



THE UNIVERSITY OF
SOUTHERN MISSISSIPPI®

FACULTY HANDBOOK

NOTICE

The *Faculty Handbook* is a summary and guide to various University offices, activities, and policies that affect faculty members. Material in the *Faculty Handbook* does not replace, amend, or abridge approved policies of the Board of Trustees of State Institutions of Higher Learning. The Policies and Bylaws of the Board of Trustees take precedent and control any conflict between the IHL Policies and Bylaws and the provisions of this *Faculty Handbook*. Although the *Faculty Handbook* is not a comprehensive, self-contained policy document, nor is it a contract of employment, it does provide guidance for the relationships between the University and the faculty. The *Faculty Handbook* may be amended from time to time as deemed necessary by the President. Official copies of University and Board policies may be obtained from the Office of the President or the University official charged with its administration.

Effective August 2016

FOREWORD

The *Faculty Handbook* provides selective information about The University of Southern Mississippi for prospective and current members of the academic staff. Although the *Faculty Handbook* is not a comprehensive, self-contained policy document, nor is it a contract of employment, it does provide guidance for the relationships between the University and the faculty. The University of Southern Mississippi retains the right to alter, revoke, or amend any provisions of the *Faculty Handbook*. Neither this handbook nor any supplements thereto replace, amend, abridge, or anticipate federal or state law, or the *Policies and Bylaws* of the Board of Trustees of State Institutions of Higher Learning.

This edition of the *Faculty Handbook* repeals and supersedes all previous editions. Copies of the *Faculty Handbook* and all supplements thereto are available on the University web page at www.usm.edu and in the offices of the University President, the vice presidents, the college deans, and the department chairs. The copy retained by the Office of the Provost is designated as the **official** *Faculty Handbook*. Amendments or revisions to the handbook will be disseminated to faculty and posted on the University web page. Other printed information applicable to the academic staff of the University such as accounts of employment benefits, optional insurance plans, and state retirement policies, is available in the University Department of Human Resources.

The standing Faculty Handbook Committee is composed of an Assistant or Associate Provost, a representative from the Office of the Vice President for Research, a dean selected by the college deans, a department chair selected by the Council of Chairs, a member of the faculty appointed by the University President, and four members appointed by the Executive Committee of the Faculty Senate: 1) a member of the Faculty Senate, 2) a non-member of the Faculty Senate, 3) a member of the faculty at large, and 4) a member from the Gulf Coast faculty. The General Counsel serves as a nonvoting member.

The charge of the standing committee is to review the *Faculty Handbook*, to consider proposed amendments submitted by faculty or administration, and to recommend to the President revisions, modifications, and amendments to the *Faculty Handbook*. The Faculty Handbook Committee considers whether proposed changes to the Handbook are in the best interest of the faculty and the University as a whole. To the extent possible, the Committee's deliberations and decisions are informed by reaction and input from relevant constituencies. If approved by the Faculty Handbook Committee, changes are formally recommended to the University President for a final decision. Suggestions for the improvement of the *Faculty Handbook* may be directed to the Office of the Provost, to any member of the Faculty Handbook Committee, or to any member of the Executive Committee of the Faculty Senate. The bylaws of the Faculty Handbook Committee are presented in an **APPENDIX** near the end of the Handbook.

**Changes in the University of Southern Mississippi
Faculty Handbook
2015-2016 Academic Year**

During the academic year 2015-2016 the University Faculty Handbook Committee approved twelve changes/modifications in the Faculty Handbook (FH), which were subsequently approved by President Rodney D. Bennett. These modifications are summarized below.

1) In Section 11.2.6 (Scholarly Misconduct-Assessment), the procedures for assessing allegations of misconduct are presented, as are follow up procedures in the event the allegations fall within the definition of scholarly misconduct. This section was modified to clarify the procedures in the event the allegations do **not** fall within the definition of scholarly misconduct by adding the following two sentences....”*If these conditions are not met, the assessment process terminates. The RIO will notify in writing the DO, the complainant, and the respondent (if he or she is aware of the complaint) of the outcome of the assessment*”

2) The 3rd paragraph in Section 6.2.5 (Sabbatical Leave) was modified to make it clear that full professors are eligible for sabbatical leave by adding “/or” to make the second sentence of the third paragraph read “*Sabbatical leave is intended to assist faculty to achieve promotion in academic rank and/or to enhance their professional development and scholarly reputations*”

3) In Section 8.4.7 (Chairs/Directors Periodic Reviews), a problem arises if someone serves as an “interim chair” for several years, does not undergo chair review, and then is appointed as a “permanent chair.” In such a situation the chair could have served well beyond three or four years (as interim + permanent chair) without review. Section 8.4.7 was modified to ensure that the years served by interim department chairs, who later become permanent chairs, are counted for the purpose of chair evaluations.

4) Section 3.7.2d (Procedure for Appointment – Emeritus/Emerita Faculty) was modified by changing the title of the UAC from University Advisory *Council* to the correct title of University Advisory *Committee*.

5) Section 3.5 (Adjunct Academic Staff) was modified by adding 2 new paragraphs to specify the criteria for the appointment of and evaluation of adjunct academic staff as recommended by the SACSOC On-Site Reaffirmation Committee.

6) Sections 9.6.4 (Required Probationary Period) and 9.6.7 (Credit for Prior Accomplishment) were simultaneously modified. Section 9.6.4 was modified by...a) changing the format (paragraph indentation) and wording of section 9.6.4 to clarify that this section on required probationary period (for tenure) was not a direct copy of the OIHL’s by-laws, but rather guidelines established by the university and the IHL; b) changing, in section 9.6.4, the credit limit for associate professors from “three years” to “three to five” years; and c) removing the reference at the end of section 9.6 (Board Policies and By-Laws, Section 403.0101. Section 9.6.7 was modified by changing the second paragraph to clarify that full professors **and** associate professors who are new to the university are eligible for 3-5 years of credit toward tenure (previously, only full professors were eligible for 3-5 years).

7) Section 4.5.2 (Syllabi) was modified to clarify that instructors are required to distribute syllabi within one week of “the beginning of the course”, (modified from “within one week of the initial class meeting”) as newer course formats may not have “initial class meetings”.

8) Section 2.10 (The Department Chairs) was modified by revising the description of the duties and responsibilities of the chairs in order to make the description of the duties and responsibilities of the chairs consistent with the Faculty Handbook section on faculty governance (2.12).

9) Section 8.3.2 (Faculty Ineligible for Membership on Departmental Personnel Committees) was modified to make it clear that “outside deans” (i.e., Dean of the Graduate School, Dean of the Honors College, and Dean of the Libraries) should not serve on Departmental Personnel Committees.

10) Section 9.5.2 (Departmental Promotion Committees) was modified...a) with a wording change that clarifies that the Deans of the Graduate School, Honors College, and Libraries are excluded from sitting on Departmental Promotion Committees unless they meet the criteria for exceptions; b) to clarify the eligibility criteria for voting on exceptions; c) to reinstate the paragraph on split appointments that was deleted from section 8.3.2; and d) by deleting the references to 3rd year review from section 9.5.2 in order to move the references to 3rd year review to the more appropriate section on 3rd year review and tenure (9.7.1) .

11) Section 9.7.1 (Types of Tenure Proceedings) was modified by a) adding wording that Deans holding appointments outside of the college (Graduate School, Honors College, Libraries) should not be allowed to serve on Departmental Tenure Committees unless they meet the same eligibility requirements as those which presently exist for Assistant/Associate Deans and Assistant and Associate Provosts (five years of service as a “regular” faculty members within that department and an invitation by the tenured faculty of their home departments to participate in votes regarding pre-tenure and tenure); and b) reinstating the section on the role of faculty with split appointments in tenure and 3rd review proceedings that was removed from section 9.5.2.

12) Sections 3.3 (Faculty Defined) and 3.4 (Non-Faculty Academic Staff) were modified by a) deleting all information that was previously in the Faculty Handbook in Sections 3.3 and 3.4, b) inserting new material, as Sections 3.3 and 3.4 that includes the recently approved proposal to expand the definitions of “Corps of Instruction” and “Faculty”, and c) inserting the new material that includes the recently approved addition of two non-tenure teaching tracks.

Questions regarding these modifications should be sent to Dr. Rick Green (Rick.Green@usm.edu).

Dr. Frederick P. Green
Chair, University Faculty Handbook Committee, 2015-2016
October 1, 2016

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CHAPTER 1

UNIVERSITY GOVERNANCE: THE BOARD OF TRUSTEES

1.1 INTRODUCTION

The University of Southern Mississippi is one of eight (8) public universities owned and operated by the state of Mississippi. Other state universities include Alcorn State University in Lorman, Delta State University in Cleveland, Jackson State University in Jackson, Mississippi State University in Starkville, Mississippi University for Women in Columbus, Mississippi Valley State University in Itta Bena, and The University of Mississippi in Oxford. Mississippi's state universities are public trusts, institutions responsible to the residents of the state of Mississippi and their duly elected representatives, and the appointed members of state regulatory agencies.

The state universities are governed by the Board of Trustees of State Institutions of Higher Learning, a body created by constitutional amendment in 1942 to protect state-supported institutions of higher learning from direct political influence. This chapter outlines the composition, powers, and responsibilities of the Board of Trustees.

1.2 COMPOSITION OF THE BOARD

The Board of Trustees is composed of twelve (12) members. The members of the Board of Trustees as constituted on January 1, 2004, shall continue to serve until expiration of their respective terms of office. Appointments made to fill vacancies created by expiration of members' terms of office occurring after January 1, 2004, shall be as follows: The initial term of the members appointed in 2004 shall be for eleven (11) years; the initial term of the members appointed in 2008 shall be for ten (10) years; and the initial term of the members appointed in 2012 shall be for nine (9) years. After the expiration of the initial terms, all terms shall be for nine (9) years. Four (4) members of the Board of Trustees shall be appointed from each of the three (3) Mississippi Supreme Court districts and, as such vacancies occur, the Governor shall make appointments from the Supreme Court district having the smallest number of board members until the membership includes four (4) members from each district.¹

1.3 OFFICERS OF THE BOARD

¹ Miss. Const., Art. VIII, Section 213-A (As amended, effective January 1, 2004).

The Board elects from its membership a President and a Vice President, both officers serving terms of one (1) year. Presidents preside at all meetings of the Board, sit as ex officio members of all standing and special committees of the Board, execute instruments and contracts as may be ordered by the Board, and perform other duties as may be assigned by the Board. Vice Presidents preside at meetings of the Board in the absence of Presidents, automatically succeeding to the presidency upon expiration of presidential terms of office.

1.4 POWERS OF THE BOARD

1.4.1 Legal Authority. Excepting only the construction of buildings and other permanent physical improvements, which are under the authority of the State Building Commission, the Board of Trustees holds complete and exclusive authority over all functions of Mississippi's public universities. The *Mississippi Code* states:

The Board shall have general supervision of the affairs of all the institutions of higher learning, including the departments and the schools thereof. The Board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate there from. The Board shall have general supervision of the conduct of libraries and laboratories, buildings, and grounds; the business methods and arrangement of accounts and records; the organization of the administrative plan of each institution; and all other matters incident to the proper functioning of the institutions. The Board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the Board may establish.¹

1.4.2 Institutional Funding. The Board of Trustees is empowered to receive and distribute among the public universities all legislative appropriations for their support, distribution being made on the basis of formulas that consider institutional missions and numerous other factors.²

1.4.3 Election of Institutional Employees. The Board is likewise empowered to elect the heads of the state's institutions of higher learning, to contract with all faculty and other employees of those institutions, and to make any adjustments it deems necessary between the various departments and schools of any institution or between the different institutions.³

¹ *Miss. Code Ann.*, Section 37-101-15 (B) (1990); and Board *Policies and Bylaws*, Section 201.0604.

² Board *Policies and Bylaws*, Sections 201.0606 and 701.01 *et seq.*

³ *Miss. Constitution*, Art. IV, Section 109; *Miss. Code Ann.*, Section 25-4-105 (2) (Supp. 1990); Board *Policies and Bylaws*, Section 301.04.

Off-Campus Programs. The Board may establish academic programs at locations removed from the campuses of the state universities, may assign such programs to the administrative purview of one or more of the state universities, and may permit students at off-campus sites to register for full-time course loads fulfilling the residency requirements of parent institutions. The quality of educational services, the academic regimen, or the value of degrees earned in off-campus programs shall not differ from that on the home campuses of parent institutions.¹

1.5 RESPONSIBILITIES OF THE BOARD

The principal responsibility of the Board of Trustees is to conduct comprehensive and continuing study of the role and scope of all the institutions under its jurisdiction, including detailed analyses of courses, programs, and degrees offered, and to provide the public with "the broadest possible educational opportunities ... without inefficient and needless duplication," thereby assuring that "the growth and development of the program of higher education in the state shall proceed in an orderly and rational manner."²

Pursuant to this statutory charge, each Trustee is required to:

- (a) periodically visit all of the institutions of higher learning under the jurisdiction of the Board;
- (b) attend functions and events at all institutions;
- (c) inspect the buildings and equipment of the several institutions;
- (d) become informed as to the general business administration and instructional programs of the several institutions; and
- (e) gather such other information as to be qualified to perform the duties of the office.³

1.6 COMMISSIONER OF HIGHER EDUCATION

The Board of Trustees is authorized to appoint, and has duly appointed, a nonmember to the office of Commissioner of Higher Education. Required to possess the highest qualifications as an administrator and researcher, the Commissioner serves as an executive officer of the Board. In this capacity, the Commissioner is required:

¹ *Miss. Code Ann.*, Section 37-102-1 (1990); and *Board Policies and Bylaws*, Section 201.0609 (C).

² *Miss. Constitution*, Art. VIII, Section 213-A (1990); *Miss. Code Ann.*, Sections 37-101-13 (F) and 37-101-15 (1990); *Board Policies and Bylaws*, Sections 201.0601, 201.0605, and 301.04 (D).

³ *Miss. Constitution*, Art. IV, Section 109; *Miss. Code Ann.*, Section 25-4-105 (2) (Supp. 1990), and *Board Policies and Bylaws*, Section 301.04.

to make constant inquiry into the problems of higher education, to survey and study carefully the organization, management, and all other affairs of each institution under the control of said trustees, to make report of all findings and recommend such changes as will increase efficiency and economy in the operation of each institution, and to perform such other duties as the Board may prescribe.

The Commissioner is also responsible for “the efficient functioning of the staff, which the Board may from time to time establish.” Personnel serving as members of the Board’s staff may include associate and assistant commissioners, directors, and other such positions approved by the Board.

CHAPTER 2

UNIVERSITY ORGANIZATION

2.1 INTRODUCTION

The Office of the President heads the administration of The University of Southern Mississippi. Functioning directly under the President are the Provost¹, the Vice President for Research, the Chief Financial Officer, the Vice President for Student Affairs, and the Director of Intercollegiate Athletics. Assisted by the Academic Deans and the General Counsel, these administrative officers supervise every facet of institutional operations and serve as the President's principal advisers.

The President, Provost and the vice presidents rely heavily on the work of University-wide advisory bodies. These include standing and specially appointed committees, boards, councils, and other groups that oversee the many activities of the University, provide advice on institutional policy and personnel actions, and thus function as integral components of institutional administration.

The President is advised by the "Cabinet," a body composed of the Provost, vice presidents, and the presidents of faculty, staff and student bodies. Otherwise, matters pertaining to the essential academic mission and goals of the University are entrusted to the Academic Deans, Academic Council, the Council of Chairs, the Graduate Council, the Faculty Senate, and the University Research Council.

The University is composed of six degree-granting colleges: the College of Arts and Letters, the College of Business, the College of Education and Psychology, the College of Health, the College of Nursing, and the College of Science and Technology. An Honors College and Gulf Coast locations at Ocean Springs, Long Beach, and Stennis Space Center enhance and extend the educational services offered by the University.

This chapter summarizes the functions of the University's principal administrative officers, outlines the role and scope of University-wide advisory bodies, and relates the composition and functions of the University Advisory Committee, the Faculty Senate, the Council of Chairs, the Academic Council, the Graduate Council, and the University Research Council.

¹The title "Provost" refers, throughout this document, to the office of the Chief Academic Officer of the University.

2.2 THE PRESIDENT

Appointed by the Board of Trustees, the institutional executive officers of Mississippi's public universities serve as executive officers of the Board and as both the chief executive officers and principal educational officers of the institutions over which they preside. The institutional executive officer of The University of Southern Mississippi uses the title of "President." Upon appointment, institutional executive officers are elected by the Board of Trustees to the faculty at the rank of professor in an appropriate academic discipline, as determined by the Board. After five years of service, and at the discretion of the Board, institutional executive officers may be granted tenure at the rank of professor. After ten or more years of service, institutional executive officers may apply to the Board for appointment as distinguished professor. The title of distinguished professor is bestowed on the basis of individual contributions to higher education within the state of Mississippi.

The Board of Trustees delegates to institutional executive officers administrative control of the universities over which they preside. The President of The University of Southern Mississippi is answerable to the Board of Trustees for every facet of institutional operations:

The Institutional Executive Officer of each of the several state institutions of higher learning shall be responsible for the administration of the divisions and departments of his/her institution and for keeping its expenditures strictly in harmony with the budgetary authorizations of the Board and within the limitations provided therein

... .

The Institutional Executive Officer shall have the initiative in shaping the educational policy and academic standards of his/her institution, and in cooperation with the Commissioner [of Higher Education] recommend such policy to the Board for approval.

The Institutional Executive Officer shall have the initiative in the selection and recommendation for election by the Board of all employees and faculty members of his/her institution; and he/she shall have authority to fill vacancies that occur as emergencies, when the salary outlay is within the budget appropriations provided for such positions, all subject to authority for review and rejection or approval by the Board, in which body rests the sole power of election and confirmation or rejection of all appointments

The Institutional Executive Officer is charged with the responsibility for maintaining appropriate standards of conduct of students and is authorized to expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations, subject to procedures of due process.

The President may submit to the Board nominations for the appointment of subordinate institutional administrative officers. If the Board approves presidential nominees, they act *in*

nomine of the President, supervising designated areas of institutional administration and advising the President. In no case may the President abdicate to subordinate administrative officers the powers and duties delegated to the Office of the President.¹

2.3 THE PROVOST

The Provost is the chief academic officer and the senior university officer next to the President. The Provost is the President's principal advisor in all matters pertaining to the development of a well-conceived and organized curriculum, administered and taught by a faculty of the highest qualifications. The Provost coordinates University planning and works with the vice presidents and deans in accomplishing the University's educational, research and service objectives. The Provost oversees budget development by the colleges and monitors these budgets throughout the academic year. All academic units and affiliated offices and programs report through their respective deans to the Provost. The Provost fosters scholarship and creativity among faculty and academic units and monitors the planning, development, and revision of academic programs. The Provost supervises all University structures and processes through which personnel actions involving the academic staff of the University are recommended to the President.

2.4 THE VICE PRESIDENT FOR RESEARCH

The principal executive officer of research programs at the University is the Vice President for research, who coordinates the activities, organizations, and personnel related to research. Along with other administrative officers, this officer coordinates University research programs, including components in departments, schools, and colleges as well as units more specifically dedicated to research such as research institutes and centers. The Vice President administers sponsored research programs, approving all research proposals submitted to external agencies, and oversees the conduct of programs supported by grants and contracts. The Vice President also is responsible for technology transfer, patents, copyrights, trademarks, plant variety protection certificates, animal care and use, biosafety, quality assurance, security compliance, research involving human subjects, and research communications. The Vice President for Research also collaborates with the Provost in advising the University President on personnel actions involving members of the academic staff and serves as a liaison between the University and research institutes, foundations, government agencies, and industry.

¹ Board *Policies and Bylaws*, Section 301.0801 (F); Section 403.04.

2.5 THE CHIEF FINANCIAL OFFICER

The Chief Financial Officer is the only University executive officer assigned direct administrative responsibility by the Board of Trustees. The Chief Financial Officer is delegated an administrative charge under the direction of the University President that includes supervision of all financial matters of the University.¹ The Chief Financial Officer prepares and monitors the University budget and supervises the receipt, custody, and disbursement of funds. The Chief Financial Officer supervises accounting and financial reporting, auxiliary enterprises, maintenance and improvement of the University's physical plant, procurement of essential services, supplies and equipment, and property inventories. The Chief Financial Officer also administers the University's personnel program for nonacademic employees.

2.6 THE VICE PRESIDENT FOR STUDENT AFFAIRS

The Vice President for Student Affairs holds supervisory responsibility for a wide range of activities, programs, and services that enhance the quality of life of the University community. These include student recruitment, admissions, orientation and retention, records, financial aid, food services, campus housing, health services and public safety. The Vice President also supervises all programs and services that promote student welfare and development: student government, student organizations, student-faculty relations, counseling services, drug education and prevention, recreational programming, student employment and placement, cooperative education, services for the disabled, student discipline, and many other activities and special services.

2.7 THE DIRECTOR OF INTERCOLLEGIATE ATHLETICS

The Director of Intercollegiate Athletics, like the vice presidents, reports directly to the President. The duties of the Director include budget preparation and financial and property management relating to the University's programs in intercollegiate athletics. The director is also responsible for supervision of coaching, training and athletic management, student-athlete recruitment, eligibility, housing and medical care, alumni and public relations relating to the University's athletic program, and both scheduling and game organization within the athletic program.

¹ Board *Policies and Bylaws*, Section 301.0801.

2.8 OFFICE OF GENERAL COUNSEL

The General Counsel, an attorney-at-law, advises the President, the vice presidents, and the Director of Intercollegiate Athletics. Confirmed by, and collaborating closely with the Office of the Mississippi Attorney General, the General Counsel holds office under the direction of the University President, acting under the authority of both the Office of the President and the Office of the Mississippi Attorney General.

2.9 THE COLLEGE DEANS

As executive officers, the college deans provide overall leadership for their respective colleges. The deans are responsible for establishing a vision for their colleges, for creating strategic plans, and for evaluating their colleges' overall effectiveness in achieving the goals and objectives of both their colleges and the University. The deans are responsible for developing and supervising the academic schedule and curricula of their colleges, consistent with the goals of the University. The deans administer and supervise the policies and regulations of the University within their colleges. The deans are responsible for planning, implementing and managing their college budgets, and supervising the administration of all programs within their college. The deans assign academic and professional responsibilities to department chairs, evaluate their performance, and make final recommendations to the Provost regarding appointment, reappointment, salaries, promotions, tenure, and other personnel matters. Deans may, at their discretion, initiate any personnel action except the termination of the employment of a faculty member (e.g. performance reviews, salary adjustments, terminations of administrative appointments, reviews of workload assignments, reprimands, restrictions during impending investigations).

2.10 THE DEPARTMENT CHAIRS

The department chairs¹ are both faculty members and administrators, being integral members of the administration. Reporting to the dean, the department chairs are the chief administrative officers of their departments, responsible for the general direction and supervision of their departments. The department chairs are also responsible for the preparation and administration of the department budgets and for making appropriate recommendations to the deans regarding personnel needs. The department chairs are involved in determining educational policy and implementing institutional policies. Their duties include establishing teaching loads and schedules in consultation with department faculty. Chairs are responsible for assigning courses, course loads, student advising, departmental committee work, and other service activities to faculty. They do so

¹ Department refers to the lowest unit of academic organization and a department chair refers to the Chief Administrative Officer of the university's lowest unit of academic organization. A school is administratively different from a department only when it possesses multiple departmental units.

to manage academic programs, ensure the delivery of quality instruction, and promote research and creative activity. Chairs must consider whether reduced teaching loads are warranted due to faculty members' involvements in research, service, or administrative duties. Department chairs provide guidance regarding curriculum development for which the faculty has primary responsibility (see section 2.12 of the Handbook). Chairs encourage excellence in teaching and engage the faculty in the evaluation of teaching. They are directly responsible for developing department faculty, encouraging research, establishing standards of instruction, and evaluating instruction. Chairs also make recommendations to the deans regarding salaries, promotions, tenure, and the retention of non-tenure-track faculty members. Chairs will evaluate faculty in accordance with the Faculty Handbook, and in turn, will be evaluated themselves in accordance with the Faculty Handbook.

2.11 UNIVERSITY ADVISORY BODIES

The University operates under the principle of participatory governance, with many institutional decisions being made with the advice and input from advisory bodies to the University President. The President has the discretion to approve, appoint, dissolve, and convene advisory bodies as deemed necessary. Depending on their specific charge, the University's advisory bodies may be composed of faculty, administrative staff, students, and in some cases alumni and friends of the University.

2.11.1 The University Advisory Committee. The University Advisory Committee is composed of two members from each of the College Advisory Committees plus one member from the University Libraries. The two members from each College Advisory Committee consist of the committee's chair, plus one additional member. Both of these individuals will be elected by a majority vote of the members of their respective College Advisory Committees. The chair of the University Advisory Committee is elected by a majority vote of the University Advisory Committee. Faculty members who are candidates for promotion cannot serve as members of the University Advisory Committee during the academic year in which they seek promotion. Department chairs, assistant and associate deans, deans, and assistant and associate provosts may not serve on the University Advisory Committee. The Provost may seek the assistance of the University Advisory Committee in any personnel matter. The normal functions of the committee, however, are:

- (a) to review all decanal personnel recommendations, ensuring that the recommendations are consistent with the substantive and procedural policies of the University and the responsible college, and so advising the Provost;
- (b) to review the merits of recommendations for promotion in rank and tenure, and submitting decisions to the Provost;
- (c) to research and ascertain the validity of candidate qualifications; and

- (d) to perform such other duties as may be assigned by the Provost.

Members of the University Advisory Committee must recuse themselves from any personnel matter concerning a faculty member of the college they represent. In this and all other matters, the committee is subject to the same policies that govern Department and College Advisory Committees.

2.11.2 College Advisory Committees. Academic colleges must maintain College Advisory Committees.¹ These committees are composed of tenured Associate Professors and tenured Professors elected by secret ballot from the tenured faculty within each department or school of the respective colleges. Each department or school will elect one of their faculty who will then become a member of the College Advisory Committee. University administrators serving as President, Provost, Associate or Assistant Provost, Vice President, Dean, Associate or Assistant Dean, or department chair may neither vote in such elections nor sit as members or ex officio members of College Advisory Committees. Faculty members who are candidates for promotion cannot serve as members of the College Advisory Committee during the academic year in which they seek promotion.

At their discretion, the faculty of the colleges may modify the apportionment, size, and method of electing College Advisory Committees every five years. In all cases, however, the members of College Advisory Committees must be elected for terms of two (2) or three (3) years, and terms must be staggered so as to assure a turnover not exceeding fifty (50) percent in any given year. The chairs of College Advisory Committees are elected by a majority vote of the members of the respective committees.

Deans may seek the advice of College Advisory Committees on any personnel matter. The regular functions of College Advisory Committees, however, are:

- (a) to review all departmental recommendations regarding pre-tenure review (third – year review), promotion, and tenure, ensuring that both the substantive and procedural policies of departments and the college have been followed;
- (b) to review the merits of recommendations for pre-tenure review, promotion, and tenure, and submitting personnel decisions to the dean;
- (c) to advise academic deans on grievances from academic staff members regarding departmental evaluations, tenure reviews, and personnel recommendations; and
- (d) to perform such other duties within their authority as may be required in the personnel documents of the respective colleges.

¹ The term “college” in this section refers to one of the various academic colleges of the University and the Gulf Park Campus faculty.

The proceedings of College Advisory Committees are strictly confidential and are subject to the same policies that govern the proceedings of the Departmental Personnel Committees. Strict policies of recusal also govern the deliberations of College Advisory Committees. These are:

- (a) members of College Advisory Committees who are related (as per Board and University Nepotism Policy) to parties being reviewed must recuse themselves from all personnel proceedings involving such parties. In no event shall they vote or offer advice, either directly or indirectly, to other committee members.
- (b) a member of a College Advisory Committee reviewing any departmental personnel evaluation or recommendation from his/her own department may not vote at the College Advisory Committee level regarding those evaluations or recommendations.
- (c) associate professors sitting as members of College Advisory Committees must recuse themselves from all personnel proceedings in all cases involving the promotion of a party from the rank of associate professor to the rank of Professor.

2.11.3 The Council of Chairs. The Council of Chairs provides a forum whereby chairs and directors of academic units discuss issues of interest and relevance to departments and schools and formulate policy recommendations for consideration by the deans, the Provost, and the President. The membership of the Council consists of representatives from full-time chairs and directors of designated academic units with full-time faculty. Their election is determined by each college and the University Libraries, with no academic unit electing more than one representative. For this section (2.11.3) of the Handbook “academic unit” is defined as either a department or school. The number of representatives includes up to three from each academic college and one from the University Libraries. Representatives serve staggered three-year terms and may be reelected.

2.11.4 The Faculty Senate. The Faculty Senate provides a forum for the orderly discussion of faculty concerns and a medium through which the faculty expresses opinions concerning policies affecting the general welfare of the University. The Senate requests and receives an annual budget from the University to conduct its business and submits recommendations to the Provost for review and transmittal to the University President.

The membership of the Senate consists of full-time faculty representatives elected by the faculties of the University's degree-granting colleges and the University Libraries. Membership eligibility is determined according to the constitution of the Faculty Senate. The composition of the Senate is based upon the provisions of the Senate constitution.

2.11.5 The Academic Council. The Academic Council advises the Provost on undergraduate academic affairs. It is authorized to initiate and recommend improvements in all undergraduate programs and to review and either endorse or recommend for rejection proposed changes in the undergraduate curriculum. Excepting only those pertaining to teacher education, which are first sent to the Professional Education Council, all actions of the Academic Council are forwarded as

recommendations to the Provost for review and final action, except for those actions requiring review and approval by the University President. The Provost or the President, as appropriate, approves or rejects an action of the Council or returns it to the Council for amendment. The Council requests and receives a budget from the University each year.

The voting membership of the Academic Council is composed of elected representatives from the faculties of the University's degree-granting colleges and representatives from the Honors College and the University Libraries.

The undergraduate student body is entitled to three (3) appointed, nonvoting representatives. Ex officio members of the Council include the University President, the Provost, the Vice President for Research, the deans of the degree-granting colleges, the Dean of the Honors College, the Dean of the University Libraries, and the University Registrar. The minutes of the Academic Council and the guidelines for the submission of proposals to the Council are available online.

2.11.6 The Graduate Council. The Graduate Council oversees and provides guidelines for the graduate academic affairs of the University. Its responsibility includes the general oversight of all graduate programs, including the authority to initiate and recommend improvements in graduate education and to review, endorse, or recommend the rejection of proposed changes in the graduate curriculum. Excepting only matters pertaining to teacher education, which are first sent to the Professional Education Council, all actions of the Council are forwarded as recommendations to the Provost for review and final action, except for those actions requiring review and approval by the University President. The Provost or the President, as appropriate, approves or rejects an action of the Council or returns it to the Council for amendment.

The voting membership of the Graduate Council is composed of elected representatives from the full-time graduate faculties of the degree-granting colleges. Elected representatives serve staggered three-year terms, and the number of representatives apportioned to the various colleges is determined by either the percentage of University-wide graduate degrees awarded or the percentage of University-wide graduate credit hours generated, whichever is greater. All degree-granting colleges are entitled to at least one (1) representative.

Ex officio members of the Graduate Council include the University President, the Provost, the Vice President for Research, the deans of the degree-granting colleges, the Dean of the University Libraries, and the University Registrar. The minutes of the Graduate Council and the guidelines for the submission of proposals to the Council are available online.

2.11.7 The Professional Education Council. The Professional Education Council (PEC) ensures that the professional education programs at The University of Southern Mississippi comply with the standards of NCATE and other professional accrediting agencies and the Mississippi Department of Education. By virtue of the committee structure and membership, the Council has a continuous source of information for use in considering policy and program development and

revision. The Council serves as a sounding board for the professional education needs of public and private agencies and recommends actions regarding the development, administration, evaluation, and revision of all professional education programs, (i.e., undergraduate and graduate programs leading to licensure in education) to the Dean of the College of Education and Psychology. The Dean of the College of Education and Psychology is the designated University official charged with the responsibility for and authority to provide direction and leadership to the Professional Education Unit at The University of Southern Mississippi. The Professional Education Unit is defined as the College of Education and Psychology and the professional education faculty located in other colleges, schools, and departments in the University.

Membership on the PEC shall include faculty representatives from Educational Field Experiences and from the Dean's office. Additional faculty representatives come from the departments of the College of Education and Psychology (COEP) and the departments of other colleges housing professional education programs.

- a. Professional education programs within the COEP shall have representatives on the PEC based on the following formula :

0 - 60 degrees awarded per year	1 representative
61 - 120 degrees awarded per year	2 representatives
121 - 180 degrees awarded per year	3 representatives
181+ degrees awarded per year	4 representatives

- b. Each professional education program from the other colleges housing professional education programs shall have one representative on the PEC.
- c. The Gulf Coast campus shall have 2 representatives, one of whom shall be from the College of Education and Psychology .
- d. Educational Field Experience shall have 2 representatives whose memberships are housed in their home departments .
- e. The Department of Educational Studies and Research will have one *exofficio* nonvoting member .
- f. The Dean of COEP serves as the non-voting chair of the PEC.
- g. The Associate Dean of COEP serves as a voting member of the PEC.
- h. The Assistant to the Dean for Accreditation is a nonvoting member of the Professional Education Council and a member of the Executive Committee.

The Bylaws Committee reviews the number of program graduates every two years (beginning October, 1997) to determine if adjustments in the number of faculty representatives should be made. This report is made at the September meeting of odd-numbered years. The number of graduates used in the formula is determined by averaging the number of professional education

degrees awarded the previous two academic years. Academic years shall run fall, spring, and summer.

2.11.8 The University Research Council. The University Research Council serves as an advisory body to the Vice President for Research and Provost on matters pertaining to the continued development of research and creative activities. The Council is responsible for recommending policies and procedures to enhance research and other scholarly and creative endeavors.

The voting members of the University Research Council consist of two representatives from each college. Serving staggered three-year terms, the elected representatives must be employed by the University for a minimum of three (3) years in a position with professorial rank (rare exceptions may be made upon the request of an academic dean), must be members of the graduate faculty, must hold terminal degrees in their areas of graduate responsibility, and must be accomplished scholars.

The Vice President for Research, the Director of Sponsored Programs Administration, the Chair of the Institutional Review Board, and the University Libraries representative will be ex officio non-voting members of the Research Council. Ex officio representatives from research units on the Gulf Coast and Hattiesburg campuses may be selected as deemed appropriate by the Vice President for Research. The Director of Sponsored Programs Administration maintains minutes of the meetings for the Council.

2.12 ACADEMIC FREEDOM AND SHARED GOVERNANCE

Academic freedom and shared governance are long-established and living principles at The University of Southern Mississippi. The University cherishes the free exchange of ideas, diversity of thought, joint decision making, and individuals' assumption of responsibility.

Academic freedom is fundamental to the central values and purposes of a university, which in turn protects freedom of inquiry and speech. Faculty and students must be able to study, learn, speak, teach, research, and publish, without fear of intimidation or reprisal, free from political interference, in an environment of tolerance for and engagement with divergent opinions. Each faculty member is entitled to freedom from institutional censorship or disciplinary action in discussing his or her subject in the classroom, and when speaking or writing outside the classroom as an individual. It is understood, however, that with academic freedom there must be concomitant responsibility for statements, speeches, and actions.

The University of Southern Mississippi believes in the widely accepted principles of shared governance. Therefore, the University recognizes that the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. The University

also endorses a consultative process by which academic decisions are made through a joint effort of faculty and administrators and with the cooperation and support of the affected faculty constituency.

The President's authority derives from the Board of Trustees of the Mississippi Institutions of Higher Learning. As the chief executive officer of the University, the President is largely responsible for the maintenance of existing institutional resources and the creation of new ones; has ultimate managerial responsibility for a large number of nonacademic activities; and by the nature of the office is the chief spokesperson for the University. In these and other areas the President's task is to plan, organize, direct, and represent, and in these functions the President should receive the general support of the faculty. The University recognizes that the faculty should be consulted with respect to such matters as long-range plans for the institution, the allocation and use of fiscal and physical resources, and the selection of academic officers.

The University of Southern Mississippi acknowledges that true faculty participation in the governance of academic affairs requires good faith on the part of both faculty and administration and a genuine commitment by both to a program of shared governance. ¹

¹ This policy draws from the 1966 "Statement on Government of Colleges and Universities" jointly formulated by the American Association of University Professors, the American Council on Education, and the American Association of Governing Boards of Universities and Colleges.

CHAPTER 3

HIRING POLICIES, CONTRACTS AND EMPLOYMENT TERMS

3.1 INTRODUCTION

The academic staff of The University of Southern Mississippi includes instructional, research, and library personnel, all of whom are employed on terms and conditions mandated by public law and the policies promulgated by the Board of Trustees of State Institutions of Higher Learning. Legislative enactments and Board policies are supplemented and defined by employment policies and procedures formulated by the University pursuant to the administrative authority delegated to it by the Board of Trustees. This chapter explains the University employment policy and sets forth substantive law and policy governing hiring, academic appointment, employment contracts, ancillary institutional agreements, and external employment.

3.2 BOARD AUTHORITY

The *Mississippi Code* sets forth the general powers and obligations of the Board of Trustees of State Institutions of Higher Learning with respect to employment within the state's public universities:

The board shall have the power and authority to elect the heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff, and all administrative employees of said institutions for a term of not exceeding four (4) years. The board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the board to permit the executive head of each institution to nominate for election by the board all subordinate employees of the institution over which he presides. It shall be the policy of the board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.¹

The Board of Trustees has authorized the executive heads of the state universities to adopt institutional policies regulating the employment of all university personnel. The Board authorizes

¹ *Miss. Code Ann.*, Section 37-101-15 (f).

institutional executive officers to nominate academic staff and to recommend the terms and conditions of their employment, the Board retaining authority to examine and to accept or reject all such nominations and recommendations. All amendments, revisions, additions, and reductions to employee contracts are subject to approval by the Board.¹

3.3 FACULTY DEFINED

The Board of Trustees defines the faculty of Mississippi’s public universities as “the teaching staff and those members of the administrative staff having academic rank in a college, university or other educational institution or one of its divisions” (IHL Policies & Bylaws 402.01). Universities are also authorized to establish faculty positions designated as non-tenure -track in the categories of research, teaching, and service (see IHL Policies & Bylaws 404.01). Thus, personnel at the University of Southern Mississippi who are tenured or are in tenure-track positions, individuals with the academic rank of Instructor, Lecturer, or Senior Lecturer, or Teaching Professor (of all ranks), administrative officers with academic rank, Research and Clinical Professors (of all ranks), Artists-in-Residence, and Professors of Practice are all members of the faculty. Visiting Professors are also considered to be members of the faculty on the basis of comparable training to tenure-track faculty. However, Visiting Professors do not vote in institutional elections or departmental proceedings. All other employees are not members of the faculty.

Only individuals in tenured positions qualify for a status of continuing employment within a state institution of higher learning (including the University of Southern Mississippi). Individuals employed in non-tenure-track positions have no expectation of continuing employment beyond the expiration of their contracts and are not eligible for consideration for the award of tenure. Members of the faculty who are in tenure-track or tenured positions or who hold the rank of Instructor, Lecturer, Senior Lecturer, or Teaching or Clinical Professor (of any rank) may vote in appropriate in institutional elections or personnel proceedings. Postdoctoral and adjunct personnel are considered Non-Faculty Academic Staff and are neither members of the faculty nor members of the Corps of Instruction (see Sections 3.3.1 and 3.4). Individuals holding honorary titles are not members of the faculty. Emeritus “faculty” members are honored retired faculty members who have been accorded emeritus status; however they are not members of the Corps of Instruction.

3.3.1 Corps of Instruction. Within the faculty are employees holding appointments in the Corps of Instruction. The University Corps of Instruction consists of full-time employees holding the ranks of tenure-track or tenured Professor (of all ranks), personnel with the academic rank of Instructor, Lecturer, or Senior Lecturer, or Teaching Professor (of all ranks), as well as other personnel as noted below. The Board may also approve other teaching personnel as members of the Corps of Instruction including “research and extension personnel and duly certified librarians” (see IHL Policies & Bylaws 402.01A). At The University of Southern Mississippi tenured and

¹ The same policies are set out in Board *Policies and Bylaws*, Sections 401.01-0103.

tenure-track librarians are considered to be members of the Corps of Instruction. Full-time University Clinical Professors (of all ranks) and Professors of Practice and Artists-in-Residence are also considered to be members of the Corps of Instruction by virtue of their mission of instruction. Administrative officers with academic rank are also considered to be members of the faculty and the Corps of Instruction (see IHL Policies & Bylaws 402.01B). Research Professors (of all ranks), although members of the faculty, are not considered to be members of the Corps of Instruction since their primary responsibility is one of research rather than instruction. Visiting faculty are not considered to be members of the Corps of Instruction. Postdoctoral and adjunct personnel are considered Non-Faculty Academic Staff and are neither members of the faculty nor members of the Corps of Instruction (see Section 3.4).

3.3.2 Administrative Officers Holding Faculty Status. A faculty member who has the academic rank and rights of tenure in the Corps of Instruction and who accepts an appointment to an administrative office retains his or her academic rank and rights of tenure as an ex officio member of the Corps of Instruction but has no rights of tenure in the administrative office to which he or she has been appointed. An administrative officer having faculty status shall retain privileges of faculty membership. The President shall nominate administrative officers for election by the Board.¹ Administrative officers may be discharged from their administrative appointment at any time for any reason, and the discharge is not subject to the policies and procedures otherwise applicable to faculty members.

3.3.3 Tenure Track Faculty. Only those faculty members who hold a rank of Assistant Professor, Associate Professor, or Professor are eligible for tenure and are classified as “tenure track” faculty. All other academic ranks, including that of Instructor, are defined by the Board as “non-tenure track.” Non-tenure track faculty may not have their status converted to tenure track but may apply, on the same basis as other candidates, for available tenure track positions.²

3.4 NON-TENURE-TRACK FACULTY

3.4.1 Policies and Procedures Regarding Non-Tenure-Track Faculty at the University of Southern Mississippi: Research and Clinical Professors, Instructors, Lecturers, and Senior Lecturers, Teaching Professors, Artists-In-Residence, and Professors of Practice.

Purpose

¹ Board *Policies and Bylaws*, Section 402.01; C. Ray Cleere, Commissioner of Higher Education, to Chief Executive Officers, State Institutions of Higher Learning, Administrative Memorandum Number 3, May 7, 1991 (Authorization for Employment Contracts), *ibid.*, Section 400.

² Board *Policies and Bylaws*, Section 404.01.

A comprehensive university requires a cadre of personnel who are able to devote full time to research, instructional, or clinical activities. The purpose of this document is to establish a consistent set of titles and promotion criteria for such positions. Existing procedures are to be used for establishing positions, advertising vacancies, and filling positions. Affirmative action regulations apply to these positions.

POLICY/PROCEDURES

A. Research and Clinical Position Titles

The levels of appointments for research and clinical positions are:

Clinical Instructor

Assistant Research Professor
Assistant Clinical Professor

Associate Research Professor
Associate Clinical Professor

Research Professor
Clinical Professor

All research/clinical positions are non-tenure-track and must be so indicated to prospective and incumbent holders of these positions or titles. Clinical Instructors and full-time Clinical Professors (of any rank) are also considered to be members of the Corps of Instruction by virtue of their mission of instruction. Clinical Instructors and Clinical Professors (of any rank) are, by definition, employed in a clinical setting. Research Professors, although members of the faculty, are not considered to be members of the Corps of Instruction since their primary responsibility is one of research rather than instruction. Consequently, Research Professors of any rank may not vote in institutional elections or personnel proceedings. The clinical/research ranks are briefly described below.

a) Clinical Instructors: Individuals who are employed by the University with instructional responsibilities in a clinical setting, but do not possess a terminal degree in the discipline in which they teach. However, these individuals possess the potential for successful performances in clinical instruction as members of the University Corps of Instruction.

b) Assistant Research/Clinical Professors: Individuals with a terminal degree in their discipline, who possess the potential for successful performances in research or clinical activities at the University.

c) Associate Research/Clinical Professors: Individuals who have met the criteria for Assistant Research or Assistant Clinical Professor and in addition have consistently demonstrated abilities to perform at a level of excellence appropriate for the Associate Professor rank.

d) Research/Clinical Professors: Individuals who have met the criteria for Associate Research Professor or Associate Clinical Professor and have then continued to demonstrate excellence in research or clinical activities.

In exceptional circumstances, faculty who do not possess a terminal degree but who have made substantial and outstanding contributions in their fields may be awarded the title of Assistant Research/Clinical Professor, Associate Research/Clinical Professor, or Research/Clinical Professor.

Candidates for promotion via the Research/Clinical Professor pathways will prepare a dossier describing their accomplishments and rationales for seeking promotion. Recommendations regarding these promotions will be made by the candidate's Departmental Promotion Committee, department chair, College Advisory Committee, and college dean. For promotions from Assistant Research/Clinical Professor to Associate Research/Clinical Professor the Departmental Promotion Committee will consist of the department's tenured Associate and Full Professors. For promotion from Associate Research/Clinical Professor to Research/Clinical Professor the Departmental Promotion Committee will consist of the department's tenured (Full) Professors. Following input from the college dean these recommendations will be forwarded to the Provost for a final decision.

The schedule for promotion of individuals holding non-tenure-track research or clinical professor positions should follow, whenever possible, the schedule outlined for tenure-track promotions. In cases involving promotions from Assistant Research/Clinical Professor to Associate Research/Clinical Professor, and from Associate Clinical/Research Professor to Research/Clinical Professor, individuals may seek promotion during the fifth year of service (or later years) in the lower rank, with an approved promotion effective at the beginning of the following academic year.

Research Professors (all three ranks) may engage in teaching provided they satisfy expectations of the Provost. Such teaching does not move the individual to a tenure-track appointment nor to the Corps of Instruction.

B. Instructor, Lecturer, Senior Lecturer, and Teaching Professor Positions

Full-time University Instructors, Lecturers, Senior Lecturers, and Teaching Professors (of all ranks) are considered to be members of the Corps of Instruction by virtue of their mission of instruction. The University benefits from the employment of a cadre of faculty dedicated principally to the University's mission of instruction. In order to recognize and provide opportunities for advancement, the University provides two tracks for faculty whose primary responsibilities are instruction. These levels are: 1) Instructor → Lecturer → Senior Lecturer; and 2) Assistant Teaching Professor → Associate Teaching Professor → Teaching Professor. All six of these teaching ranks are non-tenure track and must be so indicated to prospective and incumbent holders of these positions or titles. Individuals who are initially appointed to such

positions at the University and who lack the terminal degree in the discipline in which they teach are to be appointed at the rank of Instructor. Individuals who are initially appointed to such positions at the University and who hold the terminal degree in the discipline in which they teach, or in a closely related discipline, are appointed at the rank of Assistant Teaching Professor. Individuals at the University who currently hold the title of Instructor but possess the terminal degree in the discipline in which they teach (or in a closely related discipline) may be moved to the rank of Assistant Teaching Professor. Instructors at the University who earn the terminal degree in the discipline in which they teach (or in a closely related discipline) may also be moved to the rank of Assistant Teaching Professor. Individuals seeking these positions (regardless of prior service or teaching experience) must prepare a dossier for evaluation by the candidate's Departmental Promotion Committee, department chair, College Advisory Committee, and college dean. For individuals seeking these positions the Departmental Promotion Committee will consist of the department's tenured Associate and Full Professors. Following input from the college dean these recommendations will be forwarded to the Provost for a final decision.

The general time schedule for promotions from Instructor to Lecturer to Senior Lecturer and from Assistant Teaching Professor to Associate Teaching Professor to Teaching Professor follow the University's schedule for promotion for personnel in tenure-track ranks (see Section 9.4.3 of the Faculty Handbook). Individuals who are initially appointed as Instructors are eligible to apply for promotion to Lecturer during their fifth year of service (or later years) as Instructors, with an approved promotion effective at the beginning of the following academic year. Promotion from Lecturer to Senior Lecturer follows the same time frame. In cases involving promotions from Assistant Teaching Professor to Associate Teaching Professor and from Associate Teaching Professor to Teaching Professor, individuals may seek promotion during the fifth year of service (or later years) in the lower rank, with an approved promotion effective at the beginning of the following academic year. In computing time in rank at the University for purposes of promotion, professional experience, and/or time in rank at another institution of higher learning may be considered if specified in the faculty member's contract at the time of employment.

University of Southern Mississippi employees who earn a doctoral degree receive an increase in salary (see Fringe Benefits Page in USM Employee Handbook). Promotions from Assistant Teaching Professor to Associate Teaching Professor and from Associate Teaching Professor to Full Teaching Professor merit increases in salary. Promotions from Instructor to Lecturer and from Lecturer to Senior Lecturer also merit increases in salary.

All candidates (regardless of prior service or teaching experience) for the Instructor → Lecturer → Senior Lecturer track or the Teaching Professor pathway will prepare a dossier describing their accomplishments and rationales for seeking the position or a promotion. Recommendations regarding these positions or promotions will be made by the candidate's Departmental Promotion Committee, department chair, College Advisory Committee, and college dean. For promotions from Instructor to Lecturer and from Assistant Teaching Professor to Associate Teaching Professor the Departmental Promotion Committee will consist of the department's tenured

Associate and Full Professors. For promotions from Lecturer to Senior Lecturer and from Associate Teaching Professor to Teaching Professor the Departmental Promotion Committee will consist of the department's tenured (Full) Professors. Following input from the college dean these recommendations will be forwarded to the Provost for a final decision.

Departments and colleges will develop criteria by January 1, 2017 for determining whether Instructors and Lecturers, and Assistant and Associate Teaching Professors merit promotion. These criteria will be reviewed annually each January by departments and colleges. Listed below are general guidelines for these promotions:

Instructor to Lecturer – Candidates need to demonstrate a continuous record of teaching excellence. Service and scholarly activities may also be considered.

Lecturer to Senior Lecturer – Candidates need to demonstrate a continuing record of excellent and innovative teaching coupled with notable service and/or scholarly activities.

Assistant to Associate Teaching Professor – Candidates need to demonstrate excellent and innovative teaching coupled with contributions in either service (departmental/collegiate/university or discipline) or notable scholarly activities.

Associate Teaching Professor to Teaching Professor – This promotion is merited by individuals who have met the criteria for Associate Teaching Professor and, following that promotion, demonstrate notable scholarly activities.

Since clinical/research/teaching professors of any rank are all in non-tenure- track positions these individuals may not be members of Departmental Personnel Committees or Departmental Tenure or Promotion Committees. Instructors, Lecturers, and Senior Lecturers are also ineligible to serve on these three committees.

C. General Comments Regarding Promotion of Research/Clinical/Instructor/Lecturer/Teaching Personnel

The University recognizes achievement of research/clinical/instructional personnel by advancement in rank. For this reason, promotion is never granted routinely for satisfactory accomplishments. Rank also reflects comparable stature with others in similar disciplines in other university settings. Promotion is based on performance and demonstrated competence, and not on length of service. However, a reasonable time must elapse (generally five years in the lower rank) for the individual to demonstrate competence and have it confirmed by annual evaluations. Professional achievement elsewhere will be considered for promotions.

Decisions regarding promotions begin with the appropriate departmental or school personnel option in accordance with departmental/school and college bylaws and the Faculty Handbook. The process or steps in a promotion decision are similar to those for tenure track or tenured

faculty, but the expectations and specific criteria for recommendations reside in the department or school and may be different from expectations for tenure-track/tenured faculty in the unit. The procedure for application for promotion is outlined above in section A for Research and Clinical Professors, and in section B for the Instructor – Lecturer – Senior Lecturer track and the Teaching Professor track. The individual seeking promotion will be officially notified as to the decision made at each level throughout his/her promotion evaluation, and written recommendations of these decisions will be provided to the candidate and placed on file in all appropriate offices (see Faculty Handbook). These recommendations will also become the basis for future discussions with the department/unit head regarding the individual's further professional development or growth. The candidate for promotion has the right to discontinue the review process for promotion at any point.

Financial rewards for promotion should be consistent with those of all USM faculty, subject to resource availability.

D. General Comments Regarding Research, Clinical, Instructor – Lecturer, and Teaching Positions: (1) Split Appointments, (2) General Criteria for Appointments, (3) Performance Standards, and (4) Annual Evaluations

(1) Split Appointments for Research, Clinical, and Instructors/Lecturers (both ranks) /Teaching Professors (all ranks). Units responsible for each element of the appointment are to have input in the promotion and annual review process.

(2) General Criteria for Appointment to Research/Clinical/Instructor/Lecturers/ Teaching Professor positions. All regulations of the University of Southern Mississippi concerning employment and promotion must adhere to the Policies and Bylaws of the Board of Trustees of State Institutions of Higher Learning (1970, with subsequent amendments). Specific attention is called to the section "Employment and Tenure of Faculties of Institutions of Higher Learning in Mississippi" (see also the Faculty Handbook). In addition, a person of research, clinical, or instructional/teaching rank must have an appropriate degree, or its equivalent in training and experience.

(3) Performance Standards of Professional Activities. In every case, the performance of non-tenure-track individuals in research, clinical, instructor/lecturer, and teaching positions will be judged by all parties involved in promotion decisions on the basis of written policy statements or criteria, i.e., specific requirements developed by the specific unit/units with which the individual is associated. All criteria should be based on the application of the highest professional standards associated with university work. To qualify for excellence in research/clinical/instructor/lecturer/teaching activities the work must be submitted to a critical evaluation, using standards prevailing in the applicable discipline or professional area.

(4) Annual Evaluation and Reviews of Instructors, Lecturers (both ranks), Clinical Instructors, and Research/Clinical/Teaching Professors (all three ranks). Each individual in a non-tenure-track research, clinical, instructor, lecturer or teaching position will be reviewed annually.

Decisions regarding annual reviews begin with the appropriate departmental or school personnel option in accordance with departmental/school and college bylaws and the Faculty Handbook. The process or steps in an annual review are similar to those for tenure-track or tenured faculty, but the expectations and specific criteria for recommendations reside in the department or school and may be different from expectations for tenure-track faculty in the unit. A copy of each annual review will be provided to the Instructor, Lecturer, Clinical Instructor or Research/Clinical/Teaching Professor for his/her signature and a copy of this review, also signed by the department/unit head or appropriate officer, will be reviewed by the appropriate administrator at the next level, and placed in the person's personnel file. The Instructor, Lecturer, Clinical Instructor or Research/Clinical/Teaching Professor may attach a dissenting statement to all copies of this review.

A confidential file for each individual holding a research, clinical, instructor, lecturer, or teaching rank is to be maintained by the department/unit head or appropriate administrator. No record in the file is to be added, changed, or withdrawn without the knowledge of both parties. The responsible administrative officer will make all pertinent information available to the appropriate individuals when the holder of a research, clinical, Instructor, lecturer, or teaching position is a candidate for promotion, or when the information is needed in an appeals or grievance case.

E. Artist-in-Residence and Professor of Practice Titles

In addition to the Research, Clinical, and Instructor, Lecturer, and Teaching Professor titles, Artist-in-Residence and Professor of Practice appointments may be made at the University.

Artist-in-Residence. Artist-in-Residence positions are non-tenure-track and must be so indicated to prospective and incumbent holders of this title. These appointees will not be required to possess a minimum academic qualification, but will be distinguished individuals with the highest level of artistic experience and talent.

Professor of Practice. Professor of Practice positions are non-tenure-track and must be so indicated to prospective and incumbent holders of this title. Professors of Practice are distinguished, experienced professionals who can contribute to the missions of the University. They may not necessarily possess terminal academic degrees.

Artists-in-Residence and Professors of Practice may also teach. If so, this teaching is subject to the same provisions listed above for research, clinical, instructor, lecturer, and teaching personnel.

Artists-in-Residence and Professors of Practice are subject to annual evaluations. Decisions regarding annual reviews begin with the appropriate departmental or school personnel option in accordance with departmental/school and college bylaws and the Faculty Handbook. Since the positions of Artists-in-Residence and Professors of Practice are non-tenure-track, holders of

these titles may not be members of Departmental Personnel Committees or Departmental Tenure or Promotion Committees.

3.4.2 Non-Faculty Academic Staff. Not included within the definition of faculty propounded by the Board of Trustees are further classifications of academic staff that may be employed within the state's institutions of higher learning. These include:

- (a) part-time personnel performing specified instructional, research, or library duties, including individuals who hold the title of “adjunct;”
- (b) personnel holding honorary titles;
- (c) temporary personnel funded in whole or in part by contracts or agreements of fixed duration with external public and private entities;
- (d) library and research personnel not holding academic appointment;
- (e) postgraduate and graduate assistants and graduate fellows performing specified instructional, research, or library duties; and
- (f) postdoctoral positions (see below).

By approving temporary positions funded in whole or in part by public or private external sources, the Board of Trustees does not obligate itself or any state institution of higher learning to maintain such positions or to continue the employment of the individuals filling them beyond the expiration of the contract or agreement with the external entity.²

Postdoctoral Positions. Postdoctoral positions are non-tenure-track and must be so indicated to prospective and incumbent holders of this title. Individuals in postdoctoral positions are considered members of the university’s academic staff, i.e., they are not considered to be members of the faculty.

(1) **Postdoctoral Fellow.** The position of Postdoctoral Fellow connotes an appointment that emphasizes continued professional development of the fellow after completion of the doctorate. The appointee shall have received the doctorate in a field appropriate to the assigned position offered. The appointment is for the individual’s education in research and teaching and is generally limited to two or three years. To qualify for a fellowship exemption under the federal income tax laws, no assigned duties and responsibilities or services can be required other than those which are an integral part of the fellow’s educational program. Appointees to these postdoctoral fellow positions shall have no continuing contractual relationship with the University.

(2) **Postdoctoral Associate.** The appointee shall have received the doctorate in a field appropriate to the assigned duties and responsibilities. This appointment is used when the individual renders

compensable services to the University and is assigned specific duties and responsibilities. Appointees to these postdoctoral associate positions shall have no continuing contractual relationship with the University.

3.4.3 Grievance Procedures. Procedures for filing grievances are outlined in Chapter 12 of the Faculty Handbook. However, only certain types of these grievances are available to non-tenure-track individuals. The types of grievances or appeals which may be initiated by non-tenure-track Research, Clinical, and Teaching Professors, Instructors, Lecturers, Artists-in-Residence, Professors of Practice, and individuals in postdoctoral positions are (using the listing as presented in the Faculty Handbook's Section 12.2..2 Grievance Issues): (a) annual performance reviews; (c) personnel actions involving adjustments in compensation; (e) grievances alleging a violation, misinterpretation or misapplication of a rule, policy, or procedure in relation to personnel policies, procedures, or practices including working hours, general working conditions, employment benefits, etc.; and (f) academic freedom. Appeals beyond the level of dean will be directed to the Provost. Administrative remedies applicable to University policies on discrimination, harassment in general, and sexual harassment, are outlined in Chapter 7 of the Faculty Handbook.

3.5 ADJUNCT ACADEMIC STAFF

- (1) Members of the University academic staff whose titles denote adjunct status are of two classifications: occasional and regular. Adjunct academic staff are employed to fulfill specified instructional and other duties for a specified period, but without any contractual guarantee of continuing employment. All adjunct members of the academic staff remain outside the Corps of Instruction, do not qualify for faculty status or privileges, and may not vote in institutional elections or personnel proceedings. Adjunct status may qualify one to be listed in the University's *Undergraduate Bulletin* and/or *Graduate Bulletin*. Those so listed must:
 - (a) have a regular teaching or research affiliation in an academic department, center, division, or institute within the University;
 - (b) have a professional reputation that enhances the reputation of the employing academic unit; and
 - (c) be recommended by a two-thirds vote of the members of the Corps of Instruction comprising the employing academic unit and be approved by the responsible Dean, the Provost, and the University President.

The listing of adjunct academic staff members in the University's *Undergraduate Bulletin* and/or *Graduate Bulletin* is strictly honorary, in no way equating with faculty status, a status of permanent employment, or a status of continuing employment.

(2) General Criteria for Appointment to Adjunct Academic Staff positions. All regulations of the University of Southern Mississippi concerning employment and promotion must adhere to the Policies and By-Laws of the Board of Trustees of State Institutions of Higher Learning (1970, with subsequent amendments). Individuals with adjunct status must have appropriate academic and/or professional qualifications for each course taught, as determined by the standard review process in place at the University.

(3) Annual Evaluation and Reviews of Adjunct Academic Staff. The teaching of each individual in an adjunct academic staff position will be reviewed annually on the basis of written criteria developed by the specific department(s) in which the individual is teaching and provided to the adjunct prior to his/her teaching in the department(s). The process in an annual review of instructional effectiveness for adjuncts may differ from process for the Corps of Instruction. A copy of each annual review will be provided to the adjunct, and a copy of this review, signed by the department head, will be reviewed by the appropriate administrator in college dean's office.

3.6 DISTINGUISHED PROFESSOR

3.6.1 In General. The appointment of a faculty member to a Distinguished Professorship at The University of Southern Mississippi constitutes the highest honor that can be accorded to a member of the professorate. The title will be conferred on selected members of the faculty to recognize distinguished achievement in teaching, research, scholarly works, and public service. The designation will be highly prestigious and consequently very exclusive.

3.6.2 Criteria for Selection. A candidate for designation as a Distinguished Professor must have held the rank of Professor at the University for at least five (5) years before being nominated. The title is not to be used for recruiting. In general, University Distinguished Professors will have been recognized nationally and usually internationally for the importance of their scholarly achievements. They will also have demonstrated the breadth of interest characteristically encompassed by the traditional role of a professor as teacher and public servant. In addition, they will have brought distinction to The University of Southern Mississippi as a result of their activities.

Specifically, a University Distinguished Professor has achieved a record judged by peers to be superior and outstanding in preferably all, but in at least two, of the following areas:

Superior teaching skills of recognized breadth and depth in their discipline.

Seminal scholarly research, literary, or artistic achievements.

A distinguished record of service, scholarship, and/or creative and artistic endeavors.

3.6.3 Selection Process. University Distinguished Professorships are awarded by the Board of Trustees upon the recommendation of the Provost and the President. From time to time, the Provost will request nominations for University Distinguished Professorships from members of the faculty, deans and department chairs. Nominations may be submitted to the Provost at any time, except that no Professor shall be eligible to nominate himself or herself.

Written nominations submitted to the Provost shall include a dossier containing, at a minimum, the following materials:

- a) a cover letter making or supporting the nomination and providing a brief summary of the candidate's qualifications and achievements, specifying the subjects to which the candidate has made seminal contributions and stating his or her principal contributions to those subjects;
- b) the candidate's curriculum vitae, including a current list of the candidate's publications, research grants, awards, and other achievements;
- c) letters of endorsement from relevant college deans and department chairs;
- d) evidence of the candidate's national and international reputation, in the form of at least three (3) letters from persons in university departments of high repute in the candidate's field, assessing the candidate's record of achievements in teaching, research, or public service. The qualifications of those writing letters of endorsement must be furnished. In some cases, letters from persons in prestigious non-university research laboratories or institutes may be appropriate; and
- e) letters of support from students, faculty, and other colleagues at this University, assessing the candidate's record of achievements in teaching, research, or public service.

3.6.4 Decision Process. Upon receipt of the complete application package, the Provost will convene the University Advisory Committee, which will review the candidate's credentials and make a recommendation to the Provost for transmittal to the President for review and submission to the Board for final decision.

3.7 EMERITUS/EMERITA FACULTY

3.7.1 Emeritus/Emerita Status. The emeritus designation is awarded to faculty members who have served The University of Southern Mississippi with distinction for an extended time. The status recognizes faculty who have excelled throughout their careers at the University. Two types of emeritus status are recognized by the University: emeritus professor and emeritus

instructor. Members of the faculty meeting the following criteria are eligible to be considered for professor emeritus status:

- (1) a minimum of ten years of honorable and distinguished service at the University. In exceptional cases, a faculty member who has served the University for fewer years may receive emeritus status.
- (2) retirement (in process or already completed) of the faculty member.
- (3) rank as an associate or full professor at the University of Southern Mississippi.
- (4) a distinguished record in at least two of the three areas of teaching, research, and service.
- (5) maintenance of collegial relationships with departmental colleagues.

Members of the faculty meeting the following criteria are eligible to be considered for instructor emeritus status:

- (1) a minimum of ten years of honorable and distinguished service at the University. In exceptional cases, an instructor who has served the University for fewer years may receive emeritus status.
- (2) retirement (in process or already completed) of the faculty member.
- (3) a distinguished teaching record at the University.
- (4) maintenance of collegial relationships with departmental colleagues.

3.7.2 Procedure for Appointment. The following procedure applies to the nomination and evaluation of retiring faculty for emeritus status:

- (a) A faculty member who is retiring or has already retired may apply for emeritus status by nomination or self-nomination. All applications for emeritus status must be submitted within five years of the candidate's retirement date. The maximum number of applications allowed per individual for emeritus status is two. Initially the eligible faculty member should complete the Emeritus Status Application Form available on the Office of the Provost website. The faculty member then submits the completed Application Form, together with a curriculum vitae, to the chair/director of his /her department.
- (b) The department chair/director will forward the faculty member's emeritus status application form and curriculum vitae to the Department Tenure Committee (DTC) for review and evaluation. The chair/director will conduct a separate evaluation of the application materials. The DTC and the chair/director will submit their separate evaluations to the college dean within one month after the faculty member has submitted the application materials and will also forward copies of their evaluations to the nominee.
- (c) The dean will review the faculty member's application, and the evaluations of the DTC and the chair/director. The dean will inform the nominee in writing of his/her (the dean's) evaluation. The dean will then submit his/her evaluation, along with the evaluations of the DTC and the department chair/director, to the Provost within eight weeks after the faculty member's submission of the application materials. The dean will also forward a copy of his/her evaluation to the nominee.

(d) The Provost will review the faculty member's application materials and the evaluations of the DTC, the chair/director, and the dean, and will submit his/her evaluation, along with the evaluations of the DTC, the chair/director, and the dean, to the President. The Provost may consult and seek advice from the appropriate College Advisory Committee and/or the University Advisory Committee.

(e) If the President approves the application, the Provost will notify the faculty member in writing that emeritus status has been approved (at the University level) and forward copies to the dean and department chair. The recommendation will then be submitted to the Board of Trustees for approval at the next Board meeting. If the President does not approve the application, the Provost will notify the faculty member by letter. The faculty member may then write a final letter of appeal, submitted to the President through the Provost. The next decision of the President regarding the faculty member's application is final and is not appealable to the Board of Trustees of State Institutions of Higher Learning.

3.7.3 Privileges. An emeritus faculty member is an honored, non-voting member of the department of which he or she was a member before retirement. Departments, colleges, and schools are encouraged to invite emeritus faculty to serve as lecturers, substitute instructors, and consultants. Although no longer tenured or eligible for employment benefits, an emeritus faculty member is entitled to the following privileges:

- (a) to be listed separately in the general catalog and university directory following the listing of the regular faculty;
- (b) to represent the University at ceremonies of other universities and organizations when so appointed by the President;
- (c) to serve on committees, including dissertation, thesis, and faculty committees, if requested by the department chair;
- (d) to enjoy the same library and computer privileges as active members of the faculty;
- (e) to receive faculty prices for University-sponsored events;
- (f) to have access to the Payne Center at regular faculty prices.

3.8 UNIVERSITY HIRING POLICIES

3.8.1 General. University hiring policies apply to the hiring of all University employees, being mandated either by federal or state law, the policies of the Board of Trustees, or the University President acting with Board approval. In accordance with Board policy, the University maintains written University hiring policies conforming to federal and state law, and maintains those policies

within its Department of Human Resources. These include policies pertaining to Affirmative Action/Equal Employment Opportunity/Americans with Disabilities Act (AA/EOE/ADA), and nepotism.

3.8.2 AA/EOE/ADA Policy. In accordance with Board policy, the University administers its policies and programs without regard for race, age, gender, religion, national origin, disability, or veteran status. The Board and the University have been and remain committed to the maintenance of equal opportunity for all persons. Affirmative action shall be taken to ensure that the University does not discriminate in any aspect of employment including advertisement, recruitment, selection, promotion, demotion, transfer, compensation, and selection for training.¹

3.8.3 Nepotism Policy. The Board of Trustees mandates that no administrative unit of the University may employ a person in any capacity who is related by blood or marriage within the third degree to any other administrative staff member, faculty member, instructional staff member, clerical staff member, or student employed by the same unit if either one of the two related employees will have direct supervision of any matter relating to the other's progress, performance, assignment, compensation, tenure, promotion, termination of employment, or welfare. Relationships within the third degree include great-grandparents, grandparents, parents, spouses, great-grandchildren, grandchildren, children, brothers, sisters, aunts, uncles, nephews, and nieces. Also included are step relatives within the third degree.

This policy does not apply to individuals employed prior to the time a relative within the third degree became the supervisor of the administrative unit. In such cases, if approved by the Board, the next highest administrative officer must decide performance, welfare, assignment, compensation, tenure, promotion, or termination of employment of the subordinate employee.²

In accordance with the spirit of Board policy, the University's nepotism policy applies the word "nepotism" to those employees engaged in a conjugal relationship but without benefit of marriage and to relatives within the third degree of those employees, requiring the recusal of all parties so related in institutional proceedings involving hiring and personnel recommendations.

3.8.4 Employment of Persons with University Terminal Degrees. As a comprehensive university with extensive national and international ties, the University seeks to broaden the intellectual perspective of its students and to promote the public interest by employing and retaining a cosmopolitan, culturally diverse faculty. In this endeavor, the University follows a general rule of not employing persons who have earned their terminal degrees from the University

¹ Board *Policies and Bylaws*, Sections 801.01 and 801.02.

² *Miss. Code Ann.*, Section 25-1-53, (1990); Board *Policies and Bylaws*, Section 801.03 (c).

in the full-time instructional ranks of Professor, Associate Professor, and Assistant Professor.¹ Exceptions to this policy require the approval of the President.

3.9 DEPARTMENT HIRING PROCEDURES

Departmental hiring for authorized academic positions is a process that involves consultation with the faculty of the department. When a position is to be filled, the department chair, at a meeting of the departmental faculty, conducts a discussion to determine departmental needs and professional qualifications for the position. The department chair appoints appropriate members of the departmental faculty and others to a search committee, designating one of the members as chair of the committee. The search committee coordinates the advertisement of approved positions, the receipt of applications, the interviewing of candidates, and the recommendation of candidates to the department faculty. The department faculty may elect to accept the search committee's recommendations or develop an alternate recommendation. The department chair then submits a written hiring recommendation from the department to the responsible college dean, accompanied by the chair's separate written recommendation either concurring or disagreeing with the recommendation of the departmental faculty. In hiring proceedings involving individuals who will be members of the professional education faculty, the Chair of the Department of Curriculum, Instruction, and Special Education, and the Dean of the College of Education and Psychology participate according to policies and procedures detailed in the bylaws of the Professional Education Council.

3.10 NOMINATION AND ELECTION TO ACADEMIC APPOINTMENT

The University President nominates, and the Board of Trustees elects, all candidates for academic appointment. Presidential nominations may be accepted, amended, or rejected by the Board. In the event of rejection, the Board must inform the University President of the reasons for its decision. The President may then resubmit the nomination with clarifying explanations, resubmit the nomination with amended terms, or submit a substitute nomination.²

3.11 EMPLOYMENT CONTRACTS

3.11.1 Parties. The parties to all employment contracts are the Board of Trustees of State Institutions of Higher Learning and the individual employee. Employment contracts are extended

¹ Office of the Provost. "Terminal degree" is defined as the last, final, or supreme academic degree conferred within an academic discipline as established by the Board of Trustees upon the recommendation of the University President in consultation with pertinent academic units.

² Board *Policies and Bylaws*, Section 401.01.

to Board-elected individuals by the University President, acting in the legal capacity of executive officer of the Board.

3.11.2 Terms and Conditions. Employment contracts issued by the Board through the institutional executive officers are subject to the laws of the state of Mississippi, the policies and bylaws of the Board of Trustees, and the policies set forth in this handbook, as amended from time to time. Employment contracts contain the general terms of employment and any extraordinary employment status recommended by the President and duly approved by the Board. All amendments, revisions, additions and reductions to employee contracts are subject to approval by the Board.¹

Board policy requires the University President to specify in writing the precise terms and conditions of every appointment containing provisions not regularly included on employment contracts and to assure that the documents are in the possession of both the affected employee and the University administration before the consummation of an appointment.²

The failure of an academic staff member to return a duly signed contract prior to the first regularly scheduled class meeting of an academic term constitutes a voluntary resignation from employment and of all privileges inherent in a status of continuing employment.

3.11.3 Academic Rank. Academic rank is assigned by the Board of Trustees upon the recommendation of the University President and stated on employment contracts. The Board establishes the minimum standards for assignment of academic rank.

The minimum standards for appointment at the ranks of Professor and Associate Professor are:

- (a) a doctoral or other terminal degree or equivalent credentials;³
- (b) successful teaching experience; and
- (c) a record of successful research and/or creative work.

The minimum standards for appointment at the rank of Assistant Professor are:

- (a) a master's degree or the equivalent credentials; and

¹ Board Policies and Bylaws, Section 401.01.

² Board of Trustees Administrative Memorandum Number 3, May 7, 1991, Board *Policies and Bylaws*, Section 400.

³ The definitions of the terms "equivalent degree" and "equivalent credentials" are established at the discretion of the Board of Trustees upon the recommendation of the University President in consultation with responsible institutional administrative officers and the faculties of academic units.

- (b) one year of additional graduate work.

The minimum standard for appointment at the rank of Instructor is a master's degree or the equivalent credentials.

Additional requirements for academic rank reflecting institutional or unitary goals, objectives, needs, and/or disciplinary standards may be approved by the Board of Trustees upon the recommendation of the University President in consultation with responsible institutional administrative officers and the faculties of pertinent academic units.¹

3.11.4 Compensation. The compensation of faculty members under the terms of employment contracts is determined by the Board of Trustees, based upon the recommendation of the University President in consultation with responsible institutional officers and faculties of relevant academic units. The Board of Trustees, upon the recommendation of the University President, determines salary supplements for administrative officers holding faculty or any other academic status.

3.11.5 Duration. While state law authorizes the Board of Trustees to offer employment contracts of up to four (4) years' duration, Board policy restricts multiyear contracts to the executive heads of the state's universities and to selected athletic personnel employed within the universities.²

All employment contracts are of fixed duration, generally not exceeding one (1) year. As required by state law, the Board of Trustees elects all employees for a definite period of service and has a general policy of re-electing employees during the period of satisfactory service. However, the Board is under no legal obligation to renew the contract of any non-tenured employee and may decline to do so for any reason. The Board has the statutory authority to terminate any employment contract at any time for malfeasance, for inefficiency, for contumacious conduct, or for cause. Tenured faculty members may not be terminated without due process.³

Employment contracts issued to members of the Corps of Instruction are normally of nine (9) months' duration, extending from the commencement of the fall semester (mid- to late August) until the conclusion of the spring semester (early to mid-May). An exception is that contracts issued to members of the Corps of Instruction in the University Libraries are normally of twelve (12) months' duration. Employment contracts extended to administrative officers holding faculty rank are normally of twelve (12) months' duration but may be of nine (9) months' duration or less.

¹ Board *Policies and Bylaws*, Section 402.02.

² C. Ray Cleere, Commissioner of Higher Education, to Chief Executive Officers of State Institutions of Higher Learning, Administrative Memorandum Number 3, May 7, 1991 (Authorization for Employment Contracts), Board *Policies and Bylaws*, Section 400.

³ Board *Policies and Bylaws*, Sections 201.0605, 301.03 (D), 401.01, and 401.0101.

Academic staff members employed neither as members of the Corps of Instruction nor as administrative officers with faculty rank may be terminated at any time for any reason.

3.11.6 Renewal of Contracts. While the Board of Trustees usually renews the annual employment contracts of tenured faculty in the absence of specified circumstances, the annual employment contracts of non-tenured faculty are renewable entirely at the discretion of the Board upon the recommendation of the University President. The contract of a non-tenured faculty member shall not be considered renewed until approved by the Board, expressed in its minutes, and the faculty member has received written notification of renewal from the President.

3.11.7 Non-renewal of Contracts. "Non-renewal" is the decision not to renew the existing employment contract of non-tenured faculty members.

3.11.8 Notification of Non-renewal of Members of the Corps of Instruction (Tenure-Track Faculty and Individuals with the Academic Rank of Instructor). In the event of non-renewal, the University must inform the affected member of the Corps of Instruction in writing according to the following schedule:

- (a) not later than March 1 during the first year of service;
- (b) not later than December 1 during the second year of service; and
- (c) not later than September 1 after two or more years of service.¹

This schedule of notification applies only to persons who hold the academic rank of Instructor or are in tenure-track positions. Members of the Corps of Instruction who are notified of the non-renewal of their contracts prior to or on the dates mentioned in (a), (b), and (c) (above) are entitled to serve the remainder of the academic year through the end of the spring semester. If notified after the dates mentioned in (a), (b), and (c) (above) members of the Corps of Instruction are entitled to serve the remainder of the academic year through the spring semester and are offered a terminal contract for the following academic year.

3.11.9 Resignation. The University President is authorized by the Board of Trustees to accept resignations and to determine the effective date of voluntary termination of employment.² Resignation of employment by a faculty member shall constitute resignation and relinquishment of all rights and privileges of employment, including rank and tenure.

3.12 ANCILLARY INSTITUTIONAL AGREEMENTS

¹ Board *Policies and Bylaws*, Section 403.0102.

² Board *Policies and Bylaws*, Section 801.08.

3.12.1 General. Approved members of the University’s academic staff may provide a number of institutional services outside the scope of their regularly contracted duties and so earn remuneration over and above that provided by annual employment contracts. While ancillary institutional agreements are concluded exclusive of regular employment contracts extended by the Board, academic staff members so employed are subject to the laws of the state of Mississippi, the policies and bylaws of the Board of Trustees, and the institutional policies of the University governing regular employment.

Ancillary institutional agreements include summer semester employment; employment within the University’s programs in international and continuing education; employment on a domestic campus, extension center, or teaching/research facility of the University removed from the place of regularly contracted employment; teaching within the University’s Interactive Video Network; directing University-sponsored projects; and serving as an internal consultant to the University.

3.12.2 Summer Semester Employment. Nine-month employment contracts do not include the University's summer semester, which operates on a budget entirely separate from that of the regular academic year. Faculty and other members of the academic staff teaching during the summer semester are nominated by their academic units, endorsed by college deans and the Provost, approved by the University President, and compensated on a fixed scale based on academic rank and teaching load, with nine (9) semester hours of teaching normally constituting full-time employment.

3.12.3 International Education. Like the summer semester, the University's programs in international education operate on budgets entirely separate from that of the regular academic year. Academic staff members employed within international education are nominated by the Director of International Education and approved by the University President upon the recommendations of heads of academic units, deans of responsible colleges, and the Provost. The nature of an activity and the designated duties of an employee within it might justify additional compensation, and employees are normally compensated for related expenses and/or afforded per diem.

3.12.4 Off-Campus Employment. Academic staff members who are regularly employed at one campus of the University, and whose designated responsibilities are in whole or in part performed at another domestic campus, extension center, or teaching/research facility of the University, may be awarded remuneration over and above that depicted on their regular employment contracts. Such individuals are also normally entitled to reimbursement on a fixed scale for designated personal expenses accruing in the fulfillment of such responsibilities, and, in some cases, to the allocation of developmental monies by the University administration to the academic unit of their appointment. Such arrangements are made within the terms of employment contracts, without an amendment of said contracts, and at the discretion of the University President.

3.12.5 Directing University-Sponsored Projects. Contingent on the terms and conditions of contracts with funding agencies, externally funded research and other scholarly and creative activities sponsored by the University may entitle project directors to released time from regularly

contracted institutional duties and/or remuneration during the summer months. For example, with the permission of funding agencies, project directors may receive one-third of their contracted nine-month salaries during the summer, provided they work on the externally funded project for the full three (3) months of the summer.¹

3.12.6 Internal Consultation. Internal consultants are employees of the University who contract to provide specialized advice or services to externally funded projects administered by the University or to institutional activities supported by University funds. Internal consultation may entitle employees to compensation over and above that afforded by regular University employment contracts, but, in all cases, services rendered must be exclusive of regular contracted duties within the University.

University policy restricts internal consultation to extraordinary circumstances involving uncommon duties outside the purview of University administrative officers and, in the case of externally funded projects, to advice or service that cannot be obtained or performed within the academic or research disciplines of principal investigators.

Other policies governing internal consultation include the following:

- (a) Internal consultation normally cannot exceed one (1) day per calendar week.
- (b) Ex officio members of the Corps of Instruction serving as administrative officers with administrative rank of dean or higher may not receive consulting fees for on-campus activities.
- (c) Nonacademic personnel employed by the University may serve as internal consultants and be compensated on the same basis as academic personnel.
- (d) In cases of projects funded by external sources, University employees may not receive additional compensation as internal consultants for projects conducted under the auspices of persons employed within their academic or administrative units.
- (e) In cases of externally funded projects, internal consultants can be appointed only after written approval from funding entities and approval by the University's Office of Research Administration.

3.13 ANCILLARY COMPENSATION POLICY

¹ Information regarding University and agency guidelines/constraints may be obtained from the Office of Research Administration.

The University President must approve all agreements providing members and ex officio members of the Corps of Instruction with remuneration over and above that accruing from regular employment contracts for services/duties performed during the terms of those contracts. Agreements providing additional remuneration above \$2,500 require the prior approval of the Board of Trustees. The Commissioner of Higher Education may, in an emergency, grant administrative approval for requests above \$2,500 with subsequent approval of the Board. The University must submit a summary of additional remuneration to the Board no later than August 1 each year. This policy does not apply to payments made directly to employees by external agencies, only to funds accounted for by the University.

3.14 EXTERNAL EMPLOYMENT POLICY

The policy of the Board of Trustees permits academic staff members to engage in employment outside the University. In all cases, permission first must be obtained from the University President. The President may grant permission for external employment only after ascertaining that the employment will not interfere with the University duties of the person requesting permission.

CHAPTER 4

INSTRUCTIONAL POLICIES AND SUPPORT SERVICES

4.1 INTRODUCTION

The instructional duties of the faculty of The University of Southern Mississippi are essential to the achievement of the instructional mission of the University. To some extent, these duties are defined by general policies propounded by the Board of Trustees. Instructional and employment policies are further defined by the President pursuant to the authority granted by the Board and based upon the recommendation of the Provost. This chapter addresses the instructional policies of the University and the services that support the fulfillment of the instructional mission.

4.2 ACADEMIC ADVISEMENT

The faculties of the various academic units of the University provide specialized academic and professional advice and assistance, and such duties are important components of a faculty member's employment responsibilities. New students who express specific educational goals are assigned advisers within the relevant academic units of the University and are scheduled to confer with members of the academic staff at specified times. The purposes of these advisement conferences are:

- (a) to ascertain the validity of student assumptions concerning academic majors, minors, and resulting career opportunities;
- (b) to evaluate the applicability of any academic credits earned by students at other institutions of higher learning within desired university degree programs (institutional applicability of such credits are determined by written evaluations of transcripts provided to students and advisers by the Office of the Registrar);
- (c) to devise appropriate curriculum and class schedules; and
- (d) to provide information and assistance to students with extraordinary educational or personal needs.

Academic units retain individual files on students with declared majors, enabling their faculties to provide continuing advisement for the duration of students' academic careers at the University. The principal resources of the faculty adviser are the University's *Undergraduate Bulletin* and *Graduate Bulletin*, although most academic and administrative units also print and distribute basic information.

4.3 OFFICE HOURS

Since faculty are the primary providers of academic and professional advising for students, all members of the instructional corps must ensure that they make themselves accessible to students at reasonable times. Electronic and telephonic communications are important, but they cannot always replace the effectiveness of personal discussions that occur during office visits. Thus, all faculty members at The University of Southern Mississippi are required to post and maintain reasonable office hours and to be available to students during those times. Office hour requirements shall reflect the priorities of the University and the academic units. Department chairs shall establish minimum weekly office hour requirements for faculty within their departments, subject to the approval of their respective deans.

4.4 EXPECTED TEACHING LOADS

The expected undergraduate teaching load for full-time members of the Corps of Instruction is four (4) courses or twelve (12) credit hours per semester, or the equivalent, for the fall and spring semesters.¹ Three (3) courses or nine (9) credit hours, or the equivalent, are required to qualify for full-time status during the summer semester.

The University's comprehensive mission and related institutional goals sometime render exceptions necessary and desirable in the interest of the students and the University. Hence, the University allows the department chairs flexibility to consider reassignment, extension, honors, and other specialized courses as part of the normal teaching load and, whenever justifiable, grant reassigned time from teaching to members of the instructional staff engaged in uncompensated administrative and committee work, supervision of approved extracurricular activities, research projects, and service projects benefiting the public.

Within fifteen (15) days after the beginning of the fall and spring semesters, department chairs shall provide to their respective deans, and deans shall provide to the Provost, a written report stating the responsibilities assigned to each faculty member, including total courses and semester hours being taught, research and grant projects, reassigned time, and service assignments.

4.5 INSTRUCTIONAL POLICIES

4.5.1 Duration of Classes. University accreditation is contingent on the maintenance of classroom contact hours calculated on a formula of 37.5 contact hours per three (3) semester hours of academic credit; each semester hour requires at least one (1) week of instruction. Contact hours may include field exercises, research, and examination periods supervised by instructors of record

¹ *Building a System of Excellence* (Mississippi Universities: A Three-Year Plan of Action, submitted by the Board of Trustees of Institutions of Higher Learning, November 1993), p. 11.

or their designated representatives possessing appropriate academic credentials. In the event of illness or any other consideration that might compromise contact hour requirements, instructors of record are required to inform their immediate supervisors.

4.5.2 Syllabi. Instructors are required to distribute written syllabi that include course goals, objectives, and the basis for assessing student performance to students enrolled in all credit activities within one week of the beginning of the course. The academic units of the University are required to maintain current syllabi for all courses offered.

4.5.3 Writing Across the Curriculum. The University seeks to assure that its graduates possess writing skills commensurate with the demands of professional life. Thus, members of the instructional staff are encouraged to include written exercises within the requirements of all courses.

4.5.4 Class Absences. Since courses are widely divergent in nature and content, normally the instructors set attendance policy at the unit level. However, student participation in authorized University activities as an official representative of the University or in other activities for which excused absences are authorized provides opportunities for students to broaden their experiences. Therefore, upon presenting to the instructor documentation signed by the relevant University official, evidencing the student's required attendance at a University sanctioned activity, any class absences directly necessitated by such activities will be excused; and the student will be given a reasonable opportunity to make up all work that was missed due to the required absence from class. Likewise, the student is expected to cooperate with the instructor by giving advance notice of scheduled absences and completing all assigned course work.

4.5.5 Student Dishonesty. In the event of student dishonesty, instructors may award failing grades either on the pertinent assignment or for the course and, at their discretion, report the student to the Office of the Dean of Students for possible judicial proceedings under the University's Code of Student Conduct. Academic dishonesty might involve cheating on examinations, plagiarism, or any violation of reasonable terms and conditions duly established on written course syllabi.

4.5.6 Grading Standards. Standards for the award of evaluative grades are within the authority of instructors, subject to review only by the academic units in which academic appointment is held. The instructor may determine the basis of grades in all classes, assigning examinations, quizzes, essays, research papers, field exercises, and other graded activities at his or her discretion.

4.5.7 Final Examinations. In-class final examinations for a class must be administered at the time designated for that class on the University Calendar. The instructor has the option of administering a take-home final examination in lieu of an in-class final examination and may waive the final examination at his or her discretion under conditions specified in the class syllabus.

4.6 APPEALS OF GRADES

The University Grade Review Council hears and adjudicates at its discretion the appeals of grades filed by petitioning students. The jurisdiction of the Council does not include allegations concerning the competence of a faculty member, the fairness of examinations, the difficulty of a course, or matters of a purely academic nature. Rather, its sole charge is to determine whether the assignment of a grade was arbitrary or capricious.

The Grade Review Council reviews student petitions and decides, on the basis of evidence presented by the petitioning student, either to dismiss petitions lacking merit or to convene and evaluate petitions in an administrative hearing. In the latter case, responsible instructors are entitled to appear before the Council, in closed session, and to present evidence rebutting the allegations of a petitioning student. In the event the Council determines that a grade was assigned in an arbitrary or capricious manner, the Council is empowered to assign the petitioning student an appropriate grade for the course in question. The decision of the Council is final and binding upon the parties.

The Grade Review Council consists of two (2) faculty members and one (1) alternate elected by the faculty of each of the University's degree-granting colleges. The Academic Council coordinates the election of members. Members serve staggered four-year terms and cannot serve consecutive terms.

4.7 STUDENT RIGHTS TO ACCESS AND PRIVACY

The Buckley Amendment to the Family Educational Rights and Privacy Act of 1974 mandates that:

- (a) Individual students must be given access to every educational record pertaining to them kept by the University;
- (b) The University must establish a policy for the implementation of the student right to access to personal records, said policy to include procedures governing access to specific records;
- (c) The University must inform all students of their rights under the Buckley Amendment, of how they may act on said rights under institutional policy, and of how they may see a copy of pertinent institutional policy; and
- (d) The University must obtain the written permission of students before disclosing any personally identifiable record to any party other than institutional personnel for whom access to records is required in the performance of contracted duties.

In accordance with the Buckley Amendment, the University has implemented a policy governing student access to personal educational records and notifies students, by publication in the student

newspaper, of the right to access and of the University policy assuring access. Faculty are advised that the posting of grades or any other records pertaining to students where the identity of the students is made evident might constitute violations of federal law. Faculty members are urged to become familiar with the provisions of the Buckley Amendment and be aware of its significance.

4.8 COURSE ADMINISTRATION POLICIES

4.8.1 Overview. While instructors have discretion regarding course administration, they do not function in an administrative vacuum. Rather, instructional duties are performed within an institutional framework that seeks to accommodate a large number of variables endemic to both the human condition and the operations of a comprehensive university. Adherence to the following policies governing registration and course administration, therefore, is required of all instructors.

4.8.2 Official Course Registration. Individuals may not attend classes unless officially enrolled. Documents reflecting official class enrollment are distributed by the Registrar before the first scheduled meeting of classes and thereafter on a periodic basis until the close of the late registration period. Parties attending classes but not appearing on the Registrar's enrollment documents must be directed to the Registrar and may be readmitted to class only after their enrollment is verified.

4.8.3 Permission to Add Courses. Students seeking to enroll in courses after the close of registration must secure the appropriate form from the Registrar and obtain the written permission of the instructors, department chairs, and responsible college deans.

4.8.4 Verification of Enrollment & Interim Grades. Not Attending Rosters must be reviewed by instructors of record by the date set by the Office of the Registrar. This information is necessary for verification of class enrollment. In addition, instructors of record file interim grades for all undergraduates by the deadline set by the Office of the Registrar.

4.8.5 Progress Reports for Student-Athletes. Because of the extraordinary demands of training and travel, the University's student-athletes often face extraordinary academic challenges. Hence, prior to midterm each semester, the Athletic Department informs instructors of record of the names of all student-athletes enrolled in their classes and requests the submission of brief progress reports (grades, absences, advisability of tutors).

4.8.6 Reporting of Grades. During the final week of each semester, instructors file grade reports online or with the Registrar. Grade reports are accompanied by detailed instructions and identify a deadline for the submission of final grades, which is normally the Monday following the conclusion of the University's official final examination week.

4.8.7 Changing Grades. Instructors may initiate changes of grades by completing official "Change of Grade" forms and submitting them to their department chairs. These forms are maintained by all academic units and specify that instructors must provide a brief but succinct statement of the rationale for a change of grade.

CHAPTER 5

RESEARCH POLICIES AND SUPPORT SERVICES

5.1 INTRODUCTION

The University of Southern Mississippi commits considerable resources to research, creative activities, and other forms of scholarship, whether sponsored by the University or conducted independently by academic staff members, professional staff members, or students. At the same time, all University employees are subject to policies that seek to assure that scholarly endeavor is conducted in accordance with public law and traditional standards of professional probity.

This chapter outlines the functions of the Mississippi Research Consortium and the Mississippi University Research Authority. It identifies the major research entities at The University of Southern Mississippi; the institutional bodies that promote, monitor, and administer scholarly endeavors; the services available to the scholar; and the policies that govern scholarship.

5.2 THE MISSISSIPPI RESEARCH CONSORTIUM

The Mississippi Research Consortium (MRC) is composed of the state's four major research universities: The University of Southern Mississippi, Jackson State University, Mississippi State University, and The University of Mississippi. A board composed of the chief research officers of the member institutions governs the MRC. The Vice President for Research represents the University on this board. The MRC was formed in November 1986 through a formal cooperative agreement with the National Aeronautics and Space Administration located at the Stennis Space Center in Bay Saint Louis, Mississippi. Its original purpose was to serve as a mechanism through which agencies located at the Stennis Space Center might access scientific and technical expertise for basic and applied research.

In 1988, the governor designated the MRC as the Mississippi EPSCoR Executive Committee, with the Commissioner of Higher Education serving in an ex officio capacity. Concurrent Resolution 502 of the Mississippi Legislature charged the MRC with specified duties and responsibilities, such as:

- (a) to facilitate and manage science and technology initiatives in Mississippi;
- (b) to catalog existing science and technology research capabilities;
- (c) to provide forums for educating the public on science and technology issues; and
- (d) to ensure that science and technology initiatives and state policy are consistent.

Since 1988, the MRC has pursued a statewide mission of investigating, planning, and coordinating collaborative initiatives for the advancement of science and technology; promoting economic development; and advising the Governor and the legislature on a wide range of matters that enhance the quality of life for all Mississippians. The MRC directs and supports a number of activities that seek to enhance human resources and to develop an infrastructure capable of promoting research, education, and economic development. Prominent among these activities are the Consortium's efforts to maintain a liaison with federal agencies, communicate with the Mississippi congressional delegation, and to support the development of competitive research in other public agencies through participation in the Coalition of EPSCoR States.

5.3 THE MISSISSIPPI UNIVERSITY RESEARCH AUTHORITY

The Mississippi University Research Act of 1992 established the Mississippi University Research Authority (MURA), a medium through which qualified administrative officers, faculty members, and other employees of the state's institutions of higher learning might apply for and obtain permission to establish and maintain financial interests in private entities that were previously proscribed by Mississippi law. Expressly excluded from participation are the chief executive officers, chief financial officers, and chief research officers of the state's universities, as well as members of MURA.

The purpose of MURA, and the standard by which it evaluates applications, is to encourage relationships that "facilitate the transfer of technology developed by the officer or employee of the university from the university to commercial and industrial enterprises for economic development."

Qualified University employees may initiate the application process by submitting MURA Form 1 (available in the Office of the Vice President for Research) to the University President. Upon receipt of MURA Form 1, the President must review the application and pursue one (1) of three (3) courses of action. These are:

- (a) to defer judgment pending the applicant's submission of additional information;
- (b) to disapprove the application, giving the applicant written justification for the unfavorable finding (applicants being entitled to submit revised applications at any time); or
- (c) to approve the application, submitting the applicant's original application, any supporting materials submitted subsequently by the applicant, and a written justification for approval to MURA in accordance with MURA Form 2.

Upon receiving the application, all related supporting materials, and the University President's written recommendation, the Executive Director of MURA reviews the documents, assuring that

the information provided satisfies the requirements of public law, and may request in writing that the applicant submit additional information and materials.

If the Executive Director of MURA determines that application materials conform to statutory provisions, the Executive Director must refer the application to a standing committee for consideration and report. Any members of the standing committee employed by the institution of higher learning within which an applicant holds appointment must recuse themselves and be replaced by substitute members employed elsewhere.

The standing committee must review and either approve or disapprove the application, and put the committee decision in the form of a resolution substantially following the format of MURA Form 3. Special provisions or requirements may be added to the resolution at the discretion of MURA. Copies of the resolution must be provided to the applicant and the University President. The resolution must be recorded in the official minutes of MURA, and MURA must preserve all application materials, including attachments and supporting materials and the written judgment of the University President, as part of its permanent, official records.

5.4 UNIVERSITY RESEARCH ENTITIES

The Provost has direct supervisory responsibility for the Office of Institutional Research, which collects, analyzes, and reports institutional data, thereby facilitating planning and decision-making within the University, satisfying the requirements of external agencies, and assisting academic staff members in the preparation of grant applications and research proposals.

The University of Southern Mississippi Research Foundation (Foundation) is a Mississippi Non-Profit Corporation. The Foundation was formed for the purpose of administering the receipt and management of gifts from donors including, but not limited to, commercially viable technology. The Foundation will license these technologies to create a revenue stream, which will fund its operations. Any proceeds beyond the cost of doing business will be given to The University of Southern Mississippi to fund additional research, graduate education, and other activities.

The Vice President for Research and the Provost either directly or indirectly monitors other research activities within the University. Otherwise, the University's various research centers, institutes, and laboratories are based within the degree-granting colleges and follow administrative guidelines promulgated and monitored by the Office of the Vice President for Research.

5.5 THE ADMINISTRATION OF RESEARCH

The Vice President for Research is assisted by a number of institutional bodies and administrative units. The University Research Council studies problems and challenges, advises the Vice

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President on policy, and administers a number of programs designed to promote research and other scholarly and creative activity within the University community.

Two (2) autonomous, federally mandated committees, each reporting directly to the Vice President for Research, seek to assure that research and other scholarship is conducted in accordance with the provisions of law, thus protecting both the University and its scholars.

The Institutional Review Board is responsible for ensuring that adequate safeguards are established to protect individuals who may be at risk as a consequence of participation as a subject in research, development, demonstration, or other program activities. The Committee must approve all investigations, experiments, or demonstrations involving human subjects, regardless of the source of funds, before the activity is undertaken.

The Institutional Animal Care and Use Committee is responsible for ensuring that projects involving the use of animals are consistent with the provisions of law. All such projects, regardless of the source of funds, require prior approval by the Committee.

The Office of Research Administration (ORA) is the University's principal facilitator of research, intellectual property, and other scholarly and creative activity. Except proposals designated for submission through the Office of Technology Development, ORA is the sole administrative unit within the University through which employees may submit proposals soliciting external resources or funding. It therefore provides a wide range of services, disseminating information among the University community, maintaining copies of University policies and procedures governing research, as well as all forms that must be submitted by those contemplating projects, and lending assistance to all projects.

The ORA conducts a faculty development program featuring seminars on specific funding opportunities for targeted audiences, provides general instruction on grant solicitation and administration, and maintains an up-to-date database reflecting the professional expertise and scholarly interests of individual members of the faculty.

Consulting the *Federal Register* and other funding resource guides, as well as the Washington, D.C.-based Grants Resource Center within the American Association of State Colleges and Universities, and other associations of which the University is a member, the ORA obtains information on potential federal sponsors of research, training, and service. The ORA interacts with federal and state agencies and private entities, securing further information and seeking to develop and strengthen ties with possible funding sources. The opportunities identified are filed, matched with the professional expertise and scholarly interests of individual members of the faculty, and disseminated within the University via a monthly newsletter.

The ORA assists faculty in developing proposals and budgets (assuring conformity with agency and University policies) and in negotiating contracts (publication rights, patent ownership, and liability issues). In cases of multidisciplinary projects that cross departmental or college lines, the ORA provides administrative coordination and assistance at all stages of the grant process.

Proposals to external funding sources for sponsored projects must be submitted through the Office of Research Administration, and awards received must be processed by the ORA when one or more of the following criteria are met. Most frequently these proposals involve research projects but any program requesting support by an external sponsor that satisfies these criteria shall be submitted through the ORA:

- A specific program of work or research is proposed to or required by the sponsor.
- The sponsor requires an authorized institutional signature.
- The sponsor requires or expects one or more progress reports, a final report, financial reports and/or a formal accounting of how the funds were expended.
- There is intellectual property, confidentiality, and/or publication conditions associated with the receipt of funds.

5.6 RESEARCH POLICIES

5.6.1 University Cost Sharing. The costs of research projects and programs sponsored by the University are funded through a number of formulas. Costs are sometimes entirely recoverable from sponsoring agencies on procurement contracts. However, unsolicited proposals for support contracts may require institutional cost sharing.

The degree of institutional cost sharing is often determined by provisions of public law stipulating a fixed, auditable formula for the allocation of appropriated funds. In other cases, funding agencies promulgate guidelines for institutional cost sharing. Moreover, cost sharing requirements change frequently. Since institutional cost sharing is sometimes complex, requiring a full understanding of pertinent law, agency policy, and past trends, project directors must discuss all anticipated requirements for cost sharing with the ORA staff early in the process of budget preparation.

5.6.2 Facilities and Administrative Costs. Sponsored research projects and programs entail direct costs and indirect costs. Direct costs are those specified by line item in budgets. Indirect costs are University expenses associated with the conduct of sponsored programs which, owing to the limitations of accounting practice, cannot readily be associated with direct line-item costs on a project basis. These indirect costs are termed “Facilities and Administrative Costs (“F&A”). Examples of F&A are the use of University facilities and the University's expenditure for the administration of sponsored research projects and programs in accordance with public law.

5.6.3 Reassigned Time. The University may support research projects, programs, and other scholarly endeavors by reassigning members of the academic staff from teaching and other contracted obligations. The amount and duration of reassignments are contingent on the nature

and magnitude of proposed projects, determined by negotiation with responsible departmental chairs and deans, the Provost, and the Vice President for Research.

5.6.4 Summer Compensation for Sponsored Research. The University permits academic staff members to earn up to one-third of their nine-month salaries during the summer by working on sponsored research or programs provided such compensation is within the guidelines of funding agencies. In some cases the regulations of funding agencies do not allow this level of compensation. The National Science Foundation, for example, permits compensation not exceeding two-ninths of nine-month salaries. If funding agencies authorize compensation of one-third of nine-month salaries, full-time employment on the project for a period of three (3) months is required.

5.6.5 Patents and Copyrights. University policy on patents and copyrights is derived from a policy adopted by the Board of Trustees in July 1960:

The Board of Trustees of State Institutions of Higher Learning considers that, since the institutions under its control are publicly supported, the obligation of the Board and of the institutions is to the public. The Board affirms the principle that research carried on by the institutions and laboratories under its supervision is dedicated to the furtherance of learning and knowledge and to the public welfare. It is not, therefore, the primary concern of the Board or of the institutions to seek patents and copyrights which may accrue from research activities. However, in order to protect the interests of individuals, the equity earned through the support of research by public funds, and the public welfare, the Board hereby authorizes the institutions under certain conditions outlined below to seek copyrights and patents and to participate in the income therefrom. The Board and the institutions are aware that they do not have sufficient funds to furnish the necessary encouragement to all phases of original endeavor. Consonant with these declarations is the investiture of variant, restrictive rights in the areas of letters, arts, and sciences in order to furnish an additional incentive.

The Board identifies four (4) classifications of research and advances patent and copyright policies pertaining to each:

- (a) Individual Research. The faculty member alone, or in collaboration with others in the institution or elsewhere, who works on his or her project in his or her spare time and finances it himself or herself, shall be free to decide whether he or she will copyright or patent the product. If the individual so decides, he or she should make a report to the head of the institution and the institution will give any reasonable assistance, making no claim of right or interest, believing that its prestige is adequately enhanced by the recognition of the successful contributions of its faculty. Should the individual desire assistance beyond a reasonable amount, he or she may negotiate with the institution an agreement whereby the institution shall

be reimbursed for its expense in providing assistance either through a direct charge to the individual or through a share of the income from the copyright or patent.

- (b) Sponsored Research. Where production, work, or research based on a commission or grant from an outside agency or agencies - governmental, foundational, institutional, or private - results in work of discoveries which may be copyrighted or patented, the head of the institution may negotiate with the individual and the outside agency. The individual is further authorized to enter into a separate contract where the patent or copyright may be secured and controlled by the institution, the individual, or the outside agency. Where the patent or copyright shall be secured by and controlled by the institution, the contract may provide that the individual may participate in the income therefrom up to a maximum of 50 percent of the earnings or benefits.
- (c) Institutional Commission or Grant. Where production, work, or research based on a commission or grant from the institution results in sales or fees, the income must first be dedicated to the repayment of the amount expended by the institution in support of the commission or grant. Furthermore, the institution may participate in the copyright or patent rights and participate in the income therefrom over and above the amount necessary to repay the cost of the commission or grant. In no event, however, shall the institution participate in income of less than \$5,000 after repayment has been made or 10 percent of the total income after the repayment, whichever is greater. The division of any income in excess of \$5,000 or the 10 percent, whichever is greater, between the individual and the institution shall be subject to negotiation, but in no event shall the individual receive more than 50 percent of the overage. In the areas of public health and safety, the institutions are authorized to take whatever steps are necessary to obtain patents whenever such patents are deemed necessary to protect the public interest.
- (d) Patents Secured Through Institutional Support. Where production, work, or research based on a commission or grant from the institution results in work or discoveries that may be copyrighted or patented or where the material or discovery is produced on institutional time and by use of institutional funds or facilities, the patent or copyright shall be secured and controlled by the institution, and the income must first be applied to the repayment of the amount expended by the institution in connection with production, work, or research. Furthermore, the institution shall participate in the copyright or patent rights and participate in the income therefrom over and above the amount necessary to repay the cost of the institutional contributions, except that the individual shall participate in an amount and under the conditions recommended by the head of the institution and approved by the Board of Trustees up to a maximum of 50 percent of earnings or benefits. Any negotiations incident to patents and copyrights shall be carried on between the individual and the head of the institution, with all agreements subject to final approval by the Board of Trustees of State Institutions of Higher Learning. In the

areas of public health and safety, the institutions are authorized to take whatever steps are necessary to obtain patents whenever such patents are deemed necessary to protect the public interest.¹

5.6.6. Disclosure of Inventions. In order to conform with government and industrial contract requirements, to invite and facilitate future grants, and to protect in an equitable manner the rights of inventors, the institution, and other sponsors of research, the University requires all employees to disclose their inventions to the Office of Technology Development as soon as possible after the invention has been reduced to practice. This disclosure does not affect the rights of the inventor, the University, or third parties having potential interests. Rather, it is intended to protect the rights and interests of those parties who have funded research supporting the invention, of the inventor, and of the University. Invention disclosure forms are available in the Office of Technology Development.

So informed, the University evaluates the invention to determine:

- (a) The respective rights and interests of the parties to the invention including those of joint inventors, the University, and sponsoring external agencies, and
- (b) The action that the University should take on the invention such as applying for a patent, defraying the costs of a patent, licensing a sponsor to apply for a patent, or submitting the invention to a research corporation for evaluation.

Inventors are advised not to enter into discussions of licensing arrangements with potential sponsors of research unless specifically authorized to do so by the University.

Upon receipt of a written request by an inventor, the Provost can impound a thesis or dissertation containing research results that may lead to a patent application for up to one year. Within one year, the thesis or dissertation must be published or the invention(s) disclosed to the Director of the Office of Technology Development and the Vice President for Research. The University, in consultation with the inventor, will then make a decision regarding further withholding of the thesis or dissertation from publication. When proprietary information is involved, a thesis or dissertation defense can be closed to the public.

¹ See also Board *Policies and Bylaws*, Section 807.

CHAPTER 6

FACULTY DEVELOPMENT OPPORTUNITIES

6.1 INTRODUCTION

The University of Southern Mississippi offers the members of its academic staff many opportunities for professional development. These include various forms of leave designed to promote intellectual and professional growth, institutional endowments and grants for the enhancement of instruction and scholarly endeavor, annual awards of excellence, and a policy allowing employees to enroll in University courses free of charge. This chapter summarizes these opportunities.

6.2 ACADEMIC LEAVES OF ABSENCE

6.2.1 Parameters. Members of the academic staff may qualify for different types of academic leaves of absence. Academic leaves of absence include leave for graduate or postdoctoral study, leave for enhancing academic credentials, professional leave, and sabbatical leave. When a faculty member is granted an academic leave of absence, it is the responsibility of the responsible department chair and dean to ensure that the faculty member's classes are assigned to existing faculty. The employment of additional instructors or faculty for this purpose will be approved by the Provost only upon the demonstration of substantial need.

Academic leaves of absence are separate and distinct from those to which University employees are entitled under the terms of contracted employment, i.e., annual leave, medical leave, etc. Educational, professional, and sabbatical leaves of absence are not entitlements but privileges conferred by the Board of Trustees upon the recommendation of the University President. With the approval of the Board of Trustees, faculty may receive creditable University service for a period of academic leave not exceeding two (2) years during any ten (10) year period of University employment. Each classification of leave is subject to additional terms and conditions mandated by state law and Board policy.

6.2.2 Leave for Graduate or Postdoctoral Study. Leaves of absence without pay for graduate or postdoctoral study may be granted by the Provost for an academic year, for a semester, or (under unique circumstances) for part of a semester.¹

¹ *Miss. Code Ann.*, Section 37-101-181 (1990); *Board Policies and Bylaws*, Section 408.01.

6.2.3 Leave for Enhancing Academic Credentials. Incumbent instructional staff members may be extended educational leave with or without pay for purposes of improving qualifications for promotions in rank or appointment to new positions.

6.2.4 Professional Leave. Professional leave is uncompensated absence from regular University employment for the purpose of external employment directly related to normal professional functions at the University. With the approval of the Board of Trustees, faculty may receive creditable University service for a period of professional leave provided that:

- (a) Leave is for the purpose of full-time employment with a state or federal agency for a period of time equivalent to the period of professional leave granted;
- (b) Leave accrues to the professional benefit of the faculty member and promotes the interests of the University;
- (c) The faculty member pays to the state retirement system the actuarial cost as determined by the actuary for each year of professional leave; and
- (d) The faculty member serves the University on a full-time basis for a period of time equivalent to the professional leave period granted immediately following the termination of the leave period.

6.2.5 Sabbatical Leave. At the completion of six (6) or more regular semesters of continuous, full-time University employment,¹ faculty members are eligible for one (1) semester of sabbatical leave (4 1/2 months). Faculty members qualifying for one (1) semester of sabbatical leave are compensated at the rate of twenty-five (25) percent of annual contracted salary (50 percent of salary for the semester of leave).

At the completion of twelve (12) regular semesters of continuous, full-time University employment (sabbatical not being taken within said time frame), faculty members are eligible for two (2) semesters of sabbatical leave (9 months). Faculty qualifying for two (2) semesters of sabbatical leave are compensated at the rate of fifty (50) percent of annual contracted salary (100 percent of salary in the event that only one semester of leave is taken). Under no circumstances may sabbatical leaves of more than nine (9) months' duration be granted. Sabbatical leave normally coincides with fall semesters, spring semesters, or both, exceptions allowable only in exceptional circumstances. In no case may sabbatical leave periods extend to summer semesters.

Sabbatical leave is granted for the sole purpose of professional improvement and is not necessarily earned by the required duration of University employment. Sabbatical leave is intended to assist

¹ The term 'regular semesters' encompasses the fall or spring terms but not the summer term. Absences due to earned personal leave, earned major medical leave, and other approved leaves of absence are not regarded as breaks in continuous employment.

faculty to achieve promotion in academic rank and/or to enhance their professional development and scholarly reputation. Advised by responsible institutional administrative officers and faculty bodies, the President recommends, and the Board of Trustees approves, all applications for sabbatical leave. Applications for sabbatical leave are made to the Board of Trustees, with the approval of the President. Approval or disapproval of the applications for sabbatical leave is made on the basis of regulations prescribed by the Board of Trustees. No more than four (4) percent of the University's full-time regular faculty may be approved for sabbatical leave during any one semester.¹ During the contracted sabbatical leave period, all responsibilities and benefits of University employment (retirement, insurance, longevity of service, etc.) are applicable. Salaries are paid by regular monthly paycheck.

All grants of sabbatical leave are subject to the agreement by faculty members:

- (a) to engage in professional development as specified in an approved application for leave;
- (b) not to enter into a written or implied obligation of employment violating the contract for full service to the University;²
- (c) to return to full-time employment at the University for a period at least equal to the term of leave; and
- (d) for faculty holding two semesters of sabbatical leave (9 months) to submit at the midpoint of the leave an interim report describing progress toward sabbatical goals. This interim report is to be sent to the dean of the faculty member's college. A formal, final report will be submitted to the dean and Provost within sixty (60) days of the conclusion of the leave. Recipients of a sabbatical leave will also present the results of their sabbatical at an annual University function or via another public dissemination following their return (from sabbatical) to the University of Southern Mississippi. Faculty with one semester of sabbatical leave are not required to submit these reports or to present their results publically.

The Board of Trustees may terminate the sabbatical leave of any person found to be in violation of the terms specified in the approved application for leave.³ Parties failing to return to full-time employment at the University following sabbatical leave or failing to file the required reports may be required to repay the salaries received while on leave.

¹ Board *Policies and Bylaws*, Section 408.03 (F).

² Sabbatical leave contracts do not preclude grants or stipends designed to enhance the professional improvement specified in the approved application for leave. Said funding may be sponsored either by an institution of higher learning or by an organization known generally to support the ideals of higher education.

³ Miss. Code Ann. Section 37-101-183.

6.2.6 Sabbatical Policies.

- (a) In order to avoid possible conflicts of interest, faculty members above the level of department chair who are applying for sabbaticals should be considered in a separate pool from other applicants.
- (b) Chairs applying for a sabbatical will receive their departmental recommendation from the Departmental Personnel Committee. If the existing Departmental Personnel Option is three persons including the chair, the two non-chairs will write the recommendation. If the existing Departmental Personnel Option is chair alone then the departmental recommendation (for the chair) will be written by a committee made up of the three highest-ranking members of the department. In this case rank is first determined by professional rank, then time of service to the university.
- (c) Faculty members below the level of department chair will receive their letter of recommendation from the department chair or (at the option of the academic department) from the Departmental Personnel Committee.
- (d) The sabbatical review committee, which makes recommendations to the Provost concerning the awarding of sabbaticals, will consist of ten members. Eight of those members will be selected by the Provost in consultation with the President of the Faculty Senate – one from each of the six colleges, one from the University Libraries, and one member from the Gulf Coast. The representative from each of the six colleges may be from any of the university's campuses. The Faculty Senate will appoint the remaining two members of the committee; these two individuals may or may not be members of the Faculty Senate. It is recommended that some of the individuals selected for the sabbatical review committee be members of recent sabbatical review committees (including the previous year's committee).
- (e) The sabbatical review committee will pick its chair.
- (f) The sabbatical review committee will determine a procedure for ranking proposals. The overall committee ranking may then be used to make recommendations to the Provost.

6.3 ACADEMIC LEAVE APPLICATION PROCESS

Application for academic leave is made through department chairs or, at the option of academic departments, through departmental personnel committees. Department chairs submit recommendations to the deans of colleges. The responsible deans must evaluate the requests, not only upon the merits, but must also consider the overall impact of the absences on the operations of the colleges. Deans must either concur or dissent in writing with departmental recommendations and transmit all application materials to the Provost. The Provost may consult with the Academic Leave Committee for evaluation and recommendations on the applications. The Provost then submits recommendations to the President. After review, the President submits recommendations for academic leaves of absence to the Board of Trustees. Thereafter, the decisions of the Board are conveyed to the President, who informs the deans of the responsible colleges.

6.4 AWARDS AND GRANTS FOR FACULTY DEVELOPMENT

6.4.1 In General. The University provides various opportunities for rewarding faculty performance and promoting faculty development, such as research grants, travel awards, and supplemental funding. The nature and extent of these grants and awards change over time, but additional information can be obtained from the Office of the Provost.

6.4.2 Summer Grants for the Improvement of Instruction.

Description of the Summer Grants

The University of Southern Mississippi is committed to the ongoing development of new and innovative teaching strategies or techniques that ultimately result in the improvement or assessment of student learning. In an effort to support faculty and provide appropriate resources, the Office of the Provost will award salary stipends to faculty who are dedicated to the development and delivery of academic programs through innovative education methods.

Projects should involve instructional activities beyond those normally expected of faculty members at Southern Mississippi. The projects for the Summer Grants for the Improvement of Instruction (SGII) should be completed within the summer term approved. Results or outcomes of the SGII project are expected to be implemented within the year following the summer award. If the project involves the approval of Academic Council or Graduate Council, these approvals should be made prior to the submission deadline date.

Applicants can submit SGII proposals that take anywhere from three to nine hours of course release time to complete the project. Acceptance of a SGII award for three course equivalencies (nine hours equivalent) prohibits additional university employment during the term of the grant. If partial release time (three hours or six hours) is requested, the recipient is eligible to engage in other university employment (e.g., teaching or administrative duties), but total university compensation may not exceed three course equivalencies (nine hours).

The terms of the Summer Grant for the Improvement of Instruction grants coincide with the University's summer semester faculty pay scale. The amounts awarded for the grants are based on the academic ranks of recipients and are equivalent to summer salaries for teaching 3 to 9 nine hours.

Eligibility

Awards are open to full-time, nine-month Corps of Instruction who are teaching at least six-hours of regularly scheduled courses during the current academic year in which application is made.

A SGII proposal may be submitted by individual faculty or by more than one faculty member. If two or more faculty members submit a SGII proposal, details about the role and time commitment for each faculty member should be included in the proposal.

Award recipients must remain at USM for at least one academic year following the summer term for which the award is received. Previous recipients must wait four years before receiving a second award.

Deadlines

Submission deadline – 3rd Monday of October

Award announced – end of fall semester

Funds available – for summer term

Further information is available on the Provost's website under Awards & Endowments, then see Summer Grants for the Improvement of Instruction.

6.4.3 Summer Research Grants. If funded, the University Research Council awards various summer grants for the support of research and other scholarly and creative activities. The terms of the grants coincide with the University's summer semester and amounts awarded are based on the academic ranks of recipients and are equivalent to summer salaries for full-time teaching. Applications for summer research grants are made through department chairs to college deans, who evaluate, rank, and submit proposals to the University Research Council for final review and selection. Applications are subject to the following guidelines:

- (a) Members of the University Research Council and recipients of the award during the previous three years are not eligible to submit proposals.
- (b) All permanent, full-time members of the Corps of Instruction holding faculty appointment excepting those noted above are equally eligible.
- (c) Grants may be awarded to individuals only; joint projects pursued by more than one (1) scholar are ineligible.

- (d) Acceptance of the grant precludes all other employment during the term of the grant.
- (e) Parties awarded grants need not maintain residence at the University during the term of the grant.

6.4.4 Subventions. Subvention is the process through which the University subsidizes a portion of the costs of scholarly and creative works pursued by members of the academic staff. Application for subvention is made to the Vice President for Research, who is advised by the University Research Council. The University Research Council reviews applications in accordance with written subvention policy and submits recommendations to the Vice President for Research. The Vice President, who may accept or reject the subcommittee's recommendations, informs applicants of the results of applications.

6.4.5 Grants for International Endeavor. Faculty development is a principal goal of the Office of International Education, and the Executive Director of the Center is authorized:

- (a) to lend financial support to international research, publications, and other faculty activities of international scope; and
- (b) to allocate monies for international travel benefiting the public, the University, and/or the professional development of faculty.

Applications for such support are evaluated on the basis of scholarly and professional merit subject to the constraints of law and finance.

6.5 AWARDS OF EXCELLENCE

Based on available funding, each year the University recognizes and bestows monetary awards on faculty members who have demonstrated excellence in teaching, research, and service. Awards are given to full-time faculty members holding the rank of instructor or above, excluding titles such as "adjunct," "visiting," or "graduate student." University administrative officers holding faculty rank are eligible. In addition, the University recognizes selected librarians for excellence in librarianship every other year.

6.6 FREE COURSES

With the permission of their supervisors, permanent full-time employees may take two (2) gratuitous courses not exceeding six (6) credit hours per semester, provided that one (1) of the courses is scheduled at night or between noon and 1:00 p.m. Likewise, permanent part-time employees who pay into the State Public Employees Retirement System may take one (1) gratuitous course not exceeding three (3) credit hours per semester. Employees wishing to enroll in gratuitous courses must obtain a permit from the Department of Human Resources and maintain an overall 2.0 GPA.

CHAPTER 7

ACADEMIC FREEDOM, RESPONSIBILITY AND ETHICS

7.1 ACADEMIC FREEDOM

On August 17, 1959, the Board of Trustees adopted a statement of policy on academic freedom and responsibility. That statement reads, in part:

It is the policy of this Board that there should prevail at our universities and colleges an atmosphere of freedom in their research, teaching, programs, and services and there should be no political or subversive propagandizing in the academic programs. It is proclaimed with equal fervor that academic freedom does not mean academic license. With freedom there must be responsibility for statements, speeches, and actions.

Faculty members are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties. Research for pecuniary return should be based upon an understanding with the authorities of the University. The legitimate exercise of academic freedom and freedom of speech shall not constitute grounds for termination.

Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching any controversial matter that has no relation to the classroom subject.

Faculty members may grieve an alleged violation of academic freedom via the grievance procedure specified in Chapter 12.

7.2 ACADEMIC RESPONSIBILITY

The concept of academic freedom for faculty is accompanied by an equally demanding concept of academic responsibility. Faculty members have a responsibility to the University, their profession, their students, and society as a whole. Some of those are:

7.2.1 Public Speech. Faculty members are citizens, members of a learned profession, and officers of an educational institution. When faculty members speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and the University by their statements. Accordingly, faculty members should at all times be accurate, exercise appropriate restraint, show

respect for opinions of others, and make every effort to indicate that they are not speaking for the University.

7.2.2 Professional Competence. The fundamental responsibilities of faculty members as teachers and scholars include maintenance of competence in their field of specialization and the exhibition of professional competence in the classroom, studio, or laboratory and in the public arena through activities such as discussions, lectures, consulting, research, service, publications, and participation in professional organizations and meetings.

7.2.3 Student Relations. Faculty members are responsible for giving primary consideration to the intellectual and ethical development of the students and to cooperate with faculty, administration, and students in improving the quality, scope, and capacity of the institution within the area of its function and objectives. Given the diversity of the University student population, the faculty will strive to meet the goals related to student diversity set forth in the University Strategic Plan.

7.3 SCHOLARLY INTEGRITY

The University is dedicated to the discovery and dissemination of truth in research and in all other scholarly and creative activities, whether University-sponsored or conducted individually by members of the academic staff, by administrative officers and staff, or by students. Hence plagiarism or other misconduct in research or in any other scholarly or creative activity is strictly prohibited. Every student and University employee is responsible not only to abide by the highest standards of integrity and professional ethics themselves but also to report violations when they are known or reasonably suspected to have occurred. Alleged breaches of scholarly integrity are investigated promptly and fully by the University and may lead to University administrative proceedings and disciplinary action through Scholarly Misconduct Proceedings.

7.4 PUBLIC EMPLOYMENT ETHICS

Academic staff members are subject to the provisions of state law that define and regulate ethical behavior among public employees. The *Mississippi Code* declares that

Elective and public office and employment is a public trust and any effort to realize public gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in

violation of this trust and which will not reflect unfavorably upon the state and local government.¹

Pursuant to state law, the Board of Trustees has adopted a public ethics policy applicable to those employed within the state's public universities.² The policy mandates that each institution must adopt and publish the following statement:

All officers and all employees making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds of all institutions shall advise the Institutional Executive Officer of any interest in any banking institution or enterprise likely to do business with the institution so that the appearance of impropriety can be avoided. Should such interest in a banking institution or other enterprise be created or acquired by any officer or any employee in the future, then notice will immediately be given to the Institutional Executive Officer.

No officer or employee making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds, or spouse, dependent child or a parent of such officer or employee shall serve on any board of directors of any banking institution or other enterprise with which the institution does business or have a material financial interest in said business.

All officers or employees shall be prohibited from being a contractor, subcontractor or vendor with the governmental entity of which he is a member other than his contract of employment or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member.

The Board defines "material financial interest" as:

a personal and pecuniary interest, direct or indirect, accruing to a public servant or spouse, either individually or in combination with each other.

The Board specifies circumstances that do not constitute a material financial interest with respect to a business with which a University employee may be associated. These include:

¹ *Miss. Code Ann.*, 25-4-101 (1991), *et seq.*, especially 25-4-105 (1), stating that 'No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated.'

² *Board Policies and Bylaws*, Section 1201.0102.

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- (1) ownership of any interest of less than ten percent (10%) in a business where the aggregate annual net income to the public servant therefrom is less than One Thousand Dollars (\$1,000);
- (2) ownership of any interest of less than two percent (2%) in a business where the aggregate net income to the public servant therefrom is less than Five Thousand Dollars (\$5,000);
- (3) the income as an employee of a relative if neither the public servant or relative is an officer, director or partner in the business and any ownership interest would not be deemed material pursuant to subparagraph (i) or (ii) herein; or
- (4) the income of the spouse of a public servant when such spouse is a contractor, subcontractor, or vendor with the governmental entity that employs the public servant and the public servant exercises no control, direct or indirect, over the contract between the spouse and such governmental entity.¹

7.5 ETHICS IN EXTERNAL CONSULTING

With the permission of the University President, members of the academic staff may enter into consulting contracts or agreements with private individuals and with external public or private entities. Employees entering into consulting agreements or contracts with private individuals or external entities contracting with the University, however, are subject to the provisions of state law governing public ethics. Consulting agreements or contracts are permissible only if:

- (a) the contracting employee does not have a material financial interest in the contracting entity; or
- (b) the contracting employee is not an employee, stockholder, or continuing contractor with the company; and
- (c) the existence of either contract is not contingent upon the other.²

¹Board *Policies and Bylaws*, Section 1201.0102 n.

²Board *Policies and Bylaws*, Section 1201.0102 n., citing Mississippi Ethics Commission official opinion No. 88-17-E, rendered Feb. 15, 1988. Approval forms for external consulting may be obtained from the office of the Vice President for Research and from the Department of Human Resources.

7.6 POLITICAL ACTIVITIES

While the Board of Trustees' policy statement on academic freedom and responsibility proscribes political propagandizing in the classroom and in all other University activities, the University recognizes the right of all employees to involve themselves in partisan political matters. The University mandates, however, that time and effort devoted to such activities must not interfere with the duties of University employees. Hence, the involvement of employees in political activities is permissible only at such times as employees are not required to render services to the University or in the event that employees successfully apply for leave of absence without pay.

7.7 FACULTY-STUDENT RELATIONSHIPS

7.7.1 Discrimination. Faculty members are responsible for evaluating student progress toward educational goals on the basis of academic performance. Factors such as race, creed, religion, gender, age, national origin, political affiliation, ethnic identity, sexual orientation, or other activities unrelated to academic achievement must not be considered in making academic evaluations of students. Discrimination based on race, religion, age, or gender is a violation of federal law.

7.7.2 Business Relationships. Any business relationship between a faculty member and a student for whom he or she has supervisory or educational responsibility must be undertaken with due care. Both the fact and semblance of any exploitation must be avoided. Compensation in any business relationship outside of the student-faculty relationship must be commensurate with the individual's training and experience.

7.7.3 Consensual Romantic or Sexual Relationships. There are special problems in any romantic or sexual relationship between individuals where one party possesses direct academic, administrative, supervisory, evaluative, counseling, or extracurricular authority over the other party. Such positions include, but are not limited to, teacher and student or assistant, supervisor and employee, senior faculty and junior faculty, mentor and trainee, advisor and advisee, counselor and client, teaching assistant and student, coach and athlete, and the individuals who supervise the day-to-day student living environment and student residents. A significant problem arises when a consensual relationship occurs between a teacher and a student when the student is enrolled in one of the teacher's courses, or when the student is likely to be enrolled in such a course in the future. Such relationships are of significant concern to the University because of the ethical and administrative problems they can pose. Because of the potential for conflict of interest, exploitation, favoritism, harassment and bias, such relationships may undermine the integrity of the supervision and evaluation provided, and the trust inherent particularly in the teacher-student context.

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There are numerous ways in which a consensual romantic or sexual relationship can create problems within the University community. For example:

What seems to be consensual to the party in the position of authority may well be unwelcome or coercive from the perspective of the other party. Where a party has the ability to grade, advance, promote, recommend, or otherwise influence the employment or academic status of another, that person may fear that refusal will result in loss of employment or academic benefit. They may even consent to the relationship even though it is in fact unwelcome.

There is also a serious risk that either party may exploit the other. The more senior person may be interested in the other person solely for sexual or romantic reasons, but the other person may construe that attention to be due to intellect and academic interest. There is also the risk that the person with less authority might seek out a relationship solely because of a desire to obtain some academic or employment benefit from the relationship.

The circumstances may change, and conduct that was previously welcome may become unwelcome. Prior consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

The relationship can cause problems for both parties and harm the academic and work environment at the University. There is the appearance, and often the reality, of a conflict of interest on the part of both parties to the relationship. Third parties may believe that the person in authority favors the other person because of the relationship, thus creating an atmosphere of suspicion and resentment among others who think that person is obtaining undeserved benefits.

Since teaching professionals are under a special obligation to preserve the integrity of the teacher-student relationship, the University strongly urges that members of the University faculty avoid any romantic or sexual relationships with students or other persons over whom they may exercise any authority or influence. No faculty member shall exercise academic, administrative, supervisory, evaluative, counseling, or extracurricular authority over a student or employee with whom the faculty member has a romantic or sexual relationship. Should a faculty member become involved in such a relationship, the University requires that the faculty member take the following measures:

- (a) If one of the parties to a consensual romantic or sexual relationship is a student or employee of a faculty member, the faculty member shall immediately resolve any potential conflict by taking necessary steps to remove the conflict. If the faculty member is unable to resolve the conflict independently, he or she shall inform his or her immediate supervisor, who will take steps to ensure unbiased instruction, supervision, counseling, coaching, or evaluation of the employee or student. Final decisions regarding conflict resolution will be made in consultation with the appropriate University administrators, such as department chairs, deans, Provost or vice presidents.

- (b) If a student is not enrolled in any of the faculty member's courses when the relationship begins, the student shall not be eligible to take any future course with the faculty member even after the relationship has ended, and it is the duty of the faculty member to take all steps necessary to assure that the student is not so enrolled.
- (c) If a consensual romantic or sexual relationship begins during an official counselor/client relationship, the counselor shall immediately terminate the relationship and never again enter into a counseling relationship with the client.

Employees who enter into or remain in romantic or sexual relationships where an authority differential exists and who do not report it, or who fail to cooperate in efforts to remove the conflict, will be subject to disciplinary action up to and including termination.

7.8 HARASSMENT

7.8.1 Preamble. The University of Southern Mississippi is committed to maintaining a community environment that recognizes the inherent worth and dignity of every person, regardless of race, religion, national origin, age, gender, sexual orientation, disability, or veteran status. Each member of the University community has a responsibility to promote respect and dignity for others so that all employees and students are free to pursue their goals in an open environment, participate in the free exchange of ideas, and share equally in the benefits of the University's employment and educational opportunities. To achieve this goal, the University is committed to fostering an academic, work, and living environment that is free from harassment.

7.8.2 Policy. It is the policy of The University of Southern Mississippi to maintain an environment for faculty, staff, and students that is free from all forms of harassment. Harassment is repugnant and inimical to our most basic values. It also constitutes unlawful discrimination, which is a violation of federal law. Accordingly, reports of harassment will be taken seriously and will be addressed promptly. Where harassment is found to have occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible. Allegations of harassment are also subject to the Discrimination Complaint Procedure through the Office of Affirmative Action/Equal Employment Opportunity, as set forth below. Vice Presidents, Deans, Department Chairs, Directors, and Supervisors are directed to take appropriate steps to disseminate this policy statement and the complaint procedures to students and employees.

7.8.3 Scope. This policy applies to all faculty, staff, employees, students, and student-employees with respect to activities occurring on any University property and University-related activities occurring off-campus, including University programs outside the United States. This policy also applies to the activities of recognized student organizations including, but not limited to, fraternities, sororities, clubs, and cooperatives. It also applies to persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

This policy applies to harassment based upon a person's race, religion, national origin, age, gender, sexual orientation, disability, or veteran status.

7.8.4 Definition of Harassment. Harassment is defined as conduct, based upon a person's race, religion, national origin, age, gender, sexual orientation, disability, or veteran status, that has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile environment for employment, education, on-campus living, or participation in a University activity.

7.8.5 Sexual Harassment. The University of Southern Mississippi prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct. The University's Sexual Misconduct Policy sets forth the resources available to students and employees and describes prohibited conduct. Sexual misconduct is inconsistent with the standards and ideals of our community and will not be tolerated. The University is committed to fostering an academic, work, and living environment that is free from all forms of discrimination and sexual misconduct including sexual harassment and sexual assault. Additionally, federal law prohibits all forms of sexual harassment under Title IV, Title VII and Title IX. This policy assists the University in complying with federal and state legal mandates and University policies in relation to such misconduct and applies to all members of the University community. The full Sexual Misconduct Policy (Policy No. PRES-AA-001) can be accessed on the University's Institutional Policies webpage at www.usm.edu/institutional-policies.

7.8.6 Sexual Harassment Complaint Procedure. In conjunction with the Sexual Misconduct Policy, the University has adopted Procedures for the Resolution of Allegations of Sexual Misconduct, Sexual Assault, and Sexual Harassment which sets forth the University's obligations and methods for responding to sexual misconduct incidents that include sexual assault, sexual harassment, and other unwelcome behaviors as set forth in the Sexual Misconduct Policy. This procedure implements the University's commitment to comply with federal and state mandates and University policies in relation to such misconduct and apply to all members of the University community. The full Procedures for the Resolution of Allegations of Sexual Misconduct, Sexual Assault, and Sexual Harassment (Policy No. PRES-AA-002) can be accessed on the University's Institutional Policies webpage at www.usm.edu/institutional-policies.

7.8.7 Education and Prevention. The University will publish this policy statement annually, including information about the resources available to advise, counsel, and assist in the resolution of harassment allegations. All members of the University have a responsibility to prevent harassment whenever they learn of it. Community members should report allegations of harassment to appropriate University resources promptly for appropriate action. Deans and department chairs shall discuss this policy and issues of harassment at meetings of faculty and staff.

7.9 DISCRIMINATION COMPLAINT PROCEDURE

Academic Freedom, Responsibility and Ethics - Ch. 7

7.9.1 General. Any employee, student, applicant for admission or employment, or other participant in the University's programs or activities who believes that he or she has been the subject of unlawful discrimination (excluding sexual harassment) on the basis of race, religion, national origin, age, gender, sexual orientation, disability, or veteran status by a University employee may file a complaint with the Office of Affirmative Action/Equal Employment Opportunity, in accordance with the procedures described below. Claims of sexual harassment, sexual misconduct, or sexual assault are governed by a separate policy and procedure set forth in University Policy No. PRES-AA-001 and PRES-AA-002.

7.9.2 Confidentiality. Discrimination complaints filed with the University will remain confidential to the extent possible, while also allowing for a complete investigation. University personnel involved in or responsible for any aspect of a complaint, including the appeals process, shall maintain confidentiality throughout the processing of the complaint to the extent possible. All persons involved in the complaint process are expected to maintain confidentiality, both during the process and after its conclusion.

7.9.3 Retaliation. The University seeks to create an environment where employees are free to explore the possible violation of their civil rights without fear of reprisal. Retaliation against any individual who has filed a complaint of discrimination, who has reported witnessing discrimination, who has participated in the discrimination complaint process, or who has been the subject of an investigation or the subject of a complaint of discrimination is illegal and will not be tolerated by the University.

7.9.4 Formal Complaint Procedure. If any employee believes that he or she has been the subject of discrimination and wishes to make a formal complaint, the following procedures will apply:

- (a) Complaints must be received in writing in the Office of Affirmative Action/Equal Employment Opportunity within 30 days from the date of the allegedly discriminatory act. At the discretion of the AA/EEO Office, in certain situations complaints filed outside the time limit may be investigated. Complaint forms may be obtained in the Office of AA/EEO, McLemore Hall (MCL) 310, or at the departmental web site: <http://www.usm.edu/aa-eeo>. The written complaint must include the complainant's name, address, and signature and must include a brief written description of the alleged discriminatory act, as well as the name of the person allegedly responsible.
- (b) The director of the Office of AA/EEO will meet with the complainant, explain the complaint procedure, and determine whether the complaint warrants further investigation into the allegations. If the director determines that no discriminatory act has occurred, the AA/EEO office will notify the complainant of the decision in writing within 15 days of receipt of the complaint. The notification will explain why the complaint does not constitute unlawful discrimination and may inform the complainant of other avenues of redress, if appropriate.

- (c) If the Office of AA/EEO determines that the complaint may involve discrimination, the complainant and respondent will be notified of the decision in writing. The director of the Office of AA/EEO will investigate the allegations. The director will inform the following parties that a complaint has been filed and that an investigation will be conducted: the complainant, respondent, respondent's immediate supervisor and department head, respondent's dean, the Provost, and the President.
- (d) Upon completion of the investigation, the director of the Office of AA/EEO will issue a written report stating the findings of the investigation and whether there is sufficient evidence to support the allegations of the complaint. The director shall issue written notice of the decision to the parties set out in paragraph (c) above.
- (e) If the director finds that a violation of University policy has occurred, the director will recommend to the Provost that a directive be issued to stop the discriminatory behavior and recommending appropriate disciplinary action against the respondent. When appropriate, coercive action will be recommended to eliminate the effect of the discriminatory behavior. Within 15 days of the receipt of the report from the AA/EEO director, the Provost will issue written notice of disciplinary action.

7.9.5 Appeal Procedure. The complainant or respondent may appeal the decisions of the AA/EEO director and/or the decision of the Provost by notifying the President, in writing, within 15 days from the date of the decision from which the party appeals. The complainant or respondent may request a review based upon the following grounds:

- (a) That the complaint procedure was not followed.
- (b) That new information can be presented that was not previously available and which could have a material effect upon the findings. The President shall be the sole judge of whether such evidence or information will be admitted.
- (c) That a decision was made in an arbitrary and capricious manner.

At the time of the appeal, the appellant shall file a detailed, written explanation why he or she believes the appeal meets the criteria set forth above. If the President determines that none of the grounds for appeal has been satisfied, the parties shall be notified of the decision in writing within 15 days of filing the appeal. If the President determines that at least one of the grounds for appeal has been met, the President shall so notify all of the parties in writing. The President will review all materials in the record and may invite both parties to present information to the President. Once the President has reached a decision, he or she shall notify all parties of the decision within 30 days from the date the appeal was filed.

CHAPTER 8

FACULTY EVALUATION PROCEDURES

8.1 INTRODUCTION

Personnel evaluations involving the academic staff of The University of Southern Mississippi are subject to specific procedures. The Board of Trustees mandates that *all* University personnel recommendations be based upon written evaluation procedures, with a general description of the procedures being filed with the Board.¹ This chapter explains the University's personnel evaluation procedures, identifies the administrative officers and entities that conduct personnel evaluations, and describes the process of institutional review and recourse applicable to personnel evaluations.

8.2 EVALUATION POLICIES AND PRINCIPLES

8.2.1 Annual Evaluations. Annual evaluations shall be conducted for all members of the Corps of Instruction.

8.2.2 Pre-Tenure Reviews. Pre-Tenure Reviews (third-year reviews) are a variety of annual evaluations that require action by the Provost. Under the leadership of the department chair, tenured faculty in an academic unit shall conduct pre-tenure reviews for all tenure track faculty.

8.2.3 Guiding Principles. At The University of Southern Mississippi, the fundamental principles that guide all personnel evaluation policies and procedures are that rigorous, documented standards for excellence are fairly and consistently applied by each advisory body and each decision-making authority at every level of the evaluation process and that evaluations are conducted in an atmosphere of fairness and professional integrity.

Faculty members who are related (as per Board and University Nepotism Policy) to parties being reviewed or evaluated in any personnel matter must recuse themselves from all evaluation proceedings involving the parties. In no event shall they vote or offer advice, either directly or indirectly, to other committee members.

8.2.4 Unitary Criteria and Procedures. The University's institutional evaluation policy *requires* the faculties of academic units to develop evaluation criteria and *permits* the faculties of the academic units to develop evaluation procedures for their specific academic units. The academic unit evaluation criteria and procedures must be:

¹ Board *Policies and Bylaws*, Section 407.01.

- (a) established within the parameters of University evaluation criteria and procedures;
- (b) approved by all responsible University administrative officers;
- (c) written;
- (d) disseminated among the staff of the academic unit; and
- (e) followed in all evaluation proceedings.

Unitary criteria and procedures shall be used as standards for conducting annual evaluations, pre-tenure reviews, and promotion and tenure deliberations.

8.2.5 Basis of the Process. The process through which personnel advice is given to the University President is grounded on the belief that the faculties comprising the University's academic departments are best qualified to determine their own composition and to judge the professional conduct, accomplishments, and promise of the individuals within each department. Hence, department chairs and faculty bodies within the department conduct faculty evaluations and make recommendations for academic appointments, compensation, promotion, and tenure. These same procedures apply not only to academic departments, but also to other academic units organized as schools or divisions rather than departments, such as the Gulf Park Campus. In such cases, the directors of the academic units have concurrent authority and responsibility to review all written unitary peer evaluations and personnel recommendations, prepare their own evaluations and recommendations, and transmit them to the department chair.

The academic departments, however, are but components of the several colleges and campuses of the University, each having specific goals and objectives. The University pursues a much broader educational mission than its constituent units. Hence, the constituent colleges of the University maintain College Advisory Committees that review personnel recommendations of their academic departments. Advised by these committees, college deans make personnel recommendations to the Provost. The Provost, in turn, maintains a University Advisory Committee, composed from the College Advisory Committees that reviews decanal personnel recommendations.

Thus, personnel reviews, pre-tenure reviews, and recommendations prepared at the departmental level of the University are subject to review by higher levels of institutional administration, and these reviews afford due process, including recourse, in the event that faculty members elect to dispute the opinions of reviewing committees and institutional officers. The procedures applicable to performance reviews and pre-tenure reviews, however, differ from those applicable to recommendations for promotion in rank and the award of tenure.

Annual performance reviews and pre-tenure reviews are evaluative instruments that inform faculty of their professional progress and seek to inspire improvement and faculty development. They are not institutional recommendations for personnel actions and thus may not be appealed to the Board

of Trustees. Annual performance reviews and pre-tenure reviews, however, are precursors of future recommendations for personnel actions, and faculty are therefore afforded recourse through the Faculty Grievance Proceedings set forth in Chapter 12.

8.2.6 Duties of Department Chairs. Departmental chairs, acting as administrative officers, provide the academic deans with written advice on all departmental hiring recommendations, annual performance reviews, pre-tenure reviews, promotion recommendations, and tenure deliberations.

8.2.7 Required Departmental Personnel Entities. Academic departments *must* organize and convene the Departmental Tenure Committees and Departmental Promotion Committees for face-to-face discussions and votes for pre-tenure reviews, promotion recommendations, and tenure deliberations. Discussions and votes via video conferences are allowed.

8.2.8 Confidentiality of Proceedings. The deliberations, records, and recommendations of departmental chairs and departmental entities formed for the purposes of hiring, evaluating, reviewing, and recommending personnel actions regarding academic staff (faculty and non-faculty academic staff – see Section 3.4) are strictly confidential, with access limited only to academic staff and administrators involved directly in the proceedings. The disclosure of such information is permissible only for use by the proper academic authorities and then only for use in:

- (a) administrative reviews;
- (b) annual performance reviews;
- (c) pre-tenure review, promotion and tenure deliberations;
- (d) faculty appeals;
- (e) review by the Board of Trustees; or
- (f) complying with applicable law or pursuant to a court order.

Neither the Board of Trustees nor the University accepts responsibility for unauthorized disclosure of confidential information by University employees.

8.2.9 Procedural Rules. All University advisory bodies must adopt procedural rules for the conduct of their deliberations consistent with the provisions of this *Faculty Handbook*. In adopting those rules, the following definitions will apply:

Proxy is defined as authority, conferred in writing by a qualified voter to another qualified voter, empowering the latter to vote on behalf of the former in one or more specified matters. *Proxy is expressly proscribed in all deliberations involving the evaluation of academic staff members and in all deliberations involving personnel recommendations relating to academic staff members.*

Absentee Vote is defined as a vote, cast *in absentia* in writing by a qualified voter and delivered in a sealed envelope to a duly elected or appointed administrator or to a chair of a committee, council, or other deliberative body within the University. *Absentee votes are permitted in all actions involving the evaluation of academic staff members and in all actions involving personnel recommendations relating to academic staff members.*

Quorum is defined as a majority of eligible voters within any administrative unit, committee, council, or other body within the University that is duly authorized to conduct personnel evaluations or reviews and to tender personnel recommendations to a higher administrative authority. *A quorum is required of all University committees whose purview involves personnel evaluations and recommendations.*

8.3 THE DEPARTMENTAL PERSONNEL COMMITTEE

8.3.1 (a) Committee Membership. All members of departmental Corps of Instruction with a minimum of three (3) years of service with the University and who hold the rank of associate professor or higher are eligible for committee membership. Department chairs with less than three years of service at the University, who hold the rank of Associate Professor or higher, are also eligible for committee membership. The Departmental Personnel Committee is elected annually by the members of the Corps of Instruction employed by the academic department. This election occurs at a departmental meeting and is accomplished by means of a secret ballot. A department may choose one of the following three options for its Departmental Personnel Committee: Option 1: Authority for all personnel evaluations and recommendations, exclusive of recommendations for pre-tenure review, tenure, and promotion, is vested in the department chair. Option 2: A personnel committee consisting of the department chair and two members of the Corps of Instruction employed by the academic department. The three-member committee then elects its chair. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the department chair. In turn, the department chair prepares independent personnel evaluations and recommendations and transmits them, along with the signed evaluations and recommendations of the Departmental Personnel Committee, to the dean of the college. Option 3: A personnel committee consisting of three members of the Corps of Instruction employed by the academic department, exclusive of the department chair. The three member committee then elects its chair. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the department chair. In turn, the department chair prepares independent personnel evaluations and recommendations and transmits them, along with the signed evaluations and recommendations of the Departmental Personnel Committee, to the dean of the college.

8.3.1 (b) Committee Membership, Libraries. The organization of the University Libraries differs somewhat from the academic colleges in that, although Libraries' faculty are directed by a

dean, the Libraries do not have departments or department chairs in the same sense as the academic colleges. Nevertheless, the three options for the Libraries' Departmental Personnel Committee (DPC) parallel those of the academic colleges. All members of the Libraries' Corps of Instruction with a minimum of three (3) years of service with the University and who hold the rank of associate professor or higher are eligible for committee membership, with the exception of the dean of University Libraries, who is ineligible (see Section 8.3.2). The election of an ad hoc (for annual evaluation purposes only) department chair (see *Note* below) and then the selection of the Departmental Personnel Committee occur at a yearly meeting of the members of the Libraries' Corps of Instruction and are accomplished by means of a secret ballot. Option 1: Authority for all personnel evaluations and recommendations, exclusive of recommendations for pre-tenure review, tenure, and promotion, is vested in an ad hoc chair chosen by mutual agreement between the University Libraries' dean and the Corps of Instruction. The ad hoc chair prepares independent evaluations and recommendations and transmits them to the dean. Option 2: The Committee consists of two members elected by the University Libraries' Corps of Instruction and a third rotating member who shall be the unit head of the Libraries' faculty being evaluated. If the unit head is not a member of the Corps or is otherwise ineligible for the DPC, the ad hoc chair will serve as the third member of the committee. The three-member committee elects its chair, selecting from the two members elected from the Corps. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the dean. The ad hoc chair does not write separate evaluations or recommendations. Option 3: The Committee consists of three elected members of the Corps of Instruction exclusive of the ad hoc chair. The three-member committee then elects its chair. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the dean. The ad hoc chair does not write separate evaluations or recommendations.

Note: Each year the ad hoc department chair is chosen by mutual agreement between the Libraries' dean and the Corps of Instruction using the following process. The dean will provide his/her choice of the ad hoc department chair. The Corps of Instruction will meet and decide by secret ballot whether they approve (a majority vote is necessary for approval). If the nominee provided by the dean fails to obtain approval, the dean will forward another nominee; the Corps of Instruction will meet again and decide whether they approve (majority vote again required). This process will be repeated until the Corps of Instruction approves the dean's nominee. If the dean and the Corps of Instruction are unable to agree on an ad hoc department chair, Option 3 will be employed for that academic year.

8.3.2 Faculty Ineligible for Membership. Faculty holding appointment within an academic department and serving as University administrative officers in the positions of President, Provost, vice president, or as dean of a college (including the deans of the Graduate School, Honors College, and Libraries) or director of the school or division in which multiple departments are organized may not be members of Departmental Personnel Committees. Assistant/Associate Deans and Assistant/Associate Provosts may not be members of Departmental Personnel Committees.

Faculty members holding honorary rank, employed on a terminal contract, or who are otherwise excluded for reasons specified in the rules governing the several departmental personnel proceedings are ineligible to serve on Departmental Personnel Committees.

8.3.3 Replacement of Committee Members. If a Departmental Personnel Committee member resigns, dies, or otherwise relinquishes the committee position, another eligible faculty member within the department must be elected in the same manner that the original members were chosen. If a department is operating under Option 2 (department chair and two other faculty members) and the chair of the department resigns from the Departmental Personnel Committee or is no longer able to serve on that committee, the members of the department's Corps of Instruction must reconvene and choose either Option 1 or Option 3 as their operational Departmental Personnel Committee for the remainder of the academic year and until the next annual election of the Departmental Personnel Committee option.

8.3.4 Committee Functions. The Departmental Personnel Committee conducts annual performance reviews, and on the basis of those evaluations, submits to respective department chairs recommendations for distribution of annual intradepartmental salary adjustments. Departmental Personnel Committees also evaluate and make recommendations to responsible academic deans on applications from members of the departmental faculty for academic leaves of absence and sabbaticals.

Written reports resulting from annual evaluations conducted by Departmental Personnel Committees may be used by other departmental, college, and University administrative bodies and officers conducting deliberations regarding the renewal and non-renewal of employment, dismissal from employment, promotion in academic rank, pre-tenure review, and the award of academic tenure.

Department chairs and directors of schools cannot serve as chairs of Departmental Promotion Committees and do not vote as members of Promotion Committees. Faculty holding appointments within an academic department and serving as University administrative officers in the positions of President, Provost, Vice-President, or dean of the college, or director of the school or division in which multiple departments are organized may not sit as members of Departmental Promotion Committees.

8.4 THE ANNUAL PERFORMANCE REVIEW

8.4.1 Purpose. All faculty members of the University, regardless of tenure, are evaluated annually on the basis of excellence in performance. The Annual Performance Review is intended to support faculty members in achieving excellence in the performance of their duties and responsibilities. Annual Performance Reviews are intended:

- (a) to involve faculty members in the design and evaluation of objectives and goals of their academic programs and in the identification of the performance expectations central to their department, their college, and the University;
- (b) to assess actual performance, accomplishments, strengths, and weaknesses in the areas of teaching, research, and service;
- (c) to promote the effectiveness of faculty members through an articulation of the types of contributions they might make to enhance the University;
- (d) to provide a written record of faculty performance to support personnel decisions and merit pay increases;
- (e) to recognize and maximize the special talents, capabilities, and achievements of faculty members; and
- (f) to correct unsatisfactory performance in one or more areas of responsibility through specific improvement plans designed to correct the deficiencies in a timely manner.

8.4.2 Review Guidelines. The following guidelines apply to all Annual Performance Reviews conducted by Department Personnel Committees:

- (a) Performance reviews must be conducted annually between January 15 and March 15.
- (b) The evaluation of individual faculty performance shall address, at a minimum, the faculty member's (i) past and present performance; (ii) professional progress; and (iii) future expectations.
- (c) Each member of three-person Departmental Personnel Committees (Option 2 or 3, see Section 8.3.1 Committee Membership) will be evaluated by the other two members of the committee.
- (d) Department chairs are evaluated in the categories of research, teaching, and service by the Departmental Personnel Committees. The Departmental Personnel Committee's annual performance review of a chair is placed in the chair's personnel file with a copy forwarded to the chair's supervising administrative officer. The chair's supervising administrative officer (generally a dean) conducts the annual evaluation of a chair's administrative performance.

Department chairs in departments operating under Option 3 (chair not included) will be evaluated in the categories of research, teaching, and service by the three members of the Departmental Personnel Committee.

Department chairs in departments operating under Option 2 (chair plus two other faculty members) will be evaluated in the categories of research, teaching, and service by the other two members of the Departmental Personnel Committee.

Department chairs in departments operating under Option 1 (chair alone) will be evaluated in the categories of research, teaching, and service by a committee made up of the three highest-ranking members of the department. In this case rank is first determined by professorial rank, then time of service to the university. [In the event that the department lacks three members qualified to be members of the Departmental Personnel Committee (qualifications = minimum of three years of service with the University and rank of Associate or Full Professor) the dean of the college will appoint sufficient appropriate, qualified (see above) faculty members from the college to form a three-person committee to conduct the annual evaluation of the chair.]

8.4.2 (d) continued

The annual evaluation of chairs and directors by their respective deans will include the following:

1. The annual performance review from the unit's Departmental Personnel Committee as per the guidelines set forth in the Faculty Handbook, Chapter 8, Section 4.
2. The Faculty Senate administrative evaluation results.
3. *Self-evaluation (narrative and data) by the chair/director in response to the criteria in the evaluation tool provided by individual deans.

*Deans will have the discretion to choose their own chair/director evaluation instrument as approved by the Provost, but will make the instrument available to the chairs/directors at the beginning of the evaluation period so the chairs/directors can gather and maintain relevant materials for the self-evaluation noted above.

The annual evaluation by the deans will proceed as follows:

1. The chairs/directors will be evaluated annually within their department as per the guidelines set forth in the Faculty Handbook, Chapter 8, Section 4.
2. The Faculty Senate will administer an annual faculty evaluation of chairs and directors.
3. Self-evaluation by a chair/director will be submitted to the dean according to guidelines established by individual colleges.

4. The deans complete their written evaluation and provide it to the chair/director a minimum of one week prior to the scheduled meeting of the dean and the chair/director.
5. Deans meet with the chair/director to discuss the overall evaluation. The evaluation process will normally be completed by the end of the spring semester.
 - (e) University administrative officers (other than department chairs) who hold faculty rank will be evaluated in the categories of research, teaching, and service by the Department Personnel Committees of the academic departments in which they serve as faculty. The supervising administrative officers will conduct administrative evaluations.
 - (f) The calendar year immediately preceding an Annual Performance Review will normally constitute the period under review.
 - (g) Employees on sabbatical leave must be evaluated for the semester within the period of evaluation, if any, that they were regularly employed (i.e., not on sabbatical leave) and/or for the semester or semesters they were on sabbatical leave, the latter evaluation being based on the degree to which they accomplished the goals set forth in their approved application for sabbatical leave.
 - (h) Employees on educational or professional leave must be evaluated on the basis of the degree to which they accomplished goals set forth in their application for leave.
 - (i) Parties holding academic appointment are evaluated by the Departmental Personnel Committees if any part of their salary is budgeted in that department and part of their assigned duties is to that department.

8.4.3 Review Procedure (The portion of this policy regarding the second means of evaluating teaching become effective on January 1, 2016. Therefore the initial use of the second means of evaluating teaching will be for the annual evaluations of faculty activities accomplished over the calendar year of January 2016 – December 2016.)

Annual Performance Reviews will be scheduled at the convenience of all involved parties, taking into account teaching schedules, other University-related duties, and professional commitments. Personal commitments and commitments related to employment outside the University are generally considered insufficient grounds for scheduling or rescheduling performance review conferences.

Annual Performance Reviews consist of two (2) steps. The first step is the information stage, where the faculty member has the opportunity to provide information to the Department Personnel Committee regarding the employee's professional growth and accomplishments during the evaluation period. A faculty member to be evaluated will submit his/her annual activity report,

curricula vitae, and any other additional supporting materials to the department chair and personnel committee at least two (2) weeks before scheduled evaluation conferences. The parties to be evaluated must also submit a detailed written statement of their professional goals and objectives for the coming year, along with evidence of annual accomplishments in the areas of teaching, research and service. The information process must be based on objective evidence. Each unit should develop guidelines regarding the type of annual evaluation materials to be submitted, and guidelines must be made available to unit faculty prior to the period of review. Evaluations of teaching should be consistent with the Department's Tenure and Promotion Guidelines.

University-mandated student evaluations of teaching must be included as one element of evidence of teaching effectiveness. Student evaluations of teaching must not, however, be the only evidence of teaching effectiveness considered in the annual evaluation. Units must, in addition, either require a teaching portfolio or, alternatively, develop a consistent system of peer observation and review as the basis of evaluation. The type of evaluation to be used and any details associated with the evaluation should be discussed among the faculty and with the department chair, but ultimately, faculty will make decisions related to evaluation of teaching effectiveness.

Elements constituting a teaching portfolio may include, but are not limited to: teaching materials including syllabi, tests, quizzes, homework assignments, handouts, graded papers or other examples of student work; reflective statements describing teaching during the review period and future teaching goals; reports based on peer observation of teaching (whether recorded or live); teaching awards; awards won by supervised students; teaching grants; unsolicited written statements from students, trainees, or clients; grade distributions; commentary on course levels/degree of difficulty of courses taught.

The Annual Evaluation must also include evidence of success in research and service domains, as appropriate to a faculty member's appointment and annual assignment and consistent with the Department's Tenure and Promotion Guidelines. Examples of objective evidence in these domains include, but are not limited to:

- (a) published works, professional reviews of published works, publishing contracts, research results, grant applications, grants, and creative activities;
- (b) documented evidence of service activities, such as service agreements, public service, and University service;
- (c) faculty activity reports and supporting documentation; and
- (d) any other documented evidence of professional strengths or weaknesses pertaining to the evaluation policies.

Departmental evaluators may give each item of objective evidence the weight they deem appropriate for the relevant department and the particular faculty member's responsibilities.

During the information stage, parties being evaluated must be allowed to fully explain their personal goals and objectives for the period under review and to explain and/or demonstrate how their activities during the period under review met their goals and objectives or why they did not meet their goals and objectives. Evaluators and parties being evaluated must strive to reach agreement on the significance of the individual accomplishments of parties being evaluated, and points of disagreement must be entered into the written record.

The second stage of evaluation conferences is the appraisal stage, focusing on personal and professional strengths and weaknesses affecting employment and establishing goals and objectives to be pursued by employees during the upcoming evaluation period. During this step, the Departmental Personnel Committee evaluates the faculty member on the basis of information provided by the faculty member, peer evaluators, and such other objective or subjective information the committee deems relevant. When conducting evaluations, the Departmental Personnel Committee shall measure performance of teaching, research, and service responsibilities according to the unitary standards and criteria established for evaluation, promotion, and tenure. When evaluating instructors, the Departmental Personnel Committee shall consider performance in the appropriate, agreed upon categories of responsibilities as the standard for evaluation as described in the unitary standards and criteria for promotion. The Departmental Personnel Committee's evaluation will be recorded in an Annual Performance Review Report.

Goals and objectives may change from year to year for individuals being evaluated. Emphasis on particular activities may vary from year to year because of the Departmental Personnel Committees' continuing assessment of individual accomplishments and efforts to encourage professional endeavors by those evaluated. Fluctuating budgets and/or policies established by the Board of Trustees, the University administration, colleges, and departments might also lead to modifications in individual goals and objectives.

Evaluators and parties being evaluated must strive to reach agreement on professional goals and objectives. If agreement cannot be reached, the goals and objectives established by Department Personnel Committees constitute the official basis for future evaluation in the absence of successful appeals by parties evaluated.

Academic staff members may apply in writing to Departmental Personnel Committees for permission to alter goals and objectives during the course of an evaluation period, in all cases providing supporting documentation. After review of an application, Departmental Personnel Committees may, in conjunction with the chair, grant the permission requested. In such case, an amended statement of goals and objectives shall be prepared.

8.4.4 Faculty Development Plan. Upon the completion of the Annual Performance Review, if any faculty member is deemed deficient in any area of evaluation, the Departmental Personnel Committee, the department chair, and the faculty member shall jointly prepare a Faculty Development Plan. The objective of the plan will be to enable the faculty member to understand the nature and extent of the deficiencies, as well as what actions are necessary and expected in order to further the faculty member's professional development. The plan must state reasonable

expectations to be achieved within a reasonable and specific time period and may involve an altered mix of job responsibilities. Depending upon the facts and circumstances, the development plan should include, but need not be limited to the following:

- (a) a detailed description of specific deficiencies;
- (b) the specific actions needed to overcome deficiencies;
- (c) a list of professional goals;
- (d) the procedures to be followed to achieve goals;
- (e) the resources needed to facilitate the plan;
- (f) a schedule for completing the plan, including periodic progress reviews; and
- (g) the criteria to be used in evaluating progress in the plan.

The Departmental Personnel Committee and department chair must periodically review the faculty member's performance under the Faculty Development Plan according to the schedule set forth in the plan.

8.4.5 Annual Performance Review Reports. Departmental Personnel Committees must prepare written Annual Performance Review Reports summarizing the essential content and result of each performance review conference, including the Faculty Development Plan and any other personnel recommendations arising from the performance review. Reports must be recorded on forms specified by the Provost and submitted to the academic dean of the college to which the faculty member holds appointment. Faculty members must sign the form, acknowledging that they have been evaluated and have received a copy of the evaluation.

8.4.6 Duties of Department Chairs. Upon receipt of the Departmental Personnel Committees' reports (Annual Performance Review Reports) or Pre-Tenure Review Reports department chairs must:

- (a) review the Pre-Tenure Review Reports and Annual Performance Review Reports, reconvening committees in the event of substantive or procedural discrepancies;
- (b) prepare independent written recommendations either concurring or disagreeing with the Pre-Tenure Review Reports and Annual Performance Review Reports;
- (c) submit reports to the college dean by March 15; and

- (d) file copies of both reports in departmental personnel files. Concurrently, department chairs shall submit copies of the Pre-Tenure Review Reports, Annual Performance Review Reports, and Faculty Development Plans to evaluated parties.

8.4.7 Chairs/Directors Periodic Review. An academic chair or director (hereafter described simply as “chair”) is appointed by the dean of the college following consultation with the department/school faculty and the provost.

While a chair’s performance may be reviewed by the dean at any time, under normal circumstances a chair will receive annual reviews by the unit’s Personnel Committee as per the guidelines set forth in the Faculty Handbook (Chapter 8, Section 4) and by the dean according to procedures established by the dean and approved by the provost. In addition, a chair will undergo periodic term reviews as outlined below. A newly appointed chair will be reviewed during the spring semester of his/her third year of service, regardless of whether that service has been on an interim or permanent basis. Subsequent terms of appointment will normally be for five years. A newly appointed chair would therefore be evaluated in his/her third year and eighth year as chair. There is no limit to the number of terms a chair may serve; however, a chair must undergo a review before reappointment for each term.

A Periodic Review will proceed as follows:

1. Early in the fall semester of the fifth year of a continuing chair (spring semester in the third year for newly appointed chairs), the dean of the college will determine whether a chair wishes to be considered for another term. At this time Chairs/Directors have the opportunity to decline reappointment. If the answer is affirmative, the dean will promptly begin proceedings with the Corps of Instruction that will culminate in a vote for or against reappointment.
2. If the faculty favors reappointment, and if the dean concurs, the chair and the department will be informed immediately of the chair’s reappointment for a five-year term. If the faculty favors reappointment, and the Dean does not concur, the Dean will be obligated to provide the faculty with a justification for non-reappointment.
3. If the faculty recommends against reappointment, and if the dean concurs, the chair will be immediately informed that his/her term as chair will lapse at the close of the current contract. If the dean does not concur with the faculty’s recommendation, he/she may reappoint the chair for a subsequent term. *If the Dean reappoints a Chair/Director without the support of the department faculty the Dean will be obligated to provide the faculty with a justification for reappointment.*
4. If the chair is not reappointed, the process for filling the position should begin promptly. After discussions with the department faculty and the provost, the dean will decide: 1) when and how the search will be conducted; 2) whether an interim

chair/director should be appointed, and 3) whether an internal or external search will be conducted.

5. Current chairs initial terms will be staggered upon implementation of this policy. Individual appointments within a college will be for 3, 4, or 5 years. The method of assigning the initial appointments is left to the discretion of the Dean.
6. The chair may request a hearing with the provost on a dean's decision not to reappoint.

Note:

In the case of termination of appointment due to malfeasance, misfeasance, or nonfeasance, action may be taken immediately and is not subject to the guidelines of the term review process. Nevertheless, a chair will normally receive a 90-day notice of removal.

Should a chair choose to resign, the review process (if initiated) will end, and the resignation will be the means through which the appointment is not renewed.

8.5 Post-Tenure Review

Preamble to the Policy

The University of Southern Mississippi consists of a community of scholars who are engaged in the responsibilities of scholarly development while accorded the privilege of academic freedom. Tenured faculty members fulfill a multiplicity of university, college, and unit roles and responsibilities yet, at the same time, pursue self-directed inquiry and development. Tenured faculty members balance teaching, research, and service roles at sustained levels of achievement. The tenured faculty represent the most important intellectual resource at the University. Faculty have a stake in the accomplishments and contributions of others, as well as a stake in their own accomplishments.

The University of Southern Mississippi recognizes that the tenure system is essential to protect academic freedom and support the pursuit of scholarship that leads to advancement in knowledge. The provisions of freedom and economic security through the tenure system are indispensable elements to the success of the University in fulfilling its obligations to its students and to society. The University, therefore, seeks to uphold and maintain the tenure system both for protection of individual faculty members and as visible evidence that uninhibited scholarship and instruction are the highest priority for faculty members.

The traditional approaches to annual evaluation in which the University already engages highlight the many contributions of scholars. The goal of post-tenure review should be one of enhancing

faculty development and professional skills by providing evidence of documentation and accountability to the University and the Institutions of Higher Learning, State of Mississippi.

The post-tenure review should not be a re-evaluation of tenure. The post-tenure review process provides for substantive due process of individual faculty members at all times, and should emphasize and foster professional development. Through this process, faculty can sustain mutual respect and a sense of collective purpose while optimizing faculty skills and performance.

8.5.1 All tenured faculty members shall undergo annual evaluations as described in the Faculty Handbook. When a tenured faculty member receives two consecutive overall unsatisfactory annual evaluations, that faculty member will undergo a post-tenure review.

8.5.2 This post-tenure review process is based upon overall unsatisfactory annual evaluations at the department level. An overall unsatisfactory annual evaluation is based upon a scale of 1 (unsatisfactory/far below expectations), 2 (needs improvement/below expectations), 3 (satisfactory/meets expectations), 4 (good/exceeds expectations), and 5 (excellent/far exceeds expectations) for each of the primary categories of teaching, research, and service; and a weighted average of the evaluations in each category that is tied to assigned responsibilities determined by the chair in collaboration with the faculty member and the departmental personnel committee. A post-tenure review is initiated if the overall evaluation is numerically less than 2.0 for two consecutive years. The immediate supervisor, whether chair, director or dean, of the faculty member will notify the faculty member that the review process should commence unless there are substantive mitigating circumstances, including, but not limited to, serious illness.

8.5.3 A three-member committee will conduct the review. The dean, the chair or director and the faculty member will each choose one member of the committee. In units without department chairs or school directors, or with multiple lines of authority, the administrator immediately superior to the faculty member will appoint two committee members, but the faculty member has the right of approval for one of those appointed. The members of the committee may come from any department or college within the university. By unanimous consent of the committee of three, up to two additional members may be added by the committee. Members who accept appointment should realize that the committee will meet over a two-year period. If a committee member cannot fulfill his or her term, another member will be appointed by the individual, or their successor, who made the original choice.

8.5.4 Within one month of the date of notification of the post-tenure review, the faculty member will prepare and submit a portfolio of all documents, materials and statements that the faculty member deems relevant and necessary. All materials submitted by the faculty member will remain in the portfolio. A portfolio must include the current annual evaluation; the annual evaluations from the two preceding years; the goals for each of those years, if goals are part of the annual evaluation process; a current curriculum vitae; evidence of performance in teaching, research, and service, and a proposed faculty development plan. The department chair, program director, or dean may add other pertinent information to the portfolio. Additional materials may

be added at any time during the review process. All materials that are added to the portfolio must be shared with the faculty member.

8.5.5 The committee will review the portfolio within two months after submission. The review will be based on the faculty member's specific role and responsibilities in the department as outlined in the goals approved for that faculty member, if such goals exist, and the annual evaluations. The committee will review the proposed faculty development plan presented by the faculty member and, with the participation of the faculty member, modify it as appropriate to assist the faculty member in correcting the identified deficiencies.

8.5.6.1 The faculty development plan will indicate how identified deficiencies in the performance of a faculty member, as indicated by the review committee, will be corrected. The final plan, to be approved by the dean, will be developed by the faculty member in collaboration with the department chair/director (or dean, if there is no chair or director), and the review committee.

8.5.6.2 The faculty development plan will be tailored to individual circumstances. The plan will: (a) identify specific deficiencies found by the committee; (b) define specific goals to correct the deficiencies; (c) outline the activities to achieve the goals; (d) set time lines for accomplishment of the activities; (e) indicate the criteria for assessment of progress; and (f) identify institutional resources necessary to support the plan (to the level available to other faculty).

8.5.7 As a matter of due process, the faculty member shall have the right to meet with the review committee prior to its final recommendation. The review committee will specifically elaborate in writing its findings concerning the faculty member's developmental plan and will provide copies to the faculty member, chair or director, and dean. The final plan must be developed within two months of the recommendation to develop the faculty development plan. The plan must be implemented the semester following its development (summer generally excluded).

8.5.8 The faculty member may appeal the findings of the committee and the recommended faculty development plan to the Provost, who will consult the appropriate college advisory committee and may seek the advice of the University Advisory Committee. The faculty member may then appeal the findings of the Provost and the recommended faculty development plan to the President who will make the final decision.

8.5.9 The faculty member and department chair will meet a minimum of one time each semester to review the progress of the faculty member. After each meeting, the department chair will send a progress report to the faculty member, dean, and review committee. The faculty member may request a review of progress by the review committee, and the findings will be forwarded to the chair or director and dean.

8.5.10 When the objectives of the faculty development plan have been met, as determined by the review committee, or not later than two years after initiating the plan, the department chair or school director will make a final written report, including an overall rating for the period of the

plan, to the faculty member, the review committee, and the dean. The overall report will include ratings for teaching, service, and research.

8.5.11 If after two years the faculty member has not shown improvement in the identified deficiency areas and has not achieved an overall rating at the department level of 3 (meets expectations), the committee will recommend sanctions, which may include termination, to the chair and the dean. If the dean recommends termination, the termination procedures set out in the Faculty Handbook will apply.

8.5.12 Examples of “Overall Evaluation” for Post-Tenure Review

Two examples of “overall evaluation” using a 1 (unsatisfactory) to 5 (excellent) scale and weighted averages based on assigned responsibilities follow.

Example 1. Maria’s department assigned load for the academic year is 60% teaching, 20% research, and 20% service. She receives an excellent in teaching, a good in service, and an unsatisfactory in research from her department. Her (weighted) overall evaluation is therefore $(.6)*(5) + (.2)*(4) + (.2)*(1) = 3 + .8 + .2 = 4.0$ for a “good” overall on her annual review.

Example 2. Robert's department is primarily a graduate department and his assigned load for the academic year is 50% research, 30% teaching, and 20% service. He receives needs improvement in research, unsatisfactory in teaching, and unsatisfactory in service. Therefore, his (weighted) annual evaluation is $(.5)*(2) + (.3)*(1) + (.1)*(1) = 1.0 + .3 + .1 = 1.4$. Robert's overall performance would be reported by his department as unsatisfactory. If he follows this annual review with another like it next year, then a post-tenure review would be triggered for him.

8.6 PROCEDURES FOR NONADMINISTRATIVE FACULTY MEMBERS WITH ACADEMIC ASSIGNMENTS IN TWO OR MORE UNITS

8.6.1 Faculty Members With Positions Budgeted in Two or More Departments. The Departmental Personnel Committees must evaluate faculty members holding academic appointment if any part of their salary is budgeted in that department *and* if a portion of the assigned duties of those parties is to that department. In such cases, the department in which the majority of the budget for the position is allocated will conduct personnel proceedings but will solicit written input from the appropriate committees and chairs of any other department(s) in which a portion of the budget is allocated.

8.6.2 Faculty Members With Positions Budgeted in One Department but Who Have Formal Responsibilities or Duties Outside of That Department. In some cases, positions for faculty members are budgeted in a single academic unit, but those faculty members have formal

responsibilities or duties outside of that unit. In such cases, the academic unit in which the position is budgeted conducts personnel proceedings but will solicit input from the unit or body outside that academic unit. Proceedings for members of the professional education faculty must include participation by the Chair of the Department of Curriculum, Instruction, and Special Education, and the Dean of the College of Education and Psychology according to policies and procedures detailed in the bylaws of the Professional Education Council.

CHAPTER 9

PROMOTION AND AWARD OF TENURE

9.1 INTRODUCTION

Members of the academic staff of The University of Southern Mississippi are subject to certain personnel actions that affect the essential terms of their employment. These include promotion in academic rank and the award of academic tenure. Each personnel action is governed by general policies adopted by the Board of Trustees. Board policy is supplemented and defined by the policies of the University pursuant to the authority delegated to the President by the Board.

Institutional proceedings involving promotion in rank and the award of tenure recommend personnel actions that might ultimately be appealed to the Board of Trustees, and the University accordingly affords a more exacting process of institutional review, including institutional recourse, prior to the submission of presidential recommendations to the Board of Trustees.

This chapter describes the process for the submission of promotion and tenure award recommendations to deans and describes the process of institutional review and recourse applicable to promotion in rank and the award of tenure.

9.2. PRESIDENTIAL AND BOARD AUTHORITY

The provisions of state law and the policies and bylaws of the Board of Trustees limit the authority and responsibility for personnel actions involving academic staff to the University President and the Board of Trustees. The President is delegated exclusive authority over all personnel nominations and recommendations submitted to the Board. The Board of Trustees retains sole authority for deciding all personnel actions based upon the nominations and recommendations of the University President. In no event may the President delegate responsibility for personnel nominations and recommendations to any other University employee or entity.

9.3. UNIVERSITY ADVICE IN PERSONNEL ACTIONS

9.3.1 Mandated University Advice. The Board of Trustees mandates that the state's institutions of higher learning must maintain committees for recommending tenure and that the chief executive officers of the institutions adopt policies for promotion and the award of tenure

9.3.2 Discretionary University Advice. In all other personnel recommendations pertaining to the academic staff, except termination, the University President is not required by either state law or Board policy to establish institutional advisory bodies, and the President may or may not seek

advice within the institution. Nevertheless, the President elects to be advised by subordinate institutional officers and by faculty bodies and has approved procedures governing their deliberations. In such cases, the procedures regulating the processes by which advice is tendered are established and maintained at the discretion of the University President.

9.3.3 Advisory Officers and Entities. The President is advised on personnel recommendations by the administrative heads of the University's academic units, the Provost, the University Advisory Committee, the college deans, the College Advisory Committees, the Vice President for Research, General Counsel, and by the other vice presidents in matters that are within their administrative jurisdiction. *The advice rendered by University officers or committees does not limit the legal authority or responsibility of the President for all personnel nominations and recommendations made to the Board of Trustees.*

9.4 PROMOTION IN ACADEMIC RANK

9.4.1 Board Authority. The Board of Trustees may extend promotions in academic rank to members of the academic staff based upon the recommendation of the University President.

9.4.2 Evaluation Standards. Board policy specifies that a candidate for promotion in academic rank must display evidence of:

- (a) professional training and experience;
- (b) effectiveness of teaching or librarianship;
- (c) effectiveness in interpersonal relationships, including professional ethics, cooperativeness, resourcefulness, and responsibility;
- (d) professional growth, such as research, publications, and creative activities; and
- (e) service, such as economic development and non-teaching activities that further University goals or reflect favorably on the University.

The Bylaws of the Board of Trustees state that promotion in academic rank may be based on other criteria established by the University with the approval of the Board.¹ The University has established additional institutional policies for promotion in academic rank. University policy requires the academic units of the University to formulate standards reflecting unitary goals and objectives and/or unique disciplinary considerations, provided that those standards do not conflict with University standards. Promotion in academic rank requires demonstrable merit, on a continuing basis, in the categories of evaluation.

¹ Board *Policies and Bylaws*, Section 402.03.

Additional guidelines, policies, or criteria governing promotion in rank within an academic unit must be developed by the academic unit and approved by the college dean and the Provost; stated in objective terms in a written document; disseminated among all academic staff members of the academic unit; and followed in all promotion proceedings.

9.4.3 Eligibility for Promotion. There is no required minimum number of years of service for candidates to be promoted to the rank of assistant professor. In cases involving promotions from assistant professor to associate professor and from associate professor to professor, candidates must serve at least five (5) years in the lower rank, (but see section 9.4.5) thereby making a recommendation for promotion permissible during the fifth year of service in the lower rank and an approved promotion effective at the beginning of the following academic year.

9.4.4 Credit for Prior Accomplishment. In computing time in rank at the University for purposes of promotion, professional experience, and/or time in rank at another institution of higher learning may be considered if specified in the faculty member's contract at the time of employment.

9.4.5 Early Promotion. Individuals with qualifications far exceeding departmental guidelines may receive consideration for early promotion.

9.4.6 Denial of Promotion. Promotion in academic rank is not guaranteed by any terms of contracted employment or earned solely by the duration of employment. No oral or written promise of promotion in academic rank shall be valid unless approved by the Board and written notification is received from the President confirming the Board approval.

9.5 DEPARTMENTAL PROMOTION PROCEDURES

9.5.1 Application and Dossier. Written instructions for the preparation of promotion dossiers are distributed to the heads of academic units by the Provost and may be obtained from the department offices or from the Office of the Provost. Members of the academic staff wishing to be evaluated for promotion in academic rank must prepare and submit their dossiers to the chair of the academic department in which they hold academic appointment no later than the date published in the Provost's calendar (generally in late September – early October). Candidates may supplement their dossiers with additional relevant information before the Personnel Committee completes its evaluation of the candidate.

9.5.2 Departmental Promotion Committees. Upon receipt of promotion dossiers, department chairs must first confirm the eligibility of applicants for promotion in academic rank and then convene the Departmental Promotion Committees to consider the qualifications of candidates for promotion. Departmental Promotion Committees consist of departmental faculty members holding academic rank equal to, or higher than, that being sought by candidates for promotion. Promotion committees are chaired by a member elected by a simple majority vote of the committee

members. Department chairs cannot serve as chairs of Promotion Committees. Faculty holding appointments within an academic department and serving as University administrative officers in the positions of President, Provost, Vice-President, or Dean of the college or director of the school or division in which a department is organized may not sit as members of Departmental Promotion Committees. Generally Assistant/Associate Deans and Assistant/Associate Provosts and Deans holding appointment outside the college (i.e. the Deans of the Graduate School, Honors College, and Libraries) are also excluded from sitting as members of departmental 3rd year review, tenure, and promotion committees. Exceptions are allowed for individuals who are of appropriate academic rank and qualify under each of the following circumstances:

- 1) They have served a minimum of five years as a “regular” faculty member (as non-Deans, non-Assistant/Associate Deans or non-Assistant/Associate Provosts) in the department in which they will be participating in promotion considerations.
- 2) They are invited by a majority vote of the tenured faculty in their home departments to participate as voting members of that department’s promotion committees. Such a vote includes only “regular” members of the promotion committees, i.e. department chairs cannot vote regarding participation since they are not members of departmental promotion committees. Also, Assistant/Associate Deans, Assistant/Associate Provosts and the Deans holding appointments outside the college (e.g. Dean of the Graduate School, Dean of the Honors College, Dean of the Libraries) may not vote as to whether they may ultimately participate as members of departmental promotion committees. Departments shall vote by secret ballot on whether to issue such invitations in the fall of each year and may renew invitations on a year-to-year basis. If invited to participate in these deliberations, Deans, Assistant/Associate Deans and Assistant/Associate Provosts may not chair promotion committees in their departments.

Faculty members employed with > 0.50 FTE in a department are eligible to act in promotion votes within that department. Assistant/Associate Deans and Assistant/Associate Provosts who are employed at < .50 FTE in their home department are not excluded from acting in promotion votes within that department provided they meet the qualifications dictated above in Section 9.5.2 (1) and (2). Faculty members holding honorary rank, employed on a terminal contract, or who are otherwise excluded for reasons specified in the rules governing departmental promotion proceedings are ineligible to vote in such proceedings.

The chair of the Promotion Committee should supervise the promotion deliberations. Although not formally members of Departmental Promotion Committees, department chairs (or directors acting as department chairs) may be invited to attend the promotion proceedings and act as information sources. A majority vote via secret ballot by the members of the Promotion Committee determines whether the department chair will be invited to attend some or all of the promotion deliberations. Department chairs do not supervise the committees and do not vote as members of Promotion Committees (department chairs later prepare their own independent evaluations, see Section 9.5.5).

When a departmental faculty does not consist of at least three members holding the rank (and/or higher rank) to which an applicant aspires, the dean of the college shall seek the advice of the Departmental Personnel Committee and the chair, and then appoint additional appropriately-ranked members from the college to constitute a three-person Promotion Committee to consider the application.

9.5.3 Deliberations of Departmental Promotion Committees. In all cases, Departmental Promotion Committees must base their deliberations on the standards for promotion mandated by the Board of Trustees, the standards governing promotion adopted by the University, and the standards for promotion adopted by the colleges and departments in which candidates for promotion hold academic appointment, provided such standards have been properly approved by the Provost. The committees may also consider recommendations and evaluations submitted by external sources.

9.5.4 Recommendations of Departmental Promotion Committees. Departmental Promotion Committees must prepare and submit a written report to the department chair, recommending or declining to recommend promotion in academic rank. The written recommendations of Departmental Promotion Committees must include the rationale for recommendations and the vote count of the committee. Acting on behalf of the faculty, the chair of the Departmental Promotion Committee must sign the recommendation. Separate reports must be prepared for each candidate considered for promotion.

9.5.5 Duties of Department Chairs. Upon receipt of the Departmental Promotion Committees' reports, department chairs must:

- (a) review the written reports of Departmental Promotion Committees for substantive or procedural discrepancies or inconsistencies with Annual Performance Review Reports. In the event of any discrepancies or inconsistencies, the chair will reconvene the committee and direct that any discrepancies or inconsistencies be remedied;
- (b) prepare independent written recommendations either concurring or disagreeing with the recommendations of Departmental Promotion Committees;
- (c) submit both reports to the responsible college deans no later than the date published in the Provost's calendar (usually late October for promotion decisions); and
- (d) assure that copies of both reports are retained in departmental personnel files.

Department chairs must provide copies of both reports to the promotion candidates concurrently with the submissions of the reports to the college deans.

9.6 REQUIREMENTS FOR ACADEMIC TENURE

9.6.1 Board Authority. Academic tenure may be granted to members of the full-time faculty of the University at the sole discretion of the Board of Trustees, based upon the nomination of the University President. Presidential recommendations for the privilege of tenure also consider criteria embodied in the University's tenure policy, which has been enacted under the authority of the Board of Trustees. The award of tenure at The University of Southern Mississippi is a matter of policy and not a legal obligation binding upon the Board or the University. Tenure policies are subject to change by the Board and awards of tenure are subject to those policy changes. Tenure is acquired only by positive action by the Board that is noted in its minutes and may not result from inaction, inadvertence, or by default.

Denial of tenure constitutes a decision by the Board of Trustees not to award an expectation of continuing employment to a faculty member. The privilege of tenure can be granted only by the Board and is not guaranteed by faculty appointment, prior promotion in academic rank, prior performance, or by duration of employment. A non-tenured faculty member shall not assume at any time that he or she will be awarded tenure. No verbal or written assurance, promise or guarantee of tenure is valid. A non-tenured faculty member whose appointment is not renewed, or who is denied tenure is not entitled to a statement by the Board of the reasons for that action.

9.6.2 Definition of Tenure. "Academic tenure" is defined as the qualified expectation of a continuation of annual employment that may be awarded to a full-time member of the faculty after completing a probationary period. There is no guarantee that tenure will be awarded at the conclusion of the probationary period. Nor is tenure a guarantee of lifetime employment. Rather, tenure means that no person who has been awarded tenure may be discharged except upon certain grounds and in accordance with specified procedures. An award of tenure requires excellence in performance and the promise of continued excellence in teaching, research, and service. It is the duty of the faculty member to demonstrate that tenure should be awarded. If awarded, tenure is vested within the lowest unit of academic appointment.

Achieving tenure does not relieve a faculty member from the standards of professional performance, conduct, achievement, merit, and probity maintained by the departments, the schools, the divisions, the colleges, the University, and by the Board of Trustees. Tenured faculty members are expected to give those standards meaning and to lead by continuing professional example, in all cases being subject to annual evaluations.

9.6.3 Eligible Academic Ranks. Only those faculty members who hold a rank of Assistant Professor, Associate Professor, or Professor are eligible for the privilege of tenure.¹

¹ Board *Policies and Bylaws*, Section 403.0101.

9.6.4 Required Probationary Period. The Board of Trustees and the University of Southern Mississippi have established general guidelines pertaining to the probationary period that faculty must serve before being eligible for academic tenure:

Beginning with appointment to any professorial rank, a faculty member may be recommended for tenure in his/her sixth year of full-time employment with the university, having fully completed a probationary period of five academic years, three of which may have been met in the rank of instructor (see exceptions later in this section). Upon written agreement between the institution and the faculty member, credit up to a maximum of five years toward fulfillment of the minimum probationary period may be allowed for service at one or more other institutions of higher learning. Generally this credit is limited to two years for those appointed at the rank of assistant professor, three to five years for those appointed at the rank of associate professor, and five years for those appointed at the rank of professor (see Section 9.6.7).

Such credit toward the probationary period transferred from another institution must be determined at the time of initial appointment to rank. Such allowance is to be granted only to an individual who possesses exceptional professional qualifications and achievements and is not to be construed as exempting said individual from any other institutional policies and procedures governing the awarding of tenure.

Once the probationary period has been successfully completed, a professor of any rank, if reappointed, may be awarded tenure. For tenure to be awarded, the Institutional Executive Officer must make a recommendation to the Board in writing. Only faculty members of professorial rank can be awarded tenure. The award of tenure is not vested until notice of the award is given in writing by the Institutional Executive Officer, after approval of the Board, and the written notice is actually received by the faculty member.

Faculty members who transfer from one institution to another within the Mississippi system are subject to the same probationary period in a given institution as any other faculty member who is new to the system.

If a faculty member is to be recommended for the privilege of tenure, the recommendation normally will be made during an eligible faculty member's sixth year of full-time employment with the University. Exceptions include a deferral of the tenure recommendation (see Section 9.6.6) or instances in which a candidate for tenure negates one year of credit that had been awarded to him/her by the University of Southern Mississippi at the time of employment. A maximum of one year may be negated (even if more years of credit had been awarded) and this negation must be approved by the candidate's department chair and dean. If tenure is not granted during the sixth year of full-time employment, the faculty member generally will be given a terminal contract for their seventh year of full-time employment.

If recommended for tenure by the President and approved by the Board of Trustees, an award of tenure takes effect at the beginning of the seventh contract year. Under no circumstances may an

award of tenure become effective without approval of the Board, expressed in its minutes, and written notification of the award is received from the President.

9.6.5 Credit for Leaves of Absence. Contingent upon prior approval by the University President, time accruing during educational, professional, and sabbatical leaves may be applied to satisfy the probationary period.

9.6.6 Deferral. At the request of a candidate and upon the advice of a candidate's department chair, college dean, and the Provost, the President may defer the tenure recommendation to the seventh (7th) year of employment or later.

9.6.7 Credit for Prior Accomplishment. In accordance with Board guidelines, the probationary period may be satisfied in part by prior professional experience and/or employment within another institution of higher learning. Such credit is not routinely awarded and must be consistent with Board and University tenure requirements. Generally this credit is limited to two years for those appointed at the rank of assistant professor, three to five years for those appointed at the rank of associate professor, and five years for those appointed at the rank of professor.

Tenure may not ordinarily be granted before a candidate has held Tenure Track appointment at the University for at least one (1) full calendar year, during which the candidate is employed as a member or ex officio member of the Corps of Instruction and performing instructional or research duties on a campus of the University. However, associate and full professors who are new to the University of Southern Mississippi and are seeking tenure, and have been awarded tenure for service at another institution of higher learning, and have been granted five years of credit for prior experience at another institution of higher learning, will be evaluated (for tenure) using the same time schedule as faculty undergoing Pre-Tenure review. That is, their tenure evaluation will commence in the spring of their initial academic year at the University. The deliberative bodies who will evaluate their dossiers for the award of tenure will include their departmental tenure committee, the department chair (if the candidate is not the chair), the college dean, the College Advisory Committee, and the University Advisory Committee. After the evaluation by the University Advisory Committee the evaluations move to the Office of the Provost.

Also, at the time of initial employment by the Board, an administrative employee whose prior employment included faculty rank at the level of assistant, associate, or full professor and tenure may be granted tenure but only if so recommended by the President and approved by the Board.¹ It is expected that prior to making this recommendation the President will seek input from the department faculty, the respective college dean, and the Provost.

9.6.8 Standard of Evaluation for Tenure. The award of academic tenure is a privilege. Tenure is awarded after a thorough review that culminates in the University acknowledging the faculty member's professional excellence and the likelihood that excellence will contribute substantially over a considerable period of time to the mission and anticipated needs of the University.

¹ Board *Policies and Bylaws*, Section 403.0101.

Professional excellence is reflected in the faculty member's teaching, research, and service, including the faculty member's ability to interact appropriately with colleagues and students. A faculty member might meet the criteria for a given promotion in rank, and achieve promotion, but fail to merit the privilege of tenure. Promotion in academic rank does not necessarily imply that one merits academic tenure.

9.7 TENURE PROCEEDINGS

9.7.1 Types of Tenure Proceedings. Departmental Tenure Committees conduct two (2) proceedings relating to academic tenure: pre-tenure review and tenure award deliberations. The membership of the Departmental Tenure Committee shall include all tenured faculty members within the department, with the exception of departmental faculty who are also serving as University administrative officers in the positions of President, Provost, or Vice-President, or Dean of the college, or director of the school or division in which multiple departments are organized. These University administrative officers may not sit as members of Departmental Pre-Tenure Review or Tenure Committees.

Generally Assistant/Associate Deans and Assistant/Associate Provosts and Deans holding appointments outside the college (i.e. the Deans of the Graduate School, the Honors College, and Libraries) are also excluded from sitting as members of departmental pre-tenure review and tenure committees. Exceptions are allowed for individuals who are tenured and qualify under each of the following circumstances:

- 1) They have served a minimum of five years as a "regular" faculty member (as non-Deans non-Assistant/Associate Deans or non-Assistant/Associate Provosts) in the department in which they will be participating in pre-tenure and tenure considerations.
- 2) They are invited by a majority vote of the tenured faculty in their home departments to participate as voting members of that department's 3rd year review, tenure, and promotion committees. Such a vote includes only "regular" members of the tenure committees, i.e. department chairs cannot vote regarding participation since they are not members of departmental pre-tenure or tenure committees. Also, Assistant/Associate Deans, Assistant/Associate Provosts and Deans holding appointments outside the college (e.g. Dean of the Graduate School, Dean of the Honors College, Dean of the Libraries) may not vote as to whether they may ultimately participate as members of departmental pre-tenure or tenure committees. Departments shall vote by secret ballot on whether to issue such invitations in the fall of each year and may renew invitations on a year-to-year basis. If invited to participate in these deliberations, Deans, Assistant/Associate Deans and Assistant/Associate Provosts may not chair pre-tenure or tenure committees in their departments.

Faculty members employed with > 0.50 FTE in a department are eligible to act in pre-tenure and tenure votes within that department. Assistant/Associate Deans and Assistant/Associate Provosts who are employed at < .50 FTE in their home department are not excluded from acting in pre-

tenure and tenure votes within that department provided they meet the qualifications dictated above in Section 9.7.1 (1) and (2). Faculty members holding honorary rank, employed on a terminal contract, or who are otherwise excluded for reasons specified in the rules governing departmental pre-tenure and tenure proceedings are ineligible to vote in such proceedings.

Although not formally members of Departmental Tenure Committees, department chairs (or directors acting as department chairs) may be invited to attend pre-tenure and tenure deliberations and act as information sources. A majority vote via secret ballot by the members of the Tenure Committees determines whether the department chair will be invited to attend some or all of the pre-tenure or tenure deliberations. Department chairs (or directors acting as department chairs) do not supervise pre-tenure and tenure committees and do not vote as members of these committees (department chairs/directors later prepare their own independent evaluations, see Sections 8.2.6, 9.7.2, and 9.7.4). Pre-tenure and tenure committees are chaired by a member elected by a simple majority vote of the committee. The elected chair of the Departmental Tenure Committee then supervises the pre-tenure or tenure deliberations.

When a departmental faculty does not consist of at least three tenured faculty members, the dean of the college shall seek the advice of the Departmental Personnel Committee and the department chair, and then appoint additional tenured faculty members from the college to constitute a three-person Tenure Committee to consider the tenure application.

Pre-Tenure Review (also known as a third-year review) is the process through which academic departments assess and evaluate the progress of faculty members toward an award of academic tenure. Positive pre-tenure reviews constitute either an absolute or a qualified departmental vote of confidence. The renewal of an employment contract or a successful pre-tenure review is not a promise or guarantee of tenure or of continued employment of any type or duration. Negative pre-tenure reviews constitute notice that progress toward tenure is unsatisfactory. A negative pre-tenure review may justify the issue of a terminal contract at the discretion of the President upon the recommendation of the Provost and the Vice President for Research.

Tenure Award Deliberation is the process by which academic departments evaluate the professional achievements and future potential of faculty at the completion of their probationary period. Tenure award deliberation results in recommendations to academic deans for the award or denial of academic tenure. College deans, in turn, make tenure recommendations to the Provost. These recommendations may result in either the award of tenure or the denial of tenure at the discretion of the University President, based upon the recommendation of the Provost and the Vice President for Research. Tenure may only be awarded upon approval by the Board, expressed in its minutes, and receipt of written notification of an award of tenure is received from the President.

9.7.2 Pre-Tenure Review. Generally pre-tenure reviews are conducted for all non-tenured, tenure-track faculty members during the spring semester of their third year of employment as full-time faculty members at The University of Southern Mississippi. Faculty with one year of credit from another institution will have their pre-tenure reviews in spring of their third year of employment as full-time faculty members at The University of Southern Mississippi. Faculty

members with two or three years of credit toward tenure from another institution will normally have their pre-tenure reviews during the spring semester of their second year of employment as full-time faculty members at the University. Faculty members with four or five years credit from another institution do not undergo pre-tenure review. Academic activities at the institution for which credit is given will be considered during pre-tenure review at The University of Southern Mississippi.

Department chairs initiate pre-tenure reviews by convening the Departmental Tenure Committees and submitting to the committees all dossiers and Annual Performance Review Reports for each candidate being reviewed. Candidates who do not prepare and submit pre-tenure review dossiers will receive a terminal contract. Although tenure candidates are not entitled to appear before Departmental Tenure Committees, the committees may, at their discretion, request that parties being assessed appear before them. Departmental Tenure Committees conducting pre-tenure reviews may consider any matter related to tenure policies established by the Board of Trustees, the University, the colleges, and departments in which the candidates hold academic appointment.

A principal task of the Departmental Tenure Committee is to identify areas in which the candidate may need to improve in order to eventually merit tenure. The members of Department Tenure Committees must assess whether the candidates are making satisfactory or unsatisfactory progress toward an award of tenure. Departmental Tenure Committees must prepare and submit a written report to the chair, stating whether the candidates' progress is satisfactory or unsatisfactory, and identify areas where improvements are suggested. The written recommendations of Departmental Tenure Committees must include the rationale for recommendations and the vote count of the committee. Separate reports must be prepared for each candidate assessed.

Department chairs must submit the pre-tenure reviews to the College Advisory Committee and the dean of the college in which the candidate holds academic appointment. Department chairs and College Advisory Committees must also prepare and submit independent pre-tenure reviews to academic deans, either concurring or disagreeing with the Departmental Tenure Committees. In the event that a department chair is the subject of pre-tenure review the recommendation of the Departmental Tenure Committee is forwarded directly to the College Advisory Committee and the dean. Pre-tenure reviews are forwarded from the deans to the Provost without involvement of the University Advisory Committee.

Each of the evaluative bodies in pre-tenure review (Departmental Tenure Committee, Department Chair, College Advisory Committee, Dean, Provost) will inform the applicant by providing copies of their evaluative letters at the same time they forward their recommendations (letters) to the next level. Department chairs also must assure that copies of pre-tenure reviews are retained in department personnel files. Upon request by a candidate, department chairs must provide the candidate a copy of the pre-tenure review maintained in department personnel files.

9.7.3 Tenure Award Deliberations. Written instructions for the preparation of tenure dossiers are distributed to the heads of academic units by the Provost and may be obtained from the unit offices or from the Office of the Provost. Eligible candidates for academic tenure must prepare

and submit tenure dossiers to the chair of the academic department in which they hold academic appointment no later than the date published in the Provost's calendar (generally in late September – early October). Candidates who do not prepare and submit tenure dossiers will receive terminal contracts.

Upon receipt of tenure dossiers and after confirming the tenure eligibility of candidates, department chairs must convene the Departmental Tenure Committees for the purpose of tenure award deliberations. The department chair shall transmit the tenure dossiers, pre-tenure reviews (third-year reviews), and all Annual Performance Review Reports of eligible candidates to the Departmental Tenure Committees. Departmental Tenure Committees must base tenure award deliberations on the standards for academic tenure mandated by the Board of Trustees, University tenure standards, any additional written standards for academic tenure adopted by the colleges, and the standards adopted by the academic departments in which candidates for tenure hold academic appointment.

Departmental Tenure Committees must prepare and submit to departmental chairs written reports, signed by all committee members, recommending or declining to recommend academic tenure for each candidate considered. The written recommendations must include the rationale for recommendations and the vote count of the committee. Separate reports must be prepared for each candidate assessed.

9.7.4 Duties of Department Chairs. Upon receiving the written recommendations of Departmental Tenure Committees, department chairs must:

- (a) review the written reports of Departmental Tenure Committees for substantive or procedural discrepancies or inconsistencies with Annual Performance Review Reports or Pre-Tenure Reviews. In the event of any discrepancies or inconsistencies, the chair will reconvene the committee and direct that any discrepancies or inconsistencies be remedied;
- (b) prepare independent written recommendations either concurring or disagreeing with the pre-tenure and tenure recommendations of the Departmental Tenure Committees;
- (c) submit the written reports of Departmental Tenure Committees and the chairs' independent reports to responsible college deans no later than the dates published in the Provost's calendar (usually late October for tenure and promotion decisions and mid-February for pre-tenure decision); and
- (d) assure that copies of all tenure-related documents are retained in departmental personnel files.

Department chairs must provide copies of both reports to the candidates for tenure concurrently with the submissions of the reports to the college deans.

9.8 DECANAL ACTIONS ON PROMOTION AND THE AWARD OF TENURE

9.8.1 General. All employment decisions regarding promotion and the award of tenure must ultimately be made by the Board of Trustees. However, recommendations for promotion and tenure normally originate at the department level and are submitted by department chairs to the responsible college deans. These recommendations are reviewed by the College Advisory Committees and the deans before being submitted to the University Advisory Committee and then the Provost. Candidates for tenure and promotion may update accomplishments to their dossiers at any time prior to their evaluations at the University Advisory Committee level provided the original accomplishments were included in a candidate's initial submission and the updates are properly documented. Candidates' rebuttals to recommendations made by the evaluative bodies are permitted at the following levels: 1) after the departmental tenure/promotion committees' and the department chairs' letters have both been submitted, 2) after the College Advisory Committee and the deans have both submitted their decisions, and 3) after the University Advisory Committee has submitted its decision. If the candidates wish to provide rebuttals, they must do so within ten days of the receipt of their letters indicating the recommendation of the evaluative body. Rebuttal letters must be provided to the proper university office at which point a university staff or administrator will place the rebuttal letter immediately after the referenced evaluative letter; i.e., candidates do not place their rebuttal letters in their dossiers.

Rebuttals from other individuals are not permitted. Letters of recommendation from outside personnel are allowed, but only if placed in the original dossier PRIOR to its submission to the department. Such letters should be placed in volume II of the candidate's dossier so that they are not confused with solicited letters from external referees which are often required by the department or college as part of the tenure or promotion process (those letters are placed in volume I).

Materials in dossiers may not be removed during the evaluation process. Candidates for tenure or promotion also have the right to withdraw their applications for tenure or promotion at any time. Tenure and promotion are unidirectional processes, consequently (with the exception of referrals to the College Advisory Committee and the University Advisory Committee by the Provost outlined in Section 9.9.3 of the Handbook) these evaluations may not be referred back to a previous evaluative committee or individual once the committee or individual has rendered a decision. Deans exercise *de novo* jurisdiction over applications for promotion and the award of tenure, reviewing the written recommendations advanced by Departmental Promotion and Tenure Committees, department chairs, and College Advisory Committees. Deans submit the dossiers of faculty members being considered for promotion in rank and award of tenure to College Advisory Committees. This section addresses procedures governing applications for promotion and the award of tenure, and reviews thereof, above the departmental level.

9.8.2 College Advisory Committee Recommendations. College Advisory Committees, established by the policies and procedures of the various degree-granting colleges, receive from deans the dossiers of faculty members being considered for promotion or the award of tenure as

well as the written recommendations of Departmental Promotion and Tenure Committees and department chairs. The College Advisory Committee reviews all materials and then votes, the chair of the committee tendering written recommendations and rationale for the vote to the dean. The committee chair will simultaneously inform each applicant of the committee's decision by providing him/her with a copy of its evaluative letter which has been forwarded to the dean.

9.8.3 Decanal Recommendations. Deans must review and evaluate all materials considered by the College Advisory Committee, department chairs, and Departmental Promotion and Tenure Committees, thereafter submitting to the Provost a separate recommendation, along with all evaluative materials. Deans will advise the Provost on promotion and tenure recommendations no later than the date specified on the Office of the Provost calendar (usually early January). Deans will simultaneously send written notice of decanal action (via copies of their evaluative letters), which include their supporting rationale, to the chair of the respective College Advisory Committee, department chairs, chairs of Departmental Promotion and Tenure Committees, and applicants at the same time their evaluative letters are sent to the Office of the Provost.

9.9 PROVOST ACTIONS ON PROMOTION AND THE AWARD OF TENURE

9.9.1 General. The Provost may initiate any personnel action except the termination of the employment of a faculty member. Normally, however, the Provost exercises *de novo* jurisdiction over faculty personnel recommendations, reviewing written recommendations and the supporting materials submitted by Departmental Promotion and Tenure Committees, department chairs, College Advisory Committees, and deans. In either case, the Provost submits the dossiers of faculty members being considered for promotion in rank and the award of tenure to the University Advisory Committee. The Vice President for Research assists the Provost in these matters and may submit independent recommendations to the University President.

9.9.2 University Advisory Committee Recommendations. The University Advisory Committee receives from the Provost the dossiers of applicants for promotion or the award of tenure, as well as the written documents prepared by Departmental Promotion and Tenure Committees, department chairs, College Advisory Committees, and deans. The University Advisory Committee reviews and evaluates all materials and then votes, the chair of the committee tendering written recommendations and rationale for the vote to the Provost. The chair of the University Advisory Committee will simultaneously forward to the applicant a copy of its letter to the Provost.

9.9.3 Recommendations by the Provost. Assisted by the Vice President for Research, the Provost reviews all application materials on the record and submits written recommendations to the President, at the same time sending copies to the University Advisory Committee, deans, College Advisory Committees, department chairs, Departmental Promotion and Tenure Committees, and to the applicants.

In the event that the Provost disagrees with recommendations of *both* the College Advisory Committee and the University Advisory Committee, the Provost will remand the case to the College Advisory Committee, providing in writing the rationale for the disagreement. The College Advisory Committee shall then reconsider the matter *de novo*, based upon the issues raised by the Provost and all other relevant evidence. After reconsideration, the College Advisory Committee shall tender a recommendation to the dean. Thereafter, the dean will submit a separate recommendation to the Provost, together with the committee recommendation. The Provost will resubmit the case to the University Advisory Committee, and the matter will proceed in the same manner as an original application for promotion or tenure, except that it will not be subject to remand by the Provost to the College Advisory Committee. Copies of the evaluative letters written by the College Advisory Committee, the dean, and the University Advisory Committee in response to remands from the Provost will be forwarded to the applicant simultaneously as the letters are forwarded to the next evaluative level.

9.10 PRESIDENTIAL ACTIONS ON PROMOTION AND THE AWARD OF TENURE

The University President may initiate all personnel actions involving members of the instructional staff. Normally, however, the President reviews *de novo* the recommendations and evaluative materials submitted by Departmental Personnel Committees, department chairs, College Advisory Committees, deans, the University Advisory Committee, the Vice President for Research, and the Provost. In reviewing the recommendations of subordinate institutional personnel bodies and administrative officers, the President has the discretion to obtain and review any additional evidence of probative value and to interview any party, including applicants.

Presidential decisions will be communicated in writing to the applicant. Positive Presidential decisions will be recommended to the Board of Trustees. ***Promotion in academic rank or the award of tenure occur only after the Board has granted it in writing and the faculty member has received written notice of the promotion or award of tenure from the President.*** Negative presidential decisions regarding the award of tenure or promotion will be final unless the candidate appeals to the Board of Trustees.

Faculty who wish to appeal the decision of the University President regarding the award of tenure or promotion need to appeal to the IHL Board of Trustees. Faculty have thirty days to do so effective from the date of notification by the University President. An appellant should address his/her appeal to the Commissioner of the IHL and follow the procedures outlined in section 403.0105 of the *Policies & Bylaws* of the IHL Board of Trustees.

CHAPTER 10

TERMINATION OF EMPLOYMENT

10.1 GENERAL

10.1.1 Board Authority. The Board of Trustees has the statutory authority to suspend or terminate the employment of any member of the academic staff, including tenured faculty members, at any time for financial exigencies as declared by the Board, or in the event of the termination, suspension, or reduction of programs, academic units, or administrative units by the Board.¹ Tenured faculty members whose employment is terminated or suspended because of financial exigencies as declared by the Board or because of the suspension or reduction of programs, academic units, or administrative units as approved by the Board are entitled to a continuation of employment for nine (9) to twelve (12) months from the date of notification, consistent with the terms of existing employment contracts.²

The Board likewise has the statutory authority to dismiss any member of the academic staff of the University, including tenured faculty members, at any time, with or without the recommendation of the University President, for malfeasance, for inefficiency, for contumacious conduct, or for cause. The employment contracts of parties dismissed for malfeasance, for inefficiency, for contumacious conduct, or for cause may be terminated by the Board at any time with the dismissed party retaining no right to continued employment for any period of time. Pursuant to Board policy, at the discretion of the President, the parties against whom the university has initiated termination proceedings may be placed on leave without pay, and such parties may be reassigned or relieved of teaching duties, assignments, appointments, and privileges for a specified period of time.³ However, the authority of the Board to dismiss tenured faculty members or non-tenured faculty members prior to the expiration of the term of appointment on such terms is subject to institutional due process procedures, which requires that the affected faculty member be given notice of the proposed action and be granted a hearing before an impartial institutional body.⁴

10.1.2 Definitions of Criteria. Board mandated terms that might lead to the initiation of termination proceedings are defined as follows:

(a) “Malfeasance” is misconduct that adversely affects, interrupts, or interferes with the performance of a faculty member’s duties or that adversely affects, interrupts, or interferes

¹ *Miss. Code Ann.*, Section 37-101-15 (F) (1990); *Board Policies and Bylaws*, Section 401.0101.

² *Board Policies and Bylaws*, Section 403.0104.

³ *Board Policies and Bylaws*, Section 403.0104(2).

⁴ *Board Policies and Bylaws*, Section 403.0104.

with that of other institutional faculty or administrative personnel. Examples of malfeasance pertinent to faculty and ex officio faculty include, but are not limited to, the repeated failure to perform assigned duties or responsibilities, intellectual dishonesty, and violations of professional ethics enumerated in this Handbook.

(b) “Inefficiency” is a repeated failure to demonstrate competency in the contracted terms of employment, which in the case of faculty and ex officio faculty equates with performance substantially below standards and/or criteria governing assigned duties or responsibilities. Dismissal proceedings on grounds of inefficiency should be initiated only after a faculty member has been given written notice and afforded both reasonable University resources and an opportunity to redress the stated source of inefficiency within a reasonable, enumerated time.

(c) “Contumacious Conduct” is the refusal to comply with a legitimate, authorized directive of an academic or administrative authority or the refusal to comply with the policies of the Board of Trustees or the policies of the University.

(d) “Cause” means fair and honest reasons, regulated by good faith on the part of the University, that are not trivial, arbitrary or capricious, pretextual, or unrelated to University needs or goals. Specific examples applicable to faculty and ex officio faculty include, but are not limited to, the falsification of any University record, including information concerning prior or current academic records, performance or qualifications for employment, promotion or tenure; theft or misappropriation of funds, property, services, or other resources belonging to the University, its employees, students, or visitors; violations of the United States Code or Mississippi Code; and use of professional authority to exploit, harass, or discriminate against others.

10.1.3 Confidentiality. Under no circumstances may any employee of the University charged with the supervision of faculty discuss any faculty personnel action with any third party other than individuals who have supervisory authority over the affected faculty member.

10.2 TERMINATION PROCEDURE

10.2.1 General. The following procedures shall apply in all cases in which the University proposes to terminate a tenured faculty member, or proposes to terminate a non-tenured faculty member prior to the expiration of the term of appointment, for malfeasance, for academic inefficiency, for contumacious conduct, or for cause. These procedures *do not* apply to cases in which the appointment of a non-tenured faculty member has expired or will expire by its terms and the University elects not to renew or extend the term of the appointment. These procedures *do not* apply to cases in which the Board elects to exercise its statutory authority to suspend or terminate the employment of faculty members for financial exigencies as declared by the Board or in cases where the Board elects to exercise its statutory authority to terminate, suspend, or reduce programs, academic units, or administrative units.

10.2.2 Initial Recommendation for Termination. Any institutional officer or advisory body to whom the President has delegated relevant supervisory authority may recommend to the President

that termination proceedings be initiated regarding a faculty member for malfeasance, for inefficiency, for contumacious conduct, or for cause. However, only the Board or the President may initiate proceedings that might lead to the termination of the employment of a faculty member.

10.2.3 Initial Presidential Review. If, in the judgment of the President, there is substantial evidence supporting a recommendation for the termination of a faculty member, the President will submit all evidentiary materials and relevant information to the Provost and request a preliminary investigation by the ombudsman.

10.2.4 Ombudsman Review. Two standing ombudsmen will be selected each academic year. At the beginning of the academic year, each dean of the degree granting colleges will appoint five (5) faculty members of professorial rank to serve on the ombudsman candidate pool. In making their selections, the deans will give due consideration to diversity. The two ombudsmen will be selected by the Provost, in consultation with the Executive Committee of the Faculty Senate, from the pool of candidates selected by the deans of the degree-granting colleges.

If the President requests a preliminary investigation, the Provost will request that an ombudsman conduct an inquiry of all allegations, interview relevant parties, review relevant documents, and confer with other institutional officers. The ombudsman may conduct interviews with the faculty member and seek a resolution of the matter pending presidential approval. The ombudsman will submit a written report and recommendation to the President, together with all supporting documentation and will submit copies of the same to the faculty member.

10.2.5 Presidential Action. Upon review of the written recommendation submitted by the ombudsman, the President will proceed with one of three courses of action:

the closure of the case with no further institutional action;

the implementation of institutional action consistent with the terms of resolution that have been agreed upon with the faculty member; or

the initiation of formal institutional termination proceedings.

10.2.6 Notice of Termination Proceedings. In the event the President decides to close the case with no further institutional action, the President will notify the faculty member by certified mail.

In the event the President decides to implement institutional action consistent with the terms of resolution agreed upon with the faculty member, the President will notify the faculty member by certified mail of the official terms of the resolution and implement those terms.

In the event the President decides to initiate termination proceedings or in the event the faculty member fails to honor the agreed upon terms of resolution, the President will notify the faculty member by certified mail of the intention of the University to initiate formal termination proceedings. The notice will include the following:

- (a) a detailed statement of the grounds for termination;
- (b) notice of the faculty member's right to formally contest the charges in a hearing before the University Advisory Committee;
- (c) notice of the faculty member's right to be advised by legal counsel during the hearing;
- (d) notice of any suspension of pay or change of duties pending the conclusion of the matter; and
- (e) notice that the faculty member has fourteen (14) days from the date of receipt of the notice to contest in writing the charges and request in writing a hearing before the University Advisory Committee.¹

10.2.7 Failure to Contest. In the event the faculty member does not contest the charges in writing within fourteen (14) days from the date of receipt of the written notice, the employment of the faculty member will be terminated with forfeiture of all subsequent procedural rights.

In the event the faculty member timely contests the charges in writing but does not timely request a hearing in writing, then the right to a hearing will be waived and the matter will be contested on the record before the President without a hearing.

10.2.8 Hearing. If the faculty member timely contests the charges in writing and timely requests a hearing in writing, the President shall notify the University Advisory Committee within ten (10) days from receipt of the request, and the matter will proceed according to the following procedures:

- (a) **Notice of Hearing.** The Chair of the University Advisory Committee will give the faculty member and the President written notice of the time and place of the hearing at least twenty (20) days prior to the date of the hearing.
- (b) **Representation.** The faculty member will represent him/herself and an institutional officer appointed by the President, who is not an attorney, will represent the University in the hearing. The faculty member may appoint an advisor, who is not an attorney, to represent the faculty member in the hearing and plead on behalf of the faculty member. Either party may retain legal counsel for the exclusive purpose of providing advice. *In no event shall legal counsel for either party be permitted to examine witnesses or to plead before the University Advisory Committee.* Selection and compensation of counsel or an advisor is the responsibility of the party desiring legal representation.

¹ Board *Policies and Bylaws*, Section 403.0104(2).

If either party intends to be advised by legal counsel or if the faculty member chooses to have an advisor at the hearing, that party must notify the other party and the Chair of the University Advisory Committee at least ten (10) days prior to the hearing date. If either party fails to give timely notice of legal or advisory representation, that party will not be entitled to be advised by legal counsel or an advisor at the hearing.

- (c) **Waiver of Hearing.** If, at any time prior to the hearing, the faculty member decides to waive the right to a hearing and respond to the charges in writing only, the faculty member must give written notice to the President and the Chair of the University Advisory Committee. Both parties shall then have ten (10) days from receipt of the notice to submit written position statements to the Chair of the University Advisory Committee. The University Advisory Committee will then evaluate all available evidence, including the written statements of both parties, vote on the matter, and submit a written majority opinion and if applicable, a written minority opinion to the President, the Provost, and the faculty member.
- (d) **Witnesses.** Not later than ten (10) days prior to the hearing, the parties must exchange a written list of witnesses that each party expects to call to testify at the hearing and a summary of the testimony expected from each witness. Witnesses who are not so identified in a timely manner may not testify before the University Advisory Committee.
- (e) **Evidence.** The University Advisory Committee will not be bound by legal rules of evidence in the hearing. The committee may admit any credible evidence of probative value that it deems relevant to the issues. The committee must, however, base its decision upon reliable and credible evidence. If the hearing involves allegations of incompetence, the testimony must include that of professionally qualified members of the institutional faculty and may include testimony of other relevant scholars.
- (f) **Cross Examination of Witnesses.** Both parties and advisors, but not legal counsel for either party, may cross-examine all witnesses.
- (g) **Burden of Proof.** The University shall bear the burden of proving the grounds for termination by a preponderance of the evidence.
- (h) **Findings and Conclusions.** The University Advisory Committee will reach its decision by majority vote. Within ten (10) days after the conclusion of the hearing, the committee will submit its recommendation to the President, with a copy to the Provost, and the faculty member that will contain:

a written account of the vote of the committee, the vote constituting a recommendation to the President;¹

a written majority opinion, including the rationale therefore;

a written minority opinion, if applicable, including the rationale therefore;

the recording of the hearing; and

the transcript of the hearing.

- (i) **Transcript of Hearing.** The hearing before the University Advisory Committee will be recorded and transcribed by a certified court stenographer, and a transcript will be made at the expense of the University. The faculty member may request a copy of the recording and of the transcript. However, the faculty member shall be responsible for the cost of the copy of the transcript and shall be responsible for making appropriate financial arrangements with the stenographer.

10.2.9 Provost's Recommendation. The Provost shall review the University Advisory Committee recommendation and all evidentiary materials. The Provost will prepare a separate recommendation to the President either concurring with or dissenting from the decision of the University Advisory Committee. The Provost will simultaneously transmit the Provost's recommendation, and the written rationale, to the President, the University Advisory Committee, and to the faculty member.

10.2.10 Presidential Review. If, upon review, the President does not concur with a recommendation *for termination* by the University Advisory Committee, the President will provide the University Advisory Committee with a written rationale of the grounds of disagreement and inform the faculty member by certified mail of the President's intention to:

dismiss all charges, or

implement institutional action consistent with the terms of resolution agreed upon with the faculty member.

If, upon review, the President concurs with a recommendation *for termination* by the University Advisory Committee, then the President will notify the University Advisory Committee and the faculty member by certified mail of the intent to recommend termination to the Board, and notice of the right of the faculty member to request final institutional review on the record.

If, upon review, the President does not concur with a recommendation *against termination* by the University Advisory Committee, then the President will notify the University Advisory Committee

¹ Board *Policies and Bylaws*, Section 403.0104(2).

and the faculty member by certified mail of the rationale for the grounds of disagreement, notice of the intent to recommend termination to the Board, and notice of the faculty member's right to request final institutional review on the record.

10.2.11 Final Institutional Review. In the event the President decides to recommend termination to the Board, then the President will notify the faculty member by certified mail of the right to request in writing final institutional review on the record within ten (10) days of receipt of the notice.

A request for final institutional review must identify specific procedural issues for review *exclusively on the record*. The committee will not undertake to make its own judgment on the merits of the case but will make a determination of whether the institutional due process procedures were followed and/or the decision was not arbitrary or capricious.

The reviewing body will be the University Termination Review Council, a body composed of five (5) faculty members of professorial rank who will be chosen by lot, from the pool of ombudsman candidates. The ombudsman may not serve on the Council. In no case may a person serve on the Council if that person has been a party to any facet of the termination process to be reviewed or if that person has an unduly close personal or professional relationship with the faculty member. In the event of recusal of a member, a replacement member will be drawn from the remaining pool.

The University Termination Review Council will, by majority vote, select a chair and review on the record all procedural matters specifically identified by the faculty member. The committee shall then reach a decision by majority vote on whether there are any procedural irregularities or whether the decision is arbitrary or capricious. The committee will then submit a written report and recommendation to the President, with a copy to the faculty member, which identifies the vote count and both the majority and minority opinions of the committee.

10.2.12 Final Presidential Decision. Upon review of the report of the University Termination Review Council, the President may elect to conduct a final interview with the faculty member, or with any other parties, and may seek any other relevant evidence, afterward informing the faculty member by certified mail of the decision to:

dismiss all charges;

implement institutional action consistent with the terms of resolution agreed upon with the faculty member; or

recommend termination to the Board.

10.2.13 Presidential Recommendation for Termination. In the event the President decides to recommend termination to the Board, the President will transmit to the Board all of the evidence, including the recording and transcript of the hearing before the University Advisory Committee and the report of the Termination Review Council, together with the presidential recommendation.

CHAPTER 11

SCHOLARLY MISCONDUCT

11.1 Introduction

In order to fulfill the University's commitment to the integrity of research and scholarship, all faculty and non-faculty members involved in research under the aegis of the University are obligated to comply with the University's Scholarly Misconduct Policy. The complete and authoritative version of the policy is available on the research section of the Institutional Policies page (<http://www.usm.edu/institutional-policies/policy-rsch-vp-002>); the summary below does not replace or supersede the version posted and maintained thereon. The policy requires those engaged in scholarly, research, and creative activities to refrain from scholarly misconduct, to report allegations of misconduct through the relevant institutional channels, and to cooperate fully with proceedings related to allegations of misconduct. Southern Miss Faculty members and students are also responsible for fulfilling their responsibilities with respect to the Research and Scholarly Integrity Assurance Program. Violators of the policy are subject to a variety of possible disciplinary actions.

11.1.1 Definition. As defined by the University, Scholarly Misconduct includes but is not limited to:

1. Research Misconduct as defined by federal policy: "fabrication, falsification or plagiarism in proposing, performing, or reviewing research or reporting research results."
2. Abuse of confidentiality, including improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.
3. Violation of University regulations concerning the use of human subjects, animal subjects, and laboratory safety.
4. Misappropriation of funds or resources, such as the misuse of research funds for personal gain.

Misconduct does not include honest errors or mere differences in judgment.

11.1.2 Research Integrity Officer (RIO). The Research Integrity Officer, who also serves as the Director of the Office of Research Integrity, has primary responsibilities for implementing the University's policies and procedures on scholarly misconduct and managing proceedings related to misconduct allegations.

11.1.3 Deciding Official (DO). The Deciding Official is the Vice President for Research, who makes the final determination on behalf of the University in misconduct cases and acts as a contact with sponsors.

11.2 Scholarly Misconduct Procedure

11.2.1 Allegation. Persons who have good reason to believe that scholarly misconduct has been committed by a member of the University community should make the allegations known either in writing or verbally to the RIO or other University official. The RIO is also available for confidential consultations concerning possible misconduct allegations.

11.2.2 Interim Protective Actions. Throughout the proceedings, the RIO will review the situation to determine if there is any threat of harm to public health, funds or equipment, or the integrity of the research process. In the event of such a threat, the RIO will, in consultation with other University officials and external sponsors, take appropriate interim action to protect against any such threat.

11.2.3 Confidentiality. All allegations and administrative proceedings are to remain confidential to the maximum extent possible. Except when disclosure is necessary to comply with the requirements of the relevant external sponsoring agencies, the RIO shall limit disclosure of the identity of respondents and complainants to those who need to know them in order to carry out a thorough, competent, objective, and fair scholarly misconduct proceeding. At no point during the proceedings may the names of complainants be disclosed to the respondents.

11.2.4 Protecting Participants. No one engaged in research, scholarly or creative activities under the aegis of the University may retaliate in any way against complainants, witnesses or committee members. Any alleged or apparent retaliation against these persons should be reported to the RIO, who will review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation, and protect and restore the position and reputation of the person against whom the retaliation is directed.

11.2.5 Evidentiary Standards. The University bears the burden of proof in determining whether or not scholarly misconduct has taken place according to a preponderance of the evidence standard. If a respondent is judged according to the preponderance of the evidence to have intentionally, knowingly, or recklessly either destroyed records or failed to maintain and provide records pertaining to the work in question in a way that constitutes a significant departure from the accepted practices of the relevant research community, this itself will be construed as evidence of misconduct.

11.2.6 Assessment. The RIO is responsible for assessing whether allegations fall within the definition of scholarly misconduct and whether they are sufficiently credible and specific to allow potential evidence to be identified. If both conditions are met, an inquiry must be conducted. If these conditions are not met, the assessment process terminates. The RIO will notify in writing the DO, the complainant, and the respondent (if he or she is aware of the complaint) of the outcome of the assessment.

11.2.7 Notification and Sequestration. At or before the start of an inquiry, the RIO must notify the respondent in writing of the allegations and take all reasonable steps to obtain custody, inventory, and sequester of all research records and evidence needed to conduct the misconduct proceedings. Tangible research is the property of the University, or in certain cases, the property of the external sponsor.

11.2.8 Inquiry. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether a formal investigation is warranted. Consequently, an inquiry need not involve a full review of all the evidence related to the investigation.

The RIO, in consultation with other University officials, will appoint an inquiry committee of at least three individuals without conflicts of interest in the case but with the appropriate expertise needed to fairly evaluate the evidence and relevant issues. The inquiry committee will interview the complainant, respondent, and key witnesses, and will examine relevant research records or other evidentiary materials. Based on the evidence, the committee will make a recommendation to the DO as to whether a formal investigation is warranted and will produce a written inquiry report. Both the complainant and respondent will be given the opportunity to comment on the draft report, and their comments will be attached to the final inquiry report.

Based on the inquiry report, the DO will determine in writing whether an investigation is warranted. Unless the RIO determines that circumstances clearly warrant a longer period, the inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry. The respondent must be notified of any extension.

11.2.9 Investigation. The purpose of the investigation is to develop a factual record by examining the allegations and evidence in depth, leading to recommended findings on whether scholarly misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are other potential instances of misconduct that would justify broadening the scope beyond the initial allegations.

At or before beginning an investigation, the RIO must notify the respondent in writing of the allegations to be investigated. The RIO, in consultation with other University officials, will appoint an investigation committee and committee chair consisting of at least five individuals without unresolved conflicts of interest with those involved in the allegation and with the appropriate expertise needed to fairly evaluate the evidence and relevant issues. The investigation committee must make diligent efforts to ensure that the investigation is thorough and sufficiently documented and must interview each respondent, complainant and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation. Based on the evidence, the committee will then make a recommended finding determined by the merits of each allegation and will produce a written investigation report. Both the complainant and respondent will be given the opportunity to comment on the draft investigation report, and their comments will be included in the final investigation report.

11.2.10 University Decision. The DO will determine in writing whether the University accepts the investigation report and its findings and will also determine the appropriate University actions in response to findings of scholarly misconduct. After informing the external sponsor, if necessary, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified or plagiarized reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The DO must provide written notification of the University's final determination to complainants, respondents, all other parties to investigations, and to sponsoring external agencies, if any. The DO will also inform respondents of what University sanctions, if any, are to be imposed.

11.2.11 University Sanctions. University sanctions are imposed exclusive of those that might result from criminal litigation or administrative actions taken by external funding agencies. Moreover, because of the wide range of circumstances that might frame cases of scholarly misconduct, there is no fixed rule governing University sanctions. Rather, the DO considers the gravity of the misconduct and determines sanctions with reference to the public interest, the interests of the University, and fundamental fairness. University sanctions against employees may include, but are not restricted to one or more of the following: i) a letter of reprimand, ii) probation for a designated period, with specified terms and conditions, iii) the suspension or termination of an active grant or project, iv) restrictions on specified scholarly activities requiring permission and/or monitoring by designated supervisory personnel, v) a ban on specified scholarly activities, including participation in specific programs funded by specified external agencies, vi) reduction in academic rank or employment classification level, vii) reduction of salary, viii) removal from administrative positions, ix) suspension from University employment for a designated period of time, x) non-renewal of University employment, xi) the initiation of University proceedings leading to dismissal from University employment, xii) immediate termination of employment, xiii) restitution of funds to the external sponsor as appropriate.

11.2.12 Termination of Resignation Prior to Completing Inquiry or Investigation.

The termination of the respondent's University employment, by resignation or otherwise, before or after an allegation of possible scholarly misconduct, will not preclude or terminate the misconduct proceeding or otherwise limit any of the University's responsibilities.

11.2.13 Allegations Not Made in Good Faith. If relevant, the DO will determine whether the complainant, witness or committee member acted in good faith. If the DO finds an absence of good faith he or she will determine whether any administrative action should be taken against the person who failed to act in good faith.

11.2.14 Restoration. As requested and as appropriate, the RIO and other University officials will make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in scholarly misconduct, but against whom no finding is made.

11.2.15 Legal Counsel. During the misconduct proceedings, respondents may consult with legal counsel or a personal advisor (other than a principal or witness in the case) to seek advice and may bring the counsel or adviser to interviews or meetings on the case but only in an advisory capacity.

CHAPTER 12

FACULTY GRIEVANCE PROCEEDINGS

12.1 BOARD POLICY

The Board of Trustees mandates that Mississippi's public universities provide administrative remedies to aggrieved employees under circumstances defined by the Board. The Board defines a grievance as:

The claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.¹

The University of Southern Mississippi provides administrative remedies to aggrieved faculty members through Faculty Grievance Proceedings. This chapter explains the purpose of these proceedings and the applicable policies and procedures.

12.2 FACULTY GRIEVANCE PROCEDURE

12.2.1 Faculty Grievance Policies. The University extends to its employees a wide range of administrative remedies, each being adapted to the nature of a given personnel matter. For instance, the University Employee Handbook and Chapter 7 in this handbook discuss administrative remedies applicable to University policies on discrimination, harassment generally, and sexual harassment in particular. Chapter 9 discusses administrative remedies applicable to cases involving promotion in academic rank and the award of tenure. Chapter 10 discusses administrative remedies available in cases involving termination. Finally, Chapter 11 addresses scholarly misconduct proceedings. Faculty Employment Grievances provide recourse in the event of specific alleged violations of substantive or procedural employment policies or actions that have not been addressed in the previous chapters. *These procedures do not apply to cases involving termination of tenured faculty or termination of non-tenured faculty prior to the expiration of the term of their contracted employment. These procedures do not apply to recommendations on promotion or the award of tenure. These procedures do not apply to scholarly misconduct proceedings. Those procedures are set forth in the preceding chapters.*

¹ Board *Policies and Bylaws*, Section 403.0201.

12.2.2 Grievance Issues. Faculty Employment Grievances apply to:

- (a) annual performance reviews;
- (b) pre-tenure reviews;
- (c) personnel actions involving adjustments in compensation;
- (d) denial of sabbatical; and
- (e) grievances alleging a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, procedures, or practices including teaching assignments, working hours, release time, general working conditions, nonacademic leave, employment benefits, etc.
- (f) academic freedom.

12.2.3 Filing Grievances. Faculty Grievance Proceedings are initiated when an employee submits a written claim, supported by objective evidence, alleging that a specified rule, policy, or procedure has been violated, misinterpreted, or misapplied. Grievances are initiated by filing a written claim with the chair of the departmental personnel committee or the department chair.

12.2.4 Departmental Response and Conference. Upon receipt of a grievance, the departmental personnel committee or department chair will invite the involved parties to a conference at an early date convenient to both parties, in order to attempt to informally resolve the grievance. At the conclusion of the conference, the chair of the departmental personnel committee/department chair will prepare a written memorandum of the grievance, including any agreement reached, and provide a copy to the involved parties within ten (10) days.

12.2.5 Decanal Grievances. Should the departmental conference fail to result in resolution, or if a faculty member is dissatisfied with a departmental employment decision, the aggrieved party may, within ten (10) days, request in writing that the dean of the college convene the College Advisory Committee for a formal grievance review on the record.

In the event a formal grievance review on the record is requested, the College Advisory Committee will recuse all members holding academic appointment in the same department as the aggrieved party, i.e. the recused members will not attend the meeting nor will they vote. The College Advisory Committee will then review on the record (a) the original claim of the aggrieved party, (b) the pertinent policy, (c) the written response of the departmental personnel committee/department chair to the original grievance, (d) all evidence relating to the grievance, (e) the written memorandum of the departmental conference with the aggrieved party, and (f) any written supplementary evidence provided by the aggrieved party for review on the record. Upon completion of the formal review on the record, the College Advisory Committee will vote and render a written judgment on the merits of the grievance to the dean. The judgment of the committee will include a majority opinion and a minority opinion, if any. Upon review, the dean

will render a written opinion on the merits of the grievance, including any remedial action deemed necessary, and submit it to the chair of the College Advisory Committee, to the departmental personnel committee/department chair, and to the grievant.

12.2.6 Provost Grievances. At the discretion of the aggrieved party, further institutional review of the claim may be requested of the Provost within ten (10) working days of receipt of the dean's decision. In such cases, the Provost will request and the dean will provide complete records of all prior proceedings; and the Provost will provide those records to the University Advisory Committee, which will review all evidence exclusively on the record, vote, and submit its recommendation to the Provost. The Provost may agree or disagree with the recommendation of the University Advisory Committee and may interview the grievant. At the conclusion of the review, the Provost will inform the grievant, the University Advisory Committee, the dean, the College Advisory Committee, and the departmental personnel committee/department chair of his or her decision by certified mail.

12.2.7 Presidential Grievances. Dissatisfied parties may appeal the Provost's decision to the University President within ten (10) days from the receipt of the Provost's decision. The President may review the grievance exclusively on the record; may request, receive, and consider additional evidentiary materials; and may consider the testimony of grievant and any other parties. The grievant will be notified of the President's decision in writing by certified mail.

12.2.8 Board Appeals. Pursuant to Board Policy, institutional grievances may not be appealed to the Board.¹

¹ Board *Policies and Bylaws*, Section 403.0202.

CHAPTER 13

BOARD APPEALS

Board policy specifies that aggrieved faculty members may appeal institutional personnel decisions to the Board. The procedure for appeals to the Board is governed by state law and section 403.0105 of the Board *Policies and Bylaws*, which states as follows:

1. Miss. Code Ann., Section 37-101-15 sets forth the general obligations of the Board of Trustees of State Institutions of Higher Learning with respect to employment at the various institutions of higher learning. It is the policy of the Board to consider appeals of faculty personnel decisions only after the aggrieved faculty member has exhausted all administrative remedies at the institutional level. In the event that an appeal to the Board is requested by the aggrieved party, the Institutional Executive Officer shall transmit to the Board the full report of the grievance/tenure committee concerning the matter appealed.

The individual allegedly aggrieved will be allowed to submit a written statement of his grievance to the Commissioner within a thirty (30) day period following notification of the decision of the Institutional Executive Officer. No persons will appear personally before the Board unless invited.

If review is allowed by the Board, only the record developed at the institution will be reviewed. Review by the Board is not a matter of right, but is within the sound discretion of the Board. Review by the Board, if granted, is only on the record made at the lower level. No new evidence may be submitted on appeal.

2. Review of Appeal by the Board:

The Board, upon receipt of such an appeal, shall review the records of the institutional committee's hearing and all documentation relative to the personnel decision. The Board reserves the right to correct an omission or other inaccuracy in the record submitted upon suggestion by either party or upon its own motion. The Board shall then determine the following:

- a. If the institutional due process procedures were followed;
and/or
- b. If the decision was arbitrary or capricious.

The Board, after reviewing the written argument and documentary evidence, shall affirm the decision of the Institutional Executive Officer or make another decision which shall be final and binding.

APPENDIX

**BYLAWS OF THE UNIVERSITY OF SOUTHERN MISSISSIPPI FACULTY
HANDBOOK COMMITTEE**

ARTICLE I

PURPOSE STATEMENT

The Faculty Handbook Committee considers revisions, modifications and amendments to the handbook on the basis of proposals submitted by members of the faculty or administration. If approved by the committee, changes are formally recommended to the University President for a final decision.

ARTICLE II

MEMBERSHIP

Section 1. Members

Voting Appointed Members:

- *Member of the Faculty appointed by the President

The Executive Committee of the Faculty Senate will appoint four faculty members to the committee:

- *A member of the Faculty Senate
- *A non-member of the Faculty Senate
- *A member of the faculty at large
- *A member from the Gulf Coast Faculty

Voting Ex-officio

- Assistant or Associate Provost
- Representative from the Office of the Vice President for Research

Voting Elected Members:

- A dean selected by the College Deans
- A chair selected by the Council of Chairs

Non-voting Ex-officio

- General Counsel

* - Must be regular tenure stream faculty below the level of Department Chair or School Director.

Section 2. Terms

The Faculty Handbook Committee Membership shall serve staggered three-year terms. The General Counsel member will serve permanently as Ex-officio on the committee. Terms will begin on September 1, and end on August 31. For the purpose of the initial adoption of these Bylaws terms will have begun on September 1, 2011. No member shall serve more than two consecutive terms unless there are no available replacements from within the appointing office (i.e. Office of the Provost and Office of the Vice President for Research)

The committee will be split into two groups. Group 1 shall initially serve a two-year term. Group 2 shall initially serve a three-year term. From those points forward both groups shall serve staggered three-year terms. The constituencies that appoint members to the Faculty Handbook Committee are expected to replace their representative if he or she ceases to serve as a member of the Handbook Committee or if he or she ceases to serve as a member of the constituent group represented (Council of Chairs, Faculty Senate, etc.). The replacement will serve out the remainder of the original representative's term and will be eligible to be elected or appointed by the constituency group for additional terms on the Faculty Handbook Committee. The Chair of the Faculty Handbook Committee is responsible for notifying represented offices and bodies of term completions and the need for newly appointed or elected members by April 1 of the academic year prior to the replacement being named.

The Groups are assigned as follows:

Group 1 (2-year term beginning by 1 September 2011)

- Assistant or Associate Provost
- Non-member of the Faculty Senate appointed by the Executive Committee of the Faculty Senate
- Member of the Faculty appointed by the President
- A chair selected by the Council of Chairs
- Faculty at-large member appointed by the Faculty Senate

Group 2 (3-year term beginning by 1 September 2011)

- Representative from the Office of the Vice President for Research
- Faculty Senate member appointed by the Executive Committee of the Faculty Senate
- A dean selected by the College Deans
- A member from the Gulf Coast Faculty

Section 3. Election of the Chair

The Faculty Handbook Committee will elect a Chair annually from the Faculty Senate appointees. Chairs may serve up to three consecutive one-year terms. The chair of the committee will be a voting member of the committee.

Section 4. Proxies and Vacancies

Proxies: All members of the Faculty Handbook Committee are expected to attend regularly scheduled meetings. In the case that a member of the committee must be absent from a meeting it is expected that a proxy will be named to represent the committee member at the meeting. It is preferred that the proxy be chosen from the members of the represented constituency. In the case of an extended absence from the university, a committee member is expected to name a long-term proxy for a set term as communicated to the chair. All proxies must be reported by the sitting member of the committee to the chair of the Faculty Handbook Committee at least one day prior to the meeting the proxy will attend. It is the committee member's responsibility to notify the chair via email of need for a proxy and the name of the proxy. Proxies retain voting privileges in representing regular committee members. If the chair of the Faculty Handbook Committee is not notified of a proxy attending at least one day prior to the meeting, the proxy may attend the meeting but will forfeit voting privileges. Proxies may not represent more than one voting member of the committee.

Vacancies: Should a position on the Faculty Handbook Committee be vacated for any reason the Chair of the Committee shall notify the body or office from which the position was vacated of the need for a replacement. It is expected that replacements will be in place by the next scheduled meeting of the Committee. Replacements for members who have not completed their terms, or are no longer members of their constituent groups, shall serve out the remainder of the 3-year terms and will be eligible for election by their constituency groups to additional terms.

Section 5. Responsibilities

Members are expected to attend all regularly scheduled meetings of the Faculty Handbook Committee and communicate the issues raised in the Committee meetings to their represented constituencies. If a member of the Faculty Handbook Committee fails to attend two regularly scheduled meetings of the Committee in a single academic year without supplying a proxy, he/she shall be notified in writing by the Chair of the Committee that his/her position will be declared vacant in the event of a third absence without a proxy. Upon his/her third absence in a single academic year without a proxy, his/her position shall be declared vacant by the Chair of the Committee and filled immediately by a replacement from the represented office or body.

ARTICLE III

OPERATING PROCEDURES

Section 1. Meetings

The Faculty Handbook Committee will meet at least monthly during the academic year and have a quorum for each meeting. A quorum is a majority of members, including at least three members appointed by the Faculty Senate or their proxies. The chair will conduct meetings according to *Robert's Rules of Order*.

Section 2. Changes to Handbook

Proposals for changes to the Faculty Handbook may be made by any faculty member or by any of the groups represented by the committee. All recommendations shall be brought before the committee for consideration. Proposals should be forwarded to the chair of the Faculty Handbook Committee for distribution to all committee members.

Proposals coming before the Faculty Handbook Committee are given two votes. After a first reading, proposed changes are voted on and posted to the committee website, and notice is given to the various constituencies (Faculty Senate, deans, chairs, etc.) that a proposal is under review. Committee members then take the proposal to their constituency and report in a timely manner any feedback or suggestions regarding the proposed change. A proposal is considered approved after it passes a second vote by the committee. Editorial or clerical changes can be approved without a second reading upon approval of the majority of the committee.

Changes to the official handbook take effect on July 1 of the next fiscal year. All changes made to the handbook in a given year will be included in an annual appendix.

ARTICLE IV

COMMUNICATIONS/REPORTING

Section 1. Administrator to whom the Committee Reports

The Faculty Handbook Committee formally recommends modifications in the Faculty Handbook to the University President for a final decision.

Section 2. Clerical Help

The Faculty Handbook Committee will have clerical assistance from the Office of the Provost. The Provost/Vice President for Academic Affairs will select the staff member who will assist the committee.

Section 3. Minutes

Minutes of the Faculty Handbook Committee meetings are recorded by the chair and approved by the committee members. The approved minutes are distributed to the Provost Office staff member for distribution to the committee members, chairs, deans, the Provost and the President.

Section 4. Website Location and Changes

The Faculty Handbook Committee will communicate to the University community utilizing an appropriate website. The Faculty Handbook Committee website will be the primary resource regarding amendments/revisions in the *Faculty Handbook*, committee minutes, membership list, and bylaws. The Provost Office staff member and Faculty Handbook Committee Chair will be responsible for posting the approved committee minutes within 60 days of the committee's meeting, using an appropriate website. Past minutes are kept on the website for a minimum of five years.

Section 5. System for Preserving Minutes, Changes and Copies

The most current copy of the *Faculty Handbook* is retained by the Office of the Provost and is designated as the official *Faculty Handbook*. The Provost Office will be responsible for keeping records of amendments and revisions to the *Faculty Handbook* and disseminating the amendments and revisions to the faculty.

Section 6. Annual Report

An annual report will be written by the chair of the Faculty Handbook Committee and submitted to the President of the University at the end of the academic year. By July 1st of each year, the Faculty Handbook Committee chair will submit a copy of the annual report to the Committee on Committees along with a letter from the President acknowledging receipt of the report. The annual report will include the major yearly activities of the committee, along with a list of amendments and revisions which have been approved by the President during the year.



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Procedure for Implementing Amendments to the Faculty Handbook

May 28, 2013

The Office of the Provost is "responsible for keeping records of amendments and revisions to the Faculty Handbook and disseminating the amendments and revisions to the faculty" (Faculty Handbook, Appendix, Faculty Handbook Committee Bylaws: Article IV, Section 5). To assure that amendments approved by the Faculty Handbook Committee and the University President are accurately reflected in revisions of the Faculty Handbook, the following procedure will be employed:

- Modifications and amendments to the USM Faculty Handbook must be approved by the Faculty Handbook Committee and recommended to the University President for approval.
- After approval by the University President, modifications and amendments to the Faculty Handbook are provided to the Office of the Provost and assigned to the Senior Associate Provost for Administration and Operations to make the approved revisions.
- After revisions are complete, the Provost will review the revisions. The revised text will then be provided to the Chair of the Faculty Handbook Committee to determine whether the approved changes are accurate.
- If the Chair of the Faculty Handbook Committee determines that the changes are accurate, the revised Faculty Handbook will be posted on the Provost's web site as described below.
- If the Chair of the Faculty Handbook Committee determines that the changes are not accurate, suggested text revisions will be provided to the Provost. The Provost will confer with the Associate Provost and the Faculty Handbook Committee Chair to determine the correct wording of modifications and amendments.
- The Provost will then authorize that the revised Faculty Handbook with the appropriate revision date be posted on the Provost's web site.

Denis A. Wiesenburg
Provost

Mary Ann Adams
President, Faculty Senate

David C. Beckett
Chair, Handbook Committee

**SUMMARY OF CHANGES IN THE UNIVERSITY OF SOUTHERN MISSISSIPPI
FACULTY HANDBOOK BY ACADEMIC YEAR**

Changes in the University of Southern Mississippi
Faculty Handbook
2011-2012 Academic Year

During the academic year 2011-2012 the University Faculty Handbook Committee (FHC) approved ten changes/modifications in the Faculty Handbook (FH) which were subsequently approved by University President Martha D. Saunders. These changes are summarized below.

- 1) Previously the FHC did not have bylaws. During the 2010-2011 academic year the FHC formulated bylaws which were subsequently modified by the 2011-2012 FHC. The bylaws of the FHC are located in an Appendix near the end of the Handbook.
- 2) The new bylaws stipulate a FHC membership which is somewhat different than its previous composition. The present (new) membership of the FHC is provided in the third paragraph of the Foreword of the FH.
- 3) An Appendix to the Handbook (containing the bylaws of the FHC) has been added.
- 4) Small modifications were made in Section 3.9 (**DEPARTMENT HIRING PROCEDURES**) of the FH. For clarity purposes “**consultation with**” was added within the sentence “Department hiring for authorized academic positions is a process that involves **consultation with** the faculty of the department.” The adjective “full” was removed from the following sentence: “When a position is to be filled, the department chair, at a meeting of the full departmental faculty, conducts a discussion to determine departmental needs and professional qualifications for the position.” Technically it would be possible to object that the meeting was not legitimate if a faculty member was absent, i.e. all faculty members (= “full departmental faculty”) were not present.
- 5) Periodic review of chairs and directors is now university policy and has been added to the FH. A periodic review of chairs and directors has been considered for some time at the University of Southern Mississippi (for example, in October of 1999 then Associate Provost Bobby Middlebrooks sent out a directive concerning a procedure for the review of chairs and directors) . The policy approved by the FHC and President Saunders is a slight modification of the policy proposed in 1999. The approved policy states that new chairs are to be reviewed in the fall semester of their third year (as chair) and continuing chairs will be reviewed every fifth year. The Chairs/Directors Periodic Review is found in Section 8.4.7 of the FH.

- 6) Section 8.4.2 (d) (which deals with the Annual Performance Review of department chairs) was re-organized for clarity. There are **no** policy changes in this portion of Section 8.4.2 (d). Department chairs are to be evaluated in the categories of research, teaching, and service by the Departmental Personnel Committees (i.e. by their **colleagues within their home department**). Deans do not evaluate department chairs in the categories of research, teaching, and service. Instead, deans conduct annual evaluations of chairs' **administrative performances**. Section 8.4.2 (d) specifies the members of the departmental committee who perform the evaluation (teaching, research, and service) which, in turn, is dependent on the Departmental Personnel Committee option selected by the department (Option 1, 2, or 3).
- 7) More detail regarding the annual evaluation of the administrative performance of the chairs and directors by their deans has been added to the FH in Section 8.4.2 (d) continued.
- 8) The FHC was asked to clarify the qualifications for early promotion (from assistant to associate professor and from associate professor to full professor). According to Section 9.4.3 of the FH such candidates “must serve at least five years in the lower rank.” While this is generally true it is not always true since early promotion is possible. The addition of the phrase “**(but see section 9.4.5)**” to Section 9.4.3 eliminates the apparent existing contradiction. The “old” version of Section 9.4.5 stated that “Individuals with extraordinary qualifications may receive consideration for early promotion.” That has been changed to “Individuals with qualifications far exceeding the departmental guidelines may receive consideration for early promotion.” The concept here is that early promotion should **not** be granted routinely.
- 9) Changes were made in Section 9.8.1 which deals with actions on promotion and the award of tenure. It now states that candidates for tenure or promotion may add recent accomplishments to their dossier at any time prior to their evaluation at the University Advisory Committee level (previously there was no policy in the FH regarding the addition of materials to tenure or promotion dossiers). It also states that materials may **not** be removed from dossiers during the evaluation process and that candidates may withdraw their applications for tenure or promotion at any time (this has been the university practice but was not stated). Most importantly, it states that tenure and promotion are unidirectional processes, and consequently may **not** be referred back to a previous evaluative committee or individual once the committee or individual has rendered a decision (exceptions are referrals by the Provost to the College Advisory Committee or University Advisory Committee as stipulated in Section 9.9.3 of the FH).
- 10) The university's faculty emeritus/emerita policy has been completely revised. The new policy (see Section 3.7) recognizes two types of emeritus status (emeritus professor and emeritus instructor), lists the qualifications for achieving emeritus status for both professors and instructors, defines the role of the department faculty and department chair in the evaluation process, provides feedback to the candidates (copies of the evaluative letters are sent to them) and also provides an appeal (to the University President through the Provost).

Questions regarding these changes should be sent to Dr. David Beckett
(David.Beckett@usm.edu).

Dr. David C. Beckett
Chair, University Faculty Handbook Committee, 2011- 2012
July 13, 2012

Changes in the University of Southern Mississippi
Faculty Handbook
2012-2013 Academic Year

During the academic year 2012-2013 the University Faculty Handbook Committee (FHC) approved eighteen changes/modifications in the Faculty Handbook (FH) which were subsequently approved by President Rodney D. Bennett. These changes are summarized below.

1) This modification has three parts. It clarifies that assistant/associate deans and assistant/associate provosts may not be members of Departmental Personnel Committees. It also states that the departmental vote determining whether these individuals (assistant/associate deans and assistant/associate provosts who are members of the department) may participate as voting members of 3rd year review, tenure, and promotion committees will be conducted among only the TENURED departmental faculty members (not including the department chair, assistant/associate deans, and assistant/associate provosts). Department chairs may not participate in this vote since they are not members of 3rd year review, tenure, and promotion committees (chairs later provide their own, individual opinion regarding these personnel actions).

This modification also states that if assistant/associate deans and assistant/associate provosts are employed in a department at less than 0.50 FTE they are not excluded from voting in departmental personnel actions (3rd year review, tenure, and promotion) provided that they meet the qualifications dictated in Section 8.3.2 (1) and (2) of the Faculty Handbook. See Section 8.3.2 of the FH for all of these changes.

2) This modification clarifies the roles of “directors” as the term is used in the FH. Until fairly recently, some directors of schools at USM were actually the heads of multiple departments. At present all directors head a single school (a department) and the term “school” is used fairly synonymously with “department.” Therefore, at present a “director” functions in virtually the same manner as a department chair. The changes in the Handbook update and clarify the roles of directors, but would also apply if the university reverts to situations where some directors are the administrators of multiple departments. See Sections 3.4, 8.3.2, 8.3.4, 8.5.6.1, 9.5.2, and 9.7.1 in the FH.

3) The title of “Vice President for Research and Economic Development” (a title no longer used at USM) has been changed to “Vice President for Research” (current term for this position at the university) throughout the FH. Also, in the bylaws of the FHC, “Assistant or Associate Vice President for Research” has been changed to “Representative from the Office of the Vice President for Research.” This allows greater latitude within that office in terms of selecting a representative as a member of the Faculty Handbook Committee.

- 4) Since Nursing is now a stand-alone college, a representative from that College needed to be added to the Sabbatical Review Committee (Section 6.2.6 in the FH).

- 5) With the addition of Nursing, language within the FH stating that USM consists of five degree granting colleges needed to be changed to six colleges (Section 2.1 Introduction - 4th paragraph, and throughout the FH).

- 6) Language has been added to Section 9.6.4 of the FH describing the limit on the years of credit (at USM) for service accrued at other institutions of higher learning. This was already stated in Section 9.6.7 but it is appropriate that it also be stated in Section 9.6.4.

- 7) The last paragraph of Chapter 9 (Promotion and Award of Tenure) has been modified to clarify that appeals of negative decisions should be made to the IHL Board of Trustees, rather than to the Provost. A statement has been added advising the faculty that they have thirty days to do so effective from the date of notification by the University President. A statement has also been added advising an appellant to address his/her appeal to the Commissioner of the IHL and follow the procedures outlined in section 403.0105 of the *Policies & Bylaws* of the IHL Board of Trustees.

- 8) The FH now states that applications for emeritus status must be made within five years of a candidate's retirement date and that the maximum number of applications allowed (per person) for emeritus status is two (Section 3.7.2 of the FH). Optimally applications for emeritus status should be made at, or very soon, after retirement. It is difficult to fairly evaluate applications many years after retirement since the makeup of the departmental faculty would probably change significantly over the years. Also, a limit on the number of application attempts per individual (two) precludes *ad infinitum* applications.

- 9) Department chairs will now provide candidates for tenure and promotion copies of the chair's recommendation and the Departmental Tenure and/or the Departmental Promotion Committees' recommendations at the same time the chair forward these recommendations to the College Advisory Committee or the college dean. At present many departments follow this procedure. However, other departments merely inform the candidates of the vote. Decisions at upper levels (CAC, dean, UAC, and Provost) have all required simultaneous notification of the applicants (written copies of the vote and rationale) along with the submission of written copies to the other involved evaluative bodies. Adoption of this modification provides uniformity across campus in terms of informing candidates of evaluation decisions, along with providing transparency at the beginning of these processes as well as in the middle and end of them. See Sections 9.5.5 and 9.7.4 of the FH.

- 10) This modification clearly states that faculty members come up for a decision regarding tenure during their sixth year of full-time employment with the university, having fully completed a probationary period of five academic years (Section 9.6.4 of the FH). Also a deferral of the tenure recommendation is proposed for faculty who wish to negate one year of

credit which was received for service at another institution of higher learning (also in Section 9.6.4).

11) This modification clarifies the interaction between the FHC and the University President as described within the bylaws of the FHC. The earlier passage incorrectly stated that the FHC “reports” to the President. Actually, the FHC, after deliberation and voting, makes recommendations to the University President. The University President then makes a final decision regarding the proposed modifications by either accepting or rejecting these modifications.

12) This modification corrects a footnote error in Section 3.4 NON-FACULTY ACADEMIC STAFF of the FH. This footnote refers to the IHL’s Policies and Bylaws. It should read as 404.01 instead of 404.1.

13) This modification clarifies that Section 3.11.8 of the FH (Notification of Non-renewal) applies ONLY to tenure-track faculty members.

14) This modification further clarifies the university’s definition of the Corps of Instruction (Section 3.3.1 of the FH).

15) This modification deals with adding materials to tenure or promotion dossiers during tenure and promotion deliberations (Section 9.8.1 in the FH). Fairly recently a clause was added (to the Handbook) that candidates could “add recent accomplishments to their dossiers at any time prior to their evaluation at the University Advisory Committee level.” Unfortunately, it is now possible for candidates who receive negative evaluations at lower levels (department, department chair, College Advisory Committee) to compensate (for these negative evaluations) by using online journals which feature “instant publishing” of articles of questionable quality for a fee. These journals have been described as “predatory open-access journals.” The FHC has proposed a modification in the Handbook to deal with this challenge to the integrity of the tenure and promotion evaluation processes. The following statement has been added to the FH: Candidates for tenure and promotion may update accomplishments to their dossiers at any time prior to their evaluations at the University Advisory Committee level provided the original accomplishments were included in a candidate’s initial submission and the updates are properly documented.

16) A formal procedure (to be placed at the end of the bylaws of the FHC) has been added for implementing approved modifications to the FH.

17) This modification was proposed by the College of Education and Psychology (COEP); it changed the wording of Section 2.11.7 of the FH, which deals with the Professional Education Council (PEC). The PEC has members throughout the university but is administered through COEP.

18) The “old” Scholarly Misconduct Chapter (Chapter 11) of the FH has been replaced with a new version proposed by Dr. Sam Bruton (Office of the Vice President for Research). The Handbook Chapter on Scholarly Misconduct underwent a complete re-write as a result of

concerns from the National Institutes of Health (NIH) that the university's procedures to address scholarly misconduct were insufficient. These "concerns" were not confined to or specific to USM, but were, rather, the outcome of an NIH initiative to focus on ethical conduct and were disseminated to universities throughout the United States. The Chapter in the FH is an abridged summary of a more lengthy university policy. See Chapter 11 of the FH.

Questions regarding these changes should be sent to Dr. David Beckett (David.Beckett@usm.edu).

Dr. David C. Beckett
Chair, University Faculty Handbook Committee, 2012-2013

July 26, 2013

Changes in the University of Southern Mississippi
Faculty Handbook
2013-2014 Academic Year

During the academic year 2013-2014 the University Faculty Handbook Committee approved twenty-three changes/modifications in the Faculty Handbook (FH), which were subsequently approved by President Rodney D. Bennett. These modifications are summarized below.

- 1) It has already been stated in the FH that members of departments' tenured faculty vote regarding the participation of other possible members (Assistant/Associate Deans or Assistant/Associate Provosts who are members of the Department) in tenure, pre-tenure, and promotion deliberations. This modification (in section 8.3.2 (2) of the FH) states that a **majority** vote of **all** the tenured faculty is necessary to allow such individuals to participate and vote as members of these committees.
- 2) Department chairs are not formally members of Departmental Tenure Committees, nor are they formally members of Departmental Promotion Committees. Some departments choose to invite the departmental chair to these deliberations, some do not. These modifications (see sections 9.5.2 and 9.7.1) state that a **majority vote via secret ballot** by the members of the Departmental Tenure/Promotion Committee determines whether the department chair may attend departmental 3rd year review (pre-tenure review), tenure, or promotion deliberations.
- 3) This modification fixes (updates) the due dates in Section 9.7.4 of the FH for the submission of the decisions of the Departmental Tenure Committees and the department chairs (regarding tenure) to the college deans. These decisions will be submitted no later than the dates published

in the Provost's calendar (usually late October for tenure and promotion decisions and mid-February for pre-tenure decision).

4) Two sections of the FH (Section 12.2.1 and Section 3.4 D. Grievance Procedures) reference Chapter 3 as discussing administrative remedies applicable to University policies on discrimination, harassment, and sexual harassment. Actually, these matters are discussed in Chapter 7. This modification corrects these references.

5) Formal grievances are heard by College Advisory Committees. The FH states that "in the event a formal grievance on the record is requested, the College Advisory Committee will recuse all members holding academic appointment in the same department as the aggrieved party and review on the record" The question is what does "recuse" mean, not vote, not attend, or neither vote nor attend? This modification (in section 12.2.5 of the FH) states that recused members will neither attend the meeting nor vote.

6) Chapter 9 of the FH deals with promotion and the award of tenure. Section 9.8.1 of the Handbook contains the phrase "Deans may at their discretion initiate promotion and tenure award proceedings." Since tenure and promotion proceedings actually begin at the departmental level this modification eliminates this phrase from the Handbook.

7) This modification in Section 9.5.5 is similar to that of proposed modification #3 (which concerns the date department chairs forward tenure evaluations to the college deans). This modification updates (and corrects) the date when department chairs send their evaluations of candidates for promotion, along with the evaluations of the Departmental Promotion Committees, to the college deans (no later than the date published in the Provost's calendar (usually late October for promotion decisions).

8) This modification moves the phrase that "[Deans] may at their discretion initiate any personnel action except the termination of the employment of a faculty member" from Chapter 9, which concerns promotion and award of tenure, to the end of Section 2.9, which describes the role of deans. This is a more appropriate location for this phrase than Chapter 9. Several examples of some of these personnel actions are also included "(e.g. performance reviews, salary adjustments, reviews of workload assignments, reprimands, restrictions during impending investigations)." The use of "e.g." does not limit the deans' "personnel actions," but it does provide expectations of what these actions might be.

9) This modification (in section 9.8.1 General) provides some additional guidelines regarding the submittal of tenure and promotion dossiers. They are as follows.

A) Candidates are permitted to write rebuttals to the recommendations of the evaluative bodies at the following levels: 1) after the departmental tenure/promotions committees' and the chairs' letters have both been submitted, 2) after the College Advisory Committees and the deans have both submitted their decisions, and 3) after the University Advisory Committee has submitted its decision. Candidates have to submit their rebuttals within ten days of receiving the decision of the evaluative body.

B) Rebuttals from other individuals (other than the candidates) are not permitted.

C) Letters of recommendation from outside personnel/sources are allowed but only if placed in the original dossier PRIOR to its submission to the department. Such letters must be placed in volume II of the candidate's dossier so that they will not be confused with solicited letters from external reviewers which are often required as part of tenure or promotion applications, and are placed in volume I of the dossier.

10) Section 9.8.3 of the FH includes the statement that “Deans will simultaneously send written notice of decanal action, together with supporting rationale, to the College Advisory Committee, department chairs, Department Promotion and Tenure Committees, and applicants at the same time recommendations and evaluative materials are sent to the Provost.” The membership of Departmental Tenure and Promotion Committees can be quite large. In order to minimize the number of copies the deans need to send this modification states that “written notices” be sent to the **chair** of the respective College Advisory Committee, the department chairs, the **chairs** of Departmental Promotional or Tenure Committees, and applicants at the same time recommendations and evaluative materials are sent to the Office of the Provost.”

11) Section 9.7.1 of the Handbook concerns the outcome of negative 3rd year reviews (pre-tenure reviews). At present the FH states that a negative review “may justify the non-renewal of employment contracts.” However, faculty members who receive negative pre-tenure reviews would be in the spring semester of their third year (at the university), and would be entitled to a terminal contract, not “non-renewal.” The modification to this section states that the outcome of a negative pre-tenure review may justify a terminal contract, rather than non-renewal.

12) This modification adds language (in sections 9.7.2 and 9.7.3 of the FH) to deal with faculty members who choose not to submit a dossier for either pre-tenure or tenure review. Clearly the consequence of not doing so should be the issue of a terminal contract. The Handbook now states this.

13) This modification, proposed by the Office of the Provost, eliminates the requirements of sabbatical reports and presentations (section 6.2.5 Sabbatical Leave) for faculty who have taken a **one-semester** sabbatical (the university allows for both one-semester and two-semester sabbaticals).

14) This modification allows for two ombudsmen during an academic year rather than the customary one (see section 10.2.4 Ombudsmen Review). The purpose of this modification is to avoid a single ombudsman from being overtaxed during an academic year.

15) The Office of the Provost has updated the information regarding Summer Grants for the Improvement of Instruction. This modification replaces the outdated version in the FH with the updated version (see section 6.4.2).

16) Some modifications are necessary in Chapter 7 of the FH in order to create consistency within the University's policies regarding sexual misconduct (which includes sexual harassment). The modifications also include needed updates (see sections 7.8.5, 7.8.6, 7.9.1, and 7.9.4).

17) This modification adds Instructors (since they are members of the Corps of Instruction) to the guidelines provided in section 3.11.8 of the Handbook, which deals with nonrenewal of contracts (previously this section applied only to tenure-track faculty). This section of the Handbook reiterates IHL policy (concerning tenure-track faculty) and lists dates based on years of service when individuals need to be notified that their contracts will not be renewed. This section has also been modified to state what happens if individuals are or are not notified by the dates cited in section 3.11.8 of the Handbook.

18) The modification updates the title of the Office of the General Counsel in the Handbook. Previously, the "old" title of "University Counsel" was used in section 2.8 of the Handbook.

19) This modification updates section 4.8.4 of the Handbook which is entitled "Midterm Verification of Enrollment." Such grades are now interim grades (not midterm), and the updated version requests identification of students who are not attending. The updated version also states that interim grades must be provided for all undergraduate students, not just students in their freshman year.

20) This modification updates section 2.11.5 of the FH which deals with the actions of the Academic Council. Previously, all actions of the Academic Council were forwarded as recommendations to the Provost for review and then transmitted to the University President for final action. The proposed version dictates that changes are forwarded to the Provost for final action except those recommendations requiring review and approval by the President.

21) Similarly, this modification updates section 2.11.6 of the Handbook, which deals with the actions of the Graduate Council. As in the case of Academic Council, all previous recommended changes (by Graduate Council) in the graduate curriculum have ultimately been forwarded to the University President for approval, rejection, or return to the Graduate Council. The updated version parallels changes in Academic Council approvals. Final actions will be the responsibility of the Provost (rather than the University President) except for some actions requiring the review and approval of the University President.

22) This modification updates the section of the Handbook (section 2.11.3) which deals with the function and membership of the Council of Chairs.

23) This modification (see section 2.10) was proposed by the Council of Chairs and deals with (David.Beckett the role of department chairs. This addition is a list of responsibilities of the chairs, and includes the assignment of courses, course loads, management of student advising, departmental committee work, and other service activities.

Questions regarding these modifications should be sent to Dr. David Beckett @usm.edu).

Dr. David C. Beckett
Chair, University Faculty Handbook Committee, 2013-2014
August 1, 2014

Changes in the University of Southern Mississippi
Faculty Handbook
2014-2015 Academic Year

During the academic year 2014-2015 the University Faculty Handbook Committee approved eight changes/modifications in the Faculty Handbook (FH), which were subsequently approved by President Rodney D. Bennett. These modifications are summarized below.

- 1) Sections 2.11.1 and 2.11.2 were modified to state that faculty members who were candidates for promotion may **not** serve as members of the College Advisory Committee (CAC) (section 2.11.2) or the University Advisory Committee (UAC) (section 2.11.1) during the academic year in which they seek promotion. Additionally, those two sections were modified to clarify that department chairs, assistant and associate deans, deans, and assistant and associate provosts may not serve on the UAC or a CAC.
- 2) This modification (see section 9.6.7 - Credit for Prior Accomplishment) establishes the time schedule for evaluating candidates for tenure who are new to the University and are appointed at the rank of professor with five years of credit toward tenure. The approved modification requires these faculty members to be evaluated for tenure using the time schedule presently used for faculty undergoing Pre-Tenure Review (evaluation during the spring semester). In addition the procedure would call for a review of the candidate by the department and the departmental chair of the candidate (if the candidate is not the chair), the College Advisory Committee and the University Advisory Committee before the evaluations pass on to the Provost. This modification will allow such individuals to be members of the University community for several months before being evaluated, but does not delay their (possible) award of tenure.
- 3) Modify section 12.2.2 (d) (Grievance Issues – Non-renewal of employment of non-tenured faculty) by deleting this item from the FH. General Counsel has advised that the statement that “non-renewal of employment of non-tenured faculty” has status as a grievance issue is contradicted by a statement in section 3.11.6 of the FH which states that “the annual employment contracts of non-tenured faculty are renewable entirely at the discretion of the Board upon the recommendation of the University President.”
- 4) This modification across multiple sections of the FH updates the references to the University Libraries. Previous references to “Library” are updated to “University Libraries.”
- 5) This modification updates the titles “Sponsored Programs Administration” and “SPA” with the current program titles: Office of Research Administration (ORA) and Office of Technology Development.

6) The expectation of the University has been that the findings of evaluative bodies regarding tenure and promotion must be shared with the candidates as their letters (of the evaluative entities) are forwarded to the next level. This is clearly stated in places in the FH, but is unclear in others. In a few recent instances evaluative bodies have notified candidates of the vote and included only a partial rationale. Sections 9.7.2, 9.9.2, 9.8.2, 9.8.3, and 9.9.3 of the FH have been modified to clarify that evaluative bodies involved in tenure and promotion processes must provide candidates with copies of the evaluative letters as the letters are forwarded to the next level.

7) This modification removes references to MIDAS from the FH. The MIDAS program is no longer operational at the University of Southern Mississippi.

8) Section 8.4.3 of the FH has been modified to reflect the inclusion of a second means of evaluating teaching, which will henceforth be used in the annual faculty review process. **NOTE: This modification will NOT be effective until January 1, 2016. Therefore, the initial use of the second means of evaluating teaching will be for the annual evaluation of faculty activities accomplished over the calendar year of January 2016 – December 2016).**

Questions regarding these modifications should be sent to Dr. Rick Green
(Rick.Green@usm.edu).

Dr. Frederick P. Green
Chair, University Faculty Handbook Committee, 2014-2015
August 1, 2015

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