CONCORD UNIVERSITY
BOARD OF GOVERNORS

PROGRAM REVIEW
Policy Number: CU-AA-05

PURPOSE
Each institution of higher education in West Virginia has responsibility for review of its programs consistent with W. Va. Code 18B-1B-4 and 18B-2A-4. The purpose of this document is to set forth policy regarding program review and associated process.

SCOPE
This policy applies to all existing undergraduate and graduate academic programs.

POLICY
It is the policy of Concord University to review all academic programs offered at least once every five years and to address the viability, adequacy, necessity, and consistency of the mission of the program with the University’s mission, strategic plan, institutional compact (if any), and the education and workforce needs of the region.

DEFINITIONS
For the purpose of this policy, a “program” is defined as curriculum or course of study in a discipline specialty that leads to a certificate or degree.

AUTHORITY FOR IMPLEMENTATION
The Provost and/or his/her designee may develop administrative processes, procedures, and/or forms for administering this policy. These procedures will, at a minimum, address requirements set forth in Series 10, the procedural rule regarding program review. (See Appendix A, Program Review Process)

LIMITATIONS
This policy does not preclude the establishment of alternate, including higher productivity standards for specific degree programs.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the Provost.

AMENDMENTS
This Policy may be amended to change names, titles, links to information, grammatical and spelling without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE/ AUTHORITY

HEPC 133-10, Policy Regarding Program Review, effective October 10, 2008


APPROVAL

Intent to Plan Approved:

Adopted by the Board of Governors: Effective upon adoption by the Concord University Board of Governors.

Approved by HEPC:

APPENDIX A

ACADEMIC AFFAIRS PROCEDURE

PROCESS FOR PROGRAM REVIEWS

General

To ensure that each program is reviewed at least once every five years, consistent with the Code of State Regulations (CSR) requirements, the Board of Governors will select approximately 20 percent of all programs for review each year. The program review process must be accomplished within the limits of available staff and resources.

A continuous auditing process allows for early identification of programs that need particular scrutiny. Such a process is required for identification of changes needed, appropriate interventions to take place, and corrective action to be accomplished within normal institutional planning efforts.

A rational and comprehensive program review process requires differentiation among levels of degrees. The process, criteria, and standards for associate and/or baccalaureate degree programs will differ significantly from those applied to graduate programs.
A readily accessible computerized data base will be available to support the program review process.

**Evaluative Components**

The purpose of the Board review, performed on a regular five-year cycle, is to conduct an in-depth evaluation of the viability, adequacy, and necessity for each academic program, consistent with the mission of the institution.

To address the evaluative component, Concord will develop a reporting format that includes at least the following core components: Mission; Faculty; Curriculum; Resources; Student learning outcomes; Other learning and service activities; Viability; and Program improvement.

As part of the program review process, periodic studies of graduates and their employers is conducted to determine placement practices and the effectiveness of the education experience.

**Levels of Review**

The results of the program reviews conducted each academic year by Academic Affairs are reported to the Board of Governors for consideration and action to permit reporting to the Chancellor by May 31 for review by the Higher Education Policy Commission (HEPC) staff. The Board and / or HEPC may modify any institutional action consistent with its authority for review of academic programs.

**Program Review by the Board of Governors**

Comprehensive institutional self-studies conducted in compliance with accreditation or institutional processes and completed within the previous 60 months may be used to provide the base line data for the program review, with any necessary updating of factual information or interim reports to the accrediting body.

Programs that are accredited by specialized accrediting or approving agencies (for disciplines for which such agencies exist) recognized by the Federal Government and/or the Council on Higher Education Accreditation shall be considered to have met the minimum requirements of the review process with respect to adequacy. For programs so accredited or approved, programs shall submit: the comprehensive institutional self-study conducted in compliance with the accreditation or approval process, a copy of the letter containing the conferral of accreditation or approval and a documented statement from the chief academic officer regarding program consistency with mission, viability and necessity. In preparing the institutional self-study, each institution will utilize a collaborative process which includes faculty, students and administrators.

**Program Review by the Higher Education Policy Commission**

The HEPC has the responsibility for review of academic programs including the use of institutional missions as a template to assess the appropriateness of existing programs and the authority to implement needed changes. As does the Board, the HEPC staff will focus on the appropriateness of the institutional action, particularly as the actions relate to adequacy, viability, necessity and consistency with institutional mission for each program.

The HEPC staff may request a copy of the program’s self-study or other supporting materials. If the HEPC staff concludes that the institutional program review action should be modified, the staff shall consult with the president or designee to reach consensus on the appropriate steps. Should a consensus and
agreement not be reached, the matter would be referred to the sitting Commission for resolution.

**Procedural Elements for Program Review**
The University has established the following procedural elements for the review including, but not limited to, the following:

- Delineation of the roles of faculty, administrators and the institutional governing board in the policy and/or procedural document;
- A published 5-year review schedule, issued by the Office of the Provost;
- Assignment of responsibility for conducting 5-year program reviews to the University Assessment Committee (UAC);
- Inclusion of faculty from outside the program/discipline being reviewed in the review process.
- Utilization of a portal developed for program faculty to submit data and information to support the self-study;
- Review by the UAC of each program scheduled for the year, including submitted materials and annual assessment reports for the 5-year period, and develops a recommendation on the program.
- Provision of the SAC recommendation to the Provost, who adds her/his recommendation and presents the recommendation to the BOG for review and action.
- Providing the Board’s recommendation to the HEPC for consideration.

**Self-Study Statement**
For each program identified for annual review, the institution will develop a self-study statement addressing the following items.

- **Viability** - Viability is tested by an analysis of unit cost factors, sustaining a critical mass, and relative productivity. Based upon past trends in enrollment, patterns of graduates, and the best predictive data available, the institution shall assess the program's past ability and future prospects to attract students and sustain a viable, cost-effective program.

- **Adequacy** - The institution shall assess the quality of the program. A valuable (but not the sole) criterion for determining the program's adequacy is accreditation by a specialized accrediting or approving agency recognized by the Federal Government or the Council for Higher Education Accreditation. The institution shall evaluate the preparation and performance of faculty and students, and the adequacy of facilities.

- **Necessity** - The dimensions of necessity include whether the program is necessary for the institution's service region, and whether the program is needed by society (as indicated by current employment opportunities, evidence of future need, rate of placement of the programs' graduates). Whether the needs of West Virginia justify the duplication of programs in several geographic service regions shall also be addressed.

- **Consistency with Mission** - The program shall be a component of, and appropriately contribute to, the fulfillment of the institutional and system missions. The review should indicate the centrality of the program to the institution, explain how the program complements other programs offered, and state how the program draws upon or supports other programs. Both institutional aspects of the program should be addressed. The effects (positive or negative)
that discontinuance of the program might have upon the institution's ability to accomplish its mission should be stated.

Report Format
The program review is provided to the Board and HEPC in a common format containing essential information including the following elements.

- Name and degree level of program;
- Synopses of significant findings, including findings of external reviewer(s);
- Plans for program improvement, including timeline;
- Identification of weaknesses or deficiencies from the previous review and the status of improvements implemented or accomplished;
- Five-year trend data on graduates and majors enrolled;
- Summary of assessment model and how results are used for program improvement;
- Data on student placement (for example, number of students employed in positions related to the field of study or pursuing advanced degrees); and
- Final recommendations approved by the governing board.

For programs with specialized accreditation, the program shall provide a copy of the letter continuing the conferral of accreditation. Accredited programs that meet productivity guidelines will not be subject to further review by the Commission.

POSSIBLE OUTCOMES OF PROGRAM REVIEW
Institutional Recommendation
The appropriate Board of Governors five-year cycle of program review will result in a recommendation by the institution for action relative to each program under review. The institution is clearly obligated to recommend continuation or discontinuation for each program reviewed. If recommending continuation, the institution should state what it intends:

- Continuation of the program at the current level of activity, with or without specific action;
- Continuation of the program at a reduced level of activity (e.g., reducing the range of optional tracks) or other corrective action.
- Identification of the program for further development; or
- Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like.
If the Board recommends discontinuance of the program, then the provisions of HEPC policy on approval and discontinuance of academic programs, Series 11, will apply.

For each program, the institution will provide a brief rationale for the observations, evaluation, and recommendation. These should include concerns and achievements of the program. The institution will also make all supporting documentation available to the Commission upon request.

**Committee Recommendation**

The Institutional Program Review Committee will develop a recommendation for action and present it to the institutional Board of Governors for action and referral to the Policy Commission.

The committee may make recommendations that go beyond those also. The committee may request additional information and may recommend continuance on a provisional basis and request progress reports.

**Appeals Committee and the Appeals Process**

Any disagreement between a final recommendation of the Program Review Committee and the recommendation of the academic unit may be appealed to the Academic Council, which serves as an institutional Program Review Appeals Committee.

**ANNUAL PRODUCTIVITY REVIEW**

In addition to the five-year program review, each program is expected to submit an annual assessment report that includes the current number of students enrolled in the program to the University Assessment Committee. The Assessment Committee provides feedback and direction to the program to help them meet expectations for the five-year program review. Each program is expected to meet the minimum productivity standards.

 Programs will be required to exceed at least one of the productivity indicators below for each level:

<table>
<thead>
<tr>
<th>Degree Level</th>
<th>Degree Awards</th>
<th>Major Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baccalaureate</td>
<td>5</td>
<td>12.5</td>
</tr>
<tr>
<td>Masters/ First Professional</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Doctoral</td>
<td>2</td>
<td>4.5</td>
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</table>

Unless exempted by the President and subject to approval of the Board and concurrence of the HEPC, academic programs that fail to meet the productivity standards detailed above shall be placed on probationary status for the following Academic Year.

Probationary status will automatically trigger a focused program review. Programs on probationary status are expected to increase program enrollment and degrees awarded. Programs will have 30 days from the date of the initiation of probationary status to provide the Provost with a plan for meeting degree program productivity standards within the next academic year. At the end of the probationary period, the Provost may recommend continuing the program if indicators are met, extending probation, or terminating the program.
In addition to any University action, the HEPC may modify the action taken or initiate alternate measures, including but not limited to placing a program on probation for five years, extending probation, or recommending program closure to the Board. Probationary status will automatically trigger a focused program review.

By HEPC rules, an institution may petition for a program to be exempt from further review by submitting documentation that addresses the reasons for the request including, at a minimum, how the program is critical to the mission of the institution and state.

**Focused Program Review**
Either the Higher Education Policy Commission or the Board may request at any time that focused program reviews be conducted for a given purpose such as:

- reviewing all programs within a discipline (e.g. biology) or
- concentrating on specific program review components (e.g. assessment).

Formal strategies for conducting such reviews will be developed, consistent with the purpose of the review.
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY SABBATICAL
Policy Number: CU-AA-17

PURPOSE
This policy specifies the eligibility, conditions, compensation, and obligations regarding the granting of sabbatical leave for faculty members.

SCOPE
This policy is applicable to tenured faculty, regardless of rank, and specifies the eligibility, conditions, compensation, and obligations regarding the granting of sabbatical leave.

POLICY
It is the policy of Concord University to grant sabbatical leave for a faculty member to engage in research, writing, study or other activity designed to contribute to professional development and improve his/her teaching and contributions to the University.

RESPONSIBILITY FOR IMPLEMENTATION
The Provost shall have primary responsibility for managing the use of Sabbatical Leave in the best interest of the University. The Provost may develop administrative processes, procedures, or forms for administering this policy. Sabbatical leave is not automatic and shall depend on the merits of the request and on conditions prevailing in the institution at the time.

ELIGIBILITY
Any person holding tenure is eligible to apply for sabbatical leave after the completion of at least six years of full-time employment at Concord University. Additional periods of service equivalent to six years of full-time service shall be required for subsequent eligibility. A maximum of two regular semesters in either an authorized part-time status or an authorized unpaid leave of absence may be counted toward eligibility for sabbatical leave if in the latter instance the leave of absence was for appropriate professional purposes. Separate summer school employment shall not be considered for sabbatical leave.
COMPENSATION

A faculty member on sabbatical leave may opt to take either a half-year sabbatical or a full-year sabbatical, depending on conditions and arrangements made. The faculty member shall receive full salary for no more than one-half of the nine-month or twelve-month contract period or half-salary for no more than the full nine-month or twelve-month contract period.

A faculty member may opt to teach one or more courses while on sabbatical, applying the contract year’s teaching duties across both semesters, in cases where no one with the appropriate background is available to teach a specific course, when postponing or moving the course to a different semester is not advisable, or when the proposed sabbatical leave project readily lends itself to such a part-time arrangement.

The university may permit or have a faculty member to teach a course as an overload during the sabbatical if needed by the university.

PROCEDURES AND CRITERIA

To apply for a sabbatical leave, the faculty member must submit a complete proposal to the department chair sufficiently in advance to permit review and discussion and submission to the Dean by the established deadline. The complete proposal and a letter from department chair must be submitted to the Dean of the College on or before February 15th for a sabbatical leave to begin the fall or spring semester of the following academic year.

The Office of the Provost will develop and make available a set of Guidelines for Sabbatical Proposals, which shall include but may not be limited to the following:

- Curriculum Vitae.
- Specific objectives of the sabbatical leave.
- The plan for achieving the specific objectives, including the time schedule of events.
- Discussion explaining how the sabbatical would be beneficial in achieving the specific objectives.
- Discussion explaining how the specific objectives relate to the professor’s long-range professional objectives as a scholar and as a teacher.
- Evidence of prior professional endeavors to support the proposed sabbatical activity.
- Outside documentation, where applicable, such as an invitation to a research institute, laboratory, museum, studio, government office, or other appropriate institution or setting.

The chair will review the proposal and discuss with the applicant ways in which the proposed sabbatical could possibly be accommodated in the department’s teaching schedule. After the conversation, the
chair will submit the proposal to the Dean of the College, along and a letter outlining how the sabbatical could be accommodated in the department’s teaching schedule, and her/his recommendation regarding the leave application. The Dean will review the proposal and the accommodation plan, determine its feasibility, and respond to the applicant and chair. The Dean may reject, postpone, or approve and the proposal, notifying the faculty member and the department chair of the decision.

If the decision is to approve, the Dean, in recommending the applicant for sabbatical leave to the Provost and Vice President for Academic Affairs, will verify that:

(a) the applicant’s professional performance merits this award;
(b) the benefits to be derived from the sabbatical are of value to the College and to the University;
(c) and the applicant meets the eligibility requirements.

The Dean must describe how the teaching load of the applicant will be accommodated during the faculty member’s absence, whether by appointment of part-time personnel, temporary suspension of one or more classes, and/or coverage by colleagues. However, modifications of scheduling shall not adversely affect students’ normal progress toward degrees.

If the application is approved, the Dean will submit the proposal to the Provost and Vice President for Academic Affairs by March 15th.

The Provost and Vice President for Academic Affairs will approve or deny application for sabbatical by March 31st at the latest for the next academic year. Proposals applicable to future academic years may also be considered and possibly approved ahead of time.

Leave may be available to only a few faculty members each year determined by the university’s fiscal situation and the extent the sabbaticals can be accommodated in the teaching schedule.

The Provost may consider the hire of adjunct faculty in situations where particular courses must be taught and resources are not adequate within the department to cover the classes. Hiring of adjunct faculty is subject to availability of funds and approval by the Provost.

OBLIGATIONS OF THE FACULTY MEMBER

Once a proposal is approved, it shall not be modified without the written consent of the Dean of the College and the Provost and Vice President for Academic Affairs.
In accepting a sabbatical leave, a faculty member shall sign a statement indicating that they are aware of and agree to all conditions of the leave as specified herein.

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

Upon completion of a sabbatical leave, faculty members shall file a written report of their scholarly activities while on leave, submitting copies to both the Dean of the College and the Provost and Vice President of Academic Affairs.

Except for a terminal sabbatical, a faculty member is obligated to return for a full year of full time service immediately 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. If the period of employment after the leave is less than one year, repayment will be prorated accordingly.

The faculty member will be invited to participate in a public forum to disseminate accomplishment of sabbatical leave where appropriate.

**OBLIGATIONS OF THE INSTITUTION**

A faculty member's institutional position, status, and rank shall not be adversely affected solely by their absence while on sabbatical leave.

**AUTHORITY FOR INTERPRETATION**

The final authority for interpretation of this policy rests with the Provost.

**AMENDMENTS**

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE

HEPC Title 133, Series 9, WV Code 18B-7-3

Supersedes BOG Policy CU-AA-17, Sabbatical Leave, effective 3/30/2006

Supersedes and Supersedes Concord University Faculty Handbook sections on Sabbatical Leave.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

ACADEMIC FORGIVENESS
Policy Number: CU-AA-32

PURPOSE
This document sets forth standards for academic forgiveness consistent with the requirements of CSR §133-22-4. Discretionary Academic Forgiveness Provisions (HEPC Series 22). It is designed to help students who left college with low grades.

SCOPE
This policy is applicable to undergraduate students, both associate and baccalaureate, desiring to pursue graduation or certification from Concord University who have not been enrolled on a part-time or full-time basis for more than four years. Excepting however, the policy is not applicable to students in the Regents Bachelors of Art (RBA), which has is governed by different requirements.

POLICY
It is the policy of Concord University to exercise its discretionary authority to grant academic forgiveness, in addition to established “D/F” repeat provisions, consistent with the West Virginia Code of State Regulations.

STANDARDS FOR ACADEMIC FORGIVENESS
University standards for academic forgiveness, include the following standards, which are more stringent than those established by CSR §133-22-4. CU’s standards are also detailed in the Academic Catalog:

- The student must not have been enrolled on a full-time or part-time basis for more than 12 credit hours at any higher education institution for a period of five consecutive calendar years prior to the request for academic forgiveness; except, that the Regents Bachelor of Arts (RBA) program disregards all “F” grades received four or more years before admission to the program;
- only D and F grades received prior to the five-year, non-enrollment period can be disregarded for GPA calculation;
• to receive a degree or certificate, the student must complete at least 24 additional credit hours through actual coursework from Concord University after the non-enrollment period, earn at least a 2.0 GPA on all work attempted after the non-enrollment period and satisfy all degree or certificate requirements.
• In cases where grades may be disregarded for grade-point average computation, these grades shall not be deleted from the student’s permanent record.
• In instances where students request and gain academic forgiveness from one college or university and then transfer to another institution, the receiving institution is not bound by the prior institution’s decision to disregard grades for grade-point average computation.
• Discretionary academic forgiveness does not apply to GPA calculation for special academic recognition (such as graduating with honors).

STUDENT NOTIFICATIONS

The Academic Catalog shall make it clear to students:

• that academic forgiveness extended by one institution may or may not be recognized by other institutions to which the student may transfer, whether in state or out of state;
• that academic forgiveness pertains only to graduation requirements and not to such requirements for professional certification which may be within the province of licensure boards, external agencies, or the West Virginia Board of Education;

PROCEDURE

The Associate Provost and Registrar may develop administrative processes, procedures, or forms for administering this policy, which may include:

A student may apply for academic forgiveness by submitting to the Associate Provost’s Office an application for “Academic Forgiveness.” The Associate Provost can accept, modify, or reject the application and will provide a justification. Students who do not normally qualify for readmission because of a low GPA will, if their request for forgiveness is approved, be readmitted and placed on academic probation. The decision of forgiveness must be made again whenever the student changes programs, departments, colleges, or institutions.

AMENDMENTS

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.
AUTHORITY / REFERENCE

HEPC Procedural Rule Series §133-22, Grade Point Average for Associate and Baccalaureate Degrees, effective January 21, 2018.


EFFECTIVE

Effective upon adoption by the Board of Governors.
PURPOSE
This policy establishes the cumulative grade point average required for graduation with an associate or baccalaureate degree from Concord University. The policy does not preclude higher grade point average requirements for admission to, nor graduation, from specific degree programs.

SCOPE
This policy is applicable to all undergraduate students, whether pursuing an associate or baccalaureate degree and not applicable to graduate degree programs.

POLICY
It is the policy of Concord University to require a minimum cumulative grade point average of 2.0 for graduation from the university with an associate or baccalaureate degree.

PROCESS
Determining Grade Point Average [CSR §133-22-2.]
Quality points are based on point values for each semester hour of credit: “A” – 4; “B” – 3; “C” – 2; “D” – 1; and “F” – 0. The grade point average to be computed for graduation purposes shall be based on all academic work for which the student has registered with the following exceptions:
   a. Courses with grades of “W” or “WP”.
   b. Courses in remedial and/or developmental education.
   c. Courses taken on a credit/no credit, pass/fail, or satisfactory/unsatisfactory basis when a passing grade is earned.
   d. Courses taken on an audit basis.
   e. Courses which have been repeated under provisions of the “D/F Forgiveness Rule.”
   f. Courses which are covered under Academic Forgiveness as set forth in CU-AA-32.

Minimum Grade Point Average
The minimum grade point average required for graduation with an associate or baccalaureate degree from Concord University is and earned 2.0 GPA. Specifically, both a. and b. as follows:
   a. A 2.00 cumulative GPA on all courses attempted at Concord, both total and within the major.
   b. A 2.00 cumulative grade average on all courses taken at Concord and at all other institutions.

D and F Repeat Provisions
If a student earns a grade of "D" or "F" (including failures due to regular and/or irregular withdrawal) on a course taken prior to the receipt of a baccalaureate degree, and if that student repeats this course prior to the receipt of the baccalaureate degree, the original grade shall be disregarded and the grade or grades earned when the course is repeated shall be used in determining the grade point average.
The original grade shall not be deleted from the student’s record. In upper division courses (300-400), a student may formally repeat up to eight (8) credit hours, of a grade of “C”, with the written permission of the Department Chair and College Dean for the student’s declared major. The privilege of “D” and “F” repeat is capped at 21 credit hours including any request for a “C” repeat in an upper division course.

Note: Any failing grade issued as a result of academic dishonesty will not be subject to repeat under the Academic Forgiveness Policy CU-AA-32.

PROCEDURE
The Provost may develop administrative processes, procedures, or forms for administering this policy, which may include a written request for consideration of D/F repeat privilege.

LIMITATIONS
This policy does not preclude higher grade point average requirements for specific degree programs. This policy pertains only to Concord University graduation requirements and not to such requirements for professional certification which may be within the province of licensure boards, external agencies, or the West Virginia Board of Education.

AMENDMENTS
This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process. Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE/AUTHORITY
HEPC Procedural Rule Series §133-22, Grade Point Average for Associate and Baccalaureate Degrees, effective January 21, 2018.
Supersedes CU-AA-34, Grade Point Average, effective December 20, 2006.

APPROVAL
Intent to Plan Approved:
Adopted by the Board of Governors:
Approved by HEPC:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY PROMOTION IN RANK
Policy Number: CU-AA-39

PURPOSE
This policy has been enacted to establish and define the process for awarding faculty promotions in rank.

SCOPE
This policy is applicable to tenure and tenure-track faculty, regardless of rank.

POLICY
It is the policy of Concord University to base promotion decisions on a wide range of criteria as appropriate to the mission(s) of the university and to uphold high standards of equity, diversity and inclusion in the process.

PROCEDURE
Specific procedures to implement this policy will be developed and enacted by the Office of the Provost and specified in the Faculty Handbook.

FACULTY PROMOTION IN RANK
The process for consideration of faculty promotions has been developed in consultation with the faculty. Promotion is not granted automatically, but shall result from action taken by the institution, following a process involving faculty and administrative review and evaluation. Promotion brings both recognition and an increase in compensation.
Candidates for promotion in rank must satisfy the minimum criteria listed for each academic rank, including at least six years of full-time teaching at the rank, as stated in board policy CU-AA-62 Faculty Appointment, Classification, and Rank, and candidates must meet the specific criteria as detailed below.

Criteria for Consideration of Promotion Decisions

Criteria appropriate to the mission(s) include but are not limited to:

- Excellence in teaching, the most critical criterion.
- Professional, creative, and scholarly activities.
- Service to the University, profession, and community.
- Adherence to professional standards of conduct.

Faculty with administrative assignments, including academic administrators, may earn full time teaching experience credit through their service to the university.

Although under normal circumstances the minimum criteria listed below for each promotion in rank will be adhered to, it is recognized that there may occasionally be justification for considering possible substitutions to the stated minimum criteria. The person or committee requesting the exception will be expected to validate the request substantively and with cause. The approval of the exception will be the product of the same procedure for deciding promotions.

PROCESS

Application for Promotion

The candidate initiates the process of consideration for promotion in rank by submitting a letter of "intent to apply for promotion" to the Department Chair and the College Dean by the date set forth by the Office of the Provost.

Promotion Evaluation

Consistent with the Guidelines for the Faculty Portfolio, which can be found in Appendix A of CU-AA-64 Faculty Evaluation and Performance, the faculty member will develop and submit the Faculty Portfolio to the Department Chair for consideration by the deadline published by the Office of the Provost.
**Promotion from Assistant Professor to Associate Professor**

In addition to the minimum criteria listed for the academic rank, promotion to Associate Professor requires that candidates demonstrate continuing growth as teachers, scholars, and broadly, as members of the larger academic community.

While promotion to Associate Professor is not directly linked to tenure, a minimum rank of Associate Professor must be obtained either prior to or in conjunction with tenure; i.e., tenure will not be awarded to candidates who do not hold the rank of Associate Professor or higher, or who will not be simultaneously awarded both tenure and promotion.

**Promotion from Associate Professor to Professor**

A candidate for promotion to Professor should demonstrate significant mastery of teaching, including proficient use of instructional methodologies and proven capability of addressing the University’s pedagogical expectations and needs. The candidate should also demonstrate effectiveness in peer mentoring and in providing a model of quality instruction.

In the area of service, the candidate should have established a leadership role at the College, University, and community levels, including chairing committees and discharging duties in the service areas.

In professional growth and development, the candidate should demonstrate that a continuation of the activities that led to earlier promotions still exists and that efforts to keep abreast of new developments in the candidate’s discipline are evident.

The decision to promote a faculty member to Professor should primarily be based upon accomplishments since promotion to Associate Professor. Promotion is not awarded solely because of length of service.

**Promotion from Professor to Distinguished Professor**
A candidate for promotion to Distinguished Professor should have been a Professor for at least six years, clearly demonstrate significant mastery of teaching, including proficient use of current instructional methodologies, proven capability of addressing the University’s pedagogical expectations and needs. The candidate should also demonstrate effectiveness in peer mentoring and in providing a model of quality instruction. The candidate will exhibit professional growth beyond the rank of Professor.

In the area of service, the candidate should have demonstrated continued responsible leadership at the College, University, and community levels, including chairing committees and discharging duties in the service areas.

In professional growth and development, the candidate should demonstrate continuation of the activities that led to earlier promotions and efforts to keep abreast of new developments in the candidate’s discipline.

The decision to promote a faculty member to Distinguished Professor should primarily be based upon accomplishments since promotion to Professor.

**RESPONSIBILITY FOR IMPLEMENTATION**

The Provost shall have primary responsibility for assuring faculty promotion processes are efficient and effective.

**AUTHORITY FOR INTERPRETATION**

The final authority for interpretation of this policy rests with the President and Provost.

**AMENDMENTS**

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.
REFERENCE / AUTHORITY

HEPC Title 133, Series 9, WV Code 18B-7-3, BOG Policy # 39

*Preempts HEPC Series 9, Section 7, replaces previous CU Board Policy No. 39, Procedure for Faculty Evaluation, Promotion, and Tenure and supersedes Concord University Faculty Handbook sections on faculty promotion dated prior to the effective date of this policy.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
GENERAL
Distance and online education courses and programs at Concord University (University) extend teaching and learning beyond the confines of the physical classroom to “improve the lives of our students and communities, through innovative teaching and learning...” The Higher Learning Commission (HLC) defines distance education as “education that uses one or more ... technologies ... to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.”

Such courses/programs shall be based on the Higher Learning Commission’s (HLC) Distance Education Policy, the Council of Regional Accrediting Commissions’ (C-RAC) guidelines for the Evaluation of Distance Education Programs to ensure best practices are used in the development, oversight, and evaluation of online programs and classes, and the Council for Higher Education Accreditation’s (CHEA) endorsement of Best Practices for Electronically Offered Degree and Certificate Programs.

SCOPE
This policy applies to all University courses that:

1. are asynchronously delivered online using the University’s learning management platform (LMS)
2. have a significant defined portion of their content delivered online, as referenced in the definitions section, and/or
3. are delivered synchronously using a combination of online and two-way transmission through face-to-face or various video-conferencing technologies.

POLICY
It is the policy of Concord University to provide distance and online education courses and programs to extend teaching and learning beyond the confines of the physical classroom.

INTELLECTUAL PROPERTY RIGHTS
In general, Concord University shall not provide additional compensation to faculty who develop distance education courses. Syllabi, classroom resources, and pedagogical materials developed by a faculty member in an online or partially online course are considered jointly owned by the University and the faculty member who developed them, meaning that said materials may be used freely by both parties. In the rare case where the University arranges with a faculty member monetary or other compensation for developing pedagogical materials, such materials shall be considered to be owned solely by the University.
DEFINITIONS

Asynchronous (web) Course: Courses delivered entirely online using the University’s Learning Management System (LMS). Concord University identifies these courses as “AS” sections and “WEB” on the University’s schedule of courses offered.

Hybrid Course: Courses designed to be scheduled and delivered both on a regular recurring basis synchronously, whether face to face onsite, or online with the balance of the course delivered asynchronously.

Note: All Hybrid courses must clearly stipulate face-to-face meeting times which must be communicated to students. The first of these meetings must take place during the first week of regular classes.

The estimation of the amount of coursework assigned between the face to face and online sessions shall be determined by the instructor and outlined in the course syllabus.

Course Creator: This refers to the individual who generates original content for delivery as an online or hybrid course.

Quality Matters (QM): An international, inter-institutional program that uses a set of approved rubrics to evaluate the quality of online courses.

PROCESS

The department chair and dean approve the delivery format of all courses prior to delivery.

Procedures for Online Course Development

Development for an online course will align with the University’s Acceptable Use of Information Technology Policy.

All online courses will be aligned with the QM rubric and all faculty teaching asynchronous and hybrid classes must complete at least one QM training.

Faculty will be responsible for acquiring the necessary technical skills needed to design and deliver course/programmatic content online and for consulting with the University’s instructional designer for guidance and technical support.

Ideally, development of an online course will be completed at least one semester prior to the semester in which the online course is to be offered to facilitate the review process.

Online Course Evaluation and Quality Assurance

The university will assign a reviewer or team to review the quality of the course, including content, navigation, and accessibility and offer recommendations for improvement, typically prior to placing the course online.
The Dean, Department Chair, his/her designee, and the Provost will have access to individual courses offered through the LMS to assess and ensure the quality of the online course.

All courses/programs will be evaluated at least once every five years as part of the University’s 5-Year Program Reviews.

**Enrollment for online courses**
Enrollment for online courses shall be set for a minimum of 25 students, unless approved by the Provost and Vice President for Academic Affairs.

Students will follow course enrollment guidelines set forth by the University.

**RESPONSIBILITY FOR IMPLEMENTATION**
The Department Chairs have responsibility for implementing and operationalizing this policy.

**AUTHORITY FOR INTERPRETATION**
The final authority for interpretation of this policy rests with the Provost.

**AMENDMENTS**
This Policy may be amended to change names, titles, links to information, grammatical and spelling without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

**REFERENCE/ AUTHORITY**
Higher Learning Commission’s (HLC) Distance Education Policy
The Council of Regional Accrediting Commissions’ (C-RAC) guidelines for the Evaluation of Distance Education Programs

Replaces BOG policy CU-AA-41, Distance Education, effective October 29, 2016

**APPROVAL**
Intent to Plan Approved:
Adopted by the Board of Governors:
Approved by HEPC:
STANDARDS FOR FACULTY QUALIFICATIONS

Policy Number: CU-AA-#60

GENERAL

The Higher Learning Commission (HLC), Concord University’s accrediting organization has set forth expectations regarding the qualifications of faculty and the importance of faculty members having appropriate expertise in the subjects taught. Concord seeks to employ the best qualified faculty to help ensure that students reach their educational and developmental goals.

PURPOSE

This policy has been enacted to provide guidance for employment of the best qualified faculty at Concord University. Concord wishes to ensure that students have access to subject matter experts who can communicate knowledge in their subject to their students.

SCOPE

This policy is applicable to all faculty members whose primary responsibility is teaching, including full-time, part-time, adjunct, dual credit, temporary, and other faculty in all academic areas.

POLICY

It is the policy of Concord University to employ, and continue to employ, only competent teaching and research faculty who are qualified by virtue of education and continuing development and/or experience to accomplish the educational, scholarship and service mission of the university.

RESPONSIBILITY FOR IMPLEMENTATION

It is the responsibility of the Provost to implement this policy. The Provost will communicate the policy expectation to faculty, staff, and administrators serving on faculty search committees or evaluating faculty candidates for employment in regular or temporary positions.
IMPLEMENTATION

The Provost may develop administrative processes, procedures, or forms for administering this policy.

PROCESS

Establishing Qualifications

Concord utilizes a process to determine and verify credentials as the primary mechanism to ascertain faculty qualifications. Determination of qualifications of faculty is completed at the time of hire and reviewed periodically.

Subject Matter Expertise

The process for determining faculty qualifications or teaching credentials has evolved, with traditional qualifications being the general standard and tested experience emerging as an alternate qualification. Concord utilizes both methodologies to assess qualifications of instructors as subject matter experts (SME) in all academic areas.

Traditional Qualifications

When determining qualifications for undergraduate and graduate faculty, including dual-credit instructors, the university gives primary consideration to the highest degree earned in the discipline and requisite hours in the sub-field, which hours are typically 18 graduate hours or more. Instructors typically possess an academic degree relevant to what they are teaching. Faculty have a degree at least one level above the level at which they teach unless acceptable experience is established through alternative credentialing or extensive high-level practitioner experience.

Alternative SME Qualifications

In professional studies programs, high-level professional experience, outside the classroom in positions relevant to the discipline in which the faculty member would be teaching, may be used to determine alternate qualifications.

The value of using high-level professional experience to determine faculty qualifications depends upon the relevance of the experience both to the degree level and to the specific content of the course(s) for which the faculty member is responsible.

Beyond Credentials
Concord recognizes that knowledge and/or professional experience are not the only factors relevant to the employment of instructional faculty. Besides credentials, other skills and abilities need to be possessed by individuals who are employed to be effective teachers and scholars. These competencies include but are not limited to:

- The ability to communicate information both in written and oral form.
- The ability to utilize technology to communicate, instruct, etc.
- The ability to design curricula, develop and implement effective pedagogy, and appreciate the breadth of knowledge in quality undergraduate and graduate education.
- The ability to fulfill other faculty responsibilities, as required, such as conducting research, advising students, participating in co-curricular activities, and contributing to shared-governance.
- The ability to demonstrate current subject matter expertise through evidence of ongoing scholarly activity and professional development in the field.
- The ability to think beyond one’s own discipline and traditional academic program, to determine what students should know, and to design curricula accordingly.
- The ability to determine what students should know to practice effectively.
- The ability to have a collegial working relationship with fellow faculty members.

**Procedure for Evaluating Professional Experience**

Before hiring, each faculty candidate must be evaluated to ensure quality and credentials.

The initial confidential evaluation of credentials will be completed by the appropriate Dean and / or Department Chair and forwarded to the Provost.

The Provost or designee will determine whether the candidate meets the university’s qualification standard and is thus eligible for hire.

**AMENDMENTS**

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REFERENCE / AUTHORITY


AUTHORITY FOR INTERPRETATION

The final authority for interpretation of this policy rests with the President or designee.

APPROVAL

Intent to Plan or Revise Approved:

Policy Adopted by Board:

Affirmed by the WV HEPC
ACADEMIC FREEDOM

Policy Number: CU-AA-61

GENERAL
Concord University embraces the principle of academic freedom as inherent to intellectual inquiry. It further recognizes that freedom of expression is not absolute and that with freedom comes responsibility.

PURPOSE
This policy has been enacted to provide clarification on academic freedom, principles of free expression, and related faculty responsibilities at Concord University, while providing a balance between individual academic freedoms and the need to protect civility, safety, and the rights of others.

SCOPE
This policy is applicable to: Faculty, both tenured and non-tenured, regardless of rank.

POLICY
It is the policy of Concord University to provide opportunity for members of the academic community to freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution and to hold the academic community accountable for the exercising such freedom responsibly.

ACADEMIC FREEDOM
Concord University is committed to freedom of expression and the pursuit of truth in teaching and learning. All Concord University 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, creative activities, university and community service, and other professional duties.
Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught, including examining conflicting perspectives on controversial issues germane to the subject.

When faculty members speak or write as citizens outside the institution, they shall be free from institutional censorship or discipline, providing the member declares to be speaking as a citizen and not on behalf, nor as a representative, of the university.

**Principles of Free Speech**

Consistent with a number of progressive universities, Concord University has set forth principles of free speech adapted from those developed and adopted by the University of Chicago. By adopting these principles, Concord University is taking a strong stand in favor of freedom of expression.

Concord University is committed to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose.

Conflicts of ideas and opinions will occur but the University will not attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable or even deeply offensive. Although Concord greatly values civility, and although all members of the Concord community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some, most, or even all members of our University community.

The freedom to discuss and debate the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish, and whenever they wish. Concord may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University.

As a corollary to Concord’s commitment to protect and promote free speech, members of the University community must also act in conformity with the principles of free speech. Although members of the University are free to criticize and contest the views expressed on campus, and
to criticize and contest speakers who are invited to express their views on campus, they may not attempt to prevent or otherwise interfere with the freedom of others to express views they reject or even loathe.

Members of the faculty are expected to act, therefore, within the framework of good citizenship and consistent with the values, standards, and expectations of the university.

PROFESSIONAL RESPONSIBILITY

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 University community.

The faculty member, as a teacher, is responsible for striving to speak with accuracy and with respect for the similar rights and responsibilities of others.

The exercise of academic freedom and/or free speech shall not in and of itself be grounds for disciplinary action or dismissal. Members of the academic community, however, are expected to avoid speaking with disrespect and/or contempt either to or about an individual and from making false and/or defamatory claims regarding people or the institution.

RESPONSIBILITY FOR IMPLEMENTATION

It is the responsibility of: the Provost, or designee(s), to ensure academic freedom and freedom of expression and accountability for adherence to related professional responsibilities consistent with this policy.

AUTHORITY FOR INTERPRETATION

The final authority for interpretation of this policy rests with the President and Provost.

AMENDMENTS

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.
Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY

WV Code 18B-8-7 (Authority of Governing Boards relating to faculty)
1940 Statement of Principles of Academic Freedom by AAUP and AACU
Report of the Committee on Freedom of Expression, University of Chicago, January 2015

*Preempts HEPC Series 9, Section 2 (Academic Freedom and Professional Responsibility), and any conflicting Concord University Policy and/or Concord University Faculty Handbook section(s).

APPROVAL

Intent to Plan Approved by the CU Board of Governors:
Approval by the Board of Governors:
Effective Date:
PURPOSE
This policy has been enacted to establish and define the process for faculty appointment, faculty classification, and assignment of academic rank.

SCOPE
This policy is applicable to faculty, both full and part-time, regardless of rank.

POLICY
It is the policy of Concord University to select faculty through a thoughtful, systematic, and participatory process that effectively evaluates faculty qualifications, meets university needs, considers issues of justice, equity, diversity, and inclusion, and appoints and promotes individuals who excel as instructors, scholars and service providers.

PROCESS
Faculty Defined
The faculty at Concord University are those individuals so designated and appointed by the President of the University, and may include, but are not limited to, such professional personnel as academic professionals, librarians, faculty equivalents, clinicians, academic administrators, and those involved in off-campus academic activities.

Faculty may be appointed to full (1.0 FTE) or part-time (< .53 FTE), as determined by the University.

Academic Administrators include the President, Provost, College Deans, Associate Provost, and other academic administrators as designated by the President or, in the case of the President, by the Board of Governors.

FACULTY APPOINTMENT CLASSIFICATIONS
Tenured
Those faculty members who have been appointed by the President to a tenured status as determined by the University.

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 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.
Tenure-Track (Probationary)
Those faculty members who have been appointed by the President as being in a full-time, tenure-track position.

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 consideration nor will it result in a de facto award of tenure.

Clinical Track
Those faculty members who have been appointed by the President and have been designated as being in a clinical-track position.

Librarian-Track
Those faculty members who have been appointed by the President and have been designated as being in a librarian-track position.

Term
Those faculty members who have been appointed by the President as instructional faculty for a specified term as defined by the University. These are instructional personnel serving in a time-defined appointment whose primary duties are instructional.

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.

Non-tenure-Track
Those faculty members who have not been appointed in a tenure-track, clinical-track, librarian-track, term, or tenured status.

Non-tenure-track faculty may also include faculty equivalents (like coaches) or academic professionals whose primary duties are non-instructional, but who may hold a secondary appointment that is instructional in character. Adjuncts and Instructors are non-tenure-track faculty.

No number of non-tenure-track appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.

No number of non-tenure-track appointments shall create any presumption of a right to reappointment to any subsequent terms, whether for an academic year or, in the case of an adjunct, to any future term.

FACULTY RANK
Faculty appointed to tenured, tenure-track, or term positions shall be appointed in one of the following ranks:
1. Distinguished Professor:
2. Professor;
3. Associate Professor;
4. Assistant Professor;
5. Instructor
6. Lecturer

Faculty appointed to clinical-track positions hold a primarily non-instructional position.

Faculty appointed to librarian-track positions may be appointed to one of the following ranks:
1. Librarian or Professor/Librarian
2. Associate Librarian or Associate Professor/Librarian;
3. Assistant Librarian or Assistant Professor/Librarian; or
4. Staff Librarian or Instructor/Librarian

Clinical-track, librarian-track and term faculty hold appointments that are:
1. Not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments.
2. Only for the periods and for the purposes specified in the appointment letter for term faculty and terms of employment for clinical and librarian track, with no other interest or right obtained by the person appointed by virtue of such appointment.

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

Non-tenure-track appointments shall have one of the following titles:
1. Any of the faculty ranks, but designated visiting, research, clinical, extension, or adjunct, as applicable to describe the connection or function;
2. Instructor or Lecturer;
3. Assistant, designated as graduate, research, or adjunct, as applicable to describe the connection or function.

Administrative Appointments
Persons assigned full-time or part-time to administrative or staff duties at the university 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.

Emeritus Status
Emeritus status is an honorary title that may be awarded to a retiring faculty member or administrator for extended meritorious service. There is no salary or emolument attached to the status other than such privileges as the university may extend.
QUALIFICATIONS FOR RANK
Concord University has set forth Guidelines for Faculty Qualifications in Board Policy Number CU-AA-60 to be considered in the faculty selection and appointment process to employ, and continue to employ, only competent teaching and research faculty.

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

Instructor or Lecturer
The Instructor and Lecturer ranks, whether full or part-time, require a master's degree and a minimum of 18 graduate hours in field for instructional faculty and / or a combination of education and tested experience to accomplish the education, scholarship, and service mission of the university. An Instructor or Lecturer is not eligible for direct promotion to other ranks.

Assistant Professor
The Assistant Professor rank requires an earned doctorate or terminal degree appropriate to the discipline served or a terminal degree with at least 18 credit hours in field. Professional experience as a practitioner in the field may be used to address educational requirements.

1. Under some circumstances, faculty may be appointed to the rank of Assistant Professor prior to finishing a terminal degree with the expectation that the degree will be completed by a pre-determined date no later than the end of the third year of the appointment.
2. Failure to complete a terminal degree by the established deadline will result in a terminal contract for the subsequent academic year.

Associate Professor
The Associate Professor rank requires an earned doctorate or terminal degree appropriate to the discipline served and at least six years of full-time college teaching experience at the rank of Assistant Professor or higher. Professional experience as a practitioner in the field may be used to address educational requirements.

Professor
The rank of Professor requires an earned doctorate or terminal degree appropriate to the discipline served and at least six years of full-time college teaching experience at the rank of Associate Professor or higher. Professional experience as a practitioner in the field may be used to address educational requirements.

Distinguished Professor
The rank of Distinguished Professor requires an earned doctorate or terminal degree appropriate to the discipline served and at least six years of full-time college teaching experience at the rank of Professor. Professional experience as a practitioner in the field may be used to address educational requirements.

FACULTY APPOINTMENT
The institution shall make all tenure, tenure-track, clinical-track, librarian-track, term, and non-tenure-track appointments after consultation with appropriate faculty and other collegiate units.

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

Every contract shall be in writing and executed by the President, and a copy of the document shall be furnished to the person appointed. Such a document shall contain the terms and conditions of the appointment.

Likewise, the President, or designee, will notify any faculty members of changes in appointment, employment status, or assignments and transfers, terminations, promotions, and tenure.

**Conditions of Appointment**

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

1. The appointee shall render full-time service to the institution.
2. Outside activities shall not interfere with the adequate performance of institutional duties. Such activities may be limited at the sole discretion of the Provost when determined to be in the best interest of the institution. 
3. The institution expects its faculty to give full professional effort to assignments of teaching, research or creative activity, and service.

The university may permit and encourage a reasonable amount of personal professional activity as determined by the Provost, 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 further develops the faculty member professionally and does not interfere with faculty duties and responsibilities as determined by the academic administrators in the member’s chain of command.

Each semester, full time faculty are expected to declare any potential conflict of interest or commitment in writing with the Provost’s office. This includes any secondary employment.

It is inappropriate to engage in gainful employment outside the institution that is incompatible with the faculty member’s contractual commitment to the university. The Provost is to be consulted prior to accepting outside employment. Moreover, it is inappropriate to transact personal and/or a secondary employer’s business from one’s institutional office.

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:

1. Require the appointee to cease such outside employment or service which interferes with institutional duties and responsibilities of the appointee.
2. Or, dismiss the faculty member for cause.

**Joint Institutional Appointments**

Faculty members may be appointed to perform academic duties at two or more public institutions of higher education in West Virginia. Such 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.
Appropriate counseling, disciplinary action, and the like shall be the responsibility of the institution where the occurrence arose, with notice to the other institution.

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.

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

RESPONSIBILITY FOR IMPLEMENTATION
The Provost shall have primary responsibility for assuring appointment and promotion processes are both effective and productive.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the President and Provost.

AMENDMENTS
This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY
HEPC Title 133, Series 9, WV Code 18B-7-3, BOG Policy # 39
*Preempts HEPC Series 9, Sections 3, 4, 5, and 6, replaces CU Board Policy# 39, Procedure for Faculty Evaluation, Promotion, and Tenure, and supersedes Concord University Faculty Handbook sections on faculty evaluation, promotion, and tenure.

APPROVAL
Intent to Plan Approved by the CU Board of Governors:
Approval by the Board of Governors:
Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY EVALUATION AND PERFORMANCE REVIEW

Policy Number: CU-AA-64

GENERAL

It is a standard of the Higher Learning Commission and best-practice that faculty be evaluated regularly and that the university have processes and resources for assuring that instructors are current in their disciplines and adept in their teaching roles.

PURPOSE

This policy has been enacted to establish and define the process for the evaluation of Instructional Faculty.

SCOPE

This policy is applicable to faculty, both full-time and part-time, regardless of rank or status.

POLICY

It is the policy of Concord University to evaluate instructional faculty to assure instructors are current in their disciplines, adept in their teaching roles, and meeting performance expectations as set forth in their job descriptions, contracts, and/or Board, university, college, or departmental policy.

FACULTY EVALUATIONS

Thoughtful and candid evaluations encourage professional growth and development of the faculty and assist in making personnel decisions.

Faculty members shall receive a written, annual evaluation of their performance directly related to the responsibilities and expectations defined by the University. Primary duties and responsibilities include, but are not limited to, excellence in teaching, research and/or creative activity, and university and community service.
The written, annual evaluation will be maintained as part of the faculty members’ academic personnel files in the Office of the Provost for the duration of the faculty members’ employment, as well as seven years thereafter. Copies of evaluation materials and recommendations are to be maintained in the College Dean’s office for the duration of employment plus seven years.

COLLEGE PERSONNEL COMMITTEE

Each College of the University shall constitute a personnel committee to consider appraisals of performance and applications for tenure and/or promotion. The membership of the College Personnel Committee (Committee) is as follows:

1. The Committee shall have two tenured faculty members elected from each department.
2. The Committee shall select one tenured faculty member from outside of the College.
3. The College Deans and Department Chairs are not eligible to serve on the Committee.
4. In the event there is not a tenured faculty member to serve as the department’s representative, then a non-tenured faculty member from the department may serve.
5. For promotion or tenure recommendation reviews, one tenured member must be from the same department as the person being evaluated, if there is such a person.
6. In the event there is not a tenured faculty member from the same discipline, a tenured faculty member from another institution may be considered for participation in the review.

PERFORMANCE REVIEW

The Performance Review for faculty varies by classification and tenure status.

Adjunct Faculty Review

Adjunct faculty are contingent or temporary, part-time, non-tenure-track faculty who provide instruction for one to three classes for a given semester. The Department Chair will complete an evaluation of adjunct faculty at the end of each semester with consideration of student and faculty input as available. The Chair should provide feedback to the faculty member on the evaluation.

Full-Time Faculty Review

All full-time faculty shall have an annual evaluation, which will include the submission of an Annual Self-Evaluation, a current Professional Activities Summary, a current CV, and student course evaluations for the current year. In addition, tenure-track faculty and non-tenure-track faculty should arrange for a peer observation of their teaching performance each year, and submit that observation report with their other materials during the annual review.
The review processes for tenure-track faculty in their third year and sixth year, along with those undergoing post-tenure review, are more extensive and are detailed in the sections below titled Tenure-Track (Probationary) Faculty Review—Third Year Review Process, Tenure-Track (Probationary) Faculty Review—Critical Sixth-Year Review Process, and Post-Tenure Review Process. Faculty members during these years will develop an electronic Faculty Portfolio of professional evidence to be presented to reviewers at the time of the annual review. Guidelines for the Faculty Portfolio are outlined in the Appendix.

**Full-Time Faculty Review Process (in years other than Third Year, Sixth Year, and Post-Tenure Review Years)**

1. Faculty Members will provide an Annual Self-Evaluation, a current Professional Activities Summary, a current CV, and student course evaluations for the past year to their Department Chair.
2. The Department Chair will review and then forward these materials, including any supplemental materials set forth by the department, peer observations (if needed), as well as the Department Chair’s recommendation, to the Dean of the College.
3. The Dean of the College will review all materials and the Department Chair’s recommendation.  
   a. In the event of a positive annual evaluation, the review process stops with the Dean evaluation.  
   b. In the event of a negative annual evaluation, the process will proceed to the next step.
4. The Dean of the College will forward all materials, including the Dean’s recommendation, to the Provost.
5. The Provost will review all materials and recommendations and advise the faculty member of the result of the evaluation.

At each step in the review process, the reviewer’s recommendation will be sent to the person at the next level of review and to the faculty member. The faculty member will be provided an opportunity to add a written response at each step for consideration by the next level reviewer. No material may be added to, or taken away from, the body of materials, with the exception of these additional written statements from the faculty member being reviewed.

**TENURED AND TENURE-TRACK PERFORMANCE REVIEW—THIRD YEAR, SIXTH YEAR, AND POST-TENURE REVIEW YEARS**

**Tenure-Track (Probationary) Faculty Third Year Review**

A third-year review process is essential to evaluate the performance of the tenure-track faculty member in the progress toward tenure. This intensive review should demonstrate the faculty member’s achievement in, and planning improvement for, teaching, scholarship, and service. By conducting the third-year review, the faculty member will have adequate time to address any recommended corrective actions and/or recommendations to improve teaching, scholarly activities, and service.
For this review, the tenure-track faculty member will submit a full Faculty Portfolio to the College Personnel Committee instead of the normal yearly review materials. Guidelines for the Faculty Portfolio are outlined in the Appendix.

**Tenure-Track (Probationary) Faculty Critical Sixth-Year Review**

The critical sixth-year review process is essential to evaluate the performance of the tenure-track faculty member in order to determine whether tenure should be awarded. This intensive review should demonstrate the faculty member’s achievement to date in teaching, scholarship, and service.

For this review, the tenure-track faculty member will submit a full Faculty Portfolio to the College Personnel Committee instead of the normal yearly review materials. Guidelines for the Faculty Portfolio are outlined in the Appendix.

**Post-Tenure Review**

Tenured faculty shall complete a post-tenure review process each six (6) years beginning six years from the awarding of tenure.

The post-tenure review will include an extensive review of teaching, scholarship or creative endeavors, and service. The most critical aspect for tenured faculty at the University is teaching, which should be well-documented. Results of the post-tenure review may be combined with a bid for promotion.

For this review, the tenured faculty member will submit a full Faculty Portfolio to the College Personnel Committee instead of the normal yearly review materials. Guidelines for the Faculty Portfolio are outlined in the Appendix.

**Full-Time Faculty Review Process During the Third Year, Sixth Year, and Post-Tenure Review Years**

1. Faculty Members will provide a completed, full Faculty Portfolio to the College Personnel Committee by the date specified by the Dean of the College.
2. The College Personnel Committee will review the Faculty Portfolio, including any supplemental materials set forth by the department, peer observations. After that review, the College Personnel will forward these materials, along with their written recommendation, to the Department Chair.
3. The Department Chair will review and then forward these materials, along with the Department Chair’s recommendation, to the Dean of the College.
4. The Dean of the College will review and then forward all materials, along with the Dean’s recommendation, to the Provost.
5. The Provost will review all materials and recommendations and advise the faculty member of the result of the evaluation.

NON-TENURE-TRACK AND TERM FACULTY PERFORMANCE REVIEW

Full-Time Non-Tenure-Track Faculty and Term Faculty Review

Full-time non-tenure-track faculty (i.e., faculty who are not tenured, on a tenure-track, term, or in a librarian track) are typically employed in the rank of instructor or lecturer, with a term or regular faculty appointment.

Term faculty are contingent, full-time or part-time, non-tenure-track faculty hired for a specific period of time, whether for a semester or an academic year. The faculty member may be in a temporary, three-year renewable agreement, which reflects intent, all else being equal, to award successive term appointments for up to three years with the option to renew for another three years.

Non-tenure-track and term faculty will be evaluated primarily with respect to their excellence in teaching.

The non-tenure-track or term faculty member is expected to be involved in light to modest levels of service and scholarship unless there are specified scholarship and/or service requirements of the appointment.

The annual faculty review process should focus on teaching performance, unless the appointment specifies otherwise, and the faculty member should arrange for a peer observation of their teaching performance each year.

Full-Time Non-Tenure-Track and Term Faculty Review Process

1. Faculty Members will provide an Annual Self-Evaluation, a current Professional Activities Summary, a current CV, and student courses evaluations for the past year to their Department Chair.

2. The Department Chair will review and then forward these materials, including any supplemental materials set forth by the department, peer observations, as well as the Department Chair’s recommendation, to the Dean of the College.

3. The Dean of the College will review all materials and the Department Chair’s recommendation.

   a. In the event of a positive annual evaluation, the review process stops with the Dean evaluation.

   b. In the event of a negative annual evaluation, the process will proceed to the next step.

4. The Dean of the College will forward all materials, including the Dean’s recommendation, to the Provost.
5. The Provost will review all materials and recommendations and advise the faculty member of the result of the evaluation.

RESPONSIBILITY FOR IMPLEMENTATION

The Department Chair, College Dean, and Provost have primary responsibility for assuring the ongoing and periodic assessments of faculty performance outcomes and behaviors are completed and that such outcomes meet university expectations.

All participants are responsible for meeting time tables as established by the Provost’s office and the College Deans.

AUTHORITY FOR INTERPRETATION

The final authority for interpretation of this policy rests with the President and Provost.

AMENDMENTS

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY

HEPC Title 133, Series 9 (Section 11), WV Code 18B-7-3, BOG Policy # 39

*Preempts HEPC Series 9, (Section 11); replaces CU Board Policy No. 39, Procedure for Faculty Evaluation, Promotion, and Tenure, and supersedes Concord University Faculty Handbook
sections regarding faculty evaluations.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:

APPENDIX

GUIDELINES FOR FACULTY PORTFOLIO

The Faculty Portfolio

The portfolio is a compilation of materials that allows Tenure-Track (probationary) faculty, faculty seeking promotion and/or tenure, or tenured faculty undergoing a post-tenure review to document their work in a variety of ways. The portfolio is used to demonstrate fulfillment of performance expectations.

Contents

The electronic portfolio should be clearly organized into the following sections:

1. Annual Self-evaluation (limited to 6 pages) – a reflection of the evaluation period of the faculty member’s teaching, professional development, and service
2. Professional Activities Summary (PAS). Include all years since last review for tenure-track and tenured faculty
3. Current CV
4. Peer teaching evaluations by a member of the College Personnel Committee, faculty in Department, and/or Department Chair.
5. Supervisory / personnel evaluations on same schedule as PAS
6. Student evaluations for each class for the all years since previous review.
7. Evidence of teaching effectiveness (examples offered below)
8. Evidence of scholarly and/or creative activities (examples offered below)
9. Evidence of service (examples offered below)

The judicious inclusion of materials dated prior to the most recent year of service is acceptable, but the portfolio should focus on providing data relevant to academic accomplishments in the years since the last review.
Sections Six (6) through eight (8) of the Portfolio provide faculty an opportunity to define their teaching, scholarship, and service by choosing representative artifacts to incorporate into the portfolio.

Examples of evidence for scholarly and creative activities might be copies of publications; records of presentations, performances, or exhibits; excerpts from successful grant proposals; scholarly awards; statement of research philosophy; description of current research; or other evidence of scholarship, including future development plans.

Examples of evidence for service could include contributions to program or institutional assessment; grants received to develop and promote service activities; written acknowledgements of professional or campus service; meritorious service awards; or other evidence of service, including future development plans.

**Criteria for Teaching, Scholarship and Service**

**Teaching (65%)**
- Peer review of teaching and advising, including classroom observation, review of syllabus, review of LMS course activity, etc.
- Student perceptions of teaching through student courses evaluations
- Engaging in activities to enhance teaching effectiveness demonstrated through examples such as participation in pedagogical workshops or conferences, development of innovative teaching techniques, activities, or materials; or mentoring undergraduate research

**Scholarship (Between 10% and 20%):**
- Staying current in one’s field, demonstrated through such activities as ongoing reading of scholarship and monitoring trends, maintaining membership and being active in a professional organization, or attending conference or professional workshops.
- Engaging in scholarly activity or producing scholarly work, demonstrated through such activities as conducting original research, presenting at a professional conference, publishing material in a scholarly journal, publishing or editing a scholarly text, exhibiting or performing artistically or publishing a creative work, engaging in continuing education, producing reports or other documents for accreditation purposes, or submitting grant proposals, manuscripts, or professional reports.

**Professional and Campus Service (Between 15% and 25%):**
- Participation in university, college, or departmental committees, demonstrated through statements from committee colleagues or chairs.
- Engaging in other service to the university, including such activities as participating in admissions, orientations, or recruiting events, contributing to program or institutional assessment or accreditation efforts, supervising labs or other facilities, or sponsoring or advising student organizations.
Engaging in professional service to the larger community, including such activities as participating in professional societies and organizations, engaging in educational outreach to the larger community, serving on boards or other community organizations or committees, serving as a consultant or resource liaison for community organizations or businesses.
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY NOTIFICATION OF TERMS AND CONDITIONS OF
APPOINTMENT
Policy Number: CU-AA-65

GENERAL
Faculty, unlike most university employees, work under a prescribed contract of employment that details
the terms and conditions of appointment.

PURPOSE
This policy has been enacted to establish and define the process for notification of faculty members of
the terms and conditions of appointment.

SCOPE
This policy is applicable to all regular faculty, both full and part-time, regardless of rank or status.

POLICY
It is the policy of Concord University to provide notification of faculty appointment via a personal letter
describing the terms and conditions of employment.

IMPLEMENTATION
The Provost, in conjunction with the President and Chief Human Resources Officer may develop
administrative processes, procedures, or forms for administering this policy in a compliant manner.

The target date for distribution of annual appointment letters is July 15th.

The President, or designee, shall have primary responsibility for assuring the issuance of letters of initial
and/or continued appointment to full and part-time faculty. The Provost shall have primary
responsibility for assuring the issuance of letters of appointment to adjunct faculty.

Content of Appointment Letters
The letter of appointment should address the following elements:
• That the appointment to the specified position is offered in accordance with the provisions of
  university policy.
• That the position is contingent on university’s ability to fund it.
• That the appointment is tenured, tenure-track, librarian-track, clinical track, term, or non-
  tenure-track.
• That the rank (in case of a tenured, term, or tenure-track appointment) is Distinguished
  Professor, Professor, Associate Professor, Assistant Professor, or Instructor, as appropriate.
• 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.
• That the appointment is full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time (<.53 FTE) with the FTE identified.
• That it is a terminal contract (whenever appropriate).
• That it is a joint appointment with another institution (whenever appropriate), with the home institution specified.
• The beginning and ending dates of the appointment.
• For tenure-track appointments, the academic year in which tenure must be determined (the "critical year").
• The total base salary for the appointment, excluding stipends.
• That, consistent with the provisions of this policy, employment is subject to the fulfillment of the duties and responsibilities of the position.
• That the specific assignments of the position will be determined by the university.
• 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.
• 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 time limits specified in the letter.

Adjunct appointments, renewal letters, or letters that simply inform the faculty member of a change in salary, need not contain all of the information listed above.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the President.

AMENDMENTS
This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY
Replaces CU-AA-65, Faculty Notification of Terms and Conditions of Employment, dated May 4, 2018

HEPC Series 9, Section 17, Notification of Terms and Conditions of Faculty Appointments

Supersedes and any conflicting procedural rule in the Concord University Faculty Handbook section(s) on faculty notification and appointment.

APPROVAL
Intent to Plan Approved by the CU Board of Governors:
Approval by the Board of Governors:
Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY PROFESSIONAL RESPONSIBILITY

Policy Number: CU-AA-66

PURPOSE
This policy has been enacted to provide clarification of expectations relating to faculty responsibilities at Concord University.

SCOPE
This policy is applicable to: faculty, both tenured and non-tenured, regardless of rank.

POLICY
It is the policy of Concord University to ensure the academic community is accountable for meeting individual and faculty responsibilities as defined by the state of West Virginia, Board of Governors, and/or the President or designee(s).

PROFESSIONAL RESPONSIBILITY
The faculty member at Concord University is responsible to the state of West Virginia, as a member of a learned profession and a representative of an educational institution, for meeting professional standards, conduct, and expectations as set forth in state regulations and this policy and other Board policies, guides, and rules.

Primary faculty responsibilities include, but are not limited to, contributing to institutional departmental missions in teaching, research and/or creative arts, and service as defined by the institution.

Other professional duties and responsibilities may be assigned by the individual’s supervisor(s), whether the Board, President, Provost, College Dean, and/or Department Chair.
Faculty are expected to follow reasonable, written supervisory requests and instructions. It is expected that such assignments will relate to faculty teaching, research, creative arts, service and other professional responsibilities.

A faculty member who believes an assignment is unreasonable, illegal, unethical, or unsafe may appeal the assignment informally through the chain of command beginning at the next level above the supervisor who made the assignment (e.g., appeal to College Dean, Provost, up to the President). Except for legitimate legal and safety concerns, the faculty member is expected to complete the assignment until or unless changed by appeal.

Additionally, a faculty member wishing to make a formal appeal of any action of the institution or the Governing Board may utilize the process set forth in West Virginia Code Chapter 6C, Article 2. West Virginia Public Employees Grievance Procedure for the resolution of conflicts.

Faculty have an obligation to aid in fostering the quality, and viability 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 maintaining and improving quality must be nurtured and responsibility for it shared by each member of the academic community. Integrity, objectivity, and service to the purposes and missions of the institution are expected.

A faculty member, together with all other members of the academic community, has the responsibility for protecting, defending, and promoting individual academic freedom and freedom of expression for all members of the University community.

Faculty members are responsible for remaining current in their disciplines. 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.

Faculty interests and skills change, disciplines evolve, and new professions or fields of study emerge. Faculty are encouraged to explore opportunities for further developing a versatile range of knowledge and skills that are important to the students, institution, and themselves.

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

It is the responsibility of: the Provost, or designee(s) to ensure faculty adherence to professional responsibilities consistent with this policy and as may be assigned.

AUTHORITY FOR INTERPRETATION

The final authority for interpretation of this policy rests with: the President and Provost.

AMENDMENTS

This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY

WV Code 18B-8-7 (Authority of Governing Boards relating to faculty)

*Preempts HEPC Series 9, Section 2 (Academic Freedom and Professional Responsibility), and any conflicting Concord University Policy and/or Concord University Faculty Handbook section(s).

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
FACULTY RESIGNATIONS AND CONCLUDING RESPONSIBILITIES

Policy Number: CU-AA-68

PURPOSE
This policy has been enacted to establish expectations for faculty submission of timely resignations in recognition of the university’s responsibility to maintain a full complement of faculty throughout the academic year.

SCOPE
This policy is applicable to faculty, regardless of rank.

POLICY
It is the policy of Concord University to expect a faculty member, who is resigning or not intending to accept re-appointment, to give reasonable, written notice of resignation and to fulfill the individual’s departing obligations to the university.

IMPLEMENTATION
The Provost and/or Chief Human Resources Officer (CHRO) may develop administrative processes, procedures, or forms for administering this policy.

PROCESS
A faculty member intending to leave employment at Concord University must provide a statement of resignation at the “earliest opportunity” to the proper Department Chair, with a copy provided to the College Dean and Office of Human Resources (HR). The College Dean will notify the Provost, who in turn, will inform the President. The President, Provost, College Dean, or CHRO may make written acceptance of the resignation of a Concord University faculty member.

Concluding Responsibilities
Faculty terminating employment shall fulfill any outstanding academic responsibilities, which include but are not limited to:

A. Providing electronic or printed materials containing grades for students in the faculty member’s courses.
B. Delivering student advising materials, if applicable, to the department’s Program Associate.
C. Making arrangements with the Department Chair and/or College Dean to take care of incomplete grades.
D. Turning keys and other departmental property over to the Program Associate or the Department Chair. Computer hardware is to remain in the faculty member’s office.

Departing faculty members shall also fulfill any other obligations to the university, which include completing the off-boarding process administered by the Office of Human Resources. HR will coordinate the employee’s exit process with other offices to assure departing obligations are addressed.

RESPONSIBILITY FOR IMPLEMENTATION
The Provost and CHRO shall have primary responsibility for monitoring professional compliance.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the Provost.

AMENDMENTS
This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE/ AUTHORITY
This policy supersedes CU-AA-68, dated May 4, 2018

HEPC Series 9, Section 8.1/ Faculty Resignations
Supersedes any conflicting Concord University Faculty Handbook sections on faculty resignations and concluding responsibilities.

APPROVAL
Intent to Plan Authorized:

Adopted by the Board of Governors: Effective upon adoption by the Board of Governors.

Approved by the HEPC: Policy on Faculty Matters exempt from HEPC review
GENERAL
The principal purpose of tenure is to safeguard academic freedom, which is necessary for all who teach and conduct research in higher education. Tenure is also a means of making the academic profession more attractive to persons of ability, while providing a measure of professional stability for the experienced faculty member. While tenure provides enhanced job security, tenure includes the expectation that faculty maintain academic, professional, and additional employment responsibilities.

PURPOSE
This policy has been enacted to establish and define the process for awarding tenure and ensuring that individuals awarded tenure continue to effectively contribute to the success of the university. Tenure is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community.

SCOPE
This policy is applicable to tenured and tenure-track faculty, regardless of rank.

POLICY
It is the policy of Concord University to award and maintain tenure in a thoughtful and systematic process that honors the principles of academic freedom of expression, provides certain employment protections to faculty, and ensures continued contribution to University’s mission.
PROCESS

Responsibilities in Tenure Determinations

Although faculty have responsibility for determining tenure processes and are responsible for reviewing and evaluating their peers, the final authority regarding both the development and application of guidelines and criteria relating to tenure, as well as individual tenure decisions, shall rest with the President, in consultation with the Provost.

In making tenure decisions, the President and Provost will give careful consideration to the tenure profile of the institution, projected enrollment patterns, staffing needs of the institution, current and projected mission of each college or department, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. Administrators are also expected to take care to optimize the mix between tenured, tenure-track, non-tenure-track, and other faculty to maintain internal flexibility and accountability to the citizens of the state.

Tenure-Track Status

When a full-time faculty member is appointed on other than a librarian-track, term, non-tenure-track or tenured basis, the appointment shall be tenure-track. During the tenure-track period, the terms and conditions of every reappointment shall be stated in the faculty appointment letter, with a copy of the agreement furnished to the individual.

The maximum period of tenure-track status normally shall not exceed six (6) years.

Criteria for Tenure Decisions

Tenure is not granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units.

Examples of criteria to be considered in tenure decisions include but are not limited to:

- Excellence in teaching, the most critical criterion.
- Professional and scholarly activities.
- Service to the Profession, including recognition by peers.
- Accessibility to students.
• Adherence to professional standards of conduct.
• Effective service to the university, college, and department.
• Significant service to the people of West Virginia, community, region, and beyond.
• Experience in higher education and the university.
• Possession of a doctorate, or the highest degree appropriate to the teaching field.
• Continued professional growth.

Faculty with administrative assignments, including college deans and department chairs, may earn Full-time teaching experience through such service to the university.

Tenure is not granted solely because of the length of service but results from an extensive review of a candidate’s cumulative accomplishments throughout the individual’s academic career.

Candidates who will be considered for tenure during a given academic year will automatically be considered for promotion along with tenure.

**Expectations of Probationary, Tenure-Track Faculty**

Candidates provide evidence of their cumulative accomplishments, reflecting their academic career to date which merits recognition and the awarding of tenure. Such accomplishments are to be documented in the Faculty Portfolio and submitted to the College Personnel Committee at the appropriate time, determined by the Office of the Provost. Please see Appendix A of CU-AA-64 Faculty Evaluation and Performance for more information about the Faculty Portfolio.

In all cases, a tenure decision requires evidence of a candidate’s ability and willingness to enhance the quality of Concord through teaching, scholarship and/or creative activities, and service.

In addition to accomplishments, recommendations regarding tenure will reflect consideration of the potential for the candidate’s continuing growth as a scholar and teacher.

A tenured faculty member, then, is to continue to grow as a scholar and teacher and make
significant contributions to the university over the remaining course of the faculty member's career post-tenure.

Non-retention Decisions
During the tenure-track period, contracts shall be issued on a year-to-year basis and appointments may be terminate at the end of the contract year.

During said tenure-track period, notices of non-reappointment may be given for any reason that is not arbitrary, capricious, or without factual basis.

Dismissal during the term of a contract is different from non-renewal and non-reappointment and is addressed in board policy CU-HR-63 Faculty Dismissal for Cause.

During the third year, a formal review regarding the faculty member's progress towards tenure will be conducted using the procedures established by the Office of the Provost. Detailed feedback from this review will be provided by the Dean to the faculty member.

Then, during the critical sixth year of the tenure-track probationary period, a decision regarding whether to retain and tenure or non-retention will be made in accordance with the process identified below.

Eligibility for Tenure Consideration
A faculty member will automatically be considered for tenure during their sixth year of full-time, tenure-track service at Concord and is notified of the critical year in the annual appointment letters.

In the case of assistant professors, tenure should not be recommended nor awarded without promotion.

Whereas recommendations regarding promotion will be based upon the academic achievements of the candidate, recommendations regarding tenure will also consider the potential for continuing
growth as a scholar and teacher.

Prior years of experience in a full-time faculty position at another accredited institution of higher education, may be applied toward tenure eligibility, but tenure is not guaranteed.

However, tenure decisions are best made after careful analysis of the candidate's record over the full probationary period.

Sequence for Review and Consideration of Tenure Status

The College Personnel Committee will review the Faculty Portfolio and any other materials available, then submit them, along with their written assessment, to the Department Chair. Department Chairs have the opportunity to contribute additional information, as well as their own written assessment, before sending the entire package to the Dean. In the case of an unfavorable review, at any stage, or during the critical year three or year six, the package of materials, along with all responses and reviews, will be submitted by the Dean to the Provost. Departments, programs, and disciplines may provide written supplemental criteria to their Department Chairs, which are more detailed and rigorous than the general criteria presented herein, although they may not be less rigorous. The inclusion of such supplemental materials by the Chair in the evaluation process, if any, will not delay or circumvent the review process as established and published by the Office of the Provost.

At each step in the process, a copy of the written assessment from that step will be provided to the candidate who will have an opportunity to have any comments included in the next step of the review.

The deadlines for submission of the Faculty Portfolio and subsequent recommendations will be established by the Office of the Provost.

Notification of Tenure Decision

After the decision of retention or non-retention has been made by the President and before completing the penultimate year of a tenure track appointment, any non-tenured faculty member shall be given written notice of the decision to offer tenure and retention or non-retention.
The President will notify the tenure-track faculty member in writing of the retention or non-retention decision by letter postmarked by March 15. Notice of non-retention shall be sent Certified Mail – Return Receipt Requested to the address on file.

Failure of the President to provide notice of non-retention by March 15th would lead to the offer of renewal of appointment for a terminal year.

Request for Reconsideration
Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by a written request for reconsideration to the President. The President will consider the request and any further evidence provided. The decision of the President is final.

A faculty member wishing to grieve or appeal the non-retention decision may use the process set forth by the WV Public Employees Grievance Board.

RESPONSIBILITY FOR IMPLEMENTATION
The Provost shall have primary responsibility for assuring the tenure processes are meaningful and productive.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the President and Provost.

AMENDMENTS
This Policy may be amended to change names, links to information, and contact information without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.
REFERENCE / AUTHORITY

HEPC Title 133, Series 9, WV Code 18B-7-3, BOG Policy # 39

*Preempts HEPC Series 9, replaces CU Board Policy No. 39, Procedure for Faculty Evaluation, Promotion, and Tenure and supersedes Concord University Faculty Handbook sections on faculty tenure and tenure-track status.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
GUIDELINES FOR THE FACULTY PORTFOLIO

Policy Number: CU-AA-70

REMOVAL

Seeking to remove this policy altogether and establishing the Guidelines for the Faculty Portfolio as a series of appendices to CU-AA-64.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

INTELLECTUAL PROPERTY RIGHTS AND RESPONSIBILITIES

Policy Number: CU-AA-XX (NEW)

PURPOSE

The purpose of this policy is to establish intellectual property guidelines for the institution and for faculty members regarding copyright and permissible use practices for faculty scholarship, teaching materials generally, and materials specifically developed for online teaching.

SCOPE

This policy is applicable to all faculty, regardless of rank or term of service.

POLICY

It is the policy of Concord University to acknowledge, respect, and, as appropriate, protect the ownership rights of individuals, the University, and any jointly-owned intellectual property.

CLARIFICATION OF OWNERSHIP RIGHTS

Faculty Ownership Rights

A faculty member has and retains ownership of intellectual property rights regarding individual scholarly research, scholarly publication, or the productions of creative work or materials.

Joint Ownership Rights

Materials developed for coursework, such as syllabi, classroom resources, or any materials developed for pedagogical purposes in specific courses, including online courses, will be considered to be “jointly owned” by the university and the faculty member who developed them, meaning that said materials may be used freely by both parties.

University Ownership Rights


Works-for-hire, that is pedagogical materials developed through an arrangement involving monetary or other compensation, are considered to be owned solely by the university.

DETERMINATION OF OWNERSHIP OF SCHOLARLY AND CREATIVE WORKS

Traditionally, faculty members at most colleges and universities are deemed to own the copyright in books, articles, instructional materials, and other scholarly writings. In recognition of this traditional practice, and specifically in support of faculty freedom to teach, write, and publish as they wish, the University affirms that copyrightable works created, made, or originated by a faculty member shall be the sole and exclusive property of the faculty author except when he or she voluntarily chooses to transfer such property in full or in part, or as described in the following cases:

Special Projects. The University will own the copyright in works created by faculty members as part of a project the nature of which lies outside the normal academic or administrative duties of a faculty member as specified in the relevant Board of Governors Policies and where the faculty members enter voluntarily into a written agreement that such works will be owned by the University.

Sponsored Research or Sponsored Project. Where copyrighted materials are created by an investigator in the course of sponsored research funded by an outside agency, copyright ownership will be determined by the applicable terms of the funding agreement.

Substantial Use of University Resources. Substantial use projects shall be identified as such early in the development stage and a written agreement shall be executed between the faculty member and the University. The faculty member and the University shall jointly own such works.

OWNERSHIP OF PEDAGOGICAL MATERIALS

Pedagogical material, such as course syllabi and classroom resources, including online materials, are jointly owned by the faculty members who create them and the University. They can be used by faculty if they teach elsewhere and by the University as “master syllabi” and as common course material to be used by any faculty member teaching the same course. Recorded lectures or other materials of a more personal nature are not included in this statement and will not be shared.

ADMINISTRATION OF COPYRIGHTABLE WORKS

Below are the conditions and parameters of the responsibilities and obligations regarding copyright protections within specific categories.
**Faculty Works Not Work-for-Hire**
For those works of which faculty members own the copyright, the faculty members are free to register the copyrights and are wholly responsible for protecting the works from infringement.

**Institutional Works or Work-for-Hire**
For those works of which the University owns the copyright, whether because the works were created by an employee other than a faculty member, or were developed by a faculty member under a special project, the creator will disclose the created works to the University as soon as possible after creation.

Syllabi created in whole or in part by non-faculty academic employees or instructional designers are considered work-for-hire.

The University will register the copyright if appropriate and protect the work from infringement if necessary.

**Jointly Owned Works**
For those works which are jointly owned by the University and one or more faculty members, the University will register the copyright, if appropriate, and will protect the work from infringement if necessary.

**Works Created as Sponsored Research or Sponsored Projects**
For those works created as a result of sponsored research or sponsored projects, administration and ownership of the works will be determined by the terms of the sponsorship agreement.

**Student-Created Works**
Any copyrightable works resulting from student participation in faculty research projects will be owned by the faculty member(s) although it is assumed that such student participation will be credited.

**PROCESSES**

**DISTRIBUTION OF INCOME**
Below are the conditions and parameters of the distribution of income in cases where there is outright ownership by the University, joint ownership between the University and faculty, or where specific responsibilities are outlined in agreements in the case of sponsored research or sponsored projects.

**Faculty-Created Works Owned by the University**
For those faculty-created works assigned to, or initially owned by, the University, the creator will receive fifty percent of the net royalties which accrue to the University. The University portion
of such net royalties will be administrated by the academic administration. One-half of such royalties will be given to the University department of the creator of the work. Generally, the other half of the University’s share of royalties will be used to stimulate further research, if the royalties resulted from research; royalties resulting from course-related works will be used to fund further course development. The University reserves the right, at its discretion, to deduct from the University’s share of royalty income, prior to any such distribution, expenses properly attributable to the development or protection of the material, including litigation, which may be incurred in enforcing or defending the copyright or in licensing the copyrightable material.

**Faculty-Created Works Jointly Owned with the University**
For those works which are jointly owned by the University and one faculty member, fifty percent of the net royalties will be attributed to the University share and divided as described in the preceding paragraph. The other fifty percent will go in its entirety to the faculty member. For those joint works with two or more faculty authors, net royalties will be divided in equal shares among the joint owners, with the University share divided as described in the preceding paragraph and the faculty shares payable directly to them.

**Works Created as Sponsored Research or Sponsored Projects**
Income from works created as sponsored research shall be disposed of in accordance with the terms of the underlying contract or grant. In the absence of such terms, the works created shall be the property of the University, and net royalties received by the University will be distributed as described in the first paragraph of this section.

**USE OF COPYRIGHTED MATERIALS IN ONLINE TEACHING**
Under Section 110 of the Copyright Act, as revised and expanded by the TEACH Act of 2002, faculty members may use copyrighted materials in their online classes. There are requirements that must be met, and the most relevant are noted here:

- The materials to be used are specifically for students in the class.
- Only those students will have access to the materials.
- The materials are directly related and of material assistance to the teaching content.
- The class is part of the regular offerings of Concord University.
- The materials are of the proper type and amount the law authorizes (i.e. reasonable and limited parts of a dramatic, literary, musical, or audiovisual work)
- A notice stating that the materials are protected by copyright will be included.
- The students’ ability to further distribute the materials will be limited.
- The materials will be made available to the students only for a period of time that is relevant to the context of the class session.
- Copies of the materials other than the one needed to make the transmission will not be made.
There is more information about the TEACH Act as well as a checklist of additional requirements at https://guides.lib.utexas.edu/copyright/teachact.

DEFINITIONS

As a way to clarify terms and definitions, the list below delineates with greater detail the assumptions and scope of the term as its used in this context.

Copyrightable Materials

Under federal copyright law, copyright protection subsists in “original works of authorship fixed in any tangible means of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” 17 U.S.C. Sec. 102. Copyright exists from the moment of creation of the work. Copyright protects the expression of an idea, but not an idea itself. Works of authorship include the following categories:

a. literary works;
b. musical works, including any accompanying words;
c. dramatic works, including any accompanying music;
d. pantomimes and choreographic works;
e. pictorial, graphic, and sculptural works;
f. motion pictures and other audiovisual works;
g. sound recordings; and
h. architectural works.

Exclusive Rights

Subject to certain limitations contained in the Copyright Act, the owner of a copyright has the exclusive right to do and to authorize any of the following:

a. to reproduce the copyrighted work;
b. to make derivative works based on the copyrighted work;
c. to distribute copies of the copyrighted work by sale, gift, rental, lease, or lending;
d. in the case of literary, musical, dramatic, and choreographic works, and motion pictures and other audiovisual works, to perform the copyrighted works publicly;
e. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
f. in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission. 17 U.S.C. Sec. 106.

Employee and Faculty
The term “employee” shall mean any person receiving regular compensation from Concord University in exchange for specified services. University employees include faculty, staff, and administrators, whether full- or part-time. University employees do not include independent contractors or those persons whose primary connection to the University is that of student.

**Sponsored Research and Sponsored Projects**

The terms “sponsored research” and “sponsored projects” refer to research activities or other work performed by a University employee for compensation from any agency, organization, or person external to the University, which research activity or other work may result in the creation of copyrightable works.

**Substantial Use of University Resources**

Substantial use includes projects undertaken by a faculty member with the benefit of extraordinary funds, facilities, or opportunities which the faculty member would not ordinarily be entitled to have for any chosen project. Ordinarily available resources include office space and personal office equipment, office computer workstations, library and other information resources, and the means of network access to such resources, including information available on University servers and the Internet, funding, and ordinarily available audio and video resources.

**Royalties**

The definition of net royalties shall be determined by agreement between the faculty author(s) and the University and incorporated into the specific written agreement as referenced in the first two paragraphs under Distribution of Income. It should be noted that tuition income does not constitute royalty income.

**RESPONSIBILITY FOR IMPLEMENTATION**

The Provost shall have primary responsibility for overseeing and managing copyright issues.

**AUTHORITY FOR INTERPRETATION**

The final authority for interpretation of this policy rests with the Provost.

**AMENDMENTS**

This Policy may be amended to change names, links to information, and contact information without
resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy and process document 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. Subject to the institution's rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

REFERENCE / AUTHORITY

17 U.S. Code Section 102 – Subject Matter of Copyright: In General
17 U.S. Code Section 106 – Exclusive Rights in Copyrighted Works
17 U.S. Code Section 110 – Limitations on Exclusive Rights: Exemption of Certain Performances and Displays

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date: Effective upon adoption by the Concord University Board of Governors
CONCORD UNIVERSITY
BOARD OF GOVERNORS

ROLE OF ADJUNCT FACULTY
Policy Number: CU-HR-08

REMOVAL
Seeking to remove this policy altogether due to redundancy with other policies.

APPROVAL
Intent to Plan Approved by the CU Board of Governors:
Approval by the Board of Governors:
Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY SALARY RULES

Policy Number: CU-HR-18

PURPOSE

This policy has been enacted to establish and define the process for managing faculty base compensation consistent with the principles of market-based compensation that addresses internal equity and external competitiveness, is perceived as fair, is a defensible program and legally compliant, is fiscally sustainable, and ultimately rewards individual’s and/or university members’ contributions and performance.

WV Code, Chapter §18B-8-2, establishes the following goals for faculty compensation, which are hereby adopted by the Board:

1. The salary of each full-time faculty member within a discipline group is externally competitive with those in similar disciplines at peer institutions;
2. Faculty are recognized for outstanding performance;
3. Equity among internal salaries is achieved and maintained; and,
4. The faculty be effectively involved in the administration of the faculty rule.

SCOPE

This policy is applicable to full-time, tenured, tenure-track, and non-tenure track faculty regardless of rank; and, specifically excludes part-time and adjunct faculty.

POLICY

It is the policy of Concord University, to the extent financially feasible, to provide internally equitable and externally competitive compensation to help attract, retain, motivate, and reward talented and committed faculty for contributions to furthering the mission.

AUTHORITY FOR IMPLEMENTATION

The CHRO, in conjunction with the Provost, will develop administrative processes, procedures, and/or forms for implementing and administering this policy. At a minimum these procedures will address each of the goals established in WV Code, Chapter §18B-8-2.
PROCESS

The university shall develop and publish an administrative document, Faculty Salary Administration Procedures Guide, to carry out the Board policy on Faculty Salary Rules. The Plan shall include but not be limited to procedures for:

- A description of the market-based compensation methodology.
- Competitive Salary Ranges for faculty positions by rank.
- Process for determining and setting individual salaries, including starting salaries.
- Provisions for promotion increases.
- Provisions for supplemental contracts, including overload, summer pay, and administrative stipends.
- Human Resources, Academic Administrators, and Faculty’s role in compensation administration.
- Provisions for maintaining internal equity.

The CHRO shall bring forth recommendations to the Executive Committee and Board regarding budget requests for faculty salary increases, including but not limited to promotions, equity, market adjustments, and / or performance awards.

The CHRO shall provide the Board an update on the status of the compensation goals on at least a triennial basis.

AUTHORITY FOR INTERPRETATION

The final authority for interpretation of this policy rests with the President.

AMENDMENTS

This Policy may be amended to change names, titles, links to information, and grammatical and spelling without resorting to the rulemaking process.

Federal and State laws, rules and regulations change. Any portion of this policy may be modified in practice to conform with any current Federal and State law, rules and regulations. Subject to the institution’s rulemaking policy, the institution will change this policy to comply with the most current laws and regulations within a reasonable time of discovering the need for change.

REFERENCE/ AUTHORITY
WV Code, Chapter §18B-8-2

Replaces Board Policy CU-HR-18, Faculty Salaries, effective 8/30/05; abolishes the Concord University Faculty Pay Plan; and supersedes Faculty Handbook provisions on Faculty Salaries.

APPROVAL

Intent to Plan Approved by the CU Board of Governors:

Approval by the Board of Governors:

Effective Date:
CONCORD UNIVERSITY
BOARD OF GOVERNORS

FACULTY DISMISSAL FOR CAUSE
Policy Number: CU-HR-63

GENERAL
Faculty, unlike most university employees, work under a contract of employment that details the terms and conditions of appointment, tenure status, and rank. Like a contract, academic tenure provides a measure of professional security from arbitrary and capricious termination of employment.

Decisions of non-retention of tenure-track faculty, non-renewal of term faculty, including adjuncts, or reductions in force, including layoff, do not constitute dismissal.

PURPOSE
This policy has been enacted to establish and define the process for dismissal of faculty for cause and to establish due process protocols.

SCOPE
This policy is applicable to all faculty, both full and part-time, who are either tenured and/or working under a current appointment contract.

POLICY
It is the policy of Concord University to not summarily dismiss a faculty member without cause and to ensure the individual’s due process rights are protected.

IMPLEMENTATION
The Provost and/or Chief Human Resources Officer (CHRO) may develop administrative processes, procedures, or forms for administering this policy.

CONDUCT
All who work at Concord University contribute in vital ways to the mission of the University and are expected to conduct their work with professionalism, personal integrity and respect for the rights, differences and dignity of others. Faculty are expected to act professionally during working hours, (including but not limited to lunch hours), when conducting University business, when performing their job duties, and/or when representing the University in their official capacity as a University employee.

Faculty are expected to perform their job duties effectively and to maintain satisfactory levels of job performance. Faculty are also expected to comply with all University rules, regulations and policies, all West Virginia Higher Education Policy Commission rules and regulations, to comply with all state, local and federal laws.

Faculty may be progressively disciplined for failure to perform the duties of their position, for unacceptable job performance, for unprofessional conduct and/or for failure to adhere to the standards of conduct set forth in this or any other University rule, regulation or policy. Such ongoing performance or conduct may result in suspension and/or discharge.
Off duty conduct may also be the source of disciplinary action if the conduct adversely affects the faculty member’s ability to perform his/her job duties and/or bears a rational nexus to the her/his job.

**CAUSES for DISMISSAL**
A faculty member may be dismissed during the appointment only for cause, which includes, but is not limited to, those examples identified in Board of Governors’ (BOG) Policy #49, Disciplinary Action, and those stated below:

- Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to abuse of power, sexual harassment, or of racial, gender-related, or other discriminatory practices;
- Patterns of ongoing or intentional obstruction or disruption of teaching, research, or operations of the university;
- Demonstrated incompetence;
- Dishonesty, particularly in the performance of professional duties, including but not limited to professional misconduct and ethics violations;
- Insubordination by refusal to abide by legitimate reasonable directions of administrators;
- Inability to perform the essential functions of the job, with or without reasonable accommodations;
- Substantial and manifest and/or a pattern of neglect of duty;
- Failure to return at the end of an approved leave of absence.

**INVESTIGATION**
Conduct that violates the University’s policies, rules and regulations including but not limited to this rule, may also violate state, federal local or other laws. The administrative investigation is different from a law enforcement investigation or a sexual harassment investigation. The technical rules of evidence and procedure do not apply and the standard used to determine responsibility is not the same as the standard used to determine guilt in a trial court.

A law enforcement investigation will not take the place of an investigation or disposition of employee conduct that may violate the University’s rules, regulations and policies and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for violating this policy or any other University rule or regulation.

An investigation and/or disposition of conduct that violates the Universities rules, regulations or policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

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 its 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 the evidence gathering process.

**DUE PROCESS**
Faculty, as well as classified staff, are subject to the Board of Governor’s Policy # 49, Disciplinary Action, which affords progressive discipline for all but the most egregious offences, which offenses may result in immediate suspension and / or termination.

When the university determines that dismissal of a faculty member is required, the institution shall notify the faculty member of the intent to terminate, the reasons for the dismissal, and the effective date of the dismissal. Said intent to terminate notice shall be sent by certified mail, return receipt requested.

Within 24 hours of receipt of the notice, the faculty member may make written request to the Office of Human Resources for a pre-termination conference with the university’s designee. The individual will have an opportunity to refute the charges and present any information that could influence the decision to terminate. If so requested, the conference will be held prior to the date of intended termination and typically within three working days of receipt of the request. The faculty member may bring a representative to assist during the conference.

The information obtained at the conference will be presented to the President (or designee) for a final written decision to uphold, modify, or rescind the intent to terminate.

In the event the written decision is to uphold the intent to terminate, the faculty member will be provided a written dismissal notice by certified mail, return receipt requested, which dismissal notice shall contain a statement of the charge or charges relied upon and a description of the grievance appeal process available to the faculty member.

Grievance procedures at Concord University are governed by West Virginia State Code 6C-2-1 and the Procedural Rules at 156 CSR 1. A complete copy of this portion of the State Code, the Procedural Rules and grievance forms may be obtained from the Office of Human Resources or online from:

WV Public Employees Grievance Board
1596 Kanawha Blvd. E
Charleston, WV 25311
Phone: (304) 558-3361
Toll Free: (866) 747-6743
Fax: (304) 558-1106
https://pegb.wv.gov/Pages/default.aspx

Failure to Accept Appointment or Report
Faculty who refuse to sign or execute an offered annual contract or notice of appointment or reappointment by the date indicated by the President or Provost 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 provided such objections are declared in writing before or concurrently with execution.

AMENDMENTS
This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.
Federal and State laws, rules and regulations change. Any portion of this policy 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. Subject to the institution’s rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

AUTHORITY FOR INTERPRETATION
The final authority for interpretation of this policy rests with the President.

REFERENCE / AUTHORITY
Adapts Higher Education Policy Commission (HEPC) Title 133, Series 9 (Section 12)

Preempts Section 5.2.m of BOG policy # 49, Disciplinary Action, but complements and supplements the balance of policy # 49 dated 5/10/2012

Supersedes Concord University Faculty Handbook section(s) on faculty dismissal for cause.

APPROVAL
Intent to Plan Approved by the CU Board of Governors:
Approval by the Board of Governors:
Effective Date: