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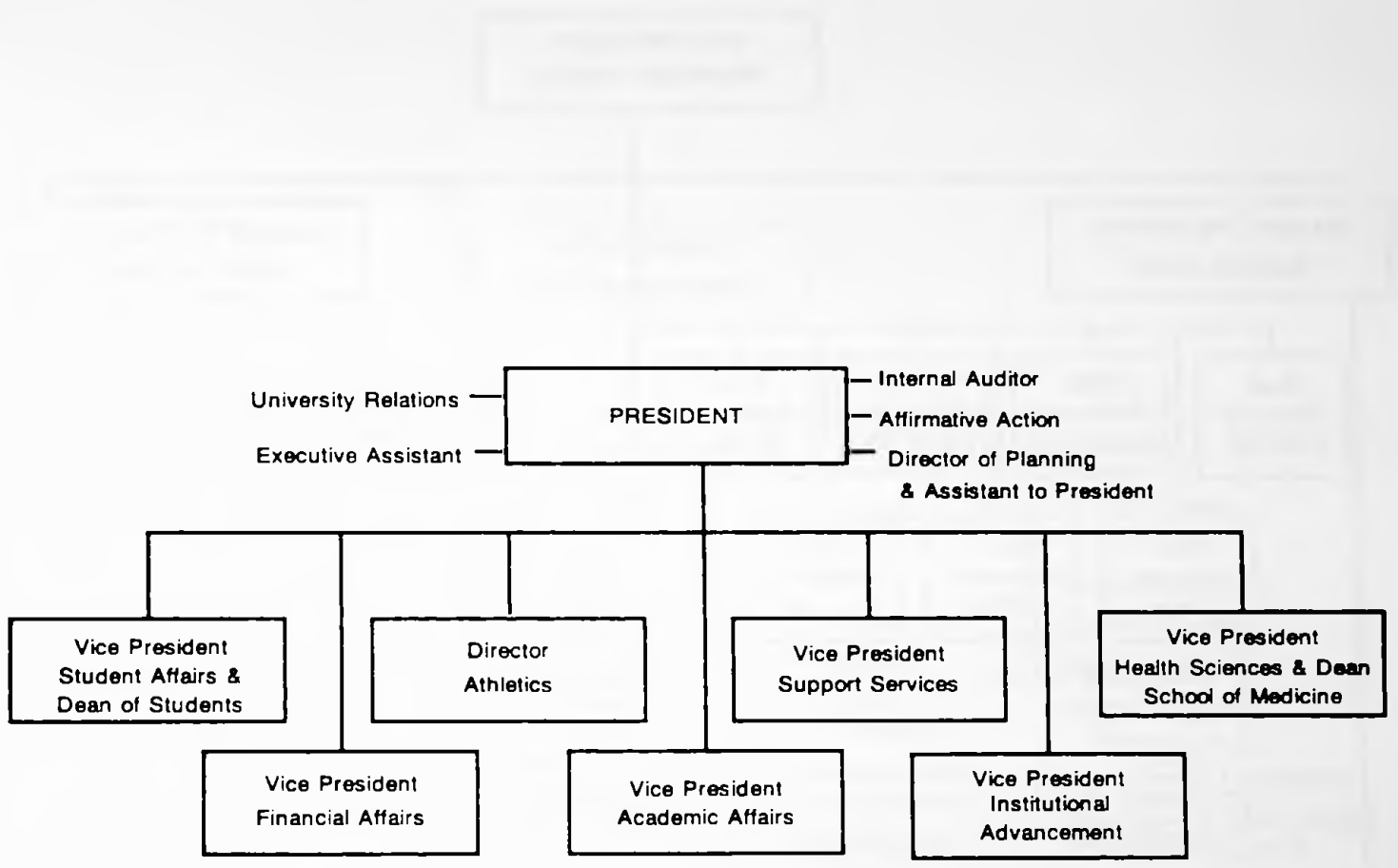
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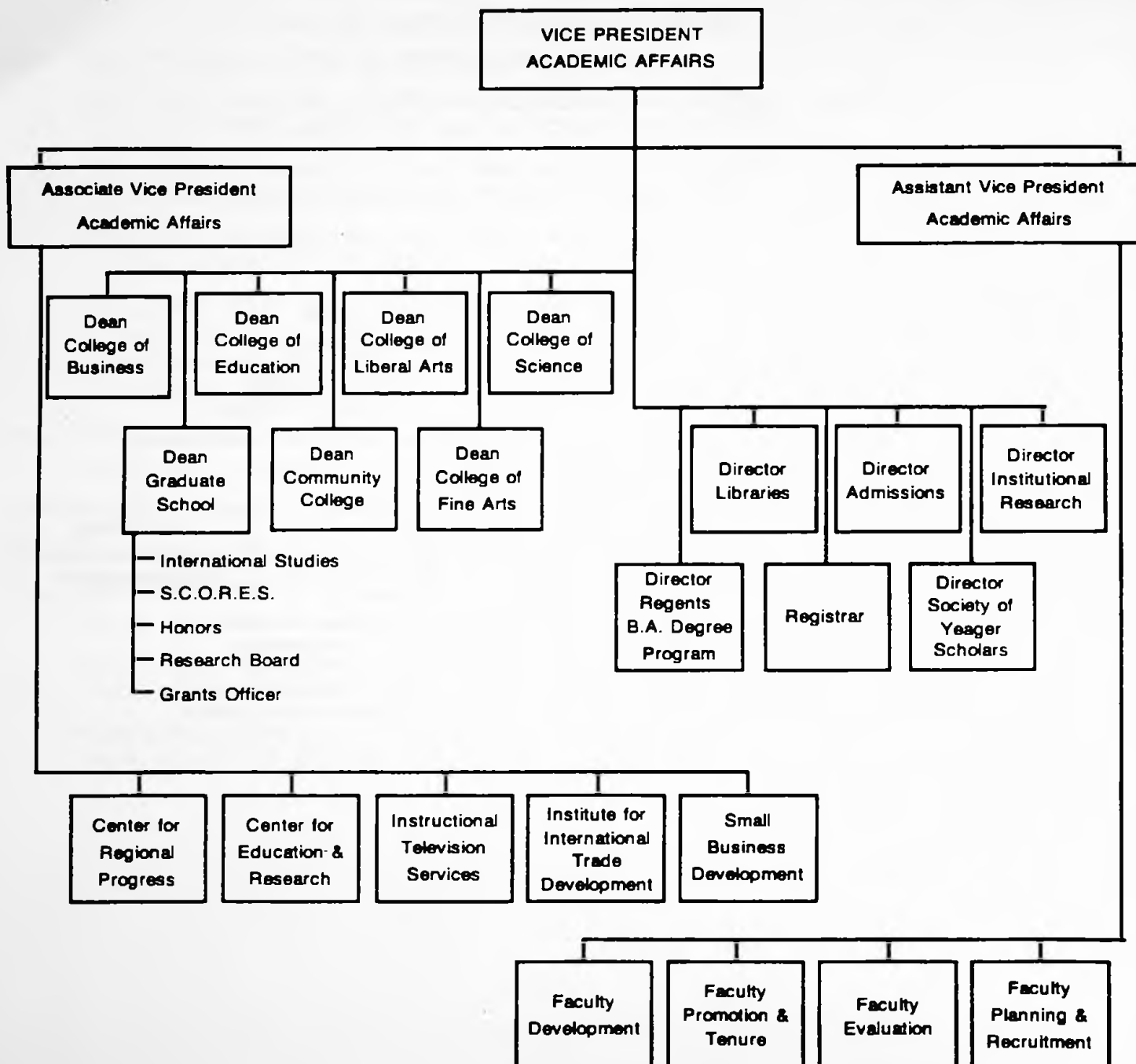
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CONTENTS

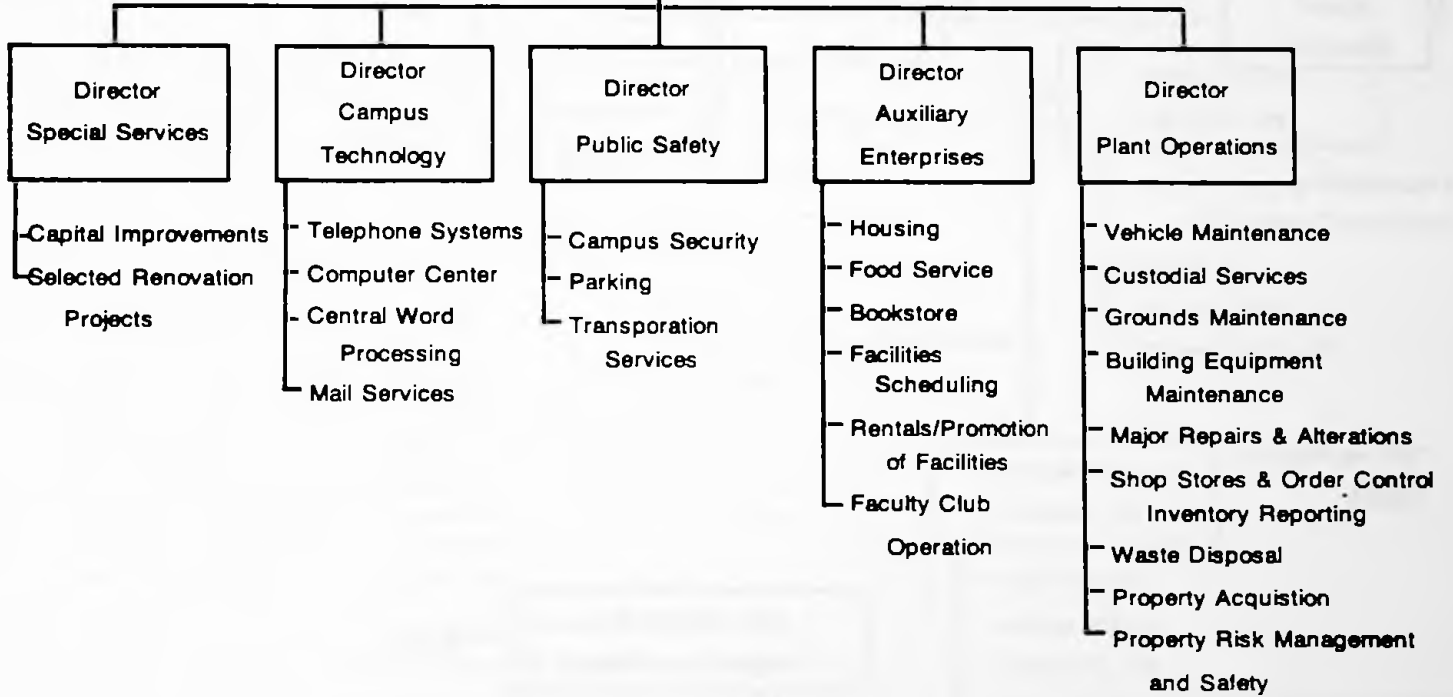
SUBJECT	PAGE
ADMINISTRATIVE ORGANIZATION CHARTS.....	iii
WEST VIRGINIA BOARD OF REGENTS.....	1
WEST VIRGINIA BOARD OF REGENTS' STAFF.....	1
WEST VIRGINIA BOARD OF REGENTS ADVISORY COMMITTEE SYSTEM.....	1
MARSHALL UNIVERSITY INSTITUTIONAL BOARD OF ADVISORS.....	2
VICE PRESIDENT FOR STUDENT AFFAIRS/DEAN OF STUDENTS.....	2
VICE PRESIDENT FOR FINANCIAL AFFAIRS.....	3
VICE PRESIDENT FOR SUPPORT SERVICES.....	3
CHAPTER III TITLE.....	3
PLAN FOR DETERMINING ACADEMIC RANK AND TENURE AND FOR PROCEDURES OF GRIEVANCE NONREAPPOINTMENT, AND DISMISSAL FOR MARSHALL UNIVER- SITY FACULTY MEMBERS.....	3
ARTICLE 29, GRIEVANCE PROCEDURE.....	7
AFFIRMATIVE ACTION--POLICY STATEMENT.....	10
POLICY STATEMENT ON THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.....	11
MARSHALL UNIVERSITY POLICY FOR FACULTY WITH CONFIRMED HTLVIII INFEC- TION AND/OR AIDS.....	11
SABBATICAL LEAVE.....	11
REMISSION OF TUITION AND REGISTRATION FEES FOR GRADUATE AND TEACH- ING ASSISTANTS.....	12
PAYROLL PROCEDURES FOR ALL STUDENT EMPLOYMENT.....	12
PURCHASING.....	12
ACADEMIC FORGIVENESS POLICY.....	12
OFFICE SUPPLIES.....	13
RECEIVING DEPARTMENT.....	13
POLICY STATEMENT ON CLOSING.....	13
POLICY STATEMENT ON SEXUAL HARASSMENT.....	14
MARSHALL UNIVERSITY GUIDELINES FOR HANDLING NEPOTISM.....	16
SPEECH AND HEARING CENTER.....	17
STUDENT HEALTH SERVICE.....	17
MARSHALL UNIVERSITY ALUMNI ASSOCIATION.....	17
INSTRUCTIONAL TELEVISION SERVICES.....	17

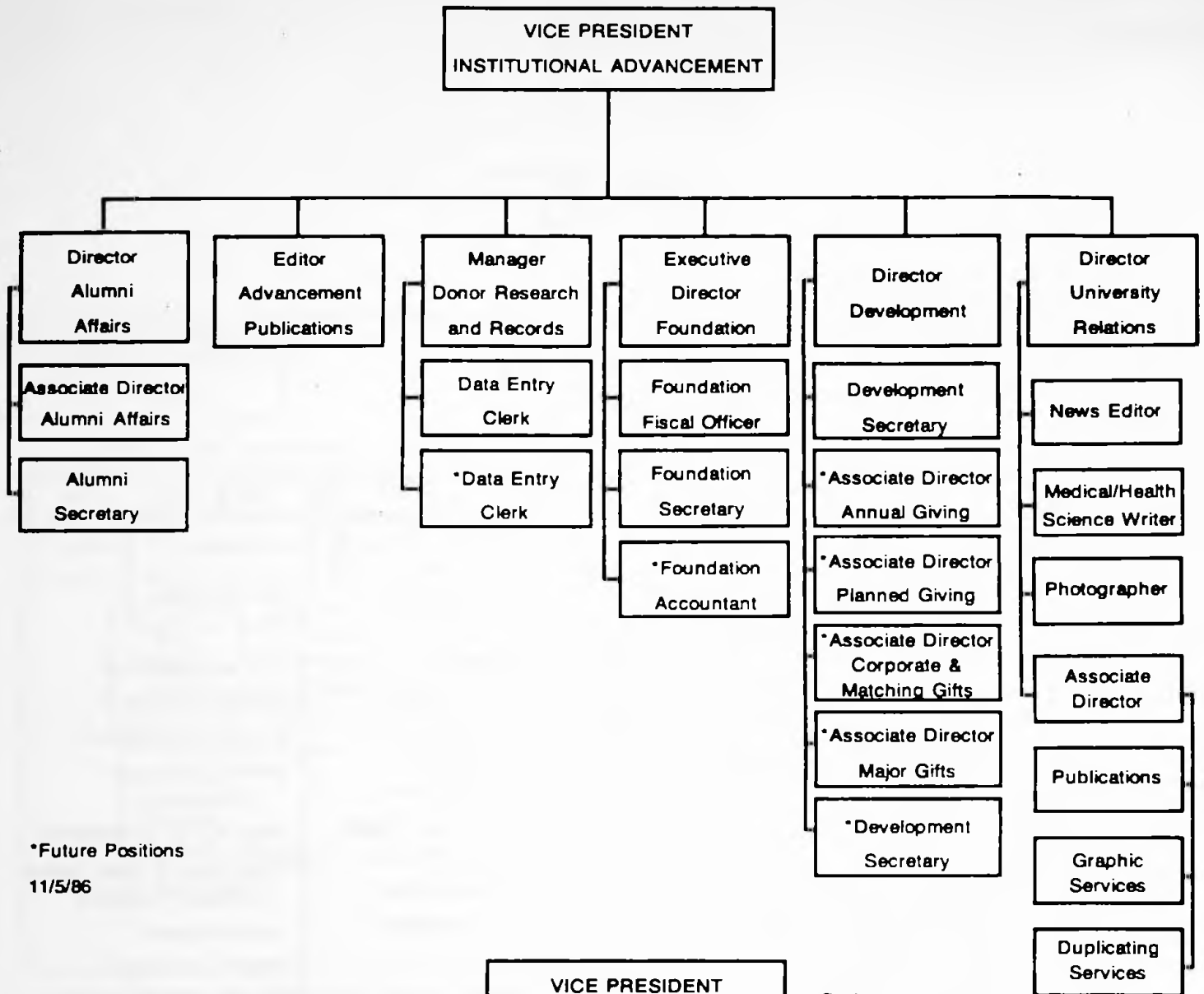
CONSTITUTION OF THE MARSHALL UNIVERSITY FACULTY.....	18
GRADUATE FACULTY MEMBERSHIP.....	27
WEST VIRGINIA BOARD OF REGENTS POLICY BULLETINS	
POLICY BULLETIN NO. 9, SEXUAL HARASSMENT.....	29
POLICY BULLETIN No. 12, ALIEN EMPLOYMENT CONTROL.....	31
POLICY BULLETIN NO. 18, RETIREMENT POLICY.....	32
POLICY BULLETIN NO. 20, POLICY REGARDING GRADE-POINT AVERAGE REQUIRED FOR ASSOCIATE AND BACCALAUREATE DEGREES.....	32
POLICY BULLETIN NO. 29, POLICY REGARDING THE COLLEGE-LEVEL EXAMINATION PROGRAM AND THE PROFICIENCY EXAMINATION PROGRAM...	34
POLICY BULLETIN NO. 34, POLICY REGARDING RESIDENCY CLASSIFICATION OF STUDENTS FOR ADMISSION AND FEE PURPOSES.....	35
POLICY BULLETIN NO. 35, POLICY REGARDING ANNUAL LEAVE, MILITARY LEAVE, LEAVE OF ABSENCE WITHOUT PAY, SICK AND EMERGENCY LEAVE, AND WITNESS AND JURY LEAVE FOR EMPLOYEES OF THE STATE SYSTEM OF HIGHER EDUCATION.....	37
POLICY BULLETIN NO. 36, MATTERS RELATING TO FACULTY.....	41
POLICY BULLETIN 36, SECTION 13a.....	50
POLICY BULLETIN NO. 39, MEASLES AND RUBELLA IMMUNIZATION POLICY.....	51
POLICY BULLETIN NO. 44, POLICY REGARDING STANDARDS AND PROCEDURES FOR UNDERGRADUATE INSTITUTIONAL ADMISSION POLICIES.....	54
POLICY BULLETIN NO. 52, CLASSIFIED EMPLOYEE GRIEVANCE PROCEDURE.....	57
POLICY BULLETIN NO. 60, POLICY REGARDING ACADEMIC RIGHTS AND RESPONSIBILITIES OF STUDENTS.....	59
POLICY BULLETIN NO. 62, POLICY REGARDING PERSONNEL ADMINISTRATION FOR BOARD OF REGENTS EMPLOYEES.....	62



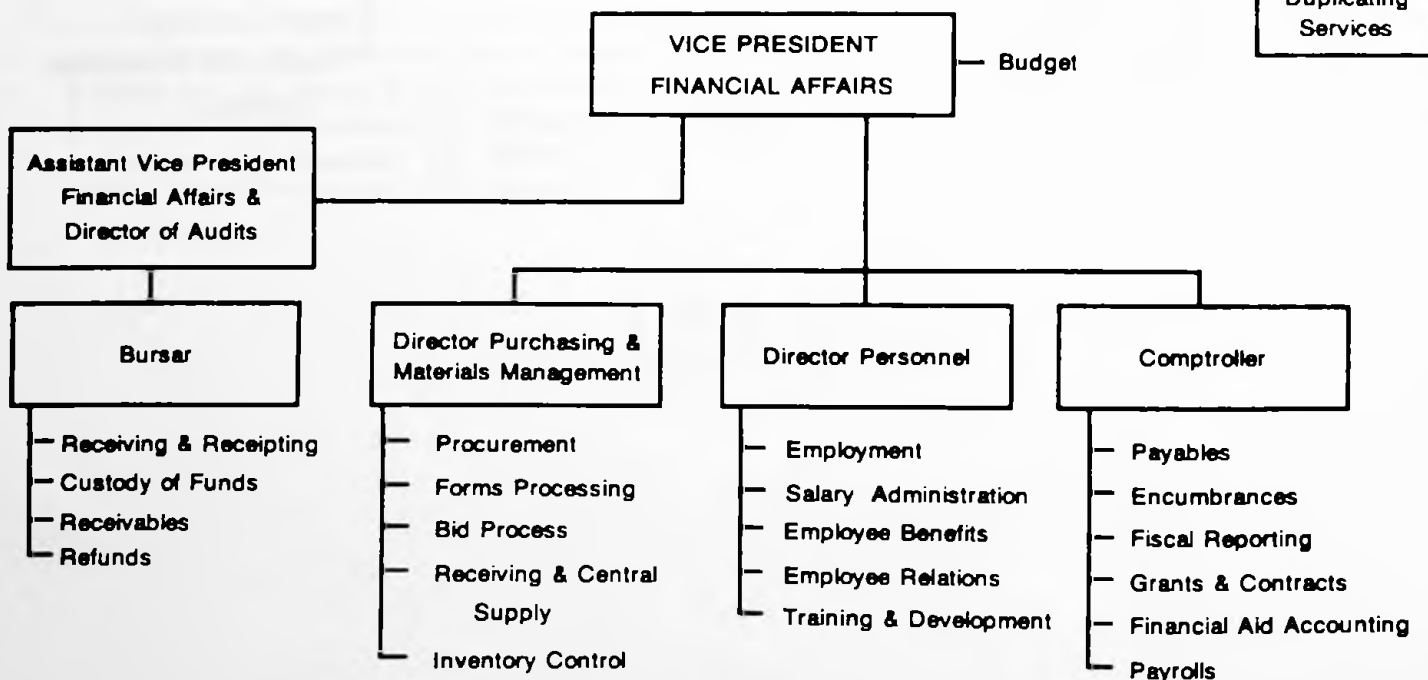


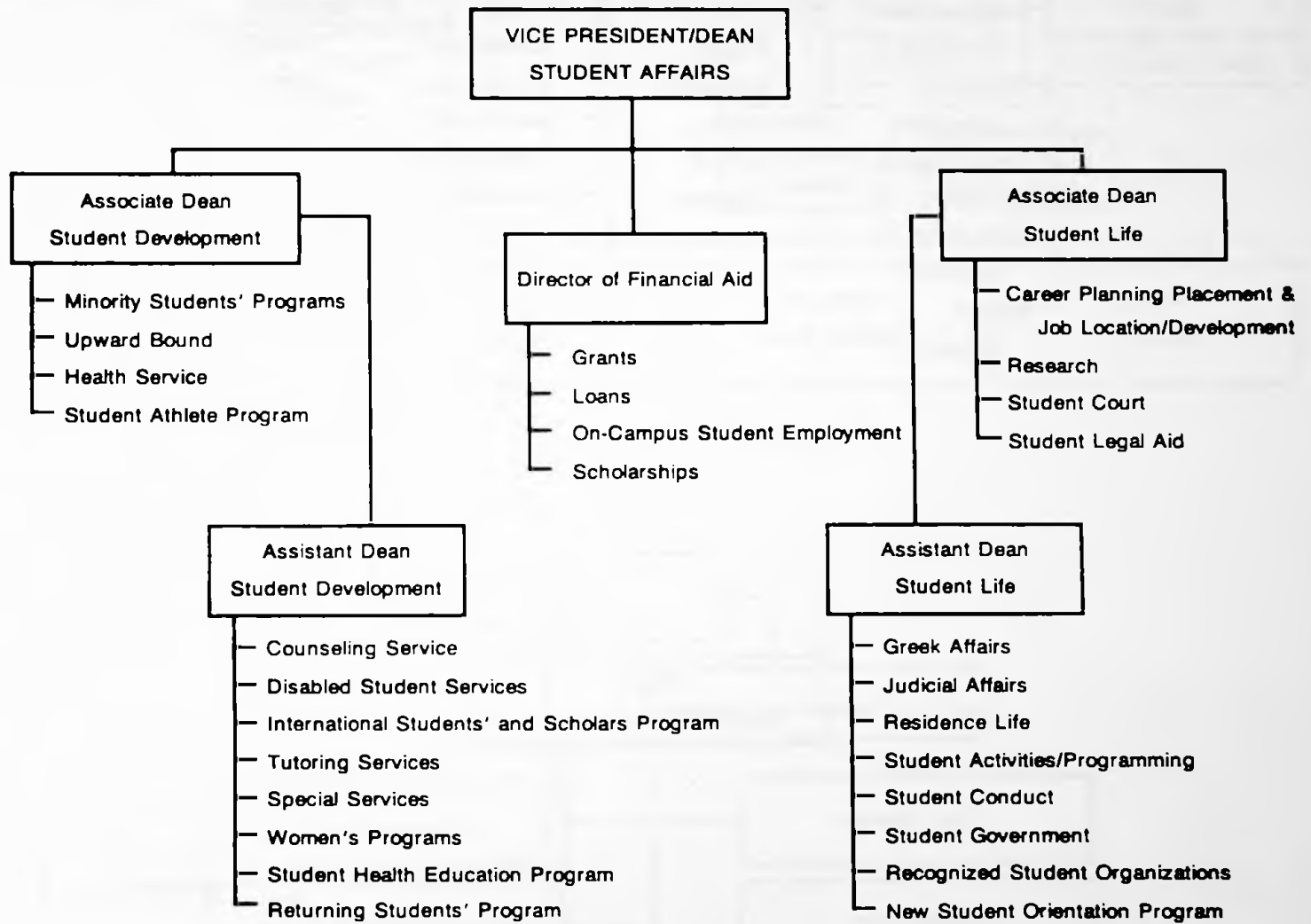
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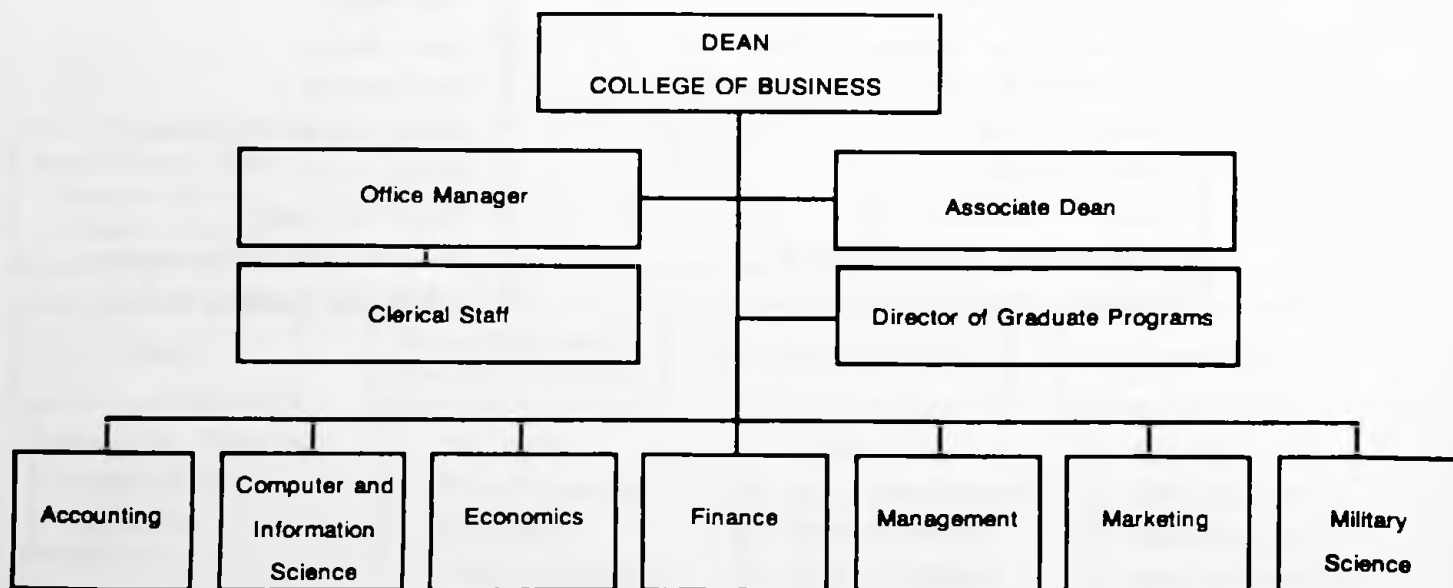
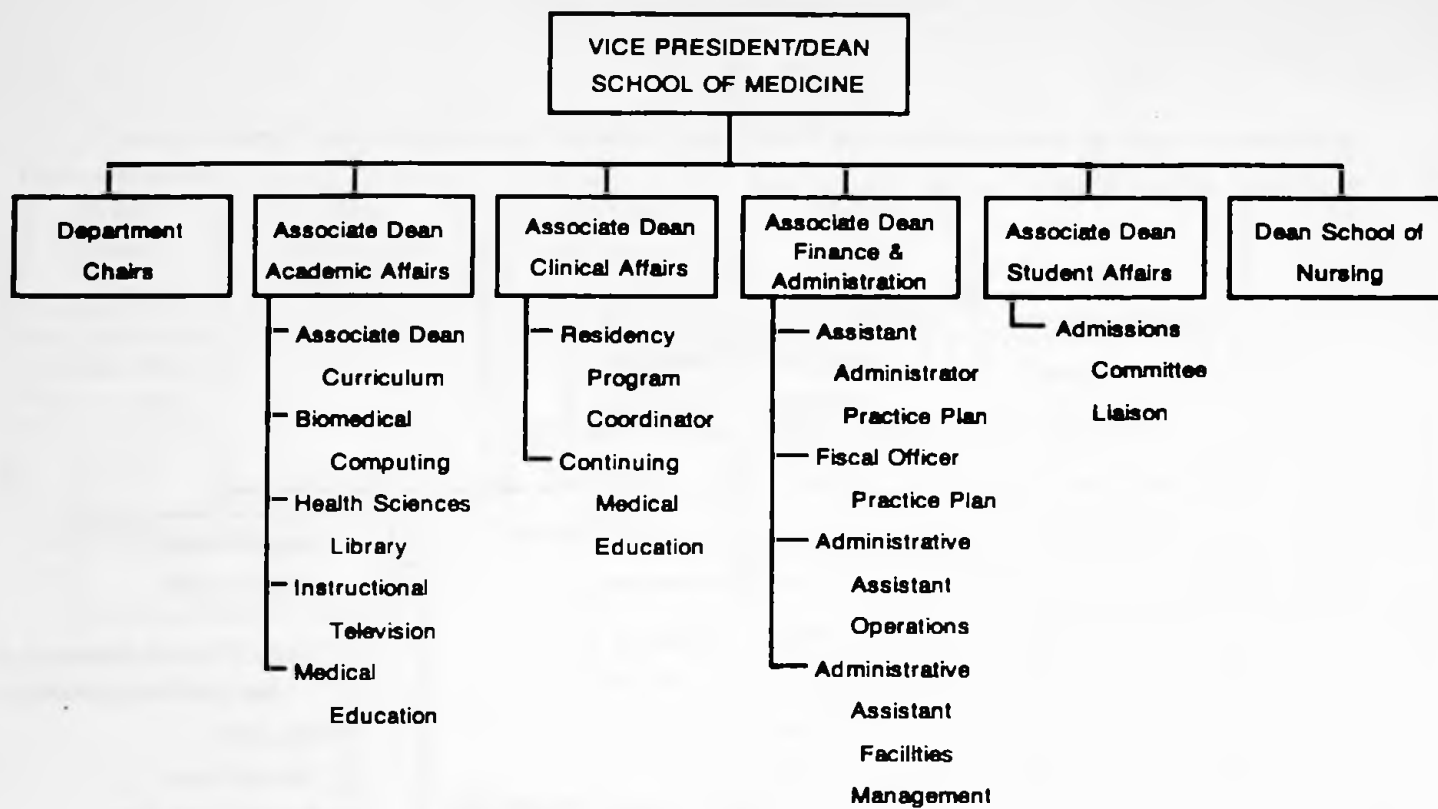


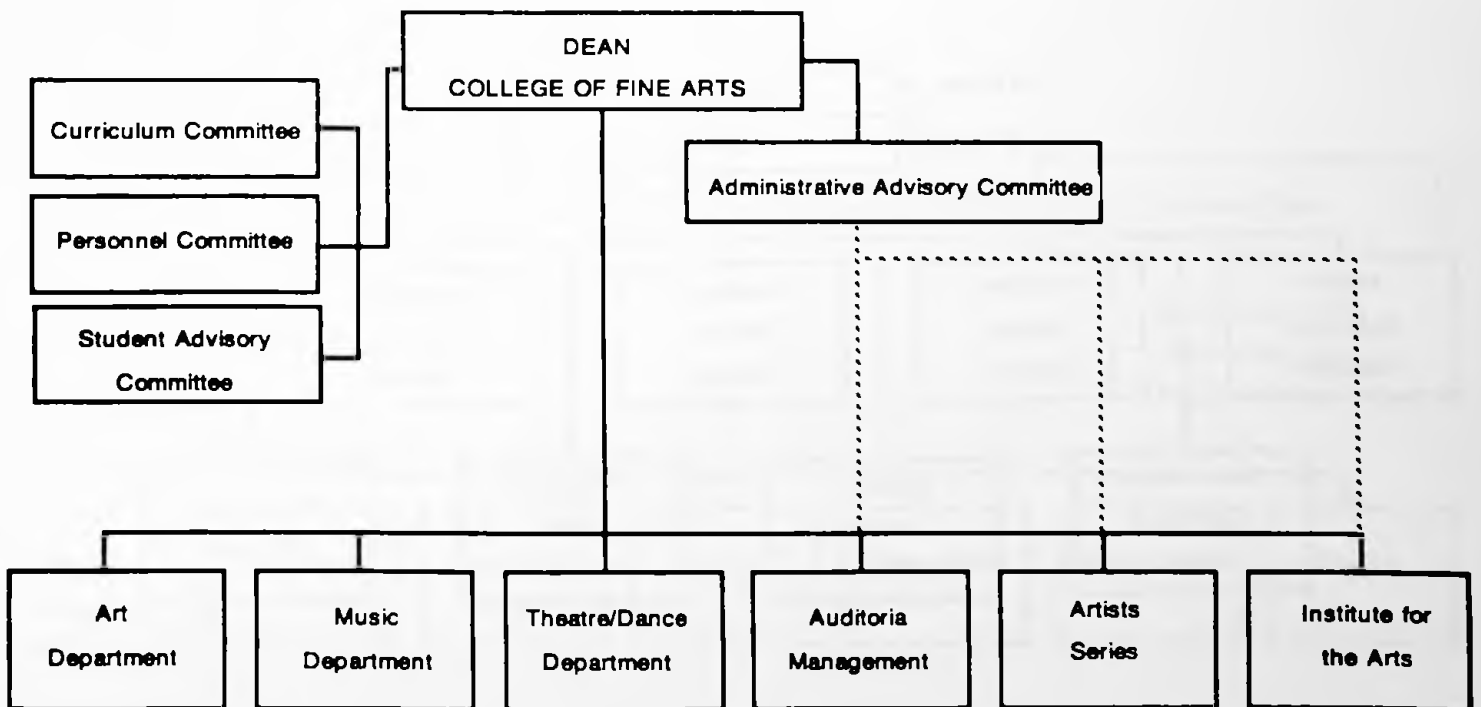
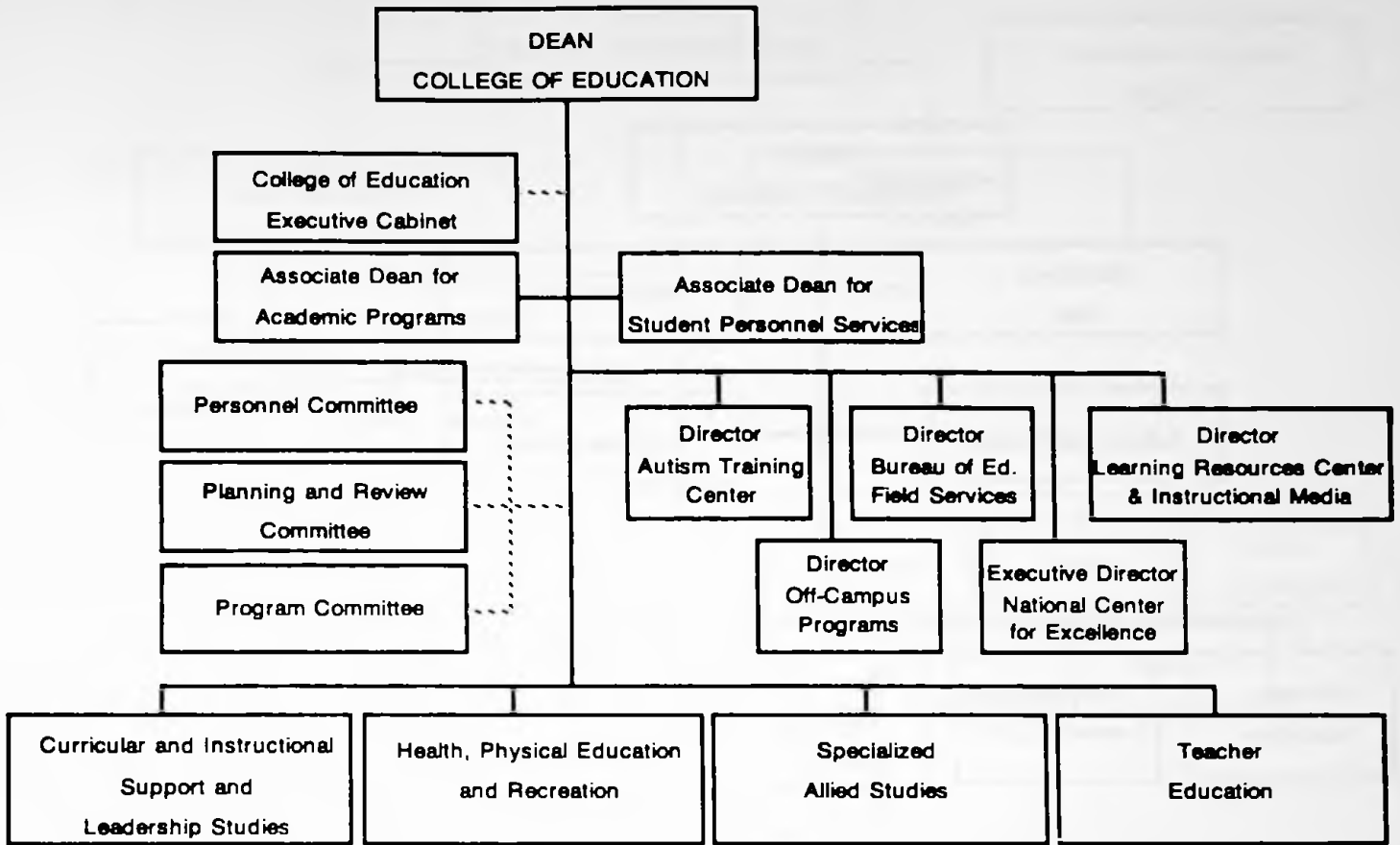


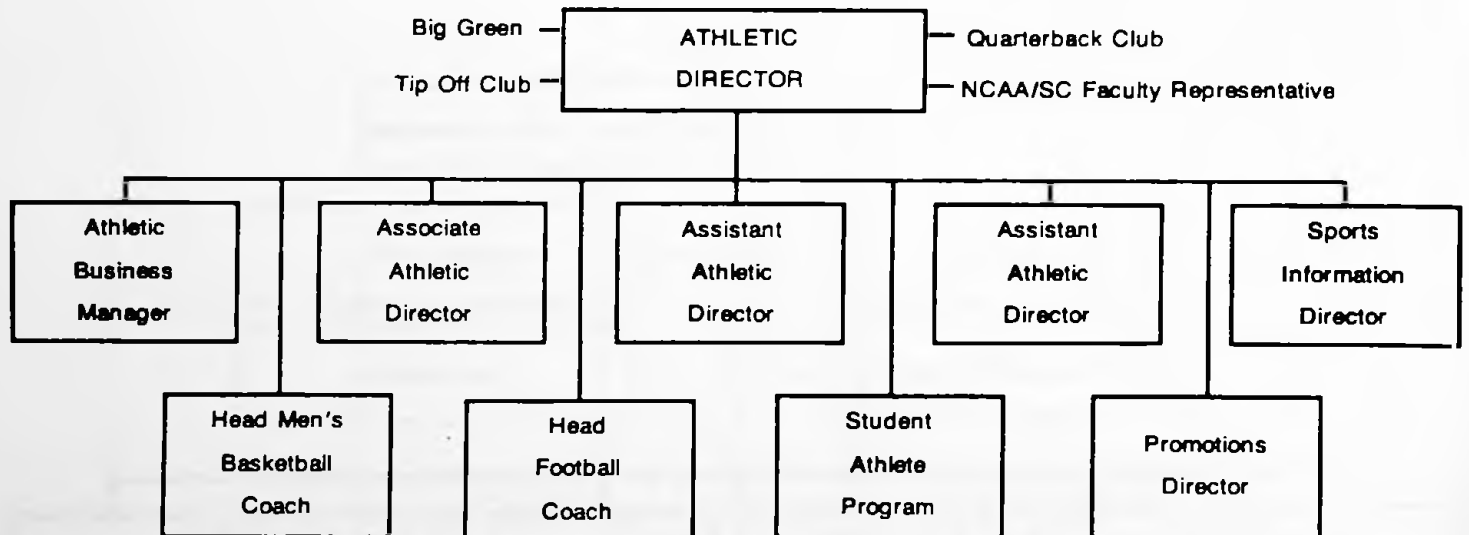
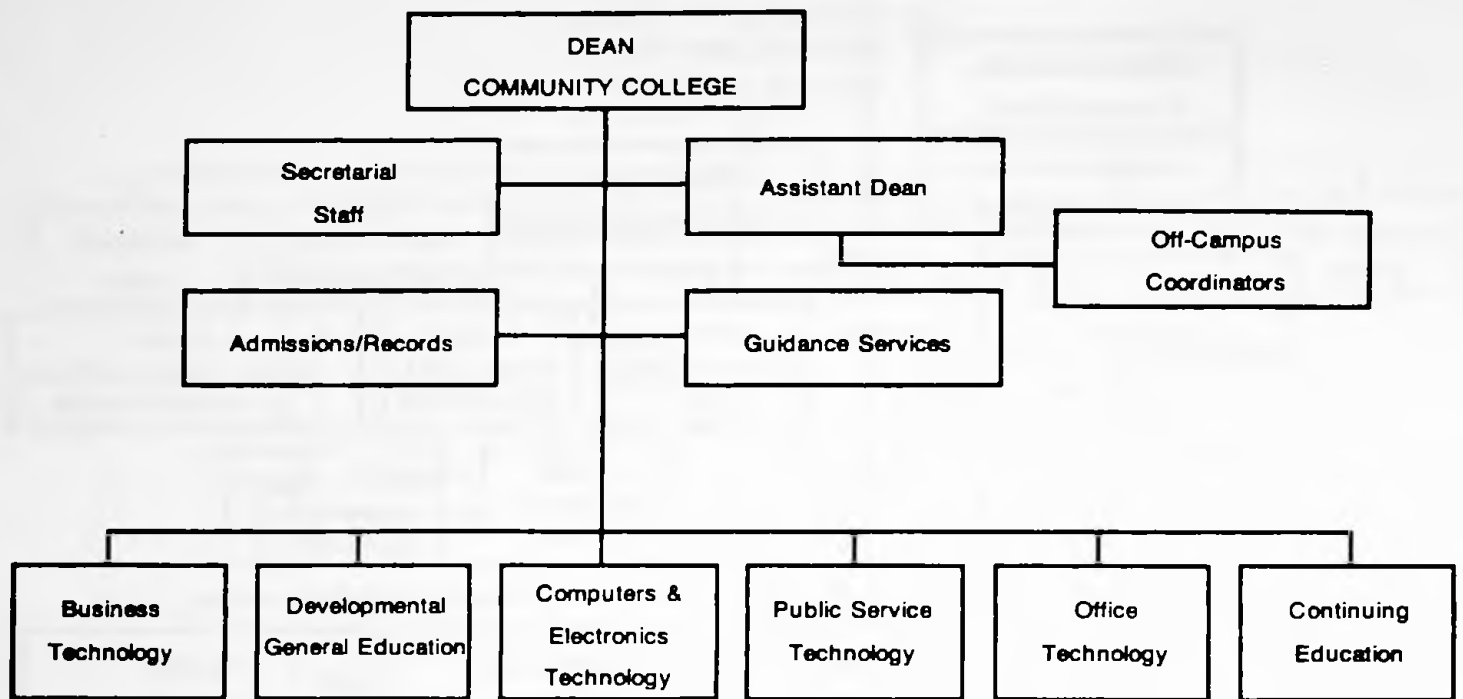
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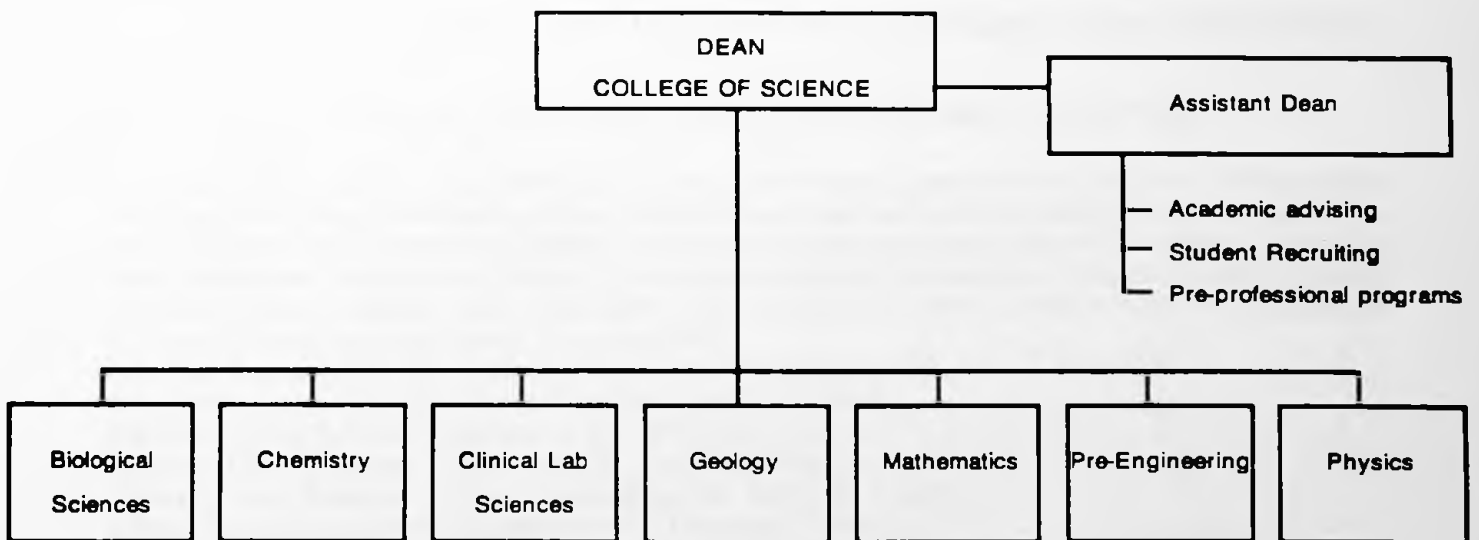
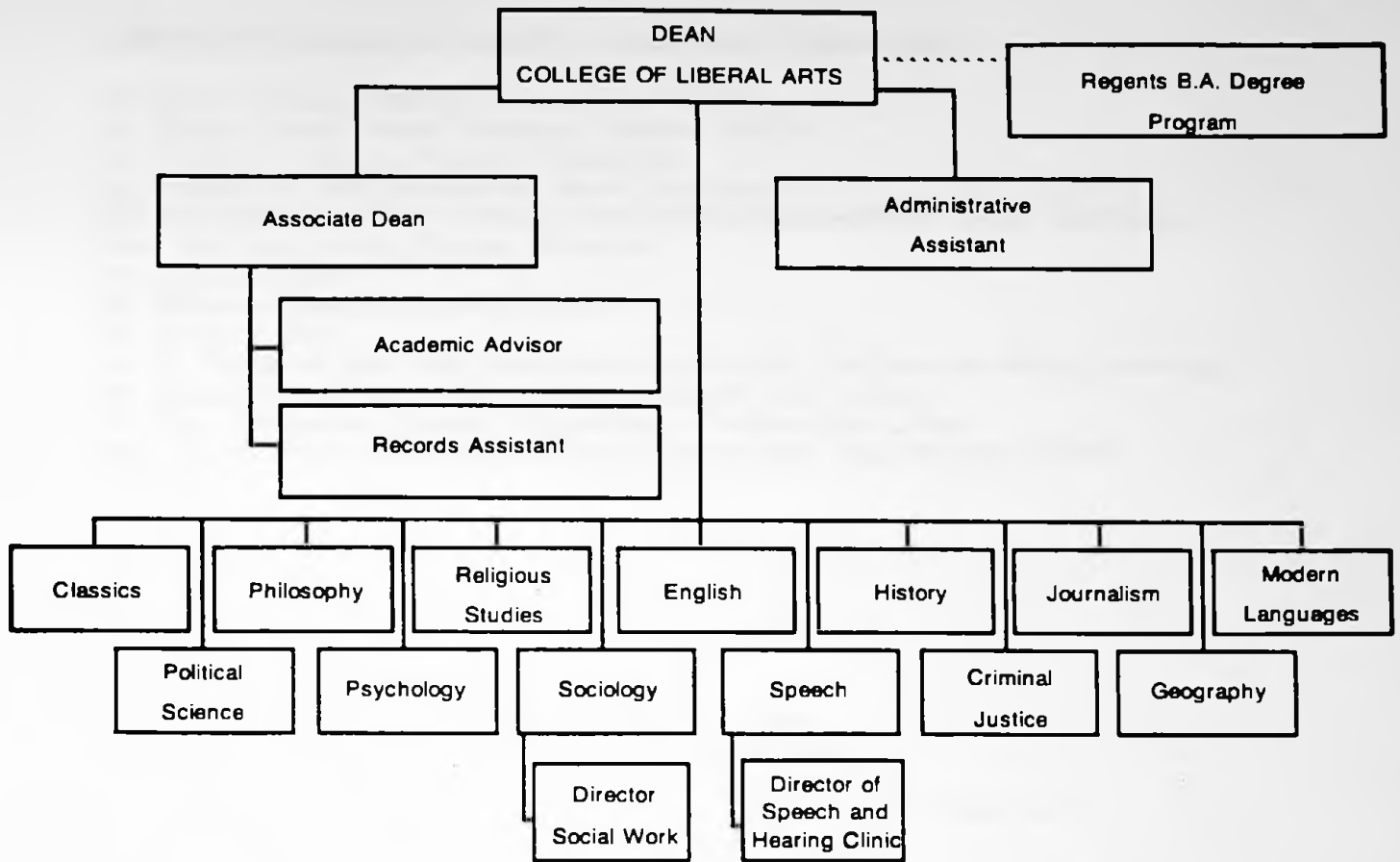












SUBSTITUTE for the listing of members of the Board of Regents, page 1.

Mr. Louis J. Costanzo, President, Accountant, Wheeling
Mr. Charles Connor, Retired Newspaper Publisher, Beckley
Mr. Thomas L. Craig, Jr., Attorney, Huntington
Mr. Kenneth M. Dunn, Businessman, South Charleston
The Reverend Paul J. Gilmer, Director, Opportunities Industrialization Center, Charleston
Sister Mary Jude Jochum, Educator, Wheeling
Mr. James McCartney
Mr. William McLaughlin, Banker, Fairmont
Mr. Charles F. Printz
Dr. W. Thomas McNeel, State Superintendent of Schools, Charleston (ex officio, non-voting)
Ms. Suzanne Snyder, Faculty Representative, Fairmont State College
Mr. Michael Niggemyer, Student Representative, Fairmont State College
Mr. Clifton T. Neal, Jr., Classified Employee Representative, Bluefield State College

* * * * *

SUBSTITUTE for listing of Board of Regents' Staff, pages 1-2.

Chancellor- Dr. Thomas W. Cole, Jr.
Vice Chancellor for Academic Affairs--Dr. David R. Powers
Vice Chancellor for Administrative Affairs--Dr. Edward Grose
Vice Chancellor for Health Affairs--Dr. James J. Young
Director of Community College and Vocational Education--Dr. M. Douglas Call
Director of Student and Educational Services--John F. Thralls
Director of Finance--James J. Schneider
Director of Personnel Administration--George C. Cameon
Director of West Virginia Network of Educational Telecomputing--Johnnie P. Byrd
Director of Facilities--Robert D. Wilson
Director of Planning--Dr. Barbara Ritchie

* * * * *

SUBSTITUTE for WEST VIRGINIA BOARD OF REGENTS ADVISORY COMMITTEE SYSTEM,
page 2

WEST VIRGINIA BOARD OF REGENTS ADVISORY COMMITTEE SYSTEM

To facilitate communication and expedite use of professional competencies, the Board of Regents has established a number of advisory groups. One of these is the Advisory Council of Public College Presidents, of which the President of Marshall University is a member, along with the Presidents of the other state colleges and universities. Others are the several Advisory Committees, on each of which Marshall University has a representative, as listed below. Members of the Advisory Committee system are appointed by virtue of positions held within the university.

Advisory Council of Public College and University Presidents--Dr. Dale F. Nitzschke
Academic Affairs Advisory Committee--Dr. Carol Ann Smith
Business Affairs Advisory Committee--Mr. Harry E. Neel, Jr.
Student Affairs Advisory Committee--Dr. Nell C. Bailey
Admission and Records Advisory Committee--Dr. James W. Harless
Library Resources Advisory Committee--Dr. Kenneth T. Slack
Computer Center Directors Advisory Committee--Mr. Arnold R. Miller
Computer Policy Board--Dr. William S. Deel
Equal Opportunity--Affirmative Action Advisory Council--Ms. Queen Foreman

Regents BA Coordinators Committee--Dr. Alan Gould (acting)
Teacher Education Advisory Committee--Dr. Carole Vickers
HEITV Committee (Higher Education Instructional Television)--Dr. Dorothy Johnson
Advisory Council of Faculty--Dr. Frances Hensley
Advisory Council of Students--Tom Webb
Advisory Council of Classified Employees--Jill Chapman

* * * * *

SUBSTITUTE for MARSHALL UNIVERSITY INSTITUTIONAL BOARD OF ADVISORS, page 2.

MARSHALL UNIVERSITY INSTITUTIONAL BOARD OF ADVISORS

Appointed by the Board of Regents

Mr. A. Michael Perry, Chairman, President, Key Centurion Bancshares, Inc., Huntington.
Mr. David G. Todd, Vice Chairman, Vice President, Ashland Coal, Inc., Huntington.
Mr. James S. Williams, Secretary, Field Coordinator, AFL-CIO Appalachian Council, Huntington.
Dr. H. Darrell Darby, Podiatrist, Huntington.
Mr. James H. Harless, Board Chairman, Gilbert Imported Hardwoods, Inc., Gilbert.
Mr. Nathaniel Ruffin, Personnel Director, **The Herald Dispatch**, Huntington.
One position currently vacant

Institutional Members

Elected by Marshall University Faculty: Dr. Roger L. Adkins, Associate Professor and Chairman, Department of Economics, Marshall University.
Administrator Appointed by President: Dr. Robert P. Alexander, Dean, College of Business, Marshall University.
Elected by Marshall University Student Body: Mr. Thomas Frankhouser
Elected by Marshall University Staff: Ms. Barbara R. James, Program Assistant, Regents Bachelor of Arts Degree Program, Marshall University.

* * * * *

SUBSTITUTE for the section under VICE PRESIDENT FOR STUDENT AFFAIRS/DEAN OF STUDENTS, page 3.

VICE PRESIDENT FOR STUDENT AFFAIRS/DEAN OF STUDENTS

The Vice President for Student Affairs/Dean of Students manages a variety of programs and services which are designed to aid students in their growth and development outside the formal classroom. The Vice President is assisted by two associate deans. Programs and services include the following: Counseling Services, Special Services (such as tutoring, reading improvement, and study skills and time management), Disabled Student Services, International Students' Programs, Minority Students' Programs, Women's Programs, Health Education, Upward Bound (a high school program for low-income potential college students), Financial Assistance, Career Planning and Placement, Judicial Affairs, Residence Life, Student Activities, Student Government, Student Legal Aid, Greek Affairs, Orientation, and Student Affairs Research.

The Vice President for Student Affairs/Dean of Students reports to the President.

* * * * *

SUBSTITUTE for section headed **VICE PRESIDENT FOR FINANCIAL AFFAIRS**, page 3.

VICE PRESIDENT FOR FINANCIAL AFFAIRS

The Vice President for Financial Affairs is the chief fiscal officer of the university, reporting to the President. The Vice President's department includes the divisions of Accounting, Finance, Payrolls, Personnel, and Purchasing.

UNDER VICE PRESIDENT FOR SUPPORT SERVICES, page 3.

Delete Personnel as one of the five areas reporting to this Vice President. Personnel has been transferred to the Vice President for Financial Affairs.

* * * * *

MISCELLANEOUS CHANGES, ADDITIONS, and SUBSTITUTIONS in CHAPTER III

page 5, change title to read **ACADEMIC EMPLOYMENT, RANK, TENURE, RELEASE, DISMISSAL, GRIEVANCE, RETIREMENT, AFFIRMATIVE ACTION AND SABBATICAL**

* * * * *

PLAN FOR DETERMINING ACADEMIC RANK AND TENURE AND FOR PROCEDURES OF GRIEVANCE NONREAPPOINTMENT, AND DISMISSAL FOR MARSHALL UNIVERSITY FACULTY MEMBERS. pages 5-11.

In making use of this section in the 1985-86 Greenbook edition and the revisions which follow, faculty members should keep in mind that this entire policy is currently undergoing major revision by the appropriate faculty committee(s) and university administration. Note also that any final plan must be based upon revised Policy Bulletin 36 of the Board of Regents, carried elsewhere in this supplement. Thus it would profit those who have a personal interest in any aspect of this plan to (1) read Policy Bulletin 36 as well as the plan and the modifications which follow, and (2) check with the appropriate university administrators to determine the current specifics.

Page 5, Section IV, Part B3 should be modified to read as follows:

3. Should new faculty members be employed at salaries higher than those being paid to current members of the staff who hold positions with comparable responsibilities and who have equivalent training, experience and competence, the latter will be considered for comparable compensation. The competence is to be determined by the chairperson of the department in consultation with other members of the department with equal or higher rank.

Page 7, Section VII, Promotion

Section VII. PROMOTION

A. Annual Consideration for Promotion

All persons with the rank of instructor, assistant professor, or associate professor who regularly teach one or more classes in the university and who are employed full-time are entitled to annual consideration for promotion to a higher rank.

B. Promotion Process

1. Promotion is a reward for achievement. It is not automatic. The minimal criteria are not to be construed in themselves as sole determinants in the promotion.
2. Each college or division will determine its own applications of the criteria for promotion and tenure specified in Policy Bulletin No. 36 and Section VI of this chapter.
3. Each faculty member will be responsible for initiating his or her application for promotion. However, the department chairperson or the intradepartmental committee recommended in VI.A., may initiate a formal proposal for promotion for any member of the department. The application will adhere to the format established by the college or division. Proposals for promotion of a department chair/division head shall be initiated by him/herself, the intradepartmental committee or his/her academic dean.
4. The faculty member will submit the application to the chairperson, who will forward it to the intradepartmental committee. The committee will signify in writing its recommendation and return the application, together with its written response, to the chairperson.
5. Both the chairperson and intradepartmental committee will forward in writing their recommendations and rankings for each academic rank to the dean. The rankings of the chairperson and intradepartmental committee both should be noted on the application.
6. The dean will deliver all applications to the promotion and tenure committee of the college or division, or its equivalent. The committee will prepare a recommendation on each application and will return the applications, together with written reasons for each response, to the dean.
7. The dean, after examining the recommendations of the college committee, will prepare a list of faculty members recommended for promotion and will place in order or priority those recommended within each rank. The dean will forward this list, together with all applications and all written responses, to the Vice President for Academic Affairs or his or her equivalent and will indicate to the department chairperson in writing the recommendation on each application from the department.
8. After conferences with the deans, the Vice President for Academic Affairs or his or her equivalent will prepare a list of faculty members recommended for promotion and will place in order of priority those recommended within each rank. The Vice President for Academic Affairs or his or her equivalent will forward the list, together with all applications and all written responses, to the President.
9. Promotion will result from action by the President at the conclusion of this process. The President will prepare a list of those promoted and send an information copy to the chairperson of the Faculty Personnel Committee.
10. An applicant denied promotion will be informed by the President in writing, together with reasons for the action.
11. The entire promotion process must adhere to University time guidelines.
12. An applicant denied promotion may file a grievance in accord with the Grievance Procedure, Policy Bulletin No. 36, 13 and Chapter III, Section IX.C of the Greenbook.
13. The faculty member may withdraw the application at any time during the promotion process.

* * * * *

Page 8, Section VIII, Part A, 3 and 4, are modified and parts 5 and 6 added, so that beginning with VIII, A3, the general section now reads as follows:

3. During the probationary period, contracts shall be issued on a year-to-year basis, and appointments may be terminated at the end of any contract year. During said probationary period, notices or non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Documented information relating to the decision for nonretention or dismissal shall be provided promptly to the faculty member upon request.
4. After the decision regarding retention has been made by the President, he or she shall notify the probationer 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;

- (3) At least one year before the expiration of an appointment after two or more years of service in the institution.

Faculty appointed at times other than the beginning of the academic year may elect to have those periods of appointment, equal to or greater than half an academic year, considered as a full year for tenure purposes only. Probationary appointments for less than half an academic year may not be considered time in probationary status. Failure to provide timely notice of nonretention to probationary faculty would lead to renewal of appointment for an additional year, but not prejudice further continuation after that additional year.

5. Following receipt of the notice of termination, the faculty member may appeal such nonretention decision by requesting a statement of reasons and then requesting a hearing before the institutional hearing committee, as provided in Section 14 of Policy Bulletin 36. The request for a statement of reasons shall be in writing and mailed to the President within ten days of receipt of the notice of nonretention, and the President within ten days after receiving that request, by certified mail, return receipt requested, shall provide the faculty member with a statement of reasons for nonretention, which statement is only for purposes of informing the faculty member of reasons for nonretention prior to the institutional hearing (and therefor is not a statement of reasons referred to in Code 18-26-8c). Upon receipt of this preliminary statement of reasons, the faculty member may request a hearing before the institutional hearing committee in accordance with Section 14 of Policy Bulletin 36, and the hearing shall be conducted as provided therein.
6. The department chairperson with the advice of the intradepartmental committee recommended in VI,A shall conduct a yearly review of the performance of academic duties by nontenured faculty members, and the faculty members shall be informed of the results of such review in writing.

* * * * *

The following will replace Chapter III, Section VIII, B (Probation and Tenure) page 8.

B. Tenure (See Policy Bulletin No. 36, 7)

1. Tenure at Marshall University provides for a continuing series of appointments which may be terminated by the university only for cause or under extraordinary circumstances because of financial exigencies as specified in Section IX, and reduction or discontinuance of program.
2. The department chairperson will inform in writing each probationary faculty members of the guidelines for tenure. The faculty member must acknowledge receipt of this notification. The principles stated in Section VI, with the recognition that certain items of that section are subject to specific departmental interpretation regarding the faculty member's status, will provide the basis for this information.
3. Each faculty member will have the primary responsibility for initiating his or her application for tenure. However, the department chairperson or the intradepartmental committee may initiate a recommendation for tenure. Unless demonstrated extraordinary circumstances prevent an application, the persons who choose not to apply will not be considered for tenure, and his or her appointment shall be terminated.
4. Each application for tenure will be submitted and processed according to the guidelines specified for applications for promotion in Chapter III, Section VII, B.
5. The ultimate decision on whether to grant tenure will be made by the President. The principles stated in Chapter III, Section VI, will provide the basis for this determination.
6. An applicant denied tenure shall be informed of non-retention by the President by certified mail. Requests for reasons for non-retention should follow the guidelines in Policy Bulletin No. 36, 8f.
7. The entire tenure process must adhere to University time guidelines.

* * * * *

Note: for more detailed information on hearings and for the basis for this section, faculty members should read POLICY BULLETIN NO. 36 in its revised version elsewhere in this supplement.

Page 10, Section IX, Hearings, should be replaced by the following:

C. Hearings

1. The Institutional Hearing Committee shall have 30 members elected for two year terms. The terms shall be staggered so that one half of the members from each rank shall be elected each year. The Committee shall consist of ten (1) Professors, ten (10) Associate Professors, Six (6) Assistant Professors, and four (4) instructors.
2. Each year the Institutional Hearing Committee will be divided into subcommittees A and B by placing the names of the members from each rank in alphabetical order. The first, third, fifth, seventh, and ninth full and associate professors; the first, third, and fifth assistant professors; and the first and third instructors will be subcommittee A. The second, fourth, sixth, eighth, and tenth full and associate professors; the second, fourth, and sixth assistant professors; and the second and fourth instructors will be subcommittee B. The subcommittees will alternate responsibility for each hearing with subcommittee A handling the first hearing each year.
3. If a faculty member requests a hearing before the Institutional Hearing Committee:
 - a. The President shall, within fifteen (15) days of receipt of the request, furnish the faculty member in writing a list of ten (10) members of the appropriate subcommittee (either A or B) of the Institutional Hearing Committee, with instructions to strike five names and return the list to the President within fifteen (15) days. If, for any reason, the faculty member fails to strike, the President shall, within fifteen (15) days, strike a sufficient number to reduce the members to five (5) who shall constitute the institutional Hearing Committee.
 - b. The President shall promptly notify the five (5) members in writing that they have been selected to constitute an institutional Hearing Committee and that they are responsible for selecting one of their membership to be chairperson, and shall designate a time and place for their meeting to make such selection and to set a date for hearing the charge or appeal.
 - c. The chairperson shall give notice by certified mail to the concerned persons of the time and place for hearing the charge or appeal, within thirty (30) days of the date of notice thereof.
4. Faculty member's advisor. The faculty member and his/her advisor may participate fully in the proceedings.
5. Witnesses. All persons offering testimony or evidence may be questioned by the Committee members or the Hearing Examiner and/or the faculty member's advisor.
6. Transcript. The transcript of the testimony shall be prepared and maintained under the direction of the Committee or the Examiner.
7. Order of Proceedings
 - a. Presentation of testimony and evidence of the appealing faculty member and his/her witnesses.
 - b. Questioning of the appealing faculty member and his/her witnesses and rebuttal by those bringing charge.
 - c. Presentation of testimony and evidence of appropriate administrators and their witnesses.
 - d. Questioning of administrators giving testimony or evidence and their witnesses, and rebuttal by the appealing faculty member and his/her advisor.
8. Delivery to President. Within two weeks after the hearing, the Committee or Examiner shall deliver to the President a copy of the record of the hearing with the recommendation of the Committee or Examiner and shall provide a copy of the recommendations to the faculty member.
9. Publicity. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided as far as possible until the proceedings have been completed.

* * * * *

1. Level one: **Within 60 days of the date that a faculty member knows, or with reasonable care should have known, the facts which give rise to his or her grievance, the faculty member shall first seek a resolution of the grievance through informal discussion with his or her chairperson.**

3. Level three: **If not satisfied with the resolution at level two, within ten working days of receipt of the decision by the academic dean, the faculty member should forward to the Vice President for Academic Affairs a copy of the grievance, along with the Dean's response and supporting documents.**

* * * * *

Page 11, Section X, remains as is with respect to content, but becomes Section XI to make room for a new Section X concerned with sabbatical leaves, which reads as follows:

10. Policy Bulletin No. 10, page 57 in the 1985-86 edition of the **Greenbook** deals with Board of Regents guidelines for sabbatical leaves. Two forms must be completed by any applicant wishing to be considered for a sabbatical leave: "Sabbatical Leave Request" and "Sabbatical Leave Agreement." Both are to be secured from the appropriate college academic dean. Interested faculty should also determine if the particular college has additional guidelines and secure a copy of any which exist.

Note that the "Sabbatical Leave Request" has two parts. The first part is for information that goes to the Board of Regents. The second page contains information and the routing procedure for university use.

Pay particular attention to the order of approval (routing), recognizing that it is the Board of Regents which grants sabbaticals.

* * * * *

Page 11, Section X, remaining as it was, is now Section XI.

* * * * *

ADD following **ACADEMIC EMPLOYMENT, RANK, TENURE, RELEASE, DISMISSAL, GRIEVANCE, RETIREMENT, AND AFFIRMATIVE ACTION** and preceding **RETIREMENT POLICY** on page 11.

Note that this section may be followed for grievance procedures in lieu of Board of Regents processes, such as Policy Bulletins No. 36, 52, and related regulations. This is a summary of the basic provisions; the complete policy is available at the Office of The President and/or Personnel.

ARTICLE 29. GRIEVANCE PROCEDURE.

18-29-1 Legislative purpose and intent.

The purpose of this article is to provide a procedure for employees of the board of regents...and their employer or agents of the employer to reach solutions to problems which arise between them within the scope of their respective employment relationships...

18-29-3 Grievance procedure generally.

- (a) A grievance must be filed within the times specified in section four of this article and shall be processed as rapidly as possible. The number of days indicated at each level...shall be considered as the maximum number of days allowed and if a decision is not rendered at any level within the prescribed time limits the grievant may appeal to the next level: **Provided**, that the specified time limits may be extended by mutual written agreement and shall be extended whenever a grievant is not working because of such circumstances as provided for...
- (c) The grievant may file the grievance at the level vested with authority to grant the requested relief if each lower administrative level agrees in writing thereto.
- (d) An employee may withdraw a grievance at any time by notice, in writing, to the level wherein the grievance is then current.
- (f) An employee may have the assistance of one or more fellow employees, an employee organization representative or representatives, legal counsel or any other person in the preparation and presentation of the grievance. At the request of the grievant, such person or persons may be present at any step of the procedure.
- (g) If a grievance is filed which cannot be resolved within the time limits set forth in section four of this article prior to the end of the employment term, the time limit set forth in said section shall be reduced as agreed to in writing by both parties so that the grievance procedure may be concluded within ten days following the end of the employment term or an otherwise reasonable time.
- (h) No reprisals of any kind shall be taken by any employer or agent of the employer against any interested party, or any other participant in the grievance procedure by reason of such participation.
- (i) ...decisions rendered at all levels of the grievance procedure shall be dated, shall be in writing setting forth the decision or decisions and the reasons therefor, and shall be transmitted within the time prescribed to the grievant and any representative named in the grievance. If the grievant is denied the relief sought, the decision shall include the name of the individual at the next level to whom appeal may be made.
- (j) Once a grievance has been filed, supportive or corroborative evidence may be presented at any conference or hearing...If the grievance evaluator rules that the evidence renders it a different grievance, the party offering the evidence may withdraw same, the parties may consent to such evidence, or the grievance evaluator may decide to hear the evidence or rule that the grievant must file a new grievance.
- (l) Forms for filing grievances, giving notice, taking appeals, making reports and recommendations, and all other necessary documents shall be made available by the immediate supervisor to any employee upon request. Such forms shall include information as prescribed by the board. The grievant shall have access to the institution's equipment for purposes of preparing grievance documents subject to the reasonable rules of the employer governing the use of such equipment.
- (m) ...all conferences and hearings pursuant to this article shall be conducted in private except that, upon the grievant's request, conferences and hearings at levels two and three shall be public.
- (o) Grievances processed on work time shall not result in any reduction in salary, wages, rate of pay or other benefits of the employee and shall be counted as time worked.
- (q) No less than one year following resolution of a grievance at any level, the grievant may by request in writing have removed any record of the grievance from any file kept by the employer.
- (r) All grievance forms and reports shall be kept in a file separate from the personnel file of the employee and shall not become a part of such personnel file, but shall remain confidential except by mutual written agreement of the parties.
- (t) Any chief administrator or governing board of an institution in which a grievance was filed may appeal such decision...

18-29-4. Procedural levels and procedure at each level.

(a) Level one.

- (1) Before a grievance is filed and within fifteen days following the occurrence of the event upon which the grievance is based, or within fifteen days of the date on which the event became known to the grievant or within fifteen days of the most recent occurrence of a continuing practice giving rise to a grievance, the grievant or the designated representative shall schedule a conference with the immediate supervisor to discuss the nature of the grievance and the action, redress or other remedy sought.

The conference with the immediate supervisor concerning the grievance shall be conducted within three days of the request therefor, and any discussion shall be by the grievant in the grievant's own behalf or by both the grievant and the designated representative.

- (2) The immediate supervisor shall respond to the grievance within two days of the conference.
- (3) Within ten days of receipt of the response from the immediate supervisor following the informal conference, a written grievance may be filed with said supervisor by the grievant or the designated representative on a form furnished by the employer or agent.
- (4) The immediate supervisor shall state the decision to such filed grievance within five days after the grievance is filed.

(b) Level two.

Within five days of receiving the decision of the immediate supervisor, the grievant may appeal the decision to the chief administrator and such administrator or his or her designee shall conduct a hearing in accordance with section six of this article within five days of receiving the appeal and shall issue a written decision within five days of such hearing. Such decision may affirm, modify or reverse the decision appealed from.

(c) Level three.

Except as to faculty and classified employees of the board or regents or any state institution of higher education who shall have the option to proceed directly to level four, within five days of receiving the decision of the chief administrator, the grievant may appeal the decision to the governing board of the institution.

(d) Level four.

- (1) If the grievant is not satisfied with the action taken by the governing board, within five days of the written decision the grievant may request, in writing, on a form furnished by the employer, that the grievance be submitted to a hearing examiner as provided for in section five of this article, such hearing to be conducted in accordance with section six of this article within ten days following the request therefor **Provided, however,** that such hearing may be held within thirty days following the request, or within such time as mutually agreed upon by the parties, if the hearing examiner gives reasonable cause, in writing, to as to the necessity for such delay.

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

18-29-5. Education employees grievance board; hearing examiners.

- (a) There is hereby created and shall be an education employees grievance board which shall consist of three members...

The board is hereby authorized and required to administer the grievance procedure at level four as provided for in section four of this article and shall employ at least two full-time hearing examiners on an annual basis...

- (b) Hearing examiners are hereby authorized and shall have the power to consolidate grievances, allocate costs among the parties in accordance with section eight of this article, subpoena

witnesses and documents ...provide such relief as is seemed fair and equitable...and such other powers as will provide for the effective resolution of grievances...

18-29-6. Hearings generally.

The chief administrator or his or her designee, the governing board or the hearing examiner shall conduct all hearings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process. All parties shall have an opportunity to present evidence and argument with respect to the matters and issues involved, to cross examine and to rebut evidence. Notice of a hearing shall be sent to all parties and their named representatives and shall include the date, time and place of the hearing.

The institution that is party to the grievance shall produce prior to such hearing any documents, not privileged, and which are relevant to the subject matter involved in the pending grievance, that has been requested by the grievant in writing....

All the testimony and evidence at any hearing shall be recorded by mechanical means, and all recorded testimony and evidence at such hearing shall be transcribed and certified at the request of any party to the institution or board....

Formal rules of evidence shall not be applied, but parties shall be bound by the rules of privilege recognized by law.

18-29-7. Enforcement and reviewability

The decision of the hearing examiner shall be final upon the parties and shall be enforceable in circuit court: **Provided**, That either party may appeal to the circuit court of the county in which the grievance occurred...Such appeal shall be filed in the circuit court...within thirty days of receipt of the hearing examiner's decision....

18-29-8. Allocation of costs.

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

18-29-9. Mandamus proceeding.

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

* * * * *

SUBSTITUTE for **AFFIRMATIVE ACTION~POLICY STATEMENT**, page 11.

AFFIRMATIVE ACTION~POLICY STATEMENT

It is the policy of Marshall University to provide equal opportunities to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, sex, sexual orientation, religion, age, handicap, or national origin.

This nondiscrimination policy also applies to all educational programs and activities as they pertain to admission, employment and other related activities covered under Title IX, which prohibits sex discrimination in higher education.

Marshall University also neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of race, sex, sexual orientation, religion, age, handicap, or national origin. Information on the implementation of the policy and/or the Title IX Amendment should be addressed to:

Affirmative Action Officer, Marshall University, Huntington, WV 25701, Telephone (304) 696-2311.

ADD to **POLICY STATEMENT ON THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**, page 11

Under **POLICY STATEMENT ON THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**, Section A, third line, add **sexual orientation** between the words "sex" and "age". Under Section B2a, third line in section a, add the term **sexual orientation** between the words "sex" and "age". On the last line on page 11 under section h, add the term **sexual orientation** between the words "sex" and "age".

* * * * *

Add following **PHYSICALLY DISABLED PERSONS** on page 12.

MARSHALL UNIVERSITY POLICY FOR FACULTY WITH CONFIRMED HTLVIII INFECTION AND/OR AIDS

In considering adoption of a policy concerning HTLVIII infection and/or AIDS among members of the faculty of Marshall University, the following facts should be kept in mind.

Discovery that an individual has HTLVIII infection is most likely to be inadvertent and by the following means:

1. Current attempts to donate blood to the American Red Cross or other agencies.
2. The "Look-Back" Program of the Red Cross to detect HTLVIII-positive individuals among past donors.
3. An individual recognizing that he or she is in a "high-risk" group seeks medical attention for specific testing for HTLVIII.

Recognizing that the current tests for detection of HTLVIII are not totally reliable (with the ELISA test, false positives occur at a frequency of 1:10) the following guidelines should be considered for members of the faculty who are determined to be positive for HTLVIII.

1. Strict confidentiality should be maintained at all times.
2. Individuals determined to be positive for HTLVIII virus by a screen-test should be examined by an Infectious Disease Specialist Physician.
 - a. The Infectious Disease Specialist Physician will examine the person and order any further test required to confirm the diagnosis of HTLVIII infection and to ascertain the presence or absence of clinical evidence of AIDS.
 - b. Individuals confirmed to be positive for HTLVIII should seek counseling as to their personal risk status for developing AIDS and/or for potential transmission of HTLVIII to others.
3. The individual will be responsible for any cost of medical examinations, laboratory tests, and treatment not covered by regular health insurance policy or policies.
4. Should unusual circumstances arise requiring quarantine of the individual, such a decision should be made by appropriate Public Health Officials.
5. All decisions with regard to assumption of the responsibilities of a faculty member, continuation of salary, extension of sick leave, and comparable matters are administrative and would be considered under established guidelines for other illnesses.

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Page 13, section entitled **SABBATICAL LEAVE**, should be deleted. It has been transferred in expanded fashion to Chapter III.

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SUBSTITUTE for section headed **REMISSION OF TUITION AND REGISTRATION FEES FOR GRADUATE AND TEACHING ASSISTANTS**, on page 14.

REMISSION OF TUITION AND REGISTRATION FEES FOR GRADUATE AND TEACHING ASSISTANTS

Tuition, registration, Higher Education Resources, and Faculty Improvement fees are waived for graduate and teaching assistants approved by the Dean of the Graduate School. The Student Activity fee is not waived and must be paid.

* * * * *

SUBSTITUTE for second paragraph under **Payroll Procedures for all Student Employment**, page 14.

Student employees are paid twice monthly, one month in arrears. Student employees' checks are disbursed by the Bursar's Office, Room B-22, Old Main Building.

* * * * *

SUBSTITUTE under **PURCHASING**, page 14, paragraphs 1 and 2:

PURCHASING

Authority to purchase or acquire materials, supplies, equipment, services, and printing is vested in the Chief Procurement Officer of Marshall University through the State Code which authorizes the Board of Regents to set procurement policy and to adopt rules and regulations. The Chief Procurement Officer (Director of Purchasing and Materials Management) is appointed by the President of the University. Since the Chief Procurement Officer has sole responsibility from the Board of Regents to enter into, administer contracts, and make written determinations thereto, all other negotiations by employees of the University are considered unauthorized purchases for which the individual will be held personally accountable.

Equipment, supplies, services, and printing are requested on the appropriate purchasing forms which are available through the University's Central Receiving Department. Each request originated by faculty or staff must contain sufficient information to complete the procurement cycle. Also, State Code requires that all expenditures be made within the limits of available appropriations and funds relating to expenditure schedules and quarterly allocations. Funds must be encumbered before the purchase is made. Upon certification of available funds and approval to purchase by the appropriate level of authority in the department, college, or school, the purchasing form is forwarded to the University purchasing office for processing. The form becomes an approved purchase order only after final approval of University Accounting and the signature of a Procurement Officer.

* * * * *

ADD on page 20 before **GRADE REPORTING**

ACADEMIC FORGIVENESS POLICY

The academic forgiveness policy allows academic forgiveness of D and F grades for purposes of calculating the grade-point average (GPA) required for graduation. This policy is designed to assist students who previously left college with low grades and will be implemented, provided certain conditions are satisfied, where the D and F repeat rule is not applicable.

The student wishing forgiveness must not have been enrolled on a full-time basis or on a part-time basis for more than 12 credit hours at any higher education institution for a period of five consecutive calendar years prior to the request for academic forgiveness. Only D and F grades received prior to the five-year non-enrollment period may be disregarded for GPA calculation.

In order to receive a degree or certificate, the student must complete at least 24 additional credit hours through actual coursework from Marshall University after the non-enrollment period, earn at least a 2.0 GPA on all work attempted after the non-enrollment period and satisfy all degree or certificate requirements. Grades disregarded for GPA computation will remain on the student's permanent record.

This policy pertains only to the calculation of the GPA required for graduation and does not pertain to GPA calculated for special academic recognition (such as graduating with honors) or to requirements for professional certification which may be within the province of licensure boards, external agencies,

or the West Virginia Board of Education. The Board of Regents Bachelor of Arts Program is governed by a different forgiveness policy.

To implement this policy, the student must submit a written request to the Dean of the College in which the student plans to earn a degree or certificate. This request must identify the non-enrollment period and the courses and grades which the student wishes to be deleted from the GPA calculation. The Dean can accept, modify, or reject the student's request and will provide the student with the justification for modification or rejection upon request.

Students who do not normally qualify for readmission because of a low GPA will, if their request for forgiveness is approved, be readmitted and placed on academic probation.

The decision of forgiveness must be made anew whenever the student changes program, department, college, or institution.

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SUBSTITUTE for the heading and paragraph **EXPENDABLE OFFICE SUPPLIES**, page 27

OFFICE SUPPLIES

The University maintains an office supplies stockroom in the Central Receiving Department. University departments are required to purchase their office supplies from Receiving. Receiving distributes a catalog and price list of all supplies available there. Office supplies are requested on the Intra-University Voucher form.

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SUBSTITUTE for the paragraph under **RECEIVING DEPARTMENT**, page 27

RECEIVING DEPARTMENT

This department is located in the Maintenance Building at the corner of Virginia Avenue and 20th Street. All supplies and equipment delivered to the University must be received at the Central Receiving Department. Deliveries to other locations may be made only with the concurrence of the Receiving Department Supervisor. Additionally, all equipment, including Foundation purchases, valued at more than \$100 each will be inventoried and assigned property tag number. Equipment may not be transferred from one part of the campus to another without prior approval of the Inventory Records Supervisor, 696-6669 and 696-6678.

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SUBSTITUTE for **POLICY STATEMENT ON CLOSING**, pages 29-30.

POLICY STATEMENT ON CLOSING

Extreme weather conditions or energy outages have resulted in disruption of normal operations at Marshall University on several occasions during past winters. Similar situations may occur in the future. With that possibility in mind, Marshall University has adopted the following policy:

1. Although it may be necessary to suspend classes because of inclement weather or other problems on some occasions, offices will not be closed and ALL employees will be expected to report to work.

Individual employees, for whom it is appropriate, may, in their best judgment, determine the risk of travel to be too great and elect to remain at home. Those who do so should contact their respective supervisors and indicate they are: (1) taking annual leave that day, or (2) taking a day off without pay, or (3)

taking compensatory time, in the event compensatory time is owed them.

2. In the event that a building, or a section of a building, is closed (because of heat loss, power outage, etc.), employees working in the affected area will be permitted to take their work to another area or building on campus. Or, in consultation with the supervisor, the employee may elect to take annual leave that day, take the day off without pay, or take compensatory time off.

3. In the event of an extreme situation (tornado, flood, ice storm, campus disturbance, etc.) and the employees' presence is not desired on campus, this information will be disseminated to the news media. A decision as to whether the missed time will be chargeable to annual leave, compensatory time, or a non-pay situation will be determined by the president and communicated through supervisors on the first day normal campus operation is resumed.

4. Supervisors must take steps to ensure offices and/or work stations are open to employees at all times when those employees are expected to be at work, including inclement weather situations and other disruptive situations.

5. The President will notify the media by 7:00 a.m. of suspended classes for that day. A separate announcement will be made later in the day in regard to classes scheduled to begin at 4:00 p.m. or later.

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SUBSTITUTE for POLICY STATEMENT ON SEXUAL HARASSMENT on pages 33-34.

POLICY STATEMENT ON SEXUAL HARASSMENT

I. It is the policy of Marshall University that no member of the University community may sexually harass another. Sexual harassment is a violation of Title VII of the 1964 Civil Rights Act as Amended (Section 1604.11 of EEOC's regulation on sexual discrimination of 1980) and Title IX of the Education Amendments of 1972.

II. Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education.
- B. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive working or educational environment.

III. Grievance Procedure

Anyone who believes that she or he has been subjected to sexual harassment is encouraged to pursue the matter through the procedures described below. At his or her option, the grievant may choose to pursue only the informal procedure, only the formal procedure, or may seek resolution under the informal procedure first and then, if unsatisfied, pursue the formal process.

A. Sexual Harassment Grievance Body

The Sexual Harassment Grievance Body is comprised of eighteen (18) individuals who have expressed interest in serving on sexual harassment grievance panels. Of the eighteen members, six shall be faculty members (selected by the President of Faculty Senate), six shall be students (selected by the Student Body President), and six shall be staff (selected by the President of Staff Council). All employees who are not faculty are considered staff for the purposes of this policy. Initially, two of the six members appointed by each of the above entities shall serve one year, two shall serve two years and two shall serve three years. Thereafter, all terms shall

be for three years with a total of six members appointed each year, two by the President of the Faculty Senate, two by the President of Staff Council, and two by the Student Body President. The names of the individual members of the Sexual Harassment Grievance Body are available from the Affirmative Action Office.

B. Informal Procedure

A grievant may choose to present his or her claim informally to the accused by means of a third party. Although the grievant may choose any person to act as her or his representative, all members of the Sexual Harassment Grievance Body are available for informal resolution. The representative selected by the grievant will, at the request of the grievant, meet with the accused to attempt a resolution of the situation. In addition, the representative may assist the grievant in other attempts at informal resolution which are appropriate under the circumstances and act as a confidant and advisor.

If a member of the Sexual Harassment Grievance Body acts as a representative under this section, that member will be excluded from selection on the hearing panel under the formal procedure.

C. Formal Procedure

The formal procedure is invoked by the filing of a written complaint with the Affirmative Action Office. The complaint shall be filed upon forms available from the office. A copy of the complaint will be delivered by the Affirmative Action Office upon the accused within a reasonable period of time.

A hearing panel consisting of a member from each of the three constituencies will be selected at random from the Sexual Harassment Grievance Body. Prior to the hearing, either grievant or accused may request that a panel member be excused for cause (bias, interest, relationship to one party, etc.). Any member excused shall be replaced by a person of the same constituency by random selection.

In the interest of timely resolution, the grievance shall be heard no later than twenty (20) working days after a formal complaint is delivered to the accused. In the event of extenuating circumstances as determined by the Affirmative Action Officer, this period may be extended as reasonable under the circumstances. Within a reasonable period of time after filing of the complaint, and in no event later than five (5) working days before the scheduled hearing, each party shall provide to the Affirmative Action Officer a list of witnesses. The Affirmative Action Officer will forward the list to the other party.

Within five (5) working days following the hearing date, the hearing panel shall submit a written recommendation as to guilt or innocence and appropriate sanction, if any, to one of the following:

- a. if the accused is a student, to the Vice President of Student Affairs or designee,
- b. if the accused is a faculty member, to the Vice President for Academic Affairs or designee, and
- c. if the accused is a staff member, to the Vice President to whom the staff member reports or designee.

The individual to whom the recommendation of the hearing panel is referred shall issue a decision based on the evidence presented within five (5) working days. The written decision of the hearing panel shall include the nature of the complaint, a summary of the relevant evidence, a recommendation of guilt or innocence, and a recommendation of an appropriate sanction, if any. Thereafter, either party unsatisfied with the decision may appeal to the University President or designee within twenty (20) working days. The decision of the President shall be rendered within five (5) working days and shall be final.

D. Election by Students, Faculty and Staff

The procedure outlined above may be elected by students, faculty or staff in lieu of other procedures established by the University the Board of Regents, or the State. Election to pursue the procedures provided herein is binding.

E. Statute of Limitations

Anyone who believes he or she has been sexually harassed must present a formal complaint within one (1) year of the alleged sexual harassment incident(s).

IV. Dissemination

Deans, directors, and department heads will disseminate this policy to all faculty, staff, and students at Marshall University on a regular basis.

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ADD following **POLICY STATEMENT ON SEXUAL HARASSMENT** on page 34.

MARSHALL UNIVERSITY GUIDELINES FOR HANDLING NEPOTISM

University policy does not permit employment of an individual in an area where one has control over a relative's supervision, salary, or promotion, which is defined as nepotism.

Purpose

These guidelines are established to insure fair and equal treatment of employees and applicants while eliminating situations which create potential for favoritism or unnecessary hardship. While the University recognizes that the employment of relatives within an organization creates a potential for favoritism, the University is also aware that a rule excluding relatives of current employees from employment may deprive the University of qualified, capable employees.

Enforcement

Any individual affected by an alleged nepotic situation may pursue the matter by presenting the circumstances to Director of Personnel for informal negotiation. If not resolved, the individual may file a grievance under the appropriate Policy Bulletin (Staff: Policy Bulletin #52; Faculty: Policy Bulletin #36) or under W.Va. Code Section 18-29-1 et seq.

Implementation

1. The term "family member" as used in these guidelines is defined by the following relationships:
 - A. By Blood: parent, child, grandparent, grandchild, brother, sister, half-sister, half-brother, uncle, aunt, nephew, niece, first cousin.
 - B. By Marriage: husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece.
2. It shall be a violation of these guidelines and of University policy for an employee to supervise a family member or to initiate or participate in institutional decisions involving direct benefit to a family member. A nonexclusive list of impermissible involvement includes decisions on initial appointment, retention, promotion, salary, evaluation, leaves of absence, and scheduling of work assignments.
3. If a nepotic situation occurs and is not otherwise resolved, the supervisor having control over both family members shall take prompt measures to rectify the circumstances. While resolution of each case will be handled on an individual basis, it is the policy of the University that nepotic circumstances will be resolved by reassignment of the family member having less seniority to a comparable area of employment within the University if at all possible.
4. Under no circumstances shall a nepotic circumstance continue unremedied longer than one year following identification of the situation.
5. No employee or prospective employee shall be discriminated against because a family member is employed by the University. The University is not opposed to the employment of more than one family member except under circumstances where an employee would supervise a family member.

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ADD following STUDENT HEALTH SERVICE, page 37

SPEECH AND HEARING CENTER

The Marshall University Speech and Hearing Center, located on the first floor of Smith Hall, provides diagnostic and therapeutic services for speech, language and/or hearing disorders to persons of all ages. Fees are waived for full-time Marshall University faculty, staff, students, and members of their immediate families. The Speech and Hearing Center functions to provide clinical services for communication disorders to the community and clinical experience for students pursuing undergraduate and graduate degrees in Speech Pathology and Audiology. To schedule an appointment, or for further information, call 696-3640.

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SUBSTITUTE for the section headed STUDENT HEALTH SERVICE, Page 37

STUDENT HEALTH SERVICE

The Marshall University Student Health Service is located in the John Marshall Medical Services, Inc. facility at 1801 Sixth Avenue. The hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. Emergency care on Saturdays and Sundays and after John Marshall Medical Services closes is available at the Cabell Huntington Hospital Emergency Room.

The Student Health Service is operated entirely from student fees. Health care is not available to members of the faculty and staff. The faculty or staff member will be expected to secure the services of his own physician or to use the regular clinical services of the John Marshall Medical Services, Inc.

* * * * *

SUBSTITUTE for second paragraph under MARSHALL UNIVERSITY ALUMNI ASSOCIATION page 38.

Faculty and staff members, including non-alumni and alumni, are encouraged to become "active" members of the Alumni Association. Non-alumni are welcomed as "Friends of Marshall." The Association encourages campus-wide participation and invites faculty and staff to take part in all activities. Effective January 1, 1987, the dues structure, which originated in 1972, was eliminated. All graduates or attendees of Marshall are members of the Alumni Association, but to be an "active" member one must make an annual contribution to the Marshall University Foundation, Inc. The membership year is from July 1 through June 30 to coincide with the fiscal year. Life memberships are available to anyone making a \$300.00 contribution and will receive special recognition. All faculty and staff members are requested to notify the Office of Alumni Affairs of addresses and information regarding Marshall alumni.

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SUBSTITUTE for INSTRUCTIONAL TELEVISION SERVICES, page 38.

INSTRUCTIONAL TELEVISION SERVICES

ITV Services provides support to the University Community by offering a variety of video services.

Instructionally, ITVS serves the teaching faculty by providing programming direct to classrooms via a six channel campus cable system. A library of over 2,000 programs suitable for college-level instruction is available to faculty. Some have been produced in campus studios, some have been previously broadcast on public television, and some have been purchased and donated by other departments within the University.

ITVS also provides two-way, interactive telecommunication, including interconnects with cable,

microwave, and satellite uplink systems. This enables delivery of offcampus classes, and furthers the University outreach by reception of regional and national teleconferencing.

ITVS provides a skilled staff and high-quality equipment to produce and record videotaped materials suitable for a wide variety of professional and instructional purposes. Additionally, ITV Services is engaged in general service to the University in promotion, economic development and student recruitment.

Regular hours are 8:00 a.m. to 4:30 p.m. weekdays, and evenings and weekends by special arrangement. Information and assistance can be obtained by calling 696-3150.

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SUBSTITUTE for CONSTITUTION OF THE MARSHALL UNIVERSITY FACULTY, pp. 39-42
and FUNCTIONS OF STANDING FACULTY COMMITTEES, pp. 43-45

CONSTITUTION OF THE MARSHALL UNIVERSITY FACULTY

PREAMBLE

Universities striving for excellence historically and traditionally have enjoyed the autonomy and integrity necessary to accomplish their mission as institutions of higher learning committed to the search for and dissemination of knowledge and truth--and so it has been, and must continue to be, at Marshall University. It is recognized that the legal authority to guide and regulate the University is vested by the West Virginia Legislature in the Board of Regents and the President of the University. It is further recognized that the Board of Regents grants autonomy to the colleges and universities under its jurisdiction. As a corollary of academic freedom, the faculty has the major responsibility for guiding the scholarly pursuits of the University. To that end, this constitution is established to facilitate meaningful communication throughout the academic community and to assist the President and Board of Regents in the development of academic policies and procedures.

ARTICLE I--THE FACULTY

The Faculty is a legislative body of Marshall University and has the authority to concern itself with topics affecting the whole university. This authority is delegated to the Faculty Senate, which is the representative body duly elected by and from the Faculty. The Faculty Senate is empowered to act on behalf of the Faculty on questions and issues properly brought before it by the Faculty of any college, school, or component of the University.

ARTICLE II--THE FACULTY SENATE: PURPOSES--POWERS--FUNCTIONS

Section 1. The Faculty Senate shall take within its province any subject of interest to the faculty, the administration, and the student body. With respect to the general welfare of the University, the Senate shall serve as the major legislative, advisory, and review body of the faculty. It shall investigate, debate, and communicate to the faculty those matters deemed to be in the best interests of the University. Academic policy decisions, or matters construed to impinge on academic decisions shall be the primary responsibility of the Faculty Senate. The faculty may call a referendum upon any of the actions of the Senate. Actions of the Faculty Senate shall become policy of the institution unless for serious and compelling reasons the President rejects in writing such actions within fifteen working days following submission by the Senate. All measures receiving Presidential approval or which are not specifically rejected by the President shall be considered binding subject to the final approval, if necessary, of the West Virginia Board of Regents.

Section 2. Legislative Function. As the faculty legislative body the Faculty Senate shall exercise authority over all matters that pertain to academic policies of the University, including instruction, research, and continuing education. Affairs of the University which directly and primarily affect the faculty include, but are not limited to, determination of curricula; standards of admission and selection; retention and

transfer of students; scholarships and honors; requirements for the granting of degrees; candidates for honorary degrees; and instructional standards throughout the University; and matters of faculty welfare.

The Faculty Senate shall be responsible for developing policy with regard to major issues which affect the institution, such as change in the mission of the University, addition or deletion of programs, contracts with government agencies, and public questions which affect the role of the institution or endanger the principle of academic freedom. The senate shall be responsible for maintaining communications between the faculty and the administration, the student body and the staff. It shall establish rules and procedures for standing committees and shall be responsible for overseeing the election of Senate members. All standing committee actions, with the specific exceptions detailed in this Constitution, shall be subject to review, amendment, approval or rejection by the Faculty Senate.

Section 3. Advisory Function. The Faculty Senate shall serve in an advisory capacity to the University community and administration. Matters which directly or indirectly affect the general welfare of the institution include, but are not limited to, student life, such as standards of conduct, living conditions, organizations, intercollegiate athletics, and participation in extracurricular activities; the academic calendar; and University convocations, lectures, press releases, and radio and television broadcasts.

The Senate shall be available to advise the Board of Regents on the appointment of the President and to advise the President on the appointment of University-wide administrative officials. It shall advise the administration on policies with respect to the preparation of the annual budget and its allocation to operational units; equipment and physical facilities; official University and student publications; the academic structure and governance system; and the mission, goals, and objectives of the University.

Section 4. Review Function. The Faculty Senate shall be empowered to review all policies and to formulate recommendations with respect to the general welfare of the University. Matters directly affecting the faculty include, but are not limited to, academic freedom, tenure and promotions; appointments, reappointments and dismissals; teaching loads; salary schedules or other compensation or benefits; and policies governing stability of employment, retirement, and sabbatical or other leaves.

The Senate shall also be empowered to review programs of research, experimentation, and instruction; grading systems and trends; instructional evaluation; and policies and administration of the University libraries. It shall review the academic conduct of students, including means for handling infractions. The Senate shall be responsible for the investigation and conducting of hearings on grievances from members of the faculty and student body, except for those covered by the various Board of Regents policy bulletins; it shall report the findings and make recommendations to the appropriate parties.

Section 5. Provisions of the Senate. The Senate shall be provided with an appropriate budget, office space, adequate secretarial support, and release time for the Senate President.

ARTICLE III-MEMBERSHIP AND ELECTION

Section 1. The Senate shall consist of one (1) senator for each academic unit, unless otherwise specified, plus one (1) senator for each thirteen (13) full-time faculty members, plus one (1) additional member if the number of full-time faculty in a unit exceeds a multiple of thirteen by seven (7) or more. The term "academic unit" is defined as the Colleges or Schools of Business, Community College, Education, Fine Arts, Liberal Arts, Medicine, Nursing, and Science; and the Marshall University Libraries. Individual constituency numbers for calculating representation shall be based upon the numbers of full-time faculty presented in every third year to the Executive Committee of the Faculty Senate on the first working day in February by the Office of Institutional Research and Planning in collaboration with the Vice President for Academic Affairs and the Vice President for Health Sciences.

Section 2. All faculty involved in apportionment calculations shall hold the rank of instructor or above and shall devote at least one-half of their time to teaching, scholarly research, or closely related duties. Eligible librarians shall hold a professional librarian's degree or the equivalent. All such faculty shall be eligible for election to office. Part-time faculty, adjunct faculty, and those designated as "clinical" or "research" in their faculty titles shall not be considered as faculty members for the purpose of this document and organization. For the purposes of determining voting and serving on the Senate the above description shall apply. Those holding the titles of President, Vice President, Assistant/Associate Vice President, Dean, Assistant/Associate Dean, and Director of Libraries shall be ineligible to serve on the Senate. The Executive Committee of the Faculty Senate is empowered to decide questions that arise concerning definition of faculty.

Section 3. In the initial implementation of this Constitution, the following representation will apply for each unit:

Unit	Number of Senators
Business	5
Community College	2
Education	7
Fine Arts	3
Liberal Arts	10
Medicine	9
Nursing	2
Science	6
Libraries	2

The faculty within each unit will determine how senate seats will be apportioned within that unit.

Section 4. The term of office for a senator shall be four (4) years. Senators can serve no more than two (2) consecutive terms.

Section 5. Elections for senators shall occur annually in the spring, with the names of the new senators submitted by the Dean of each unit to the President of the Senate by April 1. Each unit shall conduct its own election according to the by-laws of that unit, providing that all voting shall be by secret ballot. Initial implementation of this constitution shall require the election within each unit of senate members for staggered terms. Faculty members in each unit will determine how their senator's terms will be staggered.

Section 6. If a senator misses more than three (3) regular meetings in any academic year, his/her seat will be declared vacant by the Senate President, who will immediately report the vacancy to the Dean of the appropriate unit. Within two weeks the Dean or Director shall call for nominations and the election of a faculty member to fill the vacated seat.

Section 7. Temporary senators will be elected by a unit if a seat vacated for one academic year or less due to leaves of absence, sabbaticals, incapacity or other reason. If a senator will be unable to fulfill his/her responsibilities and duties to the Senate for longer than one academic year, he/she must resign. Temporary senators will have all the privileges of Senate membership, though they can serve no longer than one academic year.

ARTICLE IV--MEETINGS

Section 1. The Faculty Senate shall meet once monthly during the regular academic year. Other meetings may be called by the Senate President. Special sessions of the Senate will be called at the request of ten (10) or more faculty members. Special sessions will be held not more than one (1) week from the date they are called. The responsibility for notifying senators and faculty members of special sessions shall rest with the Senate President who shall use the most appropriate means available to fulfill this obligation. A written announcement of the agenda, time and place of every regularly scheduled Senate meeting shall be sent to each senator one week in advance of the meeting. The same notice, with the exception of special sessions, shall be placed in the **University Newsletter** one week before a Senate meeting.

Section 2. A quorum shall be a simple majority (50% plus one) of the Senate members.

Section 3. A voice vote will be conducted on actions requiring a vote. At the request of any senator for a division of the senate, a roll call vote will be taken and recorded by the Senate Secretary.

Section 4. Minutes. The minutes of Faculty Senate meetings shall be distributed to each Senator and the University President within five (5) working days after each meeting. After being approved by the University President, the minutes will be sent to each dean and faculty member, and presidents of both the Student Government Association and Graduate Student Association. The approved minutes will also be sent to University Relations for publication in the **University Newsletter**.

Section 5. Rules of Procedure. The parliamentary authority of the Senate shall be the latest edition of **Robert's Rules of Order**.

Section 6. All Senate meetings are open to the public. If any student, administrator or non-senate faculty member wishes to speak to an issue, he/she will be recognized and allowed to speak briefly. If any non-senator wishes to speak for a longer period of time, he/she should request agenda time prior to the meeting.

ARTICLE V--ADOPTION AND AMENDMENT

Section 1. This Constitution shall be adopted when approved by a simple majority of the secret ballots cast by the faculty as defined in the current Constitution of the Marshall University Faculty. Upon adoption by the faculty this Constitution shall be made a part of the Marshall University Greenbook which shall contain the Senate By-Laws, official policies, procedures, and other information pertinent to the University's operation and internal government.

Section 2. An amendment to the Constitution may be proposed by ten (10) percent of the faculty or by a majority vote of the Senate. All proposed amendments must be submitted to the faculty for its approval. The ratification of an amendment requires the approval of a simple majority of those voting, which must be at least one-third (1/3) of the eligible faculty.

Section 3. Any proposed amendment shall be distributed to every member of the faculty at least two weeks before a regular or special meeting of the faculty, at which the amendment will be discussed. Opportunity for debate shall be provided for every proposed amendment.

ARTICLE VI-STANDING COMMITTEES

Section 1. The Marshall University Faculty Senate System shall include, in addition to the Senate itself, Standing Committees. One of these is designated the Executive Committee of the Faculty Senate and shall function as part of the Senate. The other committees work in cooperation with, but are distinctly separate from the Senate. With the exception of the Executive Committee the membership, officers, and relationships of the Standing Committees to the Senate are as follows:

Section 2. Membership. The membership of Standing Committees, unless otherwise specified, shall include one Senator appointed by the Executive Committee of the Faculty Senate to serve a two-year term. This may be renewed for one additional consecutive term. Other membership shall consist of one member elected by the faculties of each academic unit. One undergraduate student, appointed by the Student Government Association; and one graduate student, appointed by the Graduate Student Association, will also serve with exceptions as noted. This shall be the voting membership of the committees. Ex officio, non-voting members will be designated according to each committee's nature and functions. The length of faculty membership on committees shall be four (4) years. Faculty members may serve no more than two consecutive terms on any one Standing Committee, and may not serve on any two Standing Committees simultaneously.

Section 3. Officers. Officers of the Standing Committees will be a chair and a recording secretary. The chairs of the committees and the recording secretaries will be elected by the voting members of their standing committees. The terms of office shall be one (1) year, and may be renewed up to a maximum of four (4) successive terms (i.e., four years). The chair is responsible for establishing the committee's agenda with the assistance of the recording secretary; presiding over committee meetings; and reporting committee actions to the full Senate. The chair shall also notify all committee members of the Senate's response to committee actions. The chair, with the assistance of the recording secretary shall prepare an annual report on the committee's work at the end of the academic year and this will be submitted to the Executive Committee for publication. The recording secretary will also be responsible for keeping the minutes of all committee meetings; for accurately recording and reporting votes of the committee; and for assisting the committee chair in the preparation and submission of the committee's annual report.

Section 4. Committee-Senate Relationship. Standing Committees shall meet of their own accord; or when requested to by the Senate President, the Executive Committee, or the full Senate. All actions, with the exceptions as noted, taken by Standing Committees shall be subject to final review and approval by the full Senate. In the event the Senate does not concur with committee actions, full and detailed rationale must be provided in writing.

Section 5. The Executive Committee.

- A. **The Executive Committee** shall serve as the executive branch of the Marshall University Faculty Senate. It shall function in leadership and advisory capacity, but shall not legislate.
- B. **Membership.** One (1) Senator representing each academic unit of the university, elected by the full Senate, shall serve. These units are: The Colleges of Business, Fine Arts, Education, Liberal Arts, Science; the Schools of Nursing, and Medicine; the Community College; and the Marshall University Libraries. Hence the total number of elected members shall be nine (9). In addition, ex officio, non-voting membership shall consist of the faculty representatives to the Advisory Council of Faculty to the West Virginia Board of Regents, and the Marshall University Institutional Board of Advisors. The President of the University shall also serve as an ex officio, non-voting member of this committee
- C. **Officers.** The officers of the Senate shall be the officers of the Executive Committee. These shall be the President, Vice President, and Recording Secretary of the Senate. They shall be nominate and elected by the full Senate by secret ballot at a special spring meeting of the newly constituted senate (i.e., those who will comprise the Senate during the next academic year). Terms of office shall be two (2) years. No officers may serve two consecutive terms in their respective positions. No two officers shall be from the same academic unit at any time.
- D. **Other members.** All other voting members of the Executive Committee shall be nominated and elected by the full Senate at the same special spring meeting of the newly constituted Senate, after the election of officers. The terms of office shall be two (2) years. No member of the Executive Committee may serve more than two consecutive terms. Non-officers shall be selected so as to represent those academic units not represented by the officers.
- E. **Powers and Functions.** The President shall preside over Faculty Senate meetings; preside over general faculty meetings; preside over Executive Committee meetings; establish the agenda for Executive Committee meetings in cooperation with other officers; confer with the University President and other officially designated bodies as the faculty representative to the President's Cabinet. The Vice President shall assume all duties and responsibilities in the absence of the President; assist the President in establishing the agenda for Executive Committee meetings. The Recording Secretary shall serve as secretary to the general faculty, serve as secretary to the Executive Committee; assist the President and Vice President in establishing the agenda for Executive Committee meetings.

The Executive Committee appoints Senate representatives to all other standing committees; appoints a parliamentarian for Senate and Faculty meetings; creates special committees and appoints such committee chairs; receives reports of ad hoc and search committees for review and action either by standing committees or by the full Senate, sets agenda for the Senate and sends on items for consideration and legislation; sets agenda for general faculty meetings; submits requests for consideration of business presented by faculty members. Any request bearing the signatures and names of ten (10) or more full-time faculty members, or five (5) or more Senators shall be transmitted automatically to the appropriate Senate bodies for consideration, except in those cases where deliberation is already guaranteed by policies of the West Virginia Board of Regents. Such requests for agenda items must be considered within two meetings. Requests for consideration bearing fewer than ten (10) signatures and names of full-time faculty, or fewer than five (5) signature and names of Senators shall be considered at the discretion of the Executive Committee except in those cases where deliberation is already guaranteed by policies of the West Virginia Board of Regents. The Executive Committee furthermore resolves jurisdictional disputes among committees; oversees and coordinates the preparation and distribution of annual standing committee reports and an annual Faculty Senate report; coordinates the Faculty role in the Greenbook revision; and the Executive Committee shall act for the full Senate during periods when the Senate is unable to meet. All actions taken by the Executive Committee must be subsequently approved by the full Senate at its next meeting to remain in force. The Executive Committee may not legislate; only the full Senate may do that.
- F. **Restrictions.** Members of the Executive Committee are automatically barred from serving on any other standing committee of the Faculty Senate. They may, however, be appointed to serve on ad hoc or search committees.

Section 6. Academic Planning Committee

- A. **Powers and Functions.** The Academic Planning Committee shall serve as the major faculty

agency for initiating, approving, and coordinating all plans and policies relating to the structure, organization, and operation of the University in all academic areas. It shall be the function of the Academic Planning Committee to coordinate activities of college and/or school planning committees and to review and act upon their proposals; to recommend to the University Deans, Vice President for Academic Affairs, Vice President for Health Sciences, and President for possible transmittal to the Board of Regents; to respond, when appropriate, to the Board of Regents; to coordinate and implement Board of Regents policies; to review, in cooperation with administrative officials, policies for the recruitment admission, registration, retention, and dismissal of students; and to encourage and supervise the development of new delivery systems of instruction.

- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex officio non-voting members shall be the Vice President for Academic Affairs, the Dean of each college or school, the Director of Planning, and the Director of Institutional Research.

Section 7. Academic Standards and Curricula Review Committee

- A. **Powers and Functions.** The Academic Standards and Curricula Review Committee shall assume the principal responsibility for maintaining academic standards in the University. It shall be the function of the Academic Standards and Curricula Review Committee to assist undergraduate college and/or school curriculum committees in their activities; to approve or reject course and program requests from the undergraduate colleges and/or schools; to revise current academic standards or devise new ones; to coordinate international student programs and process undergraduate student grade appeals.
- B. **Membership.** Committee membership shall include one representative from each academic unit having undergraduate programs, one representative from the Marshall University Libraries, and one senator representing an academic unit having undergraduate programs appointed by the Executive Committee. One undergraduate student shall be appointed by the Student Government Association. Ex officio non-voting members shall be the Vice President for Academic Affairs and the Dean of each undergraduate college or school.

Section 8. Athletic Committee

- A. **Powers and Functions.** This committee shall consider policies relating to the maintenance and development of the intercollegiate athletic program, eligibility of athletes, budgets, and athletic staff personnel. It will supervise the maintenance and development of the intercollegiate athletic program in conformity with the policies, goals, and standards of the NCAA, conference affiliation, and Marshall University scholastic standards. It will be responsible for determining the eligibility of requirements for athletic competition in compliance with NCAA, conference affiliation, and Marshall University scholastic standards. It will evaluate and approve the Athletic Department budget in terms of its suitability to both short term and long term objectives and priorities of the Athletic Department and Marshall University. The committee shall review all policy matters relating to the Athletic program of the University as requested by the faculty, the athletic director, or the president. The committee shall establish an athletic staff personnel subcommittee. The committee shall receive position requirements prior to public notice of vacancies. The committee shall be represented on Athletic Department search committees to fill vacancies.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Voting membership shall also include the faculty representative to the NCAA and the Head of the Division of Health, Physical Education and Recreation. Ex officio, non-voting members of this committee shall be the Vice President for Financial Affairs, the Vice President for Student Affairs, the Athletic Director, one (1) representative from the Big Green Scholarship Foundation, and one (1) alumni representative.

Section 9. Budget and Appropriations Committee

- A. **Powers and Functions.** The Budget and Appropriations Committee shall consider policy matters that determine the budget and its expenditure. The committee shall review the annual budget submitted by the Vice President for Academic Affairs to assure its general conformity with the university's mission statement and other priorities established by the institution. The

committee may recommend items for consideration in other institutional budgets. The chair of the Budget and Appropriations Committee shall serve under the University President on the President's Budget Advisory Committee.

- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees excluding representation from the Medical School. Ex officio members will be the Vice President for Academic Affairs and the Vice President for Financial Affairs.

Section 10. Faculty Personnel Committee

- A. **Powers and Functions.** At the request of the University President or Faculty Senate, using appropriate BOR Policy Bulletins and the AAUP 1982 **Recommended Institutional Regulations on Academic Freedom and Tenure** as guidelines, the committee shall write, alter, or re-write policies relating to academic rank, salary, tenure, promotion, teaching and non-teaching load, retirement, sabbatical and other leaves, distribution of summer term teaching and other matters which affect the well-being of faculty. The Faculty Personnel Committee shall study and evaluate policies and procedures relating to the hiring of faculty which includes a yearly review of salaries. The committee shall act as an advisory panel for all faculty members initiating grievances in accord with Policy Bulletin 36. The committee shall address all faculty grievances except those involving dismissal (under Section 10), termination due to reduction or discontinuance of an existing program (under Section 11), termination due to financial exigency (under Section 12), or a faculty member desiring to appeal a decision of the President on nonretention (Section 8), or promotion (Section 5). The committee shall refer to the Hearing Committee those grievances involving a number of persons.

Chapter 29B. Freedom of Information of the West Virginia code provides that, "Every person has a right to inspect or copy any public record for a public body in this state, except as otherwise expressly provided by section four of this article." Under **Exceptions** in section four the code reads, "Information of a personal nature such as that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy...". When the committee handles matters of a personal nature, it will not share its findings with the full Senate. Hence, in this function it remains exempt from those conditions outlined under section entitled "Committee-Senate Relationship" in this document.

- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees **excluding** undergraduate and graduate student representatives. No ex officio members will serve on this committee.

Section 11. Graduate Committee

- A. **Powers and Functions.** The Graduate Committee shall be a policy-making advisory body concerned with providing a means of establishing and maintaining basic standards and requirements for graduate programs conducted in the various departments and colleges. It shall determine Graduate faculty status; recommend new courses and program and new graduate degrees; study and review the entire graduate program periodically; encourage research and creative productivity; consider recommendations concerning policy from the Graduate faculty; legislate concerning standards and procedures with reference to theses and types and conduct of examinations; promote the advancement and improvement of graduate study at Marshall University in all appropriate ways; and process graduate student grade appeals.
- B. **Membership.** Each unit having graduate programs shall elect one member. All members must hold full graduate status. One senator holding full graduate status shall be appointed by the executive committee. One graduate student shall be appointed by the Graduate Student Organization. The ex officio non-voting members shall be the Dean of the Graduate School and the Vice Presidents for Academic Affairs and Health Sciences.
- C. Given the uniqueness of the **Graduate Committee**, a conference committee, composed of an equal number of members from the Senate and the Graduate Committee, not to exceed the sum of six, shall be appointed by the presiding officers of each body to resolve disagreements between the Senate and the Graduate Committee. The action of the conference committee shall be reported to the full Senate within fifteen working days. The Senate must either approve or reject, with cause, the conference report. If the Senate rejects the report, a majority of either the Graduate Committee or the Senate may request that the matter be adjudicated by the President of Marshall University who will be informed of all previous deliberations and recommendations.

Section 12. The Library Committee

- A. **Powers and Functions.** The Library Committee shall advise the Director of Libraries on matters of library policy; review the administration of the libraries; carry out studies relating to library functions; and serve as a liaison between the faculty at large, the Faculty Senate, and the university libraries.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex officio, non-voting membership shall be the Director of University Libraries.

Section 13. Physical Facilities and Planning Committee

- A. **Powers and Functions.** The Physical Facilities and Planning Committee shall consider policies relating to the maintenance, utilization, and improvement of existing facilities; and planning for existing and anticipated needs, including priority of major capital improvement in accordance with the University's mission statement; to prepare recommendations for capital outlay requests for each legislative session; to make and enforce, if necessary, campus traffic regulations; and to perform such duties as the President of the University and/or the Faculty Senate may assign.
Membership. Committee membership shall be consistent with that of all regular standing committees. The ex officio non-voting member shall be the Vice President for Support Services.

Section 14. Publications Committee

- A. **Powers and Functions.** This committee shall be concerned with policies relating to university and student publications. It will examine and approve periodically the annual budget for each student publication, and pass upon any unforeseen extra or unusual expenditures that may have arisen during the year and were not included in the budget. The committee shall review the expenditure of funds and limit expenditures to those items directly applicable to the preparation, publication, and distribution of the publication.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. The ex officio, non-voting member shall be the Director of University Relations.

Section 15. Research Committee

- A. **Powers and Functions.** The Research Committee shall be concerned with the promotion of faculty research, publications, and other creative activities. It shall aid the appropriate administrators in the search for funds, and advise the Dean of the Graduate School in administering available funds. The Committee shall act as a review board for University-funded research proposals.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex officio non-voting members shall be the Vice President for Institutional Advancement, the Vice President for Academic Affairs, the Vice President for Health Services, and the Dean of the Graduate School.

Section 16. Student Conduct and Welfare Committee

- A. **Powers and Functions.** The Student Conduct and Welfare Committee is concerned with the responsibility for the general and specific well-being of students. It shall be the function of the committee to consider and recommend policies relating to the coordination and regulation of student organizations, social events, and other related activities; academic conduct of students; and advisory and counseling programs, health services, financial aid, including loans and scholarships, student housing, orientation and new student programs, and student development programs. It shall also strive to protect the rights of students. It is the responsibility of the committee to maintain and improve an atmosphere conducive to the pursuit of academic goals.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Voting membership shall also include four (4) additional undergraduate members, appointed by Student Government Association, and one (1) additional graduate student appointed by the Graduate Student Association. The Vice President/Dean for Student Affairs will be an ex officio, non-voting member of the committee.

Section 17. University Functions Committee

- A. **Powers and Functions.** This Committee will have responsibilities in the areas of commencement and honorary degrees, faculty service, and public relations. The Committee shall be concerned with policies relating to commencement activities, selection of candidates for honorary degrees, and presidential convocations and inaugurations. The Committee's recommendations in these matters shall be transmitted to the full Faculty Senate for review and approval. This committee shall also attend to matters relating to official university faculty social functions and nonacademic welfare of the faculty. It will assist the President of the University upon request in entertaining University guests and in helping at other social functions. It will collect an annual contribution from the faculty and administration officers to defray costs of expressions of sympathy, congratulations, and so forth. It will assist in the planning and sponsorship of an annual faculty party or dinner to honor those who retire and who have served for twenty-five years. This Committee shall also consider matters relating to public relations. In this function it will assist the University President in any appropriate way to represent the University to the community at large.
- B. **Membership.** Committee membership shall be consistent with that of all regular standing committees. Ex officio, non-voting members of this committee shall be the Vice President for Support Services, the Vice President for Academic Affairs, the Vice President for Financial Affairs, and the Director of University Relations.

Section 18. Legislative Affairs Committee

- A. **Powers and Functions.** This Committee will develop an annual faculty legislative agenda in general consultation with, but independent of other constituencies on this campus. The Committee will serve as the liaison with the faculty on all legislative matters and report to the full Faculty Senate on a regular basis regarding all actions contemplated or required in executing its responsibilities. This Committee will publish (in timely fashion) information regarding legislative issues. The Committee will disseminate information on upcoming elections and referenda that pertain to issues affecting the welfare of public higher education. The Committee will promote the faculty legislative agenda with the legislative and executive branches of the state government. This Committee will not engage in partisan politics of any kind. This Committee will not endorse candidates for office. This Committee will not take stands on issues unrelated to the welfare of public higher education.
- B. **Membership.** Committee membership shall be consistent with that of all other regular standing committees with the exception that student representatives will be non-voting members of the Committee. Another ex officio, non-voting member of this Committee shall be the Faculty Representative to the Board of Regents' Advisory Council of Faculty. The Committee Chair shall serve as liaison to any university-wide legislative committee (e.g., the President's Legislative Affairs Committee).

ARTICLE VII--POWERS OF THE FACULTY

Section 1. The Faculty of Marshall University, acting as a body, shall retain final authority over policies governing the Faculty Senate and the Faculty. Recognizing the powers it has entrusted to the Faculty Senate, it shall not act in a capricious or arbitrary manner regarding actions and legislation undertaken by the Faculty Senate.

Section 2. Meetings. There will be at least two meetings of the general Faculty per year. Under the emergency powers of the Faculty there may be additional faculty meetings not later than ten (10) days from the time they are requested. The Faculty Senate will call for faculty meetings upon the petition of ten percent of the full-time faculty. The Faculty Senate may call for a meeting of the Faculty at the request of 2/3 of the voting Senate members present. The Executive Committee of the Faculty Senate may call for an emergency meeting of the Faculty. The University President may call for a meeting of the Faculty.

Section 3. Officers. The officers of the Faculty Senate shall preside and function at meetings of the Faculty.

Section 4. The Faculty's actions are of the highest order. In case of any conflict in actions of the Faculty and the Faculty Senate, the Faculty shall prevail. However, to override Faculty Senate actions there must

be the approval of a simple majority of the Faculty voting, with 1/3 of the Faculty participating in the vote.

Section 5. Either the Faculty or the Faculty Senate may present referenda for the Faculty to consider and vote on. The voting process shall be the same as outlined in Section 4.

ARTICLE VIII-BY-LAWS

The Senate may by majority vote establish by-laws, not inconsistent with this Constitution, governing the conduct of the business of the Senate and of the standing committees and any other matters that may be within its competence.

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SUBSTITUTE for GRADUATE FACULTY MEMBERSHIP section, page 48.

GRADUATE FACULTY MEMBERSHIP

I. Full Members

A. Functions

1. Full members of the graduate faculty can chair or direct graduate student committees and research at the Masters level.
2. Full members can serve on any graduate degree committees (examination and thesis).
3. Full members can be elected or appointed to Graduate Council.
4. Full members can teach and have responsibility for graduate level courses.

B. Minimum Criteria for Appointment

1. Full members must hold appointments in tenure track positions.
2. Full members must hold a research oriented terminal degree (thesis or dissertation) or an appropriate professional degree. Alternatively, they should have demonstrated equivalent scholarly or creative achievement and have attained the rank of assistant professor.
3. Full members must have departmental responsibilities in the graduate program during the term of their membership (six years).
4. Full members must present evidence of continuing scholarly research or creative activity. Evidence can include: papers published; research grant proposals submitted to extramural agencies; presentations at state, regional, or national meetings; presentations and performance of artistic work; professional consulting; and/or other professional contributions.

C. Additional Criteria for Full Members to Supervise Doctoral Students at Marshall University

The following criteria must be met by all graduate faculty seeking to supervise and teach students in doctoral programs. These are minimum requirements which must be met independently of requirements of cooperative degree programs. Faculty who meet these criteria and, if appropriate, those of cooperative degree programs will be accorded the privilege of acting as chairpersons of doctoral student committees, directing doctoral student research, and teaching doctoral level courses (numbered 700-899).

1. Full members in doctoral programs must hold a research oriented terminal degree (thesis or dissertation). Alternatively, when a faculty member has demonstrated outstanding scholarly or creative achievement and has attained the rank of associate professor, he or she will be eligible for inclusion in doctoral programs.
2. Full members in doctoral programs must present evidence of continuing scholarly research or creative activity. Evidence of scholarly activities must include significant contributions in some of the following: publication in major peer-reviewed journals, publication of books and book chapters, publication in highly respected periodicals, invited and/or competitively selected presentations of scholarly work at regional, national or international meetings, and/or presentation and performance of artistic work at professionally recognized events.

II. Associate Members

A. Functions

Associate members can function as full members with the following exceptions:

1. Associate members cannot chair or direct graduate student committees or research, but can serve on those committees.
 2. Associate members cannot serve as members of Graduate Council.
 3. Associate members may serve for a period of two years. Renewal of appointment may be granted by the Graduate Council upon application.
- B. Minimum Criteria for Appointment
1. Associate members must hold a Master's degree and they should have completed course work beyond that degree.
 2. There must be evidence of research, scholarly activity, advanced graduate level work or equivalent professional accomplishments.
 3. Associate members must have departmental responsibilities in the graduate program during the term of their membership (two years).

III. Exceptions

The following individuals must meet the same criteria as other faculty members for review, approval, and continuation as graduate faculty.

- A. Faculty holding temporary appointments may be awarded appropriate graduate faculty status for the term of their appointment. This category includes only those faculty designated visiting, clinical research, or adjunct.
- B. Emeritus faculty members may remain on the graduate faculty, subject to review.
- C. Off-campus professionals willing to participate in graduate education may be acceptable as associate graduate faculty.
- D. Individuals holding faculty appointments in institutions participating in cooperative graduate programs may be awarded graduate faculty status.
- E. The Dean of the Graduate School may appoint a new faculty member as an associate member of the graduate faculty upon receipt of proper written application without approval of the Graduate Council. Approval for this appointment must be obtained at the next regularly scheduled Graduate Council meeting.
- F. Administrators desiring to be members of the graduate faculty must submit their credentials for review and approval by the Graduate Council.
- G. Individuals seeking exceptions to these policies must submit a written petition to the Graduate Council.

IV. Review, Approval, and Continuation as Graduate Faculty

- A. A major function of the Graduate Council is to approve new members of the graduate faculty and to determine the criteria for graduate faculty membership. Therefore, Graduate Council will undertake a mandatory review of present graduate faculty using the above Minimum Criteria for Appointment three years after the date of approval of these policies by the Council and the President. This three year grace period should provide sufficient time for all faculty to meet the Minimum Criteria for appointment. Present graduate faculty members who wish to maintain their status beyond the date for mandatory review must request that they be evaluated for initial membership. Without such a request, loss of status will be automatic at the termination of the three year grace period. A faculty member who is able to meet these requirements at an earlier date within the three year grace period should request that he/she be evaluated for initial membership as soon as possible.
- B. Policies described herein will apply immediately to all new applications for graduate faculty status or a change in current levels of membership.
- C. Application for Graduate Faculty Membership or Continuation of Membership--

So that fair and effective review of faculty and specific departmental or collegiate requirements for their graduate programs may be met, proper written application should include:

1. The applicant's current **curriculum vitae**.
2. Information bearing on each minimum criteria for appointment.
3. Written recommendation by the department chairperson and appropriate Dean.
4. Any additional information the applicant wishes to submit.
5. Applications should be directed to the Dean of the Graduate School for review and approval (or disapproval) by the Graduate Council.
6. Appeals regarding initial appointment or continuation as a graduate faculty shall be

handled through grievance procedures identified in Policy Bulletin 36.

D. Continuation as Graduate Faculty

Periodically the Graduate Council will review members of the graduate faculty. The review of an individual must be accompanied by a decision to continue or discontinue his or her current level of membership. For full members, this decision must be made every sixth year corresponding to the review process. For associate members, this decision must be made annually. The Dean of the Graduate School will initiate review of individual graduate faculty for continuation and submit the faculty member's written application to the Graduate Council for evaluation. A faculty member whose graduate faculty membership is changed will be permitted to complete current responsibilities but may not assume new responsibilities. Changes in status are to be reported by the Dean to the appropriate Vice-President.

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

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SUBSTITUTE for POLICY BULLETIN NO. 9, page 57

EXPLANATION: This substitute is an entirely new policy bulletin dealing with sexual harassment. Original Policy Bulletin No. 9, entitled **POLICY REGARDING AMENDMENTS TO THE "POLICIES, RULES, AND REGULATIONS REGARDING STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT IN WEST VIRGINIA STATE UNIVERSITIES AND COLLEGES"** became effective June 30, 1971 and its title only is listed on page 57 because it was eventually replaced by Policy Bulletin No. 57 entitled **POLICIES, RULES, AND REGULATIONS REGARDING STUDENT RIGHTS, RESPONSIBILITIES AND CONDUCT IN WEST VIRGINIA STATE UNIVERSITIES AND COLLEGES**, which was implemented no later than July 1, 1985 and is carried on pages 97-102 in our 1985-86 Greenbook edition. An earlier Section 7 of this policy bulletin was removed and expanded to become POLICY BULLETIN NO. 60, entitled **POLICY REGARDING ACADEMIC RIGHTS AND RESPONSIBILITIES OF STUDENTS**, which was to take effect no later than July 1, 1985. This policy bulletin is found on pages 109-110 in the 1985-86 Greenbook edition.

POLICY BULLETIN NO. 9

April 17, 1987

Section 1. General

1.1 Scope - This interpretative policy defines sexual harassment, provides guidelines for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment.

1.2 Authority - A policy statement issued by the Office for Civil Rights of the U.S. Department of Education's interpretation of Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980.

1.3 Filing Date - April 17, 1987

1.4 Effective Date - May 17, 1987

Section 2. Sexual Harassment Policy

2.1 It is the policy of the West Virginia Board of Regents to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment, or student. Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of all colleges and universities and the Board of Regent' Central Office to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment

is reported or becomes known. Supervisors at every level are of primary importance in the implementation and enforcement of this policy.

Section 3. Sexual Harassment Definition

3.1 Sexual harassment is intended to be defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

3.1.1 Submission to such conduct is an explicit or implicit condition of employment.

3.1.2 Submission to or rejection of such conduct is used as the basis for employment decisions or:

3.1.3 Such conduct has the purpose or effect of:

3.1.3.1 Unreasonably interfering with an individual's work or educational performance, or:

3.1.3.2 Creating an intimidating, hostile or offensive work or educational environment.

Section 4. Filing of Complaints

4.1 Each institution and the Board of Regents' Central Office shall designate a formal grievance procedure for the handling of sexual harassment complaints. Each campus shall designate a liaison person(s) who shall receive training in facilitating the proper resolution of complaints with the authority to investigate and report to the President.

Section 5. Employees

5.1 Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees should report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.

Section 6. Students

6.1 Any student who feels he or she is being harassed should contact the appropriate dean or other designated person of the university or college where he or she is a student.

Section 7. Action to be Taken Against Perpetrators

7.1 Any supervisor, agent, or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate sanctions depending on the circumstances, up to and including termination.

Adopted: West Virginia Board of Regents
April 6, 1987

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SUBSTITUTE for POLICY BULLETIN NO. 12, page 62.

EXPLANATION: This is an entirely new policy bulletin using an old number. Original Policy Bulletin No. 12 is listed in the **Greenbook**, 1985-86 edition, on page 62 by title only because it was rescinded and replaced by Policy Bulletin No. 37, entitled **POLICY REGARDING TERMINATION OF STATE COMMITTEE ON RESIDENCY AND REFERRAL OF RESIDENCY APPEALS TO BOARD COMMITTEE ON APPEALS**, which is carried on page 88 in the same **Greenbook** edition. These and other related Policy Bulletins were concerned with student classifications as resident or nonresident, and appeals therefrom. This new bulletin is concerned with employment of aliens.

POLICY BULLETIN NO. 12

April 17, 1987

Section 1. General

1.1 Scope - The West Virginia Board of Regents prohibits the hiring of illegal aliens and will require all applicants for employment to present proof of applicant's identity and authorization for employment.

1.2 Authority - Immigration and Reform Control Act of 1986, Public Law 99-603.

1.3 Filing Date - April 17, 1987

1.4 Effective Date - May 17, 1987

Section 2. Alien Employment Control Purposes

2.1 The purpose of this policy is to comply with the Federal Government's efforts to stem the flow of illegal aliens into the United States and to provide an opportunity for a large group of unauthorized aliens already here to obtain legal status.

Section 3. Alien Employment Control Policy

3.1 It is unlawful to hire any person knowing that that person is an illegal alien.

3.2 Before the hiring, the person's identity and eligibility to be employed must be verified.

Section 4. Alien Employment Control Procedures

4.1 All job applicants must fill out and sign a government form I-9, providing biographical information and attesting that the worker is a citizen or an alien authorized to work in this country.

4.2 Applicants may provide, and the employing institution may request, verification of identity and eligibility for employment.

4.3 The verification records are to be made available for inspection by officers of the Immigration and Naturalization Service of the Department of Labor.

Section 5. Penalties for Violation of Alien Employment Control Policy

5.1 Violators of the ban on hiring and recruiting persons known to be illegal aliens are to be penalized on a graduated scale for the number of instances of noncompliance. In addition to being ordered to cease violations, a civil penalty will be assessed.

5.2 The falsification of a verification statement or the fraudulent misuse of an immigration document may result in fines, imprisonment or both.

Adopted: West Virginia Board of Regents
April 6, 1987

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ADD to REVISED POLICY BULLETIN NO. 18, page 67.

EXPLANATION: Original Policy Bulletin No. 18 was adopted January 16, 1979. It was revised, in part, in 1982 and again in 1984. This current revision makes changes in sections of the policy dealing with ages at which Board of Regents employees must retire.

POLICY BULLETIN NO. 18

April 17, 1987

Section 1. General

1.1 Scope - This interpretative policy removes, with certain exceptions, the mandatory retirement age of Board of Regents employees.

1.2 Authority - Age Discrimination in Employment Amendments of 1986, revising parts of 29 U.S.C. 623-631.

1.3 Filing Date - April 17, 1987

1.4 Effective Date - May 17, 1987

1.5 Amendment Former Rule - Revises and Replaces Policy Bulletin No. 18 dated December 11, 1984.

Section 2. Retirement Policy of Board of Regents Employees

2.1 All employees, with the exception of those specified below, of the West Virginia Board of Regents as of January 1, 1987 and those employed subsequently shall no longer be subject to mandatory retirement at the conclusion of the academic year or fiscal year contract period during which they reach their 70th birthday.

2.2 Faculty members with tenure, as defined by the Age Discrimination in Employment Amendments of 1986, shall be retired at the conclusion of the academic year or fiscal year contract period during which they reach their 70th birthday. In the event such persons shall reach age 70 in the middle of a semester or fiscal year, such person shall not be compelled to retire prior to the end of the semester or fiscal year: Provided that in no event shall such retirement be postponed beyond six (6) months after the date on which such person attains age 70. This Section shall be applicable to all faculty members with tenure through December 31, 1993.

2.3 Executives and those serving in high policy-making position shall be retired at age 65, if the following two requirements are met:

2.3.1 He/she served in that position for at least two (2) years immediately preceding his/her retirement.

2.3.2 He/she is entitled to an annual retirement benefit of a least \$44,000, per the requirements of the Age Discrimination in Employment Amendments of 1986.*

*Exceptions to mandatory retirement at age 65 may be granted unde special circumstances and with formal approval by the Board of Regent on a year to year basis.

Adopted: West Virginia Board of Regent
April 6, 1987

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SUBSTITUTE for POLICY BULLETIN NO. 20, page 68.

POLICY BULLETIN NO. 20

December 14, 1985

**POLICY REGARDING GRADE-POINT AVERAGE REQUIRED FOR ASSOCIATE AND BAC-
CALAUREATE DEGREES**

Section 0. General

- 0.01 Scope - Policy regarding grade-point average required for Associate and Baccalaureate degrees.
- 0.02 Authority - West Virginia Code 18-26-8
- 0.03 Filing Date - January 21, 1986
- 0.04 Effective Date - December 14, 1985
- 0.05 Repeal of Former Rule - Revises and replaces Policy Bulletin No. 20 dated February 8, 1972.

Section 1. Grade-point Average Required for Graduation (applies to all West Virginia public colleges and universities)

1.1 Quality points are based on the following point values for each semester hour of credit: "A"-4; "B"-3; "C"-2; "D"-1; and "F"-0. The grade point average to be computed for graduation purposes (not necessarily each semester) shall be based upon all work for which the student has registered with the following exceptions:

- 1.1.1 Courses with grades of "W" and "WP".
- 1.1.2 Courses in remedial and/or developmental education.
- 1.1.3 Courses taken on a Credit/No Credit, Pass/Fail, or Satisfactory/Unsatisfactory basis where a passing grade is earned.
- 1.1.4 Courses taken on an audit basis.
- 1.1.5 Courses which have been repeated under the "D/F Repeat Provisions" of this policy.
- 1.1.6 Courses which are covered under the "Discretionary Academic Forgiveness Provisions" of this policy.

Section 2. D and F Repeat Provisions (applies to all West Virginia Public Colleges and Universities)

2.1 If a student earns a grade of "D" or "F" (including failures due to regular and/or irregular withdrawal) on any course taken no later than the semester or summer term during which the student attempts the sixtieth semester hour, and if that student repeats this course prior to the receipt of a baccalaureate degree, the original grade shall be disregarded and the grade or grades earned when the course is repeated shall be used in determining his/her grade point average. The original grade shall not be deleted from the student's record.

Section 3. Discretionary Academic Forgiveness Provisions

3.1 For purposes of grade-point average required for graduation public colleges and universities shall have discretionary authority to establish academic forgiveness in addition to the "D/F" repeat provisions. However, institutionally established provisions must be consistent with this policy. If institutions elect to disregard prior "D" and/or failing grades, such action must accommodate the following minimal conditions

- 3.1.1 Students must not have been enrolled in college on a full-time basis during any semester or term in the last four consecutive years.
- 3.1.2 Only grades for courses taken at least four years prior to the request for academic forgiveness may be disregarded for grade-point average computation.
- 3.1.3 In cases where grades may be disregarded for grade-point average computation, these grades shall not be deleted from the student's permanent record.
- 3.1.4 In instances where students request and gain academic forgiveness from one college or university and then transfer to another institution, the receiving institution is not bound by the prior institution's decision to disregard grades for grade-point computations.

3.2 The provisions included herein shall be considered as minimum standards for extending Academic Forgiveness Provisions. Consistent with institutional policies and mission, individual colleges and universities may impose more stringent provisions in the area of disregarding prior grades for grade point average computation for graduation.

3.3 Institutional policies regarding academic forgiveness for grade-point average computation shall be stated in the institutional catalog. In addition to providing information on the manner in which such provisions may be applied at that institution, the catalog and/or such other publications as are appropriate shall inform students that academic forgiveness extended by one institution may or may not be recognized by other institutions to which the student may transfer.

Section 4. Application Only to Graduation Requirements

4.1 Institutional officials shall make clear to students the fact that this regulation pertains only to graduation requirements and not to such requirements for professional certification which may be within the province of licensure boards, external agencies, or the West Virginia Board of Education.

Section 5. Compatibility With Policy Bulletin No. 60

5.1 Nothing in this policy shall interfere with provisions of Board of Regents' Policy Bulletin No. 60.

Adopted: West Virginia Board of Regents
December 14, 1985

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MINOR CHANGES in **POLICY BULLETIN NO. 29**, pages 71-72.

EXPLANATION: This Policy Bulletin titled **POLICY REGARDING THE COLLEGE-LEVEL EXAMINATION PROGRAM AND THE PROFICIENCY EXAMINATION PROGRAM** was adopted in its original form October 3, 1972. Its first revision was December 4, 1979, followed by a second revision November 8, 1983, which is the one contained in the 1985-86 **Greenbook**. This current revision, dated April 8, 1986, makes only a few minor changes which are indicated below.

CHANGE 1: In the left hand column on page 72 under the heading **General Examinations** on the fourth line in that section's first paragraph add "English Composition" preceding "Natural Science, Humanities, Social..."

CHANGE 2: In this same paragraph delete the last sentence, which reads "Effective in the fall semester of 1984, credit may be awarded to students who attain a score of 600 or above on the CLEP General Examination in English Composition."

CHANGE 3: On page 72, right hand column, the section at the end headed **Review** should be changed to read as follows: "The Academic Affairs Advisory Committee shall review these regulations periodically."

Note that the effective date of this revised policy was June 1, 1986 and that the revision was a result of a recommendation by the Commission of Educational Credit and Credentials of the American Council on Education (ACE) for the English Composition General Examination through CLEP.

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POLICY BULLETIN NO. 34

April 8, 1986

POLICY REGARDING RESIDENCY CLASSIFICATION OF STUDENTS FOR ADMISSION AND FEE PURPOSES

Section 0. General

0.01 Scope - Policy regarding residency classification of students for admission and fee purposes.

0.02 Authority - West Virginia Code 18-24-1

0.03 Filing Date - May 1, 1986

0.04 Effective Date - June 1, 1986

0.05 Repeal of Former Rule - Revises and Replaces Policy Bulletin No. 3 dated February 2, 1971 and Policy Bulletin No. 34, October 2, 1981

Section 1. Classification for Admission and Fee Purposes

1.1 Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition and fee purposes by the institutional officer designated by the President. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of the person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The designated officer is authorized to require such written documents, affidavits, verifications, or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition, and fee purposes is upon the student.

1.2 If there is a question as to domicile, the matter must be brought to the attention of the designated officer at least two weeks prior to the deadline for the payment of tuition and fees. Any student found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident fee for each academic term theretofore attended.

1.3 The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts the prior judgment should be given strong consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

Section 2. Residence Determined by Domicile

2.1 Domicile within the State means adoption of the State as the fixed permanent home and involves personal presence within the State with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in this State for admission or fee payment purposes. West Virginia domicile may be established upon the completion of at least twelve months of continued presence within the State prior to the date of registration, provided that such twelve months' presence is not primarily for the purpose or attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than twelve months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action. In determining domicile, institutional officials should give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within the State, paying West Virginia property tax, filing West Virginia income tax returns, registering of motor vehicles in West Virginia, possessing a valid West Virginia driver's license, and marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may

be used in determining whether or not a domicile has been established. Factors militating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal or state income tax returns or the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states, and leaving the State when school is not in session.

Section 3. Dependency Status

3.1 A dependent student is one who is listed as a dependent on the federal or state income tax return of his/her parent(s) or legal guardian or who receives major financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent student takes the domicile of the parent with whom he/she lives or to whom he/she has been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

3.2 A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in this State for admission or fee payment purposes.

Section 4. Change of Residence

4.1 A person who has been classified as an out-of-state student and who seeks resident status in West Virginia must assume the burden of providing conclusive evidence that he/she has established domicile in West Virginia with the intention of making the permanent home in this State. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements but also by that person's actions. In making a determination regarding a request for change in residency status, the designated institutional officer shall consider those actions referenced in Section 2 above. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

Section 5. Military

5.1 An individual who is on full-time active military service in another state or a foreign country or an employee of the federal government shall be classified as an in-state student for the purposes of payment of tuition and fees, provided that the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia, and has at no time while in federal service claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

5.2 Persons assigned to full-time active military service in West Virginia and residing in the State shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

Section 6. Aliens

6.1 An alien who is in the United States on a resident visa or who has filed a petition for naturalization in the naturalization court, and who has established a bona fide domicile in West Virginia as defined in Section 2 may be eligible for in-state residency classification, provided that person is in the State for purposes other than to attempt to qualify for residency status as a student. Political refugees admitted into the United States for an indefinite period of time and without restriction on the maintenance of a foreign domicile may be eligible for an in-state classification as defined in Section 2. Any person holding a student or other temporary visa cannot be classified as an in-state student.

Section 7. Former Domicile

7.1 A person who was formerly domiciled in the State of West Virginia and who would have been

eligible for an instate residency classification at the time of his/her departure from the state may be immediately eligible for classification as a West Virginia resident provided such person returns to West Virginia within a one year period of time and satisfies the conditions of Section 2 regarding proof of domicile and intent to remain permanently in West Virginia.

Section 8. Appeal Process

8.1 The decisions of the designated institutional officer charged with the determination of residency classification may be appealed to the President of the institution. The President may establish such committees and procedures as are determined to be appropriate for the processing of appeals. The decision of the President of the institution may be appealed, in writing, with supporting documentation to the West Virginia Board of Regents in accord with such procedures as may be prescribed from time to time by the Board.

Adopted: West Virginia Board of Regents
April 8, 1986

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SUBSTITUTE for POLICY BULLETIN NO. 35, pages 77-80.

POLICY BULLETIN NO. 35

April 17, 1987

Section 1. General

1.1 Scope - Policy regarding annual leave, military leave, leave of absence without pay, sick and emergency leave, and witness and jury leave for employees of the State system of higher education.

1.2 Authority - West Virginia Code 18-26-8

1.3 Filing Date - April 17, 1987

1.4 Effective Date - May 17, 1987

1.5 Repeal of Former Rule - Revises and Replaces Policy Bulletin No. 35 dated December, 1986.

Section 2. Leave Entitlement

2.1 Persons employed in the state system of higher education subsequent to January 31, 1974, shall be entitled to annual leave, military leave, leave without pay, sick and emergency leave, and witness and jury leave as hereinafter provided.

Section 3. Leave Policy Option

3.1 Persons presently employed in the state system of higher education have the option, effective February 1, 1974, of electing to accept the leave policy hereinafter provided or of electing to retain coverage under the designated pre-existing leave policies of the Board of Governors or the State Board of Education, as the case may be. Such election shall be made by each individual on or before June 30, 1974 by giving written notice to the institution in the manner prescribed by the President of the institution. The option to elect shall pertain in full to the leave policy hereinafter defined or to the pre-existing policies. Individual elements may not be elected from among the several leave policies. An employee's election of a leave policy shall be effective from the date written notice is received by the institution from the individual.

Section 4. Annual Leave

4.1 It is the desire of the West Virginia Board of Regents that employees of the Board shall earn annual leave with the length of leave based on the level of position, responsibility, service, and other factors.

4.2 Except as provided herein, employees of the Board of Regents shall accumulate and receive annual leave with pay as follows:

4.2.1 Non-classified employees and Faculty with 12 month contracts shall be eligible for 24 days leave per year, calculated at the rate of 2.00 days per month from the date of employment.

4.2.2 Faculty on less than 12 month appointments have their holidays scheduled in accordance with the approved academic calendar, and as such, do not accrue annual leave days.

4.2.3 All other full-time, regular employees in classified positions shall be eligible for annual leave with pay on the following basis

4.2.3.1 Less than 5 years' service: 1.25 days per month;

4.2.3.2 5-10 years' service: 1.50 days per month;

4.2.3.3 10-15 years' service: 1.75 days per month;

4.2.3.4 15 or more years' service: 2.00 days per month.

4.2.4 No person who is earning a higher accumulation than is authorized under this policy shall be reduced to comply with this policy. However, upon leaving the position the proper accumulation rate shall thenceforth apply.

4.2.5 Term of service described in 4.2.3 above shall be total service and does not require continuous service to fulfill the required term.

4.2.6 Non-faculty employees working at least one-half time (1040 hours) on a regular and continuing basis, but less than full-time, shall accumulate annual leave on a pro-rata basis.

4.2.7 Annual leave shall not be accorded emergency or short-term employees or students employed on a part-time basis.

4.2.8 A holiday occurring during an employee's leave period shall not be considered as a day of leave.

4.2.9 Accumulated annual leave for continuing employees may be extended beyond that earned during a period of one year by written approval of the President, but in no case shall it exceed twice the amount earned in any twelve-month period.

4.2.10 An employee is entitled to accumulated leave at termination of service, but in no case may this exceed the limits set in 4.2.9 above Leave time may not be earned during a terminal leave period.

4.2.11 Annual appointment periods of 9 months or more shall be credited for 1 year of service for annual leave calculation purposes.

Section 5. Other Conditions

5.1 Annual leave at the request of the employee may be granted to an employee because of illness, provided all earned sick leave has been used.

5.2 Calculation of annual leave shall be based on years of service to the State of West Virginia, regardless of the location of the employee's work.

5.3 Annual leave shall be arranged to fit operating schedules. However, consideration should be given to an employee's request. Leave may not be taken before it is earned.

5.4 In the event of an employee's death, accumulated leave will be credited to the employee's heirs or estate.

5.5 Classification -- Record Each institution under the Board of Regents shall keep on file a record showing classification of each employee and current leave status.

5.6 Annual leave may be transferred from other agencies of state government to Board of Regents institutions. Any request for transfer of annual leave must be made within thirty calendar days of the time the employee commences work at the Board institution. Certification of the balance which existed in the losing state agency must follow the request for transfer and bear the signature of an officer from that agency.

Section 6. Military Leave

6.1 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of 30 calendar days in any one calendar year ordered or authorized under provision of state law. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered time worked in computing seniority, eligibility for salary increase, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave. The terms of this policy shall not apply under the provisions for any Selective Training and Service Act, or other such Act whereby the President may order into active duty the National Guard and the reserve components of the armed forces of the federal government.

Section 7. Leave of Absence Without Pay

7.1 A full-time regular employee, upon application in writing and upon written approval by the institutional President, may be granted a continuous leave of absence without pay for a period of time not to exceed one year, provided, if granted because of illness, all sick and annual accumulated leave have been used.

7.2 The President, at his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay.

7.3 The President, at his discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.

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

Section 8. Sick and Emergency Leave

8.1 Eligibility and Allowance - All full-time employees of the Board of Regents and employees who work more than one-half time on regular and continuing basis, shall be eligible to receive and accumulate sick leave with pay. Full-time employees shall accumulate sick leave with pay at the rate of 1.5 days for every employment month or a major fraction thereof. Part-time employees working more than one-half time shall accumulate sick leave on a pro-rata basis. Faculty on nine-month appointments do not accrue sick leave days. Arrangements can be made for coverage of classes or other duties.

8.2 Sick leave with pay may be accumulated without limit.

8.3 Sick leave may be used by the employee when ill or injured, when a member of the immediate family is seriously ill, or when death occurs in the immediate family. For the purpose of administering this leave policy, the immediate family is defined as: the father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grand-mother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered to be members of the household and living under the same roof.

8.4 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. For this reason, employees

shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of off-the-job illness or disability.

8.5 Sick leave for more than five consecutive days shall not be granted to an employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain medical clearance to help ensure adequate protection.

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

8.7 In cases where all accumulated sick leave has been used and annual leave is available, it shall be the option of an employee (1) to use any accumulated annual leave until it has also expired, rather than being removed from the payroll, or (2) to retain the accumulated annual leave for use after return to work, but be taken off the payroll immediately after the accumulated sick leave has expired.

8.8 On-the-job injuries or occupational illnesses which involve no more than three days of disability leave or absence from work shall not be charged against the employee's accumulated sick leave. If on-the-job injuries or illnesses require a leave beyond the three-day period, the employee may have the option of either of the following: (1) using earned and accumulated sick and annual leave until both may be exhausted and receiving any additional benefits adjudged to be due under the West Virginia Compensation Law or (2) reserving for future use any earned and accumulated sick and annual leave and receiving only Workers' Compensation benefits for which adjudged eligible.

8.9 An employee is required to notify his supervisor immediately if ill or unable to work for any reason. The notification shall be given to the immediate supervisor prior to the employee's normal starting time and should include the approximate length of absence. Following two written warnings, failure to report off from work shall be a basis for disciplinary action, which may include suspension, demotion, or discharge.

8.10 Students employed on a part-time basis through campus and federal work programs are not eligible for sick leave provisions.

8.11 Accumulated sick leave may be transferred with an employee from other agencies of West Virginia where eligibility exists for PEIB. Certification of the balance which existed in the losing agency must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within three years from the last day of employment with the other agency.

8.12 Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered ended as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave. Employees who resign in good standing and are later reemployed may have their accumulated sick leave reinstated.

8.13 Each institution shall maintain a sick leave record on each employee for computation, audit, and research purposes. Faculty will report illnesses that cause absence from classes as early as possible.

8.14 Special emergency leave with pay may be granted by the President of the institution to those regularly employed in the event of extreme misfortune to the employee or the immediate family, provided annual leave is not available. The leave should be the minimum necessary, and in no case may it exceed five days within any fiscal year. Typical events which may qualify an employee for such leave are fire, flood or other events (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

8.15 The maximum charge against sick leave will be 260 work days per confinement, at which time disability retirement should be considered.

Section 9. Witness and Jury Leave

9.1 Upon the application in writing, a permanent, probationary, provisional, or temporary employee of the Board of Regents may be granted leave as indicated hereinafter in this section. Annual leave will not be considered an absence from duty.

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

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

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

SPECIAL NOTE: This section of the policy is effective as of enactment on February 3, 1976.

Section 10. Leave Records to be Maintained by Each Institution

10.1 A complete leave record and file shall be maintained by each college and university for each employee. This record shall disclose at all times accrued leave, as well as leave that has been used. The leave record and file for persons employed prior to February 1, 1974, shall include the signed statement of the employee giving notice of the leave policy elected by the individual.

Adopted: West Virginia Board of Regents
April 6, 1987

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SUBSTITUTE for REVISED POLICY BULLETIN NO. 36, pages 80-88

POLICY BULLETIN NO. 36: MATTERS RELATING TO FACULTY

April 23, 1987

Section 1. General

1.1 Scope - Policy regarding Academic Freedom and Responsibility Appointment, Promotions, Tenure, and Nonreappointment or Dismissal of Faculty; and Grievance Procedure for Other Matters Relating to Faculty dated March 5, 1981, for faculty in the state system of higher education. All academic appointments made after the effective date hereof shall be in conformity with this policy statement.

1.2 Authority - West Virginia Code 18-26-8

1.3 Filing Date - April 23, 1987

1.4 Effective Date - May 22, 1987

1.5 Repeal of Former Rule - Revises and Replaces Policy Bulletin No. 36 dated December 9, 1985.

Section 2. Academic Freedom

2.1 Academic freedom at West Virginia State colleges and universities is necessary to enable the colleges and universities to perform their societal obligation as established by the Legislature. The West Virginia Board of Regents recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the colleges and universities under its jurisdiction. Faculty members and students must always remain free to inquire, study, and evaluate.

2.2 Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate

performance of their other academic duties, which may include designated research, extension service, and other professional duties. 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 college or university; they shall be free from institutional censorship or discipline.

2.3 The concept of academic freedom is accompanied by an equally important concept of academic responsibility. The faculty member at a West Virginia State college or 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 in which he or she holds an appointment.

Section 3. Appointment of Faculty

3.1 The faculty at any institution under the jurisdiction of the Board of Regents shall be those appointees of the institution's President as reported to the Board of Regents. The faculty are those people so designated by the institution's President and may include but are not limited to, such professional personnel as librarians and those involved in off campus academic activities.

3.2 Faculty fall into one of the three following classifications:

3.2.1 Tenured: Those faculty members who have attained the tenure status by official action of the Board or President and reported to the Board.

3.2.2 Probationary: 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.

3.2.3 Temporary: Those faculty members who have not been appointed in a probationary or tenured status. Their appointments may be full-time or part-time.

3.3 Faculty appointed to tenured or probationary positions at any institution shall be appointed in one of the following ranks:

3.3.1 Professor

3.3.2 Associate Professor

3.3.3 Assistant Professor

3.3.4 Instructor

3.4 Additional ranks are permitted at West Virginia University through use of the title prefix designation "extension" as applicable to describe the connection or function; such additional ranks are excluded from and in addition to those ranks covered by the provisions of West Virginia Code 18-22-2.

3.5 Other appropriate titles which more accurately indicate the nature of the position may be used upon the recommendation of the President of an institution, subject to approval by the Board of Regents.

3.6 Persons assigned full-time or part-time to administrative or staff duties at any institution may (if qualified) be appointed to or may retain, one of the foregoing faculty ranks in addition to any administrative or staff title. Such persons will be informed in writing at the time of the appointment whether the faculty rank is as a tenured member, probationary member, or temporary member of the faculty. Administrative or staff personnel who are not appointed to a faculty position are not faculty and therefore not entitled to the protections provided by this Policy Bulletin.

3.7 Other faculty hold temporary 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. Temporary appointees shall have one of the following titles:

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

3.7.2 Temporary lecturer;

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

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

3.8.1 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.

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

3.8.3 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 probationary status may not exceed three years and are subject to annual renewal.

3.8.4 The appointee is beyond retirement age, according to Board of Regents' policy.

3.8.5 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 outside probationary status may not exceed three years.

3.8.6 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.

3.9 The President of an institution shall make all tenured, probationary, and temporary faculty appointments at the institution after consultation with appropriate faculty and other collegiate units, and report those actions to the Board of Regents.

3.10 Every faculty appointment at any institution shall be for one fiscal year, or part thereof, in accordance with and in compliance with the annual budget of the Board of Regents, or supplementary actions thereto, as provided by law.

3.11 Every such appointment shall be in writing, and a copy of the appointing 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 an institution, other than those classified as temporary, shall be either tenured or probationary.

4.2 All temporary appointments, as defined in Section 3, shall be neither tenured nor probationary, but shall be appointments only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.

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

4.3.1 The appointee shall render full-time service to the institution to which appointed. Outside activities shall not be restricted unless such activities or employment interfere with the adequate performance of academic duties. The administration of each institution shall establish 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 of the appointee, the institution has a right to 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.

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

Section 5. Joint Appointments

5.1 Faculty members may be appointed to perform academic duties at two or more institutions, 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 presidents of the institutions sharing the faculty member's services. A joint appointment will be made only with consent of the faculty member.

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

Section 6. Promotion in Rank

6.1 Within the following framework, each President shall establish, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for promotion in rank:

6.1.1 There shall be demonstrated evidence that promotion is based upon a wide range of criteria, established by the institution in conformance with this document and appropriate to the mission of the institution. Examples appropriate to some colleges might be: excellence in teaching; accessibility to students; professional and scholarly activities and recognition; significant service to the college 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 promotion shall rest with the institution.

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

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

6.1.4 The institution shall provide copies of its general guidelines and criteria for promotion to the Board of Regents and shall make available such guidelines and criteria to its faculty.

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

Section 7. Faculty Resignations

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

Section 8. Tenure

8.1 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 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. There shall be demonstrated evidence that tenure is 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 college 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 institutions.

8.2 In making tenure decisions, careful consideration shall be given to the tenure profile of the institution, projected enrollment patterns, staffing needs of the institution, current and projected mission of each department/division, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. The institution, 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 Regents' control.

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

8.4 Tenure may be granted at the time of appointment by the President. In the case of probationary appointees, tenure may be attained only by faculty who hold the rank of Assistant Professor or above.

Section 9. Probationary Status

9.1 When a full-time faculty member is appointed on other than a temporary or tenured basis in any of the institutions of higher education under the jurisdiction of the Board of Regents, the appointment shall be probationary.

9.2 During the probationary period the terms and conditions of every reappointment shall be stated in writing, with a copy of the agreement furnished the individual concerned within 15 days following receipt of the Board of Regents' budgetary allocations and guidelines.

9.3 The maximum period of probation shall not exceed seven years. Before completing the sixth year of a probationary 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 probationary 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 Board of Regents.

9.4 During the probationary 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 probationary 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 nonretention or dismissal shall be provided promptly to the faculty member upon request.

9.5 After the decision regarding retention has been made by a President, he or she will notify the probationer 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:

9.5.1 Not later than March 1 of the first academic year of service;

9.5.2 Not later than December 15 of the second academic year of service;

9.5.3 At least one year before the expiration of an appointment after two or more years of service in the institution.

9.6 Faculty appointed at times other than the beginning of the academic year may elect to have those periods of appointment, equal to or greater than half an academic year, considered as a full year for tenure

purposes only. Probationary appointments for less than half an academic year may not be considered time in probationary status. Failure to provide timely notice of nonretention to probationary faculty would lead to renewal of appointment for an additional year, but not prejudice further continuation after that additional year.

9.7 Following receipt of the notice of nonretention, the faculty member may appeal such nonretention decision by requesting a statement of reasons and then requesting a hearing before the institutional hearing committee, as provided in Section 14. The request for a statement or reasons shall be in writing and mailed to the President within ten days of receipt of the notice of nonretention, and the President, within ten days after receiving that request, by certified mail, return receipt requested, shall provide the faculty member with a statement of reasons for nonretention, which statement is only for purposes of informing the faculty member of reasons for nonretention prior to the institutional hearing (and therefore is not a statement of reasons referred to in Code 18-26-8c). Upon receipt of this preliminary statement of reasons, the faculty member may request a hearing before the institutional hearing committee in accordance with Section 13, and the hearing shall be conducted as provided therein.

9.8 Following the receipt of the summary, findings, and recommendation of the institutional hearing committee in accordance with Section 14, the President shall issue a decision either setting aside or affirming the earlier issued notice of nonretention. If the nonretention is affirmed, upon request of the faculty member in accordance with Code 18-26-8c, he shall inform the faculty member with a formal statement of the reasons for nonretention issued in accordance with Code 18-26-8c, and the faculty member in accordance with Code 18-26-8c may appeal such decision by requesting a hearing from the Board of Regents within ten days after receiving the statement of reasons. If the faculty member, following the institutional hearing, fails to request a statement of reasons, in accordance with Code 18-26-8c from the President, the notice of nonretention shall be final.

Section 10. Faculty Evaluation

10.1 All faculty, except tenured faculty, shall receive a yearly written evaluation of performance directly related to responsibilities as defined by the institution.

10.2 Tenured faculty shall be similarly evaluated at least every third year.

10.3 Evaluation procedures shall be developed at the institutional level, and a copy sent to the Board of Regents 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 11. Dismissal

11.1 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:

11.1.1 Demonstrated incompetence or dishonesty in the performance of professional duties;

11.1.2 Personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities;

11.1.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators or of the Board of Regents;

11.1.4 Physical or mental disability making the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties; and

11.1.5 Substantial and manifest neglect of duty.

11.2 Notice of Dismissal for Cause: The President of the institution shall institute proceedings by giving the faculty member a written dismissal notice by registered or certified mail, return receipt requested which dismissal notice shall contain:

11.2.1 Full and complete statements of the charge or charges relied upon;

11.2.2 A description of the appeal process available to the faculty member; and

11.2.3 A statement that the faculty member has the right to elect to have the hearing conducted either by an institutional hearing committee or a hearing examiner of the Board of Regents.

11.3 Answer and Service: Within 30 days from the date of receipt of dismissal notice, the faculty member may file a written answer to the charges. The period for filing the answer may be extended by the President for good cause. The answer shall also contain a request for an institutional hearing committee, as provided in Section 14 of this policy or a hearing examiner, as provided in Section 15 of this policy. If the faculty member fails to file a timely answer, the notice of dismissal shall be final.

Section 12. Termination Due to Reduction or Discontinuance of an Existing Program

12.1 A faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program at the institution as a result of program review, in accordance with appropriate policy bulletins 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.

12.2 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 and shall be reported to the Board of Regents prior to implementation.

12.3 Notice of Nonretention Due to Program Reduction or Discontinuance: The President of the institution shall institute proceedings by giving a faculty member written notice of such nonretention by certified mail, return receipt requested.

12.4 Answer and Service: Within 30 days from the date of receipt of the nonretention notice, the terminated faculty member may file an appeal with the President which shall be heard by the institutional Hearing Committee, in accordance with Section 14.

12.5 The dates of formal notification for tenured and probationary faculty shall be those specified in Section 8(e).

Section 13. Termination Due to Financial Exigency

13.1 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 of Regents. Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty and shall be reviewed by the Board of Regents prior to implementation.

13.2 Notice of Termination Due to Financial Exigency: The President of the institution shall institute proceedings by giving the faculty member written notice of termination by certified mail, return receipt requested, which notice shall contain:

13.2.1 A delineation of the rationale used by the Board of Regents for the determination of a financial exigency;

13.2.2 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

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

13.3 Answer and Service: Within ten days of the date of receipt of the termination notice, the faculty member may file a written appeal to the Board of Regents, in accordance with Section 15.

13.4 To the extent financially feasible, the dates of formal notification for tenured and probationary faculty shall be those specified in Section 9.

Section 14. Hearings

14.1 Grievance Procedure Options: A faculty member shall have the option of filing grievances

(1) in accordance with the provisions of Sections 14, 15, and 16 of this Policy Bulletin, or (2) in accordance with the provisions of Chapter Eighteen, Article Twenty-nine of the Code of West Virginia. Copies of the Code sections are available in the office of the President at each institution.

14.2 Hearings Under Board Policy: If the faculty member wishes to proceed with a hearing pursuant to the Board of Regents' policies (rather than 18-29-1 et. seq. of the West Virginia Code), Sections 14, 15, or 16 of this policy may apply.

14.3 Institutional Hearing: In order to assure a fair and impartial hearing, a dismissed (under Section 11) or terminated (under Section 12) faculty member, or a faculty member desiring to appeal a decision of the President on nonretention (Section 9) or promotion (Section 6) shall receive a written notice of the hearing process as hereinafter provided and may avail himself or herself of the following hearing procedure:

14.4.1 Institutional Hearing Committee: Each year the faculty of each institution shall elect 13 tenured or probationary faculty members, representative of the various ranks in the institution, who shall be known as the Hearing Panel. Up to 30 may be elected to serve on the panel in the cases of West Virginia University and Marshall. Terms may be for one or more years. In the event of a vacancy for any cause, the faculty shall fill the vacancy. If the request is for a hearing before the Institutional Hearing Committee:

14.4.1a The President shall, within 15 days of receipt of the request, furnish the faculty member in writing a list of nine of the faculty members of the Hearing Panel as herein set forth, with instructions to strike four names and return the list to the President within 15 days. If for any reason the faculty member fails to strike, the President shall, within 15 days, strike a sufficient number to reduce the members to five, who shall constitute the institutional Hearing Committee.

14.4.1b The President shall promptly notify the five members in writing that they have been selected to constitute an institutional Hearing Committee and that they are responsible for selecting one of their membership to be chairperson, and shall designate a time and place for their meeting to make such selection and to set a date for hearing the charge or appeal.

14.4.1c The chairperson shall give notice by certified mail to the concerned persons of the time and place for hearing the charge or appeal within 30 days of the date of notice thereof.

14.4.2 The hearing shall be conducted as follows:

14.4.2a The Hearing Committee will hear such proof of facts as may be deemed proper and reasonable and make such investigation and enter such recommendations as the facts justify and the circumstances may require. The faculty member shall have the opportunity to submit evidence relevant to the issues raised in the notice.

14.4.2b The hearing will be conducted with as little delay as possible.

14.4.2c The faculty member shall have the right to have an advisor or legal counsel at the faculty member's expense.

14.4.2d Witnesses will be examined under oath in the manner and form and in the order designated by the Committee.

14.4.2e Formal court rules of evidence shall not apply in such hearings. Technical forms and allegations in pleadings are not required to be observed, and amendments, supplements, or supplemental statements may be made and filed at the discretion of the institutional Hearing Committee.

14.4.2f Testimony shall be recorded.

14.4.2g Audio tape of the testimony, together with copies of the exhibits, shall be furnished to the faculty member, at no charge, upon his or her request. If the tape is transcribed at the request of the faculty member, the cost will be equally shared by the faculty member and the institution.

14.4.2h As soon as practical after the hearing, the Hearing Committee shall deliver to the President a summary of the hearing and the findings and recommendations of the Committee and shall provide a copy of the summary, findings, and recommendations to the faculty member. The President shall, within 30 days after receiving the record and recommendation, issue a decision in writing to the faculty member by

certified mail, return receipt requested, and such decision shall be final, unless the faculty member institutes an appeal to the Board of Regents under the procedures set forth in Section 15.

Section 15. Appeal to the Board of Regents

15.1 An appeal from any final decision of the President of an institution regarding dismissal, nonretention, or denial of tenure which has the effect of nonretention may be taken by the faculty member following exhaustion of the institutional hearing procedures provided above, in accordance with **West Virginia Code 18-26-8c**. A faculty member who wishes to appeal a final notice of nonretention must first request a statement of reasons for nonretention within ten days of receiving such notice. The President must provide the statement of reasons by certified mail within ten days of receipt of such request. The faculty member must file an appeal in writing with the Board of Regents within ten days after receiving the statement of reasons from the President. This appeal shall be designated a Petition of Appeal and shall contain a statement of reasons why the final decision of the President is erroneous or incorrect, together with any appropriate records and any statements of fact or law.

15.2 Such appeal shall be *de novo*, and a record of such appeal shall be made as prescribed herein.

15.3 Time is of the essence in filing the appeal, and in the event the appeal is not filed within the required time period, the decision of the President shall be final.

15.4 The Chancellor shall notify the Board of Regents of the appeal of the faculty member, and within five days after receipt of the petition of appeal of the faculty member, the Chancellor shall mail to the faculty member a strike list of the names of hearing examiners who have been selected pursuant to procedures adopted by the Board of Regents, and all of whom shall be duly qualified and licensed attorneys. The faculty member, within five days of receipt of the list of names, shall strike therefrom half of the names and return the strike list to the Chancellor, who shall appoint one of the remaining persons as the hearing examiner.

15.5 The hearing examiner shall determine the date, time, and location at the employing institution for the hearing to be held, and shall give notice thereof, by certified mail, return receipt requested, to the faculty member, the Chancellor, and the President of the institution. The hearing must be held within 30 days of receipt of the faculty member's petition of appeal, and the hearing may be continued for reasonable grounds from time to time until completed. It is the sole duty and responsibility of the hearing examiner to determine whether the reasons given for nonretention are arbitrary, capricious, or without factual basis.

15.6 The faculty member shall be accorded substantive and procedural due process, including the right to produce evidence and witnesses and to cross examine witnesses, and the right to legal counsel or other representation at his or her expense.

15.7 Testimony shall be recorded on audio tapes, which, together with copies of the exhibits, shall be furnished to the faculty member at no charge, upon his or her request. If the tape is transcribed at the request of the faculty member, the cost will be equally shared by the faculty member and the institution.

15.8 The hearing examiner shall reduce to writing his or her findings, conclusions, and recommendations and shall set forth whether the reasons regarding dismissal, nonretention, or denial of tenure which has the effect of nonretention were arbitrary or capricious or without a factual basis. A copy of the recommendation of the hearing examiner shall be mailed to all persons to whom the notice of hearing was sent within 30 days after the conclusion of the hearing.

15.9 If a faculty member desires to appeal the recommendation of the hearing examiner, the faculty member must file an appeal with the Board of Regents within ten days after receipt of the recommendation of the hearing examiner. The appeal filed with the Board of Regents shall be taken as an appeal on the written record submitted from the hearing held before the hearing examiner. The Board, based upon such record, may take such action as it deems reasonable and proper in all circumstances and in answer to all of its responsibilities according to law.

15.10 The Board of Regents shall submit its decision in writing to the faculty member and the President of the institution within 45 days of receipt of the report of the hearing examiner. If the faculty member appeals the recommendation of the examiner, this period is extended to 75 days.

15.11 In the case of an appeal from a final decision of nonretention by a probationary faculty member, if the reasons for nonretention are judged to be arbitrary or capricious or without factual basis, the faculty member shall be retained for the ensuing contract year. Such an appointment will not prejudice further continuation after that year.

Section 16. Faculty Grievance Procedure for Matters Not Otherwise Addressed in This Policy Bulletin

16.1 Each college and university shall provide, through institutional-level procedures, faculty grievance recourse for all appropriate matters not otherwise addressed in this Policy Bulletin. Said recourse shall be a systematic method whereby individual faculty grievances can be reasonably presented and reviewed, and action taken related thereto. The institutional procedures shall normally consist of at least three levels or steps of consideration, commencing at the department or division level and concluding with the President. Grievance actions capable of being resolved by administrative action shall be resolved at the earliest possible stage.

16.1.1 Level one - The faculty member will first seek a resolution of the grievance through informal discussion with his or her academic department or division head.

16.1.2 Level two - if not satisfied with the resolution at the first level, the faculty member shall reduce the grievance to writing and forward it, within 15 days, to the next reporting level, normally a division head or dean, with a copy to the level one administrator. Within 15 days, the level one administrator shall submit a written report concerning the disposition of the grievance at level one to the level two administrator. The level two administrator shall render a decision within 15 days of receipt of the report from the level one administrator.

16.1.3 Level three - If not satisfied with the resolution at level two, the faculty member should forward to the President a copy of the grievance, along with the level two administrator's response and supporting documents. In reaching a decision, the President may hold a meeting of 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 15 days of receipt of the recommendation of the committee or of the receipt of the level three appeal, whichever is longer.

16.1.4 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, evidence of injury is provided, and a remedy is feasible a faculty member may so state in a petition to the Chancellor that the issue should be heard by a hearing examiner. A decision will be made by the Appeals Committee of the Board as to whether or not a hearing examiner should be appointed in such a grievance, and that decision of whether or not to appoint an examiner will be final.

Adopted: West Virginia Board of Regent
April 6, 1987

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CLARIFICATION of Section 13a under POLICY BULLETIN NO. 36, page 84.

This section permits Marshall University to select up to thirty (30) faculty as members of a Hearing Panel. By action of the Faculty Personnel Committee the size of this group is established at thirty (30) to be composed of ten (10) full professors, ten (10) associate professors, six (6) assistant professors, and four (4) instructors. Members would have staggered two year terms, with half of each rank being elected each year. For the first election half of those elected would have two year terms and the remaining half one year terms. The selection process for creating the actual five person panel remains the same.

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ADD following old **POLICY BULLETIN NO. 39** information on page 88.

POLICY BULLETIN NO. 39

June 2, 1987

MEASLES AND RUBELLA IMMUNIZATION POLICY

Section 1. General

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

1.2 Authority - West Virginia Code 18-26-8

1.3 Filing Date - June 9, 1987

1.4 Effective Date - July 10, 1987

Section 2. Background

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

Section 3. Purpose

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

Section 4. Immunization Requirement

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

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

4.3 Immunity to measles and rubella is defined as follows:

4.3.1 Measles

- 4.3.1.1 The person was born before January 1, 1957; therefore, the person is considered exempt; or
- 4.3.1.2 Measles vaccine was administered to the person after 1967 and was given after one year of age; or
- 4.3.1.3 The person presents a report of immune titer or a positive antibody test proving immunity.
- 4.3.1.4 The person presents a history of having had the disease signed by a physician.

4.3.2 Rubella

- 4.3.2.1 The rubella vaccine was given after one year of age; or
- 4.3.2.2 The person presents a report of immune titer or a positive antibody test.
- 4.3.2.3 History of disease IS NOT acceptable.

Section 5. Applicability

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

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

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

Section 6. Exemptions

6.1 The student may be exempted from proof of immunity or from the requirement to receive measles or rubella vaccine for three reasons: Medical, religious, and student enrollment classification.

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

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

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

Section 7. Documentation

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

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

Section 8. Enforcement

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

8.2 If a certificate of immunization is not received on or before the date of enrollment, the college or university shall present a notice of deficiency to the student. The student must have the required proof

of immunity on or before the date of enrollment for the **next semester** or the student shall not be permitted to attend the school until the required immunization, proof of immunity, or documentation of approved exemption has been provided.

Section 9. Obtaining the Report of Immunity

9.1 The student shall be informed of this requirement by the Admissions Officer of the state colleges and universities as an aspect of the enrollment process.

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

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

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

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

Section 10. Obtaining and Administering Immunizations

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

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

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

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

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

Section 11. Records and Reports

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

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

11.3 The college or university shall file an immunization report with the West Virginia Board of Regents by November 15 of each year for the fall semester and by March 15 of each year for the spring semester. This report provides a statistical summary of the immunization status of new college enrollees. See Format at Appendix A.

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

11.5 The West Virginia Department of Health will also provide the information document at Appendix B for use in this immunization program.

Adopted: West Virginia Board of Regents
June 2, 1987

Note: the various appendices listed are available for examination, if needed, at the Office of Admissions or the health service providing the immunizations, depending upon the specific appendix.

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SUBSTITUTE for POLICY BULLETIN NO. 44, pages 89-90.

POLICY BULLETIN NO. 44

June 3, 1986

POLICY REGARDING STANDARDS AND PROCEDURES FOR UNDERGRADUATE INSTITUTIONAL ADMISSION POLICIES

Section 0. General

- 0.01 Scope - Policy regarding standards and procedures for undergraduate institutional admission policies.
- 0.02 Authority - West Virginia Code 18-26-8
- 0.03 Filing Date - July 10, 1986
- 0.04 Effective Date - June 3, 1986
- 0.05 Repeal of Former Rule - Revises and Replaces Policy Bulletin No. 44 dated June 11, 1985.

Section 1. Statement of Principles

1.1 It is the intent of the Board of Regents that West Virginia residents shall have access to higher educational opportunities commensurate with their interests and abilities. Working toward this end, the Board continues to encourage the development of academic programs and flexible time-space options which allow citizens throughout West Virginia to develop to the fullest their capabilities for work and fulfillment of life. It is further the intent of the Board that admissions policies at the State-supported institutions of higher education should foster the attainment of these broad goals of access to the highest extent possible within the limits of available educational programs and resources.

1.2 In recognition of the diverse educational programs offered by the different public colleges and universities and the varying kinds of preparation necessary for successful entry into them, the Board of Regents considers it more appropriate to establish basic statewide guidelines and standards than to provide detailed provisions related to admissions criteria and procedures. Accordingly, the Board has identified certain basic policies and provisions around which specific institutional admissions policies and practices are to be developed.

Section 2. Basic Admissions Standards

2.1 As a means of ensuring a reasonable chance of success in the educational programs for which students seek admission and or making the most productive use of Federal, State, and community resources institutional admissions policies shall incorporate the following basic standards:

2.2 Regular admission to community colleges, community college components at four-year institutions, and branch campuses of two-year and four-year institutions is open to any person who has a high school diploma or meets General Educational Development (GED) requirements.

2.3 Other persons may be admitted on a conditional basis but shall be evaluated at the conclusion of each semester of enrollment to determine whether college-level academic performance indicates an ability to continue their studies. Neither regular nor conditional admission shall ensure the entry of applicants into specific programs.

2.4 Students who meet General Educational Development (GED) requirements or have a high school diploma and an overall grade-point average (GPA) of at least 2.0, or a composite score of at least 14 on the ACT may be admitted on a regular admission basis to State colleges and universities. Students will normally be expected to sit for the ACT. However, in instances where students have taken the Scholastic Aptitude Test (SAT); these scores may be substituted for the ACT. A minimum combined verbal/math score of 680 on the SAT will be required for regular admission. These students will not be required to take the ACT at a later time.

2.5 Conditional admission may be granted in instances where GPA or ACT standards are not met and institutional officials have evidence that the student has the potential to successfully complete college-level work. In addition to GPA and ACT requirements, not later than the fall of 1990, students must successfully complete the following minimum high school unit requirements prior to admission:

Units (Years)	Required Units
4	English (including courses in grammar, composition, literature)
3	Social Studies (including U.S. History)
2	Mathematics (Algebra I and higher)
2	Laboratory Science (from Biology, Chemistry, Physics and other courses with a strong laboratory science orientation)
Strongly Recommended Units	
2	Foreign Language
Elective Units	
Remaining Units	It is recommended that the remaining elective units be chosen from such subjects as computer science, fine arts, humanities, and typing.

2.6 Institutions are authorized to employ the following exemptions to the above unit requirements:

2.6.1 All four-year public colleges and universities have the discretionary authority to waive the college preparatory curricular requirements for regular admission for not more than five percent (5%) of freshmen students who graduated from high school within five years of the date of enrollment (five percent based upon enrollment of first-time freshmen entering the institution in the fall term of the previous year).

2.6.2 Applicants for admission who have been out of high school for more than five years or who meet institutionally established GED requirements may be exempted from the specified high school curricular requirements at the discretion of the individual institution.

2.7 The academic performance of students admitted under one of the above exceptions or on a conditional basis must be evaluated at the conclusion of each semester. To continue, such students must be in good academic standing according to institutional standards as stated in the institutional catalog for regularly admitted students. Neither regular nor conditional admission shall ensure the entry of applicant into specific programs.

2.8 Students seeking transfer admission to a State college or university must be academically eligible to return to the institution from which they wish to transfer. Students seeking transfer admission or readmission to a community college, community college component, or branch campus must meet the institution's basic admission standards. Students attending community colleges, community college components, or branch campuses who are seeking to transfer into a four-year program must meet the regular institutional criteria for transfer admission.

2.9 Students under disciplinary sanction at a West Virginia public college or university at the time of the application for transfer admission are also subject to provisions of Board of Regents' Policy Bulletin No. 57.

2.10 An institution may admit students on a non-degree basis. By definition, such students are not seeking and/or not eligible to pursue a certificate or degree at the institution.

2.11 It should be noted that the basic standards contained in this section are based upon current levels of funding. Should financial resources be limited, it may be necessary to establish additional standards and /or accept only those qualified students applying by a specific date.

Section 3. Institutional Admissions Procedures

3.1 High school transcripts are required to be on file for each incoming freshman who is registered in an undergraduate certificate or degree program and who has graduated from high school within five years. Such transcripts shall be on file with the institution prior to the end of the first semester of the student's attendance.

3.2 Students desiring to enroll on a degree-seeking basis at the State colleges or universities who do not meet the GED requirements or have a high school diploma and an overall grade point average of at least 2.0 must submit ACT scores prior to admission.

3.3 Students who substitute SAT scores for ACT scores will not be required to take the ACT at a later time. Institutions will convert the SAT scores to ACT equivalents by using an appropriate conversion chart (refer to Board of Regents' Administrative Bulletin No. 5).

3.4 Degree-seeking State college or university students who do meet the GED requirements or high school grade point average and students admitted on a degree-seeking basis to the community colleges, community college components of the four-year institutions, and branch campuses must submit ACT scores prior to their second semester of enrollment.

3.5 All students who have graduated from high school or completed GED requirements more than five years prior to seeking admission to a community college or four-year college or university and branch campuses of the same may have the requirement for ACT scores waived at the discretion of the institution.

3.6 Transfer students must supply the institution with official transcripts reflecting all previous college work prior to admission.

3.7 In addition to the above, colleges and universities may use, but shall not be limited to the use of, the following information in determining admission to institutions and/or institutional programs:

3.7.1 Records of traditional academic performance relative to the specific educational program to which the student seeks entry.

3.7.2 Record of non-traditional learning experiences.

3.7.3 Standardized examinations relative to the requirements of the program to which the student seeks entry.

3.7.4 College equivalency examinations such as the College Level Examination Program (CLEP) and the Proficiency Examination Program (PEP); also, special preparatory programs such as the Advanced Placement Program of the College Entrance Examination Board Program.

3.7.5 Recommendations and reports of interviews.

3.7.6 Health records may be required after admission into the institution.

Section 4. Institutional Admissions Policies

4.1 Institutional admissions policies shall be comprehensive and stated in specific terms and shall include the general admissions requirements of the institution, as well as additional requirements for entry into specific programs.

4.2 While it is not the policy of the Board to exclude non-residents from State institutions or their programs, preference shall be given to qualified West Virginia residents (as defined by Board Policy Bulletin No. 34) in cases where enrollments must be limited.

4.3 All institutional admissions policies shall be submitted to the Board for evaluation in terms of their compatibility with stated Board of Regents' policies, institutional goals, and available educational programs and resources. Any amendments to admission policies shall be submitted to the Board prior to their actual implementation at the institutional level.

4.4 All institutional admissions policies shall be consistent with existing Board of Regents' policies and applicable State and Federal regulations regarding nondiscrimination.

4.5 Subject to Board of Regents' approval, institutions may establish admission standards more rigorous than those established by this policy for basic admission to the institution and/or for admission into specific programs.

Section 6. Implementation Date

6.1 The successful completion of high school unit requirements and related exemptions outlined in Section III shall be effective no later than the fall of 1990. The effective date of all other provisions of this policy will be 60 days after the date of filing with the West Virginia Secretary of State's office.

Adopted: West Virginia Board of Regents
June 3, 1986

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SUBSTITUTE for the section headed POLICY BULLETIN NO. 52 on pages 94-95

POLICY BULLETIN NO. 52

November 5, 1985

(Replaces Policy Bulletin No. 52 dated July 10, 1984)

CLASSIFIED EMPLOYEE GRIEVANCE PROCEDURE

Section I. Filing Option

1.01 A staff member shall have the option of filing grievances (1) in accordance with the provisions of this policy bulletin or (2) in accordance with the provisions of Chapter 18, Article 29, of the Code of West Virginia. Copies of the Code are available in the office of the President at each institution.

Section II. Definition of Work Week

2.01 The purpose of this policy is to assist the employee and employer in arriving at a satisfactory resolution to differences involving work related matters. The emphasis of discussion should be positive and reflect good communication between the two parties, resulting in a fair and effective resolution to the grievance. For the purpose of this policy the definition of work week is the total work schedule of the aggrieved employee. Work release time will be granted to the grievant, committee member, and to those employees who are called as witnesses to attend hearings on a particular grievance.

Section III. Grievance Procedures

3.01 An employee with a complaint should discuss, or attempt to discuss, the problem with his/her immediate supervisor in an attempt to resolve the matter informally. This informal attempt at problem solving should take place within five work days after the disagreement or incident occurs and/or the employee becomes aware of the incident. In the event an employee and his/her immediate supervisor are unable to resolve the problem, then step one may be initiated.

3.01.1 **Step One** - The grievant shall present in writing his/her grievance to the immediate supervisor, summarizing the relevant points from the initial discussion and requesting and receiving any letters or documents needed from the grievant's file. The grievant should state his/her written grievance to his/her immediate supervisor within five work days of their original discussion.

3.02 The immediate supervisor must respond in writing within five work days upon receipt of the

grievant's written statement. The immediate supervisor's response shall explain in detail the reasons for or policies used in reaching his/her decision on the matter.

3.02.1 **Step Two** - If the grievant does not feel the grievance has been answered satisfactorily in step one, he/she may proceed to step two. The grievant shall present his/her grievance in writing to the person occupying the position one level above his/her immediate supervisor or the appropriate dean or director. The grievant must do this within five work days following the completion of step one. The person to whom the grievance is submitted must respond in writing to the grievant within five work days.

3.03 If the person occupying the position one level above the immediate supervisor is the President of the institution, the grievant should skip step two and proceed directly to step three.

3.03.1 **Step Three** - This is the final step in the grievance procedure. If the grievant does not feel the grievance has been answered satisfactorily in step two, he/she may proceed to this level. In step three, the employee must decide to have his/her grievance heard in one of the following manners and notify the personnel director.

3.03.1a The institution's president or his/her designee.

3.03.1b A three person committee, one selected by the grievant, one selected by the person against whom the grievance was filed, and the third person selected by the two panel members previously chosen. If they cannot agree, the third person shall be selected by the institution president and become the committee chairperson.

3.03.1c A panel of three employees appointed by the institution president. (No more than one member of this panel can be from the grievant's grade classification).

3.04 The grievant must initiate step three within ten work days after receiving a response in step two. The final hearing, in step three, must be convened within thirty work days of the grievant's submission of final appeal. The hearing shall be recorded on tape. A transcript shall be prepared **upon request** at the expense of the requesting party.

3.05 Following the appeal hearing, a written recommendation with all supporting documents will be sent to the president within ten work days. The President will render a written decision within ten work days from the receipt of this recommendation. A copy of the decision will be sent to both parties involved in the grievance.

Section IV. Additional Procedures and Definitions

4.01 The Personnel Director (unless he/she is an involved party) or his/her designee will be assigned the duties of providing coordination for the grievance procedures when a grievance is filed, to include providing for tape recording.

4.02 Periods of time indicated within which an answer must be given do not commence until the first work day following the initiation of the previous step.

4.03 If time requirements are not met by the grievant or the employer, the decision will be made against the party failing to meet the prescribed deadlines. Extensions of time limits at each step may be granted if both parties concur in writing prior to the expiration of the established time limit or if either party has a verifiable sickness, accident, or scheduled absence from campus.

4.04 An aggrieved employee may have another employee assist him/her in the grievance procedure. The assisting employee cannot be an attorney.

4.05 Grievance issues must be those that are work related matters.

4.06 The aggrieved employee should stipulate in his/her initial appeal what redress is sought.

4.07 The relief sought must be within the capability of the institution to grant.

4.08 In any instance where legal counsel contacts personnel involved at any step in the grievance procedure that person should be referred immediately to the personnel director or the president's designee. This counsel should be referred to the Assistant Attorney General assigned to the Board of Regents.

4.09 The first step supervisor and the second step administrator may have another employee assist him/her in the procedure. The assisting employee cannot be an attorney.

4.10 No reprisals of any kind shall be taken by the Board of Regents, institution or administration, or any supervisor against any party in interest, any representative, or any participant in the grievance procedure by reason of such participation. This will include anyone in the grievance procedure who may participate either as a witness or members of the hearing panel.

4.11 For the purpose of this policy, the definition of work day is the usual work day schedule of the grievant.

4.12 Work release time for the purpose of this policy is paid time that is not charged to sick leave, annual leave, and is not required to be made up or added into overtime calculations.

Revised: West Virginia Board of Regents
November 5, 1985

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SUBSTITUTE for POLICY BULLETIN NO. 60, pages 109-110.

POLICY BULLETIN NO. 60

April 8, 1986

Section 0. General

0.01 Scope - Policy regarding academic rights and responsibilities of students.

0.02 Authority - West Virginia Code 18-26-8

0.03 Filing Date - May 1, 1986

0.04 Effective Date - June 1, 1986

0.05 Revises and Replaces Existing Section 7 of Policy Bulletin No. 57 dated July 13, 1982, and Policy Bulletin No. 60 dated November 13, 1984.

Section 1. Academic Rights and Responsibilities of Students

1.1 The institution and its constituent colleges and schools shall define and promulgate, consistent with the policies, rules and regulations of the Board of Regents, the academic requirements for admission to the institution, for admission to limited enrollment programs, and for admission to professional and graduate degree programs (where offered); the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation; the requirements or criteria for any other academic endeavor; and the requirements for student honesty and originality of expression.

1.2 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 2. Academic Rights

2.1 Concomitant with the academic standards and responsibilities established pursuant to Section 1, each student shall have the following academic rights:

2.1.1 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 not shall his/her performance be evaluated on the basis of his/her race, color, creed, sex, or national origin.

2.1.2 Each student shall have the right to have any academic penalty, as set out in Section 4.2 below and more specifically defined by his/her institution, reviewed.

2.1.3 Each student shall have access to a copy of the college or university catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence requirements, special program requirements, minimum grade point average, probation standards, professional standards etc.). Students have the right to receive from the instructor written descriptions of content and requirements for any course in which they are enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and costs, grading standards and procedures, professional standards, etc.).

2.1.4 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 3. Application of Policy to Students

3.1 Student--any person who has been admitted to an institution to pursue a course of study, research, or service, who is currently engaged in an institutionally sponsored activity, and who has some right or privilege to be on the campus or in the facilities of the institution, or to use the same, in connection with study, research, or service, or one 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 of Regents or the institution.

3.2 A student, as defined in this policy, shall be subject to any applicable penalties for failure to comply with the academic requirements and standards promulgated by the institution and/or its constituent colleges and schools according to Section 1.1. 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 4. Academic Requirements and Consequences of Failure to Meet Requirements

4.1 The institution and its constituent colleges and schools shall define and promulgate the academic requirements, criteria and standards as set out in Section 1.1 above. Normally, students may finish a program of study according to the requirements under which they were admitted to the program. However, requirements are subject to change at any time, with reasonable notice provided to the students.

4.2 A student who fails to meet the academic requirements or standards, including those for academic honesty as defined by the institution and its constituent colleges and schools according to Section 1.1 may be subject to one or more of the following penalties:

4.2.1 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.

4.2.2 Academic probation as determined and defined by the institution and its constituent colleges and schools.

4.2.3 Academic suspension as determined and defined by the institution and its constituent colleges and schools.

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

4.4 A student may appeal any penalty according to the procedures in Sections 5 and 6 below. Each

institution and its constituent colleges and schools shall determine and specify the point at which penalties, excluding those specified in Section 4.2.1 may be imposed. Each instructor determines the point at which the penalties specified in Section 4.2.1 may be imposed. Each institution and its constituent colleges and schools shall determine the method(s), if any, by which a student may correct the condition(s) leading to imposition of these penalties and thereby have them removed.

Section 5. Appeals

5.1 Each institution and its constituent colleges and schools shall establish policies and procedures by which a student may appeal or challenge any academic penalties imposed by a faculty member or by the institution or one of its constituent colleges and schools, including those described in Section 4.2 above.

5.2 Additional procedures may include but not be limited to:

5.2.1 Appeals of a grade penalty or exclusion from class,

5.2.2 Appeals of final course grades,

5.2.3 Appeals of imposition of academic probation,

5.2.4 Appeals of imposition of academic suspension,

5.2.5 Appeals of dismissal from undergraduate programs,

5.2.6 Appeals of dismissal from graduate programs,

5.2.7 Appeals of dismissal from professional degree programs,

5.2.8 Appeals of dismissal from the institution.

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

5.3.1 Written notice to the student (1) of his/her failure to meet or maintain an academic standard, (2) of the methods, if any, by which the student may correct the failure, and (3) of the penalty which may be imposed.

5.3.2 An opportunity for the student to meet with the faculty member(s) or other individual(s) who have judged his/her performance to be deficient, to discuss with these faculty member(s) or other individual(s) the information forming the basis of the judgment 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.

5.3.3 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.

5.3.4 An opportunity to appeal to the president of the institution or his/her designee within 30 calendar days after the receipt of written notice of the decision or judgment.

5.3.5 The decision of the president or his/her designee regarding an academic appeal is final.

Section 6. Appeals Procedure for Academic Dismissal

6.1 - The appeal will be subject to the following conditions:

6.1.1 The appeal must be filed within thirty calendar days after written notice of the decision.

6.1.2 The appeal to the appropriate academic officer or appeals committee is not adversarial in nature; the formal rules of evidence do not apply.

6.1.3 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.

6.1.4 Witnesses may be called by any of the parties involved.

6.1.5 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.

6.1.6 The decision of the president or his/her designee regarding academic dismissal is final.

Section 7. Publication

7.1 All standards, criteria and procedures of the institution shall be published in one or more appropriate institutional publications such as catalogs, student handbooks, academic pamphlets, and handouts. Such requirements are subject to change with reasonable notice provided to the students.

Adopted: West Virginia Board of Regents
April 8, 1986

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SUBSTITUTE for POLICY BULLETIN NO. 62, pages 111-113.

POLICY BULLETIN NO. 62

April 6, 1987

POLICY REGARDING PERSONNEL ADMINISTRATION FOR BOARD OF REGENTS EMPLOYEES

Section 1. General

1.1 Scope - Policy regarding personnel administration for Board of Regents employees.

1.2 Authority - West Virginia Code 18-26-8

1.3 Filing Date - April 16, 1987

1.4 Effective Date - May 15, 1987

Section 2. Compensation/Pay Calculations

2.1 When salary increases are calculated and rounding is involved, the policy is to round up.

2.2 Overtime pay for non-exempt employees is calculated at the rate of 1-1/2 times the regular hourly pay. Overtime does not commence until forty hours have been worked within one workweek. Regular hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half hours and forty hours.

2.3 Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, jury duty, compensatory time, military duty or special emergency leave is not counted as working hours for purposes of overtime.

2.4 Holidays to be observed under provisions of Policy Bulletin No. 26 are to be calculated and used on a calendar year basis.

2.5 Base pay is calculated on a thirty-seven and one-half hour workweek.

2.6 Annual and sick leave do not accumulate during months when an employee is on a leave of absence or off the payroll. Neither does it accumulate after the effective date of resignation.

Section 3. Compensatory Time Off

3.1 There are two types of compensatory time off.

3.1.1 Employees required to work on any designated Board of institution holiday. When a classified employee is required to work on any designated Board of institution holiday, that employee shall receive regular pay for that holiday plus substitute time off at the rate of one and one-half (1 1/2) times the number of hours actually worked on the holiday. The time off should be used within 60 calendar days following the holiday. Type One must be used by the employee transferring to another position before the transfer.

3.1.2.1 If compensatory time off can be granted and used before the end of that employee's regularly scheduled workweek, the employee may be given compensatory time off equal to the actual hours worked beyond the employee's regularly scheduled workday. Such compensatory time off is calculated at the straight time rate for up to 40 hours per week.

3.1.2.2 If compensatory time off cannot be used before the end of the employee's regularly scheduled workweek and the employee works more than 40 hours during the workweek in which the compensatory time is earned, compensatory time off may be given at the rate of one and one-half (1 1/2) times the number of hours actually worked.

3.2 Compensatory time must be used within a reasonable period of time not to exceed 60 calendar days from the date it is earned. The employee may accrue not more than 37-1/2 compensatory hours based on time actually worked and shall be paid overtime compensation in cash for any additional overtime hours worked. Use of such compensatory time must be scheduled with the employee's supervisor so as not to disrupt the operation of the institution or work unit.

3.3 Only non-exempt positions qualify for compensatory time off. While the decision as to whether overtime must be worked is the supervisor's, the decision as to whether an employee will receive overtime pay or compensatory time off for time worked in excess of 40 hours must be by mutual agreement between supervisor and the employee prior to performance of the work.

Section 4. Workweek

4.1 The workweek is a regularly recurring period of one hundred sixty-eight hours in the form of seven consecutive twenty-four hour periods. It begins at 12:00 a.m. (midnight) on Sunday and ends at 12:00 p.m. (mid-night) the following Saturday. Institutional presidents or their designees may establish a workweek different from this provided that recordkeeping requirements are met as set forth in relevant law. A work schedule of 37-1/2 hours will be established within a workweek.

Section 5. Appointment

5.1 A classified employee appointment form shall be completed for each classified employee at the time of appointment and each time an appointment is renewed. The standard form distributed by the BOR shall be used.

Section 6. Access to Personnel File

6.1 An employee may have access to his/her personnel file when the employing institution is normally open for business. All employees may examine his/her own file and the contents therein with the following exception:

6.1.1 Materials which were gathered with the employee's prior agreement to forfeit his/her right of access such as some references.

6.2 A representative of the custodian of records shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file.

6.3 A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A small copying fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. 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 to his/her own personnel file. The employer may require that employees schedule an appointment to see the personnel file.

Section 7. Changes in Name, Address, Number of Dependents and Related Matters

7.1 It is the exclusive responsibility of each employee to notify all appropriate persons, agencies and parties when record changes occur including emergency information. This must be done in writing and a copy of such notification will be placed in the employee's personnel file as a permanent record that he/she notified appropriate persons, agencies and parties.

Section 8. Managing Work Time in Areas Affected by Interruption to Utility Service or Similar Situations

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

8.2 Emergency Situations - In the event that an emergency exists, the president, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. Such a declaration will be transmitted to the Chancellor of the Board of Regents. The president, working with public safety officials, will determine when the emergency condition no longer exists. Should an employee be required to work by the president or his designees during a declared emergency, the time worked shall be considered as extra work and will entitle the employee to be compensated at the rate of time and one-half for the hours worked. The decision as to whether an employee will receive overtime pay or compensatory time off for emergency work must be by mutual agreement between the supervisor and the employee. Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.

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

Section 9. Classification Review Request

9.1 When significant changes occur in the principal duties and responsibilities of a position, it is the responsibility of the supervisor to recommend through established procedures that the position be reviewed. Within 60 days from the date of request for review of a job, the personnel office shall report to the requestor, in writing, what action has occurred. A personnel office may initiate action to review jobs. Position reviews also may be initiated by an employee after discussion with the immediate supervisor. The immediate supervisor must prepare an accurate description of the duties of the position and attest to its accuracy, but the description may be written by the employee at the supervisor's request. The responsibility for assigning tasks and duties to a position belongs to the supervisor. It is the responsibility of a supervisor to insure completion of required forms.

9.2 A position description shall exist for every classified position. It shall be reviewed by the supervisor at least one time per year. The date of each review shall be recorded on the description.

Section 10. Job Classification and Rate Determination

10.1 The institutional president has final authority on the campus to make job classification determinations. The president may delegate authority to the personnel administrator for day to day management or the classification system. Management of the system requires adherence to written rules which insure a uniform system of personnel classification. All classified positions shall be placed on the pay grade structure promulgated by the Board of Regents. Each position shall have a title and that title shall come from the **Manual for Classification Administration**. Exceptions to this policy may be authorized by Board staff to allow time to gradually come into compliance. However, compliance must be achieved not later than the date for completion of work by the Legislative Pay Equity Task Force.

Section 11. Entry Rates

11.1 The entry rate of a position is the published minimum rate of pay associated with each pay grade. The expression of that rate is on a monthly basis.

11.2 Offers of employment shall be at the entry rate for the grade of a position. Exceptions may be authorized only by Board of Regents staff. Offers of employment at rates which exceed the entry rate are invalid unless the policy for exceptions is followed. Criteria for exceptions include:

- 11.2.1 Qualifications of the candidate.
 - 11.2.2 Number of applicants for a position.
 - 11.2.3 Number of interviews.
 - 11.2.4 Number of qualified applicants identified.
 - 11.2.5 Number of offers of employment.
 - 11.2.6 Length of the recruiting campaign.
 - 11.2.7 Cost of the recruiting campaign.
 - 11.2.8 Length of time the position was vacant.
 - 11.2.9 Urgency to fill the position.
 - 11.2.10 Market conditions for the job.
 - 11.2.11 The rationale underlying the difference between the entry rate and the salary you wish to offer.
 - 11.2.12 Past practices.
- 11.3 Each test shall have justification.

Section 12. Promotion

12.1 Movement from a classification requiring a certain level of skill, effort and responsibility to another classification requiring a significantly greater degree of skill, effort, and responsibility.

12.2 Determine the **entry rate** for the grade of the position which an employee now holds regardless of that employee's present salary. Determine the **entry rate** for the grade of the position to which the employee is moving. If the latter entry rate is higher than the former entry rate, a promotion exists.

12.3 Upon promotion from a classification in one pay grade to a classification assigned to the next higher pay grade the employee will receive an increase of five percent of current salary or the entry rate of the new classification, whichever is higher. If the promotion involves a change of more than one pay grade, the 5 percent calculation shall be 5% per pay grade or the entry rate, whichever is greater. In multiple grade increases, the calculation shall be based on current salary. It is not additive.

Section 13. Upgrade

13.1 An increase of the classification level of an existing position.

13.2 Through the process of job evaluation determine the level of skill, effort and responsibility required in a position along with the working conditions to which the position is subject. Determine first the extent to which change has occurred. Note that the only changes which may occur are the changes which are required by the employer. After establishing that a higher level of skill, effort and responsibility exists, determine which classification specification most closely matches the work as it is now described. The pay grade associated with the classification specification that compares most closely with the job description for the job under review becomes the grade of that position. This work must be done by a job analyst.

13.3 When an employee occupies a position at the time that a position upgrade is to be placed into effect, the method of calculating the incumbent's salary increase is the same as that specified for a promotion. In the absence of funds to support an upgrade, work at the higher level may not be performed.

Section 14. Demotion

14.1 Movement from a position requiring a certain level of skill, effort and responsibility to another position requiring a significantly lesser degree of skill, effort and responsibility.

14.2 Determine the **entry rate** for the grade of the position which an employee now holds regardless of that employee's present salary. Determine the **entry rate** for the grade of the classification to which the employee is moving. If the latter entry rate is lower than the former entry rate a demotion exists.

14.3 The employee moves from entry rate to entry rate or percentage above an entry rate to that same percentage above the entry rate of the demoted-to position.

Section 15. Downgrade

15.1 A decrease of the classification level of an existing position.

15.2 Through the process of job evaluation determine the level of skill, effort and responsibility required in a position along with the working conditions to which the position is subject. Determine first the extent to which change has occurred. Note that the only changes which may occur are the changes which are required by the employer. After establishing that a lower level of skill, effort and responsibility exists determine which classification specification most closely matches the work as it is now described. The pay grade associated with the classification specification that compares most closely with the job description for the job under review becomes the grade of that position. This work must be done by a job analyst.

15.3 When an employee occupies a position at the time that a position downgrade is to be placed into effect, the current salary for that employee will be "frozen" and managed in accordance with the principles set forth by the United States Department of Labor.

Section 16. Transfer

16.1 Movement from a position requiring a certain level of skill, effort and responsibility to another position requiring the same degree of skill, effort and responsibility. Both positions are in the same pay grade.

16.2 No change of salary as a function of a transfer may occur. In cases where shift differentials exist, salary changes may occur in transfer situations only when they result from these shift differentials.

Section 17. Rehire

17.1 A person who was involuntarily separated due to layoff in a specific position at a Board of Regents' institution and is the successful candidate for employment at the same institution within 12 months commencing from the last day that person was physically present for work.

17.2 Persons in these circumstances may be appointed at the same salary they earned at the time of termination provided the salary is not less than the current entry rate for the position and that position has not been upgraded or downgraded in the interim.

Section 18. Definition - Exempt and Non-Exempt

18.1 Exempt - A position which is not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. (See Employee Handbook)

18.2 Non-Exempt - A position which is covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. (See Employee Handbook)

Adopted: West Virginia Board of Regents
April 6, 1987