

***Minutes of the May Session
of the Faculty Senate
Missouri State University***

The Faculty Senate held its 2008-2009 organizational meeting on Thursday, May 8, 2008, in Plaster Student Union, Room 313. Chair Pauline Nugent called the session to order at 3:32 p.m. Dr. Eric Shade served as parliamentarian. Chair Nugent called the roll of the 2008-2009 Senate members.

Substitutes: Drew Beisswenger for Joshua Lambert, LIS; Wafaa Kaf for Lisa Proctor, CSD; Kishor Shah for Xingping Sun, MTH

Absences: Michelle Bowe, CGEIP Chair; Roberto Canales, PAS; Jeremy Chesman, MUS; Andrew Cline, MJF; Ben Goss, MGT; Norm Griffith, Staff Senate representative; Dennis Hickey, DSS; Shyang Huang, PAMS; Maria Michalczyk, A&D; Dale Moore, Staff Senate representative; Eric Morris, COM; Arbindra Rimal, AGR; Jenifer Roberts, FID; Chuck Rovey, GGP; Greg Skibinski, SWK; Miles Walz, MIL; Chien-Hui Yang, CLSE

Guests: Kyle Winward, Past Chair, Faculty Concerns Committee; Rhonda Ridinger, HPER; Chris Herr, T&D; Mark Richter, CHM; Ed DeLong, LIS; John Catau, Provost's Office; Don Simpson, Enrollment Services; Nicole Rovig, Registrar's Office

APPROVAL OF MINUTES

The minutes of the April 2008 Senate sessions were approved as distributed.

ANNOUNCEMENTS

1. The Faculty Senate Office will be closed until August 1, 2008.
2. Chair Nugent reported that the Faculty Senate executive committee will be working on committee assignments for the 2008-2009 academic year. She also announced that the executive committee will be evaluating the 2007-2008 evaluation/merit process.
3. Chair Nugent reported that the Faculty Senate executive committee and the Office of the Provost have been in talks with the Student Government Association regarding the proposed plus/minus grading system. Chair Nugent reported that an agreement between all parties has been reached, and the plus/minus resolution will be presented to the Board of Governors. She pointed out that the Faculty Senate executive committee and representatives from the Office of the Provost will continue to meet with the SGA on this issue.
4. Chair Nugent asked Senate members to remind their students to use the Rate My Professor option on the web in compliance with SB 389.

ELECTION OF THE 2008-2009 SECRETARY OF THE FACULTY

Chair Nugent called for nominations for Secretary of the Faculty. Dr. Eric Bosch recently resigned his position as Secretary as he has been appointed Acting Chair of the Department of Chemistry. Senator Buckner nominated Maria Michalczyk for the position of Secretary. Parliamentarian Shade pointed out that the person nominated has to agree to the nomination. Senator Buckner reported that Senator Michalczyk had not agreed to the nomination; therefore, Senator Buckner withdrew the nomination. Senator Hughes nominated Dr. Chris Herr for the position; Senator Kaufman seconded. In a unanimous decision, the Senate approved by secret ballot the appointment of Dr. Chris Herr as Secretary of the Faculty for the 2008-2009 academic year.

RESOLUTION FOR 2007-08 FACULTY SENATE CHAIR, DR. TOM KANE

Senator Kaufman moved a resolution honoring outgoing Faculty Senate Chair, Dr. Tom Kane, and the motion was seconded. Dr. Rhonda Ridinger read the resolution, and by show of applause, the resolution passed unanimously. The resolution will go forward as **SR 1-08/09**. Chair Nugent presented Dr. Kane with an engraved plaque.

RESOLUTION FOR 2007-08 SECRETARY OF THE FACULTY, DR. REBECCA WOODARD

Senator Buckner moved a resolution honoring outgoing Secretary of the Faculty, Dr. Rebecca Woodard, and the motion was seconded. Secretary Herr read the resolution, and by show of applause, the resolution passed unanimously. The resolution will go forward as **SR 2-08/09**. Chair Nugent presented Dr. Woodard with an engraved plaque.

ACTION ON CURRICULAR PROPOSALS

Senator Wyrick, Chair of the Budget and Priorities Committee, reported that the Committee had reviewed the three curricular proposals below and recommended them to the Senate for approval. He also informed the Senate that the Committee recommends that College Councils also be consulted on curricular proposals in order to give advice on the impact proposals may or will have on the budget.

1. ***Program Change - B.S. in Education, Earth Science Education (two new options)*** - moved for approval by Senator Kaufman; seconded by Senator Hughes. The motion was approved by voice vote. The motion will go forward for approval as **Senate Action 1-08/09**.
2. ***Program Change – Master of Science in Geospatial Sciences in Geography and Geology (new research concentration area)*** - moved for approval by Senator Putman; seconded by Senator Qiao. Senator Rovey, GGP, was not in attendance for discussion of this proposal; therefore, Senator Putman withdrew the motion. Senator Kaufman moved to postpone discussion and vote of this proposal; seconded by Dr. Kishor Shah. The motion was approved by voice vote.

3. **Program Change – Master of Science in Elementary Education (new option)** - moved for approval by Senator Wilson-Hail; seconded by Senator Woodard. After discussion, the motion was approved by voice vote. The motion will go forward for approval as **Senate Action 2-08/09.**

REPORT FROM BUDGET & PRIORITIES COMMITTEE ON FUNDING OF THE JQH ARENA

Dr. Wyrick presented the report on funding of the JQH Arena and answered questions from Senate members. Dr. Wyrick announced this is the second annual report from the Budget and Priorities Committee. He pointed out that the initial proposed cost of \$60 million for the arena has now increased to \$67 million. The University borrowed \$59.4 million to finance the project, and John Q. Hammons will repay \$29 million of this total (revised from \$20 million previously), plus interest on the \$29 million. Dr. Wyrick stated that revenue will be generated through ticket sales, private suite sales, and seat assessments paid by season ticket holders. An additional source of revenue will be a student fee, estimated at \$104,000 annually. Revenues are also expected from advertising, signage, increased concessions, and concerts and other special events.

Dr. Wyrick pointed out that two of the Committee's concerns are (1) the elimination of 385 parking spaces and (2) the ability of the two basketball teams to attract fans, including those who will purchase private suites.

The Committee recommended that future reports include contemporaneous cost and revenue projections and highlight changes in the arena's financial plan since the previous report. The Committee also recommended the administration share its plans about the disposition of any surpluses generated by the arena with the Faculty Senate.

Dr. Shah moved to endorse the JQH Arena Financial Status Report from the Budget and Priorities Committee and thank the Committee for their work. The motion was seconded by Senator Kaufman, and by voice vote, the motion passed unanimously.

REPORT FROM THE FACULTY CONCERNS COMMITTEE ON DEPARTMENT CONDITIONS AND LEADERSHIP ASSESSMENT

Kyle Winward and Jeff Cornelius-White presented the Faculty Concerns Survey Report for 2007-2008 and answered questions from Senate members. Senator Buckner asked if the data will be made available to the faculty, and Senator Cornelius-White stated that the information is for Human Resources purposes only. Dr. Kane reported that a few years ago the decision was made by the Faculty Concerns Committee that it is inappropriate to divulge this information to faculty. Dr. Shah moved to accept the report of the Faculty Concerns Committee. The motion was seconded, and by voice vote, the motion passed unanimously.

REPORT FROM AD HOC COMMITTEE ON COURSE REPEAT POLICY

Dr. Mark Richter presented the report on the proposed new course repeat policy. Based on the recommendation of the *ad hoc* committee for the adoption of a plus/minus grading system, the Ad Hoc Committee on the Course Repeat Policy was charged with examining the University's repeat policy and recommending changes to the policy, if any. The committee compared Missouri State's repeat policy to that of other universities, including benchmark institutions. The recommendation of the committee is that students be allowed to repeat any class, regardless of the grade and number of attempts, with no special permission required. All attempts at the course

and the grades earned, including those resulting in N and Z, would appear on the student's transcript. The grade from the most recent attempt would be the grade that counts in GPA calculations. Also, the course credits would only count once for graduation purposes. This policy is closely aligned with the policy at James Madison University (a benchmark institution). Senator Hughes moved to accept the *ad hoc* committee's recommendation for a revised repeat policy. The motion was seconded by Dr. Shah, and by voice vote, the motion passed unanimously. This action will go forward as **SA 3-08/09**.

ELECTION OF MISSOURI ASSOCIATION OF FACULTY SENATES DESIGNATED VOTER AND ALTERNATE

Chair Nugent informed Senate members that the Senate Chair and Senate Chair-elect are traditionally selected as designated voter and alternate and attend the Missouri Association of Faculty Senates (MAFS) meetings twice annually in Jefferson City. With no opposition, the Senate approved that Chair Nugent be selected as the designated voter and that Chair-elect Weaver be selected as the alternate voter to MAFS.

UNFINISHED BUSINESS

Discussion of the proposed revisions to the *Faculty Handbook* continued from the April 10, 2008, Senate meeting. Senator Cline, Chair of the Faculty Handbook Revision Committee (FHRC), reported that revisions to Sections 3, 4, 5, and 9 are proposed. Senator Cline reminded Senate members that the FHRC withdrew two changes presented in the report: the change to Section 3.3.1 was withdrawn and the change at the end of Section 3.4.2 was withdrawn. He also pointed out that the recommendation had been made and accepted by the committee at the April Faculty Senate meeting to change the reference to "non-reappointment" on page 11 to agree with the revision on page 5 under Section 3.11 where the wording was changed from "non-reappointment" to "nonrenewal of contract." Senator Piston recommended that the title in Section 3.11 be changed from "Notice of Non-Reappointment of Tenure-Track Faculty During the Probationary Period" to "Notice of Nonrenewal of Tenure-Track Faculty During the Probationary Period."

The Senate reviewed and discussed the revisions to the *Faculty Handbook*. Parliamentarian Shade pointed out that any faculty member has the right to recommend a change to the *Faculty Handbook* to the Faculty Handbook Revision Committee.

Chair Nugent read the Senate Action which states that the Faculty Senate recommends that the proposed revisions go into effect beginning with the Fall 2008 semester. These will go forward as **Senate Action 4-08/09**. Chair Nugent reported that the revisions will be implemented pending approval by the Provost and the President of the University.

Senator Cline thanked the members of the Faculty Handbook Revision Committee: Dr. Rhonda Ridinger, Dr. Pauline Nugent, Dr. Karl Kunkel, Dr. Kartik Ghosh, Dr. Julie Masterson, and Dr. Art Spisak. Chair Nugent thanked Senator Cline and the committee. She also recognized Dr. Rhonda Ridinger for her valuable contributions in the revising of the *Faculty Handbook*.

NEW BUSINESS - There was no new business.

ADJOURNMENT

Dr. Nugent adjourned the meeting at 4:47 p.m. The next regularly scheduled Faculty Senate meeting will be held on Thursday, September 11, 2008, beginning at 3:30 p.m. in PSU 313.

Sally Mason
Office of the Provost

Senate Resolution 1-08/09

Adopted by Senate on May 8, 2008

RESOLUTION FOR 2007-08 FACULTY SENATE CHAIR, DR. TOM KANE

A complete copy of the above resolution can be viewed in the Faculty Senate office.

Senate Resolution 2-08/09

Adopted by Senate on May 8, 2008

RESOLUTION FOR 2007-08 SECRETARY OF THE FACULTY, DR. REBECCA WOODARD

A complete copy of the above resolution can be viewed in the Faculty Senate office.

Senate Action 1-08/09

Adopted by Senate on May 8, 2008

Right of Challenge Expires June 26, 2008

B.S. In Education, Earth Science Education (two new options)

A complete copy of the above curricular proposal can be viewed in the Faculty Senate office.

Senate Action 2-08/09

Adopted by Senate on May 8, 2008

Right of Challenge Expires June 26, 2008

M.S. in Elementary Education (new option)

A complete copy of the above curricular proposal can be viewed in the Faculty Senate office.

Right of Challenge Expires June 26, 2008

Implementation of a New Course Repeat Policy

Whereas, a student-friendly repeat policy may have a significantly positive impact on student retention, graduation rates and their success in learning and retaining subject matter (i.e., student success);

Whereas, a repeat policy that is easy to both understand and administer is of benefit to students, advisors, and administrators;

Therefore, Be It Resolved, that the Faculty Senate endorses the elimination of the current repeat policy and its replacement with the policy outlined in the report of the Ad Hoc Committee on the Repeat Policy by the fall semester of 2009.

Be It Further Resolved, that the description of the Repeat Policy within the MSU catalog be revised as follows (original wording (i.e., wording in the current Repeat Policy) to be retained underlined; original wording to be removed struck out; proposed wording ‘as is’ (i.e., no underlining, highlighting, etc.)):

Repeat Policy

~~In general, students may only receive credit once for completion of a course unless the course description states otherwise. Undergraduate students may repeat a course to improve their GPA under certain conditions. Graduate students may only repeat graduate courses with written permission from the advisor and approval of the Dean of the Graduate College.~~

A student may repeat any of the courses that he or she has taken at Missouri State University. All attempts at the course and the grades earned (including those resulting in N, I, and Z) appear on the transcript. The grade from the most recent attempt at the course (though not an N, I, or Z) will be the one that counts in GPA calculations. For example, if a student takes the course four times and gets a D, B, C, and N, in that order, then the C would be their official grade that would be used when calculating the student’s grade point average. Also, a course that has been repeated will only be counted once in the student’s total credit hours earned.

The repeat policy is applicable to transfer credit as well as credit earned at Missouri State. For example, if a student earns a C (~~D~~) in a course at Missouri State and repeats an equivalent course at another institution, the C (~~D~~) will be removed from the calculation of the Missouri State GPA per the policy described below. The transfer grade, however, will be included only in the transfer and combined grade point averages. Transfer credit is evaluated and recorded only if students enroll at Missouri State subsequent to completion of such credit. See Grade Equivalencies in the “Transfer Credit Policy” section of the catalog for further information.

Students should also be aware that even though a course prefix, number, and/or title changes, it is still considered the same course for repeat policy purposes. Number and prefix changes are shown in the catalog for a minimum of five years. The Office of the Registrar maintains the complete listing of course prefix and number changes and should be contacted for such questions.

Students should also be aware that many graduate and professional schools recalculate GPAs taking into account every grade that appears on a transcript.

Students who are receiving financial aid must consider the impact of repeating classes on their eligibility for financial aid for future semesters. While repeated courses are counted when determining a student's enrollment status and annual satisfactory progress, students who fail to progress toward graduation (i.e., by increasing total hours earned) may exhaust their aid eligibility prior to graduation.

~~Courses can be repeated as follows.~~

~~Repeat of D or F or NP or XF grade:~~

~~The first repetition (second time taken) of the course replaces the original D or F grade in all grade point average computations from the time of the repetition. The original grade will continue to appear on the academic transcript with a comment of "R" for repeated and will be removed from the GPA calculation upon completion of the repeated course. A repeat of a NP grade will also have the comment of "R" and will remain on the academic transcript, however the original NP grade has no GPA effect to be removed. The repetition of the course will have a comment of "RD" for Repeat of D grade, or "RF" for Repeat of F or XF grade, or "RQ" for Repeat of NP grade; as appropriate.~~

- ~~• If the first repetition results in a D grade, a student may NOT repeat the course again without first obtaining Special Permission to repeat (see below).~~
- ~~• If the first repetition results in an F grade, the student loses credit if the original grade was a D. The F grade will remain in the GPA calculation even if it is subsequently repeated again. The subsequent repeat does not require special permission.~~
- ~~• If the first repetition results in a NP grade, there will be no GPA effect and no special permission is required for subsequent repeats. Only courses graded Pass/Not Pass only fall into this category as the Pass/Not Pass option is not allowed on a course that is taken to repeat a previous D or F grade (see [Pass/Not Pass regulations](#)).~~
- ~~• On occasion, the credit hours of a course may change. When such a course is repeated the original credit hours and grade points are removed from the GPA and the current credit hours and grade points will be accumulated into the GPA.~~
- ~~• Students should be aware that material covered in variable content courses may not be offered again, or a particular course may be discontinued. In such cases whereby the student may not have the opportunity to repeat a course where a D or F grade was received, a department head *may* authorize a similar course to be used for the subsequent repeat by submitting Authorization To Repeat Form to the Office of the Registrar. Such authorization must be granted in advance of when the course is to be taken.~~

~~Special permission to repeat a C or better grade, or a second repeat of a D grade:~~

~~With **advance** written permission of the head of the department in which the course is to be taken, a student may repeat a course in which a grade of C or better has been received, or a course in which the repetition resulted in a D grade. Such a course will have a comment of "SP" posted~~

to the academic transcript. This repetition will be accumulated into hours attempted and grade points so as to have a GPA effect. It will **not** be accumulated into hours passed. However, the hours will count for enrollment status purposes. **Previously earned grade(s) will remain in the GPA calculation.**

An Authorization to Repeat Form indicating approval for such a repeat must be received and processed by a staff member in the Office of the Registrar or it will be considered an invalid repeat and will not be counted toward hours passed or GPA.—

Permission to exceed the repeatable limit of a course:

With **advance** written permission of the head of the department in which the course is to be taken, the repetition of a course will be accumulated into hours attempted, hours passed, and grade points and will have a comment of “EL” for Exceeded Repeatable Limit posted to the academic transcript. An Authorization to Repeat Form indicating approval for such a repeat must be received and processed by a staff member in the Office of the Registrar or it will be considered an invalid repeat and will not be counted toward hours passed or GPA. This option may only be used under the following conditions:

- 1.—Variable content course that allows repeats, but the student has exceeded the repeatable limit.
- 2.—Courses completed over 8 years ago and are disallowed toward program completion requirements.
- 3.—Course content has changed substantially either due to passage of time or due to changes to course content or course number.
- 4.—Course is not repeatable but is a 500 level course that is required to be completed for both an undergraduate and a graduate degree program.—

Invalid Repeat

Any repetition of a course outside of the parameters listed above will be considered an invalid repeat. A grade may be earned and posted to the academic transcript, however, the credit hours and the grade points will *not* be accumulated into student totals and will *not* affect GPA. Such a course will have a comment of “IR” for Invalid Repeat.

Senate Action 4-08/09

Adopted by Senate on May 8, 2008

Right of Challenge Expires June 26, 2008

SENATE ACTION ON PROPOSED REVISIONS TO THE FACULTY HANDBOOK

Whereas, the Faculty Handbook Revision Committee, in accordance with the *Faculty Handbook* (Section 15, Amendments) has considered revisions to Sections 3, 4, 5, and 9 of the *Handbook*;

Whereas, the Faculty Handbook Revision Committee has recommended the attached revisions to Sections 3, 4, 5, and 9 of the *Handbook*;

Therefore, Be it Resolved, That the Faculty Senate recommends the adoption and implementation of the attached proposed revisions to the *Faculty Handbook* beginning with the Fall 2008 semester.

Senate Action on Proposed Revisions to the *Faculty Handbook*

Whereas, the Faculty Handbook Revision Committee, in accordance with the *Faculty Handbook* (section 15, Amendments) has considered revisions to Sections 3, 4, 5, and 9 of the *Handbook*;

Whereas, the Faculty Handbook Revision Committee, has recommended the attached revisions to Sections 3, 4, 5, and 9 of the *Handbook*;

Therefore, be it resolved, That the Faculty Senate recommends the adoption and implementation of the attached proposed revisions to the *Handbook* beginning with Fall semester, 2008.

04-01-08

Proposed Revisions to Handbook Sections 3, 4, 5, & 9 (contains both new text & text to be deleted). 04-01-08

3.2 Definitions

In this Faculty Handbook the following definitions are used:

Ranked faculty refers to tenure-track/tenured faculty holding the rank of Assistant Professor, Associate Professor, ~~Professor~~ or Distinguished Professor. [Instructors and Research Faculty employed prior to January 1, 2007 shall retain the status of ranked faculty.]

Research refers to the production and formal communication of creative scholarly works. Specific modes of research include discovery, application, synthesis, criticism, and creation. Refer to Section 4.2.2.

Service (when used to identify one of the three basic areas of faculty responsibility) means the contribution of a faculty member to the effective functioning of the University as an institution, to the effective functioning of professional and learned societies, and the contribution of professional expertise by a faculty member to the civic community. Service is defined more fully in Section 4.2.3.

Tenure means the status granted (after a probationary period, except as specified in Section 3.8.2) to a ranked faculty member protecting him or her from arbitrary dismissal. Tenure gives the faculty member the contractual right to be reemployed for succeeding academic years until he or she resigns, retires, is dismissed for cause, is separated pursuant to a reduction in force, or is unable to perform the duties of the position or dies, but subject to the terms and conditions of employment that exist in this Faculty Handbook and in future editions of the Faculty Handbook as amended.

Terminal degree refers to an earned doctorate in the individual's discipline or such other degree standard established by the specific profession/discipline and approved by the appropriate college Dean and the Provost. A faculty member with an acceptable terminal degree in one discipline who transfers to another discipline within the University shall be considered as having a terminal degree in the transfer discipline regardless of the designated terminal degree in the transfer discipline.

Rank refers to the designation of traditional tenure-track academic ranks of Assistant Professor, Associate Professor, Professor, and Distinguished Professor. Faculty hired as Instructors prior to January 1, 2007, also hold academic rank.

Unranked faculty refers to faculty in non-tenure track positions

Tenure-track faculty refers to faculty members appointed to tenure-track positions that lead to tenure upon successful completion of a probationary period and to faculty who have been awarded tenure. Refer to Section 3.4 for tenure-track positions. Appointment to a position with academic rank is not synonymous with appointment to a tenure-track position.

Probationary faculty refers to faculty appointed for a stated term to a tenure-track position with provisions for review and renewal at the end of the appointment term and designed to lead to a tenure decision at the end of the probationary period. Notice of non-reappointment shall be provided according to Section 3.11.

Nonrenewal of contracts refers to a decision (a) not to offer Instructors and other non-tenured faculty or part-time faculty members a contract for a subsequent term, semester or year, or the denial of reappointment of probationary tenure track faculty or (b) the denial of tenure for such faculty members. The nonrenewal of such contracts is not the equivalent of "termination of employment," which is defined in Section 13.2.2.

Non-Tenure Track refers to faculty members appointed to positions that are not eligible for tenure consideration. Refer to Section 3.6 for non-tenure track positions.

Promotion refers to a progression within an appointment series (tenure-track, clinical, research) following fulfillment of criteria and review as specified in departmental promotion documents,

Greenwood documents, and the Faculty Handbook. Refer to Sections 3.4 and 3.6 for specific tenure-track and non-tenure track faculty appointments. Promotion is accompanied by an increase in base salary.

Years of academic service to Missouri State University means full-time academic years of service to Missouri State University. In computing years of academic service to Missouri State University, intersession and summer teaching shall not apply, nor shall time spent on educational leave apply. Time spent on sabbatical leave will apply in computing years of academic service to Missouri State University, as well as time spent on scholarly leave, e.g., Fulbright Fellowships or National Science Foundation Fellowships.

A fraction of a year of service (ordinarily resulting from initial appointment occurring in the middle of the academic year or from a one-semester leave of absence) shall count as zero in computing years of academic service for tenure or promotion eligibility and for determining the maximum length of the probationary period.

3.3 Appointment, Rank, and Tenure

3.3.1 Introduction

The Board of Governors has the sole authority and responsibility to appoint, assign rank, promote, and grant tenure to the members of the University faculty. The ~~Provost~~ ~~President of the University~~, after consultation with appropriate members of the academic administration and faculty, shall make recommendations to the Board of Governors concerning these personnel decisions.

3.3.2 Initial Appointment Contract Letters

It is the policy of Missouri State University that all faculty of the University shall be clearly informed as to the personnel policies of the institution. These personnel policies are contained in this Faculty Handbook, and additional supplemental information related to criteria and procedures used to evaluate faculty for performance, ~~reappointment~~, ~~annual review of appropriate progress toward tenure~~, promotion, and tenure will be provided by the various colleges and departments.

The precise terms of every appointment shall be stated in the initial appointment contract letter. The conditions of appointment may vary in individual situations, but they must conform to policies stated in this Handbook. The conditions of employment for each faculty member including rank, salary, length of appointment, length of probationary period (including the last semester during which a tenure application can be made), credit for prior academic service or equivalent experience, terminal degree and tenure status, and position responsibilities and performance expectations shall be clearly stated in writing. ~~The criteria and procedures currently in use by which faculty are evaluated for performance, reappointment, tenure and promotion to the next rank, shall also be stated in writing as specifically as possible. New faculty will also be provided with a copy of the departmental tenure, promotion, and performance review guidelines in effect on the date of the hire. The criteria employed for tenure decisions will be those in the Faculty Handbook and in departmental guidelines at the time the initial appointment letter is given (see Section 4.7.7, Faculty and Department Head Procedural Agreement).~~

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3.4.1 Assistant Professor

Definition:

An academic rank of one who has demonstrated achievement or potential in the areas of teaching, research, and service appropriate to the discipline.

Basis of Appointment:

A terminal degree or equivalent as determined by appropriate department faculty with the approval of the Provost. In exceptional cases, individuals with doctoral course work complete and dissertation in progress (ABD) may be appointed with the stipulation that the degree must be completed within the first year of appointment to be specified in the contract letter. Under extraordinary circumstances, an extension can be granted with the approval of the Provost.

Tenure:

An Assistant Professor is minimally eligible to hold tenure after completing three years of academic service to Missouri State University.

Assistant Professors normally apply for tenure in their sixth year of probationary status. In exceptional circumstances, individuals may apply for tenure in their fourth or fifth year. The tenure decision shall occur at the latest during the sixth year of probationary status excepting those circumstances where the Provost has granted a temporary stopping of the tenure clock. Refer to Sections 3 and 4 for criteria for tenure and promotion.

Eligibility for Promotion:

An Assistant Professor is minimally eligible to apply for promotion to the Associate Professor rank after three years in the rank of Assistant Professor at Missouri State University. Assistant Professors normally apply for promotion in their sixth year of probationary status. In exceptional circumstances, individuals may apply for promotion in their fourth or fifth year.

Criteria for Tenure and Promotion:

In addition to meeting years-of-service requirements, those seeking tenure and/or promotion must have demonstrated sustained effectiveness in teaching, peer-reviewed scholarship, research or creative activity, and service as defined in the Assistant Professor rank. (Refer to Sections 3 and 4 for criteria for promotion.) It is assumed that a faculty member hired as an assistant professor will concurrently seek tenure and promotion. Faculty hired before January 1, 2007, have the option of a six- or seven-year probation period.

3.4.2 Associate Professor

Definition:

An academic rank of one who has demonstrated a sustained record of effectiveness in teaching, peer-reviewed scholarship, research, or creative activity, and service appropriate to the discipline.

Basis of Appointment:

Any of the following: (1) promotion from the rank of Assistant Professor or (2) terminal degree and a minimum of four years of experience equivalent to academic service to Missouri State University in the rank of Assistant Professor.

Tenure:

Individuals who are promoted to the Associate Professor rank retain the same tenure eligibility which they had as Assistant Professors.

Individuals whose initial appointment is to the Associate Professor rank must apply for tenure by their fourth year of probationary status, excepting those circumstances where the Provost has granted a temporary stopping of the tenure clock. In exceptional circumstances, individuals may be granted tenure earlier than their fourth year. Refer to Sections 3 and 4 for criteria for tenure.

Eligibility for Promotion:

Associate Professors are eligible to apply for promotion after five years of academic service to Missouri State University in the rank of Associate Professor. In exceptional circumstances, individuals may be granted early promotion. ~~The criteria to be utilized for promotion from Associate Professor to Professor are those in place at the time the individual is appointed to Associate Professor.~~ Faculty have the option of using the most current version of promotion criteria. Refer to Sections 3 and 4 for criteria for promotion. However, Faculty have the option of using the most current version of promotion criteria. Refer to Sections 3 and 4 for criteria for promotion.

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3.6 Non-Tenure Track Academic Positions

Persons who hold non-tenure track positions are given term appointments which automatically terminate upon the expiration of the specified term. Non-tenure track appointments may be given annual or multi-year ~~contracts~~ ~~contracts~~ as determined by the program/department with approval of the Dean and the Provost. No notice of non-reappointment is given, and reemployment of the employee after the conclusion of the contractual term is solely within the discretion of the University. Non-tenure track faculty members are not eligible for tenure, educational leave, or sabbatical leave. With the exception of visiting Professors, time spent in a non-tenure track position does not count towards tenure eligibility if the individual later applies for and is appointed to a tenure-track faculty position. Non-tenure track faculty must be qualified by academic or practical experiences appropriate for the responsibilities assigned. A Master's degree or higher is preferred. All non-tenure track academic positions have the same right to academic freedom accorded tenure-track faculty.

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3.9 Prior Service and the Probationary Period

Beginning with appointment to a tenure-track position, the probationary period at Missouri State University shall not exceed seven academic years. Credit toward the probationary period may be granted for prior full-time service to Missouri State University or to other regionally accredited baccalaureate-degree-granting institutions of higher education (or the equivalent as determined by the Provost) equivalent to service to Missouri State University. Credit for previous service is specified in the initial appointment letter. If no credit is specified, none is given.

Time spent in scholarly leave will count as part of the probationary period. In all cases, tenure decisions are made ~~by~~ in the year preceding the final probationary year.

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3.11 Notice of Non-Reappointment of Tenure-Track Faculty During the Probationary Period

Non-reappointment decisions will be reached according to procedures described in Section 4 Faculty Evaluations.

Notice of ~~nonrenewal of contract~~ non-reappointment, or of intention not to recommend ~~renewal of contract~~ reappointment to the President, shall be given in writing by the Provost in accordance with the following standards:

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4.2.1.3 Documenting Teaching Effectiveness

There are two primary components to documenting teaching effectiveness: Instructor inputs and student outcomes. Everything that contributes to or derives from a teaching/learning experience should address one or more of the criteria above. The following table identifies input/output elements and possible sources for documentation. The table below is not prescriptive, but offers faculty examples of ways to document teaching effectiveness. Student teaching evaluations can only be used for a maximum of 50% of the weight of evaluation in this area. Departments can refine these suggestions as appropriate for specific disciplines and a faculty member's specific job assignment. Only department and college administered hardcopy or online student evaluations may be used in the evaluation of reappointment, annual review of appropriate progress toward tenure, tenure review, promotion, and annual performance review.

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4.5.4 General Policies [see new section 9.7]

4.5.4.1 Use of Copyrighted Materials

~~Faculty members should be aware of both laws and ethical responsibilities that govern the use of copyrighted materials. Legal responsibility for the use of such materials rests with the individual faculty member who, consequently, should remain informed about current copyright law.~~

~~To secure the benefits of ownership to creators of intellectual property, the United States and other nations severely restrict the right to make copies of another person's work. Violation of copyright law carries substantial penalties that may extend to the University and to businesses such as copy shops. However, copyright law compliance is often difficult because of the complexity of the rules governing infringement, "fair use," and permissions.~~

~~In general, copyrightable expression is original authorship, fixed in a tangible medium. Among the types of work protected by copyright are literary productions, musical notation and recorded music, pictures and graphics, motion pictures and video footage, databases, web pages, and computer programs.~~

~~Faculty members should assume that all material is copyrighted unless its source states clearly that it is not. Under Section 107 of the Copyright Act of 1976, the doctrine of "fair use" permits~~

~~some reproduction of copyrighted works for educational purposes without the permission of the copyright owner. This doctrine of "fair use" is subject to limitations. The law permits use of a portion of a work without the copyright owner's permission for purposes such as teaching, research, criticism, and comment. Four criteria must be considered when determining whether a faculty member is making "fair use" of a copyrighted work: (1) purpose; (2) the nature of the work; (3) the percentage of the work used; and (4) the effect of the use on the work's market value.~~

~~New technologies, especially those related to computers and computer networks, raise novel copyright issues. Under most circumstances, faculty members cannot transfer works from one medium to another without securing permission from the copyright holder. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the faculty (refer to Section 3.1.1).~~

~~Faculty members are required to secure permission for use that falls outside of the standards of "fair use" and "educational use exemptions." Such permission must be in writing. Because computer software falls under copyright law, faculty members should be aware of specific licensing agreements that control particular programs. A program user should consult the license agreement to determine whether copying a particular program or data set is permissible.~~

~~Each faculty member is responsible for determining whether permission must be obtained before reproducing a copyrighted work. Duplication of computer software by University personnel is limited to that which is explicitly permitted by the software vendor.~~

~~Faculty members should not be deterred from using copyrighted work simply because they are uncertain about the law which applies to a particular use of such works. To prevent conflict between legal restrictions and effective teaching, Missouri State University provides a variety of information resources about copyright. Faculty members seeking general guidance for making decisions in this area may consult the documents *Reproduction of Copyrighted Works by Educators and Librarians*, (<http://www.copyright.gov/circs/circ21.pdf>); *Fair Use Guidelines for Educational Multimedia*, (http://www.copyright.gov/reports/de_rprt.pdf); or *Complete Copyright: An Everyday Guide for Librarians* (KF2995 .C57 2004) which are available in Meyer Library. Other sources for such information include:~~

- ~~1. Copyright information is also available on the Libraries' Copyright, Fair Use & Intellectual Property Rights resource page (<http://library.missouristate.edu/resources/copyrite.shtml>). Librarians in Meyer Library can direct faculty members to resources that might answer particular questions.~~

~~2. The Textbook Buyers in Baker Bookstore can provide useful advice and direction about using copyrighted material and can assist in securing permissions for printed materials.~~

~~3. Academic Outreach provides help in obtaining clearance for the use of copyrighted materials for Missouri State University online courses.~~

~~Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.~~

4.5.4.2 Sale of Faculty or Departmental Materials

~~Instructional materials prepared by departments or faculty members for student use may be given to students but may not be sold, except through the University Bookstore or a commercial bookstore or printshop. No faculty member or department may profit financially from such sales though reasonable provisions for recovery of direct costs is allowed, and the faculty member or members involved must assume any liability resulting from copyright infringement associated with sales through commercial outlets. If members of the faculty prepare materials to be printed and sold in the University Bookstore, they must abide by the following principles:~~

~~1. Because copyrighted materials must not be included in such materials in any form without proper authorization and acknowledgment, the faculty member must certify either that no copyrighted materials have been included in the materials to be printed, or that appropriate arrangements with owner(s) of the copyright(s) have been made, and that an appropriate statement of credit has been included in the text for each portion of copyrighted material used therein. Finally, a copy of each arrangement for use of copyrighted material must be attached to the request for printing of said materials.~~

~~2. Because the Bookstore cannot recover the costs of printing such materials that remain unsold, the faculty member must provide certain information to the Bookstore in advance of the printing of such materials. He or she must specify the course for which the materials are to be printed, the number of students anticipated, whether the materials are required or recommended, and how the printing costs for unsold copies will be recovered by the Bookstore. The Department Head and the college Dean must approve the request for printing.~~

~~Requests for the printing of faculty prepared materials to be sold by the Missouri State University Bookstore must be made on a form available in the Missouri State University Bookstore.~~

4.6 Faculty Performance Evaluation Process

All full-time faculty members participate in regularly scheduled performance reviews. For probationary faculty, annual reviews are completed for the purpose of ~~annual appointment, performance review, pre-tenure review, evaluating appropriate progress toward tenure, tenure review, and promotion review,~~ as well as yearly performance review. ~~For tenured~~ Tenured faculty, the biennial review is carried out independent of personnel-related applications ~~participate in an annual performance review, and, as appropriate, promotion reviews.~~ Ideally, each ranked faculty member should be evaluated no more than once annually.

The Provost will publish in the annual Academic Work Calendar a university-wide timetable for all academic personnel decisions. All reviews occur according to this schedule. Faculty members shall submit application and/or review materials for reappointment, ~~annual review,~~ tenure, promotion, and performance review to the department by the department-specified deadline that is based on the Academic Work Calendar. (Faculty who begin in January will be formally evaluated for the first time in ~~spring~~ of their first full academic year of employment). Each department is expected to have a personnel committee and a published set of personnel guidelines as described in Section 4.7.4. (It is to be understood that all policies and procedures described herein for departments apply to any academic unit that has primary faculty evaluation responsibilities, for example, a school.) Each department is expected to create and use a "paper trail" of annual ~~recommendations~~ evaluations, and when appropriate, ~~recommendations,~~ in the tenure/promotion, promotion, and annual ~~appointment~~ review process.

~~Annual appointment, review of progress toward tenure, required performance evaluations, pre-tenure, tenure and promotion reviews, as well as annual performance reviews,~~ proceed through a series of ~~recommendations~~ formal evaluations and recommendations beginning with the departmental personnel committee (herein referred to as the personnel committee). The personnel committee forwards its ~~evaluation and~~ recommendation to the Department Head. The Department Head forwards his or her ~~evaluation and~~ recommendation along with the department committee ~~evaluation and~~ recommendation to the Dean of the College. The Dean makes a recommendation for ~~annual appointments,~~ on reviews of progress toward tenure, required performance evaluations, and ~~pre-tenure/promotion reviews~~ and sends a list of all ~~reappointments and non-reappointments~~ required actions with appropriate documentation to the Provost. For tenure and promotion, the Dean forwards his or her recommendations along with all previous recommendations to the Provost. The Provost makes the final recommendation for tenure and promotion decisions to the President and the Board of Governors.

Discussions and/or negotiations will occur in those cases where the recommendations are not acceptable to the higher-level administrator. In instances of disagreement between the personnel committee and the Department Head, there shall be a good faith effort to resolve

these differences. In all tenure and promotion cases where the recommendation of the Department Head, Dean, Provost, or the President differs from that of the departmental personnel committee, the administrator initiating the change shall state in writing to the affected faculty member, the departmental committee, and other involved administrators, compelling reasons why he or she cannot agree with the original recommendation.

Throughout the entire process, confidentiality of information must be maintained. Faculty members at every level of decision-making must assume personal responsibility to ensure confidentiality is not violated.

4.6.1 Annual Appointment Reviews for Probationary Faculty

Annual Reviews are conducted for probationary faculty to assess appropriate progress toward tenure. Probationary faculty members initiate this process by submitting relevant materials to the chair of the departmental personnel committee by a date specified by the committee. The Department Head shall not be a participant in the voting or deliberations of the departmental committee. The personnel committee will annually assess the probationary faculty member's cumulative record as he or she progresses toward the tenure decision year, and will specify in writing one of three outcomes:

1. that progress toward tenure/promotion is satisfactory
2. that progress toward tenure/promotion is questionable, identifying areas for improvement and providing specific suggestions
3. that progress toward tenure/promotion is unsatisfactory, providing specific rationale

In all cases the committee will provide clear feedback, identifying areas for improvement, making specific suggestions or recommendations regarding continued appointment or non-renewal, and provide appropriate rationale in the event the committee recommends non-renewal.

The personnel committee will make the initial recommendation and forward its annual evaluation with any accompanying recommendations, the recommendation for a one-year reappointment, two-year reappointment, or for non-reappointment with and the dossier of materials to the Department Head, who will then add his or her evaluation and recommendation in the case of nonrenewal, and forward both recommendations the evaluation, with any accompanying recommendations, and the dossier to the Dean. The Dean will make his or her evaluation and accompanying recommendation in the case of nonrenewal, for annual appointment and notify the Provost of all reappointments and non-reappointments. The Provost may elect to review any annual appointment evaluation and recommendation. Copies of all three recommendations evaluations and any accompanying recommendations shall be provided to the candidate.

For the purpose of acknowledging that they have been received, the candidate must undersign the recommendations evaluation from the committee, the Head/Director, and the Dean before they are forwarded. Signing the recommendation evaluation does not imply that the candidate endorses all that is stated therein. The candidate may append a response before the recommendation evaluation is forwarded (this response will remain attached throughout the recommendation evaluation process). The schedule of annual appointments is in accordance with the AAUP "Standards for Notice of Nonreappointment."

First-year faculty: appointed continuation of appointment to a second year or notified of non-reappointment by March 1 of the first year

Second-year faculty: appointed continuation of appointment to a third year or notified of non-reappointment by December 15 of the second year of service

Third-year faculty: appointed continuation of appointment to a fourth year or notified of non-reappointment 12 months before expiration of the appointment

Fourth-year faculty: appointed continuation of appointment to a fifth year or notified of non-reappointment 12 months before expiration of the appointment

Fifth-year faculty: appointed continuation of appointment to a sixth year or notified of non-reappointment 12 months before expiration of the appointment

Sixth-year faculty: tenured or notified of non-reappointment 12 months before expiration of appointment

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4.6.2 Tenure/Promotion Review (Promotion from Assistant Professor to Associate Professor Rank)

4.6.2.1 Pre-Tenure/Promotion Review

Three years prior to the final date on which a faculty member is to be considered for tenure, the personnel committee and the Department Head will conduct a pre-tenure review, and each will specify in writing to the probationary faculty member one of the following three outcomes:

1. that progress toward tenure/promotion is satisfactory

~~2. that progress toward tenure/promotion is questionable, identifying areas for improvement and providing specific suggestions~~

~~3. that progress toward tenure/promotion is unsatisfactory, providing specific rationale~~

~~The faculty member prepares a complete tenure dossier which may include external review according to departmental guidelines. This review will constitute that year's annual reappointment performance review and proceeds as indicated in the reappointment flow chart above. Copies are maintained by the department, forwarded to the Dean and provided to the candidate, who must undersign to indicate receipt of the evaluation.~~

4.6.2.2 Tenure/Promotion Review (Promotion from Assistant Professor Rank to Associate Professor Rank)

In most cases, a probationary faculty member must apply for tenure/promotion no later than the sixth year of employment (except when the tenure clock has been temporarily stopped) to remain employed beyond the seventh year. In cases where the faculty member ~~has negotiated negotiates~~ for a shorter probationary period, the final tenure application year is specified in the faculty member's initial letter of employment. ~~Candidates denied tenure by the Provost in the final year for application are not permitted to reapply. Candidates who apply for early tenure (i.e., in a year prior to the final year for application as stated in the faculty member's initial letter of employment) may reapply up to and including the final year to apply.~~ Although faculty hired at mid-year may "count" all work accomplished since the date of hire, the tenure clock for them begins the following August, unless otherwise negotiated. Individuals whose initial appointment is to the Associate Professor rank must apply for tenure by the fourth year of their probationary status except in those circumstances where the Provost has granted a temporary stopping of the tenure clock.

~~The faculty member prepares a complete tenure/promotion dossier, and forwards it to the chair of the departmental personnel committee. The tenure/promotion dossier will include external reviews gathered according to departmental guidelines, and inserted by the department head.~~ The process for tenure/promotion review follows the steps of the annual ~~appointment probationary~~ review until it gets to the Dean. When the Dean completes his or her recommendation, all recommendations and rationales and a current vita are forwarded to the Provost for review. Supporting materials are forwarded as far as the Dean's office; they are forwarded beyond the Dean's office at the request of the Provost. The Provost makes a final recommendation that is forwarded to the President and the Board of Governors for approval. At each stage of evaluation, the candidate will be given a copy of the recommendation and the written rationale for the recommendation. At each subsequent stage, a copy of the recommendation including probative rationale and any appended rebuttals from the candidate

will also be furnished to the personnel committee for its information and records. ~~A~~ The candidate ~~for tenure/promotion~~ may choose to withdraw the application from consideration at any stage of the process.

4.6.3 Promotion Review (Promotion from Associate Professor Rank to Full Professor Rank)

4.6.3.1 Pre-Promotion Review

Tenured faculty members may request a pre-promotion review one to two years prior to application for promotion. This review is optional, and the decision not to request a pre-promotion review does not preclude a favorable review at the time of application for promotion.

The personnel committee and the Department Head will specify in writing to the requesting faculty member one of the following three outcomes:

1. that progress toward promotion is satisfactory
2. that progress toward promotion is questionable, identifying areas for improvement and providing specific suggestions
3. that progress toward promotion is unsatisfactory, providing specific rationale

4.6.3.2 Application Process for Promotion

The faculty member prepares a complete promotion dossier ~~that may include external review according to departmental guideline, and forwards it to the chair of the departmental personnel committee. The tenure/promotion dossier will include external reviews gathered according to departmental guidelines, and inserted by the department head.~~ This review ~~may complement the annual~~ ~~replace a biennial~~ performance review and proceeds as indicated in the ~~reappointment appointment~~ flow chart above (4.6.1). Copies are maintained by the department, forwarded to the Dean and provided to the candidate, who must undersign to indicate receipt of the evaluation.

4.6.4 Performance Review of Probationary Faculty, and Instructors

Performance evaluations shall be conducted annually for all probationary ~~full-time~~ faculty and ~~instructors~~. The Department Head shall seek the written input of the departmental personnel committee on each faculty member and recommend a composite rating to the Dean of the college in which the department is located. The Dean shall either endorse or modify the recommended rating. In instances where the Dean modifies the rating, the Dean must provide a compelling rationale for the change in writing to the Department Head, to the departmental personnel committee, and to the affected faculty member.

At least five numerical or categorical ratings are to be used. The ratings are to be designed to recognize both outstanding and unsatisfactory performances as well as those appraised as degrees of good or satisfactory. Each department shall develop a clear set of expectations for satisfactory performance in the categories of teaching, research, and service.

A faculty member may appeal the performance rating to the College Compensation Committee (refer to Section 5).

4.6.5 Work Assignment Negotiation

Work assignments are negotiated between the faculty member and the Department Head at the time of the annual ~~or biennial~~ review (if ~~if~~ a ~~change in a~~ work assignment change is needed before a review is done, the Department Head will negotiate that change with the faculty member). In making an appropriate assignment, the Department Head will take into consideration the needs of the department, and the professional objectives and recent productivity of the faculty member. The Department Head must make assignments within the parameters set by the University for expected workloads.

4.7 Evaluation-Related Policies

4.7.1 Applicant's Rights and Responsibilities

All faculty evaluations are based on university-level criteria and the guidelines and expectations specified in departmental and college documents and any specific contractual agreements that may exist.

Faculty applying for tenure will be evaluated according to their performance in accumulated assignments since employment at MSU unless otherwise negotiated at the time of initial employment. Faculty applying for promotion will be evaluated according to performance in present rank. If credit towards promotion is given for years in prior assignment, corresponding professional activities during those years of credit shall be considered in the promotion review process as long as they are contiguous to present assignment.

4.7.2. Applicant's Responsibilities.

Each faculty member making application is responsible for assembling evidentiary documentation, for making the case in support of the application, and for submitting materials according to established format and deadlines. The faculty member shall have access to all materials submitted to the head. Recommendations at each level will be based upon data supplied by the candidate as well as that collected by the department, such as student evaluation results. ~~It is expected that external reviews will be solicited from comparable institutions to aid each tenure/promotion decision.~~

It is expected that external reviews, based on departmental guidelines, will be solicited from comparable institutions by the department head to aid each tenure/promotion or promotion decision. External reviewers will be identified collaboratively by the faculty member and the Department Head working with the personnel committee. The Department Head is responsible for obtaining a sufficient number of reviews. The absence of review will not be allowed to prejudice the tenure or promotion candidacy of the faculty member.

4.7.2 3 Departmental Personnel Committees

Departmental personnel committees are made up of all tenured faculty members in the department and serve as the initial evaluating body for all departmental faculty evaluations. The term personnel committee is understood to mean the departmental committee responsible for these evaluations. The personnel committee may designate subcommittees for specific assignments as described in its departmental guidelines. (In the event that the department has fewer than five tenured faculty members, additional tenured faculty members from the college may be appointed by the Dean to a total number of five. In such cases, the Department Head and the faculty applicant will submit a list of possible committee members for the Dean's consideration and appointment). The committee selects a chair that is responsible for working with the head to establish and communicate internal application deadlines. The chair convenes the committee's meetings and generally is responsible for writing personnel recommendations based on the deliberations of the committee. The personnel committee operates as an autonomous faculty body, and therefore the Department Head shall not participate in personnel committee proceedings or make decisions regarding its composition or actions. Tenured faculty members who have administrative assignments that require them to participate in personnel review at a higher level shall not participate in personnel decisions within his or her home department. A faculty member with a potential conflict of interest (usually evaluating a spouse) should not participate in the evaluation process for annual appointment, tenure, or promotion. Inappropriate actions by individuals on the committee should be addressed by the committee chair and/or members of the personnel committee.

The candidate's credentials and/or application will be presented to the chair of the personnel committee, who will undertake the security of the application dossier. At the time of evaluation for annual appointment, review of appropriate progress toward tenure, required performance reviews, promotion or tenure, the personnel committee will have access to the candidate's current vita as well as all prior personnel reviews generated by the Department Head and personnel committee. Additional materials, supporting teaching, research, and service, may be requested by the personnel committee.

A personnel committee of tenured faculty members shall make the original recommendations in all cases involving annual appointment, review of appropriate progress toward tenure, promotion or tenure. If there is a personnel subcommittee, it will present its recommendations to the full tenured faculty, whose vote will establish the departmental faculty recommendation for a personnel action. When an applicant is being considered for promotion, only those tenured faculty members who hold a rank equal to or above the rank for which the candidate is applying

shall participate in the decision-making process. If there is a split vote among tenured faculty, the minority may file a report, signed by each member of the minority, which will be forwarded with the majority decision.

In instances of disagreement between the personnel committee and the head, there shall be a good faith effort to resolve these differences. If resolution is not possible, the Department Head must offer in writing compelling reasons for disagreeing with the committee's recommendation before advancing his or her recommendation to the Dean.

4.7.3.4 College Personnel Committees.

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4.7.4.5 Departmental Personnel and Governance Documents

All departments, schools and other academic divisions with faculty evaluation responsibilities must maintain current personnel and governance documents that are fully compliant with the University Faculty Handbook. All recommendations within the review process must adhere to the standards and requirements identified in the departmental documents. Departmental documents minimally must contain the following:

1. Specific guidelines or expectations for tenure, promotion and annual appointment review of appropriate progress toward tenure; the policy must contain a progression of expectations, e.g., minimal expectations for annual appointment are not sufficient for tenure or promotion
2. Departmental personnel committee structure, rules and procedures
3. Required and recommended materials for application dossiers
4. Required format
5. Generic calendar specifying approximate dates of submission and review for all actions
6. A statement regarding policies for adding materials to the application dossier after the departmental deadline must be addressed in the departmental guidelines
7. Faculty mentoring policies
8. Policies and procedures for required performance evaluations for tenure track faculty
9. Policies and procedures for evaluating non-tenure track faculty
10. Descriptions of all other self-governance policies and procedures within the department, school or program, including procedures for amending the governance document itself

The tenure and promotion document of each department shall be reviewed by a departmental committee at least every three years. This review is to ensure that the guidelines appropriately reflect the goals and mission of the department and remain in compliance with the criteria, goals and mission of the University community. The departmental review committee will first forward the reviewed document with or without changes to the departmental faculty for approval. Upon

receipt of faculty approval, the document will 1) be forwarded to the Department Head for review; 2) after review of Department Head forwarded to the Dean for review; 3) and after review of Dean forwarded to the University Committee on Tenure and Promotion. The University Committee on Tenure and Promotion shall forward the document to the Provost for final approval. A department's tenure and promotion guidelines are under the purview of the departmental faculty. If compelling reason or explanation is provided (by the Department Head, Dean, or upper administration) to the faculty for modifications, it is the responsibility of the departmental faculty to consider suggested modifications, and for all parties to make a good faith effort to work collaboratively in achieving resolution. Administrators' recommendations should be based on issues of compliance and clarity.

Specifically, all departmental policies must meet the following requirements:

1. The department's personnel and governance document shall be presented in writing to the candidate at the time of employment. If it is expected that some of these criteria will be met at different points in a faculty member's career, the timetable must also be placed in writing with notification given to the Office of the Provost and Office of Human Resources.
2. The guidelines shall be appropriate to the discipline, achievable, and consistent with university criteria.
3. Promotion to a higher faculty rank requires documentation of sustained performance within rank at the level required by the University. Distinctions between performance expectations for the various ranks must be clearly and specifically stated in writing.
4. Only verifiable job performance indicators are valid considerations for personnel decisions.
5. Departmental guidelines will emphasize performance outcomes, meeting clearly stated goals and objectives and professional achievements. Guidelines shall be specific so that they can be applied consistently within a department.
6. Differential research guidelines may be applied to faculty members within a department whose professional specialties differ substantially in construction and delivery, as long as they do not disadvantage one group over another. For example, studio artists would generally be held to a different set of performance measures than art historians in the same department.

4.7.5-6 Documentation

Both the faculty member and the Department Head shall maintain complete documentation for all aspects of the review of that faculty member's promotion, tenure, and annual appointment. ~~review of appropriate progress toward tenure~~. This requirement shall begin at the date of employment.

Documentation shall include, but not be limited to, letters of understanding at the time of hire; applicable departmental guidelines signed by faculty member and Department Head; participation in teaching improvement activities; any recommendations made by departmental personnel committees prior to the final review; previous annual reviews, required performance

reviews, and annual letters from the Department Head; summaries of all teaching evaluations; committee assignments and results; proposals written or grants received; and other scholarly/creative activities.

At the time of evaluation for required performance reviews, promotion, tenure, or annual appointment review of appropriate progress toward tenure, the candidate shall submit to the personnel committee a current vita as well as all the documentation that has been maintained up to that time. Additional materials supporting teaching, research, and service activities may also be submitted as required by the department/school/college. The personnel committee shall have access to all information to be used in the decision regarding teaching, research, or service.

4.7.6 7 Faculty and Department Head Procedural Agreement

Each department shall supply new faculty with a copy of the departmental tenure and promotion guidelines in effect on the date of hire. During the first month of full-time employment, the new faculty shall meet with the Department Head and review the tenure and promotion document to ensure understanding of expectations and governing procedures. Clarifications of expectations emanating from the meeting shall be noted on the guideline document. Both the faculty and Department Head shall sign off on the guidelines, and this will be placed in the faculty member's personnel file. The signed guidelines should be provided for the faculty member's records. In the event that a department's tenure guidelines change during the time probationary period of a faculty member pursuing tenure and/or promotion, the faculty member has the right to remain within the domain of the guidelines under which he or she was hired or elect to be evaluated with the new guidelines. If it is the desire of the faculty member to be evaluated with the new guideline document, the signed guidelines shall be amended to reflect the change and a copy provided to the faculty member. A tenured faculty member pursuing promotion may remain within the domain of an earlier set of promotion guidelines provided they are no more than five years old at the time the faculty member applies for promotion.

Should the negotiated faculty workload change subsequent to the original agreement, this amendment to the faculty member's and Department Head's procedural agreement shall be reflected in all future evaluations.

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5.3 Performance Evaluation Appeals Process

The decision-making process for assigning annual salaries should foster an open and encouraging environment for faculty performance. Accordingly, faculty evaluations shall observe the highest standards of collegiality, be based on coherent, published policy and administered fairly. To ensure transparency, faculty shall be allowed to review the departmental evaluation process and his or her resulting performance ratings as well as provide a written response to a performance evaluation. A faculty member who is dissatisfied with his/her performance rating(s) may appeal the rating(s). The faculty member's request for review, along with any supporting materials, shall be forwarded to the College Compensation Committee (CCC) which is a subcommittee of the College Personnel Committee. (Refer to Section ~~4-7.4~~ 4-7.3)

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9. Professional Issues

9.1 Prohibition of Discrimination and Harassment Policy

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9.2 Sexual Harassment

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9.3 Faculty Absences

Each department has procedures for handling and recording faculty absences. Faculty members must consult with their Department Heads regarding these procedures.

9.4 Consensual Sexual or Romantic Relationships Policy

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9.5 Drug-Free Workplace

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9.6 Use of Tobacco

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4.5.4 9.7 General Policies [see section 4.5.4]

4.5.4.1 9.7.1 Use of Copyrighted Materials

Faculty members should be aware of both laws and ethical responsibilities that govern the use of copyrighted materials. Legal responsibility for the use of such materials rests with the individual faculty member who, consequently, should remain informed about current copyright law.

To secure the benefits of ownership to creators of intellectual property, the United States and other nations severely restrict the right to make copies of another person's work. Violation of copyright law carries substantial penalties that may extend to the University and to businesses such as copy shops. However, copyright law compliance is often difficult because of the complexity of the rules governing infringement, "fair use," and permissions.

In general, copyrightable expression is original authorship, fixed in a tangible medium. Among the types of work protected by copyright are literary productions, musical notation and recorded music, pictures and graphics, motion pictures and video footage, databases, web pages, and computer programs.

Faculty members should assume that all material is copyrighted unless its source states clearly that it is not. Under Section 107 of the Copyright Act of 1976, the doctrine of "fair use" permits some reproduction of copyrighted works for educational purposes without the permission of the copyright owner. This doctrine of "fair use" is subject to limitations. The law permits use of a portion of a work without the copyright owner's permission for purposes such as teaching, research, criticism, and comment. Four criteria must be considered when determining whether a faculty member is making "fair use" of a copyrighted work: (1) purpose; (2) the nature of the work; (3) the percentage of the work used; and (4) the effect of the use on the work's market value.

New technologies, especially those related to computers and computer networks, raise novel copyright issues. Under most circumstances, faculty members cannot transfer works from one medium to another without securing permission from the copyright holder. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including

plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the faculty (refer to Section 3.1.1).

Faculty members are required to secure permission for use that falls outside of the standards of "fair use" and "educational use exemptions." Such permission must be in writing. Because computer software falls under copyright law, faculty members should be aware of specific licensing agreements that control particular programs. A program user should consult the license agreement to determine whether copying a particular program or data set is permissible.

Each faculty member is responsible for determining whether permission must be obtained before reproducing a copyrighted work. Duplication of computer software by University personnel is limited to that which is explicitly permitted by the software vendor.

Faculty members should not be deterred from using copyrighted work simply because they are uncertain about the law which applies to a particular use of such works. To prevent conflict between legal restrictions and effective teaching, Missouri State University provides a variety of information resources about copyright. Faculty members seeking general guidance for making decisions in this area may consult the documents *Reproduction of Copyrighted Works by Educators and Librarians*, (<http://www.copyright.gov/circs/circ21.pdf>); *Fair Use Guidelines for Educational Multimedia*, (http://www.copyright.gov/reports/de_rprt.pdf); or *Complete Copyright: An Everyday Guide for Librarians* (KF2995 .C57 2004) which are available in Meyer Library. Other sources for such information include:

1. Copyright information is also available on the Libraries' Copyright, Fair Use & Intellectual Property Rights resource page (<http://library.missouristate.edu/resources/copyrite.shtml>). Librarians in Meyer Library can direct faculty members to resources that might answer particular questions.
2. The Textbook Buyers in Baker Bookstore can provide useful advice and direction about using copyrighted material and can assist in securing permissions for printed materials.
3. Academic Outreach provides help in obtaining clearance for the use of copyrighted materials for Missouri State University online courses.

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

4.5.4.2 9.7.2 Sale of Faculty or Departmental Materials

Instructional materials prepared by departments or faculty members for student use may be given to students but may not be sold, except through the University Bookstore or a commercial

bookstore or printshop. No faculty member or department may profit financially from such sales though reasonable provisions for recovery of direct costs is allowed, and the faculty member or members involved must assume any liability resulting from copyright infringement associated with sales through commercial outlets. If members of the faculty prepare materials to be printed and sold in the University Bookstore, they must abide by the following principles.

1. Because copyrighted materials must not be included in such materials in any form without proper authorization and acknowledgment, the faculty member must certify either that no copyrighted materials have been included in the materials to be printed, or that appropriate arrangements with owner(s) of the copyright(s) have been made, and that an appropriate statement of credit has been included in the text for each portion of copyrighted material used therein. Finally, a copy of each arrangement for use of copyrighted material must be attached to the request for printing of said materials.
2. Because the Bookstore cannot recover the costs of printing such materials that remain unsold, the faculty member must provide certain information to the Bookstore in advance of the printing of such materials. He or she must specify the course for which the materials are to be printed, the number of students anticipated, whether the materials are required or recommended, and how the printing costs for unsold copies will be recovered by the Bookstore. The Department Head and the college Dean must approve the request for printing.

Requests for the printing of faculty-prepared materials to be sold by the Missouri State University Bookstore must be made on a form available in the Missouri State University Bookstore.