, supporting documents, and other student files are confidential. They are to be maintained only by members of the University staff. All persons who handle confidential records shall be instructed concerning the confidential nature of such information and their responsibilities regarding it.

3. Student academic records shall be limited to information about academic status. No disciplinary information will be recorded on these records.

4. The University reserves the right to withhold academic records of students who are financially indebted to the institution.

5. Disciplinary Files: All disciplinary records except for records involving suspension and expulsion will be kept by the Dean of Students for no more than three years from the date of the sanction. Students in good behavior may request removal of disciplinary files after two years. This request must be made in writing to the Dean of Students.

B. All students will be permitted to examine their own academic records and supporting documents, records of disciplinary proceedings, and other official personnel records. If students obtain a copy of any of these records, the University may charge a nominal fee for this service.

1. Medical, financial aid, counseling, and credential records contain information that will be available to students, as explained below:
   a. Records created or maintained by a physician, psychiatrist, psychologist, counselor, or other paraprofessional are normally available only to persons providing such help or treatment. Students are permitted, however, to designate a qualified third party to review such records on their behalf for accuracy. Nothing in this request will alter confidentiality of information otherwise protected by law.
   b. Students will not have opportunity to examine the financial resources of their parents without parental consent in writing.
   c. Former students will not have the right to see confidential letters and statements of recommendations placed in their educational records before January 1, 1975. Students will be permitted to waive their rights of access to confidential recommendations in these three areas: admissions, credential files, and records of disciplinary proceedings. In these cases, students will be made aware of the names of persons making confidential recommendations on their behalf. Letters or statements of recommendations will be used only for their intended purposes.
   d. Other than the expectations listed above, students may have access to information in their admissions, financial aid, and job placement records.
   e. The Office of the Registrar is charged with the exclusive responsibility for releasing official grade reports, transcripts, and grade point averages. Students who want documentation of this information for themselves or for transmission to third parties must obtain the documentation from the Registrar's Office.

2. Former students will have the same rights of access to their records as currently enrolled students. Applicants to the University who are not admitted will not have these rights.

C. Students have a right to prior written consent for the release of personally identifiable information from the student's records to individuals other than the student referred to in the records, but prior consent is not required in the instances outlined below:

1. Employees or agents of Shepherd University, including but not limited to faculty and staff, who need access to the record in order to fulfill a University-related responsibility;
2. Parents/guardians of dependent students, as defined for income tax purposes, in which case the University may be required to make non-consensual disclosures;
3. Parents/guardians, in instances of alcohol and drug infractions by the student;
4. When records are subpoenaed under a lawful court order;
5. The following directory information about individual students may be released or made public unless a student makes a written request to withhold such information: name, address, e-mail address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletics teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended. All students who do not wish the release of the directory information should file a written statement to that effect in the Office of the Registrar, Ikenberry Hall.
6. All other instances in which FERPA does not mandate prior written consent.

D. Students have the right to challenge or contest any part of their education record, which they believe contains inaccurate or misleading information.

1. Students should try to resolve the inaccuracy or need to eliminate misleading information with the faculty or staff member responsible for the entry of the information on their record.
2. If resolution cannot be achieved in the above manner, a challenge to the accuracy of academic records should be submitted in writing to the Admissions and Credits Committee, stating the nature of the complaint and the evidence which seeks to prove that the entry is in error. This committee has the power to uphold or change any entry on students' records which is challenged.

II. Confidential Communication

A. The matter of confidential communication frequently presents a problem between student and professor or administrator. When the problem under discussion could lead to administrative action, the student should seek an understanding regarding confidentiality before the counseling session.

B. Students who want to report a violation or file a complaint should contact the Dean of Students, any administrator in the Student Affairs or Residence Life Office, or campus Ombudsperson.

**STUDENT CODE OF CONDUCT**

Shepherd University does not tolerate violations of any of the following policies. Should investigations of violations of
these policies and regulations warrant a hearing, violations will be processed, through the University Judicial System, in the following manner:

Class I offenses: May be heard by the Campus Judicial Board for any offense. This class of offense could carry a suspension or expulsion penalty.

Class II offenses: May be handled by a judicial officer in the Student Affairs Office or an administrator in Residence Life. An accumulation of Class II offenses may result in a hearing before the Campus Judicial Board with suspension or expulsion as a possible sanction.

I. General Requirements (Class I or Class II Offense):
All Shepherd University students are subject to and are required to comply with the following:

A. Laws of the United States.
B. Laws of the State of West Virginia.
C. Town and county ordinances.
D. Policies, rules, and regulations of the Shepherd University and its governing boards.
E. Students are required to carry a Shepherd University ID card at all times while on campus.

II. Disruptive and disorderly conduct, which endangers the safety or well-being of others, is prohibited. (Class I or Class II Offense)
A. Harassment, verbal abuse, physical abuse, intimidation, or any other conduct (including the use of any form of media) which threatens or endangers the health or safety or educational opportunity of another person on campus (See III).
B. Disorderly conduct or disturbing the peace on University property or at functions sponsored by the University; actions which disrupt or interfere with the instructional program or threaten the orderliness, operation, or well-being of the campus.
C. Hazing by individuals or organizations. Hazing is defined as imposing demeaning or dangerous activities on any person, including members and prospective members of campus organizations. Prohibited activities include:
1. Subjecting an individual to cruel horseplay.
2. Harassing or punishing an individual by the imposition of excessively heavy or disagreeable tasks.
3. To frighten, scold, beat, or annoy by playing abusive tricks upon an individual.
4. Hazing is further defined as individual or group behavior, which results in:
   a. Disorderly conduct.
   b. Physical or mental harm or shock to an individual.
   c. Forcing an individual to act against his/her will.
   d. Interference with academic work.
   e. Interference with the liberty and comfort of others, either with or without their consent.
D. Storage or use of firearms, firecrackers, open flames, explosives, blank pistols, air rifles, air pistols, archery equipment, swords, knives with blades in excess of four inches in length, or any other item that may constitute a weapon on campus, except as required for an academic class.
E. Placing a false bomb threat or fire alarm; unauthorized use, tampering, or discharge of fire extinguishers.
F. Students are required by State law to evacuate a building when a fire alarm is activated or during any other emergency. Students may not prop open interior or exterior hall or security doors, or in any way block fire and emergency exits or routes.

III. Student Harassment is prohibited. (Class I or II Offense)
A. What is harassment?
   1. Harassment is defined as unwanted physical, verbal, or written conduct relating to a person's protected status, including race, national origin, gender, sexual orientation, age, religious creed, disability, medical condition, or other status protected by law, and which results in one or more of the following:
      a. The creation of intimidating, hostile, or offensive working, living, or academic environment; or
      b. Substantial or unreasonable interference with an individual's work, living, or academic performance; or
      c. The development of an adverse affect on an individual's employment or academic opportunities.
   2. Unjustified inequitable treatment that results in the above consequences also qualifies as harassment. This inequitable treatment may manifest itself in a number of ways including the provision of differential help to students, arbitrarily denying requests for services, and otherwise indirectly creating a hostile environment. The following are examples of conduct that will usually constitute harassment:
      a. The use of demeaning language.
      b. The use of language or gestures that are disrespectful or imply a person's inferiority.
      c. Intolerance of cultural differences.
NOTE: Actions that distinctly would make a reasonable person feel unwelcome, unwanted, scorned,
ridiculed, or intimidated on the basis of his/her protected status in the work environment may constitute
discrimination and may violate the law. Such actions would be reported to the campus Ombudsperson.

B. Who May Be Involved?
1. Harassment in the campus community can involve:
   a. Professor and student
   b. Staff employee and student
   c. Student and student
   d. Other relationships among colleagues, peers, and coworkers
2. Anyone can be harassed. Victims may be any class standing, student athletes, student employees or
   members of any student organization or club. Harassment can happen at anytime, and without
   warning.

C. What are the Consequences of Harassment?
1. Victims of harassment may experience a wide range of emotions as well as physical and
   psychological distress. This can lead to feeling forced to drop a class, change a major, leave a
   residence hall or student club or even withdraw from the University. Harassment causes a tense
   and unproductive learning environment the effects of which can be felt long afterwards.
2. The University will appropriately investigate any accusations of harassment that a student brings
   against a University employee. If the University finds that the employee has generally harassed the
   student, the employee will be subject to sanctions that are relative to promotion, termination,
   forced resignation, negative evaluations, poor recommendations for other work, or demotion. Any
   student who is charged with harassment will be subject to the established student disciplinary
   process as outlined in the Shepherd University Student Handbook.
3. Some students may be concerned that, as a consequence of their accusation, they will experience
   retaliation from their harasser. Forms of retaliation can conclude, but are not limited to, the
   arbitrary assignment of poor grades, making the student feel unwelcome in the student. The
   University will strive to prevent retaliation from occurring. If a student perceives that his or her
   harasser is engaging in retaliation, s/he can address the complaint to the campus Ombudsperson.

D. What Can The Shepherd Community Do About Harassment?
Preventing harassment requires each member of the campus community, especially individuals being harassed,
to report all occurrences. All student to student harassment needs to be reported to the Dean of Students Office.

E. A Victim of Harassment should do the following: prior to filing an Official Harassment
1. Keep records – write a journal on this issue, record the facts on a tape recorder, or tell a friend in
   confidence. If the harassment persists, keep track of dates, places, times, witnesses, and the nature
   of the harassment. Save any emails, letters, cards, or notes in a secure place, preferably at home.
   Bear in mind that these documents could be used in litigation.
2. Talk with a trusted person such as an advisor, friend or member of the Civility Response Team at
   304/876-5214.
3. If practical, talk directly to your harasser and explain why the action or comment is offensive. Say it
   firmly, without smiling, and without apologizing.
4. If direct communication is not possible, tell the harasser in writing that you object to this behavior.
   Describe the specific things which offend or upset you. Keep this letter as a confidential piece of
   communication and keep a copy of it.
5. If you do not feel comfortable with the first three options, you can immediately contact the campus
   Ombudsperson to assist you in confronting your harasser.
6. If harassment does not stop after taking these steps, or if initial harassment is so serious as to
   require immediate action, then a complaint should be initiated. To initiate a complaint, contact the
   campus Ombudsperson. The Ombudsperson is trained to listen and to advise you of the Informal
   and Formal Resolution Processes at Shepherd University. Even if you decide not to engage either
   in the informal or formal resolution process, a copy of the complaint will be maintained in the
   office of the Ombudsperson.
7. There are counselors on campus who will assist any student who wants to talk about harassment or
   other problems in confidence. No information discussed in counseling relationships will be
   divulged unless directed to by the client/victim.
8. Anyone who observes harassment should report it to the Ombudsperson so the problem can be
   properly addressed.
9. It is important to remember that perpetrators of harassment are sometimes subject to federal and
   state laws as well as University policies. A victim can choose to pursue federal and state remedies at
   the same time s/he is pursuing University remedies.

F. Lodging an Official Harassment Complaint

The informal resolution of complaints, when possible, can be an effective way of correcting misconduct. The process is follows:

a. A victim or third party submits a complaint to the campus Ombudsperson. An initial meeting between the Ombudsperson and complainant takes place. All options are explained by the Ombudsperson.

b. If the informal resolution option is chosen, the complainant may engage in the following actions:

- Opt for a meeting with the alleged harasser and the Ombudsperson. All parties are permitted to bring support persons (friend, family member, colleague, etc.). The Ombudsperson will serve as mediator, listening to all views and establishing a resolution document or mediation agreement as appropriate.

- Opt for the Ombudsperson to meet with all parties separately. The Ombudsperson listens to all views, presents views of opposing parties to each other, and establishes a resolution document or mediation agreement as appropriate.

c. The resolution document or mediation agreement may include a “no-contact arrangement” and/or provisions. The outcome of the informal resolution should meet the satisfaction of all parties to the fullest extend possible. If the complainant is not satisfied, the Ombudsperson will review other options available.

d. Records, including the resolution document, are submitted to the office of Ombudsperson for filing.

e. The Ombudsperson will follow-up with parties within two weeks of the resolution if one was reached. Additional follow-up contacts will be made as needed.

f. Proceedings and records will be confidential to the fullest extent possible. If additional complaints arise subsequently as to the same employee, the earlier records may be evidence of a continuing practice of misconduct.

g. Complainants should act in a timely fashion. The Ombudsperson will, in all cases, attempt to resolve informal complaints within two weeks of notification of the complaint.

2. The Official Process: Formal Resolution of Harassment Complaints

Any student who feels that informal resolution of a complaint will not be or has not been satisfactory should file a formal written complaint with the Ombudsperson.

a. Since the passage of time makes the resolution of complaints more difficult, it is recommended that the written complaints be filed as soon as possible from the date of the incident(s).

b. A complaint filed against a professor by a student currently enrolled in the professor’s class should be made as soon as possible. The student may choose to have the complaint held confidentially until the end of the semester, at which time the complaint will be resolved. But some situations may require immediate action on the part of the University.

c. A complaint against another student will be referred to the Assistant Dean of Students for management as a student disciplinary matter.

d. The President shall annually designate an eight-member body made up of four faculty and four staff. The Ombudsperson will randomly select two panelists from the same group as the person accused and one panelist from the other group to investigate each formal complaint. Immediate supervisors of the accused or the accuser, or any person with a specific, known bias, will be excluded from serving on the three member panel. The formation of the panel will be completed within two weeks of the submission of the written complaint, except where extenuating circumstances require additional time.

e. When a formal written complaint against an employee is received by the Ombudsperson, a three-member panel will be selected (as noted in letter “d.”) and copies of the complaint will be given to panel members. Panel members will conduct such investigation into the facts and circumstances of the complaints as may be deemed appropriate by any of the panel members.

f. The panel may meet with the accuser, accused, and any witnesses relevant to its investigation, but shall at all times act collectively as a group and not individually. The investigation will be completed within four weeks of the formation of the panel, except where extenuating circumstances require additional time.

g. The panel shall prepare a written report of its factual findings and conclusions regarding the merits of the complaint. Their report may, if applicable, include dissenting conclusions. If the report finds any part of the complaints to be meritorious, then the report will designate
appropriate action with respect to the perpetrator. The panel will complete the written report within one week of the close of the investigation, except when extenuating circumstances require additional time.

h. The panel shall direct its written report to the Ombudsperson and to the executive officer who supervises the accused. The Ombudsperson shall then provide a copy of the report to the accused and the accuser and notice of whether the executive officer implemented some form of adverse action as to the employee-perpetrator.

i. Appeals on the part of the accuser may be directed to the President. The accused may appeal any adverse action by following the established grievance procedures of the University.

IV. Sexual Harassment is prohibited. (Class I Offense)

It is the policy of Shepherd University to maintain a learning and living environment free from all forms of sexual harassment of any student, employee, or applicant for employment or admission.

A. Sexual harassment is a violation of Federal Law Section 703, Title VII, Civil Rights Act of 1964 and the West Virginia Human Rights Act.

B. Sexual harassment is defined as:

1. Unwanted sexual advances.
2. Unwelcome requests for sexual favors.
3. Other behavior of a sexual nature where:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University sponsored educational program or activity.
   b. Submission is or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
   c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

C. Students who believe they have been the target of sexual harassment may lodge formal complaints with the Assistant Dean of Students (Judicial Affairs Manager) or the Dean of Students if the perpetrator is a student or group of students.

If the perpetrator is a faculty/staff member, students may lodge formal complaints with Ombudsperson. Lodging a formal complaint will result in a thorough and timely investigation of the reported incident; individuals found responsible for sexual harassment will be held appropriately accountable by the University.

Support, advocacy and/or assistance with lodging a formal complaint may be obtained from any members of the Sexual Harassment Policy and Action Team; complaints may also be lodged informally with or resolved through mediation by any member of this Team. An updated list of Team members may be obtained from the Student Affairs Office, the Academic Affairs Office or from the President's Office.

A student who does not feel that an informal complaint has been satisfactorily resolved or mediated may then elect to lodge a formal complaint through the designated channels. (Please also refer to “No Excuses...Sexual Harassment Violates You and Violates the Law, Guidelines for Reporting Sexual Harassment at Shepherd University” distributed by the Ombudsperson's Office and Student Affairs Office or at http://www.shepherd.edu/safweb/sexual_harassment_task_force/).

V. Sexual Assault is prohibited. (Class I Offense)

A. Sexual assault is defined as sexual intercourse, sexual intrusion, or any form of sexual touching with another person without the consent of that person. Incapacity of the victim does not constitute consent on the part of the victim. A person is determined incapable of consent when such person is less than sixteen years old; or mentally defective; or mentally incapacitated; or physically helpless. Mentally defective means that the person suffers from a mental disease or defect, which renders such person incapable of appraising the nature of his or her conduct. Mentally incapacitated means that a person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to such person without his or her consent or as a result of any other act committed upon such without his or her consent. Physically helpless means that a person is unconscious or for any reason is physically unable to communicate unwillingness to an act. (West Virginia State Law)

B. It is the position of Shepherd University that a sexual assault also occurs against the victim who willingly takes a controlled or intoxicating substance if the sexual contact occurs after the victim becomes temporarily incapable of appraising or controlling his or her conduct as a result of the controlled or intoxicating substance.

C. Students who believe they have been the target of sexual assault should file a complaint with the Ombudsperson.

VI. Discrimination is prohibited. (Class I Offense)

A. Promoting or demanding any action on the part of a member of the campus community that would constitute unlawful discrimination on the basis of their beliefs, ethnicity, race, gender, life experiences, nation-of-origin, disability, or sexual orientation. Any individuals who feel that they are a victim of discrimination should file a complaint with the Ombudsperson.

B. Engaging in hate crime activities that demean, ridicule, and/or endanger other members of the campus.

VII. Damage, theft, unauthorized use of University property is prohibited. (Class I or Class II Offense)

A. Unauthorized entry into University facilities. This includes being in a building after the building is officially closed or entering an area of a building that is locked.

B. Use, possession or duplication of University keys or key cards without authorization from a University official. This includes use of residence hall...
alcohol use by individual students:

a. submitting false or misleading information on applications, registration forms, residence hall forms, or other university records. this includes forging signatures and failing to update change of address on registration forms during class registration periods.

b. submitting false or misleading information to campus police or to other staff or faculty members when they are acting in an official capacity.

c. submitting false, incomplete, or misleading testimony at a judicial board hearing.

note: refer to the section on academic freedom and responsibility for dishonesty on class work, examinations, or other academic work.

viii. misrepresentation is prohibited. (class i or class ii offense)

a. submitting false or misleading information on applications, registration forms, residence hall forms, or other university records. this includes forging signatures and failing to update change of address on registration forms during class registration periods.

b. submitting false or misleading information to campus police or to other staff or faculty members when they are acting in an official capacity.

c. submitting false, incomplete, or misleading testimony at a judicial board hearing.

note: refer to the section on academic freedom and responsibility for dishonesty on class work, examinations, or other academic work.

ix. failure to comply is prohibited. (class i or class ii offense)

a. failure or refusal to respond to a summons to testify at a judicial board hearing.

b. violations of disciplinary probation or other restrictions imposed in previous judicial board or administrative actions.

c. failure or refusal to comply with directions and orders of the university staff. university staff includes police officers, faculty, staff, and resident assistants who are charged with the administration of institutional affairs. this includes showing, on request, a valid id to any of the aforementioned staff members.

d. failure to pick up a written disciplinary decision by the designated deadline and at the place designated by a judicial board or administrator.

e. failure to respond or reply to official electronic messages through the university e-mail system. (see campus communication policy)

x. computer misuse is prohibited. (class i offense)

a student who is found responsible for any of the following acts involving misuse of shepherd university computer resources shall be subject to the maximum sanction of expulsion or any lesser sanction authorized by shepherd university. violations include:

a. intentionally compromising the privacy of computer files or attempting to breach the security of any computer system to which the individual has not been authorized to access.

b. violations of law, including but not limited to copyright or other intellectual property law, obscenity law, defamation law, etc.;

c. violations of software licensing agreements;

d. harvesting or threatening other users (e.g., sending abusive, voluminous, obscene or unwanted messages or files, loud/disruptive conduct in or near computer labs or the library computer resources, etc.);

e. using university computing resources for personal profit;

f. use of the university’s computing resources in the furtherance of any act listed as prohibited in the student code of conduct;

g. disruption, destruction, defacement, damages to, unauthorized possession or use of, or other abuses of university-owned or controlled computing facilities, property, equipment, or resources.

note: information technology services reserves the right to perform the initial investigation of the computer misuse.

xi. fraudulent telecommunications use (class i offense)

it is unlawful to obtain or attempt to obtain telecommunications services by a false, fictitious or counterfeit number. it is unlawful to charge telephone calls to the telephone number or credit number of another person or the university without valid authority. avoiding or attempting to avoid payment for telecommunications services by use of any fraudulent or legally prohibited scheme, device, means or method. criminal prosecution and/or disciplinary action may be taken. other carriers offer special promotional rates not honored by the university. students are not permitted to establish long distance or calling card service of any kind that is charged to a student room telephone number or to the university.

xii. shepherd university alcohol policy (class i or class ii offense)

shepherd university supports students and employees in demonstrating responsible conduct in the best interest of their personal health and well-being, the community’s general welfare, and the rights of others. persons are responsible for their own behavior and must understand that being under the influence of alcohol in no way lessens their accountability; moreover, students are responsible and will be held accountable for the behavior of their guests. the university campus is subject to state and federal laws concerning use and possession of alcohol. individuals must be aware of and abide by these laws. at no time should alcohol become the primary focus of an event.

alcohol use by individual students:
**XVI. Residence Life Policies and Regulations (Class I or Class II Offenses)**

The Residence Life staff has the responsibility of promulgating and enforcing specific residence hall regulations, including the Housing Contract.

- **A.** Shepherd University requires all single, full-time students, not commuting from home, to live in a University residence hall. If at any time a student changes his or her commuting living address, the student must immediately notify the Assistant Vice President of Student Affairs/Director of Residence Life and apply for continued commuter status or move on campus.
- **B.** Safety and Security. Because the residence halls vary in age, design, and construction, the University reserves the right to impose reasonable requirements with respect to the possession or use of appliances, equipment or other items to preserve the facilities for future use, as well as maintain student safety.
1. Items not allowed in residence halls include (but are not limited to):
   - Electrical appliances which exceed 20 amperes of power at one time
   - Air conditioners, ceiling fans, washing machines, freezers, or other high voltage equipment
   - Fireworks, firecrackers, ammunition, or other explosive materials
   - Hot plates, deep fat fryers, toaster ovens, Coleman stoves, hamburger cookers, steano stoves, oven broilers, barbeque grills, hibachis, and open coil appliances
   - Any open flame apparatus, including kerosene lamps or heaters, electric heaters, combustibles, burning candles or incense
   - Mopeds, motor bikes and motorcycles
   - Power tools (e.g., drills, saws, sanders, welding equipment)
   - Refrigerators with internal dimensions larger than four cubic feet or more than 1.20v 60Hz (Each resident may have one refrigerator)
   - Microwave ovens with wattage higher than 750 watts
   - Water beds
   - Halogen lamps
   - Satellite dishes
   - Live Christmas trees

2. No objects, including trash, may be thrown or dropped from or toward balconies, roofs, or windows.
3. Students are not permitted to use fire emergency doors or other unauthorized doors as regular exits.
4. Students are not permitted on the roof of any residence hall.
5. Students may not tamper with ceilings in rooms or in hallways.
6. Screens may not be removed from windows. Windows are not to be used as an exit or entrance to any building, and students are not permitted to sit in or hang out of windows.
7. For the safety of all residents, locked exterior and interior hall doors and fire escape doors may not be propped open or disabled. Residents also may not tamper with student doors and doors to study lounges or common areas.
8. Playing sports in common areas (hallways, lounges, stairwells, etc.) is prohibited.
9. Bicycles may be stored in residents' rooms or in designated bicycle racks. Bicycles may not be left or chained in the lobbies, lounges, stairwells, landings, or public spaces as it creates a safety hazard within the residence halls. Bicycles may not be ridden in the residence halls.

C. Quiet and Courtesy Hours. An atmosphere conducive to normal living and studying must be maintained in the residence halls. All residence halls have established quiet hours from 8:00 p.m. to 12:00 a.m. from Sunday evening through Monday morning and from 10:00 p.m. to 12:00 a.m. from Friday evening through Sunday morning. Quiet hours are in effect 24 hours a day; residents should be able to study undisturbed in their rooms at all times. Twenty-four (24) hour quiet hours are in effect during final examination weeks. At the discretion of, and with consent of all residents, quiet hours may be shortened on Friday or Saturday nights or for special events. All students must assume responsibility for maintaining the quiet and courtesy hours. Respect for the rights and freedoms of other residents should be the basic guidelines for a resident's behavior. This shall include avoiding excessive noise levels and observing established quiet hours for the particular living unit.

D. Gambling. Gambling of any form is prohibited within the residence halls. This includes betting in athletic event pools.

E. Room and Hall Furnishings
1. No student is allowed to take furniture from the common areas or study lounges and place it in student rooms.
2. No room furnishings provided by the University may be removed by the students or their guests.
3. Any personal room furnishings must be free standing, and no part of one's personal furnishings may be attached, wedged, or secured in any manner to the ceiling, floor, or walls of the room, or to the window or the exterior of a residence hall.
4. No item may be located so as to obstruct direct access to the door or windows so that evacuation is hindered.
5. No lofts are permitted.
6. Alterations to student rooms (including but not limited to electrical wiring; attaching hardware to walls, ceilings or doors; constructing platform beds; or painting rooms) are not authorized except in accordance with University policy.
7. Students are expected to exercise due care and respect for University and personal belongings and/or property. Theft, vandalism, and unauthorized entry into any room, locked, or closed residence hall space not specifically assigned to the student are prohibited.

F. Utilities and Telephone Service. The housing costs charged under this agreement include all utilities, excluding long distance telephone service. Each hall room has a telephone outlet and a permanent telephone number is assigned to each residence hall room. Students are responsible for bringing their own telephones. A campus directory is distributed to all residents at the start of each fall semester. Residents are responsible for contacting Information Technology Services User Support at x5457 to request a connection for Internet access, for paying all access fees (currently $100) each semester, and for acquiring the necessary equipment/software to use the connection. Residents shall use utilities in a conservative, economic, and efficient manner. Failure of utility services will not render the University liable to residents for damage to property, nor absolve residents of obligations under this agreement. Utility services may be reduced or cut off during prolonged vacation periods in the interests of energy conservation and of maintaining safety.
1. Residents are expected to respect the rights of other roommates in not unduly tying up a phone line for extended periods of time. Residents using personal computers and modems for Internet access may not infringe on roommates' telephone service access.
2. No telephones may be permanently placed by a student in a hallway or common area.

G. Air Conditioning and Heating. On the West Side of campus, every residence hall provides an air conditioning/heating unit within each room. The room is heated or cooled automatically after the resident sets the dial for the desired climate and temperature. Miller does not have individual room controls. On the East Side of campus (Kenamond, Turner, and Gardiner), each residence hall has central heating but not air conditioning. Portable fans are advisable during the beginning of the fall semester for students living on the East Side of campus. Room air
1. Visitation is defined as hosting a guest in a residence hall. Any student assigned to live in a residence hall who has a guest in that residence hall is considered the host/hostess. The host/hostess is responsible for all actions and behaviors of their guest. A guest is defined as any nonresident of that residence hall.

2. Permission of the roommate(s) must be obtained PRIOR to having a guest(s).

3. In order to maintain an effective study environment, residents of traditional hall rooms may have up to a total of five people per room. Residents of apartments may have up to twelve people per unit. Apartment residents are not required to register their guests.

4. During hours when the desk is not open, an honor system is in place and residents do not need to register their guests; however, all other visitation policies are still in effect.

5. The use of bathroom facilities within a living unit is restricted to those of the same sex as those assigned to live in that unit. Showers and toilet stalls are designated for single occupants only.

L. Solicitation and Sales. Solicitation and sales of any service or product is forbidden. Properly registered fund-raisers by recognized student organizations are permitted. Advertisements, sale, or solicitation of alcoholic beverages is not allowed.
CAMPUS JUDICIAL BOARD

I. Introduction
Shepherd University is committed to order and due process. To accomplish this the University has established a Judicial System, which is administered by the Assistant Dean of Student Affairs/Judicial Manager. The Campus Judicial Board conducts due process hearings.

II. The Campus Judicial Board
A. The Board consists of two students, two faculty, and a faculty presiding officer.
B. The Judicial Board hears all cases requiring judicial review. The Board may convene as needed or on a weekly schedule.
C. Sanctions:
   1. Sanctions assessed by this Board for students found responsible of violating campus policy may include suspension or expulsion from the University (see VII. Disciplinary Sanctions).
   2. Sanctions for student organizations may include denial of institutional recognition; use of institutional facilities; restrictions on social activities, recruitment and any other kind of proceeding, formal or informal; mandatory education; reparations; and recommendations to regional or national headquarters that the organizational charters be revoked.
D. The Judicial Manager presents evidence to this Board.
E. If a student or a student organization is found responsible for violating a regulation, it will be based on the “preponderance of evidence” standard rather than “responsible without a doubt” as used in civil proceedings.

III. The Judicial Manager
The Judicial Manager is an administrator designated by the Vice President of Student Affairs with the responsibility for the overall administration of judicial process at Shepherd University. The Judicial Manager at Shepherd University is the Assistant Dean of Student Affairs or the Dean of Students in the Assistant Dean’s absence.
IV. Rights of the Accused Student

A. The accused student in any case has the right:
   1. To be presumed not responsible (innocent).
   2. To face all witnesses in the hearing.
   3. To question any witness at the conclusion of his/her testimony.
   4. To bring witnesses to the hearing.
   5. To seek counsel from any member of the campus community or legal counsel.
   6. To appeal for cause.

B. Pending the outcome of initial charges or results of an appeal, the student will not have his or her student status altered, except for reasons relating to the safety and well-being of students, faculty, staff, and University property.

C. If, in the judgment of the Judicial Manager, there is probable cause to believe that the continued presence of the accused on campus might constitute an unreasonable risk to campus personnel, students, or property, the Judicial Manager will, on the next regular class day, convene a special committee consisting of three individuals appointed by the Judicial Manager to review the evidence to determine whether a temporary suspension or restriction is warranted. The student will be given an opportunity to address the committee. The committee has the authority to suspend or restrict the student from campus until the student has a campus Judicial Board hearing and the results of that hearing are announced to the student.

V. Judicial Process Flow Chart

A. After a violation of a campus policy is alleged, a written incident report is submitted to the Judicial Manager.

B. The Judicial Manager meets with the accused student and reviews possible charges with the student. The student may request a hearing, or in incidents where guilt is not contested, take an administrative sanction.

C. If a hearing is needed, the Judicial Manager sets the date and notifies the student of the charges five days prior to the hearing.

D. Prior to the hearing (at least 48 hours prior), the student needs to notify the Judicial Manager if he/she plans to have legal counsel present at the hearing.

E. The Judicial Manager will call three faculty or staff (one of whom will be chair) and two students from the Campus Judicial Board pool to serve as members of the Campus Judicial Board. Additional members will also be called to serve as backups.

F. At the hearing the members convene and meet the accused student. Board members who think that prior knowledge of the student or the incident would keep them from being impartial are excused and a substitute board member takes their place. Once the board is convened, the chair swears in the board.

G. The Judicial Manager reads the charges and presents the case.

H. Witnesses are called and asked to give statements. The accused student has the opportunity to question witnesses.

I. The accussed student may present his/her case and call witnesses if desired.

J. After all testimony is introduced, the chair will excuse all parties except the board members from the room.

K. Campus Judicial Board reviews the evidence and decides whether the student is responsible for the violation.

L. The Judicial Board informs the student of its decision. If the student is found responsible, the board will hear in the presence of the student any prior disciplinary record. The student will have an opportunity to raise questions regarding the previous disciplinary record and offer an explanation if desired.

M. If the student is found responsible, the board will hear in the presence of the student any prior disciplinary record. The student will have an opportunity to raise questions regarding the previous disciplinary record and offer an explanation if desired.

N. The chair will schedule a date/time for the student to receive sanctions.

O. The board will determine the appropriate sanction for the student to communicate to the student.

VI. How the Judicial Process Works

A. A written violation of policy may be received from Residence Life personnel, faculty, students, and other administrative units, or any member of the campus community.

B. Upon reviewing the incident reports, the Judicial Manager:
   1. Reviews and investigates the incident.
   2. As part of the investigation the Judicial Manager meets with the accused student/s or officers/members of an organization to discuss the incident.
   3. Determines the charges (when warranted) to be filed against the accused student/s or club/organization.
   4. In cases where the student (majority of officers or the president of the club or organization) admits to the charges or does not wish to contest the case, he/she may elect to waive a hearing and take an administrative sanction from the Judicial Manager and/or the Assistant Vice President of Student Affairs. In cases where two, three, or more other officers oppose in writing the president's position, the case will go before a hearing board. In such a situation, the officers have 24 hours after the charges are delivered to present their written, signed letter of opposition (to the president's position) to the Judicial Manager.
   5. Assigns cases to the Campus Judicial Board or administrator as appropriate.

C. Hearing Procedures:
   1. Cases are investigated by the Judicial Manager, who will interview the defendant/s and all relevant witnesses.
   2. If the evidence warrants a hearing, the Judicial Manager will notify the student (officers & members of an organization) of the date, time, and place of the hearing in writing. The notice will be delivered by a member of the Residence Life Staff, or mailed to the student's off-campus address.
   3. Notice of hearings must contain the charges, including pertinent policy sections and a brief description of the incident.
   4. Five days' notice must be given prior to the hearing date.
   5. Failure of the accused student to appear on the hearing date after proper notification is not grounds to postpone a hearing and the hearing will continue.
VI. Rights of the Student

A. An accused student may appeal a decision of the Campus Judicial Board on the following grounds:
   1. The hearing was not conducted in a fair (impartial) manner.
   2. New evidence became available after the hearing.

B. To effect an appeal, the defendant must notify the Vice President for Student Affairs, in writing, within three working days after the receipt of the sanction letter.

C. Should the Vice President for Student Affairs determine there are appropriate grounds for appeal, the Vice President for Student Affairs shall render an appellate decision which shall be final except in case of suspension or expulsion.

D. The decision of the Vice President for Student Affairs may take one of the following forms:
   1. Affirm the original verdict.
   2. Reverse the decision of the original board based on the appeal grounds.
   3. Void the decision of the original board and order a new hearing.

E. In the case of suspension or expulsion the student may appeal the decision of the Vice President for Student Affairs to the President. This must be done in writing within three working days of the decision. The President’s decision is final.

F. Sanctions imposed by the Judicial Process are suspended during the time in which a matter is on appeal. Should the appeal fail, all academic work completed during the time of appeal is forfeited and the sanction begins at once. If it is too late in the semester to impose the sanction, it applies to the next regular semester. In any event a student may not graduate during the process of appeal.

VII. Disciplinary Sanctions

The sanctions listed below shall be imposed upon students when the circumstances clearly indicate that a campus regulation has been violated. The sanction for a violation may be one or a combination of those set forth below:

A. Admonition: an oral statement to the student offender that he/she has violated University rules.
B. Warning: written notice to the student that continued or repeated violation of University regulations will be cause for more serious disciplinary action.
C. Restitution: reimbursement for damage to or misappropriation of property.
D. Restriction: limited freedom to move about, to use campus facilities, and/or to participate in campus activities.
E. Disciplinary Probation: period of time during which full compliance with policies, rules, and regulations is required. Noncompliance would make the student on probation subject to immediate suspension or expulsion. Disciplinary probation may also include certain restrictions when so stated in the decision of the hearing body.
F. Suspension: restriction from campus, exclusion from class attendance and other privileges or activities as set forth in the notice of suspension for a stated period of time. The conditions of readmission, if applicable, will be stated in the order of suspension. This sanction shall also be effective at all other state colleges and universities in West Virginia. During a period of suspension, no credits earned at another institution will be accepted at Shepherd University.
G. Expulsion: complete termination of student status for an indefinite period of time. The conditions of readmission, if applicable, will be stated in the order of expulsion. This sanction shall also be effective at all other state colleges and universities in West Virginia. During a period of expulsion, no credits earned at another institution will be accepted at Shepherd University.
H. Organizational sanctions may include, but are not limited to: denial of the use of institutional facilities, institutional recognition, and/or a recommendation to regional or national headquarters that the organizational charter be revoked.
I. In cases where the penalties listed above are inappropriate, a penalty especially suited to the offense may be imposed.

VIII. Appeals

A. An accused student may appeal a decision of the Campus Judicial Board on the following grounds:
   1. The hearing was not conducted in a fair (impartial) manner.
   2. New evidence became available after the hearing.

B. To effect an appeal, the defendant must notify the Vice President for Student Affairs, in writing, within three working days after the receipt of the sanction letter.

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Introduction
Membership in the academic community accords students certain freedoms and responsibilities. Groups on campus reflect the values and attitudes of our academic community. It is the responsibility of each registered student organization to adhere to the mission of the University and its supporting bylaws, statues, and policies. Therefore, all student groups are expected to be familiar with and conduct themselves in accordance with the “Student Code of Conduct” and the “Code of Conduct for Organizations, Clubs, or Groups” as outlined in the Student Handbook and the Handbook for Clubs and Organizations. Groups that violate policies run the risk of losing recognition on campus and may face charges/sanctions under the Campus Judicial system.

I. Recognition
A. In order to gain the privileges of a recognized Shepherd student club or organization, groups must go through the recognition process as outlined in Section One of the Handbook for Student Clubs and Organizations. Groups must submit a completed Intent to Organize form, a list of interested students/potential members, and a copy of the group’s constitution and bylaws to the Student Life Council for approval.

B. All clubs and organizations are required to have an advisor who is a Shepherd faculty or staff member. Rare exceptions to this policy may be granted by the Student Life Council.

C. Recognized clubs and organizations are required to fulfill the following requirements annually in order to maintain recognition:
   1. Complete a Recognition Renewal Form by the second week of school each year. The form includes current information about officers and your advisor. These forms must be completed and returned to the Student Center Assistant Director for Student Activities and Leadership by the second Friday in September. The information on these forms will be shared with the Student Life Council and the Student Government Association.
   2. Hold meetings regularly (at least once a month).
   3. Be represented at the annual Leadership Conference at Shepherd as required by the Student Life Council. In order to maintain recognition on campus, all organizations are required to send at least two representatives to all sessions of the Leadership Conference while clubs are required to send at least one representative to all sessions of the Leadership Conference. Social Greek organizations are required to send at least three executive officers and two active/associate members to all sessions of the Leadership Conference. Exceptions to this policy may be granted by the Student Life Council through appeal prior to the date of the conference. (NOTE: While they are encouraged to attend, academic honoraries are not required to attend the Leadership Conference)

D. All clubs and organizations must present written notification to the Student Center Assistant Director for Student Activities and Leadership immediately when the group experiences a change in its constitution, bylaws, or advisor.

E. Student clubs and organizations which fail to properly file the Recognition Renewal Form by the deadline, may have their campus recognition (along with its privileges) revoked by the Student Life Council.

F. Student clubs and organizations who fail to meet the Leadership Conference attendance requirements as outlined above will face the following consequences.

G. If a group would like to request membership in the Student Government Association Senate, it may do so by filing a “Request to Join the Senate of the Student Government Association form”. See the SGA Constitution and Bylaws.

II. Consequences for Non-Compliance with Leadership Conference Attendance Requirements:
A. First Time Non-Compliance—Student groups that fail to meet the required attendance standards as outlined above will not immediately lose recognition. They will still be allowed to Shepherd University facilities and the Student Center for meetings and activities. However, they will be placed on provisional status with the Student Government Association and Student Life Council. While on provisional status, in order to maintain recognition, groups must comply with the following restrictions/responsibilities:
   1. Must submit the minutes of all meetings to the Student Center Assistant Director for Student Activities and Leadership (Student Center) by the 1st of each month.
   2. Must attend all SGA meetings (no absences allowed) during the period of provisional status. (Groups on provisional status may still vote in SGA)
   3. May not request/receive money from SGA during the period of provisional status.
   4. May not participate in the SGA lottery for Shepherd sporting concessions (football, basketball, baseball, etc.) during the provisional period. Groups that fulfill the obligations as outlined above will be returned to full group privileges in January of the spring semester.

NOTE: AppropriateStudent groups may also have their campus recognition revoked for missing the Leadership Conference if deemed appropriate by the Student Life Council.

B. 2-Year Non-Compliance: Student groups or organizations who do not meet the attendance requirements for the Leadership Conference for two consecutive years may have their campus recognition revoked entirely by the Student Life Council.

III. Alcohol Use by Shepherd Student Organizations, Clubs, or Groups
The following policies apply to all campus organizations, clubs, or groups for events both on campus and off campus.
A. The possession, use, or consumption of alcoholic beverages during any event sponsored or endorsed by a campus organization, club, or group must be in compliance with all state and local laws.
B. Alcoholic beverages are not permitted at open parties or events (see definitions that follow for clarification).
C. No alcoholic beverages may be purchased using organizational funds nor may the purchase of alcoholic beverages be undertaken or
coordinated (through collections, line-ups, etc.) by anyone in the name of or on behalf of the organization, club or group.

D. Alcoholic beverages are not permitted at membership recruitment events or meetings.

E. No organization, club, or group may co-sponsor an event where any individual, group or business does not comply with this alcohol policy for campus organizations.

F. Alcoholic beverages may be consumed at closed parties (see the definition of a closed party below) when all of the following conditions have been met:
   1. Service of alcohol to those under the legal drinking age is prohibited.
   2. Alcohol may only be served on a cash bar basis by a professional bartender or caterer, who is not an active member of the sponsoring organization and who is fully covered by liability insurance. (No open bar service or BYOB is permitted.)
   3. Reasonable precautions must be taken by the organization to prevent the excessive consumption of alcoholic beverages and to prevent the service of alcohol to underage persons.
   4. Members and/or guests who arrive at an event in an intoxicated state shall not be admitted.
   5. The sponsoring organization shall designate non-drinking members who will attend the event to insure that responsible behavior is maintained by members and guests.
   6. Food and non-alcoholic beverages must be provided at the event.
   7. The service of alcoholic beverages must be cut off at a specific time, which shall be established and clearly published before the event.
   8. No drinking games are permitted.
   9. No kegs, party balls, or alcoholic punch are permitted.

IMPORTANT DEFINITIONS:

G. Open Party — An open party is an event that BOTH members of the sponsoring organization club, or group AND non-members are permitted to attend. These events generally have blanket invitations through posters, flyers, or word-of-mouth. No guest list is required in advance; no registration check is conducted at the door of the event.

H. Closed Party — A closed party is an event that is sponsored by a particular campus organization(s) where ONLY members of the organization and their invited guests are allowed to attend. Closed parties may not be advertised and are open to people by invitation only. In order to hold a closed party, organizations must provide a list of the names of all invited members and guests to the Student Center Assistant Director for Student Activities and Leadership at least 24 hours before the event. (NOTE: Social Greek organizations must turn their party registration form and list in to the Student Center Assistant Director for Greek and Commuter Affairs at least 24 hours before the event.) The sponsoring organization is responsible for registering all guests at the door and checking the guest list to insure that the individuals were indeed invited and registered.

IV. Anti-Hazing Policy

Shepherd University unconditionally opposes any action taken or situation created, intentionally or unintentionally, whether on or off premises owned or leased by the organization, which has the effect of producing psychological or physical discomfort, embarrassment, harassment, or ridicule. Such activities or situations may include, but are not limited to, the following:
   - use of alcohol or other drugs;
   - paddling in any form;
   - creation of excessive fatigue;
   - physical and/or psychological shocks;
   - quests, treasure hunts, or scavenger hunts;
   - road trips or any other such activities carried on outside or inside of the confines of an organization’s facility or living unit (e.g., house);
   - wearing of public apparel that is conspicuous and not normally in good taste;
   - engaging in public stunts and buffoonery;
   - morally degrading or humiliating games and activities; and
   - any other activities that impede academic achievement, are inconsistent with the constitution, regulations, policies, or ritual of the national governing organization, or violate University policies or applicable State law.

A. Activities including, but not limited to, those listed above that humiliate, degrade, abuse or endanger a person’s physical or mental health for the purposes of affiliation with, membership in, or initiation into any organization—regardless of the person’s willingness to participate—will result in the club or organization being prosecuted to the fullest extent allowable under Shepherd University’s judicial system. (Class I Offenses)

B. Activities including but not limited to, those listed above that are implicitly or explicitly required of any prospective, new, or associate member but not required of active or full members—regardless of the person’s willingness to participate—will result in the club or organization being prosecuted to the fullest extent allowable under Shepherd University’s judicial system. (Class II Offenses) Adapted from: Fraternity Insurance Purchasing Group (FIPG), 1998.

INSTITUTIONAL GOVERNANCE

Shepherd University recognizes both the right and responsibility of the University administration, the faculty, and the student body to participate in the governance of the institution. The governance functions at Shepherd have three distinct areas: 1) that area in which the University administration and/or faculty has primary responsibility, 2) that area in which
there is a shared responsibility among the University administration, faculty, and student body, and 3) that area in which the students have primary responsibility.

The area in which the University administration and/or faculty have primary responsibility is outlined in the constitution of the Shepherd University Assembly and the Shepherd University Administrative Policy Manual. Through student participation as full-fledged members of those University committees whose decisions affect student life, there is an area of governance in which there is shared responsibility among the University administration, faculty, and student body. Student representation on these committees is established to varying degrees, with the rationale being there are areas in which the University administration and faculty should have a greater voice in rendering decisions, and areas in which students should have a greater voice in rendering decisions. The inclusion of students on these committees serves a twofold purpose: 1) to give students an opportunity to present their opinions and recommendations in a manner in which they are assured of being heard and considered, and 2) to give them a direct voice, through voting on these committees, in matters that affect student life.

In matters that concern the internal functioning of student organizations, students have the right to autonomy as long as they are functioning within the realm of what is considered legal by national regulations. All campus organizations are required to have an advisor. The role of the advisor is to 1) advise in matters of internal function, and 2) insist that the activities of the organization fall within University rules and regulations.

It is the intent of Shepherd University that the voice of students be heard and considered. But the University insists that complaints are heard and grievances are resolved through an orderly process. The University also recognizes that once recommendations, complaints, and grievances have been expressed, the administration, faculty, and students must make decisions and establish policies.

In order to ensure that students are heard Shepherd takes the position that students are free, both individually and collectively, to express their opinions to the University administration and University committees. At the beginning of each academic year, a complete list of all committees and the responsibilities of each committee is published and distributed throughout the campus so that students know to whom they may express their ideas. Students should also feel free to approach members of the University administration on those matters that are the responsibility of the various administrators. In the event students have questions about the lines of communication, they are encouraged to seek assistance from a member of the Student Affairs staff.

ACADEMIC FREEDOM AND RESPONSIBILITY

I. Academic Rights and Responsibilities

A. All students, faculty, and staff are responsible for understanding and complying with the University's stated academic requirements.
   1. Student grades are based solely on academic performance as measured by the standards set forth in the course syllabus.
   2. Students should feel free to express their thoughts and opinions in an academic forum.
   3. Assignments must be completed by the student for whom the work is assigned and in the absence of unauthorized aid of any kind.
   4. Instructors shall encourage honest effort by exercising care in planning and supervising academic work.
   5. A student who does not comply with the University's honesty standard may be subject to appropriate penalties imposed by the instructor, and even to academic probation, suspension, or dismissal.
   6. The policies regarding both academic standing and academic dishonesty are outlined in the Shepherd University Catalog.

B. Students who choose to enroll at Shepherd have the following academic rights.
   1. The right of access to the Shepherd University Catalog that describes all academic program requirements including: required courses, total credit requirements, residence requirements, special program requirements, minimum grade point average requirements, probation standards, professional standards, and other pertinent information.
   2. The right to a written syllabus containing the academic requirements of, and the instructor's expectations for the course.
      a. Course syllabi will be distributed by instructors of record, and should contain information pertaining to attendance policies, grading procedures, course information, special requirements including field trips, exam costs, and other pertinent matters.
      b. Students have the right of appeal if they are discriminated against due to race, color, national origin, age, gender, familial or associational status, disabilities, religion, or sexual orientation.

II. Academic Actions Imposed by the University

A. Shepherd University will take appropriate academic action when a student fails to maintain the academic standards of the University, or when there is evidence that a student has violated an academic policy. Students also have the right to appeal academic actions.

B. Examples of situations requiring academic action would include the following.
   1. Infraction of institutional academic standards, rules, and regulations (required grade point averages, etc.) as stated in the Shepherd University Catalog.
   2. Final grade challenges.
   3. Academic dishonesty (e.g., plagiarism, cheating, falsifying records, etc.)
   4. Failure to meet the standards required for continuing in a program of instruction, thus leading to dismissal from that program.

C. For failure to maintain academic standards, the University may impose the following student sanctions.
   1. Instructor Imposed Sanctions: Sanctions such as the reduction of a grade, or the failure of a course, all of which may be applied by an individual instructor. The maximum penalty a professor may impose is a grade of F in the course. The individual instructor may report
the plagiarism to Assistant Dean of Student Affairs/Judicial Manager.
2. Academic Probation is a sanction imposed for failure to meet academic standards (see the Catalog).
3. Academic Suspension is the exclusion from all institutional activities for a definite stated period of time not to exceed one calendar year (see the Catalog).
4. Academic Dismissal is the termination of student status from some or all programs, including any right or privilege to receive a benefit, recognition, or certification.

III. Academic Actions Concerning Admissions and Credits
A. Institutional procedures for administering admission policies are detailed in the Shepherd University Catalog.
   1. The Office of Admissions shall be responsible for administering admissions policies outlined in the Shepherd University Catalog.
      a. Prospective students who fail to meet the academic standards necessary for admissions will be notified of their deficiency.
      b. Prospective students who wish to challenge or seek an exception to an admission's policy may petition the Admissions and Credits Committee for an exception to the rules in particular cases.
   2. The Office of the Registrar is responsible for administering the institutional academic standards as outlined in the Catalog.
      a. The University Registrar will notify a student who has deficiencies and thus fails to meet the minimum academic standards necessary for remaining in a given program.
      b. Students wishing to challenge or seek an exception to a University policy may petition the Admissions and Credits Committee for an exception to the rules in particular cases.
         (i) All petitions shall include required signatures on the appropriate petition.
         (ii) All petitions will include a written statement of the reason that an exception to a policy should be granted.
B. Decisions of the Admissions and Credits Committee may be appealed to the University President whose decision is final.

IV. The Academic Appeal Committee
A. “The faculty pool” utilized in this process consists of fourteen tenured faculty members nominated by the Curriculum and Instruction Committee.
   B. At its last meeting of the academic year, the Shepherd University Faculty Senate shall confirm the Committee’s nominees to serve in the following year, for a term from July 1 to June 30.
   C. The faculty pool shall be selected annually.
   D. Members of the committee will hear cases involving grade appeals, academic dishonesty, and program dismissals.

V. Student Grade Appeals
A. In any grade appeal procedure, the student has the burden of proof in establishing “good cause” for changing a final grade.
   B. Unless the student can offer convincing arguments to the contrary, good faith on the instructor's part is presumed.
   C. When supported by sufficient evidence, any of the following reasons shall constitute “good cause” for challenging a final grade.
      1. The grade was the result of discrimination (as defined in I, B, 2 b).
         a. A successful appeal must demonstrate that the instructor did not apply a consistent standard to all students in the classroom.
         b. The student making the appeal must show that the instructor did not apply the same grading standard to the student making the appeal that was applied to other students in the course.
      2. The grade was awarded in an arbitrary or capricious manner.
      3. The grade was the result of an error on the part of the professor in calculating, recording, or reporting a final grade.
   D. None of the following shall constitute “good cause” for appealing a final grade.
      1. Disagreement with the course requirements established by the professor.
      2. Disagreement with the grading standards established by the professor.
      3. Disagreement with the instructor's judgment when applying grading standards, assuming that the instructor has made a reasonable effort to be fair and consistent in exercising that judgment.
      4. The desire or need of the student to attain a particular grade.
      5. Consequences that a student might face as the result of a grade award.
   E. What constitutes standing in a grade appeal case?
      1. In the grade appeal process, standing is defined as those parties who are directly linked to this action procedurally.
         a. Those parties who have standing include: The instructor, the student desiring a grade change.
         b. Those parties who do not have standing include: Classmates, other instructors, other administrators, and family members.
      2. Parties with standing shall be allowed to present oral testimony to the appeals committee in the grade appeal process.
      3. Relevant testimony from parties who do not have standing in the grade appeal process should be presented in the form of written statements that shall be made part of the official appeal file.
         a. Committee members may invite other parties to be interviewed or to give testimony based on the written statements.
         b. All written statements shall become part of the appeal file.

VI. Grade Appeal Procedures
A. Step 1: Scheduling a Faculty-Student Conference.
   1. A student wishing to appeal a grade shall first confer face-to-face with the instructor of record (hereafter referred to as instructor) who assigned that grade.
a. The instructor-student conference shall take place within the first 10 class days of the regular semester immediately following the semester that the disputed grade was assigned (summer sessions are not considered as regular semesters).
b. At the request of the student or the instructor, the Department Chair shall assign another departmental faculty member to witness the conference.
c. The reasons for questioning the grade shall be stated by the student, and the reasons for assigning that particular grade shall be explained by the instructor.

2. In a case where the instructor is not available for this conference (non-reappointment, retirement, death, extended absence from the area, or other debilitating circumstances), the instructor’s Department Chair shall act as the instructor of record.

3. Outcome of the conference between instructor and student.
   a. If the instructor finds that no grade change is justified, the student shall be so notified at the end of the conference.
   b. If the instructor does decide to change the grade, the instructor shall complete a Change of Grade form and file it with the Registrar within five class days from the time that the conference occurs.

B. Step 2: The Student Appeals to the Department Chair.
1. Following the instructor-student conference, a student receiving an unfavorable decision may file an appeal with the instructor's Department Chair.
a. The appeal to the Department Chair must be in writing and filed within five class days of the instructor-student conference, or within the first fifteen class days of the semester that the grade is eligible for appeal.
b. If the student fails to contact the Department Chair within 15 class days of the beginning of the appropriate semester, the instructor's grade award shall be considered final.

2. The student's grade appeal to the Department Chair must be in the form of a written memo or letter.
a. The appeal memo or letter must be copied to the instructor.
b. The student's written statement must include a justification that should conform to at least one of the criteria listed above for making a grade appeal.
c. The appeal must include all completed assignments that have been returned to the student.

3. The instructor shall submit a written justification for the assigned grade with supporting documentation that includes any assignments that have not been returned to the student.

4. In order to make an equitable decision, the Chair may hold a hearing between the instructor and the student desiring a grade change.

5. If the instructor is the Dean then the following procedures shall be followed:
a. Following the faculty-student conference, Step 2 shall occur.
b. If applicable, Step 3 will be skipped and the case will proceed to Step 4.

6. Within ten class days of receiving the student's appeal, the Department Chair shall provide both the student and the instructor with a written notice of the Chair's decision.
   a. The written notice should give the reasons for the decision and may be given to the parties directly or mailed by certified mail.
   b. Following notification of the Chair's decision to all parties, the Department Chair shall forward the original grade appeal file to the Dean.
      (i) The file should include a copy of the decision and all written materials including notes from oral investigations that were used for reaching the decision.
      (ii) The Department Chair shall retain a copy of these files for five years.

7. Both the student and the instructor have the right to appeal the Department Chair's decision to the Dean of the school in which the original course was taught.

8. If the Department Chair's review decides that a change in grade is warranted, and the instructor agrees with the decision, the instructor shall file a Change of Grade form with the Registrar's Office within ten class days of the date of the decision.

9. If the Department Chair's review decides that a change in grade is warranted, but the instructor does not consent to the change, the department chair shall automatically forward the appeal to the Dean of the School in which the course is taught.

C. Step 3: The Student Appeals to the Dean.
1. A student or instructor may appeal the Department Chair's decision to that Chair's Dean within five class days of being notified of the Department Chair's decision.
a. The appeal memo or letter must be copied to the Department Chair and the instructor.
b. The appeal shall be in writing and shall contain the student's reasons for appealing the Department Chair's decision.

2. Upon receiving an appeal, the Dean shall review the appeal file:
a. In arriving at a decision, the Dean should consider the written appeal, the instructor's written response, and the Department Chair’s written report.
   (i) The Dean may also consider the student's written work for the course in question.
   (ii) In order to make an equitable decision, the Dean may hold a hearing between the instructor and the student desiring a grade change.

b. The Dean shall communicate the reasoning for the decision and the decision to the student, the instructor, and Department Chair within ten class days of receiving the student's appeal directly or by certified mail.

3. Both the student and the instructor have the right to appeal the decision of the Dean to the Academic Appeal Committee.

4. If the Dean's review decides that a change in grade is warranted, and the instructor is in agreement, the instructor shall file a Change of Grade form with the Registrar's Office within ten class days of the date of the decision.

5. If the Dean's review decides that a change in grade is warranted, but the instructor does not consent to the change, the dean shall automatically forward the appeal file to the Appeal Committee.

D. Step 4: Petition to the Academic Appeal Committee.
1. A student or instructor may appeal the Dean's decision to the Academic Appeal Committee, by filing a written statement with the
The instructor of record should make a charge of academic dishonesty directly to the student involved and decide on the sanctions to be imposed. The instructor should carefully evaluate the evidence of academic misconduct and the severity of the offense prior to imposing sanctions. A student charged with academic dishonesty shall be accorded the presumption of innocence. Any student, administrator, staff, or faculty member may bring charges of academic dishonesty against a student. Academic dishonesty includes, but is not limited to, cheating on examinations, falsifying records, submitting plagiarized work of any kind, or providing or receiving assistance in course work in a manner not authorized by the instructor.

VII. Academic Integrity Procedures

A. Academic dishonesty includes, but is not limited to, cheating on examinations, falsifying records, submitting plagiarized work of any kind, or providing or receiving assistance in course work in a manner not authorized by the instructor.

B. Any student, administrator, staff, or faculty member may bring charges of academic dishonesty against a student.

1. A student charged with academic dishonesty shall be accorded the presumption of innocence.

2. The instructor should carefully evaluate the evidence of academic misconduct and the severity of the offense prior to imposing sanctions on a student.

   a. The instructor of record should make a charge of academic dishonesty directly to the student involved and decide on the sanctions to be imposed.

   (i) Instructor-imposed sanctions for academic dishonesty include: requiring work to be rewritten and resubmitted, lowering a grade, reducing the grade on the assignment, even to zero, advising the withdrawal of a student from a class, and assigning a student a failing grade for the course in which the academic dishonesty occurred.

   (ii) For a case of academic dishonesty, an instructor may impose a penalty no greater than a failing course grade.

   (iii) If an instructor believes that a student penalty greater than a failing course grade is warranted by a particular case of academic dishonesty the instructor should either:

       (1) Arrange a conference between the student, the Department Chair, and the instructor, or

       (2) Submit a statement, in writing, to the Assistant Dean of Student Affairs/Judicial Manager requesting a hearing to consider suspension or expulsion.

b. The instructor should inform the student, orally or in writing, of the sanctions to be imposed, the reasons for those sanctions, the availability of the appeal process, and the need to file an appeal within five days.
1. Upon receiving a request for a hearing, the VPAA shall constitute a three-member hearing board from the pool of faculty members.

2. The purpose of the Department Chair conference shall be to clarify judicial procedures and possible sanctions for both the student and the instructor and to coordinate further appeals.

3. When brought by anyone other than the instructor of record, a charge of academic dishonesty involving a student or students in a specific course should be made to the instructor's Department Chair who may take one of two actions.
   a. The Department Chair may refer the matter to the course instructor for appropriate action following the procedures outlined in Section VII, B, A.
   b. The Department Chair may contact the student and the instructor directly and initiate a conference as outlined in Section VII, C.

4. A charge of academic dishonesty that does not involve a regular academic course (e.g., falsifying records, cheating on a standardized test) should be made to the Assistant Dean of Student Affairs/Judicial Manager, who will either contact the appropriate academic units or initiate action through the Campus Judicial Board.

5. A student who is guilty of more than one incident of academic dishonesty while matriculating at Shepherd may be referred to the Assistant Dean of Student Affairs/Judicial Manager for further disciplinary sanctions.

6. Any individual making a charge of academic dishonesty has the responsibility to demonstrate that a preponderance of evidence indicates that a violation has occurred.

C. Charges of academic dishonesty in a specific course that cannot be resolved by the instructor and the student involved should be referred to the instructor's Department Chair.

1. A Department Chair conference can be initiated by a request from either the student or the instructor involved, or by the Department Chair acting on a complaint from any member of the academic community.
   a. The conference should take place in person within ten days of the Department Chair first receiving a request from either a student or an instructor to hold it.
   b. This conference does not constitute a hearing on the student's responsibility for academic dishonesty.

2. The purpose of the Department Chair conference shall be to clarify judicial procedures and possible sanctions for both the student and the instructor and to coordinate further appeals.
   a. The Chair may review the evidence and recommend particular courses of action that are acceptable to both the student and the instructor.
   b. The Chair may not overturn an instructor-imposed sanction without the instructor's consent.
   c. The Department Chair conference cannot result in any penalties being imposed on a student beyond those previously described as "instructor-imposed sanctions."

3. If, at the end of the conference, the student admits responsibility for the act of academic dishonesty and agrees to accept the sanctions proposed by the instructor and the Department Chair, no further action will be taken.
   a. The Department Chair should obtain a written statement from the student who agrees to the sanctions that will be imposed as a result of the conference.
   b. The Department Chair shall forward copies of this written statement, along with a description of the offense and the instructor-imposed sanctions, to the Registrar and to the Assistant Dean of Student Affairs/Judicial Manager.

4. If, at the end of the conference, the student denies responsibility for an act of academic dishonesty, the Chair shall contact the Vice President of Academic Affairs to schedule a hearing by the Academic Appeal Committee.
   a. The student may only appeal the charge of academic dishonesty itself and not the sanctions imposed for academic dishonesty once responsibility has been established.
   b. A student who admits responsibility in a case of academic dishonesty but disagrees with the instructor-imposed sanctions cannot appeal under the Academic Integrity policies.
      i. A student must appeal a disagreement with an instructor-imposed sanction under the grade appeal procedures detailed in Section VI.
      ii. The student's initial meeting with the instructor shall count as the meeting with the instructor under the grade appeal policy.

5. At the end of the conference if either the faculty member or the Department Chair deems that the case warrants further disciplinary procedures, the Chair shall contact the Assistant Dean of Student Affairs/Judicial Manager to initiate a judicial action.

6. If the instructor is involved in the academic dishonesty dispute and is a Department Chair, the Dean shall act in the capacity of a Department Chair for the purposes of the conference.

D. Academic dishonesty disputes that are not resolved by the conference with the Department Chair should be referred to the Vice President for Academic Affairs, VPAA.

1. Upon receiving a request for a hearing, the VPAA shall constitute a three-member hearing board from the pool of faculty members composing the Academic Appeal Committee following the procedure outlined in Section VI, D, 1.
2. The chair of the Academic Appeal Committee shall present, to the student and to the person making the charge of academic dishonesty, written notification of the charges, including at least the following items:
   a. A written enumeration of the charges.
   b. A statement that a hearing will be held together with a notice of the date, time, and place of the hearing.
   c. A clear statement of the information, data, and evidence directly supporting the proffered charges.
   d. A statement advising the student that student's rights, to include the following:
      (i) The student has the right to the presumption of innocence until responsibility can be established through a preponderance of evidence.
      (ii) The student has the right to bring witnesses, to question the accuser, and to question any of the accuser's witnesses.
      (iii) The student has the right to bring an advisor to the proceedings to monitor due process.
   (1) The advisor may consult with the student but may not speak on behalf of the student.
   (2) The advisor may not otherwise participate directly in the proceedings unless given specific permission to do so by the Academic Appeal Committee.

3. The Academic Appeal Committee shall review all relevant evidence in the case to determine if the student is "responsible" or "not responsible" for the act of academic dishonesty:
   a. The Committee shall interview the original instructor and the student against whom the charges have been brought.
   b. The Committee may seek additional information and may interview witnesses whose testimony is relevant to the charge of academic dishonesty.
   c. The student and the instructor have the right to bring witnesses and to question witnesses brought by the other party or by the Committee.
   d. All proceedings in the hearing must be tape-recorded, and either party to the dispute may request a copy of the tape recording at their own expense.

4. Within ten days after the conclusion of the hearing, the Academic Appeal Committee shall send a written notice of its decision to both parties in the dispute, the VPAA, and the appropriate Department Chair.
   a. If the Committee determines that the student is "responsible" for the act of academic dishonesty:
      (i) The instructor-imposed sanctions shall be imposed.
      (ii) A student found "not responsible" for an act of academic dishonesty shall be permitted to withdraw from the course in which the charge was made, even if the withdrawal deadline has passed or a final grade has been awarded.
      (iii) The hearing may only rule on the factual question of whether or not an act of academic dishonesty has occurred.
      (1) The Committee is not authorized to rule on the appropriateness of instructor-imposed sanctions once the student's responsibility has been established.
      (2) The Committee is not authorized to impose any sanctions on the student beyond those initially imposed by the instructor.

Either the student or the faculty member may appeal the decision of the Committee to the President of the University, whose decision shall be final.

VIII. Academic Integrity Procedures for Selected Programs

A. Several departments at Shepherd University (which include, but are not limited to, teacher education and nursing) offer programs requiring a student to meet certain academic and professional standards in order to continue enrollment in the program.

B. When a point is reached in the programmatic study when a student might not qualify to continue in the program, the following procedures shall be followed:
   1. The student shall be counseled about his or her lack of progress by one or more faculty members responsible for the program.
   2. When it appears to one or more instructors that a student has failed to meet the standards for continuing in the program, that instructor or those instructors shall notify the Department Chair and a formal review of the student's status shall be conducted by the department members, who shall determine whether the student may continue in the program.
      a. If the department decides upon programmatic retention, the student shall be advised in writing of the necessary steps, if any, that will be required as a condition of retention.
      b. If the department decides upon programmatic dismissal, the following procedures will be followed:
         (i) The student will be informed of the department's decision in writing.
         (ii) The student will be notified of the available procedures for appealing the decision.
         (iii) The student will be allowed to complete coursework begun before the programmatic dismissal but will not be permitted to enroll in any further courses in the program unless permitted to do so by a successful appeal.

C. The Student Appeals to the Dean.
   1. The student may appeal the decision of the department to the Dean of the School in which the program is offered, following the steps outlined in Section VII.C.
   2. Upon receiving an appeal, the Dean shall follow the steps outlined in Section VII.C.
   3. Both the student and the department have the right to appeal the decision of the Dean to the Academic Appeal Committee.
D. Petition to the Academic Appeal Committee.
   1. A student or the department may appeal the Dean’s decision to the Academic Appeal Committee, following the steps in Section VLD.1.
   2. Upon receiving an appeal, the Vice President for Academic Affairs and the Academic Appeal Committee shall follow the steps outlined in Section VLD.1a through Section VLD.4.

ATTENDANCE POLICY

Students are expected to attend class and to know and understand the specific attendance policies established by their professors. Attendance policy for a given class is established by the professor. The professor will state the attendance policy in the course syllabus. Professors will make reasonable accommodations for occasional, unavoidable absences based on highly legitimate grounds. Professors will determine the most appropriate means of compensating for work unavoidably and legitimately missed in their classes. To be eligible for such substitute evaluation, students are responsible for discussing any absences with their professors: such discussions must occur in advance of foreseeable absences and as soon as possible following unpredictable ones.

Students are expected to plan their class, work, and personal schedules to avoid potential conflicts. Legitimate reasons for class absences include documented and/or instances of the following 1) death in the immediate family; 2) incapacitating illness or injury (not including any non-emergency doctors’ appointments that could be scheduled at other times); 3) field trips required for other classes, intercollegiate competitions, or activities involving official representation of Shepherd University; 4) hazardous, weather-induced driving conditions (for commuter students only).

A student’s evaluation in a course is the professor’s responsibility. A grade decision in a course must be made by the professor prior to the initiation of a grade appeal. A student who believes his or her grade has been adversely affected by a professor’s inappropriate implementation of the attendance policy may pursue a grade appeal at the close of the semester.

Special Circumstances

A. A student who has a documented medical disability or chronic illness that may affect his/her ability to attend class regularly and/or to complete scheduled in-class, graded activities (e.g., exams, oral reports, lab assignments) should confer with his/her professors as soon as possible after the semester begins. In consultation with the student (and with doctors or Shepherd staff when appropriate), the professor can develop a contingency plan to accommodate any absences that may occur because of the disability or illness. The professor may create alternative assignments or otherwise determine the best means of ensuring that the student’s semester grade will not suffer should the student have to miss classes as a direct result of his/her disability or medical condition. To the greatest extent consistent with the particular disability involved, a chronically ill or disabled student will not only be treated equally with other students, but will also be equally expected to adhere to course policies and assignments established for all students.

B. In rare instances a student may suffer an unanticipated medical problem or military-service obligation requiring complete absence from school over an extended period (i.e., weeks rather than days). Such a situation will require the student to confer with professors as soon as is feasible—possibly through a relative or other responsible surrogate. A professor may be able to design alternative assignments that can be done independently. However, some courses by their nature do not lend themselves to compensation for prolonged periods of missed classes and assignments. In such circumstances, the alternatives may be limited to either a Withdrawal or an Incomplete specifically mandating that the student actually take some or all of the relevant course when it is next offered. In such circumstances, the Admissions and Credits Committee will generally be amenable to any necessary waivers regarding institutional deadlines regarding Withdrawals or Incompletes if 1) the student’s petition clearly and fully explains the situation calling for the waiver, 2) appropriate documentation is presented, 3) the request is supported in writing by both the professor and the student’s advisor, and 4) the student’s request is made in a timely manner (i.e., as soon as possible given the circumstances and not substantially after the fact).
TITLE : STUDENT ACADEMIC RIGHTS

SECTION 1. GENERAL
1.1 Scope - This policy regards academic rights and responsibilities of students.
1.2 Authority - West Virginia Code § 18B-2A-4
1.3 Effective Date – ____________, amending the March 14, 2002 version of the Policy.

SECTION 2. ACADEMIC RIGHTS and RESPONSIBILITIES of STUDENTS
2.1 The President or designee shall define and promulgate, consistent with the policies of the Board, the general academic requirements for admission to the baccalaureate programs and community and technical college components, for admission to limited enrollment programs, and for admission to professional and graduate degree programs (where offered); the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation; and the requirements or criteria for any other academic endeavor. These admission, curriculum and other academic policies shall be published in the University Catalog, the Graduate Catalog, the student Handbook, and/ or handbooks published specific to individual programs; and the requirements for student honesty and originality of expression.
2.2 A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the institution accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate requirements and to know and meet criteria for satisfactory academic progress and completion of the program.

SECTION 3. ACADEMIC RIGHTS
3.1 Concomitant with the academic standards and responsibilities established pursuant to Section 2 of this rule, each student shall have the following academic rights:
3.1.1 The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards. The student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex or national origin any form of discrimination prohibited by the Board’s policies on Equal Opportunity.
3.1.2 Each student shall have the right to have any academic penalty, as set out in Section 54.2 of this rule below and more specifically defined by the policies promulgated by the President or designee, reviewed.
3.1.3 Each student shall have access to a copy of the University catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, minimum grade point average, probation standards, professional standards, etc.). Students have the right to receive from the instructor written descriptions of content and requirements for any course in which they are enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).

3.1.4 The instructor of each course is responsible for assigning grades to students enrolled in the course, consistent with the academic rights set out in the preceding sections.

SECTION 4. APPLICATION of POLICY to STUDENTS

4.1 Student: any person who has been admitted to the institution to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution.

4.2 A student, as defined in this rule, shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution according to Section 2.1 of this rule. Students are expected to adhere to these academic standards in all academic settings, classrooms, laboratories, clinics and any other activities which are part of academic requirements.

SECTION 5. ACADEMIC REQUIREMENTS and CONSEQUENCES of FAILURE to MEET REQUIREMENTS

5.1 The President or designee shall define and promulgate the academic requirements, criteria and standards as set out in Section 2.1 of this rule. Normally, students may finish a program of study according to the requirements under which they were admitted to the program, if they complete the program within a reasonable period of time, as published in the University Catalog. However, requirements are subject to change at any time, with reasonable notice provided to the students.

5.2 A student who fails to meet the academic requirements or standards, including those for academic honesty or other academic misconduct as defined by the institution according to Section 2.1 of this rule, may be subject to one or more of the following penalties:

5.2.1 A lower grade or failure of the course, or exclusion from further participation in the class (including laboratories or clinical experiences), all of which may be imposed by the instructor.

5.2.2 Exclusion from further participation in the class (including labs or clinicals).

5.2.3 Academic probation.

5.2.4 Academic suspension.
Academic dismissal is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at the institution, or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at the institution.

The potential penalties and the procedures for institutional response to academic misconduct or other failure to meet the academic standards of the institution shall be consistent with the provisions of Policy 20 and shall be published in the Student Handbook and/or the academic department’s student handbook. A student may appeal any penalty according to the procedures in Section 6 of this rule below.

Institutional academic policies promulgated by the President or designee shall determine and specify the point at which penalties, excluding those specified in Subsection 6.3.1. of this rule, may be imposed. Each instructor determines the point at which the penalties specified in Subsection 6.3.1. of this rule may be imposed.

The President shall determine the method(s), if any, by which a student may correct the condition(s) leading to imposition of these penalties and thereby have them removed.

SECTION 6—APPEALS

The President shall establish policies and procedures by which a student may appeal or challenge any academic penalties imposed by a faculty member or by the institution, including those described in Section 5.2 of this rule.

Additional procedures may include but not be limited to:

1. Appeals of a grade penalty or exclusion from class;
2. Appeals of final course grades;
3. Appeals of imposition of academic probation;
4. Appeals of imposition of academic suspension;
5. Appeals of dismissal from undergraduate programs;
6. Appeals of dismissal from graduate programs;
7. Appeals of dismissal from professional degree programs; and
8. Appeals of dismissal from the institution.

Policies and procedures relating to appeals of academic penalties shall be governed by due process and shall include, as a minimum:

1. Written notice to the student of his/her failure to meet or maintain an academic standard, of the methods, if any, by which the student may correct the failure, and of the penalty which may be imposed.
2. An opportunity for the student to meet with the faculty member(s) or other individual(s) who have judged his/her performance to be deficient, to discuss with these faculty member(s) or other individual(s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her behalf, and to be accompanied at any such meeting by an advisor of his/her choice from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.
6.3.3—An opportunity for the student to appeal the decision or judgment of faculty members through the established institutional appeals procedure within thirty calendar days after written notice of the decision or judgment.

6.3.4—An opportunity to appeal to the President or his/her designee within thirty calendar days after the receipt of written notice of the decision or judgment.

6.3.5—The decision of the President or his/her designee regarding an academic appeal is final.

SECTION 7. APPEALS PROCEDURES for ACADEMIC DISMISSAL
7.1—The appeal will be subject to the following conditions:
7.1.1—The appeal must be filed within thirty calendar days after written notice of the decision.
7.1.2—The appeal to the appropriate academic officer or appeals committee is not adversarial in nature; the formal rules of evidence do not apply.
7.1.3—The student may be advised by a person of his/her choice from the institution; likewise, the faculty member, academic officer, or committee recommending academic dismissal may have an advisor from the institution. Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the individual or committee conducting the appeal.
7.1.4—Witnesses may be called by any of the parties involved.
7.1.5—A record of the appeal shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.
7.1.6—The decision of the President or his/her designee regarding academic dismissal is final.

SECTION 8. PUBLICATION
8.1—All standards, criteria and procedures of the institution shall be published in one or more appropriate institutional publications such as The College Catalog, The Student Handbook, academic pamphlets, and handouts. Such requirements are subject to change with reasonable notice provided to the students.
TITLE: STUDENT ACADEMIC RIGHTS

SECTION 1. GENERAL

1.1 Scope - This policy regards academic rights and responsibilities of students.
1.2 Authority - West Virginia Code § 18B-2A-4
1.3 Effective Date – , amending the March 14, 2002 version of the Policy.

SECTION 2. ACADEMIC RIGHTS and RESPONSIBILITIES of STUDENTS

2.1 The President or designee shall define and promulgate, consistent with the policies of the Board, the general academic requirements for admission to the baccalaureate programs, for admission to limited enrollment programs, and for admission to professional and graduate degree programs; the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation; and the requirements or criteria for any other academic endeavor. These admission, curriculum and other academic policies shall be published in the University Catalog, the Graduate Catalog, the student Handbook, and/or handbooks published specific to individual programs.

2.2 A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the institution accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate requirements and to know and meet criteria for satisfactory academic progress and completion of the program.

SECTION 3. ACADEMIC RIGHTS

3.1 Concomitant with the academic standards and responsibilities established pursuant to Section 2 of this rule, each student shall have the following academic rights:

3.1.1 The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards. The student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be evaluated on the basis of any form of discrimination prohibited by the Board’s policies on Equal Opportunity.

3.1.2 Each student shall have the right to have any academic penalty, as set out in Section 5.2 of this rule below and more specifically defined by the policies promulgated by the President or designee, reviewed.
3.1.3 Each student shall have access to a copy of the University catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, minimum grade point average, probation standards, professional standards, etc.). Students have the right to receive from the instructor written descriptions of content and requirements for any course in which they are enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).

3.1.4 The instructor of each course is responsible for assigning grades to students enrolled in the course, consistent with the academic rights set out in the preceding sections.

SECTION 4. APPLICATION of POLICY to STUDENTS

4.1 Student: any person who has been admitted to the institution to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or who yet has some right or privilege to receive some benefit or recognition or certification from the institution.

4.2 A student, as defined in this rule, shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution according to Section 2.1 of this rule. Students are expected to adhere to these academic standards in all academic settings, classrooms, laboratories, clinics and any other activities which are part of academic requirements.

SECTION 5. ACADEMIC REQUIREMENTS and CONSEQUENCES of FAILURE to MEET REQUIREMENTS

5.1 The President or designee shall define and promulgate the academic requirements, criteria and standards as set out in Section 2.1 of this rule. Normally, students may finish a program of study according to the requirements under which they were admitted to the program, if they complete the program within a reasonable period of time, as published in the University Catalog. However, requirements are subject to change at any time, with reasonable notice provided to the students.

5.2 A student who fails to meet the academic requirements or standards, including those for academic honesty or other academic misconduct, may be subject to one or more of the following penalties:

5.2.1 A lower grade or failure of the course, which may be imposed by the instructor.

5.2.2 Exclusion from further participation in the class (including labs or clinicals).

5.2.3 Academic probation.

5.2.4 Academic suspension.
5.2.5 Academic dismissal is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at the institution, or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at the institution.

5.3 The potential penalties and the procedures for institutional response to academic misconduct or other failure to meet the academic standards of the institution shall be consistent with the provisions of Policy 20 and shall be published in the Student Handbook and/or the academic department’s student handbook.
TITLE: FACULTY DEVELOPMENT

SECTION 1. GENERAL
1.1 Scope - Policy regarding faculty development at Shepherd College.
1.2 Authority - West Virginia Code § 18B-2A-4, 18B-7-5.
1.3 Effective Date – , Amending the March 14, 2002 version of the Policy.

SECTION 2. DEFINITIONS
2.1 Teaching, expanding knowledge and creativity, and devoting knowledge to public service are the primary goals of Shepherd College. These goals are achieved primarily by and through college faculty. Therefore, the efforts of the Board in supporting, developing, and renewing the faculty members directly involved in helping West Virginians learn are vitally important to accomplishing the mission and goals of the institution.

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

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

SECTION 3. DEFINITION OF FACULTY DEVELOPMENT
3.1 Faculty development includes all activities designed to improve faculty performance in all aspects of their professional lives: as teachers stimulating and guiding student learning, as scholars, advisers, designers and evaluators of academic programs and courses, academic leaders, contributors to public service, participants in institutional
decisions, and in other faculty roles for achieving the collegeUniversity's mission. The Board recognizes the beneficial components of faculty development, professional scholarly and creative development, personal development, and organizational development.

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

SECTION 4. FACULTY ELIGIBILITY AND PARTICIPATION
4.1 Eligibility. Any person who is a full-time or part-time faculty member of the CollegeUniversity is eligible for faculty development as determined by the President or designee in accordance with Board policy. Full-time faculty members, including division and department chairpersons, are eligible to apply for all faculty development activities. In supporting faculty development for full-time and part-time faculty members, factors to be considered include the potential benefits and costs in the institution, the academic program, and the faculty member.

4.2 Participation. As noted elsewhere in this rule, faculty members are responsible for improving their professional effectiveness, and the collegeUniversity is responsible for encouraging and motivating faculty members to participate in faculty development activities.

SECTION 5. COLLEGEINSTITUTIONAL: ROLES AND RESPONSIBILITIES
5.1 Governance Roles: The President, in consultation with the faculty of each college, shall establish institutional policy on faculty development consistent with this rule.

5.1.1 The President, in consultation with the faculty, shall establish a faculty development program. Through these faculty development and professional development programs, the institution shall conduct in-house faculty and professional development activities. Cooperation with the faculty development programs of other colleges and universities will be utilized, as appropriate. The President is responsible for assessing faculty development needs and for utilizing a variety of development activities appropriate to the institutional mission to meet the development needs of less experienced probationary faculty and experienced, tenured faculty. The CollegeUniversity should strive for a balance of individual-oriented and group-oriented development activities to achieve a well-functioning program, and the President should periodically evaluate the results of the program.

5.1.2 The President and chief academic officer of the baccalaureate and community and technical college programs have the responsibility to exert
leadership and support for faculty development since such administrative support is instrumental to achieving the personal and institutional benefits of faculty development.

5.1.3 The President, in consultation with the faculty, should establish appropriate organizational structures, procedures, standards, and criteria for operating and assessing a faculty development program. These structures will include the faculty development committee, the division chairs, deans, and other structures as needed.

5.2 Financial Roles. Research and experience show that faculty development is most effective when dependable, consistent funding enables proper planning and implementation of development programs. In order to achieve continuity of financial support for faculty development, the University establishes a benchmark level of financial commitment to faculty development each year, at the discretion of the President and chief academic officers, appropriate to the College's mission and needs, and adjusted periodically to reflect changes in mission and needs.

5.2.1 The University will pursue funding for faculty development, including applying for such faculty development grants or funds as the Policy Commission may provide, pursuing other government or private grants or contracts, reallocating existing campus resources, or allocating funds from the institutional collection and retention of higher education resource fees or faculty improvement fees.

5.2.2 The University has the responsibility for providing financial and logistical support to operate its faculty development program, including providing office space, administrative, clerical, and other necessary support.

5.2.3 The annual budget of the College will include funds to hire temporary replacements for faculty on leave.

SECTION 6. INDIVIDUAL FACULTY MEMBER: ROLES AND RESPONSIBILITIES

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

6.2 Applicants for faculty development awards shall complete a faculty development plan, if required, for eligibility for faculty development project awards.

6.3 Applicants for faculty development may be asked to submit to the College a detailed plan of activity to be followed.

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

6.5 If required as a condition of a faculty development proposal, a faculty member shall file with the President or designee a written final report of development activities, results, and anticipated benefits to the faculty member and institution. A written final report may not be appropriate for all development projects.

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

SECTION 7. FUNDING

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

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

SECTION 8. AUTHORIZED EXPENDITURES

9.1 Compensation to Individuals. Funds allocated for faculty development may be used to compensate or pay expenses for faculty members who are pursuing additional academic study or training, engaging in scholarship or other creative activity, pursuing teaching and instructional improvement, serving as faculty development coordinator, or performing other responsibilities consistent with the Board’s policies, or to compensate other individuals to allow faculty members to pursue development activities on released time.

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

9.3 All expenditures must be consistent with Board policies.
TITLE: FACULTY DEVELOPMENT

SECTION 1. GENERAL

1.1 Scope - Policy regarding faculty development at Shepherd University.
1.2 Authority - West Virginia Code § 18B-2A-4, 18B-7-5.
1.3 Effective Date – , Amending the March 14, 2002 version of the Policy.

SECTION 2. DEFINITIONS

2.1 Teaching, expanding knowledge and creativity, and devoting knowledge to public service are the primary goals of Shepherd University. These goals are achieved primarily by and through faculty. Therefore, the efforts of the Board in supporting, developing, and renewing the faculty members directly involved in helping West Virginians learn are vitally important to accomplishing the mission and goals of the institution.

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

2.3 Therefore, the Board affirms the unique, integral contribution of faculty members to the mission of higher education: teaching, producing scholarly work that contributes to knowledge and creativity, and serving public and institutional needs. The Board further recognizes through its policy and actions that the knowledge and skills of the faculty and individual faculty members need to be developed, maintained, supported, and renewed.

SECTION 3. DEFINITION OF FACULTY DEVELOPMENT

3.1 Faculty development includes all activities designed to improve faculty performance in all aspects of their professional lives: as teachers stimulating and guiding student learning, as scholars, advisers, designers and evaluators of academic programs and
courses, academic leaders, contributors to public service, participants in institutional decisions, and in other faculty roles for achieving the University's mission. The Board recognizes the beneficial components of faculty development, professional scholarly and creative development, personal development, and organizational development.

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

SECTION 4. FACULTY ELIGIBILITY AND PARTICIPATION

4.1 Eligibility. Any person who is a full-time or part-time faculty member of the University is eligible for faculty development as determined by the President or designee in accordance with Board policy. Full-time faculty members, including department chairpersons, are eligible to apply for all faculty development activities. In supporting faculty development for full-time and part-time faculty members, factors to be considered include the potential benefits and costs in the institution, the academic program, and the faculty member.

4.2 Participation. As noted elsewhere in this rule, faculty members are responsible for improving their professional effectiveness, and the University is responsible for encouraging and motivating faculty members to participate in faculty development activities.

SECTION 5. INSTITUTIONAL ROLES AND RESPONSIBILITIES

5.1 Governance Roles: The President, in consultation with the faculty, shall establish institutional policy on faculty development consistent with this rule.

5.1.1 The President, in consultation with the faculty, shall establish a faculty development program. Through these faculty development and professional development programs, the institution shall conduct in-house faculty and professional development activities. Cooperation with the faculty development programs of other colleges and universities will be utilized, as appropriate. The President is responsible for assessing faculty development needs and for utilizing a variety of development activities appropriate to the institutional mission to meet the development needs of less experienced probationary faculty and experienced, tenured faculty. The University should strive for a balance of individual-oriented and group-oriented development activities to achieve a well-functioning program, and the President should periodically evaluate the results of the program.
5.1.2 The President and chief academic officer have the responsibility to exert leadership and support for faculty development since such administrative support is instrumental to achieving the personal and institutional benefits of faculty development.

5.1.3 The President, in consultation with the faculty, should establish appropriate organizational structures, procedures, standards, and criteria for operating and assessing a faculty development program. These structures will include the faculty development committee, the deans, and other structures as needed.

5.2 Financial Roles. Research and experience show that faculty development is most effective when dependable, consistent funding enables proper planning and implementation of development programs. In order to achieve continuity of financial support for faculty development, the University establishes a benchmark level of financial commitment to faculty development each year, at the discretion of the President and chief academic officers, appropriate to the University's mission and needs, and adjusted periodically to reflect changes in mission and needs.

5.2.1 The University will pursue funding for faculty development, including applying for such faculty development grants or funds as the Policy Commission may provide, pursuing other government or private grants or contracts, reallocating existing campus resources, or allocating funds from the institutional collection and retention of higher education resource fees or faculty improvement fees.

5.2.2 The University has the responsibility for providing financial and logistical support to operate its faculty development program, including providing office space, administrative, clerical, and other necessary support.

5.2.3 The annual budget of the University will include funds to hire temporary replacements for faculty on leave.

SECTION 6. INDIVIDUAL FACULTY MEMBER: ROLES AND RESPONSIBILITIES

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

6.2 Applicants for faculty development awards shall complete a faculty development plan, if required, for eligibility for faculty development project awards.

6.3 Applicants for faculty development may be asked to submit to the University a detailed plan of activity to be followed.

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

6.5 If required as a condition of a faculty development proposal, a faculty member shall file with the President or designee a written final report of development activities, results, and anticipated benefits to the faculty member and institution. A written final report may not be appropriate for all development projects.

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

SECTION 7. FUNDING

7.1 Funding for faculty development activities may come from appropriated funds, government grants or contracts, private grants or contracts, or institutionally collected and retained higher education resource fees or faculty improvement fees.

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

SECTION 8. AUTHORIZED EXPENDITURES

8.1 Compensation to Individuals. Funds allocated for faculty development may be used to compensate or pay expenses for faculty members who are pursuing additional academic study or training, engaging in scholarship or other creative activity, pursuing teaching and instructional improvement, serving as faculty development coordinator, or performing other responsibilities consistent with the Board’s policies, or to compensate other individuals to allow faculty members to pursue development activities on released time.

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

8.3 All expenditures must be consistent with Board policies.
TITLE: MARKETING OF CREDIT CARDS/ACCOUNTS ON CAMPUS

SECTION 1. GENERAL

1.1 Scope - Policy regarding the marketing of credit cards and credit accounts at Shepherd College University, including all properties under the regulation of the Board.

1.2 Authority - West Virginia Code § 18B-2A-4, 18B-14-10.

1.3 Effective Date – , amending the 2004 version of the Policy.

SECTION 2. DEFINITIONS

2.1 The term “credit card” as used herein shall mean any card issued by a financial institution or any company which is used for making purchases of any type on a credit basis.

2.2 The term “credit account” as used herein shall mean any line of credit or other condition of credit under which an individual would be authorized to make purchases of any type on credit extended by any financial institution or business entity.

2.3 The term “marketing of credit cards and credit accounts” as used herein shall include any circumstance in which a person present on the premises of Shepherd College solicits applications for, or distributes application forms for, or in any other way encourages or assists any person to obtain a credit card or to either obtain or modify a credit account; provided, that this term shall not include any action or communications that do not include personal presence on the College campus by the credit issuer.

2.4 Notwithstanding any other provision of this Policy, the following are not included by the term “marketing of credit cards and credit accounts” as used herein:

2.4.1 The activities of any agency or business entity in providing financial aid to students of Shepherd University College pursuant to a written authorization of the University College.

2.4.2 The activities of any agency or business entity in providing employee benefits services pursuant to a written authorization of Shepherd University College or any other agency of the State of West Virginia.

2.4.3 The activities of Shepherd University College or the Higher Education Policy Commission or any other agency of the State of West Virginia.

SECTION 3. PROHIBITED ACTS

3.1 No person, corporation, financial institution, or any other business entity shall market credit cards or credit accounts on the premises of Shepherd University College.
TITLE: MARKETING OF CREDIT CARDS/ACCOUNTS ON CAMPUS

SECTION 1. GENERAL
1.1 Scope - Policy regarding the marketing of credit cards and credit accounts at Shepherd University, including all properties under the regulation of the Board.
1.2 Authority - West Virginia Code § 18B-2A-4, 18B-14-10.
1.3 Effective Date – [date], amending the 2004 version of the Policy.

SECTION 2. DEFINITIONS
2.1 The term “credit card” as used herein shall mean any card issued by a financial institution or any company which is used for making purchases of any type on a credit basis.
2.2 The term “credit account“ as used herein shall mean any line of credit or other condition of credit under which an individual would be authorized to make purchases of any type on credit extended by any financial institution or business entity.
2.3 The term “marketing of credit cards and credit accounts” as used herein shall include any circumstance in which a person present on the premises of Shepherd University solicits applications for, or distributes application forms for, or in any other way encourages or assists any person to obtain a credit card or to either obtain or modify a credit account; provided, that this term shall not include any action or communications that do not include personal presence on the University campus by the credit issuer.
2.4 Notwithstanding any other provision of this Policy, the following are not included by the term “marketing of credit cards and credit accounts” as used herein:
   2.4.1 The activities of any agency or business entity in providing financial aid to students of Shepherd University pursuant to a written authorization of the University.
   2.4.2 The activities of any agency or business entity in providing employee benefits services pursuant to a written authorization of Shepherd University or any other agency of the State of West Virginia.
   2.4.3 The activities of Shepherd University or the Higher Education Policy Commission or any other agency of the State of West Virginia.

SECTION 3. PROHIBITED ACTS
3.1 No person, corporation, financial institution, or any other business entity shall market credit cards or credit accounts on the premises of Shepherd University.