

September, 1980

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Page 1, Col. 2 - Revised Board of Regents list:

- Mrs. Sue S. Farnsworth, President
Attorney, Wheeling
- Rev. Paul J. Gilmer, Vice President
Director, Opportunities Industrialization
Center, Charleston
- Dr. John W. Saunders, Secretary
President, Beckley College, Beckley
- Dr. Forrest L. Blair
Surgeon (Retired), Walker
- Mr. Andrew L. Clark
Businessman, Bluefield
- Mr. Edward H. Greene
Attorney, Huntington
- Mr. Russell L. Isaacs
Consultant, Wheat First Securities, Charleston
- Mr. Albert M. Morgan
Attorney, Morgantown
- Mr. Verl W. Snyder
Retired U.S. Office of Education Official,
Berkeley Springs
- Dr. Francis K. Aldred
Faculty Representative, Marshall University,
Huntington, ex officio (voting)
- Mr. James M. Scott
Student Representative, Fairmont State College,
Fairmont, ex officio (voting)
- Dr. Roy Truby
State Superintendent of Schools
Charleston, ex officio (non-voting)

Page 1, Col. 2 - Revised Board of Regents Staff list:

The principal administrative officer of the Board of Regents is the Chancellor, Dr. Robert R. Ramsey, Jr. The members of the Chancellor's Staff are as follows:

Page 1, Col. 2, cont'd. - Board of Regents Staff list:

Amend as follows:

Acting Vice Chancellor and Director of
Academic Affairs - Dr. John S. Callebs

Delete: Vice Chancellor and Director of
Finance and Facilities

Page 2, Col. 1 - Under WEST VIRGINIA BOARD OF REGENTS ADVISORY
COMMITTEE SYSTEM:

Substitute for Faculty Advisory Committee:
Advisory Council of Faculty

Add:
Advisory Council of Students

Page 2, Col. 2 - Under MARSHALL UNIVERSITY ADVISORY BOARD:

Substitute the following revised membership list:

Mr. William C. Campbell, Chairman
Insurance, Huntington
Judge Dennis R. Knapp
U.S. District Court, Southern District of West
Virginia, Charleston
Mr. Charles C. Lanham
President, Citizens Bank, Point Pleasant
Mr. Leonard H. Samworth
President, Truck-Auto Parts Company, Huntington
Mrs. Sandra S. Wilkerson
Homemaker, St. Albans
Mr. William L. Williams, Jr.
Logan County Schools, Assistant Superintendent -
Special Services, Logan
Mr. Robert E. Yancey
President, Ashland Oil, Inc.

Page 25, Col. 2 - Insert the following addition to the Faculty
Constitution (Approved at general faculty meeting, April 22,
1980, and by two-thirds majority of the faculty on paper
ballots thereafter):

IX. 4. Budget and Appropriations Committee
A. Functions. The committee shall serve in an
advisory capacity in the development of the
university budget and in the appropriations
designated to units in the budget. It shall
be the function of the committee to consider
policy matters that determine the budget and
its expenditure. The committee shall review
the annual budget of the university to assure

Page 25, Col. 2, cont'd. - Addition to Faculty Constitution:

its general conformity with short-range and long-range priorities of the university and expressions of policy. The committee shall report instances of noncompliance of the budget with existing priorities or policies and any other allocations which in the committee's opinion are not in the best interest of the university.

- B. Membership. The committee shall consist of two members elected by the faculty of each college or school, except that when faculty membership of a college or school is less than half the average of the two most numerous colleges combined, only one member shall be elected. One student shall be appointed by the Student Government. Nonvoting ex officio members shall be the Provost, the Vice President for Financial Affairs and the Vice President for Administration.

(Succeeding numbers after 4 should be increased by one to give a total of ten entries under this section).

Page 26, Col. 2 - Insert the following addition to the Faculty Constitution (Approved at general faculty meeting, April 22, 1980, and by two-thirds majority of the faculty on paper ballots thereafter):

- XII. Procedural Amendments. Position title changes within the university administration and article number and reference changes may be made in this Constitution by the University Council with the provision that the proposed changes be provided the faculty not less than ten days before the changes are made. Such proposed changes are subject to faculty appeals provided for in VIII-A-7.

Page 27, Col. 2 - Under FUNCTIONS OF STANDING FACULTY COMMITTEES, insert the following:

BUDGET AND APPROPRIATIONS COMMITTEE

1. The committee shall consider policy matters that determine the budget and its expenditure.
2. The committee shall review the annual budget of the university to assure its general conformity with short-range and long-range priorities of the university and expressions of policy.
3. The committee shall report instances of noncompliance of the budget with existing priorities and any other allocations which in the committee's opinion are not in the best interest of the university.

Pages 32-35 - Under THE ACADEMIC COMMON MARKET, add the following programs:

Aerospace Administration Bachelor of Science Middle Tennessee State U.	Construction Management Technology Bachelor in Construction Management Technology U. of Maryland, Eastern Shore
Afro-American Studies Bachelor of Arts Bachelor of Science U. of South Carolina	Court Reporting Bachelor of Science in Business U. of Mississippi
Animal Science (Horse Science) Bachelor of Science Middle Tennessee State U.	Dance Bachelor of Arts Bachelor of Science U. of Maryland, College Park
Archaeology Master of Arts U. of Mississippi	Environmental Science Bachelor of Science U. of Maryland
Archaeology (Public) Bachelor of Arts U. of Alabama	Fire Protection Engineering Bachelor of Science U. of Maryland
Astronomy Master of Arts Doctor of Philosophy U. of Texas at Austin	Forensic Science (Investi- gation) Bachelor of Science Jacksonville State U.
Aviation, Professional Bachelor of Science Louisiana Tech U.	Hospitality Management Master of Science Florida International U.
Biology (Marine and Estuarine Studies) Bachelor of Arts Bachelor of Science St. Mary's College of Maryland	Manpower and Industrial Re- lations Master of Arts North Texas State U.
Business Administration (Health Services) Master of Business Admin. Augusta College	Marine Science Bachelor of Science U. of South Carolina
Classics Master of Arts U. of Mississippi	Marine Science Master of Science U. of South Florida
Community and Regional Planning Master of Science U. of Texas at Austin	Materials Science Engineer- ing Doctor of Philosophy U. of Texas at Austin
Community Health Education Master of Science Old Dominion U.	

Pages 32-35, cont'd. - THE ACADEMIC COMMON MARKET:

Medical Record Administration Bachelor of Science U. of Mississippi Medical Center	Religious Studies Master of Arts Doctor of Philosophy U. of Virginia
Meteorology Master of Science Doctor of Philosophy Texas A & M U.	Russian Bachelor of Arts Memphis State U.
Middle Eastern Studies Master of Arts U. of Texas at Austin	Russian Area Studies Bachelor of Arts U. of Maryland, College Park
Music (Orr-Schulwerk Method) Master of Music Memphis State U.	Slavic Languages and Literatures Bachelor of Arts Master of Arts Doctor of Philosophy U. of Virginia
Non-Destructive Testing Bachelor of Science Athens State College	Surgeon's Assistant Bachelor of Science U. of Alabama, Birmingham
Nuclear Engineering Master of Science Master of Applied Science Georgia Institute of Technology	Urban and Regional Planning Master of Urban and Regional Planning Virginia Polytechnic Inst. and State U.
Occupational Therapy Master of Occupational Therapy Texas Woman's U.	Urban Services Doctor of Philosophy Old Dominion U.
Planning Master of Planning U. of Virginia	Veterinary Medical Sciences Master of Science Doctor of Philosophy Louisiana State U.
Public Administration Doctor of Public Administration George Mason U.	Vocational Education Doctor of Education U. of Georgia
Radiation Sciences Bachelor of Science Virginia Commonwealth U.	Vocational-Technical Education Doctor of Education U. of Tennessee
Reading Education Master of Education Doctor of Education Doctor of Philosophy U. of Georgia	
Recording Industry Management Bachelor of Science Middle Tennessee State U.	

REVISED POLICY BULLETIN NO. 29

December 4, 1979

POLICY REGARDING THE COLLEGE-LEVEL EXAMINATION PROGRAM
AND THE PROFICIENCY EXAMINATION PROGRAM

RESOLVED, That the West Virginia Board of Regents hereby establishes the following regulations regarding the use of the College-Level Examination Program and the Proficiency Examination Program in the colleges and universities which comprise the West Virginia state system of higher education.

Regulations Regarding the College-Level Examination Program
and the Proficiency Examination Program

The regulations shall govern the use of the College-Level Examination Program (CLEP) of the College Entrance Examination Board and the Proficiency Examination Program (PEP) of the American College Testing Program in the institutions which comprise the West Virginia system of higher education. The extent to which the programs are utilized by any institution is a matter of institutional prerogative, but credit awarded by an institution in conformity with this policy shall be transferable to all other institutions in the state system.

(1) Subject Examinations. Students may be awarded credit for the successful completion of any or all of the CLEP and PEP Subject Examinations presently offered or developed in the future. They must achieve a score equal to or above the recommended score of the model policies of the College Board's Council on College-Level Examinations and the University of New York and American College Testing Program current at the time the examination was taken. Credit shall be awarded for the number of semesters for which the examination was designed. A grade shall not be assigned and the credit will not be included in the computation of the student's grade point average. The institution shall equate the CLEP and PEP credit earned with existing course offerings. If no equivalent course is offered by the institution, the credit earned by CLEP or PEP examination shall be considered elective credit. Students shall not receive CLEP or PEP credit for equivalent courses in which they have already earned credit.

(2) General Examinations. An institution may award credit within the limits indicated below to students who attain a score of 500 or above on each section of the General Examinations. The model policy of the Council on College-Level Examinations shall, upon publication, supersede the requirement for a score of 500.

English	6 Hours	English Composition Credit
Natural Sciences	6 Hours	General Education Natural Science Credit
Humanities	6 Hours	General Education Humanities Credit
Social Sciences - History	6 Hours	General Education Social Science and History Credit
Mathematics	6 Hours	General Education Mathematics Credit

It should be made clear to students that such credit in general education may not meet specific program requirements of the institution awarding the credit or of other institutions to which the student may later transfer. The credit shall then be used as elective credit.

(3) Academic Record. The permanent academic record of the student shall indicate which credit was earned by CLEP or PEP examination.

(4) Enrollment. Students must be enrolled in an institution in order to receive credit from the institution. Students who have taken CLEP or PEP examinations prior to enrollment must submit an official CLEP or PEP transcript.

(5) Review. The Chancellor shall appoint a committee to review these regulations periodically.

Adopted: West Virginia Board of Regents
 October 3, 1972
 Revised: December 4, 1979

POLICY BULLETIN NO. 53

January 8, 1980

POLICY REGARDING SPORTS PROGRAMS AT COMMUNITY COLLEGES

The primary vehicle for student participation in sports activities at community colleges will normally be the institutional intramural program and physical education classes. Any competitive activities beyond those provided through these programs shall be of a recreational or sports club nature. Should competition occur between public community colleges located in the State or with other institutions of higher education, activities must be conducted so

as to exclude the following:

1. Tackle football
2. Intercollegiate conference affiliations
3. Scholarships awarded on the basis of athletic ability
4. State appropriations to defray operating or personnel costs
5. Addition of physical facilities constructed for the primary purpose of supporting intercollegiate sports.

Adopted: West Virginia Board of Regents
January 8, 1980

Greenbook
Revision
1981
Cop. 2

ref.



MARSHALL UNIVERSITY
HUNTINGTON, WEST VIRGINIA 25701

OFFICE OF THE PROVOST

March 23, 1981

MEMO -

To: Faculty
From: Olen E. Jones, Jr.
Subject: Revision to The Greenbook (Policy Bulletin #36)

Attached is your copy of "Revised Policy Bulletin #36"
adopted by the West Virginia Board of Regents, March 5, 1981.

Please retain this Policy Bulletin with your copy of the
current Greenbook.

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Attachment

MARSHALL UNIVERSITY
JAMES E. MORROW LIBRARY
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THE GREENBOOK

REVISION INSERT

March 23, 1981

WEST VIRGINIA BOARD OF REGENTS

950 KANAWHA BOULEVARD, EAST
CHARLESTON, WEST VIRGINIA 25301
TELEPHONE 304 348-2101

REVISED POLICY BULLETIN NO. 36

(Replaces revised Policy Bulletin No. 36 dated May 8, 1979)

March 5, 1981

POLICY REGARDING ACADEMIC FREEDOM AND RESPONSIBILITY, APPOINTMENT, PROMOTION, TENURE AND NONREAPPOINTMENT OR DISMISSAL OF FACULTY; AND GRIEVANCE PROCEDURE FOR OTHER MATTERS RELATING TO FACULTY

RESOLVED, That the West Virginia Board of Regents hereby amends its "Policy Regarding Academic Freedom and Responsibility, Appointment, Promotion, Tenure and Termination of Employment of Professional Personnel" adopted May 8, 1979 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.

ACADEMIC FREEDOM AND RESPONSIBILITY,
APPOINTMENT, PROMOTION, TENURE AND NONREAPPOINTMENT
OR DISMISSAL OF FACULTY

1. Academic Freedom:

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.

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 of the college or university, they shall be free from institutional censorship or discipline.

The concept of academic freedom is accompanied by an equally important concept of academic responsibility. The faculty member at 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 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 spokesman for the institution in which employed.

2. Appointment of Faculty:

- a. The faculty at any institution under the jurisdiction of the Board of Regents shall be those appointees of the institution's president as confirmed by the Board of Regents. The faculty are those people so designated by the institution's president and may include, but is not limited to, such professional personnel as librarians and those involved in off-campus academic activities.
- b. Faculty fall into one of the three following classifications:
 - (1) Tenured: Those faculty members who have attained tenure status by official action of the Board or of the president and confirmed by the Board.
 - (2) Probationary: Those faculty members who have been employed by the president on a full-time basis and have been designated as being in a tenure track position by the president.
 - (3) Temporary: Those faculty members who are not employed in a probationary or tenured status. Their appointment may be full-time or part-time.
- c. Faculty appointed to probationary/tenured positions at any institution shall be appointed in one of the following ranks:
 - (1) Professor
 - (2) Associate Professor
 - (3) Assistant Professor
 - (4) Instructor

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.
- d. 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.
- e. 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:

2. e. Cont.

- (1) Any of the faculty ranks, but designated visiting, clinical, or adjunct, as applicable to describe the connection or function
- (2) Lecturer
- (3) Assistant, designated as graduate, research, clinical, or adjunct, as applicable to describe the connection or function

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

- (1) The position is funded by a grant, contracts or other source that is not a part of the regular and on-going source of operational funding.
- (2) The appointment is for the temporary replacement of an individual on sabbatic or other leave of absence.
- (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.
- (4) The appointee is beyond retirement age, according to current Board of Regents' policy.

f. The president of an institution shall make all tenured and probationary faculty appointments at the institution after consultation with faculty and other appropriate collegiate units, and confirmed by the Board of Regents. Temporary appointments may be made by the president without Board of Regents' approval but shall be reported to the Board at the time of the appointment.

g. 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.

2. Cont.

- h. 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.

3. Faculty: Types and Conditions of Appointment:

- a. Full-time appointments to the faculty of an institution, other than those classified as temporary, shall be either probationary or tenured.
- b. All temporary appointments, as defined in 2-b, shall be neither probationary nor tenured, 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.
- c. The appointment of a person to a full-time faculty position at an institution is made subject to the following conditions:
 - (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 administrators of each institution shall establish a program of periodic review of outside services of appointees to guide faculty members.
 - (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.
- d. 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.

4. Joint Appointments:

- a. 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,"

4. a. Cont.
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, etc., shall be the responsibility of the institution where the occurrence arose.
- b. The conditions and the details of the faculty member's joint appointment, including the designation of his "home institution" and any other arrangements, shall be specified in the contract agreed to by the faculty member and the presidents of the institutions sharing his services. A joint appointment will be made only with the consent of the faculty member.
- c. Full-time faculty members appointed under joint or contractual appointments shall continue to be considered full-time employees of the "home institution."

5. Promotion in Rank:

- a. 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:
 - (1) There shall be demonstrated evidence that promotion 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 promotion shall rest with the institution.

5. a. Cont.

- (2) There shall be demonstrated evidence that in the process of making evaluations for promotions there is participation of persons from several different groups such as: peers from within and without the particular unit of the institution; supervisory administrative personnel such as the department/division chairperson and the dean; and students.
- (3) There shall be no practice of granting promotion routinely or because of length of service, or of denying promotion capriciously.
- (4) The institution shall submit its guidelines and criteria for promotion to the Board of Regents for approval and shall make available such guidelines and criteria to its faculty.

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

6. Faculty Resignation:

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.

7. Tenure:

a. Tenure is designed to assure 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

7. a. Cont.

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 institution.

- b. 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 Board of Regents' control.
- c. Tenure shall not be granted automatically, or for years of service, but shall result from action by the president of the institution following consultation with appropriate academic units.
- d. 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 rank of Assistant Professor or above.

8. Probationary Status:

- a. 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.

8. Cont.

- b. 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 fifteen days following receipt of the Board of Regents' budgetary allocations and guidelines.
- c. The maximum period of probation shall not exceed seven years; and at the end of six years any nontenured 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 approved by the Board of Regents.
- d. 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 of nonreappointment 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.
- e. After the decision regarding retention has been made by a president, he shall notify the probationer of the decision as soon as practicable. In all cases of nonretention, 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.

8. e. Cont.

Notice of nonretention shall be given in writing by certified mail, return receipt requested. Upon request of the probationary faculty member within thirty days of receipt of the notice of nonretention, in writing by certified mail, return receipt requested, the president shall within ten days of receiving the request by certified mail, return receipt requested, provide the reason(s) for nonretention.

- f. A probationary faculty member desiring to appeal a final nonretention decision at the institutional level may file an answer and a request for a hearing in the form of a certified letter, return receipt requested, at the Central Office of the Board of Regents within ten days of the receipt of notice stating the reasons for nonretention. If the faculty member fails to file a timely answer and request for a hearing, the notice of nonretention shall be final. Upon receipt of an appeal request, the Board shall appoint either a hearing examiner (under Number 13-c) or an unbiased committee of the Board to hold a hearing on the campus within thirty days of the receipt of the certified appeal letter.

In the instance of a hearing examiner, the individual will be a duly qualified disinterested attorney-at-law licensed to practice law in the State of West Virginia. Notice of the time, date and place of the hearing shall be provided simultaneously to the concerned parties by certified mail, return receipt requested.

It is the sole duty and responsibility of either the hearing examiner or the unbiased committee of the Board to determine whether the reasons given for nonretention are arbitrary, capricious or without factual basis. The hearing shall be conducted in accordance with the rules set forth in Section 13-c of this policy.

- g. Answer and Service: The decision shall be submitted to both parties within (30) days of the conclusion of the hearing with copies of said decision and the record of the hearing going to the faculty member, the president and the Central Office of the Board of Regents. If the reasons for the nonretention are adjudged to be arbitrary, capricious or without factual basis, the faculty member shall be retained for the ensuing contract year.

9. Faculty Evaluation:

- a. All faculty, except tenured faculty, shall receive a yearly written evaluation of performance directly related to responsibilities as defined by the institution.
- b. Tenured faculty shall be similarly evaluated at least every third year.
- c. Evaluation procedures shall be developed at the institutional level, approved by the Board of Regents, and filed in the Central Office.

10. Dismissal:

- a. Causes for Dismissal: The dismissal of a faculty member shall be effected only pursuant to the procedures provided in these policies and only for one or more of the following causes:
 - (1) Demonstrated incompetence or dishonesty in the performance of professional duties.
 - (2) Personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities.
 - (3) Insubordination by refusal to abide by legitimate reasonable directions of administrators or of the Board of Regents.
 - (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.
 - (5) Substantial and manifest neglect of duty.

10. Cont.

b. 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:

- (1) Full and complete statements of the charge or charges relied upon.
- (2) A description of the appeal process available to the faculty member.
- (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.

c. Answer and Service: Within 30 days from the date of the 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 either a hearing by an institutional Hearing Committee or a Hearing Examiner as provided in Section 13 of this policy. If the faculty member fails to file a timely answer, the notice of dismissal shall be final.

11. Termination Due to Reduction or Discontinuance of an Existing Program:

a. 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.

b. 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.

11. Cont.

- c. 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.

12. Termination Due to Financial Exigency:

- a. 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.
- b. 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:
 - (1) A delineation of the rationale used by the Board of Regents for the determination of a financial exigency;
 - (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
 - (3) A description of the appeal process available to the faculty member.
- c. Answer and Service: Within 10 days from the date of receipt of the termination notice, the faculty member may file a written appeal to the Board of Regents.

13. Hearings:

In order to assure a fair and impartial hearing, a dismissed (under Number 10) or terminated (under Number 11) faculty member or a faculty member desiring to appeal a decision of the president on promotion, shall receive a written notice of hearing as hereinafter provided and may avail himself of one of the following two hearing procedures:

13. Cont.

- a. Institutional Hearing Committee: Each year the faculty of each institution shall elect thirteen tenured or probationary faculty members representative of the various ranks in the institution who shall be known as the Hearing Panel. 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:
- (1) The president shall, within fifteen (15) days, furnish the faculty member in writing a list of nine of the thirteen faculty members of the Hearing Panel as herein set forth, with instructions to strike four 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.
 - (2) 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 charges.
 - (3) The chairperson shall give notice by certified mail to the concerned persons of the time and place for hearing the charge or charges, within thirty (30) days from the date of the notice thereof.
- b. Hearing Examiner: If the request is for a hearing before a Hearing Examiner:
- (1) The president shall so notify the Board of Regents, which shall, within fifteen (15) days, appoint a duly qualified disinterested attorney-at-law as a Hearing Examiner and shall submit the name and address of such Hearing Examiner to the president and to the dismissed or terminated faculty member or a faculty member desiring to appeal a decision of the president on promotion.

13. b. Cont.

- (2) The Hearing Examiner shall determine the time and place for a hearing to be held and shall give notice by certified mail, return receipt requested, to the concerned parties. Such hearing date shall take place within thirty (30) days from the date of appointment of the Hearing Examiner.

c. Hearing shall be conducted as follows:

- (1) The Committee or the Examiner 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.
- (2) The hearing will be conducted with as little delay as possible.
- (3) The faculty member shall have the right to have an advisor or legal counsel at the faculty member's expense.
- (4) Witnesses will be examined under oath in the manner and form and in the order designated by the Committee or the Examiner.
- (5) 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 or the Hearing Examiner.
- (6) Testimony shall be recorded, and a transcript thereof shall be prepared.
- (7) A copy of the transcript of the testimony together with copies of the exhibits shall be furnished to the faculty member, at no charge, upon his request.

13. c. Cont.

- (8) As soon as practical 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 recommendation 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 procedure set forth hereinafter.

14. Appeal to the Board of Regents:

- a. An appeal from the final decision of the president of the university or college regarding dismissal, nonretention, promotion, or tenure may be taken by the faculty member by filing a written notice of intent to appeal with the Board of Regents within 10 days after receiving the final written decision of the president.
- b. Within 30 days after filing the notice of intent to appeal, the faculty member shall file a petition with the Board of Regents containing a statement of the reasons why the final decision of the president is in error, together with a complete record of the proceedings.
- c. Within 60 days after receipt of the appeal, the Board of Regents shall consider the appeal on the record submitted and may take such action as it deems reasonable and proper in all the circumstances and in answer to all its responsibilities under the law.
- d. Time is of the essence. In the event the faculty member fails to file the notice of intent to appeal and the petition of appeal as required in provisions "a" and "b" of this section, the decision of the president shall be final.

15. Faculty Grievance Procedure for Matters Not Otherwise Addressed in This Policy Bulletin:

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, reviewed and action

15. Cont.

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.

- a. 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.
- b. Level two: If not satisfied with the resolution at the first level, the grievant shall reduce the grievance to writing and forward it, within ten working days, to the next reporting level, normally a division head or dean, with a copy to the level one administrator. The level one administrator may submit a written report concerning the disposition of the grievance at level one. The level two administrator shall render the decision within ten working days of receipt of the grievance.
- c. Level three: If not satisfied with the resolution at level two, the grievant should forward to the president a copy of the grievance along with the level two administrator's response and supporting documents. In reaching his 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 his decision within twenty working days of receipt of the grievance. The presidential decision is final.

Adopted: West Va. Board of Regents
March 12, 1974

Revised: June 11, 1974
May 8, 1979
March 5, 1981