



WEST VIRGINIA STATE  
UNIVERSITY

## **2023 – 2024 Faculty Handbook**

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## **Equal Opportunity/Affirmative Action**

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West Virginia State University is an equal opportunity/affirmative action institution and does not discriminate against any person because of race, religion, color, national origin, ancestry, sex, age, marital status, or handicap.

This policy extends to all West Virginia State University activities related to the management of its educational, employment, financial business, and other affairs.

### **Introduction**

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(Revised August, 2011)

The West Virginia State University Faculty Handbook is published annually by the Academic Affairs Office and is intended to provide faculty with important details about the University and its policies, procedures, and support services. It contains information about personnel policies (e.g., retention, promotion, and tenure) and faculty roles and responsibilities (including policies specifically recommended by the Faculty Senate and/or the Faculty and subsequently approved by the Academic Affairs Office) as well as appropriate documents that relate directly to the university faculty. Because it is updated yearly, however, it is not intended to be an inclusive document.

In order to more clearly delineate policies and procedures specifically developed by the faculty and Faculty Senate as well as administrative policies and procedures from descriptive portions of the Handbook, this edition of the Handbook prints all policies and procedures in boldface and underlines new or revised text.

The information contained in the Handbook is provided for the convenience of members of the West Virginia State University community. Although the policies, procedures and descriptions cover a wide variety of subjects, readers should be aware that there are other important policies and procedures specific to the University's colleges, departments, and other academic and non-academic units that should be consulted as the need arises.

The Faculty Handbook cannot and is not intended to address all circumstances related to the faculty member's role in the University nor is the information contained in the Handbook intended to constitute an express or implied contract of employment with the University.

Similarly, in an institution as complex as the University, policies and procedures are regularly in the process of review and revision. West Virginia State University expressly reserves the right to amend its policies and procedures from time-to-time as it determines to be in the best interest of the University. Such amendments, as well as any new policies deemed to be in the University's interest, will be effective as of the date of their enactment unless the action itself specifies a different effective date.

For updates on the current state higher education policies, please consult the West Virginia Higher Education Policy Commission website at [wvhepc.com](http://wvhepc.com). For updates on the West Virginia State University Board of Governors Polices, consult the West Virginia State University Board of Governs website at [wvstateu.edu/administration/board-governors.aspx](http://wvstateu.edu/administration/board-governors.aspx).

## **History of West Virginia State University**

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(Revised May, 2023)

Founded in 1891, West Virginia State University (WVSU) has entered its second century of service. A historically black institution, WVSU has its origins with federal legislation known as the Second Morrill Act passed by the U.S. Congress in 1890. The Act provided that no land grant institution of higher education could enjoy the benefits of federal funds provided by the Act unless adequate provision was made for the education of black and white students. At the time, West Virginia University, a land grant institution, had been in existence for more than two decades. Therefore, to ensure federal funds for West Virginia University, the West Virginia Legislature enacted legislation to create a new land grant institution in Kanawha County for black students. The Legislation was signed on March 17, 1891 by Governor Fleming. March 17 is celebrated annually on the campus as Founder's Day.

The new institution was known initially as West Virginia Colored Institute. Land was purchased by the state and the first building erected of red brick and stone was a three-story structure costing \$9,456. During its first year, the primary purpose of the institute was to teach agriculture, horticulture, mechanical arts, and domestic science. Teacher training was added the second year and has remained an important emphasis throughout the school's history. In the early years, students came to school by train or by packet boats on the Kanawha River and were primarily residential students.

In 1915, the name was changed to West Virginia Collegiate Institute. While training was offered in subjects such as agriculture, blacksmithing, brick laying and plastering, dress making, and millinery, there was an increased emphasis on music, military instruction, mathematics, literary subjects, and science. The first college degrees were awarded in 1919. The institution was first accredited by the North Central Association of Colleges and Secondary Schools in 1927 and has remained accredited to the present.

In 1929, the legislature changed the name of the institution to West Virginia State College (WVSC). Throughout the decades, the institution has grown under the dynamic leadership of talented administrators and faculty, and from the 1920's onward, it has been recognized nationally as one of the premier institutions in the education of black students.

In 1954, when the U.S. Supreme Court in *Brown vs. Board of Education* ruled that segregated schools were unconstitutional, WVSC had an enrollment of 837 students. Within the next few years, the enrollment increased dramatically and WVSC transformed into a racially integrated



institution. It gained nationwide recognition as a "living laboratory of human relations." Today, as a university, WVSU maintains its reputation for academic excellence, and its racially and generationally diverse student body continues to be a model for human relations.

In 1978, the Community College Division was added to administer a variety of associate degrees and Continuing Education and Community Service programs. In fall 2004, the WV State Community & Technical College became an independently accredited institution, administratively linked to West Virginia State University, and in 2010, the former WVSCTC became the Kanawha Valley Community and Technical College; currently it is an institution completely separate from the University.

The college achieved a significant milestone in 2003 when it received approval from the Higher Learning Commission of the North Central Association of Colleges and Secondary Schools to offer graduate programs for the first time. Two masters-level programs (i.e., Biotechnology and Media Studies) were implemented in 2003; now the Graduate Programs include 7 different Masters degrees with at least one program in each of the four colleges. On April 7, 2004, Governor Bob Wise signed Senate Bill 448 that changed the institution name to West Virginia State University. The West Virginia Higher Education Policy Commission had conferred on West Virginia State College university status on December 5, 2003.

West Virginia State alumni can be found in positions of leadership and public trust throughout West Virginia, most other states, and some foreign countries. Future graduates will join alumni well-grounded in the liberal arts, skilled in their chosen occupations or professions, and sensitive to and appreciative of people of all races and ethnic backgrounds.

## **Mission Statement**

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(Revised May, 2023)

### **MISSION**

West Virginia State University is a diverse, 1890 land-grant institution that advances knowledge through access and opportunity, innovative teaching and learning, interdisciplinary research, and impactful service. Our learners are equipped to meet the economic and social needs of the state, region, and nation, and contribute solutions to complex global challenges.

### **VISION**

West Virginia State University is a doctoral land-grant university, grounded in its HBCU heritage of inclusivity while focused on building nationally-recognized programs that inspire student success and facilitate innovative research that drives West Virginia forward.

### **CORE VALUES**

**Student-centeredness** — We put students first in everything we do.

**Inclusion** — We create a climate where all can bring their whole and authentic selves.

**Excellence** — We strive for a Gold Standard in all we do and say.

**Integrity** — We commit to ethical behavior and full transparency with ourselves and our stakeholders.

**Accountability** — We take responsibility for our actions individually and collectively.

**Creativity** — We draw inspiration from collaborating with others and create space for curiosity and imagination.

**Resilience** — We are agile, adapt to change, and rise above adversity.

## **Section A. Organizational Structure**

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### **Higher Education Policy Commission and Institutional Board of Governors**

(Revised August, 2002)

The West Virginia Higher Education Policy Commission (HEPC) is responsible for the development and articulation of a public policy agenda for higher education in West Virginia. The Commission employs a Chancellor who serves as its chief executive officer.

Under the current higher education organizational structure, each state college and university has an Institutional Board of Governors. West Virginia State University's Board of Governors is comprised of twelve persons, including a full-time member of the faculty, a student, and a classified staff member. The Governor appoints nine lay members to this Board.

In fulfilling its obligations, the Board and the Commission have an appointed professional staff, known as the Central Office. Staff members serve higher education in areas of curriculum and management, which reflect the organization and development of higher education in the state. The Commission offices are located at 1018 Kanawha Boulevard East, Charleston.

### **The President**

(Revised August, 2006)

The Higher Education Policy Commission delegates to the West Virginia State University Board of Governors and the President of West Virginia State University the authority to administer the University's educational and business activities in accordance with HEPC policies and the laws of the State of West Virginia.

### **Provost and Vice President for Academic Affairs**

(Revised August, 2012)

The Provost and Vice President for Academic Affairs is answerable to the President on matters related to academic programs and general coordination of academic-related activities. The instructional and academic support for students through the organization of colleges, departments, offices, and programs are major responsibilities. The major duty is the coordination of efforts leading to the successful retention and graduation of all students.

The Provost and Vice President for Academic Affairs functions with administrators for services to students, staff, and faculty for advising, retention, and finance. Further assistance is provided through the Deans' Council, Academic Affairs Council, and the Council of Academic Leaders.

### **College Deans**

(Revised May, 2023)

West Virginia State University utilizes a college structure for its academic programs. There are four colleges: Arts and Humanities, Business and Social Sciences, Natural Sciences and Mathematics, and Professional Studies. Each College has a dean, recommended by The Provost and Vice President for Academic Affairs and appointed by the President. The College Dean serves

at the will and pleasure of the President and can be relieved of duties at his/her discretion. College deans provide leadership for and give general direction to their colleges. They serve as liaisons between their colleges and the Academic Affairs Office and compose the Deans Council. The Deans Council and Office of Academic Affairs formulate and implements objectives that give each college a unique identity while fulfilling the university mission and vision. They evaluate the work of the faculty and give written reports regarding retention, promotion and tenure to the Vice President of Academic Affairs and appropriate faculty standing committees. They prepare an annual report on college progress for the year and make recommendations concerning future needs and plans. **Appendix E: Responsibilities of College Deans** outlines specific responsibilities of deans.

### **Department Chairs**

(Revised May, 2023)

It is the responsibility of department chairs to provide leadership, vision, and coherency in relation to department faculty, programs, and students who major or otherwise take courses in the department. The chair works to promote the positive morale within the department. The chair is both the administrative officer of the department and the focus of leadership within the department. They evaluate the work of the faculty of their departments (both tenured and non-tenured; full-time, part-time, term and temporary) and give written reports regarding retention, promotion and tenure to their deans, the Vice President of Academic Affairs and appropriate standing committees. They prepare an annual report on departmental progress for the year and make recommendations concerning future needs and plans of their departments. Specific responsibilities of department chairs are outlined in **Appendix F: Responsibilities of Department Chairs**. Deans evaluate department chairs using the evaluation form included in **Appendix G: College Dean's Evaluation of Department Chairs**.

In most cases, departments recommend a department chair to The Provost and Vice President for Academic Affairs through a voting process overseen by the Faculty Senate (see **Appendix G College Dean's Evaluation of Department Chairs**

**Appendix H: Policy Governing the Selection of Department Chairpersons.** The President appoints department chairs after The Provost and Vice President for Academic Affairs makes a recommendation. Departmental recommendations occur every three years, unless a vacancy occurs during a chairperson's term. The Department Chair serves at the will and pleasure of the Provost and can be relieved of duties at his/her discretion.

# Institutional and Organizational Chart



Administrative Organization Chart  
..... Coordination or advisory relationship

## Section B. Faculty Governance

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### Faculty Senate

(Revised August, 2011)

The Faculty Senate is the governing body of the West Virginia State University faculty. It serves in an advisory role, reporting directly to the President of WVSU. The four colleges within the university elect representatives to the Senate as do the Librarians and Counselors and the Gus R. Douglass Institute. Faculty Senate rules, policies, and procedures are described in detail in the Faculty Senate Constitution and Bylaws (see **Nepotism** (August 2017)) for a detailed description of each standing committee. In addition to the Senate standing committees, the University has also established many campus-wide committees with various purposes and functions).

The West Virginia State Ethics Commission defines *nepotism* as “favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.” West Virginia State University (WVSU) policy is that no family member may interpret policy and procedures or make work-related decisions regarding hiring, promotion, salary compensation level, job assignment, performance evaluation, discipline, termination, or any other issue affecting another member of his or her immediate family. Similarly, no WVSU faculty member may interpret policy and procedures or make any work-related decisions regarding hiring, promotion, salary compensation level, job assignment, performance evaluation, discipline, termination, or any other issue affecting another WVSU employee who is living in the same household. For more on this, refer to the **West Virginia State Ethics Commission Overview of Nepotism and the WVSU Nepotism Agreement in Appendix GG**.

### Faculty Senate Committees

(Revised May, 2023)

The Faculty Senate has established various standing committees to carry out the functions and responsibilities of the faculty. These committees are:

- **Executive Committee** - Facilitates the business of the Senate by considering various matters, which fall within the jurisdiction of the Senate and referring items to appropriate committees, groups, or persons for actions and recommendations.
- **Educational Policies Committee** - reviews the university curriculum, approves curriculum changes, and formulates academic policies.
- **Program Review Committee** - reviews and evaluates the University's academic programs on a regular basis as mandated by the University's Board of Governors.
- **Faculty Personnel Committee** - Monitors and reviews faculty evaluation policies and procedures, oversees Committees on Retention and Promotion and Tenure.
- **Retention Committee** - Makes recommendations to The Provost and Vice President for Academic Affairs on retention on all full-time tenure-track and temporary faculty.
- **Promotion and Tenure Committee** - Makes recommendations on to The Provost and

Vice President for Academic Affairs on all applications from faculty members applying for promotion and/or tenure.

- **Research and Faculty Development Committee** - Evaluates faculty research proposals and makes recommendations regarding funding, screens research sabbaticals applications and makes recommendations to The Provost and Vice President for Academic Affairs.
- **Library Committee** - Makes recommendations regarding the functioning of the library and library resources to the Director of Library Services.
- **Cultural Activities and Educational Assemblies Committee** - Plans, organizes and develops artist series activities, convocations, guest speaker events, and other educational assemblies.
- **Constitution, Bylaws and Handbook Committee** - Reviews and makes recommendations regarding the Faculty Senate Constitution and Bylaws and the Faculty Handbook.
- **Teacher Education Committee** - Examines and evaluates teacher-training programs, makes recommendations regarding changes in these programs.
- **Academic Appeals Committee** - Hears student grade appeals, cases of academic dishonesty and appeals of academic suspension and makes recommendations to The Provost and Vice President for Academic Affairs.
- **Faculty Grievance Committee** - Serves (at the President's request) as a hearing committee for faculty appealing personnel decisions.
- **Faculty Scholarship Committee** - Oversees the administration and awarding of scholarships from the Faculty Scholarship Fund.
- **General Education Committee** - Oversees the University's general education curriculum.
- **Honors Program Committee** - Oversees the honors program of the University.
- **Instructional and Academic Technology Committee** – Oversees the planning, selection, and administration of instructional and academic technology
- **Faculty Athletic Committee** – Acts as an advisory role to the President and Provost in matters pertaining to intercollegiate athletics.

## **Section C. Faculty Personnel Policies & Procedures**

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### **Knowledge/Use of Regulations**

Faculty members are expected to be knowledgeable of all regulations and policies governing academic activities at West Virginia State University and to abide by them. These policies and regulations are contained in such documents as this Handbook, the University Catalog and its supplements, the Faculty Development Handbook, and the Institutional Policies and Procedures Manual, on file in the office of each college dean.

### **Faculty Appointments**

(Revised August, 2012)

Full-time faculty appointments are made in accordance with Title 133 Procedural Rule WV HEPC Series 9, which is reproduced in full in **Appendix B: Title 133 Procedural Rule – Academic Freedom, Professional Responsibility, Promotion, and Tenure**. Faculty should read this document carefully and refer to it regarding all personnel matters.

Faculty at West Virginia State University fall into one of the following classifications: tenured, tenure-track, librarian track, term, and non-tenure-track (formerly referred to as “temporary”). These classifications are described in detail in Title 133 Procedural Rule WV HEPC Series 9, Section 3 reproduced in **Appendix B: Title 133 Procedural Rule – Academic Freedom, Professional Responsibility, Promotion, and Tenure** of this handbook.

All persons appointed to the faculty of West Virginia State University are expected to hold, at the minimum, a master's degree from a regionally accredited institution. However, in emergency situations and in the instance of highly talented and experienced persons in certain professional and technical areas, someone without a master's may be considered with appropriate written justification. Honorary degrees and those awarded from non-accredited institutions are not generally recognized for employment purposes.

Tenured and tenure-track faculty will be notified annually of the beginning and ending dates of the academic year. Any faculty with a change in their appointment status will be notified of the change. (For example: promotion, tenure, change in responsibilities, etc.) Non-tenure track and term faculty will be notified annually of their appointment status.

### **Guidelines for Search/Hiring Faculty**

Detailed guidelines for the search and hiring of faculty are included in **Appendix D: Guidelines for Search/Hiring Faculty at West Virginia State University**.

### **Notice of Appointment**

(Revised August, 2012)

When a Notice of Appointment is issued, it contains the following elements:



- Title of the position and the rank;
- Salary;
- Dates corresponding to the months of annual employment;
- The agreement that the newly appointed faculty member will abide by the policies and procedures outlined in the Faculty Handbook;
- The department/program to which the faculty member is assigned.

## **Faculty Teaching Load**

(Revised June, 2023)

While an equal faculty workload is unrealistic and unattainable, it is expected that every department and every faculty member will make a serious effort to bear a reasonable share. A typical undergraduate teaching load is regarded as 12 credit hours each semester and is assigned by the Department Chair. Term Faculty members will be expected to teach a course load equaling 15 credit hours each semester. Faculty teaching graduate courses generally have a 9-credit course load. On occasion, some faculty may be asked or volunteer to teach a heavier load in order to handle small classes, independent study projects, or classes by arrangement. On these occasions a teaching overload form should be submitted to document the additional work. Some departments and colleges may accumulate overload hours and provide release time for faculty in subsequent semesters. In the arena of online teaching, no faculty may teach more than two WEB 100 or WEB 80 online courses, or a combination thereof, in a given semester without the consent of the Provost and Vice President for Academic Affairs. The remaining two classes on the faculty load may not be more than WEB 50 in delivery method and must meet in person at least once per week. To meet unexpected student demand or when part-time faculty are not available, a faculty member may be asked to teach an overload. Faculty members are normally paid for these overloads. Any faculty member seeking financial compensation for an overload must submit the Part Time Faculty Notice of Appointment form (Appendix II) to the Provost and Vice President for Academic Affairs by the end of the first week of the class. Academic Affairs must approve these arrangements in advance.

## **Academic Freedom**

(Revised August, 2002) (From [Title 133 Procedural Rule, Series 9](#))

Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the university administration. 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 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 West Virginia State University is a citizen, a member of a learned profession, and a representative of the University. As such, a faculty member, together with all other members of the academic community, has the responsibility for protecting, defending, and promoting individual academic freedom for all members of the community. The faculty member has the responsibility of contributing to institutional and departmental missions in teaching, research, and service as defined by the University. 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 University.

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

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

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

### **Types of Faculty Appointments and Faculty Evaluation Procedures**

(Revised August, 2005)

According to HEPC Series 9, "All faculty shall receive a yearly written evaluation of performance directly related to duties and responsibilities." The following policies and procedures outline the specific evaluation components that are currently in place for WVSU faculty in the various types of faculty appointments. In order to comply with HEPC Series 9, ALL faculty must prepare a self-report so that their supervisors can base their evaluations on tangible evidence supporting three criteria that are used in faculty evaluations (teaching, scholarly activities, and service) and which are described more fully in this section of the Handbook.

### ***Tenure Track Faculty***

A written evaluation of all Tenure Track Faculty members (directly related to responsibilities defined by the institution) is made annually utilizing five components: department chair's evaluation, dean's evaluation, student evaluation, peer evaluation (carried out by faculty standing committees), and self-report. Chairs and deans in gathering data for their evaluations of tenure-track faculty routinely use in-class observations and reviews of instructional materials. Copies of each form used in this five-part evaluation system may be found in Appendices I through M.

Student evaluations are conducted every semester in all classes taught by all faculty, including those who are part-time and non-tenure-track. A sample student evaluation form is included in Appendix L: Student Evaluation Form. Student evaluations are returned to the faculty member via the department chair. Each year, tenure-track faculty (and tenured faculty seeking merit and/or promotion) prepare a personnel portfolio for the evaluation process. This portfolio contains a self-report, copies of student evaluation summary sheets, all previous letters from the Retention and/or Promotion/Tenure Committees, relevant instructional materials (examples of syllabi, exams, etc.) and other appropriate information. Copies of the chair's evaluation, the dean's evaluation, and the portfolio are forwarded to the Faculty Personnel Committee, which forwards the materials to either the Retention Committee or the Promotion/Tenure Committee. After review by the appropriate committee, the materials along with the committee's recommendation are forwarded to The Provost and Vice President for Academic Affairs who makes recommendations to the President on matters pertaining to reappointment, promotion, and tenure. The procedures for merit are included in this section of the handbook.

### ***Library Track Faculty***

WVSU's professional librarians are designated as library-track faculty members. Guidelines for evaluation and promotion are included in the Librarian Faculty Handbook. Library-track faculty are not eligible for tenure.

### ***Non-Tenure Track Faculty***

Non-tenure-track faculty members are faculty who have not been appointed in a tenure-track, clinical-track, librarian-track, term, or tenured status. Their appointment may be full-time or part-time, as determined by the university. Non tenure-track faculty may also include faculty equivalents or academic professionals, whose primary duties are non-instructional, but who may hold a secondary appointment that is instructional in character. No number of non-tenure-track appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.

A written evaluation of all non-tenure-track faculty is made annually. The evaluation is completed by the department chair and submitted to The Provost and Vice President for Academic Affairs or the college dean. The evaluation is completed whether or not the faculty member is expected to be

employed for the next academic year and, therefore, can be kept on file for future reference. Evaluation material should include a self-report and supporting documents in a portfolio. The portfolio should include the self-report, class observations, reviews of instructional materials, summaries of student evaluations, and any other relevant material as requested by the department chair or dean.

### ***Term Faculty***

(Revised August, 2008)

Term Faculty members are faculty who have been appointed as instructional faculty for a specified term as defined by the university. The appointment can be full-time or part-time, as determined by the university. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty. Term faculty are evaluated in the same manner as non-tenure track faculty (see C above).

### ***Tenured Faculty***

Tenured faculty also receive a yearly written evaluation of performance directly related to responsibilities as defined by the university. These evaluations utilize procedures which are multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors. Chairs and/or deans in gathering data for their evaluations of tenured faculty routinely use in-class observations and reviews of instructional materials. Department chairs are responsible for completing the "Teaching Excellence" section of the Department Chair's Evaluation of Faculty form (Items #1-10). These evaluations are utilized for merit and are sent to deans. Chairs are also encouraged to write narrative evaluations on tenured faculty. Deans are responsible for evaluating department chairs.

### ***Research Faculty Appointments***

(Revised November, 2018)

Research faculty is faculty who have been appointed as tenured or tenure-track research faculty in an academic department wherein teaching is not their primary area of responsibility. The process for evaluation of research tenured or tenure-track faculty is the same as that for tenured or tenure-track faculty.

### **Evaluation Criteria/Procedures for Instructional Faculty**

(Revised August, 2003)

There are three general criteria for the evaluation of faculty members:

#### ***Teaching Excellence***

Teaching excellence is the most important of the three criteria, and excellence in other areas cannot compensate for a deficiency in teaching. An excellent teacher is one whose work is characterized by commitment to subject, to student, and to constant improvement in teaching. The excellent

teacher is well organized, has a thorough and demonstrable knowledge of the field and recent developments therein, and is able to communicate knowledge systematically, coherently, and enthusiastically. Such a teacher is actively concerned with the intellectual development of students, challenges their abilities, encourages their questions, welcomes diversity of opinion from them, and is considerate and fair in all dealings with them, seeking always to increase their capacity to think critically and independently. Finally, the excellent teacher welcomes and profits from constructive criticism.

Faculty members are also expected to be accessible to students. This will be evaluated based on adherence to appropriate office hours, participation in advising and/or orientation, involvement in student clubs, and other ways of making oneself available to students.

Students and peers who serve on the retention and/or promotion and tenure committees evaluate teaching. Measurement tools and strategies include observation of classes, examination of syllabi and supplementary materials, scores from student evaluations, and review of faculty self-reports. Excellence will be determined by an overall performance on qualitative and quantitative measures that is above average for West Virginia State University faculty.

### ***Scholarly Activities***

Scholarly activities fall into three basic categories: research/creative activities, recognized activity in professional and/or learned societies, and professional growth.

1. **Research/Creative Activities:** Research is broadly defined as the organized, deliberate efforts to collect, analyze, and evaluate information. This may be accomplished through a variety of methods including, but not limited to, the historic method, the survey method, the field study, and the experimental method.

Research should result in a tangible product such as a peer-reviewed journal article, book, proceedings abstract, presentation at a professional conference, or some other verifiable contribution to the discipline.

Studies in the areas of art, music, theatre, film, etc. may involve research activities as described above. These disciplines are often characterized by creative endeavors such as the composition of a musical score or the production of a film that are considered to be scholarly activities that contribute to the discipline.

2. **Recognized Activity in Professional and/or Learned Societies:** Most academic disciplines are affiliated with one or more professional societies or organizations on a national, regional and/or state level. Activities within these societies that are considered significant include chairing a panel, acting as a respondent on a panel, working as an officer or board member

and/or working as a conference or convention organizer.

**3. Professional Growth:** Assessment of professional growth involves a judgment based on concrete experience and evidence. Some indications of professional growth include the following:

- An appropriate degree and/or continuing study.
- Participation in conferences.
- Presentation on a discipline-related topic
- Other indications of potential for growth, such as development of courses that could lead to further research.

### ***Service to the University and Community***

Valued service to the University and community may take many forms:

- Active participation in university governance, especially faculty committees and meetings.
- Helpful and generally supportive relations with faculty colleagues, so as to enhance the results achieved in departments and other academic programs.
- Academic advising of students.
- Recruitment of students.
- Active advising of university honor societies and/or other student organizations.
- Active participation in various programs of university life outside the classroom such as art, music, theatre, recreation, athletics, lectures, convocations, etc.
- Service outside the institution that promotes the University such as contributions to business, industry, government, education, and the health care field, and to the cultural enrichment of the community. Community service activities and memberships not directly related to the faculty member's discipline do not satisfy this standard.

In addition to these examples, faculty are expected to: (a) cooperate and collaborate with colleagues in meeting departmental and university needs; (b) participate with colleagues in decision-making processes within the departments, schools, university committees, and other aspects of faculty governance; and (c) fulfill the faculty responsibilities described in Section E of the Faculty Handbook.

### **Evaluation Criteria/Procedures for Research Faculty**

(Revised November, 2018)

All faculty at West Virginia State University are expected to demonstrate excellence in teaching, scholarly activities and service to the University and Community. While scholarly activities comprise research and creative activities, recognized activity in professional and/or learned societies, and professional growth, faculty with research appointments will be expected to devote

the designated portion of their time toward research. Faculty with research appointments will be evaluated based on their appointment split as negotiated by the faculty member, department chair, dean, and provost during their appointment or hiring.

### ***Teaching Excellence***

While teaching excellence is the most important criterion for the evaluation of faculty with standard appointments, faculty members appointed in full time research positions with partial teaching duties are expected to devote the designated majority of their time and effort toward research. Research faculty may demonstrate excellence in teaching through their activities in the classroom with such measurement tools as observation of classes, examination of syllabi and supplementary materials, scores from student evaluations, and review of faculty self-reports. Excellence will be determined by an overall performance on qualitative and quantitative measures that is above average for West Virginia State University faculty. Research faculty may also demonstrate excellence in teaching by mentoring graduate and undergraduate students with research projects or other scholarly endeavors. Such activities should result in tangible student achievements such as public scholarly presentations, peer-reviewed publications, and graduate theses or projects.

### ***Scholarly Activities***

Scholarly activities fall into three basic categories: research/creative activities, recognized activity in professional and/or learned societies, and professional growth.

- 1. Research/Creative Activities:** Research is broadly defined as the organized, deliberate efforts to collect, analyze, and evaluate information. This may be accomplished through a variety of methods including, but not limited to, the historic method, the survey method, the field study, and the experimental method.

Research faculty may demonstrate excellence in research through their publications in peer reviewed journals, funded grants, patents, crop varieties/ registered pre-breeding lines, book/ book chapters, proceedings, abstracts, presentations at professional conferences, or some other verifiable contributions to the discipline.

- 2. Recognized Activity in Professional and/or Learned Societies:** Most academic disciplines are affiliated with one or more professional societies or organizations on a national, regional and/or state level. Activities within these societies that are considered significant include chairing a panel, acting as a respondent on a panel, working as an officer or board member and/or working as a conference or convention organizer.
- 3. Professional Growth:** Assessment of professional growth involves a judgment based on concrete experience and evidence. Some indications of professional growth include the

following:

- An appropriate degree and/or continuing study.
- Participation in conferences.
- Presentation on a discipline-related topic
- Other indications of the potential for growth, such as the development of courses that could lead to further research.

### ***Service to the University and Community***

Valued service to the University and community may take many forms:

- Active participation in university governance, especially faculty committees and meetings.
- Helpful and generally supportive relations with faculty colleagues, so as to enhance the results achieved in departments and other academic programs.
- Academic advising of students.
- Recruitment of students.
- Active advising of university honor societies and/or other student organizations.
- Active participation in various programs of university life outside the classroom such as art, music, theatre, recreation, athletics, lectures, convocations, etc.
- Service outside the institution that promotes the University such as contributions to business, industry, government, education, and the health care field, and to the cultural enrichment of the community. Community service activities and memberships not directly related to the faculty member's discipline do not satisfy this standard.
- Service to the discipline such as serving as a peer reviewer for a journal or editorial contributions.

In addition to these examples, faculty are expected to: (a) cooperate and collaborate with colleagues in meeting departmental and university needs; (b) participate with colleagues in decision-making processes within the departments, schools, university committees, and other aspects of faculty governance; and (c) fulfill the faculty responsibilities described in Section E of the Faculty Handbook.

### **Retention, promotion and tenure promotion Procedures**

Retention, promotion and tenure (including third year pre-tenure review) procedures are the same for faculty with research appointments as for faculty with standard appointments including the salary increases.

#### **Retention**

(Revised August, 2012) ([See also Title 133 Procedural Rule, Series 9, Section 10](#))

Tenure-track faculty members requesting retention as well as non-tenure track faculty file self-



reports and supporting portfolios with their department chairs each year. A calendar indicating dates and deadlines is distributed to all faculty in the fall semester by the Faculty Personnel Committee. The portfolio should include a self-report, summary sheets of student evaluations; in-class observation forms; examples of scholarship and research, and instructional materials. The department chair reviews these materials and submits the portfolio along with a written evaluation and recommendation to the appropriate dean. The faculty member receives a copy of this recommendation.

The dean reviews the portfolios of tenure-track faculty and makes a written recommendation (copied to the faculty member and the department chair) to the Committee on Retention. The Committee may also request more information, observe the faculty member's teaching, interview the candidate and interview other faculty members during its evaluation process. The Committee evaluates the faculty member and notifies the faculty member of its recommendation (with a copy to both the department chair and dean). This recommendation includes the committee's evaluation of the faculty member's strengths and weaknesses and suggestions for improvement. Progress towards tenure is also addressed in the Committee's recommendation. All documents are then forwarded to The Provost and Vice President for Academic Affairs who then makes a retention recommendation to the President for final action.

Non-tenure track faculty also complete self-reports and submit them to their department chairs. Chairs evaluate non-tenure track faculty using the Department Chair's Evaluation of Faculty form and send these forms on to the appropriate dean.

After the decision regarding retention or non-retention for the ensuing year has been made, the tenure-track faculty member shall be sent written notification of the decision by the University president; the faculty member who is not retained shall be notified of the decision by letter postmarked no later than March 1. Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested." Appeals of non-retention decisions may be made in accordance to procedures set out in W.Va. Code § 29-6A. This section of the Code is included in **Appendix C: W.Va. Code § 29-6-C Grievance Procedure for State Employees** and is cited in Title 133 Procedural Rule, Series 9, Section 15. The University may also provide alternative procedures to those set out in WV Code §29-6A for the resolution of conflicts.

### **Three Year Pre-Tenure Review**

(Revised August, 2023)

The three-year pre-tenure review serves the purpose of informing tenure-track faculty of their performance with regard to tenure requirements; at the same time, it also serves as a basis for a recommendation for retention or non-retention past the fourth year of employment. For faculty recommended for retention, the pre-tenure review provides constructive criticism, if necessary, and guidelines for achieving tenure. The review serves as an occasion for candid and future-oriented assessment of a faculty member's performance.

Procedures:

- By September 15 of each year, candidates for the third-year review are notified and asked to assemble and submit materials by the date specified for such submission on the current Faculty Personnel Committee calendar.
- Submissions should include copies of previous annual reviews and materials required for tenure review as specified in Section C-11 under "Tenure."
- All materials will be reviewed by a Department or College Review Committee comprised of tenured faculty. This Committee shall be appointed by the college dean.
- The third-year review will replace the retention portfolio for that year.
- The Departmental and/or College Review Committee forwards the portfolio together with their written assessment of the materials to the department chair, who then makes a written assessment and provides a copy of this assessment to the faculty member under consideration for the third-year review.
- The portfolio and all written reports are then forwarded to the Dean, who will discuss them with the faculty member and who will also make a written evaluation and recommendation. The candidate is then given an opportunity to add a written response to the report, if she or he wishes to do so.
- All materials are then submitted to the Committee on Retention.

Candidates are informed that a positive third year pre-tenure review does not guarantee promotion and/or tenure. However, this review becomes a part of the faculty member's portfolio and should be submitted with the tenure/promotion materials when the faculty member applies for tenure/promotion.

## **Promotion**

(Revised August, 2011) ([See also Title 133 Procedural Rule, Series 9, Section 7](#))

Promotion is seen as the recognition of achievement of a faculty member at West Virginia State University. Applications for promotion generally will be considered once each academic year. Faculty members requesting promotion initiate the process by filing their application and supporting portfolio with the department chair; a copy of the letter of application is also filed with the dean of their college, the Provost and Vice President for Academic Affairs and the Chair of the Faculty Personnel Committee. In the case of a department chair applying for promotion, the letter of application is filed with the dean of his/her College, the Provost and Vice President for Academic Affairs, and the chair of the Faculty Personnel Committee.

The department chair reviews these materials, and submits the portfolio along with a written recommendation to the dean. The faculty member is to receive a copy of the chair's recommendation at the same time the portfolio is forwarded to the dean. The dean also reviews the portfolio and submits the portfolio along with a written recommendation to the Promotion and Tenure committee. A copy of the dean's written recommendation is sent to the applicant and to

the department chair.

In addition to reviewing the applicant's portfolio and letters from the chair and the dean, the Committee may also request more information, observe the faculty member's teaching, interview the candidate and interview other faculty members during its evaluation process.

The Promotion and Tenure committee notifies the faculty member of its recommendation in writing and provides a copy of its recommendation to both the department chair and the dean. The committee then forwards all documents to the Provost and Vice President for Academic Affairs. After consideration, the Provost and Vice President for Academic Affairs then transmits his or her recommendation to the President for final action. A letter outlining the action will be sent to the faculty member from the office of the Provost and Vice President for Academic Affairs.

In the event the person applying for promotion is a dean, the portfolio initially will be sent to the chair of the department of the dean's academic appointment. The portfolio, together with the chair's recommendation, will then be sent to the academic Deans' Council (excluding the applicant) to serve as the second level of review. The Deans' Council's recommendation together with the portfolio will be sent to the Provost and Vice President for Academic Affairs for consideration for promotion.

The applicant's portfolio should include evidence of the required number of years of service and should not be limited to the self-report. It should include summary sheets of student evaluations, in-class observation reports, examples of scholarship, research, and a review of instructional materials as well as examples of instructional materials. A strong portfolio for promotion at any rank shall contain demonstrated evidence of "excellent" teaching in a full-time appointment, as demonstrated by evaluations from the college dean, department chair, peers (e.g., prior review from retention, promotion and tenure committees, third-year pre-tenure review), students, and continuing achievement in scholarly activities and service to the University and/or the community. All areas must be addressed and performed in adherence to professional standards of conduct. See Evaluation Criteria/Procedures, Section 8 for more detail.

***Promotion to Assistant Professor:*** For promotion to Assistant Professor, the candidate must meet the following additional criteria: a minimum of 24 semester hours or 36 quarter hours beyond the master's degree. These must be in the field appropriate to the faculty member's teaching assignment. The applicant must have evidence of at least three years of "excellent" teaching in a full time appointment as demonstrated by evaluations from the college dean, department chair, peers (e.g., prior reviews from retention, promotion and tenure committees, third year pre-tenure review), and students.

***Promotion to Associate Professor for Instructional Faculty:*** For promotion to Associate

Professor, the candidate must meet the following criteria: terminal degree in a field appropriate to the faculty member's appointment plus a minimum of five years of teaching in a full-time appointment in higher education, three of which must be "excellent" teaching experience at West Virginia State University. To be promoted a candidate must additionally have three years of "excellent" rating in either service or distinguished scholarship and three years of "satisfactory" rating in the remaining category. All of these ratings should be while the candidate was at the rank of Assistant professor.

Or

48 hours past the master's degree in a field appropriate to the faculty member's appointment or completion of all course work except research required in a terminal degree program in a field appropriate to the faculty member's appointment, adherence to professional standards of conduct, accessibility to students, plus five years of teaching in a full-time appointment in higher education, three of which must be "excellent" teaching experience at West Virginia State University. To be promoted a candidate must additionally have three years of "excellent" rating in either service or distinguished scholarship and three years of "satisfactory" rating in the remaining category. All of these rating should be while the candidate was at the rank of Assistant professor.

***Promotion to Associate Professor for Research Faculty:*** For promotion to Associate Professor, the candidate must meet the following criteria: terminal degree in a field appropriate to the faculty member's appointment plus a minimum of five years of Research in a full-time appointment in higher education, three of which must be "excellent" rating in research experience at West Virginia State University. To be promoted a candidate must additionally have three years of "excellent" rating in either service or teaching and three years of "satisfactory" rating in the remaining category. All of these rating should be while the candidate was at the rank of Assistant professor.

Or

48 hours past the master's degree in a field appropriate to the faculty member's appointment or completion of all course work except research required in a terminal degree program in a field appropriate to the faculty member's appointment, adherence to professional standards of conduct, accessibility to students, plus five years of teaching in a full-time appointment in higher education, three of which must be "excellent" teaching experience at West Virginia State University. To be promoted a candidate must additionally have three years of "excellent" rating in either service or teaching and three years of "satisfactory" rating in the remaining category. All of these rating should be while the candidate was at the rank of Assistant professor.

***Promotion to Professor for Instructional Faculty:*** For promotion to Professor, the candidate must have met the following additional criteria: terminal degree in a field appropriate to the faculty member's appointment, plus five years of teaching in a full-time appointment at the rank of Associate Professor, three of which must be "excellent" teaching experience at West Virginia State University. To be promoted a candidate must additionally have three years of "excellent" rating in either service or distinguished scholarship and three years of "satisfactory" rating in the

remaining category. All of these rating should be while the candidate was at the rank of Associate professor.

***Promotion to Professor for Research Faculty:*** For promotion to Professor, the candidate must have met the following additional criteria: terminal degree in a field appropriate to the faculty member’s appointment, plus five years of teaching in a full-time appointment at the rank of Associate Professor, three of which must be “excellent” teaching experience at West Virginia State University. To be promoted a candidate must additionally have three years of “excellent” rating in either service or teaching and three years of “satisfactory” rating in the remaining category. All of these rating should be while the candidate was at the rank of Associate professor.

Appeals of promotion decisions may be made in accordance to procedures set out in WV Code § 18-29. This section of the code is included in **Appendix C: W.Va. Code § 29-6-C Grievance Procedure for State Employees** in this handbook and is summarized in [Title 133 Procedural Rule, Series 9, Section 15](#). The University may also provide alternative procedures to those set out in WV Code § 29-6A for the resolution of conflicts.

**Note:** *If the candidate applies for promotion and retention at the same time, portfolios should be prepared for the Promotion and Tenure Committee and for the Retention Committee.*

## **Tenure**

(Revised June, 2023)

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. In making tenure decisions, careful consideration is given to the tenure profile of the University, projected enrollment patterns, staffing needs of the institution, current and projected mission of each department/college, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. West Virginia State University, while not maintaining tenure quotas, is mindful of the dangers of losing internal flexibility and institutional accountability because of an overly tenured faculty. Tenure is not granted automatically, or for years of service, but as a result from action of the President of the University following consultation with appropriate academic units.

Tenure may be achieved in two ways: (1) it may be granted by the President at the time that the initial appointment is made; or (2) it may be achieved after a faculty member has taught 1-6 years in a tenure track position at the University and is recommended for tenure by the appropriate bodies. The recommendations are made to The Provost and Vice President for Academic Affairs

who, in turn, makes recommendations to the President. Early tenure recommendations (i.e., before completing six years of tenure track service) are rare and made only in extraordinary circumstances. A consideration of early tenure is stipulated in writing at the time of the initial appointment to the faculty. Unless otherwise stated in the initial terms of employment faculty can apply for tenure after they have completed six full academic years of employment at West Virginia State University.

Full-time faculty members appointed on other than non-tenure-track, term, or tenured basis are considered tenure-track. Tenure-track status shall not exceed seven years. Before completing the sixth year of a tenure-track appointment, non-tenured faculty members are given written notice of tenure, or offered a one-year written terminal contract of employment. Decisions regarding the granting of tenure are normally made in May of each year. Faculty appointed at times other than the beginning of the academic year may elect to have those periods of appointment greater than half an academic year, considered as full year for tenure purposes only. Tenure-track appointments for one half an academic year or less may not be considered time in tenure-track status.

Faculty members wishing to apply for tenure initiate the process by filing their applications and supporting portfolios with the department chair. A copy of the cover letter is sent to the college dean, the Chair of the Faculty Personnel Committee and The Provost and Vice President for Academic Affairs.

A strong portfolio for tenure shall contain demonstrated evidence that tenure is based upon teaching excellence; accessibility to students; adherence to professional standards of conduct; experience in higher education and at the institution; possession of the earned doctorate or the highest earned degree appropriate to the teaching field (granted by a regionally accredited institution) or special competence that is deemed to be equivalent to such academic credentials; and continuing achievement in scholarly activities and service to the university and community. The portfolio should include evidence of the required number of years of service and should not be limited to the self-report. It should speak to activities during the entire probationary period rather than the one-year prior to the application for tenure. See Evaluation Criteria/Procedures for more detail.

The department chair reviews these materials, and submits the portfolio along with a written recommendation to the dean. The faculty member is to receive a copy of the chair's recommendation at the same time the portfolio is forwarded to the dean. The dean also reviews the portfolio and makes a written recommendation (copy to the faculty member and department chair) to the committee on Promotion and Tenure. The committee may also request more information, observe the faculty member's teaching, interview the candidate and interview other faculty members during its evaluation process. The committee notifies the faculty member of its recommendation (with a copy to both the department chair and dean) and forwards all documents

to the Provost and Vice President for Academic Affairs who then transmits a recommendation to the President for final action.

Appeals of tenure decisions may be made in accordance to procedures set out in W.Va. Code § 18-29. This section of the Code is included in **Appendix C: W.Va. Code § 29-6-C Grievance Procedure for State Employees** in this Handbook and is summarized in [Title 133 Procedural Rule, Series 9, Section 15](#). The University may also provide alternative procedures to those set out in WV Code §29-6A for the resolution of conflicts.

An example schedule for promotion, tenure, and retention can be seen in the table below. This is only for faculty who were not awarded years of service in the initial offer letter.

Year	Rank	Due	Submitted to	Reflect on	Applying for
1	Assistant Professor	Retention Portfolio with self-report (“practice” portfolio to learn submission system.)	Retention Committee	Work prior to starting at WVSU	Retention
2	Assistant Professor	Retention Portfolio with self-report	Retention Committee	Year 1	Retention
3	Assistant Professor	Retention Portfolio with self-report	Retention Committee	Year 2	Retention
4	Assistant Professor	3 <sup>rd</sup> Year Portfolio with self-report (pre-tenure review)	College Three Year Review Committee and Retention Committee	Years 1-3	Retention and pre-tenure review of portfolio
5	Assistant Professor	Retention Portfolio with self-report	Retention Committee	Year 4	Retention
6*	Assistant Professor *	Promotion (pending 5 years teaching at Assistant Professor level three of which must be “excellent” teaching experience)*	Promotion and Tenure Committee* AND Retention Committee	Years 1-5*	Promotion to Associate Professor and Retention*
7	Associate Professor	Annual Report for Post tenure Review	Promotion and Tenure Committee	Years 1-6	Tenure**
8	Associate Professor	Annual Report for Post tenure Review	Department Chair	Year 7	
9	Associate Professor	Annual Report for Post tenure Review	Department Chair	Year 8	
10	Associate	Annual Report for Post tenure	Department	Year 9	

	Professor	Review	Chair		
11	Associate Professor	Promotion (pending 4 years teaching at Associate Professor level, three of which must be “excellent” teaching experience) and Annual Report for Post tenure Review	Promotion and Tenure Committee and Department Chair	Years 6-10	Promotion to Professor
12+	Professor	Annual Report for Post tenure Review	Department Chair	Year 11	

\*Application for Promotion in year 6 is optional. Faculty may wait to apply for promotion and tenure at the same time in year 7 if they choose.

\*\*Faculty not granted tenure shall be offered a one-year written terminal contract of employment per WV HEPC Title 133, Series 9, Section 10.3.

## Merit

(Revised August, 2014)

In 2001, the West Virginia State University Board of Governors adopted a salary policy, effective October 1, 2001, in compliance with that recommended by the Chancellor to the Higher Education Policy Commission. With regard to faculty, that policy reads:

- A. Faculty shall be compensated based on the salary goals established in the campus compact. A pool of funds equaling a percentage of the base salaries of full-time faculty, in addition to funds for promotion, will be created to determine the amount of increase faculty receive.
- B. Salary increases may be based on a combination of merit, market, and equity until the salary goal has been achieved for any particular year.
- C. Once the goal has been achieved, but not later than FY 2005, all or a substantial part of faculty salary increases shall be based on merit. This standard is in compliance with the Higher Education Policy Commission Salary Guidelines approved on June 29, 2001 and distributed by the Chancellor in a July 6, 2001 memorandum.

In response to this policy, the Faculty Senate and the Academic Affairs Office developed a plan for the distribution of merit salary increases and the faculty of each academic college developed the definition of meritorious performance. We currently use the tool approved by the Faculty Senate to evaluate merit.

**Note:** *Merit is not automatic; faculty must apply for merit by submitting self-reports.*

## Sabbatical Leave

(Revised June, 2023)

Tenured faculty members are eligible to apply for a sabbatical leave. A request for continuance will not be automatically granted, but will be evaluated in accordance with institutional need and the reason that the request is being made. For more detailed information on sabbaticals, consult the West Virginia State University Board of Governor's Policy on Faculty Sabbaticals, which is



included in **Appendix S: BOG Policy # 31 - Sabbatical Leave Policy**.

### **Leave Without Pay**

Leave without pay may be granted by the President for a specified period of time for reasons of illness, study, or pursuit of other professional growth opportunities. See **Appendix M**.

### **Leave for Consulting/Technical Assistance**

Faculty members at West Virginia State University are generally allowed two days per month subject to the approval of the immediate supervisor. All full time faculty are required to complete the “Outside Services Review Form” annually and return to the Academic Affairs Office. This form is reproduced in **Appendix N: Outside Services Review Form**.

This review is conducted in October of each year and covers formal employment relationships, self-employment, and consultant agreements. If changes in outside employment occur at any time during the academic year subsequent to the completion of the form, faculty members are asked to inform the Academic Affairs Office by letter.

Faculty members may request leave to serve as consultants in their respective areas of expertise, or to participate as members of accrediting teams for educational and professional organizations, social agencies, and designated populations. All requests for such leave shall be limited to not more than two days, subject to the endorsement of deans and department chairs and the approval of The Provost and Vice President for Academic Affairs. Approval for more than the stipulated two days must come from the President. See **Appendix O**.

### **Administrative Absence**

Professional or administrative absence may be granted to faculty for the purpose of attending conferences, seminars, or for the purpose of attending workshops related to their work assignment. See **Appendix M**.

### **Dismissal**

(Revised August, 2002)

Dismissal of a faculty member can only occur within the regulations established by Title 133 Procedural Rule, Series 9 of the West Virginia Higher Education Policy Commission, reprinted in **Appendix B: Title 133 Procedural Rule – Academic Freedom, Professional Responsibility, Promotion, and Tenure**.

### **Retirement/Resignation**

There is no mandated retirement age for West Virginia State University faculty. Faculty planning to resign their appointments or retire must give written notice at the earliest opportunity in order to permit the institution adequate time to select replacements. Professional courtesy dictates that notification of resignation or retirement be given by March 1 of each academic year.

## **Faculty Post Retirement Employment Plan (F-PREP)**

(Revised May, 2023)

The retirement of quality tenured faculty represents a significant knowledge loss to the academic environment of a University or university. This F-PREP is intended to mitigate the abrupt loss of these learned and experienced teachers. The plan also preserves financial resources since a retiring professor's last contract would likely pay for both his/her F-PREP contract plus a major portion of the contract of a newly hired full-time faculty member.

This program establishes a uniform post retirement employment plan which encourages eligible full-time tenured faculty to contract part-time faculty duties with West Virginia State University following retirement. The plan contemplates actual retirement and annual reemployment of participating faculty on a part-time basis (six hours of teaching per semester) for a limited period (up to three years). The program is completely voluntary and is available when agreed to and entered into by a mutual written agreement between an eligible faculty member and West Virginia State University.

### ***Eligibility (F-PREP)***

A full-time member of the faculty is eligible to apply for participation in an F-PREP contract upon retirement from the University under the following conditions:

- Must be a full-time member of the WVSU faculty and tenured.
- Completed a minimum of ten (10) years of service at West Virginia State University.
- Attained at least the rank of Associate Professor at WVSU.
- Have an academic recommendation from the Department Chair and the Vice President for Academic Affairs.
- Retired from West Virginia State University at least six weeks prior to the start of an academic year.

Tenured faculty employed in full-time administrative positions are also eligible to apply for FPREP contracts upon retirement from the University but only to resume part-time instructional duties in their area(s) of expertise or to assume an equivalent special assignment or project designated by the President.

### ***Selection***

The awarding of an F-PREP contract is not automatic but shall depend on conditions prevailing in the University at the time. F-PREP contracts shall only be issued at the discretion of and upon final approval of the President. Conditions such as financial exigencies, lack of need, and program changes may result in non-approval of initial requests or non-renewal of existing FPREP contracts. At the end of an approved F-PREP annual contract, the employee will have no vested employment rights with the University. At the end of any semester, an F-PREP employee may opt to terminate

his or her employment with the University without penalty. F-PREP employees may not accept assignments greater than six hours of teaching per semester (or twelve hours over two semesters) or the equivalent special assignment or project.

The President of the University may extend the three-year period of eligibility for up to six years but only in the circumstance that suitable full-time faculty cannot be found for the affected assignment.

### **Appeals/Grievances**

(Revised August, 2004)

Higher Education employees now fall under the Education and State Employees Grievance Board, WV Code § 29-6A1 et seq. These procedures are summarized and reprinted in **Appendix C: W.Va. Code § 29-6-C Grievance Procedure for State Employees**. The University may also provide alternative procedures to those set out in WV Code §29-6A for the resolution of conflicts.

### **Emeritus Faculty**

(Revised May, 2023)

Emeritus status for retired faculty is an honorary designation given to those individuals whose contributions to West Virginia State University were meritorious and exceeded the requirements of job description and employment. Because of their significant contributions, faculty emeriti are entitled to privileges reserved primarily for those who earn this honored designation. The University's policy on emeritus faculty is included in **Appendix FF: Policy for Emeritus Status for Retired Faculty and Administrators**.

## **Section D. Faculty Benefits and Retirement Salary Payments**

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### **Salary Payments**

(Revised May, 2023)

The University issues paychecks bi-weekly, each month. Faculty members are paid in 26 installments, over 12 months. Faculty members may also elect the direct deposit option in order to have their paychecks deposited directly in their bank accounts by the West Virginia State Auditor's Office.

Before the initial payroll can be processed for a new faculty member, he/she must submit signed W-4 and IT-104 forms to the Payroll Office.

### **Mandatory Payroll Deductions**

Mandatory payroll deductions at West Virginia State University include the following:

- Federal Income Tax Withholding
- State Income Tax Withholding
- Social Security or Federal Insurance Contributions Act (FICA)
- Retirement

### **Optional Payroll Deductions**

(Revised August, 2011)

Optional payroll deductions at West Virginia State University include the following:

- WV Public Employees Credit Union
- Medical, Life & Accidental Death and Dismemberment Coverage administered through the WV Public Employees Insurance Agency (PEIA)
- Various Supplemental Insurance deductions
- United Way of Kanawha Valley
- The West Virginia State University Foundation
- Mountaineer Flexible Benefits - Dental, Vision, Disability, Flexible Spending Account (i.e., medical expenses/dependent day care expenses)

The Payroll Office will provide information regarding forms and procedures. If a faculty member is in a "no pay" status for any period, no automatic deductions can be made. Special arrangements must be made to continue health insurance, etc.

### **Annual Increment Pay**

(Revised May, 2023)

Faculty members are provided increment pay (payable in July of each year) based upon years of service. The current rate is \$60 for each year of service; however, payments do not commence for new hires until three years of service have been accumulated as of June 30. This benefit and the amount are subject to change by action of the West Virginia Legislature.

## **Insurance**

(Revised May, 2023)

You should always direct any questions you may have regarding insurance terms and coverage to the West Virginia State University Human Resources Office.

## **Hospitalization, Health, Accident Insurance**

(Revised May, 2023)

All full-time faculty members at West Virginia State University may participate in the Public Employee Insurance Association (PEIA) or The Health Plan (Health Management Organizations known as (HMO's)). These plans all include hospitalization and major medical insurance with optional family coverage. Premiums are based on salary and the plan selected. Faculty may pay additional premiums for dependents he/she elects to cover under the plan. Other benefits available include optional dental and vision insurance and tax-free medical spending and dependent care accounts. The Human Resources Office has complete information regarding plan coverage, deductibles, etc.

## **Terminating Employee Health Insurance Privileges/COBRA**

(Revised May, 2023)

Pursuant to PEIA's coverage, a policyholder who resigns from employment will continue their health insurance privileges until the end of the month of resignation. If the employee is terminated from employment involuntarily or through reduction of work-force they may continue coverage for three additional months after the end of the month in which employment ends. The employer must continue to pay the employer's share of the premium during these three months.

If an employee is discharged for misconduct and chooses to contest the charge, he or she may extend coverage for up to three months while available administrative remedies are pursued. If the discharge is upheld, the former employee must reimburse the employer's share of the premium cost for the extended coverage for the former employee.

Federal law adopted the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). COBRA mandates employers to offer continuation of group health insurance to employees and dependents who are scheduled to lose coverage for up to 18 months. Health coverage may continue under COBRA, but the separated employee will be responsible for the entire premium. In the case of employee terminations, the law requires the employer to notify the plan administrator within 30 days after the employee's termination of employment.

## **Life Insurance Program**

(Revised May, 2023)

Faculty members who enroll are covered by a basic life insurance plan at no cost. The amount of coverage is \$10,000. Additional term life insurance is available for faculty members and their dependents at low premiums. Contact the Human Resources Office for further information.

## **Long-Term Disability Insurance**

(Revised May, 2023)

Faculty members are eligible for long-term disability the first day of the month after the date of hire. After six months of disability, faculty members receive 60 percent of their salary minus social security benefits. Faculty wishing to apply for long-term disability insurance should do so during their first month of employment through the Human Resources Office.

## **Sick and Annual Leave**

(Revised 2023)

Faculty members on nine-month appointments do not accumulate sick or annual leave. Faculty members on 12-month appointments accumulate annual leave at the rate of two days per month and sick leave at the rate of 1.5 days per month.

Those 12-month faculty wishing to take sick or annual leave must submit a request for leave using the online leave management system for approval by the Provost and Vice President for Academic Affairs or his/her designee. Twelve-month faculty may only take annual leave during periods when the University is not in session.

## **Retirement Program**

(Revised May, 2023)

West Virginia State University participates with Teachers Insurance and Annuity Association (TIAA/CREF). The agreement specifies that West Virginia State University will contribute an amount equal to six percent of the faculty member's regular salary to the retirement program. Participation is mandatory. The contribution is fully vested in the name of the person and deposited bi-weekly.

Some continuing employees may belong to the West Virginia State Teacher Retirement System (STRS). Retirement benefits are based on years of service and salary average. Under STRS, employees contribute 6 percent of their salary. The University's contribution is 15 percent effective FY 2000.

## **Unemployment**

(Revised May, 2023)

West Virginia State University participates in the West Virginia Unemployment Compensation Program. Eligibility for benefits is determined by the Employment Security Commission.

## **Workers' Compensation**

(Revised May, 2023)

Encova, the third party worker's compensation insurance provider, protects against financial loss resulting from on-the-job injuries and illnesses incurred while working, except those resulting from mischief, drunkenness, drug use, or other forms of misconduct. Encova pays claims involving medical, hospital and related bills; disability; loss of body parts, such as arm or leg; death; and

dependent benefits. West Virginia State University pays into Encova on a monthly basis for each employee. A copy of the Encova claim form is available at the Human Resources Office.

### **Reporting of Accidents and Physical Injuries**

(Revised May, 2023)

Any faculty member who is injured on the campus of West Virginia State University in the performance of any work-related duties must report the incident to his/her supervisor immediately and to the Human Resources Office within 24 hours of the incident, using the WVSU Personal Accident/Injury Form. A sample form is included in this handbook in **Appendix V: WVSU Accident Report Form**. The report must be completed whether or not the employee is seeking medical treatment. Faculty who witness accidents or injuries should call Human Resources at 304-766-3152 or Public Safety 304-766-3353. Call 911 for serious emergencies.

Any employee injured on the job and in need of medical attention should first check with the treatment provider to ensure that worker's compensation insurance is accepted in order to ensure prompt processing of the claim. If any employee receives treatment from a provider that does not participate in workers' compensation insurance the employee is expected to pay for services rendered.

### **Drug-Free Workplace**

West Virginia State University is required by the Drug-Free Workplace Act of 1988 to notify all employees that the unlawful manufacture, sale, distribution, possession or use of a controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any substance so defined by federal or state statute or regulations.

Any toleration of the unlawful use of drugs by students, faculty or staff is inconsistent with the University's mission. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on campus is strictly prohibited and will subject the violator to the strictest penalties available under the disciplinary policies of the University.

## **Section E. Faculty Responsibilities/Policies**

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### **Course Syllabi**

(Revised May, 2023)

Every faculty member is required to develop a syllabus for each course taught. These syllabi should be placed on file in the departmental office and given to each student in class within the first week of the semester. Among the items to be included in the syllabus are:

- Course title, department, number, and section of the course;
- Name, email address, office hours, department/office phone number;
- Faculty teaching online courses should specify hours when they will be available online for virtual student meetings and discussions;
- Title, author and publication information of textbook;
- List of collateral readings or other materials to be used in the class;
- Course description;
- Course objectives;
- Student outcomes;
- Attendance policy;
- Course requirements (e.g., papers, exams, quizzes, field trips, etc.);
- Tentative course outline with assignments;
- Class policies and procedures, including grading methods, attendance/tardiness policy, (including percentage weight of various components of class work), examinations (method of grading and frequency), make-up policy (for assignments, exams, etc.), policy on plagiarism, etc.;
- Date and time of final examination.

In online courses, syllabi should include everything listed above as well as the following:

- specific guidance for students regarding class communication including preferred method of contact as well as instructor's response times for emails and assignment feedback;
- explanation of where to find links to disability services for online students, library services, and netiquette guidelines;
- specific minimum technology requirements for the specific course;
- clear explanation of where students should access course content in the learning management system as well as well as assignments; and
- clear statement of prerequisite knowledge required in terms of skills and course work.

Additionally, course syllabi should conform to the requirements mandated by appropriate accrediting agencies.



## **Course Subject Matter**

(Revised August, 2001)

The subject matter taught should be in accordance with the catalog description and syllabus, which has been approved through the University's formal academic approval process.

## **Textbooks**

All courses should follow the textbook policy. Further details on the use and ordering of textbooks can be found in **Appendix P: Textbook Policy** of this handbook.

## **Class Meetings**

A faculty member is expected to meet the regularly scheduled classes as indicated in the course schedule and to hold these classes for the time noted.

## **Absence from Class or from Assigned Responsibilities**

(Revised August, 2004) (See also **Appendix Q: Faculty Absence from Classes**.)

Faculty members who for any reason must be away from class or from their assigned responsibilities must notify their department chairs. If possible, this notification should be well in advance in order that instruction can be uninterrupted. Faculty absence forms included in **Appendix Q: Faculty Absence from Classes** and available in all department offices must be filed with department chairs when an absence occurs.

*Note: Department chairs must approve requests for absences and arrangements for the coverage of missed classes or assigned responsibilities in advance.*

In the event of temporary absence or short-term illness, colleagues often cover classes. If the illness or absence is extended, more permanent arrangements must be made.

## **Inclement Weather**

(Revised May, 2023)

West Virginia State University rarely closes because of inclement weather. When it does close, a notification will be placed announcing closure. Announcements will also be made on local radio and television stations, or you may call (304)766-3000 for detailed operational hours. Unless the University is officially closed, faculty members are expected to hold classes as scheduled. For more information on the University's inclement weather policy, see **Appendix T: Inclement Weather Policy**.

## **Office Hours**

(Revised May, 2023)

Full-time faculty members are expected to maintain five office hours per week spread across three working days, distributed to include convenient times (between 8:00 am and 7:00 pm) for consultation with both day and evening students. Faculty should be physically in their office during office hours and can include virtual office hours at the same time. The schedule of office

hours should be posted on the doors of faculty offices and filed with department chairs. Faculty members teaching online courses (i.e., Web100 or Web80) are expected to list specific times they will be available for online chats or discussion forums with students. Faculty members who teach online should also provide one hour each week for online office hours through Google Meet (or equivalent online venues) and this hour should be posted within the online course. Online office hours can be held in tandem with regular office hours if the instructor spends the designated hour in his/her campus office.

### **Field Trips**

Faculty who wish to incorporate field trips in courses are expected to indicate on the course syllabus the date and purpose of each trip and how it is related to the course objectives. Detailed written information regarding any planned field trip must also be provided to the student and to the department chair and dean at least two weeks prior to the date of the trip. The plan must include the destination, date and time of departure, mode of transportation, trip itinerary, room and board accommodations, costs, and the date and time of the return. A list of the students participating must be filed in the office of The Provost and Vice President for Academic Affairs (see **Appendix R: Field Trip Clearance.**)

### **Grade Reports and Proof of Attendance**

(Revised May, 2023)

Attendance must be reported for every student, on every roster, for every course reference number. Class types, such as in-person, online, self-study, and internships, will all be reported following the same schedule. Additionally, attendance must be reported for undergraduate, graduate, post-graduate, early enrollment, collaborative, transient and non-degree seeking students.

Attendance and grade information is provided to the Office of Retention and Student Success and the Office of Financial Aid for regulatory and retention purposes.

At four intervals during the semester, faculty submit student attendance and/or advisory grades using MyState. Attendance must be verified for every enrolled student, including but not limited to in person, online, undergraduate, graduate, cooperative, internships, and early enrollment.

*Faculty enter grades and attendance as follows:*

#### **FIRST WEEK REPORTING FULL TERM AND 1<sup>ST</sup> 8 WEEK COURSES:**

On or before the deadline published in the Academic Calendar, faculty enter the date each student last attended class. For online courses, this is represented by date of last participation. If a student never attended or participated in class, faculty enter a grade of “Q” and leave the date field blank. No grades are entered during this reporting.

#### **IN MYSTATE:**

Select “Mid-Term Grades”. Enter the date each student last attended/participated in your class

in the MM/DD/YYYY format and leave the grade field blank. If a student never attended your class, enter a grade of Q and leave the date field blank. Disregard the “Last Attend Date” column.

**\*\*POA1-Did the student establish attendance or participation? Yes: Provide Last Date of Attendance/Participation/Contact. No: Q**

**FOUR WEEK REPORTING FULL TERM/MID-TERM 1<sup>ST</sup> 8 WEEK COURSES:**

On or before the deadline published in the Academic Calendar, faculty enter the last date attended for each student. For online courses, this is represented by date of last participation. In addition, faculty must report the appropriate grade for each student. For students who never attended or participated in class, faculty enter a grade of “Q” and leave the date blank.

**IN MYSTATE:**

Select “Mid-Term Grades”. Enter the appropriate grade for each student. If a student never attended your class, enter a grade of Q and leave the date field blank. For all other students, the actual last date of attendance should be reported in the “Last Attend Date” column.

**\*\*POA2- Did the student establish attendance or participation? Yes: Provide Last Date of Attendance/Participation/Contact and enter grade A-F. No: Q**

**MID-TERM REPORTING FULL TERM/FINAL GRADES FOR 1<sup>ST</sup> 8 WEEK COURSES/FIRST WEEK REPORTING FOR 2<sup>ND</sup> 8 WEEK COURSES:**

The midterm grading deadline is published in the academic calendar. During this reporting, faculty enter the last date attended for each student. For online courses, this is represented by date of last participation. In addition, faculty must enter the appropriate grade for each student.

**IN MYSTATE:**

Select "Mid-Term Grades". Enter the appropriate grade for each student. Enter the date each student last attended your class in the MM/DD/YYY format. If a student never attended, enter a grade of Q and leave the date field blank. Disregard the "Last Attend Date" column.

**\*\*POA3 Full Term- Did the student establish attendance or participation? Yes: Provide Last Date of Attendance/Participation/Contact and enter grade A-F. No: Q**

**\*\*POA3 Final Grades-Enter the appropriate final grade for each student. If a student receives a “F,” enter the date the student last attended or participated in class. No date later than the last day of class for the corresponding part-of-term, excluding finals week, should be entered.**

**\*\*POA3 Second 8 Weeks First Reporting- Did the student establish attendance or participation?**

Yes: Provide Last Date of Attendance/Participation/Contact. No: Q

### **FINAL GRADES REPORTING FULL TERM AND 2<sup>ND</sup> 8 WEEK COURSES:**

The final grading deadline is published in the academic calendar. During this final reporting, faculty enter the appropriate final grade for each student. If a student receives a “F,” faculty enter the date the student last attended or participated in class. No date later than the last day of class for the corresponding part-of-term, excluding finals week, should be entered. A final grade of “Q” should ONLY be used for 2<sup>ND</sup> 8 week courses for students who never attended.

### **IN MYSTATE:**

Select “Final Grades”. Enter the appropriate grade for each student. If a student receives an "F", enter the date they last attended your class in the MM/DD/YYYY format. No date later than the last day of class for the corresponding part-of-term, excluding finals week, should be entered. A final grade of Q should ONLY be used for late start part-of-term courses for students who never attended.

\*\*POA4 Final Grades-Enter the appropriate final grade for each student. If a student receives a “F,” enter the date the student last attended or participated in class. No date later than the last day of class for the corresponding part-of-term, excluding finals week, should be entered.

### **Final Examinations**

(Revised August, 2014)

Faculty members may not change the date and time of their final examinations without prior approval of the dean of the college. Faculty members are urged to ensure that the final examination or evaluation plan be consistent with the subject matter, objectives, and scope of the course. The final examination or its alternative should provide an opportunity for the student to demonstrate mastery of the subject matter and standards of the course.

Any policies imposed by faculty members regarding missed examinations, tardiness to an examination, or other unusual circumstances are to specified in the course syllabus.

### **Final Grade Challenges**

(Revised August, 2007)

The University's policy on student grade appeals is published in the University Catalog. All faculty members should be familiar with this policy. Faculty members should be aware that students do have the right to challenge their final grades and that the process includes strict timelines and reporting procedures.

### **Procedure for Changing Grades**

(Revised August, 2002)

Every effort should be taken to secure accurate and complete grade records in reporting to the

Registrar. Under unusual circumstances, an instructor may change a grade after the grade reports have been filed by completing a special grade change form provided by the Registration and Records Office. Department chairs and college deans must approve and sign this form, before forwarding it to the Registration and Records Office.

### **Academic Integrity**

(May 2005)

The faculty policy on academic integrity (including definitions of plagiarism and other forms of academic dishonesty) is included in **Appendix W: Faculty Policy on Academic Integrity**.

### **Academic Advising**

All faculty members are expected to advise students. Advisees will be assigned to faculty members by name. They may either be majors in the faculty member's department, non-matriculating students, or undecided students. If the advisees are of the latter two types, advisors are urged to handle advising evenhandedly and not to recruit students into their major.

Academic advising may be of several types:

***Academic Counseling***-This type of advising generally occurs at periods other than registration or prior to pre-registration because of the time needed to work with each student. During these sessions, advisors should assist students in problem solving and long term planning of their academic programs. When necessary, referral to university support services should be made.

***Aid in Scheduling Classes***-This type of advising focuses on program requirements, appropriateness of class choices, credit hour load, etc. Advisors are expected to review and sign schedule worksheets and student data sheets prior to registration for each semester.

***Withdrawal Counseling***-Throughout the semester, students may wish to withdraw from a single class or from the University totally. Students are expected to notify their advisors when they withdraw in order that they might be aware of program changes being made by their advisees and of any university-based difficulties that the student has encountered.

***Summer Advising***-Special summer advisors are available to work with freshmen and transfer students who will be enrolling in the fall. Advisors meet with students one-on-one or by phone and review program requirements, academic policies and procedures, and general information about the University.

### **Travel**

(Revised August, 2002)

All faculty members who travel on university business must notify department chairs of the intent to be away from campus prior to the date of the expected absence. Prior notification will permit

the University to verify the purpose of travel for insurance or workman's compensation claims or reimbursement requests.

For special purpose travel to attend meetings, workshops, or seminars; to chaperone students, etc., notification should be given on a trip-by-trip basis. For continuing travel such as that required for the supervision of students, blanket notification is sufficient; however, the actual dates of the travel should be supportable by logs or other documentation.

Travel to meetings or other activities scheduled during holidays, on weekends, or during any period when the University is not in session must have prior approval. Otherwise, the University takes no responsibility for the travel and will not verify that it was undertaken for the conduct of university business.

Notification of intent to travel does not mean that faculty will be reimbursed for expenses. Faculty members who travel within the state in the performance of their duties (e.g., supervising student teachers or other field placements, or representing the university at meetings, etc.) may request reimbursement at the approved state rates. Prior approval for travel must be received and appropriate documents and receipts must support the claim for reimbursement.

The Faculty Development Handbook lists several types of funds available for faculty travel. The handbook also includes sample travel request forms, information on reimbursement, deadlines, etc. When travel requires a faculty member to be absent from class, adequate preparation for class coverage must be made. The department chair must approve these plans in advance.

Faculty members who wish to sponsor trips outside the United States should request permission of the Provost and Vice President for Academic Affairs to organize such trips. The written request should include a general outline of the proposed itinerary, approximate dates, mode of travel, cost, and other details. Such trips are normally to be scheduled during vacation time and are not to take faculty or students away from class. Detailed written information regarding the approved foreign travel must be provided for each student to the department chair and dean at least two weeks prior to departure. This must include the final trip itinerary, list of participants, emergency contact phone numbers, room accommodations, and costs. A Foreign Trip clearance form is included in this handbook in **Appendix X: Foreign Trip Clearance Form**.

### **Commencement and Academic Regalia**

(Revised August, 2014)

Commencement occurs in May and December. All faculty members must participate in both commencements unless excused by the Provost and Vice President for Academic Affairs. Faculty members are required to wear the appropriate academic regalia for both commencements. It is the responsibility of each faculty member to secure his or her own academic regalia.

## **Work in Offices after Hours and Weekends**

Faculty members who are in their offices or in any campus facilities outside regular hours of operation are asked to notify public safety at (304) 766-3353 or (304) 766-3181 of arrival and departure times.

## **Parting Obligations**

(Revised May, 2023)

At the conclusion of his/her employment at the University, each faculty member should:

- Secure written clearance of obligation from the library, the audio-visual center, university inventory, information technology, and his/her academic unit;
- Report all grades to the Registrar;
- File all record books, semester exams, and departmental material with the department chair;
- Remove all personal effects from his/her office, filing cabinets, and building;
- Complete a work order with information technology to clean office computer of all personal files and special passwords;
- Return keys to the department chair;
- Leave his/her forwarding mailing address, personal e-mail address, and telephone numbers with the department chair, dean, and Provost and Vice President for Academic Affairs.
- Give any unreturned course assignments to the Department Chair in case of grade appeals submitted the following semester.

**Note:** *University e-mail and MyState accounts will be closed when a faculty member is no longer on the payroll and the deadline for student grade appeals is reached*

## **Section F. Academic Support Services**

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### **Faculty Development**

West Virginia State University actively encourages and promotes the professional development of its faculty members. Several types of grants to faculty members have been established to support faculty development in the areas of research, instruction, international study, curriculum development, and administrative development. Specific policies and procedures regarding faculty development programs are included in the Faculty Development Handbook published yearly by the Academic Affairs Office.

### **Cooperative Education**

(Revised May, 2023)

Cooperative Education is a program through which students may earn elective academic credit and a salary working at a part or full-time job. Students in any major who meet the GPA and credit hour requirements are eligible to participate. The program aims to match a student with an employer in a field related to the student's major and career goals. Many co-op students find permanent employment with the same or a similar employer following graduation. While most co-op placements are local and part-time, some are with national businesses and federal agencies at sites throughout the country and are full-time for the period of a semester or a summer. A student working in a current position may receive elective credit for that position. However, the position has to be certified. In order to earn the academic credit, there must be significant new learning at the job site during the semester. All co-op students are required to complete specific assignments as part of this course. The cooperative education program is designed to enhance economic development by providing students with opportunities for practical experience at a work site and to provide businesses, agencies, and institutions with skilled and professional employees. For more information, please visit the following [website](#).

### **Center for Online Learning**

(Revised May, 2023)

The mission of the Center for Online Learning (COL) at West Virginia State University is to assist faculty members to use those educational technologies that help support their teaching and enhance the learning and retention of their students.

The strategic functions and key operational focus of the COL, derived from its mission, include the following four primary focus areas:

1. Administering and managing the University learning management system, WVSU Online, and providing technical training and support to faculty and students;
2. Providing training and support in effective design and delivery of online courses as well as promoting the best practices in these areas;



3. Promoting and facilitating the implementation of the WVSU Online and Distance Education Policy for online courses at the University and assisting the faculty in conducting self-reviews of online courses; and
4. Reviewing and reporting on developments in educational technology.

### **Administration and Support for West Virginia State University Online**

One of the primary functions of the Center involves the administration of the University's current learning management system (LMS). WVSU Online is managed by the Center's staff and is hosted externally by OpenLMS (eThink) who provides 24/7 server administration and maintenance at its state-of-the-art data center. Technical support for the LMS for faculty and students can be obtained by calling the COL during standard business hours (304-766-3300) or via email ([col@wvstateu.edu](mailto:col@wvstateu.edu)), the preferred method.

### **Instructional Design: Training and Support**

The Center also offers training on course setup and use of West Virginia State University Online both in large group and one-on-one sessions at the Faculty Training Lab in Wallace 222. The Faculty Training Lab is also open for drop-ins at assigned times during the week. Faculty can sign-up for training sessions, when offered, or access links to self-paced tutorials and other resources on the Faculty Resources page of the [COL Website](#).

The Center also formally offers instructional design services to faculty. Working with faculty, the Center can assist with and provide ideas regarding instructional design, material development, quality standards, etc. Instructional design services will focus primarily on asynchronous online courses and will expand as staffing and time allow.

### **Course Quality Initiative**

(Revised May, 2023)

WVSU is committed to quality online education. As such online courses must pass a two-part quality assurance process: (1) a content readiness check prior to being published for student access and (2) an internal quality review for each live offering of the course. Details regarding this process are available in the Online and Distance Education Policy and on the [COL website](#).

### **Evaluation of New Technologies**

Because technology changes rapidly, knowing which software or hardware to use in a course can be overwhelming. To aid faculty and to determine what works and what doesn't, the Center systematically researches instructional technology trends, advances, best practices, and lessons learned as shared by the higher education community. The Center also reviews new software and hardware for their application in the online classroom. This allows the Center to report on what works to faculty and to provide guidance in the areas of instructional design and online teaching.

For more information about the services provided at the Center, please explore the following internet resources:

- [The Center's Website](#)
- [Faculty Resources](#)

## **The University Library**

(Revised May, 2023)

Drain-Jordan Library (<http://library.wvstateu.edu/>) has been at the center of the academic mission of the West Virginia State University since 1951. Its purpose is to provide information literacy and lifelong learning skills, and to continuously support an evolving university mission. The library enables a culture of growth and success by building and supporting pathways to the discovery and creation of new knowledge.

### **Co-Educators for Information Literacy and Learning**

The Library liaisons at Drain-Jordan work together with faculty, students, and staff in research activities in all modalities. Librarians are purposefully situated in the research and information lifecycle to provide print and electronic collections and other resources, as well as knowledge of new and innovative tools and services designed to help our students embrace scholarly work. The Library is committed to partnering with faculty and students to enhance WVSU learning outcomes.

### **Impart Lifelong Learning Skills**

Working collaboratively with the faculty, the Library provides tailored learning experiences that will position our students as future thought leaders prepared for a lifetime of learning. The Drain-Jordan Library offers an information literacy program designed to prepare undergraduate, graduate, and working professionals for academic/career success in all disciplines.

### **Evolving Environments for an Evolving Mission**

The Drain-Jordan Library is focused on incorporating the best of physical and digital environments that are conducive to academic work. Maintaining a focus on inclusive workspaces for individuals and groups, we empower students who are new to scholarly enquiry while we support the work of more experienced learners and faculty, with an eye to demonstrating our commitment to and impact on the university mission.

Faculty members are encouraged to use the Drain-Jordan Library and to foster their students' learning by supplementing classroom activities with reading and research assignments in the library. To optimize the library experience, please contact the reference librarian to insure that pertinent information is in the library and in sufficient amount to satisfy the requirements of the assignment. The most efficient means of doing so is to submit your class syllabus to the library prior to the start of the semester. Librarians can also be helpful in coordinating meaningful assignments.

The library faculty teach students, individually or in groups, to use standard research methodologies and introduce them to the proper use of resources such as catalogs, electronic databases, and internet search engines. They can provide in-depth information on topics such as plagiarism and the use of proper citation formats and schema. See Library Instruction and Information Literacy, below.

### ***Library Instruction and Information Literacy***

Another major service provided by the Library faculty is teaching library orientation classes and research instruction or "information literacy instruction." Studies indicate that students who are library literate are better equipped to handle information in college, in their everyday lives, and in continuing their research in other academic libraries.

Librarians offer a variety of instruction to introduce faculty and students to the Library's resources, including basic demonstrations in using the online catalog, online periodical databases, library resource guides and government resources. Most instruction includes hands-on practice in database searching in the Library Learning Center. Additionally, librarians are available to conduct instruction in your classroom.

### ***Reference Services***

The Reference Department assists students, staff, and faculty with their reference and research needs all hours that the library is open. Limited technical support with library computers and software is also available. Reference assistance is available in person or by calling the Reference Desk at (304) 766-3135. Additionally, the Reference Department provides information via email and Text-A-Librarian services, accessible on the library's website. Email responses are prompt; texting service is completely interactive when a librarian is on duty.

The Reference collection includes current print materials (including some government documents) to support the academic programs of the University. Electronic reference books make portions of it continually accessible. The Reference Room also contains the following special collections: Benin, Paradise Film Institute, and (circulating) Oversized Books. Reference materials circulate to faculty only, for 24 hours.

### ***eLearners and Distance Education Learners Services***

(August, 2014)

Drain-Jordan Library services for our eLearners and Distance Learners and Faculty are designed to meet a wide range of informational, instructional, and user needs, and does provide direct user access to library personnel. The following, although not necessarily exhaustive, are essential service delivery methods:

- a library user instruction program designed to instill independent and effective information

literacy skills while specifically meeting the learner support needs of the distance learning community;

- access to reserve materials in accordance with copyright fair use policies or permissions;
- adequate service hours for optimum user access;
- online instructional and informational services in formats accessible to the greatest number of people, including those with disabilities;
- collaboration with the Information Technology department as a coordinate point of access to having assistance with and instruction “for help with PC hardware and software issues, network outages, report requests or telephone problems.”
- consultation services;
- promotion of library services to the distance learning community, including documented and updated policies, guidelines and forms for Library service procedures and access to information resources;
- prompt delivery to users of items obtained from the library’s collections, or through interlibrary loan agreement via a physical document delivery service or electronic delivery system;
- reciprocal or contractual borrowing, or interlibrary loan services applying the fair use of copyrighted materials;
- reference assistance; and
- reliable, rapid, secure access to online resources.

### ***The Collections***

The Drain-Jordan Library currently owns over 150,000 volumes. Material may be located through the use of the library’s online catalog (linked from the library home page). Electronic texts represented in the catalog may be accessed 24/7. The library provides over 12,000 unique periodical titles available through database and individual subscriptions in both online and tangible formats. For access to these subscriptions and a complete list of availability, please consult the library’s webpage at [library.wvstateu.edu](http://library.wvstateu.edu). Faculty may check out print periodicals for a 24-hour loan period.

The library has also served as a selective depository for Federal Government Documents since 1907. Most of the depository collection is interfiled with the rest of the book/reference collections and is searchable through the library online catalog.

### ***Collection Development***

Faculty contributes to the library’s collection development by suggesting items for purchase. Suggested items are first submitted to their department chairs who then turn in the orders to the library. Collection development encompasses all formats such as books, eBooks, periodicals, DVDs, etc.

### ***Borrowing Privileges***

All faculty have borrowing privileges with your valid faculty ID card. Due dates may vary, but all library materials are due at the end of the semester. Faculty members may check out Reference items and periodicals for 24 hours. If library materials become overdue, borrowing privileges will be blocked until all materials are returned. Faculty are responsible for all items checked out and for all costs involved in processing/replacing lost or damaged materials.

### ***Reserves***

Faculty wishing to place items on reserve should contact the Circulation Department (304) 766-3116. Faculty are asked to submit reserve materials for processing at least two weeks before the items are assigned to students. Forms for placing items on reserve are available online at [library.wvstateu.edu](http://library.wvstateu.edu) under the “About Us” link. Click on “Policies, Guidelines and Forms.” Reserve forms are also available at the Circulation Desk. Please contact the Circulation Department if items are to remain on Reserve beyond the current semester. Otherwise, items placed on reserve must be picked up by the end of the semester. Items not picked up or designated for ongoing reserve will be mailed to the faculty member’s campus address.

### ***Interlibrary Loan***

Books and journal articles not available in the Drain-Jordan Library may be requested from other libraries through the interlibrary loan (ILL) service. Interlibrary loan request forms are available in the library handouts section near the Circulation Desk and online at <http://library.wvstateu.edu/illoan.html>. ILL forms can be submitted online or turned in at the Circulation Desk or the Reference Desk. The Library presently absorbs all reasonable costs for borrowing and copying materials from other libraries. If the cost is too expensive, the patron is contacted by ILL staff before proceeding further. Failure to return items by the lending library’s due date can hinder the library’s access to ILL services and the patron will accrue fines from the lending institution.

### ***Archives***

Located on the ground floor in room 2, the West Virginia State University Archives houses materials concerning African Americans in West Virginia, the history of African American higher education, regional history, and history of the University, its alumni and staff. These materials include monographs, university documents and records, manuscript materials, photographs, sound recordings, videos, and maps. Archives hours are 8:30-4:00 Monday through Friday. After hours appointments may be made by calling (304) 766-3023.

### ***Instructional Materials Center***

The Instructional Materials Center (IMC), located on the second floor of the Drain-Jordan Library, offers a selection of K-12 teaching materials and resources to the University community and the area. The collection includes a variety of textbooks, juvenile literature (including Caldecott,

Newbery and Coretta Scott King Award Winning Books), magazines, posters, photographs, puppets, and teaching kits. Patrons may use the Ellison Die Cut machine to produce perfectly cut shapes and letters for various projects. There are also a comb-binding machine and laminating services available for reports. Lamination orders are usually available in 24 hours. Binding and lamination services are subject to a cost-recovery fee. The IMC is open during regular library hours.

### ***Technology***

The Faculty Center for Excellence in Teaching (FACET) room provides an area for faculty to meet and collaborate on ways to improve teaching methods. The FACET room is located on the ground floor in room 39 of the library and consists of nine internet-ready computers plus an instructor's computer complete with a projection and screen system. To use the FACET room, please call the reference desk at (304) 766-3135 for information.

The library has nearly 100 desktop computers for use by University students and faculty. They are configured with standard Microsoft and OpenOffice software to use with internet, email, and standard productivity applications. In addition, there are two desktop computers configured with software to meet Americans with Disabilities Act needs.

The library has black and white and color printing capability. In addition, there are several scanners located throughout the lobby computer area. To scan, print or email from microform, there are two computers with microform scanners – one is in the lobby area and the other is in the periodicals area. A copier is also available on the first floor of the library. Printing and copying costs are 10¢ per page. To print in color from the library computers is 50¢ per page.

Please visit the library [website](#) for library hours.

### **Educational Technology Center**

(Revised May, 2023)

The Educational Technology Center (ETC), a division of WVSU's College of Arts and Humanities, is located in the Thomas W. Cole, Jr. Complex. The ETC is a telecommunication facility that maintains and supports video production for television, live television production, film production, animation production, and the use of nonlinear editing systems for students in the Communications and Media Studies programs. The ETC also provides technical support for the campus audio and television production courses. The ETC can also assist the faculty of WVSU by serving as a video conversion resource center and studio. Faculty wishing to utilize the services of the Educational Technology Center should call (304) 766-4179.

### **Information Technology Services**

(Revised May, 2023)

The Offices of Information Technology are located on the first floor of Hamblin Hall. This

department is responsible for the security and maintenance of the University Network infrastructure, security and maintenance of all computing platforms on campus including: servers, Windows workstations, Linux workstations, and Apple iMac workstations, several specialized instructional computer labs are located throughout campus including:

- Business and Economics Lab - HH-119
- Chemistry Computer Classroom/lab – H-312
- Communications & Media Studies Digital Video Lab – B-119
- English Lab – A-316
- Education Computer Lab – W-623
- Art Computer Graphics Lab - D-212
- Internet Access Lab – H-106
- Math Lab - W-723
- Media Studies Graduate Digital Video Lab – B-315
- Music Lab – D313

In addition to these specialized labs, general-access computer labs are located in the library, Wallace Hall 222, and the student union. Most of the campus computer labs have an assigned manager who is responsible for the operation of the lab and coordinates repair problems with Information Technology. There are several classrooms which have been outfitted with webcams, workstations, and projectors or televisions, to allow for faculty and staff to better present their topics and curriculum. If you come across any technology in the classrooms or labs that is not working properly, please notify the Dean of the affected area as well as notifying the Offices of Information Technology at (304) 766-3261 or sending an email to [IT-Helpdesk@wvstateu.edu](mailto:IT-Helpdesk@wvstateu.edu). This will help to ensure that technology issues are addressed quickly and appropriately.

### **FAX Services**

(Revised May, 2023)

While many academic and administrative offices have a FAX line, the FAX machine in the Academic Affairs Office is available for faculty wishing to send or receive electronic facsimiles. The FAX number is (304) 766-4127. Additionally, with supervisor approval, The Offices of Information Technology can setup faculty and staff with a FAX to desktop solution which allows individuals to send and receive a FAX directly from and to their computer desktop or laptop. To begin this process please contact the Offices of Information Technology at (304) 766-3261 or send an email to [IT-Helpdesk@wvstateu.edu](mailto:IT-Helpdesk@wvstateu.edu)

## **Section G. University Support Services**

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### **University Advancement**

(Revised August, 2023)

This administrative area of the University is under the supervision of the Vice President for University Advancement. The organization includes:

- Alumni Relations
- Annual Giving
- Major Gifts
- Planned Giving
- Corporation and Foundation Relations
- Advancement Operations

### **University Relations**

(Revised August, 2023)

This administrative area includes the following areas:

- University and Legislative Affairs
- Information Technology
- Institutional Research and Effectiveness
- University Communications
- Public Relations
- University Publications/Marketing and Branding
- Graphic Services
- Photographic Services
- Printing Services
- Videography Services

### **West Virginia State University Land-Grant Programs**

(Revised May, 2023)

Land-grant institutions were established under the provisions of the Morrill Acts (i.e., Land-Grant Acts) of 1862 and 1890. West Virginia State University was designated by the United States Congress and the State of West Virginia as an 1890 Land-Grant Institution under the Second Morrill Act. These schools were created to provide instruction in agriculture, the mechanical arts, English language, and the various branches of mathematical, physical, natural, and economic science: to the black citizens of the state where these students had no access to other institutions of higher education. West Virginia was one of the six original states to establish a new land-grant college under state control and West Virginia State University was the first 1890 land-grant institution to be accredited. The University faithfully met its duties to the citizens of West Virginia as a land-grant college in an outstanding manner. However, on October 23, 1956, the State Board of Education voted to surrender the land-grant status of West Virginia State University.



After more than 40 years of alumni and legislative effort to regain land-grant status, West Virginia State had its full land-grant status restored on August 4, 1999. In the following year on March 17, 2000, President Hazo W. Carter, Jr. established the Department of Land-Grant Programs as the University's lead administrative area responsible for carrying out the University's land-grant mission.

The Department of Land-Grant Programs was initially placed under the auspices of the Planning and Advancement administrative area. In October 2001, the Department of Land-Grant Programs was renamed the Division of Agricultural, Consumer, Environmental, and Outreach Programs (ACEOP). On January 1, 2006 ACEOP further evolved and was renamed the Gus R. Douglass Land-Grant Institute for Agriculture, Consumer, Environmental, and Outreach Programs in honor of Dr. Gus R. Douglass, West Virginia Commissioner of Agriculture, who was an integral supporter of the University's quest to regain its land-grant status.

Currently, the Douglass Institute resides within the Agricultural Research and Extension administrative area and is comprised of three programmatic divisions: The West Virginia State University Agricultural and Environmental Research Station, the West Virginia State University Extension Service, and the Center for the Advancement of Science Technology, Education and Mathematics (CASTEM).

“The mission of the Gus R. Douglass Institute is to aid in the academic, technological, economic, and social advancement of the State of West Virginia by identifying resources and programs pertinent to the progression and dissemination of knowledge and services by way of research, teaching and extension.” The 1890 Land-Grant system, historically, has a primary mission to devote attention to those citizens with greater social and economic disadvantages.

For more information on the University's agricultural research and extension programs call 304-766-4290 or visit <https://wvstateu.edu/research/gus-r-douglass-land-grant-institute.aspx#>

### **The University Health Center**

(Revised May, 2023)

FamilyCare Health Centers is available on the campus of West Virginia State University. FamilyCare offers an array of quality comprehensive services to patients seeking primary care, women's health, and family planning. Most insurance is accepted; including WV Medicaid, Medicare, PEIA, CHIP, and Tricare. Sliding fee scale based on income. FamilyCare is located in the Wilson Student Union, Room 004 (bottom level next to the fitness center/game room) and is open Monday - Friday 9:00 am - 4:00 pm. The center is closed daily from noon - 12:45 pm and the first Wednesday of every month at 1:00 pm. Additional resources may be available.

### **Career Services**

(Revised April, 2023)

The Office of Career Services makes available comprehensive and inclusive career and employment services, including the areas of career counseling, job search assistance and career development.

### ***Career Counseling.***

Career Counseling assists students with academic and career decisions through self-evaluation, career exploration and research, and the development of personal and professional goals. This is achieved through the following services: individual career counseling, career inventories and personality assessments, computerized career guidance systems and an online career library. A career counselor is available for individual appointments and all services are confidential.

### ***Job Search Skills.***

(Revised April, 2023)

Staff assists students seeking employment through referrals, job fairs, and access to hundreds of employers with jobs and internships. To access these opportunities students will need to log in and activate their Handshake account ([www.wvstateu.joinhandshake.com](http://www.wvstateu.joinhandshake.com)). The link can also be found on the office [website](#). A career counselor is available, by appointment, for individual assistance with resume development, interviewing skills and job search strategies. Other online resources are available by clicking [here](#). In addition, instructional publications and handouts are available in 108 Wallace Hall. Students receiving College Work Study funds are placed in work sites both on and off campus through this office. The Federal College Work Study Program is a form of financial aid that provides the opportunity to earn more than minimum wage working on campus or at a community service site. Students interested in this program must first request work-study in the Office of Student Financial Aid and Scholarships.

### ***Career Development.***

The Yellow Jacket College to Career Program will provide students with skills and preparation to succeed in finding their passion and in developing a road map for future career success.

### **Counseling and Wellness Services**

(Revised May, 2023)

Counseling and Wellness Services provides a variety of services and programs intended to assist students as they pursue their academic goals. West Virginia State University students, whether enrolled full- or part-time, are eligible to request services from this unit. Services are provided in a confidential manner and at no charge. Counseling and Wellness Services is located on the first floor of Sullivan Hall, East. Specific services include:

### ***Mental Health Services***

Provides counseling for personal concerns, including anxiety, adjustment to college, depression, stress, misuse or abuse of alcohol or other drugs and other issues. Referrals to area agencies and practitioners are made for those who need more specialized or long-term care. We help students

address and resolve personal issues so that they can make the most of their educational opportunities at West Virginia State University.

Faculty should refer students experiencing social, emotional, or mental health concerns. Referrals can be made via ACHIEVE or e-mail at [counseling@wvstateu.edu](mailto:counseling@wvstateu.edu) or by calling (304) 766-3168. There is no fee for any services for registered students.

### ***Collegiate Recovery Community***

The WVSU Collegiate Recovery Community (CRC) provides support to students who are in recovery from substance use. We are dedicated to providing academic, wellness, and peer support to students who are in recovery or who are considering recovery. Through individual support, education, social engagement, and campus advocacy, we aim to create an inclusive environment and supportive community to help students succeed. The CRC is located at 107 Sullivan Hall, East.

### ***The Food Pantry***

Provides non-perishable food, hygiene products, and school supplies to current WVSU students who are experiencing food insecurity. Students can contact us by email at [foodpantry@wvstateu.edu](mailto:foodpantry@wvstateu.edu), or (304) 766-3168.

### **Disability and Accessibility Resources**

(Revised May, 2023)

The Disability and Accessibility Resources (DAR) administrative unit works to create meaningful inclusion of all individuals by working in a collaborative manner with the campus community to ensure existing and future programs, services and facilities are accessible for those with disabilities. DAR provides resources for students, employees and the visitors to the university.

Individuals with disabilities continually encounter various barriers to access and inclusion including outright intentional exclusion; the discriminatory effects of architectural, transportation, and communication barriers; overprotective rules and policies; failure to make modifications to existing facilities and practices (i.e., accommodations/academic adjustments); exclusionary qualification standards and criteria; segregation; and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities. As outlined in the federal mandates, no qualified individual with a disability can be excluded from participation in or be denied the benefits of the services, program or activities of our institution.

Once an individual has identified themselves to the university as someone with a disability, the institution is obligated to engage the individual in the interactive process to determine their eligibility to be considered for accommodations, aids or other resources as well as for which ones the individual will be approved. In order to be considered for accommodations, the individual must identify themselves to the staff at DAR through the initial steps of the interactive process –

1. complete and submit a request form
2. participate in an access consultation with DAR staff
3. provide documentation
  - primary source - student's report
  - secondary source - observations of the DAR staff
  - tertiary documentation - DAR forms completed by appropriate assessment/treatment professionals

Links for forms and resources are available on the DAR webpage at [wvstateu.edu/ada](http://wvstateu.edu/ada) .

The DAR staff will utilize all the information available to determine if the individual is eligible for accommodations and, if so, what necessary and reasonable accommodations to approve. Not all individuals are eligible nor will what accommodations are available necessarily be a good fit for those who are eligible.

There are two determinations with regards to accommodations – what is necessary and what is reasonable. The documentation of disability and of the need for accommodation is only the first step in the process of receiving accommodation.

In determining the necessity of the requested accommodation, the institution must consider what is necessary to ensure equitable access. The staff of DAR are responsible for finding the nexus between the accommodation under consideration and the disability. That is, what is the disability barrier, disability impact, functional impact, etc., and how does the accommodation mitigate this impact/barrier within this particular circumstance/course/environment. The interactive process and documentation guidance are all designed to help us in our analysis of this first determination.

The question of whether an accommodation should be provided may depend on whether or not the accommodation needed is reasonable. When we use the term "reasonable accommodation" we mean the requested modification does not:

- constitute a fundamental alteration of the program or service,
- is not an undue administrative or financial burden considering the complete resources of the institution and
- does not constitute a direct threat to the health and safety of others.

In all of these situations it is important to understand that our responsibility is to conduct an individualized, interactive process to determine if the request meets the criteria.

## **I.D. Cards**

(Revised May, 2023)

The Office of Student Accounts (OSA) located at 117 Ferrell Hall issues photographic

identification cards to faculty members. These cards can be used for admission WVSU sporting events, WVSU Library, and access to WVSU Buildings and Rooms with future security upgrades. A fee will be charged for any ID Card replacements.

### **Campus Parking**

(Revised May, 2023)

On-campus parking is available in several locations. The University Police Department (UPD) publishes information regarding parking in "Traffic and Parking" located on the WVSU website. All vehicles must be registered with and bear a valid parking placard from the Office of Student Accounts located in 117 Ferrell Hall. (See BOG Policy #38) Arrangements for temporary parking permits for guest speakers, etc., can be made by contacting UPD at (304) 766-3353 or visit the UPD office (Canterbury House) across from Ferrell Hall.

### **Campus Security**

(Revised May, 2023)

The University maintains a cadre of uniformed, certified law enforcement officers and security guards to ensure the safety and security of students, faculty and staff, and campus equipment, facilities, and grounds. The UPD office is located on Barron Drive, in the Canterbury House, across from Ferrell Hall. Officers are on duty or call 24 hours a day and may be reached by calling (304) 766-3353. For emergency assistance contact 911 and follow up with a call to UPD.

### **University Publications**

(Revised August, 2012)

University Publications writes, designs, and produces printed and electronic materials and media for the University.

### **Physical Facilities**

(Revised May, 2023)

Much of the responsibility for the proper appearance and functioning of the University's facilities rests with this unit. Minor renovations and project management, grounds, utilities, building cleanliness, and the oversight of most building projects are within its scope of activities.

Requests for routine maintenance and repairs should be communicated by work order system or the office of Physical Facilities or through the Building Coordinator. Requests for academic building renovation and improvements, relocation of offices and procurement of door keys must be approved by the Vice President of Academic Affairs. These requests can be submitted via a Work Order system or from the Building Coordinator. Physical Facilities also has online Work Order system available. Physical Facilities shall coordinate any conditions creating safety hazards, damage to buildings, electrical, mechanical and structure system along with the daily operation of all of WVSU buildings. Physical Facilities will control all interruption of normal operations. All system interruption must be reported to Physical Facilities by Work Order system or by contact the Physical Facilities office. (304) 766-4077 or (304) 766-3333.

## **Purchasing**

(Revised May, 2023)

University regulations require that purchasing must be done through the Fiscal Affairs Office using proper purchase requisition forms or purchasing cards. In limited circumstances, faculty may submit employee reimbursement requests. These requests must be approved by the employee's supervisor and the Fiscal Affairs office prior to purchase. Special purchase cards with specified transaction limits are available for departments and academic units for expenditures. Contact your department chair or program director for further information.

## **Mail**

(Revised August, 2004)

Campus mail is delivered and picked up from designated university offices twice daily. Located in the Physical Facilities building, the Mail Center is responsible for the transmittal of interdepartmental and U.S. Mail. Special regulations regarding rates, insurance, etc. are available in departmental offices. Since mailings can be expensive, it is suggested that faculty check with the Mail Center for bulk mailing suggestions.

## **Telephone Services**

(Revised March, 2023)

Telephones are assigned to faculty in offices. The physical telephones are not to be moved between offices or buildings for E911 reasons. International calling may require special permission.

## **Duplicating Services**

(Revised May, 2023)

Copy machines are conveniently located throughout the campus. Check with college administrative assistants for instructions.

## **Printing Services**

(Revised May, 2023)

General printing (i.e., binding, color copying, books, brochures, and other services) for the university is done by the Office of Printing Services, located in Jones Hall. Requests for printing are submitted at Printing Services website found at [wvsuprinting.com](http://wvsuprinting.com). Orders must be signed by the unit chair, and assigned an account number for tracking purposes. You will need to have a banner code number to charge when submitting your order and costs for printing will be charged back to each department using the banner code. For personal work, you may setup a personal account and pay with a credit card.

## **University-owned Vehicles**

(Revised May, 2023)

The University owns a limited number of vehicles that may be utilized for travel. Persons who drive them must be employed or officially associated by or with the University, must possess a valid West Virginia Operator's Permit, and must complete the BRIM Driver Safety test. University drivers must also complete the Safety Skills online training. The Campus safety officer is the

contact for the training. Environmental Health and Safety can be reached at 304-766-4060. Information regarding these vehicles may be obtained by calling Physical Facilities at (304) 766-3256 or (304) 766-3181. There are also larger vehicles available that have commercial drivers' license requirements. The policy on Use of University-Owned Vehicles is included in **Appendix Y: Vehicle Utilization Policy**. For further information regarding the BRIM test, contact Fiscal Affairs at (304) 766-3241.

### **Convocations and Cultural Activities**

(Revised August, 2012)

Each year the University sponsors various convocations, seminars, book reviews and events in the visual and performing arts. Faculty members are invited and encouraged to attend. A schedule of events sponsored by the University is published each semester.

### **Sports and Recreational Facilities**

(Revised May, 2023)

The University invites the faculty to use the tennis courts, track, fitness center and other recreational facilities. Inquiries regarding the fitness center, which is located in the Wilson University Union, should be directed to the Student Activities Office at (304) 766-3288. Information requests on all other athletics facilities should be directed to the Department of Athletics at extension (304) 766-3165.

### **Athletics**

(Revised May, 2023)

The University encourages all faculty to attend athletic events. To encourage this all faculty have free admissions to home sporting events. Faculty should treat classes that students miss due to competing and representing the University at one of these events as an excused absence.

### **Housing**

(Revised May, 2023)

Located at the south end of the campus are university-owned homes for rent, upon availability, to University and R&D full-time employees. Persons interested in submitting an application for residency should contact the Office of Business and Finance at [employeehousing@wvstateu.edu](mailto:employeehousing@wvstateu.edu) or via (304) 766-3061 and (304) 590-4486. Note: There is a finite length of time for rental of university-owned homes.

### **Facility Usage**

(Revised June, 2023)

As a service to the community, the University sometimes permits its facilities to be utilized for meetings and other events. Information regarding costs and reservations can be obtained from calling Campus Events Services at (304)766-3111. Under no circumstances are faculty or staff members to make facilities available to organizations or individuals without prior notification and approval. In addition, sponsorship and adequate liability insurance coverage must be provided prior to approval. There are some facilities that can be rented by referencing the Events Scheduler

quick link on the University web pages.

## **University Food Services**

(Revised August, 2004)

Faculty members are invited to use the facilities of the University Food Services. Amenities available include a cafeteria, food court and banquet facilities. Inquiries concerning the hours of operation and available services should be made to the Director of Food Services at (304) 766-3358 or under the “Students – Dining Services” link on the WVSU homepage.

## **Office of Sponsored Programs**

(Revised May, 2023)

The Office of Sponsored Programs (OSP) at West Virginia State University (WVSU) supports all staff, faculty, and administration in the pursuit of externally sponsored endeavors to further our mission of Research, Teaching and Public Service.

### ***How Team OSP Assists Faculty***

Team OSP assists individuals with searching for funding opportunities, coordinates the solicitation and administration of grants, contracts, cooperative agreements and other externally sponsored awards on behalf of WVSU. While each team member has their individual responsibilities, it is common for each staff member to lend a hand in the other areas in order to provide seamless customer service for the WVSU family.

To assist WVSU Teammates that are new to applying for grants or experienced grantees that want to expand their funding, Team OSP can help anyone search for potential grant funding opportunities. PIVOT-RP is a funding opportunity database that the University subscribes to that contains funding opportunities from government and private sources. They can assist anyone with a WVSU email address sign up for an account to build a profile to find collaborators, save grant funding opportunity searches, track grant funding opportunities, and set up funding alerts on thousands of opportunities.

Team OSP also conducts group and individual trainings about Internal OSP guidelines and processes; grant application components; and provide guidance and oversight on applying for grant opportunities and managing grant awards; and serve as liaisons to granting agencies. Behind the scenes it manages organizational grant compliance, facilitates the implementation of new policies and procedures related to the Office of Sponsored Programs; manages the University’s grants database, and assembles internal grant information requests from PIs, departments, divisions, colleges and administration.

### ***Pre-Award Grant Services***

Team OSP does not write grant applications. Instead they help Principal Investigators (PIs) initiate grant proposals; create a checklist utilized during proposal submission; dissect the details of grant



application instructions; talk through grant program goals and objectives that create a narrative and a budget that includes calculations and words that illustrate how the program will utilize each grant dollar requested; advise on mandatory cost-sharing and the requirements of letters of commitment or support; coordinate the internal approval timeline; facilitate the creation of electronic grant application accounts; walk through the submission process with PIs; review draft documents; conduct the final review of grant applications for internal approval; implement internal approval by signing authorities; and execute the submission of letters of intent and grant applications.

It is the PI's responsibility to ensure that all their internal deadlines are met so that submission can occur on time. If internal deadlines are not met, Team OSP cannot guarantee that submission can be completed before the grant application submission deadline.

### ***Post Award Grant Services***

After grant proposals are submitted, the application will go through an evaluation process within the funding agency, which can last several days or months. Post Award services begin upon notice of an Award from sponsoring agencies. The Post Award Phase of a grant continues throughout the life cycle of the award and closeout. Team OSP oversees Time and Effort Reporting; Responsible Conduct of Research Training; assists PIs with IRB Certification Confirmation; the interpretation or negotiation of award terms and conditions; facilitates authorizations that may be required before starting work on a grant project as well as award modifications including no cost-extensions or budget amendments; and coordinates site visits from funding agencies. They process, monitor, and close out sub awards; monitor grant reporting; and documents grant closeout.

OSP falls under the auspices of the Research and Development Corporation.

## **Section H. Institutional Policies Key Control**

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### **Key Control**

(Revised August, 2008)

The Provost and Vice President for Academic Affairs is responsible for requesting from physical facilities all keys in their respective academic areas. A faculty member who needs a key should so advise his/her department chair or program director who will prepare a written request that will be sent to the appropriate college dean for initialing and transmission to the Provost and Vice President for Academic Affairs. When the key has been cut, arrangements will be made through the dean and/or department chair/program coordinator for the faculty member to sign for it.

Under no circumstances should keys be given to students or any persons who are not employees of the University. Upon terminating service to the University, all keys should be returned to the appropriate department or college.

### **Smoking**

(Revised August, 2004)

West Virginia State University is committed to providing, to the extent possible, a smoke-free environment in all campus facilities. Smoking of tobacco or other similar products is prohibited inside all buildings and motor vehicles owned, leased, or otherwise operated by the University.

Examples of areas in which smoking is prohibited includes classrooms, auditoriums, laboratories, libraries, hallways, elevators, lounges, multi-person work areas, waiting rooms, health center, conference center, indoor athletic facilities, the bookstore, residence halls, and university-owned vehicles. Faculty housing is excluded. Non-compliance with the smoking policy should be reported to the employee's immediate supervisor and could result in disciplinary action.

### **Children in Classes**

(Revised August, 2011)

West Virginia State University encourages nontraditional students to seek higher education. Further, the University employs a diverse staff, many of whom have special needs. These students, faculty and staff often have many responsibilities involving home, work, school, and children that at times can affect attendance at the last minute.

In the event that an emergency child supervision situation occurs, the University recommends the following in regard to child visitation in classrooms, office areas, or campus grounds. These procedures are designed to avoid disturbance of the regular activities of students, faculty, and staff and yet to provide for the safety of a child needing supervision:

- The presence of children in the classroom requires prior approval of the instructor. Children are not to attend classes with parents on a regular basis;
- The presence of children in the workplace requires prior permission of the supervisor.

Employees are not to bring children to the workplace on a regular basis;

- Children are not to be left unattended in hallways, public areas, buildings, or University grounds.

Faculty and students should address questions regarding the interpretation of these policies to the Associate Vice President for Academic Affairs and by staff members to the Vice President for Business and Finance.

Finally, it should be noted that while the University is willing to accommodate the reasonable needs of a diverse staff and student body, the primary responsibility for the arrangements permitting regular work and class attendance lies with the individual employee or student.

### **Student Misbehavior**

(Revised May, 2023)

Policies on student misbehavior and disruption in the classroom are included in both the University Catalog and the Student Handbook. Suggested guidelines (revised in 2023) for faculty are reprinted in **Appendix Z: Guidelines for Dealing with Disruptions and/or Misbehavior in the Classroom**. Information on professional liability coverage is included in **Appendix AA: Professional Liability Coverage**.

### **Sexual Harassment**

(Revised August, 2007)

West Virginia State University has the commitment to provide every student and employee with an environment that is not only conducive to working and learning but, is free of any conditions that would negate that commitment. West Virginia State University expressly prohibits:

- A. Any student or employee from subjecting another person to unwanted verbal and/or physical sexual attention;
- B. Any student or employee in a position of authority or able to control or affect another person's job, academic career, grades or emotional well-being from attempting to, or coercing any individual into sexual relations;
- C. Any student or employee in a position of authority, or is able to control or affect another person's job, academic career, grades or emotional well-being from creating or imposing any punitive measures or conditions upon individuals who refuse or report such unwanted verbal and/or physical sexual attention;

Any student or employee of the University who, after a thorough investigation, has been found to have subjected an individual to sexual harassment and/or attempts to prevent the reporting of such incidence shall be subject to severance from his/her relationship with the University.

A copy of WVSU BOG Policy # 14 (Sexual Harassment) is included in **Appendix CC: WVSU**

**BOG Policy # 14 - Sexual Harassment.** A copy of the WVSU complaint procedures for harassment/discrimination is included in **Appendix DD: Complaint Procedures for Harassment/Discrimination** and in other handbooks on campus. Students should seek assistance from the Office of Student Affairs; WVSU employees needing more information should contact Human Resources at (304) 766-3156.

### **Non-Fraternization within the Workplace**

(July, 2015)

Whereas, the University strongly discourages workplace romantic and intimate relationships, we endeavor to maintain a balance towards regulating appropriate professional workplace behavior and faculty, staff, and student's rights of privacy outside the workplace and educational setting.

When workplace relationships have legal implications and/or impacts overall conditions of employment at the University, i.e. favoritism, issues of inequity and fairness, such relationships shall be deemed inappropriate and prohibited. Any and all workplace relationships are subject to the policies and rules and regulations of the State of West Virginia, Higher Education Policy Commission, Board of Governors, and West Virginia State University.

Relationships may be defined as faculty/staff to student, student to faculty/staff, and faculty/staff to faculty/staff.

- When romantic and intimate relationships develop between faculty/staff and student(s), the relationship must be reported to the Provost and Vice President for Academic Affairs (for faculty) or the Director of Human Resources (for staff) immediately to allow the University to take appropriate measures.
- When romantic and intimate relationships develop between faculty and staff, where one staff members has supervisory authority over the other, such relationships must be reported immediately to the Director of Human Resources to allow the University to take appropriate measures.
- Faculty and staff are prohibited from having romantic and intimate relationships with students where direct or indirect authority exists, which could impact the student's education opportunity and outcomes.

Faculty and staff who fail to report workplace relationships, as cited above, are subject to disciplinary action, up to and including termination.

### **Classroom and Laboratory Safety**

(Revised May, 2023)

West Virginia State University is committed to providing a safe work and study environment. Because we are educators, it is important that we practice safety rules and procedures so that our students may learn by example. To that end, it is the responsibility of each member of the

University academic community to ensure the safety of himself, herself, students and others. This is particularly true of department staff and faculty who work with chemicals that might be harmful or with equipment that might cause injury. Faculty and staff are asked to be sure that:

- A. The dangers of working with harmful items are fully explained to students.
- B. Safety precautions are taught. Laboratory courses are also assigned to students in the WVSU Learning Management System.
- C. Emergency procedures are developed, printed and clearly communicated to all who work with dangerous items.
- D. Safety Data Sheets are on file and readily available whenever hazardous materials are used in the classroom, laboratory or studio.
- E. All safety equipment is in place and is in good working condition.
- F. Any person injured in class is taken to the Family Care Health Center, no matter how slight the injury seems to be. Call Family Care Health Center at (304) 766-3323 so that initial treatment, assessment, and a recommendation can be made if the situation allows. Dial 9-911 for an ambulance if the condition of the individual(s) warrants immediate health care.
- G. There must be immediate notification of accidents to University Police, Human Resources and the Safety Compliance/Chemical Hygiene Office. An accident report (see **Appendix V: Accident Report Form**) is filed with the University Police Department, Human Resources and the Safety Compliance Office within 24 hours after the accident has occurred.
- H. Mishaps with equipment or hazardous materials are reported to the Chemical Hygiene Officer, department chair and appropriate dean so that corrective action can be taken.
- I. Injured persons unable to walk to health services are transported by campus police who are available at (304) 766-3353 or contact emergency service at 9-911.
- J. Hazardous materials are to be disposed of properly in accordance with federal and state regulations. Hazardous materials disposal requests are made to the Office of Safety Compliance and Chemical Hygiene for appropriate disposal.

Faculty should familiarize themselves with the existing documents describing precautions necessary to make the workplace a safer environment. Faculty and staff should complete assigned safety trainings in the WVSU Learning Management System.

An important part of the West Virginia State University commitment to a safe workplace is the WVSU Emergency Response Guide/Safety Manual.

### **Emergency Response Plan**

(Revised May, 2023)

There is a comprehensive Emergency Response Plan for the University. The plan may be activated in the event of environmental situations that potentially affect the safety of the campus citizenry. In almost all instances, grouping of persons in designated shelter areas is the safest and proper

response. This point cannot be emphasized enough. There is considerable safety associated with staying inside buildings with windows closed and air circulating systems shut down to protect against outside air. The Emergency Procedure/Safety Manual can be accessed at <https://www.wvstateu.edu/wvsu/media/Academics/Emergency-Procedures-Guide-Oct-16-2012.pdf> For the most extreme cases, the plan does allow for the evacuation of campus occupants to a safer location as a precautionary measure.

When the siren sounds for a continuous three minutes, faculty, staff, and students are to “shelter in place” in designated areas referenced in the WVSU Emergency Response Plan. (One exception: the siren is usually tested at noon on the last Wednesday of every month.)

Unannounced and announced drills are held throughout the year to familiarize faculty, staff, and students with the Emergency Response Plan. Every faculty member should read the Plan (published in a booklet and available from the WVSU Public Safety Department) and thoroughly understand it in order to be ready to react to an emergency. More Emergency Services information can be found on the WVSU [website](#) under the Administration drop-down menu.

Environmental Regulations West Virginia State University is committed to providing a safe study and work environment. To minimize the risk of harm to students, faculty, and staff, the University complies, in full, with all applicable local, state, and federal environmental laws and regulations. The complete policy on Environmental Regulations is included in **Appendix EE: Environmental Regulations Policy**.

### **Institutional Review Board**

(Revised May, 2023)

The West Virginia State University Institutional Review Board (IRB) was reconstituted in 2003 to review all research activities involving human and animal subjects carried out by faculty, staff, and students at WVSU. The purpose of this IRB is to safeguard the rights and welfare of all people who participate in research. WVSU supports responsible experimentation that promises to increase knowledge and understanding and encourages the highest ethical standards among University researchers. Questions regarding IRB can be directed to the Associate Provost or the Office of Sponsored Programs.

### **Nepotism**

(August 2017)

The West Virginia State Ethics Commission defines *nepotism* as “favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.” West Virginia State University (WVSU) policy is that no family member may interpret policy and procedures or make work-related decisions regarding hiring, promotion, salary compensation level, job assignment, performance evaluation, discipline, termination, or any other issue affecting another member of

his or her immediate family. Similarly, no WVSU faculty member may interpret policy and procedures or make any work-related decisions regarding hiring, promotion, salary compensation level, job assignment, performance evaluation, discipline, termination, or any other issue affecting another WVSU employee who is living in the same household.

For more on this, refer to the **West Virginia State Ethics Commission Overview of Nepotism and the WVSU Nepotism Agreement in Appendix GG.**

## **Appendix A: Faculty Senate Constitution and Bylaws**

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**BYLAWS TO THE CONSTITUTION OF THE WEST VIRGINIA  
STATE UNIVERSITY FACULTY**

**ARTICLE I: MEETINGS**

**A. Meetings of the General Faculty:**

1. Regular meetings of the WVSU Faculty shall be held four times a year.
2. Special meetings of the faculty may be called under these conditions:
  - a. Upon the call of the Senate, at which time the Chair of the Senate shall preside.
  - b. Upon the call of the Chair of the Senate within two weeks of receiving a written request signed by 20% of the electorate to take up the matter(s) included in the faculty petition.
3. At both regular and special meetings, the Secretary of the Senate shall keep a systematic record of the proceedings, which shall be distributed to the faculty
4. Quorum: A majority of the total full-time membership of the faculty shall constitute a quorum. Meetings shall be open to the public and the news media.
5. Notwithstanding any provision of these Bylaws, the President may from time to time convene meetings of the Faculty upon his/her call. These meetings called by the President are not deemed regular or special meetings of the West Virginia State University Faculty.
6. At the first General Faculty Meeting of each semester the Senate Chair shall pay tribute to those West Virginia State University faculty who passed away since the beginning of the previous semester.

**B. Meetings of the Senate:**

1. The Senate shall meet regularly once a month during the academic year; it shall keep a systematic record of its proceedings. A digest of these records shall regularly be provided to all faculty members. The complete records shall be made available to all members of the University upon request.
2. Special meetings of the Senate may be called under these conditions:
  - a. They may be called by the Chair of the Senate at the Chair's discretion.

b. They shall be called by the Chair upon written petition of 20% of the Senate membership.

c. They shall be called by the Chair upon written petition of 20% of the electorate.

3. The agenda of each regular meeting shall be distributed to the members of the Senate and to the entire faculty by the Secretary at least three days prior to the meeting.

4. Written notice of each special meeting and its agenda shall be distributed to the members of the Senate by the Secretary at least three days prior to the meeting, unless the Chair or Vice Chair, with the concurrence of a majority of the Executive Committee, decides that the urgency of the occasion will not permit the usual three-day notice; in a meeting called under this provision, notice shall be given as far in advance as possible and action shall require an absolute majority of the membership of the Senate.

5. The meetings of the Senate shall be open to all members of the University community, the public, and the news media.

### **C. Terms Defined:**

The word "college" used herein shall refer to the academically related areas of the university, including: Arts and Humanities, Business and Social Sciences, Natural Sciences and Mathematics, and Professional Studies. The word "Division" used herein shall refer to the academically-related area of the university, namely Librarians and Counselors. The term shall relate to and identify the areas in which general elections will be held.

## **ARTICLE II: ELECTIONS**

### **A. Senate:**

1. The members of the four colleges, and the Librarians and Counselors shall elect members of the Senate and Senate Alternates during the first week of March. The names of the elected members shall be submitted to the Senate and the general faculty. Newly elected Senators and Senate Alternates shall take office at an appropriate time during the regular Senate meeting in May, after which the newly constituted membership of the Senate will elect those of its officers who are to be elected, namely Chair, Vice Chair, Secretary, and Historian.

2. Each elected Senator shall be elected for a three (3) year term except for the first election. The first election shall be divided so as to have at least 1/3 of the Senators elected for one year terms, 1/3 for two-year terms, and 1/3 for three-year terms. The Executive Committee shall determine

the specific terms for the first election. Senate alternates shall be elected for one-year terms. No Senator shall serve more than two (2) consecutive terms or more than seven (7) consecutive years.

3. The Senate alternate shall be the nominee receiving the next highest vote at the college or division elections. In cases where there is only one nominee, an alternate shall be elected.

4. The faculty shall elect, by its April meeting, a representative to the Advisory Council of Faculty and a representative to the Institutional Board of Governors. College deans may not serve as a representative to either body. The representative is eligible for re-election. The term of office is two years.

West Virginia Code Chapter 18B-2A-1.d.2 provides for re-election of the representative to the Board of Governors for up to three additional two-year terms for a maximum of eight consecutive years. West Virginia Code (Chapter 18B-6-2) does not specify any term limit for the representative to the Advisory Council of Faculty.

#### **B. Committees:**

The faculty shall establish such operational committees as are needed to carry out the function and responsibilities of the faculty. All actions of faculty committees shall be subject to review by the Senate. All committee meetings shall be open to the public, with the exception of the Faculty Personnel Committee during the times it meets in executive session.

1. Committee members shall be elected during the fall faculty orientation.

2. The Chair of the Senate shall preside at the meeting at which elections are held.

3. Elections shall be by plurality vote of the faculty members present and voting at the regular meeting of the faculty.

4. Voting shall be by secret ballot.

5. All committee meetings shall be open to the public, with the exception of the Executive Session of the Faculty Personnel Committee, Retention Committee and Promotion and Tenure Committee. Such executive sessions are considered closed because matters relating to individual faculty members are under consideration.

6. Chairs of all committees shall use the following report structure:

- a. name of Chair and members of the committee

- b. times met and attendance of members
- c. actions taken by the committee
- d. recommendations of the committee
- e. unfinished tasks

7. Calendar for standing committee reports.

February:	Program Review, Library, Cultural Activities, Faculty Athletic, EPC, ACF, BOG
March:	Research and Faculty Development, Academic Appeals, EPC, ACF, BOG
April:	Teacher Education, Constitution and Bylaws, Faculty Personnel, EPC, ACF, BOG
May:	Educational Policies, Promotion and Tenure, Retention, ACF, BOG
September:	Faculty Scholarship, General Education, ACF, BOG
October:	Honors, EPC, ACF, BOG
November:	Instructional and Academic Technology, EPC, ACF, BOG

ACF = Advisory Council of Faculty  
 BOG = Board of Governors  
 EPC = Educational Policies Committee

**ARTICLE III: COMMITTEE MEMBERSHIP and ORGANIZATION**

**A. Membership and length of term:**

1. Faculty members, excluding members of the Senate, shall not serve on more than three standing committees except where membership is automatic by virtue of a Faculty member's rank or position. Members of the Senate shall serve on no more than two (2) Faculty Committees, other than the Executive, except that a Senate member may hold membership on a particular committee as designated elsewhere in the Bylaws, e.g., the Cultural Activities and Educational Assemblies Committee.
2. The Faculty Senate shall establish the terms of office for the first election to ensure proper rotation and continuity.
3. The term of office for all members of the faculty elected to standing committees shall begin

upon election. The Vice Chair-of the Senate shall designate a member to call the first meeting to elect a chair. The name of the chair shall be sent to the Vice Chair-of the Faculty Senate by the Monday after Labor Day.

4. Student members of faculty committees shall be appointed to one-year terms, beginning September 1st.

5. The term of service for elected faculty members on the Educational Policies Committee, the Faculty Personnel Committee, the Honors Committee, the Retention Committee, the Promotion and Tenure Committee, the Faculty Scholarship Committee, the Program Review Committee, Faculty Athletic Committee, Instructional and Academic Technology Committee, and the Academic Appeals Committee shall be three (3) years. All other committee members shall be elected for two (2) year terms

6. The term of service for an *ex officio* member of any committee shall expire when that person ceases to hold the office by which he/she automatically serves on a standing committee.

7. No faculty member shall serve more than two consecutive terms on any one standing committee.

#### **ARTICLE IV: PARLIAMENTARY AUTHORITY**

Roberts Rules of Order, current edition, and this Constitution shall be the authority on all questions of Parliamentary law and proceedings. The Parliamentarian shall interpret the rules and Constitution at the request of any member, and the rulings of the Parliamentarian shall be binding unless over-ruled by majority vote of those present and voting.

#### **ARTICLE V: COMMITTEES**

##### **A. FACULTY STANDING COMMITTEES:**

1. The Standing Committees of the West Virginia State University Faculty shall be as follows:

a. **EDUCATIONAL POLICIES COMMITTEE:** It shall be the function of this committee to periodically review the curriculum of the University regarding program and course change requests and to verify that submitted proposals are consistent with the University's academic policies and procedures. The Committee's recommendations shall be submitted to the Faculty Senate for its approval at its next monthly meeting. This committee shall elect four members from its body, for one year terms, to a group that shall be called "the subcommittee." This subcommittee is to recommend approval or disapproval of routine changes in the curriculum and the catalog. All recommendations of the subcommittee shall be presented, discussed, and

voted on by members of the Educational Policies Committee at each monthly meeting. This subcommittee will consist of four (4) members elected for one-year terms. The Educational Policies Committee shall set forth procedures for conducting subcommittee elections. All actions of the subcommittee are subject to review by the Educational Policies Committee.

The Educational Policies Committee shall consist of one (1) faculty member from each College, elected by that College, and one (1) *ex officio* member from the library faculty, six (6) faculty elected at large, and two (2) students to be appointed under procedures specified by the Student Government Association. The Provost/Vice President for Academic Affairs, the University Registrar, and the Chair of the General Education Committee shall serve as non-voting, *ex officio* members of this committee. Elections and appointments to the committee shall be completed before the end of the spring semester. Three-year terms.

The chair of this committee reports to Faculty Senate at the Senate's October, November, February, March, April and May meetings.

**b. PROGRAM REVIEW COMMITTEE:** It shall be the function of this committee to establish program review criteria for the university, to review and evaluate the University's academic programs on a regular basis and to make recommendations regarding these programs to the Provost/Vice President for Academic Affairs, via the Senate. This committee shall implement those reviews mandated by the Institutional Board of Governors.

This committee shall consist of four (4) members elected at large, plus two (2) faculty appointed by the Senate after consultation with the Provost/Vice President for Academic Affairs, plus one student. The Provost/Vice President for Academic Affairs, the and the University Academic Program Coordinator shall serve as non-voting, *ex officio* members of this committee. Elections and appointments to the committee shall be by the end of the spring semester. Three-year terms.

The chair of this committee reports to Faculty Senate at the Senate's February meeting.

**c. FACULTY PERSONNEL COMMITTEE:** It shall be the function of this committee to monitor the faculty evaluation process, oversee the procedural actions of the Retention and the Promotion and Tenure Committees, and periodically review the procedures and instruments for faculty evaluation.

This committee shall consist of five (5) faculty elected at large, excluding Librarians and Counselors, none of whom may serve on the Retention or the Promotion and Tenure Committees, and the Director of the Center for On-Line Learning shall serve as an *ex-officio*, non-voting member. The committee shall set the calendar for the following year before the

end of the spring semester. Three-year terms.

The chair of this committee reports to Faculty Senate at the Senate's April meeting.

d. **RETENTION COMMITTEE:** The Retention Committee makes recommendations on all full-time probationary faculty. The department chairs gather self-reports, any available student evaluations, information from other faculty in the department and their own classroom observation reports and evaluations for each probationary faculty. These documents are then forwarded to the College Deans who add their evaluations and in turn, forward the documents to the Retention Committee. The committee is guided in its recommendations by the WVSU Policy on Retention and the timetable for notification of retention prescribed by HEPC Title 133, Procedural Rule Series 9. The committee may also request more information, observe the faculty members' teaching, and interview the Faculty members in question, as well as others. All tenure-track Faculty reviewed by the committee receive in writing a report of the committee's recommendation. The committee then forwards all documents pertaining to the Faculty, including its recommendation, to the Provost / Vice President for Academic Affairs, who will inform the President. Appeals of retention decisions are heard as mandated in Sections 15 and 16 of HEPC Title 133, Procedural Rule Series 9.

The Retention Committee is composed of nine (9) tenured faculty, two from each college and one at-large member, all elected in the fall Senate committee elections and for staggered three year terms. Department Chairs and college Deans are ineligible for election to the Retention Committee. Three-year terms.

By September 15 of each year, faculty in the third year of a tenure track appointment are notified and asked to assemble for submission materials for the third year Pre-Tenure Review as specified for such submission by the current Faculty Personnel Committee calendar. A Departmental or College Review Committee shall be appointed by the college Dean and will follow the process under the Third Year Pre-Tenure Review under Section C of the West Virginia State University Faculty Handbook. All materials are then submitted to the Retention Committee, which will follow the standard procedure for forwarding documents.

The chair of this committee reports to Faculty Senate at the Senate's May meeting.

e. **PROMOTION and TENURE COMMITTEE:** The Promotion and Tenure Committee makes recommendations on all applications from faculty members for promotion and tenure. The faculty member begins the process by notifying in writing his or her department Chair; a copy of the letter of application is also filed with the Dean of the faculty member's college, the Vice President for Academic Affairs, the Chair of the Faculty Personnel Committee, and the Chair of the Promotion and Tenure Committee. The faculty member provides his or her Chair

with a-portfolio and all evidence of the criteria for promotion and tenure set forth in HEPC Title 133, Procedural Rule Series 9 and WVSU policies. The department Chair reviews these materials, includes an evaluation and classroom observation report, information from other faculty in the department and makes a recommendation. The Chair notifies the faculty member of this recommendation. All documents are forwarded to the college Dean, who includes an evaluation and makes a recommendation. The college Dean notifies the faculty member of this recommendation. All documents are forwarded to the Promotion and Tenure Committee. The committee is guided in its recommendations by HEPC Title 133, Procedural Rule Series 9 and the WVSU criteria set forth in its policies. The committee may also request more information, observe the Faculty member's teaching, interview the candidate and interview other faculty members. The committee notifies the faculty member of its recommendation. The committee then forwards all documents pertaining to the faculty, including its recommendation, to the Vice President for Academic Affairs, who will inform the President. Appeals of promotion and tenure decisions are heard as mandated by HEPC Title 133, Procedural Rule Series 9 Sections 15 and 16.

The Promotion and Tenure Committee is composed of six (6) tenured faculty, one from each academic college and two at-large members, all elected in the fall Senate elections and for staggered three year terms. Department Chairs and college Deans are ineligible for election to the Promotion and Tenure Committee. Members of the committee who are applying for promotion shall step down from the committee during the academic year in which they make their application. The Executive Committee of the Faculty Senate will ask the senior Senator from the member's college to conduct a special election to elect a tenured faculty member to serve as an interim committee member for that year. When the academic year concludes the original members will return to the committee to serve the remainder of their terms of office. The chair of this committee reports to Faculty Senate at the Senate's May meeting.

f. **EXECUTIVE COMMITTEE:** It shall be the function of this committee to consider such matters as fall within the jurisdiction of the Senate. The committee shall serve as an expediting group by referring items to the appropriate group or person for recommendations and/or action and thus shall include a specific deadline for receipt of a report on the subject. It shall provide the Secretary with the agenda to be distributed to the Senate, and instruct the Secretary to request the presence of such non-Senate personnel as may be needed to facilitate the business of the Senate.

The Executive Committee shall consist of the Chair, Vice Chair, Secretary, and Historian of the Senate, the faculty representative to the Advisory Council of Faculty and to the Board of Governors of West Virginia State University, and two (2) additional members-at-large to be elected by the faculty. Members-at-large of the Executive Committee shall be elected for a two-year term with no member-at-large serving more than two (2) consecutive terms,



excluding unexpired terms. At-large members of the Executive Committee attend Faculty Senate meetings in a non-voting capacity. At-large Executive Committee members are eligible to serve on one Standing Committee of the Faculty Senate. Senators may not be elected at large to the Executive Committee. The Senate Chair of the previous academic year shall serve as an *ex officio*, non-voting member of the committee.

**g. RESEARCH and FACULTY DEVELOPMENT COMMITTEE:** It shall be the function of this committee to explore opportunities for research funds; to stimulate educational research plans and proposals from the faculty; to screen research proposals; and to make awards from its annual funds for research. It shall also be its function to encourage faculty growth and development by acquainting faculty with educational opportunities, screening requests for sabbaticals, and recommending faculty for sabbatical leave to the Provost/Vice President for Academic Affairs.

This committee shall consist of four (4) faculty members elected at large, and one (1) non-voting advisory member from GRDI who shall be appointed by the Vice President and Dean and Director of Agricultural Research and Extension and shall serve for one year. The Vice President and Dean and Director of Agricultural Research and Extension shall serve as an *ex officio*, non-voting member. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate's March meeting.

**h. LIBRARY COMMITTEE:** It shall be the function of this committee to assist the Library in making library resources available to the University and shall make recommendations to the Director of Library Services and the Senate on the best possible functioning of the Library.

This committee shall consist of the Director of Library Services as an *ex officio* member, five (5) faculty members, one elected from Librarian and Counseling, one from each College, plus one (1) student, and an appointed, nonvoting advisory member from GRDI who shall be appointed by the Vice President and Dean and Director of Agricultural Research and Extension and shall serve for one year. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate's February meeting.

**i. CULTURAL ACTIVITIES and EDUCATIONAL ASSEMBLIES COMMITTEE:** It shall be the function of this committee to plan, organize and develop programs for the university educational assemblies, and to be responsible for the presentation each year of the Artists Series programs and other programs for the University.

This committee shall consist of four (4) faculty, one elected from each college; six (6) faculty

elected at large; the Program Coordinator of Student Life and Engagement; two (2) student members appointed by the Program Coordinator of Student Life and Engagement; four (4) student members, one appointed by each college Dean; *ex officio* (non-voting) members are the General Education Coordinator, a representative from the Office of the Provost, the Gallery Director, the Theater Facilities Manager, and a representative from the Office of University Advancement. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate's February meeting.

**j. CONSTITUTION, BYLAWS and FACULTY HANDBOOK COMMITTEE:** It shall be the function of this committee to periodically review the Constitution and Bylaws, and the Faculty Handbook, and recommend to the Senate such changes that are, in its judgment, desirable. It shall report to the Senate its recommendations with respect to any proposed amendments to the Constitution, Bylaws, or Handbook submitted in writing, signed by the originators and referred to the committee by the Senate or the Senate Executive Committee.

It shall consist of one (1) representative from each college plus one (1) elected faculty member-at-large. The Chair of the committee shall be an *ex officio* member of the Faculty Senate and may be called upon by the Senate Executive Committee as needed. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate's April meeting.

**k. TEACHER EDUCATION COMMITTEE:** It shall be the function of this committee to examine and evaluate present teaching programs and to provide leadership in planning modifications of present programs and recommending new programs. Recommendations concerning curricula shall be sent to the Educational Policies Committee for approval and forwarded to the Senate.

This committee shall consist of the Chair of the Department of Education, five (5) elected faculty members, one elected from Library and Counseling, one (1) from each college, and two (2) students, one of whom shall be elected by the students in the Department of Education. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate's April meeting.

**l. ACADEMIC APPEALS COMMITTEE:** It shall be the function of this committee to hear grade appeals, to hear cases of academic dishonesty, to hear appeals of academic suspension, to hear appeals of dismissal from a program of the University and to carry out other duties in accordance with the academic appeals procedures as stated in the WVSU Catalog.

This committee shall consist of three (3) faculty members elected at large (one of whom will serve as chair), two (2) alternates (to serve in the event of challenges to regular members), and two (2) students and one alternate (all selected by Student Government). Three-year terms.

The chair of this committee reports to Faculty Senate at the Senate's March meeting.

**m. FACULTY GRIEVANCE COMMITTEE:** It shall be the function of this committee to provide the President with an appropriate hearing committee in institutional-level grievance/conflict cases involving faculty members.

The committee is composed of three members from each of the institution's four academic ranks. One additional member shall be elected from the faculty at large. Neither members of the Faculty Personnel Committee nor members of the Retention Committee or Promotion and Tenure Committees shall serve on this committee. The entire committee of thirteen faculty members shall be elected annually. In the event of a vacancy for any cause, the Faculty Senate shall appoint a replacement to fill the vacancy.

If the President elects to utilize the Grievance Committee in instances where faculty members elect the institutional-level grievance process, the following procedures are recommended: The President shall furnish a list of nine members from the committee to the faculty grievant, who shall then strike four members and return the list to the President within fifteen days. The President shall then notify the selected members of the committee in writing, who will be responsible to elect a chair from among their number, hold a hearing in accordance with proper procedures, and forward their decision to the President and the faculty member within fifteen days.

**n. FACULTY SCHOLARSHIP COMMITTEE:** It shall be the function of this committee to oversee the administration and awarding of scholarships from the Faculty Scholarship Fund, in accordance with the policy adopted by the Faculty Senate.

The committee shall consist of five (5) members elected to three-year terms. The terms shall be set so that two of the members' terms will end each year. The membership shall consist of one (1) faculty member elected by the faculty of each of the colleges of the University. Three-year terms.

The chair of this committee reports to Faculty Senate at the Senate's September meeting.

**o. GENERAL EDUCATION COMMITTEE:** The responsibility of the General Education Committee is to oversee the general education core curriculum, presenting proposals for revising it, and evaluating proposals from other faculty or departments/colleges, with reference

to the common learning objectives and the component learning objectives. Second, the committee will assist the Chair (who is appointed by the Provost/Vice President for Academic Affairs) in administering the program of assessment of student learning in the general education core curriculum. Third, each academic year the committee shall select a “book of the year” to foster interdisciplinary dialogue within the academic intellectual community. Fourth, the committee shall work with the Coordinator of International Studies and relevant faculty to support the interdisciplinary minors in (a) African and African-American Studies, (b) Women’s Studies, and (c) International Studies.

In addition to the standing chair, who shall be the Coordinator of General Education, the Committee’s membership will consist of two representatives elected from each college of the University, and one representative from the division of Librarians/Counselors. Two at-large representatives will be elected at the general faculty meeting in August and a student will be elected by the Student Government Association to serve on the committee. The University Academic Program Coordinator will serve *ex officio* on the committee. Two-year terms.

The chair of this committee reports to Faculty Senate at the Senate’s September meeting.

p. **HONORS PROGRAM COMMITTEE:** The responsibility of the Honors Program Committee is to assist the Honors Program Director in oversight of the Honors Program of the University. Duties include evaluation of courses proposed for the Honors Program, recruitment of qualified students for the program, and coordination with Honors Advisors within the individual Colleges.

In addition to the standing Chair, who shall be the Director of the Honors Program (appointed by the Provost/Vice President for Academic Affairs), the committee’s membership will consist of: one (1) representative from each college of the University, appointed by the Faculty Senate Executive Committee in consultation with the Director. These individuals shall serve as the faculty liaison for the Honors Program to their individual Colleges. These individuals shall serve three-year terms: four (4) at-large members elected by the faculty. This individual shall serve a two-year term: one (1) Honors Program student. *Ex officio*, non-voting members are the Assistant Provost, University Registrar and the Director of Admissions.

The chair of this committee reports to Faculty Senate at the Senate’s October meeting.

q. **INSTRUCTIONAL and ACADEMIC TECHNOLOGY COMMITTEE:** It shall be the function of this committee to oversee the planning, selection and administration of the instructional and academic technology (hardware, software and services) used in both face-to-face and online classroom instruction by the faculty or the academic departments.

The committee shall consist of five (5) members elected to three-year terms as follows: one (1) faculty member from each college elected by the faculty of that college, one (1) faculty member from the Library, and one (1) faculty member elected at large. The Provost, the Vice President for Finance, the Director of Instructional Technology and the Director of the Center for Online Learning shall serve as *ex officio*, non-voting members.

The chair of this committee reports to Faculty Senate at the Senate's November meeting.

**r. FACULTY ATHLETIC COMMITTEE:** The Faculty Athletic Committee is comprised of faculty, staff, and students, and acts in an advisory role to the President of the University and the University Provost in matters pertaining to intercollegiate athletics. The Faculty Athletic Committee will review the following area pertaining to athletics: governance and commitment to rules and compliance; academic integrity; fiscal integrity; commitment to equity; and student-athlete welfare.

The Faculty Athletic Committee will consist of the following membership: one (1) elected faculty member from each College, one (1) elected at-large member of the WVSU Faculty, the NCAA Faculty Athletic Representative (FAR) who shall be the chair of the committee, the NCAA Compliance Officer, a member of the Staff Council, and a student athlete. A member of the coaching staff will be an *ex-officio*, voting member, and a member of the "W" Club will serve as an *ex-officio*, non-voting member. The WVSU Athletic Director will be an *ex-officio*, non-voting member of the committee. Terms are three (3) years. The committee Chair will report to the Senate at the Senate's February meeting.

2. All standing committees of the West Virginia State University Faculty shall elect a chair by their final meeting of the spring semester. If a chair cannot be elected or if no one will accept the position, the Faculty Senate shall appoint a convener from the current members of the committee no later than August 31st.
3. The Senate will appoint a Senator to each of its standing committees who will serve as a nonvoting member of that committee. This Senator will act as a liaison between the committee and the Senate.

## **ARTICLE VI: AMENDMENTS**

A. Any Senate member may propose an amendment to these bylaws by submitting the proposed amendment at a regular meeting of the Senate. Any full-time faculty member may propose an amendment to these Bylaws by submitting the proposed amendment in writing to the Secretary of the Senate.

B. Upon approval of the majority of the Senate present and voting at a regular meeting, the proposed amendment will be sent to the Constitution, Bylaws, and Faculty Handbook Committee, which shall re-word or reorganize, without substantive change, such portions as are necessary to conform to the standard format. The Constitution, Bylaws, and Faculty Handbook Committee shall then send its recommendation on the proposed amendment to the Senate. The proposed amendment will become effective upon approval of the majority of the Senate present and voting at a regular meeting.

#### **ARTICLE VII: WHO SHALL ADDRESS the FACULTY and the SENATE**

The Faculty or Senate may be addressed by administrative officers of the University, by the members of the general electorate, by students and by representatives of the University Staff upon request to the Executive Committee.

#### **ARTICLE VIII: VACANCIES on COMMITTEES and in the SENATE**

A. In the event that faculty vacancies occur on standing committees, the Executive Committee shall either direct the unrepresented college to hold an election for replacement which shall be conducted by the senior senator or shall proceed as follows:

1. The Executive Committee shall call to the attention of the Senate vacancies on standing committees.
2. The Senate shall appoint members to fill those vacancies until the next faculty election at which time they shall be filled by regular means.
3. Procedures for filling vacancies will be facilitated by moving to the individual with the next highest number of votes received during the fall election, who is both eligible and available. When and if the fall election list is exhausted, the Senate Chair will appoint individuals who are both eligible and available in order to fill vacancies.

B. Vacancies in the Senate:

1. If a Senator fails to attend three consecutive regularly scheduled meetings, the Senate may by majority vote, expel the member and declare the seat vacant.
2. The Chair of the Senate shall appoint a member of the electorate. This person should have qualifications, which are similar to those of the previous occupant.

## **ARTICLE IX: POLICY FILE**

A. All permanent policies and regulations adopted by the Senate and approved by the President shall be brought together in a central location. They shall be compiled and included in the Policy File. The first part of the Policy File shall be the Senate Constitution and Bylaws; the remainder shall consist of special adopted codes and other regulations and procedural matters of general interest to the faculty at large.

B. A subcommittee appointed by and responsible to the Constitution and Bylaws Committee shall review such additions and changes as are adopted by the Senate and approved by the President for the Policy File, and shall re-word or reorganize, without substantive change, such portions as are necessary to conform to the standard format of the file.

C. The Policy File, which shall include the Senate Constitution and Bylaws, shall be called the Faculty Handbook and shall be distributed to all members of the faculty and all administrative officers. Revision of this publication shall be made in accordance with changes made in the Policy File and shall be the responsibility of the Constitution and Bylaws Committee.

**Appendix B: Title 133 Procedural Rule – Academic Freedom, Professional Responsibility,  
Promotion, and Tenure**

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**TITLE 133 PROCEDURAL RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**  
**SERIES 9 TITLE: ACADEMIC FREEDOM, PROFESSIONAL**  
**RESPONSIBILITY, PROMOTION, AND TENURE**

Title 133, Procedural Rule WV Higher Education Policies Commission  
Series 9 (Academic Freedom, Professional Responsibility, Promotion and Tenure)  
can be accessed at the following web site: <https://www.wvhepc.org/resources/133-9final.pdf>

It is also copied below. Please note that it may not be formatted properly  
because of difficulties in translating PDF files to MS-Word.

**SECTION 1. GENERAL**

1.1. Scope - This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty. The policy sets forth the major elements which need to be incorporated by institutional Boards of Governors as they formulate institutional policy relating to faculty issues. Each Board of Governors shall develop a policy on faculty matters for its institution as set forth in this Higher Education Policy Commission statement and shall file its policy with the Chancellor.

1.2. Authority — W. Va. Code §18B-1-6, 18B-1B-4, and 18B-7-4

1.3. Filing Date — August 20, 2007

1.4. Effective Date — September 20, 2007

1.5. Modification of Existing Rule: Title 133-9 Procedural Rule of the West Virginia Higher Education Policy Commission

**SECTION 2. ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY.**

2.1. Academic freedom at public institutions of higher education in West Virginia under the jurisdiction of the Higher Education Policy Commission is necessary to enable the institutions to perform their societal obligation as established by the Legislature. The Commission recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the institutions under its jurisdiction. Faculty members and students must always remain free to inquire, study, and evaluate.

2.2. Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom,

there are, commensurate with such freedom, certain responsibilities. All faculty members shall be entitled to full freedom in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Activity for pecuniary return that interferes with one's obligations to the institution should be based upon an understanding, reached before the work is performed, with the authorities of the institution. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside the institution, they shall be free from institutional censorship or discipline.

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

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

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

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

### **SECTION 3 FACULTY: RANKS AND DEFINITIONS.**

3.1. The faculty at any state institution of higher education shall be those appointees of the institution's designee. The faculty are those so designated by the institution and may include, but are not limited to, such professional personnel as librarians, faculty equivalents, academic professionals, and those involved in off-campus academic activities.

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

3.2.1. Tenured: Those faculty members who have attained tenure status as determined by the institution. Normally, tenured appointments are full-time (1.00 FTE or the equivalent, as determined by the institution) for the academic year.

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

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

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

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

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

3.2.5. Term: Those faculty members at universities and other four-year institutions and who have been appointed as instructional faculty for a specified term as defined by the institution. The appointment shall be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty. Such full-time appointments will not exceed ten percent of the total number of full-time faculty at the institution.

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

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

3.3.1. Professor;

3.3.2. Associate Professor;

3.3.3. Assistant Professor; or

3.3.4. Instructor

3.4. Faculty appointed to clinical-track positions at any institution may be appointed to one of the following ranks:

3.4.1. Professor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN);

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

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

3.4.4. Instructor, with the designation of School of Medicine (SM), School of Dentistry (SD), or School of Nursing (SN)

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

3.5.1. Librarian or Professor/Librarian;

3.5.2. Associate Librarian or Associate Professor/Librarian;

3.5.3. Assistant Librarian or Assistant Professor/Librarian; or

3.5.4. Staff Librarian or Instructor/Librarian

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

3.7. Additional ranks are permitted at West Virginia University and West Virginia State College through the use of the title prefix designation "extension;" such additional ranks are excluded from and in addition to those ranks covered by the provisions of the West Virginia Code.

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

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

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

10.5 below do not apply.

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

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

3.11.2. Lecturer or senior lecturer;

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

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

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

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

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

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

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

3.12.6. Appointment or reappointment to a Non-tenure-track full-time faculty position shall

create no right or expectation of continued appointment beyond the one-year period of appointment or reappointment.

3.13. The institution shall make all tenured, tenure-track, clinical-track, librarian-track, term, and Non-tenure-track appointments after consultation with appropriate faculty and other collegiate units.

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

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

#### **SECTION 4. FACULTY: TYPES AND CONDITIONS OF APPOINTMENT.**

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

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

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

4.3.1. The appointee shall render full-time service to the institution to which appointed. Outside activities, except the practice of medicine or dentistry which are restricted below in subsection 4.3.2, shall not be restricted unless such activities or employment interfere with the adequate performance of institutional duties. The institution expects its faculty to give full professional effort to assignments of teaching, research and service. It is, therefore, considered inappropriate to engage in gainful employment outside the institution that is incompatible with the faculty member's contractual commitment to the institution. Moreover, it is considered inappropriate to transact personal business from one's institutional office when it interferes with institutional duties and responsibilities. The institution shall establish a program of periodic review of outside services of appointees to guide faculty members.

4.3.2. Full-time faculty appointments assigned to respective dental or medical schools will render dental and medical patient services only at facilities affiliated with their assigned

institution, or at such other locations or facilities as may be authorized in their annual notice of appointment, or as otherwise approved in writing by the institution.

4.3.2.1. Fees for professional patient related services rendered by fulltime medical and dental faculty appointees shall be billed, collected and expended in accordance with the bylaws of the faculty practice plan for their respective institution, or through such other billing and collection mechanism as may be provided for in the faculty member's annual notice of appointment, or as otherwise approved in writing by the institution.

4.3.2.2. Fees for professional services not directly related to patient services including, but not limited to, royalties, honoraria, legal actions where no patient services have been rendered, or other such similar sources as may be approved in writing by the institution are permitted as individual income to the individual faculty member.

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

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

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

## **SECTION 5. JOINT INSTITUTIONAL APPOINTMENTS.**

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



5.2. The conditions and the details of the faculty member's joint appointment, including the designation of the "home institution," and any other arrangements, shall be specified in the agreement between the faculty member and the institutions sharing the faculty member's services. A joint appointment will be made only with consent of the faculty member. 5.3. Full-time faculty members appointed under joint or contractual appointments shall continue to be considered full-time employees of the "home institution."

## **SECTION 6. EMERITUS STATUS.**

6.1. Emeritus status is an honorary title that may be awarded to a retiring faculty member or administrator for extended meritorious service. Each institution shall establish a policy regarding emeritus status and file the policy with the Policy Commission. There is no salary or emolument attached to the status other than such privileges as the institution may wish to extend.

## **SECTION 7. PROMOTION IN RANK.**

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

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

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

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

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

its faculty.

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

### **SECTION 8. FACULTY RESIGNATIONS.**

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

### **SECTION 9. TENURE.**

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

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

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

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

9.3.2. The employment standing of tenured and tenure-track faculty holding appointment at each of the community and technical colleges at the time of the implementation of this policy shall not be affected.

9.4. Tenure shall not be granted automatically, or solely because of length of service, but shall result from action by the institution, following consultation with appropriate academic units.

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

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

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

#### **SECTION 10. TENURE-TRACK STATUS.**

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

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

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

10.3.1. Institutions may establish policies to accommodate unusual situations, such policies to be approved by the Governing Board and reported to the Policy Commission.

10.4. During the tenure-track period, contracts shall be issued on a year-to-year basis, and appointments may be terminated at the end of the contract year. During said tenure track period,

notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

10.5. For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

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

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

10.6 For those appointed after March 8, 2003, after the decision regarding retention or nonretention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision by letter postmarked and mailed no later than March 1.

10.7 Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

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

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

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

## **SECTION 11. FACULTY EVALUATION.**

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

11.2. Evaluation procedures shall be developed at the institutional level, and a copy sent to the

Policy Commission and filed in the Central Office. Such procedures must be multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors.

## **SECTION 12. DISMISSAL.**

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

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

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

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

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

12.1.5. Substantial and manifest neglect of duty; and

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

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

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

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

12.3. Prior to giving the faculty member a written dismissal notice, the institution shall notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the institutional designee prior to the effective date to refute the charges.

12.4. Faculty who refuse to sign or execute an offered annual contract or notice of appointment or

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

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

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

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

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

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

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

### **SECTION 14. TERMINATION DUE TO FINANCIAL EXIGENCY.**

14.1. Termination of Employment Due to Financial Exigency: A faculty member's appointment may be terminated because of a financial exigency, as defined and determined by the institution's Governing Board. Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the

governing board, and reported to the Policy Commission prior to implementation. Institutions should utilize appropriate program change policies.

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

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

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

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

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

#### **SECTION 15. FACULTY GRIEVANCE PROCEDURE.**

15.1. A faculty member wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code '6C-2.

#### **SECTION 16. INFORMAL PROCEDURES FOR CONFLICT RESOLUTION.**

16.1. Each institution may provide alternative procedures to those set out in West Virginia Code '6C-2 for the resolution of conflicts.

#### **SECTION 17. NOTIFICATION OF TERMS AND CONDITIONS OF FACULTY APPOINTMENTS**

17.1. Institutions have a large measure of flexibility in determining the form and style whereby faculty are notified each year of the terms of their appointment. When an initial appointment is made, however, or when the conditions of the appointment change, it is crucial that the faculty member be fully informed of the terms and conditions of employment. While a formal contract may not be necessary each year, the institution may choose one of several means of notifying faculty about their appointments: a personal letter, a formal contract, or a combination of a letter with a standard contract attached.

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

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

17.2.1. That the appointment (to the specified position) is offered in accordance with the provisions of institutional policy, and (if applicable) of the institution's faculty handbook or other publication.

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

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

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

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

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

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

17.2.8. The beginning and ending dates of the appointment.

17.2.9. For tenure-track appointments, the academic year in which tenure must be awarded (the "critical year").

17.2.10. The total salary for the appointment.

17.2.11. That, consistent with the provisions of this policy, employment is subject to the fulfillment of the duties and responsibilities of the position.

17.2.12. That the specific assignments of the position will be determined by the institution.

17.2.13. That any special conditions which are included in the appointment be made a part of the contract only if they are signed by the faculty member and the designated representative of the institution.

17.2.14. That acceptance of the appointment will be specified by the faculty member's signing,



dating, and returning a copy of the letter or contract to the designated representative of the institution within a reasonable time, which should be specified.

17.3. Renewal letters, or letters that simply inform the faculty member of a change in salary, need not contain all of the information listed above, but it is appropriate to refer to the earlier letter or contract.

**Appendix C: W.Va. Code § 29-6-C Grievance Procedure for State Employees**

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**W. VA. CODE § 29-6-C**

**GRIEVANCE PROCEDURE FOR STATE EMPLOYEES.**

**(Effective June 6, 2008)**

**Chapter 6C. Public Employees.**

**ARTICLE 2. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE PROCEDURE.**

*§6C-2-1. Purpose.*

(a) The purpose of this article is to provide a procedure for the resolution of employment grievances raised by the public employees of the State of West Virginia, except as otherwise excluded in this article.

(b) Resolving grievances in a fair, efficient, cost-effective and consistent manner will maintain good employee morale, enhance employee job performance and better serve the citizens of the State of West Virginia.

(c) Nothing in this article prohibits the informal disposition of grievances by stipulation or settlement agreed to in writing by the parties, nor the exercise of any hearing right provided in chapter eighteen or eighteen-a of this code. Parties to grievances shall at all times act in good faith and make every possible effort to resolve disputes at the lowest level of the grievance procedure.

(d) Effective July 1, 2007, any reference in this code to the education grievance procedure, the state grievance procedure, article twenty-nine, chapter eighteen of this code or article six-a, chapter twenty-nine of this code, or any subsection thereof, shall be considered to refer to the appropriate grievance procedure pursuant to this article.

*§6C-2-2. Definitions.*

For the purpose of this article and article three of this chapter:

(a) "Board" means the West Virginia Public Employees Grievance Board created in article three of this chapter.

(b) "Chief administrator" means, in the appropriate context, the commissioner, chancellor, director, president, secretary or head of any state department, board, commission, agency, state institution of higher education, commission or council, the state superintendent, the county superintendent, the executive director of a regional educational service agency or the director of a multicounty vocational center who is vested with the authority to resolve a grievance. A "chief administrator" includes a designee, with the authority delegated by the chief

administrator, appointed to handle any aspect of the grievance procedure as established by this article.

(c) "Days" means working days exclusive of Saturday, Sunday, official holidays and any day in which the employee's workplace is legally closed under the authority of the chief administrator due to weather or other cause provided for by statute, rule, policy or practice.

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

(e)

(1) "Employee" means any person hired for permanent employment by an employer for a probationary, full- or part-time position.

(2) A substitute education employee is considered an "employee" only on matters related to days worked or when there is a violation, misapplication or misinterpretation of a statute, policy, rule or written agreement relating to the substitute.

(3) "Employee" does not mean a member of the West Virginia State Police employed pursuant to article two, chapter fifteen of this code, but does include civilian employees hired by the superintendent of the State Police. "Employee" does not mean an employee of a Constitutional officer unless he or she is covered under the civil service system, an employee of the Legislature or a patient or inmate employed by a state institution.

(f) "Employee organization" means an employee advocacy organization with employee members that has filed with the board the name, address, chief officer and membership criteria of the organization.

(g) "Employer" means a state agency, department, board, commission, college, university, institution, State Board of Education, Department of Education, county board of education, regional educational service agency or multicounty vocational center, or agent thereof, using the services of an employee as defined in this section.

(h) "Favoritism" means unfair treatment of an employee as demonstrated by preferential, exceptional or advantageous treatment of a similarly situated employee unless the treatment is related to the actual job responsibilities of the employee or is agreed to in writing by the employee.

(i)

(1) "Grievance" means a claim by an employee alleging a violation, a misapplication or a misinterpretation of the statutes, policies, rules or written agreements applicable to the employee including:

(i) Any violation, misapplication or misinterpretation regarding compensation, hours, terms and conditions of employment, employment status or discrimination;

(ii) Any discriminatory or otherwise aggrieved application of unwritten policies or practices of his or her employer;

(iii) Any specifically identified incident of harassment;

(iv) Any specifically identified incident of favoritism; or

(v) Any action, policy or practice constituting a substantial detriment to or interference with the effective job performance of the employee or the health and safety of the employee.

(2) "Grievance" does not mean any pension matter or other issue relating to public employees insurance in accordance with article sixteen, chapter five of this code, retirement or any other matter in which the authority to act is not vested with the employer.

(j) "Grievance proceeding", "proceeding" or the plural means a conference, level one hearing, mediation, private mediation, private arbitration or level three hearing, or any combination, unless the context clearly indicates otherwise.

(k) "Grievant" means an employee or group of similarly situated employees filing a grievance.

(l) "Harassment" means repeated or continual disturbance, irritation or annoyance of an employee that is contrary to the behavior expected by law, policy and profession.

(m) "Party", or the plural, means the grievant, intervenor, employer and the Director of the Division of Personnel or his or her designee, for state government employee grievances. The Division of Personnel shall not be a party to grievances involving higher education employees.

(n) "Representative" means any employee organization, fellow employee, attorney or other person designated by the grievant or intervenor as his or her representative and may not include a supervisor who evaluates the grievant.

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

*§6C-2-3. Grievance procedure generally.*

(a) Time limits. --

(1) An employee shall file a grievance within the time limits specified in this article.

(2) The specified time limits may be extended to a date certain by mutual written agreement and shall be extended whenever a grievant is not working because of accident, sickness, death in the immediate family or other cause for which the grievant has approved leave from employment.

(b) Default. --

(1) The grievant prevails by default if a required response is not made by the employer within the time limits established in this article, unless the employer is prevented from doing so directly as a result of injury, illness or a justified delay not caused by negligence or intent to delay the grievance process.

(2) Within ten days of the default, the grievant may file with the chief administrator a written notice of intent to proceed directly to the next level or to enforce the default. If the chief administrator objects to the default, then the chief administrator may, within five days of the filing of the notice of intent, request a hearing before an administrative law judge for the purpose of stating a defense to the default, as permitted by subdivision (1) of this subsection, or showing that the remedy requested by the prevailing grievant is contrary to law or contrary to proper and available remedies. In making a determination regarding the remedy, the administrative law judge shall determine whether the remedy is proper, available and not contrary to law.

(3) If the administrative law judge finds that the employer has a defense to the default as permitted by subdivision (1) of this subsection or that the remedy is contrary to law or not proper or available at law, the administrative law judge may deny the default or modify the remedy to be granted to comply with the law or otherwise make the grievant whole.

(c) Defenses and limitations. --

(1) Untimeliness. -- Any assertion that the filing of the grievance at level one was untimely shall be made at or before level two.

(2) Back pay. -- When it is a proper remedy, back pay may only be granted for one year prior to the filing of a grievance, unless the grievant shows, by a preponderance of the evidence, that the employer acted in bad faith in concealing the facts giving rise to the claim for back pay, in which case an eighteen-month limitation on back pay applies.

(3) Statutory defense. -- If a party intends to assert the application of any statute, policy, rule or written agreement as a defense at any level, then a copy of the materials shall be forwarded to all parties.

(d) Withdrawal and reinstatement of grievance. -- An employee may withdraw a grievance at any time by filing a written notice of withdrawal with the chief administrator or the administrative law judge. The grievance may not be reinstated by the grievant unless reinstatement is granted by the chief administrator or the administrative law judge. If more than one employee is named as a grievant, the withdrawal of one employee does not prejudice the rights of any other employee named in the grievance.

(e) Consolidation and groups of similarly situated employees. --

(1) Grievances may be consolidated at any level by agreement of all parties or at the discretion of the chief administrator or administrative law judge.

(2) Class actions are not permitted. However, a grievance may be filed by one or more employees on behalf of a group of similarly situated employees. Any similarly situated employee shall complete a grievance form stating his or her intent to join the group of similarly situated employees. Only one employee filing a grievance on behalf of similarly situated employees shall be required to participate in the conference or level one hearing.

(f) Intervention. -- Upon a timely request, any employee may intervene and become a party to a grievance at any level when the employee demonstrates that the disposition of the action may substantially and adversely affect his or her rights or property and that his or her interest is not adequately represented by the existing parties.

(g) Representation and disciplinary action. --

(1) An employee may designate a representative who may be present at any step of the procedure as well as at any meeting that is held with the employee for the purpose of discussing or considering disciplinary action.

(2) An employee may not be compelled to testify against himself or herself in a disciplinary grievance hearing.

(h) Reprisal. -- No reprisal or retaliation of any kind may be taken by an employer against a grievant or any other participant in a grievance proceeding by reason of his or her participation. Reprisal or retaliation constitutes a grievance and any person held responsible is subject to disciplinary action for insubordination.

(i) Improper classification. -- A supervisor or administrator responsible for a willful act of bad faith toward an employee or who intentionally works an employee out of classification may be subject to disciplinary action, including demotion or discharge.

(j) Forms. -- The board shall create the forms for filing grievances, giving notice, taking appeals, making reports and recommendations and all other necessary documents and provide them to chief administrators to make available to any employee upon request.

(k) Discovery. -- The parties are entitled to copies of all material submitted to the chief administrator or the administrative law judge by any party.

(l) Notice. -- Reasonable notice of a proceeding shall be sent at least five days prior to the proceeding to all parties and their representatives and shall include the date, time and place of the proceeding. If an employer causes a proceeding to be postponed without adequate notice to employees who are scheduled to appear during their normal work day, the employees may not suffer any loss in pay for work time lost.

(m) Record. -- Conferences are not required to be recorded, but all documents admitted and the decision, agreement or report become part of the record. All the testimony at a level one and level three hearing shall be recorded by mechanical means and a copy of the recording provided to any party upon request. The board is responsible for paying for and promptly providing a certified transcript of a level three hearing to the court for a mandamus or appellate proceeding.

(n) Grievance decisions and reports. --

(1) Any party may propose findings of fact and conclusions of law within twenty days of an arbitration or a level three hearing.

(2) A decision, agreement or report shall be dated, in writing, setting forth the reasons for the decision or outcome and transmitted to the parties and, in a private arbitration, to the



board, within the time limits prescribed. If the grievance is not resolved, the written decision or report shall include the address and procedure to appeal to the next level.

(o) Scheduling. -- All proceedings shall be scheduled during regular work hours in a convenient location accessible to all parties in accommodation to the parties' normal operations and work schedules. By agreement of the parties, a proceeding may be scheduled at any time or any place. Disagreements shall be decided by the administrative law judge.

(p) Attendance and preparation. --

(1) The grievant, witnesses and an employee representative shall be granted reasonable and necessary time off during working hours to attend grievance proceedings without loss of pay and without charge to annual or compensatory leave credits.

(2) In addition to actual time spent attending grievance proceedings, the grievant and an employee representative shall be granted time off during working hours, not to exceed four hours per grievance, for the preparation of the grievance without loss of pay and without charge to annual or compensatory leave credits. However, the first responsibility of any employee is the work assigned to the employee. An employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee.

(3) The grievant and an employee representative shall have access to the employer's equipment for purposes of preparing grievance documents subject to the reasonable rules of the employer governing the use of the equipment for nonwork purposes.

(4) Disagreements regarding preparation time shall be decided by the administrative law judge.

(q) Grievance files. --

(1) All grievance forms decisions, agreements and reports shall be kept in a file separate from the personnel file of the employee and may not become a part of the personnel file, but shall remain confidential except by mutual written agreement of the parties.

(2) The grievant may file a written request to have the grievant's identity removed from any files kept by the employer one year following the conclusion of the grievance.

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

(s) Procedures and rules. -- The board shall prescribe rules and procedures in compliance with this article, article three of this chapter and the state Administrative Procedures Act under chapter twenty-nine-a of this code for all proceedings relating to the grievance procedure.

*§6C-2-4. Grievance procedural levels.*

(a) Level one: Chief administrator. --

(1) Within fifteen days following the occurrence of the event upon which the grievance is based, or within fifteen days of the date upon which the event became known to the employee, or within fifteen days of the most recent occurrence of a continuing practice giving rise to a grievance, an employee may file a written grievance with the chief administrator stating the nature of the grievance and the relief requested and request either a conference or a hearing. The employee shall also file a copy of the grievance with the board. State government employees shall further file a copy of the grievance with the Director of the Division of Personnel.

(2) Conference. -- The chief administrator shall hold a conference within ten days of receiving the grievance. A conference is a private, informal meeting between the grievant and the chief administrator to discuss the issues raised by the grievance, exchange information and attempt to resolve the grievance. The chief administrator may permit other employees and witnesses to attend and participate in a conference to reach a resolution. The chief administrator shall issue a written decision within fifteen days of the conference.

(3) Level one hearing. -- The chief administrator shall hold a level one hearing within fifteen days of receiving the grievance. A level one hearing is a recorded proceeding conducted in private in which the grievant is entitled to be heard and to present evidence; the formal rules of evidence and procedure do not apply, but the parties are bound by the rules of privilege recognized by law. The parties may present and cross-examine witnesses and produce documents, but the number of witnesses, motions and other procedural matters may be limited by the chief administrator. The chief administrator shall issue a written decision within fifteen days of the level one hearing.

(4) An employee may proceed directly to level three upon the agreement of the parties or when the grievant has been discharged, suspended without pay or demoted or reclassified resulting in a loss of compensation or benefits. Level one and level two proceedings are waived in these matters.

(b) Level two: Alternative dispute resolution. --

(1) Within ten days of receiving an adverse written decision at level one, the grievant shall file a written request for mediation, private mediation or private arbitration.

(2) Mediation. -- The board shall schedule the mediation between the parties within twenty days of the request. Mediation shall be conducted by an administrative law judge pursuant to standard mediation practices and board procedures at no cost to the parties. Parties may be represented and shall have the authority to resolve the dispute. The report of the mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

(3) Private mediation. -- The parties may agree in writing to retain their choice of a private mediator and share the cost. The mediator shall schedule the mediation within twenty days of the written request and shall follow standard mediation practices and any applicable board procedures. Parties may be represented and shall have the authority to resolve the dispute. The report of the mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

(4) Private arbitration. -- The parties may agree, in writing, to retain their choice of a private arbitrator and share the cost. The arbitrator shall schedule the arbitration within twenty days of the written request and shall follow standard arbitration practices and any applicable board procedures. The arbitrator shall render a decision in writing to all parties, setting forth findings of fact and conclusions of law on the issues submitted within thirty days following the arbitration. An arbitration decision is binding and enforceable in this state by a writ of mandamus. The arbitrator shall inform the board, in writing, of the decision within ten days.

(c) Level three hearing. --

(1) Within ten days of receiving a written report stating that level two was unsuccessful, the grievant may file a written appeal with the employer and the board requesting a level three hearing on the grievance. State government employees shall further file a copy of the grievance with the Director of the Division of Personnel.

(2) The administrative law judge shall conduct all proceedings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process.

(3) The administrative law judge shall schedule the level three hearing and any other proceedings or deadlines within a reasonable time in consultation with the parties. The

location of the hearing and whether the hearing is to be made public are at the discretion of the administrative law judge.

(4) The administrative law judge may issue subpoenas for witnesses, limit witnesses, administer oaths and exercise other powers granted by rule or law.

(5) Within thirty days following the hearing or the receipt of the proposed findings of fact and conclusions of law, the administrative law judge shall render a decision in writing to all parties setting forth findings of fact and conclusions of law on the issues submitted.

(6) The administrative law judge may make a determination of bad faith and, in extreme instances, allocate the cost of the hearing to the party found to be acting in bad faith. The allocation of costs shall be based on the relative ability of the party to pay the costs.

*§6C-2-5. Enforcement and appeal.*

(a) The decision of the administrative law judge is final upon the parties and is enforceable in the circuit court of Kanawha County.

(b) A party may appeal the decision of the administrative law judge on the grounds that the decision:

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

(2) Exceeds the administrative law judge's statutory authority;

(3) Is the result of fraud or deceit;

(4) Is clearly wrong in view of the reliable, probative and substantial evidence on the whole record; or

(5) Is arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(c) A party shall file the appeal in the circuit court of Kanawha County within thirty days of receipt of the administrative law judge's decision. The decision of the administrative law judge is not automatically stayed upon the filing of an appeal, but a stay may be granted by the circuit court upon a separate motion for a stay.

(d) The court shall review the entire record that was before the administrative law judge, and the court may hear oral arguments and require written briefs. The court may reverse, vacate or modify the decision of the administrative law judge, or may remand the grievance to the administrative law judge or the chief administrator for further proceedings.

*§6C-2-6. Allocation of expenses and attorney's fees.*

(a) Any expenses incurred relative to the grievance procedure at levels one, two or three shall be borne by the party incurring the expenses.

(b) In the event a grievant or employer appeals an adverse level three decision to the circuit court of Kanawha County, or an adverse circuit court decision to the Supreme Court of Appeals of West Virginia, and the grievant substantially prevails upon the appeal, the grievant may recover from the employer court costs and reasonable attorney's fees for the appeal to be set by the court.

*§6C-2-7. Mandamus proceeding.*

Any employer failing to comply with the provisions of this article may be compelled to do so by a mandamus proceeding and may be liable to a prevailing party for court costs and reasonable attorney's fees to be set by the court.

*§6C-2-8. Employee organizations may not be compelled to disclose certain communications; exceptions.*

(a) Except as otherwise provided in this section, an employee organization or an agent of an employee organization may not be compelled to disclose any communication or information the employee organization or agent received or acquired in confidence from a public employee, while the employee organization or agent was acting in a representative capacity concerning a public employee grievance or an investigation of a potential public employee grievance, regardless of whether the public employee is a member of the employee organization: Provided, That the confidentiality established under this section does not apply to written communications between the employee and the employee organization.

(b)

(1) The confidentiality established under this section applies only to the extent that the communication or information is germane to a grievance or potential grievance of the employee.

(2) The confidentiality established under this subsection continues after termination of:

(A) The employee's employment; or

(B) The representative relationship of the employee organization or its agent with the public employee.

(3) The confidentiality established under this subsection protects the communication or information received or acquired by the employee organization or its agent, but does not protect the employee from being compelled to disclose, to the extent provided by law, the facts underlying the communication or information.

(c) The protection for confidential communications provided by this section only extends to proceedings under the public employees' grievance procedure. Nothing in this section may be construed to extend the confidentiality to circuit court proceedings or other proceedings outside of the public employees' grievance procedure.

(d) An employee organization or its agent shall disclose to the employer as soon as possible a communication or information described in subsection (a) of this section to the extent the employee organization or its agent reasonably believes:

(1) It is necessary to prevent certain death or substantial bodily harm.

(2) It is necessary to prevent the employee from committing a crime, fraud or any act that is reasonably certain to result in substantial injury to the financial interests or property of another or to rectify or mitigate any such action after it has occurred;

(3) The communication or information constitutes an admission that the employee has committed a crime; or

(4) It is necessary to comply with a court order or other law.

(e) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section in order to:

(1) Secure legal advice about the compliance of the employee organization or its agent with a court order or other law;

(2) Establish a claim or defense on behalf of the employee organization or its agent in a controversy between the employee and the employee organization or its agent;

(3) Establish a defense to a criminal charge or civil claim against the employee organization or its agent based on conduct in which the employee was involved; or

(4) Respond to allegations in any proceeding concerning the performance of professional duties by the employee organization or its agent on behalf of the employee.

(f) An employee organization or its agent may disclose a communication or information described in subsection (a) of this section, without regard to whether the disclosure is made within the public employees' grievance procedure, in the following circumstances:

(1) The employee organization has obtained the express written or oral consent of the employee;

(2) The employee has, by other act or conduct, waived the confidentiality of the communication or information; or

(3) The employee is deceased or has been adjudicated incompetent by a court of competent jurisdiction and the employee organization has obtained the written or oral consent of the personal representative of the employee's estate or of the employee's guardian.

(g) If there is a conflict between the application of this section and any federal or state labor law, the provisions of the federal or other state law shall control.

**Note: Grievance forms are available on the state grievance board's website:**

[http://pegboard.state.wv.us/Forms/Grievance\\_Form.pdf](http://pegboard.state.wv.us/Forms/Grievance_Form.pdf)

[http://pegboard.state.wv.us/Forms/Intervention\\_Form.pdf](http://pegboard.state.wv.us/Forms/Intervention_Form.pdf)

[http://pegboard.state.wv.us/Forms/Mediation\\_Agreement\\_Form.pdf](http://pegboard.state.wv.us/Forms/Mediation_Agreement_Form.pdf)

**Appendix D: Guidelines for Search/Hiring Faculty at West Virginia State University**

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## **GUIDELINES FOR SEARCH/HIRING FACULTY AT WEST VIRGINIA STATE UNIVERSITY**

(Revised, May 2023)

The following guidelines have been established to assist departments and programs in hiring faculty members. It is understood that only the President of the University and the Vice President for Academic Affairs/Provost can make offers of employment to faculty through the form of a written contract or a letter of appointment. Search committees (as well as department chairs and deans) recommend candidates for appointment but do not hire faculty.

As soon as a position becomes available or a vacancy is anticipated, the department chair, in consultation with the appropriate dean and the Provost, will determine if a search will be initiated. If a positive decision is made, a search committee should be established from within the department with at least one member from outside the department. The department chair, in consultation with the appropriate college dean, will select the committee, with notification to the Vice President for Academic Affairs/Provost. The department chair is responsible for the day-to-day administration of the search.

Ideally, all searches should begin the fall semester prior to the time that the anticipated vacancy will occur. Every effort should be made to complete the hiring process before the end of the spring semester.

A position announcement should be drafted by the department chair in consultation with the search committee and the college dean and approved by the Vice President for Academic Affairs/Provost. At this time, approximate appointment rank and salary range will be determined by the Vice President for Academic Affairs. The establishment of faculty rank should be directed by the criteria for promotion to various ranks, outlined in this Handbook in Section 8. The position announcement should be published with all deliberate speed in nationally recognized job bulletins such as HigherEdJobs.com. The position can also be advertised in journals of the discipline, locally, or other positions at the department's discretion and provided there is funding in the department/college budget. Additional advertisements should be consistent with the University's policy on affirmative action and equal opportunity employment. Letters announcing the vacancy may be sent to universities known to produce strong candidates, to department chairs at other institutions, and to agencies which screen candidates within the discipline. Whenever possible, prospective candidates are interviewed at regional or national meetings.

After the closing deadline, the search committee should submit a list of three to five names to the department chair, who then may conduct telephone interviews. After consultation with the dean, final candidates (2 – 3) should be brought to campus as budgets allow. Any prospective candidate who is to be considered for a campus interview should have a complete portfolio including written letters of recommendation and transcripts on file with the search committee. The on-campus interview should consist of a presentation(s) by the candidate, interviews with the faculty,

department chair, dean, students (if possible), and with the Vice President for Academic Affairs/Provost.

After the interview process is completed, the search committee and department chair/program director make recommendations for hiring to the appropriate dean. The dean makes a recommendation to the Vice President for Academic Affairs/Provost. The Vice President for Academic Affairs/Provost makes a recommendation to the President or can elect to re-open the search.

All applications should be sent to Human Resources through the [jobs@wvstateu.edu](mailto:jobs@wvstateu.edu) email address and will automatically be notified of the receipt of the of all candidates' application materials. After the search is completed, it is the hiring College Dean's responsibility for notifying candidates who are no longer being considered.

These procedures may have to be modified during the summer months when faculty are not present. Even though faculty may not be employed by the University during the summer, it is the responsibility of chairs to keep faculty informed of the progress of the search and to involve them as much as possible.

**WEST VIRGINIA STATE UNIVERSITY  
OFFICE OF ACADEMIC AFFAIRS  
GUIDELINES FOR FACULTY CANDIDATE INTERVIEWS**

**PUBLIC CONVEYANCE TRAVEL**

The candidate shall purchase his/her own ticket preferably using National Travel Service; the candidate will be reimbursed for the cost of the ticket if they come for the interview. The ticket should be obtained at least 14 days in advance to reduce its cost. The National Travel fee will be reimbursed as will the cost of **one** checked bag. The Dean should check the prevailing cost of tickets and give the candidate a maximum target for reimbursement of the cost of the ticket, based on the prevailing costs obtained. A general rule is to try to limit the cost of travel to under \$750.

If the candidate prefers to drive his/her own vehicle to Institute, WV for the interview, and if the cost of driving is not significantly greater than the cost of using a public conveyance, the mileage will be reimbursed at the prevailing State of WV mileage rate at the time of the travel. If the driving distance exceeds the cost of commercial transportation, then the candidate will only be reimbursed for mileage in the amount of commercial travel.

**REIMBURSEMENT FOR COST OF MEALS FOR THOSE ACCOMPANYING CANDIDATES**

Reimbursement for the cost of meals of faculty who accompany faculty candidates for meals shall be reimbursed at a total maximum for all who attend as follows:

Breakfast \$20

Lunch \$35

Dinner \$30

The cost of the candidate's meal will be paid by the candidate and entered on the travel expense reimbursement form.

**LODGING**

The preferred motels to use are Sleep Inn and Holiday Inn in Cross Lanes. The Department can book the room, obtain a confirmation number for the reservation, and report it to the Director of Purchasing, who will arrange for payment from that office.

**FORMS FOR REPORTING**

By the candidate: State of West Virginia Travel Settlement Form properly completed, signed by the candidate, the Department Chair, the Dean, the Office of Academic Affairs, and the Vice President for Business & Finance.

By faculty accompanying the candidate for meals: A receipt for the cost of the meal(s) must accompany the Employment Reimbursement Request form. The form must include the names of those for whom meals were purchased. The form is signed by the faculty member to be reimbursed, the Department Chair, and the Dean and submitted to the Office of Academic Affairs.

VPAA-AA 7/12

## **Appendix E: Responsibilities of College Deans**

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## **WEST VIRGINIA STATE UNIVERSITY ROLE AND RESPONSIBILITIES OF COLLEGE DEANS**

(Revised May, 2023)

The College Dean is the chief academic officer for his or her college, with programmatic, managerial, and fiscal responsibilities for the departments, programs and personnel within their college. They are managers of college resources, representatives of their college to the rest of the University, and representatives of the University leadership to the faculty, staff and students of their college. Deans also represent their college and the University to external entities. The College Deans are recommended by the Vice President for Academic Affairs and are appointed by the President. They report to the Vice President for Academic Affairs.

The responsibilities of College deans include:

### A. MEETINGS: The College Dean

1. Plans and convenes college meetings on a regular basis (minimum of two meetings per semester – usually the Deans meet prior to meetings that begin each semester to develop consistent agendas);
2. Meets regularly with department chairs within the college and reports activities to the Vice President for Academic Affairs weekly;
3. Meets with the other academic deans on a regular basis. The Deans Council meets biweekly;
4. Prepares written reports on college activities.
5. Attends Board of Governors meetings as necessary.

### B. PERSONNEL: The College Dean:

1. Oversees all college hiring searches and makes recommendations for hiring;
2. Makes recommendations for promotion, tenure, and retention;
3. Makes recommendations for faculty merit and salary adjustments, if funds are available for such adjustments;
4. Assigns course release time for faculty, when appropriate, in conjunction with Academic Affairs;

5. Develops long term staffing recommendations for faculty and support staff;
6. Oversees that department chairpersons and faculty exercise their professional responsibilities;
7. Encourages professional development of staff and faculty;
8. With Department chair, recommends part-time faculty for all departments in the college.

C. EVALUATION: The College Dean:

1. Develops an evaluation schedule for all faculty including non-tenured faculty and those seeking promotion and tenure;
2. Conducts the independent evaluations of faculty when appropriate utilizing the appropriate University evaluation instruments;
3. Monitors with department chairs the performance of administrative details of teaching, i.e., giving final exams as scheduled, keeping office hours, ordering textbooks on schedule, meeting classes on time and for the full length of time, etc.;
4. Conducts evaluations of department chairpersons in the fulfillment of their duties as department chairs and submit written reports to the Vice President for Academic Affairs;

D. CURRICULUM: The College Dean

1. Monitors department curriculum to ensure routine review/planning. This review should include proposing new courses, changing special topics courses to courses in the curriculum, and eliminating courses no longer offered on a regular basis;
2. Approves proposed curriculum changes by signing (or not signing) the EPC form(s);
3. Approves special topic courses offered by departments, along with syllabi, prior to submission to the EPC;
4. Evaluates curricular implications of grant proposals and signs off on grant proposal forms.

E. PROGRAM REVIEW: The College Dean

1. Advises department chairpersons in carrying out program review;
2. Reviews program review document prior to its final submission to Program Review Committee;
3. Monitors implementation of activities developed to strengthen programs;
4. Attends Board of Governors meetings when Program Review documents from the college are being reviewed.

F. SCHEDULING: The College Dean:

1. Receives and reviews departmental schedules and makes adjustments when required;
2. Monitors development of long range departmental scheduling;
3. Monitors class enrollments and makes changes (including cancelling classes with low enrollment) when needed;

E. GENERAL ADMINISTRATION: The College Dean:

1. Provides advice and counsel to the Vice President for Academic Affairs as a member of the Deans Council;
2. Provides creative leadership to the staff, faculty and department chairs in the college;
3. Prepares an annual summary of departmental reports and submits to the Vice President for Academic Affairs before June 30.
4. Works with department chairs to develop quarterly strategies that are consistent with the goals and objectives for the college as stated in the Academic Strategic Plan;
5. Manages college registration activities including overloading classes, adding sections, assigning faculty advisors, conducting new student orientation, etc.;
6. Adjudicates grade challenges in compliance with the University catalog; makes grade



- appeal recommendations to the Vice President for Academic Affairs when necessary;
7. Oversees grant proposal development and implementation;
  8. Receives and approves departmental book orders; submits book orders to the bookstore; oversee the compilation of information for revising the University catalog;
  9. Develops/makes recommendations on academic policies;
  10. Addresses student complaints;
  11. Makes decisions regarding student registration such as grade changes, incompletes, course substitutions, etc.;
  12. Compiles and completes monthly “college achievements” form and sends to VPAA.

H. BUDGET: The College Dean:

1. Receives budget requests from departments by December of each year for the coming fiscal year;
2. Receives Title III and other federal program requests from departments and units within the College;
3. Compiles departmental requests, prepare annual College budget request and submits to the Office of the VPAA for inclusion in the Academic Affairs budget preparation (Please note all budget requests and budgets are subject to final approval of the Office of Business and Finance);
4. Receives periodic budget printouts for distribution to departments;
5. Monitors departmental expenditures to ensure compliance with budgets;
6. Provides input on department budget allocation;
7. Evaluates and recommends faculty travel requests for approval to the Provost and the Office of Business and Finance in accordance with university policies.
8. Evaluates and recommends purchase requests for approval to the Provost and the Office of Business and Finance in accordance with university policies.
9. Reviews and approves purchasing card reconciliation forms for all college faculty and staff with purchasing cards.

I. EARLY ENROLLMENT: The College Dean:

1. Assign Faculty Liaisons for Early Enrollment Instructors
2. Approve/Deny Early Enrollment Instructor Applications
3. Review and approve textbooks for dual credit courses
4. Attend Early Enrollment Events as requested

## **Appendix F: Responsibilities of Department Chairs**

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## **WEST VIRGINIA STATE UNIVERSITY**

### **ROLE AND RESPONSIBILITIES OF DEPARTMENT CHAIRS**

(Revised May, 2023)

According to the Faculty Handbook, department chairs provide leadership, vision, and coherency in relation to department faculty, department programs, and students who major or otherwise take courses in the department. The chair assumes general responsibility for the health, welfare, and morale of the department. The chair is both the administrative officer of the department and the focus of leadership within the department. They evaluate the work of the faculty of their departments (both tenured and non-tenured; full-time, part-time, and temporary) and give written reports regarding retention, promotion and tenure to their deans, the Vice President of Academic Affairs and appropriate standing committees. They prepare an annual report on departmental progress for the year and make recommendations concerning future needs and plans of their departments.

In most cases, departments recommend a department chair to the Vice President for Academic Affairs through a voting process overseen by the Faculty Senate. (This process is outlined in Appendix H of the Faculty Handbook.) The Provost appoints department chairs. Departmental recommendations are made every three years, unless a vacancy occurs during a chairperson's term. While chair's appointments may be renewable, the Provost may, from time to time, appoint new persons to that position.

### **SPECIFIC RESPONSIBILITIES**

#### **A. LEADERSHIP: The Department Chair**

1. Assumes a positive and active role as a citizen and representative of the WVSU academic community;
2. Participates in professional organizations, professional development activities, and public service activities and encourages faculty and staff to do likewise;
3. Encourages the development of grant proposal;
4. Establishes and supports student organizations and honorary societies for the enhancement of the educational programs and the professional and social development of enrolled students;
5. Encourages faculty participation on committees and in university activities;
6. Encourages professional development of faculty and staff;

7. Prepares and submits required reports including the annual department report in a timely manner with appropriate documentation;
8. Holds department meetings regularly and sends minutes and schedules of meetings to the Dean, Academic Vice President and President's office;
9. Attends administrative meetings called by the Dean and Academic Vice President.

**B. BUDGET: The Department Chair**

1. Makes budget needs and fund requests known to college dean;
2. Manages all department-related budgets fairly and prudently, including grant funds, lab fee accounts, supplies, library, etc.;
3. Reviews budgetary implications of grant applications.

**C. PERSONNEL: The Department Chair**

1. In consultation with Dean, develops specifications for position vacancies, including salary, rank and type of appointment;
2. In consultation with the Dean, appoints and oversees departmental search committees;
3. Works with Dean to determine long-term staffing needs of department;
4. Consults with dean and recommends course release time for faculty, when appropriate;
5. Supervises faculty in the exercise of their professional responsibilities and assigns mentors for new faculty;
6. Manages assessment and online programs;
7. Recruits, recommends, mentors, and assigns part-time faculty;
8. Supervises departmental support staff;
9. Manages the recruitment, training and assignments of students serving as lab assistants and in other capacities;

10. Evaluates full-time and part-time faculty in accordance with Faculty Handbook policies and procedures and the FPC Calendar;
11. Evaluates support staff in accordance with Human Resources Office requests;
12. Manages the administration of the student evaluation process by assigning evaluations to be conducted.

**D. CURRICULUM:** The Department Chair

1. Provides leadership to the department in curriculum development;
2. Consults with Dean about proposed curriculum changes;
3. Prepares materials for submission to EPC;
4. Annually reviews the College Catalog to insure accuracy of courses, program requirements and faculty listings and submit updates as necessary;
5. Reviews curriculum implications of grant proposals;
6. Periodically assesses, in consultation with the dean, the need to plan, develop, and implement new degree programs and concentrations;
7. Administers or assigns the review of portfolios for the Regents Bachelor of Arts Degree;
8. Develops and maintains articulation agreements and cooperative arrangements with other educational and community organizations;
9. Administers or assigns internship and/or other departmental field experiences.

**E. PROGRAM REVIEW AND ASSESSMENT:** The Department Chair

1. Regularly collects and reviews data about the department to note where modifications and actions are needed;
2. Confers with the Dean about the status of programs;
3. Administers or assigns curricular and program assessment activities;

4. Writes the self-studies, prepares for the on-campus and visiting groups that conduct evaluation of degree programs, and in general monitors compliance with accreditation standards;
5. Develops activities to strengthen programs where needed;
6. Prepares Program Review document for review by the Dean and submission to WVSU Program Review Committee.

**F. SCHEDULING/REGISTRATION/ADMINISTRATION:** The Department Chair

1. Makes teaching assignments;
2. Develops multiple year schedule of course offerings;
3. Develops class schedules that meet the needs of the university and its students;
4. Coordinates with the Dean departmental orientation and registration activities, including faculty assignments;
5. Develops and submits textbook orders in a timely manner;
6. Handles grade challenges and other student complaints appropriately;
7. Recommends action on routine student registration requests such as grade changes, requests for incompletes, course substitutions, etc.;
8. Plans and manages departmental advising program;
9. Creates (if necessary), maintains, and regularly updates student advising files;
10. Evaluates student progress toward graduation and makes appropriate recommendations to the Dean.

**F. Early Enrollment:** The Department Chair

1. Assign Faculty Liaisons for Early Enrollment Instructors
2. Approve/Deny Early Enrollment Instructor Applications

3. Review and approve textbooks for dual credit courses
4. Review and approve course alignment for dual credit courses
5. Attend Early Enrollment Events as requested



**Appendix G: College Dean's Evaluation of Department Chairs**

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**College Dean's Evaluation of Department Chairs**  
(6/30/06)

Chairperson's Name: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

The West Virginia State University Handbook specifies the responsibilities of Academic Department Chairpersons. The following is an evaluation instrument, which is based upon those responsibilities. Chairs are encouraged to submit documentation which would assist Deans in their evaluation.

1 = poor      2 = fair      3 = adequate      4 = good      5 = outstanding

**A. Leadership**

Assumes a positive and active role as a citizen and representative of WVSU

Participates on committees and in university activities

Participates in professional organizations, professional development activities, and public service activities

Encourages the development of grant proposals

Encourages faculty participation on committees and in university activities

Encourages the professional development of faculty and staff

Establishes/supports student organizations and honorary societies for the enhancement of the educational programs and professional and social development of enrolled students

Prepares and submits required reports in a timely manner and with appropriate documentation

Holds department meetings regularly and sends minutes to the Dean, Academic Vice President and the President's office

Attends administrative meetings called by the Dean and Academic Vice President.

**B. Budget**

Makes budget needs and funds requests known to college dean

Manages all department-related budgets fairly and prudently, including grant funds, lab fee accounts, supplies, library, etc.

Reviews budgetary implications of grant applications

**C. Personnel**

Consults with the Dean to develop specifications for position vacancies, including salary, rank and type of appointment

Consults with the Dean to determine the long-term staffing needs of the department

Consults with the Dean to propose course reductions

Appoints and oversees departmental search committees

Supervises faculty in the exercise of their professional responsibilities

Recruits, recommends, trains and assigns part-time faculty

Supervises departmental support staff

Manages the recruitment, training and assignments of students serving as lab assistants and in other capacities

Evaluates full and part-time faculty in accordance with the WVSU Faculty Handbook and the FPC calendar

Manages the administration of the student evaluation process

**D. Curriculum**

Consults with the Dean about proposed curriculum changes

Consults with the dean to periodically assess the need to plan, develop, and implement new degree programs and concentrations

Provides leadership to the department in curriculum development

Prepares materials for submission to EPC.

Reviews the University catalog annually to insure accuracy of courses, program requirements, and faculty listings, and submits updates as necessary

Reviews curriculum/staffing implications of grant proposals

Administers or assigns the review of portfolios for the Regents Bachelor of Arts Degree

Develops and maintains articulation agreements and cooperative arrangements with other educational and community organizations

Administers or assigns internship and/or other departmental field experiences

#### **E. Program Review and Assessment**

Collects and reviews data about the department regularly to note where modification action is needed

Confers with Dean about the status of programs

Administers or assigns curricular and program assessment activities

Prepares for the on-campus and visiting groups that conduct evaluation of degree programs, writes the self-studies, and in general, maintains accreditation efforts where appropriate

Develops activities to strengthen programs where needed

Administers or assigns longitudinal studies, particularly those relative to retention, and graduate follow-up on employment satisfaction with the relevance of the college's educational programs

Prepares Program Review document for submission to the WVSU Program Review Committee.

**F. Scheduling/Registration/Advising**

Assigns faculty teaching schedules

Develops multiple year schedule of course offerings

Develops class schedules that meet the needs of the university and its students

Manages departmental orientation and registration activities, including faculty assignments

Develops and submits textbook orders in a timely manner

Handles grade appeals and other student complaints appropriately

Plans and manages departmental student advising program

Creates (when necessary), maintains and updates student files.

**Overall Assessment of Chairperson's performance of duties.** Please provide comments and/or Suggestions for Improvement:

**Appendix H: Policy Governing the Selection of Department Chairpersons**

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**WEST VIRGINIA STATE UNIVERSITY**  
**Institute, WV 25112**

**POLICY BULLETIN NO. 3**

**POLICY GOVERNING THE SELECTION OF DEPARTMENT CHAIRPERSONS**

**I. GENERAL**

When there are department composed of three (3) or more full-time members, the members of the department shall meet to recommend a member of the department to serve as chair. This recommendation will be made to the Vice President for Academic Affairs and to the University President. The department may recommend the incumbent for re-appointment, but it is the policy of the University to encourage rotation. This policy should give opportunity for the development of new ideas and new approaches to departmental problems and should permit those who were chairs to devote more time to scholarly pursuits.

**II. ELIGIBILITY REQUIREMENTS**

A. To serve as chair:

- A. One must be a full-time faculty member of the department.
- B. One should provide a reasonable degree of certainty that, if selected, she/he will serve for three (3) years.

B. To participate in the recommendation procedure:

- A. One must be a full-time faculty member of the department, serving in a tenure track position, possessing the rank of instructor or above.
- B. If designated as a person to cast an absentee ballot, that member must meet the requirements as specified in II-B-1 and possess a notarized absentee document from a member who also meets the requirements as specified in II-B-1
- C. Members on leave shall not participate in departmental elections for chair.

**III. TERM OF OFFICE**

- A. The recommended term of office of a newly elected chair will be for three (3) years with the exception of unusual cases such as the merger of departments, a leave of absence,

extended illness, retirement or resignation.

- B. In the event of an absence of more than one (1) semester, the position of department chair will be declared vacant and filled according to Section V.
- C. The absent chair shall be relieved of all chair and authority in the department.

#### **IV. RECOMMENDATION PROCEDURES**

- A. At the end of each fall semester the Executive Committee of the Senate is notified by the Vice President for Academic Affairs of those departments where the chair's appointment is due to end. The Executive Committee will in turn notify each department chair. Terms for chairs typically begin August 15 of the next fall semester.
- B. Incumbent chairs of the departments concerned will arrange to conduct a departmental election meeting by the third week in February, and provide, in writing, at least three (3) weeks notice to departmental members and the Executive Committee. Results of the election shall be sent by the presiding officer to the Vice President for Academic Affairs, the University President and the Executive Committee of the Senate.
- C. It is the responsibility of all eligible faculty members to contact their respective departments and determine whether or not their department is required to meet. (See Section IV-A above.) Each eligible faculty member unable to attend the meeting must ensure that, prior to the above scheduled meeting date, a person be properly appointed to cast an absentee ballot.
- D. The presiding officer for the above meeting will be chosen by the Executive Committee of the Faculty Senate upon request of the department chair. Prior to the scheduled meeting, it is the responsibility of the presiding officer to obtain an accurate roster of eligible faculty members currently assigned to the department. This roster should be provided by the Vice President for Academic Affairs and will be mailed to departmental members to allow for challenges prior to the election meeting.

##### **1. The procedures for the election meeting:**

- a) The presiding officer, using the aforementioned roster, ensures that all attendees are eligible to participate and that a quorum is present. Persons to cast absentee ballots must be identified at this time. If a quorum (attendees and persons to cast absentee ballots) is not achieved, the meeting will be adjourned. In this case, it is the position of



the faculty that the Vice President for Academic Affairs should provide a recommendation to the University President.

- b) The presiding officer then asks for nominations from the floor and develops a slate of candidates.
- c) Once the slate of candidates is completed, the presiding officer asks the participants to make their choice and write the name on a secret ballot. Ballots are issued on the basis of one per participant and one per person designated to cast an absentee ballot.
- d) The presiding officer then collects and counts the ballots. If there is a tie between two or more candidates for the highest number of votes, a run-off selection process will be accomplished using only those candidates.
- e) After the ballots have been counted in the run-off, the presiding officer shall announce the results and adjourn the meeting.\
- f) The final responsibility of the presiding officer is to provide a written report to the Vice President for Academic Affairs, the University President and the Executive Committee of the Senate.

## **V. FILLING VACANCIES**

In the event of an absence of the department chair of more than one semester, the incumbent, if available, or the runner-up in the last election will arrange to hold a departmental meeting no earlier than thirty (30) calendar days and no later than forty-five (45) calendar days after the identification of such an absence. Written notification of the date, time, and place of the meeting must be furnished to all eligible departmental members. The meeting will be conducted in accordance with Section IV with the following additions:

- A. The presiding officer must ensure that all members were indeed informed of the election meeting. She/he will require that each eligible member sign a statement acknowledging notification of the scheduled meeting. These statements must be obtained by the presiding officer no later than one (1) week prior to the scheduled meeting. The presiding officer will then be required to compare the statements with the eligibility list. For those members from whom statements were not received, the presiding officer will again attempt to contact them and confirm their knowledge of the meeting.
- B. When the meeting convenes, the presiding officer must ensure that all eligible members, not present, have accomplished one of the following:

Designated a person to cast an absentee ballot.

Provided a signed statement acknowledging notification of the meeting.

If, however, neither of the above was accomplished by each absent member, those members present will select another meeting date, time and place no earlier than two (2) weeks after the above meeting. The presiding officer will again attempt to notify the absent members. No additional notification will be required for those members present at the first meeting.

- A. At the second meeting, if required, it will be assumed that all efforts have been exhausted to notify each eligible member.
- B. Once a quorum has been established, the next order of business in meetings held to fill vacancies will be to determine the term of office. The department will decide either to:
  1. Recommend a temporary chair to cover the designated vacancy.
  2. Recommend an acting chair to serve out the unexpired term.
  3. Declare a vacancy and provide a recommendation for a new three (3) year term.

After the term of office has been established, the meeting will proceed in accordance with Section IV-E of this Policy Bulletin.

**VI. A COPY OF THIS POLICY BULLETIN SHALL BE FURNISHED TO EACH FACULTY MEMBER EMPLOYED BY WEST VIRGINIA STATE UNIVERSITY.**

Adopted by Faculty Senate of West Virginia State University  
December 10, 1979

**Appendix I – Faculty Annual Self Report & Chair’s Evaluation Form**

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## General Instructions

- Every full-time faculty member (except instructor rank) must submit a self-report every year.
- Procedure: A faculty member completes the form, self-evaluates, and submits it to the chair. The chair evaluates, fills in the scores on the first page, and signs the form. The faculty member reviews the chair's evaluation and signs the form (at this point, the faculty member may add a one-page response sheet) and returns it to the chair who forwards it to the College Dean. The Dean evaluates, signs the form, and shares a copy with the faculty member and the department chair. Before the Dean signs, he or she may solicit information from the department chair and/or the faculty member if needed.
- Deadlines:
  - October 1 – Faculty members submit the self-report to the department chair
  - November 15 – Chairs forward the evaluations to College Deans
  - January 15 – Deans complete evaluations  
(Please note that the evaluations which are part of personnel action (retention, promotion, or tenure), might have to follow a slightly different schedule, as determined by FPC calendar)
- Attachments required
  - A copy of faculty member's Class Observation (by chair or designee) report.
  - A copy of faculty member's student evaluations summary sheet (for the Fall and Spring semesters).
  - Copy of identifying information for activities in Research and Creative Activities (details in the form).

# West Virginia State University

## *Faculty Self-Report and Evaluation form AY \_\_\_ - \_\_\_*

*Important: This form covers activities from August 1 to July 31 of the previous academic year.*

**Faculty:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**College:** \_\_\_\_\_

**Current Rank:** \_\_\_\_\_

**Previous promotion** (start semester, if applicable): **Fall,**

**Tenured** (start semester, if applicable): **Fall,**

Please do not enter the scores. The College Dean will enter the scores after completing the evaluation.

Categories	TEACHING	RESEARCH	SERVICE
<b>SCORE</b>			
<b>RATING</b>			

\_\_\_\_\_  
Chair's signature<sup>1</sup>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Faculty member's signature<sup>2</sup>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dean's signature<sup>3</sup>

\_\_\_\_\_  
Date

**Annual Evaluation Criteria:**

Categories/Rating	MARGINAL	SATISFACTORY	EXCELLENT
<b>TEACHING</b>	13-24	25-31	32-39
<b>RESEARCH</b>	0-9	10-19	20+
<b>SERVICE</b>	0-14	15-24	25+

<sup>1</sup> A copy of the signed form should be given to the faculty member.

<sup>2</sup> The signature indicates that the faculty member has received and reviewed the evaluation. If the faculty member does not agree with the evaluations (either by the chair or by the dean), he/she must add a response sheet.

<sup>3</sup> A copy of the signed form should be given to the faculty member and department chair.

## **PART-I: TEACHING**

**For faculty member:** Self-evaluate and complete the Teaching self-reflection portion at the end of this section.

**For chair/program coordinator:** Please evaluate by selecting an appropriate box for each of the categories.

	<b>Categories for Teaching (and Instructional Practices)</b>	<b>Self eval. score</b>	<b>Chair eval. score</b>
<b>T1</b>	<p><b>Considerate and fair in dealings with all students – from syllabi / course materials.</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor’s criteria for grading and evaluating are unclear.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor’s criteria for grading and evaluating are consistently clear.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) In addition to satisfactory, instructor shares scoring criteria for key assignments in syllabus/ handouts.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<b>T2</b>	<p><b>Considerate and fair in dealings with all students – from observation / student evaluation</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor interacts with students in a way that is usually professional, but may reflect inconsistencies in communication and professional demeanor with students.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor interacts with students in a way that is consistently professional and demonstrates respect.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) In addition to satisfactory, student evaluations/reports document evidence of respect and caring.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<b>T3</b>	<p><b>Well organized – from syllabi / course materials</b></p> <hr/>		

	<p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor’s syllabi do not show evidence of planning and does not include categories suggested in the WVSU Faculty Handbook.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor creates effective syllabi using the categories suggested in the WVSU Faculty Handbook depicting evidence of planning and preparation.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) In addition to satisfactory, the syllabi are exceptionally comprehensive and clearly outlines course expectations.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<p><b>T4</b></p>	<p><b>Communication with students/from Student Evaluations of Faculty</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor does not return student work in a timely manner or provide instructional feedback.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor typically returns student work in a timely manner and communicates understanding of content knowledge.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor consistently returns student work in a timely manner, communicates content knowledge, and provides instructional feedback.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<p><b>T5</b></p>	<p><b>Communication with students/from Classroom Evaluation</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor gives assignments with minimal explanation.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor explains directions and procedures clearly and in sequential order.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) In addition to satisfactory, the instructor communicates directions and procedures verbally and in writing and also considers students’ ability levels.</p>		

	<p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating MUST be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T6</b></p>	<p><b>Continual improvement in teaching – Professional Development</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor rarely or never engages in professional development opportunities.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor participates in professional development activities sometimes.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor participates in professional development activities regularly.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating MUST be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T7</b></p>	<p><b>Continual improvement in teaching – Reflection from Self Report</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor rarely or never reflects on results from existing classroom strategies.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor reflects on results from existing classroom strategies regularly.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor reflects on results from existing classroom strategies and makes relevant adjustments (including adopting new strategies) for an improvement in teaching regularly.</p> <p><b>Faculty member:</b> Please self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating MUST be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		



<p><b>T8</b></p>	<p><b>Welcomes and profits from constructive feedback</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor resists constructive feedback on instructional performance.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor welcomes feedback from both colleagues and supervisors.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor seeks and applies feedback from both colleagues and supervisors through professional collaboration.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification)</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T9</b></p>	<p><b>Recognition of Teaching Excellence</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (1 pt.) Excellence is recognized at the university level.</p> <p><input type="checkbox"/> (2 pts.) Excellence is recognized at the state or regional level.</p> <p><input type="checkbox"/> (3 pts.) In addition to satisfactory, excellence is nationally recognized.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice, if you would like, but an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T10</b></p>	<p><b>Establishes a culture for learning/through classroom observation</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor does not consistently provide students with the opportunity to ask questions and rarely tolerates diversity of opinion.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor provides students with the option of asking questions and sharing their opinions and at times accepts diversity of opinion.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor encourages questions from students and welcomes diversity of opinion.</p>		

	<p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T11</b></p>	<p><b>Concerned with the ability of students to apply knowledge, theory, and skills</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor rarely designs tasks and/or projects aimed to improving students' abilities to apply knowledge, theory, or skills learned in class.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor sometimes designs tasks and/or projects aimed to improving students' abilities to apply knowledge, theory, or skills learned in class.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor always designs tasks and/or projects aimed to improving students' abilities to apply knowledge, theory, or skills learned in class.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>T12</b></p>	<p><b>Involves students in the professional activities of the discipline</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor rarely offers students the opportunity to participate in professional activities and/or research projects beyond what is required in the curriculum.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor sometimes offers students the opportunity to participate in professional activities and/or research projects beyond what is required in the curriculum.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor routinely involves students in professional activities and/or research projects beyond what is required in the curriculum.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		

<b>T13</b>	<p><b>Communication with Students</b></p> <hr/> <p>Rate the faculty member by checking the most appropriate of the following boxes.</p> <p><input type="checkbox"/> (Marginal: 1 pt.) The instructor informs students of office hours but rarely maintains them; infrequently uses the faculty referral system.</p> <p><input type="checkbox"/> (Satisfactory: 2 pts.) The instructor informs students of office hours and is consistently available for students within those hours and occasionally utilizes the faculty referral system.</p> <p><input type="checkbox"/> (Excellent: 3 pts.) The instructor informs students of office hours and encourages their use and is flexible about making appointments with students outside of office hours; consistently utilizes the faculty referral system.</p> <p><b>Faculty member:</b> Self-evaluate and provide a rationale (100 words max.) for your choice of one or two, if you would like, but please note that an <b>Excellent</b> rating <b>MUST</b> be accompanied by justification.</p> <hr/> <p><b>Chair/Evaluator:</b></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
	<b>Total Points</b>		

**Teaching self-reflection: (one page maximum)**

<b>Identify Strengths in Teaching</b>
<b>Identify areas of Improvement in Teaching</b>

## PART-II: RESEARCH (*Scholarly and Creative Work*)

**For faculty member:** Please provide a list of activities (**and attach the requested materials**) for each of the Research Categories, self-evaluate, and complete the Research self-reflection portion at the end of this section. The activities in this part (R1 – R10) must be in faculty member’s discipline (or profession).

**For Chair/Evaluator:** Please verify the provided information and evaluate.

	<b>Categories for Research (Scholarly and Creative Work)</b>	<b>Self eval. score</b>	<b>Self eval. score</b>
<b><u>R1</u></b>	<p><b>Publication/creative work (original research) in a refereed (peer-reviewed) journal</b></p> <p><input type="checkbox"/> (10 pts.) The faculty member has a publication in a refereed (peer-reviewed) journal.  <input type="checkbox"/> (18 pts.) The faculty member has two publications in refereed (peer-reviewed) journals.  <input type="checkbox"/> (25 pts.) The faculty member has more than two publications in refereed (peer-reviewed) journals.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>The title page(s) of your journal publication(s). (Generally, the title page is the first page of the journal print and contains the title, the names of the author(s), and journal information in footnote)</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<b><u>R2</u></b>	<p><b>Other publication/creative work in a refereed (peer-reviewed) journal</b> (letters, comments, article or book review etc.)</p> <p><input type="checkbox"/> (4 pts.) The faculty member has a publication in a refereed (peer-reviewed) journal.  <input type="checkbox"/> (7 pts.) The faculty member has two publications in refereed (peer-reviewed) journals.  <input type="checkbox"/> (10 pts.) The faculty member has more than two publications in refereed (peer-reviewed) journals.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>A copy of your published work.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member’s evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member’s evaluation. See my justification below.</p>		
<b><u>R3</u></b>	<p><b>Non-refereed (scholarly) publication/creative work</b> (in non-refereed journals, magazines, newspapers etc.)</p>		

	<p> <input type="checkbox"/> (2 pts.) The faculty member has a publication in a non-refereed journal or similar.  <input type="checkbox"/> (4 pts.) The faculty member has two publications in non-refereed journals or similar.  <input type="checkbox"/> (6 pts.) The faculty member has more than two publications in in non-refereed journals or similar. </p> <p> <b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>A copy of your published work.</i> </p> <hr/> <p> <b>Chair/Evaluator:</b> <i>Please verify the provided information.</i>  <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		
<p><b>R4</b></p>	<p> <b>Book (Author or co-author of a published book related to the academic field)</b> </p> <p> <input type="checkbox"/> (5 pts.) The faculty member has authored or coauthored a chapter of a published book.  <input type="checkbox"/> (10 pts.) The faculty member has authored or coauthored multiple chapters of a published book.  <input type="checkbox"/> (20 pts.) The faculty member has authored or coauthored a complete published book. </p> <p> <b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>A copy of the front matter (pages containing title, author's name, copyright information, preface etc.) and table of contents of the printed book. If authoring some chapter(s), please include a copy of the first page of the chapter.</i> </p> <hr/> <p> <b>Chair/Evaluator:</b> <i>Please verify the provided information.</i>  <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		
<p><b>R5</b></p>	<p> <b>PI or Co-PI on a funded grant (external, national level; each calculated per annum<sup>4</sup>)</b> </p> <p> <input type="checkbox"/> (4 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling less than \$10,000 per annum.  <input type="checkbox"/> (8 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling from \$10,000 to \$50,000 per annum.  <input type="checkbox"/> (10 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling more than \$50,000 per annum. </p> <p> <b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>The award letter(s) from the awarding agency containing all the identifying information (amount, period of performance etc.)</i> </p> <hr/> <p> <b>Chair/Evaluator:</b> <i>Please verify the provided information.</i>  <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		

<sup>4</sup> Divide the total award amount by the period of performance (rounded to the nearest year). Use 1 year for all the awards with less than one year period of performance.

<b><u>R6</u></b>	<p><b>PI or Co-PI on a funded grant (external, state/regional level; each calculated per annum<sup>4</sup>)</b></p> <p><input type="checkbox"/> (4 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling less than \$10,000 per annum.</p> <p><input type="checkbox"/> (6 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling from \$10,000 to \$50,000 per annum.</p> <p><input type="checkbox"/> (8 pts.) The faculty member is PI or Co-PI on a funded grant(s) totaling more than \$50,000 per annum.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i></p> <p><b><u>Required attachment:</u></b> <i>The award letter(s) from the awarding agency containing all the identifying information (amount, period of performance etc.)</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b><u>R7</u></b>	<p><b>PI or Co-PI on a funded grant or award (internal; each calculated per annum<sup>4</sup>)</b></p> <p><input type="checkbox"/> (2 pts.) The faculty member is PI or Co-PI on an award(s) totaling less than \$3,000 per annum.</p> <p><input type="checkbox"/> (3 pts.) The faculty member is PI or Co-PI on an award(s) totaling from \$3,000 to \$6,000 per annum.</p> <p><input type="checkbox"/> (4 pts.) The faculty member is PI or Co-PI on an award(s) totaling more than \$6,000 per annum.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i></p> <p><b><u>Required attachment:</u></b> <i>Copy of the award letter containing all the identifying information (amount, period of performance etc.)</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p> <p><input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b><u>R8</u></b>	<p><b>PI or Co-PI on a Grant not funded</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member is PI or Co-PI on an unfunded internal grant.</p> <p><input type="checkbox"/> (2 pts.) The faculty member is PI or Co-PI on an unfunded external grant.</p> <p><input type="checkbox"/> (3 pts.) The faculty member is PI or Co-PI on multiple unfunded external grant(s).</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i></p> <p><b><u>Required attachment:</u></b> <i>A copy of the rejection letter(s) from the appropriate body(ies).</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p>		

	<input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>R9</b>	<p><b>Published proceedings and/or presentation of scholarship in an academic conference</b> (Studies in the area of music, art, or theatre may include performances such as concerts, art exhibits, plays, etc.)</p> <p><input type="checkbox"/> (3 pts.) The faculty member has presented at an academic conference and/or has published in a conference proceedings (only regional or local).  <input type="checkbox"/> (5 pts.) The faculty member has presented at an academic conference and/or has published in a conference proceedings (national or international).  <input type="checkbox"/> (8 pts.) The faculty member has presented at academic conferences and/or has published in a conference proceedings multiple times (national or international).</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>A copy of the conference program including the presentation schedule and abstract.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>R10</b>	<p><b>Scholarly/creative work submitted but not accepted for publication.</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member submitted a scholarly article or creative work to a state or regional publication.  <input type="checkbox"/> (2 pts.) The faculty member submitted a scholarly article to a national or international publication.  <input type="checkbox"/> (3 pts.) The faculty member submitted multiple scholarly articles or creative works to publications.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>A copy of the rejection letter(s) from the appropriate body(ies).</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>R11</b>	<p><b>Journal (peer-reviewed) Service (as a referee or Editorial Board)</b></p> <p><input type="checkbox"/> (3 pts.) The faculty member has refereed a paper for a peer-reviewed journal.  <input type="checkbox"/> (5 pts.) The faculty member has refereed multiple papers for peer-reviewed journal(s).  <input type="checkbox"/> (8 pts.) The faculty member has served on the editorial board of a peer-reviewed journal.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities for this category and self-evaluate.</i>  <b>Required attachment:</b> <i>If served as a referee, attach a copy of the review request(s) from the Journal. If served on the editorial board, attach a copy of the front matter (initial pages) of the journal including the list of the</i></p>		



	<p><i>editorial board members.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b><u>R12</u></b>	<p><b>Other significant professional research activities not covered above</b></p> <p><input type="checkbox"/> (2 pts.) One activity.  <input type="checkbox"/> (4 pts.) Two activities.  <input type="checkbox"/> (5 pts.) More than two activities.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
	<b>Total Points</b>		

**Research self-reflection: (one page maximum)**

**Identify strengths in Research**

**Identify areas of improvement in Research**

## **PART-III: SERVICE**

**For faculty member:** Please self-evaluate (select ONLY one appropriate box) by providing a list of activities for each of the Service Categories and complete the Service self-reflection portion at the end of this section.

**For chair/program coordinator:** Please verify the provided information and evaluate.

<b>Categories for Professional Service</b>		<b>Self eval. score</b>	<b>Chair eval. score</b>
(activities not directly related to the faculty member's discipline can't be used in any of the categories in this section.)			
<b><u>S1</u></b>	<p><b>Attendance at professional conference and workshops</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member has attended local conference(s).  <input type="checkbox"/> (2 pts.) The faculty member has attended a state or regional conference(s).  <input type="checkbox"/> (3 pts.) The faculty member has attended a national or international conference(s).</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b><u>S2</u></b>	<p><b>Service as a grant reviewer for outside agencies</b></p> <p><input type="checkbox"/> (2 pts.) The faculty member has served as a grant reviewer for only regional program(s)/agency(ies).  <input type="checkbox"/> (4 pts.) The faculty member has served as a grant reviewer for a national (or international) program/agency.  <input type="checkbox"/> (6 pts.) The faculty member has served as a grant reviewer for multiple national (or international) programs/agencies.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		

<b>S3</b>	<p><b>Membership in a professional society or organization</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member is a member of a professional society or organization.  <input type="checkbox"/> (2 pts.) The faculty member is a member of multiple professional society(ies) or organization(s).  <input type="checkbox"/> (3 pts.) The faculty member is an officer of a professional society or organization.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>S4</b>	<p><b>Service as a panelist for a professional organization or a learned society</b></p> <p><input type="checkbox"/> (1 pts.) The faculty member has served only as a panelist for a professional organization or a learned society.  <input type="checkbox"/> (2 pts.) The faculty member has served (multiple times) only as a panelist for a professional organization and/or learned society.  <input type="checkbox"/> (3 pts.) The faculty member has served and chaired or served as chair of a panel for a professional organization or a learned society.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>S5</b>	<p><b>Service as an officer or board member for a professional organization/learned society</b>  (Can't use an activity for both S3 and S5)</p> <p><input type="checkbox"/> (2 pts.) The faculty member has served on board for a professional organization (as a member only).  <input type="checkbox"/> (4 pts.) The faculty member has served on boards for multiple professional organizations (as a member only).  <input type="checkbox"/> (5 pts.) The faculty member has served as an officer of a board for a professional organization.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/>		

	<p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <hr/> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category. <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>S6</b>	<p><b>Working as a conference, convention, or competition organizer</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member has helped organizing conference, convention, and/or competition.  <input type="checkbox"/> (3 pts.) The faculty member has served as an organizer of a conference, convention, or competition.  <input type="checkbox"/> (5 pts.) The faculty member has served as an organizer of multiple conferences, conventions, or competitions.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <hr/> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category. <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>S7</b>	<p><b>Serving on a regional or national accrediting team</b></p> <p><input type="checkbox"/> (2 pts.) The faculty member has served on an accrediting team.  <input type="checkbox"/> (4 pts.) The faculty member has served on two accrediting teams.  <input type="checkbox"/> (5 pts.) The faculty member has served on more than two accrediting teams.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <hr/> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category. <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>S8</b>	<p><b>Guiding (as research advisor) students on approved research or creative projects <u>which result in student presentations at a symposium, conference, or exhibition</u></b></p> <p><input type="checkbox"/> (3 pt.) The faculty member has served as research advisor to a student.  <input type="checkbox"/> (6 pts.) The faculty member has served as research advisor to two students.  <input type="checkbox"/> (9 pts.) The faculty member has served as research advisor to more than two students.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-</i></p>		

	<p><i>evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>S9</b>	<p><b>Teaching course (<u>uncompensated</u>) by special arrangement</b> (in addition to the regular teaching load)</p> <p><input type="checkbox"/> (3 pts.) The faculty member has taught a class by special arrangement.  <input type="checkbox"/> (6 pts.) The faculty member has taught two classes by special arrangement.  <input type="checkbox"/> (9 pts.) The faculty member has taught more than two classes by special arrangement.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>S10</b>	<p><b>Serving on a thesis (honors or graduate) committee</b></p> <p><input type="checkbox"/> (1 pt.) The faculty member has served on one thesis committee.  <input type="checkbox"/> (2 pts.) The faculty member has served on two thesis committees.  <input type="checkbox"/> (3 pts.) The faculty member has served on more than two thesis committees.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<b>S11</b>	<p><b>Honors or awards recognizing service related to faculty member's academic discipline</b></p> <p><input type="checkbox"/> (2 pts.) The faculty member has been recognized by a local group/organization.  <input type="checkbox"/> (4 pts.) The faculty member has been recognized by a regional group/organization.  <input type="checkbox"/> (6 pts.) The faculty member has been recognized by a national group/organization.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.</p>		

	<input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>S12</b>	<p><b>Other significant professional service activities not covered above</b></p> <p> <input type="checkbox"/> (2 pts.) One activity.  <input type="checkbox"/> (4 pts.) Two activities.  <input type="checkbox"/> (5 pts.) More than two activities. </p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		
	<p><b>Categories for University Service</b></p>		
<b>S13</b>	<p><b>Serving on WVSU faculty senate OR chairing a University committee (faculty senate standing or specially appointed etc.)</b></p> <p> <input type="checkbox"/> (3 pts.) The faculty member has served on WVSU faculty senate.  <input type="checkbox"/> (4 pts.) The faculty member has served as chair of a faculty senate standing or specially appoint University committee.  <input type="checkbox"/> (6 pts.) The faculty member has served as an officer of WVSU faculty senate. </p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		
<b>S14</b>	<p><b>Serving on University committee(s) (faculty senate standing or specially appointed etc.)</b> (Can't use a committee from previous category)</p> <p> <input type="checkbox"/> (2 pts.) The faculty member has served on one committee.  <input type="checkbox"/> (3 pts.) The faculty member has served on two committees.  <input type="checkbox"/> (4 pts.) The faculty member has served on more than two committees. </p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below. </p>		

<p><b>S15</b></p>	<p><b>Serving on College or Departmental committees</b></p> <p><input type="checkbox"/> (1 pts.) The faculty member has served on one committee.  <input type="checkbox"/> (2 pts.) The faculty member has served on two committees.  <input type="checkbox"/> (3 pts.) The faculty member has served on more than two committees.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>S16</b></p>	<p><b>Advising of honor societies or other student organizations</b></p> <p><input type="checkbox"/> (2 pts.) The faculty member has served as an advisor to one honor society or student organization.  <input type="checkbox"/> (3 pts.) The faculty member has served as an advisor to multiple honor societies and/or student organizations.  <input type="checkbox"/> (5 pts.) The faculty member has served as an advisor to an honor society or student organization (or its chapter) whose accomplishments have been recognized regionally or nationally.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>S17</b></p>	<p><b>Active participation in University sanctioned recruiting activities</b> (First Fridays, mini-State days etc.)</p> <p><input type="checkbox"/> (1 pt.) The faculty member has taken part only in on-campus recruiting activities.  <input type="checkbox"/> (2 pts.) The faculty member has taken part in off-campus recruiting activities only.  <input type="checkbox"/> (3 pts.) The faculty member has taken part in both on- and off-campus recruiting activities.</p> <p><b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i></p> <hr/> <p><b>Chair/Evaluator:</b> <i>Please verify the provided information.</i></p> <p><input type="checkbox"/> - I agree with the faculty member's evaluation for this category.  <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.</p>		
<p><b>S18</b></p>	<p><b>Academic Advising</b></p>		



	<input type="checkbox"/> (2 pts.) The faculty member serves as academic advisor to 1-10 students. <input type="checkbox"/> (4 pts.) The faculty member serves as academic advisor to 11-25 students. <input type="checkbox"/> (6 pts.) The faculty member serves as academic advisor to more than 25 students.  <b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i> <hr/> <b>Chair/Evaluator:</b> <i>Please verify the provided information.</i> <hr/> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category. <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
<b>S19</b>	<b>Other service activities</b> (not in faculty member's discipline; e.g. community service and outreach activities)  <input type="checkbox"/> (2 pts.) One activity. <input type="checkbox"/> (4 pts.) Two activities. <input type="checkbox"/> (5 pts.) More than two activities.  <b>Faculty member:</b> <i>Please provide a list of activities (with sufficient details) for this category and self-evaluate.</i> <hr/> <b>Chair/Evaluator:</b> <i>Please verify the provided information.</i> <hr/> <input type="checkbox"/> - I agree with the faculty member's evaluation for this category. <input type="checkbox"/> - I do not agree with the faculty member's evaluation. See my justification below.		
	<b>Total Points</b>		

**Service self-reflection: (maximum one page)**

**Identify Strengths in Service**

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**Identify areas of Improvement in Service**

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## Appendix J: Classroom Observation Forms

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WEST VIRGINIA STATE  
UNIVERSITY

Find *Your* Passion.

**WEST VIRGINIA STATE UNIVERSITY  
FACULTY OBSERVATION**

Faculty Member \_\_\_\_\_

Observer \_\_\_\_\_

Class \_\_\_\_\_  
*Department – Course (Title, Number, & Section)*

Meeting Time \_\_\_\_\_ # Students Present \_\_\_\_\_ # Students on Roster \_\_\_\_\_

- 1. Learning Goals and/or Objectives:** Discuss with the instructor the objectives and/or goals for the class.
- 2. Instructional Methods:** List the instructional method(s) used in class.
- 3. Effectiveness:** Were the instruction methods effective? (e.g., students were interested, attentive, challenged, and understood the objectives of the session.)
- 4. Preparation:** (Statement of objectives, provision of instructional resources or materials, evidence of planning and scholarship, and organization of class for lesson/activity):
- 5. Learning Environment:** Describe the culture of learning established by the instructor.

6. **Student Interaction:** Describe the instructor's interactions with students, focusing especially on the communication between the instructor and students:
  
7. **Communication:** Describe the teacher's ability to communicate (e.g., voice quality, articulation, enthusiasm, expression, clarity, mannerisms).
  
8. **Rate:** Rate the overall effectiveness of this class session, considering the observations noted for the items above. (Circle one number with one being the least effective and ten being the most effective):

**1 2 3 4 5 6 7 8 9 10**

Substantiate in a written summary of the overall effectiveness rating selected

9. **Additional Comments:** (Attach a separate sheet if preferred)
  
10. **Instructor's Response:** Provide any comments you wish to make in response to this report. (Attach a separate sheet if preferred)

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Observer's Signature

Date

---

Instructor's Signature

Date

*\*The signature does not indicate agreement with the observation report. It simply indicates that the instructor received and reviewed it.*



## **Appendix K: Review of Instructional Materials Form**

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## REVIEW OF INSTRUCTIONAL MATERIALS

**Class** \_\_\_\_\_ **Date** \_\_\_\_\_

*Department – Course & Section # - Title*

**Instructor** \_\_\_\_\_ **Evaluator** \_\_\_\_\_

(At a minimum, the Evaluator should examine the course syllabus, a sample of course examinations, a sample of course handouts, and the course text.)

**SYLLABUS:** (Does it follow the guidelines from the Faculty Handbook? Additional comments.)

**QUIZZES AND EXAMINATIONS** (Comment on appropriateness to course and level of students)

**HANDOUTS** (comment on usefulness for topic)

**TEXTBOOK** (Comment on appropriateness of text for course)

**OTHER** (Lab Manuals, Computer software, etc.)

Evaluator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix L: Student Evaluation Form**

---



# WEST VIRGINIA STATE UNIVERSITY

## Student Evaluation of Instruction

Semester

Year

Course Index Number

0	0	0	0
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9

### MARKING INSTRUCTIONS

- Use a No. 2 pencil only.
- Do not use ink, ballpoint, or felt tip pens.
- Make solid marks that fill the circle completely.
- Erase cleanly any marks you wish to change.
- Make no stray marks on this form.
- Do not fold, tear, or mutilate this form.

**CORRECT MARK** 

**INCORRECT MARKS**    

Indicate your ratings of the instructor's performance in this class by responding to items 1–14 on a scale from **1 (Strongly Disagree)** to **5 (Strongly Agree)**.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. The instructor offers a variety of methods of delivery of information.	①	②	③	④	⑤
2. The instructor offers various ways for students to demonstrate knowledge of content.	①	②	③	④	⑤
3. The instructor is concerned with learning interests of the students.	①	②	③	④	⑤
4. The instructor orders the learning activities and content in a way that is easy to follow.	①	②	③	④	⑤
5. The instructor helps students connect the course content with real-world applications.	①	②	③	④	⑤
6. The instructor asks questions that encourage students to think more deeply about the content.	①	②	③	④	⑤
7. The instructor facilitates a classroom of active engagement that encourages all students to participate.	①	②	③	④	⑤
8. The instructor presents and explains the material in a clear and understandable manner.	①	②	③	④	⑤
9. The instructor provides timely feedback that extends my learning.	①	②	③	④	⑤
10. The instructor regularly evaluates and communicates my progress in a timely way.	①	②	③	④	⑤
11. The instructor grades my work based on course outcomes and specific assignment objectives.	①	②	③	④	⑤
12. The instructor cares about my academic progress.	①	②	③	④	⑤
13. The instructor behaves respectfully and professionally.	①	②	③	④	⑤
14. The instructor is approachable when students have questions and/or concerns.	①	②	③	④	⑤

**1. This is the first time I have had this instructor for any class.**

- Yes
- No

**2. My class standing is**

- freshman (0–30 credit hours completed)
- sophomore (31–60 credit hours completed)
- junior (61–90 credit hours completed)
- senior (over 90 credit hours completed)

**3. I took this course because it was**

- required of all students
- required for my major/minor
- required for some other reason
- an elective

**4. In this course I expect to receive a grade of**

- A
- B
- C
- D
- F

**5. For this course, my average weekly preparation time outside of class is approximately**

- 10 or more hours
- 7–9 hours
- 4–6 hours
- 1–3 hours
- less than 1 hour

**6. This semester I have contacted my instructor outside class.**

- 4 or more times
- 3 times
- twice
- once
- never

**COMMENTS:**

## **Appendix M: Policy on Leave without Pay**

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West Virginia State University  
Administrative Policies  
Section: B Personnel  
No.: B-6-3.1

Subject: Professional/Administrative Leave for

Faculty/Staff General Provisions:

The Granting of administrative or professional absence is not an obligation; rather, it is a training technique to be employed for the benefit of the University.

Requests for such absences may be denied if, in the opinion of the respective unit heads, they are not in the best interest of the West Virginia State University.

While no suggestion should be communicated to thwart the development of a particular faculty or staff member, unit heads are expected to minimize the possibility of concentrating all absences among a few select employees.

It shall be the responsibility of the Vice President for Academic Affairs and the Vice President for Administrative Affairs to determine whether absences of employees under their supervision are to be awarded under the provisions of this policy.

**Appendix N: Outside Services Review Form**

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**WEST VIRGINIA STATE UNIVERSITY  
OUTSIDE SERVICES REVIEW FORM**

**AY 20** \_\_\_\_\_

ARE YOU EMPLOYED ONLY BY WEST VIRGINIA STATE UNIVERSITY? YES/NO

IF YOUR ANSWER TO THE ABOVE QUESTION IS NO, PLEASE SUPPLY THE FOLLOWING INFORMATION:

\_\_\_\_\_  
(OTHER EMPLOYER'S NAME AND ADDRESS)

\_\_\_\_\_  
(POSITION)

\_\_\_\_\_  
APPROXIMATE NUMBER OF HOURS PER WEEK

2. Are you presently a paid professional at someplace other than WVSU? Yes \_\_\_\_ No \_\_\_\_

If your response is Yes, please explain the nature of the professional service(s), the individual or group which engages your services(s), and the number of hours per week (or month) that you regularly spend in this service.

3. Are you self-employed? Yes \_\_\_\_ No \_\_\_\_

If the answer is Yes, please explain the nature of your self-employment and approximate number of hours per week you spend in this occupation. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Department)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)



## **Appendix O: Policy on Outside Consulting**

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**WEST VIRGINIA STATE UNIVERSITY**  
**Administrative Policies**  
**Section: B Personnel**  
**No.: B-6-6.0**

**Subject: Granting Time for Consulting and Technical Assistance in Education and Related Fields.**

General:

It is the policy of West Virginia State University to encourage its faculty and staff to serve as consultants in their respective areas of expertise, to participate as members of accrediting teams for educational and professional organizations, social agencies, and designated populations. The University considers such participation beneficial to the professional development of the faculty and/or staff members involved, and an effective instrumentality for extending services to meet critical educational, technical, and social needs.

1. All requests shall be limited to not more than two days per month, subject to the approval of the immediate supervisor. Approval for more than the stipulated two (2) days must come from the President of the University.
2. Requests should be submitted to the immediate supervisor at least three (3) weeks in advance of the date the consultation or technical assistance is to take place.
3. Both the person requesting the leave time and the person granting approval are jointly responsible for insuring and protecting the program area of the University from which the leave is to be granted.
4. Prior approval and clearance from the immediate supervisor is necessary before time may be granted under the provisions of this policy.
5. A strict accounting of all time granted under the provisions of this policy must be made to the President of the University by respective unit heads at the end of the academic year.

\*\*Nothing in this policy is meant to preclude the requirement of individuals to honor the conditions of employment.

## **Appendix P: Textbook Policy**

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## **ADMINISTRATIVE POLICIES AND PROCESSES ON THE USE AND ORDERING OF TEXTBOOKS\*\***

(Revised, 8/07)

1. Wherever there are multiple sections of classes, the same textbook(s) shall be utilized and shall be cooperatively selected by the instructors concerned.\*
2. A textbook should be used at least two (2) academic years before being changed. (Textbooks will not be changed at mid-year.)
3. Textbooks shall be regularly reviewed to determine if they are still current. The same edition of a textbook should not be used for more than five (5) years.
4. Department chairs shall place textbook orders with deans two (2) weeks after the class schedules for the fall, spring, and summer terms have been approved by the appropriate dean or at other specific deadlines established by the Office of Academic Affairs.
5. The faculty member must supply all pertinent data in order that precise textbook orders can be developed.
6. A faculty member who is employed after textbooks have been ordered must use the textbook that has been ordered for the class.
7. A faculty member who replaces another faculty member in a class must use the textbook that has been ordered for the class.
8. Department chairpersons or their designated representatives will order desk copies of textbooks for new faculty.
9. Continuing faculty are responsible for ordering their own desk copies of textbooks.
10. All transactions with the bookstore will be handled through deans.
11. Instructors not using texts must still complete textbook forms for those classes. Write “no text” on the form.
12. Those faculty who wish to use textbooks authored by them must comply with section 2.4.3 of the Board of Governors Policy 58.

\* Departments wishing to select different textbooks for multiple section classes must have approval of the College dean.

## **Appendix Q: Faculty Absence from Classes**

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**STATEMENT RE:**  
**ABSENCE OF FACULTY FROM CLASSES AND OTHER ASSIGNED**  
**RESPONSIBILITIES**

The first obligation that all faculty at West Virginia State University have is to meet their classes (or their other assigned responsibilities) on time and to teach them.

If one must be away from classes, the chairperson should be notified in sufficient time to permit other arrangements to be made. The most acceptable arrangement is to have the class covered by another faculty member. Under no circumstances should a class simply be allowed to wait for an instructor who never appears and from whom no word concerning class cancellation ever comes.

If at any time the chairperson feels that the instructor's absences are excessive, corrective action should be taken.

**ACCEPTABLE REASONS FOR ABSENCE FROM CLASS**

1. Personal illness.
2. Family illness.
3. Disaster (fire, flood, etc).
4. Death in immediate family.
5. Uncontrollable circumstances.
6. Jury duty.
7. Professional meetings.
8. Field trips.
9. Fulfillment of professional obligations (e.g., service on NCATE teams, etc).

**WEST VIRGINIA STATE UNIVERSITY  
FACULTY ABSENCE FORM**

Department of \_\_\_\_\_

I (will be/was) absent from \_\_\_\_\_  
(class/classes/responsibilities)

On \_\_\_\_\_ due to \_\_\_\_\_  
(date/dates) (reason)

I am notifying or have notified \_\_\_\_\_ at \_\_\_\_\_

with the following arrangements for my class(es): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Printed Name of Faculty Member      Signature of Faculty Member**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Department Chair      Date**

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_

## **Appendix R: Field Trip Clearance**

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**WEST VIRGINIA STATE UNIVERSITY FIELD TRIP CLEARANCE**

CLASS OR ACADEMIC ORGANIZATION \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ INSTRUCTOR \_\_\_\_\_

DATE(S) OF TRIP \_\_\_\_\_

DESTINATION \_\_\_\_\_

PURPOSE OF TRIP \_\_\_\_\_

**STUDENTS TAKING TRIP:**

	name	address	phone
1 .	_____	_____	_____
2 .	_____	_____	_____
3 .	_____	_____	_____
4 .	_____	_____	_____
5 .	_____	_____	_____
6 .	_____	_____	_____
7 .	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____

\_\_\_\_\_  
Instructor's Signature                      Date                      Department Chair's Signature                      Date  
(Use additional forms as necessary)

## **ACADEMIC AFFAIRS ADMINISTRATIVE MEMORANDUM #1**

### **SUBJECT: FIELD TRIPS**

1. All faculty members who require student participation in a field trip as a part of the academic obligations of a class must list it on the syllabus. All relevant information concerning the trip must be included, i.e., cost, date(s), destination, length of time that the trip will take, and objectives.
2. Financial support for field trips is not assured. Requests for funds may be made in advance, however, and are subject to the same constraints as are other travel requests.
3. At least two weeks before the trip is to take place, a field trip clearance form is to be filed with the Office of the Vice President for Academic Affairs.

**Appendix S: BOG Policy # 31 - Sabbatical Leave Policy**

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**WEST VIRGINIA STATE BOARD OF GOVERNORS**  
**West Virginia State University**  
**BOG # 31**

**Title: Sabbatical Leave**

**Section 1. General**

1.1 Scope: This policy specifies the eligibility, conditions, compensation, and obligations regarding the granting of sabbatical leave for faculty members.

1.2 Authority; West Virginia Codes §18B-1-6, 18B-7-2 and 18B-1-9.

1.3 Repeals and replaces Series 10, Title 133 dated August 9, 1992.

1.4 Effective Date: May 25, 2005.

**Section 2. Purpose**

2.1 Sabbatical leave may be granted to a faculty member so that he/she may engage in research, writing, or other activity calculated to contribute to professional development and his/her usefulness to the institution;

2.2 The privilege of a sabbatical carries with it the obligation to return for a full year of service upon completion of the leave;

2.3 Sabbatical leave may be granted for three major purposes:

- a) Study toward a doctoral degree;
- b) Study that will provide one with academic preparation in a new area seen as important to the present and future needs of each institution;
- c) Project oriented non-degree activities embracing study and/or research, preferably on a post-doctoral level and preferably in one's field;

2.3.1 Of these three purposes, "a" and "b" will be given priority consideration.

**Section 3. Eligibility**

3.1 Tenured faculty who are completing their sixth year of full-time employment at West Virginia State University are eligible to apply for a sabbatical leave;

3.1.1 The granting of such leave is contingent upon the availability of funds, the instructional needs of each institution, and the plan of study that the faculty member advances.

3.1.2 After completing a sabbatical leave, a faculty member shall not again be eligible until the seventh subsequent year of full-time employment.

3.1.3 Separate summer school employment shall not be considered toward eligibility for sabbatical leave.

#### **Section 4. Procedures**

4.1 The granting of sabbatical leave is not automatic, but shall depend on the merits of the request and on conditions prevailing within each institution at the time.

4.2 Sabbatical leave will be granted by the President, who will make an annual report to the Board of Governors summarizing the number of sabbatical leaves granted during the previous year, the disciplines of the faculty members, and whether the leaves were for full salary for no more than half the contract period or for half salary for no more than the full contract period;

4.3 Requests for sabbaticals must be endorsed by department chairs and/or deans and forwarded to the Vice President for Academic Affairs by March 1.

4.3.1 Requests for project-oriented sabbatical leaves must be endorsed by department chairs and/or deans and sent to the Research Committee of the Faculty Senate (with a copy to the Vice President for Academic Affairs for his/her review by February 15;

4.3.1.1 The Committee will forward a ranked list to the Vice President for Academic Affairs (WVSU) for further consideration.

4.4 The Vice President for Academic Affairs must receive all requests for sabbatical leave by March 1 of the year before the beginning of the academic year for which the leave is requested;

4.4.1 The Vice President for Academic Affairs (WVSU) will review all requests for sabbatical leaves and makes a recommendation to the President;

4.4.2 The institution reserves the right to deny a request for a sabbatical leave if it does not seem to be in the best interest of the institution.

4.5 Before the expiration of a sabbatical, the person on leave must file a letter requesting a continuance without pay or indicating the intent to return to faculty duties at the time specified in the sabbatical request;

4.5.1 The letter must be filed in accordance with the following schedule:  
- Continuance--by March 15;

- Return from a one-semester sabbatical taken during the second semester of an academic year--by March 15;
- Return from a one-semester sabbatical taken during the first semester of an academic year--by November 15;

4.5.2 A request for continuance will not be automatically granted but will be evaluated in accordance with institutional need and the reason that the request is being made.

### **Section 5. Compensation**

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

5.1.1 If a faculty member's salary is not paid wholly from state funds, the President shall so inform the Board of Governors in his/her annual report on sabbatical leaves.

### **Section 6. Obligations of the Faculty Member**

6.1 An applicant for a sabbatical leave shall submit to the President in writing a detailed plan of activity which he/she proposes to follow;

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

6.3 While on sabbatical leave, a faculty member may not accept remunerative employment without the written consent of the President, or his/her designee;

6.3.1 Fellowships, grants, assistantships, and similar stipends shall not be considered remunerative employment;

6.4 Upon completion of a sabbatical leave, a faculty member shall file with the relevant President a written report of his/her scholarly activities while on leave;

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

### **Section 7. Obligations of the Institution**

7.1 A faculty member's institutional position, status, and rank shall not be adversely affected solely by his/her absence while on sabbatical leave.

## **Appendix T: Inclement Weather Policy**

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## West Virginia State University Inclement Weather Policy

(Revised May 2023)

The safety of our campus community is a priority. During an inclement weather event, the university may notify students (See note below), faculty, staff, and other employees that it is under any 1 of 3 adverse weather plans. The plan helps guide university operations, employee work schedules, and how employees should record their time for that day. These announcements will be made as early as possible to allow for alternate plans to be made.

Please read, understand, and act in accordance with these inclement weather codes.

### Code A: Normal Operations

All employees are expected to report to work at their regularly scheduled time. There is no delay or closure.

### Code B: Delayed Opening

Only essential employees are required to report to work at their regularly scheduled time. Non-essential employees will abide by the delay of the university.

In the event of a delayed opening, any classes that has a start time that is before the announced delayed opening time period will be cancelled for the day. Students will not be expected to report to class to start the lecture after the delay is over.

### Code C: Closure

Only essential employees are required to report to work at their regularly scheduled time. Non-essential employees do not report to work.

In the event of a campus closure all in person classes for the day are cancelled. This includes laboratory work, night classes, and research activities. Students will not be required to show up for co-curricular activities on days the campus is closed due to inclement weather. If students are having issues with internet connectivity and cannot take part in an online course (Web100 or Web 80), they should notify the faculty member as soon as safely possible to make special arrangements to make up any missed work.

Faculty are not permitted to shift to an online format to lecture in the case of a delay or closure. On days that involve a delay, faculty are encouraged (whenever reasonable) to offer a hybrid lecture to students who cannot get to campus safely.

If you have questions, please contact the Department of Human Resources for University Functions or Academic Affairs as it relates to classroom questions.



\*\*Emergency Notification System: To ensure you receive timely notification of an inclement weather event, make certain you are registered in the university's emergency notification system. This multi-platform notification system communicates important safety messages through voice as well as written notifications.

To do this, sign into MyState and click on the Personal Information tab on the MyState home page. Then click on Update Immediate Contact Information for campus warning system to add additional contact information.

## **Appendix U: Policy on Faculty Illness**

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**West Virginia State University**  
**POLICY ON FACULTY ILLNESS**

1. Faculty members who are unable to meet classes because of illness should notify Department Chairpersons of the impending absence. If the Department Chairperson is unavailable, notification should be made to the College dean's office or to the Office of Academic Affairs.
  
2. Whenever possible colleagues will cover classes for ill faculty members.

## **Appendix V: Accident Report Form**

---

File Number: \_\_\_\_\_

### WVSU Personal Accident/Injury Report

**Employee Information:** \_\_\_\_\_

Injured Party's Full Name: \_\_\_\_\_

Address: \_\_\_\_\_ SSN: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

Telephone: \_\_\_\_\_

SEX: Female \_\_\_\_\_ Male \_\_\_\_\_

Date Hired: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Injured Party's Status: \_\_\_\_\_ Student \_\_\_\_\_ Worker \_\_\_\_\_ Visitor \_\_\_\_\_ Work Study

\_\_\_\_\_ Faculty/Staff \_\_\_\_\_ Full Time \_\_\_\_\_ Part time

Job Title (if any): \_\_\_\_\_

**Information About Injury/Disease:**

Date of Injury/Exposure: \_\_\_\_\_ Time: \_\_\_\_\_

Date Employer Notified of Injury or Exposure \_\_\_\_\_

Supervisor to Whom Injury was Reported: \_\_\_\_\_

If Injury was Fatal, Date of Death: \_\_\_\_\_

Address/Location of Injury: \_\_\_\_\_

Department: \_\_\_\_\_ Instructor: \_\_\_\_\_

WVSU owned Property: Yes \_\_\_\_\_ No \_\_\_\_\_

Type of Injury: \_\_\_\_\_

Body Part(s) injured: \_\_\_\_\_

How did the injury occur? (be specific) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Was injured party taken to Health Center: \_\_\_\_\_ Yes \_\_\_\_\_ No

Was injured party taken to hospital: \_\_\_\_\_ Yes \_\_\_\_\_ No

If so, by whom: Will make own arrangements?

Name of Hospital: \_\_\_\_\_

Was Medical Treatment refused? Yes \_\_\_\_\_ No \_\_\_\_\_

**Witness Information:** (Name address and telephone number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted by: \_\_\_\_\_

Title: \_\_\_\_\_

Submission date and time: \_\_\_\_\_

**Report Submitted to:**

Human Resources: \_\_\_\_\_

University Police Department: \_\_\_\_\_

Safety Compliance Office: \_\_\_\_\_

Has a BRIM Report Been Completed? \_\_\_\_\_

## **Appendix W: Faculty Policy on Academic Integrity**

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## **FACULTY POLICY ON ACADEMIC INTEGRITY**

### **Academic Integrity Policy**

We of the academic community respect the right to pursue knowledge and are committed to the highest standards of academic integrity. In a dynamic academic environment, ideas and findings are discussed, evaluated and disseminated. Although controversy has arisen concerning authorship and ownership of ideas and information available on the Internet and from other electronic sources, we believe that trust and honesty are essential in the use of all borrowed material. We expect all participants in our academic community to uphold standards of academic integrity.

#### **Definition of Academic Dishonesty\***

1. Cheating means giving to or receiving from any unauthorized source any kind of unauthorized material or assistance that will affect one's academic standing, or any attempts to do so.
2. Plagiarism means using the language, ideas, structure, laboratory findings, data, computer programs, information from electronic sources, or examination answers produced by someone else and presenting it as one's own, or any attempts to do so.
3. Falsification means making or attempting to make untrue or misleading statements, oral or written, in regard to one's academic work. Examples include forging of official documents and signatures, altering official documents, altering classroom documents, or gaining unauthorized access to electronically or conventionally stored information.

\* Faculty syllabi may contain further descriptions and stipulations regarding academic dishonesty.

#### **Procedures and Penalties for Cases of Academic Dishonesty**

- I. An instructor may meet informally with a student who the instructor believes is guilty of a minor case of academic dishonesty such as copying someone else's homework. The case may be resolved by warning the student of potential penalties if another infraction occurs.
- II. In cases of more serious or repeated acts of academic dishonesty, the instructor must confront the student with the charge and evidence in writing within six weeks after the instructor becomes aware of the incident. At the same time the department chair will also be notified in writing. In the case of a student believed to have cheated or attempted to cheat



on a test, the student must be confronted before leaving the classroom vicinity if possible. The incident must be written up within a six weeks of the incident's occurrence.

III. If the student admits guilt, penalties will be decided upon by the instructor in consultation with the department chair. Penalties ranging from redoing the assignment, to a failure for the assignment/test, to a failure for the course are possible. The dean will be informed of the decision and penalties.

IV. When penalties are assigned, the incident will go on file in the Office of Academic Affairs until such time as the student graduates or leaves the school. Three items in a student's file could mean dismissal from the University, a decision to be made by the Vice President for Academic Affairs and the Deans' Council. A department may exercise its discretion to have the student removed as a major in that department.

V. If the student appeals the charge, the student must respond in writing to it within a two weeks' time after receiving the charge in writing. The response must be sent to the faculty member involved, department chair, and dean. Within two weeks' time of receiving the student's response, the department chair will meet with the student, faculty member, and dean to resolve the issue.

VI. If the case cannot be resolved by this meeting, it will be forwarded within two weeks' time in writing by the dean to the Vice President for Academic Affairs, who may resolve it or determine that it be forwarded within a week's time (seven days) to the Academic Appeals Committee.

#### VII. Procedure for Academic Appeals Committee

A. Within 48 hours of receiving the case, the Academic Appeals Committee shall present to the faculty member and student a written statement containing the following:

1. A notification that a hearing will be held
2. Time, date and place of the hearing, no later than a week (seven days) after the case has been received
3. The names of the persons on the Academic Appeals Committee who will hear the case
4. A declaration of the charges and the range of possible penalties.

- B. The student and the faculty member will have the right to remove one person each from the Academic Appeals Committee.
- C. During the time the hearing is in process, the student is permitted to remain in the classroom pending the outcome of the hearing.
- D. The outcome of the hearing will be communicated in writing to the student, faculty member, dean, and Vice-President for Academic Affairs within 48 hours after it has been decided.
- E. If the student is not satisfied with the decision, he or she may appeal to the President of the University, whose decision is final.

Note: If the course is offered by the Community and Technical College, the initial appeal by the student should be to the faculty member, program director and dean of the Community and Technical College. The penalties and procedures to be followed are determined by the Community and Technical College.

Approved by Faculty Senate, May 19, 2005

**Appendix X: Foreign Trip Clearance Form**

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**WEST VIRGINIA STATE UNIVERSITY  
FOREIGN TRAVEL TRIP CLEARANCE**

Sponsor: \_\_\_\_\_

Department: \_\_\_\_\_

Departure Date & Time: \_\_\_\_\_

Arrival Date & Time: \_\_\_\_\_

Mode of Transportation: \_\_\_\_\_  
(type of transportation, name of carrier, and flight numbers, if applicable)

Travel Agency or Organization Arranging Trip: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Tour Identification Number/Name: \_\_\_\_\_

	Participants	Name of Emergency Contact & Emergency Telephone Number
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

---

Sponsor's Signature                      Date                      Department Chair's Signature                      Date

## **Appendix Y: Vehicle Utilization Policy**

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WEST VIRGINIA STATE UNIVERSITY  
Administrative Procedures

Section: P Physical Facilities Effective: 6/2023 No: P-3-4.0

Chapter: 3 Motor Pool Vehicles Supersedes: Prior Procedures

Subject: Obtaining Use of a Vehicle

General: The College maintains a motor pool to accommodate program needs and requirements as well as to enable employees to carry out the business of the institution.

1. Individuals, departments or units needing to reserve a College-owned vehicle should telephone or visit the Motor Pool to ascertain that a vehicle is, or will be available.
2. Vehicles will be issued pursuant to the College's Priority Policy (see D-6-2.0-3) which gives priority to certain College needs and then on a first-come/first-served basis.
3. The requestor should fill in the Request for Use of College-owned Vehicle form and make certain the information complete.
4. The Request for Use form must then be approved by the appropriate Unit Supervisor and then by either the Vice President for Administrative Affairs or the Director of Fiscal Affairs.
5. The requestor should then transmit (or hand carry) properly approved Request or Use form to the supervisor of the Motor Pool for scheduling of the vehicle.

**WEST VIRGINIA STATE UNIVERSITY**  
**Administrative Procedures**

Section: P Physical Facilities

Effective: 6/2023 : No: P-3-5.0

Chapter: 3 Motor Pool

Supersedes: Prior Procedures

Subject: Request for Use of University-Owned Vehicles

General: The Request for Use of University-Owned Vehicle form is used by all University employees to reserve a University-owned Vehicle for official use. The form will serve as a data base on Vehicle operation costs/mileage/performance for state and Federal reports. Persons who drive them must be employed or officially associated by or with the University, must possess a valid West Virginia Operator's Permit, and must complete the BRIM Driver Safety test.

1. Enter the number of authorized persons who will travel as passengers in the University-owned vehicle.
2. Enter the name or destination of the trip and the total one-way mileage from the Motor Pool compound to the point of destination.
3. Enter the purpose of the trip, i.e., recruiting, workshop, seminar, or other descriptive phrase.
4. Enter the name of the individual who is making the request.
5. Forward the form to the Department or Unit supervisor for approval and signature.
6. Enter the name(s) of the person(s) listed as the "driver(s) of record."
7. Enter the driver's license number and the state in which the license was issued. Include a copy of the license if it is not already on file with Physical Facilities.
8. Forward the form to either the Vice President of Administration or the Director of Fiscal Affairs for approval and signature.
9. When the Request Form has been properly filled out and contains all needed signatures, the requestor shall transmit (or hand carry) the form to the supervisor of the Motor Pool.

10. When the vehicle is assigned, reserved or issued, the supervisor of the Motor Pool will affix his/her signature and date of the issuance of the vehicle.
  
11. The supervisor of the Motor Pool and/or a designee will ascertain that the Vehicle Operator's Log is located in the glove compartment of the vehicle and that the driver is fully aware of his or her responsibility to maintain the log while the vehicle is in his/her possession.



**Appendix Z: Guidelines for Dealing with Disruptions and/or Misbehavior in the Classroom**

## **DEALING WITH DISRUPTIONS AND/OR MISBEHAVIOR IN AN ACADEMIC SETTING:**

### **A GUIDE FOR FACULTY**

*(Revised May, 2023)*

Misbehavior or disruptions in the classroom or other academic setting are possibilities that no faculty member looks forward to. However, this kind of student conduct is, at times, a reality at West Virginia State University. It is the responsibility and the right of all faculty members to make a professional judgment whether or not specific conduct in the classroom constitutes academic misbehavior. There are steps that you can take to deal with such conduct and proactively prepare for such an incident should it arise.

#### **1. Inform your students.**

Faculty need to state, in writing (in the syllabus), your expectations of your students with regard to conduct in the classroom. You might let them know how the University defines academic misbehavior and what the consequences are for such conduct. Discuss with students and explain to them your own particular expectation with regard to their behavior in the class.

#### **2. What is Misbehavior in an Academic Setting?**

Our institutional policy defines misbehavior in an academic setting as instances, which defy ordinary means of classroom control. This may include (but is not limited to) disorderly conduct (fights, assaults or battery, public disturbances, including verbal abuse and/or profanity), destruction of institutional or placement agency property, or disruption – defined as interference with any institutional activity, interference with the rights of any member of the institutional community; injury or threats of injury to any member of the institutional community.

The WVSU Student Handbook has categorized specific types of behavior that can result in various sanctions. These behaviors include: (a) public use of abusive or obscene language; (b) disrespect toward a university faculty or staff member or administrator (treats a university faculty staff, or administrator with contempt or is disrespectful in language or deportment); (c) unauthorized occupancy of university facilities or buildings, (d) interference with the rights of students, faculty, staff, and administration to gain access to any University facility for the purpose of attending classes, going to work, participating in interviews and conferences, or any other authorized purpose; (e) interference with the orderly operations of the University by destruction of property, breach of the peace, physical obstruction or coercion, or by noise, tumult, or other forms of disturbance; (f) disorderly conduct or lewd, indecent, or obscene conduct of expression on University owned or controlled property or at University sponsored or supervised functions; and (g) failure to comply with the directions of University officials, police, and other law enforcement officers acting in performance of their duties. Sanctions for these behaviors may

range from probation to expulsion from the University.

Students that demonstrate violations such as those previously mentioned, should be referred to the Dean of Students.

### **3. What to do when misbehavior or classroom disruption occurs?**

If, in a faculty member's judgment, misbehavior or classroom disruption has occurred, the following guidelines may be followed:

- a. Inform the student verbally that his/her behavior constitutes misbehavior in an academic setting and that continuation of such conduct may result in serious consequences, including (but not limited to) conduct probation, exclusion from class (if the student is in your class) or even expulsion from the University. Refer him/her to the policy on academic misbehavior printed in the University Catalog, the student conduct code printed the *West Virginia State University Student Handbook*. Confront the student specifically and as objectively and unemotionally as possible.
- b. Document this incident by writing down the time and nature of the occurrence. You may wish to inform your department chairperson or program director of the incident.
- c. If the behavior persists, either in the same class session (or time period) or in a subsequent class session, you may ask the student to leave the classroom or wherever the misbehavior is occurring. Again, inform them specifically and as objectively and unemotionally as possible. If the student is in your class, you should refer him or her to the appeal process in the University Catalog.
- d. If the student refuses to leave, you should immediately leave the room, go to the nearest phone and call Security at 766-3353 and request that the student be removed. (If no one from Security is available, call Work Control at 766-3181 and report the incident to them.) If, however, in your judgment, the student represents a clear and present danger, dismiss the class immediately and then notify Security. Do not attempt to interact with the student.
- e. Document this second occurrence by writing a letter to your department chair or program director notifying him/her of the actions taken and the reasons why. *Also: complete the Incident Report Form for Faculty Involved in a Confrontation with an Adversarial Student (See Appendix BB) and file it with your department chair with a copy to the dean, VPAA, and the Department of Public Safety.*
- f. If the student chooses to appeal, he/she must first contact you (the instructor) and follow

the appeal process as outlined in the University Catalog.

### **Cares Team**

A disruptive student may also be referred to the Cares Team (formally known as the Behavior Intervention Team/BIT). The purpose of the Cares Team is to: Gather information to assess situations involving students who display concerning or disruptive behaviors, recommend appropriate intervention strategies or disciplinary actions, connect students with needed campus and community resources, and coordinate follow-up to ensure the support was deployed effectively, centralize collection of concerning student behaviors. “Connect the dots” of actions involving one student that various faculty, staff, and/or students may be concerned about, and disseminate relevant information to the University Police Department.

A student should be referred to the Cares Team if the student exemplifies behaviors or threats (direct or implied) that may entail risk of harm to self or others, including but not limited to: self-injurious behavior/suicidal thoughts or attempts, aggression toward others, bullying, stalking, and hazing, erratic behavior (including online activities), that disrupt the normal proceedings of students, staff, faculty, or community, including but not limited to: weapons on campus, significant inappropriate disruption to the community, disturbing electronic media postings, inappropriate behavior in which safety is compromised, belief that an individual’s emotional well-being is deteriorating or at significant risk, and/or substance abuse or a mental health concern resulting in the need for medical intervention.

Click [here](#) to access the Cares Team referral link.

The most important advice in the whole process is: Document, document, document. In the appeal process, what you’ve written down is of the utmost importance; equally important is the following of all necessary due process steps as outlined in institutional and WV-HEPC policies.

## **Appendix AA: Professional Liability Coverage**

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## PROFESSIONAL LIABILITY COVERAGE

(Revised May 2023)

### **I. What protection exists if you are sued personally while acting in your capacity as a representative of the University?**

- A. West Virginia State University is required by law to have a Comprehensive Liability Policy. This policy details coverage for employees, volunteer workers, officials, executive officers, commissioners, directors, faculty members and student teachers acting within the scope of their duties who become legally obligated to pay for a claim against them which arises out of any actual or alleged act or breach of duty.
- B. It is important to note that the policy does not cover intentionally committed fraudulent, dishonest, or criminal acts.
- C. The coverage in the policy is limited to civil cases.
- D. The actual coverage under the policy will be determined after a claim is filed and all relevant information is thoroughly reviewed.
- E. In the event that a faculty member is served directly with a civil complaint, the faculty member should immediately notify the Vice President for Academic Affairs who will immediately notify the Office of Legal Affairs.
- F. The Office of Legal Affairs will file the appropriate insurance claim.

### **II. What is the correct procedure to follow if you are involved in a confrontational situation with an adversarial student as a result of acting in your capacity as a representative of the University?**

- A. Faculty should file a detailed incident report form with:
  - 1) The Chair
  - 2) The Dean
  - 3) The Office of Academic Affairs
  - 4) The Office of Public Safety
- A. Faculty who find themselves in a confrontational situation with an adversarial student are urged to follow the procedures outlined in Appendix Z (revised 2023) of the WVSU Faculty Handbook regarding disruptions and/or academic misbehavior in an academic setting.

### **III. Faculty are reminded that they may purchase personal professional liability insurance through AAUP and other sources.**

**Appendix BB: Incident Report Form for Faculty Involved in a Confrontational Incident  
with an Adversarial Student**

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**WEST VIRGINIA STATE UNIVERSITY  
INCIDENT REPORT FORM  
FOR FACULTY INVOLVED IN A CONFRONTATIONAL INCIDENT  
WITH AN ADVERSARIAL STUDENT**

**Name of Faculty:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Date Filed:** \_\_\_\_\_

**Date of Incident:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Name of Student:** \_\_\_\_\_ **Student A number: A** \_\_\_\_\_

**Names of witnesses and contact information:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please use the back of this form or attach additional pages for the following:

1. Factual description of the incident:
2. Assistance Requested [e.g. personal briefing on your rights and responsibilities, further investigation etc]:

A copy of this form should be filed with the Chair of your department, the Dean, the Vice-President for Academic Affairs, and Public Safety.

\_\_\_\_\_  
Signature of Faculty Member

\_\_\_\_\_  
Date



**Appendix CC: WVSU BOG Policy # 14 - Sexual Harassment**

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**WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS**  
**West Virginia State University**  
**BOG Policy #14**

**Title: Unlawful Discrimination and Harassment, Sexual Harassment, Grievance Procedures, Child Abuse and Neglect Reporting and Relationships**

**Section 1. General**

- 1.1 Scope: This policy addresses unlawful protected class discrimination, harassment, sexual harassment, domestic misconduct, stalking and hazing by individuals based on protected class, retaliation, child abuse and neglect reporting and certain relationships at West Virginia State University. This policy repeals and replaces Board of Governors Policy 14, Sexual Harassment [2015].
- 1.2 Authority: West Virginia Code § 18B-1-6
- 1.3 Effective Date: October 22, 2020
- 1.4 Adopted: October 22, 2020

**Section 2. Overview**

- 2.1 West Virginia State University (University or WVSU) is committed to providing a working and learning environment free from unlawful discrimination and harassment. This Policy sets forth how discrimination, harassment, sexual harassment, stalking and hazing by individuals based on protected class status, domestic misconduct sexual exploitation, retaliation, child abuse and neglect reporting and certain relationships will be addressed by the University, including sexual harassment prohibited by Title IX and discrimination and harassment prohibited by Title VII.

**Section 3. Notice of Nondiscrimination**

- 3.1 Title IX of the Education Amendments of 1972 and other state and federal laws prohibit Unlawful discrimination on the basis of sex. In accordance with The West Virginia Higher Education Policy Commission (HEPC), and Board of Governors Policy #17, the University considers race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, and veteran or military status or any other category that is protected under federal, state, or local anti-discrimination laws as protected characteristics and will not permit unlawful discrimination

or harassment.

- 3.2 WVSU's Notice of Nondiscrimination will be made available to all applicants for admission and employment; Students; off-campus program participants; dual credit Students; parents or legal guardians of elementary and secondary school Students participating in a WVSU education program or activity; and Staff Employees. WVSU will provide all of the aforementioned individuals with either a copy of this policy and any reporting and complaint procedures enacted to implement this policy or will provide them with information on how to obtain a copy of either. Board of Governors Policy 17, Equal Employment Opportunity and Affirmative Action Section 2.4.1 includes additional notice and posting requirements for the University's Equal Employment Opportunity and Affirmative Action statements. This Policy and Policy 17 are available in the Office of Human Resources, the Office of Enrollment Management and Student Affairs and online at:

<https://wvstateu.edu/about/administration/human-resources.aspx>

and

<https://wvstateu.edu/about/administration/>

#### **Section 4. Title IX Coordinator and Equal Employment Opportunity Officer**

- 4.1 The President will appoint an employee as the Title IX Coordinator to coordinate the University's efforts to comply with its responsibilities under this Policy, Title IX and 34 C.F.R. Part 106 (2020). The duties of the Title IX Coordinator will be determined by the President or designee, will be consistent with 34 C.F.R. Part 106 (2020) and are set forth more fully in detail in Appendix A.
- 4.2 The President will appoint an employee as the Equal Employment Opportunity (EEO) Compliance Officer to coordinate the University's efforts to comply with this Policy, and State and Federal Equal Employment Opportunity laws. The duties of the EEO Compliance Officer will be determined by the President or designee.

#### **Section 5. Prohibited Conduct**

- 5.1 **Prohibited Conduct.** The University prohibits Protected Class Discrimination and Harassment; Title IX Sexual Harassment, Sexual Exploitation, Domestic Misconduct, Stalking and Hazing based on Protected Class (collectively referred to as "Prohibited Conduct") by or against any Member of the University Community. Individuals engaging in Prohibited Conduct are subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination consistent with the procedures set forth in Appendix A.

- 5.2 **Providing Materially False Information in Bad Faith.** Knowingly providing materially false information in bad faith in a report, Formal Complaint or as part of the procedures set forth in Appendix A, including but not limited to providing materially false information, or testimony during the prehearing investigation, live hearing or at any stage of the formal or informal resolution process is prohibited. Individuals engaging in providing materially false information in bad faith are subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination consistent with the procedures set forth in Appendix A provided that a decision on responsibility alone is not enough to support an allegation an individual provided false information in bad faith.

## **Section 6. Jurisdiction**

- 6.1 **Title IX Jurisdiction.** Title IX applies to Title IX Sexual Harassment occurring against an individual in the United States. The University will respond promptly to Title IX Sexual Harassment when the Title IX Coordinator or any Official with Authority has Actual Knowledge of the Title IX Sexual Harassment allegation. The University will address Title IX Sexual using the procedures set forth in Appendix A.
- 6.2 **General Jurisdiction.** General Jurisdiction applies to all other Prohibited Conduct occurring within an Education Program or Activity against an individual inside or outside the United States, regardless of citizenship, not covered by Title IX Jurisdiction. Jurisdiction extends to electronic discrimination and harassment if it occurs within an Education Program or Activity. Protected Class Discrimination and Harassment prohibited by Title VII falls under General Jurisdiction. Protected Class Discrimination, Harassment, Sexual Assault, Domestic Misconduct, Stalking and Hazing based on Protected Class Status and Sexual Exploitation occurring against an individual outside the United States, regardless of citizenship within an Education Program or Activity fall under General Jurisdiction. The University will address all Prohibited Conduct not included in Title IX Sexual Harassment Jurisdiction using the procedures set forth in Appendix A.
- 6.3 **Conduct Occurring Outside an Education Program or Activity.** Prohibited Conduct occurring outside the context of an Education Program or Activity against an individual inside or outside the United States may be addressed at the University's discretion under General Jurisdiction if it: (a) occurs off-campus and would unreasonably interfere with the Education or orderly operation of the University community, its mission, or its objectives as determined by a reasonable person; or (b) occurs off-campus and in light of all of the facts and circumstances, would endanger the health and safety of the University community; or (c) the conduct affects a substantial school/university interest. Prohibited Conduct occurring outside the context of an Education Program or Activity may also constitute misconduct under other University rules, regulations, policies or procedures and

may at the University's discretion be addressed using those procedures or the procedures set forth in Appendix A.

6.4 Jurisdiction is further explained in Appendix A.

## **Section 7. Discrimination**

7.1 "Discrimination" is conduct based on Protected Class occurring within an Education Program or Activity against an individual inside or outside the United States, including but not limited to discrimination based on sex that is not Title IX Sexual Harassment, discrimination falling under Title VII, and is conduct that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an Education Program or Activity.

7.1.a Examples of Discrimination include, without limitation: (1) denying a person admission or employment based upon a protected characteristic, (2) denying pay increases, benefits, or promotions based on a protected characteristic, (3) subjecting a person to different academic standards or employment conditions because of a protected characteristic, or (4) failure and refusal to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities and/or to provide reasonable religious accommodations.

7.1.b Discrimination does not, however, include programs or activities specifically exempt by law. See, e.g., 20 U.S.C. § 1681(a).

7.2 All Protected Class Discrimination, including Title IX Sexual Harassment, will be addressed using the procedures set forth in Appendix A.

## **Section 8. Harassment**

8.1. "Harassment" is a form of discrimination based on Protected Class occurring within an Education Program or Activity inside or outside the United States, including but not limited to harassment based on sex falling under Title VII and is conduct that creates a hostile environment. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment or participation in an Education Program or Activity, or (2) the conduct is severe or pervasive enough to create a working, learning or living environment that a reasonable person would consider intimidating, hostile, or abusive.

- 8.2. Harassment may take various forms, including, but not limited to, name-calling, graphic or written/electronic statements (including the use of social media, text messages, e-mail, or other similar forms), offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work and/or Education performance or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. In the employment context, the harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-Staff Employee and may occur without economic injury to, or discharge of, the victim.

## **Section 9. Title IX Sexual Harassment**

9.1 Title IX Sexual Harassment is conduct within an Education Program or Activity, against a person in the United States, on the basis of sex, that satisfies one or more of the following:

- 9.1.a. Conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct that is carried out by a or Faculty (*Quid Pro Quo*). *Quid Pro Quo* harassment constitutes *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.
- 9.1.a.i Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity regardless of the intent to cause harm. Severity, pervasiveness, and objective offensiveness is evaluated in light of the known circumstances and depend on the facts of each situation, and is determined from the perspective of a reasonable person standing in the shoes of the Complainant. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal Education opportunity is actionable sexual harassment regardless of the Respondent's intent to cause harm.
- 9.1.b Sexual assault as defined by 20 U.S.C. 1092(f)(6)(A)(v) and Section 10 of this Policy.
- 9.1.c Dating violence as defined in 34 U.S.C. 12291(a)(10) and Section 12 of this Policy.
- 9.1.d Domestic violence as defined in 34 U.S.C. 12291(a)(8) and Section 12 of this Policy.

- 9.1.e Stalking on the basis of sex as defined in 34 U.S.C. 12291(a)(30) and Section 13 of this Policy.
- 9.1.f Sexual Exploitation to the extent the Sexual Exploitation meets the definition of Title IX Sexual Harassment.
- 9.2 All Title IX Sexual Harassment will be addressed using the procedures set forth in Appendix A.

## **Section 10. Sexual Assault**

- 10.1 Sexual assault is any offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation and includes all of the following:
  - 10.1.a Sex Offenses-Forcible - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving Consent. Forcible sex offenses include the following:
    - 10.1.a.i Forcible Rape - The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that person's will where the victim is incapable of giving Consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
    - 10.1.a.ii Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
    - 10.1.a.iii Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.
    - 10.1.a.iv Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against that person's will where the

victim is incapable of giving Consent because of his/her youth or because of his/her temporary mental incapacity.

- 10.1.b Non-Forcible Sex Offenses-Unlawful Non-Forcible Sexual Intercourse.
- 10.2.b.i Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 10.2.b.ii Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of Consent. In the State of West Virginia, it is illegal someone 18 or older to have sex with a minor who is younger than 16 years old. *See* West Virginia Code § 61-8B-2(b)(2).

10.2 Sexual Assault constitutes *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.

## **Section 11. Sexual Exploitation**

11.1 Sexual Exploitation means taking sexual advantage of another person without Consent.

11.1.a Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; and engaging in voyeurism.

11.2 Sexual Exploitation that does not meet the definition of Title IX Sexual Harassment occurring within an Education Program or Activity, occurring against an individual regardless of citizenship inside or outside the United States, falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

## **Section 12. Domestic Misconduct**

12.1 "Domestic Misconduct" means "Domestic Violence" and "Dating Violence" as defined



below.

12.1.a Domestic Violence” means Domestic Violence as defined under the Clery Act and W. Va. State law.

12.1.a.i Under the Clery Act, Domestic Violence means a felony or misdemeanor crime of violence committed -- (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

12.1.a.ii Under W. Va. State law, “Domestic Violence” or “Abuse” means the occurrence of one or more of the following acts between Family or Household Members, as defined under W. Va. Code: (1) Intentionally making physical contact of an insulting or provoking nature or intentionally causing physical harm; (2) Attempting to commit a violent injury or committing an act causing reasonable apprehension of immediately receiving a violent injury; (3) Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts; (4) Committing either sexual assault or sexual abuse as defined in W. Va. Code; and (5) Holding, confining, detaining or abducting another person against that person’s will.

12.1.a.iii For purposes of this subsection, “Family or Household Members” means persons who: (1) are or were married to each other; (2) are or were living together as spouses; (3) are or were sexual or intimate partners; (4) are or were dating: provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (5) are or were residing together in the same household; (6) have a child in common regardless of whether they have ever married or lived together; or (7) have the relationships described in W. Va. Code § 4827-204.

12.2 “Dating Violence” means violence committed by a person who is or has been in a social

relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. The view of the Complainant shall generally be controlling in determining whether such a relationship existed. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.

- 12.3 Domestic Misconduct occurring within an Education Program or Activity against an individual outside the United States regardless of citizenship falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.
- 12.4 Domestic Misconduct is *per se* harassment and does not require the elements of severity, pervasiveness, or objective offensiveness.

### **Section 13. Stalking**

- 13.1 "Stalking" means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to: (i) fear for his or her safety or the safety of others; or (ii) suffer Substantial Emotional Distress.
- 13.2 "Course of Conduct" for the purposes of Stalking means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- 13.3 A "Reasonable Person," for purposes of Stalking, means a reasonable person under similar circumstances and with similar identities to the Complainant.
- 13.4 "Substantial Emotional Distress," for purposes of Stalking, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 13.5 Stalking based on Protected Class occurring within an Education Program or Activity against a person outside the United States regardless of citizenship falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

### **Section 14. Hazing by Individuals**

- 14.1 Hazing by an individual means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization the members of which are primarily Students or alumni of an institution of higher education. The term includes, but is not limited to, acts of a physical nature, such as whipping, beating, branding, required consumption of any food, liquor, drug, or other substance, or any other required physical activity which could reasonably be deemed to adversely affect the physical health and safety of the person or persons so treated, and includes any activity which would subject the person or persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, required conduct which could result in extreme embarrassment, or any other required activity which could reasonably be deemed to adversely affect the mental health or dignity of the person or persons so treated, or any willful destruction or removal of public or private property. Bullying and verbal or written abuse may also constitute hazing.
- 14.2 The implied or expressed consent or willingness of a person or persons to hazing is not a defense to Hazing.
- 14.3 Hazing based on Protected Class occurring inside or outside the United States within an Education Program or Activity regardless of citizenship committed by an individual falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.
- 14.4 Hazing based on Protected Class committed by individuals is addressed using the procedures set forth in Appendix A. The procedure for reporting and filing complaints of Hazing based on Protected Class Status against recognized student organizations is addressed using the procedures set forth in the Student Conduct Code.

## **Section 15. Sexual Exploitation**

- 15.1 Sexual Exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Sexual exploitation may constitute Title IX or Title VII Sexual Harassment depending upon the severity and/or pervasiveness. Examples of Sexual Exploitation includes but are not limited to:
- 15.1.a Sexual voyeurism (such as observing or allowing others to observe a person

undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)

15.1.b Invasion of sexual privacy

15.1.c Taking pictures, video, or audio recordings of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography

15.1.d Prostituting another person

15.1.e Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection

15.1.f Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

15.1.g Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections

15.1.h Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity

15.1.i Knowingly soliciting an individual under the age of 16 for sexual activity

15.1.j Engaging in sex trafficking

15.1.k Creation, possession, or dissemination of child pornography

15.1.l "Revenge posting" in which a person threatens to post -- or actually does post -- images, audio, or video of their partner participating in sexual activity without permission.

- 15.2 Sexual Exploitation that does meet the definition of Title IX Sexual Harassment occurring within an Education Program or Activity occurring against a person regardless of citizenship inside or outside the United States falls under the University's General Jurisdiction and will be addressed using the procedures set forth in Appendix A.

## **Section 16. Retaliation**

- 16.1 Retaliation is prohibited by this Policy. No person may intimidate, threaten, coerce, or discriminate against any individual either in person, virtually, electronically or through a third-party for the purpose of interfering with any right or privilege secured by this Policy or Title IX or because the individual has made a report or filed a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in the grievance procedures including but not limited to the informal resolution process, set forth in Appendix A.
- 16.2 Retaliation against any person requesting accommodations, or who engages in other protected activity is also prohibited.
- 16.3 Intimidation, threats, coercion, including charges against an individual for violations that do not involve Protected Class Discrimination and Harassment but arise out of the same facts or circumstances as a report or Formal Complaint of Protected Class Discrimination and Harassment including but not limited to Title IX Sexual Harassment, for the purpose of interfering with any right or privilege secured by this Policy and/or any other State or Federal anti-discrimination law including but not limited to Title IX, constitutes retaliation.
- 16.4 Retaliation may include, but is not limited to, interfering with the reporting of or the investigation of Prohibited Conduct, such as tampering with or destroying relevant evidence; intimidating, threatening or attempting to influence, in any way, the testimony or information of anyone who files a complaint, a witness or otherwise participates in the grievance procedures set forth in Appendix A and/or adverse any employment or educational actions based on the exercise of rights created by this Policy, Title IX or any other State or Federal anti-discrimination law.
- 16.5 Charging an individual with a violation for making a materially false statement in bad faith in accordance with Section 5.2 of this Policy does not constitute Retaliation prohibited by this section.
- 16.6 The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

- 16.7 Adverse personnel, academic or other disciplinary action against a Staff Employee, Faculty or Student whose conduct or performance warrants such action for reasons unrelated to the reporting of Prohibited Conduct or other protected activity will not be considered Retaliation or a violation of this policy.
- 16.8 Retaliation reports and Formal Complaints are filed with the Title IX Coordinator and are investigated in accordance with the procedures set forth in Appendix A.

## **Section 17. Reporting and Grievance Procedures**

- 17.1 Any person may report Prohibited Conduct, including discrimination based on sex and Title IX Sexual Harassment, (whether or not the person reporting is the person alleged to be the victim of Prohibited Conduct regardless of the specific type), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator in Section 18 of this Policy.
- 17.2 Any individual may make an anonymous report of Prohibited Conduct to the Title IX Coordinator, to law enforcement including the University Campus Police or to the United States Department of Education Office for Civil Rights without disclosing their name, without identifying the Respondent or accused, and/or without requesting any action. Because the accused individual is entitled to certain due process including but not limited to the right to confront the individual's accuser, the University's ability to address alleged misconduct reported by anonymous sources is significantly limited. The University's ability to respond to an anonymous report also may be limited depending on the level of information available regarding the incident or individuals involved.
- 17.3 The University will adopt and publish grievance procedures that provide for the prompt and equitable resolution of reports and Formal Complaints made by Members of Campus Community alleging Prohibited Conduct including grievance procedures for reporting and filing Title IX Sexual Harassment Formal Complaints that comply with 34 C.F.R. Part 106 (2020), specifically 34 C.F.R. §§ 106.44, 106.45 (applicable to reports and Formal Complaints against employees and students) and that provide immediate and appropriate corrective action in response to harassment based on Protected Class including based on sex occurring in the workplace. The grievance procedures may include informal and formal resolution options, as applicable and allowed by law, and shall include Supportive Measures for reporting parties, Complainants and Respondents as applicable and required by law. The University's grievance procedures for all Protected Class discrimination and

harassment including Title IX Sexual Harassment and Retaliation, are set forth in Exhibit A, *Unlawful Discrimination and Harassment and Title IX Sexual Harassment Grievance Procedure*.

- 17.3.a For the purposes of Title IX Sexual Harassment, the University's response obligations under this Policy and the Appendix A procedures are not triggered until the Title IX Coordinator or an Official with Authority has Actual Knowledge of the alleged Title IX Sexual Harassment.
- 17.4 Prohibited Conduct may also constitute violations of criminal law. An individual may, but is not required, to report alleged criminal conduct to law enforcement. Any individual who wishes to report criminal conduct should call 9-1-1 in an emergency or contact law enforcement directly in non-emergency situations. The University encourages individuals to contact local law enforcement to report incidents of Prohibited Conduct that may also be crimes under criminal statutes. Reports to law enforcement made by alleged victims may be made in addition to reporting Prohibited Conduct in accordance with this Policy. Grievance procedures adopted in accordance with Section 7 may be carried out prior to, simultaneously with, or following off-campus civil or criminal law enforcement proceedings. Reporting Prohibited Conduct that may also constitute criminal conduct to law enforcement is not required to report Prohibited Conduct to the Coordinator. The outcome of law enforcement investigation or external criminal or civil proceeding is not determinative of whether an individual is responsible for violating this Policy.
- 17.5 External reports or complaints of Prohibited Conduct, including but not limited to Title IX Sexual Harassment may be made at any time by contacting external agencies responsible for enforcing Federal and State anti-discrimination laws.
- 17.5.a The U.S. Department of Education's Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the United States Department of Education, including but not limited to, Title IX. Information about OCR, the laws it enforces and the OCR external complaint process is available by contacting:

Office of Civil Rights  
U.S. Department of Education  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: 215-656-8541  
FAX: 215-656-8605;  
TDD: 877-521-2172

Email: [OCR\\_Philadelphia@ed.gov](mailto:OCR_Philadelphia@ed.gov)

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

- 17.5.b The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate or harass Staff Employees or applicants for employment on the basis of, among other things, sex. Information about the EEOC and its external complaint process is available online or by contacting:

United States Equal Employment Opportunity Commission  
801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127  
Telephone: 866-408-8075.  
Fax: 215-440-2606  
TTY: 800-669-6820  
Website: <http://www.eeoc.gov/>

- 17.5.c The West Virginia Human Rights Commission (WHRC) is responsible for enforcing the West Virginia Human Rights Act. Information about the WVHRC and its external complaint procedures is available online or by contacting:

West Virginia Human Rights Commission  
1321 Plaza East, Room 108  
Charleston, WV 25301  
Phone: (304) 558-2616  
Toll Free: (888) 676-5546  
Fax: (304) 558-0085  
<https://hrc.wv.gov/>

- 17.5.d. Employees may use the statutory grievance procedure to challenge adverse employment actions. Information about the statutory grievance procedure is available in the Human Resources Office or by contacting:

WV Public Employees  
Grievance Board  
1701 5th Avenue  
Suite 2  
Charleston, WV 25387  
Phone: 304-558-3361  
Toll Free: 866-747-6743



Fax: 304-558-1106

[wvgb@wv.gov](mailto:wvgb@wv.gov)

17.5.e The State of West Virginia Equal Employment Opportunity Office (WV-EEEO) provides guidance to State employers and employees about discrimination and harassment. Information about the WV-EEEO and its complaint procedures is available online and by contacting:

State of West Virginia  
Equal Employment Opportunity Office  
1900 Kanawha Blvd. East  
Building 5, Room A-125  
Charleston, WV 25305  
Phone: 304.558.0400  
<https://eeo.wv.gov/Pages/aboutus.aspx>

## **Section 18. Duty to Report and Reporting Child Abuse or Neglect**

18.1 All Officials with Authority (OWA) who witness Prohibited Conduct including Title IX Sexual Harassment and Retaliation or who receive a verbal or written report of Title IX Sexual Harassment or other Prohibited Conduct including Retaliation are required notify the Title IX Coordinator of the Prohibited Conduct at:

Title IX Coordinator  
416 Wallace Hall  
West Virginia State University  
PO Box 1000  
Institute, WV 25112  
(304) 204-4018  
[titleixcoordinator2@wvstateu.edu](mailto:titleixcoordinator2@wvstateu.edu)

18.2 All other University Staff Employees and Faculty except any Staff Employee or Faculty designated as a Confidential Reporting Resource in accordance with Section VII of Appendix A and as defined in this policy who witness Prohibited Conduct including Title IX Sexual Harassment and Retaliation or who receive a verbal or written report of Title IX Sexual Harassment or other Prohibited Conduct including Retaliation are required to notify the Title IX Coordinator of the Prohibited Conduct using the contact information set forth in this policy. Notice of Title IX Sexual Harassment to individuals not designated as an “OWA does not constitute Actual Knowledge for the purposes of triggering the University’s Title IX obligations.

- 18.3 Failure to notify the Coordinator as required by may result in disciplinary action up to and including termination of employment.
- 18.4 Any other Member of the University Community who has witnessed or is aware of any Prohibited Conduct is strongly encouraged to report any concerns to the Coordinator and should advise individuals of where to find this policy.
- 18.5 Staff Employees and Faculty may also be required to make a report in accordance with the University’s Clery Act reporting procedures.
- 18.6 Staff and/or if applicable in accordance with State mandatory child abuse and sexual abuse reporting laws. The University’s reporting requirements within this Policy do not supersede or exempt individuals from the requirements placed on individuals by law. West Virginia’s mandatory child abuse and sexual abuse reporting obligations can currently be found at W. Va. Code §§ 49-2-801 to -814 (2017), which can be found at: <http://www.legis.state.wv.us/WVCODE/Code.cfm>.
- 18.7 **Reporting Child Abuse or Neglect.** West Virginia State University is committed to providing for protection of children on the University’s premises or involved in University sponsored programs at all geographic locations.
- 18.7.a If any Member of the University Community observes, or has reasonable cause to suspect, any type of Child Abuse or Neglect, including physical or Sexual Abuse, he or she must immediately report the circumstances to the Title IX Coordinator. “Child Abuse or Neglect” for the purposes of this section means Sexual Abuse, physical injury, mental or emotional injury, sale or attempted sale, negligent treatment or maltreatment of a child by an adult, any other act that endangers or attempts to endanger the health, safety, or well-being of a child, or anything else that is otherwise prohibited by a West Virginia law intended to protect children. “Sexual Abuse” for the purpose of this section is a form of Child Abuse or Neglect and means any wrongful or otherwise illegal act that involves the sexual molestation or exploitation of child or is otherwise sexual in nature, whether physical injuries are sustained or not.
- 18.7.b Under West Virginia state law, some individuals are considered Mandatory Reporters. Mandatory Reporters are required by West Virginia law to report any type of Child Abuse or Neglect, including physical or Sexual Abuse, in accordance with W. Va. Code §§ 49-2-801 to -814 (2017). In cases involving a Mandatory Reporter, reports of Child Abuse or Neglect should be immediately reported to each

of the following:

- West Virginia Department of Health and Human Resources or by contacting the Child Abuse and Neglect Hotline (1800-352-6513), seven days a week, twenty-four hours a day see also: <http://www.dhhr.wv.gov/bcf/Services/Pages/Centralized-Intake-for-Abuse-and-Neglect.aspx>;
- West Virginia State Police at 304-293-6400 (Crimes Against Children Unit);
- West Virginia State University Campus Police at (304) 7663353 or other appropriate law enforcement agency; and
- If the Mandatory Reporter is a Member of the University Community, the Title IX Coordinator.

18.7.c If the reporter feels making a report of sexual abuse will expose the reporter, the child, the reporter's children or other children in the subject's household to an increased threat of serious bodily injury, the individual may delay the report while the individual takes measure to remove themselves or the affected children from the perceived threat of additional harm. The individual must make the report as soon as practical after the threat of harm has been reduced.

18.7.d Upon receiving a report of Child Abuse or Neglect, the University's Title IX Coordinator shall take immediate action in order to protect children present on the University campus or participating in University sponsored programs.

18.7.e Under *West Virginia Code* § 49-2-810 persons making a report in good faith are immune from civil or criminal liability.

18.7.f The University's reporting requirements within this Policy do not supersede the requirements placed on individuals by law. West Virginia's mandatory reporting obligations can currently be found at W. Va. Code §§ 49-2-801 to -814 (2017), available online at:

<http://www.legis.state.wv.us/WVCODE/Code.cfm>.

## **Section 19. Confidential Reporting Resources**

19.1 Members of the University Community who have experienced Prohibited Conduct seeking complete confidential assistance without sharing information and without making a report to the University may do so by speaking with a Confidential Reporting Resource.

- 19.2 A Confidential Reporting Resource is not required to report Prohibited Conduct including but not limited to Title IX Sexual Harassment to the University, not even to the Title IX Coordinator, without the individual's permission, unless otherwise required or permitted to do so by law.
- 19.3 Information about on- and off-campus Confidential Reporting Resources is available in Appendix A and is also available by contacting the Title IX Coordinator or designee.

## **Section 20. Relation to Board of Governors Policy 21, Social Justice, Policy 23, Student Rights and Responsibilities, the Student Conduct Code and Any Other Institution Policies or Procedures**

- 20.1 Conduct prohibited by this Policy (Prohibited Conduct) including but not limited to Title IX Sexual Harassment, hazing by individuals and stalking based on Protected Class status are also prohibited by other policies and procedures including but not limited to Board of Governors' policies 20 and 23, the Student Conduct Code and various other Staff Employee, Faculty, and Student academic and athletic program handbooks and/or other policies and procedures.
- 20.2 The grievance procedure for the reporting, investigation and disposition of Prohibited Conduct including but not limited to unlawful discrimination and harassment based on Protected Class including but not limited to Title IX Sexual Harassment established in accordance with Appendix A is the only procedure used to address reports or complaints of Prohibited Conduct based on Protected Class.

## **Section 21. Consensual Relationships**

- 21.1 Consensual Relationships to which this Section applies are those romantic, intimate or sexual relationships where one of the parties has influence or control over another or is in a position to direct, grade, evaluate, or influence the academic progress or employment of a student or employee. WVSU is committed to maintaining a fair and professional working and learning environment free of conflicts of interest. Whether the Consensual Relationship is student/teacher or employee/employee, the working and academic relationship must be, and must remain, professional at all times. Romantic or sexual relationships where one of the parties is in a position to direct, grade, evaluate, or influence the academic progress or employment of a student or employee may create an appearance of impropriety, may raise issues of conflicts of interest, abuse of authority, or favoritism, with potential to adversely impact not only the persons involved in the Consensual Relationship but others who may see themselves as disadvantaged by the Consensual Relationship. Because of the real or perceived power imbalance that may exist, such a relationship may also raise questions

about the mutuality of consent. Such situations may cast doubt on the objectivity and fairness of the workplace and learning environment, damage workplace morale and/or subject the University to legal liability all of which are contrary to the interests of the University. This section should be interpreted in accordance with the University's objective of preserving the integrity of the University's working and learning environment and the educational process.

21.2 Consensual Relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor. The parties involved in pre-existing Consensual Relationships must remain aware that such relationships could lead to circumstances that could result in Harassment, Discrimination, Domestic Misconduct and/or other Prohibited Conduct. Additionally, others may perceive a person involved in the pre-existing Consensual Relationship as receiving favorable treatment in employment or education decisions.

21.3 **Consensual Relationships involving Members of the University Community.** The following provisions govern Consensual Relationships involving Members of the University Community where Members engage in a Consensual Relationship involving: (i) persons in inherently unequal and closely related employment positions at the University; (ii) employees within the same reporting line; or (iii) where one individual has influence or is in a position to direct, evaluate, or influence the employment of an employee the individuals involved in the Consensual Relationship

21.3.a The supervisor shall notify the Human Resources Office of the reported Consensual Relationship.

21.3.b Human Resources in Consultation with the Provost's Office if a Faculty is involved will attempt to implement a Mitigation Plan. The Mitigation Plan will:

21.3.b.i Provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee or otherwise mitigate the conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the Consensual Relationship;

21.3.b.ii Give priority to the interest of the subordinate;

21.3.b.ii Be in writing and signed by both parties to the Consensual Relationship;

21.3.b.iii Provide the individuals with notice of this Policy; and

21.3.b.iv Be reassessed by Human Resources in consultation with the Provost's Office if applicable on an annual basis (or sooner if circumstances

warrant) by the parties, and the applicable department/unit for necessary modification.

21.3.c If no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from employment with the University and/or any other relationship with the University (if either party is not an Employee) may be terminated.

21.3.d Failing to disclose a Consensual Relationship or to Comply with a Mitigation Plan is prohibited and may result in disciplinary action up to and including termination of employment. Violations of this section will be addressed using Board of Governors Policy 19, Personnel Policy.

21.3.e Any Member of the Campus Community who becomes aware of a violation of this section should report it to:

21.4 **Relationships Involving Students.** Members of the University Community are prohibited from or attempting to initiate, pursue, or engage in a relationship with a Student whom the individual evaluates advises, grades, or otherwise has control or influence over the academic progress of the Student.

21.4.a Pre-existing Relationships Involving Students. Where there is a pre-existing Consensual Relationship with a Student, the Member of the University Community involved in the Relationship shall notify the immediate supervisor. The supervisor shall notify the Office of the Provost of the reported Consensual Relationship.

21.4.b Human Resources in consultation with the Provost's Office and if necessary the Office of Enrollment Management and Student Affairs will attempt to implement a Mitigation Plan to eliminate or mitigate any conflict of interest or other educational or occupational interest. The Mitigation Plan will:

21.4.b.i Provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the Student or otherwise mitigate the existing conflict of interest and the potential for exploitation or the appearance of exploitation or favoritism created by the Consensual Relationship;

21.4.b.ii If a preexisting teacher/Student Consensual Relationship exists, provide instructions on avoiding any future conflict of interest and the potential for exploitation or appearance of exploitation or favoritism created by Consensual Relationship

21.4.b.iii Give priority to the interest of the Student;

- 21.4.b.iv Be in writing and signed by both parties to the Consensual Relationship;
  - 21.4.b.v Provide notice of this Policy; and
  - 21.4.b.vi Be reassessed by Human Resources in consultation with the Enrollment Management and Student Affairs Office if applicable on an annual basis (or sooner if circumstances warrant) by the parties, and the applicable department/unit for necessary modification
- 21.4.c If no suitable way to eliminate or mitigate the conflict is reasonably feasible, the Member of the University Community may be separated from employment with the University and/or any other relationship with the University may be terminated.
- 21.4.d Failing to disclose a pre-existing Consensual Relationship with a Student or not complying with a Mitigation Plan is prohibited and may result in disciplinary action up to and including termination of employment or termination of any other relationship with the University.
- 21.4.e Any Member of the University Community who is notified, or becomes aware of, an alleged violation of this section should timely report the violations to:

Provost and Vice President for Academic Affairs  
131 Ferrell Hall  
(304) 766-3146

## **Section 22. Academic Freedom and Freedom of Speech**

- 22.1 Free expression and academic freedom at the institution are necessary to enable the institution to reach its goals to engage Students in a challenging academic environment; excel in research, creative activity, and innovation in all disciplines; foster diversity and inclusion; advance international activity and global engagement; and enhance the well-being and the quality of life of the people of West Virginia.
- 22.2 While this Policy seeks to protect Members of the University Community from discrimination, harassment, sexual and domestic misconduct, certain consensual relationships, stalking, and retaliation, it should be read in conjunction with Board of Governor Rules regarding free expression and academic freedom.
- 22.3 Nothing in this policy requires the institution to restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution.

## Section 23. Definitions

23.1 The phrases and words as used in this policy shall have the meanings set forth below: "Actual Knowledge" means notice of Title IX Sexual Harassment to THE UNIVERSITY's Title IX Coordinator or any Official with Authority. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge for the purposes of Title IX Sexual Harassment. This standard is not met for Title IX Sexual Harassment when the only official of THE UNIVERSITY with actual knowledge is the accused individual and/or Respondent. The mere ability or obligation to report Title IX Sexual Harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as an Official with Authority.

"Confidential Reporting Resource" means professional, licensed counselors and pastoral counselors who provide mental health counseling (including those who act in that role under the supervision of a licensed counselor).

"Consensual Relationship" means a mutually acceptable romantic, amorous, dating, or sexual relationship between individuals.

"Education Program or Activity" includes locations, events, or circumstances over which the University exercises substantial control over both the accused and the alleged victim and the context in which the sexual harassment occurs including but not limited to employment, employment benefits, academic, extracurricular and athletic programs. Education program or activity also includes any building owned or controlled by a Student organization that is officially recognized by the University.

"Faculty" means all faculty classifications as defined in *West Virginia Higher Education Policy Commission, Procedural Rule Title 133 Series 9, Academic Freedom, Professional Responsibility, Promotion, and Tenure*.

"Formal Complaint" means any writing, electronic submission (such as by electronic mail, facsimile or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person submitting the writing and requesting an investigation by the University. At the time of filing of a formal Complaint, a Complainant must be participating in or attempting to participate in a University Education Program or Activity.

"Member of the University Community" means (i) an individual engaged in any University activity or program, whether on or off campus; (ii) any individual lawfully



on University property; (iii) any individual that is a University Student, Faculty, Staff Employee, University official, University volunteer, or a University visitor; and (iv) any vendor or contractor, including that vendor's or contractor's Staff Employees and independent contractors, who are working on campus.

“Official with Authority” means a Staff Employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University. The mere ability or obligation to report discrimination, harassment or retaliation or to inform an individual about how to report discrimination, harassment, retaliation or having been trained to do so, does not qualify an individual as an Official with Authority. For Title IX Sexual Harassment, imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute notice and the notice standard is not met when the only official of the University with notice or knowledge is the accused individual and/or Respondent. The Title IX Coordinator will maintain a list of employees designated as Officials with Authority which will be available in that office and online at: <https://www.wvstateu.edu/about/title-ix.aspx>

“On the Basis of Sex” or “Based on Sex” means gender, gender identity, including transgender status, sexual orientation and/or stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

“President” means the President of West Virginia State University or his or her designee.

“Protected Class” means groups protected from employment discrimination by law or by this policy. Various State and Federal laws prohibit unlawful discrimination and harassment of certain Protected Classes including but not limited to the following:

- USC 1324 et seq., (Immigration Reform and Control Act of 1986).
- 20 USC 1681 et. seq (Title IX of the Education Amendments of 1972)
- 29 USC 206(d) et seq., (Equal Pay Act of 1963, as amended).
- 29 USC 621, et seq., (Age Discrimination in Employment Act of 1967, as amended).
- 29 USC 701 et seq., (Rehabilitation Act of 1973).
- 29 USC 791 et seq., (Rehabilitation Act of 1992).
- West Virginia Code § 5.11.1, et seq. (West Virginia Human Rights Act)
- 38 USC 4301 et seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- 42 USC 1981 et seq., (Civil Rights Act of 1991).
- 42 USC 12101 et seq., (Americans with Disabilities Act of 1990-ADA).
- 42 USCA 12101 et seq., (Americans with Disabilities Act Amendments Act of

2008).

- 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- 42 USC 2000e et seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- 42 USC 2000ff et seq., (Genetic Information Nondiscrimination Act of 2008-GINA).

“Reporting Party” means any individual that reports an incident of Prohibited Conduct to the Title IX Coordinator.

“Respondent” means an individual reported to be the perpetrator of Prohibited Conduct. “Sexual intercourse” means any act between persons involving penetration, however slight, of the female sex organ by the male sex organ or involving contact between the sex organs of one person and the mouth or anus of another person.

“Student” means an individual subject to the West Virginia State University Board of Governors Policy 21 (or its successor Rule), University Student Rights and Responsibilities Policy: Student Conduct.

“Staff Employee” means any Classified or Non-Classified Staff Employee, as defined in Board of Governors Policy 19, and any individual employed as a University Temporary Staff Employee or volunteer.

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

“Title IX” means Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance.

“Title VII” means Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e Title VII, SEC. 2000e- 2. [Section 703] which states in pertinent part it shall be an unlawful employment practice for an employer:

- (a) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national

- origin; or
- (b) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

## **Section 24. Delegation and Amendments**

- 24.1 The President or President's designee may establish administrative procedures and/or forms to implement this policy including any additional grievance procedures for the reporting, investigation and disposition of complaints of Prohibited Conduct.
- 24.2 This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
- 24.3 Federal and State laws, rules and regulations change. Any portion of this Policy or the Appendix A procedures may be modified in practice to ensure the due process rights of the individuals involved are provided and to conform with any current Federal and State law, rules and regulations and guidance. Subject to the institution's rulemaking rule, the institution will change this Policy and Appendix A procedures to conform to the most current laws and regulations within a reasonable time of discovering the change.

## **Section 25. Policy Limitations**

- 25.1 Nothing in this policy should be construed to extend "Protected Class" status or give rise to a cause of action beyond that otherwise provided by law.

## **Section 26. Supersedes**

- 26.1 This policy and Appendix A, including but not limited to the grievance procedure and any record retention guidelines and schedules set forth in Appendix A, repeals and replaces Board of Governors Policy 14 [2015] and supersede all other University Protected Class unlawful discrimination and harassment, sexual harassment, and records retention policies and grievance procedures to the extent those policies, guidelines, schedules and procedures are inconsistent with this policy.

**POLICY 14 APPENDIX A  
UNLAWFUL DISCRIMINATION AND HARASSMENT  
AND TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE**

**CALL 9-1-1 IN AN EMERGENCY OR CONTACT LOCAL LAW ENFORCEMENT IF  
YOU HAVE IMMINENT CONCERNS ABOUT YOUR PERSONAL SAFETY**

The University encourages anyone who experiences or becomes aware of an incident of conduct prohibited by Policy to *immediately* report the incident. Any person may report conduct prohibited by Policy 17 (whether or not the person reporting is the alleged victim of the Prohibited Conduct), in person, by mail, by telephone, facsimile or by electronic mail to:

**Title IX Coordinator, EEO Compliance Officer**

West Virginia State University  
P.O. Box 1000  
Institute, WV 25112-1000  
Telephone: 304-204-4018  
Fax: 304-204-4069  
24 Hour Number: 304-533-5392  
*Campus Office Location*  
105 Ferrell Hall, 1st Floor

Reports may also be made online at:

<https://www.wvstateu.edu/forms/title-ix-reporting-form.aspx>

Reports or complaints against the above-named person should be reported to and filed with:

**President**

West Virginia State University  
P.O. Box 1000  
Institute, WV 25112-1000  
Telephone: 304-766-3111  
*Campus Office Location*  
103 Ferrell Hall

The President will assign the report/complaint to a trained individual who will take the place of the Title IX Coordinator in this procedure. The individual will be instructed not to discuss or disclose the report or complaint with the Title IX Coordinator except as permitted by this procedure in accordance with provisions of this procedure applicable to Respondents.

Any individual may at any time pursue a complaint, as applicable with the United State Equal

Employment Opportunity Commission, the West Virginia Equal Employment Opportunity Office, the West Virginia Human Rights Commission or the United States Department of Education Office for Civil Rights (responsible for enforcing Title IX). Information about external agencies and their complaint processes is available in Section 17 of Policy 14.

**I. Purpose.**

A. On May 6, 2020, the United States Department of Education (USDE) released its Final Rule addressing Title IX Sexual Harassment internal grievance procedures (34 CFR Part 106) The procedures set forth in the Final Rule apply to individuals including, employees and students, who have been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment The USDE's Final Rule is available online at:

<https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10512.pdf>

The purpose of the Unlawful Discrimination and Harassment and Title IX Sexual Harassment Grievance Procedure (GRIEVANCE PROCEDURE) is to comply with the USDE's Final Rule addressing Title IX Sexual Harassment and to provide a procedure for addressing all unlawful Protected Class Discrimination and Harassment and Retaliation. Because current procedures and/or definitions set forth in Student, Employee, Student Athlete and Faculty Handbooks do not comply with the USDE's Final Rule, this GRIEVANCE PROCEDURE supersedes and replaces any other rule, regulation, or handbook procedures addressing the definitions of, reports and/or Formal Complaints of Title IX Sexual Harassment, and/or any other unlawful Protected Class discrimination or conduct prohibited by Policy 14. This GRIEVANCE PROCEDURE and the definitions set forth herein and in Policy 14 are the only procedures and definitions that will be used by the University to address reports and Formal Complaints of unlawful discrimination Protected Class Discrimination and Harassment and Title IX Sexual Harassment.

B. This procedure applies to students, faculty, staff, applicants for admission to or employment with THE UNIVERSITY, visitors or any third party who otherwise has some relationship with THE UNIVERSITY.

C. This GRIEVANCE PROCEDURE does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

D. The University will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

## **II. General.**

A. The Title IX Coordinator is responsible for coordinating THE UNIVERSITY's efforts to comply with its responsibilities under Title IX and for implementing the GRIEVANCE PROCEDURE. The Title IX Coordinator may not have a conflict of interest or bias for or against individuals who report alleged Prohibited Conduct, Respondents, Complainants or Respondents generally or specific individuals in any of the aforementioned capacities. The Title IX Coordinator's responsibilities include but are not limited to:

1. Communicating with all Members of the University Community regarding Title IX, Policy 14, Title IX Sexual Harassment, Protected Class Discrimination and Harassment, and providing information about the GRIEVANCE PROCEDURE;
2. Reviewing applicable UNIVERSITY policies to ensure institutional compliance with Title IX;
3. Responding to general inquiries regarding Title IX Sexual Harassment and other Prohibited Conduct;
4. Monitoring THE UNIVERSITY's compliance with and administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements.
5. Conducting compliance assessments of the effectiveness of Title IX programs, the campus safety and security environment, and compliance with Federal and State law. Assessments may include site visits, record reviews, surveys, reviews of the applicable law(s) and interviews with students and personnel;
6. Conducting and/or providing training regarding Title IX and Prohibited Conduct as defined in this GRIEVANCE PROCEDURE and posting all Title IX training materials as described in section XXII;
7. Coordinating THE UNIVERSITY's response to Prohibited Conduct and sexual harassment reports and complaint grievance procedures;
8. The Title IX Coordinator may not serve as an Investigator or decision-maker as defined in this GRIEVANCE PROCEDURE and may not make any appeal decisions but may serve as facilitator for any step/stage in this process including but not limited to the hearing stage;
9. Any responsibility outlined in this GRIEVANCE PROCEDURE; and
10. Any other duties that may be assigned by the President or designee

B. The President may appoint more than one Title IX Coordinator and the Title IX Coordinator may appoint Deputy Title Coordinators.

C. All, applicants for admission and employment; students; off-campus program participants; dual credit students; parents or legal guardians of elementary and secondary school students participating in a THE UNIVERSITY Education Program or Activity; and employees, will be

provided with the UNIVERSITY's Notice of Nondiscrimination and with information on how to report or file a Prohibited Conduct Formal Complaint including a Title IX Sexual Harassment Formal Complaint. THE UNIVERSITY will provide all of the aforementioned individuals with either a copy of Policy 14 and this GRIEVANCE PROCEDURE or will provide them with information on how to obtain copies. The UNIVERSITY will notify all of the aforementioned that any person may report or file a Formal Complaint alleging Prohibited Conduct including Title IX Sexual Harassment, (whether or not the person reporting is the person alleged to be the victim of Prohibited Conduct regardless of the specific type), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non- hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator above.

D. THE UNIVERSITY will prominently display the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator, as well as the its Notice of Nondiscrimination, on its website, and in each applicable handbook, application materials (either on the application or as a separate document) and/or catalog that it makes available to the persons listed above.

E. Waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment consistent with this GRIEVANCE PROCEDURE and procedure will not be required as a condition of enrollment or continuing enrollment; or employment or continuing employment; or enjoyment of any other THE UNIVERSITY right.

F. During the implementation of the GRIEVANCE PROCEDURE, THE UNIVERSITY will treat Reporting Parties, Complainants and Respondents equitably. For Title IX Sexual Harassment the UNIVERSITY will treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent, by providing Supportive Measures as appropriate to the Complainant and the Respondent and by following this GRIEVANCE PROCEDURE before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent. Remedies for Title IX Sexual Harassment Formal Complaints will be designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity. Such remedies may include the same individualized services described in section III as "Supportive Measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies for all other Prohibited Conduct may be designed to meet the same goals but also will be consistent with State or Federal Law. Disciplinary sanctions may also be imposed on Respondents found responsible for prohibited conduct consistent with this GRIEVANCE PROCEDURE.

G. Individuals reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment are presumed not responsible for any alleged Prohibited Conduct until a determination regarding responsibility is made at the conclusion of the formal grievance process.

H. The burden of gathering evidence sufficient to reach a determination regarding responsibility and the burden of proof rests on THE UNIVERSITY and not on the Complainant or Respondent.

I. The administrative investigation of reports and complaints in accordance with this GRIEVANCE PROCEDURE is different from a law enforcement investigation. The technical rules of evidence and procedure do not apply. A law enforcement investigation will not take the place of an investigation or disposition of a report or complaint filed in accordance with this GRIEVANCE PROCEDURE and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for violating Policy 14. The procedures set forth in this GRIEVANCE PROCEDURE may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. THE UNIVERSITY will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus or that affects the campus community and such cooperation may require the institution to temporarily suspend the fact-finding aspect of the administrative investigation while the law enforcement agency is in the process of gathering information. Suspensions of investigations typically last from three to ten days but may be extended depending upon the circumstances of each case. THE UNIVERSITY will promptly resume its administrative investigation as soon as notified by the law enforcement agency that it has completed its evidence gathering process.

### **III. Definitions.**

**A. *Actual Knowledge*** for the purposes of Title IX Sexual Harassment means notice of Title IX sexual harassment to THE UNIVERSITY's Title IX Coordinator or any Official with Authority. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge for the purposes of Title IX Sexual Harassment. This standard is not met for Title IX Sexual Harassment when the only official of THE UNIVERSITY with actual knowledge is the Respondent. The mere ability or obligation to report Title IX Sexual Harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as an Official with Authority.

**B. *Advisor*** means any person selected by the Complainant or Respondent to assist either during the informal or formal grievance process. Advisor also means any UNIVERSITY appointed individual appointed only for the purposes of conducting Cross-Examination. Advisors selected by the Complainant or Respondent may be the legal counsel of their choice paid for at their own



expense.

**C. Complainant** means an individual alleged to be the victim of Title IX sexual harassment or other Prohibited Conduct as defined in Policy 14 who is participating in or attempting to participate in a College education program or activity. The term Complainant is used to refer to an individual alleged to be the victim of Title IX Sexual Harassment or other Prohibited Conduct even if no formal complaint is filed. A Complainant may also be a Reporting Party. A Complainant may be a student, employee or third-party and must be participating in, or attempting to participate in, an Educational Program or Activity at the time of filing a Formal Complaint.

**D. Cross-Examination** means the opportunity to question the opposing Party or any witness who has answered questions posed by the opposing Party or the Review Board. The opportunity to cross-examine usually occurs as soon as the other Party or witness completes the initial testimony, called direct testimony. Cross-examiners attempt to get the witness to say something helpful to their side, or to cast doubt on the witness's testimony by eliciting something that reduces the witness's credibility -- for example, that the witness's eyesight is so poor that the witness may not have seen an event clearly.

**E. Day** means a means working days exclusive of Saturday, Sunday, official holidays and any day in which WVSU is legally closed under the authority of the President chief administrator due to weather or other cause provided for by statute, rule, policy or practice or Executive Order of the Governor of the State of West Virginia.

**F. Directly Related Evidence** shall be interpreted using the plain and ordinary meaning of the terms. Directly Related evidence is not the same as Relevant Evidence.

**G. Education Program or Activity** includes locations, events, or circumstances over which THE UNIVERSITY exercises substantial control over the Respondent and the context in which the Prohibited Conduct including title IX Sexual Harassment, occurs. Education Program or Activity also includes any building owned or controlled by a student organization that is officially recognized by THE UNIVERSITY.

**H. Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment or other Prohibited Conduct against a Respondent and requesting that THE UNIVERSITY investigate the allegation of Title IX Sexual Harassment. For Title IX Sexual Harassment, only the individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment may file a Formal Complaint and at the time of filing a Title IX Sexual Harassment Formal Complaint, the individual must be participating in or attempting to participate in the Education Program or Activity of the College with which the Formal Complaint is filed.

**I. Formal Grievance Process** means sections XI-XIV of this GRIEVANCE PROCEDURE.

**J. Investigator** means one or more individuals designated by THE UNIVERSITY from the Investigator and Review Board Pool to investigate Formal Complaints. An Investigator cannot be the same person as the Title IX Coordinator and may not serve on the Review Board or make any appeal decisions for a complaint investigated by the Investigator. References in this GRIEVANCE PROCEDURE to the “Investigator” include the plural.

**K. Investigator, Review Board and Appeal Decisionmaker Pool (Pool)** means a standing Pool of Members of the University community or external individuals who are trained on the definition of Title IX Sexual Harassment, the scope of THE UNIVERSITY’s Education Programs or Activities, these procedures and BOG Policy 14, and how to be impartial, including how to avoid prejudgment of the facts at issue, conflicts of interest, and bias. The President or Title IX Coordinator or other President designee has the discretion to expand the to include individuals not included in the standing Pool depending upon the circumstances of the case. The names of Pool members are available in the Title IX Coordinator’s Office and will be listed online at:

**L. No Contact Directive** typically means a mutual administrative directive designed to prevent any direct contact between individuals. A no contact directive prohibits contact, including, but not limited to in-person, through electronic means, or through a third Party (other than through an Advisor), but it does not prevent individuals from being in the same place or seeing one another on- or off-campus. THE UNIVERSITY may, however, restrict a Complainant’s and Respondent’s activities as a separate interim measure and/or a remedy if appropriate and reasonable. A no contact directive will not be used to impose prior restraints on an individual’s ability to discuss any allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization. A one-way No Contact Directive may be appropriate in limited circumstances. A fact-specific inquiry is required into whether a carefully crafted no-contact order restricting the actions of only one party would meet the definition of a supportive measure. A No Contact Directive is not the same as a law enforcement protective or restraining order.

**M. Parent** means natural [parent](#), a guardian, or an individual [acting](#) as a [parent](#) in the absence of a [parent](#) or a guardian.

**N. Party or Parties** are terms used to refer to the Complainant and Respondent individually or collectively.

**O. Preponderance of the Evidence** means evidence which is of greater weight of more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the facts sought to be proved is more probable than not. Responsibility decisions made

by the Review Panel are made using the preponderance of the evidence standard of proof.

**P. *Reporting Party*** means any individual who reports Prohibited Conduct. A Reporting Party may also be a Complainant.

**Q. *Respondent*** means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in Policy 14 including but not limited to Title IX Sexual Harassment. The term Respondent is used to refer to any individual reported to have been the perpetrator of conduct that could constitute Title IX Sexual Harassment, other Prohibited Conduct and/or retaliation even if no Formal Complaint is filed.

**R. *Relevant Evidence*** means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action. Relevance is determined from a layperson's perspective and relevance determinations are made based on applying logic and common sense. Sexual predisposition or prior sexual behavior is not Relevant Evidence, unless such evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged Prohibited Conduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent. Information protected by a legally recognized privilege; any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent; and, as applicable to hearings, Party or witness statements that have not been subjected to cross examination at a live hearing.

**S. *Review Board*** means three individuals appointed by the Title IX Coordinator from the Investigator and Review Board Pool who conduct live hearings and make responsibility determinations in allegations of Prohibited Conduct pursuant to these procedures. Chair means the Chair of the Review Board. A Review Board member cannot be the same person as the Title IX Coordinator or the Investigator who investigated the complaint. A Review Board member may not make any decisions on any appeal from a responsibility determination.

**T. *Supportive Measures*** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or THE UNIVERSITY's educational environment, or deter sexual harassment. Whether a supportive measure is unreasonably burdensome will be determined on an individual basis. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, removal from a sports team or other extracurricular activity, change in

class schedule, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, changes in course delivery methods, and other similar measures. Supportive Measures may include a mutual no contact directive. THE UNIVERSITY must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of THE UNIVERSITY to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

U. General. Terms defined in Policy 14 have the same meaning in this GRIEVANCE PROCEDURE unless otherwise stated.

#### **IV. Jurisdiction and Dismissal of Formal Complaints**

**A. Title IX Jurisdiction.** Title IX applies to persons in the United States with respect to THE UNIVERSITY's Education Programs or Activities.

1. **Mandatory Title IX Dismissal.** THE UNIVERSITY is required by the Final Rule to dismiss a Formal Complaint of Title IX Sexual Harassment if the alleged conduct:

- i. Would not constitute Title IX Sexual Harassment even if proven;
- iii. Did not occur in an Education Program or Activity; or
- iv. Did not occur against a person in the United States; or
- v. The Complainant was not participating in or attempting to participate in an Education Program or Activity of THE UNIVERSITY.
- vi. Dismissal for the purposes of Title IX does not preclude the University from addressing the alleged conduct under the University's General Jurisdiction and/or other UNIVERSITY rules, regulations or policies.

**B. General Jurisdiction.** General Jurisdiction applies to all other Prohibited Conduct occurring within an Education Program or Activity against an individual inside or outside the United States, regardless of citizenship, not included in Title IX Sexual Harassment Jurisdiction. Jurisdiction extends to electronic discrimination and harassment if it occurs within an Education Program or Activity.

1. **Title VII General Jurisdiction.** Prohibited Conduct occurring in the workplace against a citizen of the United States inside or outside the United States, including conduct that but for the location would constitute Title IX Sexual Harassment falls under Title VII General Jurisdiction. WVSU is required to address Title VII Discrimination and Harassment, including but not limited to Discrimination and Harassment based on sex, if WVSU knew or should have known

about the harassment; no Formal Complaint is required for THE UNIVERSITY to address the alleged Prohibited Conduct, investigate reports or initiate the Formal Grievance Process or to facilitate an informal resolution for alleged Title VII Discrimination and Harassment.

2. Discrimination, Harassment, Sexual Assault, Domestic Misconduct, Stalking and Hazing based on Protected Class Status and Sexual Exploitation occurring within an Education Program or Activity against an individual regardless of citizenship inside or outside the United States fall under General Jurisdiction.

3. Prohibited Conduct occurring outside the context of an Education Program or Activity may be addressed at the University's discretion under General Jurisdiction if it (a) occurs off-campus and would unreasonably interfere with the Education or orderly operation of the University community, its mission, or its objectives as determined by a reasonable person; or (b) occurs off-campus and in light of all of the facts and circumstances, would endanger the health and safety of the University community; or (c) the conduct affects a substantial school/university interest. Prohibited Conduct occurring outside the context of an Education Program or Activity may also constitute misconduct under other University rules, regulations, policies or procedures and may at the University's discretion be addressed using those procedures or the procedures adopted pursuant to this Policy.

**C. Formal Grievance Process.**

1. THE UNIVERSITY is prohibited by federal law from initiating the Formal Grievance Process or facilitating an informal resolution in accordance with section XV without a Formal Complaint alleging Title IX Sexual Harassment. THE UNIVERSITY is also prohibited from taking any punitive action against an individual who has been reported to be the perpetrator Title IX Sexual Harassment until after the conclusion of the Formal Grievance Process.

2. THE UNIVERISTY may investigate, initiate the Formal Grievance Process, pursue an informal resolution in accordance with Section XV as appropriate without initiating the Formal Grievance Process, or may take any other action as appropriate to address alleged conduct that could violate Title VII without a Formal Complaint.

3. THE UNIVERSITY will not initiate the Formal Grievance Process or facilitate an informal resolution for all other Prohibited Conduct not falling under Title IX or Title VII without a Formal Complaint.

**D. Discretionary Dismissal.** THE UNIVERSITY may dismiss a Formal Complaint alleging Title IX Harassment or any other Prohibited Conduct at any time if:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.

2. The Respondent is no longer enrolled or employed by THE UNIVERSITY. If a complaint is dismissed based upon this reason and a Respondent seeks reemployment or readmission, the Formal Complaint may be reinstated and the investigation may be resumed in accordance with this GRIEVANCE PROCEDURE at the point in the process at time of the withdrawal or employment termination.

3. Specific circumstances prevent THE UNIVERSITY from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

E. Dismissals under this section may be appealed in accordance with section XVI.

#### **V. Special Considerations for Medical Records**

A. THE UNIVERSITY will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless THE UNIVERSITY obtains that Party's voluntary, written permission. If a Party has not reached 18 years of age or the individual is not attending THE UNIVERSITY, THE UNIVERSITY must obtain the voluntary, written permission of a Parent.

#### **VI. Role and Appointment of Advisors**

A. Both Parties have the right to have one Advisor of their choice, including legal counsel at the expense of the Party, present during any step of the process including but not limited to the opportunity to be accompanied by an Advisor to any related meeting, interview, informal resolution proceeding or emergency removal appeal. If either the Complainant or Respondent are consulting with more than one Advisor, each must designate one person as the Advisor for purposes of these procedures. The Parties should select an Advisor whose schedule allows attendance at scheduled meetings and hearings. Title IX Coordinator must be advised at least twenty-four (24) hours before the meeting, interview, informal resolution proceeding or hearing that that an Advisor will be present and the name and contact information of the Advisor.

B. THE UNIVERSITY will not limit the choice or presence of an Advisor for either the Complainant or the Respondent; however, an individual selected by a Party as and an Advisor who may also be a witness may have a conflict of interest. THE UNIVERSITY may establish restrictions regarding the extent to which the Advisors may participate in the proceedings. Any restrictions imposed will apply equally to the Advisors of both Parties.

C. Both Parties have the right to have one Advisor of their choice, including legal counsel at the expense of the Party, to be present at any live hearing. If a Party does not have an Advisor present at the live hearing, THE UNIVERSITY will provide, without fee or charge to that Party, an Advisor of THE UNIVERSITY's choice only for the purpose of conducting Cross-Examination. THE UNIVERSITY provided Advisor may, but is not required to be, an attorney even if the opposing Party is represented by an attorney. Advisors not appointed by THE UNIVERSITY may serve in an Advisory capacity or may represent either Party during the live hearing; each party may determine whether a Party selected Advisor will serve as an Advisor only or as a representative and each Party is required to notify the Title IX Coordinator if the Party selected Advisor will serve as a representative or will serve in an advisory capacity and conduct cross-examination only at least four days prior to any hearing. THE UNIVERSITY is not obligated to provide either Party with an Advisor to represent and/or advise either Party during the entire Formal Grievance Process or during any informal resolution facilitated by THE UNIVERSITY.

D. Advisors are not permitted to respond to questions during interviews, the informal resolution process or live hearings on behalf of any witness or Party. Each Party and/or witness is expected to personally respond to questions posed by an Investigator or by any individual authorized to ask questions during a live hearing or by any informal resolution process facilitator.

E. Advisors are expected to act in a respectful and non-abusive manner during all steps of the grievance process, including but not limited to during informal resolution proceedings, are expected follow the rules set forth in this GRIEVANCE PROCEDURE for each step of the process as well as are required to follow any rules of decorum established by Investigators and/or the Chair of the Review Board during the live hearing. Advisors are expected to follow all UNIVERSITY rules, regulations and policies. Investigators or informal resolution process facilitators may remove Advisors from any prehearing investigation interview/meeting/informal resolution proceeding and/or may end any meeting, or informal resolution process at the Investigator's or informal resolution facilitator's discretion for disruptive and/or disrespectful behavior, for failure to follow the rules set forth in this GRIEVANCE PROCEDURE and/or any other rules established in accordance with this GRIEVANCE PROCEDURE. If an Investigator is removed from an interview/meeting/informal resolution proceeding, the Party will be given the option to either end the interview/meeting/informal resolution processing and reschedule, or to proceed without the Advisor. Advisors may be removed from a live hearing by the Chair of the Review Board at the Chair's discretion for disruptive behavior and/or for violating any hearing rules of decorum established by the Chair or in accordance with these GRIEVANCE PROCEDURE.

F. If a party requests that all communication be made through their Advisor who is also an attorney, THE UNIVERSITY will comply with that request at the University's discretion.

G. THE UNIVERSITY will provide the Parties with a consent form that authorizes THE UNIVERSITY to share documentation and evidence related to the allegations of Prohibited Conduct with their selected and WVSU appointed Advisors. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to release of information to the Advisor before THE UNIVERSITY is able to share records, documents and/or other information related to the allegations under investigation with an Advisor. Advisor's may be asked to sign a Nondisclosure Agreement. The Nondisclosure Agreement will not restrict an Advisor's or Party's ability to discuss the allegations under investigation or to or to gather and present Relevant Evidence.

H. **External Resources.** THE UNIVERSITY does not endorse any of the following external organizations or any external organizations included in online information; the information is provided solely as external resources for the Parties. Individuals may seek advocacy, support and/or other services by contacting:

1. *Complainants:*

Hope, Inc.

P.O. Box 626

Fairmont, WV, 26555

Phone: [304-367-1100](tel:304-367-1100)

Fax: [304-367-0362](tel:304-367-0362)

24 Hour Hotline: [304-367-1100](tel:304-367-1100)

The Victim Rights Law Center (<http://www.victimrights.org>)

2. *Respondents:*

Families Advocating for Campus Equality (FACE)

3 West George St

PO Box 71

Batesville, IN 47006-9998

Telephone: [\(701\) 491-8554](tel:701-491-8554)

<http://www.facecampusequality.org>

SAVE (<http://www.saveservices.org>)

3. *Both:*

West Virginia Bar Association Legal Referral Service

2000 Deitrick Blvd

Charleston, WV 25311

Telephone: 304-553-7220

<https://wvlawyerreferral.org/>



## **VII. Initial Reports, Confidential Reporting Resources, Anonymous Reporting, Clery Act Reporting, Reports to Law Enforcement and Amnesty for Students**

**A. Initial Reports.** Any person may report Prohibited Conduct including Title IX Sexual Harassment (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone, facsimile or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-hours) by using the telephone number or electronic mail address, or by mail or facsimile to the office address, listed for the Title IX Coordinator at the beginning of this GRIEVANCE PROCEDURE or by using any online portal created by THE UNIVERSITY. Any written report submitted by an individual who is the person alleged to have been victimized by Title IX Sexual Harassment requesting that THE UNIVERSITY investigate the allegation will be treated as a Formal Complaint.

**B. Confidential Reporting Resources.** Students or employees who have experienced Prohibited Conduct including Title IX Sexual Harassment or seeking complete confidential assistance without sharing information with, or making a report to, THE UNIVERSITY may do so by speaking with a Confidential Reporting Resource as designated in this section.

1. On campus personal counseling (Confidential Reporting Resource) is available by contacting:  
Director, Counseling and Academic Support Services (CASS)  
(304) 766-3262; 125 Sullivan Hall, East  
CASS Mental Health Specialist  
(304) 766-3224; 129 Sullivan Hall, East  
Sexual Assault and Response Team (SART) (Confidential)  
(304) 340-3676
2. On campus health services (Confidential Reporting Resource) are available at:  
Wilson University Union, Room 004  
301 Washington Ave  
Dunbar, WV 25064-3420  
(304) 766-3323
3. Off campus health and personal counseling services and Sexual Assault Nurse Examiner (SANE) and/or rape kit are available at:  
CAMC Women's and Children's Hospital  
800 Pennsylvania Avenue  
Charleston, WV 25302

(304) 388-2550

CAMC General Hospital  
501 Morris Street  
Charleston, WV 25301  
(304) 388-5432

3200 MacCorkle Avenue SE  
Charleston, WV 25304  
(304) 388-5432

4. *Employees may seek assistance through*  
Employee Assistance Program (EAP) (Confidential Resource)  
(304) 722-9119  
<http://www.peopleworkwv.com/>
5. Additional information about advocacy, support and/or other services may be available from the Title IX Coordinator and online at:  
<https://www.wvstateu.edu/about/title-ix.aspx>

C. **Anonymous Reporting.** Any individual may make an anonymous report of Prohibited Conduct to the Title IX Coordinator, to law enforcement including the University Campus Police or to the United States Department of Education Office for Civil Rights without disclosing their name, without identifying the Respondent, and/or without requesting any action. Because the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment is entitled to certain due process including but not limited to the right to confront the individual's accuser, the University's ability to address alleged misconduct reported by anonymous sources is significantly limited. The University's ability to respond to an anonymous report also may be limited depending on the level of information available regarding the incident or individuals involved and the University's ability to investigate and gather evidence related to the report.

D. **Reports to Law Enforcement.**

1. Prohibited Conduct may also constitute violations of criminal law. Any individual may, but is not required, to report an incident alleging criminal conduct to law enforcement. Any individual who wishes to pursue criminal action in addition to, or instead of making a report under this GRIEVANCE PROCEDURE (if not required to report Prohibited Conduct under Policy 14), should call 9-1-1 in an emergency or contact law enforcement directly:

WVSU Campus Police  
Visitor's Center  
(304) 766-3353

Troop 4  
Headquarters  
711 Jefferson Road  
South Charleston, WV 25309  
(304)-746-4840  
(304)-746-4841 (Fax)

Kanawha County Sherriff's Office  
301 Virginia Street, East  
Charleston, WV 25301  
(304) 357-0169

2. Employees of THE UNIVERSITY Campus Police Department, including but not limited to certified law enforcement officers, are employees and therefore are obligated to promptly report incidents of Title IX Sexual Harassment and other Prohibited Conduct reported to them in the context of their law enforcement capacity or otherwise, in accordance with Policy 14, Section 18 Employees of THE UNIVERSITY Campus Police Department will make reports to the Title IX Coordinator whether the individual reporting the allegations chooses to pursue criminal charges and will provide the reporting party with information on how to obtain this GRIEVANCE PROCEDURE.

**E. Clery Act Reporting.**

1. The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires THE UNIVERSITY to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act. Pursuant to the Clery Act, Campus Security Authorities as defined by 34 CFR 668.46(c)(2) who have witnessed or been informed of an alleged incident that constitutes a crime for the purposes of the Clery Act including but not limited to a forcible or non-forcible sex offense as defined by the Clery Act, whether a criminal or Formal Complaint has been filed, must follow WVSU's procedures for making a report for the annual Clery Act Crime Statistics and Fire Safety Report. Employees may be obligated to report to law enforcement or other University employee the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the person making the report and/or alleged victim will

be provided only with their permission except as may be required or otherwise permitted by law. Clery Act reporting does not require the institution to initiate an investigation or disclose personally identifiable information about the victim.

2. The Clery Act requires THE UNIVERSITY to timely notify/warn students and employees when a Clery Act crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The issuing of a timely warning notice is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Reports of violations of this GRIEVANCE PROCEDURE may constitute Clery Act crimes and require a timely warning depending upon the circumstances.

3. Information about THE UNIVERSITY's Clery Act Reporting and timely warning procedures is available by contacting:

Director of Public Safety  
(304) 766-3353

**F. Amnesty for Students.** WVSU encourages individuals to report Prohibited Conduct including but not limited to Title IX Sexual Harassment and acknowledges that some individuals may be reluctant to make reports or to fully cooperate in a Formal Complaint or grievance process. So long as a student's conduct did not result in a threat to the safety or health of others, a student involved in this GRIEVANCE PROCEDURE as a Reporting Party, Complainant, Respondent, or witness typically will not be subject to discipline as a result of his or her personal consumption or use of drugs or alcohol at the time the incident occurred. WVSU may determine that a Complainant, Respondent, or witness who has been involved in other *Student Code of Conduct* violations at the time the incident occurred should not be subject to discipline, at WVSU's sole discretion, if the other violations are non-discriminatory and non-violent. This amnesty does not extend, however, to other potential violations of the *Student Code of Conduct* that may have been committed, even if the individual was under the influence of drugs or alcohol when the alleged violations were committed. Regardless of the aforementioned amnesty, WVSU may impose educational remedies related to a student's use or consumption of drugs or alcohol or involvement in non-discriminatory and non-violent *Student Code of Conduct* violations.

**G. Requests for Confidentiality.** THE UNIVERSITY attempts to balance the needs of the Parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace and its obligations under State and Federal law. Keeping a Reporting Party's information

private is an aspiration, but is not always possible or appropriate. An individual's request regarding the confidentiality of information will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the institution's legal obligation to ensure a working and learning environment that is free from discrimination and/or harassment and the due process rights of the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation and to ensure that the institution meets its obligations under Title IX and other state and federal laws. The institution may be limited in its response and investigation if confidentiality is requested. THE UNIVERSITY cannot keep confidential the identity of a Complainant who has filed a Title IX Sexual Harassment Formal Complaint. The UNIVERSITY must keep confidential the identity of any individual who has made a report or Formal Complaint of Title IX Discrimination on the basis of sex, including any individual who has made a report or filed a Formal Complaint of Title IX Sexual Harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Federal Educational Rights and Privacy Act (FERPA), statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising under this GRIEVANCE PROCEDURE.

### **VIII. Initial Response to Reports.**

**A. Title IX Sexual Harassment Report.** Within five days of receipt of an initial report, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct to discuss the availability of supportive measures, consider the person's wishes with respect to supportive measures, advise the individual about the procedures for filing a Formal Complaint, inform the person of the availability of supportive measures with or without the filing of a Formal Complaint and explain the Formal Grievance Process and this GRIEVANCE PROCEDURE in general. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. If the individual reported to be the victim of Title IX Sexual Harassment does not file Formal Complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a Formal Complaint in accordance with section IX(B) . The individual reported to be the victim of Prohibited Conduct may decide to pursue a Formal Complaint at a later date.

**B. All Other Prohibited Conduct.** Upon receipt of report all other Prohibited Conduct that is not Title IX Sexual Harassment within five days of receipt of an initial report, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct and/or the Reporting Party to discuss the availability of supportive measures with or without filing a Formal

Complaint, consider the person's wishes with respect to supportive measures, advise the individual about the procedures for filing a Formal Complaint, explain the Formal Grievance Process and this GRIEVANCE PROCEDURE and inform the person about and discuss informal resolution options if appropriate. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. If the individual reported to be the victim of Title IX Sexual Harassment does not file a Formal Complaint, the Title IX Coordinator may at the Title IX Coordinator's discretion file a Formal Complaint in accordance with Section IX(B) THE UNIVERSITY and or may take any other action necessary to comply with the University's obligations under Title VII and/or other State and Federal anti-discrimination laws.

**Supportive Measures.** THE UNIVERSITY may offer Supportive Measures to any person reported to be the alleged victim of Prohibited Conduct, including but not limited to Title IX Sexual Harassment, even if no Formal Complaint is filed. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. If THE UNIVERSITY does not provide Supportive Measures to either the individual reported to be the victim of Prohibited Conduct, the Complainant or the Respondent if requested after a Formal Complaint is filed, THE UNIVERSITY will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## **IX. Filing and Withdrawing a Formal Complaint**

A. Formal Complaints are filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator at the beginning of this GRIEVANCE PROCEDURE, and by any additional method designated by THE UNIVERSITY. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of THE UNIVERSITY. Any writing, electronic submission (such as by electronic mail, facsimile or through an online portal provided for this purpose by THE UNIVERSITY) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint and requesting an investigation will be considered a Formal Complaint. For Title IX purposes, the Complainant cannot remain anonymous or otherwise prevent the Complainant's identity from being disclosed to the Respondent. Complainants are encouraged, but are not required to use any Formal Complaint form that THE UNIVERSITY may develop.

B. Within five days of receipt of a Formal Complaint, the Title IX Coordinator will contact the person alleged to have been victimized by the Prohibited Conduct to discuss the availability of supportive measures, consider the person's wishes with respect to supportive measures, inform the person of the availability of supportive measures with or without the filing of a Formal Complaint, explain the GRIEVANCE PROCEDURE including the formal and informal resolution processes,

and identify the person's wishes related to the pursuit of an informal resolution if appropriate. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone. The Title IX Coordinator's determination of appropriate supportive measures in a given situation are determined on an individual basis depending upon the facts and circumstances of each situation. The contact may occur in any number of ways including but not limited to in person, virtually, email, letter or telephone.

**C. Title IX Coordinator Filed Formal Complaints.**

1. If the individual reported to be the victim of Prohibited Conduct does not file and/or withdraws a Formal Complaint, the Title IX Coordinator at the Title IX Coordinator's discretion may file a Formal Complaint.

2. When making a decision to initiate a Formal Complaint, the Title IX Coordinator may consider a variety of factors, including, but not limited to whether a non-deliberately indifferent response to the allegations requires an investigation; a pattern of alleged misconduct by a particular Respondent; whether violence or use of a weapon is alleged, and the wishes of the person alleged to have been victimized regarding how THE UNIVERSITY should respond. If an alleged victim does not want to proceed with an investigation, the Title IX Coordinator will also evaluate whether THE UNIVERSITY can honor the request while still providing a safe and non-discriminatory environment for all students.

3. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this GRIEVANCE PROCEDURE.

4. Where a grievance process is initiated because the Title IX Coordinator, and not the Complainant, signed the Formal Complaint, the Complainant who did not wish to initiate a grievance process remains under no obligation to then participate in the grievance process. The Complainant remains eligible to receive Supportive Measures protecting the Complainant's equal access to education.

D. THE UNIVERSITY may consolidate Formal Complaints as to allegations of Prohibited Conduct including but not limited to Title IX Sexual Harassment Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party (counterclaim), where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the parties for investigation and hearing. Where a grievance process involves more than one Complainant or more than one Respondent, references in this GRIEVANCE PROCEDURE to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

**E. Withdrawing a Formal Complaint.** A Complainant may submit a written request to withdraw a Formal Complaint at any time to the Investigator. The Investigator will evaluate the request for discretionary withdrawal under section IV(C). The Investigator will notify the Title IX Coordinator of the decision within four days of receipt of the request. The decision will include the reason(s) for the dismissal and the procedure for appealing the dismissal. The Title IX Coordinator will notify the Complainant, the Respondent, their Advisors and any Review Board members, if applicable, of the dismissal decision simultaneously within two days of receipt of the Investigator's decision. If applicable, the Title IX Coordinator will also notify any witnesses who were expected to appear at a scheduled hearing that the hearing has been cancelled but will not include any reasons for the cancellation. The dismissal of a Formal Complaint under this section may be appealed by either Party in accordance with section XIV.

**X. Emergency Removal and Administrative Leave.**

A. An individual may be removed from an Education Program or Activity on an emergency basis if the individual poses an immediate threat to the physical health or safety of any student or anyone and the threat arises from the allegations of Title IX Sexual Harassment.

B. The Title IX Coordinator may refer an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment to the Behavior Intervention Team (BIT). The BIT is comprised of the Vice President of Student Affairs, the Vice President of Academic Affairs, the Director of Residence Life, and the Director of Counseling Services. BIT in consultation with the Title IX Coordinator will promptly conduct an individualized risk assessment in accordance with BIT's standard objective violence risk assessment procedures to determine whether the individual poses an immediate threat to the physical health or safety of any student or anyone and that the threat arises from the allegations of sexual harassment or other Prohibited Conduct. BIT and the Title IX Coordinator may meet in person, by telephone, electronically (email correspondence) or virtually.

C. If BIT determines the individual should be removed from an Education Program or Activity on an emergency basis, the individual may be removed without written notice. Emergency removal may include a no-trespass or other no-contact order. BIT will notify the individual in writing of its emergency removal decision within two days following the decision. Written notice may be made by email.

D. Within four days of receipt of BIT's written notice, the individual may appeal the emergency removal by contacting the Assistant Vice President of Student Affairs to schedule a meeting. The purpose of the [meeting is to provide the individual](#) with the opportunity to rebut the reasons for the emergency removal. The individual is encouraged to submit any documentation the individual wants the Vice President of Student Affairs to consider when making a decision on



the appeal prior to the meeting. The meeting may occur in person, virtually or remotely. Failure to contact the Vice President of Student Affairs to schedule a meeting within four days without good cause constitutes a waiver of any right to challenge the emergency removal.

E. The Vice President of Student Affairs will notify the individual of the appeal decision in writing within two days of the meeting. The Vice President Enrollment Management & Student Affairs decision is final.

F. If a student-employee Respondent is removed under this section, THE UNIVERSITY may also remove the student-employee Respondent from any employment opportunity that is part of THE UNIVERSITY's Education Program or Activity.

G. Nothing in this GRIEVANCE PROCEDURE precludes THE UNIVERSITY from placing a non-student employee Respondent on administrative leave, with or without pay, pending the outcome of the grievance procedures; administrative leave is not considered an emergency removal.

H. This section may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 (ADA) or the ADA Amendments Act of 2008.

## **XI. Investigation of Reports and Formal Complaints, Review of Evidence, Investigative Report.**

A. Within five days of meeting with the person alleged to be the victim of the Prohibited Conduct, and/or filing a complaint if the Title IX Coordinator signs the complaint, the Title IX Coordinator will assign the Formal Complaint to an Investigator(s). The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would materially affect the outcome of the investigation. The Title IX Coordinator will notify the Complainant and the Respondent simultaneously of the assignment to an Investigator(s). Investigators who cannot serve impartially, or have a known conflict of interest or disqualifying bias that would materially affect the outcome should notify the Title IX Investigator in writing. Either party may challenge any Investigator for bias or conflict of interest that would affect the outcome of the investigation by submitting written reasons for the challenge and any supporting documentation to the Title IX Coordinator. The Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Director of Human Resources. The Title IX Coordinator may reassess the impartiality of the Investigator if the Party's select and/or change Advisors during the Investigation.

B. The Investigator is responsible for conducting the investigation of reports of General Jurisdiction Prohibited Conduct and Title IX Sexual Harassment Formal Complaints.

C. Investigations typically will be completed within thirty (30) days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

D. The purpose of the investigation is to gather Directly Related Evidence, to determine the name of Respondent if not known at the time of the filing of the Formal Complaint and to determine jurisdiction. The Investigator will conduct a prehearing investigation of a Formal Complaint even if the Complainant does not know the identity of the Respondent and/or if upon initial review THE UNIVERSITY does not have jurisdiction to address the complaint under section IV because a pre-hearing investigation might reveal either the Respondent's identity and/or other facts that show that THE UNIVERSITY has jurisdiction to address the complaint using this GRIEVANCE PROCEDURE.

E. As part of the prehearing investigation, the Investigator may conduct in-person, telephone or virtual interviews of the Parties and/or witnesses; obtain law enforcement records and/or medical records subject to Section V; request that the Parties submit evidence at any time, visit the site(s) of the alleged misconduct; and/or take any other action that could lead to evidence Directly Related to the allegations. The Investigator may not seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The Investigator may record meetings and/or interviews. The Investigator may also provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from any of their respective interviews and meetings.

F. Within five days of receipt of the Formal Complaint from the Title IX Coordinator, or from the date the Title IX Coordinator or Investigator discovers the identity of the Respondent if unknown at the time the Formal Complaint was filed, the Investigator, will provide a written notice of the complaint and allegations to the Complainant and known Respondent(s) that includes the following:

1. Notice of THE UNIVERSITY's Formal Grievance Process (providing the Parties with a copy of this GRIEVANCE PROCEDURE and/or any other procedures will satisfy this provision).

2. Notice of the allegations/charges potentially constituting Prohibited Conduct including sufficient details about the alleged misconduct known at the time. Sufficient details include but are not limited to, the identities of the Parties involved in the incident, any witnesses,

if known, dates and the specific alleged conduct. A copy of the complaint will also be included.

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process and the standard of proof that will be used to determine responsibility.

4. A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (at the expense of the Party), present during any step of the Formal Grievance Process and during any informal resolution procedures, including but not limited to during any meetings, , and/or the live hearing and that the Parties are required to provide their selected Advisor with this GRIEVANCE PROCEDURE and Policy 14 grievance procedures and/or advise them how to find both online.

5. A statement that each Party and/or the Advisor of their choice if either Party has named an Advisor, will be provided an equal opportunity to inspect and review any evidence obtained as part of the prehearing investigation that is Directly Related to the allegations raised in a Formal Complaint, including the evidence upon which THE UNIVERSITY does not intend to rely in reaching a determination regarding responsibility and inculpatory (evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility) or exculpatory evidence (opposite of inculpatory evidence, evidence favorable to the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct including Title IX Sexual Harassment that exonerates or tends to exonerate the individual of responsibility) whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation

6. A statement that both Parties may present Directly Related Evidence to the Investigator including fact and expert witnesses, and/or any other inculpatory and/or exculpatory evidence and that evidence may include, but is not limited to, witness lists, documents, medical records subject to section V of this procedure, photographs and/or recordings. The request will include the date the Investigator must receive the evidence.

7. A statement that if any Party has not selected an Advisor of choice, an Advisor will be assigned to any Party who does not have one during the live hearing stage only for the purpose of conducting Cross-Examination

8. Notice that if, in the course of an investigation, THE UNIVERSITY decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice THE UNIVERSITY will provide notice of the additional allegations to the Parties whose identities are known.

9. Notice that during the prehearing investigation the Parties do not have the right to depose opposing Parties or witnesses, or to compel Parties or witnesses to appear at meetings or any subsequent live hearing.

10. Notice that the ability of either Party to discuss the allegations under investigation or to gather and present Directly Related and/or Relevant Evidence will not be restricted but that as a Supportive Measure the Parties may be subject to a mutual directive not to have any direct contact with each other, in person, electronically or through third Parties other than the other Party's Advisor.

11. A statement about the availability of Supportive Measures and how to request them.

12. A statement about whether the informal resolution process as set forth in section XVI of this GRIEVANCE PROCEDURE is available for resolving the complaint and if so, the procedure for requesting informal resolution.

13. Notice that attempting to alter a statement of a witness or prevent a witness from participating in the investigation or adjudication of a Formal Complaint or the in Formal Complaint resolution process is prohibited and if proven will result in separate disciplinary action and the procedure for filing a complaint.

14. Notice that providing false statements during any part of the process is a violation of this policy that any individual found responsible for providing false statements may be subject to separate disciplinary action up to and including employment termination or expulsion and that a responsibility determination alone is not sufficient to support a finding that an individual made a statement in bad faith.

15. Notice that Retaliation is prohibited and the procedure for filing a Retaliation complaint.

16. Advisor consent and/or consent to record forms if not already provided.

17. Instructions to the Parties to preserve any Directly Related Evidence.

18. Provide each Party the opportunity to suggest questions they wish the Investigator to ask the other Party and witnesses.

19. Any other information at the discretion of the Investigator.

D. Within twenty days of receipt of the Formal Complaint and after conducting a thorough and

impartial investigation, the Investigator will simultaneously provide the Complainant and the Respondent and their Advisors, if any, in electronic format or a hard copy, any evidence that is Directly Related to the allegations raised in the Formal Complaint, including, but not limited to any inculpatory or exculpatory evidence, whether obtained from a Party or other source. The Complainant and the Respondent each may submit a written response to the Directly Related evidence. Any written response must be received by the Investigator on or before five days after each Parties' receipt of the evidence. The Parties and their Advisors are not prohibited from discussing the allegations set forth in the complaint but are prohibited from disseminating and/or or disclosing any documents provided to either by the Investigator in accordance with this section.

*If the complaint proceeds to a hearing, the Parties are expected to bring the Directly Related evidence provided pursuant to this section to the hearing.*

E. The Investigator may at the Investigator's discretion continue the prehearing investigation based upon the information received in the Parties' responses. The Investigator will notify the parties in writing either electronically or by hard copy if the Investigator chooses to continue to investigate the complaint based upon the responses of the Parties.

F. If the Investigator does not continue the prehearing investigation, within seven days of the expiration of the five day time frame set forth in section XI(D), the Investigator will provide the Title IX Coordinator with all evidence, a final prehearing investigation report that fairly summarizes the Relevant Evidence and the section XI(D) responses of the Parties, if any, and will include a list of witnesses who will be asked to appear and provide testimony that includes Relevant Evidence at the hearing. The Investigator will incorporate relevant elements of the Parties' written responses into the final prehearing investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator should document all rationales for any changes made to the initial report. If a complaint involves multiple Complainants, multiple Respondents, or both, the Investigator may issue a single investigative report. The prehearing investigation report will include a description of the procedural steps taken from the receipt of the Formal Complaint through the prehearing investigation report including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and documents/evidence collected/received by the Investigator. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence.

G. One day after receipt of the prehearing investigation report, the Title IX Coordinator will provide the Complainant and the Respondent and their Advisors, if any, with an electronic or hard copy of the prehearing investigation report. The Complainant and the Respondent each may submit to the Title IX Coordinator a written response to the prehearing investigation report. The response may include arguments that evidence or witnesses identified in the final investigation report as

relevant are, in fact, not relevant and similarly, evidence identified and witnesses identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. Any response must be received by the Title IX Coordinator on or before three days after receipt of the prehearing investigation report.

## **XII. Hearings**

A. **Review Board Members.** Within five days of receipt of the prehearing investigation report, the Title IX Coordinator will select three members from the Pool to serve on the Review Board. The Review Board Members will not be the Title IX Coordinator or the Investigator. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

1. The Title IX Coordinator will vet the assigned Review Board members and any alternate to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would affect the outcome of the hearing. The Title IX Coordinator will notify the members and alternate in writing of their selection and will provide each with the names of the Parties, their Advisors, if known, and witnesses who will appear at the hearing as named by the Investigator in the final prehearing investigation report Any Review Board Member or alternate who cannot serve impartially, or has a known conflict of interest or disqualifying bias that would materially affect the outcome of the hearing should notify the Title IX Investigator in writing.

2. The Review Board members will elect one member as Chair and will notify the Title IX Coordinator in writing of their selection. At least ten days prior to the hearing, the Title IX Coordinator will provide the Review Board Members with an electronic or hard copy of the Formal Complaint, the prehearing investigation report, the responses of the Parties to the Directly Related Evidence, the responses of the Parties to the prehearing investigation report and the Directly Related Evidence collected by the Investigator. The Review Board Members are prohibited from disseminating or otherwise disclosing any of the information provided by the Title IX Coordinator. Disclosure and/or dissemination of any of the information provided by the Title IX Coordinator is considered gross misconduct. Employees found responsible for gross misconduct and may be dismissed immediately without progressive discipline in accordance with Board of Governors Policy 19. Disclosure or dissemination of information provided by the Title IX Coordinator by a Faculty is considered insubordination and conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities. Faculty found responsible for disseminating or disclosing information may be dismissed in accordance with West Virginia Higher Education Policy Commission Procedural Rule Title 133, Series 9, Academic Freedom, Professional Responsibility, Promotion and Tenure, section 12.

B. **Notice and Timing of Hearing.** Typically, a hearing will be scheduled at least ten and not

more than twenty days after the Parties receive the prehearing investigation report. No less than ten business days prior to the hearing, the Title IX Coordinator (or the Chair) will send notice of the hearing to the Parties, witnesses and the Review Board Members. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing to the Parties and the Review Board Members will include:

1. Date of the hearing;
2. Names of the Review Board members and any other attendees including but not limited to any individual responsible for the audio-visual or audio recording of the hearing and/or any hearing facilitator;
3. Procedure for challenging a Review Board member for bias or conflict of interest that would materially affect the outcome of the hearing;
4. Notification that the Parties may have the assistance of an Advisor of their choosing, including legal counsel of their choice at their expense at the hearing and will be required to have one present for the purposes of Cross-Examination.
5. An invitation to contact the Title IX Coordinator to request any reasonable disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing. The Title IX Coordinator will consult with the Disability Services Office when addressing requests for reasonable disability accommodations.
6. Procedure for requesting the hearing to occur with the Parties located in separate rooms with technology enabling the Review Board and Parties to simultaneously see and hear the Party answering questions;
7. Notice that each Party's Advisor will have the opportunity to ask the other Party and any witnesses relevant questions and follow-up questions, including relevant questions challenging a Party's or witness' credibility and that Cross-Examination at the live hearing must be conducted orally, directly, and in real time by the Party's Advisor, and never by a Party personally.
8. Notice that both Parties may present Relevant Evidence including witnesses subject to section C(19) on their behalf
9. A statement that if any Party or witness does not appear at the scheduled hearing,

the hearing may be held in their absence, and the Party's or witness's or Party's statements given prior to the hearing will not be considered by the Review Board and that for compelling reasons, the Chair may reschedule the hearing.

10. List of witnesses that will be asked by the Review Board to appear and testify at the live hearing;

11. Whether the Party's, Advisors or witnesses are permitted to bring mobile phones or other electronic devices to the hearing

12. Notice that the Parties each are required to provide the Title IX Coordinator with the name and contact information of any Party selected Advisor if they have not already done so and that if the Title IX Coordinator does not receive notice of the name and contact information of a Party selected Advisor on or before five days before the hearing, the Title IX Coordinator will assign a University Advisor to the Party without one at no charge to the Party for the purposes of conducting Cross-Examination only.

13. Any another necessary information.

### **C. General Hearing Guidelines.**

1. The hearing will be closed to all members of the campus and outside community except those directly involved with the complaint. The hearing may be conducted with all participants physically present in the same geographic location, or at THE UNIVERSITY's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants/witnesses simultaneously to see and hear each other and to see and hear, if applicable, any evidence referred to during the hearing. At the written request of either Party submitted to the Title IX Coordinator, THE UNIVERSITY will provide for the hearing to occur with the Parties located in separate rooms with technology enabling the Review Board and Parties to simultaneously see and hear the Party or the witness answering questions. Written requests must be submitted to the Title IX Coordinator on or before ten days prior to the hearing. The Title IX Coordinator will notify the Chair of the request. The Title IX Coordinator or a hearing facilitator may be responsible for coordinating the technology with the Office of Technology. Complainant Respondent and each Party's respective Advisor may be present during the testimony of all witnesses.

2. The Title IX Coordinator will provide the Review Board with the Directly Related evidence collected during the prehearing investigation, including but not limited, to the prehearing report, the responses of the Parties to the evidence, if any, provided in accordance with section XI(D) and the responses of the Parties to the prehearing report, if any, provided in accordance with section



XI(F). Each Party and their Advisors will have equal opportunity to refer to the same evidence during the hearing, including but not limited to during Cross-Examination.

3. Each Party or the Party's Advisor will have the opportunity to ask the other Party and any witnesses relevant questions and follow-up questions, including relevant questions challenging a Party's or witness' credibility. Cross-Examination at the live hearing must be conducted orally, directly, and in real time by the Party's Advisor, and never by a Party personally. Advisors and Party's will remain seated during questioning.

4. If a Party appears at a hearing without an Advisor or if an Advisor is removed from the hearing by the Chair, the hearing temporarily will be delayed until the Party without an Advisor selects an Advisor or one is appointed by THE UNIVERSITY. On or before three days after the day of the continued hearing, the Party without an Advisor must provide the Title IX Coordinator with written notice of how the Party wishes to proceed. The Party without an Advisor may:

- i. Provide the name and contact information of the Party's new Advisor; or
- ii. Request that the Title IX Coordinator appoint an Advisor for the sole purpose of conducting Cross-Examination.
- iii. The Title IX Coordinator will notify the Chair and the opposing Party of the response and will reschedule the hearing within a reasonable time after the Advisor issue is resolved.

5. The Chair of the Review Panel has the discretion to determine the specific hearing format and may allow for breaks for Advisors to confer with the Party the Advisor is advising or representing. Advisors may not consult with the Party they are advising or representing during their Party's testimony.

6. Formal rules of evidence and court procedures are not used and do not apply. Review Board hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. For example, discovery procedures and requirements for pleadings, do not apply. The Parties do not have the right to depose opposing Parties or witnesses.

7. The Parties and THE UNIVERSITY do not have subpoena powers and neither can compel Parties or witnesses to appear at any live-hearing.

8. The Chair has the discretion to exclude irrelevant questions and/or to limit questions that are unduly repetitious or abusive.

9. A Party selected Advisor who has been designated as a representative and/or each

Party may ask any non-Party witness presented by the Party all relevant questions and follow-up questions, including questions challenging credibility.

10. Questioning of any Party or witness will be conducted directly, orally, and in real time.

11. The Investigator may appear at the hearing for the sole purpose of summarizing the prehearing investigation report.

12. Questioning of any witness, including but not limited to, Cross-Examination of the opposing Party, must at all times occur in a respectful and non-abusive manner.

13. Hearing participants, are expected to treat everyone, including the opposing Party and all witnesses, with respect. Abusive and/or disrespectful behavior and yelling are prohibited. The Review Board Chair may remove any hearing participant at the Review Board Chair's discretion.

14. Only relevant cross-examination and other questions are permitted. Before a Party or witness answers a question, the decisionmaker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

15. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

16. If a Party or witness fails to appear at any live hearing after receiving proper notice and without notifying the Chair, the hearing will proceed and the Review Board will make a decision based on the evidence in accordance with section XIII.

17. Statements of any Party or witness not present for Cross-Examination and medical/treatment records not in compliance with section V of any Party will be excluded by the Chair.

18. Review Board members may ask questions of any witness including the Parties.

19. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written

questions, unless all Parties and the Chair assent to the witness's participation in the hearing. The same applies to any evidence that is first offered at the hearing. If the Parties and Chair do not assent to the admission of evidence including witness testimony newly offered at the hearing, the Chair may delay the hearing and refer the complaint back to the Investigator to be reopen the investigation to consider the new evidence and/or witness and to allow the opposing party to respond to the witness or evidence.

20. The Review Board Members will question the Parties/witnesses who will then be questioned by the Parties through their Advisors ("Cross-Examination"). With the exception of the Parties, a witness may be present only for the witness' own testimony.

D. **Recording.** THE UNIVERSITY will create an audio-visual or audio recording of the hearing at its expense. An employee from the IT or other department may attend the hearing for the purposes of assisting with or making the audio-visual or audio recording. WVSU may at its discretion employ court reporter to create the audio-visual or audio recording or transcript of the hearing. Upon written request to the Title IX Coordinator, WVSU will make any audiovisual recording, audio recording or transcript available to either Party for review and inspection. WVSU may create a transcript of the live hearing at its own expense. Copies of any audio-visual recording, audio recording or transcript will be made available to either Party upon written request to the Title IX Coordinator and at the expense of the Party making the request. Transcripts prepared by a court reporter must be obtained from the court reporter. No recordings of the hearing shall be made by any person other than WVSU. All original formal hearing recordings and any evidence provided to the Review Board by the Investigator or by the Parties during the hearing will be maintained by the Title IX Coordinator and will be referred to as the hearing record. The parties are not permitted to record the hearing.

E. **Facilitator.** At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

F. During the course of the hearing, the Chair may consult with legal counsel by telephone or in person regarding procedural matters.

G. The parties may each submit a written impact statement to the Chair the day of the hearing to be considered by the Review Board at the sanction stage of the process if the Review Board finds the Respondent responsible for Prohibited Conduct. Impact statements must be submitted in

sealed envelopes and will be returned to each party if the Respondent is found not responsible for the alleged conduct.

### **XIII. Deliberations and Responsibility Determination**

A. After the presentation of all witnesses and evidence, the Chair will end the hearing and the Review Board will begin deliberations. The Review Board will deliberate in closed session to determine whether by a preponderance of the evidence the Respondent is responsible for Prohibited Conduct. If the Review Board determines the Respondent is responsible for Prohibited Conduct, the Review Board will also determine the recommended sanctions and/or remedies consistent with section XVI. Responsibility is determined by a majority vote of the Review Board. Deliberations are not recorded.

B. When making a responsibility determination, the Review Board:

1. Will objectively evaluate all Relevant Evidence – including both inculpatory and exculpatory evidence.

2. Will not base credibility decisions on a person's status as a Complainant, Respondent, or witness.

3. If a Party or witness does not submit to Cross-Examination at the live hearing, the Review Board is prohibited from relying on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the Review Board may not draw an inference about the determination regarding responsibility based solely on a Party's or witness' absence from the live hearing or refusal to answer Cross-Examination or other questions.

C. Within ten days of the close of the hearing, the Chair will provide an electronic or printed copy of the written responsibility determination to the Title IX Coordinator. The Chair may consult with legal counsel when writing the determination. Within one day of receipt, the Title IX Coordinator will provide an electronic or hard copy of the written responsibility determination to the Parties simultaneously. The written responsibility determination will include:

1. The identification of the allegations potentially constituting Title IX Sexual Harassment.

2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, meeting dates, interviews with Parties and witnesses, site visits, methods used to gather other evidence, date(s) of the hearing and dates of deliberations.

3. Findings of fact supporting the determination and conclusions regarding the application of this GRIEVANCE PROCEDURE and Policy 14 to the facts.

4. Any disciplinary sanctions imposed on the Respondent made in accordance with section XVI if disclosure of sanctions to the Complainant is permitted by law, and whether remedies designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity will be provided to the Complainant.

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

6. Notice that Supportive Measures will continue to be offered and/or maintained if previously provided, throughout the appeal period (unless failing to do so would not be clearly unreasonable).

7. The procedure and grounds for the Complainant and Respondent to appeal the responsibility determination.

8. Remedies that only impact the Complainant will be provided to the Complainant separately.

9. If more than one Formal Complaint has been consolidated into one complaint, all Complainants and Respondents will receive the same responsibility determination.

C. The Federal Educational Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.

D. A responsibility determination becomes final either on the day after the date for filing an appeal passes and no appeal is received, or if a timely appeal is filed, the date of the written appeal determination required by section XIV(E) whichever comes first. Unless THE UNIVERSITY community is threatened, imposition of sanctions or remedies provided is suspended pending the determination of the appeal or the expiration of the appeal period if no appeal is received. Supportive Measures that do not burden either party will continue pending the outcome of the appeal.

E. The Title IX Coordinator is responsible for effective implementation of any remedies and the imposition of sanctions.

#### **XIV. Appeals.**

**Right to Appeal.** A. Any party may appeal a responsibility determination or dismissal of a Formal Complaint in writing to the Title IX Coordinator. Appeals must be received by the Title IX Coordinator on or before five days of a Party's receipt of the responsibility determination or notice of dismissal. Appeals must include the grounds for appeal, a copy of the written responsibility determination. The Title IX Coordinator will designate an Appeal Decision maker from the Pool. The Appeal Decisionmaker will not be the Title IX Coordinator, the Investigator or any Review Board Member or alternate and may not have served as the Appeal Decisionmaker in any dismissal appeal that may have been heard earlier in the process. The Title IX Coordinator will vet the Appeal Decisionmaker to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases that would materially affect the outcome of the investigation. Any Appeal Decisionmaker who cannot serve impartially, or has a known conflict of interest or disqualifying bias that would materially affect the outcome of the appeal should notify the Title IX Investigator in writing.

1. Either party may challenge any Appeal Decisionmaker for bias or conflict of interest that would affect the outcome of the investigation by submitting written reasons for the challenge and any supporting documentation to the Title IX Coordinator. The Title IX Coordinator will determine whether the concern is reasonable and supportable and simultaneously notify the Parties of the decision. The decision of the Title IX Coordinator is final.

**Grounds for Appeal.** Dissatisfaction with the dismissal notice decision or responsibility determination alone is not grounds for appeal. Appeals must be based on one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter.

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new information must be included with the appealing Party's request for appeal. In addition, the appealing Party must show that the new information was not known or otherwise available to the person appealing at the time of the live hearing. The appealing Party also must provide an explanation as to why the evidence was unknown or unavailable and how the evidence could have affected the outcome of the matter.

3. The Investigator, or a Review Board member had a conflict of interest or bias for

or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter and such bias and/or conflict of interest that affected the outcome of the investigation or hearing was not known prior to the dismissal or live-hearing. The appeal must include an explanation of how the conflict or interest or bias affected the outcome of the investigation or hearing and why the bias or conflict of interest was not known at the time of the prehearing investigation or hearing.

**C. Notice to Opposing Party.** Within two days of receipt of any Party's appeal, the appeal-decision-maker will provide the Party who did not file the appeal with a copy of the appeal any supporting documentation. The Party who did not appeal may submit a response to the appeal that may include a statement in support of the Review Board's determination on responsibility or dismissal of the complaint. Any response to an appeal must be received by the appeal-decision-maker on or before three days of the responding Party's receipt of the appeal and supporting documentation.

**D. Burden of Proof.** In any appeal, the burden of proof lies with the Party requesting the appeal, as the original determination and sanction(s) are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter and is not intended to be a full rehearing of the complaint on the merits (referred to as a *de novo* review). In most cases, appeals are confined to a review of the written documentation or underlying record of the original hearing and pertinent documentation regarding the grounds for appeal.

**E. Decision.** In reaching its decision, the Appeal Decisionmaker may consider the underlying record, including the Investigator's report, the assigned Review Board's written responsibility decision, and the evidence and testimony collected during the prehearing investigation and presented at the live hearing (the underlying record) and the Parties' written statements on appeal. Within five days of the expiration of the appeal response timeframe, the Appeal Decisionmaker will simultaneously provide the Parties with a written or electronic copy of the appeal decision describing the result of the appeal for each ground raised and the rationale for the result. The decision of the Appeal-Decision-maker is final. The Appeal-Decision-maker may:

1. Affirm the dismissal or responsibility decision
2. Modify the original decision and/or sanctions
3. Void the original decision and order a new hearing.

## **XV. Informal Resolution Procedures**

**A. Title IX Sexual Harassment.** Informal resolution is only available for resolving Title IX Sexual Harassment Formal Complaints. If appropriate and both Parties agree THE UNIVERSITY may facilitate an informal resolution process for resolving a Formal Complaint of Title IX Sexual

Harassment. THE UNIVERSITY may not offer to facilitate or accept requests from either Party to engage in an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment with a student.

**B. Other Prohibited Conduct.** If appropriate and both Parties agree THE UNIVERSITY may facilitate an informal resolution process for any report or Formal Complaint of Prohibited Conduct other than Title IX Sexual Harassment that does not involve a full investigation and adjudication.

**C. Options.** Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, negotiated resolution or administrative disposition of a Formal Complaint wherein the Respondent accepts responsibility. Informal resolution may result in disciplinary measures designed to punish the Respondent if a Formal Complaint has been filed and will be facilitated or conducted by trained individuals from the University community or external to the University.

**D. Withdrawal from Informal Resolution**

1. **Title IX Sexual Harassment.** The Complainant or Respondent may withdraw from the informal resolution process and resume the Formal Grievance Process set forth in sections XI-XIV with respect to the Formal Complaint at any time prior to the Party signing a final written resolution.

2. **Other Prohibited Conduct.** The reporting party if applicable, the Complainant or Respondent may withdraw from the informal resolution process at any time and resume or initiate the Formal Grievance process as applicable. Depending upon the alleged Prohibited Conduct THE UNIVERSITY may have an obligation to investigate, or at its discretion may conduct a full investigation and adjudication of the alleged Prohibited Conduct.

**E.** If informal resolution is appropriate and both Parties agree to pursue informal resolution, the Title IX Coordinator will:

1. Provide to the Parties a written notice disclosing the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations; any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared and notice that either Party may withdraw from the informal resolution process at any time and resume the formal resolution process set forth in sections XI-XIV.

2. Obtain the Parties' voluntary, written consent to engage in the informal resolution



process.

F. Informal resolution agreements are considered contracts and are binding. An informal resolution agreement entered into by both Parties ends the grievance process.

G. Any individual engaged to facilitate or participate in the informal resolution process including but not limited to a mediator may not be called as a witness during any hearing.

H. Informal resolution agreements will be kept confidential insofar as is permissible by law.

## **XVI. Sanctions and Remedies**

A. If the Review Board finds the Respondent responsible for Prohibited Conduct, the Review Board is responsible for determining the appropriate sanctions and remedies designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting THE UNIVERSITY's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety and education or deter individuals from similar future behavior. The Review Board may consult with the, the supervisor of an employee Respondent, the Vice-President of Student Affairs for a student Respondent or legal counsel when making a decision on sanctions and remedies as well as to obtain any prior student conduct disciplinary record or work disciplinary record of the Respondent. Prior disciplinary actions and conduct records may be considered when making a sanctioning decision. Repeated violations, including of differing conduct prohibited by Policy 14 or any other University rule regulation policy or procedure, may result in progressively severe sanctions. For students, the sanctions may include disciplinary action up to and including expulsion. Any sanction or combination of sanctions set forth in the UNIVERSITY Student Code of Conduct, pages 38-41, may be used as sanctions for students found responsible for Title IX Sexual Harassment. Educational sanctions may also be imposed. A student may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed. Educational sanctions may be imposed in combination with other disciplinary actions. A mutual No Contact Directive also may be issued which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties.

B. Employee Sanctions. Prohibited Conduct is considered gross misconduct. Staff Employees found responsible for gross misconduct may be dismissed immediately without progressive discipline in accordance with Board of Governors Policy 19. Faculty found responsible for Prohibited Conduct may be dismissed in accordance with West Virginia Higher

Education Policy Commission Procedural Rule Title 133, Series 9, Academic Freedom, Professional Responsibility, Promotion and Tenure, section 12. Sanctions imposed on Staff Employees and Faculty found responsible for Title IX Sexual Harassment include but are not limited to:

1. Written warning. Formal documentation regarding the infraction/violation and expected corrected or improved behavior will be provided in the form of a written warning.
2. Demotion;
3. Suspension without pay
4. Dismissal;
5. Improvement plan;
6. Educational Sanctions: An employee may be required to attend a class, program, or lecture or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed. Educational sanctions may be imposed in combination with other disciplinary actions.
7. No Contact Directive: A no contact directive may be issued, to the extent practical within the employment context, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including, but not limited to, personal contact, e-mail, telephone, social media or third parties
8. Any other sanction permitted by any UNIVERSITY employee Board of Governors policy, employee/faculty/adjunct faculty handbook or any other College/University administrative employee disciplinary policy or procedure.

E. Sanctions may be issued individually, or a combination of sanctions may be imposed. All disciplinary sanctions will be determined on a case- by- case basis. and may be based upon a number of factors, including the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by Respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; a student's prior student conduct disciplinary record, an employee's prior disciplinary record, and any mitigating or aggravating circumstances including but not limited to use of or display of a weapon, the involvement of multiple perpetrators and/or intentional incapacitation caused by Respondent through alcohol, drugs, or by other means. Mitigating circumstances may be taken into account to reduce a sanction for Prohibited Conduct. Mitigating factors do not constitute a justification or excuse for the Prohibited Conduct.

F. In addition to any sanctions, the Title IX Coordinator may also implement long-term remedies that are intended to stop discrimination, harassment including but not limited to Title IX Sexual Harassment, and/or retaliation, remedy the effects and prevent recurrence of all. Even if a finding of no responsibility is issued, the Title IX Coordinator may at the Title IX Coordinator's

discretion, and if requested by either Party, provide long-term Support Measures. Long-term remedies or Support Measures will not result in denial of Respondent or Complainant access to an Education Program or Activity. WVSU will maintain the privacy of any long-term remedies/actions/Supportive Measures as long as privacy does not impair WVSU's at Parkersburg's ability to provide these services.

## **XVII. Time Frames**

A. THE UNIVERSITY will make every effort to complete the grievance process within a reasonable time frame and in a timely manner while balancing the principles of thoroughness and fundamental fairness with promptness. Typically, the Formal Grievance Process is completed within sixty-to ninety days.

B. Circumstances may arise that require the expedition or extension of GRIEVANCE PROCEDURE time frames. Such circumstances may include, but are not limited to, the severity or complexity of the allegations; the number of witnesses involved; the absence of a Party, a Party's Advisor, or a witness; the effect of a concurrent criminal investigation; the replacement of Review Board member who has been challenged for bias or conflict of interest; the need for language assistance or accommodation of disabilities; intervening UNIVERSITY breaks; the need for a witness to secure transportation or other good cause. THE UNIVERSITY may delay or expedite the grievance process at any level or may allow the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the expedited time frame, delay or extension, and the reasons for the action.

C. If a deadline in this GRIEVANCE PROCEDURE falls on a day the University is closed, the deadline is moved to 8:00 a.m. on the next UNIVERSITY day.

## **XVIII. Providing Materially False Information in Bad Faith Reporting and Investigation Procedures**

A. Knowingly making a false report, filing a false Formal Complaint, providing false information, or testimony during the prehearing investigation, live hearing or at any stage of the formal or informal resolution process is prohibited.

B. Individuals found responsible for violating this section may be subject to disciplinary action up to and including employment suspension and/or termination and/or academic suspension and/or expulsion.

C. The investigation procedure for investigating claims of providing materially false information in bad faith reporting and investigation procedures will be investigated using the

procedures above in *XI. Investigation of Reports and Formal Complaints, Review of Evidence, Investigative Report.*

### **XIX. Retaliation Reporting Procedure**

A. Reports and Formal Complaints alleging Retaliation are filed with the Title IX Coordinator and are investigated and adjudicated in accordance with the procedures set forth in this GRIEVANCE PROCEDURE.

B. Individuals found responsible for Retaliation are subject to disciplinary sanctions consistent with this procedure.

### **XX. Intersection of the Grievance Procedure with Other Laws and Rights**

A. Nothing in this GRIEVANCE PROCEDURE shall be read to: (1) restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution; or (2) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or (3) restrict any other rights guaranteed against government action by the U.S. Constitution.

B. Nothing in this GRIEVANCE PROCEDURE may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* or any regulations promulgated thereunder.

C. Nothing in this GRIEVANCE PROCEDURE may be read in derogation of any legal right of a parent or guardian to act on behalf of a "Complainant," "Respondent," "Party," or other individual, under this GRIEVANCE PROCEDURE, including but not limited to filing a Formal Complaint.

D. THE UNIVERSITY's obligation to comply with Title IX and this GRIEVANCE PROCEDURE is not obviated or alleviated by the Federal Educational Rights and Privacy Act.

### **XXI. Training Requirements**

A. Title IX Coordinators, Investigators, responsibility decision-makers, appeal decision-maker(s) and any person who facilitates an informal resolution process, as applicable, will receive training on the definition of Title IX Sexual Harassment, Policy 14, the scope of THE UNIVERSITY's Education Program or Activity, how to conduct an investigation and this Grievance Procedure, including hearings, appeals, and informal resolution processes, and how to

serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

B. Any decision-maker(s) responsible for making determinations on responsibility will receive training on:

1. How to conduct questioning
2. How to assess credibility
3. Impartiality and objectivity
4. How to render findings and generate clear, concise, evidence-based rationales
5. The definitions of all Prohibited Conduct
6. How to apply definitions used by WVSU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy)
7. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
8. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
9. Any technology to be used at a live hearing
10. Issues of relevance of questions and evidence including but not limited to including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant
11. Issues of relevance to create an investigation report that fairly summarizes relevant evidence
12. How to determine appropriate sanctions in reference to all forms of Prohibited conduct
13. Recordkeeping

C. Any materials used to train Title IX Coordinators, Investigators, Review Board Members appeal decision-makers, and any person who facilitates an informal resolution process, must not rely on sex or other Protected Class stereotypes and must promote impartial investigations and adjudications of reports and Formal Complaints of Prohibited Conduct and Formal Complaints of Title IX Sexual Harassment.

D. Up to date training materials that reflect the latest Title IX training required by the Final Rule are available online at: <https://wvstateu.edu/about/title-ix.aspx>

## **XXII. Record Keeping**

A. The Title IX Coordinator will maintain for a period of at least 7 years, or longer under applicable Federal and State law:

1. All materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. THE UNIVERSITY must make these training materials publicly available on its website, or if THE UNIVERSITY does not maintain a website THE UNIVERSITY must make these materials available upon request for inspection by members of the public;
2. Each sexual harassment investigation including any determination regarding responsibility;
3. Any live-hearing audio or audiovisual recording and/or transcript;
4. Any disciplinary sanctions imposed on the Respondent;
5. Any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's Education Program or Activity;
6. Any appeal and the result;
7. Any informal resolution and the result therefrom;

B. For each report of Title IX Sexual Harassment that is not resolved through the completion of the Title IX complaint resolution process, THE UNIVERSITY must create, and maintain for a period of seven (7) years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, THE UNIVERSITY must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to THE UNIVERSITY's Education Program or Activity. If THE UNIVERSITY does not provide a Complainant with Supportive Measures, then THE UNIVERSITY must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain basis or measures does not limit THE UNIVERSITY in the future from providing additional explanations or detailing additional measures taken. The person responsible for creating the record(s) required by this section is dependent upon the stage of the grievance procedure where the creation of the record is required. For example, if a Complainant withdraws

C. The date of the creation of a record described in this section begins the record's retention period.

D. The University will maintain all other record related to Federal anti-discrimination laws records for at least the minimum time required for each record under the applicable Federal law.

E. Maintenance any record set forth in this section does not automatically create a right of access to the record by any Party.

F. The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Clothing, forensic, and other physical evidence should be stored with the campus law enforcement

entity. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalogue of all physical evidence will be retained with the case file. The Title IX Coordinator is responsible for maintaining all records related to Title IX Sexual Harassment reports and Formal Complaints.

**G. Records Relating to an EEOC Charge of Discrimination.** Where a charge of discrimination has been filed under Title VII, the ADA, or GINA with the EEOC or where a civil action has been brought by the EEOC or the Attorney General, THE UNIVERISTY will retain all records related to the charge or action until final disposition of the charge or action. The date of final disposition means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where such an action has been brought, the date on which such litigation is terminated.

### **XXIII Non-Disclosure Agreements**

A. The Title IX Coordinator may require the Parties and their Advisors to enter into Non-Disclosure Agreements not to disseminate any of the information provided to them in accordance with this procedure.

B. The Non-Disclosure Agreement will not impose prior restraints on an individual's ability to discuss any allegations under investigation, with an Advisor, parent, friend, or other source of emotional support, or with an advocacy organization

### **XXIV. Impartiality, Conflicts of Interest and Bias<sup>1</sup>**

<sup>1</sup> Text for this section is from *Title IX Sexual Harassment Training: Serving Impartially & Avoiding Conflicts of Interest and Bias Understanding How to Remain Impartial and Preserve Integrity of the Formal Grievance Process*, Maricopa Community Colleges, Quarles and Bailey, LLP (2020).

A. The Title IX Coordinator, Investigators, Review Board Members, informal resolution Facilitators and Appeal Decision makers (referred to collectively as "Title IX Role") must impartially fulfil their roles. Impartially means serving without prejudice of the facts at issue, conflicts of interest and bias that would materially affect the outcome of an investigation or hearing. Prejudgment means to pass judgment prematurely or without sufficient reflection or investigation. Individuals serving in a Title IX Role should keep an open mind throughout the process, wait to hear all of the facts, view all relevant evidence objectively and avoid Protected Class stereotypes

B. Whether bias exists requires an examination of the particular facts of a situation and the application of an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased.

C. A conflict of interest occurs when personal or private interests may compromise an individual's judgment, decisions, or actions. Conflict of interests may arise from family, friendships, faculty member and/or employee relationships, financial investments, or other social factors. A conflict of interest exists that disqualifies an individual from the Grievance Procedure is one that prevents the individual from being able to impartially participate. Conflicts of interest can be "actual," "perceived," or "potential"

1. An actual conflict of interest is a direct conflict between one's official duties and responsibilities, and a competing personal interest or obligation
2. A perceived conflict of interest is a situation where it could reasonably be perceived that a competing interest could improperly influence the performance of one's official duties and responsibilities
3. A potential conflict of interest arises where a personal interest or obligation could conflict with one's official duties and responsibilities in the future
3. The individual serves as an advisor to any recognized student organization to which any of the Parties, witnesses, or Advisors belong.

D. A bias is a tendency, inclination, or prejudice toward/against someone. Biases are often based on stereotypes, rather than actual knowledge of an individual or a particular circumstance. They are frequently based on a person's gender, race, sexual orientation or other Protected Class.

## **XXV. Clery Act Permissible Disclosure of Final Results of Student Disciplinary Proceedings**

A. THE UNIVERSITY may disclose to the public the final determination s of any student disciplinary proceedings including final outcome of the Formal Grievance Process described herein if the student is found responsible for a forcible or non-forcible sex offense or intimidation. Final determination means a decision or determination made by the Review Board if not appealed and the decision of any appeal if the responsibility decision is affirmed. THE UNIVERSITY is permitted to disclose only the name of the student(s), the violation(s) committed and the sanction(s) imposed.



## **Appendix DD: Complaint Procedures for Harassment/Discrimination**

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## **West Virginia State University Harassment/Discrimination Complaint Procedures**

A complainant may resolve an issue by telling the person making a remark or performing a behavior that, “this is not appreciated” or more directly, “No.” Many issues are resolved at this level without formal intervention. This allows for communication problems to be dealt with in an expedient manner. If, however, the resolution is not satisfactory, the following two procedures are available to a complainant: Path I should be used when the immediate supervisor is not involved in the matter. Path II is for those situations where the supervisor is involved in the matter.

### **Path I: Complaint Procedures (Immediate Supervisor Not Involved)**

#### **A. Pre-Complaint Procedure:**

1. If an employee (faculty/staff) or student has a question or complaint related to Affirmative Action, ADA, Sexual Harassment, Title IX or any other form of discrimination or harassment, the individual should begin by: talking to their supervisor, if staff; the department chair or college dean, if faculty; or in the case of a student, he/she may seek assistance from a counselor. (The supervisor will determine if a meeting of concerned parties is necessary or determine another appropriate action.)
2. It is expected that the problem will be resolved in this manner and the decision communicated to the complainant within five working days (exclusive of weekends and holidays) after the problem has been brought to the attention of supervisory personnel. The Affirmative Action Officer should be notified of the situation by the supervisor or counselor, yet shall not become involved at this stage. (If not viewed as a discrimination or harassment category of complaint, the appropriate student hearing committee or the regular grievance channels may be suggested by the counselor or supervisor as the next step.)

#### **B. Complaint Procedure:**

- a) If the complainant is dissatisfied with the decision of the faculty chair, supervisor or counselor, they then go to the appropriate Vice President or Dean with students going directly to the Vice President for Student Affairs. If the complainant is not satisfied with the determination made by the Vice President/Dean, he or she may appeal to the Affirmative Action Officer, or if the issue is already with the Affirmative Action Officer, she/he will review the issue. Independent of whether the matter reached the Affirmative Action Officer through a Vice President/Dean or because the immediate supervisor is involved in the complaint, the Affirmative Action Officer will:
  - a) examine the evidence and make a recommendation to the President for disposition of the case; or
  - b-1) recommend to the President that an informal hearing be held by the Student Hearing Council or that a committee appointed by the President or designee for the purpose of reviewing

the problem and formulating a recommendation for the President's consideration; or

b-2) ask to have a review person or committee investigate the issue and make a recommendation to the President.

(The President will decide with the Affirmative Action Officer which option is most feasible.)

c) The President will consider the recommendation brought by the Affirmative Action Officer after the investigation or hearing, or form an independent decision, which will be communicated by the President or the President's designee.

## **Appendix EE: Environmental Regulations Policy**

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**Appendix FF: Policy for Emeritus Status for Retired Faculty and Administrators**

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## **POLICY FOR EMERITUS STATUS FOR RETIRED FACULTY AND ADMINISTRATORS**

Established in accordance with Higher Education Policy Commission Procedural Rule 9 Section 6, this policy regarding emeritus status is filed with the West Virginia State University Board of Governors and the Higher Education Policy Commission.

Emeritus status for retired faculty is an honorary designation given to those individuals whose contributions to West Virginia State University were meritorious and exceeded the requirements of job description and employment. Because of their significant contributions, faculty emeriti are entitled to privileges reserved primarily for those who earn this honored designation.

Eligibility for membership in the emeritus program of West Virginia State University is determined by the following criteria and guidelines:

1. The retiring faculty member must be tenured and have held academic rank at West Virginia State University for at least fifteen years.
2. The faculty member must retire from active service according to the provisions of a retirement system approved by the Higher Education Policy Commission.
3. The faculty member must have made a significant contribution—beyond that generally associated with faculty duties—to the academic program and the University as a whole to be considered for emeritus status. Exemplary service may be demonstrated by such activities as scholarly achievements, excellence in teaching, research, and community service.
4. Faculty members who do not meet criteria 1 and 2 may receive the emeritus status if their contributions to West Virginia State University and the higher education community are so significant that they bring national or international recognition to themselves and the University.
5. Administrators (retired or retiring) who do not hold academic rank may be designated emeritus if such status is conferred upon them by the president of the University.

Nominations of retired or retiring baccalaureate faculty for the award of emeritus status may be made as follows:

- a currently employed baccalaureate faculty member may make the nomination to the appropriate department chair
- the department chair must forward the nomination package along with a recommendation

to the college dean

- the college dean must forward the nomination package along with a recommendation to the Vice President for Academic Affairs.
- The Vice President for Academic Affairs will review the nominations and make recommendations not later than November 15 and April 15 of each year to the President, who may confer emeritus status.

A retired faculty member or administrator approved by the president for the honor of Emeritus status will retain his or her title at the time of retirement followed by *Emeritus*, examples of which are *Professor Emeritus*, *Associate Professor Emeritus*, *Assistant Professor Emeritus*, *Vice President Emeritus*. In addition, the honored faculty member is entitled to the following rights and privileges:

1. To have faculty library, bookstore, student center, cultural, athletic, and recreational facilities privileges;
2. To receive a parking permit for one vehicle free of charge;
3. To receive a University identification card;
4. To attend as a nonvoting member meetings of the faculty and the Faculty Senate;
5. To attend home athletic contests free of charge;
6. To be on the University mailing list for regular faculty and alumni publications;
7. To participate in academic processions at commencement;
8. To receive a suitable citation;
9. To be listed in University publications, such as the University catalog;

*Approved: May 2023*



**Appendix GG: West Virginia State University Institutional Nepotism Policy**

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## West Virginia Ethics Commission Overview of Nepotism

“Nepotism” means favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.

A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides. “Public official” and “public employee” as used to this section means all elected and appointed public officials and public employees, whether full- or part-time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards.

The Ethics Act prohibits public officials and public employees from knowingly and intentionally using their office or the prestige of their office for their own private gain or the private gain of another person. Nepotism is one form of the use of office for private gain because if public officials or employees use their positions to give an unfair advantage to relatives or persons with whom the public official or employee resides, the primary benefit to such action is to the public official or employee or another person rather than to the public.

"Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

A public agency, including its officials and employees, must administer the employment and working conditions of a relative of a public employee or a public official or a person with whom the public official or employee resides in an impartial manner. To the extent possible, a public official or public employee may not participate in decisions affecting the employment and working conditions of his or her relative or a person with whom he or she resides. If he or she is one of several people with the authority to make these decisions, others with authority shall make the decisions.

A public official or public employee may not directly supervise a relative or a person with whom he or she resides. This prohibition includes reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline or related matters. This prohibition does not extend to matters affecting a class of five or more similarly situated employees.

If a public official or public employee must participate in decisions affecting the employment, working conditions or supervision of the public official or public employee’s relative or a person

with whom the public official or public employee resides, then:

- An independent third party shall be involved in the process. A public official or public employee may not use a subordinate for the independent third party unless it is an elected public official who may not lawfully delegate the powers of his or her office, e.g., county assessor or county clerk, and
- The public official or employee shall exercise his or her best objective judgment in making the decision, and be prepared to justify his or her decision.

A public official may not vote on matters affecting the employment or working conditions of a relative unless the relative is a member of a class of persons affected. A class shall consist of not fewer than five similarly situated persons. For a public official's recusal to be effective, he or she must excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests and recusing him or herself from voting on the issue.

Certain county public officials and local board of education officials and employees are subject to the stricter limitations in W. Va. Code § 61-10-15. Other provisions in the Code or a public agency's own policies, rules, regulations, ordinances or charters may further limit or prohibit the hiring of a relative or a person with whom a public official or employee resides. Agreement to Comply with Nepotism Policy

This agreement is to document compliance with the Faculty Handbook Nepotism policy. A copy of the policy is attached and has been read by all persons signing this agreement. **[Party #1]** is **[position]** in **[department]**. **[Party #2]** is **[position]** in **[department]**. **[Briefly describe how work intersects/where conflict of interest may arise]**. **[Briefly identify personal relationship (e.g., spouses, parent/child, etc.)]**. The parties have consulted with the office of Academic affairs as provided for in the policy, and the parties have reached the following agreement:

1. **[Party]** will formally report to **[applicable responsible party name and/or position]**, although some day-to-day direction may be provided by **[Party]**, as appropriate. **[Applicable responsible party]** will handle all formal supervisory duties for **[Party]**, including performance evaluations, salary decisions, professional development opportunities, and expense reimbursement.
2. Neither party will participate in any formal or informal performance evaluation for the other or serve as a reference for each other.
3. Neither party will participate in the supervision or allocation of research or other programmatic funds to be used by the other.
4. Significant disputes, persistent disagreements, or conflicts of interest between **[Party #1]**

and **[Party #2]** that affect the workplace and/or the academic environment will be addressed by **[applicable responsible party]**. Any concerns staff or faculty have with either party related to their work together will be presented to and addressed by **[applicable responsible party]**.

5. **[Party #1]** and **[Party #2]** agree to respect the separate nature of their personal and professional roles. For example:
  - a. They agree to make best efforts to keep their personal relationship from having a negative impact on the work and/or academic environment and on co-workers and/or students, including by maintaining appropriate boundaries in the workplace.
  - b. They agree to do their best to avoid any conflicts of interest. For example: **[Party #1]** and **[Party #2]** will take appropriate steps to avoid a conflict of interest if one is serving on a committee or participating in another group that is making decisions, including by vote, that has a personal impact on the other. In such situations, **[Party #1]** and **[Party #2]** should consult with **[applicable responsible party]** about the potential conflict and appropriate steps to avoid it.
6. If significant changes in their personal relationship occur that have an impact on the work and/or academic environments, **[Party #1]** and **[Party #2]** agree to consult with Human Resources and with the Office of Equal Opportunity and Affirmative Action, as needed.
7. **[Applicable responsible party]** is responsible for overseeing compliance with this agreement, monitoring its effectiveness, updating it as appropriate.
8. The parties' supervisor(s) and Academic Affairs, as well as Human resources, will receive a copy of this agreement, and a copy will be retained in the parties' personnel files. The signatories to this agreement and Human Resources, as applicable, have consulted about whether other people may need to be informed about this agreement.

<b>[Party #1]</b>	Date
<b>[Party #2]</b>	Date
<b>[Applicable Responsible Party]</b>	Date
<b>Provost</b> Office of Academic Affairs	Date

**Appendix HH: WVSU BOG Policy # 62 - Post Tenure Review**

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**WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS**  
**West Virginia State University**

**BOG Policy #62**

**TITLE: Evaluation of Tenured Faculty**

**Section 1. General**

- 1.1 Scope: This policy establishes guidelines and procedures related to a process for evaluation of tenured faculty to include, but not be limited to, all current tenured faculty and any future tenured faculty.
- 1.2 Authority: West Virginia Code § 18B-1-6, § 18B-8-7
- 1.3 Adopted: April 6, 2018
- 1.4 Effective: April 6, 2018

**Section 2. Procedures for Evaluation of Tenured Faculty**

- 2.1 Pursuant to West Virginia Code § 18B-8-7, any rules adopted by a governing board related to faculty preempts any conflicting rule adopted by the West Virginia Higher Education Policy Commission. Therefore, the West Virginia State University Board of Governors adopts this policy to ensure an evaluation of tenured faculty (ETF) is conducted on all tenured faculty to include, but not be limited to, all current tenured faculty and any future tenured faculty.
- 2.2 Evaluation of Tenured Faculty is intended to ensure consistent and continued faculty productivity. It considers the professional quality with which faculty members discharge the academic duties associated with their positions. It is further designed to support the development of faculty and to enhance student success that is to be assessed by qualitative and quantitative measures to include, but not be limited to: retention rates, persistence rates, and completion rates of students through faculty teaching, research and service. The West Virginia State University Board of Governors has an ethical responsibility to the students of the University, as well as a fiscal responsibility to the community that the University serves, to promote and ensure faculty productivity and excellence. Faculty at West Virginia State University are expected to contribute to the mission and goals of the University through a combination of teaching, research/scholarly activity, and/or service.
- 2.3 The Board of Governors, consistent with West Virginia Code, hereby establishes the

following procedures to take effect upon adoption by the West Virginia State University Board of Governors. However, to enable the gathering of data, no action will be taken against faculty until the 2019-2020 evaluation of tenured faculty but will continue annually thereafter.

- 2.4 All tenured faculty are to be evaluated on an annual basis by a procedure and an instrument to be developed and, as needed, revised by the Provost with the approval of the Faculty Senate. The evaluation procedure and the evaluation instrument is to be in the Faculty Handbook as soon as is practical. Should the Provost determine that it is beneficial to allow the research/scholarly activity portion of the instrument to vary by college, doing so will be permissible as long as the research/scholarly contribution across colleges be equitable and both the teaching and service components are university-wide. This instrument will rate tenured faculty members as being: needs improvement, satisfactory, or excellent in each of four categories: (1) teaching; (2) research/scholarly activities; (3) service to the University, the community, or the profession; and (4) overall performance as a tenured faculty member.
  
- 2.5 During the faculty member's annual review, should the Chair or Dean to which a faculty member reports determine the faculty member's performance to be in the category of needs improvement in the area of either teaching or overall, the Provost, along with the Dean and/or department Chair of the faculty member in question, shall direct the establishment of an Evaluation of Tenured Faculty Committee (ETFC). The charge of the ETFC shall be to review the circumstances surrounding poor faculty performance, develop a plan of improvement (if necessary), and evaluate the success of such a plan in accordance with this policy.
  - 2.5.1 Given that highest level of effective teaching lies at the heart and mission of the university, serious deficiencies in teaching can in and of themselves, be considered to constitute a designation of needs improvement and therefore result in a review of the faculty member and therefore subject the faculty member in question to the possibility of the sanctions contained within this policy.
  
  - 2.5.2 As an 1890 land grant university, tenured faculty – especially those in leadership positions – fulfill the University's mission in a variety of ways. This includes participation in shared governance, service to the University, service to the community, and excellence in research/scholarly activities, all of which should be recognized by both in the evaluation of tenured faculty and by the instrument applied.
  
- 2.6 An ETFC shall be composed of the following: (1) a faculty member designated by the



Provost; (2) the Dean of the College of the faculty member under review; (3) a faculty member selected by the Chair of the Faculty Senate; (4) a Dean chosen by the faculty member under review; and (5) a faculty member chosen by the faculty member under review.

2.7 Yearly evaluations begin in the fall of each semester and are typically completed by March 1st of each academic year. The timeline contemplated herein is that any faculty that may become subject to an improvement period as a result of a year evaluation shall be notified of that decision on or before March 15th of the academic year. Any hearing shall be conducted between March 15th and April 15th of the academic year. Any improvement plan shall be in place by May 1st of the academic year and remain in place until the next evaluation cycle one year from that time. For example, if an improvement plan is in place on May 1st, 2018 for a faculty member, the next evaluation as contemplated by this policy would be in the fall semester, 2019 (thus affording more than 12 months under the improvement period).

2.7.1 Following the initial organizational meeting of the ETFC, the faculty member must provide, within twenty-one (21) calendar days, a written document to the ETFC, which addresses the specific areas in need of improvement.

2.7.2 Upon receipt of the written faculty response addressing concerning the areas in need of improvement, the ETFC must schedule a hearing with the faculty member in question, to review the charge of “needs improvement.” This hearing is to be conducted no later than April 15th of that academic year as explained above. The Chair of the ETFC will provide a summary of the Committee’s findings to the Provost within 14 days.

2.7.3 As a result of this process, the Provost may direct the ETFC to develop an improvement plan for the faculty member in question. The improvement plan will be drafted by the ETFC, in consultation with the faculty member. The improvement plan will be subject to approval by the Provost. The improvement plan must include performance goals to raise the performance in the deficient areas(s), strategies for attaining the goals, the resources to be provided by the University to achieve the goals specified in the plan, specific measures by which the goals are to be assessed, and a timeline for the completion of goals included in the improvement plan. The approved faculty improvement plan for the coming academic year should be in place no later than May 1st of that academic year.

2.7.4 The timeline for completion of goals included in the improvement plan shall be determined by the Evaluation of Tenured Faculty Committee, with the approval of

the Provost. The timeline can vary dependent upon the area of improvement, and the circumstances surrounding area in need of improvement the discretion of the Evaluation of Tenured Faculty Committee and with the approval of the Provost. Improvement timelines teaching in need of improvement, which is central to the goal of the University, and service in need of improvement, which can be improved immediately, are not to exceed one (1) academic year. Improvement timelines for research/scholarly activity in need of improvement, which may take longer to correct or to be properly evaluated, shall not exceed two (2) academic years initially. Faculty improvement plans shall begin the next academic year after the academic year in which the improvement plan is developed. Any resources needed to meet the requirements within the improvement plan shall be specified in the plan, but should not exceed any resources that would have been necessary to achieve a performance ranking of satisfactory initially.

2.7.5 If, at the next annual review of the faculty member on an improvement plan is progressing in a positive direction but has not yet achieved the satisfactory rating, the ETFC may redesign or adjust the improvement plan for one (1) successive year only with the approval of the Provost.

2.7.6 If, at the conclusion of the timeline for the improvement plan, the Evaluation of Tenured Faculty Committee determines the faculty member's performance is still in need of improvement, the Provost, upon review, may initiate sanctions to include, but not be limited to, termination of employment of the faculty member, at the discretion of the Provost after consultation with the Committee. In the event that the faculty member's employment is terminated, a one-year terminal contract may be extended to the faculty member.

### **Section 3. Appeals**

3.1 Upon receiving an notification that a faculty member needs improvement in teaching or overall performance and receiving an improvement plan from the Evaluation of Tenured Faculty Committee, the faculty member may file a grievance with the Faculty Grievance Committee as specified in Appendix C: WV Code§29-6-C Grievance Procedure for State Employees of the Faculty Handbook.

## **Appendix II: Part-Time Faculty Notice of Appointment**

## PART-TIME FACULTY NOTICE OF APPOINTMENT

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_  
 Employment Status: \_\_\_\_\_ Faculty Rank: \_\_\_\_\_ Terminal Degree: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

WVSU Current Permanent Non-Faculty Employees must attach a completed *Secondary Employment MOU*

You are hereby offered a part-time faculty position at West Virginia State University for the period herein to teach:

Year: \_\_\_\_\_ Semester: \_\_\_\_\_ Session (summer only): \_\_\_\_\_ 8-Week

Fund Account:	fund	sub-fund	dept	unit	appropriation	percentage
			0490			
			0490			
			0490			

CRN#	Course Name	Section	Hours

Total Hours: \_\_\_\_\_  
 Salary: \_\_\_\_\_

NOTE: If this candidate has not previously taught at West Virginia State University, please submit a current copy of the candidate's CV and official transcripts. All candidates must undergo a criminal background check.

This Part-time Faculty Notice of Appointment is only for the period and purpose of teaching and those activities as directed by the department chairperson, with no other interest or right obtained by virtue of the appointment. This appointment is contingent upon adequate funding and upon class enrollment. The University will cancel classes that fail to enroll a sufficient number of students and we will adjust your Part-time Faculty Notice of Appointment due to any cancellations.

All faculty members must adhere to all West Virginia State University policies as described in the Part-Time Faculty Handbook, the University Catalog, and other official documents and publications. Please read these publications to make sure that you understand the policies and practices as covered therein.

Chairperson:	_____	Date: _____
Dean:	_____	Date: _____
Provost:	_____	Date: _____
VP for Bus & Fin:	_____	Date: _____

Please indicate your acceptance of this appointment in accordance with the terms specified herein by signing, dating, and returning it to the Academic Affairs Office no later than 10 days after the start of the semester. Failure to do so may result in the termination of this agreement.

Your Signature (*blue ink*): \_\_\_\_\_ Date: \_\_\_\_\_