

# WEST VIRGINIA UNIVERSITY PARKERSBURG BOARD OF GOVERNORS

## POLICY B-02

### ACADEMIC FREEDOM, PROFESSIONAL RESPONSIBILITY, PROMOTION AND TENURE

#### Section 1. General

- 1.1 Scope. – This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment, and dismissal of faculty and grievance procedures for matters pertaining to faculty. The policy sets forth the major elements that need to be incorporated by the College as it formulates institutional policy relating to faculty issues, as required by the Council for Community and Technical College Education's rule entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure*, [135 C.S.R. 9](#).
- 1.2 Authority. – [W. Va. Code § 18B-1-6](#), [18B-2A-4](#)
- 1.3 Effective Date. – March 19, 2024

#### Section 2. Academic Freedom and Professional Responsibility

- 2.1 Academic Freedom defined: Academic freedom is the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of governors, donors, or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.
- 2.2 Academic freedom applied to teaching: The freedom to teach includes the right of the faculty to, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matters that are unrelated to their subject or to persistently introduce material that has no relation to the subject being taught. This doesn't mean teachers should avoid all controversial materials; as long as the material stimulates debate and learning that is germane to the subject matter, it is protected by freedom in the classroom.
- 2.3 Academic freedom at public institutions of higher education in West Virginia under the jurisdiction of the Council for Community and Technical College Education (Council) is necessary to enable the institutions to perform their societal obligation as established by the Legislature. The State of West Virginia recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in its public institutions of higher education. Faculty members and students must always remain free to inquire, study, and evaluate.
- 2.4 Through the exercise of academic freedom, members of the academic community freely study, discuss, investigate, teach, conduct research, and publish, depending upon their particular role at the institution. To all of those members of the academic community who enjoy academic freedom, there are, commensurate with such freedom, certain responsibilities. All faculty members are entitled to full freedom

in research and in the publication of the results of such research, subject to the adequate performance of their other academic duties, which may include designated instruction, research, extension service, and other professional duties. Further, each faculty member is entitled to freedom in the classroom in discussing the subject taught. In addition, when faculty members speak or write as citizens outside the institution, they are free from institutional censorship or discipline.

- 2.5 The concept of academic freedom is accompanied by an equally important concept of academic responsibility. The faculty member at the College is a citizen, a member of a learned profession, and a representative of an educational institution. As such, a faculty member, together with all other members of the academic community, has the responsibility for protecting, defending, and promoting individual academic freedom for all members of the community. The faculty member has the responsibility of contributing to institutional and departmental missions in teaching, research (as applicable), and service, as defined by the institution. The faculty member also is responsible as a teacher for striving to speak with accuracy and with respect for the similar rights and responsibilities of others. In speaking only as an individual or for a limited group, the faculty member may not imply or claim to be a spokesperson for the College.
- 2.6 In addition to meeting the primary responsibilities of addressing institutional missions in teaching, research (as applicable), and service as defined by the institution, all faculty have an obligation to foster the quality, viability, and necessity of their programs. The financial stability of a program and recruitment of an adequate number of students depend in part on the faculty. The common goal of quality must be nurtured and responsibility for it shared by all. Integrity, objectivity, and service to the purposes and missions of the institution are expected.
- 2.7 Faculty interests and skills change, disciplines evolve, and new professions or fields of study emerge. All faculty members are responsible for remaining current in their disciplines. All are encouraged to explore opportunities for further developing a versatile range of knowledge and skills that are important to the institution. Through individual initiative and faculty development programs, faculty members are encouraged to grow in competency in their own disciplines and strengthen their interests in related fields.
- 2.8 As members of an academic community, faculty members also are expected to participate in decisions concerning programs and in program-review processes.

### **Section 3. Faculty: Ranks and Definitions**

- 3.1 Faculty ranks shall be as they are defined in WVU Parkersburg Answer Book #IV-8. *Procedures for Annual Faculty Evaluation, Promotion, and Tenure.*

### **Section 4. Faculty: Types and Conditions of Appointment**

- 4.1 The types and conditions of faculty appointment shall be as defined in WVU Parkersburg Answer Book #IV-8. *Procedures for Annual Faculty Evaluation, Promotion, and Tenure* and in accordance with the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional*

*Responsibility, Promotion, and Tenure, 135 C.S.R. 9.*

### **Section 5. Emeritus Status**

- 5.1 The College shall grant emeritus status and its privileges in accordance with WVU Parkersburg Answer Book #IV-5. *Emeritus Status* and the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure, 135 C.S.R. 9.*

### **Section 6. Promotion in Rank**

- 6.1 The College shall manage promotion in rank in accordance with WVU Parkersburg Answer Book #IV-8. *Procedures for Annual Faculty Evaluation, Promotion, and Tenure* and the procedural rule of the West Virginia Council for Community and Technical Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure, 135 C.S.R. 9.*

### **Section 7. Faculty Resignations**

- 7.1 A faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline reappointment, shall give notice in writing to the Human Resources Office at the earliest opportunity, but no less than two weeks in advance of the anticipated last day of employment. Professional ethics dictate due consideration of the institution's need to have a full complement of faculty throughout the academic year.

### **Section 8. Tenure**

- 8.1 The College shall manage tenure as set forth in WVU Parkersburg Answer Book #IV-8. *Procedure for Annual Faculty Evaluation, Promotion, and Tenure* and in accordance with the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure, 135 C.S.R. 9.*

### **Section 9. Faculty Evaluation**

- 9.1 Faculty evaluations shall be governed by WVU Parkersburg Answer Book #IV-8, *Procedures for Annual Faculty Evaluation, Promotion, and Tenure* and the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure, 135 C.S.R. 9.*

### **Section 10. Dismissal**

- 10.1 Causes for Dismissal: The dismissal of a tenured faculty member or a term faculty member during the period the contract is in effect shall be effected only pursuant to the procedures provided herein and only for one or more of the following causes:
- 10.1.1 Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;
  - 10.1.2 Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities including, but not limited to, verified instances of sexual

harassment or of racial, gender-related, or other discriminatory practices;

10.1.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators;

10.1.4 Physical or mental disability for which no reasonable accommodation can be made, and which makes the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;

10.1.5 Substantial and manifest neglect of duty; or

10.1.6 Failure to return at the end of a leave of absence.

10.2 Notice of Dismissal for Cause: The president's designee shall initiate proceedings by giving the faculty member a written dismissal notice by certified mail, return receipt requested, which dismissal notice shall contain:

10.2.1 Full and complete statements of the charge or charges relied upon; and

10.2.2 A description of the appeal process available to the faculty member.

10.3 Prior to giving the faculty member a written dismissal notice, the president's designee shall notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the designee prior to the effective date to refute the charges.

10.4 Faculty who refuse to sign or execute an offered annual contract or notice of appointment or reappointed by the date indicated by the institution for its execution, or who fail to undertake the duties under such document at a reasonable time, shall be deemed to have abandoned their employment with the institution and any rights to tenure or future appointment. Faculty objecting to terms of such document do not waive their objections to such terms by signing or executing the document.

### **Section 11. Termination Because of Reduction or Discontinuance of an Existing Program**

11.1 The College shall manage termination of faculty members due to reduction or discontinuation of an existing program in accordance with the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure*, 135 C.S.R. 9.

### **Section 12. Termination Due to Financial Exigency**

12.1 The College shall manage termination of faculty due to financial exigency in accordance with the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure*, 135 C.S.R. 9.

### **Section 13. Faculty Grievance Procedure**

13.1 A faculty member aggrieved by an adverse employment action of the institution may utilize

the Public Employees Grievance Procedure set out in West Virginia Code § 6C-2-1, et seq.

#### **Section 14. Alternative Informal Procedure for the Resolution of Conflict**

- 14.1 The institution may provide alternative procedures to those set out in West Virginia Code § 6C-2-1, et seq. for the resolution of conflicts. Participation in the institution's informal conflict resolution process does not preclude an aggrieved faculty member from pursuing a grievance in accordance with Section 15 of this policy and W. Va. Code § 6C-2-1, et seq. The time period for filing a grievance shall be tolled while the faculty member is participating in the institution's information resolution process.

#### **Section 15. Notification of Terms and Conditions of Faculty Appointments**

- 15.1 The institution shall notify faculty members of the terms and conditions of their employment in accordance with the procedural rule of the West Virginia Council for Community and Technical College Education entitled *Academic Freedom, Professional Responsibility, Promotion, and Tenure*, 135 C.S.R. 9.