

**Appalachian State University**  
**FACULTY HANDBOOK**  
**Last Revised: August 23, 2010**

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### FOREWORD

The purpose of publishing the *Faculty Handbook* is to provide ready access to information concerning the orderly operation of the University. This electronic publication found on the Office of Academic Affairs Web Page provides answers to questions frequently asked about operating procedures and policies, but does not purport to include all information. The reader is encouraged to address to members of the administration or Faculty Senate any questions for which the handbook does not provide answers.

As policies, procedures, and operating guidelines which affect the *Faculty Handbook* change, they will be posted to the web site. Such changes will be incorporated once a year following the Board of Trustees's approval.

It is hoped that each faculty member will find the *Faculty Handbook* useful. You are encouraged and invited to make comments and suggestions to the Provost and Executive Vice Chancellor.

### PREAMBLE

As provided in section 502D (1) of *The Code of The Board of Governors of The University of North Carolina*, the Chancellor is authorized and required to "define the scope of authority of faculties, councils, committees, and officers of the institution," subject to policies established by the Board of Governors, the Board of Trustees and the President. The Chancellor has designated the Provost and Executive Vice Chancellor to make authoritative interpretations of all policy and procedure statements of Appalachian State University, including those set forth in this *Faculty Handbook*. In interpreting these documents, the Provost and Executive Vice Chancellor will consult with appropriate personnel familiar with the documents and the practices at Appalachian State University. Objections to these interpretations can be appealed to the Chancellor. Such objections will not suspend requirements for faculty members or administrators to comply with time limits related to personnel action unless those time limits are extended in writing by the Chancellor.

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- 8.21 Information Technology Services**
  - 8.21.1 Academic Computing Services
  - 8.21.2 Applications, Data Base and Server Management Services
  - 8.21.3 Instructional Computing Services
  - 8.21.4 Network Support Services
  - 8.21.5 Operations Support Services
  - 8.21.6 Security Administration
- 8.22 International Education and Development**
  - 8.22.1 Education Abroad
  - 8.22.2 International Student Services
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## **CHAPTER IX:**

### **MISCELLANEOUS**

- 9.1 Faculty Courtesy Fund**
- 9.2 Soliciting for Sales, Other Commercial Announcements, or Selling on Campus**
- 9.3 Use of State Property**
- 9.4 Obtaining Academic Credit By Fraudulent Means**
- 9.5 Faculty Responsibility During Fire or Other Emergencies**
  - 9.5.1 Emergency Evacuation Procedures (a)-(f)
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- 9.6 Employee Safety**
  - 9.6.1 Workers' Compensation

## **Appendix A:**

### **CHAPTER VI OF THE CODE OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

<http://www.northcarolina.edu/content.php/legal/policymanual/contents.htm>

## **Appendix B:**

### **THE FACULTY ASSEMBLY OF THE UNIVERSITY OF NORTH CAROLINA THE CHARTER and BYLAWS**

<http://uncfacultyassembly.northcarolina.edu/html/index.htm>

## **Appendix C:**

### **SELECTED ADMINISTRATIVE MEMORANDA FROM THE UNIVERSITY OF NORTH CAROLINA, OFFICE OF THE PRESIDENT**

#### **Administrative Memorandum Number 333 (and UNC Policy Manual Section 300.6.1):**

“The University of North Carolina Board of Governors Policy Statement on External Professional Activities of Faculty and Other Professional Staff”

and the following forms:

**FORM:** “Notice of Intent to Engage in External Professional Activities for Pay”

**FORM:** “Activity During Past Fiscal Year”

**FORM:** “Administrative Action on Notice of Intent”

[NOTE: The ASU Board of Trustees Policy On Outside Activities by Faculty Members (and the form, “Request for Approval to Engage in Outside Work”) is available in Appendix E of this *Faculty Handbook*.]

#### **Administrative Memorandum Number 338 (and UNC Policy Manual Section 400.3.1.1):**

“Tenure and Teaching in the University of North Carolina”

## **Appendix D:**

### **APPALACHIAN STATE UNIVERSITY’S ACADEMIC INTEGRITY CODE**

<http://www.academicaffairs.appstate.edu/resources/integrity/>

## **Appendix E: (Amended 09/2008)**

### **SELECTED POLICIES, PROCEDURES, AND FORMS**

- ASU Board of Trustees Policy on Outside Activities by Faculty Members



- **FORM:** “Request for Approval to Engage in Outside Work”  
[**NOTE:** The UNC Board of Governors Policy Statement on External Professional Activities of Faculty and Other Professional Staff (and the appropriate forms) is available in Appendix C of this *Faculty Handbook*.]
  
- Criteria for Accreditation
  
- Equal Employment Opportunity Policy
  
- Policy Statement on Integrity in Scholarship and Scientific Research
  
- Improper Relationships Between Students and Employees  
(as referenced in **Chapter IV, section 4.6, footnote #4**)
  - Guidelines on Implementing Improper Relationships Policy
  - Guidelines on Implementing Anti-Nepotism Policy
  
- Political Activities of Employees
  - Interpretation of Policy on Political Activities of Employees
  - Leaves of Absence for Appointive Office
  - Endorsement of Candidates for Political Office By Senior Administrators
  - Guidance on General Assembly Candidacy and Membership
  
- **FORM:** Conflicts of Interest and Commitment Disclosure Form  
(as referenced in **Chapter IV, section 4.8.13.1**)
  
- **FORM:** Leave Request and Certification (as referenced in **Chapter IV, section 4.9.1.1**)  
(Family or Medical Leave for Eligible Faculty Members - Amended 12/02/05)
  
- **FORM:** Certification of Physician or Practitioner  
(Family or Medical Leave for Eligible Faculty Members - Amended 12/02/05)
  
- **FORM:** Final Grade Appeal Form (as referenced in **Chapter V, section 5.7.3.2(a)**)
  
- **FORMS:** Observer(s) at Initial Meeting Concerning Grievance  
Authorization/Waiver of Claims Arising Out of Access to  
Confidential Information  
Observer Agreement to Conditions and Confidentiality Requirements  
(as referenced in **Chapter III, section 3.9.3.5.1**)
  
- **FORM:** Faculty Personnel File Checklist  
(as referenced in **Chapter III, Section 3.10.1.5.1**)
  
- Listing of the University Policy Statements in the *ASU Resource Manual*

## **I. FACULTY CONSTITUTION**

### **CONSTITUTION OF THE FACULTY**

#### **Preamble**

The faculty of Appalachian State University acknowledges the principle of faculty self-government and also recognizes its responsibility for helping the University administration direct the internal affairs of this institution. This constitution establishes the procedures whereby that responsibility shall be discharged.

The faculty of Appalachian State University accepts the fact that the Board of Governors of The University of North Carolina and the Board of Trustees of Appalachian State University are charged with the responsibility of establishing policy with respect to the operation of the institution. Further, the faculty recognizes the authority of the Chancellor of Appalachian State University as the executive officer of The Board of Trustees. No part of this constitution shall be interpreted as being in conflict with the rules and regulations set forth by the Board of Governors of The University of North Carolina, the Board of Trustees of Appalachian State University, or the laws of The State of North Carolina.

#### **ARTICLE I**

##### **Composition of the Faculty**

The faculty shall consist of those persons employed by Appalachian State University who hold the rank of instructor, assistant professor, associate professor, professor, and lecturer; and also those persons appointed as emeriti faculty and adjunct faculty.

#### **ARTICLE II**

##### **Meeting and Voting**

###### **Section 1.**

The faculty shall meet at least once each term during the regular academic year.

###### **Section 2.**

All members of the faculty, excluding emeriti faculty, adjunct faculty, and part-time faculty teaching less than six (6) hours per semester, have the right to hold faculty offices and to vote in faculty meetings and faculty elections and in departmental and college committees on which they serve except as noted in Article II, Section 3.

###### **Section 3.**

Those eligible to serve on and participate in election of members to departmental personnel committees are full time faculty in the ranks of lecturer, instructor, assistant professor, associate professor, and professor.

**Section 4.**

When the interests of the University may be served, other members of the University community may be invited to attend meetings of the faculty and its committees.

**ARTICLE III**  
**Officers of the Faculty**

**Section 1.**

The officers of the faculty shall be the chair, vice chair, recorder, and parliamentarian.

**Section 2.**

The Provost and Executive Vice Chancellor, as chair of the faculty, shall preside at the faculty meetings.

**Section 3.**

The chair of the Faculty Senate shall be the vice chair of the faculty and shall assist the chair of the faculty in the performance of the duties of the chair of the faculty, including such duties as presiding at the faculty meetings in the absence of the chair of the faculty.

**Section 4.**

The secretary of the Faculty Senate is responsible for the accuracy of the motions, resolutions, voting results and major discussion points during the Faculty Senate meetings. All Faculty Senate meetings are recorded electronically and transcribed by the Office Assistant. The secretary is responsible for reviewing the accuracy of the transcribed minutes prior to being submitted to the Faculty Senate for approval. The Faculty Senate minutes are posted on the Faculty Senate website and distributed to all members of the faculty, administration, and the Board of Trustees. The Faculty Senate minutes are also submitted to the University Archives to assure preservation and long-term access.

**Section 5.**

The parliamentarian, designated by the chair of the faculty, shall adjudicate any questions as to proper parliamentary procedure.

**ARTICLE IV**  
**The Faculty Senate**

**Section 1.**

To provide an opportunity for direct participation in the process of decision-making affecting the life of Appalachian State University, there shall be a Faculty Senate.

**Section 2.**

The purpose of the Faculty Senate shall be to participate in the formation, implementation, and review of University policy and to provide means for the faculty to act effectively on matters with which it is concerned.

**Section 3.**

The Faculty Senate shall consist of one member from each academic department, school, the Library, and five at large representatives. Any unit listed above may choose not to fill its senate seat, in which case the seat will remain empty for that academic year. Members of the senate will be chosen as follows:

a. By February 1 each academic department, school and the Library will elect, per established department/unit procedures, one faculty member for any open Senate seat in their respective department/unit (Please refer to Article IV Section 6c regarding vacant positions). If a vacancy has occurred during a senator's three year term a department/unit may choose not to be represented by not electing a representative. This choice applies for the entire academic year following the election.

b. The five at large seats will be filled by election of faculty from across the university. Representation to the Appalachian State University Faculty Senate requires that a faculty member hold one of the following ranks: Lecturer, instructor, assistant professor, associate professor, and professor. Excluded are emeriti faculty and adjunct faculty. In addition, a faculty member must, according to Section 4.9.3.3 Faculty Handbook, be eligible to serve for the entire academic year. In the fall semester of each academic year (but prior to November 1) the Director of Institutional Research, Assessment and Planning will determine the faculty eligible to represent and vote in each department and forward that information to the faculty elections officer.

The faculty elections officer shall communicate each allocation to the deans of the various colleges and their respective elections chairs by December 1.

**Section 4.**

All members of the faculty (as defined in Article II, Section 2.) are eligible for election to the Senate. No senator may serve more than two full terms consecutively.

**Section 5.**

The normally designated term of office for Faculty Senate members is three years. Terms of members will be staggered so that one-third of the Senate is elected each year. The at large seats will be elected accordingly with two openings each year for two years and the fifth vacancy elected in the third year.

**Section 6.**

Procedures for electing the members of the Senate:

a. The procedure for electing senators from each college shall be:

(1) By November 1, the vice chair of the Faculty Senate, who is the senate elections officer, shall contact the department or unit head who will, according to department/unit guidelines, put the senate elections officer in touch with the department/unit EOA.

(2) The senate elections officer shall request that the EOA of each department/unit provide a mechanism for the election of its Faculty Senate representative.

(3) Prior to February 1, the faculty members of each department, School and the Library, shall vote to elect the Senate representative for their department/unit. All voting shall be by secret ballot. It shall be the responsibility of the department/unit EOA to set the date, time, and place of voting; prepare the ballots; supervise the election; provide for the tabulation of votes; notify all nominees of the election results; and report the results of the election to the senate elections officer. The mechanism for the election of the department/unit senate representative shall be on file in the Faculty Senate office.

(4) The senate elections officer shall announce the results of each election to the general faculty.

b. The procedure for electing members at large shall be as follows:

(1) Membership at large in the Senate shall be determined by the faculty on the basis of an annual election to be held during the spring term prior to March 1. All voting shall be by secret ballot.

(2) The senate elections officer shall set the deadline for the submission of nominations for members at large. Space for write-in votes will be provided on the ballots.

(3) It shall be the responsibility of the senate elections officer to set the date, time, and place of voting; prepare the ballots; arrange for absentee balloting; supervise the election; provide for the tabulation of the votes; and notify all nominees of the election results prior to announcing those results to the general faculty.

c. The chair of the Senate shall nominate persons to fill vacancies created by unexpired terms. The Senate shall either elect or reject nominations made by the chair. Persons so elected shall serve until the next regular election, at which time the faculty will elect a person to complete the unexpired term.

d. All senators elected in a given year shall take office at the special meeting of the Senate in April called at the adjournment of the regular April meeting of the Senate.

**Section 7.**

The functions of the Faculty Senate shall be to:

- a. Serve as the instrument through which the faculty considers and acts on University matters.
- b. Report at the regular meeting of the faculty all action taken on behalf of the faculty between meetings.
- c. Prepare the agenda for each meeting of the faculty. There shall be an Agenda Committee composed of Senate members. The chair of the faculty shall be an ex-officio member of the committee.
- d. Make nominations for membership of standing and special University Committees.
- e. Act as an advisory committee to the Chancellor on behalf of the faculty.
- f. Consider such other matters relating to faculty responsibility as the faculty may direct.
- g. The Faculty Senate shall have the sole power of and the responsibility for bringing charges against and trying senators or faculty members of University Committees. Disruptive behavior or failure to perform official duties shall be cause for removal from office upon indictment and conviction by a two-thirds majority vote of the total Faculty Senate.

**Section 8.**

The officers of the Faculty Senate shall consist of a chair, a vice chair, a secretary, and a parliamentarian. These officers, with the exception of the parliamentarian, shall be elected from the total membership of the Senate at the special Senate meeting in April called at the adjournment of the regular April meeting of the Senate. The chair of the faculty shall be an ex-officio member of the Senate and shall serve as liaison officer between the Senate and the Chancellor of the University. It shall be the responsibility of the chair of the Faculty Senate to appoint a parliamentarian. It shall be the responsibility of the vice chair to serve as the faculty elections officer. It shall be the responsibility of the secretary to prepare detailed records of the deliberations of the Senate. It shall be the responsibility of the University Archivist to preserve copies of all Faculty Senate minutes and the minutes of the general faculty meetings.

**Section 9.**

The Senate shall meet as follows:

- a. A regular meeting of the full Senate shall be held monthly during the academic term. Summer meetings will be scheduled as needed.
- b. Faculty members should communicate their professional concerns to their respective senators prior to the monthly meetings of the Senate.

c. A special meeting of the Senate may be called at a designated time by the chair, by a petition signed by one-third of the total membership of the Senate, or by a petition signed by twenty-five percent of the total membership of the faculty.

**Section 10.**

a. The Senate shall receive written suggestions for agenda items from any member of the faculty, the administration, student organizations, or the Board of Trustees.

b. All operating procedures governing the transaction of Senate business shall be set forth in the *Faculty Senate Guidebook and Manual of Order* which shall serve as the by-laws of the Faculty Senate.

**ARTICLE V**  
**Graduate Faculty**

**Section 1.**

To promote excellence in graduate education, to inform the faculty of current concerns, and to provide opportunities for exchange of ideas, there shall be a Graduate Faculty.

**Section 2.**

The purpose of the Graduate Faculty shall be to pursue critical thinking, academic inquiry and integrity, and to expand cultural horizons beyond that available through the undergraduate program.

**Section 3.**

The Graduate Faculty shall be comprised of all Appalachian State University faculty designated under the rules of the Graduate Council as graduate faculty. The Graduate Faculty is represented by the Dean of Graduate Studies and Research, who is the administrative officer, and the Graduate Council.

**Section 4.**

The officers of the Graduate Faculty shall consist of a chair, a vice chair/chair-elect, and a secretary.

a. It shall be the responsibility of the chair to preside at all meetings of the Graduate Faculty and at meetings of the Nominating Committee. It shall be the responsibility of the chair to serve on the Graduate Council as an ex-officio voting member and to serve as Graduate Faculty Marshal at commencement.

b. It shall be the responsibility of the vice chair to preside in the absence of the chair. In case of the chair's resignation, it shall be the responsibility of the vice chair to assume all duties of the chair. In such circumstances, the Graduate Dean may appoint a vice chair to serve only for

the remainder of the academic year. It shall be the responsibility of the vice chair to serve on the Zigli Research Award Committee.

c. It shall be the responsibility of the secretary to record and distribute the minutes of the Graduate Faculty meetings. It shall be the responsibility of the secretary to serve on the editorial board of *Research News*.

**Section 5.**

The officers of the Graduate Faculty shall be elected by voice vote each year at the spring meeting of the Graduate Faculty and shall serve for a one-year term of office.

**Section 6.**

To be eligible for election to office, nominees must hold an appointment on the Graduate Faculty that enables them to complete the term of office. Nominations shall be made by a Nominating Committee composed of the current officers with the Dean of Graduate Studies and Research serving as an ex-officio member.

**Section 7.**

The Graduate Faculty shall normally meet twice an academic year, in the fall and spring semesters, and on other occasions deemed desirable by the Graduate Faculty or the officers of the Graduate Faculty.

**Section 8.**

The chair shall appoint, in consultation with the Dean of Graduate Studies and Research, committees as necessary to the effective functioning of the Graduate Faculty.

**ARTICLE VI**

**University and Faculty Committees**

**Section 1.**

For the purpose of this Constitution, University Committees are herein defined as being those bodies of persons, other than the Faculty Due Process Committee and the Faculty Grievance Hearing Committee (FGHC), who are selected to make recommendations for action concerning University matters. Members of University Committees are appointed by the Chancellor or the duly appointed representative of the Chancellor in accordance with procedures determined by the Faculty Senate.

**Section 2.**

Standing committees of the University shall be established, modified and/or abolished as the Senate deems necessary. The constituent personnel, duties, and responsibilities of these committees shall be determined by the Faculty Senate. (See Chapter VII for a list of committees.)



**Section 3.**

The Faculty Due Process Committee and the Faculty Grievance Hearing Committee shall be composed of faculty members who are elected by the faculty. The election procedures, the constituent personnel, and the duties and responsibilities of these committees are set forth in section 607 and 603 (2) of *The Code of The University of North Carolina* and in the *Faculty Senate Guidebook and Manual of Order*.

**ARTICLE VII  
Amendments**

**Section 1.**

Amendments to this Constitution shall be presented by the Faculty Senate. After Senate deliberations, it shall be the responsibility of the chair of the Faculty Senate to circulate written copies of each proposed amendment, together with its recommendation as to action, to all members of the faculty. Notification of the proposed amendment and the Senate recommendation shall be made not later than six days prior to the faculty meeting at which the proposed amendment is to be acted upon.

**Section 2.**

Amendments shall be approved by an affirmative vote of at least two-thirds of the faculty present.

**Section 3.**

Amendments shall become effective immediately unless otherwise specified within the amendment.

**ARTICLE VIII  
Rules of Procedure**

*Robert's Rules of Order*, as revised, shall be the governing rules of meetings of the faculty, the Faculty Senate, the Graduate Faculty, and University Committees, unless otherwise stated. A parliamentarian shall be present at all meetings of the general faculty and the Faculty Senate.

**BYLAWS FOR ARTICLE II  
Meeting and Voting**

A. The Provost and Executive Vice Chancellor shall call at least two general faculty meetings during the year, one of which shall be in the fall and another in the spring.

B. Written notice of the meetings, with agenda and the text of any proposals then in the hands of the Faculty Senate Chair upon which the faculty will be asked to take action attached, shall be sent to each member of the faculty by the Faculty Senate Chair at least six days prior to the meeting. In emergency situations, the period of notice may be shorter.

C. The agenda for faculty meetings shall be prepared by the Agenda Committee of the Faculty Senate.

D. For the conducting of faculty business, a quorum shall consist of not less than one hundred faculty members. This quorum must include representatives from each of the degree-granting colleges, schools and the Library. A majority of those present at the faculty meeting shall carry the vote, except for amendments to the Constitution.

#### **BYLAWS FOR ARTICLE IV The Faculty Senate**

A. At large nominees for the Faculty Senate will be elected by plurality voting. Faculty will be allowed to vote for the number of at large seats that are vacant that year. In the event of a tied vote, a special election shall be held to determine which of the nominees shall be elected. In this special election, the slate of nominees will be restricted to the tied nominees in the first election.

B. In a run-off election those nominees receiving the largest pluralities will be elected except that whenever a tie vote occurs with reference to the last position(s) to be filled, the Faculty Senate will by majority vote of its total membership determine the winner.

C. If a run-off election is required, the candidates for the position(s) to be filled in that election will be announced promptly after the initial election. A run-off election must be held within one calendar week of the initial election. The senate elections officer will furnish the faculty with the election results, including the number of votes received by each nominee, within three days of the final election.

D. Any faculty member may contest an election with the Faculty Senate by notifying the person responsible within forty-eight hours of the notification of results. All appeals must be heard before the proper body of the Senate. The disposition of all appeals must be reported to the Senate and published in the Senate minutes. No election will be considered final until all contested positions in that specific election have been acted upon and resolved.

**BYLAWS FOR ARTICLE V  
Graduate Faculty<sup>1</sup>**

A. Minimal criteria for consideration of appointment to the Graduate Faculty are:

1. The earned terminal degree from an accredited institution.
2. Active and productive scholarship/performance, requiring a sustained record of demonstrable devotion to the discovery, integration, and/or application of knowledge, methods, and techniques in one's discipline as evidenced by professional presentations, publication, creative endeavors and performances, or other professional activity. Evaluation and criticism by one's peers is important.
3. Outstanding classroom instruction, requiring the integration and application of current knowledge/skills in one's discipline. Classroom instruction includes the instructional record, experience in graduate course instruction, work with graduate assistants, and supervision of or committee work on theses.
4. Active and sustained professional service, requiring the application of current knowledge/skills in one's discipline. Professional service includes activities such as leadership roles in professional organizations, refereeing of manuscripts and journal articles, editorships, workshops, and board or committee assignments related to one's professional discipline.

B. Membership in the Graduate Faculty is for a five year term. Associate membership is for a three year term. Appointment at the associate member level includes the expectation that faculty will develop credentials for membership. Appointment to membership or associate membership depends upon the strength of evidence presented in the application. The applicant must establish the case for membership. In order to document the criteria, each applicant must submit:

1. A narrative description of the significance of one's record of scholarship/performance, instruction, and professional service on the application form.
2. A full curriculum vitae that includes the terminal degree, courses taught, professional presentations (including whether or not refereed), publications (including author(s) name, title or article, journal or book, volume date, page numbers, and whether or not refereed), professional service, and other pertinent information.
3. Any additional information that can provide evidence for outstanding scholarship/performance, teaching and professional service.

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<sup>1</sup>To apply for membership on the Graduate Faculty, faculty members should visit <http://www.graduate.appstate.edu/gradstudies/facultystaff/>

C. Application material is submitted in the following way:

1. First, to one's departmental personnel committee. If the application is approved, the committee recommends either membership or associate membership on the application form and forwards all material to:

2. The chair of the department, who acts upon the DPC recommendation. If the chair approves the application, the chair must attach a letter providing an evaluation of the significance of the applicant's scholarship/performance, teaching and professional service and recommend either membership or associate membership. The application is then forwarded to:

3. The dean of the academic college or school. If the dean recommends approval, the dean must attach a letter providing an evaluation of the significance of the applicant's scholarship/performance, teaching and professional service and recommend either membership or associate membership. The application and all materials are then submitted to:

4. The Dean of Graduate Studies and Research for review and appointment.

5. Under special circumstances, the Dean of Graduate Studies and Research may grant temporary membership on the Graduate Faculty for up to one academic year. Requests for temporary membership are made by the chair of the department who should send a letter and the curriculum vitae of the proposed temporary member to the dean of the college or school who will then forward the recommendation to the Dean of Graduate Studies and Research.

## **II. ACADEMIC GOVERNANCE**

Since the basic mission of the University is instruction of students, the procedures for curriculum modification are most important and should be clear. This statement is being issued in order to clarify this important area.

The basic and most important unit in determining curricula is the academic department. Departments recommend their own departmental courses and programs after careful consideration by the faculty of that department. All departments should develop and implement plans for involving students in academic governance at the departmental level.

### **GUIDELINE I**

Any proposal for changes in a department's courses or programs must first be acted upon by the department before being submitted to the college advisory council. Any proposal for changes (excluding course changes within existing programs) in a college's or school's programs or structures must first be acted upon by the faculty of the college or school concerned before being presented to the Academic Policies and Procedures Committee. After a proposal for curricular or structural change has been acted upon by a college or school and after the dean of that college or school has submitted the proposal to all other necessary groups, the dean will then present the proposal to the Academic Policies and Procedures Committee.

### **GUIDELINE II**

Recommendations for changes in general academic policies or academic programs must be submitted to the Academic Policies and Procedures Committee by any of the following:

- A. Department, college or school
- B. Faculty Senate
- C. Student Government Association
- D. Council of Deans

A faculty member, student, or ad hoc faculty or student group will channel proposals through the appropriate body above (A., B., or C.).

### **GUIDELINE III**

The Academic Policies and Procedures Committee is, in most circumstances, the final recommending body to the Provost and Executive Vice Chancellor and the Chancellor. The faculty members and the students on this committee serve as the representatives for the faculty and students, respectively. As such, these groups should make their respective views known through their appointed representatives (except as provided in Guideline II, B. and C.) and should make arrangements for their respective representatives to be held accountable to them.

### **GUIDELINE IV**

If a proposal for changes in a department's courses or programs is not approved by that department, then the group initiating the proposal may appeal (within 90 days after rejection) first to the advisory council of the college to which that department belongs. If the proposal is also rejected by the college or school, then the group may appeal (as above) to the Academic Policies and Procedures Committee.

When a departmental proposal is not recommended at the college advisory council level, the department may appeal to the Academic Policies and Procedures Committee.

### **III. FACULTY PERSONNEL POLICIES AND TENURE REGULATIONS OF APPALACHIAN STATE UNIVERSITY<sup>2</sup>**

#### **3.1 Equality of Opportunity**

Appalachian State University is committed to providing equal opportunity in education and employment to all applicants, students, and employees. The university does not discriminate in access to its educational programs and activities, or with respect to hiring or the terms and conditions of employment, on the basis of race, color, national origin, religion, creed, sex, gender identity and expression, political affiliation, age, disability, veteran status, or sexual orientation. The university actively promotes diversity among students and employees.

#### **3.2 Freedom and Responsibility in the University Community**

**3.2.1** Appalachian State University is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. This institution therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

**3.2.2** Appalachian State University shall protect faculty and students in their exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.

**3.2.3** Faculty and students of this institution shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

#### **3.3 Academic Freedom and Responsibility of Faculty**

**3.3.1** It is the policy of Appalachian State University to support and encourage within the law full freedom of inquiry, discourse, teaching, research, and publication for all members of the academic staff of this institution. Members of the faculty are expected to recognize that accuracy, forthrightness, integrity, and dignity befit their association with this institution and their position

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<sup>2</sup>The tenure policies of Appalachian State University set forth in this chapter are consistent with the requirements of Chapter VI of *The Code of The University of North Carolina*. (See Appendix A.)

as men and women of learning. They should not represent themselves, without authorization, as speaking for Appalachian State University.

**3.3.2** Appalachian State University will not penalize or discipline members of the faculty because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility. All members of the faculty, whether tenured, untenured, or non-tenure track, have the protection of academic freedom.

### **3.4 Academic Tenure and Ranks**

#### **3.4.1 Academic Tenure**

**3.4.1.1** Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment. More specifically, it refers to the protection of a faculty member against discharge from employment except for reasons of (i) incompetence, (ii) neglect of duty, or (iii) misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, as specified in Code Section 603 and in accordance with the procedures provided in section 3.8.2, or against termination of employment except as provided for in section 3.7.

**3.4.1.2** The purposes intended to be served by according the protection of academic tenure to faculty members are to secure their academic freedom and to help the institution attract and retain faculty members of high quality. While academic tenure may be withheld on any grounds other than those specifically stated to be impermissible in section 3.6.3.1, its conferral requires an assessment of the faculty member's demonstrated professional competence; potential for future contributions; commitment to effective teaching, research, and public service; and the needs and resources of the institution.

**3.4.1.3** Academic tenure, as herein described, pertains exclusively to the employment of faculty members<sup>3</sup> by appointment to specified faculty ranks. Appalachian State University requires the doctorate or other appropriate earned terminal degree for consideration of the conferral of permanent tenure on any faculty member, unless there are exceptional circumstances. Nothing in these regulations shall be construed to preclude a faculty member from seeking and being recommended for permanent tenure or promotion at any time.

#### **3.4.2 Academic Ranks<sup>4</sup>**

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<sup>3</sup>Professional librarians, as defined in this *Faculty Handbook*, are members of the faculty.

<sup>4</sup>Administrators who wish to be considered for promotion or permanent tenure in their academic department are expected to meet all criteria normally required of full-time faculty who apply for promotion or permanent tenure.



**3.4.2.1** The University shall require the doctorate or other appropriate earned terminal degree for all full-time faculty appointments above the rank of instructor, unless there are exceptional circumstances. Appointments may be for fixed terms of employment, automatically terminable when they expire (“fixed-term appointment”); or they may be for probationary terms (“probationary-term appointment”); or they may be continuous (“appointment with permanent tenure”) until retirement, death, resignation or dismissal pursuant to *The Code of The University of North Carolina*.

**3.4.2.2** No reviewing person or committee substitutes its judgment for the judgment of the departmental chair, a search committee, and/or the departmental personnel committee on matters relating to the professional qualifications of the individual involved [i.e., the individual's ability to fulfill adequately the professional requirements of the position. However, in accordance with *The Code of The University of North Carolina*, section 602 (4), those charged with making decisions on initial appointment, reappointment, promotion and permanent tenure shall examine and evaluate "demonstrated professional competence" (i.e., the faculty member's actual performance), the faculty member's potential for future contribution, and institutional needs and resources.]

**3.4.2.3** The faculty ranks to which appointments may be made, the minimal criteria that a candidate must meet in order to be eligible for consideration for the various ranks, and the incidents of academic tenure applicable to each rank are set forth in sections 3.4.2.4 through 3.4.2.7:

**3.4.2.4** Instructor

**3.4.2.4.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.4.2.4.2** Minimal criteria for consideration of appointment to the rank of instructor are:

- ( a) A master's degree from an accredited institution in an appropriate field or special competencies in lieu of the master's degree; and
- ( b) Evidence of potential in teaching; and
- ( c) Evidence of potential in at least one of the following:
  - ( i) research or other germane creative activity; or
  - ( ii) professional service to the University and/or to the public.

**3.4.2.4.3** The rank of instructor is appropriate for one who is appointed to the faculty but lacks, when appointed, one or more qualifications expected by the department or college/school for appointment to professorial rank. When all of those qualifications are met, the instructor may be promoted to assistant professor, offered a terminal appointment of one

academic year, or be offered a special faculty appointment. (See section 3.4.2.8.)

**3.4.2.4.4** An initial appointment to the rank of instructor is for a probationary term of one academic year. The instructor may be reappointed successively for six terms of one academic year, a total of seven such terms. At least 90 calendar days before the first term of appointment ends, the instructor shall receive written notice whether, when the current term expires, the instructor will be reappointed at rank for another term, promoted to the rank of assistant professor, appointed to a special faculty appointment as provided in section 3.4.2.8, or not be reappointed. An instructor appointed to a second one-year term shall receive a similar notice not less than 180 calendar days before that term ends. During the last 180 calendar days of the second consecutive year of employment, the institution may notify the instructor that employment will be terminated at the end of the third year of employment. Before the end of the third consecutive term, an instructor who has not been notified that employment will be ended in that year as provided in the preceding sentence shall receive a written notice whether, when the current term expires, the instructor will be reappointed at rank, promoted to the rank of assistant professor for a four-year term, appointed to a special faculty appointment as provided in section 3.4.2.8, of at least a one-year duration, or offered a terminal appointment of one academic year at the end of the current term. Decisions shall be made with respect to these same options before the end of the fourth, fifth, and sixth consecutive term. No reappointment to the rank of instructor may be made after seven consecutive years of employment at that rank. (But see section 3.4.2.8, "Special Faculty Appointments.") The failure to give the required notice of a decision not to reappoint at any point herein required has the same effect as a decision at that time to offer a terminal appointment of one academic year at the same rank. The decisions herein required shall be made as provided in section 3.6.2.

**3.4.2.4.5** Nothing in these regulations shall be construed to preclude a faculty member from seeking and being recommended for promotion at any time.

### **3.4.2.5** Assistant Professor

**3.4.2.5.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.4.2.5.2** Minimal criteria for consideration of appointment/promotion to the rank of assistant professor are:

( a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances;

( b) Demonstrated ability in teaching;

( c) Evidence of ability in at least one of the following:

( i) research or other germane creative activity;

( ii) professional service to the University and/or to the public; and

( d) Willingness to participate in institutional affairs.

**3.4.2.5.3** An initial appointment to the rank of assistant professor is normally for a probationary term of four academic years. Before the end of the third year of the four-year probationary term, the assistant professor shall receive written notice whether, when the current term expires, she or he will be reappointed at that rank for a second probationary term of three years or not be reappointed.

**3.4.2.5.4** Before the end of the second year of the three-year term as assistant professor, the assistant professor shall receive written notice whether she or he will be reappointed with permanent tenure at the same or higher rank or not be reappointed.

**3.4.2.5.4.1 Credit Toward Tenure and Promotion for Service**

Elsewhere

**3.4.2.5.4.1.1** A newly hired assistant professor may submit to her or his departmental chair a written request (with appropriate supporting documentation) that up to, but no more than, three years served elsewhere in a tenured or tenurable position (or in an equivalent position) may be counted toward tenure and promotion at Appalachian State University. A newly hired assistant professor seeking credit for service elsewhere must submit her or his request for credit to the departmental chair within thirty (30) calendar days from the first day of classes in the term in which the assistant professor's employment with Appalachian State University begins. After review of the assistant professor's request and supporting documentation, the departmental chair may, in her or his discretion, recommend to the relevant dean that the newly hired assistant professor be granted up to three years credit. The dean shall review the departmental chair's recommendation and the supporting documentation, and shall in turn forward to the Provost the dean's recommendation as to whether and to what extent to grant the assistant professor credit for service elsewhere. The final decision, which shall rest with the Provost, shall be based on the documentation provided and shall be irrevocable.

**3.4.2.5.4.1.2** If one year of service elsewhere is counted, the initial contract will be for a probationary term of three years. Before the end of the second year of the first three-year term, the assistant professor shall receive written notice whether, when the current term expires, she or he will be reappointed at the same rank for a second probationary term of three years or not be reappointed. Before the end of the second year of the second three-year term as assistant professor, the assistant professor shall receive written notice whether she or he will be reappointed with permanent tenure at the same or higher rank or not be reappointed.

**3.4.2.5.4.1.3** If two years of service elsewhere are counted, the initial contract will be for a probationary term of three years. Before the end of the second year of the three-year term, the assistant professor shall receive written notice whether, when the current term expires, she or he will be reappointed at the same rank for a second probationary term of two years or not be reappointed. Before the end of the first year of the two-year term as

assistant professor, the assistant professor shall receive written notice whether she or he will be reappointed with permanent tenure at the same or higher rank or not be reappointed.

**3.4.2.5.4.1.4** If three years of service elsewhere are counted, the initial contract will be for a probationary term of four years. Before the end of the third year of the four-year term, the assistant professor shall receive written notice whether she or he will be reappointed with permanent tenure at the same or higher rank or not be reappointed.

**3.4.2.5.4.2** Temporary Suspension of Probationary Period with Respect to Permanent Tenure

**3.4.2.5.4.2.1** The probationary service with respect to permanent tenure of an assistant professor who has been granted a leave or course-load reduction under the terms of section 4.9.1.1 (g) shall be calculated in accordance with the provisions of that section. The calculation of probationary service in such circumstances shall be automatic, and no request for such calculation need be made by the faculty member.

**3.4.2.5.4.2.2** A faculty member may submit to her or his departmental chair a written request for a determination that extraordinary circumstances warrant not counting a specific academic year as part of the faculty member's probationary period with respect to permanent tenure. Any such request should be submitted as soon as practicable, but in no event later than ninety (90) calendar days following the close of the academic year in which the circumstances occurred. The departmental chair shall submit the request to the departmental personnel committee for review and recommendation, and, upon receipt of the departmental personnel committee's recommendation, the departmental chair shall forward that recommendation along with the departmental chair's recommendation to the dean. The dean shall in turn forward her or his recommendation to the Provost, who shall make a determination whether extraordinary circumstances warrant not counting the specified academic year as part of the faculty member's probationary period with respect to permanent tenure.

**3.4.2.5.4.2.3** The total time not counted toward a faculty member's probationary period with respect to permanent tenure, both under sections 3.4.2.5.4.2.2 and 4.9.1, may not exceed two academic years.

**3.4.2.5.5** The failure to give the required notice of a decision not to reappoint at any point herein required has the same effect as a decision at that time to offer a terminal appointment for one academic year at the same rank. The decisions herein required shall be made as provided in section 3.6.2.

**3.4.2.5.6** Nothing in these regulations shall be construed to preclude a faculty member from seeking and being recommended for promotion or permanent tenure at any time.

**3.4.2.6** Associate Professor

**3.4.2.6.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.4.2.6.2** Minimal criteria for consideration of appointment/promotion to the rank of associate professor are:

( a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances, and at least five years of appropriate experience;

( b) Recognized skill in teaching;

( c) Evidence of at least one of the following:

( i) recognized accomplishment in research or other germane creative activity;

( ii) recognized accomplishment in professional service to the University and/or to the public; and

( d) Willingness to participate in institutional affairs.

**3.4.2.6.3** An initial appointment to the rank of associate professor is made with tenure or for a probationary term of up to five academic years. The length of this initial appointment takes into account credit toward tenure and promotion for service elsewhere.

**3.4.2.6.4** Before the end of the probationary term, the associate professor shall receive written notice whether she or he will be recommended for permanent tenure at the same or higher rank when the current term expires or not be reappointed, consistent with the schedule of "Notice of Reappointment or Non-reappointment" specified in section 604A (1) of *The Code of The University of North Carolina*:

( a) during the first year of service at the institution, the faculty member shall be given not less than 90 calendar days' notice before the employment contract expires;

( b) during the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days' notice before the employment contract expires; and

( c) after two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months' notice before the employment contract expires.

**3.4.2.6.4.1** Temporary Suspension of Probationary Period with Respect to Permanent Tenure

**3.4.2.6.4.1.1** The probationary service with respect to permanent tenure of an associate professor who has been granted a leave or course-load reduction under the terms of section 4.9.1.1 (g) shall be calculated in accordance with the

provisions of that section. The calculation of probationary service in such circumstances shall be automatic, and no request for such calculation need be made by the faculty member.

**3.4.2.6.4.1.2** A faculty member may submit to her or his departmental chair a written request for a determination that extraordinary circumstances warrant not counting a specific academic year as part of the faculty member's probationary period with respect to permanent tenure. Any such request should be submitted as soon as practicable, but in no event later than ninety (90) calendar days following the close of the academic year in which the circumstances occurred. The departmental chair shall submit the request to the departmental personnel committee for review and recommendation, and, upon receipt of the departmental personnel committee's recommendation, the departmental chair shall forward that recommendation along with the departmental chair's recommendation to the dean. The dean shall in turn forward her or his recommendation to the Provost, who shall make a determination whether extraordinary circumstances warrant not counting the specified academic year as part of the faculty member's probationary period with respect to permanent tenure.

**3.4.2.6.4.1.3** The total time not counted toward a faculty member's probationary period with respect to permanent tenure, both under sections 3.4.2.6.4.1.2 and 4.9.1, may not exceed two academic years.

**3.4.2.6.5** The failure to give the required notice of a decision not to reappoint at any point herein required has the same effect as a decision at that time to offer a terminal appointment for one academic year at the same rank. The decisions herein required shall be made as provided in section 3.6.2.

**3.4.2.6.6** A promotion at any time from the rank of associate professor to the rank of professor confers permanent tenure from the effective date of the promotion. Since this promotion confers permanent tenure, it must be approved by the Chancellor and the Board of Trustees.

**3.4.2.6.7** Nothing in these regulations shall be construed to preclude a faculty member from seeking and being recommended for promotion or permanent tenure at any time.

### **3.4.2.7** Professor

**3.4.2.7.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.4.2.7.2** Minimal criteria for consideration of appointment/promotion to the rank of professor are:

( a) The appropriate earned terminal degree from an accredited institution, unless there are exceptional circumstances, and at least ten years of appropriate experience;

- (b) Recognized skill in teaching;
- (c) Evidence of at least one of the following:
  - (i) outstanding accomplishment in research or other germane creative activity;
  - (ii) outstanding accomplishment in professional service to the University and/or to the public; and
- (d) Demonstrated ability and participation in institutional affairs.

**3.4.2.7.3** An initial appointment to the rank of professor shall be made with permanent tenure.

### **3.4.2.8** Special Faculty Appointments

**3.4.2.8.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.4.2.8.2** Faculty members who are appointed as visiting faculty members, adjunct faculty, lecturers, artists-in-residence, writers-in-residence or other special categories are regarded as “special faculty members” for purposes of the University Code. Special faculty members may be paid or unpaid. Such an appointment characterized by any of the foregoing title designations is appropriate for one who has unusual qualifications for teaching, research, academic administration, or public service but for whom neither the professorial ranks nor the instructor rank is appropriate because of the limited duration of the mission for which the appointment is made, or because of concern for continued availability of special funding for the position, or for other valid institutional reasons.

**3.4.2.8.3** Special faculty members who are paid shall be appointed for a specified term of service, as set out in writing in the letter of appointment. Appointments may be for a fixed term of one, two, three, four or five years. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. This institution shall not be obliged to give any notice before a current term expires as to whether appointment will be offered for a new term. The appropriate departmental chair,<sup>5</sup> upon the faculty member's written request made not later than 90 calendar days before a current term expires, shall, within 20 calendar days after receiving the request, give the faculty member a written decision whether an offer of appointment will be made and, if so, its terms. Failure to communicate a decision indicates that no offer will be made.

**3.4.2.8.4** Special faculty members who are not paid may be appointed for

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<sup>5</sup> “Departmental” is used herein as a generic term with reference to departments and any other academic units to which faculty appointments are made; “chair” is used as a generic term for departmental chair and any other heads of academic units to which faculty appointments are made.



a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.

**3.4.2.8.5** During the term of their employment, special faculty members are entitled to seek recourse under Section 607 of the University Code and Section 3.9.3 of this *Faculty Handbook* (relating to faculty grievances).

**3.4.2.8.6** Special faculty members, whether paid or unpaid, are not covered by Section 604 of the University Code (relating to appointment, non-reappointment, and requirements of notice and review for tenure track faculty), and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed term.

### **3.4.3 Joint Appointments**

**3.4.3.1** A faculty member may hold only one probationary or permanent tenure appointment at a professorial rank at a time. This appointment may be held in a single department or, by joint appointment, in more than one department. Joint appointments may be made in which the appointee holds a probationary or permanent professorial rank in one department and a fixed-term rank in another department, or different fixed-term ranks in different departments. A joint appointment to the faculty of more than one department may be made in accordance with the provisions of this subsection. When an initial joint appointment is to be made, the regular procedures prescribed herein for initial appointment to the rank proposed shall be followed simultaneously by the departments involved in making a joint recommendation for appointment. The joint recommendation shall designate one of the departments as the unit of base appointment, and shall set forth as special terms and conditions for inclusion in the appointing document the basis of initial funding of the appointment. If one of the joint appointments is made at a probationary or permanent professorial rank, the department in which that appointment has been made shall be the base department. If the joint appointment is approved, thereafter the base department is responsible for processing personnel actions that affect the appointee.

**3.4.3.2** An appointment to a single department may be converted into a joint appointment. The departmental chairs concerned shall jointly recommend through the regular channels for review of initial appointments that the existing appointment be converted into a joint appointment. Their recommendation shall include the same elements required in recommending an initial joint appointment. If the recommendation is approved, the joint appointee retains the single rank with the same incidents of academic tenure already possessed. Thereafter, all personnel actions affecting the joint appointee's academic tenure shall be processed as provided for in an initial joint appointment.

### **3.4.4 Emeritus Status**

Emeritus faculty status may be awarded to honor a retired faculty member who has had a distinguished professional career and has made significant contributions to Appalachian State University. Successful candidates for consideration to the Emeritus rank will have:

- (1) Permanent tenure and at least ten years of full-time employment at Appalachian State University prior to retirement. The emeritus rank is that held at retirement.
- (2) A consistent record of quality performance as demonstrated by one or more of the following:
  - (a) A substantive record of scholarly achievement commensurate with national and international standards within the specific discipline.
  - (b) A recognized record of outstanding teaching and educational contributions.
  - (c) Evidence of significant service to the University and to the respective discipline.

#### **3.4.4.1 Emeritus Status Procedure**

The candidate initiates application for Emeritus status no later than September 15<sup>th</sup> in the year of consideration. A letter will be submitted to the appropriately designated departmental faculty committee with supporting documentation including a comprehensive curriculum vitae and record of the faculty member's achievement and contribution to the University and the appropriate discipline. The committee will review the application and make approval, or non-approval, as provided for other personnel decisions to the department chair. The department chair will forward his/her recommendation, with the supporting materials, to the appropriate dean. The dean will forward his/her recommendation, with the supporting materials, to the Provost and Executive Vice Chancellor by December 15<sup>th</sup>. The Provost, after his/her review will forward his/her recommendation as well as the recommendations of the other reviewing individuals/bodies to the Chancellor by February 15<sup>th</sup>. Upon approval of the Chancellor, the Provost will submit the candidate's documentation to the Academic Affairs Committee of the Board of Trustees for consideration at the spring semester meeting. Candidates whose Emeritus rank has been approved by the Board of Trustees are notified promptly. The Chancellor will confer the rank during the August annual meeting of the University. A letter of commendation and an emeritus faculty medallion shall accompany the emeritus faculty designation from the Chancellor upon official notice of the faculty member's full retirement from the University, i.e., at the end of any phased retirement service period or upon immediate, full retirement.

### **3.5 Retirement Policy**

**3.5.1** Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes.

**3.5.2** When tenured members of the faculty retire, they relinquish all tenure rights; any subsequent employment will be subject to post-retirement policies and procedures.

**3.5.3** For information regarding The University of North Carolina Phased Retirement Program, see the Appalachian State University Human Resource Services web site: <http://www.hrs.appstate.edu/benefits/retirement/phasedretirement.htm>

### **3.6 Appointment, Reappointment, Promotion, Tenure, Nonreappointment and Resignation**

**3.6.1 Appointments to the Faculty**

**3.6.1.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.6.1.2** Initial appointments to the faculty shall be made by the Provost and Executive Vice Chancellor following receipt of the recommendations of the departmental personnel committee and/or the search committee, the departmental chair, and the dean.

**3.6.1.3 Terms and Conditions of Appointment: The Contract**

**3.6.1.3.1** The terms and conditions of each initial appointment and each reappointment to the faculty shall be set forth in a written contract. The contract shall incorporate by reference all University policies, as they may be adopted and amended from time to time. A copy of the contract, including rank, salary (when possible), and contract date, and signed by the Chancellor or the Chancellor's delegate, shall be delivered to the faculty member.

**3.6.1.3.2** Any special terms and conditions shall be clearly stated in the contract. The chair or dean who recommends the appointment shall be responsible for initiating the inclusion of special terms and conditions in contracts.

**3.6.1.3.3** Contracts of reappointment shall be sent by March 1. Faculty members shall be notified that they must respond to these contracts within thirty calendar days of receipt, indicating in writing whether or not they accept the contract, and that failure to respond will be interpreted as resignation, or as failing or declining to accept the offer, except under extenuating circumstances.

**3.6.1.4 Continued Availability of Special Funding**

**3.6.1.4.1** The written statement of appointment, reappointment, or promotion of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify that the continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon the continuing availability of funds. This contingency shall not be included in a faculty member's contract in either of the following situations:

(a) In a promotion to a higher rank if, before the effective date of that promotion, the faculty member had permanent tenure and no such condition was attached to tenure.

(b) If the faculty member held permanent tenure in the institution on July 1, 1975, and the faculty member's contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

**3.6.2 Reappointment, Promotion and Tenure**

**3.6.2.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

**3.6.2.2** The decision to reappoint, promote or tenure a faculty member may be

based on any factor(s) considered relevant to the total institutional interests, but those responsible for making the decision must consider the faculty member's demonstrated professional competence, potential for future contribution, and institutional needs and resources. A decision not to reappoint, promote or tenure may not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) unlawful discrimination based upon the faculty member's race, color, national origin, religion, creed, sex, gender identity and expression, political affiliation, age, disability, veteran status, or sexual orientation; or (3) personal malice. For purposes of this section, the term “personal malice” means dislike, animosity, ill will, or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid University decision making. *See* UNC Policy 101.3.1 II.B. for details.

**3.6.2.3** A faculty member who is to be considered for reappointment, promotion or permanent tenure must be notified by the departmental chair in writing seven working days prior to the meeting at which the faculty member's case will be considered. The faculty member may submit to the chair materials that will be helpful to the committee's consideration (e.g., resume, teaching portfolio, copies of publications, annual reports, etc.), and may appear before the committee to speak to the issue. The committee shall consider all materials submitted (either in writing or in person) by the candidate, by committee members, and by others who submit relevant academic information. As used herein and throughout this *Faculty Handbook*, the term “working days” means any day other than Saturday, Sunday or an official University holiday.

**3.6.2.4** The departmental chair shall give the dean of the particular college/school the chair's written recommendations on each matter that comes before the departmental personnel committee/search committee, the committee's recommendation on the issue, and all materials submitted by and/or to the committee. The chair shall give the faculty member being considered for reappointment, promotion and/or conferral of permanent tenure a brief written statement explaining the reason(s) for the chair's recommendation concerning the faculty member at the time the material is forwarded to the dean. (For notification to the faculty member of the results of a DPC vote on permanent tenure or promotion: one working day, except under extenuating circumstances. For notification to the faculty member of the chair's recommendation to the dean on permanent tenure or promotion: in a timely manner as defined by the department, not to exceed five working days, except under extenuating circumstances.)

**3.6.2.5** The dean of the college/school shall attach the dean's recommendation and then forward all material to the Provost and Executive Vice Chancellor. The dean shall also give a brief written statement explaining the reason(s) for the recommendation to the faculty member being considered at the time the material is forwarded to the Provost and Executive Vice Chancellor. If the personnel action involves a reappointment and the Provost and Executive Vice Chancellor concurs with the recommendation, a notice of reappointment shall be sent to the faculty member in accordance with section 3.6.2.9.<sup>6</sup>

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<sup>6</sup> If the decision is not to reappoint, see section 3.6.3.2.

**3.6.2.6** If the personnel action involves a promotion and/or conferral of permanent tenure, rather than reappointment, the Provost and Executive Vice Chancellor shall attach her or his recommendation and make all material available to the Chancellor.

**3.6.2.7** If the Chancellor decides not to recommend promotion or permanent tenure of the faculty member, the Chancellor shall convey that decision to the faculty member by a brief written statement explaining the reason(s) for the decision. The faculty member may seek review of that decision in accordance with the procedures set forth in section 3.9.3 of this *Faculty Handbook* and in relevant sections of *The Code of The University of North Carolina*.

**3.6.2.8** If the Chancellor concurs in a recommendation that will confer permanent tenure, the Chancellor shall forward the recommendation to the Board of Trustees for a final decision. Permanent tenure may be conferred only by action of the Board of Trustees, or by such other agencies or officers as may be delegated such authority by the Board of Governors. All other favorable recommendations by the Chancellor in regard to promotion shall be forwarded to the Board of Trustees for a final decision unless the approval authority is delegated by that board. The faculty member will be informed promptly of this decision.

**3.6.2.9** Notices of reappointment shall be sent on March 1 or earlier as specified in this section and in section 3.4.2 inclusive. Faculty members shall be notified that they must respond to these notices within thirty calendar days of receipt and that failure to respond will be interpreted to mean that the faculty member has declined reappointment, except in extenuating circumstances.

**3.6.2.10** The promotion of a departmental chair as a faculty member shall be considered by the departmental personnel committee (DPC). The DPC will elect a chair from among its tenured members for actions concerning the departmental chair. The DPC will forward its recommendation to the dean. The dean shall send her or his recommendation and the committee's recommendation to the Provost and Executive Vice Chancellor, who shall process the personnel action in accordance with the provisions of section 3.6.2.5.

**3.6.2.11** University administrators whose primary responsibility is outside the department but who hold an appointment in a department shall be reviewed for reappointment, promotion, and permanent tenure as are other members of the department. An administrator who normally takes part in the approval process for others' appointment, promotion or conferral of permanent tenure shall not participate when a personnel action concerning the administrator is being considered.

**3.6.2.12** As part of the faculty member's annual evaluation, the departmental chair will provide the faculty member with a written assessment of her or his progress toward tenure and promotion.

**3.6.2.13** Joint Appointees

Prior to consideration being given by the departmental personnel committee of the base department to any recommendation concerning the reappointment, promotion, or conferral of permanent tenure relating to a joint appointee, the chair of the base department will request in writing a written recommendation from the chair of the other department (and, in some cases, other departments) regarding the personnel action under consideration for the joint appointee. The chair of the other department will request a recommendation from the departmental personnel committee of that department, which will be included with the chair's recommendation when that recommendation is transmitted to the chair of the base department. The recommendations of the other department are to be considered along with all other information available to the departmental personnel committee of the base department, and will be included as a part of the material related to the personnel action which is to be submitted through the dean of the college/school of the base department to the Provost and Executive Vice Chancellor.

### **3.6.3 Non-reappointment of Tenure Track Faculty Members on Probationary Term Appointments**

#### **3.6.3.1 Permissible and Impermissible Grounds for Non-reappointment**

The decision whether to reappoint a faculty member when a probationary term of appointment expires may be based on any factor considered relevant to the total institutional interests, but those responsible for making the decision must consider the faculty member's demonstrated professional competence, potential for future contribution, and institutional needs and resources. A decision not to reappoint may not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution, (2) unlawful discrimination based upon the faculty member's race, color, national origin, religion, creed, sex, gender identity and expression, political affiliation, age, disability, veteran status, or sexual orientation; or (3) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill will, or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid University decision making. *See* UNC Policy 101.3.1 II.B. for details.

#### **3.6.3.2 Decision not to Reappoint**

The decision not to reappoint when a probationary term appointment as instructor, assistant professor or associate professor expires will be made by the Provost and Executive Vice Chancellor. Such a decision shall not be made by the Provost and Executive Vice Chancellor until that official has received the recommendations of the departmental personnel committee, the departmental chair and the dean. This decision is final. There is no administrative appeal beyond this point except as it may later be reviewed in accordance with the provisions of section 3.9.3.

#### **3.6.3.3 Conference with the Dean**

The dean of the faculty member's college/school shall send the faculty member by certified mail, return receipt requested, a written notice of non-reappointment. This notice shall direct the faculty member to section 3.9 of this *Faculty Handbook* for information on review procedures. Within ten working days after receiving a written notice of non-reappointment, the faculty member may request in writing a private conference with the dean to discuss the reasons

for non-reappointment. This request shall be granted and the conference held within ten working days after receipt of the request if possible, at which time the reasons for the decision shall be communicated to the faculty member. Within ten working days after the conference, the dean shall give the faculty member a written statement of whether the original decision remains in effect. Each such decision shall be communicated for information to the Provost and Executive Vice Chancellor. Following the conference with the dean, the faculty member may request a conference with the Provost and Executive Vice Chancellor to review reasons for non-reappointment.

**3.6.3.4** The faculty member may seek review of the matter in accordance with section 3.9.3 within 30 days following the conference with the Provost and Executive Vice Chancellor. If the faculty member does not file a grievance within the time allowed, the non-reappointment decision is final.

### **3.6.4 Faculty Resignations**

**3.6.4.1** A faculty member resigning from the University should give prompt written notice of resignation with an effective date. This written notice shall be directed to the Provost and Executive Vice Chancellor with copies to the appropriate dean and chair.

**3.6.4.2** A faculty member who does not report for the opening day of class in the fall or spring semester and continues to be absent for ten consecutive school days without being excused by the departmental chair shall be considered to have resigned the position.

## **3.7 Termination of Faculty Employment**

### **3.7.1 Reasons Justifying Termination; Consultation Required**

**3.7.1.1** The employment of a faculty member with permanent tenure or of a faculty member appointed to a fixed term may be terminated by Appalachian State University because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a teaching, research, or public service program. Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by the decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the Chancellor, after consulting with the academic administrative officers and faculties as required by section 3.7.1.2 below. This determination is subject to concurrence by the President and then approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with the institutional procedures set out in section 3.7.2 below.

#### **3.7.1.2 Consultation with Faculty and Administrative Officers**

When it appears that the institution will experience an institutional financial exigency or when it is considering a major curtailment in or elimination of a teaching, research,

or public service program, the Chancellor or the Chancellor's delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

### **3.7.2 Termination Procedure**

#### **3.7.2.1 Considerations in Determining Whose Employment is to be Terminated**

In determining which faculty member's employment is to be terminated for the reasons set forth in section 3.7.1 above, consideration shall be given to tenure status, to years of service to the institution, and to other factors deemed relevant; but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

#### **3.7.2.2 Timely Notice of Termination**

**3.7.2.2.1** When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, the faculty member shall be given timely notice; one who has permanent tenure shall be given not less than twelve months' notice; one who was appointed to a probationary or fixed term and does not have permanent tenure shall be given notice as follows:

(a) During the first year of service to the institution, the faculty member shall be given not less than 90 calendar days' notice of such curtailment or elimination of programs.

(b) During the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days' notice of such curtailment or elimination of programs.

(c) After two or more years of continuous service at the institution, the faculty member shall be given not less than twelve months' notice of such curtailment or elimination of programs.

**3.7.2.2.2** When a faculty member's employment is to be terminated because of financial exigency, the institution shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in section 3.7.2.2.1.

#### **3.7.2.3 Type of Notice**

The Chancellor or the Chancellor's delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by certified mail, return receipt requested. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a referral to section 3.7 of this *Faculty Handbook* for information on review procedures; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if the faculty member alleges that the decision to terminate her or his



employment rather than that of another faculty member was arbitrary or capricious; and a copy of this procedure on termination of employment.

**3.7.3 Termination if Reconsideration Not Requested**

If, within ten working days after receiving the notice required by sections 3.7.2.2. and 3.7.2.3, the faculty member makes no written request for a reconsideration hearing, the faculty member's employment shall be terminated at the date specified in the notice and without recourse to any institutional grievance or appellate procedure.

**3.7.4 Institutional Assistance to Faculty Following Termination**

When requested in writing by an employee whose employment has been terminated, the institution shall give the employee reasonable assistance (such as letters of reference) in finding other employment.

**3.7.5 First Right of Refusal of New Positions**

**3.7.5.1** For a period of two years after the effective date of termination of a contract of a faculty member for any of the reasons specified in section 3.7.1, the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated.

**3.7.5.2** Any offer to a former faculty member pursuant to this section shall be made by certified mail, return receipt requested, to the address last furnished by the faculty member; the faculty member will be given thirty calendar days after receiving the offer to accept or reject it.

**3.8 Discharge or the Imposition of Serious Sanction**

**3.8.1 Grounds for Discipline**

**3.8.1.1** A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of:

- (a) incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time;
- (b) neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or
- (c) misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal,

inappropriate, or unethical conduct. To justify serious disciplinary action, such misconduct should be either (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

**3.8.1.2** These sanctions may be imposed only in accordance with the procedures prescribed in Section 3.8.2. For purposes of these regulations, a faculty member serving a stated term shall be regarded as having the protection of tenure until the end of that term. These procedures shall not apply to non-reappointment (*The Code* § 604, *Faculty Handbook* § 3.6.3) or termination of employment (*The Code* § 605, *Faculty Handbook* § 3.7).

### **3.8.2** Procedures for Review of Disciplinary Cases

**3.8.2.1** A faculty member who is to be disciplined, as through discharge from employment, suspension, demotion in rank, diminishment in pay, or deprivation of some other substantial interest, may require that such discipline be imposed only in accordance with constitutionally mandated due process of law, as specified by section 603 of *The Code of The University of North Carolina*. Such a case will be referred directly to the Faculty Due Process Committee for a formal hearing to be conducted in accordance with the requirements of this section 3.8.2.

**3.8.2.2** When disciplinary action against a faculty member is proposed, the Executive Vice Chancellor and Provost shall send to the faculty member by a method of mail or delivery that requires a signature for delivery, a written notice of intention to discharge the faculty member or impose a serious sanction together with a written specification of the reasons. The notice shall include notice of the faculty member's right, upon request, to a hearing before the Faculty Due Process Committee, and shall direct the faculty member to this section of this *Faculty Handbook* for information about such review procedures. If within 14 calendar days after receiving the notice and written specification referred to above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction may be imposed as proposed in the notice previously conveyed, without recourse to any institutional hearing or appellate (review) procedure.

**3.8.2.3** If the faculty member makes a timely written request for a hearing, the Chancellor shall insure that the hearing is timely held before the Faculty Due Process Committee. The committee shall accord the faculty member 30 calendar days from the time it receives the written request for the hearing to prepare a defense. The committee may, upon the faculty member's written request and for good cause, extend the time for such preparation. The Faculty Due Process Committee will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the Committee

cannot be assembled.<sup>7</sup> The hearing shall be closed to the public unless the faculty member and the Faculty Due Process Committee agree that it may be open.

**3.8.2.4** The hearing shall be on the written specification of the reasons for the intended discharge or imposition of serious sanction. The Executive Vice Chancellor and Provost, or designee, and/or counsel first shall present the testimony of witnesses and other evidence in support of the proposed disciplinary action. The faculty member shall have the right to counsel, to present the testimony of witnesses and other evidence, to confront and cross examine adverse witnesses, to examine all documents and other adverse demonstrative evidence. The Executive Vice Chancellor and Provost, or designee, and/or counsel similarly shall be entitled to cross examine adverse witnesses and examine adverse demonstrative evidence. Both parties may present such arguments, either oral or written, as the committee may allow. The Executive Vice Chancellor and Provost, or designee, and/or counsel has the burden of showing, by clear and convincing evidence, that permissible grounds for serious sanction exist and are the basis for the recommended action. A written transcript of all proceedings shall be kept, and if the faculty member requests, the University shall furnish a copy thereof to the faculty member at the University's expense. When the hearing is concluded, the committee shall make its written recommendations to the Chancellor within 14 calendar days after its hearing concludes or after the full transcript is received, whichever is later, in reaching decisions on which its recommendations to the Chancellor are to be based, the committee shall consider only the evidence presented at the hearing, and such written or oral arguments as the Committee may allow. In evaluating the evidence, the Committee shall apply the "clear and convincing" evidence standard in determining whether the University has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action. The "clear and convincing" standard of proof is greater than the preponderance of the evidence standard required in most civil cases but lesser than the beyond a reasonable doubt standard in criminal cases. *See, e.g. In re Montgomery*, 311 N.C. 101, 109-110, 316 S.E.2d 246, 252 (1984).

**3.8.2.5** If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the decision shall be final. If the Chancellor intends to reject the recommendation of the Faculty Due Process Committee, the Chancellor shall communicate that intention to the committee along with the Chancellor's reasons and provide an opportunity for committee response before taking final action. In such a case, the committee shall reconsider its recommendation, taking account of the Chancellor's stated objections. The committee shall transmit its response to the Chancellor within 14 calendar days of the committee's receipt of the Chancellor's communication. After considering the committee response, the Chancellor shall issue a decision either concurring in or declining to accept the committee's recommendation. The Chancellor's decision shall be conveyed in writing to the affected faculty member, to the committee, and to the Provost. If the Chancellor either declines to accept a committee recommendation that is favorable to the faculty member or concurs in a committee

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<sup>7</sup> To meet this deadline, faculty are encouraged to consider scheduling hearings during the evening, weekend, or other non-class time. It is strongly recommended that several days and times be established for the hearing when scheduling the first day, recognizing that the hearing may take two or more sessions.

recommendation that is unfavorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees. This appeal shall be transmitted through the Chancellor and be addressed to the chair of the Board of Trustees. Notice of appeal shall be filed within 14 calendar days after the faculty member receives the Chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees. However, the Board of Trustees may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members. The Board of Trustees, or its committee, shall base its consideration of the appeal upon the written transcript of hearings held by the committee; but it may, at its discretion, hear such other evidence as it deems necessary. The Board of Trustees' decision shall be made as soon as reasonably possible after the Chancellor has received the faculty member's request for an appeal to the Board of Trustees. This decision shall be final except that the faculty member may, within 14 calendar days after receiving an adverse decision from the Board of Trustees, file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, with the Board of Governors if the faculty member alleges that one or more specified provisions of *The Code of The University of North Carolina* have been violated. Any such appeal to the Board of Governors shall be transmitted through the President.

**3.8.2.6** When a faculty member has been notified of the University's intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the individual at any time with full pay and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed above.

**3.8.2.7** All records of a disciplinary case hearing which relate to personnel action affecting any University employee or contain information personally identifiable to a student shall be maintained confidentially and shall be disclosed only in accordance with Chapter 126, Article 7 of the North Carolina General Statutes, and applicable federal law, including, but not limited to, the Family Educational Rights and Privacy Act of 1974, as amended (20 U.S.C. 1232g), and regulations adopted thereunder. Any failure or refusal to maintain confidentiality of records under such laws and regulations constitutes misconduct for which any University employee may be subject to disciplinary action.

### **3.8.3 Jurisdiction and Functions of the Faculty Due Process Committee**

**3.8.3.1** The Faculty Due Process Committee conducts formal, adversarial hearings in which parties to a dispute may present evidence designed to establish their respective positions, to the end that the committee may make findings of fact and attendant recommendations for proper resolution of the dispute.

**3.8.3.2** The committee shall maintain a complete record of all testimony and other evidence presented at a hearing, from which a verbatim transcript will be supplied at the expense of the University, if requested by the faculty member.

**3.8.3.3** The committee shall determine its own rules of procedure. Hearings will not be bound by strict rules of evidence or other formal prescriptions such as characterize the inquiries of courts of law. Rather, the committee shall resolve all questions about relevance and

reliability and sufficiency of evidence in a manner that comports with common perceptions of reasonableness.

**3.8.3.4** Both a faculty member who has invoked any hearing process to be conducted by the committee and the respondent may be represented by legal counsel and/or by another advisor-advocate of their choice. Any person representing a party in such a hearing shall serve subject to all rules and regulations as may be adopted by the committee to preserve the integrity and fairness of the hearing process. The committee shall determine the appropriateness of the conduct of all participants.

### **3.9 Policies and Procedures for Employment Dispute Resolution**

#### **3.9.1 Basic Principles**

**3.9.1.1** When there are disputes about the proper resolution of questions affecting a faculty member's employment, various University procedures may be used to review the problem at the faculty member's request.

**3.9.1.2** A faculty member aggrieved about a term or condition of employment, other than a disciplinary action, is encouraged to discuss the matter informally with the departmental chair. If a satisfactory resolution is not obtained, the faculty member is encouraged to discuss the matter with the chair's superiors, up to and including the Provost and Executive Vice Chancellor. Independent of such consultation, the faculty member (including a person on special faculty appointment) may invoke a grievance process that is intended to assure a comprehensive and fair assessment of the circumstances, to the end that an equitable resolution of the problem may be achieved. The proper subjects of such grievance inquiries may include, but are not necessarily limited to, reappointment, promotion, salary, permanent tenure, matters related to post-tenure review, and termination for financial exigency or program curtailment. In appropriate instances a formal hearing process may be conducted by the Faculty Grievance Hearing Committee (FGHC) in accordance with the requirements of section 3.9.3 of these regulations and sections 604, 605, and 607 of *The Code of the University of North Carolina*. Although constitutionally mandated procedural safeguards do not apply to such grievance cases, the University community separately has established appropriate safeguards by enacting these regulations.

**3.9.1.3** An aggrieved faculty member may enlist the assistance of any individual or the Faculty Grievance Assistance Committee to help prepare a grievance case. The Committee exists to advise the faculty member about the preparation of the case for hearing by the Faculty Due Process Committee or the Faculty Grievance Hearing Committee, to answer the faculty member's questions about the process of grievance, or to be available as a source of information for the faculty member during the grievance process.

**3.9.1.4** All records of a grievance case hearing which relate to personnel action affecting any University employee or contain information personally identifiable to a student shall be maintained confidentially and shall be disclosed only in accordance with Chapter 126,

Article 7 of the North Carolina General Statutes, and applicable federal law, including, but not limited to, the Family Educational Rights and Privacy Act of 1974, as amended (20 U.S.C. 1232g), and regulations adopted thereunder. Any failure or refusal to maintain confidentiality of records under such laws and regulations constitutes misconduct for which any University employee may be subject to disciplinary action.

### **3.9.2 Composition of Committees**

**3.9.2.1** The quality and credibility of University dispute resolution procedures are enhanced by the participation of faculty committees. That members of both the Faculty Due Process Committee and the Faculty Grievance Hearing Committee (FGHC) are elected by their colleagues rather than appointed signifies a collegial approach to resolving disputes.

**3.9.2.2 The Faculty Due Process Committee** shall be composed of five members and an alternate, all to be elected by the faculty. Nomination and election shall follow procedures for other at-large faculty elections. Membership of the Faculty Due Process Committee shall be composed of faculty with permanent tenure, regardless of rank. The term of office of a member of the Faculty Due Process Committee shall be three years; provided that the first election shall be for staggered terms, with two persons to be elected to three-year terms, two persons to be elected to two-year terms, and one person to be elected to a one-year term; the alternate shall be elected to a three-year term; as the respective terms of the first class of committee members expire, their successors shall be elected to regular three-year terms. The composition and membership of the Faculty Grievance Hearing Committee shall be as specified in Section 3.9.3.8.

**3.9.2.3** In the event a vacancy should occur in the membership of a committee during the academic year, the chair of the Faculty Senate shall designate a person holding the appropriate rank to fill the unexpired term. The chair of the Faculty Senate shall take into consideration equitable apportionment of committee membership among the various colleges/schools. Such designations by the chair of the Faculty Senate are subject to approval by a two-thirds vote of the Faculty Senate.

**3.9.2.4** The alternate shall attend committee meetings but shall not vote except as a replacement for a regular member. No committee member shall participate in an inquiry if that person holds appointment in the aggrieved faculty member's department, participated directly in the decision or action questioned by the grievance, or has any other substantial conflict of interest. No officer of administration, including departmental chairs or directors of administrative units, shall be eligible to serve on such a committee.

**3.9.2.5** The Faculty Grievance Assistance Committee shall consist of four members who each shall have served on a Faculty Due Process Committee or a Faculty Grievance Hearing Committee, but are not currently members of the Faculty Due Process Committee or the Faculty Grievance Hearing Committee. The term of membership shall be three years; provided that the first committee members shall have staggered terms. The committee members shall be elected from among a list of interested and eligible faculty.

### **3.9.3** Grounds and Procedures for Review of Grievance (Non-disciplinary) Cases

**3.9.3.1** A grievance may be considered pursuant to this formal hearing process only if it is based on the contention that some right or entitlement of the faculty member, derived either from University policies or from the provisions of state or federal laws, has been abridged by an administrator's action and a complaint is delivered to the chair of the Faculty Grievance Hearing Committee within fourteen (14) calendar days after the faculty member receives notice of non-reappointment, or within 90 calendar days after any other action being grieved. Eligible grievances thus defined include matters directly related to a faculty member's employment status and institutional relationships, e.g., decisions not to reappoint, promote or recommend permanent tenure; termination for financial exigency or program curtailment under section 3.7 of this *Faculty Handbook*; decisions not to grant graduate faculty status; decisions regarding merit salary increases; matters related to post-tenure review; and decisions regarding teaching assignments and other workload matters. Review by the Faculty Grievance Hearing Committee of cases involving decisions not to reappoint, promote or recommend permanent tenure is limited to a determination of whether the administrative action was 1) based upon an impermissible ground identified in sections 3.6.2.2 and 3.6.3.1 of this *Faculty Handbook*, or 2) affected by a material procedural flaw. For purposes of this section, the date of a grievable action shall be the date of any written notice of such action addressed to the faculty member. If the faculty member does not file a grievance in a timely fashion, the administrator's decision or action is final without recourse to any faculty committees, the University, or the Board of Governors.

**3.9.3.2** As used herein, the term "material procedural flaw" means a departure from prescribed procedures by which decisions concerning reappointment, promotion and the conferral of permanent tenure are made, to the extent that such departure casts substantial doubt upon the validity of the challenged decision. A material procedural flaw is one that, more likely than not, produced a decision different from that which would have resulted otherwise.

**3.9.3.3** Whether a material procedural flaw occurred shall be determined by reference to those procedures that were in effect at the time the challenged decision was made. The Faculty Grievance Hearing Committee shall ask the Chancellor to certify what procedures were then in effect, if that is a disputed matter.

**3.9.3.4** In grievances contesting termination of faculty employment under section 3.7 of this *Faculty Handbook*, the Faculty Grievance Hearing Committee's review shall be limited to the question of whether the decision to terminate the complaining faculty member was arbitrary or capricious.

**3.9.3.5** In accordance with Section 607 of The Code of The University of North Carolina, the Board of Governors Policy 101.3.2 "Grievances filed Pursuant to Section 607 of The Code," and the Board of Governors Policy 100.3.6 "Guidelines for Interpreting Section 607 of The Code," the Faculty Grievance Hearing Committee (FGHC) of Appalachian State University shall hear, pursue adjustment through mediation, and advise the administration with respect to the adjustment of grievances of members of the faculty. The authority of the FGHC

shall be solely to hear representations by the persons directly involved in a grievance, to pursue voluntary adjustment by the parties through mediation, and to advise adjustment by the administration when appropriate. To the extent that these procedures are determined to conflict with any of the foregoing policies, the policies shall prevail.

Grievances within the province of the FGHC shall include matters directly related to a faculty member's institutional relationships and conditions of employment. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge or termination of a faculty member, or that is within the jurisdiction of another standing faculty committee, may be considered by the FGHC.

#### **3.9.3.5.1 The Grievance Procedure**

The first step in the grievance procedure is to meet with a representative of the Grievance Assistance Committee (GAC). The GAC representative will notify the chair of the Faculty Grievance Hearing Committee (FGHC) of this initial contact. Before any grievance petition is submitted, the grievant must show evidence that she or he has met with the respondent(s) in an attempt to reach resolution, as specified in the paragraph below. All documents generated pursuant to the initiation of a grievance and by any person at any subsequent stage of the grievance process become confidential personnel records and are protected as such under the applicable state statute(s).

The grievant's request for this initial meeting with the respondent(s) should be granted as expeditiously as possible, but within 10 working days, absent written documentation to the GAC of extenuating circumstances. At the initial meeting, both the grievant and the respondent(s) may be accompanied by another person of their own choosing as an observer, although such attendees may not take part in the discussion between the grievant and the respondent(s). Attorneys are not allowed at this meeting, but both the grievant and respondent(s) may consult with attorneys prior to or following the meeting. Because confidential personnel file information is likely to be discussed at the initial meeting, the grievant and any observers must sign the document entitled "Observer(s) at Initial Meeting Concerning Grievance," included in Appendix E. This document includes the grievant's authorization of the observer[s] to hear such confidential information, and commits the observer[s] to maintain the confidentiality of such information unless the grievant subsequently authorizes disclosure.

If agreement is reached between the parties, a written document stating the terms of the resolution will be produced jointly and signed by the grievant and the respondent(s), each of whom will be provided a copy. Copies will also be delivered to the immediate supervisors of all parties involved and to the Provost and Executive Vice Chancellor, whose office will confirm within 5 working days that the terms of the resolution conform to university policy and may be implemented.

The grievance procedure stops at this point unless the respondent(s) fails to abide by the terms specified in the resolution. Under this circumstance, if the grievant has performed (or was ready and willing to perform) those of his or her obligations under the resolution that were



preconditions to respondent's performance, the grievant may include the resolution attempt as part of his or her petition to the FGHC for redress. If there is no agreement, the non-resolution will be noted in writing, signed by the parties, and distributed as above.

**3.9.3.5.2** If resolution of the matter is not achieved through informal discussion as required in 3.9.3.5.1, above, the grievant will submit her or his written petition for redress to the chair of the FGHC, accompanied by a copy of the document indicating that the initial meeting required by 3.9.3.5.1, above, was held.

The petition will specifically name the respondent(s) against whom the grievance is directed and will set forth in full detail the nature of the grievance. It is essential that the grievant, at this stage, state her or his case as completely as possible, since this document will establish the issues to be considered by the FGHC and may not be altered or amended at a later date, except to add specific claims based on events that had not occurred or evidence that was not available on the date of the original filing.

The petition must:

- (a) state the nature of the grievance;
- (b) name the parties to the dispute;
- (c) identify the University policy or practice, or state or federal law that allegedly was violated to the grievant's detriment;
- (d) summarize the evidence that the grievant is prepared to submit in support of the contention; and
- (e) affirm that all previous attempts at resolution of the dispute have failed.

**3.9.3.6** The FGHC will review the petition and, by a vote of the majority of the committee membership, decide whether the petition sets forth sufficient grounds to warrant acceptance of the matter on the facts alleged. The FGHC shall grant a hearing if it determines:

- (a) that the request does contain a contention that a right or entitlement of the faculty member, conferred by University policy or practice, or state or federal law has been abridged; and
- (b) that the facts alleged, if established, will support that contention.

If the committee votes not to consider any grievance other than a grievance concerning non-reappointment or termination of employment on grounds of financial exigency or program curtailment, there is no further appeal.

**3.9.3.7** If a majority of the FGHC votes to accept the petition, the chair of the FGHC is responsible for providing a copy to the respondent(s) within 5 working days of its receipt. At this point, the parties to the grievance are required to take part in formal mediation arranged on their behalf by the FGHC chair and the Provost and Executive Vice Chancellor.

Appalachian State University will pay the costs of bringing a mediator to campus to conduct the mediation sessions in an effort to find a mutually agreeable resolution to the conflict. The mediator must have completed specialized mediation training and be certified by the North Carolina Office of State Personnel, the UNC General Administration, or the North Carolina Administrative Office of the Courts. The mediator, found acceptable and agreed to by both parties, should not be a member of the Appalachian State University community, although outside mediators from the community or other UNC campuses may be considered.

Mediation does not entail findings of fact or involve other evidentiary procedures. Attorneys are prohibited from participating in the process or acting as observers. The mediation is to be limited to the grievant, the respondent(s) and the mediator, although the parties have the right to consult with others during recesses and before committing to any agreement. Any time limit adopted by a UNC constituent institution or prescribed by Board of Governors Policy concerning the formal resolution of UNC Code Section 607 grievances will be suspended for the duration of a mediation process being conducted pursuant to this policy. However, the parties are encouraged to use their best efforts to complete mediation within twenty (20) working days.

Mediation procedure described above modified from <http://www.northcarolina.edu/content.php/hr/policies/SPADis/Appeals.htm>. See also Inside North Carolina: a guide to state employment, p. 24, NC Office of State Personnel (June 2007); UNC Office of the President, Employee Mediation and Grievance Policy and Procedure, Ann W. Lemmon (January 2005).

**3.9.3.7.1** If a mutually agreeable resolution is reached through mediation, a written statement will be produced by the mediator detailing the agreement and will be signed and dated by all parties to the mediation. Any agreement proposing to obligate Appalachian State University must also be signed by an appropriate and properly authorized university official. Copies will be provided to the parties specified in 3.9.3.5.1, above. At this point, the FGHC chair will be notified by the mediator by an unelaborated written statement that the mediation was successful, and the grievance will come to an end.

**3.9.3.7.2** If mediation fails, no record of the mediation will be released other than an unelaborated written statement from the mediator to the chair of the FGHC that mediation was attempted and was unsuccessful. Copies of the unelaborated written statement will be provided to the parties specified in 3.9.3.5.1, above. Under no circumstances may the mediator be called as a witness in any subsequent proceeding, nor may any statements made during mediation be used against either party in a formal grievance hearing or any other forum. The mediator will dispose of any documents used in the process. At this point, the grievant must decide whether to pursue a formal grievance hearing. Since the FGHC has already determined that the grievant's petition merits the committee's consideration, the grievant's written notification to the FGHC chair of a desire to proceed to a formal grievance hearing will be automatically granted. The grievant may end the process at any time from this point forward.

**3.9.3.8** The FGHC, as a committee constituted solely of faculty and charged with hearing disputes arising out of a faculty member's relationship with the university, shall determine any and all policies and procedures, not inconsistent with any restrictions in Section 607 of the UNC Code and Article VI, Sections 1 and 3 of the Faculty Constitution, necessary to carry out its responsibilities in the conduct of a grievance hearing.

The FGHC will be composed of nine (9) members elected by the faculty at-large: three (3) members from each of the ranks of Professor, Associate Professor and Assistant Professor. Five (5) members of the FGHC, with each rank represented on the hearing panel, will conduct hearings. At least two (2) members must be of the same rank as the grievant; the other members of the hearing panel may be apportioned in any manner consistent with the foregoing requirements of this section. If the grievant is from any rank other than those specified by 3.4.2.5, 3.4.2.6 and 3.4.2.7, or holds a part-time faculty appointment, all professorial ranks must be represented on the hearing panel.

Nomination and election shall follow procedures for other at-large faculty elections. The term of office of a member of the FGHC shall be three years; with the exception that the first election shall be for staggered terms, with three persons, one from each rank, to be elected to three-year terms, three persons, one from each rank, to be elected to two-year terms, and three persons, one from each rank, to be elected to a one-year term. As the respective terms of the committee members expire, their successors shall be elected to regular three-year terms.

**3.9.3.9** While both grievant and respondent(s) may consult with attorneys at any stage of the process, attorneys may not participate as advocates or advisors during the grievance hearing, although an attorney may serve as a party's observer. The respondent's attorney(s) may observe only if the grievant chooses to have her/his attorney observe. Presence at the hearing is limited to the members of the FGHC, the grievant, the respondent(s) and one observer each for the grievant and all respondents. Before the hearing begins the grievant may consult with a member of the GAC who may also act as the grievant's observer and advisor during recesses.

The hearing shall begin with presentation by the faculty member of evidence designed to support the faculty member's contentions. The presentation shall be limited to those matters specified in the request for a hearing on which the FGHC based its agreement to conduct the hearing or to such other matters specified in 3.9.3.5.2. FGHC members may question all witnesses presented by any party, the grievant and the respondent(s). At the conclusion of the hearing, the FGHC shall meet in closed session to consider the matter. The FGHC may consider only such evidence as was presented at the hearing and need consider only the evidence offered that it considers fair and reliable. The burden is on the aggrieved faculty member to satisfy the FGHC, by a preponderance of the evidence, that her or his contention is true. After the conclusion of the hearing, the FGHC shall complete its deliberations and produce its decision within twenty (20) working days.

**3.9.3.10** If the FGHC determines that the grievant's contention has not been established, it shall, by a written statement explaining the FGHC's reason(s), so notify the faculty

member, the respondent(s), and the Provost and Executive Vice Chancellor. The FGHC's decision, as a determination of a body of the grievant's peers, shall be final with respect to all grievances except those challenging a non-reappointment decision or a decision to terminate employment for reasons of financial exigency or program curtailment. With respect to a grievant challenging a non-reappointment decision or a decision to terminate employment for reasons of financial exigency or program curtailment, if the Chancellor either declines to accept a committee recommendation that is favorable to the faculty member or concurs in a committee recommendation that is unfavorable to the faculty member, a grievant challenging a non-reappointment decision may appeal to the Board of Governors, pursuant to 3.9.3.15.1 and 3.9.4.2, below, and a grievant challenging a decision to terminate employment for reasons of financial exigency or program curtailment may appeal to the Board of Trustees pursuant to 3.9.4.1, below.

**3.9.3.11** If the FGHC concludes that the grievant's contention has been established, it shall provide notice and its recommendations for corrective action to the faculty member, the respondent(s), and the Provost and Executive Vice Chancellor.

**3.9.3.12** If the Provost and Executive Vice Chancellor intends to reject the recommendation of the FGHC, the Provost and Executive Vice Chancellor shall communicate in writing that intention to the grievant and to the FGHC chair along with her or his written reasons and provide an opportunity for written response before taking final action. The grievant may consult with the GAC regarding the Provost and Executive Vice Chancellor's decision.

**3.9.3.13** The grievant shall transmit her or his written response to the Provost and Executive Vice Chancellor within ten (10) working days of the receipt of the Provost and Executive Vice Chancellor's communication.

**3.9.3.14** After considering the grievant's response, the Provost and Executive Vice Chancellor shall issue a final written decision within ten (10) working days accepting or rejecting the FGHC's recommendations or offering other corrective action.

**3.9.3.15** If the Provost and Executive Vice Chancellor declines to take corrective action acceptable to the grievant, the grievant has the option to submit the FGHC report and subsequent communications with the Provost and Executive Vice Chancellor to the Chancellor.

**3.9.3.15.1** If the Chancellor concurs in a recommendation of the committee that is favorable to the grievant, the Chancellor's decision is final. If the Chancellor concurs in the FGHC's recommendation that is unfavorable to the grievant or declines to accept a committee recommendation that is favorable to the grievant, a faculty member challenging a non-reappointment decision may appeal by filing a written notice of appeal with the Board of Governors pursuant to 3.9.4.2, and a faculty member challenging a decision to terminate employment for reasons of financial exigency or program curtailment may appeal to the Board of Trustees pursuant to 3.9.4.1, below.

**3.9.3.16** If the Chancellor in a grievance not challenging a non-reappointment decision concurs in a recommendation of the FGHC that is favorable to the grievant, the decision shall be final. If the Chancellor declines to accept a committee recommendation that is favorable to the faculty member, the faculty member may appeal the Chancellor's decision pursuant to 3.9.4.1.

**3.9.4** Appeal Beyond the Chancellor

**3.9.4.1** With respect to a decision adverse to the faculty member in a grievance about a matter other than a non-reappointment decision, the line of appeal is as prescribed by Section 607 of The Code, and shall be guided by the following procedure:

(a) A grievant dissatisfied with the Chancellor's disposition of a grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, within ten (10) working days after the grievant's receipt of the decision by certified mail, return receipt requested. The appeal to the Board of Trustees shall be to a standing committee of five (5) members to be selected and agreed upon by the Chair of the Board of Trustees and the Chair of the Faculty Senate. The immediate Past Chair of the Faculty Senate may advise the current chair if the chair feels that it is necessary. The appeal shall be transmitted through the Chancellor and be addressed to the chair of the Board of Trustees. The Board of Trustees Appeals Committee shall base its consideration of the appeal upon the written record of the grievance. The Board of Trustees Appeals Committee will issue its decision within one hundred twenty (120) calendar days after receipt by the Chancellor of the notice of appeal. The decision of the Board of Trustees Appeals Committee is final.

**3.9.4.2** With respect to a decision adverse to the faculty member in a grievance about a non-reappointment decision, the line of appeal is as prescribed by Section 604 D(2) of The Code and shall be guided by the following procedure:

If the Chancellor concurs in an FGHC recommendation that is unfavorable to the faculty member, the faculty member may appeal by filing a written notice of appeal with the Board of Governors, by submitting such notice to the President, by certified mail, return receipt requested, or by any other means that provides proof of delivery, within 14 calendar days after the faculty member's receipt of the Chancellor's decision. The notice must contain a brief statement of the basis for the appeal. The purpose of appeal to the Board of Governors is to assure (1) that the campus based process for reviewing the decision was not materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered, (2) that the result reached by the Chancellor was not clearly erroneous, and (3) that the decision was not contrary to controlling law or policy. See Policy 101.3.1 for further information.

**3.9.4.3** If the line of appeal as prescribed by section 501 C (4) of *The Code of The University of North Carolina* is from the Chancellor to the President, and thereafter from the President to the Board of Governors:

( a) A grievant dissatisfied with the Chancellor's disposition of a grievance must file written notice of appeal with the President, with a copy to the Chancellor, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. The schedule for perfecting and processing the appeal will be established by the President. The President will issue a decision within 60 calendar days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established by the President and thereby precludes a decision within 60 calendar days, the President may exercise discretion to extend the period for decision or to dismiss the appeal.

( b) A grievant dissatisfied with the President's disposition of an appeal must file written notice of appeal with the Board of Governors, by submitting such notice to the President, within ten working days after the grievant's receipt of the decision by certified mail, return receipt requested. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board of Governors which has jurisdiction of the subject matter of the grievance. The Board of Governors will issue its decision within 90 calendar days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 calendar days, the Board of Governors in its discretion may extend the period for decision or it may dismiss the appeal.

### **3.10 Policy Regarding Personnel Files**

#### **3.10.1 Definition of Personnel File**

A personnel file consists of “any information gathered by” the University with respect to an applicant for employment, current employee, or former employee, “and which information relates to the individual’s application, selection or non-selection, promotions, demotions, transfers, leave, salary, suspension, performance evaluation forms, disciplinary actions, and termination of employment wherever located and in whatever form [*e.g.*, paper documents, electronic media, microfilm or microfiche].” *See* N.C.G.S. § 126-22.

#### **3.10.1.1 Anonymous Source Information**

**3.10.1.1.1** Subject to the exceptions stated below, no material or information received from or provided by anonymous sources may be placed in a personnel file.

**3.10.1.1.2** Data from student evaluations and University-based student opinion surveys may be placed in the personnel file, and may be used for purposes of annual evaluation and other personnel decisions.

**3.10.1.1.3** Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system may be placed in a faculty member’s personnel file when signed by a representative of the committee.

**3.10.1.1.4** Pursuant to the *Faculty Handbook* § 4.8.13.5, the “identity of a complainant” alleging a violation of the University’s Conflict of Interest and

Commitment policy “will be kept confidential.”

### **3.10.2 Location and Maintenance of Faculty Personnel Files**

Although information about faculty members will likely be maintained by several offices (*e.g.*, chair, dean, HRS), the official personnel file for each faculty member will be maintained by the Office of the Senior Administrator of the College/School or Library that includes the faculty member’s department/unit. Within three (3) business days of placing new documents or information in a faculty member’s personnel file, the other offices maintaining such files must submit copies to the Senior Administrator’s Office for addition to the official personnel file. Pursuant to the *Faculty Handbook* § 4.3.1.1, no items that will be considered or relied upon in an annual review or other personnel action may be placed in the faculty member’s personnel file within the five working days prior to the annual review or personnel action, except under exigent circumstances.

### **3.10.3 Non-Personnel-File Information**

**3.10.3.1** Not every record or piece of information that relates to an employee is part of the faculty member’s personnel file. Information that does not relate to, or will not be relied upon in making one of the employment actions listed in Section 3.10.1 above, should not be part of or added to the faculty member’s personnel file.

**3.10.3.2** For example, information gathered in the investigation of allegations of misconduct should be maintained in a confidential investigation file in the Office conducting the investigation (*e.g.*, Office of University Attorney and/or the Office of Equity, Diversity, and Compliance). While investigations often involve review of copies of existing records from an individual’s personnel file, investigations also gather information and documents that are not part of that file, including witness statements and other documentary evidence. Such documents should not be made part of a personnel file unless and until it is determined that the information should be relied upon in making one of the listed employment actions and at that time the documents relied upon in the employment action will be placed in the official personnel file, which is available to the faculty member.

**3.10.3.3** When there is doubt as to whether information should be included in a personnel file, the question should be referred to the Office of the Provost and Executive Vice Chancellor.

### **3.10.4 Public Information**

The University maintains a record of each of its employees, showing the employee’s “name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned.” N.C.G.S. § 126-23. This is public information and the “person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours.” *Id.* At Appalachian State University, the custodian of such records is Human

Resource Services.

**3.10.5 Confidentiality of Non-Public Information**

Other than the public information described in Section 3.10.4 above, “all other information contained in a personnel file is confidential.” N.C.G.S. § 126-24.

**3.10.6 Access to Personnel File Information**

**3.10.6.1** A faculty member, applicant for faculty employment, former faculty member, or the faculty member’s properly authorized agent (including the faculty member’s attorney) may have access to his or her personnel file “in its entirety except for (i) letters of reference solicited prior to employment, or (ii) information concerning an medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee’s medical record may be disclosed to a licensed physician designated in writing by the employee.” N.C.G.S. § 126-24(1). These documents will be kept in a separate envelope as required by the ASU Personnel File Checklist (see Appendix E – Form “Faculty Personnel File Checklist”). In addition, a current or former faculty member, applicant, or authorized agent, may obtain copies of personnel file materials, except as provided otherwise by law.

**3.10.6.2** Faculty members are advised to examine their personnel file, particularly preceding an annual evaluation or a personnel action such as re-appointment, promotion, tenure, and post-tenure review. A written request for an appointment to review a personnel file must be submitted to the Office of the Dean, or other appropriate Senior Administrator, at least three (3) working days in advance of the date on which the faculty member wishes to review the personnel file. Upon receipt of the written request, the Office of the Dean, or other appropriate Senior Administrator, will: (1) communicate with other offices to ensure that copies of all personnel file documents have been furnished to the Office of the Dean, or other appropriate Senior Administrator; (2) temporarily segregate any pre-employment reference letters or medical disability information that a prudent physician would not divulge to a patient; and (3) communicate with the faculty member to schedule a time during regular business hours for review of the file. The faculty member will be required to present an identification card with a photograph of the faculty member prior to being granted access to the personnel file.

**3.10.6.3** Others who may have access to a personnel file and information contained therein without the employee’s consent include the employee’s supervisor (with respect to the faculty, the chain of supervision includes the chair, the dean, or other senior administrator, the Provost and Executive Vice Chancellor, and the Chancellor), members of the General Assembly, a party in a lawsuit if authorized by a court order, or an official of a state or federal government agency (or any political subdivision thereof) when inspection is deemed necessary and essential to the pursuance of a proper function of the University by the Chancellor, after consultation with the Provost and Executive Vice Chancellor, the department chairperson, and the relevant dean. N.C.G.S. § 126-24 (2)-(5).

**3.10.6.4** Because the functions of Departmental Personnel Committees (DPCs) and Search Committees are essential to maintaining both the integrity of the University and the



level and quality of services provided by the University, the Chancellor, consistent with the provisions of N.C.G.S. §126-24, has authorized the disclosure to the members of such committees such personnel file information with respect to current or prospective faculty members as is relevant to such committees' performance of their functions and duties under Faculty Handbook § 4.1.3 and 4.1.4.2. Because a faculty member's personnel file may contain information that is not relevant to the committee's deliberations, the department chair, or other such supervisor, shall have the discretion to determine whether specific items of personnel file information are relevant to the committee's deliberations. In the event a department chair, or other such supervisor, determines that specific personnel file information is not relevant to the committee's deliberations, the chair or other such supervisor, may not subsequently rely upon such information in making his or her recommendation to the dean concerning the committee's recommendation.

### **3.10.7 Objections to Material in Personnel File**

A current or former faculty member or an applicant for faculty employment "who objects to material in his [or her] file may place in his [or her] file a statement relating to the material he [or she] considers to be inaccurate or misleading," or "may seek the removal of such material from his [or her] file in accordance with the grievance procedure" described in Faculty Handbook §§3.9.3.5.1 – 3.9.4.1. See N.C.G.S. § 126-25. If the final decision from the grievance procedure directs the removal of the material in question, the original and all copies of the material removed shall be destroyed and no inaccurate or misleading information derived from the material removed may be retained.

### **3.10.8 Consequences of Unauthorized Release of Confidential Personnel File Information**

#### **3.10.8.1 Criminal Liability**

Pursuant to N.C.G.S. § 126-27: "Any public official or employee who shall knowingly and willfully permit any person to have access to or custody or possession of any portion of a personnel file designated as confidential by the Article, unless such person is one specifically authorized by G.S. 126-24 to have access thereto for inspection and examination, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."

#### **3.10.8.2 Civil Liability**

University employees, including faculty members, who engage in unauthorized disclosure or release of confidential personnel file information risk liability in civil lawsuits arising out of claims such as defamation, infliction of emotional distress, interference with contractual relationships, etc. In such lawsuits, if malice or willful conduct can be proved, punitive damages may be awarded.

#### **3.10.8.3 No Defense and Indemnification**

The Defense of State Employees Act (N.C.G.S. §143-300.3) provides for the defense of a state employee in “any civil or criminal action or proceeding brought against him..... on account of an act done or omission made in the scope and course of his employment as a State employee.” In addition, University faculty and staff have the benefit of limited indemnification by the University pursuant to North Carolina law, as well as excess liability insurance coverage with limits of \$5,000,000 per occurrence and \$10,000,000 annual aggregate with respect to claims that their conduct in the course of their employment caused compensable injury. Because defense by the Attorney General, and indemnification and excess liability insurance coverage are available only to employees performing duties within the course and scope of their employment duties, and because conduct that violates state law or University policy may be deemed “outside the scope of employment,” any employee who is sued or prosecuted for violating the confidentiality of personnel file information will likely bear all costs of defense (*e.g.*, attorneys fees and court costs) and any damages or fines assessed against the employee.

#### **3.10.8.4 Disciplinary Action**

Because the unauthorized disclosure of confidential personnel file information is a violation of State law and University policy, faculty members and other employees who engage in such conduct will be subject to disciplinary action.

## IV. SELECTED REGULATIONS APPLICABLE TO ACADEMIC ADMINISTRATION AND FACULTY EMPLOYMENT

### 4.1 Departmental Personnel Committees

#### 4.1.1 Departmental Personnel Committee (DPC) Regulations

The composition, functions and procedures of departmental personnel committees as outlined in this section of the *Faculty Handbook* are the official guidelines for these committees and must be followed in all cases. Each department shall draw up its own specific operating procedures (e.g. size of committee, length of term, etc.) for the departmental personnel committee, and these shall be in accordance with the guidelines outlined herein. The Provost and Executive Vice Chancellor shall be responsible for seeking interpretations of any relevant regulations or policies. In departments where search committees make recommendations directly to departmental chairs, no reviewing group or persons may substitute their judgment for that of a search committee on matters relating to the professional qualifications of the individual involved, i.e., the individual's ability to fulfill adequately the professional requirements of the position. In departments where search committees 1) are not utilized or 2) make recommendations to departmental personnel committees, no reviewing group or persons may substitute their judgment for that of the departmental chair and/or the departmental personnel committee on matters relating to the professional qualifications of the individual involved, i.e., the individual's ability to fulfill adequately the professional requirements of the position. However, in accordance with *The Code of The University of North Carolina*, section 602 (4), those charged with making decisions on initial appointment, reappointment, promotion and tenure shall examine and evaluate "DEMONSTRATED PROFESSIONAL COMPETENCE," i.e., the faculty member's actual performance, in addition to other criteria in making those decisions. The full text of section 602 (4) follows:

The tenure policies and regulations of each institution shall set forth the general considerations upon which appointment, reappointment, promotion, and permanent tenure are to be recommended. The institutional regulations shall provide that these considerations shall include an assessment of at least the following: the faculty member's demonstrated professional competence, the faculty member's potential for future contribution, and institutional needs and resources.

#### 4.1.2 Composition of Departmental Personnel Committees

**4.1.2.1** Each academic department (or other comparable academic subdivision) shall have a personnel committee consisting of at least four faculty members and the chair. When possible, the four faculty members shall consist of three tenured individuals and one non-tenured individual. In addition, when possible there shall be two alternates (one tenured and one

non-tenured) who should attend all meetings and who shall, in cases of absences or recusals (see sections 4.1.4.1.1 through 4.1.4.1.5 and section 4.1.4.1.9), take the place of faculty members in the respective tenure categories, thus preserving the 3/1 tenured/non-tenured ratio.

**4.1.2.2** The departmental chair shall serve as the non-voting chair of the departmental personnel committee and shall preside at all meetings. The chair shall establish called meetings when two or more committee members make a written request for a meeting of the DPC. When the personnel action being considered involves the departmental chair, the DPC will elect for that action a chair from among its tenured members.

**4.1.2.3** Every department's faculty shall elect the departmental personnel committee using the procedures in *Robert's Rules of Order* as currently revised, and determine the length of terms on the DPC. In departments with an adequate number of faculty, no faculty member may serve more than three consecutive years on a DPC. Persons who hold academic rank<sup>8</sup> within a department, whether or not their salaries are from state-appropriated funds, shall be eligible for the committee. At the beginning of every fall semester, each department will elect from among the tenured faculty of its DPC an Equal Opportunity Associate. This person will represent the University's Office of Compliance Programs in all departmental personnel affairs.

**4.1.2.4** A department may increase the size of its personnel committee by adding tenured and non-tenured faculty on the basis of a 3:1 ratio (when possible), excluding the departmental chair.

**4.1.2.5** The committee shall select a recorder from its voting membership.

### **4.1.3** Functions of Departmental Personnel Committees

**4.1.3.1** The functions of the departmental personnel committee in each department shall include, but not be limited to:

(a) Reviewing the credentials of all applicants for new or vacant positions including special faculty appointments, interviewing selected candidates, and making a recommendation to the chair of two or more qualified persons to fill the position (except in the case of special faculty appointments or when circumstances make only one candidate acceptable), and through the chair to the dean and the Provost and Executive Vice Chancellor. The personnel committee may or may not submit nominations in rank order of preference. Search committees may be established to assist or supplant the departmental personnel committee in performance of these functions. Each member of a search committee shall be subject to the same confidentiality obligations that apply to departmental personnel committees.

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<sup>8</sup>Eligibility of persons under this provision shall be consistent with the stipulations of Article II, Section 3. of the Faculty Constitution.

Departmental Equal Opportunity Associates shall perform the same functions with respect to search committees as are performed with respect to departmental personnel committees.

(b) Reviewing, at the automatic intervals specified in section 3.4.2 (inclusive) of the *Faculty Handbook*, the question of the reappointment of all non-tenured faculty. The committee shall make a recommendation to the chair, who in turn shall make a recommendation to the dean; the dean will make a recommendation to the Provost and Executive Vice Chancellor and make known to the Provost the recommendation of the chair concerning the future employment of such faculty. The recommendations described above shall be accompanied by the results of the departmental personnel committee's vote, supporting material, and all documents submitted to the committee.

(c) Reviewing the question of the granting of permanent tenure, either when a request for tenure is made by a faculty member, or at the automatic intervals specified in section 3.4.2 (inclusive) of the *Faculty Handbook*. The committee shall make a recommendation to the chair, who in turn shall make a recommendation to the dean; the dean will make a recommendation to the Provost and Executive Vice Chancellor and make known to the Provost the recommendation of the chair concerning the advisability of conferring tenure. The recommendations described above shall be accompanied by the results of the departmental personnel committee's vote, supporting material, and all documents submitted to the committee.

(d) Reviewing the question of the granting of a promotion when a request for promotion is made by a faculty member. The committee shall make a recommendation to the chair, who in turn shall make a recommendation to the dean; the dean will make a recommendation to the Provost and Executive Vice Chancellor and make known to the Provost the recommendation of the chair concerning the advisability of granting a promotion. The recommendations described above shall be accompanied by the results of the departmental personnel committee's vote, supporting material, and all documents submitted to the committee.

#### **4.1.4** Procedures of Departmental Personnel Committees and Search Committees

##### **4.1.4.1** Departmental Personnel Committees

**4.1.4.1.1** All meetings of departmental personnel committees shall be held on campus. Each member of an academic department must be notified in writing of all meetings and agenda items of the departmental personnel committee. The announcement should clearly state the time and place of the meeting and it should become a part of the DPC's permanent records. All department members who so desire may present their views before the committee in regard to any item(s) on the agenda.

**4.1.4.1.2** In all cases involving a vote on personnel decisions, the full voting membership of the departmental personnel committee must be present. Alternates should attend all meetings and vote in the absences of regular members.

**4.1.4.1.3** No abstention votes shall be allowed in DPC personnel decisions. Instead, if a voting member of the DPC wishes to be recused relative to any of the personnel items on a meeting's agenda, that person must provide the departmental chair with written notification of recusal from both the discussion and the vote on that particular matter. For that one personnel decision, an alternate from the respective tenure category shall then step in for both the deliberation and the vote. This rule shall supersede the rule in *Robert's Rules of Order* relative to the right of abstention.

**4.1.4.1.4** When possible, the aforementioned written notification shall be submitted with sufficient promptness to allow the alternate to be notified, before the meeting, that the alternate will become a voting member for that one agenda item.

**4.1.4.1.5** With the exception of the written notification ruling, this no-abstention-votes regulation shall also apply to the two situations noted in section 4.1.4.1.9. In those two situations, recusal is required.

**4.1.4.1.6** The minutes of the departmental personnel committee should record all persons in attendance at the DPC meeting and all members of the DPC absent from the particular meeting. A record should be kept of each personnel action considered; however, this should not include individual comments. The written record should state that the personnel committee formally considered personnel action of the particular faculty member and should state those things that were considered. In instances of personnel action involving promotion or tenure of a faculty member, the minutes should state specifically that the criteria for promotion as set forth in section 3.4.2 (inclusive) or that the items required to be considered in granting tenure as specified in section 3.4.1 were considered. The minutes should show the vote (the number of affirmative and negative votes) on each action, but not the votes of individual members of the committee.

**4.1.4.1.7** All minutes of departmental personnel committee action must be approved and, if necessary, modified by a majority of the assembled committee. Such action will normally take place at the next meeting of the personnel committee except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes from the voting members of the committee.

**4.1.4.1.8** A permanent file of all minutes of the DPC shall be maintained in each department office. In addition, the paper ballots for each vote should be kept in sealed, labeled and dated envelopes. Nothing in these guidelines shall violate the confidentiality of the DPC minutes, except that any individual faculty member shall have access to those portions of the minutes of meetings in which personnel actions involving that faculty member were considered. All motions must be phrased in the affirmative.

**4.1.4.1.9** An affirmative recommendation must be supported by a vote of at least 75% of the committee membership. A member of the departmental personnel committee

may not vote on any matter before the committee that concerns that member or any related person.<sup>9</sup> In this case, the alternate member shall serve.

**4.1.4.1.10** The results of the departmental personnel committee's vote, supporting material, and all documents submitted to the committee, shall be forwarded with the departmental chair's recommendation to the dean and through the dean to the Provost and Executive Vice Chancellor.

**4.1.4.1.11** Notification to the faculty member of the results of a DPC vote on tenure or promotion should be made the next working day following the date of the DPC vote, except under extenuating circumstances. Notification to the faculty member of the chair's recommendation to the dean on tenure or promotion should be made in a timely manner as defined by the department, not to exceed five working days, except under extenuating circumstances.

**4.1.4.1.12** Guidelines concerning the roles and responsibilities of the Equal Opportunity Associate (EOA) are specified in the EPA Affirmative Action Plan.

#### **4.1.4.2. Search Committees**

**4.1.4.2.1** Search committees that recommend to the departmental chair are established by the department or by the departmental chair with departmental approval. Search committees that recommend to the DPC are established by the DPC, with departmental approval.

**4.1.4.2.2** All meetings of search committees shall be held on campus. Every member of an academic department must be notified in writing of all meetings and agenda items of the search committee. The announcement should clearly state the time and place of the meeting and it should become a part of the department's permanent records. All department members who so desire may present their views before the committee.

**4.1.4.2.3** The minutes of the search committee should record all persons in attendance at the meeting and all members absent. A record should be kept of each personnel action considered; however, this should not include individual comments. The written record should state that the search committee formally considered the personnel action. The minutes should show the vote (the number of affirmative and negative votes) on each action, but not the votes of individual members of the committee.

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<sup>9</sup>Related persons include those listed in the definition of that term in the Resolution Concerning the Employment of Related Persons adopted by the Board of Governors on April 13, 1983. See section 4.6, entitled "Employment of Related Persons."

**4.1.4.2.4** All minutes of search committee action must be approved and, if necessary, modified by a majority of the assembled committee. Such action will normally take place at the next meeting of the committee except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes from the voting members of the committee.

**4.1.4.2.5** A permanent file of all minutes of the search committee shall be maintained in each department office. In addition, the paper ballots for each vote should be kept in sealed, labeled and dated envelopes. Nothing in these guidelines shall violate the confidentiality of the search committee minutes. All motions must be phrased in the affirmative.

**4.1.4.2.6** Guidelines concerning the roles and responsibilities of the Equal Opportunity Associate (EOA) are specified in the EPA Affirmative Action Plan.

## **4.2 Faculty Status of Librarians**

Librarians who meet the criteria for classification as professional librarians are entitled to faculty status with appropriate rank designation. A professional librarian has at least a master's degree in library science or related fields and is filling a position in which specialized training and experience are required. Librarians have faculty status, hold appropriate rank, may attain tenure, and are employed and evaluated according to the appropriate criteria and procedures followed in the appointment and evaluation of other faculty members.

## **4.3 Evaluation of Faculty**

**4.3.1** Administrative Memorandum Number 338 (see Appendix C) regarding "Tenure and Teaching in the University of North Carolina" requires that Appalachian establish "review procedures for the evaluation of faculty performance to ensure (1) that student evaluations and formal methods of peer review are included in teaching evaluation procedures, (2) that student evaluations are conducted at regular intervals (at least one semester each year) and on an ongoing basis, (3) that peer review of faculty includes direct observation of the classroom teaching of new and non-tenured faculty and of graduate assistants, and (4) that appropriate and timely feedback from evaluations of performance is provided to those persons being reviewed."

**4.3.1.1** Evaluation of Faculty: In addition to the formal components of a faculty evaluation specified in 4.3.1, faculty must be aware of other factors, which may influence the annual review or other personnel actions pertaining to 4.3.2.1 such as 3.6 (Re-appointment, Promotion and Tenure) or 4.3.3 (Post Tenure Review). Therefore, no items that will be considered or relied upon in an annual review or other personnel action may be placed in the faculty member's personnel file within five working days prior to the annual review or personnel action, except under exigent circumstances. The circumstances justifying an exception to this rule should be confined to criminal or other serious misconduct of such a nature that requires the University to act promptly to mitigate physical risk to the university community, or circumstances in which the Chancellor, pursuant to Section 3.8.2.6, suspends a faculty member with pay until a decision concerning discharge has been made.



### **4.3.2 Annual Review of Faculty**

**4.3.2.1** Provision is made for the individual faculty member's participation in formulating plans and goals for that faculty member. During the spring term, departmental chairs are required to hold a conference with every member of the department who is to continue as a member of the faculty for the next year. The purposes of this conference are to plan the work of the faculty member for the next year and to evaluate work of the previous year. During this conference, the faculty member has the opportunity to express preferences concerning assignments. These preferences should include statements concerning teaching assignments and an indication of the faculty member's commitment to professional and/or scholarly activities. In this conference, the faculty member and the chair will jointly establish goals for the faculty member that are to be attained during the next academic year. Specific plans should be made and realistic goals set. For faculty members who are initial appointees, an additional planning conference in the late summer or immediately after the beginning of their first semester of service must also be held. A mutually agreed upon observer from the Office of Equity, Diversity and Compliance or from the Hubbard Center Counseling for Faculty and Staff may be present, if requested, provided a four working day notice be accorded to both parties. In the absence of mutual agreement, the Provost or her/his designee, will identify an appropriate observer from the Office of Equity, Diversity and Compliance or the Hubbard Center Counseling for Faculty and Staff. This conference may be audio recorded should either party request such action. In this instance, each party will be provided a copy of said recording. The faculty member requesting the presence of an observer, and any observer who will be present pursuant to such request, will be required to sign an Authorization/Waiver of Claims Arising Out of Access to Confidential Information in a form attached as Appendix E.

**4.3.2.2** At this or subsequent spring conferences, there shall be an evaluation of the faculty member's work in which there will be a frank discussion of the faculty member's achievements with specific reference to the goals set in the previous conference. Also, at this conference, the results of any formal evaluation procedures that have been used up to the time of the conference should be discussed. The chair will give the faculty member an honest opinion concerning the faculty member's performance to date. This includes not only praise for work well done, but also suggestions for improvement or negative criticism. This conference will include a summary evaluation of the faculty member's performance for the year just completed. Following this conference, and in a timely manner, the chair will provide to the faculty member a written statement of evaluation, to which the faculty member will have an opportunity to respond in writing.

**4.3.2.3** As part of the faculty member's annual evaluation, the departmental chair will provide the faculty member with a written assessment of her or his progress toward tenure and promotion.

### **4.3.3 Post-Tenure Review**

**4.3.3.1** Post-tenure review is a comprehensive, formal, periodic evaluation of cumulative faculty performance, the prime purpose of which is to ensure faculty development and to support and encourage faculty excellence. Post tenure review requirements can be found in the UNC Policy Manual: 400.3.3.1[G].

**4.3.3.2** In addition to the annual review for all faculty, described in Section 4.3.2, each tenured member of the teaching faculty will be subject to a comprehensive, cumulative review on a regular and systematic basis, no less frequently than every five years. (Note: a review undertaken to grant tenure or to decide on promotion qualifies as such a cumulative review.) This comprehensive review shall provide for the evaluation of all aspects of the professional performance of faculty whose primary responsibilities are teaching, and/or research, and/or service. If faculty responsibilities are primarily in one or two of these areas, post-tenure review and resulting recommendations should take this allocation of responsibilities into account. Faculty performance will be examined relative to the mission of the University, college, and program. Exemplary faculty performance will be recognized and rewarded. Because performance rewards are often part of the annual review process (described in Section 4.3.2), the post-tenure review may provide additional support for this form of recognition.

**4.3.3.3** A post-tenure review committee for a department or academic unit will be elected by a vote of the tenured faculty in the department or academic unit. The faculty member being reviewed will not have the option of selecting members of the peer review committee. The tenured faculty will elect from among themselves three tenured faculty, who will serve staggered, non-renewable, three-year terms. In the initial election, one tenured faculty member will be elected for a one-year term, one for a two-year term, and one for a three-year term. After the initial election, the tenured faculty will elect one tenured faculty member to fill a vacancy each year. The tenured faculty may also fill vacancies caused by resignation or other contingencies. In the event that there are not three tenured faculty in the department or academic unit, the tenured faculty will make nominations and will elect from among those nominated a tenured faculty member or members from an allied discipline to serve on the peer review committee. The review of the committee as well as the recommendations of the department chair will be reviewed by the Dean. (In cases where the Dean functions as a department chair in an academic unit without departmental divisions, the higher administrative review will be performed by the Provost.)

**4.3.3.4** The post-tenure review committee shall provide to the faculty member being reviewed and the departmental chair written feedback concerning its evaluation and will designate the faculty member's performance as unsatisfactory, satisfactory, or exemplary. The faculty member under review may provide a written response to the evaluation. The post-tenure review committee's feedback should include recognition for exemplary performance. All reviews must include a statement of the faculty member's primary responsibilities and delineate specific strengths and weaknesses as they relate to the faculty member's performance of assigned duties. A faculty member's response, if any, to the committee's review will also be forwarded to and reviewed by the Dean.

**4.3.3.5** After review by the Dean, any faculty member who receives an unsatisfactory rating in the post-tenure review will be given the opportunity to improve performance. The faculty member's chair will: (a) consider the written feedback from the post-tenure review committee and the faculty member; and (b) prepare a written individual professional development plan for the faculty member. A specific timeline including steps for improvement must be included in the development plan, with a clear statement of consequences should improvement not occur within the designated time line [Consequences may include discharge or demotion for "sustained unsatisfactory performance" after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time, pursuant to Section 3.8.1.1 of the *Faculty Handbook*.] The chair is encouraged to assign one or more mentoring peers to the faculty member, and the chair must hold a progress meeting with the faculty member on at least a semi-annual basis during the specified time line. If the faculty member's duties are modified as a result of a less than satisfactory rating, the development plan should indicate and take into account the new allocation of responsibilities.

## **4.4 Part-Time Faculty**

**4.4.1** See Appendix C (*The University of North Carolina Policy Manual*, section 400.3.1.1) concerning required discussions relating to the primacy of teaching.

### **4.4.2 Definition and Titles**

**4.4.2.1** A part-time faculty member is defined as a person with a faculty appointment and whose workload is less than 12 semester credit hours or the equivalent per semester.

**4.4.2.2** Appointments may be made to fixed-term faculty ranks with title designations including, but not limited to, "lecturer," "artist-in-residence," "practitioner-in-residence," "writer-in-residence," and any of the faculty rank designations provided in sections 3.4.2.4 through 3.4.2.7 with the prefix-qualifier "adjunct," "clinical," or "research," under the conditions and with the incidents herein provided. Such an appointment characterized by any of the foregoing title designations is appropriate for one who has unusual qualifications for teaching, research, academic administration, or public service but for whom neither the professorial ranks nor the instructor rank is appropriate because of the limited duration of the mission for which the appointment is made, or because of concern for continued availability of special funding for the position, or for other valid institutional reasons (see section 3.4.2.8).

**4.4.2.3** Titles under which part-time faculty are appointed can be found in section 3.4.2.8. The vast majority of part-time faculty are appointed at the rank of lecturer or adjunct instructor.

### **4.4.3 Terms of Contracts**

**4.4.3.1** The terms and conditions of each appointment to a part-time faculty

position shall be set forth in a written contract. A copy of the contract, including rank, salary (when possible), and contract date, signed by the Chancellor or the Chancellor's delegate, shall be delivered to the faculty member. Contracts for part-time faculty are for fixed terms and may range from one semester to five years. Any special terms and conditions shall be clearly stated in the contract. The chair or dean who recommends the appointment shall be responsible for initiating the inclusions of special terms and conditions in contracts.

**4.4.3.2** Initial appointments may be for a fixed term of up to three years. Subsequent appointments to fixed terms of from one to five years' duration may be made either in direct succession or at intervals. Each shall be considered an initial appointment. This institution shall not be obliged to give any notice before a current term expires as to whether appointment will be offered for a succeeding term (see section 3.4.2.8).

**4.4.3.3** Part-time faculty will share with full-time faculty all rights guaranteed under the concept of academic freedom and all responsibilities as defined in section 3.3, entitled "Academic Freedom and Responsibility of Faculty."

**4.4.3.4** Part-time faculty teaching more than six (6) hours per semester have the right to hold faculty offices and to vote in general faculty meetings, meetings of departmental and college/school committees on which they serve, and faculty elections, with the exception of election of members to departmental personnel committees, as stated in Article II, Section 2. and Section 3. of the Faculty Constitution.

**4.4.3.5** During the period of their employment, part-time faculty shall have full access to benefits of the dispute resolution processes outlined in section 3.9 of this *Faculty Handbook*.

#### **4.4.4** Benefits

The policy of the State of North Carolina is such that part-time faculty must have a workload of nine hours or the equivalent per semester and have a contract for an academic year in order to be eligible for benefits (see Chapter VIII). Part-time faculty with a contract of shorter duration are not eligible for such benefits as health coverage, disability salary continuation plan, group life and other insurance plans (see Chapter VIII).

#### **4.4.5** Services

**4.4.5.1** Part-time faculty are eligible for the following services listed in Chapter VIII, sections 8.6, 8.7 and 8.8: Auxiliary Services, University Bookstore, AppCard Office, Food Services, Controller, and Administrative Services. Part-time faculty are also eligible for all services provided by the State Employees Credit Union.

**4.4.5.2** Current part-time students, faculty, instructors, adjunct faculty, staff and temporary employees are allowed to use recreational facilities. Their dependents and spouses are eligible to use the recreational facilities and to obtain an Appalachian State University ID card.

#### **4.4.6 Salary Checks**

Part-time faculty salaries are paid in accordance with the schedule outlined in the employment offer contingent upon the completion of all appropriate forms and documents.

#### **4.4.7 Tuition Free Courses**

Part-time faculty whose workload is less than nine hours or the equivalent and whose contract is less than an academic year are not eligible for tuition free courses (see Statement 15 of the Resource Manual of Administrative Policies and Procedures dated October 15, 1993). It is state policy that employees who are not eligible for participation in a state approved retirement plan cannot take tuition free courses.

#### **4.4.8 Parking**

**4.4.8.1** Part-time faculty are eligible to receive a campus parking permit. Vehicle registration fees may be payroll deducted. For a copy of the *Appalachian State University Parking and Traffic Regulations*, go to: <http://www.parking.appstate.edu>.

**4.4.8.2** Faculty with semester contracts will also have the option for payroll deduction. This deduction will be taken out in three installments for semester or year permits (no refunds). To be eligible for payroll deduction a faculty member must obtain a form from the appropriate dean and bring it to the University Parking and Traffic Department to fill out the necessary paperwork.

### **4.5 Appointment and Review of Administrative Staff**

#### **4.5.1 Appointment**

**4.5.1.1** Election of a Chancellor is fixed by statute as a duty of the Board of Governors of The University of North Carolina. Procedures for appointment to a senior administrative position, as determined by the Board of Governors, include the following:

(a) Appointment by the Chancellor of a nominating committee of no less than seven persons representing the faculty, administrative staff, students, and other groups as the Chancellor may deem appropriate. The majority shall be full-time faculty members not currently serving as administrators.

(b) Nomination to the Chancellor by the committee of two or more persons qualified to fill the position. (If the Chancellor finds none of the nominees acceptable, additional nominations may be requested or another committee appointed.)

(c) Appointment by the Chancellor to positions other than those of Provost or Vice Chancellor.

(d) Recommendation by the Chancellor to the Board of Trustees in the case of the positions of Provost or Vice Chancellor.

(e) Approval by the Board of Trustees.

**4.5.1.2** A member of the administrative staff does not attain tenure in an administrative position. If, however, the administrator holds academic rank and/or tenure at the time of the appointment, that person continues to hold such rank or tenure as a member of the department in which such status was held prior to appointment to an administrative position. The appointment of a dean of a college/school will include tenure in an academic department/school.

#### **4.5.2 Review**

The Chancellor or the Chancellor's designee will provide for periodic review of administrators.

##### **4.5.2.1 Administrative Review**

The Chancellor and the Provost and Executive Vice Chancellor will be reviewed every three years. The Board of Trustees evaluates the Chancellor every four years and will be provided with the necessary data from the most recent campus review.

The evaluative questions will be revised as needed by the Faculty Senate Executive Committee and will be developed from the appropriate job descriptions. The "optional statement" reflects on the goals and accomplishments of the administrator, and may be written by the administrator or his or her designee from a list provided by the administrator.

The Chancellor and the Provost and Executive Vice Chancellor may write up to three additional questions, the results of which will be reported only to the administrator providing the questions.

The Director of Institutional Research, Assessment and Planning (IRAP) will convene the first meeting of each reading committee and will facilitate the selection of a chair, or co-chairs, from among the committee members.

##### **4.5.2.1.1 Chancellor Evaluation**

(a) All faculty, staff and students will be provided the opportunity to evaluate the Chancellor.

(b) The reading committee for the Chancellor's evaluation and review will be comprised of the President of the Student Government Association, the President of the Graduate Student Association Senate, the Chair of Staff Council, the Chair of the Faculty Senate, and the Chair of the Council of Chairs. All committee members and the Chancellor will be provided the raw data. The reading committee will meet and discuss the outcome of the evaluation process and write a document summarizing the results. The committee will then meet with the Chancellor to discuss their findings. After this meeting, the committee will write a final report and submit it to the Chair of the Board of Trustees and to the President of the University of North Carolina system.

##### **4.5.2.1.2 Provost and Executive Vice Chancellor Evaluation**

(a) All faculty and direct report staff will be provided the opportunity to evaluate the Provost.

(b) The reading committee for the Provost and Executive Vice Chancellor will be comprised of the Chair of the Faculty Senate, the Chair of the Council of Chairs and a Dean jointly appointed by the Faculty Senate Chair and the Chancellor. All committee members and the Chancellor will be provided the raw data. The reading committee will meet and discuss the outcome of the evaluation process and write a document assessing the results. The committee will then meet with the Provost to discuss their findings. After this meeting, the committee will write a final report and submit it to the Chancellor.

#### **4.5.2.1.3 Other Administrative Evaluations**

Other administrators such as Vice Chancellors and Vice Provosts will be reviewed at least every three years as determined by his/her supervisor. Each division/unit will develop an evaluation instrument and will establish who will evaluate each administrator.

### **4.5.3 Administrative/Faculty Positions**

**4.5.3.1** There are several positions within the University, and particularly in the area of Academic Affairs, which are characterized by the following: (1) primarily an administrative, rather than a teaching position, (2) primarily a "staff" rather than a "line" position, (3) duties that involve working primarily with faculty and students in academic programs, and (4) primarily occupied by persons holding academic rank or eligible to hold such rank. Examples of such positions include assistant deans, associate deans, and directors of administrative units. Within this grouping of positions, two categories exist. In the first category are assistant deans and associate deans who are most directly responsible to and serve at the pleasure of the individual to whom they report. The second category consists of positions such as directors of administrative units which have neither students, faculty, nor programs of their own, and have distinct responsibilities to faculty, students, and others with whom they must work in the discharge of the respective responsibilities and duties.

**4.5.3.2** For a position in the first category (i.e., assistant dean, associate dean), it will be the responsibility of the person supervising the position to determine the most appropriate method for filling the position. Notification and discussion of the method to be used for the selection process for persons to fill positions in the first category will be made through the established reporting channels, up to and including the level of the Provost and Executive Vice Chancellor. All such positions will be advertised and applications received within a time limit determined by the Compliance Officer.

**4.5.3.3** For a position in the second category, a search committee will be formed, normally consisting of five to seven persons, who are representative of the primary groups with which the person to be selected will be working most directly. The Provost and Executive Vice Chancellor, in consultation with the dean of the college/school involved, will determine the various constituencies which are to be represented on the search committee; the Provost and

Executive Vice Chancellor and the dean may wish to consult with others prior to a final determination being made of these constituencies. The dean of the college/school involved, in consultation with the constituencies to be represented on the search committee, will submit to the Provost and Executive Vice Chancellor the names of at least two persons from each of these constituencies who are available to serve on the search committee. From this list of names, the Provost and Executive Vice Chancellor will proceed with the appointment of the search committee. In addition to the persons appointed to this committee, the dean of the college/school involved may also serve as a member of the committee. All such positions will be advertised and applications received within a time limit determined by the Compliance Officer.

**4.5.3.4** Procedures to be followed by the search committee for positions identified with the second category are as follows:

- (a) At the first organizational meeting, a chair will be elected by the members of the search committee.
- (b) At the initial meeting the dean of the college/school involved will submit to the search committee a description of the duties and responsibilities associated with the position.
- (c) Two (2) applicants will be interviewed. Since the cornerstone of our personnel policy is to promote from within, it behooves each search committee to consider carefully the application of each internal applicant for the position opening.
- (d) Timely written notification of non-selection will be given to all applicants.
- (e) A nomination will be made by the committee and appropriate administrator to the Provost and Executive Vice Chancellor of two or more qualified persons to fill the position (except when circumstances make only one candidate acceptable). The nominations may be submitted in rank order. If the Provost and Executive Vice Chancellor finds none of the nominees acceptable, additional nominees may be requested.
- (f) Recommendation will be made to the Chancellor for approval.

**4.5.3.5** In any case where a question arises as to whether or not a position referred to in this policy falls under the aegis of the first or second category, the final determination of such a question will reside with the Provost and Executive Vice Chancellor. In all cases concerning the selection of persons to fill positions in either of the two categories, the requirements prescribed by equal opportunity policies will be strictly maintained.

#### **4.5.4** Appointment and Review of Departmental Chairs

##### **4.5.4.1** Constitution of the Departmental Chair Search Committee

**4.5.4.1.1** The departmental chair search committee shall consist of:

- (a) Six (6) members of the department elected by the faculty of the department (as defined in Article II, Section 3. of the Faculty Constitution); and
- (b) A member of an allied department appointed by the dean of the college/school. The department may forward suggestions for consideration.



**4.5.4.1.2** When the department consists of 6 or fewer members, all shall be invited to serve on the committee.

**4.5.4.1.3** The ratio of tenured to non-tenured will be 4:2, whenever possible.

**4.5.4.1.4** Departments with a multiple focus (such as political science/criminal justice) shall strive to have all areas fairly represented.

**4.5.4.1.5** If the department offers a graduate degree or degrees, at least one committee member will be a member of the graduate faculty.

#### **4.5.4.2** Charge to the Departmental Chair Search Committee

Prior to the selection of the committee, the dean will meet with the department and charge it. In this meeting, the dean will emphasize consideration of the University's commitment to diversity when electing representatives to the committee.

#### **4.5.4.3** Procedures

**4.5.4.3.1** At the first organizational meeting, a chair will be elected by the members of the departmental chair search committee.

**4.5.4.3.2** Timely notification of non-selection will be given to all applicants.

**4.5.4.3.3** Nomination will be made by the committee to the dean of the college/school. The names and resumes of a short list of candidates will be sent to the dean if and when the committee prepares such a list. The committee will nominate two or more qualified persons to fill the position (except when circumstances make only one candidate acceptable). The committee may or may not submit these in ranked order of preference. The dean will send the committee's recommendation, along with the dean's recommendation to the Provost and Executive Vice Chancellor. If the Provost and Executive Vice Chancellor finds none of the nominees acceptable, additional nominees may be requested.

**4.5.4.3.4** A departmental chair does not attain tenure as chair. The departmental chair does, however, hold academic rank and will have tenure as a faculty member.

**4.5.4.3.5** When a departmental chair search committee has identified and voted to recommend candidates to the dean, the committee will recommend that an appointment with tenure should be made.

#### **4.5.4.4 Periodic Reopening of the Departmental Chair Position**

**4.5.4.4.1** A person is appointed as a chair for a period of one year (July 1 - June 30). If an individual receives appointment to the position of chair in five consecutive years

(including service as acting or interim chair) from the date of the initial appointment, the position will be reopened for nominations automatically in September of the fifth year of that individual's service as chair and every three years thereafter. The purpose of the periodic reopening of the position is to provide opportunity for the chair to return to faculty status and/or for the department to signal interest in positive change; that is, change not necessarily linked to the regular annual review of the chair.

**4.5.4.4.2** At that designated time, the dean will inform the faculty and the departmental chair that the periodic reopening of the position is taking place. The faculty of the department shall assemble, without the departmental chair, to discuss the future of the department and its leadership. Before this meeting is adjourned and while a quorum exists, departmental faculty (as defined in Article II, Section 3. of the Faculty Constitution) shall vote by secret ballot on whether to recommend to the dean that the department seek candidates for the position of departmental chair or that the department continue with the current chair for an additional term of three years. A simple majority shall be required. The result of this vote (the number of yeas, nays, or abstentions) shall be communicated to the dean of the college, and the dean will share the results with the departmental chair. After consulting with all EPA and SPA personnel working at least .75 time in the department, the dean shall recommend to the Provost and Executive Vice Chancellor whether the department should seek candidates for the position of departmental chair or continue with the current chair for an additional term of three years.

**4.5.4.4.3** If the faculty vote to continue with the current departmental chair, that person may continue as departmental chair for an additional term of three years. If the current chair does not wish to continue serving as departmental chair, then at this point the procedure for appointing a departmental chair (section 4.5.4) will be followed.

**4.5.4.4.4** If the faculty vote to consider other candidates, then a second vote will be taken on whether to seek candidates from outside the department or to consider only internal candidates. A simple majority shall be required. If a position is available, the departmental chair search committee may request of the dean an external search. A request for an external search does not preclude the dean from limiting a search to department members. At this point, the procedure for appointing a departmental chair (section 4.5.4) will be followed.

**4.5.4.4.5** The department's Equal Opportunity Associate (EOA) will convene the meeting. The faculty shall select a member to chair the meeting, conduct all balloting, prepare minutes of the meeting, and immediately inform the departmental faculty and the dean of the college of the ballot results. Minutes of the meeting shall only record those faculty present and the ballot results, and shall be sent to the dean of the college. The paper ballots for this vote shall be kept in sealed, labeled and dated envelopes, and filed in the office of

the dean.

**4.5.4.4.6** In order to institute the reopening of the chair position in an orderly way so that all chair positions will not be reopened at the same time, the following schedule is to be implemented. Beginning with the first academic year in which the new policy is adopted (i.e., the 1999-2000 academic year), if a chair has served in that position for:

- ( a ) 1-2 years, the first reopening would occur 5 years later.
- ( b ) 3-5 years, the first reopening would occur 3 years later.
- ( c ) 6 or more years, the first reopening would occur 2 years later.

#### **4.5.4.5 Annual Review of Departmental Chairs**

**4.5.4.5.1** Provision is made for a written review of departmental chairs each year. However, no chair who has served less than a full year in that position, or who is on an off-campus assignment, shall be reviewed.

**4.5.4.5.2** The purpose of the review is to evaluate and strengthen the departmental chair's performance with regard to the responsibilities listed in the *Faculty Handbook*. The dean of the college/school concerned will prepare a report concerning the performance of the chair which will be submitted to the Office of Academic Affairs. While it is recognized that a review report will generally contain both positive and negative aspects, a report is considered positive overall unless the dean recommends that the chair be removed from office.

#### **4.5.4.5.3 Procedure for the Review Process**

**4.5.4.5.3.1** During the first week of the spring semester, the evaluation instrument will be distributed by the dean's office to each faculty member within each academic department including the library.

**4.5.4.5.3.2** Within five (5) working days after receiving the form, the faculty<sup>10</sup> are to evaluate their respective chair and to return the form(s) in an unmarked, sealed envelope to the dean of the college/school who will then compile a summary of the evaluation responses for the dean's annual evaluation conference with the chair.

**4.5.4.5.3.3** Prior to or during the month of February, the dean shall discuss the summary with the chair in an annual spring conference called for this purpose. Following this meeting, the dean will discuss the evaluation of the chair with the Provost and Executive Vice Chancellor.

**4.5.4.5.3.4** Following discussions of the evaluation with the chair and Provost and Executive Vice Chancellor, the dean will communicate with the department

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<sup>10</sup>Members of the faculty who may participate in the review process are specified in Article II, Section 2. of the Faculty Constitution.

regarding the dean's recommendation, consistent with Article 7, Chapter 126-24 of the State Personnel Act regarding privacy of personnel records. The communication may be provided in writing or in a meeting with the department.

**4.5.4.5.3.5** In the event that a negative recommendation appears to be under consideration by the dean, the chair has the right to call a meeting of the dean, the faculty and the chair to discuss the basis or lack of basis for the recommendation.

**4.5.4.5.3.6** In the event that the dean recommends the removal of the chair, the dean and the Provost and Executive Vice Chancellor will meet with the chair to discuss the evaluation and the dean's recommendation.

**4.5.4.5.3.7** If the Provost and Executive Vice Chancellor accepts the dean's recommendation that the chair be removed, the Provost and Executive Vice Chancellor should complete the process of removal by notifying in writing the chair, the faculty of the department, and the dean of the college/school of the decision. If the Provost and Executive Vice Chancellor rejects the dean's recommendation for removal, the Provost shall notify in writing these same persons of the decision and of any recommendations the Provost wishes to make.

**4.5.4.5.3.8** If the chair remains in the position and suggestions for improvement have been made, the dean of the college/school involved will follow up as necessary to determine whether or not the recommendations are being implemented.

**4.5.4.5.3.9** When viewed as necessary, the dean, chair or the faculty by a petition of more than 50% of the faculty of a department may call for a meeting between the dean and the faculty members to discuss concerns pertaining to the chair's performance. (The "more than 50%" requirement is not to be construed that the petitioning faculty members have decided one way or the other on the merits of the issues that might be discussed.) Upon completion of this meeting, it is the dean's responsibility to communicate the information from this meeting to the chair, to give the chair the opportunity to respond if the chair wishes, and to make a recommendation about the chair, if appropriate, based on the written and oral evaluations that have been collected.

#### **4.6 Employment of Related Persons (Anti-Nepotism Policy)<sup>11</sup>**

WHEREAS, decisions concerning the employment, evaluation, promotion and compensation of academic personnel should be based in every instance on considerations of individual merit, and

WHEREAS, favoritism based on family or personal relationships between employees derogates from the merit principle of employment, and

WHEREAS, the risk of occurrence of such favoritism can be avoided most effectively by the advance establishment of general restrictions against the creation of situations where such favoritism could be operative; and

WHEREAS, a common policy concerning the employment of related persons, applicable to personnel practices at all constituent institutions of the University of North Carolina, is desirable,

NOW, THEREFORE, the Board of Governors herewith adopts the following UNIVERSITY POLICY CONCERNING THE CONCURRENT EMPLOYMENT OF RELATED PERSONS:

**4.6.1 Basic Principles:** Consistent with the principle that University employees and prospective employees shall be evaluated on the basis of individual merit, without reference to considerations of race, sex, religion or national origin, or any other factors not involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to institutional personnel who are not subject to the State Personnel Act:

**4.6.1.1** Related persons shall not serve concurrently within the institution in any case where one such related person would occupy a position having responsibility for the direct supervision of the other related person.

**4.6.1.2** With respect to proposed employment decisions which would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are

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<sup>11</sup>The Board of Governors adopted the University policy concerning the concurrent employment of related persons on 4/13/73, and amended this policy on 3/15/96 as per Chapter 300.4.2 of *The University of North Carolina Policy Manual*. In addition to the “Employment of Related Persons” policy presented here in Chapter IV, section 4.6, see Appendix E of this *Faculty Handbook* for a copy of the following Board of Governors’ policies: “Improper Relationships Between Students and Employees,” “Guidelines on Implementing Improper Relationships Policy,” and the “Guidelines on Implementing Anti-Nepotism Policy.” Section numbers 4.6.1 through 4.6.5 have been added to match the format of this *Faculty Handbook*.

demonstrably superior to those of the related person.

**4.6.1.3** With respect to the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), neither related person shall be permitted, either individually or as a member of a faculty or as a member of a committee of a faculty, to participate in the evaluation of the other related person.

**4.6.2** Definition of “Related Persons:” The following relationships are sufficiently immediate to invoke the prohibitions against concurrent service of related persons:

- ( a) Parent and child
- ( b) Brothers and sisters
- ( c) Grandparent and grandchild
- ( d) Aunt and/or uncle and niece and/or nephew
- ( e) First cousins
- ( f) Step-parent and step-child
- ( g) Step-brothers and step-sisters
- ( h) Husband and wife
- ( i) Parents-in-law and children-in-law
- ( j) Brothers-in-law and sisters-in-law
- ( k) Guardian and ward
- ( l) Persons engaged in amorous relationships; an amorous relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g., dating or engaged to be married) that may or may not have been consummated sexually.

**4.6.3** Effective Date: The provisions of this policy shall be applicable prospectively only, with reference to appointments made after the adoption date of the policy.

**4.6.4** Employees Subject to the State Personnel Act: With respect to University employees who are subject to the State Personnel Act, applicable restrictions concerning the concurrent service of related persons shall be those adopted by the State Personnel Board.

**4.6.5** Each chancellor shall report annually to the Board of Trustees, at the regular meeting falling closest to the date of commencement, concerning all specific cases during the preceding year in which the terms of this policy were applied.

## **4.7 Professional Ethics**

**4.7.1** Faculty members, guided by a deep conviction of the worth and dignity of the transmission and advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility is to seek and to state the truth as they see it. To this end they are expected to devote their energies in the development and improvement of their scholarly

competencies. They are expected to accept this obligation of exercising responsible and critical self-discipline and judgment within the boundaries of the law in using, extending, and transmitting knowledge. They are expected to practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise either their own freedom of inquiry or that of their colleagues and students.

**4.7.2** As teachers, faculty members encourage the free pursuit of learning in all students, holding before them the best scholarly standards of their discipline. They are expected to demonstrate respect for the student and to adhere to their proper roles as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to attain a conscientious and fair evaluation of students. They respect the confidential and ethical nature of the relationship between professor and student. They are expected to avoid scrupulously any exploitation of students for their personal advantage and should apprise themselves of state and federal regulations governing such matters as sexual harassment and religious proselytizing. They acknowledge significant assistance from their students and protect their academic freedom.

**4.7.3** As colleagues, faculty members have obligations that derive from common membership in the community of scholars. They respect and defend within the boundaries of the law the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They avoid conflicts of interest, acknowledge their academic debts and strive for objectivity in their professional judgment of colleagues. They are expected to accept their share of faculty responsibility for the governance of the institution.

## **4.8 Conflicts of Interest and Commitment<sup>12</sup>**

**4.8.1** *The Code of The University of North Carolina* affirms that the basic mission of the faculty is "the transmission and advancement of knowledge and understanding." Faculty employment at Appalachian State University entails three responsibilities: teaching, scholarship<sup>13</sup> and professional service to the institution and to society. Realization of those objectives is facilitated and encouraged by certain distinctive characteristics of employment within an academic community that differ markedly from the conventional workday and workweek employment models in most business and industrial settings.

**4.8.2** Time-specific assignments, such as classroom contact hours, constitute only a limited part of the workload. Typically, actual teaching hours account for no more than one quarter of a professor's time. Activity directly affecting the education of students also includes

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<sup>12</sup>Appalachian State University's Policy on Conflicts of Interest and Commitment was approved by the University of North Carolina Board of Governors on October 19, 1995.

<sup>13</sup>Appalachian State University has defined scholarship to include research, writing and other creative activities.

class preparation and student evaluation, scheduled and unscheduled office hours for individual student counseling, and meetings of committees within departments, colleges and schools of the institution that are responsible for curriculum development, syllabus preparation, and program evaluation. In addition, the collective faculty has extensive authority and responsibility for the governance of the institution. Such work usually is accomplished through membership on various committees at the department, college, school and institutional levels that address personnel, financial and other administrative issues. Finally, every member of the faculty is expected to pursue research/creative activity in that person's area of specialization. Such scholarly activity may be specifically relevant to instruction, it may add generally to the body of information and understanding in a particular field, or it may have direct practical applications, as in business, industry, government, primary and secondary education, public health and national defense.

**4.8.3** Faculty/EPA administrative personnel also pursue their specialized professional interests in other contexts, collateral to their immediate University employment. They hold memberships in and attend meetings of professional associations and learned societies; they serve on review or advisory panels; they present lectures, papers, concerts and exhibits; they participate in seminars and conferences; they review and edit scholarly publications; and they participate in accreditation reviews.

**4.8.4** Many faculty/EPA administrative personnel also have opportunities to use their specialized competencies in secondary professional employment, as paid consultants to public and private agencies, and thereby contribute to the transfer and application of knowledge.

**4.8.5** The role of a scholar, encompassing both institutional employment responsibilities and broader applications of specialized professional interests, is complex. The University employment environment is designed to accommodate such complexity. For many purposes, the faculty member is allowed, and indeed encouraged, to function more independently than employees in other settings. Aside from assigned teaching and advising responsibilities and committee memberships, a faculty member establishes that person's own agenda and schedule in selecting and pursuing scholarly emphases. A substantial part of the value received by society in exchange for its investment in a scholar's career is attributable to that freedom of inquiry, whether the inquiry consists of basic scientific research, applied or performing art, analysis and criticism of literature, or explication of economic principles. Members of the faculty are expected to be imaginative, inquisitive, creative, fair and objective.

**4.8.6** The freedom accorded faculty/EPA administrative personnel carries with it a substantial responsibility. Those who display notable talent and are conscientious and productive in their pursuit of knowledge and learning are invited to establish long-term affiliations with the institution, through the award of tenure. There is the possibility, however, that members of the faculty/EPA administrative personnel may take advantage of the freedom attending employment and neglect their responsibilities to the institution. Such neglect may become an issue when decisions are being made about reappointment or tenure, or it may require attention at other times during the employment relationship. The problem may consist of what may be considered



either a **conflict of commitment** or a **conflict of interest**.

**4.8.7** As relationships among University faculty/EPA administrative personnel and private industry, federal and state governments, and nonprofit agencies have grown in number and scope, there has been a corresponding increase in concern about conflicts of commitment and interest. While faculty/EPA administrative personnel are encouraged to engage in appropriate relationships with public and private agencies outside the University, there is a need for commonly understood principles and corresponding procedures that will identify and address conflicts which would detract from or interfere with the faculty/EPA administrative personnel's dedication of primary professional loyalty, time and energy to University teaching, scholarship and service. Although faculty/EPA administrative personnel are the primary subject of concern, all other University employees similarly must avoid such conflicts.

**4.8.8** The following policy statements should serve as a guide for faculty/EPA administrative personnel in structuring their relationships with commercial business, the nonprofit sector, and federal and state governments. They are designed to enable faculty/EPA administrative personnel to recognize more clearly situations that may be subject to question and to ensure that such situations are properly reviewed and, if necessary, supervised and monitored. They provide faculty/EPA administrative personnel with guidance for the continued development and future structuring of productive relationships with outside organizations. Finally, by virtue of the explicit nature of and provision for full disclosure, the policy provides assurance to faculty/EPA administrative personnel, the University, and the public that such relationships have been examined and will be conducted in a manner consistent with University and public values.

#### **4.8.9 Conflicts of Commitment**

**4.8.9.1** Conflict of commitment relates to an individual's distribution of effort between obligations to one's University employment and one's participation in other activities outside of University employment. The latter may include a wide variety of generally encouraged extensions of professional expertise. Such activities promote professional development and enrich the individual's contributions to the institution, to the profession, and to society. However, a conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time that interferes with the faculty/EPA administrative personnel obligations to students, to colleagues, and to the mission of the University.

**4.8.9.2** Although full-time faculty employment is not amenable to precise, time-clock analysis and monitoring, administrators are able to and regularly do evaluate the work of employees within their jurisdiction. The formal occasions for determining whether an individual is devoting sufficient time and energy to University employment include regular reviews of performance in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions. In addition, complaints from students, colleagues or administrators about possible failures to meet assigned responsibilities may arise and require investigation. The issue, in each case, is whether the faculty/EPA administrative personnel are

meeting the requirements of the job. If presented with evidence that they are not meeting full-time responsibilities to the University, *The Code of The University of North Carolina* prescribes that "neglect of duty" is a ground for disciplinary action, including the possibility of discharge. In one particularly relevant context, the Board of Governors has established special policies and procedures for monitoring possible conflicts of commitment. In addition, the Appalachian State University Board of Trustees has its own "Policy On Outside Activities By Faculty Members." A University employee who wishes to engage in an external professional activity for pay must make a full disclosure, in advance, of the planned outside involvement and must provide satisfactory assurances that such activity will not interfere with University employment obligations.<sup>14</sup> In another example of special legislation, the Board has established rules for monitoring and regulating the involvement of University employees in political candidacy and office holding that could interfere with full-time commitment to University duties.

**4.8.9.3** The following examples of conflicts of commitment are merely illustrative and do not purport to include all possible situations. The cited examples involve prolonged commitments to a variety of activities and organizations.

**4.8.9.3.1** Faculty/EPA administrative personnel, as a result of their professional expertise, may give an inordinate investment of time to a professional organization, thus interfering with the faculty/EPA administrative personnel's obligations to students, to colleagues, and to the mission of the University.

**4.8.9.3.2** Faculty/EPA administrative personnel may serve as volunteers in civic or other types of community organizations that require an inordinate investment of time that interferes with the faculty/EPA administrative personnel's obligation to students, to colleagues, and to the mission of the University.

**4.8.9.3.3** Faculty/EPA administrative personnel may work for or own a business that requires an inordinate investment of time that interferes with the faculty/EPA administrative personnel's obligation to students, to colleagues, and to the mission of the University.

**4.8.9.3.4** Faculty/EPA administrative personnel may serve in independent consulting activities that require an inordinate investment of time that interferes with the faculty/EPA administrative personnel's obligation to students, to colleagues, and to the mission of the University.

**4.8.9.3.5** In each of the above examples, the faculty/EPA administrative personnel may or may not receive compensation.

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<sup>14</sup>See "Notice of Intent to Engage in External Professional Activities for Pay" policy and form found in Appendix E of this *Faculty Handbook*.

#### **4.8.10 Conflicts of Interest**

**4.8.10.1** Conflicts of interest relate to situations in which financial or other personal considerations may compromise, may involve the potential for compromising, or may have the appearance of compromising a faculty/EPA administrative personnel's objectivity in meeting University duties or responsibilities, including teaching and scholarship. The bias that such conflicts may impart can affect many University duties, including decisions about personnel, the purchase of equipment and other supplies, the collection, analysis and interpretation of data, the sharing of research results, the choice of research protocols, and the use of statistical methods. Faculty/EPA administrative personnel may have conflicts of interest when they, or any member of their immediate family, have a personal interest in an activity that may affect decision making with respect to University teaching, research or administration.

**4.8.10.2** Conflicts of interest can be difficult to define, detect and resolve. Appalachian State University has established some basic parameters to enable its faculty/EPA administrative personnel to recognize more readily and clearly those situations that are improper or may be questionable, and to institute basic procedures for avoiding or rectifying any problems.

**4.8.10.3** Faculty/EPA administrative personnel professional activities and financial interests must be arranged to avoid circumstances that do or may prevent or limit objectivity in the performance of University responsibilities or that otherwise do or may affect adversely any University interests.

**4.8.10.4** The following examples of conflicts of interest are merely illustrative and do not purport to include all possible situations.

##### **4.8.10.5** Activities allowable, with no reporting required

The cited examples do involve activities external to University employment, and thus may present the appearance of a technical conflict, but they in fact do not have the potential for affecting the objectivity of the faculty member's performance of University responsibilities; at most, some such situations could prompt questions about conflicts of commitment.

(a) Faculty/EPA administrative personnel receiving royalties from the publication of books or for the licensure of patented inventions subject to the Appalachian State University and UNC Patent and Copyright Policies.

(b) Faculty/EPA administrative personnel having equity interest in a corporation, the exclusive function of which is to accommodate the employee's external consulting activities.

(c) Faculty/EPA administrative personnel engaging in service to professional associations and learned societies; service on review or advisory panels; presentation of lectures, papers, concerts, or exhibits; participation in seminars and conferences; preparation, review, or editing scholarly publications; and membership on accreditation bodies. These activities may be pursued without compensation or with minimal compensation in the form of honoraria or expense reimbursement. While these activities may not present a conflict of interest, they may present a conflict of commitment if an inordinate amount of time is involved (see section 4.8.9,

entitled “Conflicts of Commitment”).

#### **4.8.10.6** Activities requiring disclosure for administrative review

The cited examples suggest a possibility of conflicting loyalties that can impair objectivity, but disclosure and resulting analysis of relationships may render the activity permissible, perhaps with certain types of limitation or monitoring.

(a) Faculty/EPA administrative personnel requiring students to purchase the textbook or related instructional materials of the employee or members of the employee’s immediate family, which produces compensation for the employee or family member.

(b) Faculty/EPA administrative personnel receiving compensation or gratuities (other than occasional meals, gifts or desk copies of textbooks, and the like) from any individual or entity doing business with the University.

(c) Faculty/EPA administrative personnel serving on the board of directors or scientific advisory board of an enterprise that provides financial support for University research, and the employee or a member of the employee’s immediate family may receive such financial support.

(d) Faculty/EPA administrative personnel serving in an executive position in a for-profit or not-for-profit business that conducts research or other activities in an area related to the University duties of the employee.

(e) Faculty/EPA administrative personnel having significant equity in a for-profit business that conducts research or other activities in an area related to the employee's University duties.

(f) Faculty/EPA administrative personnel having financial interest in a business that competes with services provided by the University.

(g) Faculty/EPA administrative personnel who have a relationship with vendors making purchasing decisions that might impair objective fulfillment of the employee’s duties.

(h) Faculty/EPA administrative personnel who have a significant academic association with a student by employing the student in a company in which the employee has a significant ownership, supervisory, or consulting interest.

#### **4.8.10.7** Activities or relationships that are generally not allowable

The cited examples involve situations that are not generally permissible because they involve potential conflicts of interest or they present obvious opportunities or inducements to favor personal interests over institutional interests. Before proceeding with such an endeavor, the faculty/EPA administrative personnel would have to sustain the burden of demonstrating that in fact that person’s objectivity would not be affected or University interests otherwise would not be damaged.

(a) Faculty/EPA administrative personnel participating in University research involving a technology owned by or contractually obligated to (by license or exercise of an option to license, or otherwise) a business in which the employee or a member of the employee’s immediate family has a consulting relationship, has an ownership interest, or holds an executive

position.

(b) Faculty/EPA administrative personnel participating in University research that is funded by a grant or contract from a business in which the employee or a member of the employee's immediate family has an ownership interest.

(c) Faculty/EPA administrative personnel accepting support for University research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication (other than as allowed by University Patent and Copyright Policies or by Policy of the Board of Governors dated February 12, 1988, Administrative Memorandum Number 260).

(d) Faculty/EPA administrative personnel making referrals of University business to an external enterprise in which the employee or a member of the employee's immediate family has a significant financial interest.

(e) Faculty/EPA administrative personnel associating the employee's own name with the University in such a way as to profit financially by trading on the reputation or goodwill of the University.

(f) Faculty/EPA administrative personnel making unauthorized use of privileged information acquired in connection with the employee's University responsibilities.

(g) Faculty/EPA administrative personnel making use of University facilities or equipment for personal gain.

(h) Faculty/EPA administrative personnel accepting additional compensation for advice or service (to individuals, organizations, and other agencies) that is a part of the employee's assigned duties.

(i) Faculty/EPA administrative personnel accepting textbooks and other gifts that improperly influence the conduct of research or the University's business, administrative, or academic decisions.

(j) Faculty/EPA administrative personnel accepting textbooks and other gifts for the purpose of reselling or exchanging them for personal financial gain.

(k) Faculty/EPA administrative personnel initiating or participating in (directly or indirectly) decisions involving family members, blood relatives or close personal friends.

#### **4.8.11 Definition of Significant Financial Interest**

**SIGNIFICANT FINANCIAL INTEREST** means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

(a) Salary, royalties, or other remuneration from the University;

(b) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

(c) Income from service on advisory committees or review panels for public or nonprofit entities;

(d) An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value, as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single

entity; or

(e) Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

#### **4.8.12 Publicizing Institutional Policy**

Members of the academic community who will be affected by this policy must be effectively educated about its requirements, both in advance and as particular situations come to light. Published versions of the policies and guidelines will be included in new editions of the *Faculty Handbook* and the *Handbook for EPA Administrative Personnel*. Presentations to each department will be made by the respective dean and chair. Periodic review workshops will be held for deans and chairs, reviewing types of decisions made at unit levels and at the appellate level. Such workshops will be conducted by the chair of the Conflicts of Interest/Commitment Appeals Council.

#### **4.8.13 Required Disclosure**

**4.8.13.1** The primary device for monitoring compliance with this policy will be an annual disclosure form (see Appendix E) designed to reveal income sources, business relationships and activities that may suggest the existence or appearance of the existence of a conflict of interest or commitment. Affected employees must amend or supplement such disclosure forms during the employment year to reflect new developments after submission of the annual disclosure form.

##### **4.8.13.2 Submission of Disclosure Forms**

**4.8.13.2.1** All faculty/EPA administrative personnel, including part-time employees and employees on leave (explained herein) are required to complete and submit a disclosure form on an annual basis. Updated forms must also be submitted throughout the year if changes arise (for example, new University duties or changes in external activities) that the individual believes: (a) may have occurred; (b) may give rise to a potential conflict of commitment or interest, as defined earlier, herein, or (c) may eliminate a potential conflict previously disclosed. Part-time employees are covered by this policy insofar as a potential conflict of interest is concerned. Employees on leave are covered if the leave is funded at least partially from University sources.

**4.8.13.2.2** Faculty/EPA administrative personnel will be reminded annually to fill out and to return disclosure forms, and will be encouraged to seek assistance from their departmental chair, dean or director, or from the Office of Academic Affairs, if questions or special circumstances arise. Prior to submission of a proposed activity or financial or business relationship for review and approval by the departmental chair, informal discussion between the individual and the chair is encouraged to promote mutual understanding and to prevent avoidable conflicts from developing. All disclosure forms must be submitted to the departmental chair.

**4.8.13.2.3** The disclosure forms contain information that may have a direct bearing on the individual's employment. The forms, therefore, will be included in the individual's departmental personnel file. As a part of the personnel file, the forms will be considered confidential. The information disclosed in the forms is available only to individuals duly charged with the responsibility for review, and the information may be released only in accordance with and as required by North Carolina law or lawful court order.

**4.8.13.2.4** In the case of individuals who hold administrative positions, the annual and interim disclosure and review process will proceed as follows: departmental chairs will report directly to their dean; deans and directors will report to the appropriate vice chancellor; and vice chancellors will report to the Chancellor.

#### **4.8.13.3** Review and Approval of Disclosure Forms

**4.8.13.3.1** The departmental chair or director of an administrative unit has the initial responsibility to review the forms filed by faculty/EPA administrative personnel within that unit. Review shall follow the provisions in this policy statement. The departmental chair is the primary administrator responsible for making decisions regarding the permissibility of faculty activity, but

- (a) may refer any question regarding a disclosure to the dean for review and decision, and
- (b) **MUST** refer to the dean for review and approval any monitoring mechanism that is proposed for activities or relationships that may be allowable and any request for exception and monitoring mechanism for activities or relationships that are generally not allowable.

**4.8.13.3.2** The dean may, at the dean's discretion, refer the disclosure to the Conflicts of Interest/Commitment Appeals Council as hereinafter provided. The dean **must** report any monitoring mechanism for activities or relationships that may be allowable and any exception and monitoring mechanism for activities or relationships that are generally not allowable to the Provost and Executive Vice Chancellor, as appropriate.

**4.8.13.3.3** The Provost and Executive Vice Chancellor will notify the Dean of Graduate Studies and Research of any failure of an investigator to comply and the corrective actions taken. It will be the responsibility of the Dean of Graduate Studies and Research to notify the granting agency of such incidents.

**4.8.13.3.4** All aspects of the administration of this policy must be carefully documented and sufficient records of all transactions maintained.

#### **4.8.13.4** Sanctions for Noncompliance

As employees with a primary commitment to the University, it is the responsibility of each individual to ensure that a conflict of commitment or a conflict of interest (or the reasonable perception thereof) does not occur. When an employee does not report or resolve the identified

conflict (or appearance thereof), the University may take appropriate disciplinary action in accordance with University regulations. The appropriate funding agency (or agencies) sponsoring the activity will be notified in the event that any employee is involved with a conflict of interest that involves funds from the specific agency.

#### **4.8.13.5 Reporting of Abuses**

When an individual believes that a conflict of commitment or a conflict of interest exists for a fellow employee, that individual is encouraged to bring this matter to the attention of the appropriate administrative officer. The identity of the complainant will be kept confidential. The institution should take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. The institution will seek to protect the complainant against retaliation, and employees engaging in an act of retaliation will be disciplined.

#### **4.8.13.6 Conditions or Restrictions Which May be Imposed to Manage Conflicts**

Any one or more of the following conditions or restrictions may be imposed to manage conflicts:

- (a) Public disclosure of significant financial interests;
- (b) Monitoring of research by independent reviewers;
- (c) Modification of the research plan;
- (d) Disqualification from participation in all or a portion of a funded project;
- (e) Divestiture or severance of significant financial interests; or
- (f) Severance of relationships that create actual or potential conflicts.

#### **4.8.13.7 Conflicts of Interest/Commitment Appeals Council**

**4.8.13.7.1** The Chancellor will appoint a standing Conflicts of Interest/Commitment Appeals Council. The council shall consist of: three members appointed by the Chancellor, at least one of whom shall be chosen from EPA administrative personnel; three faculty members appointed by the chair of the Faculty Senate, at least one of whom shall be chosen from EPA administrative personnel who are members of the general faculty or who hold any faculty rank; and one member appointed jointly by the Chancellor and the chair of the Faculty Senate. The Chancellor shall appoint the chair of the council.

**4.8.13.7.2** The council will be responsible for reviewing cases brought to its attention by any dean or vice chancellor or by the Chancellor. It will conduct a thorough review of each case and will make recommendations for conflict resolution to the official who referred the matter to it.

**4.8.13.7.3** In any case before the council, the faculty member/EPA administrative personnel will be provided the opportunity to respond in person and in writing to the issues raised in the course of such review. Any such written response will be appended to the council's report for review by the referring official and by the Chancellor.



**4.8.13.7.4** All aspects of the administration of the policy must be carefully documented and sufficient records of all transactions maintained.

**4.8.13.7.5** Any faculty/EPA administrative personnel shall have the right to appeal any decision under this policy involving that individual to the Conflicts of Interest/Commitment Appeals Council.

**4.8.13.7.6** The council is authorized to hear, mediate, and advise with respect to the adjustment of appeals arising under this policy. The power of the council is solely to hear representations by the persons directly involved in the decision under appeal, to mediate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of the appellant may be given to the Chancellor only after the vice chancellor, dean, or departmental chair has been given similar advice and has not acted upon it within a reasonable time.

**4.8.13.7.7** The council may act as a whole or, by designation of the chair, in panels of two or more, for the consideration of particular appeals. It may promulgate rules of procedure for its operations. When promulgated, these rules shall constitute the exclusive formal procedures for the adjustment of appeals herein described. No formal other appeal procedure shall be available other than to the Chancellor.

#### **4.8.13.8 Policy Implementation and Policy Breaches**

The Chancellor is responsible for overseeing the implementation of this policy in all units, including the process and mechanism for disclosure. The Chancellor or the Chancellor's delegate will review all breaches of the disclosure process, including: ( a) failure to comply with the disclosure process (by refusal to respond, by responding with incomplete or knowingly inaccurate information, or otherwise); ( b) failure to remedy conflicts; and ( c) failure to comply with a prescribed monitoring plan. Such cases may be forwarded by the Chancellor to the Conflicts of Interest/Commitment Appeals Council for review and recommendation. Based on its review, the council will make recommendations to the Chancellor.

### **4.9 Paid Leaves of Absence and Other Adjustments of Employment Obligations**

#### **4.9.1 Paid Leaves of Absence**

**4.9.1.1** There are times when a faculty member, for one of the reasons listed in section 4.9.1.3, may find it necessary to be absent in total or in part for an extended period of time. In such cases, leave with pay will be considered subject to the following procedures and conditions, including the completion of the Leave Request and Certification forms included in Appendix E of the *Faculty Handbook*:

( a) Eligibility for consideration is limited to those faculty who (1) are eligible to participate in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional

Retirement Program and (2) have been employed a minimum of half-time at Appalachian State University for at least one year.

(b) When a faculty member finds it necessary to take such leave, a request in writing will be submitted to the departmental chair stating the reason for the request and the expected length of time (not to exceed one semester) the absence or reduced work load will last. The request for leave should be submitted at least 60 days in advance of the leave or as soon as practicable after the need for the leave is foreseeable.

(c) The departmental chair will discuss the request with the dean who will in turn notify the Provost and Executive Vice Chancellor what is requested and what is recommended.

(d) The Provost and Executive Vice Chancellor will make the final decision and will so notify the faculty member in writing.

(e) The University may require that the faculty member have a health care provider certify that the faculty member is fit to resume duties. The University makes the ultimate decision as to the faculty member's fitness to resume duties.

(f) The departmental chair is responsible for arranging coverage of the faculty member's duties. Whenever feasible, replacement instructors should be hired to assume the duties of a faculty member on extended leave. Responsibility for covering the cost of replacement instructors will be determined through consultations among the departmental chair, dean, and provost.

(g) Any academic year during which, under this policy, a probationary faculty member is on leave for more than 25 class days of the academic calendar or receives a total teaching-load reduction of more than six credit hours will not count as probationary service with respect to permanent tenure unless the faculty member requests in writing to the departmental chair that it be so counted. Such request must be made within one calendar year following the end of the leave or course-load reduction.

(h) Paid leave provided for under this policy has no effect on the faculty member's other employment benefits. All periods of paid leave under this policy will be construed as family and medical leave under the Family Medical Leave Act, and the FMLA entitlement of 12 weeks without pay will run concurrently with any period of paid time off. The North Carolina Family Illness Act allows for an extension of up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent. Faculty with a balance of accrued leave from a previous 12-month appointment will be requested to exhaust that leave before receiving paid sick leave under this policy.

(i) Unused leave under this policy will not be accumulated or carried over to another academic year; allowable as terminal leave payment when the faculty member leaves the University; or used to extend years of creditable service for retirement benefit purposes.

(j) Responsibility for maintaining faculty leave records rests with the Office of Academic Affairs. Copies of all such records should also be maintained in the offices of the appropriate departmental chair and dean.

**4.9.1.2** There may be occasions when a one-semester leave is not sufficient. When this is the case, a request for an extension of the leave may be made subject to the procedures and conditions stated above. Should time in excess of two consecutive semesters be required, it will be necessary to consider a leave of absence without pay or a medical disability

leave.

**4.9.1.3** Leave with pay will be considered for any of the following reasons:

(a) For the birth of a child and/or to exercise primary responsibility for the care of an infant following the birth.

(b) To exercise primary responsibility for care of a child under age five placed with the faculty member for adoption or foster care, provided the leave is taken immediately following the placement.

(c) To exercise primary responsibility for the care of the faculty member's child, spouse, domestic partner, or parent when that child, spouse, domestic partner, or parent has a serious health condition.

(d) Because the faculty member has a serious health condition and is unable to perform the essential functions of the position.

## **4.9.2** Off-Campus Scholarly Assignments

Provision is made for off-campus scholarly assignments for all full-time faculty members at Appalachian State University. Information regarding these assignments may be obtained by a faculty member from the dean of the college/school in which the faculty member is located.

### **4.9.2.1** Guidelines for Off-Campus Scholarly Assignments

#### **4.9.2.1.1** Purpose:

Off-campus scholarly assignments are a means by which the institution facilitates the continued professional growth of its faculty. Such assignments provide institutional encouragement and support to the faculty in developing, maintaining and broadening academic and instructional competencies that are valued by the University.

#### **4.9.2.1.2** Eligibility:

(a) All faculty members who have served at Appalachian State University for a minimum of four years are eligible; however, members with tenure will be given preference.

(b) No person will be eligible to receive more than one such assignment within any six-year period.

#### **4.9.2.1.3** Procedures for Application and Approval:

(a) A request for an off-campus scholarly assignment must include a detailed statement of the proposed project or activity and be submitted to the chair of the department.

(b) Departmental approval by majority vote of the faculty and the endorsement of the departmental chair are required before an application is submitted to the dean of the college/school for action. The dean will thereafter submit the proposal, along with the dean's endorsement or rejection, to the Provost and Executive Vice Chancellor.

(c) A request for an off-campus scholarly assignment should be submitted

at least six months prior to its effective date.

**4.9.2.1.4** Conditions:

(a) An off-campus scholarly assignment may be granted for full salary for either one or two semesters. In no case will Appalachian State University provide financial support which would result in an excess of the contract salary. (Stipends from grants or other outside sources may be combined with Appalachian State University support to equal a faculty member's contract salary. Supplemental support from outside sources for travel including subsistence will not be counted in computing the salary.)

(b) Upon completion of an off-campus scholarly assignment, the recipient shall present a report of results and accomplishments to colleagues in a departmental meeting. A written summary of that report shall be filed with the department, the dean of the college/school, and the Provost and Executive Vice Chancellor. Faculty members accepting an off-campus scholarly assignment must agree to return to Appalachian State University for a period of at least one year at the conclusion of the assignment.

**4.9.3** Other Adjustments of Employment Obligations

**4.9.3.1** Special terms for part-time employment with commensurate compensation, or for relief from all employment obligations for a specified period, may be included in an appointment or reappointment to any faculty rank or may be added by mutual agreement of the institution and faculty members in a written memorandum of amendment during the term of an appointment. For compassionate reasons of health, requirements of childbirth or child care, or similar compelling reasons, such terms may, with the concurrence of the faculty member, include extensions of the period of a current probationary term of appointment to coincide with the extent and duration of the relief from the full-time employment obligation. Such special terms must be expressly stated in initial appointment documents or, if added by a memorandum of amendment, must be approved by signature of the Chancellor or the Chancellor's delegate and the faculty member, with a copy to be retained by each. Except as may be otherwise expressly provided in the documents of appointment, all appointments to any faculty rank are made on the basis of a full-time employment obligation and confer the full incidents of academic tenure pertinent to the particular appointment.

**4.9.3.2** These provisions do not apply to informal temporary adjustments of the regularly assigned duties of faculty members by the departmental chair who is responsible for their direct supervision, nor to the University's granting of extended leaves of absence with or without compensation.

**4.9.3.3** A faculty member is relieved of all service obligations to the University while on full-time paid or unpaid leave, including an OCSA (off-campus scholarly assignment) and Family or Medical Leave. In particular, a faculty member is not eligible to serve on a departmental personnel committee during the academic year in which the leave occurs, or during an academic year in which she or he is absent from campus from any reason (for example, on a foreign exchange) for a semester or more.

## **V. FACULTY INSTRUCTION AND STUDENT RELATIONS**

### **5.1 Faculty Workload**

#### **5.1.1 Professional Workload**

The professional workload for full-time faculty members includes the teaching load (see section 5.1.2), scholarship, research, or other germane creative activities, professional service, participation in University governance, student advising, and many other activities including but not limited to sponsoring student organizations, activities and publications, psychological counseling, oversight of field educational experiences, editorship of scholarly journals, directorship of academic programs, administrative assignments, laboratory and studio management, and professional development.

#### **5.1.2 Teaching Load**

The teaching load will be arranged through consultation among faculty, chairs, and deans and determined by the individual faculty member's total professional workload (see section 5.1.1). Within this framework, the classroom teaching assignments for a faculty member may vary from semester to semester and from one faculty member to another. The maximum teaching load for faculty is twelve hours per week, and may be modified by teaching equivalents (see section 5.1.3). A classroom contact time of twenty-four hours a week is considered a maximum load in any area where lecture hour equivalents cannot be, or are not, set forth. All credits for teaching and reductions in loads are to be given the person(s) actually performing the work or services involved. Faculty members are expected to carry their share of student advising and committee work in addition to the twelve-hour teaching assignment.

#### **5.1.3 Teaching Equivalents**

##### **5.1.3.1 Departmental Chairs**

Each departmental chair will receive six (6) lecture hours credit for administration and will teach the equivalent of six (6) lecture hours each semester. Any reduction beyond this will be based on extraordinary circumstances and will require approval by the dean and the Provost and Executive Vice Chancellor.

##### **5.1.3.2 Class Load Equivalents**

###### **(a) Science Laboratories**

In laboratory situations (biology and biological science, chemistry and physical science, geology, and physics and astronomy) wherein the faculty member has complete responsibility for preparation, teaching, and grading, one hour of laboratory is equated to two-thirds hour of lecture.

(b) Department of Technology

Two hours of skills laboratory in industrial arts and technical education are equated to one hour of lecture.

(c) Physical Education

Two hours in physical education activity classes are equated to one hour of lecture. Physical education courses which are combinations of lecture and laboratories are to be equated to allow one hour for each lecture hour and two-thirds hour for each laboratory hour of instruction.

(d) Family and Consumer Sciences

The supervision of either the Home Management House or the Nursery School and the equivalent of six lecture hours each semester constitutes a full teaching load.

(e) Music

Loads for persons teaching individual music lessons will be determined by the Dean of the School of Music, and the Provost and Executive Vice Chancellor. Music courses which are combinations of lecture and laboratory are to be equated to allow one hour for each lecture hour and two-thirds hour for each laboratory hour.

(f) Art

Loads for persons teaching studio courses in art will be determined by the Chair of the Department of Art, the Dean of the College of Fine and Applied Arts, and the Provost and Executive Vice Chancellor.

(g) Student Teaching

The supervision of approximately 18 student teachers is equated to a full teaching load. The supervision of four to five student teachers is equated to a three-hour lecture class.

(h) Large Sections

A large section will be defined as a class with 60 or more registered students. An instructor will receive four lecture-hour equivalents for each three lecture hours or a proportionate amount (two and two-thirds for two lecture hours) for teaching a large section. If acceptable student assistance is available and desired by the instructor, then the extra teaching credit will not be given to the instructor. The student assistant and the amount of time worked are to be satisfactory to both the departmental chair and the instructor involved. If class attendance by the student assistant would improve the fulfillment of the responsibilities of the assistant, these hours should not only be allowed but required.

(i) Theses, Independent/Individual Study

The faculty member who supervises the writing of a thesis receives teaching hours credit on the following basis: For each thesis supervised, the faculty member receives one (1) teaching hour credit.

The faculty member who supervises an independent study receives teaching hour credit on the following basis: for each semester hour of undergraduate independent study supervised by a faculty member, the faculty member will receive one-twelfth teaching hour credit; for each semester of graduate independent study supervised by a faculty member, the faculty member will receive one-sixth teaching hour credit.

If a faculty member supervises a student in individual study of a course at a time when the faculty member is teaching that course as a part of that faculty member's regular assignment, then the faculty member will not receive additional teaching credit for that supervision. If a faculty member supervises a student in individual study of a course at a time when the faculty member is not teaching that particular course, then for each semester hour of individual study supervised by the faculty member, the faculty member will receive one-twenty-fourth teaching hour credit.

The departmental chair will maintain a record of all such work done by faculty members in the department and when a faculty member has accumulated sufficient credits to total two (2) semester hours teaching credit, the faculty member will be given a teaching load reduction of two semester hours in some term of the regular academic year. It must be understood that the needs of students come first, and it may not always be possible to arrange for the reduced load. Also, it must be understood that the reduction in teaching load can only be claimed during one of the regular semesters of the academic year and cannot be claimed during the summer term.

### **5.1.3.3 Special Assignments**

Teaching load reductions for special assignments (e.g., intramurals, athletics, music performance groups, drama and debate, publications, placement and counseling services, and student field experiences) will be made to those persons responsible for such activities only after consultation with the appropriate departmental chair and prior approval of the dean of the college/school involved and the Provost and Executive Vice Chancellor.

## **5.2 Office Hours**

Every full-time faculty member is required to be available seven (7) hours per week during the regular academic year to consult with students. Requirements for part-time faculty will be prorated according to the number of hours taught. Each department will maintain an office hours policy that establishes standards regarding a mix among formal office hours, meetings in other locations, and electronic communications appropriate for faculty members and curricula in that department. A schedule indicating the times available for formal office hours, meetings in other locations, and electronic communications must be posted on the faculty member's office door, listed on course syllabi, and provided to the departmental office at the beginning of each semester. Electronic communication addresses, URLs, and/or phone numbers must be listed on course syllabi and also provided to the faculty member's departmental office. During the term of a summer session in which a faculty member teaches, office hours expectations are half of those during the regular academic year.

### **5.3 Summer Sessions Employment Policy**

The Office of Summer Sessions at Appalachian State University is committed to the University's primary mission of excellence in instruction. For this reason, instruction is provided by regular Appalachian faculty members and distinguished visiting faculty. Mindful of the importance of the development of the total person, Appalachian's summer programs seek to promote the intellectual, cultural and personal development of its students through curricular and extracurricular activities. The University schedules workshops, seminars and traditional courses of varying lengths to allow students to fit their summer studies into other summer plans. Special courses and other programs are offered to teachers and other professionals for both enrichment and the pursuit of advanced degrees.

#### **5.3.1 Summer Sessions Employment Policy:**

(a) The summer sessions employment period will be from the day after graduation of each spring semester through the last day prior to fall semester.

(b) Employment shall mean all work for which compensation is paid to any employee within the area of academic affairs by or through any division, department, college, school or funding agency of Appalachian State University including grants, contracts, and workshops.

(c) The maximum amount to be paid to any faculty member considered to be teaching a full load in summer sessions will not exceed 32% of the academic year contract amount during the summer sessions employment period as defined in (a) above (except as specified in (d) below).

(d) Faculty members employed through grants/contracts, or a combination of summer teaching and grants/contracts which constitutes a full load may earn no more than 38.4% of their academic year contract amount during the summer sessions employment period as defined in (a) above.

(e) Since most contractual work is generated through the Office of Summer Sessions, that office shall establish a central repository for one copy of all employment contracts for work done during the summer sessions employment period.

(f) The Office of Summer Sessions will monitor and approve or disapprove in writing all contracted obligations for all personnel within the area of academic affairs to ensure the maximum are not exceeded. It is strongly recommended that not more than one half of the maximum workload be contracted for in either the first half or the second half of the summer sessions employment period.

(g) For any summer employment term during which an employee within the area of academic affairs is employed by any college/school, department, or division of Appalachian State University, the appropriate authorization to engage in external professional activities shall be completed as prescribed by The University of North Carolina General Administration if the faculty member also plans to concurrently engage in any external activities covered by Administration Memorandum Number 333, dated April 22, 1993 (see Appendix C).



## **5.4 Faculty Absence**

Whenever a faculty member will be absent from class, she or he must notify the departmental chair. The departmental chair will make appropriate arrangements for the missed classes to be taught. Departmental chairs are encouraged to make reasonable accommodations for faculty requesting to miss class due to the observance of religious holidays. All absences from classes for any reason should be reported to the dean of the college/school by the departmental chair.

## **5.5 Student Absences From Class**

### **5.5.1 General Attendance Policy**

**5.5.1.1** It is the policy of Appalachian State University that class attendance is an important part of a student's educational experience. Students are expected to attend every meeting of their classes and are responsible for class attendance. Regardless of what reasons there may be for absence, students are accountable for all academic activities, and faculty may require special work or tests to make up for the missed class or classes. In addition, faculty members are encouraged to make reasonable accommodations for students requesting to miss class due to the observance of religious holidays.

Faculty, at their discretion, may include class attendance as a criterion in determining a student's final grade in the course. On the first day of class, faculty must inform students of their class attendance policy and the effect of that policy on their final grade; both policies must be clearly stated in the class syllabus

A student who does not attend a class during one of its first two meetings may, at the discretion of the academic department, lose her or his seat in that class. Further, if a class meets only one time per week - e.g., a laboratory or an evening class - the student must attend the FIRST meeting of that class or risk losing her or his seat.

**5.5.1.2** A syllabus is to be prepared for each course and distributed at the first of the semester. The syllabus should include the following: an explanation of course goals and objectives, the name of the text and any other materials required of each student, the instructor's office hours, an explanation of how the grade is to be determined, and an explanation of any additional reading, papers, projects and examination which the instructor expects to give or assign.

**5.5.1.3** Syllabi for courses taught in the present and previous semester should be on file in the departmental offices and should be made available to students who request them. These syllabi would indicate the structure of courses as they are being or have been taught.

**5.5.1.4** If a student does not regularly attend an audited course, the instructor may request an administrative withdrawal grade to be assigned. The instructor should provide documentation to the Registrar's Office with the recommendation.

**5.5.1.5** The Student Health Services **DOES NOT** write medical excuses for students who miss a class for illness or injury. However, faculty may call Student Health Services at 262-3100 to verify the day and time the student was seen. The nature of the student's illness or problem will not be divulged unless the student has signed the appropriate release of medical information.

**5.5.1.6** Classes prior to a University break or a state holiday end with the student's last meeting time for the day preceding the break or holiday.

**5.5.2** Attendance Policy Relating to Participation in University-Sponsored Activities:

**5.5.2.1** As an integral part of the academic program at Appalachian State University, the University sponsors and otherwise supports co-curricular programs, athletic programs, and other out-of-class activities such as field trips. Participation in such activities occasionally requires a student to miss one or more class meetings.

**5.5.2.2** A student who expects to miss one or more class meetings because of participation in a University-sponsored activity has several responsibilities: the student (in person) will notify the instructor in advance of any absence; the student is expected to complete all work missed by making up the work in advance or by completing any compensatory assignment that may be required by the instructor; the student is expected to maintain satisfactory progress in the course; and the student (otherwise) is expected to maintain satisfactory attendance in the class if so required. In the event that a student anticipates that participation in a University-sponsored activity will require missing more than 10% of the class meetings, the student is required to discuss this matter with her or his instructor at the beginning of the semester and may be advised to drop the course.

**5.5.2.3** If the above responsibilities are met, it is expected that the instructor will excuse the absence and permit the student to make up missed work in whatever manner the instructor deems appropriate.

**5.5.3** Emergency Absences

When a student is OUT OF TOWN and unable to return to campus due to hospitalization, death in the family, or other extenuating circumstances, the student or the student's parents may contact the Office of Student Development to request that professors be notified as to the reason for the absence. This notification is conveyed to the appropriate departmental office as a matter of information only and does not serve as an official excuse for class absence. Only individual faculty members make this determination, and documentation may be requested by the faculty members. The Office of Student Development does not provide this service when notification is received AFTER the absence has occurred. Also, if a student is IN TOWN, that student is responsible for notifying the individual faculty members that she/he will be missing class.

## 5.6 Student Involvement in Faculty Searches

Our students have a vested interest in the hiring of new faculty. Currently, some departments actively encourage student participation and try to ensure broad student representation in the hiring decisions. Other departments involve students tangentially, but do not actively encourage students to express their views about possible new faculty members.

**5.6.1** Involving students in faculty searches and allowing them to express their views on incoming faculty has the following benefits:

- (a) The students develop a sense of efficacy, that they can affect the environment around them.
- (b) Incoming faculty candidates will get the impression that student opinion is respected and they will get to meet some of our students and begin to form bonds with them.
- (c) Faculty may benefit from the insights about particular candidates offered by students involved in the search.

**5.6.2** Departments are urged to develop strategies that encourage student involvement in the hiring of prospective faculty. Recommendations for ways to involve students in faculty searches:

- (a) Announce to students in class and in various academic clubs that prospective faculty will be on campus and that students are encouraged to provide input.
- (b) Identify a pool of interested students who would like to meet with and offer insights about prospective candidates.
- (c) Keep these students informed about prospective faculty.
- (d) Set up formal meetings with interested students and the departmental personnel committee and allow students to make comments before the final short list of candidates is drawn up and after the candidates have appeared for an interview.

## 5.7 Student Discipline<sup>15</sup>

Members of the faculty should report general disorderly behavior and student misconduct to the Director of Student Judicial Affairs in the Office of Student Conduct. Students should report similar cases to the Director of Student Judicial Affairs.

Procedures for dealing with general student disciplinary matters are addressed in the Appalachian State University Code of Student Conduct. Procedures for dealing with cases of academic misconduct (such as cheating, plagiarism or fabrication of data, etc.) are addressed in

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<sup>15</sup>For additional information regarding student discipline, refer to the publication, *Responding to Disruptive or Inappropriate Student Behaviors: General Tips and Guidelines for University Personnel* which is available from the Office of Student Development at <http://www.studentdev.appstate.edu>.

Appalachian State University's Academic Integrity Code which is available at [www.academicaffairs.appstate.edu/resources/integrity/](http://www.academicaffairs.appstate.edu/resources/integrity/).

In cases of student misconduct in the classroom, laboratory, or other class setting, the instructor may immediately require the student in question to leave the classroom and at the close of class, the instructor should notify the Director of Student Judicial Affairs in the Office of Student Conduct. The instructor has the right to temporarily exclude a student from a class for disruptive behavior until the situation is dealt with and resolved in a timely manner. If the instructor plans to initiate disciplinary proceedings against the student, the instructor will submit, in writing, a statement of fact regarding the incident. Members of the faculty may choose to contact the Appalachian State University Police Department in cases of student misconduct when students are disruptive or disorderly. Appalachian State University's Academic Integrity Code sets forth the standards of academic integrity at Appalachian State University and describes attendant responsibilities for faculty and students.

## **5.8 Student Advising**

Appalachian State University views advising students as one of its highest responsibilities and priorities. It seeks to provide every student with assistance in identifying academic and career interests, developing a realistic and successful academic program, planning an effective career strategy, and addressing personal and social areas of concern. Faculty, administrators, and staff are committed to a comprehensive advising system that addresses students needs at each stage in their University education.

### **5.8.1 Academic Advising Center – <http://www.advising.appstate.edu>**

General Studies Academic **Advising** serves all students in their first semesters. Faculty advisors from the academic departments and professional staff advisors educate students regarding University requirements and policies. They assist with academic planning, interpreting University policies, and developing academic majors and career strategies. Advising for freshmen, first semester transfers, students whose GPA is below a 2.0 and high risk students in General Studies is mandatory. The Center is located in 107 D.D. Dougherty Hall, (828) 262-2167.

**5.8.2 Advising in the Colleges/School.** When students complete 30 semester hours, meet freshman English requirements, and attain at least a 2.00 grade-point average, they may declare a major. In this case, their academic records are forwarded from General Studies to the appropriate degree-granting college (College of Arts and Sciences, Walker College of Business, Reich College of Education, College of Fine and Applied Arts, and the Hayes School of Music). In some cases, additional requirements must be met to be formally accepted into a college/school. Personnel are available in the dean's office of each degree-granting college or school to answer general questions about University graduation requirements, interpret University policy, and review a student's official record.

**5.8.3 Advising in the Departments.** Since advising policies vary at the upper division level, students who have declared a major should contact their major department for advising information. As the primary source of advising for the major, the departmental advisor helps students in developing realistic and successful academic programs, exploring career opportunities, and staying informed about University and departmental policies and activities.

Faculty members maintain weekly office hours for routine conferences with students. Many faculty will be able to answer general questions about University regulations and requirements, but others will refer students to departmental, college/school, or University advisors for both general and specialized advising. When students have personal and social problems, faculty members assist if possible and, if the need is apparent, make necessary referrals to one of the special counseling services on campus.

**5.8.4 Advising Responsibilities.** In order for academic advising to be constructive and beneficial, it is important that both the student and the University advisor recognize respective responsibilities. The advisor is committed and prepared to provide appropriate, accurate, and timely information at every stage of the student's career. The student, on the other hand, must be willing to accept advice, realizing that the ultimate responsibility for understanding University regulations and for meeting graduation requirements resides with the student. Advising is a shared responsibility between the student and the advisor.

## **5.9 Students with Disabilities**

The Office of Disability Services assists eligible students with documented disabilities to achieve their goal of becoming graduates of Appalachian State University. Consistent with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act of 1990, it is the policy of Appalachian State University that “no otherwise qualified handicapped individual in the United States shall, solely on the basis of her/his handicap, be excluded from participation or be denied benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.”

It is the responsibility of the student to provide the Office of Disability Services with current, comprehensive documentation to support her/his request for accommodations. Due to the confidential nature of such documentation, the student is responsible for showing the instructor a copy of their individual Academic Accommodation Plan and explaining the impact of the requested accommodation(s) within the University classroom, program, and campus-wide activities.

It is the responsibility of the Office of Disability Services to determine eligibility, meet with the student, and create an individual Academic Accommodation Plan which reflects reasonable academic accommodations.

It is the responsibility of each instructor to provide the reasonable accommodations stated on the Academic Accommodation Plan. Accommodations may include (not all exclusive): closed captioned videos, interpreters, extended-time on test in a distraction-reduced environment, scribes, and assistive technology.

The Office of Disability Services may be reached at (828) 262-3053 or (828) 262-3056, Monday through Friday, from 8:00 a.m. until 5:00 p.m.

## **5.10 Major Tests and Assignments Prior to Exams**

It is strongly recommended that only tests and major assignments included on the syllabus be required during the five class days prior to the final exam period. This recommendation, however, does not include “make-up” tests.

### **5.10.1 Additional Assignments During Last Week of Classes**

Instructors are requested to not make additional graded assignments, including tests, projects, or papers, not included on the syllabus within a seven calendar day period before Reading Day. Laboratory assignments do not fall into this category.

Students are expected to curtail their social activities and club sponsored activities during this seven calendar day period. Club sponsored activities are not allowed during this seven calendar day period.

## **5.11 Class Evaluations**

Appalachian State University’s policy concerning student evaluation of classes and instruction requires as a minimum that such evaluations be carried out in every class during each fall semester. The timetable specified in the University policy is designed to ensure that fresh evaluation results will be available for consideration during the annual spring conferences between faculty and departmental chairs. It should be noted, however, that any college, school, or department wishing to require student evaluations during other academic terms as well is free to do so, and they may be administered voluntarily by individual faculty during such terms also.

## **5.12 Final Examinations**

All scheduled examination periods will be met at the assigned time. A final examination period is provided at the end of each semester. After the schedule for examinations has been made (i.e., after the schedule has been officially announced in the *Schedule of Classes* for a given semester), an instructor may NOT change the date or time of an examination without permission of the departmental chair and dean. A class which meets at an hour not provided for in the Final Examination Schedule must arrange for an examination during THE

EXAMINATION PERIOD at an hour convenient to members of the class and the instructor, and with the approval of the departmental chair. INSTRUCTORS DETERMINE HOW THEY WILL USE THE ASSIGNED PERIOD, BUT ALL SCHEDULED EXAMINATION PERIODS WILL BE MET AT THE ASSIGNED TIME.

A student may take an examination outside of the scheduled time only by permission of the instructor of the course. Permission is granted only in case of emergency. A student who is absent from a final examination because of an emergency takes the make-up examination at the convenience of the instructor.

## **5.13 Final Grades**

### **5.13.1 Reporting Final Grades**

Final semester grades are reported to the Registrar's Office no later than 1:00 P.M. on the day following the Faculty Grading period. At the end of each semester, the student's grades are available via AppalNET or from the Telephone Registration System. (Note, however, that North Carolina law prohibits the release of grades, transcripts or diplomas to students with unpaid accounts.)

Faculty members who cannot meet the final grade submission deadline should contact the Registrar's Office for an extension of time for reporting grades.

### **5.13.2 Changing Grades**

Faculty members should exercise extreme care in evaluating students and in reporting grades. A faculty member must secure the form for changing a grade in the departmental office. All grade changes are subject to review by the dean of the college/school. A legitimate reason for all grade changes is required. Except for changes for I (incomplete), the only permissible reason for a grade change is an error on the part of the faculty member in computing or in reporting the student's grade.

### **5.13.3 Final Grade Appeal Procedure**

**5.13.3.1** Any student considering a grade appeal should understand that each faculty member has the right and responsibility to determine grades according to any method chosen by the faculty member which is professionally acceptable, communicated to everyone in the class, and applied to all students equally. Prejudiced, arbitrary, or capricious academic evaluation by a faculty member, however, is a violation of the student's rights and is a valid ground for a final grade appeal.

#### **5.13.3.2 Steps to take in final grade appeal**

( a ) Any student who contests a course final grade shall first attempt to resolve the matter with the instructor. The student must explain her or his position to the instructor and

attempt to understand the instructor's reasons for assigning the grade. The purpose of the meeting is to reach a mutual understanding of the student's situation and the instructor's actions and to resolve differences in an informal and cooperative manner. If the student fails to reach a satisfactory solution in consultation with the instructor, the student must present the appeal in writing (using the Grade Appeal Form) to the chair of the department in which the contested grade was awarded. [A copy of the Grade Appeal Form is available in Appendix E of this *Faculty Handbook* and at <http://www.academicaffairs.appstate.edu/resources>.]

(b) **The student must file the written appeal with the departmental chair within 14 calendar days after consulting with the instructor.** The statement must be specific and concise and limit itself to citations of evidence pertaining to valid grounds for the appeal. Through conferring with the student and the instructor, the departmental chair will seek resolution by agreement. The student must provide the departmental chair with a course syllabus and all available tangible materials related to the grade (e.g., exam and term papers) as well as a list of any items used in the evaluation for which the student cannot provide documentation (e.g., unreturned exams, grades on class participation, attendance records).

(c) **If there is failure to reach an agreement through consultation with the departmental chair, the student may file the written appeal with the Grade Appeals Committee through the Office of the Dean of the college or school in which the grade was awarded. The student must file this written appeal within 30 calendar days after the beginning of classes in the next semester after the contested grade was awarded.** When possible, the form must be signed and dated by both the instructor and the departmental chair as well as the student. In accordance with the instructions on the form, the student must present with it the documentary evidence furnished to the departmental chair and any other evidence relevant to the case.

(d) The dean or the dean's designee serves as convener of the Grade Appeals Committee of the college or school. Each full committee consists of the convener (who presides over hearings), the chair of the department in which the contested grade was assigned, three faculty, one undergraduate student, and one graduate student, all from the college or school which the committee serves. The departmental chair sits in a non-voting capacity, and the convener votes only in the case of a tie. The three faculty members, one alternate faculty member, and two students are appointed by the dean from among volunteers for the assignment. A quorum for each committee shall consist of no fewer than one student and two faculty members, along with the convener.

(e) **The Grade Appeals Committee has authority to screen out frivolous or unsubstantiated appeals. The convener will explain any such finding in writing to the student, the faculty member, and the departmental chair.**

(f) If the committee grants a full hearing, the student will appear before it to present all evidence relevant to her or his case. The convener will also invite the instructor to appear and present any evidence in support of the instructor's grade decision. The committee may ask questions of either or both and will hold its deliberations in executive session after hearing the case. The dean, the departmental chair, the faculty member and the student will receive prompt written notification of the committee's findings. **THE COMMITTEE'S DECISION IS BINDING.** If the committee supports the student's appeal, the instructor will be required to re-evaluate the student according to a specific method. The method of re-evaluation



will depend on the circumstances of the appeal. Re-evaluation will not be used in a punitive manner toward the student. The student has 14 calendar days to inform the instructor, departmental chair, and convener in writing whether she or he consents to the proposed method of re-evaluation (which must be completed within the semester of the finding). Should the student not consent to the proposed method of re-evaluation, the instructor, departmental chair, and committee will mutually agree on a method of recalculating the appealed grade. In either case, the resulting grade is final and may not be appealed.

#### **5.14 Commencement Exercises**

Appalachian has two formal commencement exercises each year. The commencement dates are found in the University's Academic Calendar in the *Undergraduate Bulletin*, in the *Graduate Bulletin*, and on Appalachian State University's Home Page at <http://www.appstate.edu>. Faculty are encouraged to attend the commencement exercises. Faculty members furnish their academic regalia, which may be ordered through the University Bookstore.

#### **5.15 Other Academic Policies and Procedures**

For information on academic policies and procedures not covered in this document, refer to the *Academic Governance Manual*, the *Undergraduate Bulletin*, the *Graduate Bulletin*, the *Appalachian State University Handbook of Student Rights and Responsibilities*, and other appropriate University publications.

## **VI. ORGANIZATION FOR ADMINISTRATION**

### **6.1 THE UNIVERSITY OF NORTH CAROLINA**

The University of North Carolina is composed of all the public institutions of higher education in North Carolina that confer degrees at the baccalaureate level or higher. The University was authorized by the State Constitution in 1776, and it was chartered in 1789 by the General Assembly.

The University of North Carolina opened its doors to students at Chapel Hill in 1795. Thereafter, beginning in the latter part of the nineteenth century, the General Assembly of North Carolina established and supported fifteen other public senior institutions in keeping with Article IX, Section B, of the Constitution of North Carolina which provides that the “General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise.”

Since 1972, all sixteen of those institutions have been constituent institutions of The University of North Carolina. They are:

- Appalachian State University
- East Carolina University
- Elizabeth City State University
- Fayetteville State University
- North Carolina Agricultural and Technical State University
- North Carolina Central University
- North Carolina State University at Raleigh
- The University of North Carolina at Asheville
- The University of North Carolina at Chapel Hill
- The University of North Carolina at Charlotte
- The University of North Carolina at Greensboro
- The University of North Carolina at Pembroke
- The University of North Carolina at Wilmington
- The University of North Carolina School of the Arts
- Western Carolina University
- Winston-Salem State University

In addition to these constituent institutions, the General Assembly has established and designated the North Carolina School of Science and Mathematics as an affiliated school of the University of North Carolina.

Each constituent institution of the University has its own faculty and student body. The chief administrative officer of each institution is the Chancellor, and the Chancellors are responsible to the President.

Each constituent institution also has a board of trustees composed of thirteen members: eight elected by the Board of Governors, four appointed by the Governor, and the elected president of the student body ex-officio. (The School of the Arts has two additional ex-officio trustees.) The principal powers of these institutional boards are exercised under a delegation of authority from the Board of Governors.

## **6.2 THE BOARD OF GOVERNORS**

The UNC-Board of Governors is the policy-making body legally charged with “the general determination, control, supervision, management, and governance of all affairs of the constituent institutions.”<sup>16</sup> It elects the president, who administers the University. The 32 voting members of the Board of Governors are elected by the General Assembly for four-year terms. Special members are non-voting members with varying terms. Such members are former chairs of the board, former governors and the president of the UNC Association of Student Governments, or that student’s designee.

## **6.3 THE BOARD OF TRUSTEES**

The Board of Trustees of Appalachian State University promotes the sound development of the institution within the functions prescribed for it, helping it to serve the state in a way that will complement the activities of the other institutions and aiding it to perform at a high level of excellence in every area of endeavor. The board serves as advisor to the Board of Governors on matters pertaining to Appalachian State University and also serves as advisor to the Chancellor concerning the management and development of Appalachian State University. The powers and duties of the Board of Trustees are primarily defined and delegated by the Board of Governors.

## **6.4 THE CHANCELLOR**

The Chancellor is the administrative and executive head of Appalachian State University and exercises complete executive authority therein, subject to the direction of the President. The Chancellor is responsible for carrying out policies of the Board of Governors and the Board of Trustees. As of June 30 of each year the Chancellor prepares for the Board of Governors and for the Board of Trustees a detailed report on the operation of the institution for the preceding year. It is also the Chancellor's specific duty and responsibility to:

( a) Attend all meetings of the Board of Trustees and be responsible for keeping the Board of Trustees fully informed on the operation of Appalachian State University and its needs.

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<sup>16</sup>North Carolina General Statutes, section 116-11(2).

( b) Keep the President, and through the President, the Board of Governors, fully informed concerning the operations and needs of the institution. Upon request, the Chancellor is available to confer with the President or with the Board of Governors concerning matters that pertain to Appalachian State University.

( c) Make recommendations for the appointment of personnel within Appalachian State University and for the development of educational programs, subject to policies prescribed by the Board of Governors and by the Board of Trustees.

( d) Provide leadership in supporting equality of opportunity and in supporting the protections available to members of the University community under all applicable federal laws.

## **6.5 THE PROVOST AND EXECUTIVE VICE CHANCELLOR**

The Provost and Executive Vice Chancellor is responsible directly to the Chancellor and exercises the responsibilities of the Chancellor as may be necessary in the Chancellor's absence. The Provost and Executive Vice Chancellor is thus second to the Chancellor in administrative authority. The following report directly or through an Associate Vice Chancellor to the Provost and Executive Vice Chancellor:

### Associate Vice Chancellor for Academic Affairs:

- Budget Management
- Position Management
- Office of Summer Sessions
- Division of Continuing Education
  - Office of Extension and Distance Education
  - Conferences and Institutes

### Associate Vice Chancellor for Academic Affairs:

- Faculty Handbook
- Freshman Learning Communities
- Freshman Seminar
- Heltzer Honors Program
- Hubbard Center for Faculty and Staff Support
- Mathematics and Science Education Center
- Summer Reading Program
- University Writing Center

### Colleges and Schools:

- Dean of the College of Arts and Sciences
- Dean of the Walker College of Business
- Dean of the Reich College of Education
- Dean of the College of Fine and Applied Arts
- Dean of Research and Graduate Studies, Cratis D. Williams Graduate School
- Dean of the Hayes School of Music

Other Units Reporting to the Provost:

Associate Vice Chancellor for the Office of Equity, Diversity and Compliance

Associate Vice Chancellor for Enrollment Services

Office of Admissions

Office of the Registrar

General Studies

Off-Campus Housing

Associate Vice Chancellor for the Office of International Education and Development

Chief Information Officer, Information Technology Services

Director of the Institute for Health and Human Services

Director of Institutional Research, Assessment and Planning

Director of the Office of Student Research

University Librarian, Carol G. Belk Library and Information Commons

The duties and responsibilities of the Provost and Executive Vice Chancellor include but are not restricted to the following. Working with the Provost and Executive Vice Chancellor in the discharge of these duties and responsibilities are the Associate Vice Chancellors for Academic Affairs.

( a ) Providing leadership in initiating and encouraging continuing studies and research among the faculty, designed to improve the curriculum and the quality of instruction. In this capacity the Provost and Executive Vice Chancellor and the Associate Vice Chancellors work with the deans of the colleges and schools, the chairs of the various departments, the Associate Vice Chancellor for Enrollment Services, and the Dean of Graduate Studies and Research in planning, developing, and directing the curriculum.

( b ) Assisting the deans of the colleges and schools in determining the needs for instructional personnel. On the recommendation of a Departmental Personnel Committee, the departmental chair and the dean, and subject to the approval of the Chancellor, the Provost and Executive Vice Chancellor appoints the members of the faculty. Upon recommendation of staff selection committees and appropriate deans or directors, the Provost and Executive Vice Chancellor appoints administrative staff positions in the area of Academic Affairs, subject to the approval of the Chancellor.

( c ) Preparing a recommended biennial budget for the instructional and related programs. In the preparation of this budget, the Provost and Executive Vice Chancellor receives from the deans of the colleges and schools a detailed description of the needs of each college and school. The Provost and Executive Vice Chancellor and the deans discuss these needs and decide upon the items to be included in the budgets. The Vice Chancellor for Business Affairs consolidates the requests and submits them to the Chancellor, who in turn submits the final budget requests to the Board of Governors of The University of North Carolina.

After appropriations are made and the budget is certified and approved at the University level, the Provost and Executive Vice Chancellor informs by memorandum each of the deans of

the allocations made to their respective areas. As emergency needs arise, the Provost and Executive Vice Chancellor and the Vice Chancellor for Business Affairs confer to determine how the needed materials and equipment may be purchased within the finances of the University. The Provost and Executive Vice Chancellor also prepares annual budgets for all units reporting to Academic Affairs and makes special allocations to such units as may be appropriate.

( d) Coordinating and supervising the publication of such documents as the University bulletins and companion bulletins, the *Faculty Handbook*, the *Academic Governance Manual*, and the schedules of classes and examinations.

( e) Participating in discussions concerning needed new buildings, the development of plans for new buildings, and the purchase of instructional equipment for them. The Provost and Executive Vice Chancellor, in cooperation with the Office of Business Affairs, coordinates utilization of all instructional and related space on the campus and recommends to the Vice Chancellor for Business Affairs needed changes in physical arrangements of instructional and related space.

( f) Cooperating with the Faculty Senate in developing agenda for meetings of the faculty. The Provost and Executive Vice Chancellor serves as Chair of the faculty and advises with the faculty and the Faculty Senate on matters of an academic nature.

( g) Assembling information and preparing reports relating to academic affairs for agencies to whom the institution is responsible.

( h) Appointing such special committees of faculty, staff and/or students as are deemed necessary for effective and efficient participation of these groups in academic and related matters.

( i) Providing leadership in supporting equality of opportunity and in supporting the protections available to members of the University community under all applicable federal laws.

### **6.5.1 THE DEAN OF A COLLEGE/SCHOOL**

The dean of a college/school is responsible directly to the Provost and Executive Vice Chancellor. The major responsibility of the dean of a college/school is the development and maintenance of programs of excellence in the college/school. The dean is a member of the Graduate Council. The dean has general administrative oversight of all matters affecting the strength of the college/school, and the dean's administrative actions are consistent with general University administrative relationships with all official bodies and personnel of the institution. It is the duty and responsibility of the dean of an undergraduate degree granting college/school to:

( a) Coordinate the planning of proposals affecting the organizational structure of the college/school, such as development of new departments; and participate in the nomination of qualified departmental chairs when vacancies occur or when new departments are authorized.

( b) Coordinate a vigorous recruitment program that will insure maximum effort to appoint and retain the best qualified personnel. Receive recommendations from the departmental personnel committee and the departmental chairs concerning appointments, promotions, salary adjustments, notices of non-reappointment, tenure, and dismissals.

( c) Provide encouragement and leadership for professional growth through the development and implementation of plans and programs for individual research and/or artistic endeavor, attendance at and participation in professional organizations, leaves of absence for study and research, and departmental appraisal of growth in professional competence and scholarship.

( d) Engage departmental chairs and the Council of the College/School in frequent appraisals of objectives, procedures, strengths, weaknesses, and results of curricular programs as a basis for improvement, including coordinating the planning of new programs leading to new majors, concentrations, and degree programs and receiving from departmental chairs requests for such curriculum changes for action by the Council of the College/School and the appropriate University committee(s).

( e) Receive from departmental chairs budget requests necessary for the continued maintenance and operation of the department (travel, instructional supplies and equipment, work/study funds, and temporary wage monies). These requests will be used as a basis for final recommendation by the dean to the Provost and Executive Vice Chancellor. Once appropriations have been made by the Provost and Executive Vice Chancellor to each college/school, the dean will make final judgment, after consulting with departmental chairs, concerning the distribution of funds among the departments of the college/school.

( f) Transmit instructions to departmental chairs concerning advisement, preregistration, and registration; receive from departmental chairs schedules of course offerings; and assist the Registrar in making plans for registration. Coordinate plans for effective academic advisement of all students within the college/school.

( g) Coordinate departmental screening procedures and standards which will insure graduates of appropriate quality; consult with departmental chairs concerning all matters having to do with graduation requirements established by the University; and check student records to determine eligibility of undergraduates for graduation and certification.

( h) Coordinate the assignment of classroom space and facilities among departments and plan for capital improvements. Hold periodic inspection of all college/school facilities with the departmental chair as a basis for reporting the quality of maintenance to the Vice Chancellor for Business Affairs.

( i) Preside at meetings involving the faculty of the college/school and appoint ad hoc committees to study special problems affecting the college/school. Prepare periodic reports and keep the Provost and Executive Vice Chancellor fully informed of the state of affairs within the college/school and carry out any duties assigned by the Provost and Executive Vice Chancellor.

( j) Receive from departmental chairs requests from faculty members to be absent from duty.

( k) Provide leadership in supporting equality of opportunity and in supporting the protections available to members of the University community under all applicable laws.

## **6.5.2 THE DEAN OF RESEARCH AND GRADUATE STUDIES**

The Dean of Research and Graduate Studies is responsible directly to the Provost and Executive Vice Chancellor. The Dean a) is the administrative officer of the Graduate School, b) has general supervision responsibilities over all graduate work carried out in the University, and

c) is responsible for all pre-award research administration at the University. The Dean evaluates candidates and makes appointments to the Graduate Faculty, and the Dean or the Dean's delegate interviews all candidates for faculty positions.

The Dean, with the help of the Associate Dean for Graduate Studies and/or the Associate Dean for Research, will:

( a) Administer the program of graduate education developed by the department/program faculty with the advice and consultation of the Graduate School and Graduate Council. This includes oversight of graduate program review, analysis of curricula, and monitoring for national trends in graduate education.

( b) Be responsible for activities associated directly with graduate students, beginning with recruitment and ending with graduation, which include, receipt of applications for graduate study, evaluation of transcripts and results of standardized examinations, approval of applicants for admission following recommendation by departmental/program faculty, and evaluation of programs-of-study and thesis/dissertation committee assignments.

( c) Administer student orientation sessions, graduate teaching assistant workshops, professional development sessions, and workshops on various topics such as research ethics and preparation of theses.

( d) Administer financial support for graduate students including assistantships, out-of-state/in-state tuition remissions, thesis/dissertation research grants, and various scholarships and fellowships.

( e) In conjunction with the Office of Equity, Diversity and Compliance, investigate matters involving ethical concerns as they relate to graduate students.

( f) Oversee the production of Graduate School/Research publications, including the *Graduate Bulletin*, the Graduate School Newsletter, the Graduate School Viewbook, various handbooks, the *Research Bulletin*, and the *Research News*. The Dean also oversees the update and maintenance of the Graduate School web site.

( g) Be a major advocate for research/scholarly activity at Appalachian State University.

( h) Assist faculty in finding appropriate funding sources, coordinate internal and external grant opportunities, maintain liaisons with Raleigh, Washington, and various Foundations, and publicize faculty research/scholarly accomplishments in various venues. A database for all research activities appropriate for dissemination to internal and external constituencies will be maintained.

( i) Oversee all administrative aspects of proposal preparation and submission by University faculty and staff for support of research/scholarly activity and outreach.

( j) Oversee the allocation of the Facilities and Administrative Costs for the facilitation of faculty research, and provide administrative support for all research awards.

( k) Host the Annual Graduate School Research Day in conjunction with the College of Arts and Sciences; and host the Graduate/Professional Fair in conjunction with the Career Development Center.

( l) Work with the Institutional Review Board (IRB) to maintain appropriate standards of operation for research involving humans, and the Institutional Animal Care and Use Committee (IACUC) to maintain appropriate standards of operation for research involving animals.

( m) Be responsible for investigating allegations of research misconduct.



### **6.5.3 THE DEPARTMENTAL CHAIR**

Departments are integrally related to their colleges and to the total University and at the same time are separate units with viable and justifiable functions all their own. A given department must, therefore, be well organized to function properly within the full life of the academic community and within its own special commitment.

Each department must provide the setting in which competent persons are able to realize their professional capabilities and make their most creative contributions to their students, colleagues, and society. Members of the department should experience freedom, have the power to articulate goals, and accept accountability to themselves, to others, and to the scholarly discipline in which they work.

The department has an appointed chair with the general responsibility for guiding the department toward selected goals. It is the specific responsibility of the chair to:

- Participate in the development of University policies and be responsible for their communication and implementation at the department level.
- Communicate the needs of the department (personnel, space, fiscal) to the appropriate administrative units.
- Serve as an advocate for the department and represent the department in the University, the community, to appropriate external agencies, and at meetings of learned and professional societies.
- Prepare an annual report to the Chancellor in consultation with the faculty of the department.
- Provide leadership in the recruitment and appointment of faculty members.
- Arrange effective and equitable distribution of faculty responsibilities, including teaching duties and committee assignments within the department.
- Evaluate and counsel with all departmental faculty members concerning the performance of their duties.
- Encourage and support good teaching, scholarly activity, and professional development within the department.
- Initiate, in consultation with the departmental personnel committee, recommendations for appointment, reappointment, promotion, tenure, and dismissal in accordance with the University and college policy.
- Endeavor to maintain faculty morale by reducing, resolving, or preventing conflicts.
- Make salary recommendations in accordance with University and college guidelines.
- Organize and coordinate the departmental faculty and staff in developing, implementing, and evaluating short and long-range departmental goals, objectives, standards and programs.

- Work with the faculty to develop standards, curricula, and procedures which provide adequate preparation of graduates for professional or further academic endeavor.
- Provide for appropriate advisement of students majoring in the department.
- Provide leadership in supporting equality of opportunity and the protections available to members of the University community under all applicable laws.
- Manage the departmental resources, including the budget, in accordance with college and University guidelines.
- Participate in planning capital improvements and maintenance of physical facilities.
- Endeavor to secure and maintain adequate supplies, materials, and equipment for the department.
- Supervise the departmental support staff.

#### **6.5.4 THE DEPARTMENTAL ASSISTANT CHAIR**

If a department has an assistant chair, that person will receive an initial term of up to three years in accordance with the Departmental Assistant Chair policy. Subsequent terms may be approved in accordance with the Departmental Assistant Chair policy. Review of the assistant chair will follow the Departmental Assistant Chair policy.

Every department with an assistant chair must develop a departmental assistant chair policy, approved by the department (see Article II, Section 2 of the Faculty Constitution).

It is the general responsibility of the assistant chair to work with the department chair to guide the department toward its goals.

It is the specific responsibility of the assistant chair to:

Represent the departmental chair in the chair's absence.

Serve as the departmental representative on University Committees as needed.

Provide faculty with another level of administrative communication.

Communicate with the departmental chair concerning departmental business and the assistant chair's responsibilities.

The departmental chair, as determined by the departmental assistant chair policy, may assign other duties.

## **6.6 THE VICE CHANCELLOR FOR BUSINESS AFFAIRS**

The Vice Chancellor for Business Affairs is directly responsible to the Chancellor. The Vice Chancellor is the chief business officer of the University. Business Affairs areas are:

Administrative Support Services:

- Purchasing and Inventory Control
- Warehousing
- Surplus Property Disposal
- Central Receiving and Delivery

Budget Office

Controller's Office:

- Accounting
- Disbursements and Collections
- Financial Administration of Grants
- Payroll
- Student Accounts

George M. Holmes Convocation Center

Design and Construction

Food Services

New River Light & Power

Parking and Traffic

Physical Plant

Safety and Workers' Compensation Office

Systems and Special Projects:

- Systems Accounting
- Special Projects
- Telephone Services

University Bookstore

University Police

University Post Office

## **6.7 THE VICE CHANCELLOR FOR STUDENT DEVELOPMENT**

### General Statement of Duties:

The Vice Chancellor for Student Development reports to the Chancellor and is an officer of the University. It is the responsibility of this person to provide leadership and supervision for all Student Development functions of the University. Specifically, the Vice Chancellor is responsible for supervision of all personnel within the division of Student Development, oversight of institutional resources allocated to enhance Student Development functions, and to provide leadership and direction that enhance the quality of student life on campus. As a member of the Chancellor's administrative team, the Vice Chancellor works with the other vice chancellors to provide advice and staff support to the Chancellor and the Board of Trustees. The Vice Chancellor represents the University to external constituencies on matters related to student welfare concerns and student life issues.

The goals of the Division of Student Development are as follows:

( a) To teach, through experiences inside and outside the classroom, skills that empower students with self-knowledge and enhance the quality of their life experience now and in later roles.

( b) To provide for the health, safety and physical needs and the psychological, financial and emotional welfare of students through services and programs that contribute to their ability to continue their education.

( c) To serve within the University community as advocates for students' rights, issues and concerns that influence the quality of their college experience, and to serve as interpreters for students of institutional policies and procedures.

( d) To involve students in the life of the University community through communication and feedback, and through shared decision-making and consultation.

### Specific Duties Performed:

#### **6.7.1 Working with Student Development educators:**

( a) Provide leadership, coordination and supervision of the following University departments and people employed in these areas:

Associate Vice Chancellors for Student Development  
Career Development Center  
Center for Student Involvement and Leadership  
Child Development Center  
Counseling & Psychological Services Center  
Electronic Student Services  
Housing and Residence Life  
Multicultural Student Development

Student Financial Aid  
Student Health Services  
Student Judicial Affairs  
Student Programs  
Testing  
University Recreation

(b) Plan and conduct regular division directors' meetings and individual meetings for the purpose of training, input, accountability, dissemination of information and evaluation of performance.

(c) Provide supervision of and support for a staff development program for Student Development personnel.

(d) Prepare (with staff input) and defend the annual budgets for the Division of Student Development.

(e) Prepare and maintain cumulative personnel folders for all Student Development employees.

(f) Oversee research and evaluation efforts to assess the quality of student life and the needs of students.

(g) Prepare all necessary reports, papers, policies, and assessments as required.

#### **6.7.2 Working with Students:**

(a) Counsel with students on any matter: academic, vocational, personal, social, and financial.

(b) Prepare and disseminate reports and summaries to state, federal, and local agencies and information to the academic community concerning the Division of Student Development.

(c) Serve as an ombudsman for students and perform as a student advocate.

(d) Regularly access student perceptions of the various functions of Student Development.

(e) Review recommendations relative to sanctions deemed appropriate by Judicial Boards.

(f) Write and implement University policies pertaining to students.

#### **6.7.3 Working with Committees:**

(a) Perform as a team member on the Administrative Cabinet.

(b) Approve recommendations of the Student Development Budget Council.

(c) Approve recommendations of the Student Media Board.

(d) Work with the Student Development Committee of the Board of Trustees.

(e) Chair the Committee on Student Conduct.

(f) Chair the Vice Chancellor's Student Leadership Cabinet.

(g) Approve recommendations of the Student Government Association.

(h) Appoint committees to study or make recommendations considering student issues.

**6.7.4 Special Duties:**

( a) Provide a continuing evaluation of student needs and interests as well as institutional goals leading to the development and modification of Student Development programs and services.

( b) Assist the Chancellor and perform other duties as assigned by the Chancellor.

**6.8 THE VICE CHANCELLOR FOR UNIVERSITY ADVANCEMENT**

The Vice Chancellor for University Advancement is responsible directly to the Chancellor. The division serves to develop and nurture relationships with alumni, friends, corporations and foundations to foster goodwill, maximize private financial support and strengthen the reputation of Appalachian State University. Its overriding purpose is to help create the best possible learning environment for Appalachian students.

To fulfill its mission, the Office of University Advancement is organized into four functional areas, each reporting to the Vice Chancellor:

Alumni Affairs: Coordinate, administer and promote all alumni functions and activities

Development: Coordinate and supervise private fund-raising activities including annual fund, planned giving and campaign fund-raising activities

Foundation: Administer and operate the Appalachian State University Foundation, Inc. to provide donor stewardship and accountability for private fund-raising

Public Affairs: Administer and supervise all public information, promotion and public relations activities of the University.

## VII. FACULTY SENATE, COMMITTEES, AND COUNCILS<sup>17</sup>

### 7.1 Faculty Senate<sup>18</sup>

**7.1.1** The Faculty Senate is composed of one member from each academic department/unit that makes up the university. A department or unit may choose not to fill its senate seat, in which case, the seat will remain empty. Questions of quorum and voting matters will be determined by the number of active seats and may vary from year to year. In addition, there shall be five “at large” seats filled by faculty from across the university. For a description of the procedures relating to the election of Faculty Senate members, see Article IV, Section 3. of the Faculty Constitution (Chapter I in the *Faculty Handbook*).

**7.1.2** The Chair of the faculty (Provost and Executive Vice Chancellor) is an ex-officio non-voting member of the Faculty Senate and shall serve as liaison officer between the Faculty Senate and the Chancellor of the University.

**7.1.3** The Chancellor of the University shall meet with the Faculty Senate at its first and last meetings of the academic year. At the first meeting, the Chancellor shall review administrative plans and goals for the upcoming year. At the last meeting, the Chancellor shall review administrative accomplishments and on-going initiatives.

**7.1.4** The Faculty Senate Executive Committee, consisting of the officers and the committee chairs, shall meet with the Provost at least once during each semester to discuss mutual concerns.

**7.1.5** At the last Senate meeting of the academic year, the Senate shall elect the officers, with the exception of the Parliamentarian, for the following year, chosen from a minimum of two names for each position nominated from the floor. Candidates must give permission before their names are placed in nomination. Officers may be re-elected each year for the duration of their tenure on the Senate. The Committee on Committees will solicit names and oversee the voting and the election process for the following year’s nominations of officers.

### 7.2 Faculty Senate Committees

The committees of the Faculty Senate are appointed by the Chair of the Faculty Senate, with the advice and consent of the Faculty Senate. The chairs of these committees are elected by

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<sup>17</sup>Current membership of the Faculty Senate, University committees, and councils will be furnished by the Chair of the Faculty Senate each fall.

<sup>18</sup>For additional information regarding the Faculty Senate, refer to the *Faculty Senate Guidebook and Manual of Order*.

the membership of the respective committees. These committees together with their memberships and responsibilities are as follows:

**7.2.1 AGENDA COMMITTEE**

The Agenda Committee shall be defined as the elected officers and the Parliamentarian of the Faculty Senate and shall meet at least once prior to each regularly scheduled Senate meeting to formulate and approve (by the vote of the members in attendance) the agenda for each upcoming Senate meeting. The Agenda Committee also:

- a. prepares the agenda for the Faculty Senate meetings;
- b. refers matters to the appropriate committee; and
- c. handles other business pertaining to agenda matters.

**7.2.2 COMMITTEE ON ACADEMIC POLICY**

The Committee on Academic Policy:

- a. considers matters of academic policy;
- b. handles other business that influences academic policy; and
- c. a member of the committee serves as liaison to the Academic Policies and Procedures Committee, and is a non-voting member of AP&P, unless otherwise appointed to the committee as a College/School representative.

**7.2.3 BUDGET COMMITTEE**

The Budget Committee:

- a. studies matters relating to budget planning at Appalachian;
- b. studies matters relating to the acquisition and distribution of the University's funds, equipment, and supplies;
- c. considers University financial concerns of faculty; and
- d. the chair of the budget committee and the Faculty Senate Chair will serve as members of any tuition committees established.

**7.2.4 CAMPUS PLANNING COMMITTEE**

The Campus Planning Committee:

- a. considers matters of faculty concern relating to long-range and physical planning;
- b. serves as Faculty Senate liaison with the Strategic Planning Commission; and
- c. investigates problems arising from the condition or management of the physical environment on campus.
- d. Senate will assign a member of this committee to serve on the University Council on the Safety of the Campus Community.



#### **7.2.5 CHANCELLOR ADVISORY COMMITTEE**

The Chancellor Advisory Committee meets four (4) times each academic year [two (2) times each semester]. The membership consists of:

- a. chair and vice chair of the Faculty Senate;
- b. two standing committee chairs; each standing committee chair attends at least once each academic year;
- c. four or five senators will attend one (1) of the meetings so that each senator, other than chair, vice chair, and standing committee chairs, attends once throughout the academic year; and
- d. Provost and Executive Vice Chancellor.

The Chancellor Advisory Committee acts as an informal advisory committee on behalf of the faculty to provide information and discuss matters of faculty interest and concern with the Chancellor.

#### **7.2.6 COMMITTEE ON COMMITTEES**

The Committee on Committees:

- a. submits to the Senate, at its April meeting, and at other appropriate times, recommendations for nominations to fill vacancies on University committees;
- b. strives to insure that a nominee serves on no more than one standing University committee per three-year term and has no more than one other University committee assignment (including Faculty Senate committees and University committees);
- c. reviews annually the membership and responsibilities of each of the University committees, and periodically conducts detailed reviews of University committees;
- d. determines whether or not each University committee is meeting as often as specified and fulfilling the functions it was created to fulfill;
- e. makes recommendations to the Senate for abolishing, changing, and/or adding University committees;
- f. makes recommendations to the Senate for the replacement of members on those University committees on which such members are not accepting their responsibilities, or when vacancies on those committees occur; and
- g. handles other business that pertains to committees.
- h. will solicit names and oversee the voting and the election process for the following year's nominees of Senate officers.

#### **7.2.7 COMMITTEE ON WELFARE AND MORALE**

The Committee on Welfare and Morale:

- a. monitors in all areas of fringe benefits and provides representation by three committee members on the Faculty/Staff Benefits Committee;
- b. coordinates and participates in the orientation program for new faculty members and spouses;
- c. handles other business that pertains to faculty welfare and morale; and
- d. a member of the committee on Welfare and Morale shall serve as a member of the non-tenure track faculty committee.

### **7.2.8 COMMITTEE ON WELFARE OF STUDENTS**

The Committee on Welfare of Students:

- a. deals with problems, or problem areas, that directly affect the general student body and the well-being of every student currently enrolled at Appalachian;
- b. serves as liaison to bring serious student problems and possible solutions to the attention of the faculty, administration, and student body for the purpose of developing or reformulating policy;
- c. cooperates with other Appalachian agencies, in particular the Offices of the Vice Chancellor for Student Development, the Director of Auxiliary Services, the chair of the Student Government Association's Student Welfare Committee, the Director of Admissions, and the Registrar; and
- d. serves, in some situations, as an investigatory body.

### **7.2.9 FACULTY HANDBOOK COMMITTEE**

The *Faculty Handbook* Committee:

- a. maintains oversight of changes to the *Faculty Handbook* proposed by the Faculty Senate and approved or modified by the Chancellor or the Provost and Executive Vice Chancellor;
- b. informs the Senate about the progress of *Faculty Handbook* changes from the Chancellor to the Board of Trustees;
- c. works with those responsible for publishing the *Faculty Handbook* to make sure it is widely and easily available to faculty and is up-to-date;
- d. monitors, as well as advises and informs the Senate regarding all proposals for changes in the *Faculty Handbook*, from wherever they originate;
- e. the composition of the committee includes the Chair of the Faculty Senate, the immediate past Senate Chair if he/she continues to be employed by the University, or a past Senate Chair who continues to be employed by the University who is willing to serve, and two additional faculty members (Senators included). The Provost and Executive Vice Chancellor (or designated representative) shall serve as an ex-officio non-voting member. The chair of the committee shall be the Chair of the Faculty Senate.

### **7.2.10 AD-HOC COMMITTEES**

The Faculty Senate may establish ad-hoc (temporary) committees for the purpose of addressing specific and major faculty and/or institutional concerns.

## **7.3 University Committees<sup>19</sup>**

### **7.3.1 The Membership of University Committees**

**7.3.1.1** The membership of University committees is determined in accordance with the following procedures:

( a) At its April meeting, the Faculty Senate shall nominate one person for each faculty vacancy occurring on University committees and forward the list to the Chancellor of the University or the Chancellor's representative.

( b) At the beginning of each academic year, the Student Government Association shall nominate one or more persons for each student vacancy occurring on University committees and shall submit a list of such nominees to the Chancellor of the University or the Chancellor's representative.

( c) On or before September 1, the president of the Staff Council shall nominate one or more persons for each staff vacancy occurring on University committees and shall submit a list of such nominees to the Chancellor of the University or the Chancellor's representative.

**7.3.1.2** The membership of each committee should be arranged so that each of the colleges/schools of the University and the Library can be represented as proportionately as possible, based on the total number of faculty members indicated within the committee description.

**7.3.1.3** The Chancellor and the Provost and Executive Vice Chancellor of the University shall be ex-officio non-voting members of all committees. All non ex-officio members may vote.

**7.3.1.4** The terms of office of faculty members of committees shall be three (3) years. The terms of office of student members of committees shall be determined by the Student Government Association. The terms of office of staff members of committees shall be determined by the Staff Council.

**7.3.1.5** New members of University committees shall take office to begin with the fall semester and end at the conclusion of the second summer session.

### **7.3.2 The Operating Procedures of University Committees**

**7.3.2.1** The standing committees shall be called University committees.

**7.3.2.2** Their membership shall be made up of faculty members, administrative

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<sup>19</sup>Current membership of the Faculty Senate, University committees, and councils will be furnished by the Chair of the Faculty Senate each fall.

officers, students, and staff members. Any committee is empowered to invite for counsel and advice from other members of the University community as it chooses. The total number of committee members as listed below includes only those members, which are elected or appointed to said committee. Additional ex-officio membership may occur.

**7.3.2.3** The committees shall meet at least once each semester or more frequently if necessary.

**7.3.2.4** Every committee will select a chair, or co-chairs, from among the voting members, for the academic year at their first fall semester meeting.

**7.3.2.5** Each committee shall keep minutes of its proceedings and distribute copies to its members.

**7.3.2.6** Each committee shall prepare an annual report of its work for the year and submit by June 30 a copy to the administrative officer to whom it is responsible, and a copy to the Faculty Senate Chair. The annual report shall also include recommendations.

**7.3.2.7** The responsibility of the committees shall be to recommend the establishment and implementation of University policy and to carry out specific functions assigned to them. These committees shall, within the areas of their individual responsibilities, serve as receiving, coordinating, and decision-making boards regarding recommendations from the committees or councils of the individual colleges/schools when these recommendations affect University-wide policies and procedures.

**7.3.2.8** Each University committee shall report through its appropriate administrative officer to the Chancellor of the University. In a few instances committees shall report directly to the Chancellor.

**7.3.3** The duties of the chair of each University committee shall be to:

**7.3.3.1** Periodically check the *Faculty Handbook* (Chapter VII: Faculty Senate, Committees, and Councils) to ensure that the committee is properly constituted and is operating according to the descriptions and guidelines given in Chapter VII, particularly in the following important respects:

- ( a) total membership;
- ( b) voting membership (ex-officio members, invited consultants, experts and observers may not vote);
- ( c) membership proportions:
  - ( i) the proper number of faculty, staff, students, trustees, ex-officio members, et al. (not all committees have members from each group);
  - ( ii) proper representation of faculty members from the various academic units in the University. The Faculty Senate Committee on Committees should be promptly informed of any remediable discrepancies;

( d) responsibilities and authority. Some committees have both appeals duties and policy duties; these committees should not allow the press of appeals duties to cause them to ignore their equally important duty to establish, review, and recommend changes in policy;

( e) frequency of meetings: Chapter VII, section 7.3.2.3 requires one meeting per semester. Some committees with important work to do can do it in only a few meetings; other committees need frequent meetings. Committees with policy-making functions should exercise initiative in reviewing current policies at least once a year to see if changes are needed;

( f) attendance: The frequency, length, times, and places for meetings may vary. Each committee should adopt a policy suited to its nature and needs.

( g) reporting: the *Faculty Handbook* lists the persons and groups to whom each committee reports its actions or recommendations. Each committee should also attempt to coordinate its work with that of other committees or individuals with allied interests and responsibilities. The Faculty Senate sometimes takes up matters that coincide with the responsibilities and interests of one or more of the University committees. In order to lessen the chances of unnecessary duplication or conflict, the Faculty Senate and its committees and the University committees should confer with one another when an item of possibly mutual interest arises.

**7.3.3.2** Develop and maintain a continuity file (to contain a full description of the committee's duties and authority, its current membership, its policies and procedures, and its actions and recommendations) and deliver that file to that chair's successor;

**7.3.3.3** Provide a copy of the continuity file (or its equivalent) to any new committee member prior to any meeting at which actions are to be taken, appeals heard, or recommendations made.

**7.3.4** The committees, the number of members comprising them, the officers to whom reports are made, and the specific areas of committee responsibility shall be as follows:

**7.3.4.1 ACADEMIC INTEGRITY BOARD**

a. Members on Committee: 12 – 6 faculty and 6 students. The AIB contains two (2) standing committees: (1) the faculty committee, and (2) the student committee. The Faculty Committee is composed of the AIB's six (6) faculty members and one (1) student member. The Student Committee is composed of the AIB's six (6) student members and one (1) faculty member. Faculty AIB members are nominated by the Committee on Committees of the Faculty Senate from a list of volunteers willing to serve and are approved by a vote of the Faculty Senate. Faculty members serve three (3) year staggered terms and may be nominated for consecutive terms. Student AIB members are nominated by the Student Government Association President and selected by the Student Judicial Board interview panel. Student AIB members serve two-year staggered terms. The Provost and Executive Vice Chancellor or her/his designee

will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: In addition to considering violations of the Academic Code and determining appropriate sanctions as part of the AIB, the Faculty Committee is also charged with providing their peers with guidelines for promoting and enforcing academic integrity; educating faculty about academic integrity issues; conducting academic integrity workshops for faculty; and observing faculty reactions to the operation of the Code and to the academic environment of the university. In addition to considering violations of the Academic Code and determining appropriate sanctions as part of the AIB, the Student Committee is also charged with promoting academic integrity among their peers through a series of seminars, workshops, and classes; educating students about the seriousness of academic integrity; and observing student reactions toward the operation of the Code and the university's academic environment.

d. See Appendix D of this *Faculty Handbook* for a copy of Appalachian State University's Academic Integrity Code, or refer to the following web site:

<http://www.academicaffairs.appstate.edu/resources/integrity/>

#### **7.3.4.2 ACADEMIC POLICIES AND PROCEDURES COMMITTEE**

a. Members on Committee: 16 - 12 faculty and 4 students. The student membership (one-year terms) shall include one graduate and three undergraduate students as voting members. The students will serve as liaison between the Academic Policies and Procedures Committee and the Student Government Association. The faculty voting members of AP&P shall include at least one faculty member from each college or school (with the exception of the Graduate School) and the Library with additional faculty members based on the current proportions of full-time equivalent (FTE) faculty. The ex-officio non-voting membership of AP&P shall include one person from each of the following areas: Dean's Office in each college/school, Provost's Office, Registrar, and Academic Advising. The Provost and Executive Vice Chancellor, or his/her designee, will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: The major area of responsibility shall be the curriculum. Other areas are: academic policies, advanced placement; graduation requirements; hearing appeals concerning academic matters from any college/school, department, member of the faculty, or students and matters referred to it by the Provost and Executive Vice Chancellor or the Chancellor.

#### **7.3.4.3 ADMISSIONS COMMITTEE**

a. Members on Committee: 9 - 6 faculty and 3 students. The Associate Vice Chancellor for Enrollment Services and the Director of Admissions shall serve as ex-officio non-voting members; the Director of Admissions will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: Establish and execute policies governing

admissions of undergraduate students and serve as an appeals board for admission cases.<sup>20</sup>

#### **7.3.4.4 ARTS AND CULTURAL PROGRAMS ADVISORY COMMITTEE**

a. Members on Committee: 14 - 6 faculty, 2 staff, and 6 students. The Associate Vice Chancellor for University Communications and Cultural Affairs will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

b. Report to: The Associate Vice Chancellor for University Communications and Cultural Affairs

c. Areas of responsibility: Advise and recommend on selection of artists for the Performing Arts Series.

#### **7.3.4.5 AWARDS COMMITTEE**

a. Members on Committee: 17 - 13 faculty (3 from Arts and Sciences, 2 from Business, 2 from Education, 2 from Fine and Applied Arts, 2 from Music, and 2 from the Library); 2 staff; and 2 students (one undergraduate and one graduate). Faculty composition can be any faculty, including adjunct and part-time. In the event a member of the committee wishes to seek an award, an alternate from her/his area will be recommended to the Faculty Senate by the Committee on Committees to serve for the duration of the awards process. The Chair of the Faculty Senate or his/her designee, will convene the first meeting and facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: Selecting and facilitating University and external awards, including but not limited to: ASU teaching awards, the Board of Governors Awards for Excellence in Teaching, and the O. Max Gardner award.

#### **7.3.4.6 CORE CURRICULUM COMMITTEE**

a. Members on Committee: 15 - 10 faculty (4 from Arts and Sciences, 1 from Business, 1 from Education, 2 from Fine and Applied Arts, 1 from Music, and 1 from the Library), 2 undergraduate students, a senior faculty member who will serve as vice chair, an Associate Vice Chancellor for Academic Affairs who will serve as chair, and the Director of General Studies (as an ex-officio non-voting member). The Provost and Executive Vice Chancellor will appoint an Associate Vice Chancellor or Vice Provost to convene the committee, serve as ex-officio member and facilitate the selection of a chair or co-chairs from among the voting members of the committee. The Associate Vice Chancellor will have a vote only in case of a tie in the voting of the committee. Also, the Provost and Executive Vice Chancellor will appoint a senior faculty member as chair of the Core Curriculum Committee for a five year term. This person will work with the Associate Vice Chancellor in carrying out the work of the

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<sup>20</sup>Responsibility for readmissions has been assumed by each college/school.

committee, and will be given one-quarter reassigned time for this work. The chair will have a vote on the committee and will be counted as filling one of the allocated seats to the various colleges/schools, so as to keep the original balance of representatives among the colleges and schools.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: The committee is responsible for maintaining the integrity of the Core Curriculum and serving as an advocate for general education at the university. In addition to establishing the general criteria that courses must satisfy to be included in the core curriculum, it makes recommendations to the Academic Policies and Procedures Committee concerning the inclusion therein of specific courses and the awarding of special designators.

#### **7.3.4.7 FACULTY AND STAFF BENEFITS COMMITTEE**

a. Members on Committee: 6 - 3 faculty and 3 staff – two elected from the faculty and one from the Faculty Senate Committee on Welfare and Morale. The Director of Human Resource Services shall serve as an ex-officio, non-voting member, will convene the first meeting and facilitate the selection of a chair or co-chairs, from among the voting members of the committee.

b. Report to: Director of Human Resource Services

c. Areas of responsibility: Reviews present programs, approves changes and makes additions to the fringe benefit package.

#### **7.3.4.8 LIBRARY SERVICES COMMITTEE**

a. Members on Committee: 15 - 9 faculty, including the University Librarian, 2 students, and 3 staff. The University Librarian shall convene the first meeting and will facilitate the selection of a chair, or co-chairs, from among the members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: Policies and procedures in the Carol G. Belk Library and Information Commons.

#### **7.3.4.9 NON-TENURE TRACK FACULTY COMMITTEE**

a. Members on Committee: 8 – 6 faculty (3 tenure track faculty and 3 non-tenure track faculty) and 2 students. A member of the Faculty Senate Welfare and Morale Committee shall serve as a liaison between that Faculty Senate committee and the Non-Tenure Track Faculty Committee. The Senator from the Welfare and Morale Committee will convene the first meeting and will facilitate the selection of a chair, or co-chairs, from among the members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: Policies and procedures relevant to non-tenure track faculty.



**7.3.4.10 REGISTRATION AND CALENDAR COMMITTEE**

a. Members on Committee: 10 - 5 faculty, 2 staff, 2 students (one undergraduate and one graduate), and 1 representative from the Controller's Office, and the following seven ex-officio members: Dean of Students, representatives from Human Resource Services, Conferences and Institutes, Admissions, Summer Sessions, Athletics, and Academic Advising. The Registrar and a representative from Academic Affairs shall serve as an ex-officio non-voting members. The Registrar will convene the first meeting, and will facilitate the selection of a chair, or co-chairs, from among the members of the committee.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: Policies governing registration, academic scheduling, and the calendar.

**7.3.4.11 TEACHING ENHANCEMENT COMMITTEE**

a. Members on Committee: 14 – 11 faculty (3 from Arts and Sciences, 2 from Business, 2 from Education, 2 from Fine and Applied Arts, 1 from Music, and 1 from the Library), 2 undergraduate students (chosen by the Student Government Association), and 1 graduate student (chosen by the Graduate Student Association Senate). The Coordinator of the Faculty and Academic Development program of the Hubbard Center will be an ex-officio member of the committee, will convene the first meeting, and will facilitate the selection of a chair, or co-chairs, from among the members of the committee..

The faculty will be elected by the faculty in the unit that they represent. Faculty terms will be three years.

b. Report to: The Provost and Executive Vice Chancellor

c. Areas of responsibility: 1) to work both in cooperation with the Hubbard Center and on its own to consider issues and make recommendations regarding the enhancement, evaluation, and recognition of teaching at Appalachian; and 2) to share among the faculty ways that teaching is being improved both at Appalachian and elsewhere.

**7.3.4.12 TRAFFIC POLICY COMMITTEE**

a. Members on Committee: 9 – 3 faculty, 3 staff, and 3 students. The Director of Parking and Traffic shall serve as an ex-officio non-voting member.

b. Report to: The Vice Chancellor for Business Affairs

c. Areas of responsibility: The review and development of policy regarding traffic and parking at Appalachian State University.

**7.3.4.13 UNIVERSITY BOOKSTORE COMMITTEE**

a. Members on Committee: 9 – 5 faculty to serve three-year terms, one of whom is a faculty senator, 3 student members, two of whom are undergraduate students appointed by the Student Government Association, and one graduate student appointed by the Graduate Student Association Senate. The Manager of the University Bookstore shall serve as an ex-officio non-voting member of the committee, will convene the first meeting, and will facilitate the selection of a chair, or co-chairs, from among the voting members of the committee.

- b. Report to: The Provost and Executive Vice Chancellor
- c. Areas of responsibility: To recommend policies regarding textbooks and other educational materials.
- d. Meets twice each Fall and Spring Semester.

#### **7.4 Faculty Committees<sup>21</sup>**

**7.4.1** Faculty Grievance Assistance Committee (See Chapter III, sections 3.9.1.3 and 3.9.2.5.)

**7.4.2** Faculty Due Process Committee and Faculty Grievance Hearing Committee (See Chapter III, sections 3.9.2.1 through 3.9.2.4.)

#### **7.5 Councils<sup>22</sup>**

Councils are appointed by the administrative officer to whom they are responsible and to whom they report. The administrative officer listed in parentheses is the one to whom the council is responsible and to whom it reports. The administrative officer serves as chair or designates the chair of the council. On some councils, the members serve on a staggered term basis. Listed below are the University councils and their duties and responsibilities.

##### **7.5.1 ADMINISTRATIVE CABINET**

The Administrative Cabinet provides information for the Chancellor on various operations of the University and makes recommendations to the Chancellor concerning policies, decisions, plans, and programs of the University. (Chancellor)

##### **7.5.2 ADMINISTRATIVE COUNCIL OF THE REICH COLLEGE OF EDUCATION**

The Administrative Council of the Reich College of Education formulates and recommends policies related to its college. (Dean of the Reich College of Education)

##### **7.5.3 ATHLETICS COUNCIL**

The Athletics Council advises the Chancellor and the Athletics Director regarding policies governing Appalachian's program of intercollegiate athletics. It monitors the academic progress of student athletes, assists in long range planning, provides advice concerning financial matters, promotes a proper balance between men's and women's sports, and gives advice on other relevant matters. (Chancellor)

##### **7.5.4 CONFLICTS OF INTEREST/COMMITMENT APPEALS COUNCIL**

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<sup>21</sup>Current membership of the Faculty Senate, University committees, and councils will be furnished by the Chair of the Faculty Senate each fall.

<sup>22</sup>Current membership of the Faculty Senate, University committees, and councils will be furnished by the Chair of the Faculty Senate each fall.

The Chancellor will appoint a standing Conflicts of Interest/Commitment Appeals Council. The council shall consist of: three members appointed by the Chancellor, at least one of whom shall be chosen from EPA administrative personnel; three faculty members appointed by the Chair of the Faculty Senate, at least one of whom shall be chosen from EPA administrative personnel who are members of the general faculty or who hold any faculty rank; and one member appointed jointly by the Chancellor and the Chair of the Faculty Senate. The Chancellor shall appoint the chair of the council. The council will be responsible for reviewing cases brought to its attention by any dean or vice chancellor or by the Chancellor. It will conduct a thorough review of each case and will make recommendations for conflict resolution to the official who referred the matter to it. (Chancellor)

#### **7.5.5 COUNCIL OF CHAIRS**

The Council of Chairs is composed of all academic departmental chairs, the University Librarian or Associate University Librarian, the Assistant or Associate Dean of Music, the Director of Appalachian Studies, and, on an ex-officio and non-voting basis, the Chair of the Faculty Senate. The function of the Council is to gather and exchange information and make recommendations on behalf of the departmental chairs of Appalachian State University. (Provost and Executive Vice Chancellor)

#### **7.5.6 COUNCIL OF THE COLLEGE OF ARTS AND SCIENCES**

The Council of the College of Arts and Sciences receives and acts on recommendations originating within the various departments of the college. It therefore formulates and recommends policies governing the administration of its college. (Dean of the College of Arts and Sciences)

#### **7.5.7 COUNCIL OF THE COLLEGE OF FINE AND APPLIED ARTS**

The Council of the College of Fine and Applied Arts serves as an advisory board, helping to establish policies on all matters which concern the various departments which comprise the college. (Dean of the College of Fine and Applied Arts)

#### **7.5.8 COUNCIL ON TEACHER EDUCATION**

The Council on Teacher Education has as its main function the role of analyzing and evaluating teacher education curricula and of recommending policies and procedures for strengthening the teacher education programs. Its composition is interdepartmental. (Dean of the Reich College of Education)

#### **7.5.9 DEANS' COUNCIL**

The Deans' Council advises the Provost and Executive Vice Chancellor on matters relating to the administration of the area of academic affairs. (Provost and Executive Vice Chancellor)

#### **7.5.10 FINANCIAL AID ADVISORY COUNCIL**

The Financial Aid Advisory Council serves in an advisory capacity and offers input and guidance to the Director of Financial Aid on matters relative to University-wide

practices and policies for the distribution of federal and state financial aid. (Director of Financial Aid)

**7.5.11 GRADUATE COUNCIL**

The Graduate Council formulates and recommends policies governing the administration of graduate studies. (Dean of Graduate Studies and Research)

**7.5.12 INFORMATION TECHNOLOGY ADVISORY COUNCIL**

The Information Technology Advisory Council reviews the total academic computer needs and then sets policy and determines the timing criteria necessary to meet those needs. (Provost and Executive Vice Chancellor)

**7.5.13 INTERNATIONAL EDUCATION COUNCIL**

The International Education Council is responsible for fostering the internationalization of Appalachian State University. The council promotes and enhances the university's international mission by initiating and developing policy recommendations concerning international issues; helping to develop curricula and programs with international emphases; supporting international students, educators, visiting scholars, alumni, guests and friends; and engaging in other activities pertinent to the international character of Appalachian State University. The council consists of faculty members, staff, and students recommended by the Associate Vice Chancellor for International Education and Development and appointed by the Provost and Executive Vice Chancellor. (Provost and Executive Vice Chancellor)

**7.5.14 LEARNING COMMUNITIES COUNCIL**

The Learning Communities Council encourages communication and collaboration among the various learning communities at Appalachian State University. The Council promotes integrative learning, student success activities, faculty-to-faculty, faculty-to-student, and student-to-student academic experiences. (Associate Vice Chancellor for Academic Affairs)

**7.5.15 LIBRARY ADMINISTRATIVE CABINET**

The Library Administrative Cabinet provides to the University Librarian information and recommendations concerning the policies, decisions, plans, and programs relating to the operation of the Carol G. Belk Library and Information Commons. (University Librarian)

**7.5.16 OFF-CAMPUS RESIDENT FACILITIES ADVISORY BOARD**

The Off-Campus Resident Facilities Advisory Board advises the Associate Vice Chancellor for Academic Affairs on matters concerning the Appalachian House in Washington, D.C. and the Appalachian Loft in New York, N.Y. (Associate Vice Chancellor for Enrollment Services)

**7.5.17 STRATEGIC PLANNING ADVISORY COUNCIL**

The Strategic Planning Advisory Council oversees the planning process,

organizes the macro and micro strategic planning activities, studies the important issues facing the University, assigns tasks to the Strategic Planning Commission and to campus staff, establishes timelines, collects information, and generates planning materials and products. (Chancellor)

#### **7.5.18 STUDENT HEALTH ADVISORY COUNCIL**

The Student Health Advisory Council provides students an opportunity to learn about the operation of health services and to have input in the decision-making process regarding health services practices. (Vice Chancellor for Student Development)

#### **7.5.19 SUMMER SESSIONS ADVISORY COUNCIL**

The Summer Sessions Advisory Council serves in an advisory capacity offering guidance and recommendations for policies that govern summer programs. The council is chaired by the Director of Summer Sessions, and meets on a routine basis. (Vice Provost for Academic Affairs)

#### **7.5.20 UNIVERSITY COUNCIL ON THE SAFETY OF THE CAMPUS COMMUNITY**

The University Council on the Safety of the Campus Community manages the University safety plan. The members of this council have direct input into policy changes and implementations that are needed for existing policies and procedures, educational programs, and resources to meet any identified threats to safety. Representation on this Council includes faculty, staff, and undergraduate and graduate students. (Dean of Students and Associate Vice Chancellor for Student Development)

#### **7.5.21 UNIVERSITY JUDICIAL BOARD**

The University Judicial Board conducts hearings for students charged with judicial code violations and who elect to be heard by this board rather than by Student Judiciary. (Director of Student Judicial Affairs)

#### **7.5.22 UNIVERSITY RESEARCH COUNCIL**

The University Research Council formulates and recommends policies governing research administration at Appalachian State University to the Dean of Graduate Studies and Research. The council will also: seek and recommend ways to secure internal and external financial support for faculty engaged in research and creative activities; work to create an environment (e.g., reduced teaching load, recognition of work done, etc.) in which the faculty may be encouraged to do research within their specialties; support faculty publications; and develop and recommend University policy related to such research issues as the use of human subjects, care and protection of research animals, and scholarly ethics. Specific duties may include: serve as liaison between Graduate Studies and Research and the academic colleges/schools for the purpose of encouraging research and grants activity; recommend the University's competitive research awards (elected members of the council will serve as the committee to recommend these awards to the full council); review and monitor as needed research involving human and animal subjects, as well as issues of scholarly ethics; insure that University research policy is consistent with state and federal regulations; and develop incentive programs for research and grants activity. (Dean of Graduate Studies and Research)

**7.5.23 WALKER COLLEGE OF BUSINESS DEAN’S ADVISORY COUNCIL**

The Walker College of Business Dean’s Advisory Council formulates and recommends policies governing administration of its college. (Dean of the Walker College of Business)

**7.5.24 INTELLECTUAL PROPERTY DEVELOPMENT ADVISORY COUNCIL**

a. Members on Council: 9-12 – 6 faculty will be recommended by the appropriate Deans and University Librarian and will be appointed by the Provost as follows: one (1) faculty representative from each of the following University entities: College of Arts and Sciences, Walker College of Business, Reich College of Education, College of Fine and Applied Arts, Hayes School of Music, and Belk Library and Information Commons. The Faculty Senate will appoint one additional voting member. All faculty will be voting members and will serve three-year terms. One (1) representative each from Research and Graduate Studies and the Small Business and Technology Development Center will be voting members. One representative from the University Attorney’s Office will be non-voting. The Provost may at her/his discretion appoint up to three (3) additional non-voting members, which may include non-ASU affiliated individuals. All members should be appointed based on her/his area of expertise and commitment to furthering the intellectual property development efforts of both the faculty and University.

b. Report to: The Provost and Executive Vice Chancellor.

c. Areas of responsibility: 1) receive and review all intellectual property disclosures made by the faculty and staff to Appalachian State University; 2) recommend such measures as are necessary to assure prompt and expeditious handling, evaluation, and prosecution of intellectual property opportunities in accordance with approved University procedures (<http://www.academicaffairs.appstate.edu/resources/IntellProp.pdf>); 3) other duties consistent with the Appalachian State University Intellectual Property Transfer Policy; and 4) direct questions of intellectual property ownership to the committee charged with hearing faculty grievances.

## VIII. SERVICES AND ORGANIZATIONS

Detailed information about many of these services can be found in the *Appalachian State University Resource Manual*, an administrative policies and procedures manual published by the Office of Internal Audits. A copy is available at <http://www.resourcemanual.appstate.edu>.

### 8.1 SALARY CHECKS

Payroll information is gathered by the Office of Human Resource Services. Checks are written by the Controller's Office, amounts are electronically deposited to the employee's designated account, and payroll stubs are distributed to the departmental chairs on the last working day of the month by this same office. During the first year of employment, salaries are paid in twelve equal installments, three months (July, August, and September) being paid on the last working day of September; thereafter, one check per month, October through June. After the first year, checks continue one per month (July through June).

During the summer, prior to initial employment, new faculty members will receive a packet of information with tax, payroll and benefit forms enclosed. A new faculty benefit orientation date is established for the completion of all forms and allows new faculty the option of receiving two of the three pay installments at the end of August. Failure to attend the August benefit sign-up session will cause the faculty member to receive three installments at the end of September. If a faculty member does not receive a packet, the faculty member should stop by the Office of Human Resource Services and ask for the necessary forms.

Statutory authority empowers the Controller's Office to withhold from salary checks any amount due the University for any reason. University policy provides for a system of notification prior to withholding.

### 8.2 INSURANCE

The University makes available several types of benefits through a group plan and payroll deduction:

( a) Health coverage is available through the North Carolina State Comprehensive Health Benefit Plan or an authorized HMO. The state provides the cost of this coverage for the individual employee for the State Plan, with a minimal cost to the employee for the HMO for individual coverage.

( b ) A disability salary continuation plan is provided by the state for all employees who have been employed for at least one year. Optional disability plans are available through Colonial Life and Accident and TIAA/CREF, or Liberty Mutual.

( c ) Group life insurance is available through Prudential Life Insurance Company and Provident Life and Accident Insurance Company (North Carolina State Employees Association). Universal Life Insurance is available through Metropolitan Life Insurance Company.

( d ) Other plans include Accidental Death and Dismemberment Insurance, Cancer Insurance, Prepaid Legal Service, Flexible Spending Accounts, Dental Insurance, Savings Bonds, Liability Insurance and Deferred Compensation Plan of North Carolina.

Details of these plans may be obtained from the Office of Human Resource Services.

### **8.3 RETIREMENT AND SOCIAL SECURITY**

Three-quarter or full-time faculty and staff members are both eligible and required to contribute to the Teachers' and State Employees' Retirement System of North Carolina or TIAA/CREF and the Federal Social Security System. Retirement contributions are tax-sheltered and are regularly deducted from salary checks with the rate of contribution being six percent. Social Security contributions also are deducted regularly, and the rate fluctuates.

Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes (“Retirement System of Teachers and State Employees”). When tenured members of the faculty retire, they relinquish all tenure rights; and, any subsequent employment will be subject to post-retirement policies and procedures.

Any questions regarding your retirement plan should be directed to the Office of Human Resource Services.

### **8.4 CREDIT UNION**

The services provided by the State Employees' Credit Union are available to all faculty and staff members. These services include savings and all types of loans at an interest rate usually lower than available through other lending agencies. Savings deposits and loan repayments to the credit union can be processed through payroll deductions at your request. Application for membership requires an initial deposit of \$25.00 to cover the purchase of one share of stock. The State Employees' Credit Unions in Boone, North Carolina are located at 1470 Blowing Rock Road and at 410 New Market Boulevard.



## **8.5 TAX-SHELTERED ANNUITY PROGRAMS**

Tax-sheltered annuity programs which provide for the investment of a designated amount of the employee's salary are available. The amount of salary withheld for investment is tax-deferred. Further information on these plans is available in the Office of Human Resource Services.

## **8.6 AUXILIARY SERVICES**

Auxiliary Services in the Business Affairs area includes: Food Services, AppCard Office, University Bookstore, New River Light and Power Company, and Vending Services. The following services provided by Auxiliary Services are available to all faculty and staff.

### **8.6.1 Food Services**

Appalachian owns and operates its own food services in various campus facilities. The University Cafeteria, Chick-Fil-A, and the Food Court are located in Welborn Hall; McAlister's Deli and the Cascades Café are located in the Plemmons Student Union; Park Place Café, the Pizzeria, TCBY, and The Market are located in Trivette Hall; and The Jackson Dining Room is located in The Broyhill Inn and Conference Center.

Food Services offers a wide variety of choices in our catering department including a sit down banquet, picnic, cook out, or supplies for a party. Just call the catering assistant at (828) 262-6143 to place your order. Order from the bakery by calling (828) 262-3061. Orders must be placed 24 hours in advance of the date needed. The Food Services website is: <http://www.foodservices.appstate.edu>.

### **8.6.2 AppCard Office**

The AppCard Office issues identification cards to all faculty and staff upon their initial arrival to campus contingent upon the completion of all appropriate forms and documents. In addition to the official identification function of the card, it also electronically manages a charge system called the Appalachian Express Account for faculty and staff. To authorize this charge privilege using the ID card, simply make the request at the AppCard Office. This also authorizes automatic payroll deduction for charges each month. Express charges may be made at the Welborn Hall Cafeteria, Chick-Fil-A, The Food Court, Cascades Café, Park Place Café, the Pizzeria, TCBY, the Market, and the University Bookstore. There is no charge for the use of the Express Account.

### **8.6.3 University Bookstore**

The University Bookstore, conveniently located on-campus, offers a complete line of student supplies and services including the administration of an undergraduate textbook rental

plan. As part of the Bookstore, the Scholars Bookshop provides a wide selection of general reading materials and required supplemental and graduate textbooks. The Computer Shop offers educational prices on computer hardware and software. Also available is a large selection of Appalachian Wear clothing and ASU gift items. Profits generated by these operations help provide scholarships for qualified students. The University Bookstore accepts the Appalachian Express Account as well as Master Card and VISA.

Rental of Textbooks: Undergraduate student fees include textbook rental, entitling students to receive the main textbook used in most courses for which they register. There are certain circumstances e.g., summer school, selected topics courses, classes requiring outside readings, and certain special class and student circumstances for which the book rental program is not obligated to provide all the material. Notebooks, workbooks, manuals, supplemental books, and the like are not included. These and other additional materials will be purchased by the student.

At the end of each semester, rental textbooks must be returned or students are charged replacement costs. A student who desires to buy the rental textbooks may purchase them at a reduced price.

Graduate students and students in extension and distance learning classes are required to purchase their course materials, including textbooks. Also, please note that all undergraduate and graduate students purchase textbooks for summer school.

Students receive the benefit of the rental program for a specific fee without regard to the number of courses taken or the books used in a particular term. The financial benefits realized by the students under the rental system are considered to be averaged over a four-year period. Visit our website for more information at [www.bookstore.appstate.edu](http://www.bookstore.appstate.edu).

## **8.7 CONTROLLER**

The Controller's Office provides accountability for University resources and assists faculty/staff with payroll, grant records, petty cash and travel reimbursements, and other accounting functions. The Student Accounts Office is located on the second floor of John E. Thomas Hall. Services include receipting of departmental deposits, petty cash reimbursement, and account payment/receipt. Office hours are Monday through Friday, 8:00 to 4:00. The Controller, Assistant Controller, and Special Funds area (Grants) are located on the third floor of the B.B. Dougherty Administration Building, Suite 340. All financial records for federal grants and contracts are maintained in this area along with University financial statements. The accounts payable, travel reimbursement, and payroll divisions are located on State Farm Road in the Administrative Annex along with Procurement Services. Payroll, travel, and miscellaneous payments either by electronic transfer or check are processed and distributed from this area.

## **8.8 ADMINISTRATIVE SERVICES**

**8.8.1 Purchasing** - The Central Purchasing Office of the Materials Management Division is responsible for all purchasing for the University. Since Appalachian State University is a state-supported institution, its purchasing policies are directly affected by state law and the policies of the North Carolina Division of Purchase and Contract. In accordance with state law, the Central Purchasing Office has delegated to departments the authority to make certain categories of small purchases (under \$1500) using established procedures without going through the Purchasing Office. See the *Appalachian State University Resource Manual* for specific policies and procedures. The University is not responsible for obligations which have not been made in accordance with established policies and procedures.

**8.8.2 Central Warehouse** - The Central Warehouse consists of Central Receiving (for items procured by purchase order), Central Stores, and Surplus Property. For the convenience of the University, Central Stores stocks for resale to departments, paper products, housekeeping and janitorial supplies, and limited office supplies (those not on state term contract). The Central Warehouse routinely publishes updated lists of items in stock. The disposal of all excess or surplus property must be coordinated through the Surplus Property section.

**8.8.3 Mail Service** - The University operates and maintains a campus post office for receiving and distributing all campus mail. In conjunction with the post office, an inter campus mail service is provided. Routine deliveries and pickups are made by the campus mail service in all academic buildings. Post office boxes are *assigned to each enrolled student, with a few exceptions*. Postage for outgoing mail is controlled at a central point in the post office. The United States Postal Service should not be used for any inter campus mail. *Personal mail must not be included with University mail which requires postage to be applied. The University post office should not be used to receive personal packages. If a personal package must be delivered at work, please have it sent by United Parcel Service, FedEx, etc. to your location.*

**8.8.4 Telephone Service** - The University is served by a CENTREX telephone system permitting direct calling to and from University phone stations without operator assistance. Instructions for use of the system are found in the current telephone directory including instructions for long distance calling. Appalachian State University participates in the State Telephone Network DAIN-RADSI system. Long distance calls may be made for official business only. Departments are funded and billed for telephone service. Requests for changes in service should be directed to the CENTREX telephone office using Physical Plant Work Order Forms.

## **8.9 DESIGN AND CONSTRUCTION**

The Office of Design and Construction is responsible for the development and maintenance of the Comprehensive Facilities Master Plan for the University. Using the approved plan as guidance, Design and Construction manages the design, engineering and construction of major capital building and renovation projects.

## **8.10 PHYSICAL PLANT**

The basic purpose of the Physical Plant Department is to create an aesthetically pleasing, environmentally sound, and energy efficient physical environment for the campus community. The Physical Plant is generally responsible for the maintenance and operation of University facilities and grounds. Services are available on a 24-hour, 7-day-per-week basis. When an emergency arises after normal working hours, on weekends, holidays, or semester breaks, the University Police should be notified by calling 262-2150. The University Police personnel have access to a list of persons “on call” in each area and will contact the appropriate personnel.

**8.10.1 Building Maintenance and Repairs** -- Repair needs which are observed by faculty may be reported by electronically completing and submitting a request for Physical Plant Services. Special changes or alterations to a building should first be requested through the departmental chair and the appropriate college/school dean. The Physical Plant Office can provide estimates of cost, but no work will be performed until authorization of funds is given by the departmental chair and the proposed physical alteration has been approved by Physical Plant’s Work Control Center.

**8.10.2 Housekeeping** -- Building Services personnel are assigned to academic facilities on the basis of the square footage to be maintained. Special requests of the Building Services personnel should be directed to the Director of Building Services who visits all academic facilities on a periodic basis.

**8.10.3 Arrangements for Special Events** -- Requests for special services of the Physical Plant such as moving equipment, rearranging space, sound equipment, etc., should be requested by electronically completing and submitting a request for Physical Plant services. Ample time should be allowed for the scheduling of such work.

The Physical Plant section of the *Appalachian State University Resource Manual* provides more detailed information regarding the services provided by this department.

## **8.11 GEORGE M. HOLMES CONVOCATION CENTER AND SEBY B. JONES ARENA**

The purpose of the George M. Holmes Convocation Center is to provide facilities for the Department of Health, Leisure and Exercise Science as well as ASU's basketball offices and to support the academic processes of Appalachian State University.

Serving as a multi-purpose arena for the northwestern region of North Carolina, the Center will support University-sponsored events, such as commencement and College Fair. Cultural events, concerts, trade shows, athletic events and other public assembly activities will also be a part of the Center's programming.

Since several departments will share the facility, all efforts will be made to accommodate the activities of each department. Because the schedule for the Center will be constantly changing, every effort will be made to keep all concerned updated. University-sponsored events such as commencement, convocation, and student recruiting events will have priority over all other events. Please contact the Center Director for reservations.

## **8.12 PARKING AND TRAFFIC**

The University Parking and Traffic Department is responsible for providing parking services and traffic control for all faculty, staff, students and visitors to the campus. Individuals who wish to park a motor vehicle on University controlled property between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, must obtain a parking permit from the Parking and Traffic Department before doing so. Several types of permits are available, dependent upon the category of the registrant. The appropriate permit will be provided at the time of registration, subject to availability. Fees are charged for parking permits, as designated by the University's Board of Trustees.

For further information, please contact the Parking and Traffic Department at (828) 262-2878, visit our web site at <http://www.parking.appstate.edu>, or visit our office in the Rivers Street Parking Deck.

## **8.13 UNIVERSITY POLICE**

The University Police Department is responsible for protecting life and property at Appalachian by providing emergency and non-emergency law enforcement services, crime prevention, safety and criminal investigative services.

For any on-campus emergency, simply dial 8000 from any on-campus phone. To report a crime or any other suspicious activity, call 262-2150 or use one of the over 60 Blue Light emergency telephones located throughout campus. To report a crime anonymously, call "Crimestoppers" at 262-4555. For more detailed information about the Police Department, Crime Statistics, Programs and Services, check out our Web Page at [www.police.appstate.edu](http://www.police.appstate.edu).

## **8.14 CAMPUS AMBULANCE SERVICE**

In the event an emergency arises which requires an ambulance, the University Police Department (262-8000) should be contacted or the Boone Police Department (9-911). All emergency calls take precedence over other duties and are responded to immediately. If the nature of the emergency is such that a University Police Department vehicle can be used for transportation to the Student Health Services Center, that is done. If it is a stretcher case, the

local emergency ambulance service is summoned through the local police department's dispatch service. All University Police Department personnel have had first aid and CPR training. In addition, a registered nurse is on duty at the Student Health Services Center around the clock during regular school terms.

## **8.15 ARTS AND CULTURAL PROGRAMS**

A variety of activities are offered throughout the year to enhance the cultural and intellectual environment of Appalachian, and to heighten student and community appreciation of the role played by the arts in society. Programs are designed to complement classroom studies as well as the wide range of student and faculty presentations in music, theatre, dance, and visual arts. There is a cultural event at Appalachian almost every day of the academic year.

PROGRAMS ADMINISTERED BY THE OFFICE OF ARTS AND CULTURAL PROGRAMS encompass three general areas: the Performing Arts Series, An Appalachian Summer Festival, and visual arts programs offered by the Turchin Center for the Visual Arts.

The Performing Arts Series is available by subscription, season ticket, or individual ticket, and is scheduled to correspond with Appalachian's academic year. Students and faculty members, as well as area residents and visitors to the High Country, are all considered in planning each season's line-up of performers. Musical events range from symphony orchestra and chamber music performances to jazz and contemporary artists. Theatre productions run the gamut from serious drama to Broadway musical tours. Dance performances offer an equally wide array of styles, from ballet to modern dance to dance forms representing cultural traditions from around the world.

An Appalachian Summer Festival is North Carolina's premier arts festival featuring the very best in music, dance, theatre, and the visual arts. Presented during the month of July, the festival has grown in its twenty year history, from a popular local and regional event to become a destination for visitors from around the country, who are attracted by its artistic quality and the natural beauty of the High Country. In recent years, the festival has been selected as one of the "top twenty events in the Southeast" by the Southeast Tourism Society. The festival's line-up boasts world-renowned performers, as well as the finest cultural traditions of the Appalachian region.

At the heart of An Appalachian Summer Festival is a remarkable array of musical offerings. Symphony and chamber music performances, School of Music faculty, and guest artists from around the world offer a diverse musical menu. The North Carolina Symphony, Louisville Orchestra, Preservation Hall Jazz Band, the Broyhill Chamber Ensemble (in residence during the festival) and guest artists Andre' Watts, Pinchas Zukerman, Dawn Upshaw, Roberta Peters, Robert Merrill, Doc Watson, Chet Atkins, Arlo Guthrie and Willie Nelson are but a few of the artists who have appeared at the festival in the past. The very best in the world of dance is also represented by An Appalachian Summer Festival. Artists of the New York City Ballet, the

Ohio Ballet, Miami City Ballet, American Indian Dance Theatre, Paul Taylor Dance Company, North Carolina Dance Theatre, Atlanta Ballet and Hubbard Street Dance Chicago have all graced its stages in past years. The festival's dynamic "Works in Progress" presents staged theatre readings of new works by some of the country's finest playwrights, composers, directors, actors and musicians, shaped by a process of collaboration among various arts disciplines. Visual arts programming is represented by two national juried visual arts exhibitions, the Rosen Outdoor Sculpture Competition and Exhibition, and the Halpert Biennial Visual Arts Competition.

Appalachian's vision of establishing a regional visual arts center has become a reality, in the form of the Turchin Center for the Visual Arts, the largest visual arts center in northwestern North Carolina, Eastern Tennessee, and Southwest Virginia. The center is devoted specifically to exhibition, education and outreach programs in the visual arts. Exhibits focus on a blend of new and historically important artwork, and feature works of nationally and internationally renowned artists, as well as many of the finest artists of the region. The center's spectacular gallery spaces as well as the studios and outdoor sculpture gardens of this magnificent building provide a dynamic setting for the viewing and enjoyment of art. Students as well as community members will also find in the Turchin Center a welcoming gathering place devoted to teaching and the exploration of the visual arts through such initiatives as a Community Art School and its multitude of workshops, lectures, and other programs, as well as a strong connection to the University's highly acclaimed Department of Art.

Farthing Auditorium, the venue for many of the events sponsored by the Office of Arts and Cultural Programs, is a 1,800-seat auditorium, used as a roadhouse for touring productions and the programs of academic units, student activities and community arts organizations.

#### PROGRAMS PRESENTED BY THE ACADEMIC ARTS UNITS

The Hayes School of Music presents a number of concerts and recitals by Appalachian faculty and students in the Rosen Concert Hall and in the Recital Hall of the Broyhill Music Center. These presentations range from solo recitals to large ensemble concerts which are generally free to the public.

The Department of Theatre and Dance offers both faculty and student productions in the Valborg Theatre and in the I.G. Greer Studio Theatre. During a four-year period, the offerings cover a wide range of dramatic literature and styles. The Appalachian Dance Ensemble performs both student and faculty works each year.

The Department of Art maintains an active exhibit program. Several student, faculty, and regional artists' exhibitions are displayed each year.

## 8.16 ATHLETICS

As a member of the Southern Conference and National Collegiate Athletic Association (NCAA), Appalachian offers ten varsity sports for women, and ten varsity sports for men at the Division I level.

Men's varsity sports include: football, cross country, soccer, basketball, wrestling, track (indoor and outdoor), tennis, baseball, and golf. Women's varsity sports include field hockey, soccer, basketball, volleyball, golf, tennis, cross country, track (indoor and outdoor), and softball. Current information regarding Appalachian State University Athletics is available at the following web site: [www.goasu.com](http://www.goasu.com)

## 8.17 UNIVERSITY RECREATION

**8.17.1** Informal & Fitness Recreation, Intramural Sports, Club Sports, and Outdoor Programs: The University Recreation Program offers something for everyone, whether it's informal (free play) recreation, structured activities, or outdoor trips and workshops. Faculty members are encouraged to utilize University Recreation Programs. University Recreation provides several ways faculty can get involved.

**8.17.2** Informal & Fitness Recreation: The Dwight W. Quinn Recreation Center features state-of-the-art equipment including Nautilus, Ivanko, Advance Free Weight, Life Fitness, and Cybex; four basketball and/or volleyball courts; an indoor jogging track; eight racquetball courts; and an extensive aerobics area. The Mt. Mitchell Life Fitness Centre, located on the third floor of the Plemmons Student Union addition, has a multipurpose area, Cybex resistance equipment, and an extensive line of cardiovascular equipment. The Broome-Kirk Gymnasium houses a six-lane lap pool. **[NOTE: All current faculty and staff members who wish to use the Quinn Center and/or the Mt. Mitchell Life Fitness Centre are required to pay an annual user fee for these facilities. For more information about faculty and staff user fees for University Recreation facilities, please call 262-2100.]**

**8.17.3** Intramural Sports: The Intramural Sports program offers over 90 individual, dual, special-events, and team activities throughout the year, including badminton, basketball, bowling, handball, flag football, soccer, softball, golf, horseshoes and many more. Individuals may participate in men's, women's and/or co-rec (co-ed) divisions of play. All activities and divisions offer several leagues based on the participant's skill level.

**8.17.4** Club Sports: The Club Sports program offers the opportunity to participate at a higher level of competition and skill level. University Recreation Club Sports schedules practices and games/matches with clubs from beyond the Appalachian community.

**8.17.5** Outdoor Programs: University Recreation's Outdoor Programs offers a wide range of interesting, low-cost outdoor trips, outings, workshops, and seminars for students,



faculty, and staff. Located at an elevation of 3,000 feet in the Blue Ridge Mountains, we are a 45-minute drive from some of the highest peaks in the eastern United States. Appalachian's setting provides superb opportunities for canoeing, rock climbing, hiking, white-water rafting, caving, and kayaking. Outdoor Programs also offers team building and trust exercises through the use of a 50-foot Alpine Tower and Group Interaction Course. Outdoor Programs maintains an extensive inventory of outdoor equipment available for rental at a low-cost. The rental of equipment includes tents, sleeping bags, backpacks, and camping gear.

## **8.18 ALUMNI ASSOCIATION**

All graduates, former students who have received academic credits, and personnel officially associated with the University are members of the Alumni Association. The purpose of the association is to provide fellowship for alumni and to advance the mutual interests of the University and alumni. The mutual interests include strengthening ties between University and alumni, keeping alumni informed of University services to communities where alumni live, and helping to improve the University's program through financial contributions.

There are no membership dues; however, alumni and University personnel express their active interest in the University by contributions voluntarily to the Appalachian State University Annual Fund, which stimulates the growth of every activity of the institution.

Homecoming is the highlight of alumni activities each year. Teas, picnics, class reunions, athletic contests, and a dance are held in honor of returning students.

The Alumni Office is located on the campus. For further information, contact the Assistant Director of Alumni Affairs in the McKinney Alumni Center.

## **8.19 EQUITY, DIVERSITY AND COMPLIANCE**

The Office of Equity, Diversity and Compliance is charged with developing, sustaining, and extending living, learning and working environments that are fair, inclusive, and welcoming for all members of the Appalachian State University community. Equitable access to education for all students is an institutional imperative, as is the vigorous recruitment of an increasingly diverse faculty and staff. The office celebrates and cultivates diversity in all its aspects through education, outreach, and the building of community. Concerns about unlawful harassment brought by any member of the university community are addressed by an equity officer and brought to resolution if indicated. And, because education is the cornerstone of this institution, the training of all employees to recognize and prevent discrimination in the workplace is integral to creating and sustaining a vital culture that extends equal opportunity for all people to learn, work, and grow to their fullest potential. Web site: [www.edc.appstate.edu](http://www.edc.appstate.edu).

## **8.20 HUBBARD CENTER FOR FACULTY AND STAFF SUPPORT**

The William C. Hubbard Center for Faculty and Staff Support provides professional and personal support to faculty and staff through four interrelated programs: Faculty and Academic Development, Health Promotion, Counseling for Faculty and Staff, and Organizational Development.

**8.20.1** Faculty and Academic Development offers a variety of professional development opportunities that focus on enhancing faculty performance and deepening faculty satisfaction by supporting the teaching-learning process. Programs include on-campus workshops and seminars, funding for off-campus workshops and seminars, special interest groups, grants to enhance faculty skills and/or student learning, analysis of teaching for improvement, special support for new faculty, and print and web resources.

**8.20.2** Health Promotion provides a comprehensive and broad range of services to assist faculty and staff in improving their health status. Services include health screenings (fitness assessments, multi-chemistry/cholesterol, prostate cancer, blood pressure, diabetes, mammograms, and skin cancer), exercise groups, registered dietitian (disease prevention, weight loss, cholesterol and triglyceride management and diabetes management), adult immunizations (influenza, pneumonia, hepatitis A and B and tetanus), and classes on special health topics (back safety, flu prevention).

**8.20.3** Counseling for Faculty and Staff provides confidential screening, referral, and counseling services to faculty and staff and their immediate families. The program also sponsors support groups and educational classes on topics such as relationship concerns, alcohol abuse, and conflict mediation.

**8.20.4** Organizational Development focuses on systemic issues that have an impact on the quality of life of faculty and staff through research, consultation, and leadership initiatives.

## **8.21 INFORMATION TECHNOLOGY SERVICES**

Information Technology Services (ITS) assists students, faculty, and staff in meeting their hardware, software, and communications needs with respect to academic and administrative computing and general computing support. ITS works closely with other campus entities to coordinate personnel and resources in support of information technology. The department consists of six units, each with its own unique mission:

**8.21.1** Academic Computing Services. The primary mission of Academic Computing Services (ACS) is to provide an appropriate level and range of hardware, software, and consulting support to meet the academic computing needs of students, faculty, and academic staff. Within the limits of its resources, ACS provides adequately equipped and staffed on-campus computer laboratories to enable students to accomplish computing-related academic

assignments. ACS is responsible for activities related to the installation of software, consultation for equipment acquisition and coordination of shared local area network resources. This unit also supports faculty and students who own their own computers.

ACS supports faculty in their classroom use of computers as well as in other class-related or professional research activities employing information technology. With respect to each of the campus groups which constitute its clientele, ACS seeks both to provide for current needs and to anticipate those which are likely to arise in the future. It also provides support to campus users in the areas of consulting, training and use of supported software. Services include assistance in problem solving, phone support, coordination of activities with other units, resource material referrals and classroom instruction.

**8.21.2 Applications, Data Base and Server Management Services.** The group is divided into three major sections. The primary mission of the Applications section is the design, development, implementation and support of user applications on a variety of server platforms. Consulting services are provided to users in assessing different approaches and addressing potential solutions in meeting demands for services. This group is responsible for investigating and implementing new technologies as cost effective alternatives become available in providing business solutions. The Server Management and Database section is responsible for server deployment, system tuning, monitoring of equipment and resolution of problems. This group supports all major software and hardware platforms as necessary to operate the enterprise. This includes the administration and updating of the servers, application of critical software patches for security purposes and installing and updating software in a timely manner to support user applications. The primary mission of the Webmaster section is the design, flow, navigation and content of the primary university web pages. Also, this section does extensive consulting with division and departmental individuals in all matters related to web pages.

**8.21.3 Instructional Computing Services.** The mission of this unit is to provide training and consulting services to faculty in using computers for instructional purposes and to provide training services in personal computer applications to university employees. Specific responsibilities of ICS include: develop and deliver training and consulting services for the appropriate integration of computer technologies into teaching and learning; provide a variety of computer training services to Appalachian faculty, administration, and staff; advocate for resource allocations necessary to effectively use and explore potential uses of computing in teaching and learning; promote the integration of computer technologies with other available pedagogical tools; collect, analyze and disseminate information relating to "best practices" in instructional computing, both within University and the UNC System; provide a focal point for university efforts and initiatives relating to teaching and learning with technology; and be the liaison from Appalachian State University to the Teaching and Learning with Technology Collaborative component of the UNC General Administration. ICS works closely with other areas of the University including all areas of Information Technology Services, Academic Computing Services, and the Hubbard Center for Faculty and Staff Development, the University Libraries and IT specialists in the various colleges.

**8.21.4 Network Support Services.** This unit provides technical computer networking infrastructure support to authorized users for access to the University communications backbone. This includes the design, installation, monitoring and support of specialized communications equipment attached to the campus backbone as well as access to external networks as required by campus users. Network security, network user registration and network configuration functions are provided and coordinated by this group. This group supports and configures all switches and routers that make up the university data network backbone. This unit coordinates its activities closely with other campus units involved with premise wiring, backbone planning and support.

**8.21.5 Operations Support Services.** This unit is responsible for providing a stable production server environment for local and remote access to the central computer facility. This includes support for production batch processing, handling and distribution of computer generated output, optical scanning, coordination with users, system monitoring, disk backups, equipment installation, coordination of hardware maintenance services, monitoring of equipment and involvement in the resolution of problems. This group also coordinates the ordering and monitoring the use of specialized computer output forms and preparation for distribution.

**8.21.6 Security Administration.** The primary purpose of this group is to assist in the development and review of the security program, monitor compliance, perform vulnerability assessments, promote good security practices across the campus and work with the technology staff to implement and maintain adequate protection for workstations and servers for the enterprise. It is also responsible for the management of prevention and intrusion devices as a means of protecting valuable information and resources on the campus. A daily review of logs is performed and appropriate actions are taken to resolve issues or measures are taken to reduce future risks.

## **8.22 INTERNATIONAL EDUCATION AND DEVELOPMENT**

The Office of International Education and Development coordinates a variety of international programs, including services to students and faculty interested in study, research, and teaching abroad. This is carried out in support of Appalachian's institutional goals of providing a well-rounded education, and with the understanding that students of the University must be prepared for citizenship in an interdependent world. The Office of International Education and Development sponsors and coordinates various exchange programs for students and faculty and issues international student identification cards.

**8.22.1 Education Abroad:** Appalachian students have over 100 possible foreign study sites to consider for semester and year programs. The Office of International Education and Development maintains direct relationships with many institutions abroad, and Appalachian is a member of the International Student Exchange Program (ISEP). While many locations offer the opportunity to study in a foreign language, approximately one third of the foreign institutions offer classes in English. Although the programs vary widely in cost, many programs have costs

equivalent to Appalachian's tuition and fees. Students who receive scholarships and financial aid can apply these benefits to the cost of studying abroad.

The Appalachian Overseas Education Programs offer students a wide selection of short-term study abroad programs. Students have the opportunity to earn up to nine credit hours which are applied toward their degree programs while spending two to eight weeks abroad. With some exception of some language programs, short-term study abroad courses are taught in English by Appalachian faculty members. Financial aid also is available for short-term study abroad.

**8.22.2 International Student Services:** Appalachian hosts a growing number of International students. The Office of International Education and Development provides administrative support services for visa processing and immigration regulation compliance, health insurance, taxation, travel planning and housing. International students also participate in programs and activities that enhance their overall positive educational experience at Appalachian. International Appalachian (INTAPP), a university-funded student organization, works with the Office of International Education and Development to help orient and acclimate international students to the Appalachian campus.

**8.22.3 International Visiting Scholar and Faculty Services:** Appalachian hosts a number of international visiting scholars. These scholars teach or team-teach courses with Appalachian faculty members, conduct seminars, mentor students, and serve as guest speakers at various events at Appalachian. The office of International Education and Development provides support services to international visiting scholars, including visa processing and housing, initial transportation to Boone, and assistance with a variety of other logistic and academic needs.

In addition to visiting scholars, Appalachian seeks international scholars in tenure-track positions; the Office of International Education and Development also provides visa processing and immigration-related services to these faculty. The International Faculty, Staff, and Spouse Association (IFSSA) is a vital support resource available to international faculty and students.

**8.22.4 International Research and Development:** The Office of International Education and Development facilitates international collaborative research and development activities by providing technical support and assistance to faculty and staff. It seeks and locates sources of funds to enable faculty, staff, and students to become involved in international collaborative research and development activities. The Office of International Education and Development coordinates the development of international project proposals in collaboration with faculty and staff.

## **8.23 BELK LIBRARY AND INFORMATION COMMONS**

The Carol G. Belk Library and Information Commons is centrally located on Appalachian's campus and provides ready access to a wide range of information resources. The Library houses over 823,000 books; 1,513,400 microforms; and 56,700 sound recordings,

videos, and other non-print media. It has active subscriptions to 5,300 scholarly and popular journals, newspapers, and serial publications in print and electronic formats. Access to more than 78,456 electronic titles is available through the Library's web site ([www.library.appstate.edu](http://www.library.appstate.edu)) which includes Appalachian's online catalog, the library catalogs of the other UNC institutions, and both full text and citation databases. The Library has seventy-two faculty and staff to acquire and manage its collections and to assist people with their research and information needs. It contains areas for individual and group study, electronic classrooms, a multimedia production suite, a lecture hall and a 24-hour study area and cyber-cafe'.

The Library has several special collections. The fourth floor of the Library and Information Commons houses the W.L. Eury Appalachian Regional Collection, the Stock Car Racing Collection, the University Archives and Records and the Bill and Maureen Rhinehart Rare Books Room. The Justice Query Instructional Materials Center containing resources for teacher education and instructional development is on the ground floor. The Music Library, located on the second floor of the Broyhill Music Center, contains the books, scores, and sound recordings which support the curricula of the School of Music and other Appalachian programs.

Materials not owned by the Belk Library and Information Commons may be obtained from other sources. Appalachian is a member of the Western North Carolina Library Network (WNCLN) and shares its automated library system with Western Carolina University and the University of North Carolina at Asheville. WNCLN's ABC Express allows students and faculty at the three institutions to easily borrow library materials from each other. For items not held by the Network libraries, interlibrary loan services are provided to students and faculty at no cost and other document delivery options are available.

For additional information, go to the Library's home page, [www.library.appstate.edu](http://www.library.appstate.edu) or call (828) 262-2188.

## **8.24 OFFICE OF STUDENT RESEARCH**

The Office of Student Research (OSR) works to promote and support research and creative activity of undergraduate and graduate students, particularly activities conducted in collaboration with members of the faculty at Appalachian State University. The primary functions of the OSR are: advocacy for student-faculty research; identifying and pursuing sources of external and internal support for that research; seeking, collecting and disseminating information regarding student-faculty research opportunities; cooperating with other campus units to identify or create research opportunities; coordinating the university's annual Celebration of Student Research and Creative Endeavors; contributing to the UNC-Office of the President Undergraduate Research Consortium; and participating in national dialogues/meetings devoted to promoting student research. Visit their web site at <http://www.osr.appstate.edu>.

## **IX. MISCELLANEOUS**

### **9.1 Faculty Courtesy Fund**

A faculty courtesy fund is maintained for the purpose of sending flowers or memorial donations in case of death in the immediate family of a faculty member (father, mother, brother, sister, child, or spouse). Each member of the faculty is given an opportunity to contribute to the fund when it needs additional money.

### **9.2 Soliciting for Sales, Other Commercial Announcements, or Selling on Campus**

Soliciting for sales, selling on campus or other commercial announcements on campus is forbidden; this includes the use of University bulletin boards for such. Any exception to this policy must be individually justified and approved by the Office of the Vice Chancellor for Business Affairs in consultation with other appropriate offices of the University.

### **9.3 Use of State Property**

State statutes and directives from various administrative offices of the state emphasize that property (motor vehicles, facilities, equipment, and the like) shall not be used for personal convenience, benefit, or gain and must be limited to official use only. Scrupulous caution is, therefore, emphasized and urged. Any state employee or other individual who violates these laws and policies pertaining to proper use of state property does so at her/his own risk. If any doubt exists as to what may or may not be a violation, those responsible as "caretakers" of state property will be glad to hear questions and attempt to answer them.

Appalachian State University is on the DAIN-RADSI Access System for long distance calls. Any use of the State Telephone Network for other than official state business is a violation of the tariffs filed with the North Carolina Utilities Commission. Misuse of the system may result in appropriate penalties, including dismissal.

### **9.4 Obtaining Academic Credit By Fraudulent Means**

The North Carolina General Assembly has prohibited assistance to any person in fraudulently obtaining academic credit as follows:

( a) It shall be unlawful for any person, firm, corporation or association to assist any student, or advertise, offer or attempt to assist any student, in obtaining or in attempting to obtain, by fraudulent means, any academic credit, grade or test score, or any diploma, certificate

or other instrument purporting to confer any literary, scientific, professional, technical or other degree in any course of study in any university, college, academy or other educational institution. The activity prohibited by this subsection includes, but is not limited to, preparing or advertising, offering, or attempting to prepare a term paper, thesis, or dissertation for another; impersonating or advertising, offering or attempting to impersonate another in taking or attempting to take an examination; and the giving or changing of a grade or test score or offering to give or change a grade or test score in exchange for an article of value or money.

( b) Any person, firm, corporation or association violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. This section includes the acts of a teacher or other school official; however, the provisions of this section shall not apply to the acts of one student in assisting another student as herein defined if the former is duly registered in an educational institution in North Carolina and is subject to the disciplinary authority thereof.<sup>23</sup>

## 9.5 Faculty Responsibility During Fire or Other Emergencies

In the event of a fire or other emergency in a building, each faculty member is responsible for directing the orderly evacuation of students under her/his supervision. Faculty should also participate in any emergency planning within their building or department. Faculty are also expected to observe University policies and procedures in the event of a disaster or other emergency situation on campus. Refer to section 9.5.1 below, and to the *Appalachian State University Resource Manual* and the *Emergency Evacuation and Fire Prevention Plan* (Procedure 2, Safety & Workers' Compensation Section).

### 9.5.1 Emergency Evacuation Procedures

The primary consideration in the event of a fire or other emergency will be the life safety of the building occupants, with secondary concern being preservation of property.

( a) As a rule, if you discover any type of fire/smoke or hear an audible alarm (bell or horn) in your area, treat the situation as an emergency. If the alarm system has not been activated, do so immediately, contact University Police (262-8000) and evacuate the building. If time permits, warn others as you leave. If it would place you in danger to remain in the area long enough to activate the alarm, contact emergency response personnel or warn others, **EVACUATE THE BUILDING IMMEDIATELY** and move to a safer location such as an emergency blue light telephone or another building. Continue with the following procedures:

( b) Call University Police (262-8000). Describe the nature of the emergency (e.g. fire/smoke present or alarm sounding). Give the extent and location(s) of the emergency situation(s), if known.

( c) Await the arrival of the Boone Fire Department and the University Police **outside**

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<sup>23</sup>North Carolina General Statutes, section 14-118.2



**and away from the building** entrance and exit areas. Departments should have a pre-designated meeting/gathering point such as a lawn or parking lot.

( d) When emergency personnel arrive, communicate the location(s) and extent of the emergency, if known. Inform emergency personnel of areas where occupants may still be inside the building (i.e., mobility impaired individuals).

( e) Remain outside the building while Boone Fire Department officials inspect the premises, extinguish fires, remove trapped individuals and restore the alarm system.

( f) Boone Fire Department officials or the University Police will communicate the all clear signal for occupants to re-enter the building.

Departmental chairs, and/or area supervisors are responsible for establishing a plan of evacuation for their respective areas and to assist with the orderly evacuation of the building should an emergency situation occur. In some areas, one or more persons may be designated to assist with the orderly evacuation of their building. In these cases, please forward the names and position titles of these people to the Safety and Workers' Compensation Office.

Department and area officials should periodically review Fire Evacuation Procedures and Building Evacuation Plans with their staff. These procedures and plans should be conspicuously posted in the department or area. Updated Fire Evacuation Procedures are routinely distributed to all departments for employee review and use and may be found in the *Appalachian State University Resource Manual*, in the *Emergency Evacuation and Fire Prevention Plan* (Procedure 2, Safety & Workers' Compensation Section), and on the Safety and Workers' Compensation Office website at [www.safety.appstate.edu](http://www.safety.appstate.edu).

Building evacuation plans are required by the State of North Carolina OSHA regulations. All campus buildings should have these plans posted in hallways/classrooms or office areas. If your building does not have these plans posted, contact the Safety and Workers' Compensation Office for assistance in obtaining building plans, reviewing evacuation routes and determining proper posting locations.

If you have questions or concerns relative to evacuation procedures in your area, contact the Safety & Workers' Compensation Office at 262-4007.

### **9.5.2 Special Considerations**

( a) Buildings differ significantly in occupancy, layout, activities, etc. thus any emergency plan **MUST** take into account numerous factors. Faculty generally know the nuances of their building and are thus indispensable in emergency planning.

( b) Faculty with handicapped student(s) should assist the student(s) in planning for an emergency evacuation. This may include enlisting the aid of other faculty or students. A student may be reserved or hesitant to make such special requests; therefore, the faculty member should initiate this process.

( c) In the event of an evacuation and where time permits, close windows and doors, turn off gas valves, compressed gas and other special hazards in your area.

( d) Direct the evacuation of students and others. Approach doors with caution; if door is hot to touch or fire is visible on the other side, choose an alternate route if possible. If no alternate route is available, direct students and others to a room with outside windows. Notify firefighters by any means available that people are unable to leave the building.

( e) If smoke is encountered during an evacuation, direct evacuees to stay low or, if necessary, to crawl.

( f) Do NOT permit anyone in your charge to re-enter the building until given permission by the Appalachian State University Police Department or the Boone Fire Department.

( g) Any faculty or staff member who ignores an alarm, or who fails to respond in a timely manner, may subject herself/himself and the University to substantial legal liability.

## **9.6 Employee Safety**

The NC State Employees' Safety and Health Handbook is available on the Safety and Workers' Compensation Office website at [www.safety.appstate.edu](http://www.safety.appstate.edu), under the Workplace Safety heading. Safety policies and procedures are also contained in the *Appalachian State University Resource Manual*. Additional safety and health bulletins are distributed to campus departments at the appropriate times from the Office of Business Affairs and/or from the Safety & Workers' Compensation Office.

For EMERGENCY MEDICAL TRANSPORTS, call 9-911. ALL requests for non-emergency medical transports should be made to the University Police Department at 262-2150. The Police Telecommunicator will ask for your name, location, phone number and the reason for transport, and will determine whether an ambulance is needed. NOTE: Transports by University Police will NOT be made without dispatch from the University Police Department.

Questions concerning the necessity of filing accident reports, Workers' Compensation procedures or other safety related matters should be addressed to the Safety and Workers' Compensation Office at 262-4008.

It should also be noted that employees have legal rights regarding such issues as asbestos, indoor air quality and other safety and industrial hygiene related issues. For more information, contact the University Industrial Hygienist at 262-6838.

### **9.6.1 Workers' Compensation**

As an employee of the State of North Carolina, each faculty member is covered under the North Carolina Workers' Compensation Act. In the event of an accidental injury or exposure to an occupational disease while in the performance of employment duties, the faculty member MUST make an immediate report to the departmental chair or immediate supervisor. First aid or non-life threatening injuries or illnesses should receive treatment at Appalachian State University Student Health Services. In the event that Student Health Services is closed, or if an injury or illness is more serious, medical treatment should be received at the Watauga Medical Center emergency room. Faculty members should never seek medical care on their own or ignore the

seriousness of the injury or illness if it occurs during performance of employment duties. Departmental chairs or immediate supervisors must report the nature of the injury or illness and other details to the Appalachian State University Safety and Workers' Compensation Office immediately. The incident must be reported on an ASU Supervisor's Accident/Illness Investigation Form, which should be faxed to 262-6914 within 24 hours. All Workers' Compensation forms are available on the Safety & Workers' Compensation web site at [www.safety.appstate.edu](http://www.safety.appstate.edu) under the Workers' Compensation heading. All completed forms must be submitted as soon as possible. Print out these forms and complete all requested information. Be sure to have all required personnel sign on the designated lines. A follow-up interview may be held in the Safety and Workers' Compensation Office or other site with the injured or ill faculty member, chair or supervisor. Failure to follow the above noted procedures or to provide all necessary information regarding the incident on a timely basis may result in non-payment of claim. Additional information regarding Workers' Compensation can be found in the *Appalachian State University Resource Manual*, or on the Safety & Workers' Compensation web site at [www.safety.appstate.edu](http://www.safety.appstate.edu) under the Workers' Compensation heading. Any questions regarding these benefits should be directed to the Workers' Compensation Administrator, Appalachian State University Safety and Workers' Compensation Office at 262-4008, Ext. 2#.

The University has adopted a Return To Work Program. The purpose of the program is to provide transitional work (restricted duty) for employees who, due to a work related injury or illness, are restricted from performing some or all of their regular duties for a period of time. Additional information regarding the Return To Work Program can be found on the Safety & Workers' Compensation web site at [www.safety.appstate.edu](http://www.safety.appstate.edu).

NOTE: If a faculty member is out of town on University business and is involved in an accident, and needs immediate medical treatment, it should be sought at the nearest medical facility. The faculty member should ask someone to notify the Safety and Workers' Compensation Office immediately with details of the injury in order for the University to approve the medical treatment expenses for payment under Workers' Compensation benefits.

**APPENDIX A**

**CHAPTER VI**  
**of**  
***THE CODE OF THE BOARD OF GOVERNORS***  
***OF THE UNIVERSITY OF NORTH CAROLINA***

NOTE: The full text of *The Code of The Board of Governors of the University of North Carolina* - the official governing document of the University of North Carolina Board of Governors and part of the *UNC Policy Manual* - is available at the following web site:

<http://www.northcarolina.edu/content.php/legal/policymanual/contents.htm>

**APPENDIX B**

**THE FACULTY ASSEMBLY OF THE UNIVERSITY OF NORTH CAROLINA**

**THE CHARTER  
and  
BYLAWS**

NOTE: For information regarding the UNC Faculty Assembly, refer to the following web site:  
<http://uncfacultyassembly.northcarolina.edu>

## APPENDIX C

### SELECTED ADMINISTRATIVE MEMORANDA<sup>24</sup> FROM THE UNIVERSITY OF NORTH CAROLINA GENERAL ADMINISTRATION

#### 1. Administrative Memorandum Number 333 (and UNC Policy Manual Section 300.6.1)

“The University of North Carolina Board of Governors Policy Statement on External Professional Activities of Faculty and Other Professional Staff” and the following forms:

FORM: “Notice of Intent to Engage in External Professional Activities for Pay”

FORM: “Activity During Past Fiscal Year”

FORM: “Administrative Action on Notice of Intent”

[NOTE: The ASU Board of Trustees Policy On Outside Activities by Faculty Members (and the form, “Request for Approval to Engage in Outside Work”) is available in Appendix E of this *Faculty Handbook*.]

Or, go to the following web site for *The Administrative Manual of The University of North Carolina*: [http://www.ga.unc.edu/publications/admin\\_manual/chapter\\_iii.pdf](http://www.ga.unc.edu/publications/admin_manual/chapter_iii.pdf) and, click on: Chapter III (Personnel Policies), III-F-1 through III-F-8.

#### 2. Administrative Memorandum Number 338 (and UNC Policy Manual Section 400.3.1.1)

“Tenure and Teaching in the University of North Carolina”

##### ADMINISTRATIVE MEMORANDUM #333 (and UNC Policy Manual Section 300.6.1)

Subject: UNC Board of Governors Policy Statement on External Professional Activities of Faculty and Other Professional Staff

Adopted: April 16, 1993

#### SECTION 1. UNIVERSITY POLICY

The University of North Carolina and its constituent institutions seek to appoint and to retain, as

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<sup>24</sup>*The Administrative Manual of The University of North Carolina* including Board of Governors’ Policies and Administrative Memoranda is available at the following web site: [http://www.ga.unc.edu/publications/admin\\_manual/](http://www.ga.unc.edu/publications/admin_manual/)

faculty and other professional staff members, individuals of exceptional competence in their respective fields of professional endeavor. Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their University employment, including secondary employment consisting of paid consultation with or other service to various public and private entities. Through such practical, compensated applications of their professional qualifications, University employees enhance their own capabilities in teaching and research. Thus, participation of faculty and other professional staff members in external professional activities for pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through technology transfer. However, such external professional activities for pay are to be undertaken only if they do not:

- a. Create a conflict of commitment by interfering with the obligation of the individual to carry out all primary University duties in a timely and effective manner; or
- b. Create a conflict of interest vis-a-vis the individual's status as an employee of the University; or
- c. Involve any inappropriate use or exploitation of University resources; or
- d. Make any use of the name of the University of North Carolina or any of its constituent institutions for any purpose other than professional identification; or
- e. Claim, explicitly or implicitly, any University or institutional responsibility for the conduct or outcome of such activities.

## **SECTION 2. DEFINITIONS**

a. "External professional activities for pay" means any activity that 1) is not included within one's University employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the faculty or other professional staff member. Activities for pay not involving such professional knowledge, experience and abilities are not subject to the advance disclosure and approval requirements of Section 3 of this Policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary University duties, conflicts of interest, inappropriate uses of the University name, or claims of University responsibility for the activity.

b. "University employment responsibilities" include both "primary duties" and "secondary duties." Primary duties consist of assigned teaching, scholarship, and all other institutional service requirements. Secondary duties consist of professional affiliations and activities traditionally undertaken by faculty and other professional staff members outside of the immediate University employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies. Such integral manifestations of one's membership in a profession are encouraged, as extensions of University employment, so long as they do not conflict or interfere with the timely and effective performance of the individual's primary University duties.

c. "Faculty or other professional staff member" means any person who is employed full-time by the University of North Carolina or a constituent institution or other agency or unit of the University of North Carolina and who is not subject to the State Personnel Act.

d. "Department" means an academic department, a professional school without formally established departments, or any other administrative unit designated by the Chancellor of an institution or by the President for the Office of General Administration, for the purposes of implementing this policy.

e. "Inappropriate use or exploitation of University resources" means using any services, facilities, equipment, supplies or personnel which members of the general public may not freely use. A person engaged in external professional activities for pay may use, in that connection, his or her office and publicly accessible facilities such as University libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during University employment time to advance the supervisor's external professional activities for pay.

f. "Conflict of interest" relates to situations in which financial or other personal considerations may compromise, may have the potential for compromising, or may have the appearance of compromising an employee's objectivity in meeting university duties or responsibilities, including research activities.

### **SECTION 3. PROCEDURES GOVERNING EXTERNAL PROFESSIONAL ACTIVITY FOR PAY**

a. A faculty or other professional staff member who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent," Attachment A), which shall be filed with the head of the department in which the individual is employed. A separate "Notice of Intent" shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin.

b. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either (1) the fiscal year (in the case of 12-month employees and employees with contract service periods that include the summer session) or (2) the academic year (in the case of 9-month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten days before engaging in such activity in the succeeding relevant year.

c. Except as set out in paragraph "d" below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the faculty or other professional staff member, the department head determines that the proposed activity is not consistent with this policy statement of the Board of Governors, the faculty or other professional staff member shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the department head, the faculty or other professional staff member shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department head reports, and then to the Chancellor (or, in the General Administration, to the President). A decision on any such appeal shall be given to the faculty or other professional staff member within ten (10) calendar days of the date on which the appeal is received. The decision of the Chancellor (or of the President) shall be final. Appeals shall be made in writing on the "Notice of Intent" form.

d. If question 8, question 9a, or question 9b on the "Notice of Intent" is answered in the affirmative, the procedure set out in paragraph 3c above shall be modified as follows: The decision of the department head to approve the activity shall be reviewed promptly and approved or disapproved within



ten (10) days of receipt by the administrative officer to whom the department head reports, and appeal of a disapproval by that officer shall be to the Chancellor (or, in the General Administration, to the President).

e. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by department heads to the Chancellor (or, in the General Administration, to the President) each July. The Chancellors shall provide annual summary reports to the President by September 1 of each year.

f. University employees not complying with these procedures will be subject to disciplinary action. Department heads are held responsible for proper reporting.

#### **SECTION 4. SPECIAL PROVISIONS**

a. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor or the President.

b. The procedures in Section 3 shall not be required of faculty and other professional staff members serving on academic year contracts, if the external professional activity for pay is wholly performed and completed between the day following spring commencement and the first day of registration for the fall semester, provided that the activity does not conflict with this policy statement of the Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session.

#### **SECTION 5. EFFECTIVE DATE**

This policy statement shall become effective on July 1, 1993.

**NOTICE OF INTENT TO ENGAGE IN  
EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY**

Date \_\_\_\_\_

(Name) \_\_\_\_\_

intends to engage in external professional activity for pay under the following conditions:

I. Name and address of contracting organization:

\_\_\_\_\_  
\_\_\_\_\_

II. Nature of proposed activity:

\_\_\_\_\_  
\_\_\_\_\_

III. Beginning date and anticipated duration of activity:

\_\_\_\_\_  
\_\_\_\_\_

IV. On average, how many hours per week will be devoted to this activity?

V. For 12-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30:

VI. For 9-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30 (see Policy section 3.b.):

(1) Second summer session (post July 1) \_\_\_\_\_

(2) Fall semester \_\_\_\_\_

(3) Spring semester \_\_\_\_\_

(4) First summer session (pre July 1) \_\_\_\_\_

VII. Total number of hours to be devoted to activity: \_\_\_\_\_

VIII. Identify any classes, meetings or other University duties that will be missed because of involvement in the proposed activity (respond separately for each applicable component part of the academic calendar if 9-month employee) and state what arrangements have been made to cover any such duties:

Duties Missed

Arrangements to Cover

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IX. Use of University resources in connection with proposed activity:

X. Will the activity entail the use of any University resources (see discussion at section 2.e. of Policy)?

( ) Yes ( ) No

XI. If yes, describe what resources will be used.

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XII. To your knowledge, does the contracting organization above provide funding which directly supports any of your University duties or activities?

( ) Yes ( ) No

XIII. To be completed if the contracting organization is a private firm:

XIV. Do you or any member of your immediate family own an equity interest in the contracting organization?

( ) Yes ( ) No

XV. Do you hold an office in the contracting organization?

( ) Yes ( ) No

XVI. Performance of the above described activity is consistent with the Board of Governors Policy on External Professional Activities.

XVII.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Department

\_\_\_\_\_  
Academic Rank or Job Title

\_\_\_\_\_  
Administrative Title (if any)

**ACTIVITY DURING PAST FISCAL YEAR**

Provide the following information for each External Professional Activity for Pay in which you engaged during the last fiscal year preceding the date of filing of this “Notice of Intent.”

1. Contracting organization:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Beginning and ending date of activity (if completed):  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Average hours per week devoted to this activity:  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Total number of hours devoted to this activity: \_\_\_\_\_
  
5. Nature of Professional Activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Date Notice of Intent was filed: \_\_\_\_\_

**ADMINISTRATIVE ACTION ON NOTICE OF INTENT**

1. Reviewed; activity determined to be consistent with University policy.

\_\_\_\_\_  
Date Department Head

Other action (as required): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Dean or Other Administrative Officer\*

\*Approval by Dean or other administrative officer to whom Department Head reports is required if question 8 or question 9.a. or 9.b. is answered in the affirmative.

2. Reviewed; activity determined not to be consistent with University policy.

\_\_\_\_\_  
Date Department Head

Action on appeal (if any):

\_\_\_\_\_  
Date Action taken

\_\_\_\_\_  
Dean or Other Administrative Officer

\_\_\_\_\_  
Date Action taken

\_\_\_\_\_  
Chancellor

Any administrative action approving a “Notice of Intent” shall be effective only for the remaining balance of the fiscal year (in the case of 12-month employees) or for the balance of the academic year (for 9-month employees); see Policy Section 3.b.

**ADMINISTRATIVE MEMORANDUM #338  
(and UNC Policy Manual Section 400.3.1.1)**

Subject: Tenure and Teaching in the University of North Carolina

Date: September 28, 1993

I. Introduction

At the November, 1992 meeting of the Board of Governors, questions were raised about the procedures and criteria for the awarding of tenure and about the evaluation, recognition, and reward of teaching, particularly in tenure decisions. The Chairman of the Board referred the questions and concerns to two standing committees, the Committee on Personnel and Tenure and the Committee on Educational Planning, Policies, and Programs. The report entitled *Tenure and Teaching in the University of North Carolina*, adopted by the board on September 10, 1993, distilled what was learned by the committees and recommended additional steps to encourage good teaching within the University and to see that the quality of teaching continues to be a prime consideration in tenure decisions.

In its report, the board reaffirmed the concept of tenure. The central question that led to the review was whether sufficient consideration is given to the quality of teaching when tenure decisions are made. The board recognized that the relative importance given to the three major functions of teaching, research, and public service varies at specific institutions depending upon their respective missions. Nevertheless, the report confirms that, regardless of classification, "each institution should view teaching as a core requirement. The board states in its long-range plan that teaching or instruction is the primary responsibility of each of the UNC institutions. Thus while neither teaching nor service nor research is the sole measure of a faculty member's competence and contribution at any UNC institution, teaching should be the first consideration at all of the UNC institutions."

II. Recommendations

This memorandum lists the recommendations adopted by the Board of Governors and provides instructions to be followed by the constituent institutions in complying with them.

1. *That the Board of Governors, through the President of the University, instruct the Chancellors of each constituent institution to do the following:*
  - a. *Review institutional mission statements, tenure policies, and the criteria for making faculty personnel decisions and, where necessary, to revise them so as to give explicit recognition to the primary importance of teaching in the University;*
  - b. *Revise institutional policies and procedures, as necessary, to require (1) that clear and specific statements of criteria for evaluation of faculty performance at every level (institution, college/ school, department) are provided in writing and discussed with each probationary faculty member before initial employment and at the beginning of the first term of employment and with each candidate being*

*reviewed for reappointment or tenure at the beginning of the year in which the review is scheduled to be made, and (2) that a record of these discussions be kept in the individual's personnel file;*

*c. Review procedures for the evaluation of faculty performance to ensure (1) that student evaluations and formal methods of peer review are included in teaching evaluation procedures, (2) that student evaluations are conducted at regular intervals (at least one semester each year) and on an ongoing basis, (3) that peer review of faculty includes direct observation of the classroom teaching of new and non-tenured faculty and of graduate teaching assistants, and (4) that appropriate and timely feedback from evaluations of performance is provided to those persons being reviewed.*

Any proposed revisions to institutional mission statements necessitated by the review referenced in Recommendation 1.a. should be submitted to the President by January 21, 1994 so that they can be acted upon prior to adoption of the revised long-range plan. A full report on actions taken in response to Recommendation 1 with respect to criteria for faculty personnel decisions and policies and procedures for evaluation of faculty teaching performance at both the undergraduate and graduate levels should be sent to this office by April 4, 1994. Proposed changes to tenure policies and regulations, which require the approval of the President and the board, should be separately identified in the report.

2. *That the President of the University be asked to report on these reviews to the Board of Governors by July 1, 1994.*
3. *That the Board of Governors, through the President of the University, call upon the chancellors of institutions which do not now have awards for outstanding teaching to establish such awards either campus-wide or at the college/school level.*

Institutions that do not now have awards for outstanding teaching should submit a report on the actions taken in response to Recommendation 3 by April 4, 1994.

4. *That the Board of Governors create annual system-wide teaching awards with monetary stipends which are designated "Board of Governors' Awards for Excellence in Teaching." (The Chairman of the Board of Governors should name an ad hoc committee to work out the details and present recommendations concerning implementation of this proposal.)*

Chairman Poole has appointed an ad hoc committee to work out the details to implement the awards. Institutions are invited to submit recommendations or suggestions by December 1, 1993 for the consideration of this committee.

5. *That the Board of Governors seek appropriations for each campus in biennial budget requests to establish or to strengthen centers and activities designed to encourage and support teaching excellence and to improve teaching effectiveness throughout the University.*

The report recognized the special efforts of many institutions to emphasize professional development activities intended to have a direct and positive impact on teaching. But it also acknowledged that greater efforts need to be made in this regard at a number of campuses, especially those with limited resources available for such initiatives. Despite financial strains, it declared that "each institution should allocate a portion of its budget for faculty development and target a specific part of that for the development of teachers and teaching." It is the board's clear expectation that an institution which does not have a special center for teaching and learning should plan to create such a center as soon as possible. The report also urged institutions to provide tangible incentives and encouragement for tenured and non-tenured faculty and graduate teaching assistants to take advantage of these professional development opportunities. In addition, Recommendation 5 commits the board to seek appropriations in biennial budget requests to give greater support to centers and activities designed to encourage and support teaching excellence.

6. *That greater efforts be made to develop and strengthen the teaching skills of graduate students, and that the Board of Governors ask the President to prepare, in consultation with the University-wide Graduate Council, a report with specific guidelines and recommendations for the training, monitoring, and evaluation of graduate students who teach courses in UNC institutions.*

A committee from the University-wide Graduate Council is addressing this recommendation and should report to General Administration by February 1, 1994. Thereafter, the Council's proposals will be shared with constituent institutions for their reactions and comments.

Copies of the report on *Tenure and Teaching in the University of North Carolina* are being printed and will be provided to constituent institutions. Chancellors should ensure that the report is disseminated as widely as possible among the faculty, and especially among department chairs and members of department personnel committees.

C. D. Spangler, Jr.  
President

cc: Chief Academic Officers



## APPENDIX D

### **The Academic Integrity Code**

Adopted May 21, 2001

For an official copy of **THE ACADEMIC INTEGRITY CODE**, go to:

<http://www.academicaffairs.appstate.edu/resources/integrity/>

## APPENDIX E

### **SELECTED POLICIES, PROCEDURES, AND FORMS**

The specific policy and procedure statements, and the various forms listed below are included in this Appendix E; however, please note that additional policy and procedure guidance for faculty members is available in the *Appalachian State University Resource Manual*<sup>25</sup> and in *The Administrative Manual of The University of North Carolina*<sup>26</sup>.

- ASU Board of Trustees Policy on Outside Activities by Faculty Members
- FORM: “Request for Approval to Engage in Outside Work”  
[NOTE: The UNC Board of Governors Policy Statement on External Professional Activities of Faculty and Other Professional Staff (and the appropriate forms) is available in Appendix C of this *Faculty Handbook*.]
- Criteria for Accreditation
- Equal Employment Opportunity Policy
- Policy Statement on Integrity in Scholarship and Scientific Research
- Improper Relationships Between Students and Employees (as referenced in section 4.6, footnote #4)
- Guidelines on Implementing Improper Relationships Policy
- Guidelines on Implementing Anti-Nepotism Policy
- Political Activities of Employees
- Interpretation of Policy on Political Activities of Employees

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<sup>25</sup>The *Appalachian State University Resource Manual* is available at the following web site: <http://www.resourcemanual.appstate.edu/>

<sup>26</sup>The *Administrative Manual of The University of North Carolina* including Board of Governors’ Policies and Administrative Memoranda is available at the following web site: [http://www.ga.unc.edu/publications/admin\\_manual/](http://www.ga.unc.edu/publications/admin_manual/)

- Leaves of Absence for Appointive Office
- Endorsement of Candidates for Political Office By Senior Administrators
- Guidance on General Assembly Candidacy and Membership
  
- FORM: Conflicts of Interest and Commitment Disclosure Form (as referenced in section 4.8.13.1)
  
- FORM: Leave Request and Certification (as referenced in section 4.9.1.1 - **Amended 12/02/05**)
- FORM: Certification of Physician or Practitioner  
(Family or Medical Leave for Eligible Faculty Members - **Amended 12/02/05**)
  
- FORM: Final Grade Appeal Form (as referenced in section 5.7.3.2(a))
  
- Listing of the University Policy Statements in the *ASU Resource Manual*

**APPALACHIAN STATE UNIVERSITY BOARD OF TRUSTEES POLICY  
ON OUTSIDE ACTIVITIES BY FACULTY MEMBERS**

"It is the policy of the Board of Trustees of Appalachian State University that the Chancellor has the power to allow a person to do a reasonable amount of outside work providing this in no way interferes with her or his teaching and other responsibilities. For this reason, it is understood that this approval to engage in outside activities in no way relieves the faculty member from the responsibility of performing all of her or his University duties, including teaching, counseling, office hours, committee work, and other responsibilities of a full-time faculty member at the University. In the event the Chancellor concludes that the outside activity is resulting in such interference, the faculty member agrees to cease the outside activity or resign from full-time faculty status and responsibility."

The *Faculty Handbook* offers the following explanation of this policy:

"Since faculty members are encouraged to engage in professional activities such as research and writing for publication within the area of their specialization, normally these activities will not be considered outside activities. However, when a faculty member devotes a large amount of time to activities not directly related to her or his duties to the University, the question of abrogation of commitment arises. Subject to the adequate performance of teaching and other duties, and in the absence of any conflict of interest, faculty members are free to engage in activities which entail remuneration -- for example, subsidized research, article writing, and consultation. The concern is with the amount of time devoted to these outside activities and possible conflict of interest or infringement on assigned duties with the University rather than the amount of money earned."

However, the Board of Trustees policy statement refers to "outside work" in general, rather than specifying professional activities for remuneration, and is concerned with the amount of time devoted to such outside work and potential interference with teaching or other responsibilities to the University. Therefore, this policy should be applied to any outside activities -- for example, professional activities, private business activities, volunteer or service activities, or political activities -- whether or not they may entail remuneration. Before commencing such activities, faculty members must receive the University's approval and sign the above statement as required by the Board of Trustees.

**PROCEDURES**

1. At least ten (10) days prior to committing themselves to work outside their regular assignments, faculty members will submit a written "Request for Approval to Engage in Outside Work" to the departmental chair. (Or, if the department seeks approval, she or he should submit the request to the dean.) This request will outline the nature of the work and give an estimate of

the time which will be devoted to it, including a statement of definite hours which are necessary for engaging in the activity if a definite time within normal working hours is required.

2. The "Request for Approval to Engage in Outside Work" will be reviewed by the departmental chair, the dean of the college/school, and the Provost and Executive Vice Chancellor to determine whether the proposed activity is consistent with the policy statement of the Appalachian State University Board of Trustees. The signature of each on the "Request for Approval" form will indicate approval of the activity. Within ten (10) calendar days, the faculty member will be informed of the action taken and the reasons for such action. The concern is with the amount of time devoted to outside activities and possible infringement on assigned duties with the University rather than with the amount of money involved. Ordinarily, an outside activity occurring only one time and requiring a limited amount of time would not fall within the intent of this policy.

3. If the request is approved, the signature of the faculty member on the Board of Trustees statement on outside work (on the "Request for Approval" form) will indicate an understanding and acceptance of the terms under which approval for the activity is granted.

4. In July of each year, the Provost and Executive Vice Chancellor will submit to the Chancellor a summary of all "Requests for Approval to Engage in Outside Work" filed during the preceding twelve months. This report will be derived from summaries of departmental activities provided by the deans.

**REQUEST FOR APPROVAL TO ENGAGE IN OUTSIDE WORK**

DATE \_\_\_\_\_

\_\_\_\_\_ is requesting approval to engage in outside work.  
(name)

1. Nature of the work:

2. Amount of time to be devoted to the work (include a statement of definite hours necessary for the activity, if it is to be conducted within normal working hours):

3. Board of Trustees Statement:

"It is the policy of the Board of Trustees of Appalachian State University that the Chancellor has the power to allow a person to do a reasonable amount of outside work providing this in no way interferes with her or his teaching and other responsibilities. For this reason, it is understood that this approval to engage in outside activities in no way relieves the faculty member from the responsibility of performing all of her or his University duties, including teaching, counseling, office hours, committee work, and other responsibilities of a full-time faculty member at the University. In the event the Chancellor concludes that the outside activity is resulting in such interference, the faculty member agrees to cease the outside activity or resign from full-time faculty status and responsibility."

\_\_\_\_\_

Signature

-----  
**ADMINISTRATIVE ACTION ON REQUEST**

Reviewed; work determined to be consistent with University policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Departmental Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dean

## **CRITERIA FOR ACCREDITATION**

### **CRITERIA**

1. What are the benefits to our graduates?

Some future accreditations may be necessary in order for our students to be employable under new licensing or credentialing requirements.

2. What are the benefits to the University?

Some future accreditations may be highly desirable because of the prestige, or competitive advantage to be derived from being accredited.

3. What are the costs?

Costs should include both the initial fees/site visit and continuing obligations.

4. Are the accreditation requirements consistent with the goals and mission of the University?

Appalachian's commitment to a liberal arts education and the specific requirements of some accrediting agencies may not be compatible.

### **PROCEDURE**

When accreditations are being considered in a department, the chair and the appropriate dean appear before the Deans' Council and respond to the questions posed above. Following discussion, the Deans' Council will make a recommendation to the Provost and Executive Vice Chancellor regarding seeking accreditation.

## **EQUALITY OF OPPORTUNITY POLICY**

Appalachian State University is committed to providing equal opportunity in education and employment to all applicants, students, and employees. The university does not discriminate in access to its educational programs and activities, or with respect to hiring or the terms and conditions of employment, on the basis of race, color, national origin, religion, creed, sex, gender identity and expression, political affiliation, age, disability, veteran status, or sexual orientation. The university actively promotes diversity among students and employees.

**POLICY STATEMENT ON  
INTEGRITY IN SCHOLARSHIP AND SCIENTIFIC RESEARCH**

(Approved August 29, 1996)

**INTRODUCTION**

Integrity in research is the basis for the academic search for knowledge. Persons involved in academic research must guard the truth and protect the public trust that research in an academic environment has long held. Activities which interfere with an honest search for the truth cannot be tolerated in a university setting. All effort must be made to maintain an open and honest search for truth through continual commitment by faculty, staff, and students to scrupulous honesty and integrity in research.

It is clear that scientific and scholarly misconduct cannot be prevented completely by a university policy or Federal law; it can only be avoided through each individual's firm commitment to academic ideals and honesty. The importance of such honesty in one's research work should be impressed upon all members of the university community by those responsible for conducting or directing research and scholarship projects. Only in this way can the university community effectively guard the truth and maintain traditions of intellectual honesty.

**POLICY STATEMENT**

In the belief that honesty and integrity are essential to the search for knowledge it is the policy of Appalachian State University that all persons involved in research and scholarship must guard the truth, uphold the highest standards in their research and scholarship, and protect the public trust that the academic environment has long held. Whenever any Appalachian faculty member, graduate student, or other research employee is accused of serious misconduct in scientific or scholarly research, the University will conduct an inquiry, make a determination concerning the truth or falsity of the allegations, and take appropriate disciplinary action. The process of inquiry will be expeditious and protect the rights of all those concerned, including the complainant and the accused.

**DEFINITION OF RESEARCH MISCONDUCT**

Since the search for knowledge is impeded and subverted by the misrepresentation of facts, openness and honesty are commonly accepted norms within the scientific and scholarly community for proposing, conducting, or reporting research. "Research misconduct" means plagiarism, falsification, fabrication of data, or other forms of deliberate misrepresentation. It does not include honest error or honest differences in interpretations or judgments of data.

**INITIATION OF INQUIRY**

Allegations of research misconduct involving faculty members, graduate students, or staff should be directed to the Dean of Graduate Studies and Research. The Dean will confidentially counsel any individual who comes forward with an allegation of research misconduct since some concerns or allegations may not fall within the scope of policies and procedures developed to address research misconduct. If the Dean determines that the concern is properly addressed through policies and procedures designed to deal with misconduct in research, these procedures should be discussed with the individual questioning the integrity of a research project. If the individual chooses not to make a formal allegation, but the Dean believes there is sufficient cause to warrant the inquiry, the matter should be pursued without a complainant and the Dean should so inform the Provost.

When the subject of the inquiry is a graduate student, the case will be reviewed by the Dean of Graduate Studies and Research, and the policies and procedures prescribed in the Appalachian State University Code of Academic Integrity for students will apply in the resolution of pending charges. Should the subject of the inquiry be faculty or other staff members, the Dean in consultation with the Provost will determine whether an inquiry is warranted.

**INQUIRY**

If the inquiry involves a faculty member or other employee, the Dean of Graduate Studies and Research will appoint an ad hoc Inquiry Committee consisting of three tenured faculty members, two from the college in question and one from another college of the University. In selecting the members of the committee, potential conflicts of interest



must be examined scrupulously and any relationship with parties to the matter must be fully disclosed. Those inquiring into the allegations should be selected in full awareness of the closeness of their professional or personal affiliation with the complainant or the respondent. It is also important that the committee have appropriate scientific or scholarly expertise to assure a sound knowledge base from which to work. The respondent and complainant will be notified of the charges and process at this time. Committee members should be appointed and convened as soon as possible, provided with the information immediately available, and charged either to complete the inquiry phase within 30 days or to present a report, at that time, to the Dean of Graduate Studies and Research, the respondent, and the complainant, citing the reasons for delay and progress to date.

During the inquiry, confidentiality will be maintained to protect the rights of all parties involved. It may be desirable to keep the identity of the complainant confidential during the inquiry phase. The Dean of Graduate Studies and Research will assume responsibility for disseminating information relevant to the inquiry to the appropriate individuals. Normally, this will be in writing with copies filed in the Office of the Provost.

Completion of the inquiry is marked by the determination of whether or not an investigation is warranted. The Inquiry Committee will provide the Dean of Graduate Studies and Research a written report which summarizes the process and states the conclusion of the inquiry. This report will be delivered within 60 calendar days from the Inquiry Committee's receipt of an allegation. The respondent will be informed whether or not there will be further investigation and, if there is a complainant, he or she will also be informed.

Allegations found to require investigation will be forwarded promptly to the investigative body; if Federal funding is involved, the agency sponsoring the research will be notified at this point.

If an allegation is found to be unsupported but has been submitted in good faith, no further formal action, other than informing all involved parties, will be taken. The proceedings of an inquiry, including the identity of the respondent, will be held in strict confidence to protect the parties involved. Documentation of each inquiry shall be maintained by the Dean of Graduate Studies and Research for a period of three (3) years from the date of the report. To the extent required by Federal law, copies shall be provided to authorized personnel of Federal agencies sponsoring research upon request. If confidentiality is breached, the institution will take steps to minimize the damage to reputations that may result from inaccurate reports. Allegations that have not been brought in good faith will lead to disciplinary action.

The institution will seek to protect the complainant against retaliation; individuals engaging in acts of retaliation or breaching confidentiality will be disciplined.

#### INVESTIGATION

An investigation will be initiated within 30 calendar days after an inquiry concludes that such is warranted. The purpose is to further explore the allegations and determine whether misconduct has been committed and, if so, the degree of its seriousness. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent will be informed when significant new directions of investigation are undertaken. The investigation will focus on accusations of research misconduct as defined previously and examine the factual materials of each case.

#### STRUCTURE

To carry out the investigation, the Dean of Graduate Studies and Research will form an Investigative Committee by expanding the Inquiry Committee to include two additional tenured faculty and at least one representative from outside the University. In selecting the members of the committee, conflicts of interest must again be examined scrupulously and any relationship with parties to the matter must be fully disclosed. Those inquiring into the allegations will be selected in full awareness of the closeness of their professional or personal affiliation with the complainant or the respondent. It is also important that the committee have appropriate expertise to assure a sound knowledge base from which to work.

## PROCESS

Upon receipt of inquiry findings that an investigation is warranted, the Dean of Graduate Studies and Research will initiate an investigation promptly (ordinarily, within 30 days) and the complainant and respondent will be notified of the investigation. In accordance with Federal regulations, all agencies sponsoring a research project in which misconduct is suspected will be notified immediately upon the decision to undertake an investigation. All involved parties will be interviewed and are obligated to cooperate with the proceedings in providing information relating to the case. All necessary information will be provided to the respondent in a timely manner to facilitate the preparation of a response.

If the nature of the allegations is such that there may be need to protect the health and safety of research subjects, or the interests of students and colleagues, or to protect Federal funds and ensure that the purposes of Federal financial assistance are being carried out, the Dean of Graduate Studies and Research may take interim administrative action to restrict or suspend the activities of the respondent, but care should be taken to safeguard the rights of the respondent.

Investigations normally will be completed within 60 days of initiation. If factors such as the volume and nature of the research to be reviewed and the degree of cooperation being offered by the subject of the investigation prevent completion within 60 days, an interim report describing the investigation up to that point and its expected outcome, and requesting an extension, will be filed with the Dean of Graduate Studies and Research at the end of 60 days.

Any reasonable indication of possible criminal violations shall be reported to the Office of Research Integrity, Public Health Service, or other appropriate Federal agency, within 24 hours after receipt of such information by the Dean of Graduate Studies and Research. Such information also shall be forwarded through appropriate channels to the Chancellor. In addition, the Dean shall promptly inform the Office of Research Integrity or other appropriate Federal agency of any facts discovered during the course of the investigation that may affect then current or potential Federal funding for the individual (s) under investigation or that such agency needs to know to ensure appropriate use of Federal funds or otherwise protect the public interest.

## FINDINGS

A report which thoroughly documents the investigative process and the findings of the Investigative Committee will be submitted in writing to the Dean of Graduate Studies and Research. The respondent will receive the full report of the investigation, as will the Dean of the respondent's college. When there is more than one respondent, each shall receive all those parts of the findings that are pertinent to his or her role. Respondents may comment in writing on the report and their comments will be made part of the record. The Dean shall forward a copy of the report to all Federal agencies initially informed of the investigation. Documentation of each investigation shall be maintained by the Dean of Graduate Studies and Research in a confidential and secure file for a period of at least three (3) years from the date the Investigative Committee's report is delivered to the Public Health Service or other appropriate Federal agencies.

Investigations into allegations of research misconduct may result in various outcomes, including (1) a finding of clear, serious, and substantial research misconduct; (2) a finding of research misconduct of a minor or questionable nature; (3) a finding that no culpable conduct was committed, but serious scientific errors were made; (4) a finding that no research misconduct or serious scientific error was committed. If a finding of serious scientific misconduct is made, all agencies funding that research will be informed to the extent required by Federal law. Examples of severe research misconduct include fabrication of data, plagiarism, including the publication of research or scholarship produced by another person, and falsification of vita items in order to advance one's research.

If an investigation has been launched on the basis of a complaint, and no research misconduct is found, no disciplinary measures will be taken against the complainant and every effort will be made to prevent retaliatory action against the complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to have been maliciously motivated, disciplinary actions will be taken against those responsible.

#### DISPOSITION

The nature and severity of the disciplinary action by the University will vary with the findings of the Investigative Committee. At this point, the Dean of Graduate Studies and Research will inform the Chancellor, Provost, and Dean of the respondent's college of the Investigative Committee's findings. Disciplinary action shall be taken in accordance with appropriate respective policies and procedures applicable to each respondent's classification. Should the respondent(s) be found guilty of research misconduct of a clear, serious, and substantial nature, he/she/they may be considered unfit to continue as employees or students of Appalachian State University.

Respondents found guilty of research misconduct of a less clear, serious, or substantial nature may receive sanctions ranging from letters of reprimand to probation, permanent removal from the research project involved and/or other sanctions deemed appropriate under the circumstances. Findings of scientific misconduct may also warrant the removal of a faculty respondent from graduate advisory committees or other research supervisory roles.

#### APPEAL

Respondents may appeal disciplinary actions in accordance with respective policies and procedures applicable to each respondent's classification.

#### PUBLICATION

Copies of this policy shall be transmitted to all faculty and academic administrators or otherwise published at least annually.

## **IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES**

(Adopted 3/15/96)

The University of North Carolina does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) when the employee is responsible for evaluating or supervising the affected student; (2) when the student is a minor, as defined by North Carolina law. The following policies shall apply to all employees and students of the sixteen constituent institutions.

### **XVIII. Prohibited Conduct**

1. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.

2. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

### **XIX. Definition of Terms**

1. “Amorous relationship.” An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

2. “Related by blood, law or marriage” means:

- a. Parent and child
- b. Brother and sister
- c. Grandparent and grandchild
- d. Aunt and/or uncle and niece and/or nephew
- e. First cousins
- f. Stepparent and stepchild
- g. Husband and wife
- h. Parents-in-law and children-in-law
- i. Brothers-in-law and sisters-in-law
- j. Guardian and ward

3. “Evaluate or supervise” means:

- a. To assess, determine or influence (1) one’s academic performance, progress or potential or (2) one’s entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or;
- b. To oversee, manage or direct one’s academic or other institutionally prescribed activities.

**XX. Corrective Action**

Violations of the provisions of Section A shall be addressed in accordance with remedial measures prescribed by each constituent institution; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting misconduct charges against members of the class of employment of which the affected employee is a member.

**GUIDELINES ON IMPLEMENTING IMPROPER RELATIONSHIPS POLICY**

(Adopted 3/18/96)

[This is a rewrite of Administrative Memorandum #360.]

On March 15, 1996, the Board of Governors adopted a policy concerning “Improper Relationships Between Students and Employees” for immediate implementation by all constituent institutions. The new policy governing relationships between University students and employees identifies and defines a type of misconduct that can result in sanctions, including discharge from employment, against any employee who violates its provisions. The chancellors are responsible for insuring that both employees and students are effectively informed, on a continuing basis, about the type of misconduct prohibited by this policy; and they must insure that appropriate policies and procedures for receiving, investigating and resolving charges of misconduct are in place.

The revised anti-nepotism policy, separately approved by the Board of Governors, also must be effectively publicized by the chancellors, so that all affected employees will be aware of the broadened definition of “related persons” to whom its restrictions apply.

**GUIDELINES ON IMPLEMENTING ANTI-NEPOTISM POLICY**

[This is a rewrite of Administrative Memorandum #14.]

The following directions concerning implementation of the policy statement are established:

1. All University employees who have responsibility and authority with respect to personnel recommendations or decisions should have a copy of this policy.
2. This policy is to be publicized generally throughout the University community, to insure that all employees are aware of its requirements.
3. Appropriate personnel-action forms, designed to insure effective implementation of the policy, shall be used in screening applicants for appointment, for example:
  - a. For candidates for initial employment, the pertinent personnel-action form shall include an inquiry about whether the candidate is related, within the degrees specified in the policy statement, to any incumbent employee within the institution or to any other candidate for concurrent employment at the institution;
  - b. For candidates for promotion to a position having responsibility for supervision of other employees, the personnel-action form shall include an inquiry about whether the candidate is

related, within the degrees specified in the policy statement, to any incumbent employee within the institution or to any other candidate for concurrent employment at the institution.

4. In any situation where two or more related persons are to be employed within the same academic department (or other comparable subdivision of institutional employment), the administrative official who has authority to give final approval to the employment shall obtain from the official recommending employment a certification to the effect that no other candidate for the position in question possesses qualifications superior to those of the relative candidate.

5. Consistent with the requirements of paragraph E of the policy, each chancellor's written report to the Board of Trustees shall treat all cases in which the nepotism question arose during the preceding year:

a. In all cases where an individual making written application for employment was denied employment because of the requirements of the anti-nepotism policy, the circumstances shall be set forth; for example, (1) the employment would have resulted in one relative supervising another, or (2) an unrelated candidate had demonstrably superior qualifications;

b. In all cases where concurrent employment of related persons was allowed, the justifying circumstances shall be set forth: for example, (1) the supervisory relationship was not "direct," or (2) there were no other candidates for the available position whose professional qualifications were demonstrably superior to those of the relative.

### **Interpretations of Substantive Policy**

Note should be taken of the following points in connection with administration of the policy.

1. This policy applies only to EPA personnel; however, the policy of the State Personnel Board for SPA personnel is essentially identical in substance to the policy of the Board of Governors.

2. Section A.1. of the policy of the Board of Governors predicates its restriction on the concept of "responsibility for direct supervision." This phrase was adopted in the belief that, within the limits of basic guidelines, the policy ought to be so stated as to permit variety of treatment responsive to varying conditions at the campuses.

The question of "directness" or "indirectness" must be interpreted reasonably to accomplish the intent and spirit of the anti-nepotism policy. As a general rule of interpretation, no supervisory relationship between related persons should be permitted to exist where the supervisor effectively controls the terms and conditions of the relative's employment, including promotion opportunities, rates of compensation, work assignments and evaluation of performance. The terms "direct" and "immediate" may be essentially interchangeable, for purposes of evaluating certain types of relationships; however, in certain situations, because the term "immediate" may connote only "first line" supervision, it may be too restrictive a concept to serve as a reasonable guide.

Existence of the following types of relationships would appear, invariably, to violate the restriction against "direct supervision;"

- a. Department chairman and a member of the instructional staff of the same department.
- b. Member of instructional or research faculty and his or her teaching or research assistant.
- c. Dean of a school and a chairman of a department included within the school.
- d. Chancellor and a vice chancellor.

With respect to other types of relationships, an exercise of discretion may be necessary, with the possibility of varying conclusions depending on the circumstances. In general, if the relationship between an employee and official in the line of supervision is sufficiently remote to give rise to no substantial supervisory relationship, it may be appropriate to disregard the fact of family relationship.

In applying all aspects of the policy, the essential point, as articulated in the basic principles, is that no person shall, at any time, receive preferred treatment because of his or her relationship to another employee of the institution. The guidelines established in paragraph A.1. of the policy are designed to preclude situations in which there is a high risk of such subjective favoritism. Accordingly, any interpretation of the “direct supervision” restriction should be consistent with this underlying policy objective.

Of critical importance is the principle that administrative guidelines and practices shall operate consistently. For example, if the policy is invoked in one case to preclude employment of a faculty member because his or her relative is chairman of the department, the same result should apply with respect to all identical cases; conversely, if employment is allowed under certain factual circumstances, there should be consistent results achieved in all identical cases. In short, an ad hoc, case-by-case approach without the benefit of consistently applied guidelines, is likely to produce variations in result which could prompt charges of discrimination.

### **POLITICAL ACTIVITIES OF EMPLOYEES**

(Adopted by the Board of Governors on 1/16/76 and Amended on 2/8/85)

WHEREAS, as private citizens all University employees retain the rights and obligations of citizenship, including freedom to engage in political activities; and

WHEREAS, certain types of activities by University employees related to governmental and political processes may be incompatible with the general responsibilities of public employment or with the particular responsibilities of University employment; and

WHEREAS, the Board of Governors on September 13, 1974, adopted policies concerning political activities pertaining only to certain designated employees of the University; and

WHEREAS, the board deems it desirable to have one set of policies on this subject that will apply to all University employees, with exception only of those who are subject to the State Personnel System;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA:

7. **Definitions.** For purposes of this resolution, the following words and phrases shall have the meanings indicated:
  - a. “Employees” means all employees of the University of North Carolina and of the constituent institutions who are exempt from the State Personnel System (Article 1 of Chapter 126 of the General Statutes).

b. “Senior administrative officers” means the President and all employees on the President’s staff and the chancellors and senior officials of the constituent institutions, including persons at the rank of vice chancellor, provost, dean, and other positions of equivalent rank and responsibility.

c. “Public office” means any national, state, or local governmental position of public trust and responsibility, whether elective or appointive, which is created, prescribed, or recognized by constitution, statute, or ordinance (other than within the University of North Carolina).

d. “Compensation which is more than nominal” means compensation over and above (1) payments in the nature of reimbursements for expenses incurred by the office holder incident to holding office (whether calculated on an average per diem basis or on an actual-expense basis) plus (2) the amount of per diem compensation prescribed by N.C.G.S. 138-5(a)(1) (currently established to be \$15 per diem).

## **8. Holding Public Offices Concurrent With University Employment.**

### **a. Full-Time Public Offices.**

Upon election to or acceptance of appointment to a public office requiring full-time service an employee of the University will be deemed to have resigned from his or her University employment; provided, that if deemed practicable by the University, an affected employee may be granted a full leave of absence from University employment, without pay, to coincide with the period of public service, with such period of leave not to exceed two years in any case; such a request for leave shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

### **b. Part-Time Public Offices For Which Compensation Is More Than Nominal.**

If a University employee is elected to or accepts appointment to a public office requiring part-time service, for which compensation is more than nominal (including membership in the General Assembly), it shall be presumed that holding such public office creates a conflict of time or interest which interferes with responsibilities owed the University and which requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to assuming the public office the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, holding such public office in fact will not create a conflict of time or interest which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption of the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, applicable to the period for public service (if a full leave of absence is deemed necessary and is granted, it shall not exceed two years in any case; if a partial leave of absence is deemed necessary and is granted, the period of leave shall be at the discretion of the University). Such petitions for leave by senior administrative officers (and by all other employees if the petition is for service in the General Assembly) shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a chancellor, it shall be accompanied by a recommendation of the Board of Trustees); such petitions for leave by University employees other than senior administrative officers (with the exception of petitions for service in the General Assembly) shall be addressed to and resolved by the Appropriate Board of Trustees and shall be transmitted through the chancellor. With respect to each such decision rendered by a Board of Trustees, the chancellor shall transmit to the Committee on University Governance of the Board of Governors a



report, containing such information as the committee may specify, concerning the action of the Board of Trustees.

**c. Part-Time Offices For Which Compensation Is Only Nominal.**

Election to or acceptance of appointment to a public office requiring part-time service, for which no compensation is paid or for which the compensation paid is only nominal, shall be resumed not to create a conflict of time or interest which interferes with responsibilities owed the University; provided, that if the President (with respect to senior administrative officers) or the chancellor (with respect to other employees) believes that, contrary to the presumption, there will be a conflict to time or interest in the particular case, the question may be referred for resolution by either the Board of Governors or the appropriate Board of Trustees (depending on whether or not the employee is a senior administrative officer). Any employee who files as a candidate for or intends to accept appointment to such a public office must file promptly with his or her immediate supervisor a written statement setting forth the amount of any payments to which the holder of such office is entitled as officeholder.

**9. Candidacy For Elective Public Office.**

**a. Full-Time Offices.**

The candidacy of a University employee for election to a public office requiring full-time service is presumed to create a conflict of time which interferes with the performance of responsibilities owed the University and requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to announcing his or her candidacy the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, such candidacy in fact will not create a conflict of time which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, to be coextensive with the period of candidacy. Such petitions and/or requests for leave shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

**b. Part-Time Offices For Which Compensation Is More Than Nominal.**

The candidacy of a University employee for election to a public office requiring part-time service, for which compensation is more than nominal (including membership in the General Assembly), is presumed to create a conflict of time which interferes with the performance of responsibilities owed the University and requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to announcing his or her candidacy the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, such candidacy in fact will not create a conflict of time which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, to be coextensive with the period of candidacy. Such petitions for leave by senior administrative officers (and by all other employees if the petition concerns candidacy for the General Assembly) shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President and shall be accompanied by a recommendation from the appropriate chancellor in any case pertaining to an institutional employee (if

the request for leave pertains to a chancellor, it shall be accompanied by a recommendation of the Board of Trustees); such petitions for leave by University employees other than senior administrative officers (with the exception of petitions concerning candidacy for the General Assembly) shall be addressed to and resolved by the appropriate Board of Trustees and shall be transmitted through the chancellor. With respect to each such decision rendered by a Board of Trustees, the chancellor shall transmit to the Committee on University Governance of the Board of Governors a report, containing such information as the committee may specify, concerning the action of the Board of Trustees.

**c. Part-Time Offices For Which Compensation Is Only Nominal.**

The candidacy of a University employee for election to a public office requiring part-time service, for which no compensation is paid or for which the compensation paid is only nominal, is presumed not to create a conflict of time which interferes materially with responsibilities owed the University; provided, that if the President (with respect to senior administrative officers) or the chancellor (with respect to other employees) believes that, contrary to the presumption, there will be a material conflict of time in the particular case, the question may be referred for resolution by either the Board of Governors or the appropriate Board of Trustees (depending on whether or not the employee is a senior administrative officer). Any employee who files as a candidate for such a public office must file promptly with his or her immediate supervisor a written statement setting forth the amount of any payments to which the holder of such office is entitled as officeholder.

**10. Political Campaign Activities.**

With respect to his or her own candidacy for election to public office or to any other person's candidacy for election to public office, no University employee shall:

a. Use University funds, services, supplies, vehicles, or other property to support or oppose the candidacy of any person for elective public office;

b. Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, with respect to any condition or incident of employment over which the employee has authority, control, or influence, for purposes of inducing support of or opposition to any candidate for elective public office.

Violation of the prohibitions contained in subparagraphs a. and b., above, shall be cause for appropriate disciplinary action, including discharge from employment.

**11. Other Leaves of Absence for Senior Administrative Officers.**

A senior administrative officer who desires a leave of absence for purposes other than political candidacy or office holding may petition the University for such a leave in the following manner: (a) with respect to periods of leave not to exceed 90 days, the petition shall be addressed to and resolved by the President, who shall report to the Board of Governors all such leave arrangements as he may grant; (b) with respect to periods of leave to exceed 90 days, the petition shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

**12. Appeals.**

With respect to any decision reached by a Board of Trustees as prescribed in Sections 2 and 3 of this resolution, an employee aggrieved by the decision may appeal to the Board of Governors only on the basis of an allegation that such decision was contrary to the provisions of this resolution. Any such appeal

shall be addressed to the chancellor for transmission to the President, who in turn will transmit the appeal to the Board of Governors.

**13. Effective Date.**

The requirements of this resolution shall be applicable prospectively only, on and after the date of adoption by the Board of Governors. No change in the employment status of an employee who was an incumbent in a public office as of the adoption date of this resolution shall be required under the terms of this resolution for the balance of the term of office being served on the effective date of this resolution.

**14. Relation to State Laws.**

The foregoing regulations as adopted by the Board of Governors are designed to supplement, and do not purport in any way to supplant or modify, those statutory enactments which may govern or limit the political activities of employees of the State of North Carolina.

**15. Repeal of Prior Enactments.**

With respect to the resolution of the Board of Governors entitled “Policies Concerning Senior Administrative Officers of The University of North Carolina” which was adopted under date of September 13, 1974, paragraphs 1, 2, and 3 of said resolution are repealed; additionally, the resolution of the Board of Trustees of The University of North Carolina entitled “Statement of Policy on Elective Office-Holding” which was adopted under date of November 14, 1969, is repealed.

[NOTE: Refer to the *UNC Policy Manual* Section 300.5.2 for the “**IMPLEMENTATION POLICY ON POLITICAL CANDIDACY AND OFFICEHOLDING**”]

**INTERPRETATION OF POLICY  
ON POLITICAL ACTIVITIES OF EMPLOYEES**

(Adopted 5/17/88)

The board policy concerning political activities of University employees, first adopted on January 16, 1976, and amended on February 8, 1985, addresses conflicts of time that may arise when an employee becomes a candidate for election to political office. With respect to candidacies for both full-time offices and part-time offices for which compensation is more than nominal (including membership in the General Assembly), the policy establishes the presumption that becoming such a candidate will generate a conflict of time that interferes with the satisfactory performance of responsibilities owed the University. An affected employee has the option of attempting to rebut that presumption, by demonstrating that his or her campaign activities will not interfere with University employment. If the employee fails to rebut the presumption, he or she has three options: (1) decline to run for the office; (2) resign from University employment in order to run for the office; or (3) seek a full or partial leave of absence, with corresponding suspension of or reduction in pay. Such a leave of absence may be granted at the option of the University, if it is “deemed practicable by the University.”

In recent months the committee has received petitions from several employees, with accompanying recommendations from their respective chancellors, which requested in each instance that a member of the teaching faculty be granted a leave of absence for a portion of the semester, to coincide

with the faculty member's involvement in political campaign activities. In those cases in which the presumption concerning a conflict of time was applicable, the committee discerned a substantial obstacle to granting the request for a leave of absence for a portion of the semester. In such cases, a substitute instructor would have to take the place of the absent faculty member, for purposes of teaching, advising, and otherwise discharging the responsibilities owed students enrolled in classes that initially had been assigned to the absent faculty member. Even if such a substitute were available, potentially it could work some hardship on affected students if they were required to adjust, during the semester, to the sudden introduction of a new mentor. For example, there might be discontinuity in the presentation of subject matter; there might be a diminution in the quality of instruction; there might be different performance expectations and grading standards. Thus, in the opinion of the committee, there is a very serious question about the "practicability" of granting a faculty member's request for either partial or full leave, if it is to commence "midstream," after a semester has begun.

Faculty employment is distinguishable from other types of University employment for purposes of the concern here expressed. Other types of University employment are not necessarily keyed to the semester-based provision of educational services to students. Thus, the absence of such employees for intervals of several weeks or several months during a semester might not have the same potentially negative effects on students as would the comparable absence of faculty members. (For these other employees, however, a similar consideration would apply to employment duties which fall routinely at particular times of the calendar year.)

Without purporting to rule, categorically, that such partial-semester leaves of absence will not be "deemed practicable" and thus will not be permitted, the committee does wish to convey to affected faculty members its serious reservations about the feasibility of such leaves of absence. In general, it would be preferable for the faculty member who anticipates running for an elective office to broach this issue well in advance of the semester during which campaign activity would be occurring and to seek a full or partial leave for all of that semester, rather than for just a portion of the semester. Under such an approach, the institution would have appropriate lead time to assign instructors to the courses in question, students would know in advance the identity of and could make an advertent choice about whether to enroll in a course to be taught by a particular instructor, and there would be no mid-term adjustments confronting students who did enroll in a course.

If the legitimate interests of faculty members in running for elective offices are to be accommodated the reconciled with legitimate University concerns, faculty members must have timely notice of the University's expectations. Thus, this interpretation of policy should be publicized widely among the faculties of the constituent institutions. Furthermore, it is essential that each chancellor adopt effective procedures for informing all employees, well in advance of any semester during which either a primary or general election will be held, that there are board policies regulating conduct in this area of concern and that interested employees should seek appropriate guidance on this subject from specifically identified and well informed administrative officers.

### **LEAVES OF ABSENCE FOR APPOINTIVE OFFICE**

(Adopted 9/10/93)

On February 12, 1993, the Board of Governors provided extensive substantive and procedural guidance (Administrative Memorandum Number 332) concerning implementation of its 1976 policy

governing political candidacy and officeholding. The policy requires University employees who intend to seek unpaid leaves of absence or rebuttals of presumed conflicts of time, in order to occupy political offices without having to resign their University employment, to file required petitions before specified dates (typically, before November 1 in anticipation of assuming office the following January, and in other cases at least 60 days before assuming the office). Experience demonstrates that use of such a schedule frequently is not practicable with respect to appointive offices, because the advance notice provided to the prospective appointee is not sufficient to permit compliance with the petition schedule mandated by the board; the result in such a case could be a potentially protracted governing board delay in resolving such questions and resulting loss of the opportunity for public service.

To solve this problem, the Committee on University Governance, which oversees administration of the policy on behalf of the board, suggests that access to alternative procedures for resolving such questions affecting appointive offices is appropriate. The proposed solution is based on the fact that other existing board policy identifies officers and agencies of the University which have general residual authority to grant leaves of absence and resolve related questions: for senior academic and administrative officers, a leave of 90 days or less may be approved by the President and a leave exceeding 90 days must be approved by the Board of Governors; for non-faculty employees otherwise exempt from the State Personnel Act, leaves of absence may be approved by the chancellor; and for faculty employees, leaves of absence may be approved by the chancellor. Accordingly, the committee recommends the following arrangements with respect to appointive officeholding:

Subject to all other board requirements controlling political officeholding, if circumstances do not permit a prospective appointee to file a required petition on the schedule otherwise prescribed for prospective officeholders, the petition may be submitted to and resolved by the officer or agency responsible for the class of employment of which the petitioner is a member, viz., the President and Board of Governors for senior academic and administrative officers, and the chancellor for faculty and non-faculty personnel exempt from the State Personnel Act. In such cases, however, it remains University policy that the prospective appointee will lose University employment if he or she assumes the appointive office before receiving an affirmative response from the alternative decision-maker. Thus, even under this expedited procedure, in some cases the prospective appointee may have to defer acceptance of the appointment beyond the normal starting date for the public office. When this alternative procedure is used, the chancellor in each instance shall report the action taken to the Committee on University Governance through the President.

**ENDORSEMENT OF CANDIDATES FOR POLITICAL OFFICE BY  
SENIOR ADMINISTRATORS**

(Adopted 7/9/76)

The University is happy to supply to any candidate for political office information of a substantive nature, whether it is information on agriculture, economics, education or any other topic. Most of the candidates for Governor and Lieutenant Governor have, in the past, requested and received factual information of this kind. The President and the President's principal staff members should take care not to go beyond this point and become actively involved by endorsing any candidate or becoming identified with any candidate. It is important that all candidates know they can receive factual information from the University, but it should be made clear that the administration of the University would not be identified with any candidate or any party.

**GUIDANCE ON GENERAL ASSEMBLY CANDIDACY AND MEMBERSHIP**

(This is a rewrite of Administrative Memorandum #214.)

(Adopted 2/13/85)

An employee elected to the General Assembly is presumed thereby to have created a conflict in time or interest that precludes continued employment with the University. That presumption is irrebuttable with respect to any semester during which the General Assembly is in session; thus, the employee either must resign from University employment or must seek and be granted a full leave of absence, without pay, for that semester, if such a leave is deemed practicable by the chancellor and the Board of Governors. By contrast, with respect to any semester during which the General Assembly is not in session, the presumption of conflict continues to be applicable, but that presumption may be rebutted through a showing by the employee that it is possible and practicable for the employee to discharge the non-session responsibilities of a member of the General Assembly and simultaneously perform satisfactorily all or a portion of the employee's University responsibilities; typically, an affected employee might request a partial leave of absence, without pay, during such a semester; it would be the responsibility of the chancellor and the Board of Governors to determine whether in fact such a leave would be practicable and ought to be granted (or should be denied, with the consequence that the employee would be required to resign). Thus, for each of the semesters falling within the two-year term of office holding, a separate timely petition referable to each would have to be submitted by the employee, in advance of the beginning of the semester, and acted upon ultimately by the Board of Governors. Similar presumptions apply to an employee who is a candidate for election to the General Assembly.

**CONFLICTS OF INTEREST AND COMMITMENT\*\***

**DISCLOSURE FORM**

[\*\*See section 4.8 of the *Faculty Handbook* for the Policy on Conflicts of Interest and Commitment.]

Appalachian State University  
Faculty/EPA Administrative Personnel  
Report of Non-University Activities

Date \_\_\_\_\_

Name \_\_\_\_\_ Title and Rank \_\_\_\_\_

College \_\_\_\_\_ Department/Unit \_\_\_\_\_

+) ,

\* **I HAVE NO ACTIVITIES THAT I AM REQUIRED TO REPORT.**

.) -

(Please check only if you have no external income-producing activities AND no possible conflicts of interest or commitment. Then, proceed to Part IV, and submit to your department/unit head.)

**PART I Conflict of Interest Screening Questions**

1. Do you have or plan to have a consulting or other significant financial interest\* with a sponsor of your research? (If yes, please list and explain in an attached statement.)

\_\_\_\_\_yes \_\_\_\_\_no

2. Do you have or plan to have a managerial role or a significant financial interest\* with a company that does business with the University? (If yes, please list and explain in an attached statement.)

\_\_\_\_\_yes \_\_\_\_\_no

3. Do you have or plan to have non-University professional or income-producing activities involving either Appalachian State University students or other staff? (If yes, please list those involved and explain in an attached statement.)

\_\_\_\_\_yes \_\_\_\_\_no

4. Do you or any member of your immediate family have or plan to have any other relationships, commitments, or activities that might present or appear to present a conflict of interest or commitment with your Appalachian State University appointment? Such relationships may include significant financial or fiduciary interests (See section 4.8.11 of the *Faculty Handbook* for the definition of "significant financial interest.") or uncompensated activities.

(If yes, please list and explain in an attached statement.)

\_\_\_\_\_yes \_\_\_\_\_no





3. Board of Trustees Statement: "It is the policy of the Board of Trustees of Appalachian State University that the Chancellor has the power to allow a person to do a reasonable amount of work providing this in no way interferes with her or his teaching and other responsibilities. For this reason, it is understood that this approval to engage in outside activities in no way relieves the faculty member from the responsibility of performing all of her or his University duties, including teaching, counseling, office hours, committee work, and other responsibilities of a full-time faculty member at the University. In the event the Chancellor concludes that the outside activity is resulting in such interference, the faculty member agrees to cease the outside activity or resign from full-time faculty status and responsibility."

**PART IV Affirmation**

In submitting this form, I affirm that the above information is true to the best of my knowledge and that I have read the University's Conflicts of Interest and Commitment Policies and Guidelines.

Faculty/EPA Administrative

Personnel's Signature \_\_\_\_\_ Date

**Please submit to your department/unit head for administrative review and approval.**

Administrative Review and Approval

**If No Activity is Reported:**

\_\_\_\_\_ No activity is reported and to the best of my knowledge, no conflict of interest or commitment exists.

(Sign form and retain in departmental files.)

**If Any Activity is Reported:**

(Please complete the Conflict of Interest/Commitment Review AND Approval of Activities sections below:)

Conflict-of Interest/Commitment Review

Based on the activity reported, and to the best of my knowledge and in my judgment:

- a) \_\_\_\_\_ No conflict of interest or commitment exists.
- b) \_\_\_\_\_ A conflict of interest or commitment may exist, but does not appear to be significant. (If so, please attach an explanation and forward to the Dean.)
- c) \_\_\_\_\_ A conflict of interest or commitment may exist that warrants further review. (If so, please attach an explanation and forward to the

Dean.)

Please complete if question 3 under PART I of the form is answered affirmatively: As described by the faculty/EPA administrative personnel, the involvement of Appalachian State University students, and/or staff in her/his non-university activities does not appear to be detrimental to those individuals.

- a) \_\_\_\_\_ Agree
- b) \_\_\_\_\_ Disagree (If so, please attach an explanation and forward to the Dean.)

Approval of Activities

Retrospective Activities

\_\_\_\_\_ No retrospective activities are reported or all retrospective activities are approved.

\_\_\_\_\_ Some or all retrospective activities are not approved.

(Attach explanation, sign form, and forward to the Dean.)

Prospective Activities

\_\_\_\_\_ No prospective activities are reported or all prospective activities are approved.

\_\_\_\_\_ Some or all declared prospective activities are not approved.

(Attach explanation, sign form, and forward to the Dean.)

Departmental Chair/Unit Head Signature \_\_\_\_\_ Date

Dean Signature \_\_\_\_\_ Date

(If approval needed)

Additional Reviews \_\_\_\_\_ Date

(Signatures)

\_\_\_\_\_ Date

[NOTE: See section 4.9.1 of the *Faculty Handbook* for the policy regarding “Paid Leaves of Absence.” The attention of probationary faculty members is directed in particular to section 4.9.1.1 (g).]

**Leave Request and Certification  
(Family or Medical Leave for Eligible Faculty Members)**

**SECTION I**

**To request leave or reduced load for the birth of a child and/or to exercise primary responsibility for the care of an infant following the birth, or the placement of a child with the Faculty Member for adoption or foster care**

I certify that:

3. The expected date of delivery or placement of the child is \_\_\_\_\_.
- 2.a. I wish to take as leave for the delivery/placement and subsequent care of the child the \_\_\_\_\_ Semester of the \_\_\_\_\_ Academic Year.
- OR
- 2.b. I wish to be assigned a reduced load for the delivery/placement and subsequent care of the child the \_\_\_\_\_ Semester of the \_\_\_\_\_ Academic Year. Describe reduced load: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**SECTION II**

**To request leave for the care of a Faculty Member's child, spouse, domestic partner, or parent with a serious health condition**

I have attached a **Certification of Physician or Practitioner** from the health care provider who is treating my child, spouse, domestic partner, or parent. The certification includes the following:

1. The date on which the condition commenced
2. The probable duration of the condition
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition
4. An estimate of the time needed to care for the individual involved (including any recurring medical treatment)
5. A statement that the condition warrants my participation to provide care

**SECTION III**

**To request leave for the care of a Faculty Member's personal serious health condition**

I have attached a **Certification of Physician or Practitioner** from the health care provider who is treating my own serious health condition. The certification includes the following:

1. The date on which my condition commenced
2. The probable duration of my condition

3. The appropriate medical facts within the knowledge of the health care provider regarding my condition
4. A statement that I am unable to perform the functions of my position due to my condition

**SECTION IV**

**Additional certification requirements for intermittent leave or for leave on a reduced leave schedule**

In addition to the foregoing certifications from the health care provider involved, I have attached information from the health care provider as stipulated below:

- A. Leave for the Faculty Member
  1. A statement of medical necessity for my intermittent leave or reduced leave schedule and the expected duration of the schedule
  2. A listing of the dates of my planned medical treatment and the duration of the treatment(s)
  
- B. Leave to care for the faculty member's child, spouse, domestic partner, or parent
  1. A statement attesting to the necessity of intermittent leave or reduced leave for me to provide care or to assist in their recovery
  2. An estimate of the expected duration and schedule of my intermittent or reduced leave

I certify that the facts I have supplied in this request and/or (if applicable) in the attached **Certification of Physician or Practitioner** are accurate.

\_\_\_\_\_ Date: \_\_\_\_\_  
Faculty Member

**Reviewed and Discussed: Recommendation to Provost: \_\_\_ Grant Request \_\_\_ Deny Request**

**Chair:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Dean:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Provost:** \_\_\_\_\_ **Date:** \_\_\_\_\_

1 copy to Faculty Member; original in Academic Affairs personnel file

**Certification of Physician or Practitioner  
(Family or Medical Leave for Eligible Faculty Members)**

1. Faculty Member's Name:
2. Patient's Name (If other than Faculty Member):
3. Diagnosis:
4. Date condition commenced: \_\_\_\_\_
5. Probable duration of condition:
6. Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the Faculty Member to be off work on an intermittent basis or to work less than the Faculty Member's normal schedule of hours per day or days per week.):
  - a. By Physician or Practitioner:
  
  - b. By another provider of health services, if referred by Physician or Practitioner:

IF THIS CERTIFICATION RELATES TO CARE FOR THE FACULTY MEMBER'S SERIOUSLY-ILL FAMILY MEMBER, SKIP ITEMS 7, 8 AND 9 AND PROCEED TO ITEMS 10 THRU 14. OTHERWISE, CONTINUE BELOW.

**Check Yes or No in the boxes below, as appropriate.**

- |    | Yes                      | No                       |   |
|----|--------------------------|--------------------------|---|
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | Is inpatient hospitalization of the Faculty Member required?  |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | Is Faculty Member able to perform work of any kind (If "No", skip Item 9)   |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | Is Faculty Member able to perform the functions of Faculty Member's position? (Answer after reviewing statement from employer of essential functions of Faculty Member's position, or, if none provided, after discussing with Faculty Member.) |

**FOR CERTIFICATION RELATING TO CARE FOR THE FACULTY MEMBER'S SERIOUSLY-ILL FAMILY MEMBER, COMPLETE ITEMS 10 THRU 14 BELOW AS THEY APPLY TO THE FAMILY MEMBER AND PROCEED TO ITEM 15.**

- |     | Yes                      | No                       |  |
|-----|--------------------------|--------------------------|--|
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | Is inpatient hospitalization of the family member (patient) required?  |
| 11. | <input type="checkbox"/> | <input type="checkbox"/> | Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?   |
| 12. | <input type="checkbox"/> | <input type="checkbox"/> | After review of the Faculty Member's signed statement ( <u>See</u> Item 14 below), is the Faculty Member's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort.) |
| 13. |                          |                          | Estimate the period of time care is needed or the Faculty Member's presence would be beneficial:   |

**ITEM 14 IS TO BE COMPLETED BY THE FACULTY MEMBER NEEDING FAMILY LEAVE.**

14. When Family Leave is needed to care for a seriously-ill family member, the Faculty Member will state the care she or he will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:
15. Signature of Physician or Practitioner:
16. Date: \_\_\_\_\_
17. Type of Practice (Field of Specialization, if any): \_\_\_\_\_

Faculty Member's Signature:

Date:

1 copy to Faculty Member; original in Academic Affairs personnel file



**To:** [Name of Respondent]  
**From:** [Name of Grievant]  
**Date:** [Date]  
**Subject:** **Observer(s) at Initial Meeting Concerning Grievance  
Authorization/Waiver of Claims Arising Out of Access to Confidential  
Information  
Observer Agreement to Conditions and Confidentiality Requirements**

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**Authorization/Waiver of Claims Arising Out of Access to Confidential Information**

You and I have agreed to an initial meeting concerning my grievance, pursuant to *Faculty Handbook* ' 3.9.3.5.1, and that meeting is scheduled for [date].

I wish to have [Name] attend the initial meeting with me as an observer ("Grievant's Observer"), as provided in *Faculty Handbook* ' 3.9.3.5.1. I understand that you may also have an observer present ("Respondent's Observer"). I understand that neither observer is to participate in our initial meeting in any way, whether as an advocate or an advisor. My Grievant's Observer has signed the agreement at the bottom of this page reflecting his/her understanding of and agreement to the conditions specified herein. If you will have a Respondent's Observer present, I ask that you have him/her sign the Respondent's Observer's Agreement to Conditions and Confidentiality Requirements prior to the initial meeting, and that you provide me a copy of that signed Agreement.

I also understand that the subject matter of the initial meeting necessarily includes information about me that is confidential under North Carolina's State Personnel Act. I therefore authorize both the Grievant's Observer and the Respondent's Observer (if any) to hear our conversation in its entirety, including all information, written or oral, either of us wishes to communicate to the other, and I hereby release, discharge and agree to save harmless Appalachian State University, its representatives, assigns, employees, from and against any liability, under statute, regulation, or common law, arising out of, or claimed to arise out of, ASU's provision of information to the Grievant's Observer and the Respondent's Observer pursuant to this Authorization.

\_\_\_\_\_  
Signature

Dated: \_\_\_\_\_

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**Grievant's Observer's Agreement to Conditions and Confidentiality Requirements**

I understand that the initial meeting with you concerning the grievance of \_\_\_\_\_ ["Grievant"], pursuant to *Faculty Handbook* ' 3.9.3.5.1, is scheduled for [date]. Grievant has asked that I attend the initial meeting as his/her Grievant's Observer, as provided in *Faculty Handbook* ' 3.9.3.5.1. I understand that I am not to participate in the initial meeting in any way, whether as an advocate or an advisor.



I understand that subject matter of the initial meeting necessarily includes information about Grievant that is confidential under North Carolina's State Personnel Act, and that he/she has authorized me to hear the Respondent-Grievant conversation in its entirety, including all information either the Respondent or the Grievant wishes to communicate to the other. I also understand that unless Grievant specifically authorizes me to disclose any such information to persons other than him/her self, my doing so would violate the confidentiality requirements of the State Personnel Act.

Dated:

\_\_\_\_\_

\_\_\_\_\_

Signature

[See next page for the Respondent's Observer's Agreement to Conditions and Confidentiality Requirements]

**Respondent's Observer's Agreement to Conditions and Confidentiality Requirements**

I understand that the initial meeting with \_\_\_\_\_ ["Grievant"], pursuant to *Faculty Handbook* ' 3.9.3.5.1, is scheduled for [date]. You have asked that I attend the initial meeting as your Respondent's Observer, as provided in *Faculty Handbook* ' 3.9.3.5.1. I understand that I am not to participate in the initial meeting in any way, whether as an advocate or an advisor.

I understand that subject matter of the initial meeting necessarily includes information about Grievant that is confidential under North Carolina's State Personnel Act, and that he/she has authorized me to hear the Respondent-Grievant conversation in its entirety, including all information either the Respondent or the Grievant wishes to communicate to the other. I also understand that unless Grievant specifically authorizes me to disclose any such information to persons other than him/her self, my doing so would violate the confidentiality requirements of the State Personnel Act.

Dated:

\_\_\_\_\_

Signature

\_\_\_\_\_

**FACULTY PERSONNEL FILE CHECKLIST**  
**Appalachian State University**

The primary personnel file is located in the office of the Dean or other appropriate Senior Administrator, Dr./Dean \_\_\_\_\_, and may be reviewed at any time during regular business hours with a three (3) day advance notice pursuant to the Faculty Handbook § 3.10.1.1. Written advance notice is required as per the Faculty Handbook § 3.10.1.5.2 so that files may be gathered from other offices, if necessary, and so that confidential documents\*, i.e., references for initial employment or certain medical information as described in the N.C.G.S. §126-22, the Faculty Handbook § 3.10.1.5.1, and the State Personnel Manual Section 3, can be removed. The custodian if the personnel files must make arrangements to have office staff available to oversee the review process so as to ensure the integrity and safekeeping of the records and to assist in making copies, if requested.

Adding or removing documents, or altering or destroying documents, during the review is prohibited. Concerns regarding documents in the personnel file(s) must be brought to the attention of the custodian of the file(s). Objections to inaccurate or misleading information in personnel file(s) must be made in writing to the Dean or other appropriate Senior Administrator as provided for in the Faculty Handbook § 3.10.1.6. A statement may be added to the file relating to the material considered to be inaccurate or misleading. Removal of such material may also be pursued in accordance with the grievance procedure described in the Faculty Handbook § 3.9.2.5.1 - § 3.9.4.1. See N.C.G.S. § 126-55.

**Location of Records Related to Employment:**

- \_\_\_\_\_ Dean or other appropriate Senior Administrator’s Office
- \_\_\_\_\_ Department Chair’s Office
- \_\_\_\_\_ Provost and Executive Vice Chancellor’s Office
- \_\_\_\_\_ Human Resource Services

**Appalachian State University Policy Statements that can be found in the *ASU Resource Manual* at the following web site:**

<http://www.resourcemanual.appstate.edu/>

Policy 1	Guidelines for Providing Access to Information
Policy 2	Policy Statement on the Family Educational Rights and Privacy Act
Policy 3	Student Directories
Policy 4	Employee Records
Policy 5	University Facility Usage
Policy 6	Policy on the Use of Computers and Data Communications
Policy 7	University Archives
Policy 8	Policy on the Illegal or Abusive Use of Alcohol and Other Drugs
Policy 9	Bids on Surplus Property
Policy 10	Inclement Weather Policy
Policy 11	University Organization and Administration
Policy 12	Communication Guidelines for Emergencies and Campus Issues
Policy 13	Institutional Advertising Policy
Policy 14	Policy Prohibiting Sexual Harassment
Policy 15	Crime Awareness and Campus Security
Policy 16	Audit Follow-Up Policy
Policy 17	Right of Entry/Search and Seizure Policy for University Housing
Policy 18	Policies and Procedures on the Distribution of Literature
Policy 19	Student Organization Judicial Review/Discipline Process
Policy 20	Policy on Medical Withdrawals
Policy 21	Use of Software on Non-State Owned Personal Computers
Policy 22	Developing and Posting World Wide Web Sites for Recognized Student Organizations
Policy 23	Conflicts of Interest and Commitment Policies and Guidelines for Faculty/EPA Administrative Personnel

Policy 24 Student Organization Judicial Review/Discipline

Policy 25 Administrative Health Officer

Policy 26 Rendering Assistance to Students Who Have Attempted Suicide or Who Exhibit Other Life-Threatening Behaviors