



# Bethany College

POLICY MANUAL

VOLUME IV

## **Faculty Personnel Policies**

*Approved by the Bethany College Board of Trustees  
January, 2024*

**Policy dictates that the Officers of Bethany College are:**

**President of the College  
Chief Academic Officer  
Chief Financial Officer  
Chief Advancement Officer**

**Specific titles for the latter three may vary according to organizational structure. For the purpose of Bethany College policy documents for the 2023-24 academic year, the Chief Academic Officer is the Vice President for Academic Affairs and Dean of the Faculty; the Chief Financial Officer is the Vice President for Finance; and, the Chief Advancement Officer is the Senior Vice President. Titles for these three positions may change at the discretion of the President of the College.**

**TABLE OF CONTENTS**  
**Volume IV**  
**Faculty Personnel Policies**

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|             |   |                                     |
|-------------|---|-------------------------------------|
| <b>4.0</b>  | <b>INTRODUCTION.....</b>  | <b>1</b>                            |
| <b>4.1</b>  | <b>Definition of Faculty Status, Faculty Rank and Criteria for Advancement in Rank. 1</b> |                                     |
| 4.1.1       | Faculty Status.....   | <b>Error! Bookmark not defined.</b> |
| 4.1.1.1     | Full-time Faculty.....  | <b>Error! Bookmark not defined.</b> |
| 4.1.1.2     | Contract Faculty.....   | <b>Error! Bookmark not defined.</b> |
| 4.1.1.3     | Adjunct Faculty/Per Unit/Per Course Faculty .....   | <b>Error! Bookmark not defined.</b> |
| 4.1.1.4     | Administrators with Faculty Rank .....  | 3                                   |
| 4.1.1.5     | President and Chief Academic Officer .....  | 3                                   |
| 4.1.1.6     | Artist/Writer/Scholar-in-Residence/Visiting Ranked Faculty .....                          | 3                                   |
| 4.1.1.7     | Replacement Faculty.....  | 3                                   |
| 4.1.1.8     | Emeriti Faculty.....  | <b>Error! Bookmark not defined.</b> |
| 4.1.1.9     | Visiting Appointments .....   | 4                                   |
| 4.1.2       | Faculty Rank and Criteria for Advancement in Rank.....                                    | 4                                   |
| 4.1.2.1     | Faculty Rank .....  | 4                                   |
| 4.1.2.1.1   | Assistant Professor.....  | 4                                   |
| 4.1.2.1.2   | Associate Professor .....   | 5                                   |
| 4.1.2.1.3   | Professor .....   | 5                                   |
| 4.1.2.1.4   | Endowed Chair/Professor .....   | 5                                   |
| 4.1.2.2     | Criteria for Advancement in Rank.....   | 5                                   |
| 4.1.2.2.1   | Assistant Professors with a Terminal Degree to Associate Professor .....                  | 6                                   |
| 4.1.2.2.2   | Assistant Professors without a Terminal Degree to Associate Professor .....               | 6                                   |
| 4.1.2.2.3   | Associate Professors with a Terminal Degree to Professor .....                            | 6                                   |
| 4.1.2.2.4   | Associate Professors without a Terminal Degree to Professor .....                         | 7                                   |
| <b>4.2</b>  | <b>Policies Pertaining to Faculty Appointments .....</b>                                  | <b>7</b>                            |
| 4.2.1       | Types of Faculty Appointments.....  | 7                                   |
| 4.2.1.1     | Term Appointments .....   | 7                                   |
| 4.2.1.2     | Notice Appointments .....   | 7                                   |
| 4.2.1.2.1   | Notice Appointment, Tenure Track .....  | 7                                   |
| 4.2.1.2.2   | Notice Appointment, Non-tenure Track .....  | 8                                   |
| 4.2.1.2.2.1 | Moving to Tenure Track .....  | 8                                   |
| 4.2.1.3     | Tenure .....  | 9                                   |
| 4.2.1.4     | Terminal Appointment.....   | 9                                   |
| 4.2.2       | Filing a Vacancy with a contract/visiting/other full-time without search.....             | 9                                   |
| 4.2.3       | Issuance and Receipt of Appointment Agreements .....                                      | 9                                   |
| <b>4.3</b>  | <b>Guidelines for Search, Appointment, and Orientation of Faculty .....</b>               | <b>10</b>                           |
| 4.3.1       | Search and Appointment of Full-time Faculty.....  | 10                                  |
| 4.3.2       | Search and Appointment of Special Appointment Faculty.....                                | 11                                  |
| 4.3.3       | Orientation Process .....   | 12                                  |

|            |   |           |
|------------|---|-----------|
| <b>4.4</b> | <b>Faculty Personnel Records.....</b>   | <b>12</b> |
| 4.4.1      | Official Faculty File.....  | 12        |
| 4.4.1.1    | Faculty Activity Reports.....   | 12        |
| 4.4.1.2    | File Inclusion Process.....   | 13        |
| 4.4.1.3    | File Inclusion Appeal Process.....  | 13        |
| 4.4.1.4    | Access to File.....   | 13        |
| <b>4.5</b> | <b>Faculty Evaluation.....</b>  | <b>14</b> |
| 4.5.1      | General Evaluation Criteria.....  | 14        |
| 4.5.1.1    | Teaching Effectiveness.....   | 14        |
| 4.5.1.2    | Academic Advising.....  | 15        |
| 4.5.1.3    | Service to the College.....   | 15        |
| 4.5.1.3.1  | Expected Service Activities.....  | 15        |
| 4.5.1.4    | Scholarly, Creative, and Professional Activities.....   | 16        |
| 4.5.1.5    | Service to the Community.....   | 17        |
| 4.5.2      | The Evaluation Process.....   | 17        |
| 4.5.2.1    | Evaluation Process for Non-Tenured Full-Time Faculty in Their Second Through<br>Fifth Year..... | 18        |
| 4.5.2.1.1  | Faculty Activity Report.....  | 18        |
| 4.5.2.1.2  | Self-Evaluation Report.....   | 18        |
| 4.5.2.1.3  | Classroom Observations.....   | 18        |
| 4.5.2.1.4  | Student Course Evaluations.....   | 18        |
| 4.5.2.1.5  | Chair’s Evaluation.....   | 19        |
| 4.5.2.2    | Evaluation Process for Non-Tenured Faculty in the First Year of Appointment..                   | 19        |
| 4.5.2.2.1  | Additional Evaluation in the First Year.....  | 19        |
| <b>4.6</b> | <b>Advancement in Rank Policies.....</b>  | <b>19</b> |
| 4.6.1      | Criteria.....   | 19        |
| 4.6.2      | Application.....  | 19        |
| 4.6.2.1    | Procedures for Promotion.....   | 19        |
| 4.6.3      | Appeals Process.....  | 20        |
| <b>4.7</b> | <b>Tenure Policies.....</b>   | <b>20</b> |
| 4.7.1      | Criteria and Application for Tenure.....  | 20        |
| 4.7.1.1    | Procedures for Decision on Tenure for Sixth-Year Faculty Members.....                           | 21        |
| 4.7.1.2    | Materials Reviewed for Tenure (the Portfolio).....  | 22        |
| <b>4.8</b> | <b>Separation Policies.....</b>   | <b>23</b> |
| 4.8.1      | Resignation.....  | 23        |
| 4.8.2      | Retirement.....   | 23        |
| 4.8.3      | Non-Reappointment.....  | 24        |
| 4.8.3.1    | Reappointment Procedures (Current).....   | 24        |
| 4.8.3.2    | Dates of Notice of Renewal of Notice Appointment Faculty.....                                   | 26        |
| 4.8.4      | Termination for Medical Reasons.....  | 26        |
| 4.8.5      | Layoffs.....  | 27        |
| 4.8.5.1    | Curricular Changes or Academic Program Reorganization.....                                      | 27        |
| 4.8.5.2    | Enrollment Emergency.....   | 28        |

|             |   |           |
|-------------|---|-----------|
| 4.8.5.3     | Financial Exigency.....                                       | 28        |
| 4.8.5.4     | Order of Layoff within a Department .....                     | 29        |
| 4.8.5.5     | General Notice Procedures Regarding Layoff .....              | 30        |
| 4.8.5.5.1   | Layoff of Non-Tenured Faculty.....                            | 30        |
| 4.8.5.5.2   | Layoff of Tenured Faculty .....                               | 30        |
| 4.8.5.5.3   | Content of Notice.....  | 30        |
| 4.8.5.8     | Appeals on Layoff.....  | 30        |
| 4.8.6       | Dismissal for Cause .....                                     | 31        |
| 4.8.6.1     | Grounds for Dismissal .....                                   | 31        |
| 4.8.6.2     | Dismissal Proceedings .....                                   | 31        |
| 4.8.6.3     | Progressive Discipline of Faculty Members .....               | 32        |
| <b>4.9</b>  | <b>Faculty Rights and Responsibilities .....</b>              | <b>32</b> |
| 4.9.1       | Faculty Rights .....  | 32        |
| 4.9.1.1     | Academic Freedom .....  | 32        |
| 4.9.2       | Faculty Responsibilities .....                                | 33        |
| 4.9.2.1     | Familiarity with the Bethany College Catalogue.....           | 33        |
| 4.9.2.2     | Performance of Duty.....                                      | 33        |
| 4.9.2.3     | Professional Relationships .....                              | 34        |
| <b>4.10</b> | <b>Professional Development Policies .....</b>                | <b>34</b> |
| 4.10.1      | Attendance at Professional Meetings.....                      | 34        |
| 4.10.1.1    | Travel Advances .....   | 34        |
| 4.10.2      | Sabbatical Leave .....  | 34        |
| 4.10.2.1    | Purpose.....  | 34        |
| 4.10.2.2    | Eligibility .....   | 35        |
| 4.10.2.3    | Application and Procedure for Sabbatical Leave.....           | 35        |
| <b>4.11</b> | <b>Faculty Workload and Working Conditions Policies .....</b> | <b>36</b> |
| 4.11.1      | Faculty Workload Policies.....                                | 36        |
| 4.11.1.1    | Normal Teaching Assignments.....                              | 36        |
| 4.11.1.2    | Teaching Overload.....  | 36        |
| 4.11.1.3    | Academic Advising.....  | 36        |
| 4.11.2      | Faculty Working Condition Policies.....                       | 37        |
| 4.11.2.1    | Ordering Textbooks .....                                      | 37        |
| 4.11.2.1.1  | Faculty Services .....  | 37        |
| 4.11.2.2    | Faculty Computer Policies .....                               | 38        |
| 4.11.2.2.1  | New Faculty Computer Acquisition .....                        | 38        |
| 4.11.2.2.2  | Continuing Faculty Computer Acquisition.....                  | 38        |
| 4.11.2.2.3  | Return of Computer Equipment.....                             | 38        |
| 4.11.2.2.4  | Computer Network Policy.....                                  | 38        |
| 4.11.2.2.5  | Computer Installation Policy .....                            | 38        |
| 4.11.2.2.6  | Help Desk Policy .....  | 38        |
| 4.11.2.3    | Faculty Offices.....  | 38        |
| 4.11.2.4    | Field Trips.....  | 38        |
| 4.11.2.5    | Grants.....   | 39        |
| 4.11.2.6    | January Term .....  | 39        |

|             |   |           |
|-------------|---|-----------|
| 4.11.2.7    | Library Circulation Policy and Procedures .....                                       | 40        |
| 4.11.2.8    | Media Center Policies .....   | 40        |
| 4.11.2.9    | Outside Activities.....   | 40        |
| 4.11.2.9.1  | Outside Employment .....  | 40        |
| 4.11.2.9.2  | Political Activity .....  | 40        |
| 4.11.2.9.3  | Compliance and Enforcement.....   | 40        |
| 4.11.2.10   | Student Assistants .....  | 41        |
| 4.11.2.10.1 | Federal College Work-Study and Bethany Educational Employment<br>Program (BEEP) ..... | 41        |
| 4.11.2.10.2 | Institutional Student Employment .....  | 41        |
| 4.11.2.10.3 | Departmental Fellowships .....  | 41        |
| 4.11.2.11   | Syllabus.....   | 41        |
| <b>4.12</b> | <b>Faculty Benefit, Compensation and Leave Policies .....</b>                         | <b>41</b> |
| 4.12.1      | Faculty Benefits .....  | 41        |
| 4.12.2      | Faculty Compensation Policies.....  | 42        |
| 4.12.3      | Faculty Leave Policies .....  | 42        |
| 4.12.3.1    | Leave of Absence.....   | 42        |
| 4.12.3.2    | Medical Leave.....  | 42        |
| 4.12.3.3    | New Parent Leave.....   | 43        |
| 4.12.3.4    | Failure to Return.....  | 43        |
| 4.12.3.5    | Voluntary Separation.....   | 43        |
| 4.12.3.6    | Definitions.....  | 44        |
| <b>4.13</b> | <b>Faculty Grievance Policy.....</b>  | <b>44</b> |
| 4.13.1      | Introduction.....   | 44        |
| 4.13.2      | Procedures.....   | 45        |
| 4.13.2.1    | Step 1 .....  | 45        |
| 4.13.2.2    | Step 2 .....  | 45        |
| 4.13.2.3    | Step 3 .....  | 45        |
| <b>4.14</b> | <b>Intellectual Property (IP) .....</b>   | <b>51</b> |
| 4.14.1      | Scope.....  | 51        |
| 4.14.1.1    | Identity Interest .....   | 52        |
| 4.14.1.2    | Extrodinary Use of College Resources .....  | 52        |
| 4.14.1.3    | Institutional Work .....  | 52        |
| 4.14.2      | Implications for Faculty, Staff, and Students.....                                    | 52        |
| 4.14.2.1    | Faculty.....  | 53        |
| 4.14.2.2    | Licensing.....  | 47        |
| 4.14.2.2.1  | Staff .....   | 47        |
| 4.14.2.2.2  | Students .....  | 47        |
| 4.14.2.2.3  | Group Projects.....   | 48        |
| 4.14.3      | Process for Deliberate Determination of IP Rights.....                                | 48        |
| 4.14.3.1    | Deliberate determination is not required.....   | 48        |
| 4.14.3.2    | Deliberate determination is required.....   | 48        |
| 4.14.3.2.1  | Disclosure form may be required.....  | 48        |
| 4.14.3.2.2  | The Intellectual Property Policy Committee.....                                       | 48        |

|   |  |           |
|---|--|-----------|
| 4.14.3.2.3  | Third Party Agreements.....                        | 49        |
| 4.14.3.2.4  | Appeal of the CAO Determinations of IP Rights..... | 49        |
| 4.14.4  | Revenue.....                                       | 49        |
| 4.14.4.1  | Payment of Revenue.....                            | 49        |
| 4.14.5  | Transfer of IP Rights.....                         | 49        |
| 4.14.6  | Consultants.....                                   | 50        |
| 4.17.7  | Definitions.....                                   | 50        |
| 4.14.7.1  | Intellectual Property (IP).....                    | 50        |
| 4.14.7.2  | Community Members.....                             | 50        |
| 4.14.7.3  | Creator.....                                       | 50        |
| 4.14.7.3.1  | Collaborators.....                                 | 50        |
| 4.14.7.4  | Scholarly Work.....                                | 50        |
| 4.14.7.5  | Normal Support for a Community Member.....         | 50        |
| 4.14.7.6  | Extraordinary Support for a Community Member.....  | 50        |
| 4.14.7.7  | Work for Hire.....                                 | 51        |
| 4.14.7.8  | Institutional Work.....                            | 51        |
| 4.14.7.9  | Federal Grants and Bayh-Dole Act of 1980.....      | 51        |
| <b>4.15</b>   | <b>Revision of Volume IV.....</b>                  | <b>51</b> |
| 4.15.1  | Proposed Amendments.....                           | 51        |
| 4.15.2  | Processing of Proposals.....                       | 52        |
| 4.15.3  | Presidential Approval.....                         | 52        |
| 4.15.4  | Board of Trustees Approval.....                    | 52        |
| 4.15.5  | Emergency Procedure.....                           | 52        |
| 4.15.6  | General Rules of Implementation.....               | 53        |
| <br>  |  |           |
| <b>Appendix 4.3.1: Important Dates: Reappointment, Advancement in Rank, and Tenure ..</b> |  | <b>54</b> |
| <b>Appendix 4.11.2.5.1: Instructions for Grant Certification .....</b>                    |  | <b>56</b> |

## Volume IV Faculty Personnel Policies

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### 4.0 Introduction<sup>1</sup>

Volume IV contains general policies and procedures relating to faculty members and faculty status which are intended to guarantee for the institution a faculty of as high a quality as possible and for the individual faculty member a maximum degree of fairness. The policies and procedures herein result from action by the Board of Trustees, the Administration and the faculty acting through the Faculty Welfare Committee. It is expected that faculty members will be aware of the contents of Volume IV and will make a conscientious effort to abide by the information contained therein.

Effort has been made in this Volume IV to avoid duplication of information which appears in other documents, viz. Volumes II, III, V, VI and VII. Faculty members shall become familiar with the contents of those documents that have significance for their professional performance as detailed in subsequent sections of this manual.

This Volume IV is incorporated by reference into the individual faculty appointment agreements of each faculty member. Where the terms and provisions of an individual appointment agreement of a faculty member are inconsistent with the general policies contained herein, the provisions of the individual appointment agreement shall control.

Otherwise, the provisions of this Volume IV will remain in effect until changed by the procedures contained in this Volume IV. Should there be any misapplication, misinterpretation or violation of specific provisions in this Volume, the faculty member involved should report the circumstance to the Chief Academic Officer.

The administrative or staff responsibilities of faculty members with administrative or staff duties are specified in the individual appointment letters of such faculty members. Faculty members with substantive administrative duties may include senior administrators (the President, Chief Academic Officer, Directors, or others), librarians or members of the Learning Center administration with appropriate credentials, or other members of the College staff who have appropriate credentials, teach classes as part of their assigned duties, or previously held academic appointments at other institutions.

#### 4.1.14.1 Definition of Faculty Status, Faculty Rank and Criteria for Advancement in Rank

##### 4.1.1 Faculty Status

###### Full-time Faculty

A full-time faculty member is any full-time employee of Bethany College who is qualified for and currently holds an appointment to one of the academic ranks listed in Subsection 4.1.2. A full-time faculty member fulfills the duties and responsibilities of a faculty member and ordinarily has teaching and academic advising duties, which are enriched by scholarship, creative, and

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<sup>1</sup> For purposes of Volumes IV and VI of the Bethany College Policy Manual, heads of academic units are referred to as Department Chairs. For all other volumes, these administrators are referred to as Department Heads.



professional development, and service activities in support of the mission of the College equivalent to a full-time teaching load (see Sections 4.5, 4.11, and elsewhere in this manual).

A full-time faculty member who has continuously taught at Bethany College for at least six years is eligible to apply for sabbatical (see Subsection 4.10.2). All full-time faculty members are considered voting members of the faculty and may be appointed pursuant to a term, notice (tenure track or non-tenure track), or tenure agreement (see Subsection 4.2.1)

#### **4.1.1.2 Contract Faculty**

A contract faculty member is a contractual employee of the College appointed pursuant to a term or notice appointment (see paragraphs 4.2.1.1 and 4.2.1.2, respectively), who is qualified for appointment to one of the academic ranks listed in Subsection 4.1.2 and whose primary duties are defined by the teaching of a course load determined by the Department Chair and/or the CAO. The appropriate course-load for a specific appointment is normally specified in the faculty member's contract with the College and may include graduate or undergraduate teaching (or a mixture thereof), but the sum total of duties assigned to such faculty would normally be equivalent to at least a half-time appointment.

A contract faculty member is not an Adjunct/Per-course faculty member. A contract faculty member is eligible for benefits. A contract faculty member may become eligible for advancement in rank. A contract faculty member may be assigned responsibilities for advising, serving on committees, and other responsibilities of full-time faculty members as well as eligibility for a sabbatical. Such responsibilities or eligibility should be set forth in the employment agreement with the College.

#### **4.1.1.3 Adjunct Faculty/Per Unit/Per Course Faculty**

An adjunct, per unit, or per course faculty member is employed pursuant to a short-term appointment (see paragraph 4.2.1.1) and carries no rank. A per-course faculty member may carry up to eight credit hours per semester at the College and no more than twelve credits on an adjunct basis in any given two-semester academic year. In the case of a three-term year, these totals may be increased proportionally. An adjunct faculty member usually has no other faculty duties or responsibilities (i.e., committee obligations, advising, professional activities that may include research, creative work, etc.), except for those specified by the program and/or department and agreed to by the faculty member accepting the adjunct appointment. An adjunct faculty member does not accrue time towards sabbatical.

Reappointment of adjunct faculty is at the discretion of the College and successive reappointments do not confer continuing employment status and imply no employment rights beyond the duration of the term of employment set forth in the faculty member's short-term appointment agreement.

Appointment to an adjunct position does not confer membership in the Faculty. Accordingly, adjunct Faculty are not considered full voting members of the faculty. Adjunct Faculty are invited to attend meetings of the Faculty and College activities and convocations, but are not considered full voting members of the faculty.

Because student enrollment and full-time Faculty loads may not be determined until after the date that an adjunct faculty member signs an appointment agreement, an adjunct faculty member's appointment is contingent upon sufficient student enrollment for the course to be taught and upon that course not being assigned as part of a full-time Faculty member's required teaching load. If there is insufficient course enrollment or the course is assigned as part of a full-time Faculty member's required teaching load, the College reserves the right to void the adjunct faculty

member's appointment. Such cancellation will include a small stipend (no less than 10%) for course preparations that may have been completed ahead of time and will be effective upon notice. In cases of lower enrollments, a per student credit hour payment may be assigned or the course may be cancelled. The CAO will have discretion in determining how to handle low-enrollment courses but will consult with the relevant department chair

#### **4.1.1.4 Administrators with Faculty Rank**

An Administrator with Faculty Rank is a full-time employee who functions in an instructional capacity outside the classroom (e.g., some librarians and learning resources faculty), or performs a combination of faculty, staff, and professional duties. An Administrator with Faculty Rank is subject to all responsibilities and standards of teaching performance that apply to other full-time faculty and receives the same academic freedom as other faculty members. With regard to the non-academic aspects of an administrator's duties, an administrator is governed by the provisions of Volume V (Personnel Policies for Staff) of the Policy Manual.

#### **4.1.1.5 President and Chief Academic Officer**

Duly appointed officers of the College holding the positions of President and the Chief Academic Officer (whether that title is styled Provost, Dean of the Faculty, Vice President of Academic Affairs, or other title for the Chief Academic Officer – herein abbreviated as CAO) hold their faculty ranks by Board appointment as specified in the By-Laws of Bethany College and Manual 1.6. Normally the President carries the title of the M.M. Cochran Professor of Leadership Studies and the CAO carries the title of the Sarah B. Cochran Professor of the appropriate academic discipline. These positions may be hired with tenure as professors at the discretion of the Board.

#### **4.1.1.6 Artist/Writer/Scholar-in-Residence/Visiting Ranked Faculty**

Bethany College may appoint artists, writers, scholars, and other distinguished individuals to the special faculty status of Artist/Writer/Scholar-in-Residence/Visiting Ranked Faculty. Such appointments are awarded for a specific period of time and may be full-time or part-time depending upon the needs of Bethany College. An Artist/Writer/Scholar-in-Residence/Visiting Ranked faculty member is appointed by the President in consultation with the CAO. The appointment is made pursuant to a term agreement for a limited period of time with no guarantee of on-going employment.

#### **4.1.1.7 Replacement Faculty**

The College may appoint a replacement faculty member to full-time status for a specific period of time. Time served under the appointment does not count towards promotion in rank or sabbatical leave unless so indicated by the President of the College at the time of hire or at the time of conversion to a tenure-track appointment. A temporary replacement may be appointed for a faculty member who is on sabbatical, on leave, or who has retired or resigned. The replacement faculty member may be appointed on a full-time or per-course basis until such time as the regular faculty member returns or a permanent replacement is appointed.

#### **4.1.1.8 Emeriti Faculty**

In recognition of unusual and meritorious service to the College, on the recommendation of the Faculty, Retention, Tenure and Promotion Committee and the CAO and the President of the College, and subject to the approval of the Board of Trustees, a faculty member upon retirement from active full-time faculty service may receive Emeritus rank.

1. Specific eligibility criteria and procedures for application may be found in 1.6.3.1.1

2. The following materials shall be reviewed by the Faculty, Retention, Tenure and Promotion Committee:

a. Nomination by a current faculty member, including a rationale for consideration, highlighting significant contributions to the College, and

b. Current CV.

3. Emeritus Rank will entitle holders to the privileges listed in section 1.6.3.1.1.

#### **4.1.1.9 Visiting Appointments**

Visiting appointments are reserved for faculty members of other institutions, professors emeriti, and persons distinguished in their fields or invited to teach at Bethany College for a specified period of time. Visiting faculty members are appointed by the President of the College after consultation with the CAO. Visiting faculty members will carry the rank they hold from their most recent employer or will be assigned a rank based on the criteria listed in Subsection 4.1.2. Visiting appointments may be held for no more than three consecutive academic years. The incumbent may be considered for another appointment at the end of 3 years by the President of the College after consultation with the CAO.

[1] For purposes of Volumes IV and VI of the Bethany College Policy Manual, heads of academic units are referred to as Department Chairs. For all other volumes, these administrators are referred to as Department Heads.

#### **4.1.2 Faculty Rank and Criteria for Advancement in Rank**

##### **4.1.2.1 Faculty Rank**

The faculty consists of Professors, Associate Professors, and Assistant Professors. They are appointed by the President of the College. A person who holds the appropriate terminal degree or has substantially completed requirements for it, will usually be assigned the rank of Assistant Professor. A person who holds the terminal degree, has extensive teaching or professional experience, or has other outstanding professional qualifications may be assigned the rank of Associate Professor or Professor.

##### **4.1.1.1.1 Assistant Professor**

The rank of Assistant Professor is awarded to a faculty member at the time of initial appointment or by means of advancement from the rank of Instructor. An initial appointment may be made at this rank if the candidate holds an acceptable terminal degree in the field of specialization. In special instances, professional background may be considered equivalent to a doctorate. In such instances, it is the responsibility of the individual to justify this equivalence by documentation.

An Assistant Professor initially hired pursuant to a tenure track agreement must be considered for tenure in the sixth year of service. If tenure is awarded, advancement in rank to Associate Professor is concurrent. If tenure is not awarded, the faculty member will be appointed to a seventh year at rank with a one-year terminal appointment. The faculty member may not continue beyond a seventh grace year unless tenure has been granted.

#### **4.1.1.1.2 Associate Professor**

The rank of Associate Professor is awarded to a faculty member who has served a minimum of five years (ten years for Assistant Professors who do not hold a terminal degree) at the rank of Assistant Professor, meets the formal criteria for appointment as, or advancement to, Associate Professor, and is recommended for such rank by the Department Chair. The President of the College may, upon recommendation of the Vice President for Academic Affairs and Dean of Faculty, award the rank of Associate Professor for the faculty member's initial appointment. An Associate Professor holds terminal academic credentials in the individual's discipline. In special instances, professional background may be considered equivalent to a doctorate. In such instances, it is the responsibility of the individual to justify this equivalence by documentation

Advancement to the rank of Associate Professor is concurrent with the award of tenure unless the initial rank is at the rank of Associate Professor.

#### **4.1.1.1.3 Professor**

The rank of Professor is awarded to a faculty member who has, except in unusual circumstances, a minimum of five years of full-time college teaching at the rank of Associate Professor (fifteen years for Associate Professors who do not hold a terminal degree), meets the formal criteria for appointment as, or advancement to, Professor; and is recommended for such rank by the Department Chair. A Professor holds terminal academic credentials in the individual's discipline. In special instances, professional background may be considered equivalent to a doctorate. In such instances, it is the responsibility of the individual to justify this equivalence by documentation. The rank of Professor is not normally granted to a regular full-time faculty member upon initial appointment, even if the faculty member had served in that rank at previous institutions.

Because "Professor" is the highest honor accorded a full-time faculty member, advancement to that rank is neither perfunctory nor automatic. In keeping with the stated terms of the formal criteria for promotion, an Associate Professor is eligible to make application for advancement and will be considered by the appropriate bodies and academic officers of the College. Should the Associate Professor not attain that rank in that evaluation, the individual will receive feedback from the Vice President for Academic Affairs and Dean of Faculty in order to improve the individual's ability to apply at a later date.

#### **4.1.1.1.4 Endowed Chair/Professor**

Appointments to Endowed Chairs/Professor, made by the President of the College upon the approval of the Board of Trustees, recognize distinguished accomplishments in a variety of fields. Although there is not a prescribed way of making such appointments - of filling new or vacant positions - the President of the College consults appropriate Department Chairs and senior members of the faculty before making recommendations to the Board of Trustees. Occasionally, the President of the College may agree to use an endowed professorship to attract a particularly distinguished person to Bethany College.

#### **4.1.1.2 Criteria for Advancement in Rank**

Eligibility for advancement in rank is based on the following items:

1. The total years of full-time college teaching experience, at least three of which must have been completed at Bethany. Time on sabbatical leave does count toward the time required for advancement in rank, while time on leave of absence does not count toward the time

required for advancement in rank. Faculty may receive credit for their time spent at previous institutions, if so negotiated at the time of hire.

2. Years spent at the previous academic rank. It is expected that a faculty member will spend at least five years at each rank before advancement, or more if they do not hold a terminal degree (see below).
3. Evidence of accomplishments in the same areas evaluated for tenure: teaching, advising, service to the College, professional growth, professional relationships, and participation in College and community life. This evidence will consist of documents submitted by the candidate, as well as any information gathered by the Vice President for Academic Affairs and Dean of Faculty or Faculty, Retention, Tenure, and Promotion Committee, such as teaching evaluations or annual reviews.
4. Recommendation of the Department Chair.

The advancement in rank review is conducted by the Department Chair, the Faculty, Retention, Tenure, and Promotion Committee, the Vice President for Academic Affairs and Dean of Faculty, and the President of the College. The Department Chair and Faculty, Retention, Tenure, and Promotion Committee submit their recommendations to the Vice President for Academic Affairs and Dean of Faculty. The Vice President for Academic Affairs and Dean of Faculty in turn sends a recommendation to the President, who makes the final decision. This review takes place after the faculty member has served a requisite period of time, as spelled out below.

It should not be assumed that advancement in rank is automatic. On the other hand, a faculty member whose accomplishments are sufficiently meritorious may be recommended for advancement in rank before the end of the stated periods of time.

In cases where a faculty member is eligible for advancement in rank while being considered for tenure, the faculty member will be automatically considered for advancement in rank at the same time.

#### **4.1.1.2.1 Assistant Professors with a Terminal Degree to Associate Professor**

An Assistant Professor who holds a terminal degree will be eligible to be considered for advancement in rank to Associate Professor during the individual's sixth year of full-time college teaching, at least three of which have been completed at Bethany.

#### **4.1.1.2.2 Assistant Professors without a Terminal Degree to Associate Professor**

An Assistant Professor who does not hold a terminal degree will be eligible to be considered for advancement in rank to Associate Professor during or after the individual's tenth year of full-time college teaching, at least three of which have been completed at Bethany.

#### **4.1.1.2.3 Associate Professors with a Terminal Degree to Professor**

An Associate Professor who holds a terminal degree will be eligible to be considered for advancement in rank to Professor during or after the individual's tenth year of full-time college teaching, at least three of which have been completed at Bethany, and after spending at least five years at the rank of Associate Professor.

#### **4.1.1.2.4 Associate Professors without a Terminal Degree to Professor**

An Associate Professor who does not hold a terminal degree will be eligible to be considered for advancement in rank to Professor during or after the individual's fifteenth year of full-time college teaching, at least three of which have been completed at Bethany, and after spending at least five years at the rank of Associate Professor.

## **4.2 Policies Pertaining to Faculty Appointments**

### **4.2.1 Types of Faculty Appointments**

#### **Term Appointments**

Term appointments are issued for a clearly defined, limited period to contract, replacement, and visiting faculty members. Term appointments may also be issued for full-time faculty members in special circumstances with the approval of the President of the College for short-term curricular needs of the College.

Term appointments do not confer upon a faculty member an expectation for continued employment unless the term specified in the contract specifically references an ongoing appointment. No notice or action by the College is required to end the employment relationship at the conclusion of such an agreement. Re-employment of the faculty member after expiration of the term of the appointment is solely within the discretion of the College but notification provisions in this manual may apply to specific cases and expectations of renewal may be written into a faculty member's contract.

#### **4.2.1.1 Notice Appointments**

Faculty members with notice appointments may expect the appointment to be renewed pursuant to the progressive schedules described below unless otherwise notified pursuant to the terms of the applicable appointment agreement. Normally, the initial appointment is for one year, but a longer initial appointment may be granted if the CAO or President determine that it would serve the College's needs. Notice appointments are subject to the policies and procedures found in Section 4.8 (Separation) of the Policy Manual, or other specific provisions with regard to Separation contained in their appointment, which specific provisions shall supersede the provisions of Section 4.8 of the Policy Manual.

##### **4.2.1.1.1 Appointment, Tenure Track**

A full-time faculty member with a terminal degree or a professional background that may be considered equivalent to a doctorate or terminal degree who is hired into a tenure-track position, may expect the appointment to be renewed annually unless otherwise notified pursuant to the terms of the applicable appointment agreement or the procedures outlined in this manual. A person on a tenure-track appointment is eligible to apply for tenure after completing a tenure-track period of six years (See Section 4.7). The tenure-track period may be reduced by the President of the College after receiving the recommendation of the Faculty, Retention, Tenure, and Promotion Committee and the CAO. A faculty member on a tenure-

track appointment is subject to annual review according to established procedures and criteria outlined under Section 4.5 – Faculty Evaluation.

If tenure is not granted or the faculty member elects not to apply for tenure after completing a tenure-track period of six years (not including agreed upon pauses the tenure clock), the faculty

member is to be given notice of release and a one-year terminal appointment unless the College and faculty member agree to transition to a non-tenure contract faculty position.

#### **4.2.1.1.2 Appointment, Non-tenure Track**

An initial non-tenure track contract appointment may be for a period of one or more academic years. Normally, the first contract will be for one year, but a longer initial contract may be tendered at the discretion of the College. If an initial contract appointment is renewed, additional appointments of one-year or multi-year contracts may follow.

Contract faculty members continuing beyond the first six years of service at the College (or as otherwise set forth in the appointment) are eligible to receive successive three-year notice appointments beginning in their seventh year of employment at the College.

During the period of employment outlined in the most recent contract, all contract appointments are subject to the policy and procedures found in Section 4.8 (Separation) of this Policy Manual, except to the extent that the conclusion of their most recent contract or specific circumstances defined in their letter of appointment provide otherwise. Contract faculty members are also subject to the evaluation provisions of Section 4.5.

##### **4.2.1.1.2.1 Moving to Tenure Track**

If an appropriate tenure-track position opens at Bethany, a contract or visiting faculty member may apply for that position. The position would normally be expected to be filled in accordance with the Search and Appointment procedures as specified in Subsection 4.3.1. If the non-tenure track faculty member was initially hired by Bethany College as the result of a search and if the department chair of the relevant program (having consulted with program faculty) and the CAO concur that a demonstrated record of successful teaching, advising, service, and scholarship support the immediate conversion of a current non-tenure track faculty member to a tenurable line, they may prepare a recommendation to that effect. The Faculty Retention, Tenure, and Promotion (FRTP) Committee would then conduct an interview with that faculty member and provide a recommendation. For this purpose, FRTP should have access to the faculty member's personnel file. The recommendations of the department chair, CAO, and FRTP should be forwarded to the President, who may then authorize the CAO to make such a conversion to a tenure-track line. The CAO will communicate this decision to the faculty member, the program faculty, and department chair. The tenure-track appointment will officially commence in the next academic year.

Conversely, should the department chair (having consulted program faculty) or the CAO recommend that a 4.3.1. search should be conducted, a currently serving faculty member may apply for the position, and the decision to conduct the search should not be considered a

judgment on the fitness of the sitting faculty member, who shall be considered, without prejudice, in the context of the full search.

If a sitting faculty member is moved into a tenure-track appointment, whether after a good faith search has been conducted or at the conclusion of the process described above, the faculty member's years of teaching at the College will count toward the time by which a tenure decision is due. If a conversion to the tenure track is granted, application for tenure must be made when the faculty member becomes eligible. If tenure is not granted or the faculty member elects not to apply for tenure after completing a tenure-track period of six years (excluding agreed upon pauses to the tenure clock) the faculty member is to be given notice of release and a one-year terminal

appointment unless the College and faculty member agree to transition to a non-tenure contract faculty appointment.

#### **4.2.1.2 Tenure**

Tenured faculty members are entitled to annual appointment renewal and shall be subject to the terms and conditions of employment that exist at the time of each annual renewal and are further subject to the separation policies in Section 4.8.

#### **4.2.1.3 Terminal Appointment**

A terminal appointment is the final appointment issued to a faculty member in the case of denial of tenure, non-renewal, resignation or cases of mutual agreement, including retirement.

#### **4.2.2 Filing a Vacancy with a contract/visiting/other full-time without a search**

In the event that there is an acceptable candidate already holding a contract, visiting, or other full-time faculty appointment and who meets the requirements of 4.2.1.1.2 above, and if the Department Chair (having gathered input from program faculty), the CAO, and the President concur that this candidate should receive the tenure-track appointment, such an acceptable candidate may be appointed to fill the vacancy without a search through the procedure described in 4.2.1.1.2.1 above, eliminating the need for the steps set forth in paragraphs 4 through 6 hereof. Otherwise, the position is advertised in appropriate academic media. Any such advertisements are to be in accordance with Affirmative Action and Equal Opportunity guidelines (see Volume II, Subsection 2.1.1).

#### **4.2.3 Issuance and Receipt of Appointment Agreements**

Ranked, full-time faculty appointment contracts for an upcoming academic year are issued pursuant to a Board-approved budget and are circulated on or about May 15. Such appointment contracts become void if not signed and returned within ten working days of issue.

All per-course adjunct appointments are issued on an individual basis by the President of the College or the CAO in advance of the semester for which they are required.

Salaries of the members of the faculty other than the President of the College shall be fixed by the President of the College within the Board of Trustees' approved budget for the upcoming year. The appointment becomes official when the written agreement offered by the President of the College to the prospective faculty member is signed in triplicate or in an appropriate electronic form by both parties. A copy is retained on file in the Office of Human Resources, the second copy is retained on file in the Office of the CAO, and the third copy is returned to the appointee.

Increases in salary for members of the faculty may be issued with the annual contracts in May, but increases (e.g., cost of living adjustments or across-the-board salary increases) may also be based on the Fall semester census and released following the Board of Trustees' fall meeting. Such post-census increases will normally be effective on January 1 of the academic year for which they are issued and will be considered to increase the expected base salary for subsequent academic years unless otherwise specifically noted. It should be noted that this post-census change in contract would provide only increases to base salary and that addenda confirming this change would be, as above, signed in triplicate by both parties by the beginning of the Spring semester.



### **4.3 Guidelines<sup>2</sup> for Search, Appointment, and Orientation of Faculty**

Procedures described in this Section 4.3 were formulated by the faculty in the context of the 1940 Statement of Principles on Academic Freedom and Tenure (and its subsequent modification) prepared jointly by the Association of American Colleges and the American Association of University Professors.

Procedures outlined for appointment, advancement in rank, reappointment, and tenure specify particular responsibilities for chairs of departments. Whenever a candidate is the chair of a department, these responsibilities are to be assumed by the Vice President for Academic Affairs and Dean of Faculty. (A summary of important deadline dates relevant to Reappointment, Advancement in Rank, and Tenure appears in Appendix 4.3.1).

It is the College's policy that appointment, advancement in rank, reappointment, and tenure decisions be made without regard to an individual's race, religion, color, national origin, gender, sex, sexual orientation, age, disability, veteran status, or on any other basis that would be in violation of any applicable federal, state, or local law.

#### **4.3.1 Search and Appointment of Full-time Faculty**

1. When a vacancy or the need for a new position in a department occurs, the Department Chair presents to the Vice President for Academic Affairs and Dean of the Faculty a justification for the position, together with a job description. The request shall include:
  - a. Substantial justification for the position in terms of curriculum need and departmental productivity;
  - b. A description of the person being sought to fill the position in terms of qualifications and rank; and
  - c. The proposed duties that the new person would have within the department.
2. If the Vice President for Academic Affairs and Dean of the Faculty agrees there is justification for the position, the Dean shall forward the written justification and job description to the President of the College for approval.
3. If the President of the College approves, the position is advertised in appropriate academic media. All advertisements are to be in accordance with Affirmative Action and Equal Opportunity guidelines (see Volume II, Subsection 2.1.1).
4. The Department Chair screens applications, examines dossiers, conducts interviews at professional meetings (if possible), and recommends to the Vice President for Academic Affairs and Dean of the Faculty the two or three best qualified applicants to be invited to the campus for a visit of at least twenty-four hours.
5. After a date for a visit is agreed upon, the Department Chair prepares a schedule of the candidate's activities. (Time should be allowed for interviews with the Vice President for Academic Affairs and Dean of Faculty, and, if possible, the President of the College, the Director of Human Resources, the Department Chair, department members, students, and the Faculty, Retention, Tenure, and Promotion Committee.) The Department Chair provides the Vice President for Academic Affairs and Dean of Faculty and the Faculty, Retention, Tenure, and Promotion Committee with the schedule of the applicant's visit, the

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<sup>2</sup> Guidelines are not grievable.

job description, and a copy of the candidate's dossier. When possible, the candidate shall be asked to make a presentation to members of the department, other interested faculty, and/ or to a regularly scheduled class.

6. After the candidate is interviewed by the Faculty, Retention, Tenure, and Promotion Committee, the Committee submits its recommendation in writing to the Vice President for Academic Affairs and Dean of Faculty and the Department Chair. The Vice President for Academic Affairs and Dean of Faculty submits the Department Chair's recommendation, the Vice President for Academic Affairs and Dean of Faculty's own, and that of the Faculty, Retention, Tenure, and Promotion Committee to the President of the College who makes the decision. In determining whether an applicant is to be recommended for appointment, the Vice President for Academic Affairs and Dean of Faculty, the Department Chair, and the Faculty, Retention, Tenure, and Promotion Committee consider the person's accomplishments or potential contributions in the areas of teaching and advising, service to the College (committees, academic obligations, etc.), professional growth (participation in professional organizations, publication, progress toward a degree, etc.), professional relationships, and participation in College and community life.
7. The President of the College's invitation to join the faculty shall include a letter indicating the conditions of employment, any special financial agreements, any agreements concerning the number of years of college teaching that will be credited toward tenure eligibility, and an employment contract.
8. When a faculty position has been filled, all materials used in the process (including the completed applications and supporting documents of all candidates, evaluations by student interviewing groups, Department Chairs, departmental faculties, and/or search committees, and recommendations of the Vice President for Academic Affairs and Dean of Faculty and the Faculty, Retention, Tenure, and Promotion Committee) are placed in a sealed file to be opened only if necessary as part of a legal action.

#### **4.3.2 Search and Appointment of Special Appointment Faculty**

From time to time a department may find it necessary to request special appointments (see paragraph 4.1.1.5 above) to accommodate sabbaticals, special subjects outside the competence of regular faculty, or the like. In such cases, the Department Chair will confer with the Vice President for Academic Affairs and Dean of Faculty regarding the need. If the Vice President for Academic Affairs and Dean of Faculty confirms that the funding can be made available, the Department Chair and the Vice President for Academic Affairs and Dean of Faculty will mutually agree on the necessary qualifications, and will seek an appropriate candidate. Such are recognized by a letter from the Vice President for Academic Affairs and Dean of Faculty, accompanied by a special appointment agreement.

In certain special situations it may be necessary to make a full-time appointment under circumstances which do not permit a normal search, such as an unexpected death, illness, or resignation of a faculty member. In such cases the Vice President for Academic Affairs and Dean of Faculty and the Department Chair will confer and attempt to fill the vacancy with the best-qualified person available. Such an appointment will be on a fixed-term basis, and will be recognized by a term appointment agreement.

If a situation arises in which an appointment originally filled by a special academic appointment (as outlined in paragraph 4.1.1.5) is changed to the status of normal full-time academic appointment, the Department Chair, the Vice President for Academic Affairs and Dean of Faculty, the President of the College, and the Faculty, Retention, Tenure, and Promotion Committee will meet to decide on the procedures to be followed when implementing this change of status.

### **4.3.3 Orientation Process**

See Volume III, Subsection 3.1.1.

## **4.4 Faculty Personnel Records**

Because appointment as a ranked faculty member may lead to a continuing relationship with the College, it is essential that there be adequate and detailed documentation to support those actions pertaining to appointment, advancement in rank, layoff, and dismissal. These official records will be kept in strictest confidence. The material set forth below constitutes the official file of each faculty member. (See also Volume III, Section 3.2 Personnel Records).

### **4.4.1 Official Faculty File**

A faculty member's file is comprised of two types of documents: human resource documents and faculty-specific documents. Basic documents to be found in each faculty member's file are:

1. In the Office of Human Resources:
  - a. Personal data information (race, gender, date of birth, marital status, religion, etc.);
  - b. Hiring transaction documents (payroll notices, etc.);
  - c. Payroll change documents (salary increases or changes, changes in status);
  - d. Salary and fringe benefit data; and
  - e. Other documents required by law.
  
2. In the Office of the Vice President of Academic Affairs:
  - a. The faculty member's portfolio
  - b. Appointment and acceptance agreements;
  - c. Current appointment agreement;
  - d. Performance reviews and evaluations;
  - e. Official transcripts;
  - f. Faculty Activity Report (see 4.4.1.1 below);
  - g. Current vita.

#### **4.4.1.1 Faculty Activity Reports**

Faculty members are requested to cooperate in keeping their records up to date; specifically, information regarding degrees, publications, professional background, accomplishments, addresses, and telephone numbers shall be kept current.

Each year all faculty shall submit a Faculty Activity Report and a current curriculum vita containing up-to-date information on teaching, advising, service to the college, professional development, and service to the community to the Office of the Vice President for Academic

Affairs and Dean of Faculty no later than the third Friday of April each academic year. The Faculty Activity Report provides a brief listing of activities in the areas of teaching, scholarship/creativity, and service for the current academic year. These records may be used for evaluation, promotion, tenure, and dismissal decisions and shall assist the College in maintaining records that are required for accreditation purposes.

#### **4.4.1.2 File Inclusion Process**

The originator of any document other than student evaluations to be included in the file must sign and date the document. A copy of the material will be sent to the faculty member by the Vice President of Academic Affairs at the same time that the item is deposited in the file with the exception that when the size, shape, weight, or other physical characteristic of such material makes it infeasible or impractical to copy and send the same to the faculty member, the Vice President of Academic Affairs may notify the faculty member in writing of the new deposit in the file. This notice shall contain a brief and concise summary or description of the content or character of such new material.

Before a negative document becomes a part of a record, the faculty member involved will be advised of the existence of the document. The faculty member shall have the right to submit a written answer, which shall be placed in the faculty member's file. Only the written material in the file for which such notice and opportunity has been given shall be considered for evaluation purposes, along with the other normal criteria.

A letter notifying the faculty member of the faculty member's right to submit a letter of explanation if desired will accompany the material. This response letter, if received, shall be attached to the original document within the file.

#### **4.4.1.3 File Inclusion Appeal Process**

The faculty member may appeal the inclusion of material to a Faculty Grievance Committee (See Section 4.13) for the following reasons:

1. Procedural error;
2. Factual error; or
3. If credibility of the source is at issue.

#### **4.4.1.4 Access to File**

Faculty member files are kept and maintained in the Office of Human Resources (i.e., benefit elections, personal data information, hiring transaction documents, etc.) and the Office of the Vice President for Academic Affairs and Dean of Faculty (i.e., portfolio, letters of appointment, performance reviews and evaluations, transcripts). The official files are available on a need-to-know basis only to the individual faculty member, the Board of Trustees, the President of the College, the Vice President for Academic Affairs and Dean of Faculty, appropriate financial officer(s), legal counsel, the Director of Human Resources, the appropriate Department Chair, or others specifically designated by the President of the College and/or faculty member in writing.

The College may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies or the courts to the extent permitted by law.

## **4.5 Faculty Evaluation**

### **4.5.1 General Evaluation Criteria**

Full-time faculty will be reviewed on the basis of the following criteria ranked in the order of importance: Teaching Effectiveness; Academic Advising; Service to the College; Scholarly, Creative and Professional Activities; and Service to the Community.

Pro-rata faculty support teaching in a number of unique ways and will be reviewed on the basis of their specific job description.

#### **4.5.1.1 Teaching Effectiveness**

The College recognizes that excellence in teaching is the most important attribute of a faculty member. Teaching effectiveness involves the interplay of many qualities.

Some examples are:

1. Command of the subject;
2. Knowledge of current developments within the discipline taught and in pedagogy;
3. Ability to relate the subject taught to other areas of knowledge;
4. Ability to plan and execute a substantive, well-organized course;
5. Skill in communicating with students;
6. Ability to challenge students;
7. Use of effective teaching methods and strategies;
8. Integrity, open-mindedness and objectivity in presenting material;
9. Punctuality and effective use of class time;
10. Promptness, objectivity and care in grading students' written work and assessing the students' overall performance in a course;
11. Knowledge of the relationship of the discipline taught to the liberal arts curriculum;
12. Ability to stimulate and broaden student interest in the subject matter;
13. Accessibility for advising outside of class;
14. Willingness to listen and assist the student respectfully and patiently to achieve academic success;
15. The regular conduct of classes assigned and the use of effective teaching methods;
16. The construction and revision of curriculum;
17. Establishing standards for determining the proficiency of the students in the courses taught.

#### **4.5.1.2 Academic Advising**

Advising students on academic matters is an integral part of the duties of the members of the Bethany Faculty. Academic Advisors assist students in developing their semester schedules, selecting and preparing for their fields of concentration, proposing and evaluating internships, dropping, and adding courses, and generally resolving problems concerning academic matters. Advisors may also counsel students on personal matters, but should always be conscious of their limitations in this area and refer students to the college's counseling staff whenever appropriate. Some examples are:

1. Assisting students with semester schedules;
2. Assisting in decisions regarding major, minor and career choices;
3. Providing students with information on policies, procedures and programs of the College;
4. Assisting students in choosing educational and career objectives well suited to their interests and abilities;
5. Assisting students in exploring possible short and long-range consequences of their choices;
6. Making students aware of the wide range of services and educational opportunities pertinent to their educational objectives;
7. First year seminar advising and counseling;
8. Providing students with information regarding academic internships, study abroad opportunities and benefits to be derived from such activities.

#### **4.5.1.3 Service to the College**

A faculty member will be expected to make some contribution towards the operation of the College by participating in service activities listed below. Involvement in some voluntary service activities is also expected, but faculty members are free to choose what type of service they will provide.

##### **4.5.1.3.1 Expected Service Activities**

1. Faculty Meetings: Faculty meetings are the forum for ordinary faculty involvement in the affairs of the College, and all faculty are expected to attend unless some circumstances prevent it.'
2. Department Meetings: Department meetings are held on a scheduled basis to discuss the concerns of the department, to suggest methods of improving the curriculum, and to explore new endeavors and determine progress of students studying within the department.
3. Academic Functions: Members of the full-time faculty are expected to be present at all College faculty meetings and convocations. Faculty members are encouraged to attend lectures, concerts, dramatic productions and other educational activities sponsored by the College or departmental organizations.
4. Other Service Activities:
  - a. Effective participation on College committees;
  - b. Participation in the functioning of the Faculty body and its committees;
  - c. Service as Department Chair; or

- d. Acting as representative of the College to the larger community or participating in activities outside the College that are of benefit to the College.
5. Service to the Student Body: The quality of education at Bethany requires that faculty members have formative contact with students not only in a purely academic setting.

The following are examples of such contact, though the listing is not exhaustive:

- a. Service as advisor to a student organization;
- b. Service to student activities;
- c. Planning/participation in enrichment activities related to the curriculum; and
- d. Participation by full-time faculty in orientation, testing and registration of students.

#### **4.5.1.4 Scholarly, Creative, and Professional Activities**

A faculty member is expected to engage in scholarly, creative, and professional activities as these are intrinsic elements of academic life at the College. Such intellectual contributions constitute an essential component of a faculty member's duties, notwithstanding the importance of excellence in teaching, as it ensures that the faculty member is contemporary in his/her knowledge of the field and is able to draw upon the intellectual richness to enhance and improve his/her teaching. The form and level of scholarly, creative and professional activity may vary across departments depending on the requirements of the various disciplines.

Some examples are:

1. Depth and breadth of knowledge in one's discipline and demonstrated growth in this regard;
2. Continued progress in current or ongoing research or creativity not yet resulting in publication, presentation, performance or display;
3. Attendance at academic and professional conferences and meeting; leadership positions in academic and professional organizations and societies;
4. Presentation of papers at academic and professional conferences; discussant and panelist at academic and professional conferences;
5. Scholarly activities applied to teaching, developing of new courses and enhancement of existing ones through introduction of new curriculum or curricular materials;
6. Publications, including papers in academic and professional journals and magazines; books; monographs; textbooks; articles; bibliographies; cases; production or direction of non-print media work;
7. Production and display of musical compositions; recitals; stage design; stage construction; choreography; conducting or performing;
8. Production and display of paintings; sculpture; ceramics; film and videotape materials; photographs; graphics; production of television, radio, and print media;
9. Editing and reviewing of articles, books, and monographs for academic and professional publications;

10. Development and publication of instructional materials; conducting workshops on innovative teaching methods; publications about pedagogy and methodology;
11. Grants written for research activities, creative projects, instructional advancement etc.;
12. Invitations to conduct scholarly activities, lecture, or display works at other academic institutions or research/government agencies;
13. Invitation to prepare questions for academic or professional examinations; serving as grader for various academic and professional examinations;
14. Participation on the editorial board of various academic and professional publications;

#### **4.5.1.5 Service to the Community**

The College strongly encourages faculty members to become involved in service to the community outside the strictly academic field, and values the work of faculty members who are so involved. Some examples are:

1. Lectures to non-professional community groups;
2. A leadership position in political, church, or community activities;
3. Participation in non-profit organizations which serve the general public;
4. Service to community groups in a professional capacity;
5. Volunteering time and effort to community events, charities, and public service organizations;
6. Organizing a community event that educates the general public; and
7. Organizing an event that allows the community to reach out to a broader population.

#### **4.5.2 The Evaluation Process**

In an effort to promote faculty self-growth and institutional growth, the appropriate Department Chair will evaluate all non-tenured full-time faculty members (4.1.1.1) formatively on an annual basis. The evaluation process at Bethany College gives faculty members constructive and balanced information to help them fulfill their academic responsibilities, provides a guide for professional goal-setting, and allows the College to determine if faculty are fulfilling their responsibilities effectively. Evaluation, therefore, seeks to document fairly and accurately both the strengths and the weaknesses of a faculty member's teaching endeavors and other professional responsibilities, including scholarly or creative achievement. All facets of the faculty member's performance shall be reviewed pursuant to the General Evaluation Criteria outlined in Subsection 4.5.1.

The formal components and documents of the Faculty Evaluation Process are comprised of the following:

1. Faculty Activity Report (completed by all faculty on an annual basis and placed in the faculty member's personnel file in the Vice President for Academic Affairs office in accordance with section 4.4.1)
2. Self-Evaluation Report
3. Classroom Observations
4. Student Course Evaluations
5. Department Chair's Evaluation



#### **4.5.2.1 Evaluation Process for Non-Tenured Full-Time Faculty in Their Second Through Fifth Year**

All non-tenured full-time faculty in their second through fifth year shall undergo an evaluation each year. Documents included in the Evaluation process include:

##### **4.5.2.1.1 Faculty Activity Report**

All non-tenured faculty must complete a Faculty Activity Report briefly listing activities in the areas of teaching, scholarship/creativity, and service for the current academic year. This report, along with a current vita is due to the office of the Vice President for Academic Affairs no later than the third Friday in April each academic year. The Faculty Activity Report is included in the faculty member's personnel file in the Vice President for Academic Affairs' office. The Faculty Activity Report is also included in the materials reviewed by the Faculty Retention, Tenure, and Promotion Committee.

##### **4.5.2.1.2 Self-Evaluation Report**

All non-tenured faculty must complete a Self-Evaluation Report that addresses the following:

1. a narrative describing the faculty member's previous year's work in the following areas:
  - a. teaching effectiveness
  - b. professional activity and scholarly and creative accomplishments
  - c. service to the College
  - d. goals for the next year

The Self Evaluation Report is to be submitted to the Department Chair no later than the last Friday in April each academic year.

##### **4.5.2.1.3 Classroom Observations**

Each non-tenured faculty member shall receive during each academic year at least one classroom visit by the Department Chair or by another tenured faculty member designated by the Department Chair. Classroom Observations may be completed in either the fall or the spring semester. A written evaluation using the Classroom Observation Form noting the results of the visit shall be made by the Department Chair or the faculty member designated by the chair. Within two weeks of the classroom visit, the visitor shall send copies of the final evaluation to the faculty member for review. A copy will also be sent to the Department Chair if the evaluating visitor is not the Department Chair. The faculty member may choose to comment on the final evaluation. The faculty member shall return a signed copy (with or without comments) to the Department Chair, who forwards a copy to the Vice President for Academic Affairs' Office for inclusion in the faculty member's file. All Classroom Observations for the academic year must be completed no later than the third Friday of April each academic year.

##### **4.5.2.1.4 Student Course Evaluations**

Student Course Evaluations are conducted electronically at the end of each semester under the guidance of the Office of Institutional Effectiveness. The Director of the Office of Institutional Effectiveness makes results available to each faculty member, as well as to department chairs, the Promotion, Reappointment, and Tenure Committee, and the Vice President for Academic Affairs.

#### **4.5.2.1.5 Chair's Evaluation**

Department chairs shall complete an evaluation of each non-tenured faculty member each academic year using the designated Chair's Evaluation Form. The evaluation is to be shared with the faculty member prior to submission to the VPAA, and the faculty member is to sign the form indicating he or she has read it. The faculty member may choose to comment regarding the content of the chair's evaluation. The completed Chair's Evaluation Form must be submitted to the Vice President for Academic Affairs' office no later than the third Friday in May each academic year.

#### **4.5.2.2 Evaluation Process for Non-Tenured Faculty in the First Year of Appointment**

Non-tenured faculty in the first year of appointment shall undergo an evaluation at the end of their first semester of teaching. The components of this evaluation are the same as those for other non-tenured full-time faculty (as detailed in 4.5.2.1) but address only the first semester.

The timeline for evaluation of non-tenured faculty in the first year of appointment is as follows:

1. For faculty who start teaching in the fall semester, the Department Chair shall complete a Classroom Observation during the first semester of teaching.
2. The Self Evaluation Report by the faculty member being evaluated must be submitted to the Department Chair no later than the first Friday in January.
3. No later than the third Friday in January, the Department Chair shall complete a Chair's Evaluation addressing the faculty member's performance for the first semester.
4. The materials must be submitted to the office of the Vice President for Academic Affairs no later than February 1 and will be included in the materials reviewed for reappointment by the Faculty Retention, Tenure, and Promotion Committee.
5. Faculty who begin teaching in the spring semester shall follow the timeline detailed in section 4.5.2.1.

##### **4.5.2.2.1 Additional Evaluation in the First Year**

If no areas of concern are noted in the evaluation materials from the first semester of teaching, no additional evaluation need take place at the end of the subsequent semester. If areas of concern are identified in the first semester evaluation, or if areas of concern arise during the subsequent semester (as determined by the Department Chair) a follow-up evaluation shall take place at the end of the subsequent semester.

## **4.6 Advancement in Rank Policies**

### **4.6.1 Criteria**

See paragraph 4.1.2.2 for advancement in rank criteria.

### **4.6.2 Application**

#### **4.6.2.1 Procedures for Promotion**

1. In cases where a faculty member is eligible for promotion at the same time that he or she is being considered for tenure, the faculty member will be automatically considered for promotion. In that case, the candidate should follow the tenure application procedures outlined in the next section.

2. In all other cases, each eligible faculty member who wishes to be considered for promotion must submit a letter of application to the Vice President for Academic Affairs and Dean of Faculty on or before January 10. The candidate should emphasize accomplishments in teaching, advising, service to the College, professional growth, professional relationships, and participation in the life of the College and of the community in which the candidate resides. The candidate should also explain expected contributions to the College in the future. The candidate may submit any supporting documents thought to be helpful in evaluating the application. Such documents might include letters from colleagues within and outside of the candidate's department, evaluations by students, copies of relevant publications, etc.
3. Any faculty member who wishes to be considered for promotion may request an evaluation by the department chair or the Vice President for Academic Affairs and Dean of Faculty. The Vice President for Academic Affairs and Dean of Faculty asks department chairs to submit by February 1 recommendations concerning promotions. It is expected that the department chair's recommendation will review a candidate's accomplishments in teaching, advising, service to the College (committees, academic obligations, etc.), professional growth, professional relationships, and participation in College and community life. The candidate may submit supporting materials to the Vice President for Academic Affairs and Dean of Faculty by February 1.
4. In March, the Vice President for Academic Affairs and Dean of Faculty seeks the advice of the Faculty, Retention, Tenure, and Promotion Committee and they both review the department chair's recommendations and any supporting material submitted by the candidate.
5. The person being considered for promotion and/or the department chair may request an interview with the Faculty, Retention, Tenure, and Promotion Committee, by April 1, by contacting the chair of the committee.
6. By April 1, the committee submits its recommendations in writing to the Vice President for Academic Affairs and Dean of Faculty, the department chair and the candidate.
7. At the time contracts are issued by April 15, the President notifies the person concerned of the decision. If the person is not promoted, he or she may appeal the decision to the President.

### **4.6.3 Appeals Process**

See the Faculty Grievance Policy set forth in Section 4.13.

## **4.7 Tenure Policies**

### **4.7.1 Criteria and Application for Tenure**

The granting of permanent tenure assures the faculty member of the privilege of being issued an annual contract until retirement or resignation from the faculty, until relieved of duties for reason of physical or mental disability, *bona fide* financial exigency, failure to perform the various duties

(i.e. instructional work, student counseling, assistance in public representations of the College, scholarly activity) appropriate to the position, gross inefficiency, actions detrimental to the best interests of the College, or a change of institutional program results in the elimination of a position as outlined in Section 4.8. The number of persons on tenure in a department or in the College, curricular needs, and the financial circumstances of the College may be considered in making tenure decisions. A faculty member who is not to be appointed under conditions of permanent tenure shall be notified to that effect in writing no later than at the conclusion of the final year of his/her probationary appointment.

#### **4.7.1.1 Procedures for Decision on Tenure for Sixth-Year Faculty Members**

A faculty member at the beginning of the sixth year of full-time College teaching, at least three of which have been at Bethany, is eligible to apply for tenure. The tenure track period may be reduced by the President of the College upon initial appointment or after receiving the recommendation of the Faculty Retention, Tenure, and Promotion Committee and the Vice President for Academic Affairs and Dean of Faculty.

1. At the April faculty meeting, the Vice President for Academic Affairs and Dean of Faculty announces the names of those persons eligible to apply for tenure in the next academic year. At that time the Faculty Retention, Tenure, and Promotion Committee announces the time and place for a meeting prior to the end of the current academic year with those eligible to apply for tenure to explain Committee policies and procedures.
2. On or before October 1, each eligible faculty member who wishes to be considered for tenure must submit a letter of application to the Vice President for Academic Affairs and Dean of Faculty along with a faculty portfolio (Section 4.7.1.2). The candidate should emphasize accomplishments in teaching, advising, service to the College, scholarly, creative, and professional activities, and service to the community of residence. The candidate should also explain expected contributions to the College in the future. The Candidate may submit any supporting documents thought to be helpful in evaluating the application. Such documents might include letters from colleagues within and outside of the candidate's department, student evaluations, copies of relevant publications, etc.
3. The Vice President for Academic Affairs and Dean of Faculty asks each department chair to submit by October 15 a recommendation concerning the candidate for tenure. The department chair should consider the candidate's accomplishments in teaching, advising, service to the College, scholarly, creative, and professional activities, and service to the community of residence. The department chair should also assess the candidate's role in the long-range future of the department.
4. The Vice President for Academic Affairs and Dean of Faculty seeks the advice of the Faculty Retention, Tenure and Promotion Committee, and they both review the tenure application of the candidate and the department chair's recommendation. The Committee also seeks information from faculty colleagues, and students and alumni who have completed courses with the candidate.
5. The Faculty Retention, Tenure, and Promotion Committee schedules and holds interviews with the candidate and the department chair. At least 48 hours before the candidate's and the department chair's interviews with the Committee, the Committee provides both the candidate and the department chair a written summary

- of the data collected.
6. By December 1, the Faculty Retention, Tenure, and Promotion Committee submits a written recommendation to the Vice President for Academic Affairs and Dean of Faculty. At that time the Committee also provides a copy of the recommendation to the candidate for tenure. The Vice President for Academic Affairs and Dean of Faculty then submits the Faculty Retention, Tenure, and Promotion Committee recommendations (including the written summary of its data), the recommendation of the department chair, and the Vice President for Academic Affairs and Dean of Faculty own recommendation to the President.
  7. By December 15, the President notifies the candidate of the decision. A candidate who is not to receive tenure may ask the President to reconsider the decision.
  8. After December 15 the recommendations of the Faculty Tenure and Promotion Committee and the Vice President for Academic Affairs and Dean of Faculty are placed in the candidate's personnel file in the office of the Vice President for Academic Affairs and Dean of Faculty.

#### **4.7.1.2 Materials Reviewed for Tenure (the Portfolio)**

Evaluations of a faculty member for tenure are rooted in the faculty member's portfolio, which consists of paper documents or electronic media submitted to and maintained by the Vice President for Academic Affairs and Dean of Faculty. This material is in addition to the materials contained in the faculty member's Personnel file located in the Office of Human Resources (see Section 4.4.1).

The description of evaluation criteria (see Section 4.5.1) provides the general structure for faculty portfolios that will make them useful for many purposes over a long career. All tenure-track, non-tenured faculty members are encouraged to design their portfolios to include the materials below covering the period of their probationary status. Tenure candidates are encouraged to consult with their Department Chairs on the preparation of their portfolio:

1. A current CV and Annual Faculty Activity Reports (available in the Office of the Vice President for Academic Affairs).
2. Self-Evaluation Report: The self-evaluation shall include an assessment of the candidate's teaching, a statement about one's scholarly and/or professional accomplishments and activities, including the direction these activities are likely to take in the future, comments about one's role as a faculty colleague at Bethany, and a statement regarding recent College and Community service activities.
3. Classroom Observations
4. Student Course Evaluations
5. Department Chair's Evaluations
6. Course Syllabi.
  - i. Miscellaneous documents: The following is a list of other materials that may be included in a candidate's portfolio in relation to the General Evaluation Criteria outlined in Subsection 4.5.1: i) Evidence of Scholarly, Creative, or Professional Activities: For example, documents which support evidence of:
    - a. Membership and offices in professional organizations;
    - b. Meetings, conventions, workshops, etc., attended during the past two years;
    - c. Research participation: projects or grants, in progress, applied for or

- completed in the past two years. (Note especially any that has involved students.);
- d. Professional articles or reviews published, or submitted or in preparation; in either standard or electronic format; papers or participation at professional meetings, workshops, in-service training, etc.;
- e. Advanced study;
- f. Honors, awards, citations; and/or
- g. Other.
- ii. Evidence of Service to the College/Community:
  - a. Specific contributions to Divisional/Departmental activities;
  - b. Student advisement;
  - c. Memberships and offices on College committees;
  - d. Activities and involvement in community and civic affairs: (note specifically any on which you serve as a representative of the College);
  - e. Consultant activities with outside groups; and/or
  - f. Other.
- iii. Additional documentation:
  - a. Copies of letters of recommendations from Department Chair and peers;
  - b. Copies of publications, papers;
  - c. Copies of grants, brochures or continuing education certificates;
  - d. Letters from advisors if in formal education program; and/or
  - e. Letters from publishers or grants offices.

## **4.8 Separation Policies**

At times Bethany College or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, categories of separation are here defined, and the policies and procedures related to each are set forth.

### **4.8.1 Resignation**

Faculty members may resign their positions by giving the President of the College notice at least sixty days preceding the end of the academic year of the time after which the resignation is to take effect, unless the Board of Trustees makes an exception to this rule.

### **4.8.2 Retirement**

There is no mandatory retirement age for faculty at the College. Some benefits upon retirement, however, do have contract and service limits. Individuals who are planning to retire are requested to notify the CAO, the Department Chair, and the Director of Human Resources at least six months prior to the planned retirement date. The Director of Human Resources will provide the individual with information about employee benefits upon retirement.

In addition to the traditional retirement sequence outlined above, any faculty member who is at least 60 years of age and has at least 12 years of service with the College may choose to retire on one of the following terms:

A) A faculty member would receive a final year at the prior year's full salary and benefits and have a reduced teaching load of 3/4 (16-18 credits) with retirement effective at the conclusion of the applicable academic year; or

B) A faculty member who is deemed by the CAO to have sabbatical eligibility could combine a half-time year (12 credits over either one semester or two semesters) with the sabbatical as terminal, thus performing half-time teaching at the prior year's full salary and benefits and being retired at the conclusion of the year.

In order to exercise option A or B above, the faculty member must provide one year's notice of the selected retirement option.

The College retains the right to limit the total number of phased retirements effected in a given academic year if honoring all requests would pose a financial burden on the institution that cannot be sustained or if honoring all requests would compromise the quality of instruction in an academic department or distort the College's academic program's integrity. In the event that multiple faculty members desire to exercise one of these retirement options, the request of the faculty member(s) with the most seniority will be honored.

The College is committed to working with faculty well in advance of retirement decisions to make this transition effective for both the faculty member and the institution.

### **4.8.3 Non-Reappointment**

Legitimate reasons for non-renewal of faculty members employed pursuant to a notice appointment may include but are not limited to the following:

1. Curtailment or discontinuation of a program as defined in paragraph 4.8.5.1;
2. Declining enrollment as defined in paragraph 4.8.5.2;
3. Need for reduction in staff due to reorganization, such as required by accrediting bodies;
4. Continued incongruence between the teaching interests of the faculty member and the mission and the educational goals of the College;
5. Unfavorable reviews of the faculty member's major appointment responsibilities of teaching, advising, scholarship and service as evaluated according to the procedures of Section 4.5 and paragraph 4.8.3.1, as applicable;
6. Inadequate performance of the faculty member's other appointment responsibilities as illustrated throughout Sections 4.9 and 4.11, as evaluated according to the procedures of Sections 4.5 and implemented in accord with paragraph 4.8.3.1, as applicable.

#### **4.8.3.1 Reappointment Procedures (Current)**

1. The review of faculty members for reappointment shall be initiated by the Vice President for Academic Affairs and Dean of Faculty in conjunction with the Department Chair. The Vice President for Academic Affairs and Dean of Faculty asks the Department Chairs to make written recommendations indicating whether, in the opinion of the Department Chairs, the faculty member should be reappointed. The recommendation shall be based upon an examination of the documents referred to in paragraph 4.5.2 in relation to the general review criteria outlined in Subsection 4.5.1 and shall comment upon each individual's accomplishments in teaching, advising, service to the College, professional growth (e.g., participation in professional organizations, publications and presentations,

progress toward a degree), professional relationships, and participation in the life of the College and of the community.

- a. For first-year members of their departments, the Department Chairs' written recommendations shall be submitted to the Vice President for Academic Affairs and Dean of Faculty on or before February 1.
  - b. For members of their departments who have been with the College for more than one year, the Department Chairs' written recommendations shall be submitted to the Vice President for Academic Affairs and Dean of Faculty on or before October 1.
2. After the Vice President for Academic Affairs and Dean of Faculty has received these recommendations, the advice of the Faculty, Retention, Tenure, and Promotion Committee is sought, and they both review the recommendations and all relevant materials in relation to the general review criteria outlined in Subsection 4.5.1. The Faculty, Retention, Tenure, and Promotion Committee also may seek information from faculty colleagues and students.
  3. The person concerned and/or the Department Chair may request an interview with the Faculty, Retention, Tenure, and Promotion Committee:
    - a. For first-year members, the interview must occur on or before February 15.
    - b. For faculty members who have been with the College for more than one year, the interview must occur on or before December 1.
  4. The Faculty, Retention, Tenure, and Promotion Committee submits its recommendations and a written summary of its data to the Vice President for Academic Affairs and Dean of Faculty, the Department Chair, and the candidate. The Vice President for Academic Affairs and Dean of Faculty submits the Department Chair's recommendation, the Vice President for Academic Affairs and Dean of Faculty's own, and that of the Faculty, Retention, Tenure, and Promotion Committee, including the written summary of its data, to the President of the College, who makes the decision.
    - a. For first-year members, the written recommendations of the Department Chairs, the Faculty, Retention, Tenure, and Promotion Committee, and the Vice President for Academic Affairs and Dean of Faculty must be submitted to the President of the College on or before February 15.
    - b. For faculty members who have been with the College for more than one year, the written recommendations of the Department Chairs, the Faculty, Retention, Tenure, and Promotion Committee, and the Vice President for Academic Affairs and Dean of Faculty must be submitted to the President of the College on or before December 1.
  5. The written recommendations of the Faculty, Retention, Tenure, and Promotion Committee and the Vice President for Academic Affairs and Dean of Faculty are placed in the individual's personnel file in the Office of the Vice President for Academic Affairs and Dean of Faculty.
  6. The final decision on reappointment rests with the President of the College. The President of the College informs the faculty member in writing of the decision.
  7. Based on the President of the College's decision, the College will then do one of the following:



- a. If the decision is favorable, the faculty member will be reappointed. The reappointment becomes effective at the beginning of the following academic year; or
- b. If it is decided that the appointment will not be renewed, follow the schedule found in paragraph 4.8.3.2. In the event of an unfavorable decision, the faculty member, upon written request, will be advised in writing of the reasons which contributed to that decision. At the request of the faculty member, the President of the College will meet with the faculty member to discuss the decision.

The President of the College's decision not to reappoint a faculty member may not be discriminatory, or violative of academic freedom. In cases where faculty members believe that non-reappointment has been discriminatory or violative of academic freedom, they may commence an appeal in accordance with procedures established in Section 4.13 of Volume IV which establishes the process for investigation of the grievance including the appointment of a Grievance Committee. The advice of the Grievance Committee shall be limited to determining whether the non-reappointment was motivated solely by unlawful discrimination or was violative of academic freedom.

#### **4.8.3.2 Dates of Notice of Renewal of Notice Appointment Faculty**

With the exception of term appointments for which there is no expectation of renewal, written notice that an appointment is not to be renewed will be given to the faculty member in advance of the expiration of the faculty member's appointment as follows:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year or, if it is a one-year appointment, at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years of service at the institution. For those in this category, the terminal appointment is a notice of release.

#### **4.8.4 Termination for Medical Reasons**

Termination of a faculty member for medical reasons will be based upon medical evidence that a faculty member is, or will not be able to, perform the essential functions of the faculty member's position because of ill health even with reasonable accommodations as defined by ADA. A faculty member or the faculty member's designated representative will present medical evidence of the faculty member's state of health to the Vice President for Academic Affairs and Dean of Faculty. The decision to terminate will be reached after there has been appropriate consultation, to include reasonable accommodations, and after the faculty member or the faculty member's designated representative has been informed, in writing, of the basis for the proposed action. The faculty member or designated representative must be afforded an opportunity to present their position and to respond to the evidence.

A tenured faculty member does not lose tenure, but may request an unpaid leave of absence for up to twelve months following the regular procedures set forth in Subsections 3.3.2 and 3.3.4.1 of Volume III of the Policy Manual, until such time as the faculty member will be able to resume

teaching duties. A decision to terminate will, if the faculty member so requests, be reviewed by the Faculty, Retention, Tenure, and Promotion Committee before a final decision is made by the President of the College as to how to proceed.

For faculty members who are on a notice appointment, the College may not renew the appointment at the end of the appointment period as indicated in the appointment letter. Termination of such an appointment before the end of the period of appointment will follow the consultative procedures described above. The faculty member or the faculty member's designated representative may request that the situation be reviewed by the Faculty, Retention, Tenure, and Promotion Committee before final action is taken by the President of the College. In all cases, the policy for short and long-term disability is to be applied, if applicable. See also Family Medical Leave Act, Volume III, paragraph 3.3.4.1.

#### **4.8.5 Layoffs**

Layoff is a severance action by which the College terminates the services of a faculty member before or at the expiration of the faculty member's current appointment, without prejudice as to the faculty member's performance.

Decisions about layoffs are recommended by the President of the College to the Board of Trustees. The Board of Trustees may also mandate or recommend such changes, under its fiduciary responsibility, through the President of the College. Such mandate or recommendation will proceed in consultation with the Vice President for Academic Affairs and Dean of Faculty and the appropriate Department Chair in cases of enrollment emergency and financial exigency.

##### **4.8.5.1 Curricular Changes or Academic Program Reorganization**

Layoff of a full-time academic unit faculty member appointed pursuant to notice or tenure appointment agreements may occur as a result of a curricular change, including reorganization or discontinuation of a curricular requirement or an academic program in whole or in part.

The decision to implement a curricular change that results in the layoff of full-time faculty member(s) should be reached in consultation with and approved by the Board of Trustees. Such a decision will be based upon educational considerations that reflect long-range judgments that the financial health and viability as well as the mission of the College as a whole will be served by the curricular change.

The President should consult with the Faculty Welfare Committee and the CAO to form a task force to review the academic program offering(s) and make recommendations regarding the aligning of programs and faculty staffing. The task force shall normally complete its review within 120 days of formation (excluding the period of May 15-August 15) unless an extension is agreeable to both the President and Faculty Welfare Committee and is expressed in writing. The task force report will advise the CAO, who in turn will prepare a program and staffing strategy to guide personnel decisions. The CAO's staffing report will be forwarded to the Faculty Welfare Committee and the President of the College.

In the event that the President or the Board determines that this process must be completed in a more urgent time frame, the President must communicate clearly with the Faculty Welfare Committee and any affected departments and programs in writing to explain the reasons for the curricular changes or program reorganization and make appropriate efforts to reach agreement on an expedited process for determining any reorganization.

Individual layoff decisions impacting full-time faculty resulting from curricular changes will follow the “Order of Layoff procedures” described in paragraph 4.8.5.4 below.

Full-time Faculty who are laid off under a curricular change will receive notice according to the schedule in paragraph 4.8.5.4. Faculty on a tenure appointment will receive at least one-year notice or an appropriate financial agreement equal to or greater than one year’s salary as

deemed appropriate by the President and the Board. The College will, except in unusual circumstances, end such program and the faculty member’s relationship with the College at the end of an academic year.

Faculty laid off under this paragraph have the same rights as those terminated under Enrollment Emergency or Financial Exigency policies as delineated in paragraphs 4.8.5.2 and 4.8.5.3.

#### **4.8.5.2 Enrollment Emergency**

An enrollment emergency is an unplanned decline in student enrollment, the detrimental financial effects of which are either too great, too systemic, or too rapid to be offset by normal procedures outlined in Volume IV of this Policy Manual. When a decline in enrollment, or loss of funding in whole or in part are of such a nature that the College’s projected budget for a given academic year or future academic years as determined by reasonable projections cannot be balanced by other alternatives except academic program reorganizations or cuts, the President of the College, after consultation with the CAO and Faculty Welfare Committee, will make a written recommendation to the Board of Trustees whether the internal declaration that the College is in a state of enrollment emergency should be declared. The decision to declare an enrollment emergency rests with the Board of Trustees.

Once the Board of Trustees decides that an enrollment emergency exists, the President of the College, in consultation with the CAO, the Department Chairs, and the Faculty Welfare Committee shall recommend appropriate action in terms of individual layoff decisions. Layoff decisions resulting from a financial exigency will normally follow the “Order of Layoff” procedures described in paragraph 4.8.5.4.

The President of the College and the Board of Trustees have final authority in all matters related to enrollment emergencies after following the procedures listed herein.

#### **4.8.5.3 Financial Exigency**

“Financial Exigency” is an urgent need to reorder the nature and magnitude of financial obligations due to an imminent financial crisis in such a way as to restore or preserve the financial ability of the institution and which cannot be alleviated by less drastic means.

“Financial ability,” as defined by the College, means the ability to provide from current income, both cash and accrued, the funds necessary to meet current expenses, including current debt payment and reserves, without invading or depleting capital.

The Board of Trustees, upon recommendation of the President of the College, who will previously have consulted with the CAO, CFO, and the Faculty Welfare Committee, shall advise if a financial crisis that meets the criteria of a financial exigency exists and should be declared.

Once the Board of Trustees decides that a financial exigency exists, the President of the College, in consultation with the CAO, CFO, the Department Chairs, and the Faculty Welfare Committee, shall recommend appropriate action in terms of individual layoff decisions. Layoff decisions

resulting from a financial exigency will follow the “Order of Layoff” procedures described in paragraph 4.8.5.4.

The President of the College and the Board of Trustees have final authority in all matters related to financial exigency after following the procedures listed herein.

#### **4.8.5.4 Order of Layoff within a Department**

The President of the College, in consultation with the CAO and the Faculty Welfare Committee, shall determine the layoff of specific faculty members in a particular department according to the guidelines outlined below. The President of the College makes the final decision. Such action shall be grounded in educational considerations and attention to maintaining the quality instruction and the programmatic integrity of the academic curriculum should be a primary consideration.

In deciding about ending the appointment of a faculty member, program integrity is paramount. Rank and seniority will also be considered. When qualifications are equal, time of service from the date of original appointment will determine which faculty members are laid off. The original appointment shall mean the date of the first appointment to College service followed by continuous and uninterrupted service within the College up to the time of reduction and abolishment of positions. Authorized leaves of absence or sabbaticals shall not be deemed an interruption of service within the College. In the event a faculty member believes such date has been incorrectly determined, the faculty member shall so advise the College and indicate the appropriate date.

Prior to layoffs, the institution will consider the possibility of voluntary, early, or phased retirements. If the institution terminates appointments pursuant to Subsection 4.8.5, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result.

Faculty will be laid off according to the following guidelines, except as necessary to avoid distortion of academic program integrity:

1. All administrators with faculty rank shall be laid off from teaching within the department, except as necessary to avoid distortion of program integrity.
2. All faculty members with term appointments shall then be eliminated within the department, except as necessary to avoid distortion of program integrity.
3. Next, non-tenure track faculty members shall be terminated within the department, except as necessary to avoid distortion of program integrity. A faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in demonstrated extraordinary circumstances where a distortion of the department or academic program

would otherwise result. The recommendation of extraordinary circumstance to the President of the College will be made by the CAO.

4. The CAO shall provide the Faculty and interested parties with appropriate documentation supporting program integrity, as well as rank, degrees, and seniority.

#### **4.8.5.5 General Notice Procedures Regarding Layoff**

##### **4.8.5.5.1 Layoff of Non-Tenured Faculty**

If the College determines to terminate the appointment of a notice faculty member pursuant to Subsection 4.8.5, the faculty member shall be notified, to the extent feasible, in accordance with the following guidelines:

1. In the case of termination due to financial exigency or enrollment emergency, not fewer than 180 calendar days after the effective date of the financial exigency or enrollment emergency; and
2. In the case of termination due to reorganization, elimination, or curtailment of academic programs of the College, not fewer than 180 calendar days after the effective date of the reorganization, elimination, or curtailment.

##### **4.8.5.5.2 Layoff of Tenured Faculty**

If the College determines to terminate the appointment of a tenured faculty member pursuant to Subsection 4.8.5, notice shall be given, to the extent feasible, in accordance with the following guidelines:

1. In the case of financial exigency or enrollment emergency, where short notices and effective action are necessary, all tenured faculty will receive one semester of notice from the date of officially receiving the decision of the Board of Trustees;
2. In the case of a curricular change, including reorganization or discontinuation of a curricular requirement or an academic program in whole or in part, all tenured faculty will receive one year's notice from the date of officially receiving the decision of the Board of Trustees;
3. Tenured faculty who have been laid off shall be offered a severance package that will include at least one terminal year of continued employment with benefits or a severance agreement including at least one year of salary in remuneration.
4. The College will attempt to, and document efforts to, assist displaced tenured faculty in finding employment in industry, government, or in other educational institutions.

##### **4.8.5.5.3 Content of Notice**

The notice shall specify the cause of the layoff, provide a summary description of the facts relied on by the College, and reference the faculty member's right to file an exception or exceptions through Section 4.13. Notice shall be sufficient if placed in the U.S. mail, First Class, postage prepaid, and addressed to the faculty member at the last address provided by the faculty member to the Director of Human Resources. It shall be the duty of a laid off affected faculty member to keep the College informed of the faculty member's current address.

##### **4.8.5.6 Appeals on Layoff**

If the College issues notice to a particular faculty member of an intention to non-renew or layoff a faculty member because of the reasons discussed in paragraphs 4.8.5.1, 4.8.5.2 and 4.8.5.3, the faculty member will have the right to an appeal pursuant to the grievance procedures set forth in Section 4.13. In such a hearing, the College's determination that a financial exigency or enrollment emergency exists or that an academic program is to be reduced or discontinued due to educational considerations will be considered presumptively valid; but unlike a typical grievance hearing

where the burden of proof rests with the grievant, the burden of proof on whether the procedures in the Layoff Policy were adhered to will rest on the College.

#### **4.8.6 Dismissal for Cause**

Dismissal for cause is a severance action by which Bethany College terminates its appointment with the faculty member for cause. Any faculty member is subject to action under this subsection. Dismissal for cause must be directly and substantially related to the fitness of a faculty member to continue their professional capacity. Dismissal shall not be used to restrain a faculty member's academic freedom.

##### **4.8.6.1 Grounds for Dismissal**

Dismissal for cause may be effected by the institution only for cause in specific circumstances that must be documented.

Some examples of "cause" are:

1. Consistent failure to discharge responsibilities, including but not limited to professional incompetence, documented failure to perform expected duties, or repeated failures to comply with institutionally approved improvement plans.
2. Violations of academic freedom of others.
3. Active and voluntary participation in activities deliberately and specifically designed to discredit the College.
4. Obvious and repeated misconduct or failure in the performance of academic duties, in spite of oral and written warnings or development plans.
5. Holding a full-time academic appointment at another academic institution.
6. Serious personal misconduct, including committing of a criminal act, harassment or other discriminatory behavior, including violations of the Title IX Policy of the College, or any federal or state laws related to the prohibition of discrimination.
7. Academic misconduct, including but not limited to, plagiarism or theft of intellectual property.
8. Deliberate and serious violation of the rights and freedoms of fellow faculty members, administrators, **and/or** students. Statements that may be fairly construed as threats to the safety, rights, **and/or** freedoms of fellow faculty members, administrators, students, or members of the Bethany community may constitute such a violation.
9. Admission or conviction of a crime related to the faculty member's fitness to effectively serve as a member of the Bethany College faculty. A felony or other crime punishable by incarceration for more than one year is by definition violative of this clause.
10. Serious failure to follow the professional ethics of the individual's academic discipline.
11. Falsification of credentials and experience; and/or failure, after oral and written warnings, to follow standards of Bethany College as designated in the Policy Manual.

##### **4.8.6.2 Dismissal Proceedings**

1. Removal proceedings may be initiated by the President of the College and the CAO, or the department through its chair. The dismissal action will be preceded by discussion between the

faculty member, the chair, and appropriate administrative officers (the faculty member always being involved in the discussions) with the object of finding a mutual settlement. The matter may be terminated by mutual consent at this point. If a resolution does not result, the President of the College shall submit to the faculty member a written statement of charges framed with reasonable particularity.

2. When the above procedure fails to resolve the issue, (except in cases arising under 4.8.6.1 subsection 6, which matters are subject to the College's Title IX procedure and not this section, or where there has been a determination by trial or guilty plea, plea of *nolo contendere*, or an *Alford* Plea to a criminal matter, which matters shall not be subject to this section) the President of the College (or designee) or the faculty member may request that the matter be referred to an appropriate arbitrator selected from a list of trained arbitrators from a list provided by the American Arbitration Association or the Federal Mediation and Conciliation Services. Both the College and the faculty member will provide the arbitrator with requested information and cooperation.

3. The appointed arbitrator will submit their written Findings of Fact and Conclusions of Law. The Findings of Fact and Conclusions of Law will be based solely upon the hearing record and the rulings of the Arbitrator. The ruling of the Arbitrator will be considered final and binding and enforceable in accordance with West Virginia law.

#### **4.8.6.3 Progressive Discipline of Faculty Members**

Dismissal for cause should, in normal circumstances, be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's status is in jeopardy. The warning shall also stipulate a period of time within which correction of the alleged problem is expected. The faculty member may contest the allegation; if the faculty member does not contest the allegation and proceeds to fulfill the faculty member's duties, the matter is settled. If the faculty member fails to correct the alleged problem, dismissal procedures or a lesser sanction may be applied.

### **4.9 Faculty Rights and Responsibilities**

#### **4.9.1 Faculty Rights**

##### **4.9.1.1 Academic Freedom**

The College is guided by the 1940 "Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments", endorsed by the American Association of University Professors and the Association of American Colleges, which reads in part as follows:

"Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men

and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter, which has no relation to their subjects. Limitations for academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”

## **4.9.2 Faculty Responsibilities**

### **4.9.2.1 Familiarity with the Bethany College Catalogue**

Current information is printed in the *Bethany College Catalogue* on each of the following subjects:

1. The annual calendar;
2. Graduation requirements;
3. Academic programs;
4. Academic procedures;
5. Departmental objectives, requirements for fields of concentration and teaching certification, and specific courses;
6. Educational resources;
7. The members of the faculty, administration, and board of trustees; *and*
8. Student admission, expenses and financial aid, campus life, and scholarship and recognition awards.

Members of the faculty are expected to read the *Bethany College Catalogue* and become familiar with the information in it.

### **4.9.2.2 Performance of Duty**

It is the duty of each member to take an active part in the life of the College. Members of the faculty are expected, as part of their normal work, to teach their prescribed class load as defined in Subsection 4.1.2 and paragraph 4.11.1.1, to exhibit professional growth through scholarship, and support the general objectives of the College. In addition, full-time faculty members are to serve on committees and advise students. In accomplishing the latter, faculty shall post publicly a schedule of regular office hours.



Every member of the faculty is expected to maintain due professional courtesy towards colleagues and staff (see paragraph 4.9.2.3) and to cooperate with the Department Chair and the administrative officers of the College.

In addition to the duty of professional instruction of students, each faculty member is charged with the duty of performing such work outside teaching as may be apportioned to by the Faculty, the Vice President for Academic Affairs and Dean of Faculty, or the President of the College. No faculty member shall engage in any outside undertaking, with or without pay, which shall hinder them in the performance of instructional or other duties, or in regular attendance at the meeting of the Faculty, the convocations, and other public exercises of the College. Faculty members shall maintain due professional courtesy towards their associates.

#### **4.9.2.3 Professional Relationships**

Bethany College's educational mission is promoted by professionalism in faculty-student and faculty-faculty relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the College's educational mission. Trust and respect are diminished when those in positions of authority abuse their power. Those who abuse their power in such context violate their duty to the College community.

### **4.10 Professional Development Policies**

#### **4.10.1 Attendance at Professional Meetings**

The College encourages faculty members to attend professional meetings. For this purpose, the budgets of the academic departments include stipends for travel for each member of the department and the Vice President for Academic Affairs and Dean of Faculty administers a fund from which full-time members of the faculty may receive additional support. Proposals for such support shall be submitted to the Vice President for Academic Affairs and Dean of the Faculty at least one month before the meeting is to take place.

Funds are limited, and proposals may not receive full support. Priority will go to a faculty member who is a major officer of the organization holding the meeting or who is on the program of the meeting as contributor of a paper, chair of a section, resource person, etc. The fund also supports faculty who travel on official College business.

##### **4.10.1.1 Travel Advances**

A faculty member may draw a travel advance as per Policy Manual Volume II, Section 2.9.9.2.. The appropriate request form should be pre-approved by the Department Chair, as well as the Dean of Faculty. An Expense Form, with actual expenses itemized, shall be submitted on the faculty member's return. At this time, any difference between the estimated and actual amounts will be refunded or returned. See Policy Manual Volume II, Section 2.9.9.3.

#### **4.10.2 Sabbatical Leave**

##### **4.10.2.1 Purpose**

A sabbatical leave provides a significant opportunity to Bethany College full-time faculty to engage in scholarly and professional work, resulting in future enhanced contributions to the College.

#### **4.10.2.2 Eligibility**

Sabbatical leave is a privilege and is not automatically earned. A sabbatical leave is for one semester at full pay or for a full academic year at half pay. After each six full-time teaching appointment years at Bethany College, a faculty member is eligible for a sabbatical leave. Eligibility for a sabbatical leave is not cumulative and only service at Bethany College contributes to eligibility. If the College asks a faculty member to postpone a sabbatical leave for compelling institutional reasons, this period will count toward the next interval. The plans of the applicant and the potential benefits to the College are the deciding factors in granting sabbatical leaves. No qualifying restrictions with regard to rank, seniority, or degree are imposed in such consideration.

#### **4.10.2.3 Application and Procedure for Sabbatical Leave**

A sabbatical leave proposal, accompanied by a letter of support from the Department Chair, must be submitted to the Vice President for Academic Affairs and Dean of the Faculty on or before October 1 of the year preceding the academic sabbatical year requested. Required components of the application process include the time and length of the requested leave, the proposed site of work, the nature of the scholarly work, research, creative endeavor or professional activity to be undertaken, the rationale for the proposed plan, goals to be achieved by the completion of the leave, and a justification for how the proposed plan will increase effectiveness as a Bethany College faculty member.

Any paid employment request from another institution or business during the sabbatical leave must be approved in writing by the Vice President for Academic Affairs and Dean of Faculty and the President of the College.

The Faculty Development Committee will review applications and make recommendations to the Vice President for Academic Affairs and Dean of Faculty and the President of the College no later than November 1. The Vice President for Academic Affairs and Dean of Faculty (with copies to appropriate chair) will notify the applicant on or before November 15 unless the College needs more time to assure arrangements for the faculty member's absence.

The College recognizes that proposed sabbatical leave programs are frequently contingent upon the receipt of external grants, fellowships, scholarships, etc., approval of which may still be pending at the time of sabbatical application and notification. The College will make a demonstrable effort to be flexible in permitting changes in sabbatical leave plans after they have been approved, when such changes are necessitated by substantial and legitimate reasons. It cannot, however, guarantee that it will be able to deviate from contract provisions after April 15.

All benefits in effect prior to sabbatical leave will be continued during the period of sabbatical leave with the College and the individual paying their normal share of the costs.

The period of a sabbatical leave will be considered as time of continual service to the College for purposes of eligibility for advancement in rank. Faculty who complete a sabbatical must submit to the Vice President for Academic Affairs and Dean of Faculty a detailed report of the work accomplished during the leave. This report is due on or before October 1 for a spring and full year sabbatical and by March 1 for a fall sabbatical. The report is added to the faculty member's permanent file.

Each faculty member who accepts a sabbatical leave must sign an agreement to return to Bethany College for the following academic year or repay all monies received from the College while on such a leave.

## **4.11 Faculty Workload and Working Conditions Policies**

### **4.11.1 Faculty Workload Policies**

#### **4.11.1.1 Normal Teaching Assignments**

Full-time members of the faculty normally teach twelve credit-hours in courses, or, in some cases, their equivalent in contractual non-classroom activities. The normal teaching load also includes supervising senior projects and directing a limited number of independent studies. The principal factors considered in determining the teaching loads of individual faculty members are general College needs, curricular needs of the students, department needs, faculty interests, total number of preparations, and number of students enrolled in courses.

#### **4.11.1.2 Teaching Overload**

Occasionally a member of the full-time faculty may teach a course which increases the teaching load beyond the normal twelve credit-hours. This is permissible with the written recommendation of the Chair of the department in which the course is offered and the written approval of the Vice President for Academic Affairs and Dean of Faculty.

When the needs of the College require that a course be assigned to a member of the faculty beyond the normal teaching load (and the faculty member agrees), the Vice President for Academic Affairs and Dean of Faculty will authorize additional compensation for the excess beyond the normal twelve credit-hours at the standard rate at the time. Currently the standard rate is \$750 per credit-hour.

#### **4.11.1.3 Academic Advising**

Advising students on academic matters is an integral part of the duties of the members of the Bethany faculty.

Academic advisors assist students in developing their semester schedules, selecting and preparing for their fields of concentration, proposing and evaluating internships, dropping and adding courses, and generally resolving problems concerning academic matters. Advisors may also counsel students on personal matters, but should always be conscious of their limitations in this area and refer students to the College's counseling staff whenever appropriate.

When a student wishes to drop or add a course, approval of the faculty advisor is required. Drop-Add forms are available in the Office of the Registrar for this purpose.

Questions sometimes arise that an advisor cannot answer. When this happens the advisor shall seek information from an appropriate College official. It is especially imperative that a student who expresses even vague interest in a career as a teacher be referred immediately to the Education Department for consultation.

All entering freshmen enroll in a First-Year Seminar during the first semester. The professor directing the seminar also serves as the academic advisor to the students enrolled in it. Usually during the sophomore year students select their fields of concentration and are transferred to an advisor in the major department. Selection of the upper-class advisor is made by the chair of the student's major department in consultation with the student and with the members of the faculty of the department.

Changes in advisor are made by filing a Change of Advisor Form, which is available in the Registrar's Office. The form includes specific instructions for effecting the change.

#### **4.11.2 Faculty Working Condition Policies**

##### **4.11.2.1 Ordering Textbooks**

Bethany College follows the guidelines set forth by the Higher Education Opportunity Affordability Act. The Bethany College Bookstore's major responsibility is the furnishing of required textbooks to students of Bethany. All texts sold by the Bookstore must be ordered through the Bookstore, and not by individual faculty members through the publishers.

All textbook and required supplementary classroom and/or laboratory materials must be requested from the Bookstore by the individual faculty member. The requests are to be submitted on proper forms distributed to the faculty by the Bookstore.

The Bookstore will notify faculty of the date by which book orders are to be submitted. Ordinarily, the following dates apply:

- Fall semester information – March 15<sup>th</sup>
- January Term information – October 15<sup>th</sup>
- Spring semester information – October 15<sup>th</sup>
- Summer School information – March 15<sup>th</sup>

Since the above dates precede pre-registration, exact enrollment figures are unavailable. The Manager of the Bookstore will work with the Registrar and the faculty member to determine an accurate estimate. If additional copies of texts are needed after submission of the original request, the faculty member should determine how many more copies of the texts are needed before notifying the Bookstore. Texts will be reordered via phone and shipped by Expedited Mail for speedy service.

All books that are required or recommended for purchase for a course should be used in the course. Books from which only brief sections will be used should not be required for purchase, but made available in the Library. Attempts shall be made by all faculty members to limit the cost of books required for their courses.

##### **4.11.2.1.1 Faculty Services**

Faculty desk copies are supplied by publishers according to their individual policies. Form letters requesting desk copies are supplied free of charge to all faculty members by the Bookstore. Faculty members are allowed to remove a book from inventory without charge as a desk copy under the following conditions:

1. The book is charged to that faculty member's desk copy account;
2. The book is returned within six weeks; and
3. In the judgment of the Manager, the book is in new and re-salable condition when returned.

A discount is granted to all faculty on purchases over \$1.00. Any desired book or item of merchandise which is not part of the active stock can be special ordered. Such orders can be expedited by phone-in service and special handling if the faculty member agrees to accept the

responsibility for the extra costs involved. The discount is not applicable on special orders, film processing, or academic costumes.

Academic regalia can be rented or purchased through the Bookstore. Three weeks should be allowed for delivery.

#### **4.11.2.2 Faculty Computer Policies**

##### **4.11.2.2.1 New Faculty Computer Acquisition**

New full-time, tenure track faculty are eligible to receive a computer for instructional and research use. While an attempt is made to satisfy curricular needs regarding operating system (Microsoft, Apple), the available inventory at the start of the school year defines which system is provided.

##### **4.11.2.2.2 Continuing Faculty Computer Acquisition**

All computers at Bethany College are on a replacement plan, whereby the oldest computers are cycled out of service. When a given faculty member's computer is scheduled for replacement, they will receive a standard model replacement of either Microsoft or Apple operating system.

##### **4.11.2.2.3 Return of Computer Equipment**

Computers remain the property of the College and must be returned to the College if the faculty member subsequently leaves the College. Failure to return equipment upon separation from the College, or as requested, will incur liability not limited to a payroll deduction for the cost of the replacement.

##### **4.11.2.2.4 Computer Network Policy**

See Volume II, Section 2.4.

##### **4.11.2.2.5 Computer Installation Policy**

See Volume II, Section 2.4.

##### **4.11.2.2.6 Help Desk Policy**

See Volume II, Section 2.4.

#### **4.11.2.3 Faculty Offices**

To the extent that space permits, full-time faculty members are assigned private offices. No changes may be made in the assignment or equipment of the faculty offices except with the approval of the Vice President for Academic Affairs and Dean of Faculty.

#### **4.11.2.4 Field Trips**

Carefully planned field trips can make a significant contribution to learning in certain courses. However, it must be kept in mind that field trips cause students (and professors) to miss other classes and involve both risk and expense.

In certain courses, a part of the cost of the trip is met by the College. (Information about these courses is available from the Office of the Vice President for Academic Affairs and Dean of Faculty.) In other cases, the students must meet the expenses themselves.

Authorization by the College is required in advance of a field trip to ensure that students involved be covered by College insurance. An Authorization Form is available in the Office of the Dean of Students. The form must be submitted for approval at least 72 hours prior to a proposed field trip.

#### **4.11.2.5 Grants**

The College encourages and supports the application for research grants, special program funding, equipment purchases, etc., consistent with the mission and goals of the College. Members of the faculty interested in pursuing sources of outside funding should seek information about appropriate internal procedure from the Senior Vice President during the initial stages in the developing of proposals. See Appendix 4.11.2.5.1 for Certification Requirements.

#### **4.11.2.6 January Term**

**Those eligible to teach during January Term include:**

- Courses
  - all full-time faculty.
  - part-time faculty if they receive permission from the Department Chair and Vice President for Academic Affairs and Dean of Faculty.
- Independent Studies:
  - all full-time faculty if they receive permission from the Department Chair and if the standard independent study form is approved by the Department Chair and Registrar.
  - part-time faculty if they receive permission from the Department Chair and if the standard independent study form is approved by the Department Chair and Registrar.

#### **Guidelines for Courses**

- Any academic course or independent study offered must be one to three credits.
- The standard course proposal form must be used. The form may be found on the Curriculum Committee Moodle site.
- College-wide requirements, courses required for a major, and courses required for a minor may be offered during the January Term as long as January is not the only time during the same academic year that this course may be taken.
- No student may enroll for more than three credits during any one January Term.
- All courses must be endorsed by the Department Chair and approved by the Curriculum Committee and the faculty.

#### **Course Information**

- Beyond required First-Year Studies sections, additional courses (up to but not exceeding a total of fifteen) may be offered during January Term.
- Course proposals must be submitted to the Curriculum Committee on or before October 12. Proposed credit/s associated with the course must receive the written endorsement of the Department Chair prior to proposal submission.
- A minimum enrollment of five students is required.
- Additional fees for travel or other items must be presented with the course proposal.
- Travel-related expenses for faculty teaching approved travel courses will be reimbursed to the faculty member unless other arrangements are made prior to departure. It is expected that efforts will be made to minimize travel costs by working with an approved travel agent.

- All travel courses must follow standard student travel approval procedures. Necessary forms are available from the Director of International Studies.
- A deposit will be required from each student enrolling in a travel course at the time of registration. Deposits will be paid to the College through the Students Accounts Office.
- International travel courses require a special orientation made available by the Director of International Studies. Proof of eligibility to travel outside the US is required at the time of registration.

#### **4.11.2.7 Library Circulation Policy and Procedures**

See Volume II, paragraph 2.10.1.3.

#### **4.11.2.8 Media Center Policies**

See Volume II, paragraph 2.10.1.4.

#### **4.11.2.9 Outside Activities**

##### **4.11.2.9.1 Outside Employment**

A faculty member on full-time contract may engage in other paid employment so long as the outside work does not conflict with the best interests of the College and does not necessitate changes in the College's program. Holding a full-time academic appointment at another academic institution is prohibited. Faculty members must report outside employment to the Vice President for Academic Affairs and Dean of Faculty.

##### **4.11.2.9.2 Political Activity**

Faculty members, as citizens, are free to engage in political activities. Any member of the faculty who wishes to engage in direct political activity which will involve a substantial amount of time away from the performance of Bethany College responsibilities (e.g., holding or running for political office, managing a campaign, directing group action on behalf of a political candidate or issue) is expected to work out a mutual agreement for Leave of Absence as set forth in paragraph 4.12.3.1 below, with the Vice President for Academic Affairs and Dean of Faculty before undertaking such activity. The terms of such leave of absence will be set forth in writing.

##### **4.11.2.9.3 Compliance and Enforcement**

The applicable Department Chair and the Vice President for Academic Affairs and Dean of Faculty shall be available for advance consultation with respect to potential conflicts between a faculty member's primary responsibility and outside activities. Bethany College expects faculty members to seek advice from these sources.

If the applicable Department Chair is concerned about whether a faculty member is meeting the standards of these policies, they will discuss this with the faculty member. If a satisfactory resolution cannot be reached, the Department Chair will meet with the Vice President for Academic Affairs and Dean of Faculty and the faculty member to resolve the issue. The decision of the Vice President for Academic Affairs and Dean of Faculty is final with regard to such matters.

#### **4.11.2.10 Student Assistants**

Academic departments often employ student assistants for secretarial and clerical purposes. The employment of student assistants is limited by departmental budgets, the work commitments of the students, and by the importance of not interfering with the students' academic responsibilities.

Each department is expected to regulate the use of student assistants according to its need and its budget. As a general rule, students shall not work more than 10-12 hours per week.

Work commitments fall into the following categories:

##### **4.11.2.10.1 Federal College Work-Study and Bethany Educational Employment Program (BEEP)**

All Bethany College students are professionals in training and will follow professional expectations while employed through the Bethany Educational Employment Program and Work Study programs. Meaningful work opportunities have been created and funded in an effort to provide learning opportunities, career expertise and resume building experiences for students.

Working while attending Bethany College is not considered a right but a privilege to be achieved with ambition to find a job, the desire to learn and ability to follow the expectations and requirements established by the job supervisor. Students will be held to the same standards, expectations and requirements most businesses and companies will require in their future careers.

##### **4.11.2.10.2 Institutional Student Employment**

The College pays the entire compensation.

Students who do not qualify for Federal College Work-Study may be eligible to work under the Bethany Educational Employment Program (BEEP). The total amount a student may earn is limited to the amount awarded by the Financial Aid Office.

Students possessing special skills needed by a department may be considered for additional institutional work eligibility. The department shall send the request to the Office of Student Life.

##### **4.11.2.10.3 Departmental Fellowships**

Departments have the ability to create fellowships for their students, which may be funded or honorary at the discretion of the department. The criteria for these fellowships are determined by the department but are generally given to majors who excel in the department and are employed by the department. See the chair of each department for information about departmental fellowships.

##### **4.11.2.11 Syllabus**

See Volume VI, Subsection 6.7.4.

#### **4.12 Faculty Benefit, Compensation and Leave Policies**

##### **4.12.1 Faculty Benefits**

Bethany College offers a comprehensive and valuable package of employee benefits to eligible faculty members. Information about benefits available to all employees of Bethany College is contained in Volume III, Section 3.3 of College Policy Manual and in the Summary Plan



Descriptions. For a complete description of the various benefit programs, please contact the Director of Human Resources.

#### **4.12.2 Faculty Compensation Policies**

See Volume III, Subsection 3.4.

#### **4.12.3 Faculty Leave Policies**

Information regarding the various paid and unpaid leave options offered by the College to all eligible employees as well as related information is included in Volume III, Section 3.3 of the Policy Manual. Individuals are urged to contact the Director of Human Resources to review the options which may be applicable to their particular circumstance. Below please find those leave policies which apply only to faculty.

##### **4.12.3.1 Leave of Absence**

A leave of absence without pay may be granted upon application when such action seems in the best interests of the faculty member and the College. Except in the case of a faculty member on tenure, the granting of a leave of absence does not involve a commitment to offer a position to the faculty member at the termination of the leave. Years spent on leave of absence do not count toward advancement in rank, tenure, or eligibility for a sabbatical leave.

During a leave of absence, all benefits may be continued for one year at the level in effect prior to the leave of absence with the total cost borne by the individual. A faculty member who plans to take a leave of absence shall discuss these plans with the Vice President for Academic Affairs and Dean of Faculty and come to an agreement on at least the conditions relating to reemployment and the basis for determining any salary adjustments at the end of the leave. Both the College and the faculty member shall retain a written record of the points agreed upon.

##### **4.12.3.2 Medical Leave**

Periods of a brief illness of a faculty member are usually covered by colleagues on an informal basis. There is, however, an official medical leave policy, which may be invoked.

Any full-time member of the faculty (tenured and non-tenured) requesting medical leave for a serious health condition as defined below and in the associated sections of the Family Medical Leave Act is entitled to a leave appropriate to the condition. This leave may be either

- a. up to one semester of full leave at full pay and benefits and, if necessary, up to a second semester of disability leave coverage through the College insurance carrier; or
- b. up to two semesters at half duty for full pay and benefits.

Regardless of the option chosen, faculty are entitled to extend medical leave for up to a second year of unpaid leave. During this second year, all benefits may be continued at the level in effect prior to the medical leave of absence with the total cost borne by the individual. Faculty on the tenure-track may request a pause in the six-year timeline outlined in 4.7.1., without prejudice, if on medical leave during this time. Moreover, the College may provide pro-rated overload compensation (in line with 4.11.1.2.) for coverage of the course load assigned to the faculty member on medical leave, or may provide for temporary replacement (4.1.1.3.) in cases where full semesters of medical leave are required.

It should be explicitly noted that medical leave may be requested on a per serious health condition basis, upon receipt of documentation of a serious health condition as defined below including incapacitating illness or injury, and does not need to be reset. For example, a leave of absence for chemotherapy treatments does not preclude a leave of absence for involvement in a vehicle accident the following year.

A member of the faculty who, because of a serious health condition or any other emergency, finds it impossible to participate in a College activity shall make a demonstrable effort to make prior arrangements.

Medical leave may also be invoked to attend to injured or ill persons who are covered family members as defined below.

#### **4.12.3.3 New Parent Leave**

Any full-time employee with faculty rank requesting new parent leave to provide primary maternal, paternal, or new adoptive parent care is entitled either

- a. up to one semester of full leave at full pay and benefits; or
- b. up to two semesters at half duty for full pay and benefits.

Moreover, clean, quiet lactation or pumping rooms will be made available if no private office is available.

Regardless of the option chosen, when two members of the faculty request leave for care of the same child, full-semester New Parent Leave should be taken in sequential semesters rather than simultaneously, and the faculty member(s) should consult with the College to determine how the leave(s) can be best scheduled to maintain program integrity.

Faculty on the tenure-track may request a pause in the six-year timeline outlined in 4.7.1., without prejudice, if on New Parent Leave during this time. Moreover, the College may provide pro-rated overload compensation (in line with 4.11.1.2.) for coverage of the course load assigned to the faculty member on New Parent Leave, or may provide for temporary replacement (4.1.1.3.) in cases where full semesters of New Parent Leave are required.

#### **4.12.3.4 Failure to Return**

Unless in cases in which the obligation to return has been waived by the CAO or is medically impossible for the faculty member to honor, a faculty member who takes Medical or Parental Leave is obligated to return to active status for at least an equivalent period immediately following such leave in order to retain the benefits of the leave, including salary paid. If the faculty member who has taken paid Medical or Parental Leave does not return, when medically possible or does not return to active status for the equivalent period described above, the faculty member shall be responsible to return the pay received under this policy unless waived by the President of the College.

#### **4.12.3.5 Voluntary Separation**

The College considers a voluntary separation to be initiated by the faculty member when any of the following incidents occur:

1. If the faculty member fails to return from a leave at the specified time without contacting the faculty member's Department Chair and CAO. This provision does not apply to cases in which contact is not possible due to medical incapacity.
2. If the faculty member seeks or accepts any work with another employer without approval of the CAO during any paid leave.
3. If the faculty member operates a personal business during the paid leave except in cases approved by the CAO.

#### **4.12.3.6 Definitions**

##### *Family Member:*

Covered family members under this policy are the faculty member's spouse, child, or parent as defined in the FMLA regulations.

1. "Spouse" means a husband or wife, including those in same-sex marriages, or whose relationship with the faculty member is similar to that of a spouse as determined by West Virginia code § 48-5-707 (a (2) parts (A) through (K)).
2. "Child" means a biological, adopted or foster child; a stepchild; a legal ward; or a child who is either under age 18 or the child age 18 or older of a person standing in loco parentis and who is "incapable of self-care because of a mental or physical disability."
3. "Parent" means a "biological, adoptive, step or foster father or mother, or any other individual who stood in *loco parentis* to the employee when he or she was a minor."

##### *Serious Health Condition:*

A condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. Questions about this category should be resolved with reference to the Family Medical Leave Act § 825.113.

The College reserves the right to ask the faculty member to submit to a medical evaluation with an appropriate provider if there are questions about the qualification of the health condition claimed under this policy.

### **4.13 Faculty Grievance Policy**

#### **4.13.1 Introduction**

Disputes concerning the application or interpretation of College policies, procedures, or regulations may arise from time to time between faculty members, between faculty members and administrators or staff personnel, or between faculty members and committees of the faculty. When a dispute arises, the following steps are to be followed to assure its speedy and equitable resolution. The grievance schedule applies only to the days that Bethany College is in full session. This excludes weekends, breaks, and summer recesses.

## **4.13.2 Procedures**

### **4.13.2.1 Step 1**

At all times, the aggrieved party (the Complainant) and the person or committee alleged to have caused the grievance (the Respondent) are encouraged to resolve any and all differences or potential grievances informally and in the spirit of collegiality. If this effort fails to resolve the issues in dispute, the Complainant may seek resolution by referring the grievance to the Respondent's immediate supervisor. Should the Respondent be a committee of the faculty, the immediate supervisor thereof is considered to be the CAO. Should the Respondent be the President of the College, the grievance may be submitted to the Chairman of the College Board of Trustees. The Complainant's presentation of the grievance shall be in writing. The supervisor's decision shall be issued within ten (10) business days of submission of the grievance by the Complainant. [Business days for Steps One, Two, and Three refers to: "any official day the College administrative offices are open for business".] Should the Complainant not be satisfied with the supervisor's decision, the complainant may seek further consideration of the grievance pursuant to Step Two by notifying the Director of Human Resources of the desires for mediation as set forth below. Additionally, should no decision be made by the supervisor within the ten (10) business days period set forth above, the grievance shall automatically proceed to mediation as set forth in Step Two.

### **4.13.2.2 Step 2**

Should the Complainant not be satisfied with the Supervisor's decision in Step One or should no decision have been timely rendered by the Supervisor, mediation of the grievance shall occur. The parties shall have ten (10) business days to jointly select a qualified mediator. The mediator shall be chosen from among those persons regularly providing such services, including, but not limited to, those who are members of the Bar of the State of West Virginia. The mediation shall be conducted in accordance with the practices and procedures of the selected mediator and the mediation shall occur within thirty (30) days of the mediator's selection. If the mediation is unsuccessful, the Complainant may seek further relief as set forth in Step Three below.

### **4.13.2.3 Step 3**

Should the grievance not be resolved through mediation as set forth above in Step Two, the grievance shall be submitted to final and binding arbitration. The Complainant shall inform the College's Director of Human Resources of the desire to submit the grievance to final and binding arbitration within two (2) business days of the mediation above. The Complainant and Respondent shall within five (5) business days of the conclusion of the mediation jointly select a qualified Arbitrator to conduct the proceedings. Should the Complainant and Respondent be unable to jointly select an Arbitrator, the Director of Human Resources shall contact the American Arbitration Association (AAA) or the Federal Mediation and Conciliation Service (FMCS) and request a panel of candidates to serve as an Arbitrator. Within two days of receiving a list of potential Arbitrators, the parties shall select an Arbitrator to conduct the subject proceedings. All proceedings at Step Three shall be conducted by the Arbitrator in accordance with rules and procedures as selected by the Arbitrator. The cost of initiating (upfront fee to begin the process) the arbitration shall be shared equally by the Complainant and the Respondent. The decision of the Arbitrator (including the assignment of costs) shall be enforceable in accordance with West Virginia law.

## **4.14 Intellectual Property (IP)**

### **4.14.1 Scope**

The guiding principle of the IP policy is that the products of teaching and scholarship, except patents, are the property of the community member. The College, however, has the sole ownership interest in copyrightable material if it involves an *identity interest* (Section 4.14.1.1) or is classified as an *institutional work* (Section 4.14.1.3). If a community member employs an *extraordinary use of College resources* in developing copyrightable material, then the IP rights will be determined by the deliberate determination procedure (Section 4.14.1.2).

Community members who develop patentable discoveries using College resources have a duty to disclose and assign patent rights to the College. In those cases where patentable inventions are created by a community member with only incidental use of College-supplied computers, email and phones, however, the patent rights are retained by the creator. In addition, the College will retain an ownership interest in intellectual properties resulting in patent(s) that is the result of a *work for hire* as defined by United States copyright law.

#### **4.14.1.1 Identity Interest**

The College has an identity interest in copyrightable materials that are integral to, and reflect more directly on, the identity of the College rather than the identity of the creator. The College has an identity interest in items distributed beyond the College, such as but not limited to: the college catalogue, alumni bulletins, institutional web pages, admissions brochures and campaign materials. Copyrightable materials in which the College has an identity interest will be owned by the College.

#### **4.14.1.2 Extraordinary Use of College Resources**

The College has an ownership interest in copyrightable and patentable materials generated with extraordinary use of College resources, which refers to support by the College that is not normally available to a community member in their standard role (see discussion below).

#### **4.14.1.3 Institutional Work**

The College has an ownership interest in intellectual property that may be classified as an Institutional Work, which includes works that are supported by a specific allocation of Bethany College funds and created at the direction of Bethany College for a specific Bethany College purpose.

With respect to all of the foregoing works, the College may decide to assign its copyright to the author or authors of the work on a case-by-case basis.

### **4.14.2 Implications for Faculty, Staff and Students**

The extent to which the College's IP policy affects the different constituencies on campus is given below.

#### **4.14.2.1 Faculty**

Faculty members who create products of teaching and scholarship ("academic works") own their IP except for patentable inventions, in which case the ownership rights rest with the College. Pedagogical, literary, artistic and creative works are owned by the faculty member, consistent with American Association of University Professors (AAUP) guidelines about copyrights and the prevailing view in academia. In keeping with that tradition, the College waives its ownership

rights in academic copyrightable works, except under circumstances in which an academic copyrightable works was specifically assigned and funded by the College (as provided in Section X.1.3 above) or developed with extraordinary use of Bethany College resources (as provided in Section X.1.2 above). Note, however, that faculty ownership of such academic works may be affected by the terms of agreements with third-party sponsors or by agreements between faculty and the College with respect to special projects.

Accordingly, recorded lectures, lecture notes and other course notes such as problem sets and syllabi are normally the faculty member's IP. Works related to scholarship, such as journal articles, books, textbooks, videos, photos, and artistic works in any medium, are similarly the faculty member's IP. With respect to faculty materials produced for online instructions, copyright ownership is treated no differently than faculty materials produced for the classroom. If the materials are not Institutional Works or developed via the extraordinary use of College resources, the faculty member owns the copyright for those materials created for online use.

The use of resources normally available to the faculty member does not abrogate that right. For faculty, the support normally provided in the form of salary, lab or studio space, funding for sabbatical leaves, and internal grants available on a competitive basis through the Faculty Development Committee are considered normal support (see below for further definition of normal support).

The IP generated in outside employment (such as consulting) or without College resources is not covered by this policy. Faculty members are bound by the terms defining and limiting outside employment set forth in Faculty Policy Manual 4.9.2.2 and 4.11.2.9.1.

#### **4.14.2.2 Licensing**

Where faculty academic works covered above are incorporated into educational resources designed for ongoing departmental classroom use, the College and the author/inventor will negotiate a royalty-free license for Bethany College to use such academic works for such purposes. The employee may retain the right to charge other institutions or entities for use of said works.

##### **4.14.2.2.1 Staff**

In most cases the copyrightable material created by a staff member is related to the identity interests of the College, and therefore is owned by the College. In some cases, however, a staff member may undertake a project that is considered scholarly work, in which the College has no identity interest. In such cases, ownership goes to the creator, even though the default is to give it to the College. Staff members who develop patentable discoveries using College resources have a duty to assign patent rights to the College.

##### **4.14.2.2.2 Students**

For students, the College does not have an identity interest in their IP except when they are employees of the College or are under the supervision of a faculty member. If a student project is developed in the context of normal coursework, then the rights to copyrightable materials are retained by the student. If students are under the supervision of a faculty member and are working on IP of the faculty member, then the faculty member and student are strongly encouraged to draw up a written agreement in consultation with the Intellectual Property Policy Committee, specifying the terms of how the IP generated by their collaboration will be handled before the project begins. If patentable inventions involve significant faculty mentorship and/or Bethany resources, then the student has a duty to assign patent rights to the College. In all other circumstances where students are employed by the College, the IP policy for staff applies.

#### **4.14.2.2.3 Group Projects**

In the case when there are two or more community members collaborating in the creation of patentable inventions, all parties should sign a disclosure form in consultation with the Intellectual Property Policy Committee. This disclosure form should indicate a fair distribution of fractional shares among the collaborators.

#### **4.14.3 Process for Deliberate Determination of IP Rights**

##### **4.14.3.1 Deliberate determination is not required**

For all scholarly work (except for patents) in which the College has no ownership interest (i.e., no identity interest, or where there is no extraordinary use of College resources, etc.) there is no need to report the creation of IP by a community member to the Intellectual Property Policy Committee. Outside consulting and work done by community members without College resources is not subject to the reporting requirements.

In those cases where the College has a routine and clear case of an identity interest or the product is clearly a work for hire, the College owns the copyrightable material and there is no need to report it to the Intellectual Property Policy Committee.

##### **4.14.3.2 Deliberate determination is required**

In the case of patents or when copyrightable materials have received extraordinary support from the College, the creator must declare the IP to the Intellectual Property Policy Committee via the disclosure form as soon as the situation becomes clear. The Intellectual Property Policy Committee will make recommendations regarding the most suitable distribution of IP rights between the creator and College as well as distribution of partial shares between community members. Normally, within sixty (60) days of receiving complete formal disclosures of IP requiring deliberate determination, the Intellectual Property Policy Committee will make a recommendation to the CAO. After receiving the report from the Intellectual Property Policy Committee, the CAO will make a determination of IP rights in writing, normally within thirty (30) days. The distribution of IP rights should be specified in writing and signed by the creator and College's representative.

If the College does not commercialize the IP within five years of making a determination, or does not pay the community member net revenue as described in X.4.1, then the creator shall assume an exclusive license to commercialize the patent, including the ability to license to others permission to utilize the patent. In such cases, the net revenue is still divided between the creator and the College, as laid out below.

##### **4.14.3.2.1 Disclosure form may be required**

The form for disclosure of IP requiring deliberate determination of IP rights will be available in the Forms section of the Academic Information page on Canvas and on the College website.

##### **4.14.3.2.2 The Intellectual Property Policy Committee**

The Intellectual Property Policy Committee will be composed of the chair of the Faculty Development Committee, a representative appointed by the CAO, and a third representative from the College faculty or staff chosen by the CAO and the Chair of Faculty Development Committee. In considering cases involving patents or other matters that fall outside the expertise of the three committee members, the Intellectual Property Policy Committee will ask qualified faculty members as well as external professional counsel to advise on an ad hoc basis as needed. The

Intellectual Property Policy Committee will also serve as a resource for any questions about IP policy and procedures for the community, and initial inquiries about the need for deliberate determination can be made on an informal basis.

#### **4.14.3.2.3 Third Party Agreements**

All IP defined by Scope in X.1 produced by work sponsored by public or private organizations is governed by this policy, unless otherwise specified in a written contract or in federal or state laws and regulations. Contracts with third parties can contain provisions governing IP rights that supersede the College policy. The CAO must approve the IP provisions in such contracts, and normally such contracts must also be reviewed by the General Counsel.

#### **4.14.3.2.4 Appeal of the CAO Determination of IP Rights**

In the event where the creator disagrees with the CAO determination of IP rights, the creator may appeal the decision to the President within thirty days. Upon receiving the appeal, the President will render a decision regarding the appeal within thirty days.

#### **4.14.4 Revenue**

If revenue is generated by IP held by the College, the College and creator will split the revenue in the following manner. The first \$10,000 of net revenue will go to the creator. The creator will receive sixty percent, and the College forty percent, of further revenue. The College agrees to pay annually to the creator(s), or to the creator's heirs, successors, or assigns, 60% of the net revenue per invention, with an additional 10% of net revenue per invention allocated to the creator's department or program. Net revenue is defined as gross income less the costs of submitting and protecting and preserving patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law. When there are two or more creators, each creator shall share equally in the creator's share of revenue, unless all creators previously have agreed in writing to a different distribution of such share. This distribution will continue regardless of the creator's status at the College.

The College may at its discretion agree to provide the creator with an exclusive, or non-exclusive license to commercialize the patent, including licensing it to others. In such cases, the net revenue is still divided between the creator and the College as laid out below. Such agreements will be provided in writing to the creator.

##### **4.14.4.1 Payment of Revenue**

Annually, net revenue for a creator is collected and held by the College from July 1st to June 30th, and is paid to the creator the following August 30th or the nearest business day after August 30th.

Each annual payment will be accompanied by a document accounting for source of revenue and all costs from July 1st to June 30th. The College cannot recoup costs from previous revenue payments made to the creator(s).

##### **4.14.5 Transfer of IP Rights**

There are circumstances in which either the creator or College may want to transfer IP ownership to the other. For IP developed without the extraordinary use of College resources and held by a community member, the community member may ask the College to consider accepting assignment of ownership, but the College has no obligation to do so. Even if the College has clear ownership of IP, the transfer of IP ownership to the community member may be appropriate, especially if it facilitates the distribution of the IP to the greater community.



#### **4.14.6 Consultants**

When the College has an identity or functional interest in copyrightable materials created by hired consultants, the College will stipulate by contract that ownership stays with the College. Hired consultants are not considered community members and as such are not covered by this policy.

#### **4.14.7 Definitions**

##### **4.14.7.1 Intellectual Property (IP).**

Intellectual property is a creative work or invention in which the law allows ownership rights for the creator. The two main types of IP in the academic environment are copyrights and patents. Copyrights are an exclusive legal right available to creators to print, publish, perform, film, or record literary, artistic, or musical material. Patent protection is granted by the government to the creator for inventions that are useful, non-obvious and novel products or processes.

##### **4.14.7.2 Community Members.**

Faculty, staff, and students of Bethany College.

##### **4.14.7.3 Creator.**

One community member, or two or more collaborators, who develop the IP.

##### **4.14.7.3.1 Collaborators.**

Two or more community members who share in the creation of IP. In the case of more than one creator, fractional shares will be agreed upon beforehand to the extent possible. If parties outside the community are involved in the creation of IP that requires deliberate determination, then distribution of IP rights between all parties should be described prior to or as part of the disclosure process.

##### **4.14.7.4 Scholarly Work.**

Scholarly work refers to original work including publications, exhibitions, performances, other products appropriate to a relevant academic discipline that are created by a faculty member in the advancement of their professional portfolio.

##### **4.14.7.5 Normal Support for a Community Member.**

For all community members, College-supplied computing, email and phone resources are considered normal support. For faculty, normal support also includes salary, laboratory or studio space, funding for sabbatical leaves, start-up grants, competitive grants distributed through the Faculty Development Committee, as well as other widely advertised grant opportunities from the College and other funds available through competitive processes. For staff, salary and laboratory or studio space are considered normal support. For students, normal support entails the use of College-owned resources either freely available to students

(for example, computer labs and workstations on campus) or available on loan (computers, cameras, video recording devices, etc.) or through courses (art supplies, for example).

##### **4.14.7.6 Extraordinary Support for a Community Member.**

A community member who receives support beyond the normal support afforded to the community member is receiving extraordinary support.

#### **4.14.7.7 Work for Hire.**

Under the 1976 Copyright Law, “a work prepared by an employee within the scope of his or her employment” is considered “work for hire,” in which case the copyright becomes the property of the employer. Within the context of academia, however, most institutions do not consider scholarly work (except for patents) done by faculty and students to be the property of the institution, except in cases where the institution has an *identity interest*, and/or has given *extraordinary resources* for the creation of the work.

#### **4.14.7.8 Institutional Work**

Institutional Work should be defined to include works that are supported by a specific allocation of College funds or that are created at the direction of College for a specific Bethany College purpose.

#### **4.14.7.9 Federal Grants and Bayh-Dole Act of 1980.**

The Bayh-Dole act permits a college or university to elect to pursue ownership of IP developed with the support of federal research grants in preference to the government. In particular, Bethany College can determine IP rights and responsibilities, with the framework of federal guidelines.

*This policy is adapted from Lafayette College Faculty Handbook 2017-18.*

### **4.15 Revision of Volume IV**

The College and Faculty Welfare Committee of the Faculty commit their good faith efforts to the process of achieving agreement on policy issues affecting faculty employment as provided in this Volume IV and in Subsection 1.6.3 of Volume I of the Policy Manual. That commitment shall not prejudice the responsibility and authority of the President of the College and the Board of Trustees to exercise their prerogatives to govern and administer the College.

While recognizing that the adoption of policy, however formulated or proposed, is a power reserved to the Board of Trustees, the procedure outlined below is designed to satisfy the need for an orderly procedure allowing all segments of the College to contribute, each in its appropriate capacity, to the formulation or alteration of policy statements. In addition, the procedures set forth in this Section 4.14 are calculated to make policy revision effective by introducing into it the principle of self-limitation, which prevents endless debate and allows particular issues to be brought to decisive action.

#### **4.15.1 Proposed Amendments**

Proposals for revising Volume IV of the Policy Manual can be made by the Board of Trustees, the President of the College, staff members, the faculty, or any committee or council established pursuant to this Policy Manual, or by an independent faculty member.

The proposals shall be submitted to the Faculty Welfare Committee in the following recommended format:

1. Proposals shall be made in the form of text intended to replace, in whole or part, some current provisions of the Policy Manual;
2. A particular proposal shall contain no more than one alteration of substance; and
3. A brief explanation of the reason(s) for the revision shall accompany the proposal.

#### **4.15.2 Processing of Proposals**

Proposals originated under Subsection 4.14.1 shall be considered by the Faculty Welfare Committee which shall pursue one of the following courses of action:

1. The Committee may receive and transmit the proposal to the faculty without change or comment;
2. The Committee may endorse the proposal and attach its endorsement to the original proposal;
3. With the consent of the submitter, the Committee may either alter or amend the proposal before transmitting it to the faculty; or
4. If the submitter does not agree to Committee alterations or amendments, the Committee may object to the proposal and attach its objections or amendment before sending it to the President of the College and the faculty.

The faculty may modify the proposal and accept the modification, or may return the proposal to the Faculty Welfare Committee for further work.

The faculty shall accept or reject the amendment(s) to Volume IV by a 2/3rds majority of a voting quorum in a secret ballot.

#### **4.15.3 Presidential Approval**

After the faculty has endorsed a change in Volume IV of the Policy Manual, it shall submit the recommended change to the President of the College.

If the proposal(s) are approved by the President of the College, the President shall present the proposal(s) to the Board of Trustees for consideration.

If the President of the College disagrees with the proposed changes, the President, citing reasons for the disagreements, and the Faculty Welfare Committee shall meet to discuss the next steps, which may include further study, modification, and/or resubmission of the proposal.

#### **4.15.4 Board of Trustees Approval**

1. Before definitive action on Policy Manual revision proposals, the Board of Trustees may commission a Subcommittee of its members to meet with the President of the College, the Vice President for Academic Affairs and Dean of the Faculty, and the Faculty Welfare Committee to discuss final adjustments in the revised texts;
2. The Board of Trustees, or the President as its agent, shall either approve or reject the proposed revision; and
3. The Board of Trustees, or the President of the College as its agent, retains the right, in the best interest of the College community as a whole, and in their fiduciary capacity, to alter the provisions of Volume IV of the Policy Manual after following the procedures in this Section 4.14.

#### **4.15.5 Emergency Procedure**

When the President of the College, after consultation with the Faculty Welfare Committee determines that, in the best interests of the College a modification of any part of Volume IV or Subsection 1.6.3 of Volume I in the Policy Manual is necessary, the President of the College may

petition the Chair of the Board of Trustees for review of a specific change at the next Board meeting. The Board of Trustees may accept or reject such a petition. The President shall communicate the decision of the Board of Trustees to the Faculty Welfare Committee.

If any provision of the Policy Manual is in conflict with federal, or local law or ordinance or is otherwise illegal, invalid or unenforceable to any extent, the remainder of the Policy Manual and the application of the provision in question to persons or circumstances other than those to which the provision is improper, shall not be affected. In addition, the Board of Trustees shall act to bring the College into compliance with such law, ordinance, or invalidity, and the Policy Manual will be amended as soon as possible, providing none of these laws are in conflict with the mission of the College.

#### **4.15.6 General Rules of Implementation**

1. All new members of the faculty shall receive electronic access to the Policy Manual, and a printed copy if requested, at the time of their initial appointment as a new faculty member. Such copy/access must contain Volume IV in the form that will apply during the offered appointment term. Continuing members of the faculty will receive copies of or electronic access to any approved amendments with their annual reappointments during the Spring semester;
2. A hard copy of the Policy Manual with current revisions shall be available for inspection during regular hours at the offices of the Vice President for Academic Affairs and Dean of Faculty, the Library, the Office of Human Resources and the Office of the President of the College;

Proposed amendments to any part of Volume IV of the Policy Manual under discussion by the Board of Trustees shall have no status, not even a promissory one, until final action by the Board of Trustees has been taken.

### Appendix 4.3.1: Important Dates: Reappointment, Advancement in Rank, and Tenure

|                     |  |
|---------------------|--|
| <b>On or Before</b> |  |
| October 1           | Department chairs submit recommendations to the Dean of Faculty regarding second, third, and fourth year faculty and any staff eligible for tenure.                      |
| October 1           | Persons eligible and seeking tenure submit letters of application to the Dean of Faculty.  |
| October 1           | Individuals requesting sabbatical leave submit requests to the Dean of Faculty.  |
| October 15          | Department chairs submit recommendations to the Dean regarding applicants for tenure.  |
| November 15         | Dean notifies individuals concerning sabbatical applications.  |
| December 1          | Faculty, Retention, Tenure, and Promotion Committee submits recommendations to the Dean regarding second, third, and fourth year reappointments and tenure applications. |
| December 15         | President notifies individuals regarding second, third, and fourth year reappointments and tenure decisions.   |
| January 10          | Individuals eligible for advancement in rank submit application to the Dean of Faculty.  |
| February 1          | Department chairs make recommendations to the Dean as to current first year staff.   |
| February 1          | Department chairs submit recommendations for advancement in rank to the Dean.  |
| February 15         | Faculty, Retention, Tenure, and Promotion Committee submits recommendations to the Dean regarding first year staff.  |
| March 1             | President notifies individuals regarding first year appointment decisions.   |
| April 1             | Faculty, Retention, Tenure, and Promotion Committee submits recommendations regarding tenured faculty and advancement in rank to the Dean.                               |
| April 15            | President notifies individuals regarding advancement in ranks.   |
| <b>Tenure</b>       |  |
| October 1           | Individuals submit letters of application to the Dean of Faculty.  |

|   |   |
|---|---|
| October 15  | Department chairs submit recommendations to the Dean regarding applicants.  |
| December 1  | Faculty, Retention, Tenure, and Promotion Committee submits written recommendations to the Dean of Faculty.   |
| December 15   | President notifies individuals regarding tenure decisions.  |
| <b>Advancement in Rank</b>                                |   |
| January 10  | Individuals eligible for advancement in rank submit application to the Dean of Faculty.   |
| February 1  | Department chairs submit recommendations to the Dean of Faculty.  |
| In March  | The Dean of Faculty and the Faculty, Retention, Tenure, and Promotion Committee both review the recommendations and the candidate's supporting materials. |
| April 1   | Faculty, Retention, Tenure, and Promotion Committee submits recommendations to the Dean of Faculty.   |
| April 15  | President notifies individuals regarding advancement in rank decisions.   |
| <b>Reappointment: First Year</b>                          |   |
| February 1  | Department chairs make recommendations to the Dean of Faculty.  |
| February 15   | Faculty, Retention, Tenure, and Promotion Committee submits recommendations to the Dean of Faculty  |
| March 1   | President notifies individuals  |
| <b>Reappointment: Second, Third and Fourth Year, Etc.</b> |   |
| October 1   | Department chairs make recommendations to the Dean of Faculty.  |
| December 1  | Faculty, Retention, Tenure, and Promotion Committee submits recommendations to the Dean of Faculty  |
| December 15   | President notifies individual   |
| <b>Sabbaticals</b>  |   |
| October 1   | Application is submitted to the Dean of Faculty   |
| November 1  | Faculty Development Committee makes recommendations to Dean of Faculty and President about sabbaticals.   |
| November 15   | Dean notifies individuals concerning sabbatical applications.   |

### **Appendix 4.11.2.5.1: Instructions for Grant Certification**

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

The certifications set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug Free Workplace Act.

For grantees other than individuals, Alternate I applies.

For grantees who are individuals, Alternate II applies.

#### **Alternate I**

The grantee certifies that it will provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing a drug-free awareness program to inform employees about:
  - i. The dangers of drug abuse in the workplace;
  - ii. The grantee's policy of maintaining a drug-free workplace;
  - iii. Any available drug counseling rehabilitation and employee assistance; and
  - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  - i. Abide by the terms of the statement; and
  - ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after each conviction;
- e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2) with respect to any employee who is so convicted:
  - i. Taking appropriate personnel action against such an employee, up to and including termination; or
  - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (t).

**Alternate II**

The grantee certifies that, as a condition of the grant, the grantee will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.